



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District
13051 North Telecom Parkway, Suite 101
Temple Terrace, FL 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

June 29, 2023

Justin Peterson, General Manager
Peterson's Service Corp
4049-D Grand Blvd
New Port Richey, FL 34652
Jpeterson@petersonsrolloffdumpsters.com

Re: Peterson's Transfer Station
WACS ID No. 95065
Pasco County

Dear Mr. Peterson:

Department personnel conducted a compliance inspection of the above-referenced facility on June 6th, 2023. Based on the information provided during and following the inspection, the facility was determined to be in compliance. A copy of the inspection report is attached for your records.

The Department appreciates your efforts to maintain this facility in compliance with state and federal rules. Should you have any questions or comments, please contact Sean Lynch at 813-470-5903 or via email at Sean.C.Lynch@FloridaDEP.gov

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven Tafuni".

Steven Tafuni
Environmental Manager
Compliance Assurance Program
Southwest District
Florida Department of Environmental Protection

Enclosures: Inspection Report

cc: Steven Tafuni, DEP Southwest District; Steven.Tafuni@FloridaDEP.gov
Sean Lynch, DEP Southwest District; Sean.C.Lynch@FloridaDEP.gov
Thomas Highsmith, Peterson's Service Corp, thighsmith@petersonsrolloffdumpsters.com
Justin Peterson, Peterson's Service Corp, Petersons1@verizon.net



**Florida Department of
Environmental Protection
Inspection Checklist**

FACILITY INFORMATION:

Facility Name:	PETERSON'S SERVICE CORP TS
On-site Inspection Start Date:	06/06/2023
On-site Inspection End Date:	06/06/2023
WACS No.:	95065
Facility Street Address:	8224 GALEN WILSON ROAD
City:	PORT RICHEY
County Name:	PASCO
Zip:	34668

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Sean Lynch, Inspector

Other Participants: Emily Wargo, Environmental Consultant; Thomas Highsmith, Operations Manager;

INSPECTION TYPE:

Routine Operation Inspection for WPF - Transfer Station

Routine Operation Inspection for Other - Waste Tire Collection Center

ATTACHMENTS TO THE INSPECTION CHECKLIST:

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

Note: Checklist items with shaded boxes are for informational purposes only.

1.0 - SECTION 1.0 - FILE REVIEW

4.0 - SECTION 4.0 - WASTE PROCESSING FACILITIES

9.0 - SECTION 9.0 - WASTE TIRE FACILITIES

Inspection Date: 06/06/2023

1.0 - SECTION 1.0 - FILE REVIEW**Requirements:**

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	FILE REVIEW (Pre- or Post-Inspection, as appropriate.)	Ok	Not Ok	Unk	N/A
1.1	For landfills and C&D disposal facilities, does the facility have a current plan for the method and sequence of filling wastes? 62-701.500(2)(f) for landfills; 62-701.730(7)(a) for C&D debris sites				✓
1.2	For landfills, are the following records being reported to the Department?(Check any that are Not OK) Waste reports (annually) 62-701.500(4) Annual estimate of remaining life 62-701.500(13)(c)				✓
1.3	Is gas monitoring being performed as required by the permit? 62-701.500(9), 62-701.530(2)				✓
1.4	Are the results of the gas sampling reported to the Department quarterly? 62-701.530(2)(c)				✓
1.5	Is water quality sampling and testing performed according to standard procedures and at the required frequencies? 62-701.510(2) for landfills; 62-701.730(8) and 62-701.730(10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.6	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) and (4); 62-701.730(4)(c) and (10) for C&D debris sites; 62-713.400(3) for stationary soil treatment facilities.				✓
1.7	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? 62-701.600(6)(b), 62-701.730(9)(e)				✓
1.8	Is financial assurance adequate? 62-701.630 for landfills; 62-701.710(7)(a) and 62-701.710(1)(d)1. for waste processing facilities; 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.				✓
1.9	Are cost estimates current and adjusted every year? 62-701.630(4) for landfills; 62-701.710(7)(a) and 62-701.710(1)(d)1. for waste processing facilities; 62-701.730(11)(a) for C&D debris facilities; 62-713.600(6)(b) and 62-713.600(6)(c) for stationary soil treatment facilities; 62-711.500(3) for waste tire facilities.				✓
1.10	For C&D debris disposal and disposal with recycling facilities, is an Annual Report submitted to the Department for the disposal operation by February 1st of each year? 62-701.730(12)				✓
1.11	For C&D recycling facilities with no disposal, is an Annual Report for the recycling facility submitted to the Department by February 1st of each year? 62-701.710(8)(b)	✓			
1.12	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)				✓
1.13	For compost facilities, has the annual report been submitted by June 1st? 62-709.530(3)				✓

