



Copies to Bill & Mike  
JW  
7-1-92

# Florida Department of Environmental Regulation

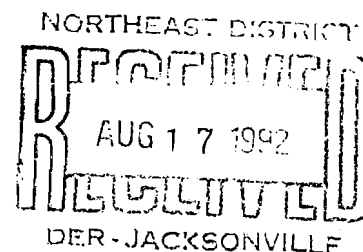
Northeast District • Suite B200, 7825 Baymeadows Way • Jacksonville, Florida 32256-7577

Lawton Chiles, Governor

Carol M. Browner, Secretary

June 25, 1992

CERTIFIED - RETURN RECEIPT



Mr. Tom Branan, Chairman  
Nassau County Board of County Commissioners  
Post Office Box 1010  
Fernandina Beach, Florida 32034

Dear Mr. Branan:

Re: Proposed Final Agency Action (Consent Order) in Case of Nassau County Board of County Commissioners, Police Detention Facility, OGC File No.: 91-1466

The purpose of this letter is to complete the settlement of the violations previously identified by the Department of Environmental Regulation ("DER"). Corrective actions necessary will be performed by the new owner; however, you must pay to the Department the amount of \$7,950.00 in civil penalties to complete settlement of the violations along with \$185.38 to reimburse the DER's costs, for a total of \$8,135.38. This payment must be made to "The Department of Environmental Regulation" by cashier's check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Northeast District Office, 7825 Baymeadows Way, Suite 200, Jacksonville, Florida 32256-7577 within 30 days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DER's offer to settle this case on these terms. If you sign this letter, please return it to DER at the address above. DER will then countersign the letter and file it with the Clerk of the DER. When the signed letter is filed with the Clerk, the letter shall constitute a Consent Order, which is final agency action of the DER, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you and entered by the DER Clerk shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

By countersigning this settlement offer, the DER waives its right to seek judicial imposition of damages, costs and expenses or civil penalties for the violations described above. By

Administration 448-4300  
Air 448-4310  
Waste Management 448-4320

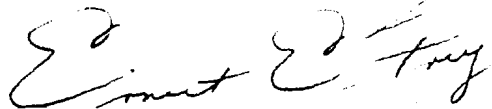


Water Facilities 448-4330  
Water Management 448-4340  
FAX 448-4366

Nassau County Board of County Commissioners  
Police Detention Facility  
OGC File No. 91-1466  
June 25, 1992

accepting this offer of settlement, you waive your rights as described in the attached Notice of Rights. If you do not sign and return this letter to the Department at the Northeast District address given above by July 2, 1992, it will be referred to the DER's Office of General Counsel with a recommendation that formal enforcement action may be taken against you. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the DER Clerk.

Sincerely,




Ernest E. Frey, P.E.  
Director of District Management

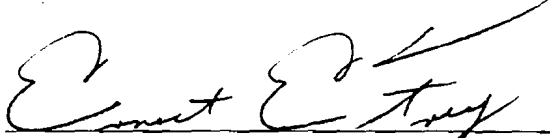
---

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For Tom Branan, Chairman

For the DER:


By:   
Tom Branan, Chairman  
Nassau County Board of  
County Commissioners

  
Director of District Management  
State of Florida Department  
of Environmental Regulation

ENTERED this 20 day of Aug, 1992 in  
Jacksonville, Florida.

Attachments

**FILING AND ACKNOWLEDGEMENT**  
FILED, on this date, pursuant to S120.52, Florida  
Statutes, with the designated Department Clerk,  
receipt of which is hereby acknowledged

  
Clerk Date 8/21/92

NOTICE OF RIGHTS

Persons whose substantial interests are affected by the proposed agency action described in this document have a right, pursuant to Section 120.57, F.S., to petition for an administrative determination (hearing) on the proposed action. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the (persons 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 determination (hearing) pursuant to Section 120.57, F.S.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's 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 Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (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 Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action;

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 agency (proposed) action 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 Section 120.57, F.S., 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.

\* \* \* \* \*

A party who is adversely affected by this Consent Order is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Division of Administrative Hearings and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

Q10 of 8121-45-10 vice Detention CD 91-1466 signed OC

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr Tom Brannan  
Nassau County Bd Only Comm  
PO Box 1010  
Dermardina Beach 32034

4a. Article Number

P520 288 543

4b. Service Type

- Registered  Insured
- Certified  COD
- Express Mail  Return Receipt for Merchandise

7. Date of Delivery

8-24-923

5. Signature (Addressee)

Not Cool

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

1