



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

April 19, 2024

Milissa Burger, Director, Business Dev. & Concession Mgmt.  
Florida Department of Transportation  
P.O. Box 613069  
Ocoee, FL 34761  
[Milissa.Burger@dot.state.fl.us](mailto:Milissa.Burger@dot.state.fl.us)

and

Clint Westbrook, Chief Operating Officer  
Areas USA  
5301 Blue Lagoon Drive, Suite 690  
Miami, FL 33126  
[Clint.Westbrook@areas.com](mailto:Clint.Westbrook@areas.com)

Re: Fort Drum Service Plaza, Public Water System  
PW Facility ID #4471730  
OGC File No.: 22-0416  
Okeechobee County

Dear Ms. Burger and Mr. Westbrook:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records. Please be mindful of all required deadlines within the Order to ensure compliance.

Your cooperation in this matter is appreciated. Should you have any questions or comments, please contact Jocelyn Labbé at 561-681-6611 or via e-mail at [Jocelyn.Labbe@floridadep.gov](mailto:Jocelyn.Labbe@floridadep.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Davila".

Sirena Davila  
Director, Southeast District  
Florida Department of Environmental Protection

Fort Drum Service Plaza, Public Water System 4471730  
OGC File No.: 22-0416  
Consent Order Letter  
Page 2 of 2  
April 19, 2024

Enclosures: Executed Consent Order, OGC File No.: 22-0416  
Public Notice for Posting  
Certification of Delivery for Public Notice

ec:

Lea Crandall, Agency Clerk  
Mail Station 35

[Lea.Crandall@floridadep.gov](mailto:Lea.Crandall@floridadep.gov)

Robert Downie, Counsel for FDOT

[Robert.Downie@dot.state.fl.us](mailto:Robert.Downie@dot.state.fl.us)

Santiago Alvarez, FDOT

[Santiago.Alvarez@dot.state.fl.us](mailto:Santiago.Alvarez@dot.state.fl.us)

Filinto Galban, Regional VP for Areas

[Filinto.Galban@areas.com](mailto:Filinto.Galban@areas.com)

Alex Martinez, DOO for Areas

[Alex.Martinez@areas.com](mailto:Alex.Martinez@areas.com)

Claudia Oliva, DLA for Areas

[Claudia.Olivia@areas.com](mailto:Claudia.Olivia@areas.com)

Sirena Davila, Director DEP SED

[Sirena.Davila@floridadep.gov](mailto:Sirena.Davila@floridadep.gov)

Viviana Useche, Asst. Director DEP SED

[Viviana.Useche@floridadep.gov](mailto:Viviana.Useche@floridadep.gov)

Greg Kennedy, DEP SED

[Greg.A.Kennedy@floridadep.gov](mailto:Greg.A.Kennedy@floridadep.gov)

Jocelyn Labbe, DEP SED

[Jocelyn.Labbe@floridadep.gov](mailto:Jocelyn.Labbe@floridadep.gov)

Cameron Polomski, DEP OGC

[Cameron.Palomski@floridadep.gov](mailto:Cameron.Palomski@floridadep.gov)

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	SOUTHEAST DISTRICT
	)	
v.	)	OGC FILE NO. 22-0416
	)	
STATE OF FLORIDA DEPARTMENT	)	
OF TRANSPORTATION FLORIDA’S	)	
TURNPIKE ENTERPRISE AND AREAS	)	
USA FLTP, LLC.	)	

**CONSENT ORDER**

This Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”), and the State of Florida Department of Transportation, Florida’s Turnpike Enterprise (“FDOT”), and Areas USA FLTP, LLC (“Areas”) (collectively “Respondents”) to reach settlement of certain matters at issue between the Department and Respondents.

The Department finds and Respondents neither admit nor deny 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. Respondents are a person within the meaning of Section 403.852(5), F.S.
3. FDOT is the owner of a non-transient non-community water system, PWS No. 4471730, located at Mile Marker 184 Florida Turnpike, in Okeechobee County, Florida (“System”).<sup>1</sup>

---

<sup>1</sup> Respondents also operate a wastewater treatment system at the same location, however that system is not addressed in this Order.

