



September 1, 2020

Florida Department of Environmental Protection  
Noah Valenstein, Secretary  
3900 Commonwealth Boulevard  
Tallahassee, FL 32399-3000  
Noah.valenstein@dep.state.fl.us

**RE: Operation of the Medley Landfill and Settlement Agreement between Waste Management and the City of Doral**

Dear Secretary Valenstein:

We at Earthjustice and New Florida Majority are writing to bring to your attention issues and concerns about the Medley Landfill in Doral, FL. We learned after the window of time closed to file a petition that the Department of Environmental Protection (DEP) published a Notice of Intent to issue a permit modification, which would allow Waste Management to increase the height of the Landfill from 265 feet to 340 feet. We are also aware that per the terms of the recent Settlement Agreement between Doral and Waste Management<sup>1</sup>, Doral dismissed its timely filed petition challenging this height expansion, and DEP rapidly issued the permit modification. Although the Settlement Agreement is a step in the right direction toward addressing Landfill odors, we nevertheless have questions and concerns about the operation of the Landfill. Our questions and concerns stem from how pervasive and disruptive the Landfill odors have been to Doral residents and a review of testing commissioned by Doral that revealed the presence of harmful chemicals. Because DEP has said transparency is a top priority<sup>2</sup>, we are writing to request a meeting to discuss the Landfill.

The Medley Landfill is a well-known source of strong, noxious odors in Doral.<sup>3</sup> Between 2016 and now, Doral's odor complaint hotline, which the City established in response to complaints of odors from the Landfill, logged almost 3,000 complaints from residents.<sup>4</sup> A

---

<sup>1</sup> Settlement Agreement (Ex. 1)

<sup>2</sup> Mike Vasilinda, *Florida DEP puts new focus on transparency*, WJHG Channel 7 News (Nov. 8, 2019), <https://www.wjhg.com/content/news/DEP-puts-new-focus-on-transparency--564682111.html>.

<sup>3</sup> Joshua Ceballos, *Doral Residents Fight Expansion of "Mount Trashmore," the Vomit-Inducing Medley Landfill*, Miami New Times (Aug. 7, 2019), <https://www.miaminewtimes.com/news/doral-residents-protest-medley-landfill-delay-expansion-11236480>. Monique O. Madan, *Forget arepas. Part of this city smells like a dump*, Miami Herald (Feb. 18, 2017), <https://www.miamiherald.com/news/local/community/miami-dade/doral/article133512114.html>.

<sup>4</sup> Active Odor Service Requests Jan. 2016 to July 2020 ("Odor Complaint Log") (Ex. 2).

review of the attached log shows repeated complaints about the odor being “terrible,” “unbearable,” “disgusting,” and “awful.”<sup>5</sup> Callers to the hotline have described the odor as smelling like “rotten eggs,” “like vomit,” “like a dead horse” and “like sewage.”<sup>6</sup> These descriptions are replete throughout the log. Moreover, there is currently a class-action lawsuit pending by Doral residents against Waste Management over “the release[] of substantial and unreasonable noxious odors” from the Landfill.<sup>7</sup> Over 2,300 people have signed a Change.org petition to close the Medley Landfill,<sup>8</sup> and over 200 people have liked and followed the Facebook page “End Medley Trash Operations,” to raise awareness about the Landfill’s odors and to stop the Landfill’s operations.<sup>9</sup>

This persistent odor can be so pungent that it disrupts residents’ ability to carry out normal day-to-day functions and activities. For example, when the smells are strong, residents are unable to host gatherings outdoors, go jogging, or open up their house.<sup>10</sup> On February 13, 2020, a caller from a preschool described a “very strong and horrible odor” coming from classroom drains, to the point that the children could not be in the classroom.

Claudia Guevara, 45, is one such resident who the Landfill has impacted. Ms. Guevara has lived in Doral in the Grand Bay community for the past six years, and she explained that due to the Landfill odors, she and her husband often cannot go outside for a walk in the evenings. Despite having a pool, she does not let her 13-year-old daughter go outside to swim because of the odor and to avoid breathing in unknown chemicals. Ms. Guevara emotionally explained that she does not invite people to her house anymore because the smells are too strong. It has reached the point that Ms. Guevara would like to sell her home and move; however, potential buyers will cancel appointments to view the home once they find out it is located near the Landfill.

