BILL NELSON
FLORIDA

United States Senate
Washington, DC 20510-0905

Consent For Release Of Information

I'm very concerned you are in need of assistance, and want you to know we're committed to doing our best to resolve your problem. The first thing you need to do is fill out this form and return it quickly to me by fax or mail. This has to be done before I can legally act on your behalf. This is a free service. The form not only tells me about your concerns, but also allows government agencies to share your information with me. (It is something required by the Privacy Act of 1974.)

Please note, if you are inquiring on behalf of someone, that person must sign the release.

Today's Date 8/15/2011 Social Security Number [redacted]

● Mr. ○ Mrs. ○ Ms. ○ Dr. [redacted]
First *Middle* *Last*

Mailing Address [redacted]

Home Phone [redacted] Cell Phone [redacted] Work Phone

Date of Birth E-mail Address [redacted]

I hereby authorize Senator Nelson or his representative to make inquiries into my personal records and or files, and to obtain information about me pertaining to my request for assistance.

Signature [redacted] For The Attention Of Senator Bill Nelson

Please return form to:

By Mail:

Office of Senator Bill Nelson
225 East Robinson Street, Suite 410
Orlando, Florida 32801

By Fax:

Fax: (407) 872-7165

Questions:

Telephone: (407) 872-7161
Toll-Free in Florida Only:
(888) 671-4091

FOR OFFICE USE ONLY

IT: ○ Yes ○ No IT #_____ *(Caseworker Only)* Cross Reference Name _____

Referral: ○ FTL ○ FTM ○ JAX ○ MIA ○ ORL ○ TAL ○ TPA ○ WPB ○ BN ○ GN ○ PM ○ BS

Web Tracking # _____

PLEASE COMPLETE PAGE 2 OF THIS FORM

Please complete the sections that apply to your case.

Military or Veteran's Issues

Military ID/VA ID/Other ID Number _____ Sponsor's ID / SSN _____

Rank / Unit _____ Duty Station _____

Immigration Issues

Receipt Number _____ Alien Registration Number A - _____

Date of Birth _____ Place of Birth _____

Type of Application Filed _____

Social Security Administration Issues

Type of claim filed? _____

Initial Claim	Date Filed_____	☐ Pending	☐ Approved	☐ Denied
Reconsideration	Date Filed_____	☐ Pending	☐ Approved	☐ Denied
ALJ Hearing	Date Filed_____	☐ Pending	☐ Approved	☐ Denied
Appeals Council	Date Filed_____	☐ Pending	☐ Approved	☐ Denied

Case Details

Please briefly explain your problem. (In writing, provide my office with a detailed account. Include any additional relevant correspondence that you have initiated or received concerning your problem.)

In July 2011, I, [redacted], filed a complaint under Title VI of the Civil Rights Act of 1964, on behalf of self, the citizens of South Brooksville [redacted] (Mother), and [redacted] (Wife). We have yet to get acknowledgement of receipt from the EPA Office of Civil Rights, 1200 Penn Avenue, Washington DC by retrieving a copy of the complaint from EPA Office of Civil Rights with all of the CDs containing a host of photographs it will provide you with a full detail account of the unhealthy conditions the citizens of South Brooksville have been forced to live under for the past 50 years.

Please state how you would like Senator Nelson to help you.

1. Please provide assistance in assuring that EPA Office of Civil Rights process to the fullest the complaint filed under Title VI of the Civil Rights Act of 1964, filed July 2011.
2. Please assist the citizens of South Brooksville in insuring that justice is rendered as to the contents of the complaint filed under Title VI of the Civil Rights Act of 1964, filed July 2011.
3. Provide assistance in locating funding resources (grants) to spearhead a health assessment report of the true health of the residents of South Brooksville that goes beyond the limits that were established in the Hernando County Health Needs Assessment Report produced by Hernando County in 2007.
4. The health assessment will focus on zip codes 34601 and 34602 , these zip codes were identified by the Hernando County Health Needs Report in 2007 as the core area containing the sickest citizens of Hernando County, and the area is inhibited by 99% African Americans, and that they are sicker with cancers, heart problems, respiratory ailments, than in any of the 67 counties of Florida. The report further stated that Hernando County had the least amount of African Americans than in any of the other 67 counties, which highlighted a glaring problem.

Official Copy

June 19, 2011

From: [redacted]

To: Florida Department of Environmental Protection
Tara Peavy Mitchell, Environmental Specialist
Petroleum Cleanup Section 2
Bureau of Petroleum Storage Systems
2600 Blair Stone Road
Tallahassee, Florida 32399

Florida Department of Environmental Protection
Ligia Mora-Applegate,
Bureau of Waste Cleanup
2600 Blair Stone Road
Tallahassee, Florida 32399

University of Florida
Center for Environment & Human Toxicology
(Professors Stephen M. Roberts, Ph.D. & Leah D. Stuchal, Ph.D.)
PO Box 110885
Gainesville, Florida 32611-0885

Elizabeth Tull
Health Assessor
Florida Department of Health
Bureau of Environmental Public Medicine
4052 Bald Cypress Way Bin #A08
Tallahassee, Florida 32399

Randy Merchant
Environmental Health
Florida Department of Health
Bureau of Environmental Public Medicine
4052 Bald Cypress Way Bin #A08
Tallahassee, Florida 32399

Info: Rick Ofsanko
Earth Systems, Inc.