DEP vs. Florida Department of Transportation

Consent Order, OGC No. 22-0416

Page 2

4. Areas USA is the operator of the System pursuant to a concession agreement. As of May 2022, Areas has retained Engineering Solutions International (“ESI”) to assist with the operation and maintenance of the System.

5. On April 28, 2022, the Department notified FDOT that the System was in violation of Department rules for excessive contaminant levels.

6. The Department finds that the System, on 21 occurrences, was in violation of Rule 62-550.310(3), F.A.C, which establishes 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. The following Running Annual Averages (RAA) MCL exceedances for TTHMs and HAA5s occurred:

	1 <sup>st</sup> Qtr. 2024	2 <sup>nd</sup> Qtr. 2024	3 <sup>rd</sup> Qtr. 2024	4 <sup>th</sup> Qtr. 2024
<b>TTHMs</b>	0.10035 mg/L			

	1 <sup>st</sup> Qtr. 2023	2 <sup>nd</sup> Qtr. 2023	3 <sup>rd</sup> Qtr. 2023	4 <sup>th</sup> Qtr. 2023
<b>TTHMs</b>	0.14043 mg/L	0.15448 mg/L	0.12408 mg/L	0.090325 mg/L

	1 <sup>st</sup> Qtr. 2022	2 <sup>nd</sup> Qtr. 2022	3 <sup>rd</sup> Qtr. 2022	4 <sup>th</sup> Qtr. 2022
<b>TTHMs</b>	0.13673 mg/L*	0.1367 mg/L*	0.1297 mg/L*	0.1596 mg/L*

\* There was no 1<sup>st</sup> Quarter 2022 sample submitted, the LRAA for 2022 was calculated using only three quarters of submitted samples.

	1 <sup>st</sup> Qtr. 2021	2 <sup>nd</sup> Qtr. 2021	3 <sup>rd</sup> Qtr. 2021	4 <sup>th</sup> Qtr. 2021
<b>TTHMs</b>	0.130698 mg/L	0.086948 mg/L	0.12695 mg/L	0.10475 mg/L

	1 <sup>st</sup> Qtr. 2020	2 <sup>nd</sup> Qtr. 2020	3 <sup>rd</sup> Qtr. 2020	4 <sup>th</sup> Qtr. 2020
<b>TTHMs</b>	0.17025 mg/L	0.23575 mg/L	0.2115 mg/L	0.18000 mg/L
<b>HAA5s</b>	0.12055 mg/L	0.09825 mg/L	0.08063 mg/L	0.06578 mg/L

DEP vs. Florida Department of Transportation

Consent Order, OGC No. 22-0416

Page 3

7. The Department finds that the System has been in violation of Rule 62-550.310(6), F.A.C, and Rule 62-550.519 F.A.C. which establishes the MCL for the radiological contaminants Gross Alpha at 15 pCi/L and Combined Radium 226 and Radium 228 at 5 pCi/L, based on the Running Annual Average (RAA). In 2023, the system exceeded the MCL in all four quarters for Gross Alpha excluding Radon and Uranium and exceeded the MCL in the first quarter for Combined Radium - 226 & 228.

Contaminants	Violation Type	Quarters Occurred	Results
Gross Alpha	Average MCL	4 <sup>th</sup> Quarter 2023	18.97 pCi/L
Gross Alpha	Average MCL	3 <sup>rd</sup> Quarter 2023	16.22 pCi/L
Gross Alpha	Average MCL	2 <sup>nd</sup> Quarter 2023	18.74 pCi/L
Gross Alpha	Average MCL	1 <sup>st</sup> Quarter 2023	17.55 pCi/L
Combined Radium - 226 & 228	Average MCL	2 <sup>nd</sup> Quarter 2023	5.61 pCi/L

