

**Watson, Stephanie M.**

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**From:** Watson, Stephanie M.  
**Sent:** Tuesday, January 19, 2010 11:02 AM  
**To:** Crandall, Lea  
**Cc:** Wilson, Mary; Pelz, Susan  
**Subject:** FW: Case Closure Letter to Sumter County\_OGC\_08-2376 - dated & mailed 1-19-2010.pdf (SECURED) - Adobe Acrobat Professional  
**Attachments:** Case Closure Letter to Sumter County\_OGC\_08-2376 - dated & mailed 1-19-2010.pdf

Lea,

Attached please find a pdf copy of the executed SFCO and WL in the referenced case. A case closure request has been submitted to OGC.

Please let me know if you have any questions about this email.

Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

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**From:** Brantley, Anna  
**Sent:** Tuesday, January 19, 2010 9:59 AM  
**To:** Madden, Melissa; 'jimmy.wise@sumtercountyfl.gov'; 'Gary.Kuhl@sumtercountyfl.gov'  
**Cc:** Watson, Stephanie M.  
**Subject:** Case Closure Letter to Sumter County\_OGC\_08-2376 - dated & mailed 1-19-2010.pdf (SECURED) - Adobe Acrobat Professional

Attached please find "Case Closure Letter for the Executed Short Form Consent Order, OGC Case No.: 08-2376 for the subject Solid Waste Facility.

**NOTE:** If you have questions concerning the content of this document, please contact the DEP solid waste staff [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

This is the only electronic copy you will receive. Acrobat Reader 6.0 or greater is required to read this document, and is available for downloading at: <http://www.adobe.com/products/acrobat/readstep.html>

Anna

*Anna Brantley*  
Administrative Assistant II  
FL DEP / SWD / Waste Management  
13051 North Telecom Parkway  
Temple Terrace FL 33637-0629  
Tel: 813/632-7600, Ext. 377  
Fax: 813/632-7664  
[anna.brantley@dep.state.fl.us](mailto:anna.brantley@dep.state.fl.us)

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael J. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

**From:** Brantley, Anna  
**Sent:** Tuesday, January 19, 2010 9:51 AM  
**To:** Moncrief, Alik; Wilson, Mary  
**Cc:** Watson, Stephanie M.  
**Subject:** Case Closure Memo to OGC\_08-2376.pdf - Adobe Acrobat Professional  
**Attachments:** Case Closure Memo to OGC\_08-2376

Attached please find "Case Closure Request for the Executed Short Form Consent Order, OGC Case No.: 08-2376 for the subject Solid Waste Facility.

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# Memorandum

## Florida Department of Environmental Protection

### SOUTHWEST DISTRICT

TO: Alik Moncrief  
Office of General Counsel

THROUGH:  William Kutash, Administrator  
Division of Waste Management

Susan Pelz, P.E., Section Manager  
Solid Waste Section, Southwest District *1/19/10*

FROM: Stephanie Watson, Enforcement Coordinator *1/13/10*  
Solid Waste Section, Southwest District

DATE: January 13, 2010

SUBJECT: Sumter County Public Works Department  
  
Sumter County Materials Recovery Facility  
  
OGC Case No. 08-2376  
  
Case Closure Request

All provisions of the subject Short Form Consent Order with In-kind Project have been met;

Department Costs: \$ 500.00

The receipt for this amount was received on August 14, 2009.

The Department received in-kind project completion submittals dated October 12, 2009 and January 8, 2010 from Sumter County. Documentation, which indicated that the off-set amount of at least \$4,500.00 was spent on the in-kind project, was provided. The Department has reviewed this information and found it to be satisfactory. Therefore, it is requested that the case be closed in LCT.



# Florida Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

January 19, 2010

Mr. Bradley Arnold, County Administrator  
Sumter County Public Works Department  
910 North Main Street, Room 201  
Bushnell, Florida 33513

RE: Consent Order, OGC File No.: 08-2376  
Sumter County Materials Recovery Facility  
Sumter County

Dear Mr. Arnold:

A review of Department files confirms that all the terms and conditions of the above-referenced Short Form Consent Order with In-kind Project have been complied with and, therefore, the Department is closing its case on the matter.

The County's effort in resolution of this case is appreciated.

Sincerely,

William Kutash  
Program Administrator  
Division of Waste Management  
Southwest District

wk/sw

Enc: Copy of referenced executed Short Form Consent Order

ec: Susan Pelz, P.E., FDEP SWD – Solid Waste

Melissa Madden, FDEP SWD – Solid Waste

Gary Kuhl, Sumter County Public Works Director, [Gary.Kuhl@sumtercountyfl.gov](mailto:Gary.Kuhl@sumtercountyfl.gov)

Jimmy Wise, Sumter County Solid Waste Operations Coordinator, [Jimmy.Wise@sumtercountyfl.gov](mailto:Jimmy.Wise@sumtercountyfl.gov)



# Florida Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

Charlie Crist  
Governor

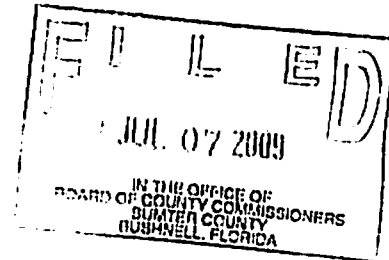
Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

July 6, 2009

**Certified Mail Return Receipt No. 7008 0150 0003 4893 8206**

Mr. Bradley Arnold, County Administrator  
Sumter County Public Works Department  
910 North Main Street, Room 201  
Bushnell, Florida 33513



**RE: Proposed Settlement of Warning Letter # WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
OGC File No.: 08-2376**

Dear Mr. Arnold:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated August 15, 2008, a copy of which is attached. The corrective actions required to bring Sumter County's (the County's) Materials Recovery Facility (facility) into compliance have been performed. In order to resolve the matter identified in the attached Warning Letter, the Department has calculated civil penalties in the amount of \$3,000.00, along with \$500.00 to reimburse the Department costs, for a total of \$3,500.00.

The Department has determined that the entire civil penalty of \$3,000.00 may be offset through the implementation of the In-Kind Project that is described in the County's submittals dated February 17, 2009 (received February 19, 2009) and April 22, 2009 (received April 24, 2009), together attached as Exhibit I. The County shall pay the Department's costs of \$500.00 within 30 days of signing this letter. The payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Attention: Sandra Wilson, 13051 N. Telecom Parkway, Temple Terrace, FL 33637.

As provided in the previous paragraph, the Department is giving the County the option to offset the civil penalty with an In-kind Project. This option requires that the County strictly comply with the requirements and deadlines for implementing, completing, and submitting a notification of In-kind Project completion to the Department. Upon signing this letter, the County shall implement the approved In-kind Project in accordance with the requirements of Exhibit I hereto. The In-kind Project must be completed no later than September 30, 2009. The County shall notify the Department by telephone or in writing when the in-kind projects starts. The County's failure to timely complete the approved In-kind Project or timely provide the Department with the notification of In-kind Project completion will cause the In-kind Project option to be forfeited and the balance of the civil penalty, \$3,000.00, shall be due within 10 days of notice from the Department.

The County's signing this letter constitutes its acceptance of the Department's offer to resolve this matter on these terms. If the County elects to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the

Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

If the County does not sign and return this letter to the Department at the District address within 15 days of receiving it, the Department will assume that the County is not interested in settling this matter on the above described terms, and will proceed accordingly. None of the County's rights or substantial interests are determined by this letter unless a representative of the County signs it and it is filed with the Department Clerk.

Sincerely yours,

  
Deborah A. Getzoff  
District Director  
Southwest District

**FOR THE RESPONDENT:**

I, Bradley Arnold, County Administrator, on behalf of Sumter County Board of County Commissioners, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

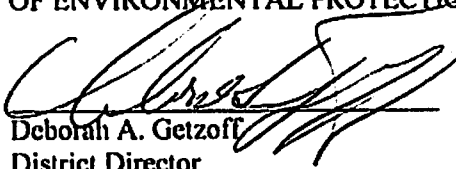
  
Signature

14 JULY 2009  
Date

**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this 7<sup>th</sup> day of August, 2009, in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Deborah A. Getzoff  
District Director  
Southwest District

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to  
§120.52, Florida Statutes,  
With the designated Department  
Clerk, receipt of which is hereby  
Acknowledged.

  
Clerk

8-7-2009  
Date

Copies furnished to:

Lea Crandall, OGC Tallahassee (executed copy only)  
Sandra Wilson, FDEP Tampa (executed copy only)

### NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order; (d) A statement of when and how the petitioner received notice of the Consent Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition *is* filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Bill McKeithen  
Lt. Governor

Michael W. Sule  
Secretary

**CERTIFIED MAIL 7008 0150 0003 4893 7049  
RETURN RECEIPT REQUESTED**

August 15, 2008

Mr. Bradley Arnold, County Administrator  
Sumter County Board of County Commissioners  
209 North Florida Street  
Bushnell, Florida 33513

RE: Warning Letter # WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
Permit No. 126941-003-SO  
Sumter County

Dear Mr. Arnold:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A Department inspection conducted at the Sumter County Materials Recovery Facility on June 26, 2008 indicates that violations of Florida Statutes and Rules may exist:

- 1) Department staff observed a significant quantity of leachate ponded on the floor of the MRF building. This leachate appeared to have overflowed from the two floor drains in the building. Facility staff indicated that they allow leachate to fill the collection tank in order to accommodate the volume of the vacuum truck employed to haul this leachate off-site. Once the tank was full to capacity, the automatic float system for the leachate sump pump had been disabled, by county staff, to avoid overfilling the tank. This resulted in leachate accumulating in the collection piping and ultimately overflowing the floor drains. Facility staff indicated that a rainfall event had also contributed to the leachate overflow on the MRF building floor. These conditions indicate a failure to operate the leachate collection system as it was designed and permitted to function. These conditions are contrary to Rule 62-701.710(3)(b) and (4)(b), Florida Administrative Code, and Specific Condition 12.a of Permit No. 126941-003-SO.

Rule 62-4.160(1), Florida Administrative Code ("F.A.C.") states: "The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are 'permit conditions' and are binding and enforceable pursuant to Section 403.141, 403.727, or 403.859, F.S." Rule 62-4.160(2), F.A.C. states, "This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from

Ms. Catherine Lee-Peters  
cnp@dep.state.fl.us

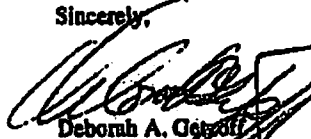
the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department."

Rule 62-701.710(3)(b), F.A.C. states, "the facility shall be designed with a leachate control system to...minimize the presence of standing water." Rule 62-701.710(4)(b), F.A.C. states, "Areas where waste is stored or processed shall be cleaned at least weekly to prevent odor or vector problems..." and "...all drains and leachate conveyances shall be kept clean so that leachate flow is not impeded." Specific Condition 12.a of Permit No. 126941-003-SO states, "Floors shall be free of standing liquids."

The deficiencies noted above and any other activities at your facility that may be contributing to violations of the above rules should be ceased. The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. It is typically Department policy to initiate enforcement action and seek civil penalties of \$3,000 for conditions such as those described above.

**PLEASE BE ADVISED** that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. You are requested to contact Ms. Nancy Gaskin of this office at telephone number (813) 632-7600, extension 375, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Deborah A. Getroff  
District Director  
Southwest District

cc: Susan Peiz, P.E., FDEP SWD  
Stephanie Watson, FDEP SWD  
Melissa Madden, FDEP SWD



**EXHIBIT I**

**Board of County Commissioners**

**Sumter County, Florida**

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207  
Website <http://sumtercountyfl.gov>



Dept. of Environmental  
Protection

FEB 19 2009

Southwest District

February 17, 2009

Ms. Deborah Getzoff, Director  
Southwest District  
Florida Department of Environmental Protection (DEP)  
13051 N. Telecom Parkway  
Temple Terrace, FL 33637

RE: 08-2376; DEP v. Sumter County

Dear Ms. Getzoff:

Thank you for the phone call last week, your understanding of our solution in progress, and your willingness to accept the investment of which we are moving out to bid to substitute as in-kind payment of the fine proposed by DEP.

As we discussed, I have attached the civil engineer's construction cost estimate (\$179,880.01) of the sewage system to serve both the Animal Control Department operations along with the leachate and septic systems of the Solid Waste Department.

Also, attached is the set of civil engineering drawings in which you will note on sheet C601 - Manhole #8 will serve as the transfer station leachate collection point. On the same sheet you will note the proposed connection of the system to the City of Bushnell Wastewater Treatment Facility.

The proposed bid opening date is April 30, 2009 following receipt of our Southwest Florida Water Management District stormwater permit.

Richard "Dick" Hoffman, Dist 1  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Doug Gilpin, Dist 2  
Vice Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Michael E. Francis, Dist 3  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Garry Breeden, Dist 4  
Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Randy Mack, Dist 5  
2<sup>nd</sup> Vice Chairman  
Office: (352) 793-0200  
Home: (352) 793-3930  
910 N. Main Street  
Bushnell, FL 33513

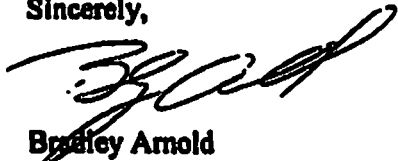
Bradley S. Arnold,  
County Administrator  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513-6146

Gloria R. Hayward, Clerk & Auditor  
(352) 793-0215  
209 North Florida Street  
Bushnell, FL 33513

County Attorney  
The Hogan Law Firm  
Post Office Box 485  
Brooksville, Florida 34605

Thank you again for the partnership opportunity to place the funds proposed as a fine towards the construction of this project.

Sincerely,



Bradley Arnold  
County Administrator

xc: Representative Marlene O'Toole  
Sumter County Board of County Commissioners  
Mr. Gary Kuhl, Public Works Director

Attachments: Klima Weeks Construction Costs  
Vitetta / Klima Weeks Civil Engineering Drawings

Dept. of Environmental  
Protection  
FEB 19 2009  
Southwest District

## CONSTRUCTION COSTS

Dept. of Environment  
Protection

FEB 19 2009

Project Name:  
Date of Estimate:

Sumter Animal Control Addn  
October 17, 2008

Southwest District

Item Description	Quantity	Unit	Unit Price	Total
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### Construction Costs

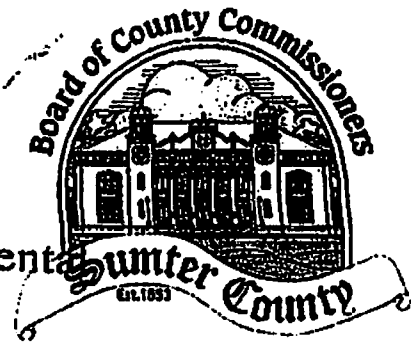
<b>DEMOLITION ITEMS</b>				
Tree Removal	1	ls	\$2,120.00	\$ 2,120.00
Existing Paving Removal	410	sy	\$10.00	\$ 4,100.00
Fence Removal	1	ls	\$500.00	\$ 500.00
Septic Tank Demolition	5	ea	\$1,000.00	\$ 5,000.00
Silt Fencing	610	lf	\$1.00	\$ 610.00
Subtotal Demolition				\$12,330.00
<b>NEW CONSTRUCTION</b>				
Earthwork	680	cy	\$5.60	\$ 3,190.00
6" PVC Storm	40	lf	\$10.55	\$ 422.00
MES	4	ea	\$250.00	\$ 1,000.00
Swale Grading	650	lf	\$5.00	\$ 3,250.00
6" PVC Sanitary	454	lf	\$10.55	\$ 4,789.70
Cleanouts	6	ea	\$70.00	\$ 420.00
6" PVC Sanitary	863	lf	\$13.30	\$ 11,477.90
Sanitary Manholes	6	ea	\$2,750.00	\$16,500.00
Connect to Exst.	4	ea	\$250.00	\$1,000.00
Open Cut Pavement	1846	sy	\$16.00	\$ 29,176.00
Lift Station	1	ls	\$18,000.00	\$ 18,000.00
2.6" San. Force Main	2778	lf	\$7.65	\$21,251.70
Directional Drilling	2778	lf	\$8.25	\$22,918.50
Air Release Valves	3	ea	\$500.00	\$1,500.00
2" San. Force Main	220	lf	\$7.00	\$1,540.00
Saw cut exst. Slab	100	lf	\$3.75	\$375.00
Remove Exst Slab	17	sy	\$21.40	\$363.80
Replace Slab	17	sy	\$71.40	\$1,213.80
Trenching, Backfill, Com	17	cy	\$100.00	\$1,700.00
Add Simplex for Bath	1	ls	\$5,000.00	\$5,000.00
Connect to Plant	1	ls	\$2,500.00	\$2,500.00
Mac Fittings/Teeling	1	ls	\$2,500.00	\$2,500.00
Subtotal of New Const.				\$ 144,087.40
<b>TOTAL</b>				\$166,417.40
Mob/Damob/Cont (16%)				\$ 23,462.61
<b>GRAND TOTAL</b>				\$179,880.01

**EXHIBIT I**

**Board of County Commissioners**  
**Sumter County, Florida**

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX (352) 793-0207  
Website <http://sumtercountyfl.gov>

Dept. of Environmental  
Protection



APR 24 2009

April?  
March 22, 2009

Southwest District

Ms. Susan Pelz, Solid Waste Program Manager  
Southwest District  
Florida Department of Environmental Protection (FDEP)  
13051 N. Telecom Parkway  
Temple Terrace, FL 33637

RE: Request for Additional Information Dated March 24, 2009  
Sumter County's February 17, 2009 Letter Regarding Proposed In-kind Project  
Sumter County Materials Recovery Facility  
OGC File No. 08-2376

Dear Ms. Pelz,

Sumter County (the County) has received FDEP's request for additional information concerning the County's proposed in-kind project on March 24, 2009. FDEP seems to be in agreement with applying the total civil penalty of \$4,500 toward the demolition of the septic tanks. Please note that four septic tanks will be demolished with one being used for a lift station. Also, the construction cost submitted are the civil engineer's projections and actual bid prices may differ.

Since the submission of the letter from the County dated February 17, 2009, definite dates have been set for construction of this project and the County agrees to complete the following:

- 1) The bid opening for this project is set for May 6, 2009. A recommendation for a contractor will be made to the Board of County Commissioners (Board) at their

Richard 'Dick' Hoffman, Dist 1  
(352) 793-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Doug Gilpin, Dist 2  
Vice Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Vacant, Dist 3  
(352) 793-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Garry Emden, Dist 4  
Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Randy Mask, Dist 5  
2<sup>nd</sup> Vice Chairman  
Office: (352) 793-0200  
Home: (352) 793-3939  
910 N. Main Street  
Bushnell, FL 33513

Bradley S. Arnold,  
County Administrator  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513-6146

Gloria R. Hayward, Clerk & Auditor  
(352) 793-0215  
209 North Florida Street  
Bushnell, FL 33513

County Attorney  
The Hogan Law Firm  
Post Office Box 465  
Brooksville, Florida 34605

meeting on May 26, 2009. Upon approval by the Board, a notice-to-proceed will be issued to the contractor by June 5, 2009. Construction is expected to be completed by September 30, 2009. This schedule is also dependant on approval by FDEP of the connection of the leachate system to the force main.

- 2) The County will, beginning on July 5, 2009, submit monthly progress reports to FDEP that documents the in-kind project activities completed during the previous calendar month continuing until completion of the project.
- 3) The County will erect an appropriate sign at the project sight indicating the County's involvement with this project is the result of an FDEP enforcement action. The sign will not be removed until the project is completed. After the project is completed, no signs will be erected by the County indicating the reason for the project was anything other than a FDEP enforcement action.
- 4) Within 15 days of completing the in-kind project, the County will notify FDEP, by certified mail, of the project completion and request a verification letter from FDEP. The County will submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual cost incurred to complete the project. These costs will not include those incurred in developing the proposal or obtaining approval from FDEP for the project.

If you have any questions concerning this project, please contact Jimmy Wise, Operations Coordinator of the Sumter County Solid Waste Department, by telephone at 352-793-3368 or by email at [jimmy.wise@sumtercountyil.gov](mailto:jimmy.wise@sumtercountyil.gov). Sumter County appreciates your cooperation in this matter.

Sincerely,



Bradley Arnold  
Sumter County Administrator

xc: Stephanie Watson, Solid Waste, FDEP, SWD  
Gary Kuhl, Sumter County Public Works Director  
Jimmy Wise, Sumter County Solid Waste Operations Coordinator  
Derrill McAteer, Esq., Hogan Law Firm

SUMTER CO. IRR  
COMET site #126941

SUMTER CO. COMPOST  
COMET site #126940

SUMTER CO. WTC  
COMET site #126343

SUMTER CO. CLASS I LF  
WACS facility #53003  
COMET site #12925

MU-4B

MU-4A

MU-4

MU-11

MU-3A

MU-2

MU-7

MU-10

MU-6A

MU-8

MU-5A

MU-9

# SUMTER COUNTY SOLID WASTE

SUMTER COUNTY, FLORIDA

PO Box 1066 • Bushnell, FL 33513 • Phone (352) 793-3368 • Fax (352) 568-0166 • [www.sumtercountyfl.gov](http://www.sumtercountyfl.gov)



Dept. of Environmental Protection

JAN 11 2010

Southwest District

1/8/10

Ms. Stephanie M. Watson  
Fl. Department of Environmental Protection  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Fl. 33637-0926

Re: OGC Case No. 08-2376

Dear Ms. Watson,

Enclosed please find documentation proving the destruction of four septic tanks for the Sumter County in-kind project. These septic tanks were located at the Animal Control Office, Animal Control Kennels, the research trailer west of the Animal Control Office, and the Solid Waste Office. There are two pages from the State of Florida, Department of Health, and the inspector witnessed the demolition of the tanks. Although the complete job of hooking the sewage line to the treatment plant was a lump sum bid, the contractor provided an invoice in the amount of \$5,650 for the demolition of the tanks and connection to the sewer line.

I trust that this will bring closure to the in-kind project and that the project has been completed to your Departments satisfaction. I look forward to hearing back from you.

Sincerely,

Jimmy Wise  
Operations Coordinator  
Sumter County Solid Waste



Dept. of Environmental Protection



STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM  
CONSTRUCTION INSPECTION AND FINAL APPROVAL

JAN 11 2010

Southwest District

APPLICATION #: AP937713

PERMIT #: 60-SX-1004262

DOCUMENT #: F1764099

DATE PAID: 09/30/2009

FEE PAID: 50.00

RECEIPT #: 60-PID-1188416

<u>Violation Number</u>	<u>Comment</u>

## Comments

Four tanks were abandoned. Animal control office, Research Trailer West of animal control, Landfill weigh bldg, and Kennel Bldg.  
Tanks were pumped out by A & C Septic Inverness FL.



STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM  
CONSTRUCTION INSPECTION AND FINAL APPROVAL

APPLICATION #: **AP937713**

PERMIT #: 60-SX-1004262

DOCUMENT #: F1764099

DATE PAID: 09/30/2009

FEB PAID: 50.00

RECEIPT #:60-PID-1188416

**APPLICANT:** Sumter County Animal Control

**AGENT:** Anthony Torri (Anthony Torri Plumbing, Inc)

**PROPERTY ADDRESS:** 829 CR 529 Lake Panasoffkee, FL 33538

**LOT:**

**BLOCK:**

**SUBDIVISION:**

ID#: J15-030

CHECKED ☒ ITEMS ARE NOT IN COMPLIANCE WITH STATUTE OR RULE AND MUST BE CORRECTED

## TANK INSTALLATION

[ ] [01] TANK SIZE [1] \_\_\_\_\_ [2] \_\_\_\_\_  
[ ] [02] TANK MATERIAL \_\_\_\_\_  
[ ] [03] OUTLET DEVICE \_\_\_\_\_  
[ ] [04] MULTI-CHAMBERED [ Y / N ] \_\_\_\_\_  
[ ] [05] OUTLET FILTER \_\_\_\_\_  
[ ] [06] LEGEND 1. \_\_\_\_\_ 2. \_\_\_\_\_  
[ ] [07] WATERTIGHT \_\_\_\_\_  
[ ] [08] LEVEL \_\_\_\_\_  
[ ] [09] DEPTH TO LID \_\_\_\_\_

## DRAINFIELD INSTALLATION

[ ]	[10]	AREA	[1]	[2]	SQFT
[ ]	[11]	DISTRIBUTION	BOX	HEADER	
[ ]	[12]	NUMBER OF DRAINLINES	1.	2.	
[ ]	[13]	DRAINLINE SEPARATION			
[ ]	[14]	DRAINLINE SLOPE			
[ ]	[15]	DEPTH OF COVER			
[ ]	[16]	ELEVATION	{ ABOVE / BELOW	IRM	
[ ]	[17]	SYSTEM LOCATION		IND	
[ ]	[18]	DOSING PUMPS			
[ ]	[19]	AGGREGATE SIZE			
[ ]	[20]	AGGREGATE EXCESSIVE FINES			
[ ]	[21]	AGGREGATE DEPTH			

**FILL / EXCAVATION MATERIAL**

[ ]	[22]	FILL AMOUNT
[ ]	[23]	FILL TEXTURE
[ ]	[24]	EXCAVATION DEPTH
[ ]	[25]	AREA REPLACED
[ ]	[26]	REPLACEMENT MATERIAL

**SETBACKS**

[ ]	[27]	SURFACE WATER	_____	FT
[ ]	[28]	DITCHES	_____	FT
[ ]	[29]	PRIVATE WELLS	_____	FT
[ ]	[30]	PUBLIC WELLS	_____	FT
[ ]	[31]	IRRIGATION WELLS	_____	FT
[ ]	[32]	POTABLE WATER	_____	FT
[ ]	[33]	BUILDING FOUNDATIONS	_____	FT
[ ]	[34]	PROPERTY LINES	_____	FT
[ ]	[35]	OTHER	_____	FT

**FILLED / MOUND SYSTEM**

[ ] [36] DRAINFIELD COVER  
[ ] [37] SHOULDERS  
[ ] [38] SLOPES  
[ ] [39] STABILIZATION

### ADDITIONAL INFORMATION

[ ]	[40]	UNOBSTRUCTED AREA
[ ]	[41]	STORMWATER RUNOFF
[ ]	[42]	ALARMS
[ ]	[43]	MAINTENANCE AGREEMENT
[ ]	[44]	BUILDING AREA
[ ]	[45]	LOCATION CONFORMS WITH SITE PLAN
[ ]	[46]	FINAL SITE GRADING
[ ]	[47]	CONTRACTOR <u>Anthony Torri (Anthony Torri P</u>
[ ]	[48]	OTHER <u>Unknown</u>

## ABANDONMENT

[ ] [49] TANK PUMPED 10/01/2009 56  
[ ] [50] TANK CRUSHED & FILLED 10/01/2009

**Comments:** Comments are on page 2.

CONSTRUCTION [ APPROVED / DISAPPROVED ]:

Environmental Spgs. II Timothy P Corner (Summer CHD)

Sumter CHD

DATE: 10/02/2009

FINAL SYSTEM [ ☒ APPROVED / ☐ DISAPPROVED ]

Environmental Spec. II Timothy P Connor (Superior CMD)

Sumter CHD

DATE: 10/02/2009

(Explanation of Violations on following page)

Slack Construction, Inc.

Post Office Box 53  
Ocala, Florida 34478

Dept. of Environmental Protection

JAN 11 2010

Southwest District

# Invoice

Date	Invoice #
9/30/2009	1354

**Bill To**

Sumter County BOCC  
ATTN: Jimmy Wise  
813 CR 529  
Lake Panasoffkee, FL

Description	Qty	Rate	Amount
Pump out of Four(4) Tanks		650.00	650.00
Demolition of Four(4) Tanks and reconnect Four(4) Building sewers to new sewer line		5,000.00	5,000.00
<b>Total</b>			\$5,650.00
<b>Balance Due</b>			\$5,650.00

Phone #	Fax #
(352) 622-9568	(352)622-9754



**A PORTION OF  
THIS SUMTER COUNTY  
PROJECT IS THE  
RESULT OF AN FDEP  
ENFORCEMENT ACTION**

Dept. of Environmental Protection  
JAN 11 2010  
Southwest District



Dept. of Environmental Protection  
JAN 11 2010  
Southwest District















Dept. of Environmental Protection  
JAN 11 2010  
Southwest District

**Watson, Stephanie M.**

---

**From:** Watson, Stephanie M.  
**Sent:** Wednesday, December 30, 2009 12:04 PM  
**To:** 'Wise, Jimmy'  
**Cc:** Pelz, Susan  
**Subject:** Sumter County in-kind completion report

Jimmy,

I hope you had a great holiday.

This email is to follow-up on Sumter County's (the County's) in-kind completion report. On October 14, 2009, the Department received a submittal dated October 12, 2009 from Mr. Bradley Arnold that indicated that the County's in-kind project had been completed, and requested a verification letter from the Department.

On October 15, 2009, I sent you an email indicating that the referenced submittal did not include documentation of the demolition of the 4 septic tanks. Because the in-kind project focused on the demolition of the 4 septic tanks, this documentation is required in order to close Short Form Consent Order OGC Case No. 08-2376.

Please provide 1) photo documentation of demolition of the 4 septic tanks and 2) cost documentation that includes a line item for demolition of the 4 tanks.

Please let me know if you have any questions about this email.

Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926

Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

**Watson, Stephanie M.**

---

**From:** Watson, Stephanie M.  
**Sent:** Thursday, October 15, 2009 5:40 PM  
**To:** 'Wise, Jimmy'  
**Cc:** Kuhl, Gary; Stevens, Bill; Pelz, Susan  
**Subject:** RE: In-kind project progress report  
**Attachments:** P1010001.jpg; P1010002.jpg; P1010003.jpg; P1010004.jpg; P1010006.jpg

Jimmy,

Thank you for your email.

The Department received the letter dated October 12, 2009 from Mr. Bradley Arnold, which indicates that the County's in-kind project has been completed and requests a verification letter from the Department.

I have reviewed the attached photos. They do not appear to show demolition of the 4 septic tanks. The Department will need documentation that the tanks were demolished in order to close the enforcement case. Do you have photos of the 4 tanks being demolished? Does the cost documentation include a line item for demolition of the 4 tanks?

Please let me know if you have any questions about this email. I will be in the office tomorrow.

Thanks,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

---

**From:** Wise, Jimmy [mailto:Jimmy.Wise@sumtercountyfl.gov]  
**Sent:** Monday, October 05, 2009 5:02 PM  
**To:** Watson, Stephanie M.  
**Cc:** Kuhl, Gary; Stevens, Bill  
**Subject:** In-kind project progress report

Hi Stephanie,

Attached is the in-kind project progress report for the month of September. I believe we have satisfied the requirements of settlement agreement, let me know if I am wrong. Also attached are pictures of the actual construction though it was not required. Thank you for your cooperation.

Jimmy

\*\*\*\*\* Important Notice \*\*\*\*\*

**The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.**



# Board of County Commissioners

## Sumter County, Florida

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207  
Website <http://sumtercountyfl.gov>



October 12, 2009

Ms. Stephanie Watson  
Fl. Department of Environmental Protection  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Fl. 33637-0926

Re: In-kind agreement for settlement of Warning Letter # WL08-0008SW60SWD

Dear Ms. Watson,

On July 14, 2009, County Administrator Bradley Arnold signed a letter from the Florida Department of Environmental Protection (FDEP) agreeing to the terms for settlement of Warning Letter # WL08-0008SW60SWD. This Warning Letter concerned leachate water at the Solid Waste Department.

Jimmy Wise, Operations Coordinator for the Sumter County (County) Solid Waste Department, feels that the total civil penalty of \$4,500 has been met with the total cost associated with demolition of the four septic tanks. The monthly reports, due on the 5<sup>th</sup> of the month, have been made, an appropriate sign was erected as required, and this project was completed on September 30, 2009. Some pictures of this construction were sent with the monthly report on October 5, 2009.

This letter will serve as notification from the County to FDEP that the project has been completed. Documentation showing the actual cost incurred to complete the project will be provided to FDEP as soon as it becomes available. This letter will also serve as the County's request for a verification letter from FDEP.

If you have any questions concerning this in-kind project, please contact Jimmy Wise by

Richard "Dick" Hoffman, Dist 1  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Doug Gilpin, Dist 2  
Vice Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Don Burgess, Dist 3  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Garry Breeden, Dist 4  
Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Randy Mask, Dist 5  
2<sup>nd</sup> Vice Chairman  
Office: (352) 793-0200  
Home: (352) 793-3930  
910 N. Main Street  
Bushnell, FL 33513

Bradley S. Arnold,  
County Administrator  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513-6146

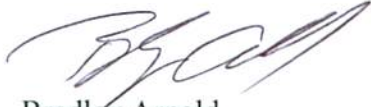
Gloria R. Hayward, Clerk & Auditor  
(352) 793-0215  
209 North Florida Street  
Bushnell, FL 33513

County Attorney  
The Hogan Law Firm  
Post Office Box 485  
Brooksville, Florida 34605

e-mail at [jimmywise@sumtercountyfl.gov](mailto:jimmywise@sumtercountyfl.gov) or by telephone at 352-793-3368.

Thank you for your cooperation in this matter.

Sincerely,



Bradley Arnold  
County Administrator

xc: Susan Pelz, FDEP, SWD  
Nancy Gaskin, FDEP, SWD  
Gary Kuhl, Sumter County Public Works Director  
Jimmy Wise, Sumter County Solid Waste Operations Coordinator

Cash Receiving Application - Collection Point Log Remittance

CL AREA **SWD** CRAF006A

Logged Total **\$500.00**

### Collection Point Log Remittance

Remittance ID **846576** Type **CP** Received Date **08/14/2009** Status **RECEIVED**

System Receipt **676237** PNR  Check # **1012519** Amount **\$500.00**

SSN/FEID  Name **SUMTER COUNTY BOCC**

First  Middle  Title  Suffix

Address1 **910 NORTH MAIN ST**

Address2 **SUITE 201**

City **BUSHNELL** ST **FL** Zip **33513 - 5006**

Country  Short Comments **OGC 08-2376 SO**

### PAYMENT(S)

Payment ID	CL Area	Distribution	Object	Code/Description	Payment Amount	Reference#	Appl	Fund *	Grant *	Status
<b>066349</b>	<b>SWD</b>			<b>010003 LCT-REIMB.LLEGAL</b>	<b>\$500.00</b>	<b>002376</b>		<b>ECOSYS</b>		<b>COMPLETE</b>

**COMMIT FREQUENTLY** **\$500.00** Payment Total

**\$500 COSTS  
PAYMENT  
8-14-09**

Vendor No: 7064 FL DEPT OF ENVIRONMENTAL PROTECTION

Account No.

INVOICE	DATE	DESCRIPTION	PAYABLE	DISCOUNT	AMOUNT PAID
081209G24	08/12/09	ADM FEE 08-2376	500.00	.00	500.00

Dept. of Environmental Protection

AUG 14 2009

Southwest District

SUMTER COUNTY BOCC

Check# 1012519

TOTAL

\$500.00

THIS CHECK HAS A COLORED BACKGROUND AND CONTAINS MULTIPLE SECURITY FEATURES - SEE BACK FOR DETAILS

SUMTER COUNTY BOCC

910 N MAIN ST STE 201

BUSHNELL, FL 33513-5006

PAYABLES CLEARING ACCOUNT

VOID AFTER 180 DAYS

SUNTRUST BANK, NATURE COAST

BUSHNELL, FL 33513-5006

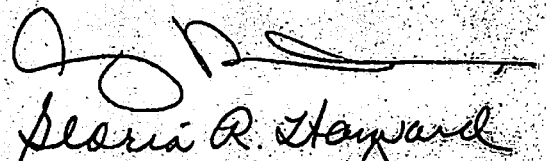
63-215

837

0416600139996

Check Date	Check No.	Amount
08/13/09	1012519	\$500.00

PAY \*\*\* FIVE HUNDRED AND 00/100 DOLLARS

TO THE FL DEPT OF ENVIRON PROTECTION  
ORDER 13051 NORTH TELECOM PKWY  
OF TEMPLE TERRACE FL 33637

Authorized Signatures

1012519 06310215210416500139996





# Florida Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

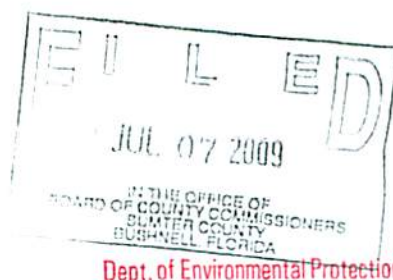
Michael W. Sole  
Secretary

July 6, 2009

Certified Mail Return Receipt No. 7008 0150 0003 4893 8206

Mr. Bradley Arnold, County Administrator  
Sumter County Public Works Department  
910 North Main Street, Room 201  
Bushnell, Florida 33513

RE: Proposed Settlement of Warning Letter # WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
OGC File No.: 08-2376



Dept. of Environmental Protection

AUG 14 2009

Southwest District

Dear Mr. Arnold:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated August 15, 2008, a copy of which is attached. The corrective actions required to bring Sumter County's (the County's) Materials Recovery Facility (facility) into compliance have been performed. In order to resolve the matter identified in the attached Warning Letter, the Department has calculated civil penalties in the amount of \$3,000.00, along with \$500.00 to reimburse the Department costs, for a total of \$3,500.00.

The Department has determined that the entire civil penalty of \$3,000.00 may be offset through the implementation of the In-Kind Project that is described in the County's submittals dated February 17, 2009 (received February 19, 2009) and April 22, 2009 (received April 24, 2009), together attached as Exhibit I. The County shall pay the Department's costs of \$500.00 within 30 days of signing this letter. The payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Attention: Sandra Wilson, 13051 N. Telecom Parkway, Temple Terrace, FL 33637.

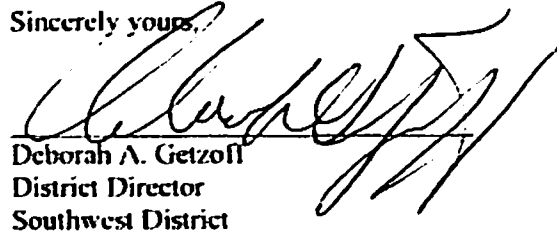
As provided in the previous paragraph, the Department is giving the County the option to offset the civil penalty with an In-kind Project. This option requires that the County strictly comply with the requirements and deadlines for implementing, completing, and submitting a notification of In-kind Project completion to the Department. Upon signing this letter, the County shall implement the approved In-kind Project in accordance with the requirements of Exhibit I hereto. The In-kind Project must be completed no later than September 30, 2009. The County shall notify the Department by telephone or in writing when the in-kind projects starts. The County's failure to timely complete the approved In-kind Project or timely provide the Department with the notification of In-kind Project completion will cause the In-kind Project option to be forfeited and the balance of the civil penalty, \$3,000.00, shall be due within 10 days of notice from the Department.

The County's signing this letter constitutes its acceptance of the Department's offer to resolve this matter on these terms. If the County elects to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the

Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

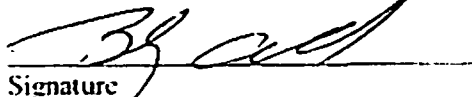
If the County does not sign and return this letter to the Department at the District address within 15 days of receiving it, the Department will assume that the County is not interested in settling this matter on the above described terms, and will proceed accordingly. None of the County's rights or substantial interests are determined by this letter unless a representative of the County signs it and it is filed with the Department Clerk.

Sincerely yours,

  
Deborah A. Getzoff  
District Director  
Southwest District

**FOR THE RESPONDENT:**

I, Bradley Arnold, County Administrator, on behalf of Sumter County Board of County Commissioners, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

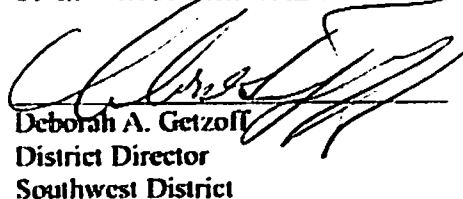
  
Signature

14 JULY 2009  
Date

.....  
**FOR DEPARTMENT USE ONLY**


DONE AND ENTERED this 7<sup>th</sup> day of August, 2009, in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Deborah A. Getzoff  
District Director  
Southwest District

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to  
§120.52, Florida Statutes,  
With the designated Department  
Clerk, receipt of which is hereby  
Acknowledged.

  
Clerk

8-7-2009  
Date

Copies furnished to: Lea Crandall, OGC Tallahassee (executed copy only)  
Sandra Wilson, FDEP Tampa (executed copy only)

**Watson, Stephanie M.**

---

**From:** Watson, Stephanie M.  
**Sent:** Monday, August 10, 2009 8:07 AM  
**To:** Bradley Arnold (bradley.arnold@sumtercountyfl.gov)  
**Cc:** Wise, Jimmy; Pelz, Susan; Stevens, Bill  
**Subject:** Executed Short Form Consent Order OGC Case No. 08-2376  
**Attachments:** SFCO.executed.8-7-09.pdf

Dear Mr. Arnold:

I am forwarding a scanned copy of the Short Form Consent Order for OGC Case No. 08-2376 for the Sumter County Materials Recovery Facility, which was executed by the Department on August 7, 2009, for the County's records.

Please note that the Consent Order indicates that the County's in-kind project must be completed no later than September 30, 2009.

Please let me know if you have any questions about this email.

Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)



# Memorandum

# Florida Department of Environmental Protection

## ENFORCEMENT/COMPLIANCE COVER MEMO

To: [Signature] ☒ Deborah Getzoff, District Director

FROM/THROUGH: MA ☒ William Kutash, Waste Program Administrator  
JP 7/31/09 ☒ Susan Pelz, Solid Waste Program Supervisor  
SW 7/31/09 ☒ Stephanie Watson, Enforcement Coordinator

DATE: July 30, 2009

FILE NAME: SUMTER COUNTY MATERIALS RECOVERY FACILITY OGC FILE NO. **08-2376**

PROGRAM: **SOLID WASTE/WASTE MANAGEMENT** COUNTY: **SUMTER**

### TYPE OF DOCUMENT:

☐ DRAFT OR ☒ FINAL

☒ SHORT FORM CONSENT ORDER W/ IN-KIND PROJECT

ACTION REQUIRED: For your review and signature.

**DESCRIPTION OF VIOLATIONS:** Based on the Department's inspection on June 26, 2008, Sumter County Materials Recovery Facility (MRF) had an operational issue with maintaining and operating the leachate collection and disposal system. Corrective actions have been performed. Additionally, the County plans to connect the facility's leachate collection system to the Publicly Owned Treatment Works (POTW), which should simplify the facility's operation regarding leachate management. The facility has proposed an in-kind project for offset of civil penalties. The project involves the demolition of four septic tanks in the course of the construction of the connection to the POTW. The Department has reviewed this project and does not object to the proposed activities.

### PENALTY SUMMARY:

Total Penalty Amount: \$3,000.00

☐ In-kind Project Approval Required by OGC

Amount Paid in Cash: \$500.00 in Department costs

In-Kind Penalty Off-Set Amount: \$4,500.00

Estimated In-kind Project Cost: \$180,000.00





# Florida Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

July 6, 2009

Inserted Into  
**OCULUS**  
Date: 8-10-09  
Initials: DN

**Certified Mail Return Receipt No. 7008 0150 0003 4893 8206**

Mr. Bradley Arnold, County Administrator  
Sumter County Public Works Department  
910 North Main Street, Room 201  
Bushnell, Florida 33513



RE: Proposed Settlement of Warning Letter # WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
OGC File No.: 08-2376

Dear Mr. Arnold:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated August 15, 2008, a copy of which is attached. The corrective actions required to bring Sumter County's (the County's) Materials Recovery Facility (facility) into compliance have been performed. In order to resolve the matter identified in the attached Warning Letter, the Department has calculated civil penalties in the amount of \$3,000.00, along with \$500.00 to reimburse the Department costs, for a total of \$3,500.00.

The Department has determined that the entire civil penalty of \$3,000.00 may be offset through the implementation of the In-Kind Project that is described in the County's submittals dated February 17, 2009 (received February 19, 2009) and April 22, 2009 (received April 24, 2009), together attached as Exhibit I. The County shall pay the Department's costs of \$500.00 within 30 days of signing this letter. The payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Attention: Sandra Wilson, 13051 N. Telecom Parkway, Temple Terrace, FL 33637.

As provided in the previous paragraph, the Department is giving the County the option to offset the civil penalty with an In-kind Project. This option requires that the County strictly comply with the requirements and deadlines for implementing, completing, and submitting a notification of In-kind Project completion to the Department. Upon signing this letter, the County shall implement the approved In-kind Project in accordance with the requirements of Exhibit I hereto. The In-kind Project must be completed no later than September 30, 2009. The County shall notify the Department by telephone or in writing when the in-kind projects starts. The County's failure to timely complete the approved In-kind Project or timely provide the Department with the notification of In-kind Project completion will cause the In-kind Project option to be forfeited and the balance of the civil penalty, \$3,000.00, shall be due within 10 days of notice from the Department.

The County's signing this letter constitutes its acceptance of the Department's offer to resolve this matter on these terms. If the County elects to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the

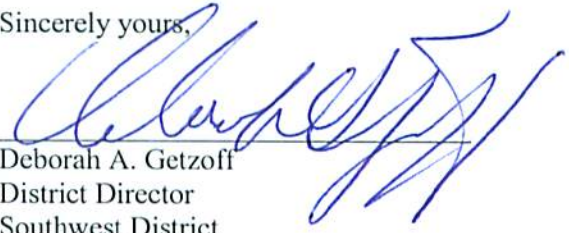
EXCLUDED  
SFCD  
8-7-09



Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

If the County does not sign and return this letter to the Department at the District address within 15 days of receiving it, the Department will assume that the County is not interested in settling this matter on the above described terms, and will proceed accordingly. None of the County's rights or substantial interests are determined by this letter unless a representative of the County signs it and it is filed with the Department Clerk.

Sincerely yours,

  
Deborah A. Getzoff  
District Director  
Southwest District

**FOR THE RESPONDENT:**

I, Bradley Arnold, County Administrator, on behalf of Sumter County Board of County Commissioners, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**


  
Signature

14 JULY 2009  
Date

**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this 7<sup>th</sup> day of August, 2009, in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Deborah A. Getzoff  
District Director  
Southwest District

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to  
§120.52, Florida Statutes,  
With the designated Department  
Clerk, receipt of which is hereby  
Acknowledged.

  
Clerk

8-7-2009  
Date

Copies furnished to:      Lea Crandall, OGC Tallahassee (executed copy only)  
                                     Sandra Wilson, FDEP Tampa (executed copy only)

### NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order; (d) A statement of when and how the petitioner received notice of the Consent Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Hotchkamp  
Lt. Governor

Michael W. Sole  
Secretary

**CERTIFIED MAIL 7008 0150 0003 4893 7049  
RETURN RECEIPT REQUESTED**

August 15, 2008

Mr. Bradley Arnold, County Administrator  
Sumter County Board of County Commissioners  
209 North Florida Street  
Bushnell, Florida 33513

RE: Warning Letter # WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
Permit No. 126941-003-SO  
Sumter County

Dear Mr. Arnold:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A Department inspection conducted at the Sumter County Materials Recovery Facility on June 26, 2008 indicates that violations of Florida Statutes and Rules may exist:

- 1) Department staff observed a significant quantity of leachate ponded on the floor of the MRF building. This leachate appeared to have overflowed from the two floor drains in the building. Facility staff indicated that they allow leachate to fill the collection tank in order to accommodate the volume of the vacuum truck employed to haul this leachate off-site. Once the tank was full to capacity, the automatic float system for the leachate sump pump had been disabled, by county staff, to avoid overfilling the tank. This resulted in leachate accumulating in the collection piping and ultimately overflowing the floor drains. Facility staff indicated that a rainfall event had also contributed to the leachate overflow on the MRF building floor. These conditions indicate a failure to operate the leachate collection system as it was designed and permitted to function. These conditions are contrary to Rule 62-701.710(3)(b) and (4)(b), Florida Administrative Code, and Specific Condition 12.a of Permit No. 126941-003-SO.

Rule 62-4.160(1), Florida Administrative Code ("F.A.C.") states: "The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are 'permit conditions' and are binding and enforceable pursuant to Section 403.141, 403.727, or 403.859, F.S." Rule 62-4.160(2), F.A.C. states, "This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from



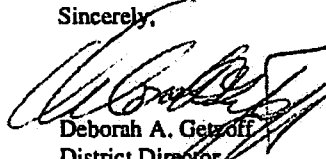
the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department."

Rule 62-701.710(3)(b), F.A.C. states, "the facility shall be designed with a leachate control system to...minimize the presence of standing water." Rule 62-701.710(4)(b), F.A.C. states, "Areas where waste is stored or processed shall be cleaned at least weekly to prevent odor or vector problems..." and "...all drains and leachate conveyances shall be kept clean so that leachate flow is not impeded." Specific Condition 12.a of Permit No. 126941-003-SO states, "Floors shall be free of standing liquids."