Inspection Date: 06/06/2023

4.0 - SECTION 4.0 - WASTE PROCESSING FACILITIES**Requirements:**

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300 (18))	Ok	Not Ok	Unk	N/A
4.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility? 62-701.300(1)(a)	✓			
4.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	✓			
4.2	Unauthorized storage or disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) 100 feet from potable water wells (except on-site)? 50 feet from water bodies?	✓			
4.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event.) 62-701.300(2)(d)	✓			
4.4	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet 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)(e)	✓			
4.5	Unauthorized open burning of solid waste prohibited, except in accordance with Department requirements? 62-701.300(3)	✓			
4.6	Are the following unauthorized wastes or special wastes properly managed? (Check any that are Not OK) Hazardous waste 62-701.300(4) Biomedical waste 62-701.300(6) Used oil and oily wastes, except as exempted 62-701.300(11) PCB wastes 62-701.300(5) Liquids 62-701.300(10)	✓			
Item No.	WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE	Ok	Not Ok	Unk	N/A
4.7	For areas not enclosed, is litter controlled and are litter control devices maintained? 62-701.710(3)(a)	✓			
4.8	Is leachate collection and removal system maintained and operated as required? 62-701.710(3)(b)	✓			
4.9	Are all drains and leachate conveyances kept clean so that leachate flow is not impeded? 62-701.710(4)(g)	✓			
4.10	Are the following records or plans current and available on-site? (Check any that are Not OK) Operation Plan 62-701.710(2)(e) Contingency Plan 62-701.710(2)(g) Operation records 62-701.710(8)(a)	✓			
4.11	Is the Operation Plan substantially followed? 62-701.710(4)(a)	✓			
4.12	Are putrescible wastes stored no longer than 48 hours or as otherwise allowed in the Operation Plan? 62-701.710(4)(b)	✓			
4.13	Are the operating hours posted at the facility? 62-701.710(4)(c)1	✓			
4.14	Is a trained operator on duty whenever the facility is operating? 62-701.710(4)(c)1	✓			
4.15	Is at least one trained spotter on duty at all times that waste is received at the facility to inspect the incoming waste, unless exempt under 62-701.710(1)(d)1? 62-701.710(4)(c)2	✓			
4.16	Are unauthorized wastes removed from the waste stream and placed into appropriate containers for disposal at a permitted facility? 62-701.710(4)(c)2	✓			

Inspection Date: 06/06/2023

4.17	Is the facility operated to control objectionable odors? 62-701.710(4)(d)	✓			
4.18	Is adequate fire protection equipment available and operational? 62-701.710(4)(e)	✓			
4.19	Is access to the facility controlled by fencing or other effective barriers to prevent disposal of unauthorized solid waste? 62-701.710(4)(f)	✓			
4.20	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(1)(d)1	✓			
4.21	Are all additional specific conditions (not otherwise addressed above) in the permit, Department order, or certification, if any, being followed? 62-701.320(1), 403.161, F.S.	✓			
4.22	If the facility has reached its permitted capacity for storage of wastes or recyclable materials, has the permittee stopped accepting additional waste for processing? 62-701.710(4)(i)	✓			
Item No.	WASTE PROCESSING FACILITY CLOSURE	Ok	Not Ok	Unk	N/A
4.23	Has the solid waste or residue been properly disposed of within 30 days after receiving the final solid waste shipment? 62-701.710(6)(b)				✓
4.24	Has closure been completed within 180 days after receiving the final solid waste shipment? 62-701.710(6)(c)				✓