223 12th Avenue North
Jacksonville Beach, Florida 32250
US EPA
OECA (Office mail code)
1200 Pennsylvania Ave
Washington, DC 20460

NAACP
National Headquarters
4805 Mt. Hope Drive
Baltimore MD 21215

President, Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Senator Bill Nelson
United States Senate
716 Senate Hart Office Building
Washington, DC 20510

Subject: The subject is two-fold, one, a response to the Health Risk Assessment Report provided to Ms. Elizabeth Callaghan by FDEP Hazardous Waste Site Health Risk Assessment Program, two, an environmental injustice complaint on the grounds of race.

Response to Florida Department of Health letter addressing Ms Elizabeth Callaghan's request that the Department's Hazardous Waste Site Health Risk Assessment Program examine possible risks associated with "swallowing" of soil at a residential property located on Harar Avenue in Brooksville, Florida, USA.

In the letter the writer acknowledges what it is that the Risk Assessment Program does and that the report is supported by the federal agency for Toxic Substances and Disease Registry (ATSDR). The letter contains a disclaimer that the federal agency has neither reviewed nor cleared the document attached to the letter; at least, that is my understanding. Disclaimers always cause me concern because they are intended to disassociate an agency which would under normal circumstances have certain oversight responsibilities from that role in the matter under consideration. The federal government has a duty to insure that its monies (tax payer's dollars) are being used for the purpose for which they were intended and that they (the feds) approve of the particular use of the document or conclusions contained within the document (in this case).

For continuity and clarity, I will try to follow the format of the document in my response. Let me start with the statement that, a resident of Harar Avenue expressed concerns about

possible health effects associated with arsenic in the soil on his property. While that is a fair statement of what the was issue was as presented by me, the request should be viewed however by the Risk Assessment Program as a two pronged concern; One, the complaint was directed toward, "possible health risk" and the associative connect was, "associated with arsenic". From the response it appears that the Department read the complaint the same as it was intended to be read. The resident had serious health concerns and that the health concerns were connected to the presence of arsenic which came to be on the property due to contamination from an outside source. That is it was not from naturally occurring sources of arsenic. In fact the document states that to be protective of human health the testers assumed that the arsenic found in the surface soils at the Harar Avenue property was in the more toxic inorganic form.

The consultants at the request of the Hernando County Health Department or on its own initiative analyzed for the presence, not only of arsenic, but also for the presence of chromium, copper, and iron. Evidencing an understanding of the two prong concern of the resident, one, health risk (from whatever source) and arsenic as the source metal based upon information which the resident had. Interestingly the consultant did not analyze for the presence of petroleum hydrocarbons, known carcinogenic. Conversely it did not test for arsenic on the S&B Go site which might have answered the unanswered question as to the source of the arsenic at the 605 Harar property regardless of its intensity.

It is my understanding that consultants act within a clearly defined box or prescribed area of concern searching as in this case for what they have been requested to search. Therefore what they seek is defined by the person requesting their services, in this case, Hernando County Health Department.

Background and Statement of Issues:

Hernando County framed its issue to focus on the S&B Go hazardous waste site which it identified as a bulk petroleum fueling facility which operated from 1927 to 2003 and was located DIRECTLY across the street north of the Harar property in question. It is pretty clear that the State Agency relied upon information provided by the requesting agency, Hernando County Health Department, to state that S&B had eight (8) above ground storage tanks (ASTs) which contained diesel fuel, kerosene and unleaded gasoline and two (2) underground storage tanks (USTs) holding lead gasoline and waste oil (probably installed without the proper retaining walls in violation of DEP regulations).. Dispensers were located on the southwestern and north central portions of the property and they added that all tanks and dispensers had been removed from the property as of the date of testing.

The background information states that in 2004, after two reported discharges, consultants for the Florida Department of Environmental Protection (DEP) identified petroleum hydrocarbon contamination in the soil and groundwater (probably an under ground stream running under Smith Street from the Saxton pond location east of the properties in question) at the S&B site. The background information goes on to state that

in April 2005; DEP's consultant removed hundreds of tons (1473 tons) of contaminated soil from five locations on the site (there is some information which suggests that the removals were without proper oversight possibly resulting in a fraudulent claim of removal when in fact the removal was incomplete, this is strongly suggested in view of the fact that return visits found the presence of hydrocarbons at later dates including the test done in support of this most recent effort to steer blame for the arsenic contamination on the Harar property away from S&B Go site) . It was noted that despite the removal of hundreds of tons of contaminated soil, a post excavation testing found some contamination (how much?) remained at the site; the test revealed that the compounds exceeded Florida DEP soil cleanup target levels (SCTLs). Between 2005 and 2007, consultants for DEP identified two additional petroleum hydrocarbon contaminated areas on the site. In September 2009, they removed hundreds of tons more of additional contaminated soil from the site apparently in response to the contaminated areas identified in '05 and in '06. If so it took four years to react to an environmental threat on a previously identified "Super fund site". During this time, as well as during the previous fifteen (15) years, dating back beyond 1991, when an article in the St. Petersburg Times finally publicly illuminated, the stealthily conduct and behind closed doors dealing of then State of Florida lawmaker, Chuck Smith, who was also the then owner of the B&G Go, Inc. site, setting forth a scheme which the Times referred to as "simply rotten".

