



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

February 15, 2023

Edwin Siddons, Vice President
On behalf of LGC TV, LLC
7 Giralda Farms
Madison, New Jersey 07940
Edwin.Siddons@pgim.com

Re: Timber Village MHP WWTF
DW Facility ID FLA010618
OGC Case #22-2411

Dear Mr. Siddons,

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 Boyles at (407) 897-4164 or via e-mail at Sean.Boyles@FloridaDEP.gov.

Your cooperation in this matter will be appreciated.

Sincerely,

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

Aaron Watkins
Director, Central District

Enclosure

cc: Lauri Roughton, Lea Crandall, OGC
Allison Chancy, Daun Festa, Sean Boyles, Wilmott Brown, Central District
Andrew Fells, afells@legacymhc.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. 22-2411
)	
LGC TV, LLC.)	
_____)	

CONSENT ORDER

This Consent Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department) and LGC TV, 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 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 Timber Village MHP WWTF, a 0.013 million gallon per day permitted capacity extended aeration sewage treatment plant with two rapid infiltration basins (RIB) for effluent disposal (Facility). The Facility is operated under Wastewater Permit No. FLA010618-006 (Permit), which was issued on March 13, 2017, and expired on March 12, 2022. The Facility is located at 15130-6 Timber Village Road, Groveland, in Lake County, Florida (Property). Respondent owns the Property on which the Facility is located.
4. The Department finds that the following violation(s) occurred:
 - a) At the time of the inspection the, the Facility was operating with an expired permit, a violation of Chapter 62-620.300(2), F.A.C.

b) The Respondent did not submit an application for permit renewal within one hundred eighty days of the current permit expiring, a violation of Chapter 62-620.335(1), F.A.C. A renewal application was submitted on November 12, 2021.

c) The Respondent has not completed the compliance schedules in the expired permit, a violation of Section 403.161(1)(b), F.S. Notification was made to the Department was made by email on April 26, 2022, showing that the corrective action was now completed.

d) The Respondent has failed to properly complete the monthly DMRs, a violation of Chapter 62-600.680(1)(a)-(b), F.A.C. Notification was made to the Department on April 26, 2022, that the required DMRs had been resubmitted.

e) The Respondent failed to maintain a covered screening container at the bar screen of the Facility, a violation of Chapter 62-701.300(1)(a), F.A.C. During the enforcement meeting on May 18, 2022, it was stated that a covered screenings container had been placed by the bar screen.

f) The Respondent failed to maintain the return activated sludge line at the Facility. Effluent was observed splashing onto the ledge of the aeration basin, a violation of Chapter 62-620.610(7), F.A.C. During the enforcement meeting on May 18, 2022, it was stated that the RAS pipe had been extended to prevent splashing.

g) Respondent failed to maintain the chlorine contact chamber (CCC) so that the CCC remains free of solids, a violation of Chapter 62-620.610(7), F.A.C. Notification was made to the Department was made by email on April 26, 2022, showing that the corrective action was completed.

h) The Respondent failed to maintain the Facility causing the CCCs to short-circuit, a violation of Chapter 62-620.610(7), F.A.C. Notification was made to the Department on April 26, 2022, showing that the corrective action was completed.

i) The Respondent failed to calibrate the flow measurement devices within the time requirements of the permit, a violation of Chapter 62-600.200(25)(b), F.A.C. On May 6,

2022, notification was made to the Department, showing that the flow meter had been calibrated by Florida Rural Water Association on November 10, 2021.

j) The Respondent has failed to properly maintain the Facility collection system resulting in an influent and infiltration (I&I) issue, a violation of Chapter 62-620.610(7), F.A.C.

k) The Respondent failed to properly maintain the RIBs at the Facility, a violation of Chapter 62-610.414(7), F.A.C. Notification was to the Department on April 26, 2022, showing that the corrective action was completed.

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:

6. Within one hundred eighty (180) days, the Respondent shall make all repairs to the facility, that were recommended in the March 28, 2022, report "LGC TV LLC-Sanitary System I&I Video Inspection," that was provided to the Department (Exhibit 1).