The deficiencies noted above and any other activities at your facility that may be contributing to violations of the above rules should be ceased. The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. It is typically Department policy to initiate enforcement action and seek civil penalties of \$3,000 for conditions such as those described above.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. You are requested to contact Ms. Nancy Gaskin of this office at telephone number (813) 632-7600, extension 375, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Deborah A. Getroff  
District Director  
Southwest District

cc: Susan Pelz, P.E., FDEP SWD  
Stephanie Watson, FDEP SWD  
Melissa Madden, FDEP SWD

## EXHIBIT I

# Board of County Commissioners

## Sumter County, Florida

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207  
Website <http://sumtercountyfl.gov>



Dept. of Environmental  
Protection

FEB 19 2009

Southwest District

February 17, 2009

Ms. Deborah Getzoff, Director  
Southwest District  
Florida Department of Environmental Protection (DEP)  
13051 N. Telecom Parkway  
Temple Terrace, FL 33637

RE: 08-2376; DEP v. Sumter County

Dear Ms. Getzoff:

Thank you for the phone call last week, your understanding of our solution in progress, and your willingness to accept the investment of which we are moving out to bid to substitute as in-kind payment of the fine proposed by DEP.

As we discussed, I have attached the civil engineer's construction cost estimate (\$179,880.01) of the sewage system to serve both the Animal Control Department operations along with the leachate and septic systems of the Solid Waste Department.

Also, attached is the set of civil engineering drawings in which you will note on sheet C601 – Manhole #8 will serve as the transfer station leachate collection point. On the same sheet you will note the proposed connection of the system to the City of Bushnell Wastewater Treatment Facility.

The proposed bid opening date is April 30, 2009 following receipt of our Southwest Florida Water Management District stormwater permit.

Richard "Dick" Hoffman, Dist 1  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Doug Gilpin, Dist 2  
Vice Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Michael E. Francis, Dist 3  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Garry Breedon, Dist 4  
Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Randy Mask, Dist 5  
2<sup>nd</sup> Vice Chairman  
Office: (352) 793-0200  
Home: (352) 793-3930  
910 N. Main Street  
Bushnell, FL 33513

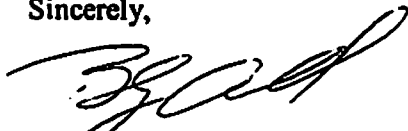
Bradley S. Arnold,  
County Administrator  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513-6146

Gloria R. Hayward, Clerk & Auditor  
(352) 793-0215  
209 North Florida Street  
Bushnell, FL 33513

County Attorney  
The Hogan Law Firm  
Post Office Box 485  
Brooksville, Florida 34605

Thank you again for the partnership opportunity to place the funds proposed as a fine towards the construction of this project.

Sincerely,



Bradley Arnold  
County Administrator

xc: Representative Marlene O'Toole  
Sumter County Board of County Commissioners  
Mr. Gary Kuhl, Public Works Director

Attachments: Klima Weeks Construction Costs  
Vitetta / Klima Weeks Civil Engineering Drawings

Dept. of Environmental  
Protection

FEB 19 2009

Southwest District

**CONSTRUCTION COSTS**

Dept. of Environment  
Protection

FEB 19 2009

Project Name:  
Date of Estimate:

Sumter Animal Control Addn  
October 17, 2008

Southwest District

Item Description	Quantity	Unit	Unit Price	Total
<b>Construction Costs</b>				
<b>DEMOLITION ITEMS</b>				
Tree Removal	1	ls	\$2,120.00	\$ 2,120.00
Existing Paving Removal	410	sy	\$10.00	\$ 4,100.00
Fence Removal	1	ls	\$500.00	\$ 500.00
Septic Tank Demolition	5	ea	\$1,000.00	\$ 5,000.00
Silt Fencing	610	lf	\$1.00	\$ 610.00
Subtotal Demolition				\$12,330.00
<b>NEW CONSTRUCTION</b>				
Earthwork	580	cy	\$5.50	\$ 3,190.00
6" PVC Storm	40	lf	\$10.55	\$ 422.00
MES	4	ea	\$250.00	\$ 1,000.00
Swale Grading	650	lf	\$5.00	\$ 3,250.00
6" PVC Sanitary	454	lf	\$10.55	\$ 4,789.70
Cleanouts	6	ea	\$70.00	\$ 420.00
6" PVC Sanitary	863	lf	\$13.30	\$ 11,477.90
Sanitary Manholes	6	ea	\$2,750.00	\$16,500.00
Connect to Exist.	4	ea	\$250.00	\$1,000.00
Open Cut Pavement	1545	sy	\$15.00	\$ 23,175.00
Lift Station	1	ls	\$18,000.00	\$ 18,000.00
2.5" San. Force Main	2778	lf	\$7.65	\$21,251.70
Directional Drilling	2778	lf	\$8.25	\$22,918.50
Air Release Valves	3	ea	\$500.00	\$1,500.00
2" San. Force Main	220	lf	\$7.00	\$1,540.00
Saw cut exist. Slab	100	lf	\$3.75	\$375.00
Remove Exist Slab	17	sy	\$21.40	\$363.80
Replace Slab	17	sy	\$71.40	\$1,213.80
Trenching, Backfill, Com	17	cy	\$100.00	\$1,700.00
Add Simplex for Bath	1	ls	\$5,000.00	\$5,000.00
Connect to Plant	1	ls	\$2,500.00	\$2,500.00
Misc Fittings/Testing	1	ls	\$2,500.00	\$2,500.00
Subtotal of New Const.				\$ 144,087.40
<b>TOTAL</b>				<b>\$156,417.40</b>
Mob/Demob/Cont (15%)				\$ 23,462.61
<b>GRAND TOTAL</b>				<b>\$179,880.01</b>

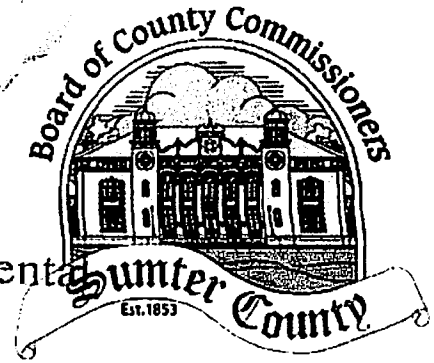
EXHIBIT 1

# Board of County Commissioners

## Sumter County, Florida

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207  
Website <http://sumtercountyfl.gov>

Dept. of Environmental  
Protection



APR 24 2009

April?  
March 22, 2009

Southwest District

Ms. Susan Pelz, Solid Waste Program Manager  
Southwest District  
Florida Department of Environmental Protection (FDEP)  
13051 N. Telecom Parkway  
Temple Terrace, FL 33637

RE: Request for Additional Information Dated March 24, 2009  
Sumter County's February 17, 2009 Letter Regarding Proposed In-kind Project  
Sumter County Materials Recovery Facility  
OGC File No. 08-2376

Dear Ms. Pelz,

Sumter County (the County) has received FDEP's request for additional information concerning the County's proposed in-kind project on March 24, 2009. FDEP seems to be in agreement with applying the total civil penalty of \$4,500 toward the demolition of the septic tanks. Please note that four septic tanks will be demolished with one being used for a lift station. Also, the construction cost submitted are the civil engineer's projections and actual bid prices may differ.

Since the submission of the letter from the County dated February 17, 2009, definite dates have been set for construction of this project and the County agrees to complete the following:

- 1) The bid opening for this project is set for May 6, 2009. A recommendation for a contractor will be made to the Board of County Commissioners (Board) at their

Richard "Dick" Hoffman, Dist 1  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Doug Gilpin, Dist 2  
Vice Chairman  
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910 N. Main Street  
Bushnell, FL 33513

Vacant, Dist 3  
(352) 753-1592 or 793-0200  
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Garry Breeden, Dist 4  
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Randy Mask, Dist 5  
2<sup>nd</sup> Vice Chairman  
Office: (352) 793-0200  
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910 N. Main Street  
Bushnell, FL 33513

Bradley S. Arnold,  
County Administrator  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513-6146

Gloria R. Hayward, Clerk & Auditor  
(352) 793-0215  
209 North Florida Street  
Bushnell, FL 33513


County Attorney  
The Hogan Law Firm  
Post Office Box 485  
Brooksville, Florida 34605

meeting on May 26, 2009. Upon approval by the Board, a notice-to-proceed will be issued to the contractor by June 5, 2009. Construction is expected to be completed by September 30, 2009. This schedule is also dependant on approval by FDEP of the connection of the leachate system to the force main.

- 2) The County will, beginning on July 5, 2009, submit monthly progress reports to FDEP that documents the in-kind project activities completed during the previous calendar month continuing until completion of the project.
- 3) The County will erect an appropriate sign at the project sight indicating the County's involvement with this project is the result of an FDEP enforcement action. The sign will not be removed until the project is completed. After the project is completed, no signs will be erected by the County indicating the reason for the project was anything other than a FDEP enforcement action.
- 4) Within 15 days of completing the in-kind project, the County will notify FDEP, by certified mail, of the project completion and request a verification letter from FDEP. The County will submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual cost incurred to complete the project. These costs will not include those incurred in developing the proposal or obtaining approval from FDEP for the project.

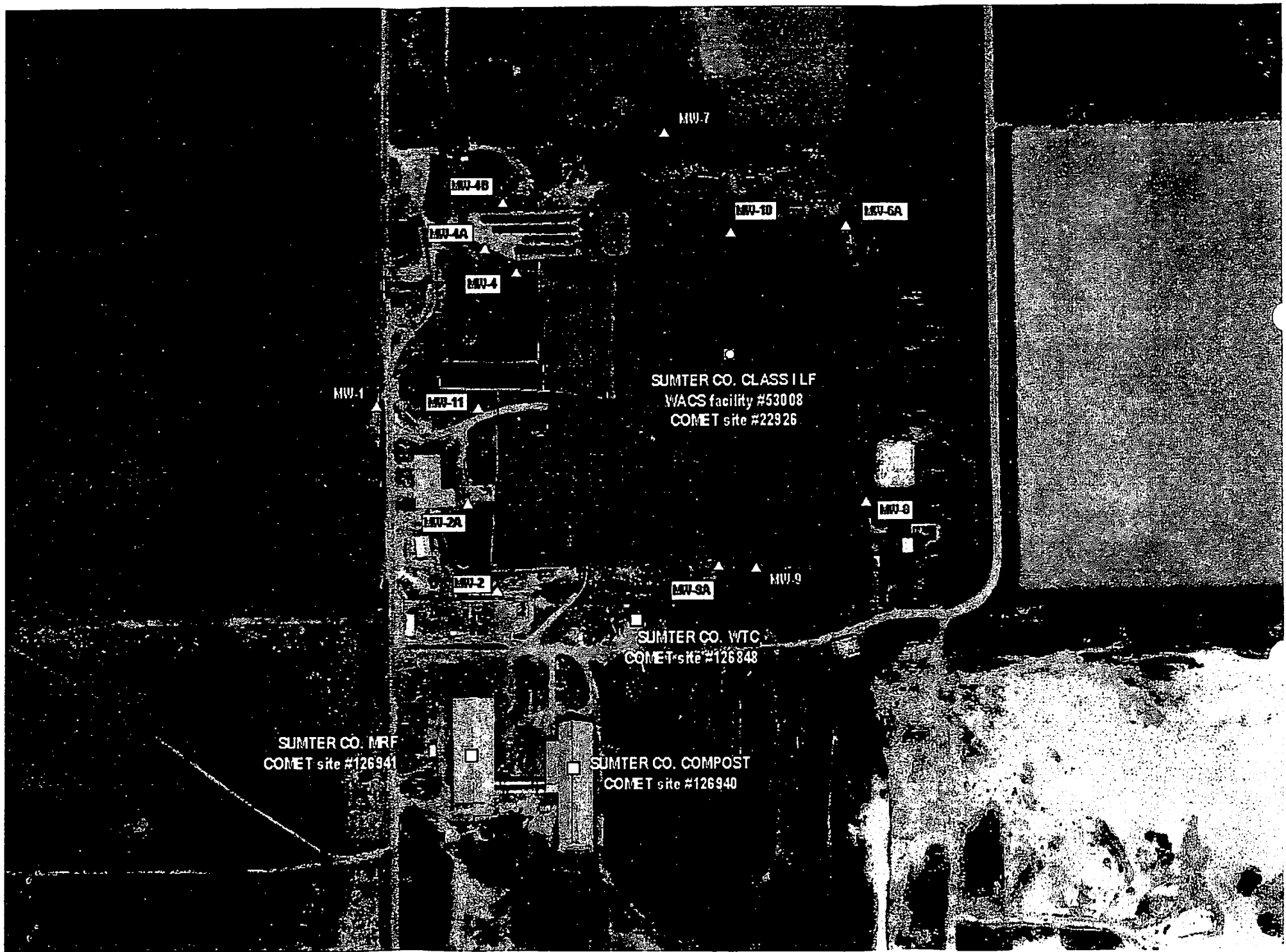
If you have any questions concerning this project, please contact Jimmy Wise, Operations Coordinator of the Sumter County Solid Waste Department, by telephone at 352-793-3368 or by email at [jimmy.wise@sumtercountyfl.gov](mailto:jimmy.wise@sumtercountyfl.gov). Sumter County appreciates your cooperation in this matter.

Sincerely,



Bradley Arnold  
Sumter County Administrator

xc: Stephanie Watson, Solid Waste, FDEP, SWD  
Gary Kuhl, Sumter County Public Works Director  
Jimmy Wise, Sumter County Solid Waste Operations Coordinator  
Derrill McAteer, Esq., Hogan Law Firm



MW-7

MW-4B

MW-10

MW-6A

MW-4A

MW-4

SUMTER CO. CLASS I LF  
WACS facility #53008  
COMET site #22926

MW-1

MW-11

MW-2A

MW-8

MW-2

MW-9A

MW-9

SUMTER CO. WTC  
COMET site #126848

SUMTER CO. MRF  
COMET site #126941

SUMTER CO. COMPOST  
COMET site #126940



**Watson, Stephanie M.**

---

**From:** Wise, Jimmy [Jimmy.Wise@sumtercountyfl.gov]  
**Sent:** Friday, August 07, 2009 1:24 PM  
**To:** Watson, Stephanie M.  
**Subject:** RE: Monthly report on in-kind project

Thanks Stephanie. Have a great week end!

---

**From:** Watson, Stephanie M. [mailto:Stephanie.M.Watson@dep.state.fl.us]  
**Sent:** Fri 8/7/2009 12:41 PM  
**To:** Wise, Jimmy  
**Cc:** Kuhl, Gary; Stevens, Bill; Pelz, Susan  
**Subject:** RE: Monthly report on in-kind project

Jimmy,

As you requested, I am acknowledging receipt of your email.

Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

---

**From:** Wise, Jimmy [mailto:Jimmy.Wise@sumtercountyfl.gov]  
**Sent:** Wednesday, August 05, 2009 11:42 AM  
**To:** Watson, Stephanie M.  
**Cc:** Kuhl, Gary; Stevens, Bill  
**Subject:** Monthly report on in-kind project

Hi Stephanie,

Attached is the monthly report from Sumter County concerning the in-kind project at the Solid Waste Department. If you need anything else please let me know. Unless requested by you, I will not mail a hard copy of this report. Please acknowledge receipt of this email.

Thank you,  
Jimmy

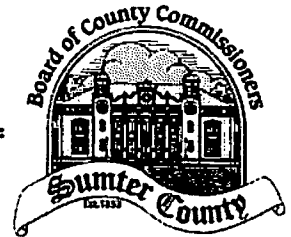
\*\*\*\*\* Important Notice \*\*\*\*\*

**The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.**

# SUMTER COUNTY SOLID WASTE

*SUMTER COUNTY, FLORIDA*

PO Box 1066 • Bushnell, FL 33513 • Phone (352) 793-3368 • Fax (352) 568-0166 • [www.sumtercountyfl.gov](http://www.sumtercountyfl.gov)



August 4, 2009

Ms. Stephanie M. Watson  
Fl. Department of Environmental Protection  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Fl. 33637-0926

Dear Ms. Watson,

On July 14, 2009, Sumter County Administrator Bradley Arnold signed a letter from the Florida Department of Environmental Protection (FDEP) agreeing to the terms for settlement of Warning Letter # WL08-0008SW60SWD.

One of the terms of this settlement agreement calls for Sumter County to make progress reports on the 5<sup>th</sup> of each month documenting in-kind project activities completed during the previous calendar month. This will continue until the project is completed. Please accept this letter as the progress report for the first month.

Although the contract for this project has been signed, there has been no work started on the portion that relates to the in-kind project. No work has started on the sewer line to the wastewater treatment plant or destruction of the septic tanks or drain fields. The contract also calls for expansion of the Animal Control Facility and some work has begun on that part of the contract.

Please acknowledge receipt of this email. Unless requested by you, no hard copy of this letter will be sent out.

Sincerely,  
Jimmy Wise  
Operations Coordinator  
Sumter County Solid Waste Department

**Watson, Stephanie M.**

---

**From:** Watson, Stephanie M.  
**Sent:** Thursday, August 06, 2009 8:19 AM  
**To:** 'Wise, Jimmy'  
**Cc:** Stevens, Bill; Pelz, Susan  
**Subject:** RE: Sign for in-kind project

Jimmy,

Thanks for your email and voicemail message. I apologize for not responding sooner. I was out of the office yesterday.

If you recall, the actual portion of Sumter County's sanitary sewer connection project that was approved by the Department as an in-kind project was the demolition of the septic tanks, not the leachate connection. Therefore, I would recommend deleting "Leachate Collection" from the sign.

Although it is not required, you may want to include a contact person's name and telephone number on the sign, in the event that a third party wants to obtain more information about the project.

Please let me know if you have any questions about this email.

Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

---

**From:** Wise, Jimmy [mailto:Jimmy.Wise@sumtercountyfl.gov]  
**Sent:** Wednesday, August 05, 2009 3:03 PM  
**To:** Watson, Stephanie M.  
**Cc:** Stevens, Bill  
**Subject:** Sign for in-kind project

Hi Stephanie,

I have the paperwork ready for the sign for the in-kind project for Sumter County. Is the following wording for the sign acceptable to your Department?

Sumter County  
Animal Control Expansion  
Sanitary Sewer Improvements  
Leachate Connection  
Is the result of an FDEP  
Enforcement action

I will wait to hear from you before having the sign made and welcome any suggestions or needed changes. The sign will be up before any work is done on the in-kind project.

Thanks,  
Jimmy

**\*\*\*\*\* Important Notice \*\*\*\*\***

**The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.**

**Recipient**  
**'Wise, Jimmy'**  
**Stevens, Bill**  
**Pelz, Susan**

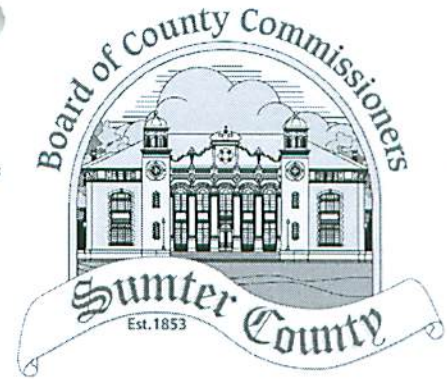
**Read**

**Read: 8/6/2009 8:52 AM**

# Board of County Commissioners

## Sumter County, Florida

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207  
SunCom: 665-0200 • Website <http://sumtercountyfl.gov>



**Certified Mail Return Receipt No. 7005 1820 0007 0104 4706**

July 15, 2009

Deborah A. Getzoff  
District Director, Southwest District  
Florida Department of Environmental Protection  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-7600

Re: Proposed Settlement of Warning Letter #WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
OGC File No.: 08-2376

Dear Ms. Getzoff:

Per your letter of July 6, 2009, enclosed is the executed letter acknowledging acceptance of the terms of the settlement offer in the above-referenced matter. If there are any questions, please do not hesitate to contact our office.

Very truly yours,

BOARD OF SUMTER COUNTY COMMISSIONERS

GLORIA R. HAYWARD  
CLERK & AUDITOR

By Connie Webb

Connie Webb  
Deputy Clerk

Enclosure  
c/Bradley Arnold (w/encl)  
Public Works (w/encl)  
Solid Waste (w/encl)

Richard "Dick" Hoffman, Dist 1  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Doug Gilpin, Dist 2  
Vice Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Don Burgess, Dist 3  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Garry Breeden, Dist 4  
Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Randy Mask, Dist 5  
2<sup>nd</sup> Vice Chairman  
Office: (352) 793-0200  
Home: (352) 793-3930  
910 N. Main Street  
Bushnell, FL 33513

Bradley S. Arnold  
County Administrator  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513-6146

Gloria R. Hayward  
Clerk & Auditor  
(352) 793-0215  
209 North Florida Street  
Bushnell, FL 33513

The Hogan Law Firm  
County Attorney  
(352) 799-8423  
P.O. Box 485  
Brooksville, FL 34605-0485

## **Watson, Stephanie M.**

---

**From:** Wise, Jimmy [Jimmy.Wise@sumtercountyfl.gov]  
**Sent:** Friday, July 17, 2009 11:09 AM  
**To:** Watson, Stephanie M.  
**Cc:** Kuhl, Gary; Stevens, Bill; Pelz, Susan  
**Subject:** RE: In-kind project for leachate violation

The authorization has been signed by our County Administrator Bradley Arnold and was mailed out yesterday, you should have it today or Monday at the latest.

---

**From:** Watson, Stephanie M. [mailto:Stephanie.M.Watson@dep.state.fl.us]  
**Sent:** Fri 7/17/2009 10:46 AM  
**To:** Wise, Jimmy  
**Cc:** Kuhl, Gary; Stevens, Bill; Pelz, Susan  
**Subject:** RE: In-kind project for leachate violation

Jimmy,

Thank you for the update on Sumter County's in-kind project.

Please note that the Short Form Consent Order that will authorize the in-kind project was issued by the Department to Sumter County on July 6, 2009. It appears that the Department has not yet received the signed Consent Order (Sumter County was given 15 days to sign and submit it).

Could you please check on the status of the Short Form Consent Order and provide me with an update?

Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

---

**From:** Wise, Jimmy [mailto:Jimmy.Wise@sumtercountyfl.gov]  
**Sent:** Friday, July 17, 2009 10:05 AM  
**To:** Watson, Stephanie M.  
**Cc:** Kuhl, Gary; Stevens, Bill  
**Subject:** In-kind project for leachate violation

Hi Ms. Watson,

Just a follow up to our telephone conversation of July 2, 2009. As I related to you, there has not been any work conducted on the in-kind project although the contract has been signed. I am having a sign made, per the agreement between Sumter County and your Department, and it will be erected soon.



Please let me know of any other information you need from me.

Thank you,  
Jimmy Wise  
Operations Coordinator  
Sumter County Solid Waste

**\*\*\*\*\* Important Notice \*\*\*\*\***

**The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.**

**\*\*\*\*\* Important Notice \*\*\*\*\***

**The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.**

Brantley, Anna

---

**From:** Brantley, Anna  
**Sent:** Monday, July 06, 2009 11:58 AM  
**To:** Watson, Stephanie M.  
**Subject:** SFCO\_Sumter 08-2376.no\_startdate.7-1-09 - dated and mailed 7-6-09.pdf - Adobe Acrobat Professional  
**Attachments:** SFCO\_Sumter 08-2376.no\_startdate.7-1-09 - dated and mailed 7-6-09

Attached electronic copy of the SFCO for Sumter MRF

Anna Brantley  
Administrative Assistant II  
FL DEP / SWD / Waste Management  
13051 North Telecom Parkway  
Temple Terrace FL 33637-0629  
Tel: 813/632-7600, Ext. 377  
Fax: 813/632-7664  
[anna.brantley@dep.state.fl.us](mailto:anna.brantley@dep.state.fl.us)

Draft SFCO  
w/linkindproj  
7/6/09

# Memorandum

# Florida Department of Environmental Protection

## ENFORCEMENT/COMPLIANCE COVER MEMO

To: [Signature] ☒ Deborah Getzoff, District Director

FROM/THROUGH: WME ☒ William Kutash, Waste Program Administrator  
7/2/09 ☒ Susan Pelz, Solid Waste Program Supervisor  
SW 7/2/09 ☒ Stephanie Watson, Enforcement Coordinator

DATE: July 2, 2009

FILE NAME: **SUMTER COUNTY MATERIALS RECOVERY FACILITY** OGC FILE No. **08-2376**

PROGRAM: **SOLID WASTE/WASTE MANAGEMENT** COUNTY: **SUMTER**

### TYPE OF DOCUMENT:

☒ DRAFT OR ☐ FINAL

☒ **SHORT FORM CONSENT ORDER W/ IN-KIND PROJECT**

ACTION REQUIRED: For your review and signature.

**DESCRIPTION OF VIOLATIONS:** Based on the Department's inspection on June 26, 2008, Sumter County Materials Recovery Facility (MRF) had an operational issue with maintaining and operating the leachate collection and disposal system. Corrective actions have been performed. Additionally, the County plans to connect the facility's leachate collection system to the Publicly Owned Treatment Works (POTW), which should simplify the facility's operation regarding leachate management. The facility has proposed an in-kind project for offset of civil penalties. The project involves the **demolition of four septic tanks in the course of the construction of the connection to the POTW.** The Department has reviewed this project and does not object to the proposed activities.

