



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 7, 2023

Ty Lohman, Manager/Owner
STARR Hospitality, LLC
1608 North US Hwy 1
Ormond Beach, FL 32174
tlohman@starrprop.com

Re: Extended Stay Ormond WWTF (fka Days Inn/Red Roof)
DW Facility ID #FLA011146
OGC Case No: 22-2039
Volusia County

Dear Mr. Lohman:

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 Manuel F. Cardona at 407-897-4134 or via e-mail at Manuel.Cardona@FloridaDEP.gov.

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "AW", is written over a light blue horizontal line.

On behalf of:

Aaron Watkins
Director, Central District

Enclosure: Consent Order

cc: Lea Crandall, OGC
Lauri Roughton, OGC
Daun Festa, Manuel Cardona, Central District



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Central District Office
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March 31, 2023

Ty Lohman, Manager/Owner
STARR Hospitality, LLC
1608 North US Hwy 1
Ormond Beach, FL 32174
tlohman@starrprop.com

Re: Extended Stay Ormond WWTF (fka Days Inn/Red Roof)
DW Facility ID #FLA011146
OGC Case No: 22-2039
Volusia County

Dear Mr. Lohman:

Enclosed is a Consent Order ("Order") prepared by the Department for resolution of the referenced enforcement case. A watermarked draft version of the Order was signed and submitted to the Department on March 23, 2023. Please return a signed copy of this document to the Department within 10 days of receipt. Once fully executed, a copy of the final document will be forwarded to you.

Should you have any questions or comments, please contact Manuel F. Cardona at 407-897-4134 or via e-mail at Manuel.Cardona@FloridaDEP.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "AW", written over a horizontal line.

On behalf of:

Aaron Watkins, Director
Central District

Enclosure: Consent Order

cc: Sarena McCarthy, smccarthy@lohmanapartments.com
Wetherell Treatment Systems, wtssales@aol.com
Manuel Cardona, Central District

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. 22-2039
)	
STARR HOSPITALITY, LLC)	
_____)	

CONSENT ORDER

This Consent Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department) and STARR Hospitality, 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 Extended Stay Ormond WWTF (fka Days Inn/Red Roof), a 0.020-million-gallon day (mgd) annual average daily flow (AADF) permitted capacity extended aeration activated sludge domestic wastewater treatment plant consisting of aeration, secondary clarification, chlorination and aerobic digestion of biosolids with an existing 0.020 MGD annual average daily flow permitted capacity rapid infiltration basin (RIB) system. R-001 is a reuse system which consists of two RIBs (“Facility”). The Facility is operated under Wastewater Permit No. FLA011146 (“Permit”), which was issued on August 16, 2016, and expired on August 15, 2021. The Facility is located at 1608 North US 1, Ormond Beach, FL 32174, in Volusia County, Florida (“Property”). Respondent owns the Property on which the Facility is located.

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

a) During a compliance evaluation inspection conducted on February 23, 2021, the following was observed:

- Both ponds contained solids and the east pond perimeter could not be completely accessed due to overgrown vegetation in violation of Section 403.121(5), F.S., and Rule 62-610.523(6). F.A.C.
- The traveling bridge was not operational in violation of Section 403.121(5), F.S., and Rule 62-620.610(7)F.A.C.

b) During a site visit conducted on February 16, 2022, the following was observed:

- Both ponds contained solids and the east pond perimeter could not be completely accessed due to overgrown vegetation in violation of Section 403.121(5), F.S., and Rule 62-610.523(6) F.A.C.
- The traveling bridge was partially operational in violation of Section 403.121(5), F.S., and Rule 62-620.610(7)F.A.C.

c) A site visit was conducted on December 21, 2022. Access to the wastewater treatment plant was not available, however, the traveling bridge was able to be viewed and appeared to not be operating while the blower was operating, in violation of Section 403.121(5), F.S., and Rule 62-610.523(6) F.A.C.

d) The items listed above were also documented in the Operation and Maintenance Performance Report contained in the permit renewal package submitted on July 29, 2021.

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

ORDERED:

5. Respondent shall comply with the following corrective actions within the stated time periods:

a) Within 30 days of the effective date of this Order, Respondent shall submit to the Department an evaluation conducted by a professional engineer registered in the state of Florida, of the effluent disposal system ("ponds") and traveling bridge, to discover the cause or causes of the violations identified in paragraph 4 above. Respondent shall contact Manuel F. Cardona, by telephone or in person prior to initiating the treatment system evaluation.

b) Within 30 days of the submission of the evaluation in paragraph 5(a), Respondent shall submit to the Department documentation by a professional engineer registered in the state of Florida, that the traveling bridge has been repaired and is functioning as intended.

c) Within 180 days of the submission of the evaluation in paragraph 5(a), Respondent shall complete the work on both ponds in accordance with the findings of the evaluation.

6. Respondent's completion of all corrective actions required by paragraph 5 within the respective deadlines specified thereunder shall constitute full compliance with Rule 62-610 and Rule 62-620, F.A.C.

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

8. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$7,000.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$6,750.00 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 one violation that warrants a penalty of \$2,000.00 or more.

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 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 Manuel F. Cardona, Environmental Consultant, Department of Environmental Protection, Central District, 3319 Maguire Blvd., 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 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. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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, 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

Central District, 3319 Maguire Blvd., 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.

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

FOR THE RESPONDENT:



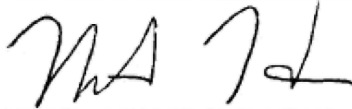
Ty Lohman
Manager/Owner

Date 4/5/23

FOR DEPARTMENT USE ONLY


DONE AND ORDERED this 7th day of April, 2023, 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 7, 2023
Date

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35