



NASSAU COUNTY
BOARD OF COUNTY COMMISSIONERS
P. O. Box 1010
Fernandina Beach, Florida 32035-1010

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION
Nick Deonas
Ansley Acree
Vickie Samus
Floyd L. Vanzant
Marianne Marshall

Dist. No. 1 Fernandina Beach
Dist. No. 2 Fernandina Beach
Dist. No. 3 Yulee
Dist. No. 4 Hilliard
Dist. No. 5 Callahan

2004 SEP 23 A 10:12

September 21, 2004

NORTHEAST DISTRICT
JACKSONVILLE, FL

J. M. "Chip" OXLEY, JR.
Ex-Officio Clerk

MICHAEL S. MULLIN
County Attorney

VIA FEDERAL EXPRESS

Mr. Christopher L. Kirts, P.E.
Air Program Administrator
Florida Department of Environmental Protection
7825 Baymeadows Way, Suite B200
Jacksonville, FL 32245-7590

RE: Proposed Settlement of DEP vs Nassau County, FL
OGC File NO. 04-1516
Nassau County - Air Enforcement

Dear Mr. Kirts:

Enclosed please find Nassau County's check in the amount of \$2,700 as and for complete settlement of the above referenced matter, along with the executed letter accepting the Department's offer to resolve this matter, as authorized by the Board of County Commissioners in their meeting of September 14, 2004.

Please return a fully executed copy of the Consent Order after the Department executes same. A self-addressed envelope has been included for your convenience.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely yours,

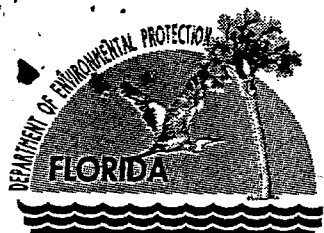
Michael S. Mullin
County Attorney

MSM:jb

CC: Lee Pickett, Interim Solid Waste Director
Wendy Karably, Golder Associates, Inc.

Enclosures

cc: m. mullin



Jeb Bush
Governor

Department of Environmental Protection

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION
RECEIVED
9/2/04

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

2004 SEP 23 A 10: 12

Colleen M. Castille
Secretary

NORTHEAST DISTRICT
JACKSONVILLE, FL

August 26, 2004

CERTIFIED-RETURN RECEIPT

Mr. Floyd L. Vanzant
Chairman, Nassau County Board of Commissioners.
Post Office Box 1010
Fernandina Beach, FL 32035

Dear Mr. Vanzant:

Proposed Settlement of DEP
Vs. Nassau County, FL.
OGC File No. 04 - 1516
Nassau County - Air Enforcement

RECEIVED
COUNTY COORDINATOR'S
OFFICE
04 AUG 31 AM 10: 57

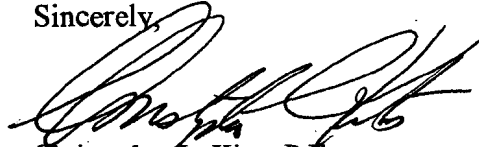
The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letters no. WL03-047-AP45-NED dated December 31, 2003 a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. 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 attached Warning Letter, you are assessed civil penalties in the amount of \$2,500, along with \$200 to reimburse the Department costs, for a total of \$2,700. 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 the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Northeast District Office, 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 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.

Consent Order 04-1516
Nassau County, FL
Page 2

If you do not sign and return this letter to the department at the district address by Thursday, September 30, 2004 the department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,



Christopher L. Kirts, P.E.
Air Program Administrator

.....
FOR THE RESPONDENTS:

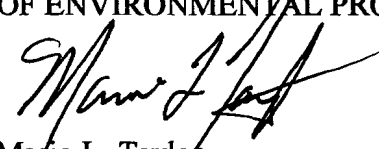
I, Floyd L. Vanzant, on behalf of Nassau County Board of Commissioners **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: Floyd L. Vanzant
Floyd L. Vanzant

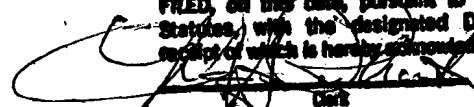
Date: September 14, 2004

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 29th day of September, 2004 in Jacksonville, Fl.

OK STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mario L. Taylor
Director of District Management

Copies furnished to: Data Entry
Larry Morgan, OGC

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

Clerk
Date: 9/30/04

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.

12 ✓