### PENALTY SUMMARY:

Total Penalty Amount: \$3,000.00

☐ In-kind Project Approval Required by OGC

Amount Paid in Cash: \$500.00 in Department costs

**In-Kind Penalty Off-Set Amount: \$4,500.00**

**Estimated In-kind Project Cost: \$180,000.00**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

Mr. Bradley Arnold, County Adm.  
Sumter County BCC  
910 N. Main Street, Room 201  
Bushnell, FL 33513

SFCO w/In-Kind Project  
OCC 08-2376

**2. Article Number**

(Transfer from service label)

7008 0150 0003 4893 8206

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

X

Chris Morrison

☐ Agent

☐ Addressee

**B. Received by (Printed Name)**

Chris Morrison

**C. Date of Delivery**

7/7/09

**D. Is delivery address different from item 1?**

☐ Yes

If YES, enter delivery address below:

☐ No

**3. Service Type**

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

**4. Restricted Delivery? (Extra Fee)**

☐ Yes



UNITED STATES POSTAL SERVICE



First-Class Mail  
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USPS  
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

Florida Department of Environmental Protection  
Southwest District  
c/o Stephanie Watson – Solid Waste  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926

Dept. of Environmental Protection

JUL 07 2009

Southwest District



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7-6-09*

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Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+

Mr. Bradley Arnold, County Adm.  
Sumter County BCC  
910 N. Main Street, Room 201  
Bushnell, FL 33513

7008 0150 0003 4893 8206

## **Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
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### ***Important Reminders:***

- Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is **not** available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047



# Florida Department of Environmental Protection

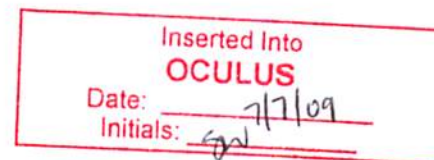
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

July 6, 2009



**Certified Mail Return Receipt No. 7008 0150 0003 4893 8206**

Mr. Bradley Arnold, County Administrator  
Sumter County Public Works Department  
910 North Main Street, Room 201  
Bushnell, Florida 33513

RE: Proposed Settlement of Warning Letter # WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
OGC File No.: 08-2376

Dear Mr. Arnold:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated August 15, 2008, a copy of which is attached. The corrective actions required to bring Sumter County's (the County's) Materials Recovery Facility (facility) into compliance have been performed. In order to resolve the matter identified in the attached Warning Letter, the Department has calculated civil penalties in the amount of \$3,000.00, along with \$500.00 to reimburse the Department costs, for a total of \$3,500.00.

The Department has determined that the entire civil penalty of \$3,000.00 may be offset through the implementation of the In-Kind Project that is described in the County's submittals dated February 17, 2009 (received February 19, 2009) and April 22, 2009 (received April 24, 2009), together attached as Exhibit I. The County shall pay the Department's costs of \$500.00 within 30 days of signing this letter. The payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Attention: Sandra Wilson, 13051 N. Telecom Parkway, Temple Terrace, FL 33637.

As provided in the previous paragraph, the Department is giving the County the option to offset the civil penalty with an In-kind Project. This option requires that the County strictly comply with the requirements and deadlines for implementing, completing, and submitting a notification of In-kind Project completion to the Department. Upon signing this letter, the County shall implement the approved In-kind Project in accordance with the requirements of Exhibit I hereto. The In-kind Project must be completed no later than September 30, 2009. The County shall notify the Department by telephone or in writing when the in-kind projects starts. The County's failure to timely complete the approved In-kind Project or timely provide the Department with the notification of In-kind Project completion will cause the In-kind Project option to be forfeited and the balance of the civil penalty, \$3,000.00, shall be due within 10 days of notice from the Department.

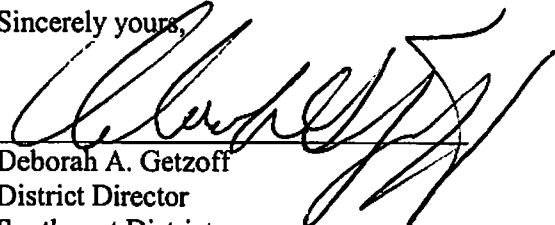
The County's signing this letter constitutes its acceptance of the Department's offer to resolve this matter on these terms. If the County elects to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the



Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

If the County does not sign and return this letter to the Department at the District address within 15 days of receiving it, the Department will assume that the County is not interested in settling this matter on the above described terms, and will proceed accordingly. None of the County's rights or substantial interests are determined by this letter unless a representative of the County signs it and it is filed with the Department Clerk.

Sincerely yours,



Deborah A. Getzoff  
District Director  
Southwest District

**FOR THE RESPONDENT:**

I, Bradley Arnold, County Administrator, on behalf of Sumter County Board of County Commissioners, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

.....  
**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2009, in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Deborah A. Getzoff  
District Director  
Southwest District

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to  
§120.52, Florida Statutes,  
With the designated Department  
Clerk, receipt of which is hereby  
Acknowledged.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

Copies furnished to:      Lea Crandall, OGC Tallahassee (executed copy only)  
                                     Sandra Wilson, FDEP Tampa (executed copy only)

### NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order; (d) A statement of when and how the petitioner received notice of the Consent Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition *is* filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Keldampf  
Lt. Governor

Michael W. Sole  
Secretary

**CERTIFIED MAIL 7008 0150 0003 4893 7049  
RETURN RECEIPT REQUESTED**

August 15, 2008

Mr. Bradley Arnold, County Administrator  
Sumter County Board of County Commissioners  
209 North Florida Street  
Bushnell, Florida 33513

RE: Warning Letter # WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
Permit No. 126941-003-SO  
Sumter County

Dear Mr. Arnold:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A Department inspection conducted at the Sumter County Materials Recovery Facility on June 26, 2008 indicates that violations of Florida Statutes and Rules may exist:

- 1) Department staff observed a significant quantity of leachate ponded on the floor of the MRF building. This leachate appeared to have overflowed from the two floor drains in the building. Facility staff indicated that they allow leachate to fill the collection tank in order to accommodate the volume of the vacuum truck employed to haul this leachate off-site. Once the tank was full to capacity, the automatic float system for the leachate sump pump had been disabled, by county staff, to avoid overfilling the tank. This resulted in leachate accumulating in the collection piping and ultimately overflowing the floor drains. Facility staff indicated that a rainfall event had also contributed to the leachate overflow on the MRF building floor. These conditions indicate a failure to operate the leachate collection system as it was designed and permitted to function. These conditions are contrary to Rule 62-701.710(3)(b) and (4)(b), Florida Administrative Code, and Specific Condition 12.a of Permit No. 126941-003-SO.

Rule 62-4.160(1), Florida Administrative Code ("F.A.C.") states: "The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are 'permit conditions' and are binding and enforceable pursuant to Section 403.141, 403.727, or 403.859, F.S." Rule 62-4.160(2), F.A.C. states, "This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from

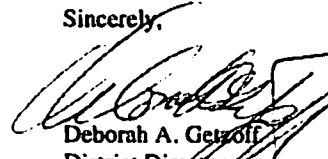
the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department."

Rule 62-701.710(3)(b), F.A.C. states, "the facility shall be designed with a leachate control system to...minimize the presence of standing water." Rule 62-701.710(4)(b), F.A.C. states, "Areas where waste is stored or processed shall be cleaned at least weekly to prevent odor or vector problems..." and "...all drains and leachate conveyances shall be kept clean so that leachate flow is not impeded." Specific Condition 12.a of Permit No. 126941-003-SO states, "Floors shall be free of standing liquids."

The deficiencies noted above and any other activities at your facility that may be contributing to violations of the above rules should be ceased. The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. It is typically Department policy to initiate enforcement action and seek civil penalties of \$3,000 for conditions such as those described above.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. You are requested to contact Ms. Nancy Gaskin of this office at telephone number (813) 632-7600, extension 375, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



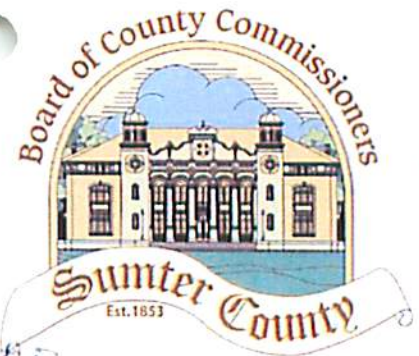
Deborah A. Getzoff  
District Director  
Southwest District

cc: Susan Pelz, P.E., FDEP SWD  
Stephanie Watson, FDEP SWD  
Melissa Madden, FDEP SWD

# Board of County Commissioners

## Sumter County, Florida

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207  
Website <http://sumtercountyfl.gov>



Dept. of Environmental  
Protection

FEB 19 2009

Southwest District

February 17, 2009

Ms. Deborah Getzoff, Director  
Southwest District  
Florida Department of Environmental Protection (DEP)  
13051 N. Telecom Parkway  
Temple Terrace, FL 33637

RE: 08-2376; DEP v. Sumter County

Dear Ms. Getzoff:

Thank you for the phone call last week, your understanding of our solution in progress, and your willingness to accept the investment of which we are moving out to bid to substitute as in-kind payment of the fine proposed by DEP.

As we discussed, I have attached the civil engineer's construction cost estimate (\$179,880.01) of the sewage system to serve both the Animal Control Department operations along with the leachate and septic systems of the Solid Waste Department.

Also, attached is the set of civil engineering drawings in which you will note on sheet C601 – Manhole #8 will serve as the transfer station leachate collection point. On the same sheet you will note the proposed connection of the system to the City of Bushnell Wastewater Treatment Facility.

The proposed bid opening date is April 30, 2009 following receipt of our Southwest Florida Water Management District stormwater permit.

Richard "Dick" Hoffman, Dist 1  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Doug Gilpin, Dist 2  
Vice Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Michael E. Francis, Dist 3  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Garry Breeden, Dist 4  
Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Randy Mask, Dist 5  
2<sup>nd</sup> Vice Chairman  
Office: (352) 793-0200  
Home: (352) 793-3930  
910 N. Main Street  
Bushnell, FL 33513

Bradley S. Arnold,  
County Administrator  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513-6146

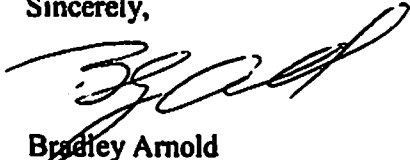
Gloria R. Hayward, Clerk & Auditor  
(352) 793-0215  
209 North Florida Street  
Bushnell, FL 33513

County Attorney  
The Hogan Law Firm  
Post Office Box 485  
Brooksville, Florida 34605



Thank you again for the partnership opportunity to place the funds proposed as a fine towards the construction of this project.

Sincerely,



Bradley Arnold  
County Administrator

xc: Representative Marlene O'Toole  
Sumter County Board of County Commissioners  
Mr. Gary Kuhl, Public Works Director

Attachments: Klima Weeks Construction Costs  
Vitetta / Klima Weeks Civil Engineering Drawings

Dept. of Environmental  
Protection

FEB 19 2009

Southwest District

**CONSTRUCTION COSTS**

Dept. of Environment  
Protection

FEB 19 2009

Project Name:  
Date of Estimate:

Sumter Animal Control Addn  
October 17, 2008

Southwest District

Item Description	Quantity	Unit	Unit Price	Total
<b>Construction Costs</b>				
<b>DEMOLITION ITEMS</b>				
Tree Removal	1	ls	\$2,120.00	\$ 2,120.00
Existing Paving Removal	410	sy	\$10.00	\$ 4,100.00
Fence Removal	1	ls	\$500.00	\$ 500.00
Septic Tank Demolition	5	ea	\$1,000.00	\$ 5,000.00
Silt Fencing	610	lf	\$1.00	\$ 610.00
Subtotal Demolition				\$12,330.00
<b>NEW CONSTRUCTION</b>				
Earthwork	580	cy	\$5.50	\$ 3,190.00
6" PVC Storm	40	lf	\$10.55	\$ 422.00
MES	4	ea	\$250.00	\$ 1,000.00
Swale Grading	650	lf	\$5.00	\$ 3,250.00
6" PVC Sanitary	454	lf	\$10.55	\$ 4,789.70
Cleanouts	6	ea	\$70.00	\$ 420.00
8" PVC Sanitary	863	lf	\$13.30	\$ 11,477.90
Sanitary Manholes	6	ea	\$2,750.00	\$16,500.00
Connect to Exist.	4	ea	\$250.00	\$1,000.00
Open Cut Pavement	1545	sy	\$15.00	\$ 23,175.00
Lift Station	1	ls	\$18,000.00	\$ 18,000.00
2.5" San. Force Main	2778	lf	\$7.65	\$21,251.70
Directional Drilling	2778	lf	\$8.25	\$22,918.50
Air Release Valves	3	ea	\$500.00	\$1,500.00
2" San. Force Main	220	lf	\$7.00	\$1,540.00
Saw cut exist. Slab	100	lf	\$3.75	\$375.00
Remove Exist Slab	17	sy	\$21.40	\$363.80
Replace Slab	17	sy	\$71.40	\$1,213.80
Trenching, Backfill, Corn	17	cy	\$100.00	\$1,700.00
Add Simplex for Bath	1	ls	\$5,000.00	\$5,000.00
Connect to Plant	1	ls	\$2,500.00	\$2,500.00
Misc Fittings/Testing	1	ls	\$2,500.00	\$2,500.00
Subtotal of New Const.				\$ 144,087.40
<b>TOTAL</b>				<b>\$156,417.40</b>
Mob/Demob/Cont (15%)				\$ 23,462.61
<b>GRAND TOTAL</b>				<b>\$179,880.01</b>

EXHIBIT I

# Board of County Commissioners

## Sumter County, Florida

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207  
Website <http://sumtercountyfl.gov>

Dept. of Environmental  
Protection



APR 24 2009

April?  
March 22, 2009

Southwest District

Ms. Susan Pelz, Solid Waste Program Manager  
Southwest District  
Florida Department of Environmental Protection (FDEP)  
13051 N. Telecom Parkway  
Temple Terrace, FL 33637

RE: Request for Additional Information Dated March 24, 2009  
Sumter County's February 17, 2009 Letter Regarding Proposed In-kind Project  
Sumter County Materials Recovery Facility  
OGC File No. 08-2376

Dear Ms. Pelz,

Sumter County (the County) has received FDEP's request for additional information concerning the County's proposed in-kind project on March 24, 2009. FDEP seems to be in agreement with applying the total civil penalty of \$4,500 toward the demolition of the septic tanks. Please note that four septic tanks will be demolished with one being used for a lift station. Also, the construction cost submitted are the civil engineer's projections and actual bid prices may differ.

Since the submission of the letter from the County dated February 17, 2009, definite dates have been set for construction of this project and the County agrees to complete the following:

- 1) The bid opening for this project is set for May 6, 2009. A recommendation for a contractor will be made to the Board of County Commissioners (Board) at their

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910 N. Main Street  
Bushnell, FL 33513

Doug Gilpin, Dist 2  
Vice Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Vacant, Dist 3  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Garry Breeden, Dist 4  
Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Randy Mask, Dist 5  
2<sup>nd</sup> Vice Chairman  
Office: (352) 793-0200  
Home: (352) 793-3930  
910 N. Main Street  
Bushnell, FL 33513

Bradley S. Arnold,  
County Administrator  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513-6146

Gloria R. Hayward, Clerk & Auditor  
(352) 793-0215  
209 North Florida Street  
Bushnell, FL 33513

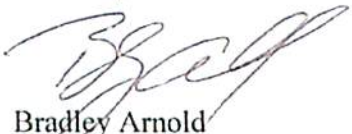
County Attorney  
The Hogan Law Firm  
Post Office Box 485  
Brooksville, Florida 34605

meeting on May 26, 2009. Upon approval by the Board, a notice-to-proceed will be issued to the contractor by June 5, 2009. Construction is expected to be completed by September 30, 2009. This schedule is also dependant on approval by FDEP of the connection of the leachate system to the force main.

- 2) The County will, beginning on July 5, 2009, submit monthly progress reports to FDEP that documents the in-kind project activities completed during the previous calendar month continuing until completion of the project.
- 3) The County will erect an appropriate sign at the project sight indicating the County's involvement with this project is the result of an FDEP enforcement action. The sign will not be removed until the project is completed. After the project is completed, no signs will be erected by the County indicating the reason for the project was anything other than a FDEP enforcement action.
- 4) Within 15 days of completing the in-kind project, the County will notify FDEP, by certified mail, of the project completion and request a verification letter from FDEP. The County will submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual cost incurred to complete the project. These costs will not include those incurred in developing the proposal or obtaining approval from FDEP for the project.

If you have any questions concerning this project, please contact Jimmy Wise, Operations Coordinator of the Sumter County Solid Waste Department, by telephone at 352-793-3368 or by email at [jimmy.wise@sumtercountyfl.gov](mailto:jimmy.wise@sumtercountyfl.gov). Sumter County appreciates your cooperation in this matter.

Sincerely,



Bradley Arnold  
Sumter County Administrator

xc: Stephanie Watson, Solid Waste, FDEP, SWD  
Gary Kuhl, Sumter County Public Works Director  
Jimmy Wise, Sumter County Solid Waste Operations Coordinator  
Derrill McAteer, Esq., Hogan Law Firm





MW-1

MW-4B

MW-4A

MW-4

MW-11

MW-2A

MW-2

MW-7

MW-10

MW-6A

SUMTER CO. CLASS I LF  
WACS facility #53008  
COMET site #22926

MW-3

MW-9A

MW-9

SUMTER CO. WTC  
COMET site #126848

SUMTER CO. MRF  
COMET site #126941

SUMTER CO. COMPOST  
COMET site #126940



**Watson, Stephanie M.**

---

**From:** Watson, Stephanie M.  
**Sent:** Wednesday, July 01, 2009 5:18 PM  
**To:** Pelz, Susan  
**Cc:** Gaskin, Nancy  
**Subject:** Sumter County In-kind project

FYI - I talked to Jimmy Wise of Sumter County today. He said that the POTW connection project is on schedule and is expected to be completed by September 30, 2009.

He wasn't sure when the in-kind project (demolition of 4 septic tanks) would begin, but said he would notify DEP when it begins. He will begin sending progress reports on by August 5, 2009.

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926

Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

# Board of County Commissioners

## Sumter County, Florida

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207  
Website <http://sumtercountyfl.gov>



Dept. of Environmental  
Protection

APR 24 2009

Southwest District

April?  
March 22, 2009

Ms. Susan Pelz, Solid Waste Program Manager  
Southwest District  
Florida Department of Environmental Protection (FDEP)  
13051 N. Telecom Parkway  
Temple Terrace, FL 33637

RE: Request for Additional Information Dated March 24, 2009  
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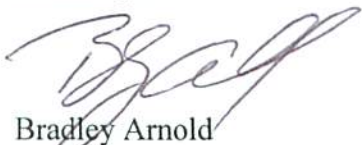
County Attorney  
The Hogan Law Firm  
Post Office Box 485  
Brooksville, Florida 34605

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Sincerely,



Bradley Arnold  
Sumter County Administrator

xc: Stephanie Watson, Solid Waste, FDEP, SWD  
Gary Kuhl, Sumter County Public Works Director  
Jimmy Wise, Sumter County Solid Waste Operations Coordinator  
Derrill McAteer, Esq., Hogan Law Firm

**Watson, Stephanie M.**

---

**From:** Watson, Stephanie M.  
**Sent:** Friday, April 10, 2009 11:43 AM  
**To:** Wise, Jimmy  
**Cc:** Pelz, Susan; Gaskin, Nancy  
**Subject:** Sumter County in-kind project & copy of Sumter's 2-17-09 letter to DEP  
**Attachments:** County's 2-17-09 in-kind project proposal.pdf

Jimmy,

I received your voicemail message, from yesterday, today. You weren't in, so I just left you a voicemail message.

Per your request, here is a copy of the County's February 17, 2009 in-kind project proposal letter to the Department. Please note that this letter included a set of construction drawings. These drawings have been scanned and inserted into Oculus, which is the Department's web-based electronic document database. If you need assistance accessing Oculus, please let me know.

Because you are the contact person for the in-kind project and you have been out of the loop to date, you can call me if you have any questions about it. I will be in the office today, and Tuesday through Friday of next week.

Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section

13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926

Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

Brantley, Anna

---

**From:** Brantley, Anna  
**Sent:** Tuesday, March 24, 2009 9:51 AM  
**To:** Gaskin, Nancy; Tashner, Janet  
**Cc:** Watson, Stephanie M.; Pelz, Susan  
**Subject:** Letter Requesting Additional Information - OGC 08-2376 Sumter MRF mailed 3-24-2009  
**Attachments:** RARegardingIn-kind project.SJP.309 mailed 3-24-2009.pdf



**SENDER: COMPLETE THIS SECTION**

Complete items 1, 2, and 3. Also complete item 4 if **Restricted Delivery** is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Mr. Bradley S. Arnold, County Adm.  
Sumter County BCC  
910 North Main Street, 201  
Bushnell, FL 33513

*Letter Requesting Additional Info  
OAC 08-2376*

2. Article Number  
(Transfer from service label)

7008 0150 0003 4893 5434

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*Chris Morrison*

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

*Chris Morrison*

C. Date of Delivery

*3/25/04*

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

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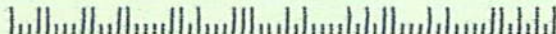
- Sender: Please print your name, address, and ZIP+4 in this box

MAR 26 2009

Florida Department of Environmental Protection  
Southwest District

Southwest District

c/o Stephanie Watson – Solid Waste  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926



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Mr. Bradley S. Arnold, County Adm.  
Sumter County BCC  
910 North Main Street, 201  
Bushnell, FL 33513

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- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
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**IMPORTANT: Save this receipt and present it when making an inquiry.**

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047





# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

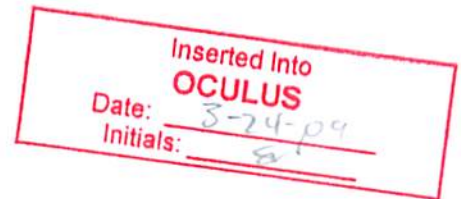
Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

March 24, 2009

**Certified Mail Return Receipt No. 7008 0150 0003 4893 5434**



Sumter County Board of County Commissioners  
Mr. Bradley Arnold, County Administrator  
910 N. Main Street, Room 201  
Bushnell, Florida 33513-6146

RE: Request for Additional Information  
Sumter County's February 17, 2009 Letter Regarding Proposed In-kind Project  
Sumter County Materials Recovery Facility  
OGC File No. 08-2376

Dear Mr. Arnold:

The Department received Sumter County's (the County's) submittal, dated February 17, 2009 (received February 19, 2009), which includes information regarding a plan already underway to connect the County's Solid Waste Department facilities and Animal Control Department to the City of Bushnell Wastewater Treatment Plant (WWTP). The submittal, which includes a cover letter, an estimate of construction costs, and construction drawings, was provided in support of the County's in-kind project proposal to offset the \$3,000.00 penalty in the referenced case.

The Department does not object to the County's request to implement the referenced in-kind project for the entire penalty amount. Please note the value of the in-kind penalty project is one and a half times the \$3,000 civil penalty amount, which is the equivalent of at least \$4,500.00. According to the estimate of construction costs provided, the demolition of five septic tanks associated with the Solid Waste Department facility and the Animal Control Department is estimated at \$1,000.00 each, for a total of \$5,000.00. The Department believes that the most straightforward approach is to apply the \$4,500.00 in in-kind monies toward the septic tank demolition cost of \$5,000.00.

The Department has reviewed the referenced information. Please note that the in-kind option requires compliance with certain requirements and deadlines for implementing, completing, and submitting a final report to the Department. Within thirty (30) days, please provide a revised submittal that indicates that the County will complete the following:

- 1) On March 18, 2009, the County provided, by email, a proposed schedule for implementation of the in-kind project. Please include this schedule in the revised submittal. Please indicate that the entire in-kind project will be completed in accordance with this schedule;





# Florida Department of Environmental Protection

Southwest District Office  
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Temple Terrace, Florida 33637-0926

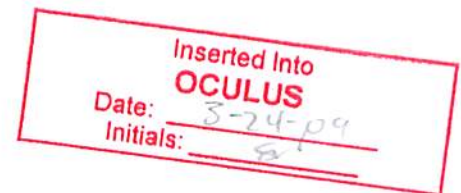
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Secretary

March 24, 2009

**Certified Mail Return Receipt No. 7008 0150 0003 4893 5434**



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- 2) Please indicate that, during the implementation of the in-kind project, the County will on a monthly basis, beginning on the 5<sup>th</sup> of the month and continuing until the in-kind project is completed, submit a progress report to the Department that documents the in-kind project activities completed during the previous calendar month;
- 3) Please indicate that, during the implementation of the in-kind project, the County will place appropriate sign(s) at the project site indicating that the County's involvement with the project is the result of a Department enforcement action. Please note that the County may remove the sign(s) after the project has been completed. However, after the project has been completed, the County shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action;
- 4) Please indicate that, within 15 days of completing the in-kind project, the County will notify the Department, by certified mail, of the project completion and request a verification letter from the Department. Please indicate that the County will submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

Upon receipt of the revised submittal requested above, the Department anticipates that the referenced case can be resolved with a Short Form Consent Order. Please note that the Department will require the \$500.00 in costs to be paid directly to the Department following execution of the Consent Order.

