

Marco Island Police Department Crime Report

Case No. **MIPD061238**
Report No. **MIPD061238.1**
Report Date: **1/11/2007**

Marco Island Police Department
51 Bald Eagle Dr
Marco Island, FL 34145
239 389-5050

1

Page 1 of 5

Subject: **Illegal Dumping Investigation**

Case Report Status	A - Approved	Date Entered	1/11/2007 5:09:27 PM	Reporting Officer	28 - Guerrero, Linda
Occurred On (and Between)	3/15/2006 5:00:00 PM 10/21/2006 10:00:00 AM	Entered By	28 - Guerrero, Linda	Assisted By	15 - Goetz, Matt 31 - Zirgibel, Glenn
Location Census/Geo	Joy Circle/East Elkcarn (Site C)	Date Verified	8/27/2007 9:52:23 AM	Reporting Agency	Marco Island Police Department
Grid	10 - Zone 10	Verified By	1 - Reinke, Roger	Division	Police
Call Source	Civilian	Date Approved	9/4/2007 10:27:03 AM	Notified	
Vehicle Activity		Approved By	1 - Reinke, Roger		
Vehicle Traveling		Connecting Cases			
Cross Street		Disposition	Active		
Means		Clearance Reason			
Other Means		Date of Clearance			
Motive		Reporting Agency	Marco Island Police Department		
Other Motives		Division	Police		
		Notified			

Report Narrative On 10-24-06, Chief Reinke briefed Detective Zirgibel and I of the possible illegal dumping of asbestos pipe fragments at "Site-C", which is located at Joy Circle/E. Elkcarn. Chief Reinke requested I contact either Ronny Joel or Mike Daniel to meet with them at the site. Detective Zirgibel, Lt. Goetz and I met with Daniel and Joel at the site at approximately 3:30pm and were shown the area where several pieces of asbestos-containing pipe fragments were found. In addition to these pipe fragments, there were piles of debris observed further back on the property closer to the seawall. Joel informed us that prior to hurricane Wilma, there were large piles of mulch/wood chips from pine trees that were removed from "Site-C" and grinded into piles of mulch. Due to the hurricane approaching, and fear that the mulch/wood chips would be blown throughout the Island, large asbestos cement sewer pipes staged on Site-A, were moved and placed over the piles. Joel stated a contractor, Quality Enterprises, was asked to move pipe from "Site-A" to "Site-C" to secure the piles of mulch. Some of these pipe could have been damaged/broken during the hurricane and some may have been damaged when being moved back to Site-A, possibly causing a large amount of asbestos-containing pieces of pipe to scatter throughout "Site-C". Joel stated American Management Resource Corporation (AMRC) cleaned this area of all asbestos pieces of pipe in March 2006, and upon completion, a final inspection was conducted and the site was certified as clear and clean of any asbestos-containing pipe fragments. Joel stated earlier today, he found pieces of asbestos-containing pipe throughout the site. Joel stated he found pieces at the surface and it appeared suspicious to him, as if they were "placed" there. The area where Joel found asbestos pieces of pipe was located in the middle portion of the site from the East Elkcarn sidewalk to the South, in a 30'x 30' area. This area of the sidewalk was observed being damaged/cracked as if a large heavy equipment vehicle(s) had driven over it and caused the damage. There were also tire tracks observed in the area, consistent with a heavy equipment vehicle(s). We observed several pieces of asbestos pipe fragments on the surface and found several more pieces approximately 2-3 inches underground. The pieces found were placed in a plastic bag and secured by Mike Daniel. Also observed in this area was a large portion of asphalt, mixed within the dirt, which had developed into a harder surface. Joel could not provide an explanation as to how or when the asphalt was brought to the site. Photos were taken of the asbestos pipe fragments found on this date and of the asphalt area. Copies were provided to Rony Joel on 10-30-06, per Captain Carr.

On 10-25-06, I spoke with DEP Investigator Dave Harris regarding this incident. Harris was aware of the cleanup conducted on Site C in March 2006, and further stated Sherrill Culliver of the DEP was regularly on-site during the cleanup and on the last day for the final inspection. Regarding the current findings on "Site-C", Harris stated DEP would not be conducting an investigation, but if their assistance is needed they would be available.