7. Once corrective actions are completed, the Facility flow must remain below 0.013 million gallons per day (MGD) for six (6) months, following the repairs from Paragraph 6.

8. If the Facility is unable meet the permitted requirements for flow, then the following corrective actions must be followed:

a. Within thirty (30) days of the effective date of this Order, the Respondent shall hire a professional engineer that is Certified in the State of Florida.

b. Within sixty (60) days of hiring an engineer, Respondent shall submit to the Department an evaluation (Evaluation), conducted by a professional engineer Certified in the State of Florida, of the Facility, including the effluent disposal system, to discover the cause or causes of the violations identified in paragraphs 4.j above and provide recommended solutions.

c. Within fourteen (14) days of the submission of the Evaluation, if required, the Respondent shall submit a complete permit application for a Department permit modification to make any modifications to the facility, including the effluent disposal, based on recommendations listed in the Evaluation. In the event the Department requires additional information to process the permit application, the Respondent shall provide a written response containing the information requested by the Department within thirty (30) days.

d. Within one hundred and eighty (180) days of Department approval or the issuance of a permit, if necessary, for modification(s) of the Facility, the Respondent shall complete all needed repairs to the Facility.

e. Within fourteen (14) days after completion of the construction, if required, the Respondent shall submit to the Department a Certification of Completion, prepared and sealed by a professional engineer Certified in the State of Florida, stating that modifications to the Facility, effluent disposal system, and collection system have been constructed in accordance with the provisions of the construction Permit.

9. Within thirty (30) days of the effective date of this Order, Respondent shall pay the Department \$5,000.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$4,750.00 for civil penalties and \$250.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes 1 violation that warrants a penalty of \$2,000.00 or more.

10. 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(s) 6-8 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 11, 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 9 of this Order.

11. 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 22-2403" 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.

12. Except as otherwise provided, all submittals and payments required by this Order shall be sent to, Department of Environmental Protection, 3319 Maguire Boulevard, Central District, Suite 232, Orlando, Florida 32803 or by email to DEP_CD@FloridaDEP.gov.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that

the Department's final action may be different from the position it has taken in the Consent Order.

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

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

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the 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.

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

FOR THE RESPONDENT:



Edwin Siddens
Vice President

2/9/23

Date

DONE AND ORDERED this 15th day of February, 2023, in Orange County,
Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



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.



February 15, 2023

Clerk

Date

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35

Exhibit 1

LGC TV LLC-Sanitary System I&I Video Inspection

Report Date: March 28, 2022



March 28, 2022

Mr. Dan Wilson
Legacy MHC Management
101 N. Wacker Dr. Suite 601
Chicago, IL 60606

Subject: LGC TV LLC - Sanitary System I&I Video Inspection

Dear Dan,

Please consider the following a final report for the investigation performed on LGC TV LLC

DATA

Plan	Sanitary System
Title	LGC TV LLC
PSI	50-70
Pipe Material	PVC – VCP

Survey A

Sanitary Manholes	9
Mainlines	All VCP - PVC

Sanitary Collection and Distribution System

The collection system consists of 9 located manholes connected to a VCP and PVC system and is assisted with 1 Lift Station. Manhole are located in streets, yards, and in the grass. Main line pipe size is 8". Main Line Pipe Material is PVC in Manholes 1-5. manholes 5-4, and 5-Lift Station. Vitrified Clay in Manholes 6-9).

There was significant infiltration and inflow from manholes 5-4, and 5-Lift Station.

Sanitary Collection and Distribution System

There was significant infiltration and inflow from manholes 8-9, and 9-Lift Station.