8. The Department finds that the System has been in violation of Rule 62-550.519, 62-550.821, and 62-550.800 which establishes that non-transient noncommunity water systems (NTNCs) shall conduct monitoring to determine compliance with Rule 62-550.310 F.A.C. The system failed to collect samples as described below:

Contaminants	Violation Type	Quarters Occurred
Gross Alpha Including Uranium and Combined Radium-226 and 228	Missed sampling.	1 <sup>st</sup> Quarter 2021
Gross Alpha Including Uranium and Combined Radium-226 and 228	Missed sampling.	1 <sup>st</sup> Quarter 2022
Disinfection Byproducts (TTHM and HAA5)	Missed sampling.	1 <sup>st</sup> Quarter 2022
Combined Uranium	Missed sampling. Gross Alpha result > 15pCi/L requires further Uranium testing.	3 <sup>rd</sup> Quarter 2022
Combined Uranium	Missed sampling.	1 <sup>st</sup> Quarter 2023

DEP vs. Florida Department of Transportation

Consent Order, OGC No. 22-0416

Page 4

	Gross Alpha result > 15pCi/L requires further Uranium testing.	
Combined Uranium	Missed sampling. Gross Alpha result > 15pCi/L requires further Uranium testing.	2 <sup>nd</sup> Quarter 2023
Combined Uranium	Missed sampling. Gross Alpha result > 15pCi/L requires further Uranium testing.	4 <sup>th</sup> Quarter 2023
Lead and Copper	Missed sampling.	Year 2023

9. The Department finds that the System has been in violation of Rule 62-550.730(1)(a) which establishes that a supplier of water shall report to the Department the results required by 62-550, F.A.C. within the first ten day following the end of the required monitoring period. The system failed to submit the below sampling results in a timely manner.

Contaminants	Violation Type	Quarters Occurred
Gross Alpha	Late Reporting	4 <sup>th</sup> Quarter 2019
Gross Alpha	Late Reporting	1 <sup>st</sup> Quarter 2020
Gross Alpha	Late Reporting	4 <sup>th</sup> Quarter 2021
Gross Alpha	Late Reporting	2 <sup>nd</sup> Quarter 2022
Gross Alpha	Late Reporting	1 <sup>st</sup> Quarter 2023
Nitrate/ Nitrite	Lare Reporting	Year 2023

10. The Department finds that the System has been in violation of Rule 62-560.410(1), F.A.C. which establishes that a supplier of water shall notify the person served by the system that it failed to comply with the MCLs as described in paragraphs 6 and 7 of this Order through posting of a Public Notice (PN). Additionally, the System failed to submit to the Department a completed Certification of Delivery (COD) of Public Notice Form (DEP Form 62-555.900(22)) within ten days of completion of each public notification required, in violation of 62-550-730(9)(h). The system failed to publish Public Notices and/or submit CODs to the Department as follows:

DEP vs. Florida Department of Transportation

Consent Order, OGC No. 22-0416

Page 5

	<b>MCL violation</b>	<b>PN (received date)</b>	<b>COD (received date)</b>
1Q24	DBP	3/1/2023	Not submitted
4Q23	DBP	3/1/2023	Not submitted
4Q23	Gross Alpha	Not submitted	Not submitted
3Q23	DBP/ Gross Alpha	Not submitted	Not submitted
3Q23	Gross Alpha	Not submitted	Not submitted
2Q23	DBP	5/24/2023	Not submitted
2Q23	Gross Alpha	Not submitted	Not submitted
2Q23	Combined Radium 228+226	Not submitted	Not submitted
1Q23	DBP	Not submitted	Not submitted
1Q23	Gross Alpha	Not submitted	Not submitted
4Q22	DBP	11/3/2022	Not submitted
4Q21	DBP	Not submitted	Not submitted
3Q21	DBP	Not submitted	Not submitted
2Q21	DBP	Not submitted	Not submitted
1Q21	DBP	Not submitted	Not submitted
4Q20	DBP	11/10/2020	Not submitted
3Q20	DBP	7/28/2020	Not submitted
2Q20	DBP	Not submitted	Not submitted
1Q20	DBP	Not submitted	Not submitted

11. On January 6, 2023, Department staff conducted an additional inspection of the System and observed the following:

- i. Water pooling on the ground and actively leaking from the valves leading to the filtration system, and the chlorine injector point was completely submerged, in violation of Rule 62-555.350(2), F.A.C.
- ii. Public notices were not published at all required sources and the public notices that were observed were out of date, in violation of Rule 62-560.310(1)(b), F.A.C.

