



# FLORIDA DEPARTMENT OF Environmental Protection

Central District Office  
3319 Maguire Blvd., Suite 232  
Orlando, Florida 32803

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

April 19, 2024

Hugh Reid  
Lake Marian Resort, LLC.  
7900 NW 155<sup>th</sup> St.  
Suite 201  
Miami Lakes, FL 33016  
[Mrreid98@aol.com](mailto:Mrreid98@aol.com)

Re: Lake Marion Resort  
PW Facility ID #3490766  
OGC Case No: 21-0777  
Osceola County

Dear Mr. Reid:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records.

Should you have any questions or comments, please contact David Janson at 407-897-4141 or via e-mail at [David.Janson@floridadep.gov](mailto:David.Janson@floridadep.gov).

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Watkins".

*On behalf of:*

Aaron Watkins  
Director, Central District

Enclosure: Executed LFCO #21-0777

cc: FDEP: Lea Crandall, Daun Festa, Anitra Spencer, Jenny Farrell, David Janson  
Jim Witteck, [Jcwitteckutilities@gmail.com](mailto:Jcwitteckutilities@gmail.com)  
Cheri Budzynski, [cbudzynski@shumaker.com](mailto:cbudzynski@shumaker.com)  
Sean King, [sean@rvparkpm.com](mailto:sean@rvparkpm.com)

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT )	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION )	CENTRAL DISTRICT
)	
v. )	OGC FILE NO. 21-0777
)	
LAKE MARIAN RESORT, LLC )	
_____ )	

**CONSENT ORDER**

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Lake Marian Resort, LLC. ("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 is responsible for the operation of:
  - (a) Lake Marian Paradise, a community, Public Water System ("Drinking Water System" or "System"). The System is operated under Public Water System (PWS) Identification Number: 3490766. The System is classified as Category V Class D; the capacity is 50,400 gallons per day, supplies 113 service connections, and serves a population of 32. The system is located on the Property. Respondent owns the Property on which the System is located.

4. The Department finds that the following violation(s) occurred:

- a) Respondent failed to obtain a permit to equip and connect Well #2, to the Department as required by Rule 62-532.400(1) F.A.C.
- b) The secondary maximum contaminant level (SMCL), as described by Rule 62-550.828 F.A.C, was exceeded for fluoride during 4<sup>th</sup> quarter 2021, 2<sup>nd</sup> quarter 2022, and 3<sup>rd</sup> quarter 2022.
- c) Respondent failed to conduct monitoring as required by Rule 62-550.516 F.A.C., for two Synthetic Organic Contaminants; Dinoseb and Pentachlorophenol during 1<sup>st</sup> quarter 2022 and three Synthetic Organic Contaminants; Methoxychlor, Endothall, and Dinoseb during 3<sup>rd</sup> quarter 2022.
- d) Respondent failed to conduct monitoring as required by Rule 62-550.516 F.A.C. and Rule 62-550.515 F.A.C., for Synthetic Organic Contaminants and Volatile Organic Contaminants during 2<sup>nd</sup> quarter 2022; corrective action was completed via Public Notice on August 23<sup>rd</sup>, 2022.
- e) Respondent conducted monitoring as required by Rule 62-550.519 F.A.C. and Rule 62-160.670 F.A.C., for 2<sup>nd</sup> quarter 2022 and 3<sup>rd</sup> quarter 2022 Radiological Contaminants, however the results were qualified by the laboratory and therefore unable to be accepted by DEP.
- f) Respondent failed to conduct monitoring as required by Rule 62-550.514 F.A.C., for 2<sup>nd</sup> quarter 2022 and 4<sup>th</sup> quarter 2022 disinfection by-products; corrective action was completed via Public Notice on June 16<sup>th</sup>, 2022.
- g) Respondent failed to conduct monitoring for bacteriological contaminants during April 2023 as required by Rule 62-550.518 F.A.C.; corrective action was completed via Public Notice on June 22<sup>nd</sup>, 2023.
- h) Respondent failed to conduct monitoring as required by Rule 62-550.514 F.A.C., for 3<sup>rd</sup> quarter 2023 disinfection by-products at Location 2 (Lot 134); corrective action was completed via Public Notice on October 9<sup>th</sup>, 2023 and October 23<sup>rd</sup>, 2023.

i) Respondent conducted monitoring for Volatile Organic Contaminants, however Carbon Tetrachloride exceeded the maximum contaminant level during 3<sup>rd</sup> quarter 2022 as described by Rule 62-550.828 F.A.C.

j) Respondent conducted monitoring as required by Rule 62-550.516 F.A.C. and Rule 62-160.670 F.A.C., for Synthetic Organic Contaminants during 4<sup>th</sup> quarter 2022, however the results for Diquat and Endothall were qualified by the laboratory and therefore not accepted by DEP.

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 retain the services of a professional engineer, registered in the State of Florida, to evaluate the System and submit an application, along with any required application fees, to the Department for a permit to equip and connect Well #2.

b) Within 30 days of issuance of any required permit described in subparagraphs (5)(a), 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.

c) Within 30 days of the effective date of this Order, Respondent shall begin sampling for Synthetic Organic Contaminants, Radiological Contaminants, and Volatile Organic Contaminants for four consecutive quarters, under the MCL, in order to comply with initial monitoring requirements.

d) Respondent shall continue to sample quarterly for Fluoride in accordance

with Rule 62-550.520, F.A.C., until the result is below the secondary maximum contaminant limit (sMCL) of 2 mg/L, 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.

e) Respondent shall continue to issue public notices regarding the sMCL violation(s) described above every 12 months, as required by Rule 62-560.700, F.A.C., until the Department determines that the System is in compliance with all sMCLs.

6. Every quarter after the effective date of this Order and continuing until all corrective actions have been completed; Respondent shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order, information about compliance or noncompliance with the applicable requirements of this Order, including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during the 12-month period which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each quarter.

7. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraphs 5(a) to 5(d) within 480 days of the effective date of this Order and be in full compliance with Rules 62-550, and 62-555, F.A.C., regardless of any intervening events or alternative time frames imposed in this Order.

8. Within 120 days of the effective date of this Order, Respondent shall pay the Department \$7,500.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$7,000.00 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.

9. Respondent agrees to pay the Department stipulated penalties in the amount of



\$1000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraphs 5 to 7 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 10, 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 8 of this Order.

10. 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.

11. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Compliance Assurance Program, Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Ste. 232, Orlando, FL 32803.

12. 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.

13. In the event of a sale or conveyance of the Facility or of the Property upon 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 of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale

or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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](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 Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803. 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.

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

FOR THE RESPONDENT:

  
\_\_\_\_\_  
Hugh Reid Jr.  
Manager

4-15-24  
Date

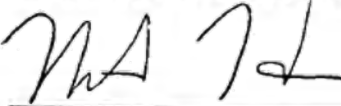
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-----FOR DEPARTMENT USE ONLY-----

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DONE AND ORDERED this 19 day of April, 2024, in  
Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

 on behalf of  
\_\_\_\_\_  
Aaron Watkins  
District Director  
Central District

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

  
\_\_\_\_\_  
Clerk

April 19, 2024  
\_\_\_\_\_  
Date

Final clerked copy furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35