Florida Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926
Telephone: 813-632-7600

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

January 19, 2010

FILED
JAN 20 2010
IN THE OFFICE OF
BOARD OF COUNTY COMMISSIONERS
SUMTER COUNTY
BUSHNELL, FLORIDA

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

RE: Consent Order, OGC File No.: 08-2376
Sumter County Materials Recovery Facility
Sumter County

Dear Mr. Arnold:

A review of Department files confirms that all the terms and conditions of the above-referenced Short Form Consent Order with In-kind Project have been complied with and, therefore, the Department is closing its case on the matter.

The County's effort in resolution of this case is appreciated.

Sincerely,

William Kutash
Program Administrator
Division of Waste Management
Southwest District

Copy to:

Commrs		Pub Wks Div	
Co Atty		Bldg & Dev Div	
Co Fin		Admin Div	
Other		Com Svcs Div	

wk/sw
Enc: Copy of referenced executed Short Form Consent Order
ec: Susan Pelz, P.E., FDEP SWD – Solid Waste
Melissa Madden, FDEP SWD – Solid Waste
Gary Kuhl, Sumter County Public Works Director, Gary.Kuhl@sumtercountyfl.gov
Jimmy Wise, Sumter County Solid Waste Operations Coordinator, Jimmy.Wise@sumtercountyfl.gov

Florida Department of Environmental Protection

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Temple Terrace, Florida 33637-0926
Telephone: 813-632-7600

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

July 6, 2009

FILED
JUL 07 2009
IN THE OFFICE OF
BOARD OF COUNTY COMMISSIONERS
SUMTER COUNTY
BUSHNELL, FLORIDA

Certified Mail Return Receipt No. 7008 0150 0003 4893 8206

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 Sumter County's (the County's) Materials Recovery Facility (facility) into compliance have been performed. In order to resolve the matter identified in the attached Warning Letter, the Department has calculated civil penalties in the amount of $3,000.00, along with $500.00 to reimburse the Department costs, for a total of $3,500.00.

The Department has determined that the entire civil penalty of $3,000.00 may be offset through the implementation of the In-Kind Project that is described in the County's submittals dated February 17, 2009 (received February 19, 2009) and April 22, 2009 (received April 24, 2009), together attached as Exhibit I. The County shall pay the Department's costs of $500.00 within 30 days of signing this letter. The payment must be made payable to the Department of Environmental Protection by cashier's 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, Attention: Sandra Wilson, 13051 N. Telecom Parkway, Temple Terrace, FL 33637.

As provided in the previous paragraph, the Department is giving the County the option to offset the civil penalty with an In-kind Project. This option requires that the County strictly comply with the requirements and deadlines for implementing, completing, and submitting a notification of In-kind Project completion to the Department. Upon signing this letter, the County shall implement the approved In-kind Project in accordance with the requirements of Exhibit I hereto. The In-kind Project must be completed no later than September 30, 2009. The County shall notify the Department by telephone or in writing when the in-kind projects starts. The County's failure to timely complete the approved In-kind Project or timely provide the Department with the notification of In-kind Project completion will cause the In-kind Project option to be forfeited and the balance of the civil penalty, $3,000.00, shall be due within 10 days of notice from the Department.

The County's signing this letter constitutes its 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 Section 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 15 days of receiving it, 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 a representative of 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 Board of County Commissioners, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

Signature

14 JULY 2009
Date

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 7th day of August, 2009, in Tampa, Florida.

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

8-7-2009
Date

Copies furnished to: Lea Crandall, OGC Tallahassee (executed copy only)
Sandra Wilson, FDEP Tampa (executed copy only)

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 Department's 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) 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) 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 Consent Order; (g) A statement of which 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.

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.