On 10-25-06, at approximately 2:00pm, I responded to Site C and met with Jeff Hogate-Senior Environmental Technician for AMRC, Rony Joel, Mike Daniel and City Manager Bill Moss. Hogate stated AMRC is a Florida Licensed Asbestos Consulting Company and they were contracted by the City of Marco Island to oversee the cleanup of Site C in March 2006. Hogate stated he was the supervisor overseeing the cleanup and the job took approximately two weeks to complete and he was on-site every day. Hogate stated Cross Construction was contracted to remove a surface area of approximately 47, 874 square feet (1.10 acres) of soil and asbestos-containing pipe debris, and the primary containment of the work area was by a chain link fence. Hogate stated the depth of the area removed varied from 6 to 12 inches of soil, and further stated he had a complete report of the clean up and later provided me with a copy. The report revealed a total of approximately 1,260 cubic yards of soil was removed from "Site-C". Hogate stated there was "absolutely no way any of the pieces" recently found could have been left behind or overlooked from the clean up. Hogate also stated after their clean up, the area was all "sugar sand" and pressed. Hogate pointed out to me the asphalt area and stated the asphalt section was not there when he completed the cleanup and it would be evident in the final photographs taken of the site when the cleanup was completed. He further stated DEP personnel Sherrill Culliver and Bob Stewart were on site during the cleanup and Culliver was on site on the final day for the inspection, and photographed the area. Hogate stated soil samples were taken from 18 grid-measured areas throughout the site and the samples were sent to Materials Analytical Services (MAS) for analysis to determine the presence of asbestos in the soil. Each sample was analyzed and a subsequent report received from MAS dated 4-5-06, states there was "no asbestos observed" in each soil sample provided. The samples were analyzed in

Marco Island Police Department Crime Report

Case No. MIPD061238
Report No. MIPD061238.1
Report Date: 1/11/2007

Marco Island Police Department
51 Bald Eagle Dr
Marco Island, FL 34145
239 389-5050

2

Page 2 of 5

accordance with EPA document 600/R-93/116, 'Method for the Determination of Asbestos in Bulk Building Materials'.

On this same date, I spoke with Jimmy Downey of ZAP Marine, who is currently contracted to replace the sea wall located at "Site-C". Downey stated ZAP Marine is rebuilding the seawall on "Site-C" and they have trucks driving onto the site on a regular basis. He pointed out a asphalt/dirt access road located on the west end of the site and stated any vehicles/deliveries enter through there as other areas of the site have "soft sand" and vehicles have gotten stuck on prior occasions. Downey stated ZAP Marine is not dumping anything on the site, and further stated the piles of debris on the site are from the seawall reconstruction. Downey further stated he has not observed any other trucks on site dumping any type of debris. I also made contact with Bob Zapalski, owner of ZAP Marine, and he stated his company has been on "Site-C" since the middle of June working on the reconstruction of the sea wall. Zapalski stated he frequents the job site on a daily basis and he has not observed any other vehicles dumping any debris on the site. He further stated any debris that is currently on the site is from the seawall reconstruction and did not contain any asbestos type material/pipe fragments.

On 10-26-06, at approximately 10:00am, Jeff Hogate of AMRC and a crew consisting of thirteen plus two supervisors, from ACT Emergency Services, were on "Site-C" doing an asbestos abatement "surface" cleanup. The main supervisor of ACT was identified as -Reyes Figueroa. Hogate was overseeing the entire cleanup. The crew finished at approximately 5:00pm and departed. Hogate photographed several bags containing recovered asbestos-containing pipe and Figueroa stated he would provide a total weight of the bags. Figueroa further stated there were regular pieces of cement fragments mixed in these bags, which would account for approximately half the total weight. I made contact with Figueroa on 10-27-06, and he provided the total weight of the bags as being 178 pounds.

On 10-26-06, while at "Site-C" with Hogate, Ed Foster, Ray Beaufort, Butch Neylon and Bob Brown arrived at the site and I spoke with Ed Foster. Foster stated he received a phone call from Ray Beaufort a few days ago and Beaufort told him there was a dump truck dumping debris on "Site-C". Beaufort took pictures and sent them to Foster and Foster placed them on his website (www.marcocares.com). Foster stated he walked past "Site-C" on 10-19-06 and observed the piles of debris (from the seawall reconstruction project), and thought he saw pieces of asbestos-containing pipe. Foster stated he contacted Butch Neylon and asked him to take a look at the piles and Neylon later identified pieces of asbestos-containing pipe on the site. Foster relayed concerns that there was dumping being done on "Site-C" again, and he briefly informed me of the asbestos-containing pipe fragments found on "Site-C" earlier in the year, which required a cleanup in March. Foster was also concerned that there might be additional findings of asbestos-containing pipe fragments and the cleanup completed in March was not done properly.

On this same date I met with Ray Beaufort at approximately 3:00pm. Beaufort stated he was riding his bicycle past "Site-C" at approximately 3:00pm on 10-18-07 and observed a dump truck on the site near Joy Circle with the dumpster in a partially tilted position. He was able to observe a small amount of debris in the dumpster and believed the truck was dumping material on "Site-C". He contacted Rony Joel at approximately 3:16pm and informed him of his observations and Joel stated he would look into the matter. Beaufort stated Joel called him back a short time later and informed him all of the debris was seawall material. Beaufort stated he returned to "Site-C" the morning of 10-19-07 and took pictures of the piles of debris and later showed and sent them to Ed Foster and Butch Neylon. Beaufort stated he never walked the site and he never observed any pieces of asbestos-containing pipe. On 10-23-06, Beaufort stated he spoke with Lisa Douglass about his observations and the photos he had taken and also spoke with her at the City Council meeting that evening. On 10-24-07, Beaufort stated he went back to "Site-C" and observed a backhoe moving a pile of debris to another location on the site and he took additional photos and also sent them to Lisa Douglass. Beaufort stated his concerns were that material from other locations that have contracted ZAP Marine, was being dumped on "Site-C" in order for ZAP to save dumping expenses from the other contracted locations.