So at least as far back as 1991, the S&B Go site was identified as a major polluter in the area; located directly across the street from the Harar Avenue property. Mr. Chuck Smith openly and notoriously attempted to utilize his power and influence as a State legislator to craft legislation to bail out polluters, "even when they disregard environmental rules". The opinion piece went on to say among other things: "To call his behavior [Rep. Smith's] a blatant ethical conflict seems kind." Rep. Smith, who at the time was fighting the state Department of Environmental Regulation (DER) over contamination from his petroleum tanks in Brooksville, not only voted for the bill but introduced the language." The bill he supported would have made state cleanup money available specifically for the kind of oil and gas pollution violations Smith was facing at the time in his own business (S&B Go Inc.). The Times label his conduct as "bad, bad; bad politics". Smith's law was labeled a "bail out program for oil companies that let their tanks foul up the groundwater" and was deliberately misleading. In today's political atmosphere Mr. Smith might be facing an indictment or censure from the legislature for a blatant ethical conflict. Under his law polluters would have been paid for the pollution they themselves created. In his case Rep. Smith stood to receive as much as $1-million. The article also identified the date of the discovery of the pollution problem as July, since the article was written March 30, 1991, the discovery dated back to at least July, 1990. This information was public record at least from that date (be mindful that July is the date of discovery and or reporting) it is perfectly conceivable in light of the devious conduct of Rep Smith, that the pollution was occurring years before the date of discovery.

This article is referred to at this time to strongly suggest that the background information contained in the letter to Ms Callaghan dated May 2, 2011 deliberately attempts to distort the history of the Super fund sight by hinting that there were two reported discharges in 2004; that these reported discharges signaled the first public awareness of health risk to

the citizens of Brooksville who lived in close proximity to S&B; also effectively zeroing in on 2004 as the start of contamination issues on the S&B Go site; when in fact and in truth this site was spewing pollution into the earth, groundwater and properties of residents of the neighborhood for at least 15 years prior to that date.

It is clear that the City of Brooksville/Hernando County understood the threat to the larger communities' health and well being. The City, in and around 1989 or 1990, in response to a clear threat to the public health of some of its residents, instituted mandatory water notices. It was then that the City increased the amount of chlorine added to the Lamar water station by as much as six (6) times what had been used up to that point. In 1998 or there about the FBI, as in the Federal Bureau of Investigations, discovered that an engineer who had been hired to test the drinking water was falsifying his water reports. Hernando County did not join in the complaint.

There was a massive cleanup effort at the questioned site in 2003. This County has systematically pursued a course of smoke and mirrors over the years in an effort to avoid liability for their negligence in failing to protect the health of the citizens along Smith Street and other parts of our community. The County as a result of its dilatory actions in reporting environmental violations and the state Department of Environmental Protection in its failure to respond with a sense of urgency when violations were reported or discovered, allowed great harm to come to the citizens south of and adjacent to the railroad tracks running along ACL Avenue, including the writer, permitting them to be attacked by debilitating diseases including but not limited to cancer and other named and unnamed disease while they slowly wasted away and many died without ever knowing that they were the victims of benign neglect or criminal neglect on the part of their own governmental officials.

The governmental authorities charged with the duty to protect its citizens, did exactly the opposite. Rep Chuck Smith is a shining example of the kind of caring governmental official watching over the citizens of Smith and Harar. The County in removing hundreds of tons of contaminated soil from the S&B site and DER in allowing it especially without hands on supervision, inadvertently or intentionally allowed the hauling away of soil contaminated with arsenic which had accumulated from the illegal drain off of heavily arsenic contaminated soil created from the spill off from CXS railroad properties just north of the S&B Go site. For years CXS sprayed huge amounts of arsenic along the tracks bordering S&B Go site to the north for weed control with little or no regard for the citizens who occupied homes parallel to the railroad on both sides of the tracks.

It is interesting that there are no reported test results from the S&B Go site for arsenic. The County either completely ignored the obvious threat of arsenic contamination from the CXS railroad property, or, the presence of the petroleum contamination diverted the attention of both the County Health Department and the State Department of Environmental Regulation from the equally dangerous contaminant, arsenic. That sounds plausible until you become aware that CXS set aside a huge amount of money, up to a million dollars, to cover damages which they anticipated might come out of legal action

by the residents who were injured as a result of their negligent actions. In other words they knew that they had sprayed the deadly metal arsenic in an area which might reasonably have harmed citizens in the area. Since these were all low income people the Company figured that a million should do the trick. Based upon the dilatory, smoke and mirror conduct of Rep Smith and local governmental agencies and officials, not a dime was ever paid out. No liability was ever admitted and to add insult to injury, the County assisted in hauling away the evidence. To put the icing on the cake so to speak or more accurately to put the asphalt on the cake, a "nature trail", along the former CXS property, has been constructed over some of the most arsenic infested property in the area.