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

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 overfilling 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

EXHIBIT I

Board of County Commissioners
Sumter County, Florida

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207
Website http://sumtercountyfl.gov

Board of County Commissioners Sumter County Est. 1853

Dept. of Environmental Protection
FEB 19 2009
Southwest District

February 17, 2009

Ms. Deborah Getzoff, Director
Southwest District
Florida Department of Environmental Protection (DEP)
13051 N. Telecom Parkway
Temple Terrace, FL 33637

RE: 08-2376; DEP v. Sumter County

Dear Ms. Getzoff:

Thank you for the phone call last week, your understanding of our solution in progress, and your willingness to accept the investment of which we are moving out to bid to substitute as in-kind payment of the fine proposed by DEP.

As we discussed, I have attached the civil engineer's construction cost estimate ($179,880.01) of the sewage system to serve both the Animal Control Department operations along with the leachate and septic systems of the Solid Waste Department.

Also, attached is the set of civil engineering drawings in which you will note on sheet C601 – Manhole #8 will serve as the transfer station leachate collection point. On the same sheet you will note the proposed connection of the system to the City of Bushnell Wastewater Treatment Facility.

The proposed bid opening date is April 30, 2009 following receipt of our Southwest Florida Water Management District stormwater permit.

Richard "Dick" Hoffman, Dist 1
(352) 753-1592 or 793-0200
910 N. Main Street
Bushnell, FL 33513

Doug Gilpin, Dist 2
Vice Chairman
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

Michael E. Francis, Dist 3
(352) 753-1592 or 793-0200
910 N. Main Street
Bushnell, FL 33513

Garry Breeden, Dist 4
Chairman
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

Randy Mask, Dist 5
2nd Vice Chairman
Office: (352) 793-0200
Home: (352) 793-3930
910 N. Main Street
Bushnell, FL 33513

Bradley S. Arnold,
County Administrator
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513-6146

Gloria R. Hayward, Clerk & Auditor
(352) 793-0215
209 North Florida Street
Bushnell, FL 33513

County Attorney
The Hogan Law Firm
Post Office Box 485
Brooksville, Florida 34605

Thank you again for the partnership opportunity to place the funds proposed as a fine towards the construction of this project.

Sincerely,

Bradley Arnold
County Administrator

Dept. of Environmental Protection
FEB 19 2009
Southwest District

xc: Representative Marlene O'Toole
Sumter County Board of County Commissioners
Mr. Gary Kuhl, Public Works Director

Attachments: Klima Weeks Construction Costs
Vitetta / Klima Weeks Civil Engineering Drawings

Klima Weeks
CIVIL ENGINEERING

Dept. of Environmental Protection
FEB 19 2009
Southwest District

CONSTRUCTION COSTS

Project Name: Sumter Animal Control Addn
Date of Estimate: October 17, 2008

Item Description	Quantity	Unit	Unit Price	Total
Construction Costs				
DEMOLITION ITEMS				
Tree Removal	1	ls	$2,120.00	$ 2,120.00
Existing Paving Removal	410	sy	$10.00	$ 4,100.00
Fence Removal	1	ls	$500.00	$ 500.00
Septic Tank Demolition	5	ea	$1,000.00	$ 5,000.00
Silt Fencing	610	lf	$1.00	$ 610.00
Subtotal Demolition				$12,330.00
NEW CONSTRUCTION				
Earthwork	580	cy	$5.50	$ 3,190.00
6" PVC Storm	40	lf	$10.55	$ 422.00
MES	4	ea	$250.00	$ 1,000.00
Swale Grading	650	lf	$5.00	$ 3,250.00
6" PVC Sanitary	454	lf	$10.55	$ 4,789.70
Cleanouts	6	ea	$70.00	$ 420.00
8" PVC Sanitary	863	lf	$13.30	$ 11,477.90
Sanitary Manholes	6	ea	$2,750.00	$16,500.00
Connect to Exist.	4	ea	$250.00	$1,000.00
Open Cut Pavement	1545	sy	$15.00	$ 23,175.00
Lift Station	1	ls	$18,000.00	$ 18,000.00
2.5" San. Force Main	2778	lf	$7.65	$21,251.70
Directional Drilling	2778	lf	$8.25	$22,918.50
Air Release Valves	3	ea	$500.00	$1,500.00
2" San. Force Main	220	lf	$7.00	$1,540.00
Saw cut exist. Slab	100	lf	$3.75	$375.00
Remove Exist Slab	17	sy	$21.40	$363.80
Replace Slab	17	sy	$71.40	$1,213.80
Trenching, Backfill, Com	17	cy	$100.00	$1,700.00
Add Simplex for Bath	1	ls	$5,000.00	$5,000.00
Connect to Plant	1	ls	$2,500.00	$2,500.00
Misc Fittings/Testing	1	ls	$2,500.00	$2,500.00
Subtotal of New Const.				$ 144,087.40
TOTAL				$156,417.40
Mob/Demob/Cont (15%)				$ 23,462.61
GRAND TOTAL				$179,880.01