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9.0 - SECTION 9.0 - WASTE TIRE FACILITIES**Requirements:**

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300 (18))	Ok	Not Ok	Unk	N/A
9.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility? 62-701.300(1)(a)	✓			
9.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	✓			
9.2	Unauthorized storage or disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) 100 feet from potable water wells (except on-site)? 50 feet from water bodies?	✓			
9.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event) 62-701.300(2)(d)	✓			
9.4	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet 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)(e)	✓			
9.5	Unauthorized open burning of solid waste prohibited except in accordance with Department requirements? 62-701.300(3)	✓			
Item No.	WASTE TIRE FACILITY - GENERAL REQUIREMENTS FOR STORAGE	Ok	Not Ok	Unk	N/A
9.6	If the facility accepts tires from the public, is a sign posted at the facility entrance stating operating hours, cost of disposal and site rules? 62-711.540(1)(a)				✓
9.7	Are operations involving the use of open flames conducted no closer than 25 feet of a waste tire pile? 62-711.540(1)(b)				✓
9.8	If the facility accepts tires from the public, is an attendant always present on site when the site is open for business? 62-711.540(1)(c)				✓
9.9	Are fire protection services assured through notification to local fire protection authorities? 62-711.540(1)(d)	✓			
9.10	Is an annual fire safety survey conducted? 62-711.540(1)(d)	✓			
9.11	Is a copy of the annual fire safety report made part of the next quarterly report? 62-711.540(1)(d)	✓			
9.12	Does the facility have an Emergency Preparedness Manual (EPM) on-site? 62-711.540(1)(e)	✓			
9.13	Does the EPM contain the following information? (Check all that are Not OK) Contact names and numbers 62-711.540(1)(e)1 List of emergency response equipment and locations on-site 62-711.540(1)(e)2 Procedures to be followed in the event of a fire 62-711.540(1)(e)3	✓			
9.14	Is the operator at the facility maintaining records of the quantity of waste tires received at the site, stored at the site, and shipped from the site? 62-711.540(1)(g) and 62-711.400(5)	✓			
9.15	If the operator of the site is not the owner of the property, has written authorization been obtained from the property owner to operate the facility? 62-711.540(1)(h)	✓			
9.16	Is adequate communications equipment available at the site? 62-711.540(1)(i)	✓			
9.17	Is the owner or operator providing for control of mosquitoes and rodents so as to protect the public health and welfare? 62-711.540(1)(j)	✓			
Item No.	WASTE TIRE FACILITY - STORAGE INDOORS	Ok	Not Ok	Unk	N/A
9.18	Are waste tire piles more than 50 feet in width? 62-711.540(2)(a)				✓

