



# 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 22, 2022

Mark Jones, Vice President  
Traders Inn Beach Club Association, Inc.  
1355 Ocean Shore Boulevard  
Ormond Beach, Florida 32716  
[Mark@mytbc.com](mailto:Mark@mytbc.com)

Re: Facility Name  
DW Facility ID #FLA011213  
OGC Case #22-0347

Dear Mr. Jones:

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 Sean M. Boyles at 407-897-4164 or via e-mail at [Sean.Boyles@FloridaDEP.gov](mailto:Sean.Boyles@FloridaDEP.gov).

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "AW 7L", is written over a faint, larger signature.

*On behalf of:*

Aaron Watkins  
Director, Central District

Enclosure: Executed LFCO

cc: Lea Crandall, OGC  
Daun Festa, Charles LeGros, Sean Boyles, Zoey Carr, Central District  
April Wolland, Traders Inn Beach Club, [April@mytbc.com](mailto:April@mytbc.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. 22-0347
	)	
TRADERS INN BEACH CLUB	)	
ASSOCIATION, INC.	)	
_____	)	

**CONSENT ORDER**

This Consent Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department) and Traders Inn Beach Club Association, 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 air and water resources and to administer and enforce the provisions of Chapter 403, 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 403.031(5), F.S.
3. Respondent is the owner and is responsible for the operation of the Traders Inn Beach Club WWTF, a facility that has permitted capacity of 0.015 million gallons per day annual average daily flow. The facility uses extended aeration activated sludge secondary domestic wastewater treatment facility consisting of aeration, secondary clarification, filtration, chlorination, and aerobic digestion of biosolids, for treatment, with a dual cell absorption field for effluent disposal (Facility). The Facility is operated under Wastewater Permit No. FLA011213-004 (Permit), which was issued on December 19, 2016 and expired on December 18, 2021. The Facility is located at 1355 Ocean Shore Boulevard, Ormond Beach, Florida 32176, in Volusia County, Florida (Property). This property is further identified with

Parcel ID 323421000200, given by the Volusia County Property Appraiser. Respondent owns the Property on which the Facility is located.

4. A Compliance Evaluation Inspection was conducted at the facility on December 21, 2021; based on the inspection the following violations were observed:

- a) The Respondent was operating the facility without a valid permit, a violation of Chapter 62-62.300(2), F.A.C.
- b) The Respondent failed to maintain the current permit onsite, a violation of Chapter 62-620.350(5), F.A.C.
- c) The Respondent failed to timely apply for a new permit, a violation of Chapter 62-620.335(1), F.A.C.
- d) The Respondent failed to comply with the compliance schedules in the permit, a violation of Chapter 62-620.620(6)(a), F.A.C.
- e) The Respondent failed to complete the compliance schedules in the permit in the required timeframe, a violation of Chapter 62-620.330(6), F.A.C.
- f) The Respondent failed to maintain the required operator licenses onsite, a violation of Chapter 62-620.350(8), F.A.C.
- g) The Respondent has failed to timely submit the DMRs for May 2021, June 2021, July 2021, August 2021, September 2021, and October 2021, a violation of Chapter 62-600.680, F.A.C.
- h) The Respondent failed to provide the proper signage at the entrance to the facility, a violation of Chapter 62-600.300, F.A.C. and the *Recommended Standards for Wastewater Facilities* 57.1.a, 2014 Edition.
- i) The Respondent failed to comply with the 10 mg/L single sample maximum limit for total soluble solids, in July 2021, a violation of Chapter 62-610.460(1), F.A.C.
- j) The Respondent failed to maintain the drainfield, resulting in a failure of the effluent disposal system, a violation of Chapter 62-600.410(3), F.A.C.

k) The Respondent failed to maintain biosolids hauling records onsite for the correct retention period, a violation of Chapter 62-640.650(4)(a), F.A.C.

l) The Respondent failed to provide an Operations and Maintenance Manual for the collection system, a violation of Chapter 62-604.500(4), F.A.C.

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 five hundred and forty-seven (547) days of the executed order, the Respondent shall connect to the Ormond Beach WRF and properly abandon the Traders Inn Beach Club WWTF and associated effluent disposal system.

I. Within ninety (90) days of the executed order, the Respondent shall obtain a connection agreement with the Ormond Beach WRF.

II. Within ninety (90) days of obtaining the connection agreement with the Ormond Beach WRF, the Respondent shall hire an engineer certified with the state of Florida to design a wastewater collection/transmission system and complete and submit an application for the construction of a wastewater collection system to the Department.

III. Respondent shall provide responses within ninety (90) days for any requests for additional information (RAI) issued by the Department during the permitting process.

IV. Within one hundred and eighty (180) days after the construction permit is issued, the Respondent shall complete construction of the wastewater collection system.

V. Within sixty (60) days of the completion of construction, the Respondent shall submit DEP Form 62-604.300(8)(b), Request for Approval to Place a Domestic Wastewater Collection/Transmission System into Operation.

VI. Within fourteen (14) days of the approval to place a domestic wastewater collection/transmission system into operation, the Respondent shall place the wastewater collection system in service.

b) At least sixty (60) days prior to the abandonment of the wastewater treatment facility, the Respondent shall submit to the Department an Abandonment Plan for Traders Inn Beach Club WWTF and the effluent disposal system.

c) Sixty (60) days after Department approval of the Abandonment Plan, the Respondent shall complete proper abandonment of the Traders Inn Beach Club WWTF and associated effluent disposal system.

6. Within five hundred and seventy-five (575) days of the effective date of this Order, Respondent shall pay the Department \$9,750.00 for civil penalties. The civil penalty in this case includes 2 violations that each warrant a penalty of \$2,000.00 or more. **If the Respondent connects to Ormond Beach WRF within the specified times in paragraph 5.a, the penalty shall be reduced and the Respondent shall then pay \$2,000.00 for civil penalties.**

7. Within thirty (30) days of the effective date of this Order, Respondent shall pay the Department \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

8. Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 5.a-c of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within thirty (30) days of the Department's issuance of written demand for payment and shall do so as further described in paragraph 9, 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.

9. 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 “22-0347” 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.

10. Except as otherwise provided, all submittals and payments required by this Order shall be sent to [DEP\\_CD@FloridaDEP.gov](mailto:DEP_CD@FloridaDEP.gov), Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

11. 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.

12. 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 thirty (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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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



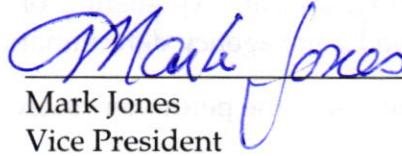
qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

- 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](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.

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

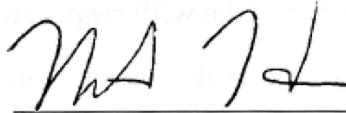
FOR THE RESPONDENT:

  
Mark Jones  
Vice President

4/20/22  
Date

DONE AND ORDERED this 22 day of April, 2022, 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 22, 2022

Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35