



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

Noah Valenstein
Secretary

November 3, 2020

BS Ranch & Farm, Inc.
Mrs. Brandy Stanton, President
4360 Maine Avenue
Lakeland, Florida 33801
Bsranchandfarm@yahoo.com

Re: Executed Consent Order OGC File No. 20-1190
BS Ranch & Farm, Inc.
Facility ID: FLA866202
Polk County

Dear Mrs. Stanton:

Enclosed please find the executed Consent Order OGC No. No. 20-1190 regarding the above referenced facility. The effective date of the Consent Order is the filing date entered by the designated Department Clerk on the signature page. Please note this case will be closed once the submitted penalty payment posts.

Should you have any questions or comments, please contact Michael Lynch at (813) 470-5746 or via email at Michael.Lynch@FloridaDEP.gov.

Sincerely,

Kelley M. Boatwright for:

Mary E. Yeagan, P.G.
District Director
Southwest District
Florida Department of Environmental Protection

ec: Lea Crandall, FDEP-OGC, Lea.Crandall@FloridaDEP.gov
Kelley Boatwright, FDEP -SWD, Kelley.M.Boatwright@FloridaDEP.gov
Mike Lynch, FDEP -SWD, Michael.Lynch@FloridaDEP.gov
Shannon Herbon, FDEP-SWD, Shannon.Herbon@FloridaDEP.gov
Andres Santini Laabes, FDEP-SWF, Andres.SantiniLaabes@FloridaDEP.gov
Rob Noble, Buchanan Ingersoll & Rooney PC, Ronald.Noble@bipc.com
Patrice Boyes, Patrice Boyes, P.A., Pboyes@boyeslaw.com



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October 27, 2020

BS Ranch & Farm, Inc.
Ms. Brandy Stanton, President
4360 Maine Avenue
Lakeland, FL 33801
bsranchandfarm@yahoo.com

SUBJECT: Department of Environmental Protection v. BS Ranch & Farm, Inc.,
OGC File No.: 20-1190
Facility ID: FLA866202

Ms. Brandy Stanton:

The State of Florida Department of Environmental Protection ("Department") finds that BS Ranch & Farm, Inc. ("Respondent"), and Respondent specifically denies, is responsible for off-site odors in neighboring residential areas from the treatment, management, transportation, use and/or disposal of biosolids, in violation of Rule(s) 62-296.320(2), Florida Administrative Code (F.A.C.); 62-640.400(6), F.A.C.; and 62-709-300(7)(a), F.A.C.

Specifically, from January 17, 2020 through February 12, 2020 the Department conducted odor inspections in residential areas near the Facility. During this time period the Department observed objectionable odors associated with the Facility, off-site in the residential areas on eight occasions¹. The Department conducted additional odor inspections from February 17, 2020 through March 19, 2020 in residential areas near the Facility. During this time period, the Department observed objectionable odors associated with the Facility, off-site in the residential areas on nine occasions². The Respondent has entered into a Consent Final Judgement ("CFJ") (Case No. 2019-CA-000141) with the Department that includes completion of an *Off-Gas Corrective Action Plan* to address odors. However, the CFJ does not allow for offsite odors to continue to occur while corrective actions are being implemented. Therefore, the

¹ Specifically, violations were observed: January 17, 28, 29-30, 2020; February 3-4, 10, 12, 2020.

² Specifically, violations were observed: March 2, 9-10, 12, 17-19, 2020.

Respondent remains subject to civil penalties as a result of the violation(s) as described above. 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 \$8,500.00 in civil penalties and \$1000.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$9,500.00. The civil penalty in this matter includes 17 violation(s) of \$500.00 each.

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 deliver the signed letter with payment of \$9,500.00 to the Department at Southwest District, 13051 N. Telecom Parkway, Suite 101, Temple Terrace, FL 33637 by **October 30, 2020**. Payment shall be made by cashier's check or money order and 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." 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, Brandy Stanton, on behalf of BS Ranch & Farm, Inc.:

- (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.
- (4) acknowledge this offer is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the violations identified herein only and in no way shall be construed to affect or modify the Consent Final Judgment entered in Circuit Court Case No.: 2019-CA-000141. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or the

rules administered by the Department that are not specifically resolved by this Order.

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

Contemporaneous with the signing and return of this document to the Department, Respondent shall deliver payment to the Department of \$9,500.00 in full settlement of The Matter. Payment shall be made by 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."

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 Michael Lynch at (813)470-5746 or at Michael.Lynch@FloridaDEP.gov.

