



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Jay Collins
Lt. Governor

Alexis A. Lambert
Secretary

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

October 21, 2025

Patrick J. Shea, Senior Vice President
A.C.M.S., INC.
3 Waterway Square Place, Suite 110
The Woodlands, Texas 77380

Re: Heart of Florida Landfill
Air Facility ID #1190053
Solid Waste Facility ID: 85764
OGC Case No:
Sumter County

Dear Mr. Shea:

Enclosed is a Settlement Agreement ("Order") prepared by the Department for resolution of the referenced enforcement case. Please review this document and within 20 days of receipt, 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 Colin Campbell at 407-897-4167 or via e-mail at Colin.Campbell@FloridaDEP.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Watkins".

Aaron Watkins, Director
Central District

Enclosure: Settlement Agreement

cc: Colin Campbell, Sarah Fayed, FDEP
Elijah Vandergriff, Senior District Manager, Elijah.Vandergriff@wasteconnections.com
Brett O'Connor, Region Engineering Manager, BrettO@WasteConnections.com
Lizmarie Steel, Southern Region Engineer, Lizmarie.Steel@WasteConnections.com
Don Grigg, Southern Region Engineer, Don.Grigg@WasteConnections.com

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION)	IN THE OFFICE OF THE CENTRAL DISTRICT
)	
v.)	OGC FILE NO. 25-1884
)	
A.C.M.S., INC.)	
)	

SETTLEMENT AGREEMENT

This Settlement Agreement (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and A.C.M.S., INC. (“Respondent”) pursuant to Section 120.57(4), Florida Statutes, to settle certain matters at issue between the Department and Respondent.

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 administer and enforce the provisions of the Florida Resource Recovery and Management Act, Sections 403.702, et seq., 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 Order.

2. Respondent is a “person” within the meaning of Sections 403.031(9) and 403.703(22), F.S.

3. Respondent is the operator of a Heart of Florida Landfill, located at 1032 CR 529A, Bushnell, in Sumter County, Florida (“Facility”). The Facility’s Air ID Number is 1190053 and the Facility’s Solid Waste ID Number is 85764.

4. The Department finds that the following violations occurred:

a) During a May 9, 2025, inspection, objectionable municipal solid waste (MSW) odors were observed beyond the facility’s property in violation of Rule 62-296.320, F.A.C.

- b) On July 1, 2025, Department staff observed visible emissions (VE) testing at the Heart of Florida facility for the leachate evaporator. During the VE testing, Department staff observed objectionable odors on and off site as the leachate evaporator ramped up to 90% operational capacity and Department staff experienced strong odors offsite after the VE testing concluded., in violation of Rule 62-296.320 F.A.C.
- d) On September 16, 2025, Department staff conducted a solid waste inspection of the facility. During the inspection, minor erosion was noted along the side slopes of the Class I Landfill where leachate seeps had occurred, in violation of Rule 62-701.500 F.A.C.

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

ORDERED:

5. Respondent shall comply with the following corrective actions within the stated time periods:

- a) Effective immediately, Respondent will continue to keep the facility's leachate evaporator offline and within 180 days of the effective date of this order will completely disconnect and remove the leachate evaporator from the facility.
- b) Effective immediately, Respondent shall dispose of all leachate generated on site using an authorized leachate disposal method, as required in Rule 62-701.500, F.A.C.
- c) Effective immediately, Respondent shall conduct post rainfall inspections of all side slopes to address potential erosion of side slopes of the Class I landfill. When side slope erosion occurs, Respondent shall remove any protruding waste and re-grade and stabilize the side slopes. This work is ongoing and shall be completed within 30 days from when erosion is observed.
- d) Effective immediately, every quarter after the effective date of this Order and continuing until all corrective actions have been completed, Respondent

shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order, information about compliance or noncompliance with the applicable requirements of this Order, and any reasons for noncompliance. Respondent shall submit the reports to the Department within 30 days of the end of each quarter.

- e) Within 30 days of the effective date of this order, Respondent shall submit a proposal to the Department for approval that provides an explanation and potential corrective action for the benzene exceedances at monitoring wells MW-7A and MW-8A. The proposal shall also include a plan for evaluating benzene concentrations at all monitoring wells on site¹.
- f) The Department shall provide Respondent with its written approval, approval with conditions or modifications as a contingency of approval, or disapproval for the proposal required by paragraph 5. e) of this Order.
- g) Respondent shall revise the proposal required by 5. e) with the Department's written comments within thirty (30) days of Respondent's receipt

¹. The analysis plan must include submission of results within 30 days of each sampling event and must be submitted to the Department in Electronic Data Deliverable ("EDD") reports on compact disk or flash drive media. The reports and analytical results shall also meet all of the following criteria:

- a) Water quality monitoring reports shall be submitted in Adobe (.pdf) file format.
- b) The water quality EDD shall be provided to the Department in an electronic format consistent with requirements for importing the data into the Department's databases as summarized on the Department's web site at: <ftp://ftp.dep.state.fl.us/pub/WACS-ADaPT>.
- c) Water quality monitoring reports shall be signed and sealed by a State of Florida registered professional geologist or professional engineer with experience in hydrogeological investigations and shall provide the information required by Rules 62-701.510(9)(a)(1) through (10), F.A.C., including:
 - i) cover letter;
 - ii) summary of exceedances and recommendations;
 - iii) ground water contour maps;
 - iv) chain of custody forms;
 - v) water levels/water elevation table;
 - vi) a Ground Water Monitoring Report Certification, using Department Form No. [62-522.900\(2\)](#), F.A.C.;
 - vii) appropriate sampling information on Form [FD 9000-24](#) (DEP-SOP-001/01); and
 - viii) laboratory and field data and error logs, as applicable, which shall be submitted in both Adobe (.pdf) file format and in an ADaPT-compatible, comma separated text file format.

of the Department's written comments unless such comments specify an alternative due date, in which case Respondent shall submit to the Department any revised submittal, specification, or schedule in accordance with the due date specified by the Department. Revised submittals are also subject to approval, approval with conditions and/or modifications, or disapproval by the Department following these approval procedures. Any revised submittal that is not approved or is not approved with conditions and/or modifications is considered noncompliant with the terms of this Order;

h) Upon receipt of the Department's written approval, or approval with conditions and/or modifications, Respondent shall implement the approved proposal in accordance with the schedule and provisions contained therein.

6. 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 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraphs 7 and 8, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order.

7. 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 becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

8. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Colin Campbell (Environmental Manager), Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

9. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

10. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

11. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or

minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

12. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for alleged violations up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

13. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

14. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

15. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

16. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also

acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

17. 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.

18. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

19. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., 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, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

20. Respondent shall publish the following notice in a newspaper of daily circulation in Sumter County, Florida. The notice shall be published one time only within 30 days of the effective date of the 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 CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with A.C.M.S., INC. pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the odor, solid waste, and ground water monitoring activities at 1032 County Road 529A, Lake Panasoffkee, FL 33538. The 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, Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

Persons who are not parties to this 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 Consent Order means that the Department's final action may be different from the position it has taken in the Consent 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, 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 Insert District Office and Address. **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.** Within 10- days after filing a petition, a person whose substantial interests are affected by this 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 an administrative hearing if mediation does not result in a settlement. Additional information about the mediation process and procedure is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

21. Rules referenced in this Order are available at

[https://floridadep.gov/ogc/ogc/content/rules.](https://floridadep.gov/ogc/ogc/content/rules)

FOR THE RESPONDENT:

Patrick J. Shea
Senior Vice President

Date

DONE AND ORDERED this _____ day of _____, 2025, in Orange County, 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

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35