I also met with Butch Neylon at approximately 5:00pm this date. Neylon stated on 10-19-07 he had coffee with Beaufort and was informed of the piles of debris on "Site-C" and Beaufort showed him the pictures he took. Neylon stated Ed Foster posted the pictures on his website and also went to "Site-C" and thought he observed asbestos pipe fragments within the pile. He stated Foster called him and asked him to go to the site and check it out. Neylon stated he did not go to "Site-C" until 10-23-07 and while walking on the sidewalk past "Site-C", he noticed pieces near the sidewalk. The area where he noted these pieces were in the same 30' x 30' area, near the sidewalk area that is cracked/damaged. That night at the City Council Meeting, he spoke with Lisa Douglass and she told him that Ed Foster thought he might have seen asbestos pipe fragments on "Site-C". Neylon stated he informed Douglass that he (Neylon) observed asbestos pipe fragments on "Site-C" earlier in the morning near the sidewalk but he had not checked the piles. Neylon stated he returned to "Site-C" on 10-24-07 and walked out to the piles and took photographs and observed large concrete pieces and other debris in the piles, but did not observe any asbestos pipe fragments mixed within the piles. Neylon provided me with a disc containing numerous photos taken of the South Collier project and of "Site-C", depicting various time stages.

At approximately 6:15pm on 10-26-06, I returned to "Site-C" after the surface cleanup by ACT was completed, and found two pieces of asbestos-containing pipe fragments buried within the dirt of the 30' x 30' area. While I was still walking the area, Ed Foster, Bob Brown and Ray Beaufort arrived and observed the pieces I had found. They stated they were meeting the local news media there for an interview. Foster also found a piece of asbestos-containing pipe while I was still on site and I photographed it. I then departed the site and they remained behind. I contacted Chief Reinke and informed him of my findings.

On 10-27-06 at approximately 8:30am, I participated in a meeting with Lisa Douglas, Mike Daniel, Rony Joel, Tim Pinter and Chief Reinke. We discussed the status of "Site-C" and the pieces found after the surface cleanup. It was agreed that all of us

Marco Island Police Department Crime Report

Case No. **MIPD061238**
Report No. **MIPD061238.1**
Report Date: **1/11/2007**

Marco Island Police Department
51 Bald Eagle Dr
Marco Island, FL 34145
239 389-5050

3

Page 3 of 5

would report to "Site-C" and attempt to find further pieces (if any) of asbestos-containing pipe fragments. While out at the site, different locations were checked within the 30' x 30' area and numerous more pieces of asbestos-containing pipe fragments were found, with the use of a shovel. These pieces were found approximately 3-6 inches beneath the surface.

Also on this date I met with Bob Brown who resides 473 W. Joy Circle. Brown stated his home is situated across from "Site-C" and he has observed the recent piles of debris on the site. Brown was aware of the seawall reconstruction, but believed some of the debris was not consistent with seawall material and was being dumped on the site. Brown stated he has not observed any vehicles dumping any type of debris on "Site-C". I was later contacted by Brown and he informed me his neighbors who reside at 479 Joy Circle may have information regarding observing the dumping of debris on "Site-C". I made contact with Lou Ann Taylor, who stated she and her husband were recently on Marco Island for two weeks and she noticed piles of debris on "Site-C". She made the comment to the Brown's, "I see they're dumping again", referring to "Site-C". Taylor stated she was assuming debris was being dumped, and she did not know the piles of debris were from the seawall reconstruction. Taylor stated neither she nor her husband have observed any vehicles dumping debris on "Site-C". I also made contact with Julie Siatta, who resides at 500 East Joy Circle, which is directly across from "Site-C". Siatta stated she has not seen any dumping on "Site-C" since the March cleanup. Her only observations recently have been the current piles on the site, which were from the seawall reconstruction.

On 10-31-06 Jeff Hogate of AMRC was on "Site-C" conducting an assessment to determine the containing areas and the type of cleanup that will be required.

Also on this date I spoke with Sherril Culliver of Florida DEP - Air Control. Culliver stated he responded to "Site-C" on 3-21-06, reference a CARES complaint of broken asbestos pipe on the property. Culliver stated he walked the site and observed pieces scattered throughout the property. Culliver also observed pieces of asbestos pipe on Site-A mixed within a large 30-40ft pile of dirt/debris. Culliver stated a City employee informed him that Australian pine trees were mulched by Quality Enterprises and placed in piles. During Hurricane Wilma, the City asked Quality Enterprises to place large sewer pipes from Site-A on top of the piles of mulch, and after the hurricane the pipes were moved back to Site-A. Culliver stated the City contracted AMRC to conduct air-monitoring samples and bulk samples of soil, which proved positive for asbestos. AMRC was contracted to oversee the cleanup of "Site-C", which began on March 27, 2006. Culliver stated he was present on each day of the cleanup. Culliver stated on the final day of the cleanup which was March 30, 2006, he observed Jeff Hogate of AMRC and Cross Construction personnel conduct a final visual inspection of the site. During this inspection pieces of asbestos pipe were observed and collected and later disposed of in a dumpster. Culliver stated he did not walk the site, as he did not have Personal Protection Equipment. Culliver stated the "cleanup was proper". Culliver informed me that Pamela McIvaine of the EPA is currently monitoring/investigating the recent findings of asbestos-containing pipe fragments on "Site-C", in attempts to determine if any EPA violations and/or criminal activity has occurred.

