



# FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office  
13051 North Telecom Parkway #101  
Temple Terrace, Florida 33637-0926

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

October 13, 2020

Glenn Waters, Chief Operating Officer and Executive Vice President  
Winter Haven Hospital, Inc.  
200 Avenue F Northeast  
Winter Haven, FL 33881  
[glenn.waters@baycare.org](mailto:glenn.waters@baycare.org)

Mr. Tommy Inzina, President and CEO  
BayCare Health Systems, Inc.  
2985 Drew Street  
Clearwater, FL 33759  
[tommy.inzina@baycare.org](mailto:tommy.inzina@baycare.org)

Re: Executed Long Form Consent Order  
DEP vs. Winter Haven Hospital, Inc. and Baycare Health Systems, Inc.  
OGC Case No. 20-1328  
Facility ID #8628538

Dear Mr. Waters and Mr. Inzina:

Enclosed please find the executed Consent Order OGC Case No. 20-1328 regarding the above referenced facility. Be aware of the conditions of this Consent Order as per paragraphs 11 through 14. Please be aware that your payment of \$11,012.80 for administrative penalties and Department cost and expenses and \$4,729.36 for Office of Emergency Response for its investigative costs and expenses are due 30 days from the execution date of this Order.

Should you have any questions, please direct them to Leslie Pedigo of the District's Compliance Assurance Program at [Leslie.Pedigo@FloridaDEP.gov](mailto:Leslie.Pedigo@FloridaDEP.gov) or (813) 470-5870.

Sincerely,

*Kelley M. Bootright for:*

Mary E. Yeargan, PG  
Southwest District Director  
Florida Department of Environmental Protection

Enclosure: Executed Long Form Consent Order #20-1328

cc: Stephen Nierman, President, Winter Haven Hospital;  
[stephen.nierman@baycare.org](mailto:stephen.nierman@baycare.org)  
Scott Harding, Vice President of Facilities and Construction, BayCare Health  
System; [scott.harding@baycare.org](mailto:scott.harding@baycare.org)  
Jeff Durham, Vice President of Audit Services & Corporate Responsibility,  
BayCare Health System; [Jeffrey.durham@baycare.org](mailto:Jeffrey.durham@baycare.org)  
Scott Kizer, Chief Legal Officer, BayCare Health System;  
[scott.kizer@baycare.org](mailto:scott.kizer@baycare.org)  
Steve Jarrett, Department of Health in Polk County; [Steven.Jarrett@flhealth.gov](mailto:Steven.Jarrett@flhealth.gov)  
Kelley M. Boatwright, FDEP/SWD, [Kelley.M.Boatwright@floridadep.gov](mailto:Kelley.M.Boatwright@floridadep.gov)  
Hannah Westervelt, FDEP/SWD, [Hannah.Westervelt@floridadep.gov](mailto:Hannah.Westervelt@floridadep.gov)  
Leslie Pedigo, FDEP/SWD, [Leslie.Pedigo@FloridaDEP.gov](mailto:Leslie.Pedigo@FloridaDEP.gov)  
Lea Crandall, FDEP/OGC; [Lea.Crandall@FloridaDEP.gov](mailto:Lea.Crandall@FloridaDEP.gov)

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

|                                  |   |                      |
|----------------------------------|---|----------------------|
| STATE OF FLORIDA DEPARTMENT      | ) | IN THE OFFICE OF THE |
| OF ENVIRONMENTAL PROTECTION      | ) | SOUTHWEST DISTRICT   |
|                                  | ) |                      |
| v.                               | ) | OGC FILE NO. 20-1328 |
|                                  | ) |                      |
| WINTER HAVEN HOSPITAL, INC., AND | ) |                      |
| BAYCARE HEALTH SYSTEMS, INC.     | ) |                      |
| _____                            | ) |                      |

**CONSENT ORDER**

This Consent Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department) and Winter Haven Hospital, Inc. (Respondent Hospital) and BayCare Health Systems, Inc. (Respondent BayCare), together “Respondents,” to reach settlement of certain matters at issue between the Department and Respondents.

The Department finds, and Respondents admit, the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida’s air and water resources and to administer and enforce the provisions of Chapters 376 and 403, Florida Statutes (Fla. Stat.), and the rules promulgated and authorized in Title 62, Florida Administrative Code (Fla. Admin. Code). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent Hospital is a corporation and is a “person” within the meaning of sections 376.301(29) and 403.031(5), Fla. Stat.
3. Respondent BayCare is a corporation and is a “person” within the meaning of sections 376.301(29) and 403.031(5), Fla. Stat.
4. Since September 23, 1993, Respondent Hospital has owned non-residential property (Property) containing three aboveground storage tank systems (Systems). The Property is located at 200 Avenue F NE, Winter Haven, in Polk County, Florida, Property Identification Number 26-28-21-583000-000010, and its fueling facility (Facility) has been assigned Facility ID Number 8628538 by the Department.
5. The Property contains three aboveground storage tank systems, each consisting of an aboveground storage tank and its associated piping and dispenser. Respondent Hospital has owned and operated Tank #10, Tank #11, and Tank #12 since they were installed on the Property.

6. Each storage tank at the Property is located within an enclosed stationary container with a volume in excess of 550 gallons in size that contains or contained emergency generator fuel. Tank #10, which is constructed of double-walled steel, was installed at the Property on or about February 1, 2000; Tank #11, which is constructed of double-walled steel, was installed at the Property on or about January 21, 2009; and Tank #12, which is constructed of double-walled steel, was installed at the Property on or about June 24, 2020.

7. The Property and the aboveground systems constitute a “Facility” within the meaning of section 376.301(19), Fla. Stat.

