



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

September 30, 2008

CERTIFIED MAIL 7007 2680 0000 5032 7429
RETURN RECEIPT REQUESTED

Mr. Bradley Arnold, County Administrator
Sumter County Public Works Department
910 North Main Street, Room 201
Bushnell, Florida 33513

RE: Proposed Settlement of Warning Letter # WL08-0008SW60SWD
Sumter County Materials Recovery Facility
OGC File No.: 08-2376

Dear Mr. Arnold:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated August 15, 2008, a copy of which is attached. The corrective actions required to bring the facility into compliance have been performed. The Department finds that the County is in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, the County is assessed civil penalties in the amount of \$3,000, along with \$500 to reimburse the Department costs, for a total of \$3,500.

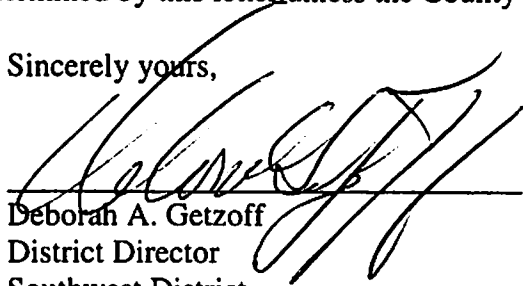
The civil penalty in this case includes one violation of \$2,000.00 or more.

The Department acknowledges that the payment of these civil penalties by the County does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by county check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Attn: Sandra Wilson, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926, within thirty (30) days of the signing of this letter.

Signing this letter constitutes the County's acceptance of the Department's offer to resolve this matter on these terms. If the County elects to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If the County does not sign and return this letter to the Department at the District address within fifteen (15) days of receipt of this letter, the Department will assume that the County is not interested in settling this matter on the above described terms, and will proceed accordingly. None of the County's rights or substantial interests are determined by this letter unless the County signs it and it is filed with the Department Clerk.

Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

FOR THE RESPONDENT:

I, Bradley Arnold, County Administrator, on behalf of Sumter County Public Works Department, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

Signature

Date

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2008.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff
District Director
Southwest District

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes, With the designated Department Clerk, receipt of which is hereby Acknowledged.

Clerk

Date

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. 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, 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 named above at the address indicated. 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 name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the 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 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.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



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CERTIFIED MAIL 7008 0150 0003 4893 7049
RETURN RECEIPT REQUESTED

August 15, 2008

Mr. Bradley Arnold, County Administrator
Sumter County Board of County Commissioners
209 North Florida Street
Bushnell, Florida 33513

RE: Warning Letter # WL08-0008SW60SWD
Sumter County Materials Recovery Facility
Permit No. 126941-003-SO
Sumter County

Dear Mr. Arnold:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A Department inspection conducted at the Sumter County Materials Recovery Facility on June 26, 2008 indicates that violations of Florida Statutes and Rules may exist:

- 1) Department staff observed a significant quantity of leachate ponded on the floor of the MRF building. This leachate appeared to have overflowed from the two floor drains in the building. Facility staff indicated that they allow leachate to fill the collection tank in order to accommodate the volume of the vacuum truck employed to haul this leachate off-site. Once the tank was full to capacity, the automatic float system for the leachate sump pump had been disabled, by county staff, to avoid overflowing the tank. This resulted in leachate accumulating in the collection piping and ultimately overflowing the floor drains. Facility staff indicated that a rainfall event had also contributed to the leachate overflow on the MRF building floor. These conditions indicate a failure to operate the leachate collection system as it was designed and permitted to function. These conditions are contrary to Rule 62-701.710(3)(b) and (4)(b), Florida Administrative Code, and Specific Condition 12.a of Permit No. 126941-003-SO.

Rule 62-4.160(1), Florida Administrative Code ("F.A.C.") states: "The terms, conditions, requirements, limitations, and restrictions set forth in this permit, are 'permit conditions' and are binding and enforceable pursuant to Section 403.141, 403.727, or 403.859, F.S." Rule 62-4.160(2), F.A.C. states, "This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from

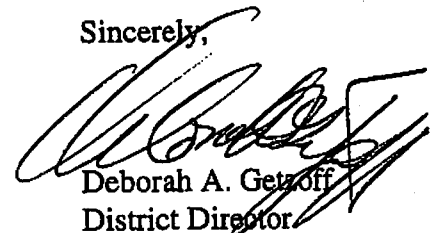
the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.”

Rule 62-701.710(3)(b), F.A.C. states, “the facility shall be designed with a leachate control system to...minimize the presence of standing water.” Rule 62-701.710(4)(b), F.A.C. states, “Areas where waste is stored or processed shall be cleaned at least weekly to prevent odor or vector problems...” and “...all drains and leachate conveyances shall be kept clean so that leachate flow is not impeded.” Specific Condition 12.a of Permit No. 126941-003-SO states, “Floors shall be free of standing liquids.”

The deficiencies noted above and any other activities at your facility that may be contributing to violations of the above rules should be ceased. The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. It is typically Department policy to initiate enforcement action and seek civil penalties of \$3,000 for conditions such as those described above.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. You are requested to contact Ms. Nancy Gaskin of this office at telephone number (813) 632-7600, extension 375, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Deborah A. Getzoff
District Director
Southwest District

cc: Susan Pelz, P.E., FDEP SWD
Stephanie Watson, FDEP SWD
Melissa Madden, FDEP SWD