Sincerely,

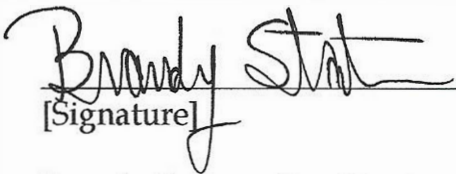


Mary E. Yeargan, P.G.

District Director
Southwest District

FOR THE RESPONDENT:

I, Brandy Stanton, HEREBY ACCEPT THE TERMS OF THE SETTLEMENT
OFFER IDENTIFIED ABOVE.

By: 
[Signature]

Date: October 27, 2020

Title: Brandy Stanton, President
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 2 day of November, 2020, in
Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

 for:

Mary E. Yeargan, P.G.
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.



November 3, 2020

Clerk

Date

Attachments: Notice of Rights
WL20-22IW53SWD
WL20-63IW53SWD

Final clerked copy furnished to:

Mary E. Yeargan, SWD FDEP, Mary.Yeargan@FloridaDEP.gov
Kelley Boatwright, SWD FDEP, Kelley.m.Boatwright@FloridaDEP.gov
Shannon Herbon, SWD FDEP, Shannon.Herbon@FloridaDEP.gov
Kirk White, Kirk.White@FloridaDEP.gov
Michael Lynch, SWD FDEP, Michael.Lynch@FloridaDEP.gov
Andres Santini Laabes, SWD FDEP, Andres.Laabes@FloridaDEP.gov
Ron Noble, Buchanan Ingersoll & Rooney PC, Ronald.Noble@bipc.com
Patrice Boyes, Patrice Boyes, P.A., Pboyes@boyeslaw.com

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 OGC Number assigned to this Order;
- 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) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and

- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

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.



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

Noah Valensteln
Secretary

February 21, 2020

Ms. Brandy Stanton, President
BS Ranch & Farm Industrial Organic Recycling Facility
4360 Maine Avenue
Lakeland, FL 33801
BSRanchandfarm@yahoo.com

Re: Warning Letter # WL20-22IW53SWD
BS Ranch & Farm Industrial Organic Recycling Facility
Facility ID No. FLA866202
Polk County

Dear Ms. Stanton:

Department personnel conducted odor inspections around your facility on the dates and locations listed below. During these odor inspections, possible violations of Chapter 403, Florida Statutes (F.S.), Chapters 62-296, 62-640, and 62-709, Florida Administrative Code (F.A.C.) were observed. Please be reminded that off-site odor emanating from your facility is a violation of the terms of your permit. Further, this is a violation of Rule 62-640.400(6), F.A.C., and Rule 62-709.300(7)(a), F.A.C., which states that off-site odors from treatment, management, transportation, use, or disposal of biosolids product, waste feedstock, and finished compost facilities are prohibited.

The Department has verified off-site odors emanating from the above referenced facility on the following dates and times:

Date	Time	Location	Temperature (F°)	Wind Direction	Wind Speed (Knts)
January 17, 2020	2:10 to 2:28 PM	On Maine Ave, passing Dawn Heights and on Lasso Ln.	73	E	5

January 27, 2020	11:50 to 12:45 PM	Angler's Cove.	70	Light SW	2
January 28, 2020	9:15 to 10:15 AM	Lasso Ln and Mustang Rd.	66	N, NNE	5
January 29, 2020	9:05 to 9:58 AM	Intersection of Maine Ave and Reynolds Rd, intersection of Lasso Lane and Maine Ave, and Mustang Rd.	65	SE	2
January 30, 2020	9:18 to 10:30 AM	Intersection of Security Ln and Maine Ave.	65	NE	9
February 3, 2020	1:05 to 2:40 PM	Intersection of Maine Ave and Reynold Rd, and Mustang Rd.	72	Light S, SW	1
February 4, 2020	9:20 to 10:35 AM	Angler's Cove and Citrus Woods.	74	Light S	5
February 10, 2020	9:20 to 10:30 AM	Angler's Cove, Citrus Woods, and Mustang Rd.	68	Light SE	5
February 12, 2020	9:42 to 10:46 AM	Angler's Cove.	84	Light S	2

Please note the Department was careful to verify that the odors were not emanating from other surrounding businesses.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to sections 403.121 and 403.161, Florida Statutes.

Please address your response and any questions to **Michael Lynch, at (813) 470-5746 within 7 days of receipt of this letter.** It is the Department's desire that you are able to document compliance or corrective actions concerning the possible violations identified in this letter.