Another resident, Alberto Chavez, 35, has lived in Doral since he was 5-years-old and can attest to how significant a problem the Landfill is for the community. In fact, addressing the Landfill was one of the motivating factors in his decision to run for City Council this year. Mr. Chavez coaches youth football, and he can recall instances where he has had to cut practices short because of the odors. Mr. Chavez explained that where he lives, in Sonoma at Doral, the odors from the Landfill are strongest on Wednesdays and Sundays. On those days, he cannot have people over, and he and his family avoid going outside.

In addition to the foul stench described above, residents have complained of gas and chemical-like smells that indicate the Landfill also emits harmful substances. For example,

---

<sup>5</sup> Ex. 2 at July 11, 2020; June 18, 2020; Feb. 8, 2020; Dec. 17, 2019; and Sept. 10, 2019.

<sup>6</sup> Ex. 2 at May 13, 2020; Feb. 8, 2020; July 14, 2019; and July 6, 2019.

<sup>7</sup> *Dalia Miranda v. Waste Management, Inc. of Florida*, Case No. 1:20-cv-23257-RNS. See also Corrado Rizzi, ‘Mount Trashmore’: Waste Management of Florida Hit with Class Action Over ‘Noxious Odors’ from Medley Landfill, ClassAction.org (Aug. 6, 2020), <https://www.classaction.org/news/mount-trashmore-waste-management-of-florida-hit-with-class-action-over-noxious-odors-from-medley-landfill>.

<sup>8</sup> Change.org, “Close waste disposal sites in Medley and Doral, Do not renew contract with recycling plant operated by Covanta,” available at <https://www.change.org/p/jose-pepe-diaz-close-waste-disposal-sites-in-medley-and-doral-do-not-renew-contract-with-recycling-plant-operated-by-covanta>.

<sup>9</sup> Facebook, “End Medley Trash Operations,” available at <https://www.facebook.com/stophemedleydump/>.

<sup>10</sup> Exh. 2 at Feb. 8, 2020; Oct. 17, 2019; Oct. 13, 2019; Oct. 9, 2019; and April 24, 2019.

callers to the odor hotline have described the smell as being “like acid,” “like methane or other gases,” like “paint fumes,” or like “a heavy chemical...in the air.”<sup>11</sup> Moreover, hydrogen sulfide is known to have a rotten-egg like smell, an odor complaint residents have also made.

On December 12, 2019 and over a one-month period from January to February of this year, Doral conducted testing of air, soil, groundwater, and surface water in the northwest section of the city, which revealed the presence of numerous chemicals.<sup>12</sup> The following were at levels found to be harmful to human health:

- **Hydrogen sulfide** was found in the air at a maximum concentration of 0.009 parts per million (ppm), or 9 parts per billion (ppb), and at a level greater than or equal to 0.003 ppm, or 3 ppb, for 15 of the 33 days of monitoring.<sup>13</sup> According to the Centers for Disease Control, hydrogen sulfide can cause skin and eye irritation at 0.000125 ppm, or 0.125 parts ppb.<sup>14</sup> Additionally, hydrogen sulfide is a respiratory tract irritant, to which prolonged exposure can cause nausea, headaches, low blood pressure, loss of appetite, eye-membrane inflammation, and chronic cough.<sup>15</sup>
- **Benzene** was found in the air at an extremely high concentration of 286 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) in the December 12, 2019 sample. A later sample revealed a lower concentration of 0.7  $\mu\text{g}/\text{m}^3$ . The report concluded that vehicle exhaust influenced the first sample, without citing to anything in support of that conclusion.<sup>16</sup> According to the World Health Organization, benzene is highly carcinogenic and there is no recommended safe level of exposure, presenting risks of leukemia at 0.17  $\mu\text{g}/\text{m}^3$ .<sup>17</sup> An accurate understanding of benzene emissions from the Landfill requires repeated samples over an extended period of time at multiple locations.
- The following five chemicals were found in the air<sup>18</sup> at levels lower than existing guidelines, but whose cumulative, long-term exposure may nonetheless impact residents’ health:
  - **Acetone**: can cause headache and irritation to the nose, throat, lungs, and eyes<sup>19</sup>;
  - **2-Butatone**: can cause irritation to the nose, throat, eyes, and skin<sup>20</sup>;

---

<sup>11</sup> Exh. 2 at May 13, 2020; Jan. 30, 2020; Jan. 16, 2020; Dec. 22, 2019; and June 17, 2019.