8. On June 26, 2020, an electrician employed by Respondent Hospital discovered that a solenoid valve was malfunctioning. Based on this, an upstream valve to Day Tank #3 was manually closed. The monthly generator test was conducted on July 10, 2020. During the test, the boiler was not able to be ignited; the fuel bypass was used to reduce the fuel entering the boiler from Day Tank #4. The fuel bypass to Day Tank #4, along with the manually closed valve to Day Tank #3, increased the amount of fuel being returned to Tank #11.

9. On July 12, 2020, the increased fuel being sent to Tank #11 led to the tank being overfilled, as well as the discharge of approximately 491 gallons of emergency generator fuel (off-road diesel). The fuel entered a nearby storm drain and was released into Lake Martha.

10. On July 13, 2020, the Storage Tank Program of the Department of Health in Polk County (“County”), conducted a discharge inspection at the Facility. During the inspection, a violation was cited for failure to repair a component that could or does lead to a discharge. Based on the facts surrounding the July 12, 2020, incident, the Department finds that the following violation occurred:

a) Release of approximately 491 gallons of fuel to the waters of the state in violation of 376.302(1)(a), Fla. Stat.

b) Failure to ensure that a shop fabricated aboveground storage tank is not filled beyond 95 percent of its capacity, in violation of Rule 62-762.501(2)(e), Fla. Admin. Code.

c) Failure to repair a structural problem that could potentially result in a release or discharge from the storage tank system in violation of 62-762.701(1)(a), Fla. Admin. Code

Having reached a resolution of the matter, Respondents and the Department mutually agree and it is

**ORDERED:**

11. Respondents shall comply with the following corrective actions within the stated time periods:

a) Complete installation of curbing or other barrier to ensure that any future spills or releases from Tank #11 and Tank #12 do not enter the storm drain adjacent to the storage tanks **by January 31, 2021.**

b) **Within 30 days of the effective date of this Order**, Respondents shall commence implementation of the Remedial Action Plan July 12, 2020 Diesel Discharge, Lake Martha, Winter Haven, Florida ("RAP"), approved by the Department on October 5, 2020 and incorporated herein as Attachment A, and adhere to all timeframes contained therein.

12. **Within 30 days of the effective date of this Order**, Respondents shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

13. **Within 30 days of the effective date of this Order**, Respondents shall pay the Department \$11,012.80 in settlement of the regulatory matters addressed in this Order. This amount includes \$10,512.80 for administrative penalties and \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The administrative penalty in this case includes one violation that warrants a penalty of \$2,000.00 or more.

14. **Within 30 days of the effective date of this Order**, Respondents shall pay the Department \$4,729.36 in Office of Emergency Response costs for its investigative cost and expenses for this matter.

15. Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 11 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment and shall do so as further described in paragraphs 16 and 17, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the administrative penalties agreed to in paragraph 13 of this Order.

16. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of

Environmental Protection” and shall include both the OGC number assigned to this Order and the notation “Water Quality Assurance Trust Fund.” Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

17. All submittals and payments required by this Order shall be sent to Department of Environmental Protection, Southwest District Office, 13051 Telecom Parkway, Suite 101, Temple Terrace, Florida 33637-0926.

18. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

19. The sale or conveyance of the Facility does not relieve Respondent of the obligations imposed in this Order. In the event of a sale or conveyance of the Facility and/or of the Property on which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance: (a) notify the Department of such sale or conveyance; (b) provide the name and address of the purchaser/grantee, operator, or person(s) in control of the Facility and Property; (c) provide a copy of this Order with all attachments to the purchaser/grantee, operator, or person(s) in control of the Facility and Property.

20. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as “contractor”) to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by

which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

21. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for alleged violations up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

22. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

23. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

24. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

25. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, Fla. Stat., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, Fla. Stat.

26. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

27. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, Fla. Stat. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), Fla. Stat.

28. This Consent Order is a final order of the Department pursuant to section 120.52(7), Fla. Stat., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Fla. Stat. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

29. Respondent shall publish the following notice in a newspaper of daily circulation in Polk County, Florida. The notice shall be published one time only **within 14 days of the effective date of the Order**. Respondent shall provide a certified copy of the published notice to the Department **within 10 days of publication**.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection (Department) gives notice of agency action of entering into a Consent Order with WINTER HAVEN HOSPITAL, INC. AND BAYCARE HEALTH SYSTEMS, INC. pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the July 12, 2020, petroleum discharge at Winter Haven Hospital, 200 Avenue F NW, Winter Haven, Florida. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Southwest District Office, 13051 Telecom Parkway, Suite 101, Temple Terrace, Florida 33637-0926.

Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- 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) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the 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.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at [Agency\\_Clerk@floridadep.gov](mailto:Agency_Clerk@floridadep.gov), 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 at Southwest District Office, 13051 Telecom Parkway, Suite 101, Temple Terrace, Florida 33637-0926. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

30. Rules referenced in this Order are available at:

<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>.

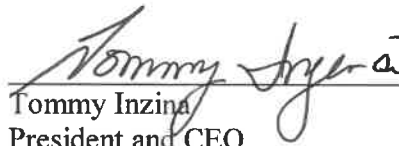
FOR THE RESPONDENT WINTER  
HAVEN HOSPITAL:



Glenn Waters  
Chief Operating Officer and Executive Vice President

10/7/20  
Date

FOR THE RESPONDENT BAYCARE:



Tommy Inzina  
President and CEO

10/7/20  
Date

DONE AND ORDERED this 13 day of October, 2020, in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

*Kelley M. Bootwright for:*

---

Mary E. Yeargan, P.G.  
District Director  
Southwest District

Filed, on this date, pursuant to section 120.52, Fla. Stat., with the designated Department Clerk, receipt of which is hereby acknowledged.



