



# 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

October 22, 2021

Edwin Walpole IV, Owner  
Paragon Development Group, LLC  
402 Frontage Road North  
Plant City, Florida 33563  
[edwiv@pdgpc.com](mailto:edwiv@pdgpc.com)

Re: Executed Consent Order OGC File No. 21-0696  
Plant City Waste Processing Facility  
WACS ID No.: 90208  
Hillsborough County

Dear Mr. Walpole:

Enclosed please find the executed Consent Order OGC No. 21-0696 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 be aware of the conditions of this Order.

For inquiries, you may contact Steven Tafuni at 813-470-5792 or by email at [Steven.Tafuni@floridadep.gov](mailto:Steven.Tafuni@floridadep.gov).

Sincerely yours,

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

Kelley M. Boatwright  
Southwest District Director  
Florida Department of Environmental Protection

Enclosure

Pamala Vazquez, DEP-Southwest District, [Pamala.Vazquez@floridadep.gov](mailto:Pamala.Vazquez@floridadep.gov)  
Steven Tafuni, DEP-Southwest District, [Steven.Tafuni@floridadep.gov](mailto:Steven.Tafuni@floridadep.gov)  
Alexis Black, DEP-Southwest District, [Alexis.Black@floridadep.gov](mailto:Alexis.Black@floridadep.gov)

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. 21-0696
	)	
PARAGON DEVELOPMENT GROUP, LLC	)	
_____	)	

**CONSENT ORDER**

This Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and Paragon Development Group, 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 administer and enforce the provisions of the Florida Resource Recovery and Management Act, Sections 403.702, et seq., 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 Sections 403.031(5) and 403.703(22), F.S.
3. Respondent is the operator of the Plant City Waste Processing Facility, located at 402 Frontage Road North, Plant City, in Hillsborough County, Florida (“Facility”). The Facility’s WACS ID Number is 90208.
4. Respondent operates the Plant City Waste Processing Facility under Permit No. 201583-005-SO/31 which expires on February 23, 2023.
5. The Department finds that the following violations occurred:
  - a) During a compliance inspection on July 16, 2020, the base of the exterior wall located behind the solid waste storage bays was observed to be damaged by corrosion and/or rusted holes, which caused solid wastes to discharge from the waste processing building. Documentation provided by a representative of the Respondent on September 25, 2020 demonstrated that these damaged portions of the exterior wall were repaired. This was in violation of Rule 62-701.300(1)(a), F.A.C.

b) During a compliance inspection on July 16, 2020, the ventilation fans were not operational, which deviated from the requirements set forth in the Facility's Operation Plan Section 8.1., per Specific Condition 2.C.1. of Permit 201583-005-SO/31, requiring all parts of the Operation Plan be followed. This was in violation of Rule 62-701.710(4)(a), F.A.C.

c) During a compliance inspection on July 16, 2020, multiple issues concerning the Leachate Collection System ("LCS") were observed, including failure to maintain the tipping floor and building roof to avoid the presence of standing water inside the building and failure to minimize the mixing of leachate and stormwater due to degradation of the leachate containment curbing, commingling of waste/litter in the leachate tank secondary containment system, and failure to operate the LCS lift station to prevent overflow (lift station full and float system in manual operation at time of inspection). This was in violation of Rule 62-701.710(4)(g), F.A.C., and deviated from the requirements set forth in the Facility's Operation Plan Sections 8.2 and 8.3 and Specific Condition 2.C.11. of Permit 201583-005-SO/31. A follow-up compliance inspection conducted on March 19, 2021 revealed that all issues concerning the LCS are resolved.

d) During the follow-up compliance inspection conducted on March 19, 2021, additional damage by corrosion and/or rust was observed at the base of the exterior wall located behind the solid waste storage bays. Solid waste was observed within these damaged areas between the push wall and the exterior wall, but no discharges were observed except behind the Construction & Demolition Debris Bays. This is in violation of Rule 62-701.300(1)(a), F.A.C. Documentation was provided by a representative of the Respondent on April 16, 2021, demonstrating that portions of the damaged wall in this area have been repaired. However, to date documentation has not been provided demonstrating the wall has been completely repaired.

e) The follow-up compliance inspection conducted on March 19, 2021 also revealed that a large section of the exterior wall located behind the load out area was damaged. This is in violation of Rule 62-701.300(1)(a), F.A.C. Correspondence from the Respondent's representative, dated April 16, 2021, indicated that additional panels will be delivered within 6 to 8 weeks to complete these exterior wall repairs. To date, the Department has not received notice of the repairs.

f) In addition, the follow-up compliance inspection conducted on March 19, 2021 revealed that the ventilation fans continued to be nonoperational since the July 2020 compliance inspection. On February 26, 2021, the Respondent's representative submitted a draft permit modification

request to remove ventilation requirements from the Operation Plan. The Department reviewed this draft request and communicated on March 1, 2021 a facility representative that the ventilation system is a design function for the facility and must be operated.