If you have any questions about this letter, you may contact Ms. Stephanie Watson by telephone at (813) 632-7600, extension 451, or by email at [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us). The Department appreciates your cooperation in this matter.

Sincerely,



Susan J. Pelz  
Solid Waste Program Manager  
Southwest District

sjp/sw  
ec:

William Kutash, Waste Program Administrator, FDEP SWD  
Susan Pelz, P.E., Solid Waste, FDEP SWD  
Stephanie Watson, Solid Waste, FDEP SWD  
Nancy Gaskin, Solid Waste, FDEP SWD  
Janet Tashner, FDEP OGC, Tallahassee  
Derrill McAteer, Esq., Hogan Law Firm, [Derrill@hoganlawfirm.com](mailto:Derrill@hoganlawfirm.com)

**Watson, Stephanie M.**

---

**From:** Kuhl, Gary [Gary.Kuhl@sumtercountyfl.gov]  
**Sent:** Tuesday, March 17, 2009 2:20 PM  
**To:** Watson, Stephanie M.  
**Cc:** Conway, Doug; Stevens, Bill; Wise, Jimmy; Arnold, Bradley; Derrill McAteer; Warnock, Denise  
**Subject:** FW: Sumter County in-kind project

Stephanie, dates are for 1) about March 30; 2) about April 27; 3) about May 19; 4) about May 19; 5) about August 28. Thanks for your help. Note: Mr. McAteer and Mr. Arnold, I will need to brief you on the details of the proposed consent agreement as it contains portions of FDEP's "model consent order" that will not be applicable to us. For example, Sumter County's project has already been approved by FDEP and will not need to be re-submitted nor will the fine amount be required to be submitted prior to the WWTP project being completed.

***Gary Kuhl***

Public Works Director  
Sumter County  
319 E. Anderson Avenue  
Bushnell, FL 33513  
gary.kuhl@sumtercountyfl.gov  
(352) 793 0240 phone  
(352) 793-0247 fax

---

**From:** Conway, Doug  
**Sent:** Tuesday, March 17, 2009 12:54 PM  
**To:** Stevens, Bill  
**Cc:** Kelley, Cindy; Kuhl, Gary; Wise, Jimmy; Jackson, Jackey; 'Bruce Hickie'  
**Subject:** RE: Sumter County in-kind project

Bill,

We have all the drawings and specifications for this project, currently the bid package front end documents are being finalize. I anticipate the following activities and timelines;

- 1) Complete and post the bid to demandstart.com within two weeks.
- 2) Received bids within 30 days after posting.
- 3) Make recommendation to award to SCBOCC within two week of receiving the bids.
- 4) Notice to Proceed to Contractor mid-May.
- 5) Completion of project within 3 to 4 months after Notice to Proceed.

Thanks

Doug

.....  
Bruce,

As you can see we are progressing toward bidding and construction of the Animal Control Facility and associated force main and lift station to collect sewage to send to the City of Bushnell treatment plant, please advise me of any issues or regulatory authorities which I am need to secure permits with to complete this project.

Thanks

Doug

---

**From:** Stevens, Bill  
**Sent:** Tuesday, March 17, 2009 10:24 AM  
**To:** Conway, Doug  
**Cc:** Kuhl, Gary  
**Subject:** FW: Sumter County in-kind project

Doug can you provide us with a time frame for the milestones listed below? Mr. Kuhl is to call DEP some time this afternoon.

William F. "Bill" Stevens, Jr., P.E.  
Public Works Department

---

**From:** Watson, Stephanie M. [mailto:Stephanie.M.Watson@dep.state.fl.us]  
**Sent:** Tuesday, March 17, 2009 10:02 AM  
**To:** Stevens, Bill; Kuhl, Gary  
**Cc:** Pelz, Susan  
**Subject:** RE: Sumter County in-kind project

Mr. Stevens,

Thank you for your email.

I would like to discuss the County's anticipated timeframes associated with completion of the proposed in-kind project (when septic tanks are expected to be demolished, when the Water Management permit is anticipated to be issued, and when connection to the WWTP is expected to be completed).

I will be in the office today (I have a meeting at 2:30 this afternoon).

Stephanie

*Stephanie Watson*  
Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

---

**From:** Stevens, Bill [mailto:Bill.Stevens@sumtercountyfl.gov]  
**Sent:** Tuesday, March 17, 2009 9:53 AM  
**To:** Watson, Stephanie M.; Kuhl, Gary  
**Subject:** RE: Sumter County in-kind project

Stephanie I am aware that a discussion of an in-kind project was discussed at a higher level but not privy to any details. Mr. Kuhl our Director will call you to see if he can be of assistance.

William F. "Bill" Stevens Jr., P.E.  
Assistant Public Works Director for Planning, Engineering and Environmental Projects  
**Sumter County Public Works**  
319 East Anderson Avenue  
Bushnell, Florida 33513  
352.793.0240 Office  
352.793.0247 Fax

**From:** Watson, Stephanie M. [mailto:stephanie.M.Watson@dep.state.fl.us]  
**Sent:** Tuesday, March 17, 2009 8:05 AM  
**To:** Stevens, Bill  
**Subject:** Sumter County in-kind project

Mr. Stevens,

I am trying to obtain some more information about the in-kind project proposal that was submitted by Mr. Bradley Arnold to the Department on February 17, 2009 regarding connection of the Solid Waste Department and Animal Control facilities to the City of Bushnell WWTP.

Are you the right person to contact regarding this project? If not, could you please point me in the right direction?

Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

**\*\*\*\*\* Important Notice \*\*\*\*\***

**The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.**

**\*\*\*\*\* Important Notice \*\*\*\*\***

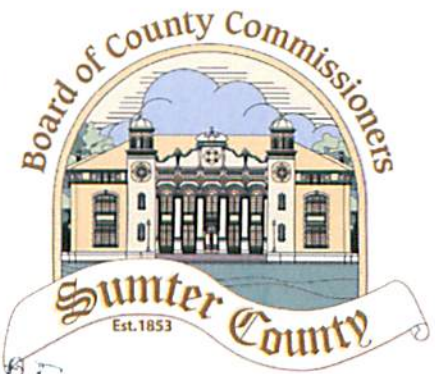
**The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.**



# Board of County Commissioners

## Sumter County, Florida

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207  
Website <http://sumtercountyfl.gov>



Dept. of Environmental  
Protection

FEB 19 2009

Southwest District

February 17, 2009

Inserted Into  
**OCULUS**  
Date: 2-10-09  
Initials: [Signature]

Ms. Deborah Getzoff, Director  
Southwest District  
Florida Department of Environmental Protection (DEP)  
13051 N. Telecom Parkway  
Temple Terrace, FL 33637

RE: 08-2376; DEP v. Sumter County

Dear Ms. Getzoff:

Thank you for the phone call last week, your understanding of our solution in progress, and your willingness to accept the investment of which we are moving out to bid to substitute as in-kind payment of the fine proposed by DEP.

As we discussed, I have attached the civil engineer's construction cost estimate (\$179,880.01) of the sewage system to serve both the Animal Control Department operations along with the leachate and septic systems of the Solid Waste Department.

Also, attached is the set of civil engineering drawings in which you will note on sheet C601 – Manhole #8 will serve as the transfer station leachate collection point. On the same sheet you will note the proposed connection of the system to the City of Bushnell Wastewater Treatment Facility.

The proposed bid opening date is April 30, 2009 following receipt of our Southwest Florida Water Management District stormwater permit.

Richard "Dick" Hoffman, Dist 1  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Doug Gilpin, Dist 2  
Vice Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Michael E. Francis, Dist 3  
(352) 753-1592 or 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Garry Breeden, Dist 4  
Chairman  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513

Randy Mask, Dist 5  
2nd Vice Chairman  
Office: (352) 793-0200  
Home: (352) 793-3930  
910 N. Main Street  
Bushnell, FL 33513

Bradley S. Arnold,  
County Administrator  
(352) 793-0200  
910 N. Main Street  
Bushnell, FL 33513-6146

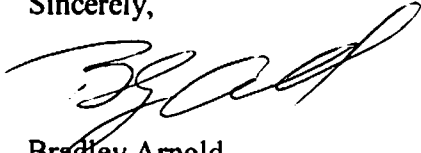
Gloria R. Hayward, Clerk & Auditor  
(352) 793-0215  
209 North Florida Street  
Bushnell, FL 33513

County Attorney  
The Hogan Law Firm  
Post Office Box 485  
Brooksville, Florida 34605

COUNTY IN-  
KIND PROPOSAL  
2-17-09

Thank you again for the partnership opportunity to place the funds proposed as a fine towards the construction of this project.

Sincerely,



Bradley Arnold  
County Administrator

xc: Representative Marlene O'Toole  
Sumter County Board of County Commissioners  
Mr. Gary Kuhl, Public Works Director

Attachments: Klima Weeks Construction Costs  
Vitetta / Klima Weeks Civil Engineering Drawings

Dept. of Environmental  
Protection

FEB 19 2009

Southwest District

## CONSTRUCTION COSTS

Dept. of Environment  
Protection

FEB 19 2009

Project Name: Sumter Animal Control Addn  
Date of Estimate: October 17, 2008

Southwest District

Item Description	Quantity	Unit	Unit Price	Total
<b>Construction Costs</b>				
<b>DEMOLITION ITEMS</b>				
Tree Removal	1	ls	\$2,120.00	\$ 2,120.00
Existing Paving Removal	410	sy	\$10.00	\$ 4,100.00
Fence Removal	1	ls	\$500.00	\$ 500.00
Septic Tank Demolition	5	ea	\$1,000.00	\$ 5,000.00
Silt Fencing	610	lf	\$1.00	\$ 610.00
Subtotal Demolition				\$12,330.00
<b>NEW CONSTRUCTION</b>				
Earthwork	580	cy	\$5.50	\$ 3,190.00
6" PVC Storm	40	lf	\$10.55	\$ 422.00
MES	4	ea	\$250.00	\$ 1,000.00
Swale Grading	650	lf	\$5.00	\$ 3,250.00
6" PVC Sanitary	454	lf	\$10.55	\$ 4,789.70
Cleanouts	6	ea	\$70.00	\$ 420.00
8" PVC Sanitary	863	lf	\$13.30	\$ 11,477.90
Sanitary Manholes	6	ea	\$2,750.00	\$16,500.00
Connect to Exist.	4	ea	\$250.00	\$1,000.00
Open Cut Pavement	1545	sy	\$15.00	\$ 23,175.00
Lift Station	1	ls	\$18,000.00	\$ 18,000.00
2.5" San. Force Main	2778	lf	\$7.65	\$21,251.70
Directional Drilling	2778	lf	\$8.25	\$22,918.50
Air Release Valves	3	ea	\$500.00	\$1,500.00
2" San. Force Main	220	lf	\$7.00	\$1,540.00
Saw cut exist. Slab	100	lf	\$3.75	\$375.00
Remove Exist Slab	17	sy	\$21.40	\$363.80
Replace Slab	17	sy	\$71.40	\$1,213.80
Trenching, Backfill, Corn	17	cy	\$100.00	\$1,700.00
Add Simplex for Bath	1	ls	\$5,000.00	\$5,000.00
Connect to Plant	1	ls	\$2,500.00	\$2,500.00
Misc Fittings/Testing	1	ls	\$2,500.00	\$2,500.00
Subtotal of New Const.				\$ 144,087.40
<b>TOTAL</b>				\$156,417.40
Mob/Demob/Cont (15%)				\$ 23,462.61
<b>GRAND TOTAL</b>				<b>\$179,880.01</b>

**THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,**

Dept. of Environmental Protection  
**JAN 29 2009**  
Southwest District

**Complainant,**

**v.**

**OGC FILE NO.: 08-2376**

**SUMTER COUNTY, FLORIDA,  
a subdivision of the State of Florida**


**Respondent.**

**WITHDRAWAL OF PETITION  
FOR FORMAL ADMINISTRATIVE PROCEEDING**

COMES NOW, SUMTER COUNTY ("SUMTER"), a subdivision of the State of Florida, and, as a result of the State of FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ("DEP")'s written admittance of the absence of a proper Notice of Violation in the above styled matter, and the resulting prematurity of Sumter's petition, hereby withdraws its Petition for Formal Administrative Proceeding pursuant to Sections 120.569 and 120.57 Florida Statutes, but reserves the right to file a timely petition if a Notice of Violation is served by DEP.

Respectfully submitted this 28<sup>th</sup> day of January, 2009.

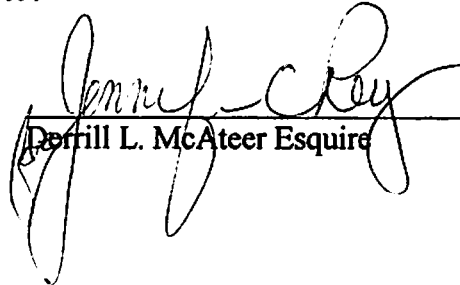
The Hogan Law Firm  
20 South Broad Street  
P. O. Box 485  
Brooksville, Florida 34605-0485  
Telephone: (352) 799-8423  
Facsimile: (352) 799-8294

  
\_\_\_\_\_  
Derrill L. McAteer, Esquire  
Florida Bar No. 0628972

Counsel for SUMTER

**CERTIFICATE OF SERVICE**

I hereby certify that the original above was served on the Florida Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, FL 32399 via FedEx overnight delivery; and a copy by regular U.S. Mail to: State of Florida Department of Environmental Protection c/o Debora A. Getzoff, District Director, Southwest District, 13051 N. Telecom Parkway, Temple Terrace, Florida 33637, this 8<sup>th</sup> day of January, 2009.

  
Derrill L. McAteer Esquire



Legal Case Tracking System - Case Record (Part 1) 01/05/2009 15:45:27

**Case Record (Part 1)**

OGC Number \* 08 2376 60 SW District \* 6 SOUTHWEST County \* 60 SUMTER  
 Status O OPEN Mode \* E ENFORCEMENT Desc

Style of Case \* SUMTER COUNTY PUBLIC WORKS DEPARTMENT  
 Alias Name SUMTER COUNTY PUBLIC WORKS DEPARTMENT  
 Site Name SUMTER COUNTY MATERIALS RECOVERY FACILITY

Lead Attorney \* JMT JANET M TASHNER Supervisor Initials AAM  
 2nd Attorney Supervisor Initials

Primary Program Area \*  
 SW SOLID WASTE

Secondary Program Areas

Date *	Code *	OGC Case Activity
09/23/2008	DSFO	CASE OPENED IN DISTRICT WITH SHORT-FOR
09/23/2008	ACO	ADMIN. CASE OPENED IN OGC

Case Origin DISTRICT Case in Litigation ? N

Dept. of Environmental  
Protection

JAN 08 2009

Southwest District

**Watson, Stephanie M.**

---

**From:** Tashner, Janet  
**Sent:** Wednesday, January 07, 2009 3:40 PM  
**To:** 'derrill@hoganlawfirm.com'  
**Cc:** Case, Kekai  
**Subject:** 08-2376; DEP v. Sumter County

Hi Derrill,

As discussed, I've reviewed Sumter County's Petition for Administrative Hearing but find it premature as there is currently no agency action in this case. You indicated that you were willing to submit a letter withdrawing the Petition if I would confirm this.

The District offered the County a Short Form Consent Order in an attempt to settle the outstanding penalty issue. Because the County has not accepted the terms of the Consent Order, it remains unexecuted and therefore is not an agency action. Should the District decide to pursue the case administratively, you will find a "Notice of Rights" section within the issued Notice of Violation.

Please feel free to contact me if you need additional information.

Sincerely,  
JT

**Janet Tashner**  
Assistant General Counsel  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd.  
Tallahassee, FL 32399-3000

850.245.2289 office  
850.728.6545 mobile  
850.245.2301 fax  
[janet.tashner@dep.state.fl.us](mailto:janet.tashner@dep.state.fl.us)



Please consider the environment before printing this email.

**Watson, Stephanie M.**

---

**From:** Derrill McAteer [Derrill@hoganlawfirm.com]  
**Sent:** Wednesday, December 31, 2008 12:22 AM  
**To:** Watson, Stephanie M.  
**Cc:** Pelz, Susan  
**Subject:** RE: Short Form Consent Order OGC Case No. 08-2376, Sumter County MRF

*End to OGC*

Ms. Watson,

The Sumter County Board of County Commissioners rejected the consent order unanimously and instructed us to litigate the matter as aggressively as possible. I must admit the Commission's anger at DEP is palpable on this issue. This is, after all, taxpayer money, of which massive amounts are being spent by the County on modernizing the leachate collection system. This is not an irresponsible, unprofessional or apathetic respondent, and the alleged "incident" complained of, if accurately described (and we make no admission that it is), is insignificant at best.

The perception is, with the development industry and the economy at a standstill, that DEP is trying to maintain it's own budget through irresponsible attacks on taxpayer funded state subdivisions for purposes of monetary collection.

I filed, in an abundance of caution, a petition for administrative hearing, despite the absence of a proper NOV. We would again respectfully ask that DEP drop this matter, given Sumter's significant acts of expense and good faith, or that it otherwise proceed with a proper NOV from which Sumter County may timely respond.

Sincerely,

Derrill McAteer

---

**From:** Watson, Stephanie M. [mailto:Stephanie.M.Watson@dep.state.fl.us]  
**Sent:** Thursday, December 18, 2008 5:37 PM  
**To:** Derrill McAteer  
**Cc:** Pelz, Susan  
**Subject:** FW: Short Form Consent Order OGC Case No. 08-2376, Sumter County MRF

Dear Derrill,

I just returned to the office today after being on leave. I received your voicemail and email messages.

On December 9, 2008, I sent you the email below as we discussed. It is my understanding that you did not receive this email, so I am resending it.

I have attached a copy of the Department's December 4, 2008 response to Sumter County's October 7, 2008 letter (also attached) in case you do not have copies of these documents.

Please let me know if you have further questions. I have a meeting tomorrow morning, but I will be available tomorrow afternoon.

Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926

Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

**From:** Watson, Stephanie M.

**Sent:** Tuesday, December 09, 2008 3:54 PM

**To:** 'derrill@hoganlawfirm.com'

**Cc:** Pelz, Susan

**Subject:** Short Form Consent Order OGC Case No. 08-2376, Sumter County MRF

Dear Derrill,

During our conversation on the telephone this afternoon, you indicated that the Hogan Law Firm is representing Sumter County in this matter.

Per your request, attached is a pdf copy of the draft Short Form Consent Order, which was mailed to Sumter County on September 30, 3008.

As we discussed, please review this document with the County. If the County elects to sign this letter, please return it to the Department at the address indicated at the top of the letter within 15 days of receipt of this email.

If you have any questions about this email, please let me know.

Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section

13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926

Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)



Legal Case Tracking - Case Record (Part 1) 12/30/2008 15:34:10

### Case Record (Part 1)

OGC Number \*    
 District \*  
 County \*

Status  
 Mode  
 Desc

Style of Case

Alias Name \*

Site Name \*

Lead Attorney      
 Supervisor Initials

2nd Attorney      
 Supervisor Initials

Primary Program Area	Date *	OGC Case Activity *
<input type="text" value="SW"/> <input type="text" value="SOLID WASTE"/>	<input type="text" value="09/23/2008"/>	<input type="text" value="DSFO"/> <input type="text" value="CASE OPENED IN DISTRICT WITH SHORT-FO"/>
	<input type="text" value="09/23/2008"/>	<input type="text" value="ACO"/> <input type="text" value="ADMIN. CASE OPENED IN OGC"/>
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>

Secondary Program Areas

Case Origin 
 Case In Litigation ? \*

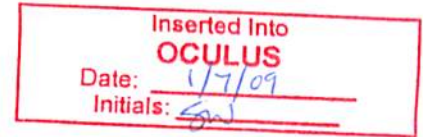


DEC 29 2008

Southwest District

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,



Complainant,

v.

OGC FILE NO.: 08-2376

SUMTER COUNTY, FLORIDA,  
a subdivision of the State of Florida

Respondent.

\_\_\_\_\_ /

PETITION FOR FORMAL ADMINISTRATIVE PROCEEDING

COMES NOW, SUMTER COUNTY ("SUMTER"), a subdivision of the State of Florida, and, despite the absence of a proper Notice of Violation, and in an abundance of caution as a result of the language of the proffered "Notice of Rights" served upon it, brings a Petition for Formal Administrative Proceeding pursuant to Sections 120.569 and 120.57 Florida Statutes, and in furtherance thereof states as follows:

1. The agency affected by this Petition is the State of Florida Department of Environmental Protection ("DEP"), c/o Debora A. Getzoff, District Director, Southwest District, 13051 N. Telecom Parkway, Temple Terrace, FL 33637.
2. Petitioner SUMTER's address is 910 North Main Street, Bushnell, Florida, 33513.
3. Petitioner SUMTER's phone number is (352) 793-0200.
4. Petitioner SUMTER is represented by Derrill L. McAteer, Esq. of The Hogan Law Firm, 20 S. Broad Street, Brooksville, FL 34601.
5. Petitioner SUMTER's substantial interests will be affected by this matter as Petitioner SUMTER is named in correspondence as a prospective party respondent to DEP case number 08-2376, and DEP has threatened to impose

\$3,500.00 in administrative penalties and investigative costs against Respondent/Petitioner SUMTER, a subdivision of the State of Florida.

6. Petitioner SUMTER has received multiple letters and a proffered consent order in the above styled matter. With those letters was a "Notice of Rights" instead of a proper "Notice of Violation". While the "Notice of Rights" appears to apply only to third parties who may claim interest in the consent order, in an abundance of caution, Sumter files this pleading to avoid any allegation of waiver of its right to an administrative hearing.
7. Petitioner SUMTER disputes material facts alleged in the correspondence accompanying the consent order, including the allegation that the leachate collection system was not operated in a manner consistent with the Florida Administrative Code. No leachate material has ever com in to contact with soil or any other permeable surface. Moreover, SUMTER is spending substantial amounts of money to modernize and mitigate the handling of leachate at its facility. SUMTER finds it incredible that an agency supported by the taxpayer's of the State of Florida would attempt to extract money from a state subdivision, also supported by taxpayer funds, given the circumstances surrounding this matter.
8. This petition for administrative hearing is offered in an abundance of caution. SUMTER has not received a proper Notice of Violation. Moreover, SUMTER does not waive any rights in the filing of this cautionary petition, and requests that DEP either refrain from future prosecution of this matter or serve a clear Notice of Violation from which SUMTER may respond.

9. The Board of County Commissioners of Sumter County has authorized the undersigned to litigate this matter through the formal hearing phase and to circuit court if necessary.

10. SUMTER reserves the right to amend this petition if necessary.

WHEREFORE, in an abundance of caution, Petitioner SUMTER demands and exercises its right to due process and requests a formal hearing in the above styled matter, notes that no known rights are being waived or relinquished, and further respectfully requests that the proposed allegations, penalties, and action(s) be outlined in a proper Notice of Violation, or, in the alternative, that DEP refrain from prosecuting this action in order to prevent a further waste of taxpayer monies.

Respectfully submitted this 24 day of December, 2008.

The Hogan Law Firm  
20 South Broad Street  
P. O. Box 485  
Brooksville, Florida 34605-0485  
Telephone: (352) 799-8423  
Facsimile: (352) 799-8294

Dept. of Environmental Protection

DEC 29 2008

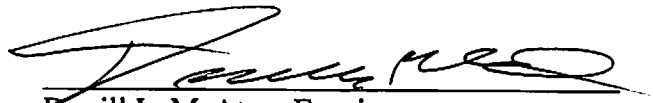
SOUTHERN DISTRICT



Derrill L. McAteer, Esquire  
Florida Bar No. 0628972  
Counsel for SUMTER

**CERTIFICATE OF SERVICE**

I hereby certify that the original above was served on the Florida Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, FL 32399 via FedEx overnight delivery; and a copy by regular U.S. Mail to: State of Florida Department of Environmental Protection c/o Debora A. Getzoff, District Director, Southwest District, 13051 N. Telecom Parkway, Temple Terrace, Florida 33637, this 24 day of December, 2008.