EXHIBIT I

Board of County Commissioners
Sumter County, Florida

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Website http://sumtercountyfl.gov

Dept. of Environmental Protection

APR 24 2009

Southwest District

April?
~~March~~ 22, 2009

Ms. Susan Pelz, Solid Waste Program Manager
Southwest District
Florida Department of Environmental Protection (FDEP)
13051 N. Telecom Parkway
Temple Terrace, Fl. 33637

RE: Request for Additional Information Dated March 24, 2009
Sumter County's February 17, 2009 Letter Regarding Proposed In-kind Project
Sumter County Materials Recovery Facility
OGC File No. 08-2376

Dear Ms. Pelz,

Sumter County (the County) has received FDEP's request for additional information concerning the County's proposed in-kind project on March 24, 2009. FDEP seems to be in agreement with applying the total civil penalty of $4,500 toward the demolition of the septic tanks. Please note that four septic tanks will be demolished with one being used for a lift station. Also, the construction cost submitted are the civil engineer's projections and actual bid prices may differ.

Since the submission of the letter from the County dated February 17, 2009, definite dates have been set for construction of this project and the County agrees to complete the following:

1) The bid opening for this project is set for May 6, 2009. A recommendation for a contractor will be made to the Board of County Commissioners (Board) at their

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Doug Gilpin, Dist 2
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Bushnell, FL 33513

County Attorney
The Hogan Law Firm
Post Office Box 485
Brooksville, Florida 34605

meeting on May 26, 2009. Upon approval by the Board, a notice-to-proceed will be issued to the contractor by June 5, 2009. Construction is expected to be completed by September 30, 2009. This schedule is also dependant on approval by FDEP of the connection of the leachate system to the force main.

2) The County will, beginning on July 5, 2009, submit monthly progress reports to FDEP that documents the in-kind project activities completed during the previous calendar month continuing until completion of the project.

3) The County will erect an appropriate sign at the project sight indicating the County's involvement with this project is the result of an FDEP enforcement action. The sign will not be removed until the project is completed. After the project is completed, no signs will be erected by the County indicating the reason for the project was anything other than a FDEP enforcement action.