12. Following the Department's notification of the System's non-compliance, Engineering Solutions International in coordination with Areas addressed the leaking valves leading to the filtration system and undertook an assessment of the System to identify opportunities for system improvements.

DEP vs. Florida Department of Transportation

Consent Order, OGC No. 22-0416

Page 6

13. In response to the MCL exceedances, Respondents undertook the following repairs:

- i. Repaired the System's Chlorine Analyzer and replaced 4-20 mL-amp signal to chlorinator(s).
- ii. Calibrated the System's pressure gauge and repaired the signal to the High Service Pump.
- iii. Inspected and evaluated the System's treatment filters and determined they required replacement.
- iv. Replaced the System's turbidity meter.

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

**ORDERED:**

14. Within 30 days of the effective date of this Order, Respondents shall pay the Department \$25,250.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$24,750.00 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 penalties are apportioned as follows: \$20,109.38 for violation of Rule 62-550.310(3) F.A.C. and 62-550.310(6); \$2,320.30 for violation of Rule 62-550.800, 62-550.821 and 62-550.519 F.A.C.; \$773.44 for violation of Rule 62-730(1) F.A.C.; \$773.44 for violation of Rule 62-555.350 F.A.C.; and \$773.44 for violation of Rule 62-560.410 F.A.C.

15. Respondents agree to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondents fail to timely comply with any of the requirements of paragraphs 16 through 21 of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 30 days of written demand from the Department, Respondents shall make payment of the appropriate stipulated penalties to the "Department of Environmental Protection" by cashier's check or money order and shall include the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the



DEP vs. Florida Department of Transportation

Consent Order, OGC No. 22-0416

Page 7

Department of Environmental Protection, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in paragraph 14 of this Consent Order.

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

- a) **Effective immediately**, Respondents shall maintain its system in good operating condition so as to function as intended.
- b) **Within 60 days of obtaining a permit for chloramine treatment from the FDEP**, Respondents shall install the chloramine system as part of the water treatment.
- c) **Following the installation of the chloramine system**, Respondents shall monitor monthly for DBP for six months to determine the effectiveness of the chloramine in eliminating the DBP exceedances.
- d) **Within 90 days of the effective date of this Order**, Respondents shall provide the department with a plan and schedule to address the non-compliance with radionuclides in the water system.
- e) **Within 90 days of providing the plan referenced in sub-paragraph (16)(d) above to the Department, if modifications to the facility are required to address the radionuclide exceedances**, Respondents shall submit an application, along with any required application fees, to the Department for a permit to complete such modifications.
- f) **Within 90 days of obtaining a permit from the FDEP**, Respondents shall complete the modifications.
- g) **Following the modifications of the system**, Respondents shall monitor monthly for Radionuclides for six months to determine the effectiveness of the modifications in eliminating the exceedances.
- h) **Within 180 days of the issuance of any required permit(s) described in subparagraph (16)(e), above**, Respondents shall submit a Certification of Completion,

DEP vs. Florida Department of Transportation

Consent Order, OGC No. 22-0416

Page 8

prepared, and sealed by a professional engineer registered in the State of Florida, along with all supporting documentation. Respondents shall not place any System modifications into service until Respondents receive written approval from the Department.

i) **Within 10 days of the effective date of this Order**, Respondent shall post a Public Notice, in conspicuous places within the area served by the system, which summarizes all of the MCL violations that have not been noticed, as described in Paragraph 10 above. Updated postings shall continue for as long as the MCL exceedance(s) exists, but no less than seven days even if the violation(s) is resolved. Respondents 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 the public notice.