---

Clerk

October 13, 2020

---

Date

Copies furnished to:

Lea Crandall, Agency Clerk,  
Mail Station 35

Attachment A  
Prepared for OGC File No. 20-1328

**REMEDIAL ACTION PLAN  
JULY 12, 2020 DIESEL DISCHARGE  
LAKE MARTHA  
WINTER HAVEN, FLORIDA**

***Prepared For:***

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF EMERGENCY RESPONSE  
13051 N. TELECOM PARKWAY  
TEMPLE TERRACE, FL 33637**

**AND**



**US ECOLOGY  
340 THORPE ROAD  
ORLANDO, FL 32824**

***Prepared By:***



**MONTROSE ENVIRONMENTAL SOLUTIONS  
120 E. MLK JR. BLVD.  
TAMPA, FLORIDA 33603  
MONTROSE PROJECT NO. 048RC-776825**

**OCTOBER 5, 2020**

## TABLE OF CONTENTS

## PAGE

|  |   |
|--|---|
| 1.0 Introduction .....   | 1 |
| 2.0 Key Personnel .....  | 1 |
| 3.0 Spill Discovery .....  | 2 |
| 4.0 Initial Response Actions .....                                 | 2 |
| 5.0 Supplemental Assessment & Areas of Environmental Concern ..... | 2 |
| 6.0 Remedial Action Plan.....                                      | 3 |
| 6.1 Pre-Dredge Surveys .....                                       | 4 |
| 6.2 Permitting & Stormwater Protection.....                        | 4 |
| 6.3 Sediment Recovery and Treatment .....                          | 5 |
| 6.4 Post-Dredge Survey and Sediment Quality Assessment .....       | 6 |
| 6.5 Water Treatment .....  | 6 |
| 6.6 Water Discharge .....  | 7 |
| 6.7 Vegetation and Soil Removal .....                              | 7 |
| 7.0 Waste Management.....  | 8 |
| 8.0 Site Restoration .....   | 8 |
| 8.1 Shoreline Restoration .....                                    | 8 |
| 8.2 Vegetation Replanting.....                                     | 9 |
| 8.3 Boat Ramp Park Restoration.....                                | 9 |
| 9.0 Reporting.....   | 9 |

## FIGURES

- 1 Spill Location Map
- 2 Site Layout Map
- 3 Parcel Map
- 4 Treatment System Layout

## TABLES

- 1 Areas of Environmental Concern Spreadsheet

## 1.0 Introduction

This Remedial Action Plan (RAP) has been prepared to address the residual petroleum impacts resulting from the July 12, 2020 diesel spill originating from the Winter Haven Hospital. The RAP is being implemented to comply with the Consent Order issued by the Florida Department of Environmental Protection (FDEP). The RAP summarizes the response actions taken to date and outlines the methods for removing the remaining petroleum impacts identified in the soil, vegetation, and sediment along the shoreline of Lake Martha. Specifically, this Plan addresses the following items:

- 1) Key Personnel
- 2) Spill Discovery and Response Actions;
- 3) Environmental Assessment Activities;
- 4) Remedial Methods;
- 5) Confirmatory Sampling and Laboratory Analysis;
- 6) Site Restoration; and
- 5) Reporting.

## 2.0 Key Personnel

The key personnel involved in the site restoration efforts are as follows:

| Company / Organization  | Key Personnel  | Email  |
|---|----------------|--|
| Winter Haven Hospital   | Michael Neely  | <a href="mailto:michael.neely@baycare.org">michael.neely@baycare.org</a>     |
| Refuel Systems USA  | Robin Singh    | <a href="mailto:rsingh@refuelsystemsusa.com">rsingh@refuelsystemsusa.com</a> |
| US Ecology  | Daryl King     | <a href="mailto:dking@nrcc.com">dking@nrcc.com</a>                           |
| Montrose Environmental Solutions  | Lee Ford       | <a href="mailto:lford@montrose-env.com">lford@montrose-env.com</a>           |
| Gator Dredging  | Bret Sapp      | <a href="mailto:bret@gatordredging.com">bret@gatordredging.com</a>           |
| Florida Department of Environmental Protection – Office of Emergency Response | Jamie Arleo    | <a href="mailto:jamie.arleo@floridadep.gov">jamie.arleo@floridadep.gov</a>   |
| Florida Department of Health – Polk County                                    | Ralph Meder    | <a href="mailto:ralph.meder@flhealth.gov">ralph.meder@flhealth.gov</a>       |
| City of Winter Haven – Division of Natural Resources                          | Dustin Everitt | <a href="mailto:deveritt@mywinterhaven.com">deveritt@mywinterhaven.com</a>   |

### **3.0 Spill Discovery**

The spill occurred along the east side of the Winter Haven Hospital campus located at 200 Avenue F NE in Winter Haven, Florida, hereafter referred to as Site. A Site Location Map is included as **Figure 1**. On July 12, 2020, approximately 491 gallons of diesel fuel was discharged from the onsite aboveground diesel storage tanks used to fuel the emergency generators. The diesel fuel gravity flowed into a nearby storm drain and was discharged into Lake Martha located adjacent to the Hospital.

As illustrated on **Figure 2**, the diesel fuel was discharged along the western shoreline of Lake Martha and blown to the east-northeast where it settled along the shoreline of nearby residences and the municipal boat ramp owned by the City of Winter Haven. Physical evidence of petroleum impacts was identified in the vegetation, lawn grass, and shallow sediments within the impacted areas.