Please be advised that this letter is part of an agency investigation, preliminary to agency action in accordance with section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



Mary E. Yeargan, PG
District Director
Southwest District
Florida Department of Environmental Protection

cc: Ms. Mary E. Yeargan, SWD FDEP, Mary.Yeargan@FloridaDEP.gov
Ms. Kelley Boatwright, SWD FDEP, Kelley.m.Boatwright@FloridaDEP.gov
Mr. Mike Halpin, FDEP, Mike.Halpin@FloridaDEP.gov
Mr. Kirk White, FDEP OGC, Kirk.White@FloridaDEP.gov
Mr. Michael Lynch, SWD FDEP, Michael.Lynch@FloridaDEP.gov
Mr. Andres Santini Laabes, SWD FDEP, Andres.Laabes@FloridaDEP.gov
Ms. Maryn Jones, SWD FDEP, Maryn.A.Jones@FloridaDEP.gov
Mr. Ron Noble, Buchanan Ingersoll & Rooney PC, Ronald.Noble@bipc.com
Ms. Patrice Boyles, Boyles Law, Pboyles@boyleslaw.com



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

Ron DeSantis
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Jeanette Nuñez
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Noah Valenstein
Secretary

April 1, 2020

Ms. Brandy Stanton, President
BS Ranch & Farm Industrial Organic Recycling Facility
4360 Maine Avenue
Lakeland, FL 33801
BSRanchandfarm@yahoo.com

Re: Warning Letter #WL20-63IW53SWD
BS Ranch & Farm Industrial Organic Recycling Facility
Facility ID No. FLA866202
Polk County

Dear Ms. Stanton:

Department personnel conducted odor inspections around your facility on the dates and locations listed below. During these odor inspections, possible violations of Chapter 403, Florida Statutes (F.S.), Chapters 62-296, 62-640, and 62-709, Florida Administrative Code (F.A.C.) were observed. Please be reminded that off-site odor emanating from your facility is a violation of the terms of your permit. Further, this is a violation of Rule 62-640.400(6), F.A.C., and Rule 62-709.300(7)(a), F.A.C., which states that off-site odors from treatment, management, transportation, use, or disposal of biosolids product, waste feedstock, and finished compost facilities are prohibited.

The Department has verified off-site odors emanating from the above referenced facility on the following dates and times:

Date	Time	Location	Temperature (F°)	Wind Direction	Wind Speed (Knts)
February 17, 2020	9:35 to 10:50 AM	Angler's Cove and Citrus Woods.	79	Light S	1

February 20, 2020	10:00 to 11:05 AM	Citrus Woods, Reynolds Rd.	70	Light ESE	4
March 2, 2020	8:34 to 9:38 AM	Angler's Cove, Citrus Woods, and Reynolds Rd	62	SE	4
March 9, 2020	9:14 to 10:20 AM	Citrus Woods and Mustang Rd.	60	E	5
March 10, 2020	9:45 to 11:10 AM	Citrus Woods and Security Ln.	73	E	7
March 12, 2020	1:50 to 3:05 PM	Angler's Cove, Citrus Woods, and Mustang Rd.	82	E	3
March 17, 2020	8:45 to 9:55 AM	Citrus Woods and Reynolds Rd.	70	ESE	3
March 18, 2020	1:07 to 1:25 PM	Citrus Woods.	84	ESE	8
March 19, 2020	8:50 to 10:00 AM	Angler's Cove.	69	ESE	4

Please note the Department was careful to verify that the odors were not emanating from other surrounding businesses.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to sections 403.121 and 403.161, Florida Statutes.

Please address your response and any questions to Michael Lynch, at (813) 470-5746 within 7 days of receipt of this letter. It is the Department's desire that you are able to document compliance or corrective actions concerning the possible violations identified in this letter.

Please be advised that this letter is part of an agency investigation, preliminary to agency action in accordance with section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



Mary E. Yeargan, PG
District Director
Southwest District
Florida Department of Environmental Protection

ec: Ms. Mary E. Yeargan, SWD FDEP, Mary.Yeargan@FloridaDEP.gov
Ms. Kelley Boatwright, SWD FDEP, Kelley.m.Boatwright@FloridaDEP.gov
Mr. Mike Halpin, FDEP, Mike.Halpin@FloridaDEP.gov
Mr. Kirk White, Kirk.White@FloridaDEP.gov
Mr. Michael Lynch, SWD FDEP, Michael.Lynch@FloridaDEP.gov
Mr. Andres Santini Laabes, SWD FDEP, Andres.Laabes@FloridaDEP.gov
Ms. Maryn Jones, SWD FDEP, Maryn.Jones@FloridaDep.gov
Mr. Ron Noble, Buchanan Ingersoll & Rooney PC, Ronald.Noble@bipc.com
Ms. Patrice Boyes, Boyes Law, Pboyes@boyeslaw.com