Manhole 5



Infiltration in MH # 5



Sanitary Collection and Distribution System

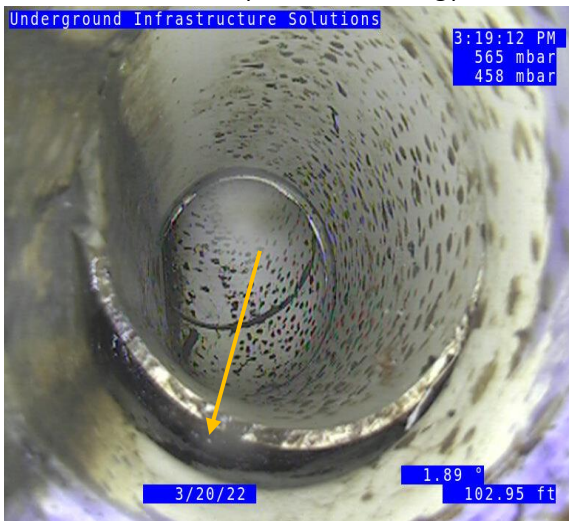
Manhole # 8



MH # 8 (Brick)



Offset Lateral (earth showing) 103'



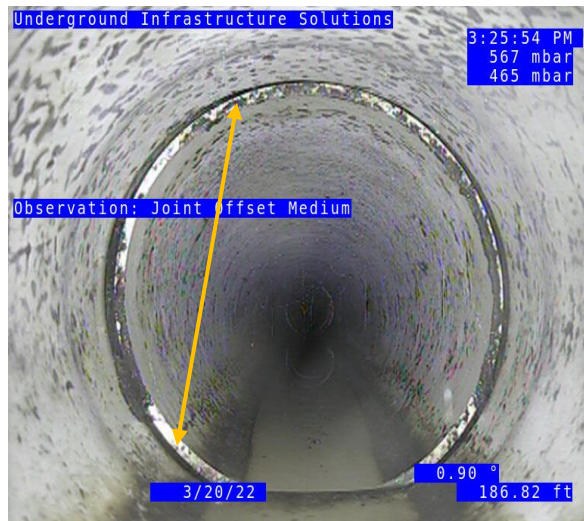
Infiltration Into Manhole #8



Intrusion (not pipe)

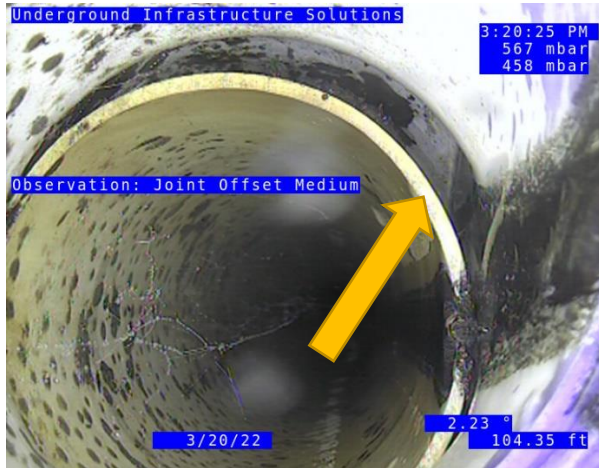


Joint Offset Medium 107'



Sanitary Collection and Distribution System

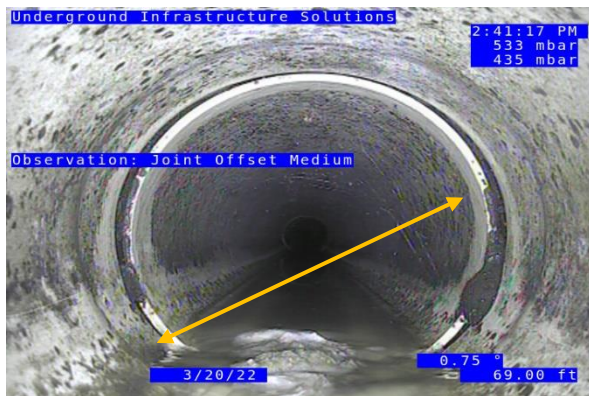
Medium Offset at Joint (earth) 104'