### **4.0 Initial Response Actions**

Upon notification of the discharge, the Florida Department of Environmental Protection (FDEP) Office of Emergency Response (OER) responded to the Site to evaluate the discharge and initiate cleanup enforcement. Refuel Systems USA and US Ecology were retained to oversee product containment, recovery, and remediation. Montrose Environmental Solutions (Montrose) was retained to provide environmental assessment services and documentation of the discharge cleanup.

Between mid-June and early August 2020, US Ecology conducted product recovery and sediment removal activities at the City of Winter Haven Boat Ramp located along the eastern shoreline. Laboratory analysis of 4 sediment samples obtained following the remedial efforts at the Boat Ramp did not detect any constituents of concern (COCs) above the applicable Soil Cleanup Target Levels (SCTLs) established in Chapter 62-777 Florida Administrative Code (F.A.C.). Despite the favorable laboratory analytical results, the remaining sediments continued to produce a petroleum sheen when disturbed. The sediment sample location plan and laboratory analytical reports will be provided in the final Site Restoration Report.

### **5.0 Supplemental Assessment & Areas of Environmental Concern**

On August 3, 2020, a visual reconnaissance was conducted in an effort to further delineate the extent of the petroleum impacts along the shoreline of Lake



Martha. The reconnaissance was performed by representatives of US Ecology, Montrose, FDEP, and the City of Winter Haven. Results of the reconnaissance identified visual evidence of petroleum impacts (i.e. dead vegetation, sheening, odor, etc.) at numerous locations along the northern half of Lake Martha. The areas of environmental concern are illustrated on **Figure 2**. A site map illustrating the individual parcels is included as **Figure 3** along with a Table describing the parcel numbers and property owner information.

During the reconnaissance, 4 submerged sediment samples for laboratory analysis were collected from areas exhibiting the worst case conditions as determined by visual sheening and odor. Laboratory analysis of the sediment samples did not detect any constituents of concern above the applicable SCTLs. Despite the lack of COCs within the submerged sediments, all parties agreed that additional remediation was warranted to remove the impacted vegetation and mitigate the sheening effects exhibited by the sediments.

## **6.0 Remedial Action Plan**

The active remediation team is comprised of US Ecology, Montrose, and Gator Dredging (Gator). The team's objective is to remove all vegetation and soil exhibiting petroleum impacts and to mitigate the sheening effects of the impacted sediments along the shoreline.

The following schedule and protocols will be followed during the cleanup process:

- The estimated time to complete the remedial activities is 45-60 days;
- All remedial activities will be conducted during normal business hours between 8:00 am – 5:00 pm unless otherwise authorized;
- The City of Winter Haven boat ramp area (Parcel ID# 262821584000002071) will be used as the equipment staging area. The boat ramp will remain closed throughout the cleanup process;
- Vessels and barges will be used to transport personnel and equipment to the areas of environmental concern; and
- Written site access will be obtained prior to entering private property.

The Remediation Team proposes the following scope of work to accomplish the project objectives:

## **6.1 Pre-Dredge Surveys**

Gator and/or it's delegates will complete a pre-dredge survey prior to any sediment removal to establish the existing elevations along the shoreline and ensure proper site restoration. The survey will be sign/sealed by a licensed Professional Land Surveyor registered in the State of Florida. Due to different grades and changing water levels in the lake, elevation shots will be taken 10 feet above the water line and extend to at least 2.5 feet of water or 25 feet linear feet into the lake, whichever is greater. Survey transects will be collected in 50-foot intervals along the approximated 3,000 linear foot stretch of bank.

The lake shoreline generally exists as a gradual decline with mixed shoreline vegetation and sodded banks (hardened or stabilized shoreline is minimal). This gradual decline continues below the normal lake elevation and progresses into the lake. All soils are generally sandy in nature in this area and accessible by foot or small boat while respecting private property.

US Ecology and Montrose will accompany Gator and/or it's delegates during the pre-dredge survey to establish the current conditions within the areas of environmental concern. Sediment and vegetation will be screened for visual evidence of petroleum impacts (i.e. sheening, odor, etc.).

Prior to vegetation removal, the City of Winter Haven will assist with an initial survey to identify the impacted plant species within the areas of environmental concern. GIS and SONAR technology will be used to approximate the impacted areas. A list of appropriate species and plant counts will be provided to replace the removed vegetation.

The areas of environmental concern established in **Figures 2 & 3** may be modified based on the findings of the supplemental surveys.

## **6.2 Permitting & Stormwater Protection**

The City of Winter Haven Boat Ramp (Parcel ID# 262821584000002071) will serve as the equipment staging area for all remedial operations. Prior to occupying the Boat Ramp, US Ecology will obtain a Limited Duration License / Land-use Agreement from the City of Winter Haven. The Agreement will cover US Ecology and their umbrella of sub-contractors for use of the Boat Ramp parcel during remedial operations

A treatment compound will be constructed on the Boat Ramp parcel as illustrated on **Figure 4**. Gator will file a Notice of Intent to use National Pollution Discharge Elimination System (NPDES) Generic Permit for Stormwater Discharge from Large and Small Construction Activities in accordance with Rule 62-621.300(4) F.A.C.

Gator will develop and implement a Stormwater Pollution Prevention Plan (SWPPP) to comply with the conditions of the Permit. The SWPPP will identify potential sources of stormwater pollution at the equipment staging area and establish the Best Management Practices to prevent and control stormwater discharges. A copy of the SWPPP will be kept onsite throughout the project. Additionally, Gator will file a Notice of Intent to use National Pollution Discharge Elimination System (NPDES) Generic Permit for Stormwater Discharge from Large and Small Construction Activities in accordance with Rule 62-621.300(4) F.A.C.

