



Jeb Bush
Governor

Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590

David B. Struhs
Secretary

April 2, 2003

Ms. Joyce Bradley
Clerk of Courts Office
191 Nassau Place
Yulee, Florida 32097

Nassau County – Potable Water
Yulee Ball Park // PWS # 2454350
Callahan Sports Complex // PWS# 2454357
Nassau County Building // PWS# 2454359
Bryceville Community Center // PWS# 2454363
Case Closure-OGC File No.: 03-0365

Dear Ms. Bradley:

Enclosed is an executed copy of the Consent Order to resolve Case No. 03-0365. With receipt of a check numbered 081261 for \$400.00 (400 hundred dollars), the Department considers this case closed. Thank you for your cooperation in resolving this matter.

Should you have any questions concerning the Consent Order, please feel free to contact Sean Knowlton at (904) 807-3319. Your continued cooperation is appreciated.

Sincerely,

Edward D. Cordova, P.E.
Potable Water Supervisor

^{ECR}
EDC:ECR:SK:sk

enclosure

cc: Mr. Larry Morgan, OGC (executed copy only)
Ms. Ollie Henderson, Data Processing (executed copy only)
Mr. Daniel Salmon, Director
Nassau County Health Department

"More Protection, Less Process"

Printed on recycled paper.



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Department of Environmental Protection

CERTIFIED MAIL - RETURN RECEIPT

Mr. Daniel Salmon, Director
Nassau County Board of Commissioners
679 Musselwhite Road
Callahan, Florida 32011

SUBJECT: Proposed Settlement of DEP vs. Nassau County Board of Commissioners
Nassau County-Potable Water
OGC File No.: 03-0365

Dear Mr. Salmon:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated January 31, 2003, a copy of which is attached. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter.

In order to resolve the matters identified in the Warning Letter, you are assessed civil penalties in the amount of \$350.00, along with \$50.00 to reimburse the Department costs, for a total of \$400.00. The civil penalties are apportioned as follows:

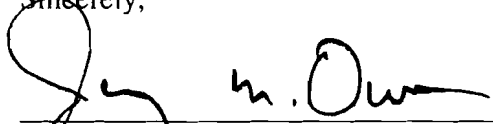
\$350.00 for violation of Rule 62-550.518(3), F.A.C.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This 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 notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Northeast District, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7590, within 30 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign it, please return the entire letter 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.

None of your rights or substantial interests are determined by this letter unless you sign it, and it is filed with the Department Clerk. However, **if you do not sign and return this letter to the Department at the district address by March 28, 2003, the department will assume that you are not interested in settling this matter on the above described terms, and will proceed with the assessment of administrative penalties under the Environmental Litigation Reform Act.**

Sincerely,



Jerry M. Owen, P.E.
Water Facilities Administrator

FOR THE RESPONDENTS:

I, Vickie Samus on behalf of, Nassau County Board of County Commissioners
(Please type or print name) (Please type or print facility name)

HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

Vickie Samus
(Signature)

Date: 3-24-03

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 2nd day of April, 2002.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.
Christopher K. Gorman 4-3-03
Clerk Date

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Manuel J. Lopez
Director of District Management

FILING AND ACKNOWLEDGEMENT

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

Christopher K. Gorman
Clerk

4-3-03
Date

cc: Bradford County Health Department
ATTEST:

Chip Oxley, Jr.
J. M. "Chip" Oxley, Jr.
Ex-Officio Clerk

Approved as to Form by the
Nassau County Attorney
Michael S. Millin
Michael S. Millin

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.



Jeb Bush
Governor

Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256-7590

David B. Struhs
Secretary

January 31, 2003

CERTIFIED MAIL - RETURN RECEIPT

Mr. Daniel Salmon, Director
679 Musslewhite
Callahan, Florida 32011

Nassau County - Potable Water
Yulee Ball Park // PWS # 2454350
Callahan Sports Complex // PWS# 2454357
Nassau County Building // PWS# 2454359
Bryceville Community Center // PWS# 2454363
WARNING LETTER: #WL03-0013-PW-45-NED

Dear Mr. Salmon:

The purpose of this letter is to advise you of possible violations of law for which you might be responsible and to seek your cooperation in resolving this matter. A review of your drinking water records indicate that a violation of Florida Statutes and Florida Administrative Code (F.A.C.) may exist at the above referenced facility. During the file review, the following was noted:

Two quarters of bacteriological monitoring (total coliform) results have not been submitted to the Department for the above public water systems. The two missing quarters for each system are April through June, 2002 and October through December, 2002.

Chapter 62, Florida Administrative Code, provides that:

It is a violation of Rule 62-550.518 for a public water system to fail to analyze for coliform bacteria. Rule 62-550.518(3) requires that a transient non-community system monitor at the rate of two distribution samples in each calendar quarter. In addition, such systems shall take a minimum of one quarterly raw water sample per well.

You are requested to contact Mr. Sean Knowlton at (904) 807-3319 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 could help resolve this matter.

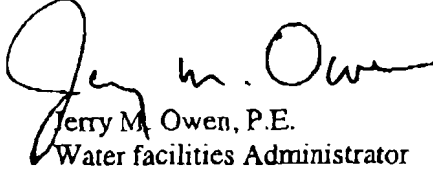
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Mr. Daniel Salmon
WL03-0013-PW-45-NED
Page 2 of 2

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action accordance with section 120.57(4), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely:


Jerry M. Owen, P.E.
Water facilities Administrator

EL ECR
JMO:EDC:ECR:SMK:sk
Enforcement File

cc: Nassau County Health Department