



Florida Department Of Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

April 25, 2022

Sent electronically to: Prairieviewapartments@outlook.com

Mr. Mohammed Askar
Manager/Owner
Lighthouse Investments of Florida, LLC
12086 Turkey Roost Road
Tallahassee, Florida 32317

RE: Florida Department of Environmental Protection v. Lighthouse Investments of Florida, LLC
OGC File Number 21-0092
Prairie View Apartments WWTF – FLA011307
Alachua County – Wastewater Enforcement

Dear Mr. Askar:

Enclosed is a copy of the executed Consent Order to resolve Case Number 21-0092.

The effective date of this Order is April 25, 2022, and all timeframes will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties.

Should you have any questions concerning the Consent Order, please contact Shannon Taylor, at (904) 256-1617, or via e-mail at Shannon.N.Taylor@FloridaDEP.gov. Your continued cooperation in the matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "James R. Maher".

James R. Maher, PE
Assistant Director

Enclosure: Executed Consent Order

ec: FDEP-NED: Joni Petry, Herndon Sims, Shannon Taylor, Alisha Simpson, DEP_NED,
Lea Crandall, Kathryn Lewis
Tim Perry, tperry@gbwlegal.com



FLORIDA DEPARTMENT OF Environmental Protection

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April 21, 2022

Sent electronically to: Prairieviewapartments@outlook.com

Mr. Mohammed Askar
Manager/Owner
Lighthouse Investments of Florida, LLC
12086 Turkey Roost Road
Tallahassee, Florida 32317

SUBJECT: Department of Environmental Protection v. Lighthouse Investments of Florida, LLC.
Prairie View Apartments WWTF - OGC File No.: 21-0092
Facility ID No. FLA011307
Alachua County – Wastewater Enforcement

Mr. Askar:

The State of Florida Department of Environmental Protection ("Department") finds that Lighthouse Investments of Florida, LLC. ("Respondent") The Department finds that the following violation(s) occurred during Respondent's ownership between March 2019 through January 7, 2022, and will be held accountable for the penalties associated with the violations that occurred during that period as seen below:

- a) Failure to sample effluent and submit required Discharge Monitoring Reports (DMRs) from November 2015 to July 2020, in violation of Rule 62-600.680, and 62-620.610(18)(a), Fla. Admin. Code.
- b) Failure to report all unauthorized releases or spills of wastewater to ground or surface water, in violation of Rule 62-604.550(2), Fla. Admin. Code.
- c) Failure to obtain the services of a certified Class D operator to supervise the facility, in violation of the Rule 62-699.310, and 62-602, Fla. Admin. Code.
- d) Failure to properly maintain and operate the facility and systems of treatment and control, and related appurtenances, that are used to achieve compliance

with the permit, in violation of Rule 62-620.610(7), and 62-610(6), Fla. Admin. Code, based on the condition of the aeration chamber, blower motor, chlorine contact chamber, and the percolation pond.

e) Failure to lock access to the system to prevent unauthorized persons from entry, in violation of Rule 62-610.518(1) and 62-600.400(2)(b), Fla. Admin. Code.

f) Failure to maintain three years' worth of copies of the logs and schedules showing plant operations and maintenance, and other recordkeeping requirements in violation of Condition V.C. of Permit FLA011307 and Rule 62- 620.350, Fla. Admin. Code.

g) Failure to keep a copy of the current operation and maintenance manual, in violation of Rule 62-600, Fla. Admin. Code.

h) Failure to submit permit renewal application prior to 180 days before the expiration date of permit FLA011307-007-DW4P, in violation of Rule 62-620, Fla. Admin. Code.

i) Failure to obtain Department approval in the transfer of permit FLA011307, to new ownership in violation of Rule, 62-620.340, Fla. Admin. Code.

j) The Department finds that Prairie View Apartments had two spills from June 2020 through September 2020 as seen in Table 1. below. The SSOs were due to blockages from the main line to the plant. When appropriate, the Respondent recovered all or a portion of the discharge, applied lime, and blocked the area off with signage.

Table 1. Prairie View Apartments WWTF SSOs

Incident Date	Location	Affected Area	Cause of SSO	Volume Spilled (gallons)
06/29/2020	Prairie View Apartments WWTF grounds	Ground	Blockage in main line	1000
09/21/2020	Prairie View Apartments WWTF grounds	Ground	Blockage in main line	300

Each of the discharges listed in Table 1. Are in violation of Rule 62-604.130(1), Fla. Admin. Code, which prohibits the release of sewage without providing proper treatment approved by the Department.

Although there are no actions required of Lighthouse Investments of Florida, LLC, to correct the violation(s), the Respondent remains subject to civil penalties as a result of the violation(s). The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking \$10,750 in civil penalties and \$500 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$11,250. The civil penalties are apportioned as follows: \$2,000 for failure to submit DMRs from 2019 through July 2020 in violation of F.S. 403.121(4)(d); \$1,000 for June 2020 unreported spill in violation of F.S. 403.121(4)(e); \$1,000 for failure to obtain a certified operator in violation of F.S. 403.121(4)(e); \$4,000 for failing to appropriately maintain the facility in violation of 403.121(4)(b); \$500 for failure to maintain a operator log book, calibration records, and Operation and Maintenance Manual in violation of F.S. 403.121(4)(f); \$2,000 for unpermitted or unauthorized discharge in June 29, 2020 and September 21, 2020 in violation of F.S. 403.121(3)(b); \$500 for failure to submit permit application 180 days prior to expiration of current permit in violation of F.S. 403.121(5). Good faith reduction of 25% of the penalties was applied, reducing the penalty by \$2,750. Economic Benefit was calculated and capped at \$2,500. The civil penalty in this matter includes three violation(s) of \$2,000.00 or more.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256, within 15 days. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S., and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S., and the attached Notice of Rights.

By accepting this offer you, Mohammed Askar:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent must pay \$11,250 in full within 30 days of the consent order being executed.
- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Shannon Taylor at (904) 256-1617, or via email at Shannon.N.Taylor@FloridaDEP.gov.

Sincerely,



James R. Maher, PE
Assistant Director
Northeast District

FOR THE RESPONDENT:

I, Mohammed Askar [Type or Print Name], **HEREBY**
ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By:


[Signature]

Date:

4/21/2022

Title: Owner

[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 25th day of April 2022, in Duval County,
Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong
District Director
Northeast 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 25, 2022

Date

Attachments: Notice of Rights

ec: FDEP-NED: Shannon Taylor, Joni Petry, Kathryn Lewis
Tim Perry, tperry@gbwlegal.com

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@FloridaDEP.gov)

NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.