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9.19	Are waste tire piles along a wall more than 25 feet in width? 62-711.540(2)(a)				✓
9.20	Are widths of main aisles between piles less than 8 feet? 62-711.540(2)(b)				✓
9.21	Is there less than 3 feet of clearance between the top of storage to sprinkler detectors or roof structures? 62-711.540(2)(c)				✓
9.22	Is there less than 3 feet of clearance between waste tire piles and unit heaters, etc.? 62-711.540(2)(d)				✓
9.23	If waste tires are stored up to 15 feet high, do walls between adjacent warehouse areas and between manufacturing and warehouse areas have at least a four-hour fire rating? 62-711.540(2)(e)				✓
9.24	If waste tires are stored over 15 feet high, do walls between manufacturing and warehouse areas have a fire rating of not less than six hours and do steel columns have one-hour fireproofing? If the top of storage exceeds 20 feet in height, do columns and their connections with other structural members have two-hour fireproofing? 62-711.540(2)(f)				✓
9.25	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(2)(h)				✓
Item No.	WASTE TIRE FACILITY - STORAGE OUTDOORS	Ok	Not Ok	Unk	N/A
9.26	Is the waste tire site operated within 200 feet from a body of water? 62-711.540(3)(a)	✓			
9.27	Does the waste tire pile have a width less than 50 feet? 62-711.540(3)(b)	✓			
9.28	Does the waste tire pile have an area less than 10,000 sq. ft? 62-711.540(3)(b)	✓			
9.29	Does the waste tire pile have a height less than 15 feet? 62-711.540(3)(b)	✓			
9.30	Is there a 50 feet wide fire lane around the perimeter of the waste tire pile? 62-711.540(3)(c)				✓
9.31	Is there unobstructed access to the fire lane? 62-711.540(3)(c)	✓			
9.32	Is the access controlled through the use of doors, fences, gates, natural barriers or other means? 62-711.540(3)(d)	✓			
9.33	Is the site kept free of grass, underbrush, and other potentially flammable vegetation? 62-711.540(3)(f)	✓			
9.34	Is the site bermed or given other adequate protection to prevent liquid runoff from entering water bodies? 62-711.540(3)(e)	✓			
9.35	Are residuals contained on-site and disposed of in a permitted solid waste management facility or properly recycled? 62-711.540(5)	✓			
9.36	Does the waste tire site qualify for the exceptions to the technical and operational standards as allowed by rule? 62-711.540(6)	✓			
Item No.	WASTE TIRE FACILITY - COLLECTION CENTER	Ok	Not Ok	Unk	N/A
9.37	Are no more than 1,500 tires at the collection center at any one time? 62-711.550(1)(a)	✓			
9.38	Are all waste tires, which are not used tires, removed from site yearly for recycling, processing, or disposal? 62-711.550(1)(b)	✓			

Inspection Date: 06/06/2023

Comments

Item 4.6 - At the time of inspection, Department staff observed a shipping container that houses unacceptable waste (Fluorescent Light Bulbs and Used Oil). It was observed that the shipping container had a leak in the roof. Under Best Management Practice's it is advised that the leak be repaired.

Items 4.10, 9.12, 9.14 - Permit, Operation Plan, and Contingency Plans were available for review at the time of inspection and were in compliance for the Waste Processing Facility (Transfer Station) and Waste Tire Facility. Both Facilities records were reviewed for incoming/ outgoing wastes and tires, leachate logs and litter control.

Item 4.14 - Training records were in compliance for the Waste Processing Facility (Transfer Station)

Item 4.18, 9.10 -Fire Reports were available for review at the time of inspection and were in compliance for the Waste Processing Facility (Transfer Station) and Waste Tire Facility

Attachments

Front Building Overview



Inside Building



Waste Tires Collection Area



Leachate Containment System



Inspection Date: 06/06/2023

Leachate Containment Berm



Class I Waste Dumpster



LCS Tank and Containment



Oil Containers



Inspection Date: 06/06/2023

Signed:

Sean Lynch

Inspector

PRINCIPAL INSPECTOR NAME**PRINCIPAL INSPECTOR TITLE**

DEP

06/27/2023

PRINCIPAL INSPECTOR SIGNATURE**ORGANIZATION****DATE**

Emily Wargo

Environmental Consultant

REPRESENTATIVE NAME**REPRESENTATIVE TITLE**

NO SIGNATURE REQUIRED

DEP

REPRESENTATIVE SIGNATURE**ORGANIZATION**

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.

Thomas Highsmith

Operations Manager

REPRESENTATIVE NAME**REPRESENTATIVE TITLE**

NO SIGNATURE REQUIRED

Peterson's

REPRESENTATIVE SIGNATURE**ORGANIZATION**

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.

Report Approvers:**Approver:** Steve Tafuni**Inspection Approval Date:**

06/28/2023



CERTIFIED MAIL RECEIPT NO. 7021 1970 0002 1302 6681

June 23, 2023

Elizabeth Orr
District Director
Northwest District
Florida Department of Environmental Protection
160 West Government Street, Suite 308
Pensacola, Florida 32502-5740

RE: OGC File No.: 23-0219, EPA ID: FLD071951966

Dear Ms. Orr:

Enclosed is the check for the penalties of \$46,450 for the OGC File No.: 22-2034.

