



# FLORIDA DEPARTMENT OF Environmental Protection

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

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

December 15, 2020

Mr. Michael Scott Mong, Manager  
Affordable Services of Central Florida, Inc.  
2328 Isle Royale Ct.  
Winter Haven, FL 33880  
(863) 298-9110  
[Affordableseptic863@gmail.com](mailto:Affordableseptic863@gmail.com)

Re: Executed Consent Order OGC File No. 20-0134  
Affordable Services of Central Florida, Inc  
Facility ID No.: FLAB01401  
Polk County

Dear Mr. Mong:

Enclosed is the executed Consent Order, OGC File No. 20-0134, 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.

Should you have any questions, please contact Emily Larson at 813-470-5955, or via e-mail [Emily.Larson@FloridaDEP.gov](mailto:Emily.Larson@FloridaDEP.gov).

Sincerely,

*Kelley M. Boatwright for:*

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

Enclosure: Executed Consent Order, OGC File No. 20-0134

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BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT )	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION )	SOUTHWEST DISTRICT
)	
v. )	OGC FILE NO. 20-0134
)	DOAH CASE NO. 20-3631
AFFORDABLE SERVICES OF CENTRAL )	
FLORIDA, INC. )	
_____ )	

**CONSENT ORDER**

This Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and Affordable Services of Central Florida, Inc. (“Respondent”) to reach settlement of the violations listed in the May 15, 2020, Notice of Violation, Orders for Corrective Action and Administrative Penalty Assessment, 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 Affordable Services of Central Florida, Inc Land Application Site (LAS), an existing 67.27-acre restricted access agricultural site with three application zones designated solely for the land application of Class B biosolids from the Mann Septic Tank Service SMF. Liquid biosolids are land-applied with a spreader. The Facility is operated by Respondent under Wastewater Permit No. FLAB01401 (“Permit”), attached hereto as Exhibit “A,” which was issued on January 4, 2018

and will expire on January 3, 2023. The Facility is located south of Old Dixie Highway, in Polk County, Florida ("Property").

4. On May 15, 2020, the Department filed a Notice of Violation, Orders for Corrective Action and Administrative Penalty Assessment.

5. On July 24, 2020, the Respondent filed a Request for Administrative Proceeding, and the matter was referred to the Division of Administrative Hearings.

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

a) The 2018 Biosolids Annual Summary was not submitted by the February 19, 2019 deadline. This is a violation of rule 62-640.650(5) F.A.C. which states that the site permittee shall submit a summary of land application activity to the appropriate District Office of the Department, or to the delegated local program, on an annual basis. The summary for each year, covering the period from January 1 through December 31, shall be submitted to the Department by February 19 of the following year.

b) The Respondent did not provide a Nutrient Management Plan (NMP) prepared and signed by a person certified by the Natural Resources Conservation Service (NRCS) for nutrient management planning or prepared and signed and sealed by a professional engineer licensed in the State of Florida within 180 days of permit issuance, by July 9, 2018, as required by Administrative Order AO-009SWD17. This is a violation of rule 62-640.500(3), F.A.C. and specific condition III.1.a of Administrative Order AO-009SWD17.

c) The soil pH testing for 2018 has not been completed or submitted. This is a violation of rule 62-640.700 (9) F.A.C. which requires, in part, the pH of the biosolids soil mixture shall be 5.0 or greater at the time Class A or Class B biosolids are applied. At a minimum, soil pH testing shall be done annually.

d) Biosolids site logs were submitted incomplete. This is a violation of rule 62-640.650(4)(j), F.A.C., which requires logs and records detailing biosolids applications to each application zone at an application site shall be maintained by the site permittee indefinitely and shall be available for inspection within seven days of request by the Department or the Delegated Local Program. At a minimum, the logs and records for the most

recent six months of application shall be available for inspection at the land application site (i.e. maintained onsite).

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

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

- a) Respondent shall fully comply with its Permit as attached as Exhibit A to this Order.
- b) Within 20 days of the effective date of this Order, submit a complete site NMP to the Department for review and approval. If the NMP is not approved, the Respondent shall resubmit a corrected NMP within 20 days of the Department's rejection and resubmit until such plan is approved. If an approved NMP is not obtained within 180 days, Respondent shall cease accepting biosolids until such approval is received.
- c) Respondent shall submit a complete and accurate Biosolids Annual Summary each year to the Department by February 19<sup>th</sup> of the subsequent year as required by its Permit.
- d) Within 60 days of the effective date of this Order, conduct the annual soil pH test and send the results to the Department. Respondent shall conduct soil pH testing annually, as required by its Permit.
- e) Within 30 days of the effective date of this Order, submit the Biosolids Application Site Logs for the most recent six months of application and designate where those records will be kept. Respondent shall make such records available on-site for all inspections.
- f) From the effective date of this Order, Respondent himself or through his attorney or designated engineer will submit all documentation required by this Order or its Permit. Respondent acknowledges that documentation submitted for compliance purposes with its Permit will no longer be accepted from Jeff Mann, Deborah Mann, or Mann Septic Tank Service, Inc., by the Department.

8. Respondent shall pay the Department \$8,158.50 in settlement of the regulatory matters addressed in this Order. This amount includes \$7,658.50 for civil penalties, and \$500.00 for costs and expenses incurred by the Department during the investigation and preparation of this matter. Respondent shall pay the \$8,158.50 in equal monthly installments beginning in January of 2021, for a period of 24 months. Each installment payment shall be due on or before the 5th day of each calendar month. In the event of default of any of the installments, herein, time being of the essence hereof, the entire sum then unpaid will immediately become due and payable.

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 or its permit, shall be submitted to electronically to [SWD\\_DW@FloridaDEP.gov](mailto:SWD_DW@FloridaDEP.gov) or by U.S. Mail to Emily Larson, Domestic Wastewater Program, Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Suite 101, Temple Terrace, Florida 33637.

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 \$10,000.00 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.

21. 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 OGC Number assigned to this Consent 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 Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent 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;

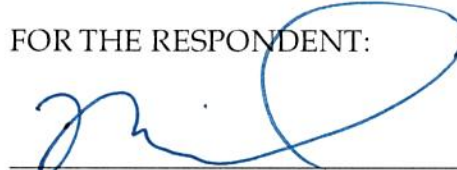
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 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 Southwest District, 13051 North Telecom Parkway, Temple Terrace, Florida 33637. 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.

22. Rules referenced in this Order are available at

<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>

FOR THE RESPONDENT:

  
\_\_\_\_\_

Michael Scott Mong, Owner

12/14/20  
Date



DONE AND ORDERED this 15 day of December 2020, in Hillsborough, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

*Kelby M. Bootwright for:*

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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.

*Emily Comaty*

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Clerk

12/15/2020

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Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35