



Florida Department of Environmental Protection

State Lands and Consent Order Data Entry Form

THIS FORM MUST BE COMPLETED AND RETURNED TO THE BUSINESS TEAM **WITHIN TWO BUSINESS DAYS** FROM THE DATE RECEIVED LISTED BELOW.

This form is used for monies received that are associated with State Lands authorizations (Leases or TUAs) and with Consent Orders

Date Received _____ Program Area _____ Permitting CAP File Number: _____ Type: _____

Check Info:

| Check Number | Check Amount | Receipt Number | Sys Pay Number | Fund and Revenue Code (choose one) | Amount for that Code |
|--------------|--------------|----------------|----------------|------------------------------------|----------------------|
| | \$ | | | | |
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Please remember to **attach a copy of payment reference pages** from Signed Consent Order or Executed TUA.

| Fund Codes | | Revenue Codes | |
|------------|---|---------------|---------------------------|
| IITF | Internal Improvement Trust Fund <i>(please also completed the Money Deposit Sheet)</i> | 012008 | Penalties |
| | | 012009 | Permit Fees/Processing |
| SWMTF | Solid Waste Management Trust Fund | 018003 | Expenses |
| WQATF | Water Quality Assurance Trust Fund | 012007 | Administrative Fees |
| PFTF | Permit Fee Trust Fund | 021017 | Annual Fee, Arrears, Mods |
| IPTF | Inland Protection Trust Fund | 001018 | Misc Fees |

Stop Payment Requests cannot be accepted until 90 days after the issue date. An Indemnity Bond will be required before this Cashier's Check will be replaced or refunded.

Pinnacle™

Cashier's Check 998404

Date: 8/09/2021

REMITTER: FL SUMMIT HILL LLC
520 W SUMMIT HILL AVE STE 1201
KNOXVILLE, TN 37902

Branch: 0454

PAY TO THE ORDER OF ** EXACTLY **14,570 AND 00/100 DOLLARS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

\$14,570.00

M. Jayne Bair

Security features. Details on back.

Pinnacle™

Cashier's Check 998404

OGC File No. : 21-0680

RECEIVED

AUG 12 2021

D.E.P. South District

DATE: 8/09/2021

REMITTER: FL SUMMIT HILL LLC
520 W SUMMIT HILL AVE STE 1201
KNOXVILLE, TN 37902

BRANCH: 0454
ORIGINATOR: PBJBAISLEY
TIME: 13:39:56
CKAMT: \$14,570.00
FEE AMT: 00000000000

TO: DEPARTMENT OF ENVIRONMENTAL PROTECTION

TOTAL: \$14,570.00

NON-NEGOTIABLE



FLORIDA DEPARTMENT OF Environmental Protection

South District
PO Box 2549
Fort Myers FL 33902-2549
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Interim Secretary

August 9, 2021

Scottie Epperson, Owner
Cattlemen Road Partners, LLC
520 West Summit Hill Drive, Suite 1201
Knoxville, Tennessee 37902
Via e-mail: Scottiefr11@aol.com

Re: Sarasota County – Hazardous Waste
OGC Case No. **21-0680**
Cattlemen Road Partners, LLC
Facility ID# FLD083200998

Dear Mr. Epperson:

Enclosed is the signed and entered Consent Order to resolve the above referenced case. This copy is for your records. Please note that all compliance dates begin from the date of entry of this Order, which is **August 9, 2021**.

Upon satisfactory completion of all conditions of the Order, we will close this case and place it in our inactive file.

If you have any questions, please contact Karen Bayly at Karen.Bayly@Floridadep.gov or 239-344-5616. Your cooperation in resolving this case is appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon M. Iglehart", is written over a horizontal line.

Jon M. Iglehart
Director of District Management

Enclosure: Executed Consent Order

cc: Lea Crandall, FDEP Agency_Clerk@dep.state.fl.us



FLORIDA DEPARTMENT OF Environmental Protection

South District
PO Box 2549
Fort Myers FL 33902-2549
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Interim Secretary

July 14, 2021

Scottie Epperson, Owner
Cattlemen Road Partners, LLC
520 West Summit Hill Drive, Suite 1201
Knoxville, Tennessee 37902
Via e-mail: Scottiefrl1@aol.com

SUBJECT: Department of Environmental Protection v. Cattlemen Road Partners, LLC
OGC File No.: 21-0680
Facility ID Number: FLD083200998
RCRA Corrective Action Permit No.: 39999-HH-004

Dear Mr. Epperson:

The State of Florida Department of Environmental Protection ("Department") finds that Cattlemen Road Partners, LLC ("Respondent") violated permit conditions in violation of Section 403.727(1)(C), Florida Statutes (F.S.) and 40 Code of Federal Regulations (C.F.R.) 270.30(a), prior to March 31, 2021. Although the Respondent no longer owns the subject property, the Respondent remains subject to civil penalties as a result of these violation(s). The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking \$13,570.00 in civil penalties and \$1,000.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$14,570.00.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at P.O. Box 2549, Fort Myers, Florida 33902-2549 by July 30, 2021. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department

pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Scottie Epperson:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S. on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the Department,

(1) Respondent must pay \$14,570.00 in full by August 27, 2021.

(2) 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 is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

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.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Karen Bayly at 239-344-5616 or at Karen.Bayly@floridadep.gov.

Sincerely,



Jon Iglehart
District Director
South District

FOR THE RESPONDENT:

I, Scottie Epperson [Type or Print Name], HEREBY ACCEPT
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: [Signature]
[Signature]

Date: 8/6/21

Title: President
[Type or Print]

FOR DEPARTMENT USE ONLY

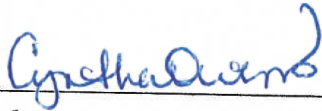
DONE AND ORDERED this 9th day of August, 2021, in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon Iglehart
District Director
South District

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



Clerk

August 9, 2021

Date

Attachments: Notice of Rights
 Warning Letter

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)

NOTICE OF RIGHTS

Persons who are not parties to this 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 Order means that the Department's final action may be different from the position it has taken in the Order.

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

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

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, 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 the address indicated above. 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. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



FLORIDA DEPARTMENT OF Environmental Protection

South District
Post Office Box 2549
Fort Myers, Florida 33902-2549
SouthDistrict@dep.state.fl.us

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

March 10, 2021

VIA ELECTRONIC MAIL

Mr. Scottie Epperson, Owner
Cattlemen Road Partners, LLC
520 West Summit Hill Drive, Suite 1201
Knoxville, Tennessee 37902
E-mail: Scottiefr11@aol.com

Re: **Warning Letter**
Cattlemen Road Partners, LLC
Facility ID No. FLD083200998
RCRA Corrective Action Permit No: 39999-HH-004 (the "Permit"); To continue facility-wide Corrective Action, specifically groundwater remediation at Area of Concern N (AOC-N) Sarasota County

Dear Mr. Epperson:

The Florida Department of Environmental Protection ("DEP" or the "Department") recently conducted a file review for your facility. During the review, possible violations of Chapters 376 and 403, Florida Statutes, (F.S.), as well as Chapters 62-730 and 62-780, Florida Administrative Code (F.A.C.), EPA's Title 40, Code of Federal Regulations (CFR) 260-271, and the above-referenced Permit were observed.

During the file review, Department personnel noted the following:

1. To date, Cattlemen Road Partners, LLC, the current property owner and Permittee, hereinafter referred to as "Cattlemen", has neither initiated operation of the approved Remedial Action Plan (RAP) in accordance with Part V Subpart B, Condition 1 of the Permit, nor submitted a complete RAP offering a change in remedial design (e.g., a new 'remedy') for Departmental review and approval.
 - o Part V Subpart B, Condition 1 allows for either scenario within 120 days of Permit issuance (January 8, 2016) or, in this case, Permit transfer. The referenced Permit was transferred from Centennial Owner LLC to Cattlemen on March 11, 2016; therefore, initiation of the approved RAP or submittal of another complete RAP was due no later than July 9, 2016. In advance of the Permit transfer, it was explained by the Department to Cattlemen, that should they decide not to remediate Area of Concern N (AOC-N) using the approved RAP (Arcadis, 2007), they may provide a complete RAP in its stead, and the complete new RAP, once approved by the Department, would be considered a new 'remedy' and thereafter incorporated by reference in the Permit Modification.
 - o In accordance with Part VI Subpart B, Selected Remedies, Condition VI.1 states "The selected remedy for AOC-N is active groundwater remediation of the chemicals of concern (COCs) in the groundwater, including all chemicals

