



# FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office  
13051 North Telecom Parkway #101  
Temple Terrace, Florida 33637-0926

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

September 15, 2023

Saxon Evans  
Citrus Springs Utility, LLC.  
9804 W Park Village Dr.  
Tampa, FL 33626-5139  
[saxon@citruscapitalcorp.com](mailto:saxon@citruscapitalcorp.com)

Re: Executed Second Amended Consent Order  
Citrus Springs Utility  
Facility ID No. FLA128457  
OGC File No. 19-1293  
Pasco County

Dear Mr. Evans:

Enclosed please find the executed Amended Consent Order, OGC No. 19-1293, regarding the above referenced facility. The effective date of the Amended Consent Order is the filing date entered by the designated Department Clerk on the signature page.

For inquiries, you may contact Preston Graves at (813) 470-5941, or by email at [Preston.Graves@FloridaDEP.gov](mailto:Preston.Graves@FloridaDEP.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Kelley M. Boatwright".

For Ms. Kelley M. Boatwright  
District Director  
Southwest District

Enclosure: Executed Second Amended Consent Order

Cc: Pamala Vazquez, FDEP, [Pamala.Vazquez@floridaDEP.gov](mailto:Pamala.Vazquez@floridaDEP.gov)  
Preston Graves, FDEP, [Preston.Graves@FloridaDEP.gov](mailto:Preston.Graves@FloridaDEP.gov)  
Steven Tafuni, FDEP, [Steven.Tafuni@FloridaDEP.gov](mailto:Steven.Tafuni@FloridaDEP.gov)  
Lea Crandall, FDEP, [lea.crandall@dep.state.fl.us](mailto:lea.crandall@dep.state.fl.us)  
Claire Clements, HR Tampa Bay, [claire@hrtampabay.com](mailto:claire@hrtampabay.com)

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	)	IN THE OFFICE OF THE SOUTHWEST DISTRICT
	)	
v.	)	OGC FILE NO. 19-1293
	)	
CITRUS SPRINGS UTILITY, LLC.	)	
_____	)	

**SECOND AMENDED CONSENT ORDER**

This Second Amended Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and Citrus Springs Utility, LLC. (“Respondent”) to amend certain terms and conditions of the Original Consent Order and the First Amended Consent Order previously entered into between the parties.

The Department and Respondent agree:

1. The Department and Respondent previously entered into a Consent Order to resolve certain disputes between the parties. The Consent Order, with the OGC number as is set forth above, was filed with the Clerk of the Department on September 17, 2019 (“Original Order”). This order was subsequently amended on March 18, 2022 for the first time (“First Amendment”).

2. The Original Order and First Amendment are now amended to address the findings of the Department’s April 7, 2023 complaint inspection and to include corrective actions and penalties related to the findings of this inspection.

3. This Order shall amend the Original Order and First Amendment only to the extent specifically stated herein, and all the provisions of the Original Order and First Amendment not addressed herein shall remain in full force and effect.

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

**ORDERED:**

4. Paragraph 4 of the Original Order and First Amendment shall be amended with the following addition:

Respondent’s Discharge Monitoring Reports (“DMRs”), submitted as required by the non-NPDES wastewater permit, have identified effluent limit exceedances of pH, which is in violation of the conditions of Industrial Wastewater Permit No. FLA128457 as well as Rules 62-4, 62-620, and 62-660, Florida Administrative Code (“Fla. Admin. Code”). The parameter limit exceedances are identified in Table 1B, below:

**Table 1B – Permit Effluent Limit Exceedances**

Date	Location	Result	Permit Limit
6/30/2023	EFF-1	5.25	6.5 to 8.5
5/31/2023	EFF-1	5.13	6.5 to 8.5
3/31/2023	EFF-1	5.03	6.5 to 8.5
2/28/2023	EFF-1	4.74	6.5 to 8.5
1/31/2023	EFF-1	4.75	6.5 to 8.5
12/31/2022	EFF-1	5.35	6.5 to 8.5
10/31/2022	EFF-1	6.03	6.5 to 8.5
6/30/2022	EFF-1	5.36	6.5 to 8.5
5/31/2022	EFF-1	6.22	6.5 to 8.5

In response to citizen’s complaints, the Department conducted a complaint inspection on April 7, 2023. Over the course of this inspection, solids were observed on the soil and concrete adjacent to the aeration basin. This is evidence of an unauthorized discharge of partially treated wastewater in violation of Permit conditions and Rule 62-604.130, Fla. Admin. Code.

