



# FLORIDA DEPARTMENT OF Environmental Protection

Central District Office  
3319 Maguire Blvd., Suite 232  
Orlando, Florida 32803

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

March 6, 2024

Jay Zembower, Chairman  
Seminole County Board of County Commissioners  
1950 State Road 419  
Longwood, Florida 32760  
[kornberg@seminolecountyfl.gov](mailto:kornberg@seminolecountyfl.gov)

SUBJECT: Department of Environmental Protection v. Seminole County Board of  
County Commissioners, OGC File No.: 23-1617  
Osceola Road Landfill, Air Facility ID# 1170084

Mr. Zembower:

The State of Florida Department of Environmental Protection ("Department") finds that the Seminole County Board of County Commissioners ("Respondent") failed to: provide landfill wellhead monitoring records, in violation of 40 Code of Federal Regulation (CFR) 60.753; provide landfill surface methane monitoring records, in violation of 40 CFR 60.753; provide a landfill gas collection system startup, shutdown, and malfunction plan, in violation of 403.161, Florida Statutes (F.S.); provide a landfill 5-year design capacity report and yearly acceptance rate, in violation of 40 CFR 60.758(a); provide documentation of the maximum expected landfill gas generation flow rate, in violation of 40 CFR 60.758(b); provide the last semi-annual landfill gas test, in violation of 403.161, F.S.; maintain records of the total monthly flow of landfill gas to each engine, in violation of 403.161, F.S.; maintain records of the rolling total for hydrogen chloride and sulfur dioxide emissions from the engines, in violation of 403.161, F.S.; maintain complete flare monitoring records, in violation of 40 CFR 60.758(b)(4); provide maintenance records for emergency generators, in violation of 40 CFR 60.4211(c), 40 CFR 60.4211(g), and 40 CFR 63.6655; provide a copy of the manufacturer's operation and maintenance plan, in violation of 40 CFR 60.4211(c) and (g); maintain a log detailing emergency and non-emergency hours of operation, in violation of 40 CFR 60.4214(b) and 40 CFR 63.6655; and maintain engine malfunction records, in violation of 40 CFR

63.6655. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violation(s). These actions have since been completed. However, due to the nature of the violation(s), the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

### **The Department's Offer**

Based on the violations described above, the Department is seeking \$ 5,063 in civil penalties and \$ 250 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$ 5,313. The civil penalty in this matter includes no violations of \$ 2,000.00 or more.

However, in lieu of paying the full civil penalty, the Department has determined that \$ 5,063 of the civil penalty may be offset through implementation of the Pollution Prevention Project (P2 Project) described in the attached Exhibit. This amount is referred to as the "offset amount."

### **Respondent's Acceptance**

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at the Central District Office, 3319 Maguire Blvd, Suite 232, Orlando, FL 32803 by April 18, 2024. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Jay Zembower:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

### **Respondent's Performance**

After signing and returning this document to the Department,

- (1) Upon signing this letter, you must implement the P2 Project in accordance with the requirements identified in the attached Exhibit. You must begin the P2 Project within 45 days, and fully complete the P2 Project within 180 days of your signing this letter. Your failure to timely start or complete the P2 Project, or timely provide the Department with the Final Report, will cause the P2 Project option to be forfeited and the balance of the civil penalty shall be due within 10 days of notice from the Department.
- (2) Respondent shall pay \$250 by April 30, 2024. The 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 "Water Quality Assurance Trust Fund."
- (3) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Daniel Hall at 407-897-4167 or at [Daniel.K.Hall@FloridaDEP.gov](mailto:Daniel.K.Hall@FloridaDEP.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read 'AW 7L', is positioned above the typed name.

*On behalf of:*

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Aaron Watkins  
District Director  
Central District

FOR THE RESPONDENT:

I, \_\_\_\_\_ [Type or Print Name], **HEREBY ACCEPT  
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: \_\_\_\_\_  
[Signature]

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

Title: \_\_\_\_\_  
[Type or Print]

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-----**FOR DEPARTMENT USE ONLY**-----

DONE AND ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2024, in  
\_\_\_\_\_, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Aaron Watkins  
District Director  
Central District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

Attachments:      Notice of Rights

Final clerked copy furnished to:

Lea Crandall, Agency Clerk ([lea.crandall@dep.state.fl.us](mailto:lea.crandall@dep.state.fl.us))

### NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at [Agency\\_Clerk@floridadep.gov](mailto:Agency_Clerk@floridadep.gov), 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 at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

**P2 Project Summary**  
Seminole County Osceola Road Landfill  
1930 E. Osceola Rd  
Geneva, 32732  
407-665-2261  
James Mullin/Environmental Program Manager

A. **Project Description:** This project will include replacing interior lighting at the facility from fluorescent bulb fixtures to new efficient LED light fixtures and bulbs. A spread sheet is attached showing the itemized power savings for each type of old fixture vs. new LED fixtures.

B. **Environmental and Economic Benefits:** This project will reduce the power consumption at the facility and in turn reduce operational power consumption costs.

LED bulbs can be up to 80% more efficient than fluorescent bulbs. LED lights convert 95% of their energy into light and only 5% is converted to heat. Performing these lighting upgrades will drastically reduce the amount of energy consumed to operate the lights at the facility.

The estimate of annual power consumption savings for this site is \$2,534.20 to operate the lights, \$366.28 savings on HVAC operation due to lower operating temperatures, and a savings of \$1,916.40 in annual maintenance costs.

<i>(Seminole County Osceola Road Landfill LED Lighting Upgrade)</i>							
<b>Annual Resource Consumption Comparison</b>							
Item	Quantity Used (gal/lb./kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							
Energy	41,848 KWH	16,506 KWH	25,342 KWH	\$4,184	\$1,650	\$12534	50%

C. **Project Cost:** Total project cost is **\$9582.00**. Individual fixture savings per type included in the attached spread sheet. This project will recover the upgrade cost in 1.99 years.