17. If the approved modifications are determined by the Department to be inadequate to resolve the MCL violation(s), the Department will notify the Respondents in writing. Within 30 days of receipt of such written notification from the Department, Respondent shall submit an alternate proposal to address the MCL violation(s). Respondents shall provide all information requested in any requests for further information (RFI) issued by the Department within 15 days of receipt of each request. Should the proposed modifications require a permit from the Department, the Respondents shall, within 90 days of receipt of such written notice submit a permit application, along with application fees to the Department for proposed modifications. Within 90 days of obtaining said permit from FDEP, the Respondents shall install modifications authorized by the permit. Respondents shall comply with the requirements of this paragraph until the DBP and Radiological violations have been completely resolved.

18. After the 6-month evaluation period, Respondents shall continue to sample quarterly for TTHMs and HAA5s in accordance with Rule 62-550.514(2), F.A.C., until the LRAA is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5s, respectively at which time Respondents shall return to its regular required monitoring in accordance with Chapter 62-550, F.A.C.

DEP vs. Florida Department of Transportation

Consent Order, OGC No. 22-0416

Page 9

19. After the 6-month evaluation period, Respondents shall continue to sample quarterly for the two radionuclides (Gross Alpha including Radon & Uranium and Combine Radium-226 & 228) that have exceeded the MCL until their running annual averages (RAA) are below their MCL of 15 pCi/L and 5 pCi/L, respectively.

20. Respondents 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 Respondents receipt of the results, whichever is sooner, as per Rule 62-550.730(1)(a), F.A.C.

21. Respondents shall continue to issue public notices regarding any MCL violations described above every 90 days, until the Department determines that the System is in compliance with all MCLs. Respondents 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.

22. Except as otherwise provided, all submittals required by this Order shall be sent to Jocelyn Labbe, Engineering Specialist / Drinking Water Section Department of Environmental Protection, via email at [Jocelyn.Labbe@FloridaDEP.Gov](mailto:Jocelyn.Labbe@FloridaDEP.Gov) or Southeast District 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida 33406.

23. Respondents shall allow all authorized representatives of the Department access to the System 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.

24. In the event of a sale or conveyance of the System or of the Property upon which the System is located, if all of the requirements of this Order have not been fully satisfied, Respondent FDOT shall, at least 30 days prior to the sale or conveyance of the System 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 System, 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 System or the Property does not relieve Respondents of the obligations imposed in this Order. Notwithstanding the foregoing or anything to the contrary herein, Respondent Areas will be relieved of the obligations imposed

under this Order in the event of the sale or conveyance of the System or Property, or in the event that Respondent Areas is no longer in possession of and no longer responsible for the operation of the System.

25. If any event, including administrative or judicial challenges by third parties unrelated to Respondents, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondents shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondents and could not have been or cannot be overcome by Respondents' due diligence. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondents shall notify the Department, within seven calendar days 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 Respondents intend 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 Respondents, 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 Respondents must take to avoid or minimize the delay, if any.

26. The Department, for and in consideration of the complete and timely performance by Respondents of all the obligations agreed to in this Order, hereby 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.

27. 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 Respondents of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

DEP vs. Florida Department of Transportation

Consent Order, OGC No. 22-0416

Page [11](#)

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

29. Respondents acknowledge and waive their right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondents also acknowledge and waive their right to appeal the terms of this Order pursuant to section 120.68, F.S.

30. 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 Respondents and the Department, and filed with the clerk of the Department.

31. 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.

32. 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.

33. 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;

DEP vs. Florida Department of Transportation

Consent Order, OGC No. 22-0416

Page [12](#)

- 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 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida 33406. 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.

DEP vs. Florida Department of Transportation  
Consent Order, OGC No. 22-0416  
Page 13

Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

34. Rules referenced in this Order are available at

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

FOR RESPONDENT FDOT:

DocuSigned by:  
*Milissa Burger*  
1380224F81E741B...