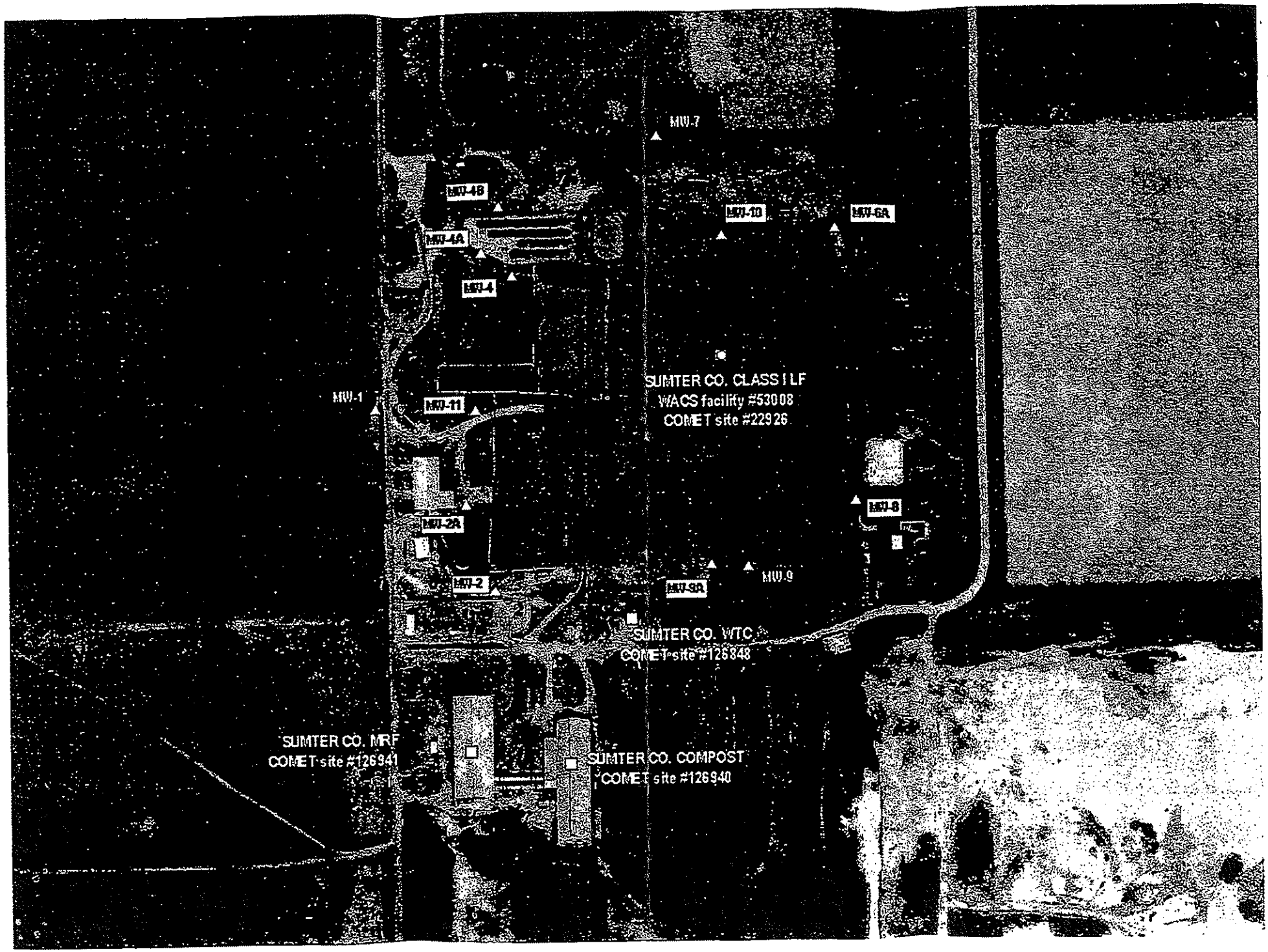
4) Within 15 days of completing the in-kind project, the County will notify FDEP, by certified mail, of the project completion and request a verification letter from FDEP. The County will submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual cost incurred to complete the project. These costs will not include those incurred in developing the proposal or obtaining approval from FDEP for the project.

If you have any questions concerning this project, please contact Jimmy Wise, Operations Coordinator of the Sumter County Solid Waste Department, by telephone at 352-793-3368 or by email at jimmy.wise@sumtercountyfl.gov. Sumter County appreciates your cooperation in this matter.

Sincerely,

Bradley Arnold
Sumter County Administrator

xc: Stephanie Watson, Solid Waste, FDEP, SWD
Gary Kuhl, Sumter County Public Works Director
Jimmy Wise, Sumter County Solid Waste Operations Coordinator
Derrill McAteer, Esq., Hogan Law Firm


MW-7
MW-4B
MW-10
MW-6R
MW-4A
MW-4
SUMTER CO. CLASS I LF
WACS facility #53008
COMET site #22926
MW-1
MW-11
MW-8
MW-2A
MW-9
MW-2
MW-5R
SUMTER CO. WTC
COMET site #126848
SUMTER CO. MRF
COMET site #126941
SUMTER CO. COMPOST
COMET site #126940