- listed in Part IV Subpart D.3, and as described in the document “Remediation System Design Report” dated December 27, 2007. COCs for AOC-N, as listed in the Permit, include dissolved chlorinated VOCs, 1,4-dioxane and arsenic. To date, there has only been one approved “interim RAP” which only addresses the dissolved VOCs beneath the Main Building.
2. In accordance with Permit Conditions Part I, General and Standard Conditions, Condition 12.c, Cattlemen failed to notify DEP “within 15 days of discovery per Part V.1.b., the Permittee shall notify the Department in writing of any newly discovered release of contaminant(s) to the environment resulting in a de Minimus cleanup (Part V.4) or a suspected new AOC and/or SWMU(s) discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means.” Permit Condition 12.d states “The Permittee shall comply with the “Notices” provisions of Rules 62-780.220, F.A.C., and 62-730.225, F.A.C.” To date there has been no notification in writing regarding the potential new release, as is further described below.
 - o Permit Conditions Part V, Corrective Action Conditions, Subpart A – General Corrective Action Conditions, Condition V.1.b.: “Any additional SWMUs or AOC discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means. As used in this Part, the terms “discover”, “discovery”, or “discovered” refer to the following”:
 - Condition V.1.b.(3) “The date the Permittee receives information from a credible source of the presence of a new release of contaminant(s) to the environment.”
 - Specifically, Phase II ESA activities were conducted by ECS Florida, LLC (ECS) on behalf of a previously interested purchaser (Cambridge/Galaxy Investments, LLC) during February 2020, results of which were detailed in a report provided to Cattlemen on or about March 28, 2020. The purpose of the Phase II ESA “was to evaluate whether groundwater contamination may pose an off-site concern in areas where the lateral delineation of the plume has not been complete, and to investigate the potential presence of an undiscovered source area of contamination beneath the existing building slab.” This report included confirmatory groundwater sampling data indicating that the area of the site including, and possibly migrating offsite from, FW-105, or migrating onsite from the northern adjoining property, contained contaminant concentrations of TCE, PCE and Cis-1,2 DCE in exceedance of their respective Groundwater Cleanup Target Levels (GCTLs). The Phase II ESA also concluded the likelihood that offsite migration of arsenic was occurring along the western and southern property boundaries, and the potential migration of 1,4-dioxane offsite and to the west. The Phase II ESA was provided directly to FDEP by Cambridge/Galaxy on May 5, 2020 for uploading into OCULUS and for reliance upon by other interested parties.
 - Condition V.1.c – “Contamination that has migrated beyond the facility boundary, if applicable.”
 3. Cattlemen failed to comply with Permit Conditions Part I, General and Standard Conditions, Condition #14, “Within the timeframe requested by the Department, the Permittee shall furnish any information required by law which is needed to determine

compliance with the permit. If the Department's request does not include a timeframe, the time of response is 30 days."

- In DEP's review letter (October 27, 2020) of the Semi-Annual (January-June 2020) Groundwater Monitoring Report dated September 3, 2020, the following timeframes for submittal were requested.
 - Submittals Required to Bring the Site Back into Compliance:
 - By November 30, 2020, prepare and submit a proposal to complete the horizontal and vertical delineation of contaminated groundwater in the vicinity of FW-105. The October 27, 2020 letter also requested the proposal include plans to perform a tie-in top-of-casing (ToC) survey for wells FW-37, FW-44, FW-45 and FW-87, as well as details regarding the proper abandonment of wells FW-74 and FW-84, and the repair or replacement of FW-60. As of the date of this letter, a proposal to conduct additional assessment, to repair/replace or abandon monitoring wells, and to perform a ToC survey, has not been received by the Department.
- Permit Conditions Part V, Corrective Action Conditions, Subpart A – General Corrective Action Conditions, Condition V.3 states "Upon notification by the Department, the Permittee shall prepare and submit a Confirmatory Sampling (CS) Work Plan for known, suspected, or newly discovered sites. The Work Plan shall be submitted within 60 calendar days of notification by the Department unless the notification letter establishes a different timeframe." See also Condition V.3.a. As of the date of this letter, the CS Work Plan requested on October 27, 2020, and due no later than November 30, 2020, has not been received by the Department, and nor has a formal written request for extension been approved.

See also Subpart C—Permit Conditions, 40 CFR 270.30(a) Duty to comply: any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the appropriate Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121, 403.151, and 376.30702, F.S.

Please contact Karen Bayly at (239) 344-5616, within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving 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.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. We look forward to your cooperation in completing the investigation and resolving this matter.

Warning Letter: Cattlemen Road Partners, LLC
Facility ID No. FLD083200998
March 10, 2021
Page 4 of 4

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Iglehart", with a horizontal line underneath.

Jon Iglehart, Director
South District
Florida Department of Environmental Protection

cc: Byron Barton, GEOServices – bbarton@geoservicesllc.com