Further, dead and distressed vegetation was noted in the effluent disposal zone most recently used for disposal. Disposal of effluent via application in a manner which is harmful to plant and animal life constitutes a violation of Section 403.161(1)(a), Florida Statutes (Fla. Stat.”).

Finally, review of the Respondent’s DMR Groundwater Monitoring Report Part D, submitted as required by the non-NPDES wastewater permit, have identified effluent limit exceedances of pH, Iron, Aluminum, and Manganese which is in violation of the conditions of Industrial Wastewater Permit No. FLA128457; Rule 62-520.420 Fla. Admin. Code; and Rule 62-550 Fla. Admin. Code. The parameter limit exceedances are identified in Table 1C, below:

**Table 1C – Permit Limit Exceedance in Groundwater**

Date	Location	Parameter	Result	Permit Limit	Unit
3/31/2023	MWC-11	Odor	4.3	3.0	TON
3/31/2023	MWC-3	Odor	17	3.0	TON
6/30/2022	MWC-8R	Aluminum, Total Recoverable	0.26	0.2	mg/L
3/31/2022	MWC-8R	Iron, Total Recoverable	30	0.3	mg/L
3/31/2022	MWC-8R	Manganese, Total Recoverable	0.11	0.05	mg/L
3/31/2022	MWC-8R	Odor	21	3.0	TON



6/30/2022	MWC-8R	Aluminum, Total Recoverable	0.26	0.2	mg/L
6/30/2022	MWC-10	pH	5.38	6.5 to 8.5	s.u.
6/30/2022	MWC-3	pH	6.22	6.5 to 8.5	s.u.
6/30/2022	MWC-7R	pH	4.29	6.5 to 8.5	s.u.
6/30/2022	MWC-8R	pH	6.48	6.5 to 8.5	s.u.
9/30/2022	MWC-10	pH	5.36	6.5 to 8.5	s.u.
9/30/2022	MWC-3	pH	6.19	6.5 to 8.5	s.u.
9/30/2022	MWC-7R	pH	4.27	6.5 to 8.5	s.u.
9/30/2022	MWC-8R	pH	4.83	6.5 to 8.5	s.u.
12/31/2022	MWC-10	pH	5.38	6.5 to 8.5	s.u.
12/31/2022	MWC-3	pH	6.25	6.5 to 8.5	s.u.
12/31/2022	MWC-7R	pH	4.34	6.5 to 8.5	s.u.
12/31/2022	MWC-8R	pH	4.9	6.5 to 8.5	s.u.

5. Paragraph 6 of the Original Order and First Amendment shall be amended in full as follows:

Respondent shall comply and complete corrective actions with-in the timeframes specified herein:

- a) Within 30 days of the effective date of this Order, Respondent shall submit a proposed Corrective Action Plan (“CAP”) to include source identification and reduction of Iron, Manganese, and Aluminum at compliance wells MWC-3, MWC-7R, MWC-10, and MWC-11, and to address the pH exceedances identified at effluent monitoring location EFF-1. The CAP shall include a schedule for completion of such actions and is required to identify immediate plans to address continuing odor complaints from citizens.
- b) If the Department requires additional information during the review of the CAP, the Department will notify the Respondent in writing by issuing a Request for Additional Information (“RAI”). The Respondent shall submit the information identified in the RAI within 30 days of receipt of such a RAI.
- c) Upon receipt of Department’s approval of the CAP, Respondent shall implement the CAP by conducting the work specified thereunder. All work shall be completed within the timeframes contained in the approved CAP or by July 1, 2025, whichever is sooner.
- d) Respondent shall demonstrate at least four consecutive passing groundwater sampling results that both meet Permit limitations and demonstrate a stable or downward trend for Iron, Aluminum, and Manganese at compliance monitoring wells MWC-7R, MWC-10, MWC-11 and MWC-3 by December 31, 2026.
- e) Respondent shall demonstrate at least four consecutive months of passing effluent quality sampling results for pH by December 31, 2024.