On 11-2-06, I made contact with Lou Gaudio via telephone, who is the Quality Enterprises Project Manager. Gaudio stated he oversees all projects conducted by Quality Enterprises on Marco Island and he is on Marco Island two to three times a week. Gaudio stated he was aware that asbestos-containing sewer pipes were moved from Site-A to "Site-C" prior to Hurricane Wilma to cover the piles of mulch, but he did not become aware of this until after they were moved. He further stated he became aware the pipes were damaged/broken on "Site-C", which caused an abundance of asbestos-containing pipe fragments to spread throughout the site. Gaudio stated since the cleanup in March 2006, the only activity on "Site-C" is the reconstruction of the seawall by ZAP Marine. Gaudio stated ZAP Marine has sub-contracted Quality Enterprises for the removal of the seawall concrete/debris, which requires the use of their roll-off containers. Gaudio stated he has not observed any vehicles dumping any debris on "Site-C". I made arrangements to meet with Gaudio, Bill Upsler - Superintendent and Paul Moriarty - Vice President of Quality Enterprises, on 11-6-06. On 11-6-06, Gaudio's secretary contacted me and she advised the meeting had to be re-scheduled due to Gaudio being in the hospital and Moriarty was not available. The meeting was re-scheduled for 11-22-06.

On 11-3-06, I was informed that Mike Daniel observed debris that was dumped on "Site-C". Upon making contact with Daniel, he stated earlier this date he observed old carpeting, padding and plastic bags that were dumped on the west end of "Site-C", close to the roadway. Daniel stated he did not see these items on 11-2-06 during working hours. Daniel photographed the items and provided me with copies. The items were removed from "Site-C" and properly disposed of by Daniel.

At approximately 9:00am on 11-21-06, Lt. Goetz observed the gate on the perimeter fence placed on "Site-C" was partially open. Upon a closer inspection, he observed this portion of the fence is an access area to "Site-C" and held closed by a wire. The wire appeared to have been cut by unknown person(s). Mike Daniel was contacted and he advised the fence was not in this condition on 11-20-06.

On 11-21-06, at approximately 3:30pm, Detective Zirgibel, Officer Lugo and I met with Ed Foster at his residence. Foster had communicated via an e-mail, that he had pieces of asbestos-containing pipe at his home and he wanted the police to take custody of the pieces. Foster stated he had obtained these pieces from different locations during the South Collier project in early March 2006, and a few pieces from "Site-C" in October. He stated loads of dirt/asbestos pipe pieces were being taken off the Island during the South Collier project and he obtained pieces of asbestos pipe found on South Collier as evidence. He further stated Butch Neylon also obtained pieces and they were taken to Attorney Sam Gold for further analysis. Foster stated he stored the pieces he obtained from South Collier and "Site-C" in his garage and wished to relinquish them to MIPD. The bag containing pieces of asbestos-containing pipe of various sizes was obtained from Foster and secured in a plastic container. A property receipt was completed and Foster was provided a

Marco Island Police Department Crime Report

Case No. **MIPD061238**
Report No. **MIPD061238.1**
Report Date: **1/11/2007**

Marco Island Police Department
51 Bald Eagle Dr
Marco Island, FL 34145
239 389-5050

4

Page 4 of 5

copy. Officer Lugo secured the container in the evidence room. Foster completed a sworn written statement and provided a disc containing various photos dated from March through November 2006, of the South Collier project and "Site-C".

At 9:50am on 11-22-06, I met with Lou Gaudio, Paul Moriarty and Bill Upsler of Quality Enterprises. Moriarty and Upsler confirmed what Gaudio had informed me previously, and further added that after the cleanup of "Site-C", the South Collier project was completed and there was no additional movement of asbestos-containing material to Site-A. Neither of them observed any movement of material from the asbestos-containing pile on "Site-A" to "Site-C". I informed them of the asphalt material observed on "Site-C" and neither of them had any knowledge of this material being on "Site-C" or how/when it was placed there.

On 12-18-06, Asbestos Certified Technicians (ACT) commenced the cleanup of "Site-C" and Jeff Hogate of AMRC was overseeing the project. I met with Hogate on 12-20-06 and he advised that several loads of dirt had been removed from the site but no asbestos has been found. Hogate advised the dirt was not being sifted and he was conducting visual inspections of the loads as they were being dumped into the trailers. Hogate informed me that during this cleanup, an additional 24 inches of soil would be removed from Area-1, and 12 inches from Area-2 and Area-3. Hogate provided me with a copy of the site plan depicting these areas.