The writer numbers himself among those who have been adversely affected; infected would be a better word, by the misfeasance or malfeasance of City, County and State governmental agencies and the officials who run them. The writer as a child under ten years of age, who lived with his mother on ACL Avenue unaware that poison was being systematically released into his body from arsenic sprayed along the railroad tracks directly in front of his house, which was build on along side another polluting gasoline distribution center of the same order as that at the S&B Go site directly across from his present abode on the corner of ACL and Brooksville Avenue; the same railroad tracks that he played along side of and crossed daily to attend Moton School in south Brooksville. When he crossed the tracks cutting through the property just south of the tracks; just a few yards from Brooksville Avenue he encountered yet another Oil and gas distribution center. The writer was raised in a triangle of death and returned in his adult years to live directly across Smith Street from S&B Go, a super fund site.

Residential Background and Statement of Issues:

The lack of concern for the higher arsenic evidence in the yard of 605 Harar Avenue supplements the negative attitudes toward the residents surrounding the facility of all the government agencies required to protect the rights and health of the residents. Throughout the Florida Department of Environmental protection public records facility, OCULUS, there are no data or known reports on the effects of the contaminations on the surrounding residential properties. By the lack of any known recorded reporting on the dozens of homes surrounding Facility ID 8508778 and 8626678 (same facility with two different facility identifications), one would readily believe that no one lived near the site.

However, this is far from the truth. The FDEP, formerly, DER, OCULUS files will reference the switching of ownership of Facility 8508778 and 8626678 from Chuck Smith, the polluter, to Mr. Underwood, and the questioning of the connection. the connection could be related to the fact that, directly east of the site, and adjacent to the site, Mr. Underwood owned, and there was an African American community of a dozen or more shotgun style shacks as they were called. All of the residents that lived in Underwood- Quarters (as it was called) died of ailments that may have been chemical cancer-related illnesses. Today, the portion of the area of the once African American community that was directly adjacent to the site is wooded and over grown; the remaining portion of the once African American community contains an Industrial Business, not fit to live on.

Topography Background and Statement of Issues:

The topography of the area during the 1980s and 1990s is a testament of how the community was contaminated. Harar Avenue was a dirt road with a lime-rock base. There was no ditch going along side of Smith Street. There was no ditch going down side Harar Avenue. These ditches were dug after the facility had been reported as being in violations of discharging chemicals off the site, after 1989. Where, would one believe that the discharged chemicals traveled? Well, without question, the gas and diesel that spilled onto the pumping mounds with no containment, ended up in the yards of 603 Harar Avenue, and 603 Harar Avenue first, then throughout the community. There were multiple reports filed with the City of Brooksville by the residents concerning the large trucks being allowed to gas up at the facility when trucks were now allowed on the street.

Often, truck drivers while re-fueling their truck tanks, they would rig the gas pump handle to pump without it being held, and would go inside the office to fraternized with the young female working inside the office, and often forgot they were pumping gas or diesel. Hundreds of gallons of gas or diesel fuel would overflow from the nozzle, spilling to the open ground and flowed down Harar Avenue and down Smith Street and onto the properties on Smith Streets and Harar Avenue. The above acts took place repeatedly in the 1980's and early 1990's and could have single handed contaminated all of Harar Avenue and Smith Street.

Residential Contamination Statement of Issues:

The writer returned to his childhood neighbor and has remained over the pass decades; much older and wiser than when he started this journey there as a child. The writer is determined to correct this grave crime which has been perpetrated on the people who lived in the triangle of death; many are already dead many are cancer survivors. The writer has lost a kidney to the destructive polluters of his environment and if recent test are accurate, is threaten with the loss of yet another, only to look forward to the remainder of his life on dialysis. The writer is committed to the proposition that the local and State governments involved need to accept responsibility for the harm they have caused and continue to cause by stonewalling and bringing all the forces of my government against me. We are all entitled to our own opinions but we are not entitled to our own facts. All the professors at all the most prominent Universities in Florida and the United States will not be able to opinionate away the facts once the proper agency investigates and the facts are shown to be what they are; and, they will be known to all in the near future, justice will be done.

In parting, the higher arsenic evident in what your report calls the south part of the 605 address, is really the entire property of 605 Harar since the front half of the duplex is 603 Harar Avenue; that contamination is probably the results of illegally installed sewage lines which were illegally installed across the property at 605 Harar without the consent of the property owners and without obtaining a right of way. The sewage lines still remain on the property, and the City of Brooksville refuses to remove the sewage line off

private property. Up until recently the water line leading into the 605 residence had illegal bends in it resulting in leakage of water onto and under the 605 Harar properties. The water line went directly through a sewer manhole.