f) Respondent shall continue to comply with the discharge limitations and other requirements of the permit, except for the interim limitations identified in Table 2 below, until December 31, 2026:

**Table 2: Interim Discharge Monitoring and Reporting Requirements**

Parameter	Units	Limit	Statistical Basis	Measurement Frequency	Sample Type	Monitoring Location
Iron, Total Recoverable	mg/L	Report	Maximum	Quarterly	Grab	MWC-3
Manganese, Total Recoverable	mg/L	Report	Maximum	Quarterly	Grab	MWC-3
Iron, Total Recoverable	mg/L	Report	Maximum	Quarterly	Grab	MWC-7R
Aluminum, Total Recoverable	mg/L	Report	Maximum	Quarterly	Grab	MWC-7R
Iron, Total Recoverable	mg/L	Report	Maximum	Quarterly	Grab	MWC-10
Aluminum, Total Recoverable	mg/L	Report	Maximum	Quarterly	Grab	MWC-10
Iron, Total Recoverable	mg/L	Report	Maximum	Quarterly	Grab	MWC-11
Aluminum, Total Recoverable	mg/L	Report	Maximum	Quarterly	Grab	MWC-11

i) Tests conducted pursuant to this monitoring program shall conform to Chapters 62-160, Fla Admin. Code and Title 40, Code of Federal Regulations, Part 136.

ii) These monitoring requirements do not act as Department Wastewater Permit ground water limitations, nor do they authorize or otherwise justify violation of the Florida Air and Water Pollution Control Act (Act), Part I, Chapter 403, Fla. Stat., during the pendency of this Order.

g) Respondent shall continue to comply with the discharge limitations and other requirements of the permit, except for the interim limitations identified in Table 2 below, until December 31, 2024:

**Table 3: Interim Discharge Monitoring and Reporting Requirements**

Parameter	Units	Limit	Statistical Basis	Measurement Frequency	Sample Type	Monitoring Location
pH	s.u.	Report	Daily Minimum	Daily	Grab	EFF-1

i) Tests conducted pursuant to this monitoring program shall conform to Chapters 62-160, Fla. Admin. Code and Title 40, Code of Federal Regulations, Part 136.

ii) These monitoring requirements do not act as State of Florida Department of Environmental Protection Wastewater Permit ground water limitations, nor do they authorize or otherwise justify violation of the Florida Air and Water Pollution Control Act



(Act), Part I, Chapter 403, Fla. Stat., during the pendency of this Order.

6. Paragraph 7 of the Original Order and First Amendment shall be amended in full as follows:

Every quarter after the effective date of this Second Amended Consent Order, and continuing until all corrective actions have been completed, Respondent shall submit in writing to the Department a report containing information concerning the status and progress of all projects being completed under this Order, information as to 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 to be performed pursuant to this Order during the 12-month period which will follow the report. Respondent shall submit the reports to the Department no later 30 days after the end of each quarter.

7. Paragraph 8 of the Original Order and First Amendment shall be amended in full as follows:

Notwithstanding the time periods described in the paragraphs above and within the Original and First Amended Orders, Respondent shall complete all corrective actions by Dec. 31, 2026 and be in full compliance with the applicable Florida Statutes and Rules of the Florida Administrative Code, regardless of any intervening events or alternative time frames imposed in this Order, other than those excused delays agreed to by the Department. Respondent's failure to properly budget or appropriately fund will not act to relieve or excuse Respondent for any non-performance of its obligations hereunder.