On 12-22-06, I met with Hogate at "Site-C" and he informed me the asphalt area observed on the site was currently being excavated. Upon the excavator removing the top surface of asphalt, I observed pieces of asbestos-containing pipe mixed within the dirt under the asphalt. Photographs were taken. Based on my observations, it appeared that the asphalt and dirt found on "Site-C" after the cleanup in March 2006 could have been obtained from Site-A, which contained piles of asphalt and dirt mixed with asbestos-containing pipe fragments. Photographs were also taken of these piles on Site-A. It is unknown if in fact this occurred, and if so, who and why this material was taken to "Site-C", but several vehicles were observed driving on the property before and after the cleanup in March 2006. The possibility exists that a vehicle(s) may have gotten "stuck" in the sugar sand on "Site-C", and a harder surface was needed to assist in the removal of the lodged vehicle. In addition, if a vehicle was stuck and subsequently pulled out, ruts may have been left behind which would possibly need filling, and require material to provide a harder surface for future vehicle movement. Photographs provided by Ed Foster and Butch Neylon depict several vehicles on "Site-C" in February and March of 2006, prior to the cleanup and ZAP Marine had vehicles on the property after the March 2006 cleanup, for the seawall reconstruction project.

Hogate informed me the current clean up of "Site-C" would be completed today (12-22-06) and upon completion, soil samples will be obtained from the site and sent out for analysis.

On 2-15-07, I met with Jeff Hogate at "Site-C". Hogate informed me that additional pieces of asbestos-containing pipe were being found on the site, which required the additional removal of 12 inches of soil from area-3 and area-3 extension. Hogate stated he has been to "Site-C" approximately 4 times since the completion of the cleanup on 12-22-06. Hogate stated on each occasion he was at the site, asbestos pipe fragments were found, and on this date he found 10-15 pieces, which he believed were due to the recent rainfall and settling of the soil. The cleanup of the additional 12 inches of soil removed from area-3 and area-3 extension was completed on 2-16-07. Tim Pinter - Sr. Project Manager for the City of Marco Island Public Works Department photographed "Site-C" on 2-17-07 and provided me with copies of these photographs.

On 3-1-07, I was asked to meet with Jack Snider - Senior Asbestos Consultant with AMRC, who was at "Site-C". Upon arrival, Snider informed me that he found approximately 12 pieces of asbestos-containing pipe throughout area-1. Snider stated the pieces were found on the surface and he thought this was suspicious in nature. Snider further stated he did not believe these pieces were on the surface due to erosion or settling of the soil, and inferred that someone placed them there. Snider was adamant that recent pieces found in area-3 were due to recent rainfall, erosion and settling of the soil, but in his professional opinion he did not believe this was the case with the pieces he found in area-1. He further stated over 24 inches of soil has been removed from area-1 during the cleanups and approximately 6 inches of soil has covered area-1 since the final cleanup. On this date it was particularly windy, with sand/soil being blown around throughout the site. Snider stated this had no affect in causing the emergence of the pieces of asbestos pipe he found on this date in area-1. Photos were taken of the areas where Snider found these pieces, which he had marked with stakes. A total of 50 stakes were observed on "Site-C", with 12 of them being in area-1.

Offense Detail: 5568 - Florida Litter Law

Offense Description	5568 - Florida Litter Law	Location	10 - Field/Woods	No. Prem. Entered	
IBR Code	90Z - All Other Offenses	Offense Completed?	Yes	Entry Method	
IBR Group	B	Hate/Bias	88 - None (No Bias)	Type Security	
Crime Against		Domestic Violence	No	Tools Used	
Using					
Criminal Activity					
Weapons/Force					

Victim V1: [E] City of Marco Island

Victim Code	V1	Victim Of	5568 - Florida Litter Law
Victim Type	G - Government		

Marco Island Police Department Crime Report

Marco Island Police Department
51 Bald Eagle Dr
Marco Island, FL 34145
239 389-5050

Case No. **MIPD061238**
Report No. **MIPD061238.1**
Report Date: **1/11/2007**

5

Page 5 of 5

Name	[E] City of Marco Island	DOB	Place of Birth
AKA		Age	SSN
Alert(s)		Sex	DLN
		Race	DLN State
Address	50 Bald Eagle Dr	Ethnicity	DLN Country
CSZ	Marco Island, FL 34145	Ht.	Occupation/Grade
		Wt.	Employer/School
Home Phone		Eye Color	Res. County
Work Phone	239 389-5000	Hair Color	Res. Country
		Facial Hair	Collier
Attire		Complexion	USA - United States of America
Injury			Resident Status
Circumstances			Testify

Law Enforcement Officer Killed or Assaulted Information	Type Assignment Activity
---	--------------------------

Justifiable Homicide Circumstances

Victim Offender Relationships

Offender	Relationship
----------	--------------

Victim Notes

Marco Island Police Department Follow-Up Report

Marco Island Police Department
 51 Bald Eagle Dr
 Marco Island, FL 34145
 239 389-5050