04/11/2024 | 12:50 PM EDT

\_\_\_\_\_  
Milissa Burger  
Director, Business Dev. & Concession Mgmt.

\_\_\_\_\_  
Date

FOR RESPONDENT AREAS USA FLTP, LLC:

DocuSigned by:  
*Clint Westbrook*  
1B36967C161840B...

04/11/2024 | 1:20 PM EDT

\_\_\_\_\_  
Clint Westbrook  
Chief Operating Officer

\_\_\_\_\_  
Date

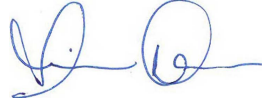
DEP vs. Florida Department of Transportation  
Consent Order, OGC No. 22-0416  
Page 14

---

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 19th day of April, 2024, in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



---

Sirena Davila  
Director, Southeast District

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

Kameil Akbar  
Clerk

April 19th, 2024  
Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35

[Lea.Crandall@floridadep.gov](mailto:Lea.Crandall@floridadep.gov)

Robert Downie, Counsel for FDOT

[Robert.Downie@dot.state.fl.us](mailto:Robert.Downie@dot.state.fl.us)

Milissa Burger, FDOT

[Milissa.Burger@dot.state.fl.us](mailto:Milissa.Burger@dot.state.fl.us)

Santiago Alvarez, FDOT

[Santiago.Alvarez@dot.state.fl.us](mailto:Santiago.Alvarez@dot.state.fl.us)

Clint Westbrook, COO for Areas

[Clint.Westbrook@areas.com](mailto:Clint.Westbrook@areas.com)

Filinto Galban, Regional VP for Areas

[Filinto.Galban@areas.com](mailto:Filinto.Galban@areas.com)

Alex Martinez, DOO for Areas

[Alex.Martinez@areas.com](mailto:Alex.Martinez@areas.com)

Claudia Oliva, DLA for Areas

[Claudia.Olivia@areas.com](mailto:Claudia.Olivia@areas.com)

Sirena Davila, Director DEP SED

[Sirena.Davila@floridadep.gov](mailto:Sirena.Davila@floridadep.gov)

Viviana Useche, Asst. Director DEP SED

[Viviana.Useche@floridadep.gov](mailto:Viviana.Useche@floridadep.gov)

Greg Kennedy, DEP SED

[Greg.A.Kennedy@floridadep.gov](mailto:Greg.A.Kennedy@floridadep.gov)

Jocelyn Labbe, DEP SED

[Jocelyn.Labbe@floridadep.gov](mailto:Jocelyn.Labbe@floridadep.gov)

Cameron Polomski, DEP OGC

[Cameron.Palomski@floridadep.gov](mailto:Cameron.Palomski@floridadep.gov)



## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

### Violations of Drinking Water Standard at Fort Drum Service Plaza (PWSID: 4471730)

Our water system continues to violate drinking water standards. Although these incidents are not emergencies, as our customers, you have a right to know what happened and what we are doing to correct this situation.

The Fort Drum Plaza water system routinely monitors for drinking water contaminants. Total Trihalomethanes (TTHMs) and Haloacetic Acids (HAA5s) are by-products of the reaction of the chlorine disinfectant with the natural organic and inorganic matters in the water. The state of Florida as well as many other states requires the use of a disinfectant to minimize the possibility of bacterial contamination in the drinking water distribution system. The Maximum Contaminant Level (MCL) set by the Florida Department of Environmental Protection (FDEP) for TTHMs is 80 parts per billion (ppb) and for HAA5s is 60 ppb. The last test results for the samples collected on January 12, 2024, were 123 ppb for TTHM and 25.1 ppb for HAA5. Based on test results for samples collected in previous quarters from January 2020 through January 2024, the running annual averages (RAAs) for TTHMs and HAA5s are shown in the table below. Based on the RAAs for TTHM and HAA5, MCL violations exist.