<sup>12</sup> E Sciences, “Environmental Sampling Report, City of Doral, Miami-Dade County, Florida,” March 2020 (Ex. 3).

<sup>13</sup> Ex. 3 at ii.

<sup>14</sup> Centers for Disease Control and Prevention (CDC), Registry of Toxic Effects of Chemical Substances (RTECS), “Hydrogen Sulfide,” available at <https://www.cdc.gov/niosh-rtecs/MX12B128.html> (last reviewed Nov. 16, 2018).

<sup>15</sup> CDC, Agency for Toxic Substances & Disease Registry (ATSDR), “Toxic Substances Portal – Hydrogen Sulfide Carbonyl Sulfide,” available at <https://www.atsdr.cdc.gov/mmg/mmg.asp?id=385&tid=67> (last updated Oct. 21, 2014).

<sup>16</sup> Ex. 3 at ii.

<sup>17</sup> World Health Organization, “Exposure to Benzene: A Major Public Health Concern,” available at <https://www.who.int/ipcs/features/benzene.pdf>.

<sup>18</sup> Ex. 3, Table 1, Air Sample Analytical Summary.

<sup>19</sup> CDC, ATSDR, “Toxic Substances Portal – Acetone,” available at <https://www.atsdr.cdc.gov/phs/phs.asp?id=3&tid=1> (last updated Jan. 21, 2015).

<sup>20</sup> CDC, ATSDR, “Toxic Substances Portal – 2-Butatone,” available at <https://www.atsdr.cdc.gov/phs/phs.asp?id=341&tid=60> (last updated Jan. 21, 2015).

- **Carbon Disulfide:** affects the nervous system and can cause headaches and tiredness<sup>21</sup>;
- **Methylene Chloride:** can depress the central nervous system and can cause skin, eye and respiratory tract irritation<sup>22</sup>;
- **Naphthalene:** can cause anemia.<sup>23</sup>

Consistent with the presence of the aforementioned chemicals, many Doral residents complain of physical and health symptoms such as asthma and respiratory issues; itchy, watery eyes; headaches; and nausea.<sup>24</sup> Ms. Guevara and her family experience nausea and headaches on a regular basis, and her husband has developed asthma since moving to Doral six years ago. Ms. Guevara has also had a prolonged rash on her legs, despite the fact that she is not allergic to anything. Mr. Chavez's 12-year-old son regularly experiences respiratory symptoms including allergies, asthma, wheezing, and coughing.

We are concerned that the aforementioned chemicals were discovered as a result of air testing, yet the Landfill permits require only testing of groundwater and surface water, not air. Moreover, the one report of testing at limited locations in Doral over a one-month period revealed the presence of these chemicals, whose harmful effects are corroborated by the documents cited above and the health effects experienced by Doral residents. This limited snapshot does not present the full picture of the chemicals the Landfill emits. To get a more accurate understanding of the chemicals emitted from the Landfill, there should be additional testing on a regular basis in locations throughout Doral—to include testing of air—with the results made available to the public in an easy-to-understand format.

Additionally, the Settlement Agreement between Waste Management and Doral outlines odor and landfill gas collection efforts that Waste Management will take in exchange for the dismissal of Doral's petition against expansion of the Landfill. These mitigation efforts—while being a long-overdue step in the right direction—raise numerous questions and concerns about their efficacy at addressing the aforementioned problems. In fact, despite Waste Management spokesperson Dawn McCormick's description of the Settlement Agreement as “very significant” in addressing odor concerns, she was unable to state how effective they would ultimately be in minimizing odors.<sup>25</sup>

While the mitigation efforts may address some of the present odors, any expansion of the Landfill to house more waste would render these efforts meaningless. In addition to the permit modification DEP recently approved for expansion, we are concerned that per the terms of the

---

<sup>21</sup> CDC, ATSDR, “Toxic Substances Portal – Carbon Disulfide,” available at <https://www.atsdr.cdc.gov/phs/phs.asp?id=472&tid=84> (last updated Jan. 21, 2015).

<sup>22</sup> CDC, ATSDR, “Toxic Substances Portal – Methylene Chloride,” available at <https://www.atsdr.cdc.gov/MMG/MMG.asp?id=230&tid=42> (last updated Oct. 21, 2014).

