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## Occupational Safety and Health Administration

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# Inspection Detail

Case Status: CLOSED

## Inspection: 1408387.015 – Central Florida Disposal Interests, L.L.C.

Inspection Information - Office: Tampa Area Office

**Inspection Nr:** 1408387.015

**Report ID:** 0420600

**Date Opened:** 06/13/2019

**Site Address:**

Central Florida Disposal Interests,  
L.L.C.,

241 Sampey Rd  
Groveland, FL 34736

**Union Status:** NonUnion

**SIC:**

**NAICS:** 562219/Other Nonhazardous  
Waste Treatment and Disposal

**Mailing Address:**

241 Sampey Rd, Groveland, FL 34736

**Inspection Type:** Complaint

**Safety/Health:** Safety

**Scope:** Partial

**Close Conference:** 06/13/2019

**Advanced Notice:** N

**Emphasis:**

**Ownership:** Private

**Case Closed:** 01/23/2020

### Related Activity

2025-02-25 Public Hearing F6 Exhibit 6 - Katy Gutierrez

Type	Activity Nr	Safety	Health
Complaint	1461763	Yes	Yes

Case Status: CLOSED

## Violation Summary

Violations/Penalties	Serious	Willful	Repeat	Other	Unclass	Total
Initial Violations	3					3
Current Violations	3					3
Initial Penalty	\$5,115	\$0	\$0	\$0	\$0	\$5,115
Current Penalty	\$3,069	\$0	\$0	\$0	\$0	\$3,069
FTA Penalty	\$0	\$0	\$0	\$0	\$0	\$0

## Violation Items

#	Citation ID	Citation Type	Standard Cited	Issuance Date	Abatement Due Date	Current Penalty	Initial Penalty	FTA Penalty	Contest	Latest Event
1.	01001A	Serious	19100134 E01	12/12/2019	01/09/2020	\$1,023	\$1,705	\$0		I - Informal Settlement
2.	01001B	Serious	19100134 F01	12/12/2019	01/09/2020	\$0	\$0	\$0		I - Informal Settlement
3.	01002	Serious	19100151 C	12/12/2019	01/09/2020	\$1,023	\$1,705	\$0		I - Informal Settlement
4.	01003A	Serious	19101200 G08	12/12/2019	01/09/2020	\$1,023	\$1,705	\$0		I - Informal Settlement
5.	01003B	Serious	19101200 H02 III	12/12/2019	01/09/2020	\$0	\$0	\$0		I - Informal Settlement

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## U.S. DEPARTMENT OF LABOR

Occupational Safety and Health  
 Administration  
 200 Constitution Ave NW  
 Washington, DC 20210  
 ☎ 1-800-321-OSHA  
 1-800-321-6742  
[www.osha.gov](http://www.osha.gov)

FEDERAL GOVERNMENT

White House



## Florida Department of Environmental Protection

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Ryan E. Matthews  
Interim Secretary

April 20, 2017

Dwayne Clarke, CEO  
Central Florida Disposal Interests, LLC  
9575 Katy Freeway, Suite 130  
Houston, TX 77024

Re: Central Florida Disposal Interests, LLC  
DW Facility ID #FLA299260  
OGC Case #17-0033

Dear Mr. Clarke:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records.

Should you have any questions or comments, please contact Nikki Belian at 407-897-2907 or via e-mail at [Nicole.Belian@dep.state.fl.us](mailto:Nicole.Belian@dep.state.fl.us).

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Prather".

Jeff Prather  
Director, Central District

Enclosure

cc: Lea Crandall, OGC  
Kris Tulloch, Christianne C. Ferraro P.E., Central District  
Randall Parrish, [rparrish@southwaste.com](mailto:rparrish@southwaste.com)  
Tim Cox, [tcox@southgate.com](mailto:tcox@southgate.com)



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3319 Maguire Boulevard, Suite 232  
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Lt. Governor

Ryan E. Matthews  
Interim Secretary

April 4, 2017

**CERTIFIED MAIL: 91 7108 2133 3936 6354 9799**

Dwayne Clarke, CEO  
Central Florida Disposal Interests, LLC  
9575 Katy Freeway, Suite 130  
Houston, TX 77024

Re: Central Florida Disposal Interests, LLC  
DW Facility ID #FLA299260  
Lake County

Dear Mr. Clarke:

Enclosed is a Consent Order ("Order") prepared by the Department for resolution of the referenced enforcement case. Please review this document within 15 days from date of receipt and either: 1) return a signed copy to the Department or 2) provide comments and suggested changes. Once fully executed, a copy of the final document will be forwarded to you.

Should you have any questions or comments, please contact Nikki Belian at (407) 897-2907 or via e-mail at [Nicole.Belian@dep.state.fl.us](mailto:Nicole.Belian@dep.state.fl.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Prather".

Jeff Prather  
Director, Central District

JP/wpg/nb

Enclosure: Consent Order

cc: Randall Parrish, [rparrish@southwaste.com](mailto:rparrish@southwaste.com)  
Tim Cox, [tcov@southgate.com](mailto:tcov@southgate.com)



## Florida Department of Environmental Protection

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

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Ryan E. Matthews  
Interim Secretary

April 4, 2017

Central Florida Disposal Interests, LLC  
Mr. Dwayne Clarke, CEO  
9575 Katy Freeway, Suite 130  
Houston, TX 77024

SUBJECT: Department of Environmental Protection v. Central Florida Disposal  
Interests, LLC, OGC File No.: 17-0033  
Facility located at 241 Sampey Road, Groveland, FL 34736

Mr. Clarke:

The State of Florida Department of Environmental Protection ("Department") finds that Central Florida Disposal Interests, LLC ("Respondent") was operating without a permit and outside of the parameters of the permit exemption, and distributed biosolids to unpermitted application sites, in violation of Florida Administrative Code, Rules 62-4.030, 62-640.300, 62-640.700, and 62-640.600. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, 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 \$20,700 in civil penalties and \$500 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$21,200. The civil penalties are apportioned as follows: \$4,850 for violation of Rule 62-640.300, F.A.C.; and \$15,850 for violation of Rule 62-640.700 F.A.C.

### 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 3319

Maguire Blvd., Orlando, FL 32803 within 15 days from date of receipt. 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), Florida Statutes (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, Mr. Dwayne Clarke:

- (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.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

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) Respondent must pay \$21,200 in full by May 1, 2017.
- (2) 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 and effective 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

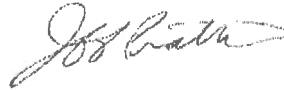
letter is clerked and becomes a Final Order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

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 Nikki Belian at (407) 897-2907 or at [Nicole.Belian@dep.state.fl.us](mailto:Nicole.Belian@dep.state.fl.us).

Sincerely,



Jeff Prather  
Director, Central District

FOR THE RESPONDENT:

I, DWAYNE E CLARKE [Type or Print Name], HEREBY ACCEPT  
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: Dwayne E Clarke  
[Signature]

Date: 4-11-17

Title: CEO  
[Type or Print]

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**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this 20th of April, 2017, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Jeff Prather  
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.



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Clerk

April 20, 2017

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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 OGC Number assigned to this 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 Order;
- d) A statement of when and how the petitioner received notice of the 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 Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the 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 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 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.