  
Derrill L. McAteer Esquire

**Watson, Stephanie M.**

---

**From:** Watson, Stephanie M.  
**Sent:** Friday, December 19, 2008 9:10 AM  
**To:** 'Derrill McAteer'  
**Cc:** Pelz, Susan  
**Subject:** RE: Short Form Consent Order OGC Case No. 08-2376, Sumter County MRF

*full b ogc*

Derrill,

Yes, the County has 15 days from December 18, 2008 in which to sign and submit the Consent Order to the Department.

Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

---

**From:** Derrill McAteer [mailto:[Derrill@hoganlawfirm.com](mailto:Derrill@hoganlawfirm.com)]  
**Sent:** Thursday, December 18, 2008 5:58 PM  
**To:** Watson, Stephanie M.  
**Cc:** Pelz, Susan  
**Subject:** RE: Short Form Consent Order OGC Case No. 08-2376, Sumter County MRF

Stephanie,

I checked my emails and I do not have anything from you on that date, though I see you sent it. It might have landed in our firm's spam filter. Thanks for resending.

I am passing the consent order on. I take it we have 15 days from December 18, 2008 in which to execute.

Thanks,

Derrill

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**Watson, Stephanie M.**

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**From:** Derrill McAteer [Derrill@hoganlawfirm.com]  
**Sent:** Thursday, December 18, 2008 5:58 PM  
**To:** Watson, Stephanie M.  
**Cc:** Pelz, Susan  
**Subject:** RE: Short Form Consent Order OGC Case No. 08-2376, Sumter County MRF

End to OGC

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Thank you,  
Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926

Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

---

**From:** Watson, Stephanie M.  
**Sent:** Tuesday, December 09, 2008 3:54 PM  
**To:** 'derrill@hoganlawfirm.com'  
**Cc:** Pelz, Susan  
**Subject:** Short Form Consent Order OGC Case No. 08-2376, Sumter County MRF

Dear Derrill,

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*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section

13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926

Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

**Watson, Stephanie M.**

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**Sent:** Thursday, December 18, 2008 5:37 PM  
**To:** 'Derrill McAteer'  
**Cc:** Pelz, Susan  
**Subject:** FW: Short Form Consent Order OGC Case No. 08-2376, Sumter County MRF  
**Attachments:** Sumter County MRF SFCO #08-2376 dated 9-30-2008.pdf; Response to penalty reduction request.DAG dated 11-04-2008.pdf; SumterCo.10-7-08ResponsetoWL.pdf

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Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

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**Sent:** Tuesday, December 09, 2008 3:54 PM  
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During our conversation on the telephone this afternoon, you indicated that the Hogan Law Firm is representing Sumter County in this matter.

Per your request, attached is a pdf copy of the draft Short Form Consent Order, which was mailed to Sumter County on September 30, 2008.

As we discussed, please review this document with the County. If the County elects to sign this letter, please return it to the Department at the address indicated at the top of the letter within 15 days of receipt of this email.

If you have any questions about this email, please let me know.

Thank you,

**Stephanie**

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section

13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926

Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)

S

**Watson, Stephanie M.**

---

**From:** Derrill McAteer [Derrill@hoganlawfirm.com]  
**Sent:** Monday, December 15, 2008 3:28 PM  
**To:** Watson, Stephanie M.  
**Cc:** Arnold, Bradley  
**Subject:** Sumter County Materials Recovery Facility

✓  
End to OGC

Ms. Watson,

Consistent with our conversation of December 9, 2008, please send me, via .pdf, a clean copy of the Department's original Consent Order in the above referenced matter with a specified deadline for completion. Though I understand the terms will be the same as the Department's original settlement offer, we request that the department consider a reduction in the amount at issue as a result of Sumter County's good faith mitigation and remediation efforts.

Sincerely,

Derrill McAteer



**Watson, Stephanie M.**

---

**From:** Watson, Stephanie M.  
**Sent:** Tuesday, December 09, 2008 3:54 PM  
**To:** 'derrill@hoganlawfirm.com'  
**Cc:** Pelz, Susan ✓  
**Subject:** Short Form Consent Order OGC Case No. 08-2376, Sumter County MRF  
**Attachments:** Sumter County MRF SFCO #08-2376 dated 9-30-2008.pdf

Dear Derrill,

During our conversation on the telephone this afternoon, you indicated that the Hogan Law Firm is representing Sumter County in this matter.

Per your request, attached is a pdf copy of the draft Short Form Consent Order, which was mailed to Sumter County on September 30, 3008.

As we discussed, please review this document with the County. If the County elects to sign this letter, please return it to the Department at the address indicated at the top of the letter within 15 days of receipt of this email.

If you have any questions about this email, please let me know.

Thank you,

Stephanie

*Stephanie Watson*

Florida Department of Environmental Protection, Southwest District, Solid Waste Section  
13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600, ext. 451; Fax: 813-632-7664; E-mail: [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us)



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

September 30, 2008

**CERTIFIED MAIL 7007 2680 0000 5032 7429**  
**RETURN RECEIPT REQUESTED**

Mr. Bradley Arnold, County Administrator  
Sumter County Public Works Department  
910 North Main Street, Room 201  
Bushnell, Florida 33513

RE: Proposed Settlement of Warning Letter # WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
OGC File No.: 08-2376

Dear Mr. Arnold:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated August 15, 2008, a copy of which is attached. The corrective actions required to bring the facility into compliance have been performed. The Department finds that the County is in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, the County is assessed civil penalties in the amount of \$3,000, along with \$500 to reimburse the Department costs, for a total of \$3,500.

The civil penalty in this case includes one violation of \$2,000.00 or more.

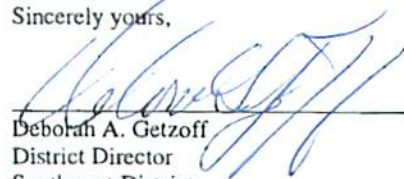
The Department acknowledges that the payment of these civil penalties by the County does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by county check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Attn: Sandra Wilson, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926, within thirty (30) days of the signing of this letter.

Signing this letter constitutes the County's acceptance of the Department's offer to resolve this matter on these terms. If the County elects to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

*"More Protection. Less Process"*  
[www.dep.state.fl.us](http://www.dep.state.fl.us)

If the County does not sign and return this letter to the Department at the District address within fifteen (15) days of receipt of this letter, the Department will assume that the County is not interested in settling this matter on the above described terms, and will proceed accordingly. None of the County's rights or substantial interests are determined by this letter, unless the County signs it and it is filed with the Department Clerk.

Sincerely yours,

  
Deborah A. Getzoff  
District Director  
Southwest District

**FOR THE RESPONDENT:**

I, Bradley Arnold, County Administrator, on behalf of Sumter County Public Works Department,  
**HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

.....  
**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Deborah A. Getzoff  
District Director  
Southwest District

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to  
§ 120.52, Florida Statutes,  
With the designated Department  
Clerk, receipt of which is hereby  
Acknowledged.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

Copies furnished to: Lea Crandall, OGC Tallahassee (executed copy only)  
Sandra Wilson, FDEP Tampa (executed copy only)

### NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

# Memorandum

# Florida Department of Environmental Protection

## ENFORCEMENT/COMPLIANCE COVER MEMO

To:



Deborah Getzoff, District Director

FROM/THROUGH:



William Kutash, Waste Program Administrator



Susan Pelz, Solid Waste Program Supervisor



Stephanie Watson, Enforcement Coordinator

DATE: November 4, 2008

FILE NAME: SUMTER COUNTY MATERIALS RECOVERY  
FACILITY

OGC FILE NO. 08-2376

PROGRAM: SOLID WASTE/WASTE MANAGEMENT

COUNTY: SUMTER

### TYPE OF DOCUMENT:



DRAFT OR



FINAL



FINAL ORDER



WARNING LETTER



SHORT FORM CONSENT ORDER



RESPONSE TO REQUEST FOR PENALTY REDUCTION



INSPECTION REPORT

**ACTION REQUIRED:** For your review and signature.

**DESCRIPTION OF VIOLATIONS:** Based on the Department's inspection on June 26, 2008, Sumter County Materials Recovery Facility (MRF) improperly maintained and operated the leachate collection and disposal system. Corrective actions have been performed.

The County submitted a request for penalty reduction dated October 7, 2008 (received October 16, 2008). This letter indicates that the Department does not agree to reduce, waive, or offset the \$3,500 penalty and costs.

### PENALTY SUMMARY:

PENALTY AMOUNT: \$3,000

COST AND EXPENSES: \$500

TOTAL PENALTY AMOUNT: \$3,500



OGC PENALTY APPROVAL REQUIRED



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Bradley Arnold, County Adm.  
Sumter County BCC  
P O Box 1066  
Bushnell, FL 33513

*Letter Requesting Waiver  
Sumter MRF*

2. Article Number

(Transfer from service label)

7008 0150 0003 4893 7230

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Jimmy Wise*

☐ Agent☐ Addressee

B. Received by (Printed Name)

*Jimmy Wise*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

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4. Restricted Delivery? (Extra Fee)

☐ Yes

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Florida Department of Environmental Protection  
Southwest District  
c/o Stephanie Watson – Solid Waste  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926

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Mr. Bradley Arnold, County Adm.  
Sumter County BCC  
P O Box 1066  
Bushnell, FL 33513

7008 0150 0003 4893 7230

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- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS<sup>®</sup> postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**





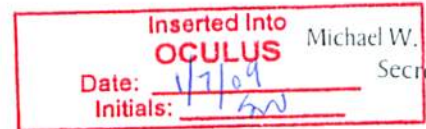
# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary



November 4, 2008

**CERTIFIED MAIL 7008 0150 0003 4893 7230  
RETURN RECEIPT REQUESTED**

Mr. Bradley Arnold, County Administrator  
Sumter County Board of County Commissioners  
P.O. Box 1066  
Bushnell, Florida 33513

RE: Sumter County's October 7, 2008 Letter Requesting Waiver of Department Penalty  
Sumter County Materials Recovery Facility  
OGC File No.: 08-2376

Dear Mr. Arnold:

On October 16, 2008, the Department received your October 7, 2008 letter on behalf of the Sumter County Board of County Commissioners (the County) in response to the penalty assessed in the Department's August 15, 2008 Warning Letter WL#08-0008SW60SWD for the Sumter County Materials Recovery Facility (facility).

The Department has reviewed and considered the County's response, which requests that the Department approve an offset of the \$3,500 penalty towards completion a County project that is already underway to connect the facility's existing leachate collection system to the City of Bushnell's wastewater treatment plant. The County indicated that this project would resolve any future problems with the facility's leachate collection system. The Department believes that the project constitutes a corrective action for the violation cited in the referenced Warning Letter. It is the Department's policy that civil penalties cannot be applied toward the cost of corrective actions.

The Department acknowledges the County's request, and other concerns, presented in the October 7, 2008 letter. As some background, in June 2001, the Florida Legislature enacted the Environmental Litigation Reform Act (ELRA) with the intention of streamlining the process for environmental enforcement actions for cases where the potential impacts to the environment are less serious or the magnitude of the non-compliance is low. The case at hand is a good application of the ELRA process for minor cases with small penalties that can be resolved quickly. The civil penalties were assessed in accordance with Section 403.121(3)(e) of the Florida Statutes and are consistent with the intent of ELRA. Therefore, since civil penalties cannot be applied toward the cost of corrective action, and the penalties assessed are directed by

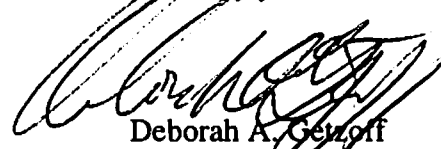


the Florida Legislature through ELRA, the Department does not agree to waive, offset, or reduce the referenced penalty.

On September 30, 2008, the Department provided a Short Form Consent Order to the County for settlement of the referenced penalty. Upon receipt of this letter, please sign and return the Consent Order to the Department at the District address in accordance with the timeframes specified.

If you have any questions, you may contact Ms. Stephanie Watson of this office at (813) 632-7600, extension 451, or by email at [stephanie.m.watson@dep.state.fl.us](mailto:stephanie.m.watson@dep.state.fl.us). The Department appreciates your cooperation in this matter.

Sincerely yours,



Deborah A. Getzoff  
District Director  
Southwest District

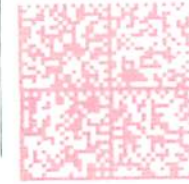
cc: William Kutash, Waste Program Administrator, FDEP SWD  
Susan Pelz, P.E., Solid Waste, FDEP SWD  
Stephanie Watson, Solid Waste, FDEP SWD  
Nancy Gaskin, Solid Waste, FDEP SWD

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
13051 NORTH TELECOM PARKWAY  
TEMPLE TERRACE, FL 33637-0926



7008 0150 0003 4893 7230

Mr. Bradley Arnold, County Adm.  
Sumter County BCC  
P O Box 1066  
Bushnell, FL 33513



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# SUMTER COUNTY SOLID WASTE

SUMTER COUNTY, FLORIDA

PO Box 1066 • Bushnell, FL 33513 • Phone (352) 793-3368 • Fax (352) 568-0166 • www.scpw.org



Dept. Of Environmental Protection

October 7, 2008

OCT 16 2008

Southwest District

Inserted Into  
**OCULUS**  
Date: 1/7/09  
Initials: SAJ

Deborah A. Getzoff  
District Director Florida Department of Environmental Protection  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926

RE: Proposed Settlement of Warning Letter # WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
OGC File No.: 08-2376

Dear Ms. Getzoff:

Subsequent to our Public Works Solid Waste Department discussing the subject matter with your staff, Sumter County would like to request that you consider a waiver of the civil penalties referenced in your September 30, 2008 settlement letter and August 15, 2008 warning letter. The County is expeditiously working to seek a final resolution of this matter by connecting the existing leachate collection system to the City of Bushnell's wastewater treatment plant. To date, plans are 90% complete and it is anticipated that this connection will cost approximately \$40,000 and be completed 120 days after Department of Environmental Protection approval. This piping system will also take the Animal Control Facility, located north and east of the Solid Waste Office, and the Solid Waste Office off of a septic system and connect them to the waste water treatment plant. The total cost of this project is expected to be approximately \$150,000. This project was in the planning stage well before the inspection of June 26, 2008, and is expected to be completed in 2009. Therefore, taking the above into consideration, as well as the following, we feel strongly that the \$3,500 civil penalty would be best utilized to offset to final resolution of the matter:

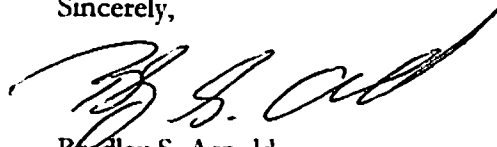
- 1) The Department of Environmental Protection (DEP) recognizes, as stated in the letter assessing the penalty, dated September 30, 2008, that "corrective actions required to bring the facility into compliance have been performed."
- 2) DEP has not had a leachate water complaint against Sumter County since a pump failure was noted in an inspection report dated 1/17/06.
- 3) There was no failure of any part of the leachate water collection system or any pump, it was simply completely full.
- 4) An order was placed for a vacuum truck on Tuesday, June 24, 2008, to empty the leachate holding tank and collection system. The leachate collection system was not full at this time. This vacuum truck did not arrive until Friday, June 27, 2008.
- 5) Rainfall on the evening of Wednesday, June 25, 2008 filled the leachate collection system. Another call was made for the vacuum truck on Thursday, June 26, 2008.

COUNTY  
10-7-08 PER.  
P.R. PEN. RED.

- 6) **No leachate water escaped the concrete floor** of the Materials Recovery Facility. (MRF)
- 7) The leachate pumps were turned off of automatic because the holding tank it pumps into was full and the over-flow cycles back into the leachate collection system.
- 8) A new policy concerning leachate water has been adopted by the Sumter County Solid Waste Department which is: A measuring device is used to track the level of leachate water in the collection system. The collection system is now not allowed to be over one half full before a vacuum truck is called to empty the system.
- 9) DEP personnel were informed, on their site visit of March 7, 2008, that Sumter County was making plans to connect the leachate collection system to the City of Bushnell Waste Water Treatment Plant. (WWTP) This project is now in the engineering stage with drawings to be submitted to DEP as they become available.
- 10) Construction cost to connect the leachate collection system to the WWTP is expected to be approximately \$40,000. This connection will also take the restrooms in the MRF off of a septic tank system.
- 11) Connection to the WWTP will insure this type of problem does not happen in the future. The system we are now using will be left in place for a back-up.
- 12) The Animal Control Facility and the Solid Waste Department Office will also be connected to the WWTP. This will remove both sites off of a septic system.
- 13) The total cost of connection to the WWTP will be approximately \$150,000.
- 14) Sumter County is recognized by the State of Florida as a "Small County" and qualifies for a Small County Solid Waste Grant. This grant is vital to the operation of the Sumter County Solid Waste Department.
- 15) Sumter County does not have a tax assessment for waste disposal.
- 16) Sumter County does not have any form of "flow control" for solid waste that would guarantee all of the solid waste generated in Sumter County would come to the Sumter County Solid Waste Department and there is another privately owned transfer station in operation in Sumter County.
- 17) The Sumter County Solid Waste Department operates as an enterprise fund, relying on revenue generated by the Solid Waste Department and the Solid Waste Grant to fund all operations of the Solid Waste Department.
- 18) There was never any intent by the Sumter County Solid Waste Department to violate any DEP regulation. Action was taken to avoid any problem with the leachate water and if the vacuum truck had arrived as expected the collection system would not have gotten full.
- 19) Small Counties across Florida are struggling with the economy in the turmoil it is presently in and Sumter County is not an exception to this.

Should you have any questions regarding this matter please do not hesitate to contact Mr. Gary Kuhl, Public Works Director. We appreciate the consideration given to this request and await a positive response.

Sincerely,



Bradley S. Arnold  
County Administrator

cc: Susan J. Pelz, P.E. FDEP SWD

Gary Kuhl, P.E. Public Works Director

Jimmy Wise, Operations Specialist Solid Waste Department

William F. Stevens Jr., P.E. Assistant Director



# Memorandum

# Florida Department of Environmental Protection

## ENFORCEMENT/COMPLIANCE COVER MEMO

To:  ☒ Deborah Getzoff, District Director

FROM/THROUGH:  ☒ William Kutash, Waste Program Administrator

 ☒ Susan Pelz, Solid Waste Program Supervisor

 ☒ Stephanie Watson, Enforcement Coordinator

DATE: September 23, 2008

FILE NAME: SUMTER COUNTY MATERIALS RECOVERY FACILITY OGC FILE No. 08-2376

PROGRAM: SOLID WASTE/WASTE MANAGEMENT COUNTY: SUMTER

### TYPE OF DOCUMENT:

☒ DRAFT OR ☐ FINAL  
☐ FINAL ORDER  
☐ WARNING LETTER

☒ SHORT FORM CONSENT ORDER  
☐ CASE REPORT ☐ PENALTY AUTHORIZATION  
☐ INSPECTION REPORT

ACTION REQUIRED: For your review and signature.

DESCRIPTION OF VIOLATIONS: Based on the Department's inspection on June 26, 2008, Sumter County Materials Recovery Facility (MRF) had an operational issue with maintaining and operating the leachate collection and disposal system. Corrective actions have been performed. Additionally, the County plans to connect the facility's leachate collection system to the Publicly Owned Treatment Works (POTW), which should simplify the facility's operation regarding leachate management.

### PENALTY SUMMARY:

PENALTY AMOUNT: \$3,000

COST AND EXPENSES: \$500

TOTAL PENALTY AMOUNT: \$3,500

☐ OGC PENALTY APPROVAL REQUIRED

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if **Restricted Delivery** is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Bradley Arnold, County Adm.  
Sumter County BCC  
910 North Main Street, Rm 201  
Bushnell, FL 33513

SFCO 08-2376

Sumter County MRF

2. Article Number

(Transfer from service label)

7007 2680 0000 5032 7429

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

x Jessica Douglas ☐ Agent ☒ Addressee

B. Received by (Printed Name)

Jessica Douglas

C. Date of Delivery

10/1/08

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type



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Express Mail



Registered



Return Receipt for Merchandise



Insured Mail



C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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Florida Department of Environmental Protection  
Southwest District  
c/o Stephanie Watson – Solid Waste  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926

Dept. Of Environmental Protection

OCT 02 2008

Southwest District



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City, State, ZIP+4

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Sumter County BCC  
910 North Main Street, Rm 201  
Bushnell, FL 33513

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- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047





# Florida Department of Environmental Protection

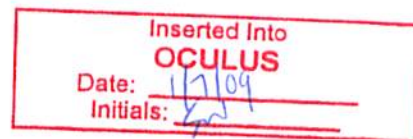
Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

September 30, 2008



**CERTIFIED MAIL 7007 2680 0000 5032 7429**  
**RETURN RECEIPT REQUESTED**

Mr. Bradley Arnold, County Administrator  
Sumter County Public Works Department  
910 North Main Street, Room 201  
Bushnell, Florida 33513

RE: Proposed Settlement of Warning Letter # WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
OGC File No.: 08-2376

Dear Mr. Arnold:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated August 15, 2008, a copy of which is attached. The corrective actions required to bring the facility into compliance have been performed. The Department finds that the County is in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, the County is assessed civil penalties in the amount of \$3,000, along with \$500 to reimburse the Department costs, for a total of \$3,500.

The civil penalty in this case includes one violation of \$2,000.00 or more.

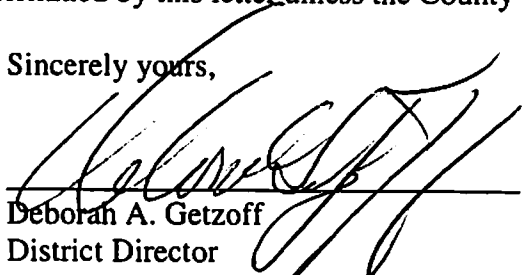
The Department acknowledges that the payment of these civil penalties by the County does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by county check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Attn: Sandra Wilson, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926, within thirty (30) days of the signing of this letter.

Signing this letter constitutes the County's acceptance of the Department's offer to resolve this matter on these terms. If the County elects to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

DRAFT  
SFCO  
9-30-08

If the County does not sign and return this letter to the Department at the District address within fifteen (15) days of receipt of this letter, the Department will assume that the County is not interested in settling this matter on the above described terms, and will proceed accordingly. None of the County's rights or substantial interests are determined by this letter unless the County signs it and it is filed with the Department Clerk.

Sincerely yours,

  
Deborah A. Getzoff  
District Director  
Southwest District

**FOR THE RESPONDENT:**

I, Bradley Arnold, County Administrator, on behalf of Sumter County Public Works Department,  
**HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

.....  
**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Deborah A. Getzoff  
District Director  
Southwest District

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to  
§120.52, Florida Statutes,  
With the designated Department  
Clerk, receipt of which is hereby  
Acknowledged.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

Copies furnished to: Lea Crandall, OGC Tallahassee (executed copy only)  
Sandra Wilson, FDEP Tampa (executed copy only)

## NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

**CERTIFIED MAIL 7008 0150 0003 4893 7049**  
**RETURN RECEIPT REQUESTED**

August 15, 2008

Mr. Bradley Arnold, County Administrator  
Sumter County Board of County Commissioners  
209 North Florida Street  
Bushnell, Florida 33513

RE: Warning Letter # WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
Permit No. 126941-003-SO  
Sumter County

Dear Mr. Arnold:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A Department inspection conducted at the Sumter County Materials Recovery Facility on June 26, 2008 indicates that violations of Florida Statutes and Rules may exist:

- 1) Department staff observed a significant quantity of leachate ponded on the floor of the MRF building. This leachate appeared to have overflowed from the two floor drains in the building. Facility staff indicated that they allow leachate to fill the collection tank in order to accommodate the volume of the vacuum truck employed to haul this leachate off-site. Once the tank was full to capacity, the automatic float system for the leachate sump pump had been disabled, by county staff, to avoid overflowing the tank. This resulted in leachate accumulating in the collection piping and ultimately overflowing the floor drains. Facility staff indicated that a rainfall event had also contributed to the leachate overflow on the MRF building floor. These conditions indicate a failure to operate the leachate collection system as it was designed and permitted to function. These conditions are contrary to Rule 62-701.710(3)(b) and (4)(b), Florida Administrative Code, and Specific Condition 12.a of Permit No. 126941-003-SO.

Rule 62-4.160(1), Florida Administrative Code ("F.A.C.") states: "The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are 'permit conditions' and are binding and enforceable pursuant to Section 403.141, 403.727, or 403.859, F.S." Rule 62-4.160(2), F.A.C. states, "This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from

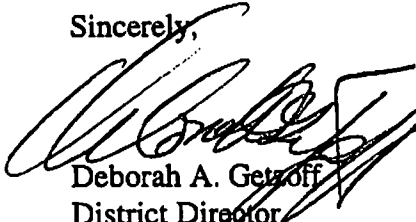
the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department."

