



# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castille  
Secretary

August 15, 2005

The Honorable Ansley Acree, Chairman  
Board of County Commissioners  
Nassau County  
96160 Nassau Place  
Yulee, Florida 32097

**SUBJECT:** Proposed Settlement of West Nassau Class I Active and Closed Landfills', and Bryceville and Lofton Creek Closed Landfills' Late Reports  
OGC File No.: 05-1947

Dear Chairman Acree:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated June 21, 2005, a copy of which is enclosed. 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 enclosed Warning Letter. In order to resolve the matters identified in the Warning Letter, you are assessed civil penalties in the amount of \$5,000, along with \$250 to reimburse the Department's costs, for a total of \$5,250.

The civil penalties are apportioned as follows:

- Section 403.121(4)(f) F.S., and Permit Specific Conditions 17, 18(b), 26, 30 and 34(h), failure to submit quarterly gas monitoring reports for Bryceville and Lofton Creek Landfills; failure to submit gas monitoring, waste quantity and leachate quantity reports for West Nassau Landfill, \$500 per occurrence for ten occurrences for a total of \$5,000.

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 200B, 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.

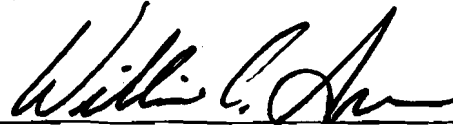
"More Protection, Less Process"

Printed on recycled paper.

The Honorable Ansley Acree, Chairman  
August 15, 2005  
Page two

If you do not sign and return this letter to the Department at the District address by September 11, 2005, 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,



William C. Green  
Acting District Director

MS

**FOR RESPONDENT:**

I, Ansley N. Acree, on behalf of Nassau County, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**


By: Ansley N. Acree, Chairman

Date: August 22, 2005

.....  
**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this 1ST day of SEPTEMBER, 2005.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
for William C. Green  
Acting District Director

Copies furnished to: Mike Mahaney, County Administrator

**FILING AND ACKNOWLEDGEMENT**  
FILED, on this date, pursuant to §120.52 Florida  
Statutes, with the designated Department Clerk,  
person of whom it is hereby acknowledged.  
Michael J. Spinnaker 9-1-05  
Clerk Date

## NOTICE OF RIGHTS

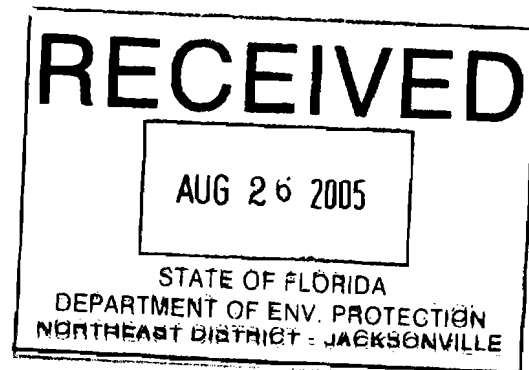
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The petition shall contain the following information:

(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.

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





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

Jim B. Higginbotham  
Ansley Acree  
Tom Branan  
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

JOHN A. CRAWFORD  
Ex-Officio Clerk

VIA FEDERAL EXPRESS

MICHAEL S. MULLIN  
County Attorney

MIKE MAHANEY  
County Administrator

August 24, 2005

Mr. Michael Fitzsimmons, Administrator  
Waste Program  
Department of Environmental Protection  
7825 Baymeadows Way, Suite B200  
Jacksonville, FL 32256-7590

RE: Proposed Settlement  
OGC File No.: 05-1947

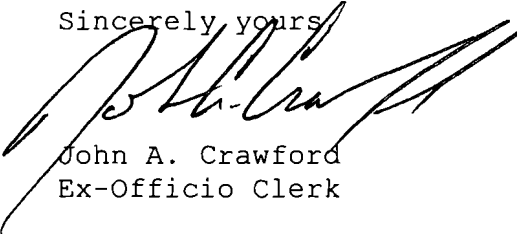
Dear Mr. Fitzsimmons:

Enclosed please find Nassau County's check in the amount of \$5,250.00 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 August 22, 2005.

Please return a fully executed copy of the letter completing resolution of the matter 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

  
John A. Crawford  
Ex-Officio Clerk

JAC:jb

CC: Lee Pickett, Interim Solid Waste Director

(904) 548- 4660, 879-1029, (800) 958- 3496

*An Affirmative Action / Equal Opportunity Employer*

3. **Solid Waste Business:** Approval of proposed settlement of West Nassau Class I Active and Closed Landfills' Late Reports. Funding Source: 70341534-531313.