### **6.3 Sediment Recovery and Treatment**

Sediments exhibiting sheening within the areas of environmental concern will be recovered using a 6-inch (or similar size) vacuum dredge and pumped to a treatment compound to be assembled at the City of Winter Haven Boat Ramp site. A layout of the treatment compound is included as **Figure 4**. Absorbent materials and a drum skimmer will be used to contain and recover free product and/or sheen released during the dredging process.

Approximately 6"-12" of sediment will be removed from each area of environmental concern. The dredging will extend out approximately 10-15 ft from the waterline or 2.5 ft of water, whichever is greater. The dredge slurry will be pumped into a Tri-flo slurry separation system where all the sediment will be washed and coarse grained sediment (i.e. sand) scalped from the dredge slurry. The recovered solids (i.e. sand) will be excavated out of the Tri-flo outfall containers and placed within a visqueen-lined, silt-fenced area. To establish sand quality conditions following the dredging and separation process, one gallon samples will be collected from every 100 cubic yards of the stockpile and tested for any residue fuel / sheening. The one gallon sample will be placed in a five gallon bucket with 3 gallons of clean water and well mixed for 30 seconds. If no sheen is observed within 5 minutes of mixing, the 100 cubic yards of tested sand will be placed into a return slurry container via excavator bucket and pumped back to the lake and graded back along the shoreline where it originated. The process will continue until all recovered sand is pumped back into the lake. Any sand that fails the visual test will be run back through the Tri-flo process via a recycle line from the sand slurry container and retested. The remediation team is

prepared to transport untreated sands offsite for disposal if deemed necessary. In this case, new clean sand will be brought to the site and used to restore the shoreline.

#### **6.4 Post-Dredge Survey and Sediment Quality Assessment**

Gator and/or it's delegates will perform up to ten (10) post-dredge surveys by collecting elevations in a 5-foot by 5-foot grid in the bank restoration area established by the pre-dredge survey. Once an elevation shot is taken, the superficial sediment at that location will be agitated via RTK GPS rover pole and inspected for evidence of sheening. If no sheen is observed, the elevation will be marked in green on the site map and the location will be considered remediated. If a sheen is observed, the elevation will be marked in red indicating additional dredging is required and a PVC (or similar) stake will be placed at that location. The dredge will return to the PVC (or similar) staked location (map will have this elevation marked in red) and remove another 6"-12" of sediments. If possible, retesting of a dredged area will occur the following day. Once all elevations within a dredge area have been marked in green (remediated), the dredge area will be considered remediated and scheduled for backfilling.

#### **6.5 Water Treatment**

Water generated by the dredging process will be pumped to the treatment system located at the City of Winter Haven boat ramp. Turbid water exiting the Tri-flo separator will be pumped into a lined containment train built with concrete bin blocks and fused plastic liner. An awaiting aquatic harvester vessel (i.e. a Weedoo) equipped with a drum skimmer will be used to remove any residual fuel sheen from the Tri-flo discharge. In addition, rows of fuel boom will be run perpendicular to flow to serve as an additional petroleum residue removal method. Should sheening persist after skimming, the end of train discharge will be pumped back to the front of the treatment compound and skimmed again. Only "sheen-free" water will be discharged from the skimming containment. The "sheen free" water will be pumped through a geosynthetic dewatering bag to remove any fines/organics that make it through the de-sanding and fuel skimming process. A polymer injection system will be used prior to entry into the geosynthetic dewatering bag to assist with the rapid dewatering process.

## **6.6 Water Discharge**

Treated water will be discharged back into Lake Martha as authorized by the FDEP in accordance with Florida Statute 376.09 (8). Prior to discharge into lake, the treated water will be analyzed to ensure it does not contain any constituents of concern (COCs) above the applicable Groundwater and/or Surface Water Cleanup Target Levels (CTLs) established in Chapter 62-777 F.A.C. The first 20,000 gallons of treated water will be placed in an open-top frac tank and immediately sampled. The water sample will be placed on ice and delivered to Pace Analytical, Inc. in Tampa, Florida to be analyzed for volatile organic compounds (BTEX/MTBE) using EPA Method 8260, polynuclear aromatic hydrocarbons (PAHs) using EPA Method 8270, and total recoverable petroleum hydrocarbons (TRPH) using EPA Method FL-PRO.

Laboratory analytical results will be compared to the CTLs to determine if contamination remains. In the event COCs are not detected above the CTLs, the treated water will be discharged into the lake. Should COCs be detected above the CTLs, the water will be pumped back into the skimming containment for further treatment. Confirmatory sampling will be conducted until the COCs are < CTLs and the treatment methods are deemed effective.

Laboratory analysis of the treated water will be conducted at least once per week during discharge. The remediation team is prepared to transport untreated water offsite for disposal, if deemed necessary.

## **6.7 Vegetation and Soil Removal**

Aquatic vegetation and lawn grass exhibiting petroleum impacts will be removed using barge-mounted heavy equipment and manual methods. Absorbent materials and a drum skimmer will be used to contain and recover free product and/or sheen released during the vegetation removal activities.

Following the removal of the heavy vegetation, the shoreline behind the vegetation will be assessed to determine if additional remediation (i.e. sediment removal) is required.

In the areas where dry soil is removed, soil screening samples will be obtained every 10 ft within the excavations and screened for organic vapors indicative of petroleum hydrocarbons using an Organic Vapor Analyzer (OVA) equipped with a photoionization detector (PID). All soil exhibiting OVA readings greater than 10 parts per million will be considered excessively contaminated and subsequently

removed. Please note, the OVA is not an effective screening tool for moist soils and/or sediments.

