



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 29 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kenneth Pridgen
Chairman
Walton County Board of Commissioners
P. O. Box 1260
DeFuniak Springs, Florida 32435

Re: Consent Agreement and Final Order
Docket No. CWA-04-2007-5500(b)

Dear Mr. Pridgen:

Enclosed please find the Consent Agreement and Final Order (CAFO), Docket No. CWA-04-2007-5500(b), which the U.S. Environmental Agency (EPA) has executed. After the public comment period was over and EPA reviewed and resolved any comments on the CAFO, the Regional Administrator signed the Final Order. In accordance with the terms of the CAFO, the date he signed the Final Order is the effective date of the CAFO.

If you have any further comments or questions regarding this matter, please contact Mike Wylie of my staff at (404) 562-9409 or your attorney can contact Philip Mancusi-Ungaro, Associate Regional Counsel at (404) 562-9519.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Welborn", written over a horizontal line.

Thomas C. Welborn
Chief
Wetlands, Coastal and Nonpoint
Source Branch

Enclosure

cc: Corps, Jacksonville
Corps, Panama City
USFWS, Panama City
DEP, Tallahassee

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
)
WALTON COUNTY) CONSENT AGREEMENT AND
) FINAL ORDER
DEFUNIAK SPRINGS, FLORIDA)
)
RESPONDENT.) Docket No.: CWA-04-2007-5500(b)

RECEIVED
EPA REGION IV
2007 AUG 29 PM 2:29
HEARING CLERK

CONSENT AGREEMENT

I. Statutory Authority

1. This is a civil penalty proceeding under Section 309(g)(1) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g)(1), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits*, published at 64 Fed. Reg. 40176 (July 23, 1999), codified at 40 Code of Federal Regulations (C.F.R.) Part 22 (Part 22).

2. The authority to take action under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), is vested in the Administrator of the United States Environmental Protection Agency (EPA). The Administrator has delegated this authority to the Regional Administrator Region 4, who in turn has redelegated this authority to the Director of the Water Management Division (Complainant).

II. Statutory and Regulatory Background

3. Section 309(g)(1)(A) of the CWA, 33 U.S.C. § 1319(g)(1)(A), states "[w]henever, on the basis of any information available - the Administrator finds that any person has violated [section 301 of the CWA, 33 U.S.C. § 1311], . . . the Administrator . . . may, after consultation with the State in which the violation occurs, assess a . . . class II civil penalty under [33 U.S.C. § 1319(g)(2)(B)]."

4. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), states "[e]xcept as in compliance with . . . [Section 404 of the CWA, 33 U.S.C. § 1314], the discharge of any [dredged or fill material] by any person shall be unlawful." Section 404 of the CWA, 33 U.S.C. § 1344, authorizes the Secretary of the Army, acting through the Chief of Engineers, U.S. Army Corps of Engineers (COE), to issue permits for the discharge of dredged or fill material into navigable waters.

5. Section 502(12) of the CWA, 33 U.S.C. § 1362(12), defines a "discharge of pollutants" as "[a]ny addition of any pollutant to navigable waters from any point source . . ."

6. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), defines "point source" as "[a]ny discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit [or] discrete fissure . . . from which pollutants are or may be discharged."

7. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines "navigable waters" as "[t]he waters of the United States, including the territorial seas."

8. Federal regulations under 40 C.F.R. § 232.2 define the term "waters of the United States" to include "wetlands."

9. Federal regulations under 40 C.F.R. § 232.2 and 33 C.F.R. § 328.3(b) define "wetlands" as "[t]hose areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."

III. Allegations

10. Respondent, Walton County, at all times relevant to this Consent Agreement and Final Order, was the owner and operator of a tract of land located north of U.S. Highway 331 on Old Blue Mountain Beach Road, Santa Rosa Beach, in Walton County, Florida, near 30° 11' 44" north latitude and 85° 5' 7" west longitude, (the Site) (Exhibits A and B.)

11. Walton County is a person within the definition set forth under section 502(5) of the CWA, 33 U.S.C. § 1362(5).

12. Commencing on or about September 12, 2005, to September 27, 2005, Respondent, or those acting on behalf of the Respondent, discharged dredged and/or fill material into wetlands (Discharge Area) on the Site using earth moving machinery, during unauthorized activities associated with the clearing and filling of wetlands for road construction.

13. Respondent impacted approximately 0.714 acres of wetlands that are adjacent to Choctawatchee Bay, a navigable-in-fact water.

14. The discharged dredged and/or fill material, including earthen material deposited at the Discharge Area, are "pollutants" as defined under the CWA § 502(6).

15. The earth moving machinery employed by the Respondent to deposit the dredged and/or fill material at the Discharge Area are "point sources" as defined under the CWA § 502(14).

16. Respondent's placement of the dredged and/or fill material at the Discharge Area constitutes a "discharge of pollutants" as defined under the CWA § 502(12).

17. A "discharge of a pollutant" as defined at Section 502(12)(A) of the CWA, 33 U.S.C. § 1362(12)(A), means any addition of any pollutant to navigable waters from any point source.

18. At no time during the discharge of dredged and/or fill material at the Discharge Area from September 12, 2005, to September 27, 2005, did the Respondent possess a permit under Section 404 of the CWA, 33 U.S.C. § 1344, authorizing the activities performed by Respondent. Each discharge by the Respondent of pollutants into navigable waters without the required permit issued under Section 404 of the CWA, 33 U.S.C. § 1344, is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

19. Each day the material discharged by the Respondent remains in waters of the United States without the required permit under Section 404 of the CWA, 33 U.S.C. § 1344, constitutes a day of violation of Section 301 of the CWA, 33 U.S.C. § 1311.