**EXPANSION ITEM**

**Agenda Request For:** August 22, 2005

**Department:** Solid Waste

**Background:** Correspondence dated August 15, 2005 has been received from Florida Department of Environmental Protection (FDEP) in response to Mike Mahaney's, Nassau County Administrator, July 19, 2005 letter which was a response to FDEP's June 21, 2005 Warning Letter (WL05-0733SW45NED) regarding late reports. The August 15, 2005 FDEP letter requests the County to "...review enclosed Consent Order for a breakdown of the penalty amount and respond within the requested time frame." Time frame deadline is September 11, 2005 for response and within 30 days of signing response letter for civil penalty payment amount of \$5,250, reference OGC File No. 05-1947. Reports are now delivered by the Solid Waste Department to Ship 'n Mail on Amelia Island and verification of receipt is received.

**Financial/Economic Impact to Future Years Budgeting Process or Effect on Citizens:** Procedures have been enacted to avoid situation in future as described above.

**Action requested and recommendation:** Request Board approve settlement letter from FDEP dated August 15, 2005, authorize Chairman to sign, and approve \$5,250 civil penalty payment. Check for \$5,250 should accompany signed settlement letter.

**Is this action consistent with the Nassau County Comprehensive Land Use Plan?** Public facility element Section 4

**Funding Source:** 70341534-549000 Other Current Charges upon processing of budget transfer from 70341534-531313 Prof Svcs-Leechate, Mr. Mahaney to approve. *S 8/19/05*

**Reviewed by:**

Department Head

Legal

Finance

Administrator

*[Handwritten signatures and lines for Department Head, Legal, Finance, and Administrator]*

05 AUG 19 PM 2:44

COUNTY ADMINISTRATOR'S OFFICE



Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

*cc: Solid Waste Dept.  
Admin. Services*

August 15, 2005

The Honorable Ansley Acree, Chairman  
Board of County Commissioners  
Nassau County  
96160 Nassau Place  
Yulee, Florida 32097

*Memo  
8/22  
AB  
EX  
05 AUG 18 12:06 PM  
COUNTY COMMISSIONER'S  
OFFICE*

Re: Proposed Settlement of West Nassau Class I Active and Closed Landfills' and Bryceville and Lofton Creek Closed Landfills' Late Reports  
OGC File No.: 05-1947

Dear Chairman Acree:

Thank you for Mike Mahaney's July 19, 2005 response to the Department's June 21, 2005 Warning Letter (WL05-0733SW45NED). In his response, Mr. Mahaney provided the missing reports and explained that the originals had been placed in a FedEx drop box prior to when they were due in this office. Unfortunately, FedEx has no record of the indicated tracking numbers and since there have been previous problems with late report submittals, the Department will have to pursue enforcement action with accompanying penalties. Therefore, please review the enclosed Consent Order for a breakdown of the penalty amount and respond within the requested time frame.

If you have any questions concerning this matter, please contact Emerson Raulerson by telephone at 904.807.3365 or by email at [Emerson.Raulerson@DEP.State.FL.US](mailto:Emerson.Raulerson@DEP.State.FL.US).

Sincerely,

Michael J. Fitzsimmons, Administrator  
Waste Program

*AN  
ER/ml ml  
ECL*

Enclosures (2)

cc Mike Mahaney, County Administrator



Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

August 15, 2005

The Honorable Ansley Acree, Chairman  
Board of County Commissioners  
Nassau County  
96160 Nassau Place  
Yulee, Florida 32097

SUBJECT: Proposed Settlement of West Nassau Class I Active and Closed Landfills', and Bryceville and Lofton Creek Closed Landfills' Late Reports  
OGC File No.: 05-1947

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The civil penalties are apportioned as follows:

- Section 403.121(4)(f) F.S., and Permit Specific Conditions 17, 18(b), 26, 30 and 34(h), failure to submit quarterly gas monitoring reports for Bryceville and Lofton Creek Landfills; failure to submit gas monitoring, waste quantity and leachate quantity reports for West Nassau Landfill, \$500 per occurrence for ten occurrences for a total of \$5,000.

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*"More Protection, Less Process"*

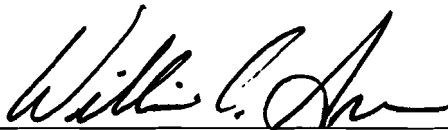
*Printed on recycled paper.*



The Honorable Ansley Acree, Chairman  
August 15, 2005  
Page two

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Sincerely,



William C. Green  
Acting District Director



**FOR RESPONDENT:**

I, \_\_\_\_\_, on behalf of Nassau County, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: \_\_\_\_\_  
Date: \_\_\_\_\_

.....

