



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

March 14, 2022

Richard Smith
Riverlandings Motor Coach Development, Inc.
5942 State Road 80 West
Labelle, FL 33935
Rick@riverlandings.com

Re: Riverlandings WTP
Consent Order; OGC Case No. 22-0280
PWS ID# 5264112
Hendry County – PW

Dear Mr. Smith:

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 March 14, 2022.

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 Louise Chang at Louise.Chang@FloridaDEP.gov or 239-344-5630. Your cooperation in resolving this case is appreciated.

Sincerely,

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

Jon M. Iglehart
Director of District Management
South District
Florida Department of Environmental Protection

Enclosure(s): Executed Consent Order

cc: Melisa Rotteveel, US Water Services Corp., mrotteveel@uswatercorp.net
Lina Quintero, US Water Services Corp., lquintero@uswatercorp.net
Jonathan Schmidt, US Water Services Corp., jschmidt@uswatercorp.net

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	SOUTH DISTRICT
)	
v.)	OGC FILE NO. 22-0280
)	
RIVERLANDINGS MOTOR COACH)	
DEVELOPMENT, INC.)	
_____)	

CONSENT ORDER

This Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and Riverlandings Motor Coach Development, Inc. (“Respondent”) to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida’s water resources and to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., Florida Statutes (“F.S.”), and the rules promulgated and authorized in Title 62, Florida Administrative Code (“F.A.C.”). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a person within the meaning of Section 403.852(5), F.S.
3. Respondent is the owner and operator of a community public water system, PWS No. 5264112, located at 5942 State Road 80 West, Labelle, Florida 33935, in Hendry County, Florida (“System”).
4. The Department finds that the following violation(s) occurred:
 - a) The Respondent is in violation of Rule 62-550.310(3), F.A.C., for exceedances of the maximum contaminant level (“MCL”) for total trihalomethanes (“TTHMs”) as 0.080 milligrams per liter (“mg/L”) and the five haloacetic acids (“HAA5s”) as 0.060 mg/L, as demonstrated by data collected on March 22, 2021, June 22, 2021, and September 22, 2021. The running annual

average for samples last collected from the System on March 22, 2021, and analyzed for TTHMs and HAA5s, are 0.1575 mg/L and 0.14025 mg/L respectively at the 5216 Waterfront Way location and 0.1825 mg/L and 0.08625 mg/L respectively at the Clubhouse. The running annual average for samples last collected from the System on June 22, 2021, and analyzed for TTHMs and HAA5s, are 0.220 mg/L and 0.16525 mg/L respectively at the 5216 Waterfront Way location and 0.2475 mg/L and 0.10175 mg/L respectively at the Clubhouse. The running annual average for samples last collected from the System on September 22, 2021, and analyzed for TTHMs and HAA5s, are 0.270 mg/L and 0.19025 mg/L respectively at the 5216 Waterfront Way location and 0.2675 mg/L and 0.17925 mg/L respectfully at the Clubhouse.

b) The Respondent is in violation of Rule 62-550.800, F.A.C., which establishes the required corrective actions to be completed for the Lead and Copper Rule. The Respondent failed to complete by March 31, 2021, Entry Point Lead and Copper Source Water Sampling, Source Water Treatment Recommendation, and Optimal Corrosion Control Study in response to Lead Action Level Exceedances that occurred on July 30, 2020 and July 6, 2021.

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

ORDERED:

5. Respondent shall comply with the following corrective actions within the stated time periods:

a) Within 30 days of the effective date of this Order, Respondent shall submit the Entry Point Lead and Copper Source Water Sampling, Source Water Treatment Recommendation, and Optimal Corrosion Control Study in accordance with Rule 62-550.800, F.A.C.

b) Within 90 days of the effective date of this Order, Respondent shall complete all the proposed disinfection byproduct corrective actions outlined in the attached Water Treatment Plant – Water Quality Improvements (Attachment 1).