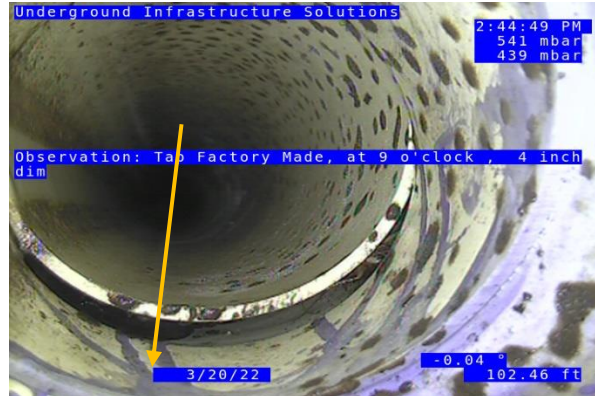
Offset Joint 198'



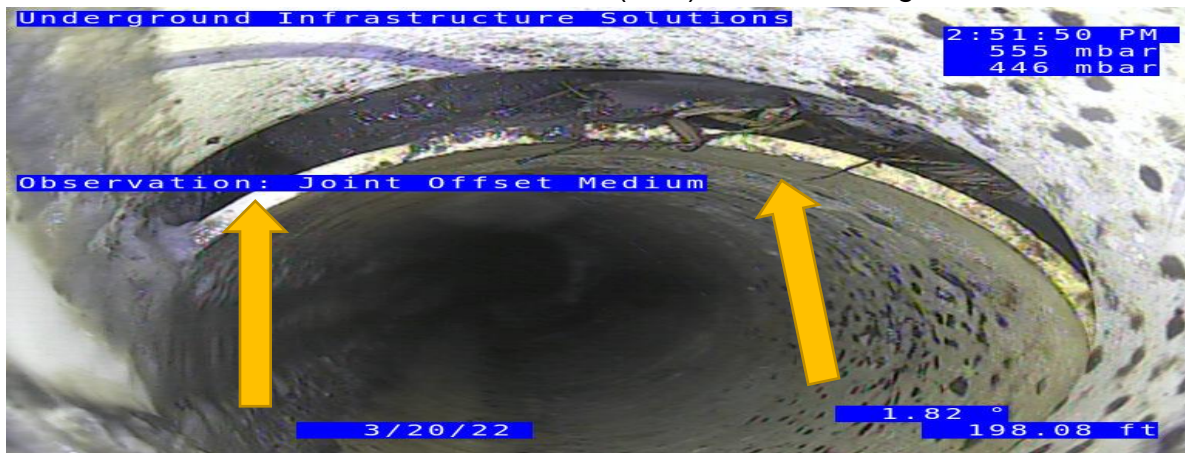
Offset Joint 69'



Lateral @ 9:00 O'Clock 4" (open to soil)
102'