8. Paragraph 9 of the Original Order and First Amendment shall be amended with the following addition:

In addition to the penalties assessed in the Original and First Amended Orders, within 30 days of the effective date of this Order, Respondent shall pay the Department \$17,173.71 in settlement of the regulatory matters addressed in this Order. This amount includes \$16,000 for civil penalties, \$673.71 in economic benefit assessment, and \$500.00 for costs and expenses incurred by the District during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes 3 violations that warrant a penalty of \$2,000.00 or more

9. Paragraph 28 shall be added to the Order:

Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000 per day for each and every day Respondent fails to timely comply with any of the requirements of



paragraph(s) 6, 7, or 8 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 12. 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.

10. Paragraph 26 of the Original Order and First Amendment shall be amended with the following addition:

Respondent shall publish the following notice in a newspaper of daily circulation in Pasco County, Florida. The notice shall be published one time only within 10 days of the effective date of the Second Amended Consent Order. Respondent shall provide a certified copy of the published notice to the Department within 15 days of publication.

**STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**NOTICE OF CONSENT ORDER**

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Second Amended Consent Order with CITRUS SPRING UTILITY, LLC. pursuant to section 120.57(4), Florida Statutes. The Second Amended Consent Order addresses the effluent and groundwater quality violations and offsite odor issues at Citrus Springs Utility WWTP, 15486 US Highway 301, Dade City, Florida. The Second Amended Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Southwest District, 13051 N. Telecom Parkway, Suite 101, Temple Terrace, FL 33637-0926.

Persons who are not parties to this Second Amended Consent Order, but whose substantial interests are affected by this Second Amended Consent Order, have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on the Second Amended Consent Order. The Petition must contain the information set forth below and 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 the Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Suite 101, Temple Terrace, Florida, 33637-0926. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:



- a) The Department's Second Amended Consent Order identification number and the county in which the subject matter or activity is located;
- b) The name, address and telephone number of each petitioner; 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;
- c) A statement of how and when each petitioner received notice of the Second Amended Consent Order;
- d) A statement of how each petitioner's substantial interests will be affected by the Second Amended Consent Order;
- e) A statement of all material facts disputed by petitioner, if any;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Second Amended Consent Order;
- g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Second Amended Consent Order;
- h) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Second Amended Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject of the Second Amended Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

A person whose substantial interests are affected by the Second Amended Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes, or may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below.

Mediation may only take place if the Department and all the parties to the proceeding agree that mediation is appropriate. A person may pursue mediation by reaching a mediation agreement with all



parties to the proceeding (which include the Respondent, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Second Amended Consent Order. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000, within 10 days after the deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

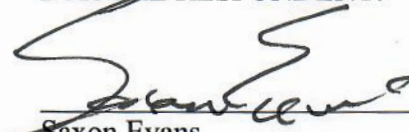
- a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- c) The agreed allocation of the costs and fees associated with the mediation;
- d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- f) The name of each party's representative who shall have authority to settle or recommend settlement;
- g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and
- h) The signatures of all parties or their authorized representatives.

As provided in Section 120.573, Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, Florida Statutes, remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging

the agency action and electing remedies under those two statutes.

10. Except as expressly provided in this Second Amended Consent Order, all terms of the Original Order and First Amendment described in paragraph 1 of this Second Amended Consent Order shall remain in full force and effect.

FOR THE RESPONDENT:


  
\_\_\_\_\_  
Saxon Evans  
Principle

Sept 14th 2023  
\_\_\_\_\_  
Date

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

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
Ms. Kelley M. Boatwright  
District Director  
Southwest District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

  
\_\_\_\_\_  
Clerk

September 15, 2023  
\_\_\_\_\_  
Date

Copies furnished to:

Lea Crandall, Agency Clerk, Mail Station 35