Rule 62-701.710(3)(b), F.A.C. states, "the facility shall be designed with a leachate control system to...minimize the presence of standing water." Rule 62-701.710(4)(b), F.A.C. states, "Areas where waste is stored or processed shall be cleaned at least weekly to prevent odor or vector problems..." and "...all drains and leachate conveyances shall be kept clean so that leachate flow is not impeded." Specific Condition 12.a of Permit No. 126941-003-SO states, "Floors shall be free of standing liquids."

The deficiencies noted above and any other activities at your facility that may be contributing to violations of the above rules should be ceased. The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. It is typically Department policy to initiate enforcement action and seek civil penalties of \$3,000 for conditions such as those described above.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. You are requested to contact Ms. Nancy Gaskin of this office at telephone number (813) 632-7600, extension 375, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Deborah A. Getzoff  
District Director  
Southwest District

cc: Susan Pelz, P.E., FDEP SWD  
Stephanie Watson, FDEP SWD  
Melissa Madden, FDEP SWD



# SUMTER COUNTY SOLID WASTE

SUMTER COUNTY, FLORIDA

PO Box 1066 • Bushnell, FL 33513 • Phone (352) 793-3368 • Fax (352) 568-0166 • www.scpw.org



Inserted into  
**OCULUS**  
Date: 8/29/08  
Initials: [Signature]

August 29, 2008

Ms. Nancy Gaskin  
Fl. Dept. of Environmental Protection  
Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Fl. 33637-0926

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
SEP - 4 2008  
SOUTHWEST DISTRICT  
TAMPA

RE: Warning Letter # WL08-008SW60SWD  
Sumter County Materials Recovery Facility  
Permit # 126941-003-SO, Sumter County

Ms. Gaskin:

This letter is in response to the warning letter, referenced above, received by Sumter County on August 18, 2008, and to inform you of the new policy regarding leachate water adopted by the Sumter County Solid Waste Department.

Aqua Clean, the company that disposes of our leachate water, arrived on June 27, 2008, and hauled out 3,993 gallons of leachate water. They were originally called for a pickup on June 24, 2008. It is very rare for them to not be here the next day. Had they arrived on the 25<sup>th</sup> this problem would not have occurred.

To avoid any problem of this nature in the future, I have adopted the following policy: Effective August 21, 2008, instead of trying to have a full load of 4,000 gallons of leachate water, Aqua Clean will be called for leachate disposal when the holding tank is full and the collection system in the floor sump is no more than half full. The Solid Waste Department will devise (has devised) a way to measure the level of leachate water in the floor sump. This should eliminate any concerns of the leachate water not being handled correctly.

We are also considering a water line connection to the City of Bushnell Waste Water Treatment Plant. This will eliminate the holding tank and the leachate water will automatically be pumped from the floor sump to the Treatment Plant. Hopefully this will be approved and accomplished in 2009.

I am including a copy of my letter to Mr. Bradley Arnold, Sumter County Administrator, and to Mr. Gary Kuhl, Sumter County Public Works Director, notifying them of the adoption of the above stated policy.

I trust this meets your expectations. I welcome any questions or comments.

Sincerely,  
William F. Steyens, Jr., P.E.

*William F. Steyens, Jr.*

p.p. Jimmy Wise  
Operations Specialist  
Sumter County Solid Waste

COUNTY  
8/29/08 resp  
TO WL

**Watson, Stephanie M.**

---

**From:** Gaskin, Nancy  
**Sent:** Thursday, August 28, 2008 4:20 PM  
**To:** 'jimmy.wise@sumtercountyfl.gov'  
**Cc:** Pelz, Susan; Watson, Stephanie M.; Madden, Melissa  
**Subject:** Sumter County WL08-0008SW60SWD  
**Attachments:** Sumter County MRF. WL .(08-07-08). Pen Calc.xlsx

Jimmy,

As per our discussion, a meeting is not required for the above referenced warning letter. Please write up a narrative of any and all corrective actions taken to correct the violations cited in the warning letter and submit that, and any supporting documentation, to the Department. If these corrective actions are sufficient, the Department will resolve the enforcement action by issuing a short form consent order to the county. The County will need to sign the order and pay the assessed penalty (please see attached penalty calculation worksheet), in order to resolve the enforcement action.

Please contact me if you have any questions or need further information.

Regards,

**Nancy Gaskin**  
Solid Waste Section  
FDEP South West District  
13051 N. Telecom Parkway  
Temple Terrace, FL 33637  
(813)632-7600 x 375  
(813)632-7664 FAX  
[Nancy.Gaskin@Dep.State.Fl.us](mailto:Nancy.Gaskin@Dep.State.Fl.us)

# Memorandum

# Florida Department of Environmental Protection

## ENFORCEMENT/COMPLIANCE COVER MEMO

To:

☒ Deborah Getzoff, District Director

FROM/THROUGH:

☒ William Kutash, Waste Program Administrator

☒ Susan Pelz, Solid Waste Program Supervisor

☒ Stephanie Watson, Enforcement Coordinator

☒ Nancy Gaskin, Environmental Specialist

DATE: August 8, 2008

FILE NAME: SUMTER COUNTY MATERIALS RECOVERY  
FACILITY

OGC FILE No. NOT ASSIGNED

PROGRAM: SOLID WASTE/WASTE MANAGEMENT

COUNTY: SUMTER

### TYPE OF DOCUMENT:

☒ DRAFT OR ☐ FINAL

☐ FINAL ORDER

☒ WARNING LETTER

☐ ELRA NOV

☐ CASE REPORT

☐ INSPECTION REPORT

☐ CONSENT ORDER

☐ PENALTY AUTHORIZATION

ACTION REQUIRED: Warning letter for your review and signature.

DESCRIPTION OF VIOLATIONS: Based on the Department's inspection on June 26, 2008, Sumter County Materials Recovery Facility had an operational issue with maintaining and operating the leachate collection and disposal system.

### PENALTY SUMMARY:

PENALTY AMOUNT: \$3,000

COST AND EXPENSES: \$500

TOTAL PENALTY AMOUNT: \$3,500

☐ OGC PENALTY APPROVAL REQUIRED

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Bradley Arnold, County Adm.  
Sumter County BCC  
209 North Florida Street  
Bushnell, FL 33513

Sumter County MRF  
WL08-008SW60SWD

2. Article Number

(Transfer from service label)

7008 0150 0003 4893 7049

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



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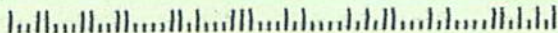
SAINT PETERSBURG FL

18 AUG 2008 PM 1T

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USPS  
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

Florida Department of Environmental Protection  
Southwest District  
c/o Nancy Gaskin – Solid Waste  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926





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Mr. Bradley Arnold, County Adm.  
Sumter County BCC  
209 North Florida Street  
Bushnell, FL 33513

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- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

PS Form 3800, August 2008 (Reverse) PSN 7530-02-000-9047



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

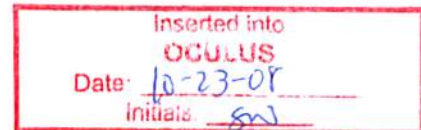
Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

**CERTIFIED MAIL 7008 0150 0003 4893 7049**  
**RETURN RECEIPT REQUESTED**

August 15, 2008

Mr. Bradley Arnold, County Administrator  
Sumter County Board of County Commissioners  
209 North Florida Street  
Bushnell, Florida 33513



RE: Warning Letter # WL08-0008SW60SWD  
Sumter County Materials Recovery Facility  
Permit No. 126941-003-SO  
Sumter County

Dear Mr. Arnold:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A Department inspection conducted at the Sumter County Materials Recovery Facility on June 26, 2008 indicates that violations of Florida Statutes and Rules may exist:

- 1) Department staff observed a significant quantity of leachate ponded on the floor of the MRF building. This leachate appeared to have overflowed from the two floor drains in the building. Facility staff indicated that they allow leachate to fill the collection tank in order to accommodate the volume of the vacuum truck employed to haul this leachate off-site. Once the tank was full to capacity, the automatic float system for the leachate sump pump had been disabled, by county staff, to avoid overfilling the tank. This resulted in leachate accumulating in the collection piping and ultimately overflowing the floor drains. Facility staff indicated that a rainfall event had also contributed to the leachate overflow on the MRF building floor. These conditions indicate a failure to operate the leachate collection system as it was designed and permitted to function. These conditions are contrary to Rule 62-701.710(3)(b) and (4)(b), Florida Administrative Code, and Specific Condition 12.a of Permit No. 126941-003-SO.

Rule 62-4.160(1), Florida Administrative Code ("F.A.C.") states: "The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are 'permit conditions' and are binding and enforceable pursuant to Section 403.141, 403.727, or 403.859, F.S." Rule 62-4.160(2), F.A.C. states, "This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from

WARNING  
LETTER  
8/15/08

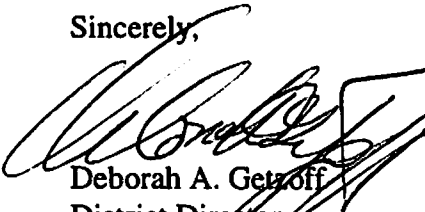
the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department."

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The deficiencies noted above and any other activities at your facility that may be contributing to violations of the above rules should be ceased. The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. It is typically Department policy to initiate enforcement action and seek civil penalties of \$3,000 for conditions such as those described above.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. You are requested to contact Ms. Nancy Gaskin of this office at telephone number (813) 632-7600, extension 375, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Deborah A. Getzoff  
District Director  
Southwest District

cc: Susan Pelz, P.E., FDEP SWD  
Stephanie Watson, FDEP SWD  
Melissa Madden, FDEP SWD



# PENALTY COMPUTATION WORKSHEET

Respondent: **Sumter County Public Works Department**

Facility: **Sumter County Materials Recovery Facility**

Permit Number: Permit No. 126941-003-SO

Warning Letter: WL-0008SW60SWD

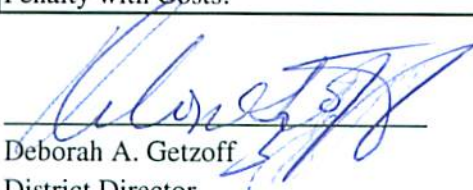
Name of Department Staff Responsible for the Penalty Computations: Nancy Gaskin

Date of Initial Computation: August 7, 2008

Revision Date(s):

## PART I - Penalty Determinations

WL item	Violation Type	ELRA Schedule	Potential for Harm	Matrix Amount	Multiplier	Adjustments	Total
2. Failure to properly maintain the leachate collection system (leachate not draining adequately and pooling on the floor)	Failure to properly maintain the leachate collection system  SW-10	\$3,000	ELRA	ELRA			\$3,000
Subtotal		\$3,000					\$3,000
<b>Penalty Summary</b>							
Department Costs and Expenses:							\$500
Penalty:							\$3,000
Penalty with Costs:							<b>\$3,500</b>

  
Deborah A. Getzoff  
District Director  
Southwest District

  
Date

2. Under 403.121(3)(e), F.S. of the Environmental Litigation and Reform Act, the administrative penalty for failure to maintain leachate control is \$3,000.

## Part II - Multiday Penalties and Adjustments

ADJUSTMENTS: N/A

Total Dollar Amount: N/A

### Departmental Costs & Expenses

The following guidelines were followed in estimating the costs to be recovered in settling this enforcement action.

Level of Enforcement Case:

- Minimal Enforcement Case: \$100-\$500.00
- Average Enforcement Case: \$ 500.00-\$1,000.00
- Complex Enforcement Case: \$ 1,000.00-\$5,000.00

This case has been classified as an Minimal Enforcement Case, for an Enforcement Cost of \$ 500.00.



# SUMTER COUNTY SOLID WASTE

SUMTER COUNTY, FLORIDA

PO Box 1066 • Bushnell, FL 33513 • Phone (352) 793-3368 • Fax (352) 568-0166 • www.scpa.org



Dept. of Environmental  
Protection

July 16, 2008

JUL 24 2008

Melissa Madden  
Florida Dept. of Environmental Protection (FDEP)  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Fl. 33637-0926

Southwest District

Re: Sumter County Solid Waste Facility Inspection on June 26, 2008

Ms. Madden,

This letter addresses the concerns noted during your inspection of the Sumter County Solid Waste Facility on June 26, 2008. Your report was received via e-mail on Thursday, July 10, 2008 with instructions to respond within 15 days. I am responding to the concerns listed on pages 10 through 16 of your report.

**1) Page 10 of the report.**

**FDEP Concern:**

Question number 4.12 – Are all drains and leachate conveyances kept clean so that leachate flow is not impeded? 62-701.620(2)

Explanation: See 4.11. Leachate drains were observed full of liquid during the inspection.

**County Action:**

Aqua Clean, out of Lakeland, Fl., takes care of our leachate water. I had called them on Tuesday, June 24<sup>th</sup> to haul out the leachate and the leachate drains were not full at that time. Unfortunately, they could not send a truck to pick up the leachate until Friday, June 27<sup>th</sup>. Rain fall on Wednesday did fill the leachate drains but no leachate escaped the concrete surface as it is sloped toward the drains. Aqua Clean was here on Friday, June 27<sup>th</sup> and hauled out all of the leachate we had. All drains and leachate conveyances are kept clean so that leachate flow is not impeded. The County is considering plans to pump our leachate water to the City of Bushnell Waste Water Treatment Plant. This plant is located south of and adjoining the Sumter County Solid Waste Facility property. The FDEP will be informed of any planned construction and the County realizes this may require a permit modification.

**2) Page 10 of the report.**

**FDEP Concern:**

Question number 3.22 – Are all specific conditions in the closure or long term care permit being followed? 62-701.620(2)

Explanation: A modification to the asphalt cover system was observed during the inspection. The facility installed a shallow trench to direct storm water flow off of waste

filled areas into swale. This appears to be a modification of the existing final cover system and does not appear to have been approved by the Department. It was not determined whether the trench impacted the integrity of the final cover systems. During the inspection, the Operator indicated that a sealant had been ordered to seal any cracks in the cap, but did not indicate whether this would be used to seal the new trench system. Item 3.6 of this report left unknown pending details about the construction of the trench system.

**County Action:**

In the previous inspection report of March 7, 2008, it was written that "FDEP staff observed ponded water in several areas on the closed landfill, including areas covered in asphalt." In my response concerning the asphalt portion I wrote that "it was concluded that rather than resurface the depressions staff would create narrow channels by recontouring the adjacent high points in the asphalt that are restricting the natural flow of storm water runoff to retention and grassed areas." This area was surveyed for elevations and the thickness of the asphalt was determined before any recontouring took place. At no time or in any area was the asphalt penetrated to the lime rock base and it is felt that the integrity of the final cover system has not been compromised but has been improved. There was no ponded water even though it had recently rained. The contours were sealed with road tar during construction.

**3) Page 11 of the report.**

**FDEP Concern:**

Question number 4.26 – Are all specific conditions in the permit being followed? 62-701.320(1)

Explanation: See 4.11, 4.12

**County Action:**

4.11 is covered in number 4 below and 4.12 was covered in number 1 above.

**4) Page 12 of the report.**

**FDEP Concern:**

Question number 4.11 – Is leachate collection and removal system maintained and operated as required? 62-701.710(3)(b)

Explanation: Leachate was observed pooled on the MRF building floor. The leachate tank was full and leachate was left to collect in the sump. The pumps were turned off of automatic. Operator indicated that the facilities leachate tank only holds 3,000 gallons while his hauler has a 4,000 gallon truck. The facility intentionally allows leachate to build up in the sump prior to having it hauled offsite. The drain on the MRF floor was full and had overflowed onto the floor. Several plastic recyclables from the MRF were observed in contact with the leachate and should be disposed of as class 1 waste. The facility failed to operate the leachate system so as to minimize the presence of standing water.

**County Action:**

As explained in item number 1, the leachate system was completely emptied on Friday, June 27<sup>th</sup>. The hauler was called on Tuesday when the drains were not completely full. The plastics that came in contact with the leachate water were disposed of as class 1 waste.

**5) Page 13 of the report.**

**FDEP Concern:**

Question number 3.4 – Is the final cover properly vegetated? 62-701.600(5)(f)2.

Explanation: Facility is currently applying finished compost and re-grading portions of the site.

**County Action:**

The inspectors observed work in progress to avoid ponding water on the dirt portion of the closed landfill. This work will continue as needed.

**6) Page 14 of the report.**

**FDEP Concern:**

Question number 4.16 – Are areas where waste is stored or processed cleaned at least weekly to prevent odor and vector problems? 62-701.710(4)(b)

Explanation: One area of the floor inside the MRF building, NE corner adjacent to stairs, appeared to have not been cleaned and was littered with debris.

**County Action:**

This area was cleaned up and staff was instructed to make sure this area is a part of their routine cleaning.

**7) Page 14 of the report.**

**FDEP Concern:**

Question number 3.8 – Are there any areas of ponding water on the final cover? 62-701.600(5)(f)3.

Explanation: Minor ponding was observed on southern portions of the landfill. Repair work was observed on portions of the LF mainly in the northern sections.

**County Action:**

Work is on going to prevent ponding of water on the closed landfill.

**8) Page 15 of the report.**

**FDEP Concern:**

Question number 4.21 – Is the facility operated to control objectionable odors? 62-701.710(4)(d)

Explanation: Strong odors observed around MRF building due to LCS back up.

**County Action:**

A deodorant was added in the leachate drains on the tipping floor and the leachate was hauled out the next day. There is no problem with odors in the MRF.

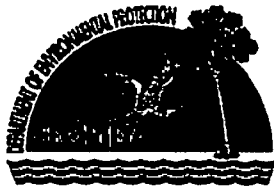
The minor damage that was observed at the entrance of the MRF building and noted in the comments on page 16 has been repaired.

I look forward to hearing back from you. Please do not hesitate to contact me if there are any questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "Jimmy Wise".

Jimmy Wise  
Operations Specialist  
Sumter County Solid Waste



**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**INSPECTION CHECKLIST**

**Facility Information:**

Facility Name: SUMTER COUNTY VOL. RED. & LANDFILL

On-Site Inspection Start Date: 06/26/2008

On-Site Inspection End Date: 06/26/2008

WACS No.: 53008

Facility Street Address: 1MI SE I-75 & SR-470

City: SUMTERVILLE

County Name: SUMTER

Zip: 33513

Inspection Participants (Include ALL Landfill and Department Personnel with Corresponding Titles):

Principal Inspector: Melissa Madden

Other Participants: Nancy Gaskin, Jimmy Wise

**TYPE OF FACILITY:**

Landfill:

C&D Facility:

Waste Processing Facility:

Other Facilities:

Class I

MSW MRF

Composting Facility

**TYPE OF INSPECTION:**

Long-Term Care, Operation, Routine

**ATTACHMENTS TO THE INSPECTION CHECK LIST:**

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

SECTION 1.0 - FILE REVIEW

SECTION 2.0 - LANDFILL OPERATION AND MAINTENANCE

SECTION 3.0 - LANDFILL LONG-TERM CARE

SECTION 4.0 - WASTE PROCESSING FACILITIES

SECTION 8.0 - COMPOST FACILITIES





# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

### SECTION 1.0 - FILE REVIEW

#### Requirements:

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

Item No.	FILE REVIEW (Pre- or Post-Inspection, as appropriate.) Completed	Ok	Not Ok	Unk	N/A
1.1	For landfills, is the method and sequence of filling wastes according to plans? 62-701.500(2)(f)				✓
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK.) <input type="checkbox"/> Waste reports (quarterly) 62-701.500(4) <input type="checkbox"/> Annual estimate of remaining life 62-701.500(13)(c)				✓
1.3	Is leachate sampled, tested and disposed as required? 62-701.500(8)(a) & 62-701.510(6)(c)				✓
1.4	Is gas monitoring being performed as required by the permit? 62-701.500(9) & 62-701.530(2)	✓			
1.5	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)	✓			
1.6	Is water quality sampling and testing performed according to standard procedures and at the required frequencies? See 62-701.510(2) for landfills; 62-701.730(4)(b) & (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.	✓			
1.7	Do the results of the water quality testing suggest there may be adverse impacts to water quality from the operation of the solid waste facility? 62-701.510(3) & (4)			✓	
1.8	For closed landfills and C&D disposal facilities with final elevations higher than 20 feet above grade, has a final survey report verifying the final elevations and contours of the facility been submitted to the Department? 62-701.610(3) & 62-701.730(9)(c)	✓			
1.9	Is financial assurance adequate? See 62-701.630 for landfills; 62-710(7)(a) & (10)(a) for WPFs; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(a) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities. NOTE: The Solid Waste Financial Coordinator in Tallahassee can assist with this information.	✓			
1.10	Are cost estimates current and adjusted every year? See 62-701.630(4) for landfills; 62-701.710(7)(b) & (10)(a) for WPFs; 62-701.730(11)(b) for C&D debris facilities; 62-713.600(6)(b) & (c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.	✓			
1.11	For C&D debris disposal and disposal with recycling facilities, is an Annual Report submitted to the Department for the disposal operation by April 1st of each year? 62-701.730(12)				✓
1.12	For C&D recycling facilities with no disposal, is an Annual Report for the recycling operation submitted to the Department by April 1st of each year? 62-701.710(9)(b)				✓
1.13	For compost facilities, has the compost product been sampled and analyzed every 20,000 tons or every 3 months (whichever is sooner)? 62-709.530(1)				✓
1.14	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)	✓			



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

### SECTION 2.0 - LANDFILL OPERATION AND MAINTENANCE

**Requirements:**

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(16)) Completed	Ok	Not Ok	Unk	N/A
2.1	Unauthorized disposal/storage prohibited, except yard trash, within 500' of a potable water well? 62-701.300(2)(b)				✓
2.2	Unauthorized disposal/storage prohibited, except yard trash, within 1000' of a potable water well serving a community water system? 62-701.300(2)(h)				✓
2.3	Unauthorized storage/disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) <input type="checkbox"/> 100 feet for potable water wells (except on-site)? <input type="checkbox"/> 50 feet for water bodies? <input type="checkbox"/> 200 feet for community water supply wells?				✓
2.4	Unauthorized disposal/storage prohibited in an area subject to frequent and periodic flooding unless flood protection measures in place? 62-701.300(2)(d)				✓
2.5	Unauthorized disposal/storage prohibited in any natural or artificial body of water including ground water? 62-701.300(2)(e)				✓
2.6	Unauthorized disposal/storage prohibited, except yard trash, within 200' of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(f)				✓
2.7	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)				✓
2.8	Are the following prohibited wastes or special wastes properly controlled, managed and disposed? (Check any that are Not OK) <input type="checkbox"/> Hazardous waste 62-701.300(4) <input type="checkbox"/> Biomedical waste 62-701.300(6) <input type="checkbox"/> Yard trash 62-701.300(8)(c) <input type="checkbox"/> Whole waste tires 62-701.300(8)(e) <input type="checkbox"/> Used oil, except as exempted 62-701.300(11) <input type="checkbox"/> Lead-acid batteries, mercury-containing switches and lamps in WTEs 62- <input type="checkbox"/> PCB wastes 62-701.300(5) <input type="checkbox"/> Lead-acid batteries 62-701.300(8)(a) <input type="checkbox"/> White goods 62-701.300(8)(d) <input type="checkbox"/> Liquids 62-701.300(10)				✓
2.9	Are only permitted waste types disposed at facility? 62-701.340(3), 62-701.500(6)(a)&(2)(c)				✓

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



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

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



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

### SECTION 3.0 - LANDFILL LONG-TERM CARE

Requirements:

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

Type Of Cover: Asphalt; Synthetic Cap Soil & Vegetative Cover

Closure/Final Cover 03/05/1990

Post-Closure Utilization: N/A

Item No.	LANDFILL LONG-TERM CARE Completed	Ok	Not Ok	Unk	N/A
3.1	Is site access controlled to prevent any unauthorized dumping? 62-701.600(5)(i)	✓			
3.2	Are any unauthorized wastes stored or disposed at the site? 62-701.600(5)(i)	✓			
3.3	Is stormwater management system maintained and operated as required? 62-701.600(5)(h)	✓			
3.4	Is the final cover properly vegetated? 62-701.600(5)(f)2.		✓		
3.5	Are there any signs of erosion of the final cover? 62-701.600(5)(f)2.	✓			
3.6	Is there any evidence of damage to the barrier layer of the final cover? 62-701.620(1)			✓	
3.7	Are areas of differential settlement being properly filled? 62-701.600(5)(f)4.	✓			
3.8	Are there any areas of ponding water on the final cover? 62-701.600(5)(f)3.		✓		
3.9	Is the leachate collection and removal system maintained and operated as required? 62-701.500(2)(j), 62-701.500(8)(b) & (h)				✓
3.10	Is leachate disposed of or treated as required? 62-701.500(8)(b), (c) and (d)				✓
3.11	Are there any signs of leachate seeps at the closed landfill? 62-701.500(8)(b) and 62-701.620(1)	✓			
3.12	Condition of the ground water monitoring wells. 62-701.620(1) (Check any that are Not OK.) <input type="checkbox"/> Access to monitoring wells <input type="checkbox"/> Damage to monitoring wells <input type="checkbox"/> Monitoring wells protected, secured and labeled.			✓	
3.13	Are the wells for gas monitoring and detection intact and operable? 62-701.620(5)	✓			
3.14	Is the gas collection system (active or passive) operating and maintained? 62-701.620(5)	✓			
3.15	Is gas monitoring being conducted as required? 62-701.620(5)	✓			
3.16	Are there any signs of stressed vegetation of the final cover? 62-701.620(5)	✓			
3.17	Is there any evidence that gas pressure is interfering with or causing failure of the final cover? 62-701.530(1)(a)4.	✓			
3.18	If required, are survey monuments properly installed? 62-701.610(2)				✓
3.19	Is there a potential hazard to public health and the environment resulting from the post-closure utilization of the landfill? 62-701.610(7)	✓			
3.20	Is there a potential hazard to public health resulting from land-use changes surrounding the closed landfill?	✓			
3.21	If waste is being relocated, is this performed according to the Department's requirements? 62-701.620(8)	✓			
3.22	Are all specific conditions in the closure or long-term care permit being followed? 62-701.620(2)		✓		



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

### SECTION 4.0 - WASTE PROCESSING FACILITIES

**Requirements:**

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(16)) Completed	Ok	Not Ok	Unk	N/A
4.1	Unauthorized disposal/storage prohibited, except yard trash, within 500' of a potable water well? 62-701.300(2)(b)	✓			
4.2	Unauthorized disposal/storage prohibited, except yard trash, within 1000' of a potable water well serving a community water system? 62-701.300(2)(h)	✓			
4.3	Unauthorized storage/disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) <input type="checkbox"/> 100 feet for potable water wells (except on-site)? <input type="checkbox"/> 50 feet for water bodies? <input type="checkbox"/> 200 feet for community water supply wells?	✓			
4.4	Unauthorized disposal/storage prohibited in an area subject to frequent and periodic flooding unless flood protection measures in place? 62-701.300(2)(d)	✓			
4.5	Unauthorized disposal/storage prohibited in any natural or artificial body of water including ground water? 62-701.300(2)(e)	✓			
4.6	Unauthorized disposal/storage prohibited, except yard trash, within 200' of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(f)	✓			
4.7	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			
4.8	Are the following prohibited wastes or special wastes properly managed? (Check any that are Not OK) <input type="checkbox"/> Hazardous waste 62-701.300(4) <input type="checkbox"/> Biomedical waste 62-701.300(6) <input type="checkbox"/> Yard trash 62-701.300(8)(c) <input type="checkbox"/> Whole waste tires 62-701.300(8)(e) <input type="checkbox"/> Used oil, except as exempted 62-701.300(11) <input type="checkbox"/> Lead-acid batteries, mercury-containing switches and lamps in WTEs 62-701.300(5) <input type="checkbox"/> PCB wastes 62-701.300(5) <input type="checkbox"/> Lead-acid batteries 62-701.300(8)(a) <input type="checkbox"/> White goods 62-701.300(8)(d) <input type="checkbox"/> Liquids 62-701.300(10)	✓			

Item No.	WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
4.9	Do the tipping, processing, sorting, storage and compaction areas that are in an enclosed building or covered area have adequate ventilation? 62-701.710(3)(a)	✓			
4.10	For areas not enclosed, is litter controlled and are litter control devices maintained? 62-701.710(3)(a)	✓			
4.11	Is leachate collection and removal system maintained and operated as required? 62-701.710(3)(b)		✓		
4.12	Are all drains and leachate conveyances kept clean so that leachate flow is not impeded? 62-701.710(4)(b)		✓		
4.13	Are the following records or plans current and available on-site? (Check any that are Not OK.) <input type="checkbox"/> Operation and Maintenance Manual 62-701.710(4)(a)1. <input type="checkbox"/> Contingency Plan 62-701.710(4)(a)3. <input type="checkbox"/> Operation records 62-701.710(9)(a)	✓			





# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

Item No.	WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
4.14	Is the Operation and Maintenance Manual substantially followed? 62-701.710(4)(a)1.	✓			
4.15	Are putrescibles stored no longer than 48 hours or as otherwise allowed in the Operation and Maintenance Plan? 62-701.710(4)(b)	✓			
4.16	Are areas where waste is stored or processed cleaned at least weekly to prevent odor and vector problems? 62-701.710(4)(b)		✓		
4.17	Are the operating hours posted at the facility? 62-701.710(4)(c)1.	✓			
4.18	Is a trained operator on duty whenever the facility is operating? 62-701.710(4)(c)1.	✓			
4.19	Is at least one trained spotter on duty at all times that waste is received at the facility to inspect the incoming waste? 62-701.710(4)(c)2.	✓			
4.20	Are prohibited materials removed from the waste stream and placed into appropriate containers for disposal at a permitted facility? 62-701.710(4)(d)2.	✓			
4.21	Is the facility operated to control objectionable odors? 62-701.710(4)(d)		✓		
4.22	Is adequate fire protection equipment available and operational? 62-701.710(4)(e)	✓			
4.23	Is access to the facility controlled by fencing or other effective barriers to prevent disposal of unauthorized waste? 62-701.710(4)(f)	✓			
4.24	If the facility is a Transfer Station and is claiming the financial assurance exemption, does it manage the waste on a first-in, first-out basis and store waste for no greater than 7 days? 62-701.710(10)(a)				✓
4.25	Is stormwater effectively controlled? 62-701.710(8)	✓			
4.26	Are all specific conditions in the permit being followed? 62-701.320(1)		✓		

Item No.	WASTE PROCESSING FACILITY CLOSURE Completed	Ok	Not Ok	Unk	N/A
4.27	Has the solid waste residue been properly disposed of within 30 days after receiving the final solid waste shipment? 62-701.710(6)(c)				✓
4.28	Has closure been completed within 180 days after receiving the final solid waste shipment? 62-701.710(6)(d)				✓



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

### SECTION 8.0 - COMPOST FACILITIES

#### Requirements:

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(16)) Completed	Ok	Not Ok	Unk	N/A
8.1	Unauthorized disposal/storage prohibited, except yard trash, within 500' of a potable water well? 62-701.300(2)(b)	✓			
8.2	Unauthorized disposal/storage prohibited, except yard trash, within 1000' of a potable water well serving a community water system? 62-701.300(2)(h)	✓			
8.3	Unauthorized storage/disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) & 62-709.320(3)(a), (b) & (c) <input type="checkbox"/> 100 feet for potable water wells (except on-site)? <input type="checkbox"/> 50 feet for water bodies? <input type="checkbox"/> 200 feet for community water supply wells?	✓			
8.4	Unauthorized disposal/storage prohibited in an area subject to frequent and periodic flooding unless flood protection measures in place? 62-701.300(2)(d)	✓			
8.5	Unauthorized disposal/storage prohibited in any natural or artificial body of water including ground water? 62-701.300(2)(e)	✓			
8.6	Unauthorized disposal/storage prohibited, except yard trash, within 200' of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(f)	✓			
8.7	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			
8.8	Are the following prohibited wastes or special wastes properly managed? (Check any that are Not OK) <input type="checkbox"/> Hazardous waste 62-701.300(4) <input type="checkbox"/> Biomedical waste 62-701.300(6) <input type="checkbox"/> Yard trash 62-701.300(8)(c) <input type="checkbox"/> Whole waste tires 62-701.300(8)(e) <input type="checkbox"/> Used oil, except as exempted 62-701.300(11) <input type="checkbox"/> Lead-acid batteries, mercury-containing switches and lamps in WTEs 62- <input type="checkbox"/> PCB wastes 62-701.300(5) <input type="checkbox"/> Lead-acid batteries 62-701.300(8)(a) <input type="checkbox"/> White goods 62-701.300(8)(d) <input type="checkbox"/> Liquids 62-701.300(10)				✓
8.9	Is compost facility in compliance with all permit conditions and applicable requirements? 62-701.320(1)	✓			

Item No.	COMPOST FACILITY OPERATION AND CLOSURE Completed	Ok	Not Ok	Unk	N/A
8.10	Is stormwater management system maintained and operated as required? 62-709.500(3)(a) & (b)				✓
8.11	Is the facility graded to minimize ponding of water where the solid waste or compost is managed? 62-709.500(3)(c)				✓
8.12	Is access properly controlled to prevent unauthorized entry and waste disposal? 62-709.500(4)(a)	✓			
8.13	Is there an all-weather access road to the site? 62-709.500(4)(b)	✓			
8.14	Are there signs indicating the operating authority, contact person and telephone number, and traffic flow? 62-709.500(4)(c)	✓			
8.15	Are dust control methods used as needed to control dust problems? 62-709.500(4)(d)				✓



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

Item No.	COMPOST FACILITY OPERATION AND CLOSURE Completed	Ok	Not Ok	Unk	N/A
8.16	Is litter controlled and are there litter control devices as needed? 62-709.500(4)(e)	✓			
8.17	Are fire protection capabilities adequate and operational? 62-709.500(4)(f)				✓
8.18	Are odor control devices, methods or practices used? 62-709.500(4)(g)				✓
8.19	Is the facility operated to control vectors and odors? 62-709.510(1)(b)				✓
8.20	Is there an attendant on site during hours when solid waste is received? 62-709.510(1)(c)1.				✓
8.21	Are there communications facilities? 62-709.510(1)(c)2.				✓
8.22	Are measures taken to avoid mixing incoming solid waste with finished compost? 62-709.510(1)(d)				✓
8.23	Is more than half of the compost removed within each year (beginning the third year after startup)? 62-709.510(1)(e)			✓	
8.24	Is the amount of compost stored within the facility's designed storage capacity? 62-709.510(1)(f)				✓
8.25	For compost facilities processing only yard trash or manure (Check any that are Not OK) <input type="checkbox"/> Is yard trash or manure that will not be processed into usable materials <input type="checkbox"/> Are other solid wastes received at the facility stored in a manner that prevents				✓
8.26	For compost facilities processing solid waste other than only yard trash or manure (Check any that are Not OK) <input type="checkbox"/> Is received waste confined to designated delivery or storage area until process? <input type="checkbox"/> Is material not processed within 72 hours removed for proper disposal? <input type="checkbox"/> Are temperatures for the composting solid waste monitored daily during initial <input type="checkbox"/> Are temperature readings and length of the composting period recorded with <input type="checkbox"/> Is leachate managed as required? 62-709.500(7)				✓
8.27	Are monthly records maintained that record? (Check any that are Not OK) <input type="checkbox"/> Analytical results on compost testing? 62-709.530(2)(a) <input type="checkbox"/> Quantity, type and sources of waste received? 62-709.530(2)(b) <input type="checkbox"/> Quantity and type of waste processed into compost? 62-709.530(2)(c) <input type="checkbox"/> Quantity and type of compost produced by product classification? 62-709.530 <input type="checkbox"/> Quantity and type of compost removed by product classification and the market				✓
8.28	For closed compost facilities, has all solid waste been removed and all compost used or removed? 62-709.510(4)				✓



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

### Open Violations:

Significance Level: Minor  
Harm Level: Moderate  
Deviation: Moderate  
Rule: 62-701.710(4)(b)  
Section: WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE  
Question Number: 4.12  
Question: Are all drains and leachate conveyances kept clean so that leachate flow is not impeded? 62-701.710(4)(b)  
Explanation: See 4.11, Leachate drains were observed full of liquid during the inspection.  
Corrective Action: Specific Condition 12.b

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Significance Level: SNC  
Harm Level: Major  
Deviation: Moderate  
Rule: 62-701.620(2)  
Section: LANDFILL LONG-TERM CARE  
Question Number: 3.22  
Question: Are all specific conditions in the closure or long-term care permit being followed? 62-701.620(2)  
Explanation: A modification to the asphalt cover system was observed during the inspection. The facility installed a shallow trench to direct stormwater flow off of waste filled areas into swale. This appears to be a modification of the existing final cover system and does not appear to have been approved by the Department. It was not determined whether the trench impacted the integrity of the final cover systems. During the inspection, the Operator indicated that a sealant had been ordered to seal any cracks in the cap, but did not indicate whether this would be used to seal the new trench system. Item 3.6 of this report left unknown pending details about the construction of the trench system.  
Corrective Action: Specific Condition 4 requires that any activities not approved as part of this permit may require a modification or separate permit.  
Attachments:



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

Attachment Date: 07/01/2008

User: MADDEN\_M

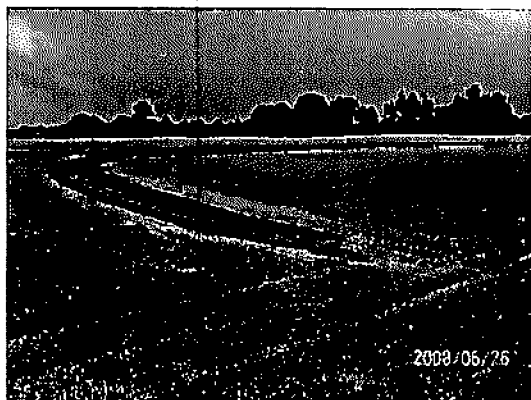
Description: Modification of Asphalt cover



Attachment Date: 07/01/2008

User: MADDEN\_M

Description: Modification of Asphalt cover system (2)



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Significance Level:	Minor
Harm Level:	Moderate
Deviation:	Moderate
Rule:	62-701.320(1)
Section:	WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE
Question Number:	4.26
Question:	Are all specific conditions in the permit being followed? 62-701.320(1)
Explanation:	See 4.11, 4.12
Corrective Action:	See 4.11, 4.12

---

Significance Level:	Minor
Harm Level:	Moderate
Deviation:	Moderate





# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

Rule: 62-701.710(3)(b)

Section: WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE

Question Number: 4.11

Question: Is leachate collection and removal system maintained and operated as required? 62-701.710(3)(b)

Explanation: Leachate was observed pooled on the MRF building floor. The leachate tank was full and leachate was left to collect in the sump. The pumps were turned off of automatic. Operator indicated that the facilities leachate tank only holds 3,000 gallons while his hauler has a 4,000 gallon truck. The facility intentionally allows leachate to build up in the sump prior having it hauled offsite. The drain on the MRF floor was full and had overflowed onto to the floor. Several plastic recyclables from the MRF were observed in contact with the leachate and should be disposed of as Class I waste.

The facility failed to operate the leachate collection system so as to minimize the presence of standing water.

Corrective Action: Specific Condition 12.a,b

Attachments:

Attachment Date: 07/01/2008

User: MADDEN\_M

Description: MRF floor, standing water observed



Attachment Date: 07/01/2008

User: MADDEN\_M

Description: MRF floor, standing water observed, plastic recyclables in contact with leachate





# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

Attachment Date: 07/01/2008

User: MADDEN\_M

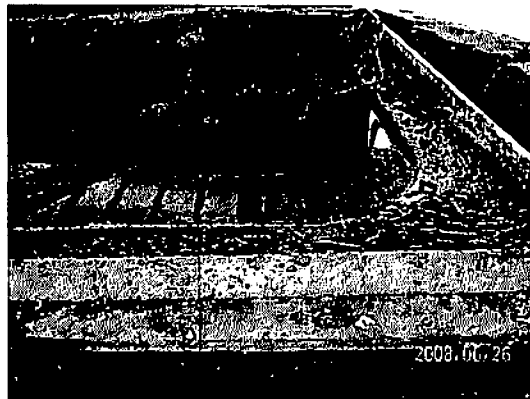
Description: MRF floor, standing water observed, plastic recyclables in contact with leachate (2)



Attachment Date: 07/01/2008

User: MADDEN\_M

Description: Leachate Tank - observed full



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### Open Area Of Concern:

Rule: 62-701.600(5)(f)2.

Section: LANDFILL LONG-TERM CARE

Question Number: 3.4

Question: Is the final cover properly vegetated? 62-701.600(5)(f)2.

Explanation: Facility is currently applying finished compost and re-grading portions of the site.

Corrective Action: Continue re-grading areas, especially on South portions of the site. Specific Condition 8.a.f.

---



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

Rule: 62-701.710(4)(b)

Section: WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE

Question Number: 4.16

Question: Are areas where waste is stored or processed cleaned at least weekly to prevent odor and vector problems? 62-701.710(4)(b)

Explanation: One area of the floor inside the MRF building, NE corner adjacent to stairs, appeared to have not been cleaned and was littered with debris.

Corrective Action: Specific Condition 12.

Attachments:

Attachment Date: 07/01/2008

User: MADDEN\_M

Description: Debris observed on MRF floor, NE corner



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Rule: 62-701.600(5)(f)3.

Section: LANDFILL LONG-TERM CARE

Question Number: 3.8

Question: Are there any areas of ponding water on the final cover? 62-701.600(5)(f)3.

Explanation: Minor ponding was observed on southern portions of the landfill. Repair work was observed on portions of the LF, mainly in the Northern sections.

Corrective Action: Specific Condition 8.a.

Attachments:



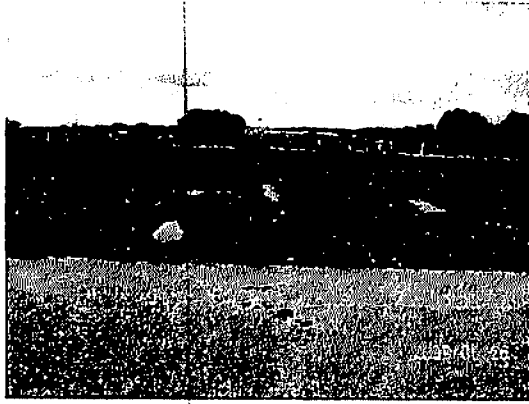
# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

Attachment Date: 07/01/2008

User: MADDEN\_M

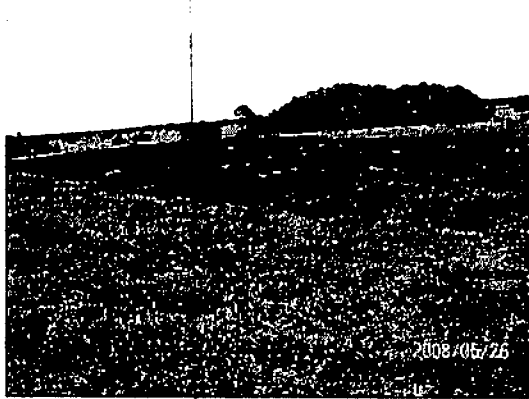
Description: Ponding on southern portions of the LF



Attachment Date: 07/01/2008

User: MADDEN\_M

Description: Repair/Re-grading in Northern portions of the site



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Rule: 62-701.710(4)(d)

Section: WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE

Question Number: 4.21

Question: Is the facility operated to control objectionable odors? 62-701.710(4)(d)

Explanation: Strong odors observed around MRF building due to LCS backup

Corrective Action: Specific Condition 15.

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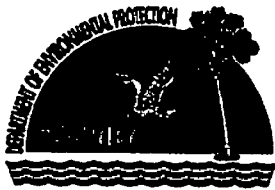
# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## INSPECTION CHECKLIST

### Inspection Comments:

Comment Date:	07/01/2008	User: MADDEN_M
Description:	Items on Compost Facility page were intentionally marked N/A because facility is not currently operating.	
Comment Date:	07/01/2008	User: MADDEN_M
Description:	Minor damage was observed at the entrance of the MRF building which may need repair.	
Comment Date:	07/01/2008	User: MADDEN_M
Description:	Items on Landfill Operations page were intentionally marked N/A because facility does not have a current permitted operating landfill.	





# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

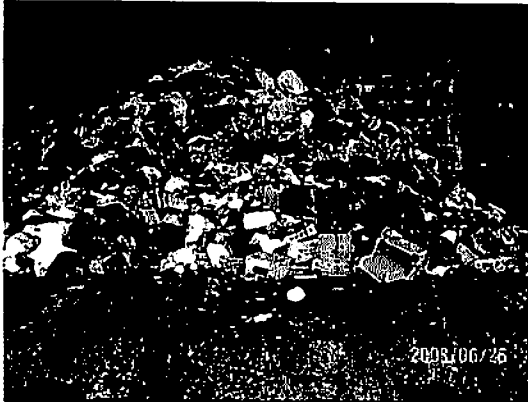
## INSPECTION CHECKLIST

### Inspection Attachments:

Attachment Date: 07/01/2008

User: MADDEN\_M

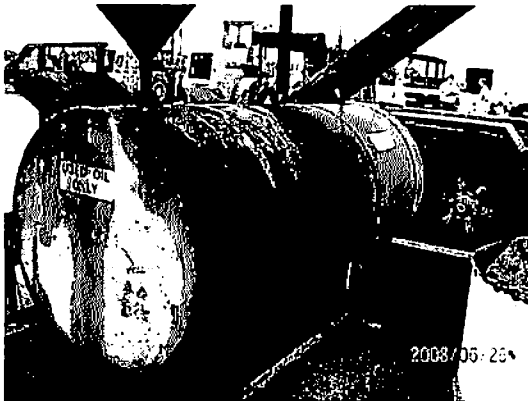
Description: MRF tipping floor



Attachment Date: 07/01/2008

User: MADDEN\_M

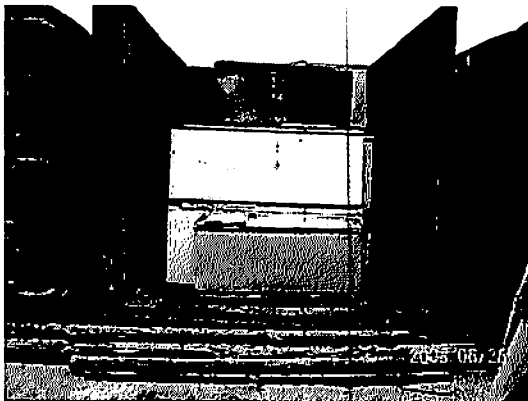
Description: Citizen Convenience Center - Used Oil tank



Attachment Date: 07/01/2008

User: MADDEN\_M

Description: Citizen Convenience Center - white goods



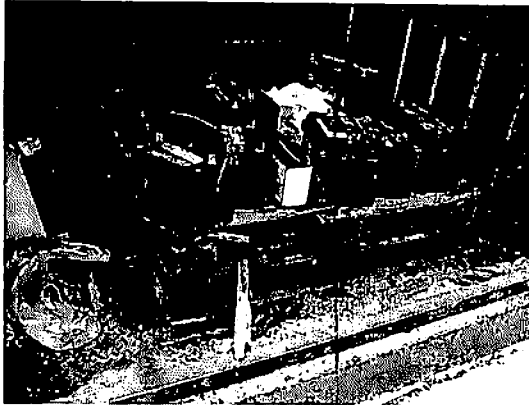


**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**INSPECTION CHECKLIST**

Attachment Date: 07/01/2008

User: MADDEN\_M

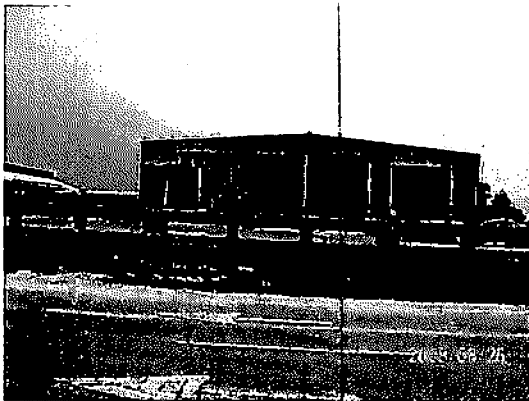
Description: Citizen Convenience Center - battery storage



Attachment Date: 07/01/2008

User: MADDEN\_M

Description: MRF building - building damage



**Signed:**

Inspector

INSPECTOR TITLE

Nancy Gaskin

INSPECTOR NAME

No signature required

INSPECTOR SIGNATURE

Sumter County

ORGANIZATION

Operations Specialist

REPRESENTATIVE TITLE

Jimmy Wise

REPRESENTATIVE NAME

No signature required

REPRESENTATIVE SIGNATURE



**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**INSPECTION CHECKLIST**

Inspector \_\_\_\_\_

**PRINCIPAL INSPECTOR TITLE**

Melissa Madden \_\_\_\_\_

**PRINCIPAL INSPECTOR NAME**

*Melissa Madden*

**PRINCIPAL INSPECTOR SIGNATURE**

7/1/2008 \_\_\_\_\_

**DATE**

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











PHOTOS

6/26/08





