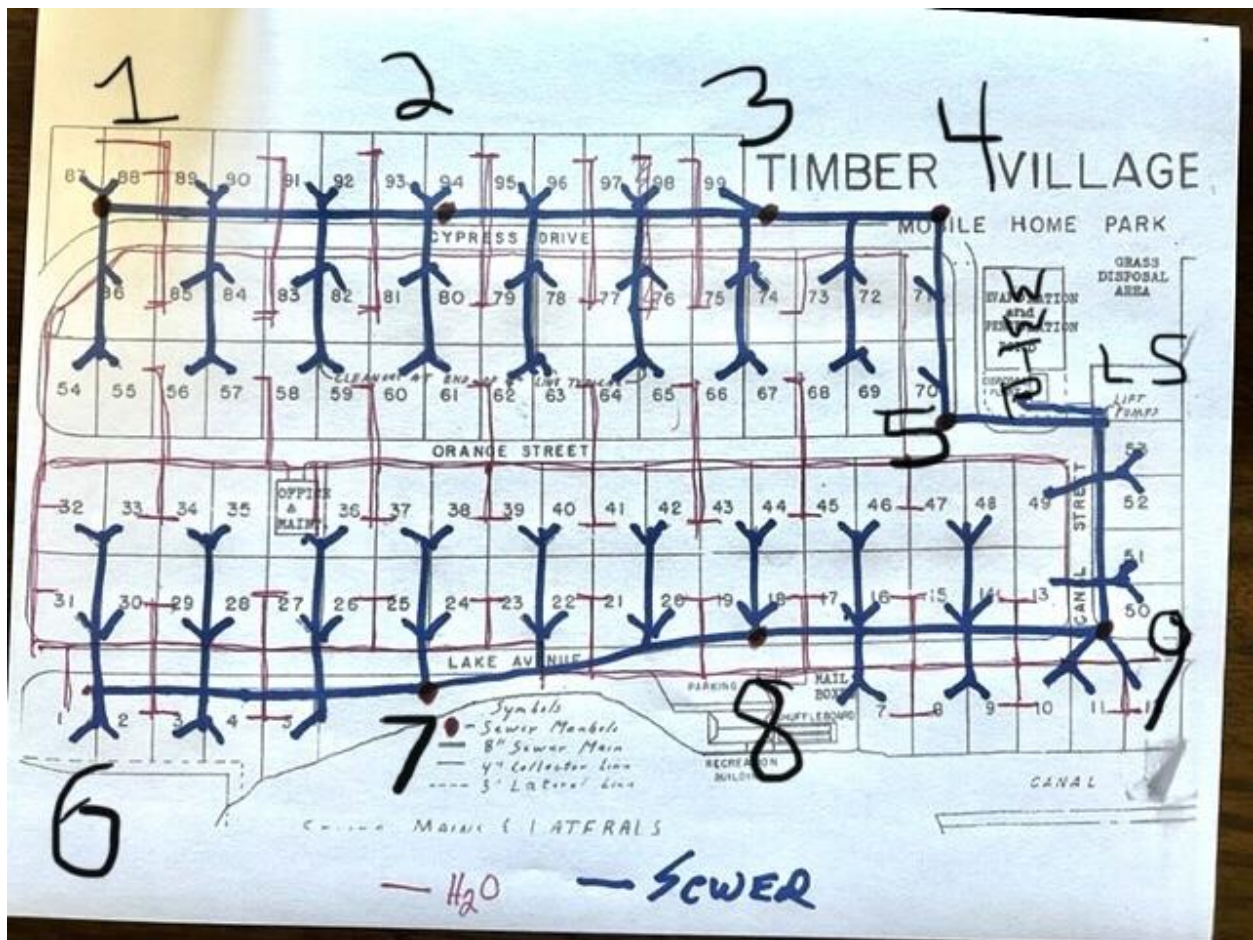


Offset (198') Earth Showing



Sanitary Collection and Distribution System

Manhole #'s and Layout on Site Plan



Sanitary System Distribution Summary

Inspection of 100% of the distribution system and the manholes from the top of the manhole and from the bottom of the manholes reveal intrusion of differing severity.

The order and sequencing of repairs is suggested from worst to least in volume. Review of all video suggests the following locations will bring the largest reduction of intrusion without spending on defects that although are of concern are not currently allowing water intrusion.



Sanitary System Distribution Summary

The run of VCP from **MH #9 to the lift station** has major intrusion at the following joints and requires grouting.

- 116'.33 ft from MH #9 – Major Runner
- 140'.20 ft from MH #9 – Major Runner
- 165'.74 ft from MH #9 – Major Runner
- 43. 32 ft from MH #9 – Infiltration
- 29. 44 ft from MH #9 – Infiltration Runner Weeper

The following **manhole #'s in order of severity** require grouting due to missing grout or cracks

MH #4 – Grout first 3 tiers above bench / grout bottom of tier 1 of bricks where they join bench.

MH #5 – Grout Tier 1 -3 of bricks above bench – especially where Tier 1 bricks meet the bench (bottom of bricks) Weeper / Runner multiple locations

MH #5 – Grout around VCP in Lift Station water intruding around outside of pipe Runner - 137'.5 ft from MH # 5 (seen from inside pipe across lift station).

MH #7 – Grout bottom 3 tiers of bricks above bench

MH # 3 – Grout bottom 2 tiers of bricks

MH #2 – Grout bottom 2 tiers of bricks

MH #8 to MH#7

133.0 ft from MH #8 Joint major offset – repair

178.0 ft from MH #8 Weeper at joint – Grout

Actions Required: **Discuss referral for Manhole & Mainline Joint Grouting**

Related Costs: **TBD**

Thank you and Best Regards,

Earl King

Underground Infrastructure Solutions, LLC