



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

May 31, 2011

Ms. Scott B. Cottrell, P.E., Public Works Director  
Board of Sumter County Commissioners  
Public Works Division  
319 East Anderson Avenue  
Bushnell, FL 33513  
[Scott.cottrell@sumtercountyfl.gov](mailto:Scott.cottrell@sumtercountyfl.gov)

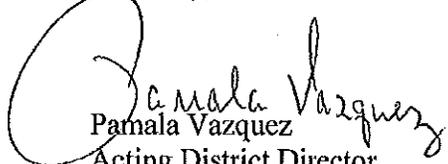
Re: Consent Order Closure  
Lake Okahumpka Park  
PWS-ID No. 660-5037  
OGC File No. 10-2661-60-PW  
Sumter County

Dear Ms. Cottrell:

This letter is to notify you that the provisions of the referenced Consent Order have been met, and the Department has received your payment of \$500.00. A copy of the Consent Order is enclosed that was executed by the District Director. The Department, therefore, considers this case closed.

Your continued cooperation to comply with applicable Department regulations is appreciated. If you have any questions, please contact Nangellie San Inocencio at, (813) 632-7600, extension 316 or via email at, [nangellie.saninocencio@dep.state.fl.us](mailto:nangellie.saninocencio@dep.state.fl.us).

Sincerely,

  
Parnala Vazquez  
Acting District Director  
Drinking Water Section

PV/nsi/dsm

Enclosure

cc: Jackey Jackson, Sumter BOCC, [jackey.jackson@sumtercountyfl.org](mailto:jackey.jackson@sumtercountyfl.org)  
Bruce Root, Sumter BOCC, [bruce.root@sumtercountyfl.org](mailto:bruce.root@sumtercountyfl.org)  
David W. Springstead, P.E., Springstead Engineering, Inc., [david@springsteadeng.net](mailto:david@springsteadeng.net)  
Jim Berghorn, FDEP-SWD, PW Environmental Specialist, [Jim.Berghorn@dep.state.fl.us](mailto:Jim.Berghorn@dep.state.fl.us)

[www.dep.state.fl.us](http://www.dep.state.fl.us)



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard, Jr.  
Secretary

February 3, 2011

Mr. Scott B. Cottrell, P.E., Public Works Director  
Board of Sumter County Commissioners  
Public Works Division  
319 East Anderson Avenue  
Bushnell, FL 33513  
[Scott.cottrell@sumtercountyfl.gov](mailto:Scott.cottrell@sumtercountyfl.gov)

Dept. of Environmental Protection  
FEB 22 2011  
Southwest District

Re: Proposed Settlement of Warning Letter No: WN10-56-PWS-60-SWD  
Lake Okahumpka Park, PWS-ID No. TBA  
OGC File No. 10-2661-60-PW  
Sumter County

Dear Mr. Cottrell:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated August 19, 2010, a copy of which is attached. The Department finds that you are in violation of Rule 62-555.520, Florida Administrative Code, (F.A.C.), failure to obtain a signed validated permit from the Department before beginning construction or alteration of any drinking water system. In order to resolve the matter identified herein, you are assessed civil penalties in the amount of \$500.00.

In order to resolve the matter identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$500.00. The civil penalties are apportioned as follows: \$500.00 for violation of Rule 62-555.520, F.A.C.

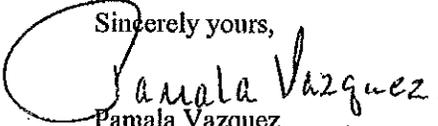
The Department acknowledges that the payment of these civil penalties, by you, does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection, by cashier's check or money order, and shall include the OGC File Number, assigned above, and the notation, "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926, within 15 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.

Mr. Scott B. Cottrell, P.E., Public Works Director  
Board of Sumter County Commissioners  
Re: Lake Okahumpka Park, PWS-ID No. TBA  
OGC File No. 10-2661-60-PW  
Page 2 of 2

If you do not sign and return this letter to the Department at the District address within 15 days, 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 is determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,

  
Pamala Vazquez  
Acting District Director  
Southwest District

FOR THE RESPONDENTS:

I, Scott B. Cottrell, on behalf of Board of Sumter County Commissioners, HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

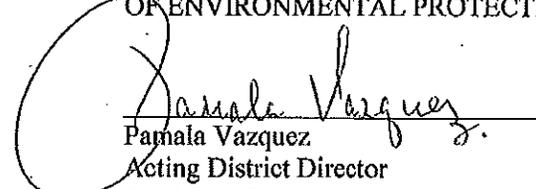
By: 

Date: 4 February 2011

FOR DEPARTMENT USE ONLY:

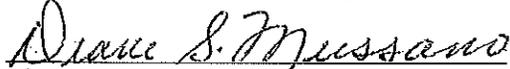
DONE AND ENTERED this 31 day of May 2010.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Pamala Vazquez  
Acting District Director  
Southwest District

FILING AND ACKNOWLEDGMENT:

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

  
Clerk

May 31, 2011  
Date

PV/nsi/dsm

Attachments: Copy of Warning Letter No. WN10-56-PWS-60-SWD  
Notice of Rights

cc: Jackey Jackson, Sumter County BOCC, [jackey.jackson@sumtercountyfl.org](mailto:jackey.jackson@sumtercountyfl.org)  
Bruce Root, Sumter County BOCC, [bruce.root@sumtercountyfl.org](mailto:bruce.root@sumtercountyfl.org)  
David W. Springstead, P.E., Springstead Engineering, Inc., [david@springsteadeng.net](mailto:david@springsteadeng.net)

## 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.



Florida Department of  
Environmental Protection  
Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

August 19, 2010

Mr. Jackey Jackson  
Public Works Director  
Sumter County BOCC  
319 East Anderson Avenue  
Bushnell, FL 33513  
[jackey.jackson@sumtercountyfl.org](mailto:jackey.jackson@sumtercountyfl.org)

Re: Warning Letter No. WN10-56-PWS-60-SWD  
Construction Without a Permit  
Lake Okahumpka Park  
PWS-ID No. TBA  
Sumter County

Dear Mr. Jackson:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A review of your Drinking Water system records indicates that a violation of Florida Statutes and Rules may exist at the above-referenced facility.

Our records indicate a Water Treatment Plant may have been constructed prior to the issuance of a Department permit.

Rule 62-555.520, Florida Administrative Code, requires you to obtain a signed validated permit, from the Department, before beginning construction, or alteration; of any drinking water system, (a drinking water system includes the collection, treatment, storage and distribution segments of a public water system).

You are requested to contact Nangellie San Inocencio at, (813) 632-7600, extension 316, 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 you feel could help resolve this matter.

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

Sincerely yours,

  
Deborah A. Getzoff  
District Director  
Southwest District

DAG/nsi/m

cc: Bruce Root, Sumter County BOCC, [bruce.root@sumtercountyfl.org](mailto:bruce.root@sumtercountyfl.org)  
David W. Springstead, P.E., Springstead Engineering, Inc., [david@springsteadeng.net](mailto:david@springsteadeng.net)

"More Protection, Less Process"  
[www.dep.state.fl.us](http://www.dep.state.fl.us)



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Secretary

May 31, 2011

Mr. Scott B. Cottrell, P.E., Public Works Director  
Board of Sumter County Commissioners  
Public Works Division  
319 East Anderson Avenue  
Bushnell, FL 33513  
[Scott.cottrell@sumtercountyfl.gov](mailto:Scott.cottrell@sumtercountyfl.gov)

Re: Letter of Approval for Use  
Project: Lake Okahumpka Park  
PWS ID No.: 660-5037  
Warning Letter: WN10-56-PWS-60-SWD  
County: Sumter

Dear Mr. Cottrell:

The Department has received your *Certification of Construction Completion and Request for Clearance to Place Permitted PWS Components into Operation*, [FDEP Form 62-555.900(9)] and supporting documents for the above-referenced project. This provides documentation of compliance with the clearance procedures required by Rule 62-555.345, F.A.C. Therefore, the Department has no objection to the subject facility being placed into service.

The Department has received your payment of \$500.00, thereby settling the provisions of the Consent Order concerning your construction of a public water system without a permit. Based on your settlement of this matter, the Department approves the use of the system.

Please note that public water supply systems must comply with any changes and/or revisions to applicable laws and regulations, which affect operating procedures and/or quality standards.

Should you have any questions, please contact Nangellie San Inocencio at, (813) 632-7600, extension 316 or via email at, [nangellie.saninocencio@dep.state.fl.us](mailto:nangellie.saninocencio@dep.state.fl.us).

Sincerely,

Gwen Shofner  
Program Manager  
Potable Water Program

GS/nsi/dsm

cc: Jackey Jackson, Sumter County BOCC, [jackey.jackson@sumtercountyfl.org](mailto:jackey.jackson@sumtercountyfl.org)  
Bruce Root, Sumter County BOCC, [bruce.root@sumtercountyfl.org](mailto:bruce.root@sumtercountyfl.org)  
David W. Springstead, P.E., Springstead Engineering, Inc., [david@springsteadeng.net](mailto:david@springsteadeng.net)  
Jim Berghorn, FDEP-SWD, PW Environmental Specialist, [jim.berghorn@dep.state.fl.us](mailto:jim.berghorn@dep.state.fl.us)