It is quite interesting that traces of arsenic were also found in the water samples related to 603 Harar Avenue, but not mentioned by the Hernando County Health Department in its request for a health analysis of the site. It is without doubt, the properties of 603 Harar Avenue, and 605 Harar Avenue should be condemned, and all the residents relocated and tested for health problems related to exposure too petroleum hydrocarbons, known carcinogenic. When a government has a history of disregarding the rights of its citizens there is no limit on the abuses it is capable of inflecting.

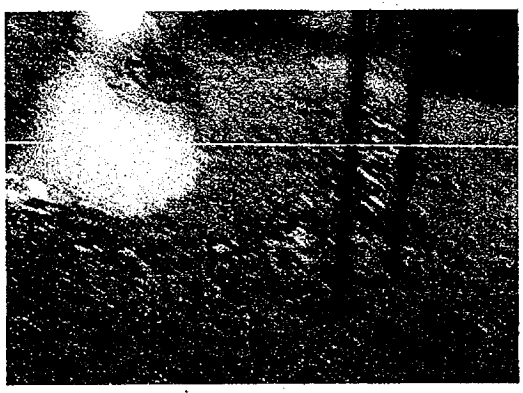
In closing, less we forget the history of our community; at the turn of the last century, Brooksville/Hernando County was known as the "lynching capital" of America; ironically the under-lying reason for the lawlessness then was due to the fact that the elected and appointed officials of that era refused to protect the God given right of all of its citizens to live in safety and security within their own homes and to enjoy the right to life liberty and the pursuit of happiness in their own Country.

Today Brooksville/Hernando County again finds itself atop the "mountain of infamy" with the label of "sickest county" in Florida: the root cause? Again the failure of its elected and appointed officials to extent the protections of life, liberty and the pursuit of happiness to all its citizens regard of race, creed, place of national origin or economic station in life. For me, I have been young and now I am old yet have I not seen the righteous forsaken nor his seed begging bread. Brooksville/Hernando County and all those who have, regardless of motive or intent, assisted them in the massive cover-up within the triangle of death and within the south Brooksville area in general, will be brought to justice and those living and dead who suffered as a consequence, will finally be vindicated.

References: This document referred to the thousands of pages of documents on FDEP OCULUS online public records systems for facility identifications 8508778 and 8626678 (one and the same facility).

Exhibits one through eight included.

Exhibit Number One.



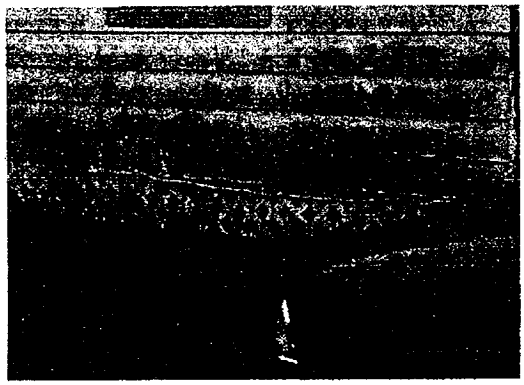
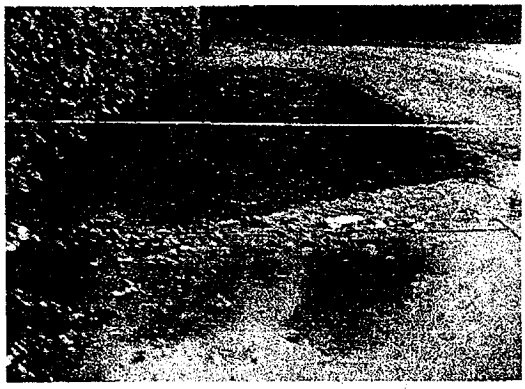
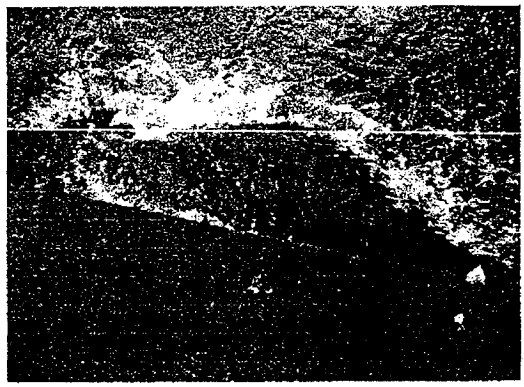


Exhibit Number Two





The pictures below are of water that has runoff of the S&B Gulf Site. This arsenic laced water is alongside of Smith Street, less than twenty yards from 603 Harar Avenue.

