



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

May 22, 2023

John Young
Lost Lake RV Park, LLC
3400 Clarcona Rd
Apopka, Florida 32703
John Young johnyoung5024@gmail.com

Re: Facility Name
DW Facility ID #FLA010831
OGC Case #23-0192

Dear Mr. Young:

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 Dr. Phil Kane at 407-897-4156 or via e-mail at phil.kane@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 OGC#23-0192

cc: FDEP: Lea Crandall, Daun Festa, Anitra Spencer
Barb Saady Barb@lostlakervpark.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. 23-0192
)	
LOST LAKE RV PARK, LLC)	
_____)	

CONSENT ORDER

This Consent Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department) and Lost Lake RV Park, 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 Lost Lake RV Park, LLC WWTF, a 4,300-gallon surge tank, a 4,300-gallon anoxic tank, an 8,600-gallon aeration basin. Two (2) new parallel final settling tanks will be constructed (one primary 6,200-gallon tank and one 2,940-gallon backup tank). There will be (2) parallel 685-gallon chlorine contact tanks, a common effluent sampling manhole and a 2,500 sludge digester with a 0.009 MGD annual average daily flow permitted capacity rapid infiltration basin system. R-001 is a reuse system which consists of a single RIB (3,050 square feet) (Facility). The Facility is operated under Wastewater Permit No. FLA010831 (Permit), which was issued on December 6, 2017 and expired on December 5, 2022. The Facility is located at 3400 Clarcona Rd

Apopka, FL 32703, in Orange County, Florida (Property). Respondent owns the Property on which the Facility is located.

4. As part of a Compliance Evaluation Inspection (CEI) conducted on September 20, 2022 the Department finds that the following violation(s) occurred:

- a) The current lab certification was not onsite in violation of Chapter 62-620.350, F.A.C. A March 13, 2023, email confirms correction.
- b) Chlorine residual measurement was conducted with a color wheel in violation of Chapter 62-160.210 (1), F.A.C. A March 13, 2023, email confirms correction.
- c) The logbook was onsite, current, bound, and not numbered in violation of Chapter 62-602.650 (4), F.A.C. A March 13, 2023, email confirms correction.
- d) Deficiencies were noted (TABLE BELOW) throughout the review period for pH, TSS, and TN in violation of Chapters 62-600.420 and 62-600.550 F A.C.

Month	Parameter	Permit Limit	Result
November 2021	TSS MoAvg	30 mg/L	31 mg/L
February 2022	pH min	6.0 SU	3.8 SU
March 2022	pH min	6.0 SU	3.5/5.1 SU
April 2022	pH min	6.0 SU	5.9 SU
	TN mg/L	10 mg/L	42.3 mg/L
May 2022	TSS WkAvg	45 mg/L	56 mg/L
	TSS MoAvg	30 mg/L	56 mg/L
	TN mg/L	10 mg/L	55 mg/L
June 2022	TN mg/L	10 mg/L	55 mg/L
July 2022	TN mg/L	10 mg/L	55 mg/L
August 2022	TN mg/L	10 mg/L	55 mg/L
September 2022	TN mg/L	10 mg/L	55 mg/L
October 2022	TN mg/L	10 mg/L	61.9 mg/L
November 2022	TN mg/L	10 mg/L	57.9 mg/L

December 2022	TN mg/L	10 mg/L	55.3 mg/L
January 2023	TN mg/L	10 mg/L	56.4 mg/L
	pH min	6.0 SU	4.1 SU

e) The facility did not submit a copy of the signed Biosolids Agreement in violation of Chapter 62-640.880(1), F.A.C. A March 9, 2023, email confirms correction.

f) The facility did not have a Collection System Operation and Maintenance Manual in violation of Chapter 62-604.500(4) F.A.C.

g) The facility did not have an Emergency Response Plan for the collection system in violation of Chapter 62-604.500(4)(b) 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:

6. 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 Facility, including the effluent disposal system and associated collection system, to discover the cause or causes of the violations identified in paragraphs 4 above

7. Within 30 days of the due date for submission of the evaluation in paragraph 6, Respondent shall submit to the Department Facility design modifications, prepared and submitted under seal by a professional engineer registered in the state of Florida, to remedy the cause or causes of the violations identified in paragraphs 6 above and ensure the Facility and effluent disposal system will function in full and consistent compliance with all applicable rules.

8. Within 30 days of the due date for submission of the design modification(s) in paragraph 7, Respondent shall submit a complete application for a Department wastewater permit to construct the modifications submitted pursuant to paragraph 7, if such a permit is

required. In the event the Department requires additional information to process the permit application Respondent shall provide a written response containing the information requested by the Department within 90 days of the date of the request.

9. Within 180 days after issuance of the wastewater permit referenced in paragraph 8 above, or if no permit is required, within 180 days of the approval of the design modification(s) in paragraph 7, Respondent shall complete construction of the modification(s) submitted pursuant to paragraph 7.

10. Within 30 days after completion of the construction, Respondent shall submit to the Department a Certification of Completion, prepared and sealed by a professional engineer registered 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 Permit or, if no Permit is required the design modification(s) submitted pursuant to paragraph 7.

11. Upon the submittal of the Certificate of Completion to the Department, or, if no permit is required, upon completion of corrective actions, Respondent shall demonstrate compliance by maintaining effluent discharge concentrations at discharge location R-001 at or below the Permit's effluent limits for TSS, TN and pH for six consecutive calendar months for all discharges within the six months after the receipt of the Certificate of Completion, and report effluent sampling results on the required Discharge Monitoring Reports ("DMRs").

12. Within 60 days of the effective date of this Order the facility shall submit a Collection System Operation and Maintenance Manual and an Emergency Response Plan for the collection system.

13. Every calendar 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.

14. Respondent's completion of all corrective actions required by paragraphs 6 to 13 within the respective deadlines specified thereunder shall constitute full compliance with Rules 62-160, 62-600, 62-602, 62-604, 62-620, and 62-640, F.A.C.

15. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$6000.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$5750.00 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 2 violations that each warrant a penalty of \$2,000.00 or more.

16. Respondent agrees to pay the Department stipulated penalties in the amount of \$1000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph(s) 6-14 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment and shall do so as further described in paragraph 17, 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 15 of this Order.

17. 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.](#)

18. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Dr. Phil Kane, Inspector, Department of Environmental Protection, Central District 3319 Maguire BLVD Suite 232 Orlando, Florida 32803.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

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

FOR THE RESPONDENT:




John Young
Manager

Date


DONE AND ORDERED this ²²~~18~~ day of ^{May}~~05~~, 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

May 22, 2023
Date

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35