c) If the proposed disinfection byproducts corrective actions outlined in the attached Water Treatment Plant – Water Quality Improvements (Attachment 1) are determined by the Department to be inadequate to resolve the MCL violation(s), the Department will notify the Respondent in writing. Within 60 days of receipt of such written notification from the Department: (i) Respondent shall retain the services of a professional engineer, registered in the State of Florida, to evaluate the System; and (ii) Respondent shall submit an application(s), along with any required application fees, to the Department for a permit(s) to construct any modifications needed to address the MCL violation(s).

d) If the Department requires additional information, modifications, or specifications to process the permit application described in subparagraph (5)(c), above, the Department will issue a written request for information (“RFI”) to Respondent. Respondent shall submit the requested information in writing to the Department within 30 days of receipt of the request. Respondent shall provide all information requested in any additional RFIs issued by the Department within 30 days of receipt of each request. Within 30 days of the Department’s receipt of the application described in subparagraph (5)(c), above, Respondent shall provide all information necessary to complete the application.

e) Within 90 days of issuance of any required permit described in subparagraphs (5)(c), above, Respondent shall complete the permitted modifications and submit a Certification of Completion, prepared and sealed by a professional engineer registered in the State of Florida, along with all supporting documentation. Respondent shall not place the System modifications into service until Respondent receives written Department clearance.

f) Respondent shall continue to sample quarterly for TTHMs and HAA5s in accordance with Rule 62-550.514(2), F.A.C., until the running annual average is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5s, respectively, or until the running annual

average remains below 0.080 mg/L and 0.060 mg/L, respectively, for four consecutive quarters, at which time Respondent shall return to its regular required monitoring in accordance with Chapter 62-550, F.A.C. Respondent shall submit all sampling results to the Department within 10 days following the month in which the samples were taken or within 10 days following Respondent's receipt of the results, whichever is sooner.

g) Respondent shall continue to issue public notices regarding the MCL violation(s) described above every 90 days, as required by Rule 62-560.410(1), F.A.C., until the Department determines that the System is in compliance with all MCLs. Respondent shall submit certification of delivery of public notices, using DEP Form 62-555.900(22), F.A.C. to the Department within 10 days of issuing each public notice.

h) Respondent shall submit written quarterly updates on the status of the permitted modifications. Updates shall be submitted to the Department within 10 days following the end of each calendar quarter until the modifications are complete and cleared for service.

6. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$15,500.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$15,000.00 for civil 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 civil penalty in this case includes 2 violations that each warrant a penalty of \$7,500.00 or more.

7. Respondent agrees to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph(s) 5 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 paragraph 8, 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 civil penalties agreed to in paragraph 6 of this Order.

8. 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.

9. Except as otherwise provided, all submittals and payments required by this Order shall be sent to, Department of Environmental Protection, South District Office, 2295 Victoria Avenue, Suite 364, P.O. Box 2549, Fort Myers, FL., 33902-2549.

10. 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.

11. 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 the violations described above 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.

12. 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.

13. 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.

14. 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.

15. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., 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, F.S.

16. 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.

17. 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, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

18. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., 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, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

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 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 South District Office at 2295 Victoria Avenue, Suite 364, P.O. Box 2549, Fort Myers, FL., 33902-2549. 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.

19. Rules referenced in this Order are available at <http://www.dep.state.fl.us/legal/Rules/rulelist.htm>

FOR THE RESPONDENT:




Richard Smith
Manager

3/11/22

Date

DONE AND ORDERED this 14th day of March, 2022, in Lee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jon Iglehart
Director of District Management
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

March 14, 2022

Date

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35

Attachment 1

Water Treatment Plant – Water Quality Improvements

	Project	Schedule
1	Sampling for Water Quality Analysis for membrane replacement	10 Days following CO execution
2	RO Membranes Replacement	60 Days following CO execution
3	Program modifications and install permeate dump	60 Days following CO execution
4	Supply and Installation of Auto Flushers in the Distribution System	60 Days following CO execution
5	Installation of a New Sample Tap for Monitoring Purposes	60 Days following CO execution
6	Pre-treatment Units Condition Assessment	90 Days following CO execution