

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	SOUTHWEST DISTRICT
	)	
v.	)	OGC FILE NO. 18-1082
	)	
CITY OF HAINES CITY	)	
_____	)	

**FOURTH AMENDED CONSENT ORDER**

This Fourth Amended Consent Order is entered into between the State of Florida Department of Environmental Protection (“Department”) and City of Haines City (“Respondent”) to amend Consent Order, OGC File No. 18-1082, effective August 8, 2018 (“Original Order”), The First Amended Consent Order, OGC File No. 18-1082, effective September 17, 2019 (“First Amended Consent Order”), the Second Amended Consent Order, OGC File No. 18-1082, effective November 20, 2020 (“Second Amended Consent Order”), and the Third Amended Consent Order, OGC File No. 18-1082, effective May 24, 2023 (“Third Amended Consent Order”). The Department and Respondent hereby enter into this Fourth Amended Consent Order, OGC File No. 18-1082, (“Fourth Amended Consent Order”).

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida’s air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes (“F.S.”), and the rules promulgated and authorized in Title 62, Florida Administrative Code (“F.A.C.”). The Department has jurisdiction over the matters addressed in this Fourth Amended Consent Order
2. Respondent is a person within the meaning of Section 403.031(5), F.S.
3. Respondent is the owner and is responsible for the operation of City of Haines City Wastewater Treatment Plant, a 2.97 MGD Three-month rolling average daily flow Type I oxidation ditch domestic wastewater treatment facility (“Facility”). The Facility is located at 851 East Park Road, Haines City, Florida 33844. The Facility is operated under the

Department issued wastewater permit No. FLA012977, which was issued on April 8, 2022, and will expire on April 7, 2027. The Respondent is also responsible for the operation of the associated Collection Systems (“System”) located in City of Haines City.

4. This Fourth Amendment shall amend the terms and conditions of the Original Order, First Amended Consent Order, Second Amended Consent Order, and Third Amended Consent Order only to the extent specifically stated herein, and all the provisions not addressed herein shall remain in full force and effect.

Having reached a resolution of the matter the Respondent and Department mutually agree, and it is

**ORDERED:**

5. Paragraph 5.e) of the First Amended Consent Order, Second Amended Consent Order, and Third Amended Consent Order shall be amended as follows:

The Respondent shall comply with the following corrective actions within the stated time periods and provide quarterly progress reports by the 15<sup>th</sup> day of the month following the end of each calendar quarter. The submittal of the quarterly reports shall continue through the pendency of this Fourth Amended Consent Order.

Ordered Items	Completion Date
<b>Public Access RIB:</b> Cease and desist all discharges from outfall into lake Marion.	Upon execution of this document
<b>Southern Dunes RIB Site:</b> Complete construction of and put into operation.	June 30, 2023
<b>Forest Hill Interim RIBS Site:</b> Complete construction of and put into operation.	March 31, 2024
<b>Ground Storage Tank:</b> Construction completed and in operation.	October 31, 2023
<b>Digesters/Equalization Tank:</b> Complete construction of digester to equalization tank conversion and put into operation.	February 15, 2024

6. Paragraph 11a. of the Original Order, First Amended Consent Order, Second Amended Consent Order, and Third Amended Consent Order shall be amended in full as follows:

Upon the effective date of this Fourth Amended Consent Order, Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 5. Additionally, Respondent shall pay the Department stipulated penalties, as set forth below, for any discharges of wastewater (as defined in Rule 62-600.200 (75), F.A.C.) from the collection/transmission system, facility, and/or effluent disposal system.

Respondent shall pay stipulated penalties as follows:

Amount per Day per Discharge	Discharge Volume
\$1,000.00	up to 5,000 gallons
\$2,000.00	5,001 to 10,000 gallons
\$5,000.00	10,001 to 25,000 gallons
\$10,000.00	25,001 to 100,000 gallons
\$15,000.00	in excess of 100,000 gallons

7. Paragraph 10 of the Original Order, First Amended Consent Order, Second Amended Consent Order, and Third Amended Consent Order shall be amended in full as follows:

Notwithstanding the time periods described in Paragraph 5 above, Respondent shall complete all corrective actions by March 31, 2024, and be in full compliance with its domestic wastewater permit and applicable rules of Chapter 62-604 and 62-600, F.A.C., regardless of any intervening events or alternative time frames imposed in this Fourth Amended Consent Order, other than those excused delays agreed to by the Department, as described in paragraph 18. Notwithstanding, Respondent's failure to properly budget or appropriate funds will not act to relieve or excuse Respondent for the non-performance of its obligations

hereunder.

8. Paragraph 27 of the Original Order, First Amended Consent Order, Second Amended Consent Order, and Third Amended Consent Order shall be amended as follows:

Respondent shall publish the following notice in a newspaper of daily circulation in Polk County, Florida. The notice shall be published one time only within 15 days of the effective date of the Fourth Amended Consent Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF FOURTH AMENDED CONSENT ORDER

The Department of Environmental Protection (Department) gives notice of agency action of entering into a Fourth Amended Consent Order with the City of Haines City pursuant to section 120.57(4), Florida Statutes. The Fourth Amended Consent Order addresses compliance at the wastewater treatment plant and addition of effluent disposal options and wastewater discharges from the collection/transmission system. The Fourth Amended Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 13051 N. Telecom Parkway, Suite 101, Temple Terrace, Florida 33637.

Persons who are not parties to this Fourth Amended Consent 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 Fourth Amended Consent Order means that the Department's final action may be different from the position it has taken in the Fourth Amended Consent Order.

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

- a) The OGC Number assigned to this Fourth Amended Consent Order;

- b) The name, address, and telephone number of each petitioner; 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;
- c) An explanation of how the petitioner's substantial interests will be affected by the Fourth Amended Consent Order;
- d) A statement of when and how the petitioner received notice of the Fourth Amended Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Fourth Amended Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Fourth Amended Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Fourth Amended Consent Order.

The petition 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 Southwest District Office at 13051 N. Telecom Parkway, Suite 101, Temple Terrace, Florida 33637. 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. Before the deadline for filing a petition, a person whose substantial interests are affected by this Fourth Amended Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

This Fourth Amended Consent Order is final agency action of the Department pursuant to Section 120.69, Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition this Fourth Amended Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

\_\_\_\_\_  
Roy Tyler  
Mayor  
City of Haines City

\_\_\_\_\_  
Date

DONE AND ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2023, in \_\_\_\_\_ County,  
Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

---

Ms. Kelley M. Boatwright  
District Director  
Southwest District

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

---

Clerk

---

Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35