Case No. **MIPD061238**
 Report No. **MIPD061238.2**
 Report Date: **3/13/2007**

1

Subject: **Illegal Dumping Investigation**

Case Report Status	A - Approved	Date Entered	3/13/2007 7:02:45 AM	Reporting Officer	31 - Zirgibel, Glenn
Occurred On (and Between)	3/15/2006 5:00:00 PM 10/21/2006 10:00:00 AM	Entered By	31 - Zirgibel, Glenn		
Location	Joy Circle/East Elkcarn (Site C)	Date Verified	3/13/2007 4:22:30 PM		
Census/Geo		Verified By	6 - Morine, Cliff	Assisted By	15 - Goetz, Matt 31 - Zirgibel, Glenn
Grid		Date Approved	9/4/2007 10:27:14 AM		
Call Source		Approved By	1 - Reinke, Roger	Disposition	Active
Vehicle Activity		Connecting Cases		Clearance Reason	
Vehicle Traveling				Date of Clearance	
Cross Street				Reporting Agency	Marco Island Police Department
Means				Division	
Other Means				Notified	
Motive					
Other Motives					

Report Narrative
 On Monday, March 12, 2007 at 3:00 PM, Tim Pinter, Senior Projects Manager for the City of Marco Island, Department of Public Works appeared at the Marco Island Police Department and turned over to me a piece of asbestos pipe measuring approximately 16" X 6". Mr. Pinter stated that new sidewalks are being installed at the intersection of San Marco Road and S. Collier Boulevard. He stated that on Friday, March 9, 2007 he checked the area where the sidewalks were due to be installed on 3/12/07. He stated that at that time all the forms were set and the ground was leveled and compacted and he personally walked the site. He stated that today, at 9:30 AM, he again personally walked the site prior to concrete being poured and on the southeast corner of San Marco and Collier Blvd. he found the piece of asbestos pipe laying in plain view. He stated the pipe was inside the forms where the sidewalk was to be installed. Mr. Pinter stated that he is positive someone had placed the asbestos at this location because, it was not present on 3/9/07 when he last checked the site. The asbestos pipe was placed into evidence as item #1A.

Offense Detail: 5568 - Florida Litter Law

Offense Description	5568 - Florida Litter Law	Location	10 - Field/Woods	No. Prem. Entered	
IBR Code	90Z - All Other Offenses	Offense Completed?	Yes	Entry Method	
IBR Group	B	Hate/Bias	88 - None (No Bias)	Type Security	
Crime Against		Domestic Violence	No	Tools Used	
Using					
Criminal Activity					
Weapons/Force					

Other Entity: O1 -- Pinter, Timothy Edward

Entity Code	O1		
Entity Type	Other - Other Person		
Name	Pinter, Timothy Edward	DOB	3/20/1948
AKA		Age	57
Alert(s)		Sex	M - Male
		Race	W - White
Address	1109 Dana Ct	Ethnicity	N - Not of Hispanic Origin
CSZ	Marco Island Florida 34145	Ht.	6' 2"
Home Phone		Wt.	200
Work Phone	239 389-5018	Eye Color	BRO - Brown
		Hair Color	BRO - Brown
Attire	tan shirt and pants	Facial Hair	06 - Mustache Only
		Complexion	MED - Medium
Entity Notes		Place of Birth	Ohio
		SSN	278-46-5228
		DLN	P536805481000
		DLN State	FL - Florida
		DLN Country	USA - United States of America
		Occupation/Grade	Senior Project Manager-DPW
		Employer/School	City of Marco Island
		Res. Country	Collier
		Res. Country	
		Resident Status	R - Local

Marco Island Police Department Follow-Up Report

Marco Island Police Department
51 Bald Eagle Dr
Marco Island, FL 34145
239 389-5050

Case No. **MIPD061238**
Report No. **MIPD061238.3**
Report Date: **8/24/2007**

1

Page 1 of 3

Subject: **Illegal Dumping Investigation**

Case Report Status **A - Approved**

Date Entered **8/24/2007 3:15:44 PM**

Reporting Officer

Entered By **28 - Guerrero, Linda**

28 - Guerrero, Linda

Occurred On **3/15/2006 5:00:00 PM**

Date Verified **8/27/2007 9:52:27 AM**

(and Between) **10/21/2006 10:00:00 AM**

Verified By **1 - Reinke, Roger**

Date Approved **9/4/2007 10:27:28 AM**

Approved By **1 - Reinke, Roger**

Assisted By

Location **Joy Circle/East Elkcarn (Site C)**

Census/Geo

Grid

Call Source

Connecting Cases

Disposition

Inactive

Clearance Reason

Date of Clearance

Reporting Agency

Marco Island Police Department

Division

Notified

Vehicle Activity

Vehicle Traveling

Cross Street

Means

Other Means

Motive

Other Motives

Report Narrative

On 4-3-07, I made contact with Butch Neylon, reference a recent document he submitted to Lt. Pena of the Marco Island Police Department. Neylon stated he wrote this document in January 2007, in response to asbestos-containing pipe fragments found on "Site-C" again in October 2006. Neylon stated his document is based on a personal theory that he believes occurred when the Australian pine trees were removed from "Site-C". Neylon stated he personally had the same type of trees removed from his property and the removal of the stumps caused large holes, approximately 2-3 feet deep. Neylon stated he had to bring in "fill" to level the property prior to the construction of his home. Neylon believed this also occurred on "Site-C" with the removal of the Australian Pines and the holes were filled with dirt from Site-A, which contained asbestos-containing pipe fragments. Neylon did not personally observe any of this occur and does not know of anyone who observed this or has knowledge that this occurred. Neylon further stated he was recently at a City Council Meeting and presented this theory. He then gave this information a few days later to Lt. Pena. Neylon stated he has shared this information with numerous people on the Island, including Roger Hall and possibly John Putnam.