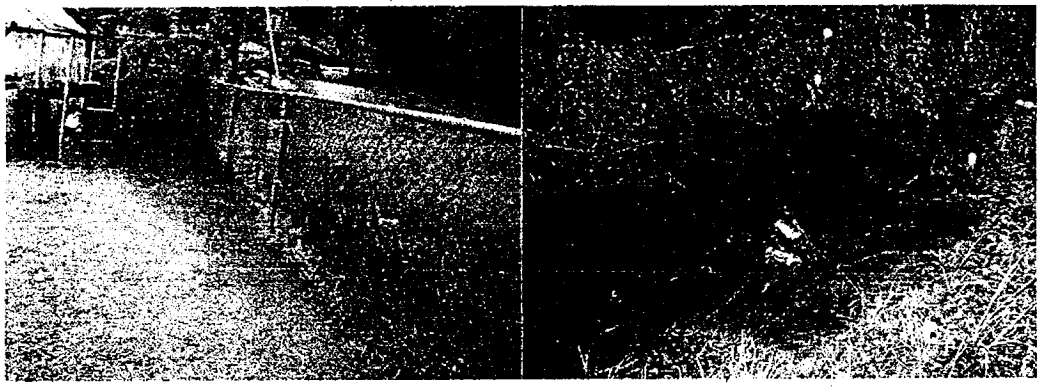


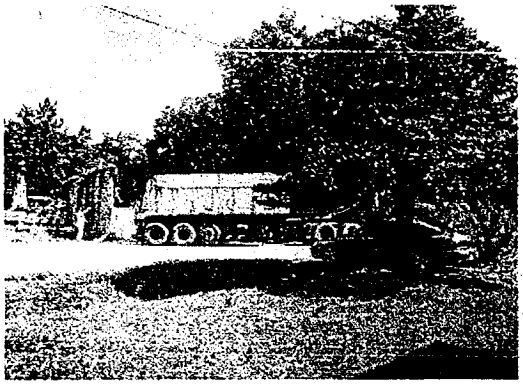
Exhibit Number Three

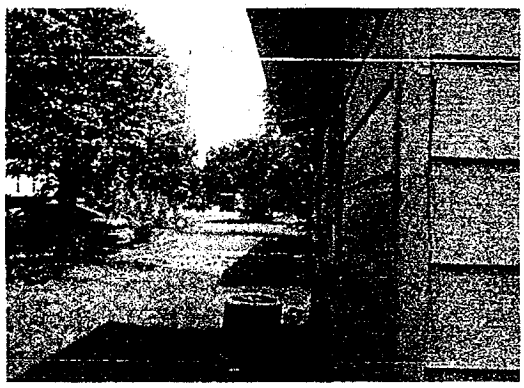
The picture on the left below gives a straight view at the S&B Gulf contaminated Site. The ditch is filled with Water that flowed from the contaminated site and crosses under Smith Street to Harar Avenue.

This ditch is filled with contaminated water. Notice the water in the yard of 603 Harar Avenue At one of the locations that arsenic was found. The ditch that is now filled was not a ditch at all from 1962 to the late 1980's and early 1990's. Water flowed from the S&B Gulf site onto the property of 603 Harar Avenue on a routine basis.

Exhibit Number Four

The pictures below were taken on June 3, 2007, exactly 3 years from the initial date of this document June 3, 2011. This is one of the most recent clean-up of facility 8508778 and 8626678, hauling tons and tons of contaminated materials away uncovered.





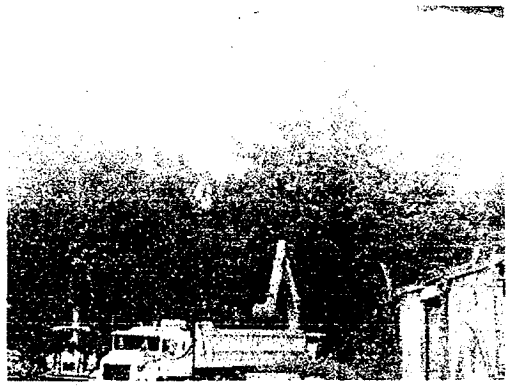


Exhibit Number Five

The pictures were taken below on June 3, 2007, exactly 3 years from the initial date of this document June 3, 2011. This is one of the most recent clean-up of the facility, hauling tons and tons of contaminated materials away uncovered. Notice the condition of the soil, much of this loose soiled ended up in the yard of 603 Harar Avenue

The picture below is a view looking off of the S&B Gulf contaminated Site, The pink house is 603 Harar Avenue. This is the north side view where most contaminates enter the property and settle under the house. There is absolutely no way that the property at 603 Harar could not have been affected by the tons of gas, diesel, and other chemical and by-products listed when the site was forced to close down.