SAMPLE DATE	Sample Results	RAA for TTHM (ppb)	RAA for HAA5 (ppb)
01/13/2024 (First Quarter 2024)	TTHM=123; HAA5=25.1	100.35	Not above MCL
10/13/2023 (Fourth Quarter 2023)	TTHM=44; HAA5=10.9	90.33	Not above MCL
07/11/2023 (Third Quarter 2023)	TTHM=93.4; HAA5=15.2	124.08	Not above MCL
04/11/2023 (Second Quarter 2023)	TTHM=141; HAA5=21.2	154.48	Not above MCL
01/22/2023 (First Quarter 2023)	TTHM=82.9; HAA5=19.4	140.43	Not above MCL
10/12/2022 (Fourth Quarter 2022)	TTHM=179; HAA5=21.7	159.60	Not above MCL
07/14/2022 (Third Quarter 2022)	TTHM=215; HAA5=29.1	129.70	Not above MCL
04/14/2022 (Second Quarter 2022)	TTHM=84.8; HAA5=13.2	136.70	Not above MCL
<b>Missed sample</b> (First Quarter 2022)	TTHM= - - -; HAA5= - - -	136.73	Not above MCL
10/14/2021 (Fourth Quarter 2021)	TTHM=87.2; HAA5=10.9	104.75	Not above MCL
07/08/2021 (Third Quarter 2021)	TTHM=218; HAA5=2.07	126.95	Not above MCL
04/13/2021 (Second Quarter 2021)	TTHM=105; HAA5=111	86.95	Not above MCL
01/11/2021 (First Quarter 2021)	TTHM=8.79; HAA5=1.41	130.70	Not above MCL
10/14/2020 (Fourth Quarter 2020)	TTHM=176; HAA5=52.7	180.00	65.78
07/13/2020 (Third Quarter 2020)	TTHM=58; HAA5=19.6	211.50	80.63
04/21/2020 (Second Quarter 2020)	TTHM=280; HAA5=56.9	235.75	98.25
01/13/2020 (First Quarter 2020)	TTHM=206; HAA5=134	170.25	120.55
<b>Maximum Contaminant Level (MCL)</b>		<b>80</b>	<b>60</b>

Alpha emitters (Gross alpha) and Combined radium (226 & 228) are naturally occurring contaminants that can be found in drinking water. The MCL set by the FDEP for Gross alpha and Combined radium are 15 picocuries per liter (pCi/L) and for 5 pCi/L respectively. The last test results for the samples collected on January 13, 2024, were 14.4 pCi/L for Gross alpha and 5.22 pCi/L for Combine radium. Based on test results for samples collected in previous quarters from January 2020 through January 2024, the running annual averages (RAAs) for Gross alpha and Combined radium are shown in the table below. Based on the RAAs for them, MCL violations exist.

Contaminants	Quarters Occurred	Sample Dates	Sample Results	Running Annual Average
Gross Alpha	4 <sup>th</sup> Quarter 2023	11/12/2023	23.8 pCi/L	18.97 pCi/L
Gross Alpha	3 <sup>rd</sup> Quarter 2023	07/16/2023	8.31 pCi/L	16.22 pCi/L
Gross Alpha	2 <sup>nd</sup> Quarter 2023	06/14/2023	8.03 pCi/L	18.74 pCi/L
Gross Alpha	1 <sup>st</sup> Quarter 2023	04/10/2023	19.7 pCi/L	17.55 pCi/L
Combined Radium - 226 & 228	2 <sup>nd</sup> Quarter 2023	06/14/2023	8.87 pCi/L	5.61 pCi/L

In addition, we are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the quarters shown in the table below, we did not monitor for either disinfection by-products or radionuclides or both and in 2023 for lead and copper, and therefore could not be sure of the quality of our drinking water during those times.