On 4-3-07, I also made contact with Roger Hall and John Putnam reference recent blogs they posted on marconews.com. Both make reference to the asbestos investigation and infer that Quality Enterprises is to blame. Roger Hall stated it is obvious to him that since the South Collier project involved asbestos-containing pipe, and pieces of this pipe are mixed with dirt and piled on Site-A, it is obvious the "Site-C" pieces came from the same locations. Hall further stated since Quality Enterprises is in charge of the project, it is obvious they did this and they are to blame. Hall further made reference to Butch Neylon's theory of the tree removals from "Site-C" and he believes Quality Enterprises is to blame, as they were also in charge of this project. Hall believed there is a big "cover up" and the police department is involved. I assured Hall that there is not a police "cover up", and further informed him that my investigation into the illegal dumping is a criminal matter and these types of investigations require proof beyond a reasonable doubt for conviction, not theories or assumptions. I further informed Hall the investigation is still active and will not be complete until a final report is received from AMRC for the final cleanup. Hall then stated his comments/beliefs are totally circumstantial and he does not have any evidence, nor does he know of anyone with evidence pertaining to Quality Enterprises dumping dirt with asbestos pipe fragments on "Site-C".

John Putnam stated his comments on the blog may have been a "little harsh", but they were totally based on Butch Neylon's theory of the tree removals from "Site-C". Putnam believed that Quality Enterprises obtained fill from Site-A to fill the holes from the pine trees on "Site-C". Putnam does not have any evidence, nor does he know of anyone with evidence pertaining to Quality Enterprises dumping dirt with asbestos pipe fragments on "Site-C". I informed both Roger Hall and John Putnam if they knew of anyone who had pertinent information relevant to this investigation to contact me.

At approximately 7:30pm on 4-3-07, Godfrey Davies, who is a resident of Marco Island, contacted me. Davies stated a few days after Hurricane Wilma made landfall on Marco Island (October 2005), he drove to the Winn Dixie located on East Elkcarn Drive, and as he drove by "Site-C", he observed a semi tractor trailer truck stuck in the sand. He also observed a front-end loader attempting to pull the semi out of the sand. He stopped to watch the outcome and after a while observed the loader pull the semi out of the soft sand and noticed there were large ruts from the wheels of the semi. He then left the area and did his shopping at Winn Dixie. Upon completing his shopping, he drove past "Site-C" again, and noticed the front-end loader carrying a load of what appeared to be dirt, come out from Site-A and cross in front of him and over to "Site-C". The material, which he observed to be dirt, was dumped into the ruts and leveled. Davies later sent me an e-mail with a typed statement regarding his observations as noted above.

On 4-12-07 at approximately 3:00pm, I met with Jeff Hogate of AMRC at "Site-C". Hogate stated on 4-10-07, an additional removal of 6 inches of soil was started due to additional pieces of asbestos pipe fragments being found. Hogate stated the pieces were found throughout area 2 and area 3 within the soil and in his opinion these pieces were surfacing due to the

Marco Island Police Department Follow-Up Report

Case No. MIPD061238
Report No. MIPD061238.3
Report Date: 8/24/2007

Marco Island Police Department
51 Bald Eagle Dr
Marco Island, FL 34145
239 389-5050

2

Page 2 of 3

additional settling of the soil. Hogate stated on this date he found additional smaller pieces of asbestos pipe, and in his opinion these pieces surfaced due to the rainfall earlier this date. Hogate stated 6 inches was removed from area 2, area 3 and area 3 extension and a total of 3 feet was removed from the owl's nest area, which was corded off during the prior cleanups. Hogate further stated the additional 6 inches of soil removal was completed on this date and a total of 1326 cubic yards were removed between the dates of 4-10-07 and 4-12-07. Hogate also stated that Shirrel Culliver of the DEP was on site several times during this cleanup. Hogate additionally stated he would be conducting soil samples on "Site-C" on Monday 4-16-07.

On 4-13-07 at 11:00am, I met with Parks & Recreation Director Dana Souza and Parks Superintendent Jim Hodgdon at Mackle Park. They both informed me that during the original discussion regarding the removal of the pine trees from "Site-C", the City was going to sub-contract a company to complete the project. Souza stated he obtained a bid for \$18,500 from a company that could complete the tree removal project. Souza stated he was contacted by Ronny Joel in mid July 2005, and was informed that he (Joel) negotiated a deal with Quality Enterprises, and they were going to complete the tree removal project at no cost to the City, since Quality was using "Site-C" as a staging area for the Collier project. Souza stated the project was completed at the end of July (2005) and he believed the stumps were removed as they had shallow roots. Souza recalled after the trees were removed, they were grinded and large mulch piles were staged on the west end of "Site-C" close to Joy Circle. Souza provided me with copies of e-mails exchanged with Ronny Joel regarding the above subject matter.

