



Jeb Bush
Governor

Department of Environmental Protection

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

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

2004 NOV -2 A 10:50
Colleen M. Castille
Secretary

NORTHEAST DISTRICT
JACKSONVILLE, FL

October 26, 2004

The Honorable Floyd L. Vanzant, Chairman
Board of County Commissioners
Nassau County
Post Office Box 1010
Fernandina Beach, Florida 32035-1010

SUBJECT: Proposed Settlement of West Nassau Landfill Enforcement Project
OGC File No.: **04-0578**

Dear Chairman Vanzant:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letters dated December 11, 2003 and January 5, 2004. 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 Department Warning Letters WL03-0650SW45NED and WL03-0655SW45NED. In order to resolve the matters identified in these Warning Letters, you are assessed civil penalties in the amount of \$10,000 along with \$1000 to reimburse the Department costs, for a total of \$11,000. The civil penalty in this case includes 9 violations of \$500.00 or more.

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 Floyd L. Vanzant
October 26, 2004
Page two

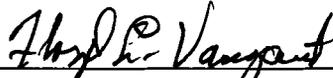
If you do not sign and return this letter to the Department at the District address by **November 12, 2004**, the Department will assume that you are not interested in settling this matter on the above-described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,


Michael J. Fitzsimmons
Waste Program Administrator

FOR RESPONDENT:

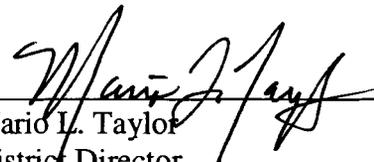
I, Floyd L. Vanzant, on behalf of West Nassau County Landfill, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: 
Date: October 20, 2004

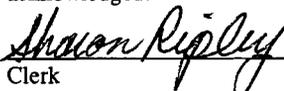
.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 5th day of November, 2004.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Mario L. Taylor
District Director

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

 11-8-04
Clerk Date

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.



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

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

STATE OF FLORIDA
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

2004 NOV -2 A 10: 50

NORTHEAST DISTRICT
JACKSONVILLE, FL

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

MICHAEL S. MULLIN
County Attorney

MIKE MAHANEY
County Administrator

November 1, 2004

Mr. Michael J. Fitzsimmons.
Waste Program Administrator
Florida Department of Environmental Protection
7825 Baymeadows Way, Suite B200
Jacksonville, FL 32245-7590

RE: West Nassau Landfill
OGC Case NO. 04-0578

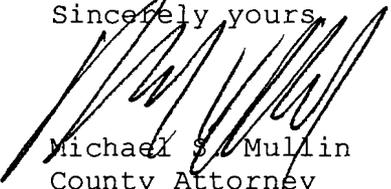
Dear Mr. Fitzsimmons:

Enclosed please find Nassau County's check in the amount of \$11,000.00 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 October 20, 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

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

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