In order to confirm the completeness of the impacted soil removal, one soil sample for laboratory analysis will be collected from each property requiring soil removal. The soil samples will be collected from the location exhibiting the highest OVA reading at each property.

The soil samples will be placed on ice and delivered to Pace Analytical, Inc. in Tampa, Florida to be analyzed for volatile organic compounds (BTEX/MTBE) using EPA Method 8260, polynuclear aromatic hydrocarbons (PAHs) using EPA Method 8270, and total recoverable petroleum hydrocarbons (TRPH) using EPA Method FL-PRO.

Laboratory analytical results will be compared to the Soil Cleanup Target Levels (SCTLs) established in Chapter 62-777 Florida Administrative Code (FAC) to determine if contamination remains.

In the event contaminants of concern are detected above the applicable SCTLs, additional soil removal and confirmatory soil sampling will be conducted until contaminant concentrations within the remaining soil are below the applicable SCTLs.

## **7.0 Waste Management**

All impacted media including vegetation, grass, soil, absorbent materials, etc. will be properly contained until offsite transport and proper disposal can be arranged. Copies of the disposal manifests will be retained.

## **8.0 Site Restoration**

The following site restoration efforts will be completed.

### **8.1 – Shoreline Restoration**

Treated sand and clean imported sand (as necessary) will be placed back along the dredged shoreline. A post-filling survey by a Professional Land Surveyor registered in the State of Florida will record elevations in the same locations and frequency as the pre-dredge-survey to ensure the final grades match the pre-dredge elevations or higher. It is anticipated/proposed that the pre-dredge lake elevations can be restored within a tolerance of +/- 0.5 feet (6 inches).

## **8.2 – Vegetation Replanting**

The grass sod will be replaced as requested by the individual land owners. The aquatic vegetation removal activities have the potential to have negatively affected water quality and/or fish and wildlife habitat in the lake. In order to mitigate these impacts, replanting of emergent aquatic vegetation will be conducted. A list of appropriate species and plant counts will be provided by the City of Winter Haven to replace the removed vegetation. Replanting will commence after vegetation removal and sediment remediation efforts are completed. Post-planting monitoring may be conducted by the City to ensure that proper rooting has taken place.

## **8.3 – Boat Ramp Park Restoration**

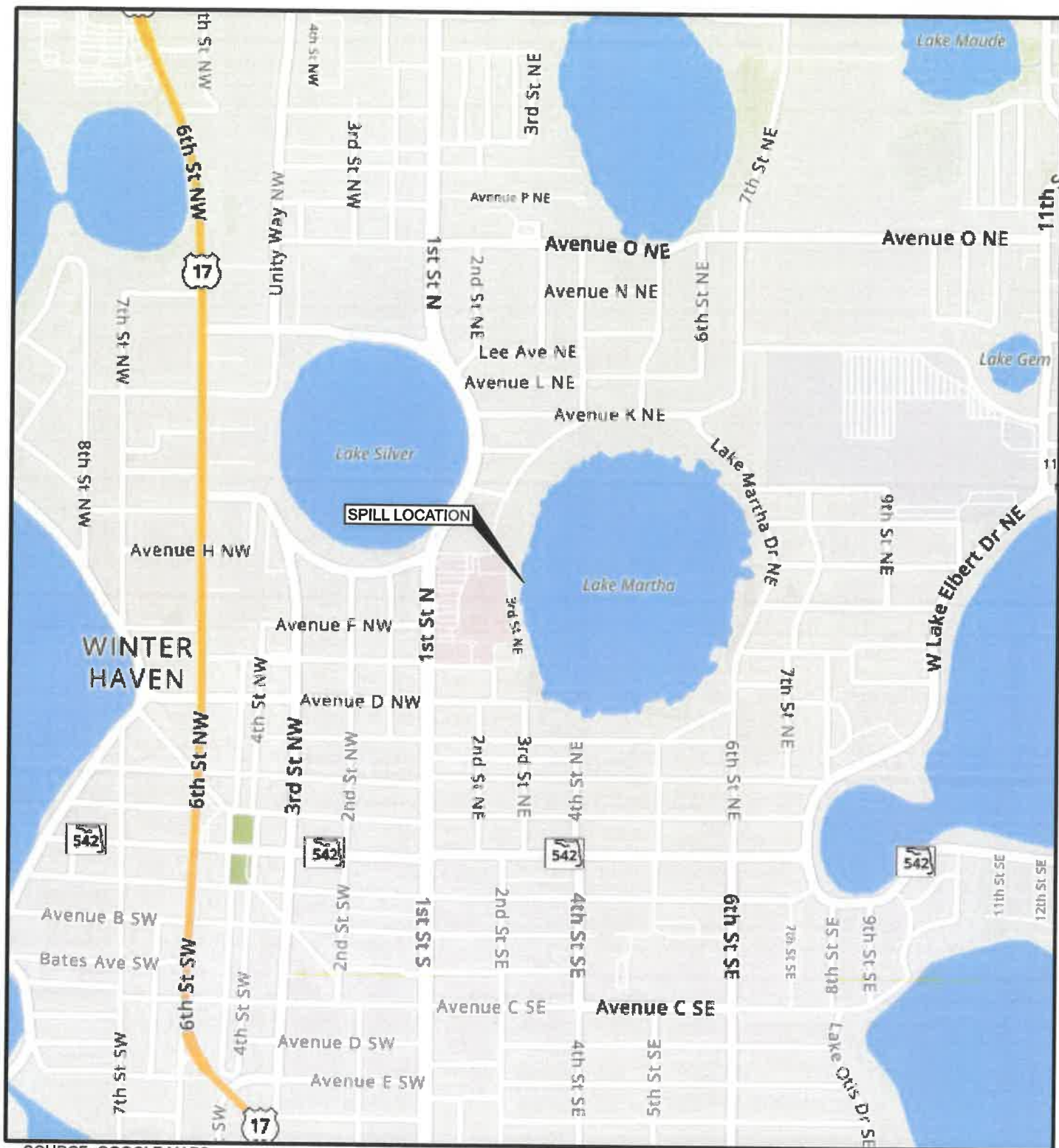
Upon removal of all equipment, the City of Winter Haven Boat Ramp area will be restored to its original condition. The site will be graded and sod will be replaced as needed. Any damages to the boat ramp structures will be repaired to the satisfaction of the City of Winter Haven. Upon satisfactory restoration of the Boat Ramp parcel, US Ecology's Limited Duration License / Land-use Agreement will be terminated by the City of Winter Haven.