On 4-13-07 I obtained the names of the persons who completed the tree removal project on "Site-C" during July 2005. The two subjects Christopher Hughes and Charles Watkins, are still employed with Quality Enterprises and are based out of Virginia.

On 4-16-07, at approximately 11:00am, I made contact with both Christopher Hughes and Charles Watkins via telephone reference the work they completed on "Site-C". Both Hughes and Watkins stated they were on Marco Island during the last week of July 2005, to complete a pine-tree removal project from an area of land ("Site-C"). They stated the trees were first cut at the base and then cut into smaller sizes and grinded by using a tub grinder. They also stated the stumps were completely removed from underground with the use of a backhoe and also grinded, and the mulch piles were on the west end of the lot. The area was then raked and leveled with a bucket loader. Both Hughes and Watkins stated they did not need to obtain any fill-dirt from any other area to fill the holes left from the removal of the stumps, further stating the holes were not very deep and there was plenty of soil/dirt on the site used to fill and level out the area.

On 4-16-07 at approximately 11:30am, I observed Jeff Hogate and Jack Snider of AMRC at "Site-C". Hogate stated a few pieces of asbestos-containing pipe fragments had been found on the site near the owl burrow, and soil samples were being obtained from random areas of the locations where asbestos-containing material was removed. Hogate stated the soil samples will be sent to a lab for analysis and it would likely take 1-2 weeks to receive the results.

On 4-25-07, AMRC received the lab results of the soil samples that were obtained from "Site-C" on 4-16-07 and analyzed. No asbestos fibers were found in any of the soil samples.

On 5-7-07, Jeffrey Hogate, Jack Snider, Sherril Culliver (FDEP) and Pamela McIlvaine (EPA) were at "Site-C". A walk-through of the area revealed that no pieces of asbestos-containing pipe were observed and/or found.

On 5-9-07, AMRC initiated their final report for the asbestos abatement of "Site-C".

On or about 7-25-07, I received a copy of the final report (#06-031325-AC/4) of the "Site-C" asbestos abatement completed by AMRC. Upon reviewing the report, I found that a total of approximately 3,366 cubic yards of soil was removed from "Site-C" between 12-18-06 and 4-12-07. Upon completion of the clean up, soil samples were collected from the areas that were abated and sent to Material Analytical Services, Inc. in Suwanee, Georgia. In addition, for quality control purposes, soil samples were sent to AMA Analytical, located in Lanham, Maryland. The soil samples were analyzed by polarized light microscopy (PLM). According to the laboratory results, no asbestos was found in the soil samples collected from "Site-C".

The original abatement conducted by AMRC in March 2006, appeared to have been completed satisfactorily, based on the information given to them by the City of Marco Island that the asbestos-containing material was distributed on the surface of "Site-C". With this information, the removal of 6 to 12 inches from the reported contaminated areas of soil on "Site-C", was more than an adequate amount to remove, ensuring the site was clean and uncontaminated with asbestos-containing pipe fragments. In addition, the analyzed soil samples obtained after this clean-up revealed no asbestos was found in the soil samples collected.

Since March 2006, a total of approximately 4,586 cubic yards of soil was removed from "Site-C". The additional asbestos-containing pipe fragments found in October 2006, February 2007 and April 2007, were found at different levels throughout the soil, primarily deeply underground. After the abatement was completed on "Site-C" in March 2006, the subsequent rainfall, erosion and settling of the soil could have caused for this material to surface. The soil samples obtained after the March 2006 abatement varied from 8 to 18 inches deep and would not have detected any asbestos material deeper than the level of the sample that was obtained.

With the significant amounts of asbestos-containing pipe fragments found since October 2006, this investigation did not reveal any evidence that these pieces were "hand-placed" on "Site-C" by any individual(s). Furthermore, this investigation

Marco Island Police Department Follow-Up Report

Case No. **MIPD061238**
Report No. **MIPD061238.3**
Report Date: **8/24/2007**

Marco Island Police Department
51 Bald Eagle Dr
Marco Island, FL 34145
239 389-5050

3

Page 3 of 3

did not reveal any evidence that loads of soil/asphalt containing asbestos pipe fragments were deliberately dumped on "Site-C" after the March 2006 abatement.

This case will be classified as inactive.

Offense Detail: 5568 - Florida Litter Law

Offense Description	5568 - Florida Litter Law	Location	10 - Field/Woods	No. Prem. Entered	
IBR Code	90Z - All Other Offenses	Offense Completed?	Yes	Entry Method	
IBR Group	B	Hate/Bias	88 - None (No Bias)	Type Security	
Crime Against		Domestic Violence	No	Tools Used	
Using					
Criminal Activity					
Weapons/Force					