If you have any questions regarding the submittal, please contact Mr. John Harris at (850) 490-0323.

Sincerely,

Matthew D. Stewart
Site Director – Pensacola

RECEIVED

JUN 26 2023

NORTHWEST FLORIDA
DEP



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

March 6, 2023

Matthew D. Stewart, Senior Site Director
Ascend Performance Materials Operations, LLC
3000 Old Chemstrand Road
Cantonment, FL 32533
Mstewa1@ascendmaterials.com

SUBJECT: Department of Environmental Protection v. Ascend Performance
Materials Operations, LLC
OGC File No.: 23-0219
EPA ID: FLD071951966

Mr. Stewart:

The State of Florida Department of Environmental Protection ("Department") finds that Ascend Performance Materials Operations, LLC ("Respondent") failed to properly label hazardous waste and used oil containers/tanks, properly document weekly container inspections, provide complete job descriptions, provide arrangements with local emergency response authorities, include required contingency plan and quick reference guide content, and meet exception reporting requirements in violation of Title 40 Code of Federal Regulations (CFR) Parts 262 & 279 and of Chapters 62-730 & 62-710 Florida Administrative Code (F.A.C.). Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violation(s). These actions have since been completed. However, due to the nature of the violation(s), the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter. The Respondent denies that failing to demonstrate making contact with the transporter and/or designated facility within 35 days of shipment constitutes a violation of 40 CFR 262.42(a)(1) however, the parties have mutually agreed to enter into this Consent Order.

The Department's Offer

Based on the violations described above, the Department is seeking \$ 45,950. in civil penalties and \$ 500 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$ 46,450. The civil penalties are apportioned as follows: \$430 for violation of 40 CFR 262.15(a)(5); \$1,420 for violation of 40 CFR 262.17(a)(1)(v)/ 62-730.160(3), F.A.C.; \$430 for violation of 40 CFR 262.17(a)(5)(i)(B); \$430 for violation of 40 CFR 262.17(a)(5)(i)(C); \$9,210 for violation of 40 CFR 262.17(a)(5)(ii)(B); \$1,420 for violation of 40 CFR 262.17(a)(7)(iv)(C); \$1,420 for violation of 40 CFR 262.256(a)(2); \$710 for violation of 40 CFR 262.261(a); \$1,420 for violation of 40 CFR 262.262(b); \$9,210 for violation of 40 CFR 262.42(a)(1); \$64,800 for violation of 40 CFR 262.42(a)(2); and \$1,000 for violation of 40 CFR 279.22(c)(1). A 50% penalty reduction has been applied to all penalties above due to the relative merits of the case and the facilities diligent efforts to return to compliance in a swift and efficient manner.

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 Attn: Ms. Mary Jehle, Florida Department of Environmental Protection, Northwest District, 160 W Government St Suite 308, Pensacola, Florida 32502 by 21 March 2023. 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, Matthew Stewart:

- (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 \$ 46,450 in full within 30 days of clerking of this order.
- (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.

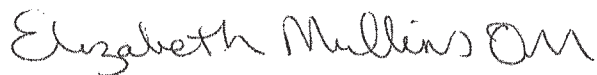
Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order 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 Mary Jehle at 850-595-0676 or at Mary.Jehle@FloridaDEP.gov.

Sincerely,



Elizabeth Mullins Orr
District Director
Northwest District

FOR THE RESPONDENT:

I, Matthew D. Seward [Type or Print Name], HEREBY ACCEPT
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: [Signature]
[Signature]

Date: 06/23/2023

Title: Senior Site Director
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 29th day of June, 2023 in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

[Signature]
Elizabeth Mullins Orr
District Director
Northwest District

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

[Signature]
Clerk

June 29, 2023
Date

Attachments: Notice of Rights
 Ascend FY22-March 2022 Joint Inspection Report
 Ascend Warning Letter June 7, 2022
 Penalty Calculation Memo

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.