<sup>23</sup> CDC, ATSDR, “Toxic Substances Portal – Naphthalene, 1-Methylnapthalene 2-Methylnapthalene,” available at <https://www.atsdr.cdc.gov/phs/phs.asp?id=238&tid=43> (last updated Jan. 21, 2015).

<sup>24</sup> See, e.g., Ex. 2 at March 11, 2020; Feb. 13, 2020; Oct. 19, 2019; July 6, 2019; March 5, 2017; Oct. 31, 2016; April 28, 2016.

<sup>25</sup> Aaron Liebowitz, *Doral drops landfill expansion challenge. In return: Steps to reduce rotten-egg smell*. Miami Herald (Aug. 13, 2020), <https://www.miamiherald.com/news/local/community/miami-dade/doral/article244917447.html>.

Settlement Agreement, Waste Management will construct new landfill cells on the east and southeast sides of the landfill to house waste, with odor mitigation controls required after landfilling operations are “no longer feasible” (paragraph 2). Furthermore, we are concerned with Waste Management’s accountability when the terms of this agreement allow the company to regulate itself by sending its own employee to investigate odor complaints and make its own determination of odor sources (paragraph 10). We instead request that DEP accept responsibility for monitoring Landfill odors.

Additionally, we have the following questions and concerns about the Settlement Agreement:

- Paragraph 2 cites to demolition and construction of a new Waste Management office at this site. We would like a disclosure of who will be financially responsible for this construction project, and whether taxpayer funds will be contributing to this.
- Paragraph 7 cites to a trial run of a vapor-based odor control system that Waste Management claims has provided “excellent results” for the past several months. We are requesting that Waste Management release a report of the results of this trial, along with the criteria it used to arrive at this conclusion about the trial.
- Paragraph 7 cites to “adjacent communities” most impacted by Landfill Operation. We would like the names of the specific communities Waste Management and Doral determined to be most impacted by the Landfill.
- Paragraph 8 describes use of Working Face Misting Canons (WFMC). We are requesting information about the chemical composition of the mist and whether it presents any environmental or health hazards, including the potential to leach into the ground and water supply.
- Paragraph 11 outlines that Waste Management agrees to limit the acceptance of Wastewater Treatment Plant Sludge and grit (WWTP waste) and redirect such waste to other disposal sites. We would like to know which other sites the WWTP waste may be redirected. We are also concerned that the WWTP waste exemption would not apply during states of emergencies due to natural disasters or “other events not in the control” of Waste Management. Due to climate change, we are seeing more frequent and intense weather events, and Florida is also under a state of emergency due to Covid-19. We are requesting more detailed information about Waste Management’s plans for WWTP waste.

Thank you for your prompt attention to this matter, and we look forward to a meeting with you and some of the concerned residents of Doral to discuss these matters.

Sincerely,



Dominique Burkhardt, Esq.  
*Associate Attorney*  
**Earthjustice**



Joanne Pérodin, MPH  
*Climate Justice Program Manager*  
**New Florida Majority**



Gina Romero  
*Miami-Dade County Organizer*  
**New Florida Majority**



MacKenzie Marcelin  
*Climate Justice Organizer*  
**New Florida Majority**

CC:

Elizabeth Kromhout, DEP Solid Waste – Landfills, Elizabeth.Kromhout@floridadep.gov  
Norva Blandin, DEP Southeast District, Norva.Blandin@dep.state.fl.us  
Diane Pupa, DEP Southeast District, Diane.Pupa@dep.state.fl.us  
Ron Kaplan, Senior Counsel at Waste Management, Rkaplan@wm.com  
Craig Ash, Environmental Protection Manager at Waste Management, Cash1@wm.com  
Albert Childress, City Manager for the City of Doral, Albert.Childress@cityofdoral.com  
Luis Figueredo, City Attorney for the City of Doral, Luis.Figueredo@cityofdoral.com  
Juan Carlos Bermudez, Mayor of the City of Doral, JuanCarlos.Bermudez@cityofdoral.com  
Christi Fraga, Vice Mayor of the City of Doral, Christi.Fraga@cityofdoral.com  
Digna Cabral, Councilwoman of the City of Doral, Digna.Cabral@cityofdoral.com  
Pete Cabrera, Councilman of the City of Doral, Pete.Cabrera@cityofdoral.com  
Claudia Mariaca, Councilwoman of the City of Doral, Claudia.Mariaca@cityofdoral.com