## **9.0 Reporting**

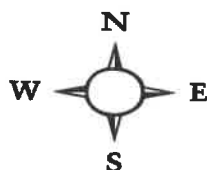
The methods and results of the remedial activities will be summarized in a Site Restoration Report. The report will include details of all site activities, scaled maps showing all sample locations and laboratory and field screening data in tabular and graphical form. Complete laboratory reports and chain-of-custody documentation will be included along with copies of all disposal manifests. Conclusions and recommendations for further actions, if warranted, will be included.

# **FIGURES AND TABLE**





SOURCE: GOOGLE MAPS



APPROXIMATE SCALE (FEET)

1 INCH = 400 FEET



**MONTROSE**  
ENVIRONMENTAL

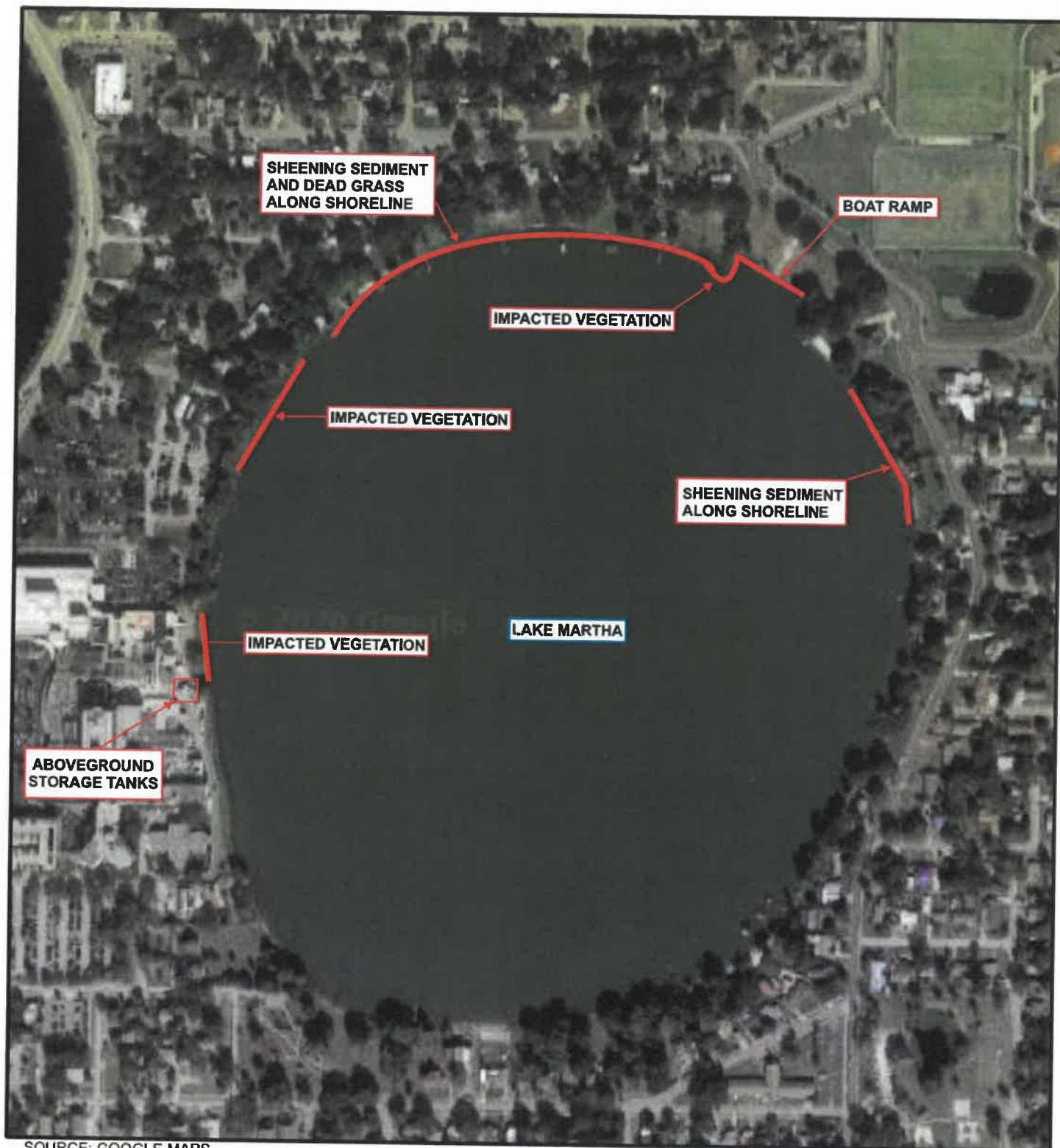
## FIGURE 1 SITE LOCATION MAP

JULY 12, 2020 DIESEL SPILL  
WINTER HAVEN HOSPITAL  
200 AVENUE F NE  
WINTER HAVEN, FL 33881

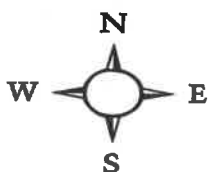
DATE: 8/10/2020

FILE: WH-20

BY: LTF



SOURCE: GOOGLE MAPS



APPROXIMATE SCALE (FEET)