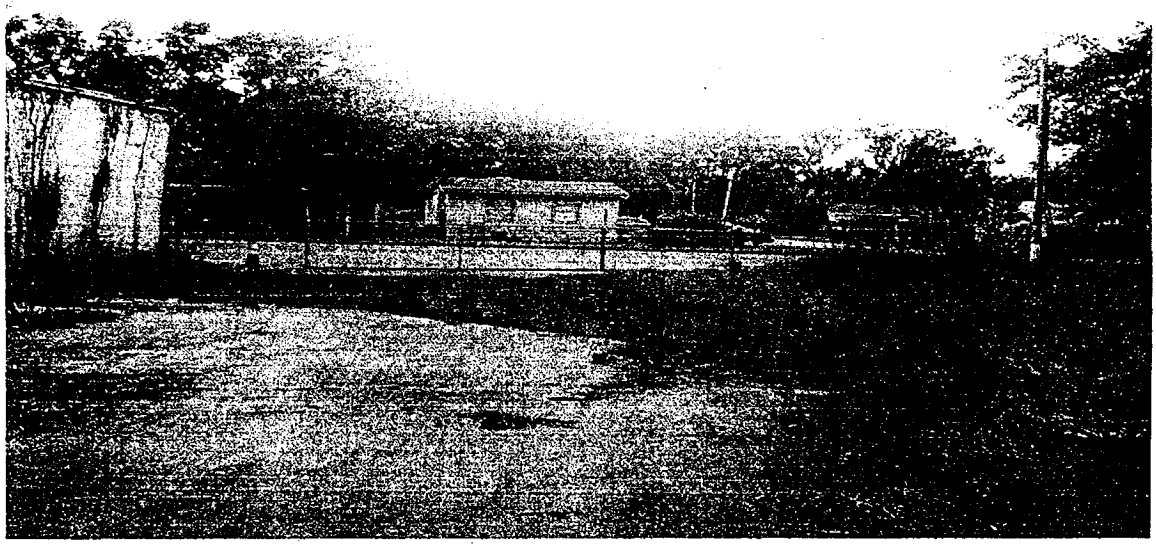


Exhibit Number Six

The pictures below were taken on July 16, 2007, and are pictures of the Super Fund contaminated site located on Brooksville Avenue about 75 yards north of the S&B Gulf site, and they heavily used railroad to off load gas and oil among other heavy chemicals.. Look at the spillage. This same spillage ends up in the yard of 603 Harar Avenue. This clean-up occurred when [redacted] 603 Harar Avenue reported a strong odor coming from the well on the site when it was being checked by a company hired by FDEP.

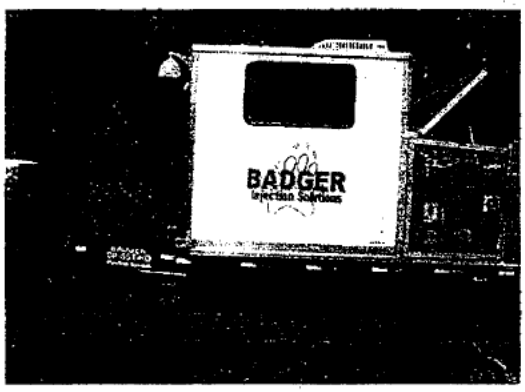
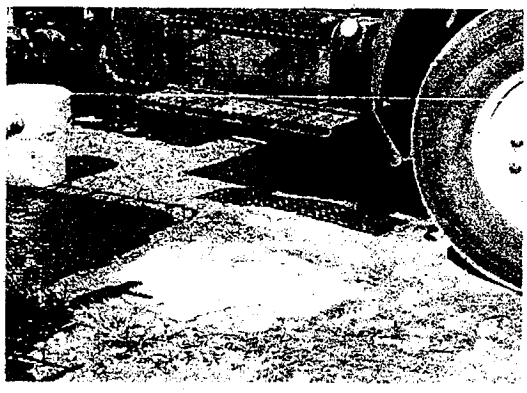
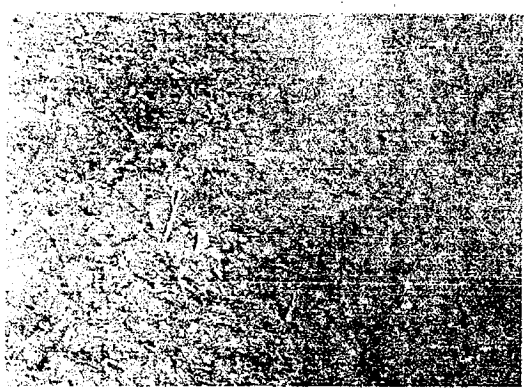


Exhibit Number Seven

The pictures taken below July16, 2007.This is one of the most recent clean-up of a facility that was signed off as being complete and free of contaminates ten years ago.



The pictures below taken July 16, 2007 are pictures of the Super Fund contaminated site located on Brooksville Avenue about 75 yards north of the S&B Gulf site, and they heavily used railroad to off load gas and oil among other heavy chemicals.. Look at the spillage. This same spillage ends up in the yard of 603 Harar Avenue. This clean-up occurred after a resident on ACL Avenue complained and reported a strong odor coming from the well on the site when it was been checked by a company hired by FDEP.