**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
William C. Green  
Acting District Director

Copies furnished to: Mike Mahaney, County Administrator

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TO: FINANCE

**CHECK REQUEST**  
**ADMINISTRATIVE SERVICES**

DATE: August 22, 2005

PAY TO: Department of Environmental Protection  
Northeast District Office  
7825 Baymeadows Way, Suite 200B  
Jacksonville, Florida 32256-7590

RE: "OGC File No. 05-1947"  
"Ecosystems Management and Restoration Trust Fund"

AMOUNT: \$5,250

ACCOUNT: 70341534-549000

EXPLANATION: OGC File No. 05-1947 civil penalties regarding WN Class I Active and Closed Landfills', and Bryceville and Lofton Creek Closed Landfills' Late Reports

FORWARD CHECK TO: DEP at above address along with original signed settlement letter dated August 15, 2005. Above reference (RE:): must be included in check description field.

REQUESTED BY: Cathy Lewis  
Adm Services

APPROVAL:

*Cathy Lewis*

*ok to send check US money order per  
Emerson Rawson, EDEP at 1:20 8/19/05*

*S*



Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

August 15, 2005

The Honorable Ansley Acree, Chairman  
Board of County Commissioners  
Nassau County  
96160 Nassau Place  
Yulee, Florida 32097

**SUBJECT:** Proposed Settlement of West Nassau Class I Active and Closed Landfills', and Bryceville and Lofton Creek Closed Landfills' Late Reports  
OGC File No.: 05-1947

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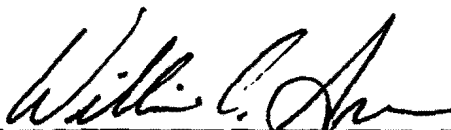
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The Honorable Ansley Acree, Chairman  
August 15, 2005  
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Sincerely,



William C. Green  
Acting District Director

WJ

**FOR RESPONDENT:**

I, Ansley N. Acree, on behalf of Nassau County, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: Ansley N. Acree, Chairman

Date: August 22, 2005

.....  
**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
William C. Green  
Acting District Director

Copies furnished to: Mike Mahaney, County Administrator

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DO NOT ACCEPT UNLESS THIS CHECK IS PRINTED WITH A GREEN BACKGROUND, CONTAINS A PANTOGRAPH, MICROPRINTING FACE AND BACK, UV FIBERS AND AN ARTIFICIAL WATERMARK ON THE BACK.

**Nassau County**

Board of County Commissioners  
 P.O. Box 4000  
 Fernandina Beach, FL 32035-4000



ACCOUNTS PAYABLE  
 VOID AFTER 60 DAYS

Vendor  
 Number  
 1253

Check  
 Date  
 08/25/2005

Check  
 Number  
 111885

63-2/630

\$ 5,250.00

Pay Five Thousand Two Hundred Fifty Dollars and 00 cents \*\*\*\*\*

To The  
 Order Of  
 FL DEPT OF ENVIRONMENTAL PROTECTION  
 NORTHEAST DISTRICT OFFICE  
 7825 BAYMEADOWS WAY, STE 200B  
 JACKSONVILLE, FL 32256-7577

Wachovia Bank N.A.  
 Fernandina Beach,  
 FL 32035

*Andrew D. Reese* MP  
 Authorized Signature  
  
*John A. Crawford* MP  
 Authorized Signature

⑈ 1 1 1 8 8 5 ⑈ ⑆ 0 6 3 0 0 0 0 2 1 ⑆ 2 1 3 7 4 0 0 0 5 6 3 7 6 ⑈

**Nassau County**

Board of County Commissioners

Invoice Date	Invoice Number	Invoice Description	GL Account Number	Net Invoice Amount
08/24/2005	OGC-05-1947	ECOSYSTEMS MGT & RESTORATION	70341534 549000	5,250.00

Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
1253	FL DEPT OF ENVIRONMENTAL PROTE	111885	08/25/2005	5,250.00

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<b>Tracking number</b>	846399542144	<b>Reference</b>	DGC FILE NO 05-1947
<b>Signed for by</b>	J.TILLMAN	<b>Delivered to</b>	Receptionist/Front Desk
<b>Ship date</b>	Aug 25, 2005	<b>Service type</b>	Priority Envelope
<b>Delivery date</b>	Aug 26, 2005 9:26 AM		
<b>Status</b>	Delivered		

Date/Time	Activity	Location	Details
Aug 26, 2005	9:26 AM	<b>Delivered</b>	
	7:55 AM	On FedEx vehicle for delivery	JACKSONVILLE, FL
	7:20 AM	At local FedEx facility	JACKSONVILLE, FL
Aug 25, 2005	4:41 AM	At dest sort facility	JACKSONVILLE, FL
	9:42 PM	At local FedEx facility	JACKSONVILLE, FL
	9:16 PM	At dest sort facility	JACKSONVILLE, FL
	8:39 PM	Left origin	JACKSONVILLE, FL
	5:10 PM	Picked up	JACKSONVILLE, FL

[Signature proof](#)

[Email results](#)

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Subscribe to tracking updates (optional)

Your Name:

Your Email Address:

Email address	Language	Exception updates	Delivery updates
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format:  HTML  Text  Wireless

Add personal message:

Not available for Wireless or non-English characters.