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

**ORDERED:**

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

a) **Within 60 days of the effective date of this Consent Order**, the Facility shall repair and provide documentation to the Department that all parts of the exterior wall, including the portion behind the load out area and the corroded and/or rusted portions at the wall's base, and shall remove all remnants of solid waste that may have accumulated outside of the building at the base of the exterior wall.

b) **Within 60 days of the effective date of this Order**, the Facility shall repair and demonstrate that the Facility's ventilation system is operational to comply with Specific Condition 2.C.1. of Permit 201583-005-SO/31 and Section 8.1 of the Facility's Operation Plan. **If the Facility chooses to not operate the currently installed ventilation system, then within 15 days of the effective date of this Order, an alternate plan for ventilation shall be proposed to the Department.** Approval of this alternate plan may require a permit modification prior to implementation. If required, a complete permit modification application to incorporate the proposed changes as a result of the alternate plan shall be submitted within 15 days of Department approval of the alternate plan. The plan shall be fully implemented no later than 45 days from permit issuance.

7. **Within 30 days of the effective date of this Order**, Respondent shall pay the Department \$9,000.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$8,500.00 for civil penalties and \$500.00 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.

8. In lieu of making cash payment of \$8,500.00 in civil penalties as set forth in Paragraph 7, Respondent may elect to off-set this amount by implementing an in-kind penalty project, which must be approved by the Department. An in-kind penalty project must be either an environmental enhancement, environmental restoration, or a capital/facility improvement project. The value of the in-kind penalty

project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least **\$12,750.00**. If the Respondent chooses to implement an in-kind project, **Respondent shall notify the Department of its election either electronically or by certified mail within 15 days of the effective date of this Consent Order. Notwithstanding the election to implement an in-kind project, payment of the remaining \$500.00 in costs must be paid within 30 days of the effective date of this Order.**

9. Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 6 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 paragraphs 10 and 11, 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 7 of this Order.

10. 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 becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

11. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Steven Tafuni, Government Operations Consultant, Department of Environmental Protection, 13051 North Telecom Parkway, Suite 101, Temple Terrace, Florida 33637.

12. 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.

13. 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.

14. 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.

15. 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 alleged violations up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all the terms of this Order.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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, F.S. 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 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 13051 North Telecom Parkway, Suite 101, 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, F.S. 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, F.S. 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, F.S., and Rule 62-110.106(12), F.A.C.

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



FOR THE RESPONDENT:



Edwin Walpole IV  
Managing Member

10-19-21  
Date

**Please do not write below this line. For DEP use only.**

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DONE AND ORDERED this 22 day of October, 2021, in Orange County,  
Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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.

Mandakini Patel  
Clerk

October 22, 2021  
Date

Final clerked copy furnished to:

Lea Crandall, Agency Clerk [lea.crandall@floridadep.gov](mailto:lea.crandall@floridadep.gov)

## **IN-KIND PROJECT GUIDELINES**

### **I. Introduction**

#### **An in-kind project**

- a. Within 60 days of the effective date of this Consent Order, Respondent shall submit, either electronically or by certified mail, a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the in-kind project.
- b. If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, either electronically or by certified mail, all requested additional information, clarification, and modifications within 15 days of receipts of written notice.
- c. If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all of the matters at issue and submit, either electronically or by certified mail, a new proposal within 30 days of receipt of written notice. In the event that the revised proposal is not approved by the Department, Respondent shall make cash payment of the civil penalties as set forth in the Consent Order within 30 days of Department notice.
- d. Within 120 days of the effective date of this Consent Order, Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, then Respondent shall make cash payment of the civil penalties as set forth in the Consent Order, within 30 days of Department notice.
- e. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph (a) above, Respondent shall complete the entire in-kind project.

f. During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

g. In the event, Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the penalty, no additional penalties shall be assessed for failure to complete the requirement of this paragraph.

h. Within 15 days of completing the in-kind project, Respondent shall notify the Department, either electronically or by certified mail, of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

i. If upon review of the notification of completion, the Department determines that the project cannot be accepted due to a substantially incomplete notification of completion or due to substantial deviations from the approved in-kind project; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all of the matters at issue and submit, either electronically or by certified mail, a new notification of completion within 15 days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalty shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the penalty, no additional penalties shall be assessed for failure to complete the requirements of this paragraph.