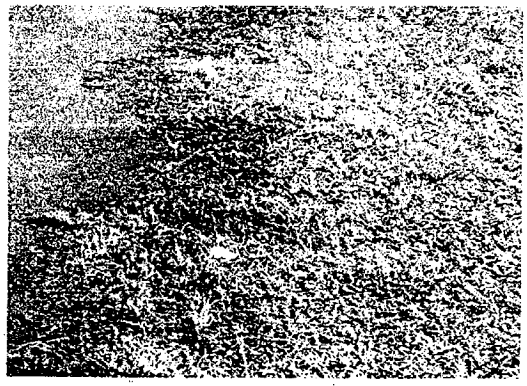
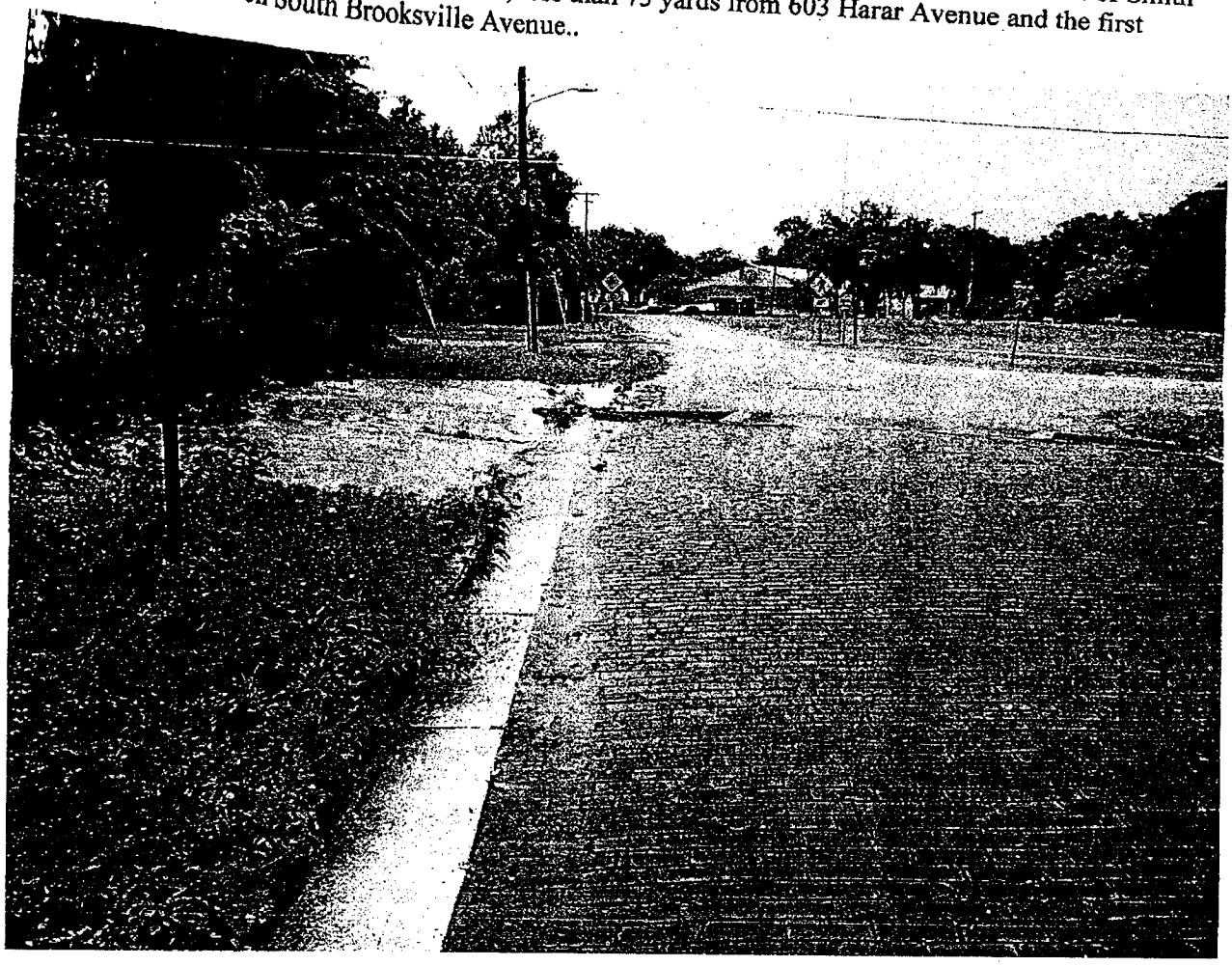


Exhibit Number Eight

The pictures below taken July 16, 2007 are pictures of the Super Fund contaminated site located on Brooksville Avenue about 75 yards north of the S&B Gulf site. The heavily used facility was used by the railroad to off load gas and oil among other heavy chemicals to above and below ground tanks. Look at the spillage. This same spillage ended up in the yard of 603 Harar Avenue. This clean-up occurred when the resident in this picture complained and reported a strong odor coming from the well on the site next door to her when it was being checked by a company hired by FDEP. Notice the resident trying to get home, having to duck around the spillage. The site was reported as being cleaned-up completely in 1997.

second contaminated site on South Brooksville Avenue is located slightly before you get to the Brooksville City DPW, the pink building in the pictures. The pink building is directly in front of Smith Street, it sit at the entrance of Smith Street, less than 75 yards from 603 Harar Avenue and the first contaminated site on South Brooksville Avenue..