



Florida Department of Environmental Protection

Southwest District Office
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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;

- 2) Please indicate that, during the implementation of the in-kind project, the County will on a monthly basis, beginning on the 5th 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. 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
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