Contaminants	Violation Type	Missed Periods
Gross Alpha Including Uranium and Combined Radium-226 and 228	Missed sampling.	1 <sup>st</sup> Quarter 2021
Gross Alpha Including Uranium and Combined Radium-226 and 228	Missed sampling.	1 <sup>st</sup> Quarter 2022
Disinfection Byproducts (TTHM & HAA5)	Missed sampling.	1 <sup>st</sup> Quarter 2022
Combined Uranium	Missed sampling. Gross Alpha result greater than 15pCi/L requires further Uranium testing.	3 <sup>rd</sup> Quarter 2022
Combined Uranium	Missed sampling. Gross Alpha result greater than 15pCi/L requires further Uranium testing.	1 <sup>st</sup> Quarter 2023
Combined Uranium	Missed sampling. Gross Alpha result greater than 15pCi/L requires further Uranium testing.	2 <sup>nd</sup> Quarter 2023
Combined Uranium	Missed sampling. Gross Alpha result greater than 15pCi/L requires further Uranium testing.	4 <sup>th</sup> Quarter 2023
Lead and Copper	Missed sampling.	Year 2023

### **What should I do?**

- There is nothing you need to do. You do not need to boil your water or take other corrective actions. If a situation arises where the water is no longer safe to drink, you will be notified within 24 hours.
- If you have a severely compromised immune system, have an infant, are pregnant, or are elderly, you may be at increased risk and should seek advice from your health care providers about drinking this water.

### **What does this mean?**

This is not an emergency. If it had been an emergency, you would have been notified within 24 hours.

THMs are four volatile organic chemicals which form when disinfectants react with natural organic matter in the water.

Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer. Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

### **What is being done?**

In response to the MCL exceedances, we have undertaken the following repairs:

- Repaired the System's Chlorine Analyzer and replaced 4-20 mL-amp signal to chlorinators.
- Calibrated the System's pressure gauge and repaired the signal to the High Service Pump.
- Inspected and evaluated the System's treatment filters and determined they required replacement.
- Replaced the System's turbidity meter
- Applied for a DEP permit to use chloramine as a disinfectant to reduce the DBP formation
- Engaged the service of a geologist firm to examine the wells for radionuclides
- Will continue to monitor and report the radionuclides, TTHM and HAA5 results to you on a quarterly basis as long as the running annual average exceeds the MCL, or as required by the FDEP.

If you should have any questions concerning this situation, please do not hesitate to contact (facility contact name) at (telephone number) or write to him/her at (company office address or contacts address).

*\*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or distributing copies by hand or mail.\**

This notice is being sent to you by Fort Drum Service Plaza.

State Water System ID#: 4471730.

Date distributed: \_\_\_\_\_.



## PWS CERTIFICATION OF DELIVERY OF PUBLIC NOTICE

**INSTRUCTIONS:** The supplier of water, within ten days of completion of each public notification requirement pursuant to Part IV of Chapter 62-560, Florida Administrative Code, shall submit to the appropriate Department of Environmental Protection District Office or Approved County Health Department a completed DEP Form 62-555.900(22), Certification of Delivery of Public Notice, and include with the form a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system, and the media. All information provided on this form shall be typed or printed in ink.

### I. General Information

Public Water System (PWS) Name: Fort Drum Service Plaza		
PWS ID: 4471730		
PWS Type: <input type="checkbox"/> Community <input checked="" type="checkbox"/> Non-Transient Non-Community <input type="checkbox"/> Transient Non-Community		
PWS Owner:		
Contact Person:	Contact Person's Title:	
Contact Person's Mailing Address:		
City:	State:	Zip Code:
Contact Person's Telephone Number:	Contact Person's Fax Number:	
Contact Person's E-Mail Address:		

### II. Certification

For Violation/Situation:						
Date of Occurrence:						
Consultation Date						
Delivery Methods:	<input type="checkbox"/> Radio/TV	<input type="checkbox"/> Mail	<input type="checkbox"/> Newspaper	<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> Posting	<input type="checkbox"/> Other(describe)
Delivery Date/s:						

***I am duly authorized to sign this form on behalf of the public water system identified in Part I of this form. I certify that the information provided on this form is correct to the best of my knowledge and that public notice has been provided to consumers in accordance with the delivery, content, and format requirements and deadlines in Chapter 62-560, Florida Administrative Code.***

\_\_\_\_\_  
Signature and Date

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Title