1 INCH = 400 FEET  
0 400



## FIGURE 2 SITE LAYOUT MAP

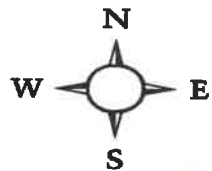
JULY 12, 2020 DIESEL SPILL  
WINTER HAVEN HOSPITAL  
200 AVENUE F NE  
WINTER HAVEN, FL 33881

DATE: 8/10/2020

FILE: WH-20

BY: LTF





APPROXIMATE SCALE (FEET)

1 INCH = 80 FEET



### FIGURE 3 PARCEL MAP

JULY 12, 2020 DIESEL SPILL  
WINTER HAVEN HOSPITAL  
200 AVENUE F NE  
WINTER HAVEN, FL 33881

DATE: 08/09/2020

FILE: WHH

BY: LTF

TABLE 1

AREAS OF ENVIRONMENTAL CONCERN  
LAKE MARTHA  
WINTER HAVEN, FLORIDA

| MAP ID # | PARCEL ID #         | ADDRESS                  | OWNER   | IMPACTED MEDIA                           | NOTES |
|----------|---------------------|--------------------------|---|--|-------|
| 1        | 062821583000000010  | 200 AVENUE F NE          | WINTER HAVEN HOSPITAL INC                     | Vegetation                               |       |
| 2        | 0628215840000003300 | 1000 W LAKE MARTHA DR NE | MELIX CORPORATION                             | Vegetation                               |       |
| 3        | 0628215840000003280 | 1004 LAKE MARTHA DR NE   | MELIX CORPORATION                             | Sediment                                 |       |
| 4        | 0628215840000003270 | 1016 LAKE MARTHA DR NE   | LEE MARLA ANN                                 | Sediment                                 |       |
| 5        | --                  | --                       | CITY OF WINTER HAVEN                          | Sediment                                 |       |
| 6        | 0628215840000003240 | 1108 LAKE MARTHA DR NE   | MORITA M. HADLOCK                             | Grass & Sediment                         |       |
| 7        | 0628215840000003230 | 1110 LAKE MARTHA DR NE   | CHARLES & TAMARA TYNER                        | Sediment                                 |       |
| 8        | 0628215840000003220 | 1120 W LAKE MARTHA DR NE | CAREY SEMPTERT                                | Sediment                                 |       |
| 9        | 0628215840000003210 | 1130 W LAKE MARTHA DR NE | JULIE VENTURA                                 | Sediment                                 |       |
| 10       | 0628215840000003200 | 0140 W LAKE MARTHA DR NE | BAULETTE JACOBS                               | Grass and Sediment                       |       |
| 11       | 0628215840000003190 | 1144 W LAKE MARTHA DR NE | JAMES DOTY                                    | Grass and Sediment                       |       |
| 12       | 0628215840000003180 | 1146 W LAKE MARTHA DR NE | NICHOLAS & KATHRYN PALMERTON                  | Grass and Sediment                       |       |
| 13       | 0628215840000003160 | 420 AVENUE K NE          | HECTOR JAVIER GONZALES                        | Grass and Sediment                       |       |
| 14       | 0628215840000003143 | 428 AVENUE K NE          | JOHN & ANGELA WEAVER                          | Grass and Sediment                       |       |
| 15       | 0628215840000003141 | 430 AVENUE K NE          | WILLIAM BEASLEY                               | Grass and Sediment                       |       |
| 16       | 0628215840000002010 | 504 AVENUE K NE          | JOHN MANKOWSKI - IVEE DITTMER                 | Grass and Sediment                       |       |
| 17       | 0628215840000002020 | 506 AVENUE K NE          | JOHN MANKOWSKI - IVEE DITTMER                 | Sediment                                 |       |
| 18       | 0628215840000002030 | 516 AVENUE K NE          | CAROL STANINGER                               | Vegetation and Sediment                  |       |
| 19       | 0628215840000002050 | 522 AVENUE K NE          | JAIME HUGHES                                  | Sediment                                 |       |
| 20       | 0628215840000002060 | 530 AVENUE K NE          | JAYN LEE, JENNIFER ECKELS, JOSHUA & JOHN BAGG | Sediment and Vegetation                  |       |
| 21       | 0628215840000002071 | 0 LAKE MARTHA DR NE      | CITY OF WINTER HAVEN                          | Sediment                                 |       |
| 22       | 0628215795000002180 | 901 E LAKE MARTHA DR     | KENNETH & TAMMY BOARD                         | Vegetation and Sediment on southern half |       |
| 23       | 0628215795000003280 | 0 LAKE MARTHA DR NE      | BETTY HARRIS FAMILY TRUST                     | Vegetation and Sediment                  |       |
| 24       | 0628215795000003171 | 900 LAKE MARTHA DR NE    | DENNIS & JENNIFER LOCURCIO                    | Vegetation and Sediment                  |       |
| 25       | 0628215735000003060 | 836 LAKE MARTHA DR NE    | RICHARD HERRERA                               | Sediment                                 |       |
| 26       | 0628215735000003040 | 830 LAKE MARTHA DR       | CARLOS & IONI CASTILLO                        | Sediment                                 |       |
|          |                     |                          |   |  |       |
|          |                     |                          |   |  |       |