IV. Stipulations and Findings

20. Complainant and Respondent have conferred for the purpose of settlement under 40 C.F.R. Part 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without gathering any evidence or testimony, making of any argument, or adjudicating any issue in this matter, and in accordance with 40 C.F.R. Part 22.13(b), this Consent Agreement and Final Order will simultaneously commence and conclude this matter.

21. For the purposes of this CAFO only, Respondent admits the jurisdictional allegations set out above and neither admits nor denies the factual allegations set out above.

22. Respondent hereby waives its right to contest the allegations set out above and its right to appeal the Final Order accompanying this Consent Agreement.

23. Respondent consents to the assessment of and agrees to pay the administrative penalty as set forth in this CAFO and consents to the other conditions set forth in this CAFO.

24. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each such submission, response and statement. Respondent realizes that there are significant penalties for submitting false or misleading information, including the possibility of fines and/or imprisonment for knowing submission of such information.

25. EPA reserves the right to assess and collect any and all civil penalties for any violation described herein to the extent that any information or certification provided by Respondent was materially false or inaccurate at the time such information or certification was provided to EPA.

26. Complainant and Respondent agree to settle this matter by the execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of the CWA.

V. Supplemental Environmental Project

27. The parties have agreed upon a Supplemental Environmental Project (SEP) in the vicinity of the Site in accordance with EPA policies encouraging SEPs. The SEP will have the following two components: 1) a Nature Walk in Gaskin Park, and 2) a Public Works Training Day.

28. Within thirty (30) days of receiving a copy of this CAFO signed by the Regional Administrator, the Respondent will: 1) order the Nature Trail boardwalk materials and educational signs, as well as schedule the needed labor for the Nature Walk project; and 2) contact guest speakers, schedule a date for the training, hold Public Works meetings to coordinate training for the Public Works Training Day.

29. No later than August 31, 2007, Respondent will complete both components of the SEP as follows: 1) construct the nature trail and erect the wetland education signs along the trail; and 2) conduct a one day training session (which all Public Works Employees are required to attend), addressing wetland, storm water, and related environmental issues. ~~Both projects are described further in the Scope of Work which is attached as Appendix A.~~

30. The parties agree that the SEP is intended to secure significant environmental or public health protection and improvements. The Nature Walk Project will educate Walton County residents on the identification, importance and function of wetlands in the environment. Adults and children will have the opportunity to experience the park's recreational amenities and learn about the significance of wetlands in the same setting. The Public Works Training Day will educate Public Works employees about wetlands, storm water, and related environmental issues. Among other things, employees will leave this training with the knowledge of how to identify a wetland and the importance of wetlands.

31. The SEP is in the public interest, furthers the purposes of the Clean Water Act, and is an appropriate and adequate substitute for the additional civil penalties that would otherwise have been imposed in this case.

32. The total expenditure for the SEP shall not be less than \$107,812 to construct the Gaskin Park Nature Trail and complete the Walton County Public Works Training Day. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report.

33. By signing the Consent Agreement, Respondent certifies that, as of the date of the Consent Agreement, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation; nor is Respondent required to perform or develop the SEP by any other agreement, grant or as injunctive relief in this or any other case. Respondent further certifies that it has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

34. Respondent will prepare and submit the following reports to EPA:

a. The SEP Completion Report will include the following information:

- (i) A detailed description of the SEP as implemented;
- (ii) A description of any operating problems encountered and the solutions thereto;
- (iii) Itemized costs;
- (iv) Certification that the SEP has been fully implemented under the CAFO; and
- (v) A description of the environmental and public health benefits resulting from implementation of the SEP.

b. The SEP Periodic Report, which the Respondent will submit to the EPA in accordance with the Scope of Work, will provide updates on the progress of SEP implementation.

c. Respondent agrees that failure to submit the SEP Completion Report or any Periodic Report required by subsection a) and b) above will be deemed in violation of this CAFO and Respondent will become liable for stipulated penalties under paragraph 37 below.

d. Respondent will submit all notices and reports required by the CAFO to:

Mike Wylie
U.S. Environmental Protection Agency - Region 4
Wetlands Regulatory Section
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960.

e. In itemizing its costs in the SEP Completion Report, Respondent will clearly identify and provide acceptable documentation for all eligible SEP costs. Where the SEP Completion Report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this Paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Canceled drafts

do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

35. In all documents or reports, including, without limitation, any SEP reports submitted under this CAFO, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

36. EPA Acceptance of the SEP Report:

a. After receipt of the SEP Completion Report, EPA will notify the Respondent, in writing, regarding: i) any deficiencies in the SEP Report itself along with a grant of an additional thirty (30) days for Respondent to correct any such deficiencies; or (ii) indicate that EPA concludes that the project has been completed satisfactorily, or (iii) determine that the project has not been completed satisfactorily and seek stipulated penalties in accordance with paragraph 37 below.

b. If EPA elects to exercise option (i) above, i.e., if the SEP Report is determined to be deficient, but EPA has not yet made a final determination about the adequacy of SEP completion itself, EPA shall permit Respondent opportunity to object in writing to the notification of deficiency given under this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Report. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any failure to comply with the terms of this CAFO. In the event the SEP is not completed as provided in the Consent Agreement, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with paragraph 37 below.

VI. Stipulated Penalties

37. In the event that Respondent fails to comply with any of the terms or provisions of this Agreement relating to the performance of the SEP described in paragraph 11 above and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in paragraph 13 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

(a) Except as provided in subparagraph (ii) immediately below, for a SEP which has not been completed satisfactorily under this CAFO, Respondent shall pay a stipulated penalty to the United States in the amount of \$110,000.

(b) If the SEP is not completed in accordance with paragraphs 27 - 36, but the EPA determines that the Respondent: a) made good faith and timely efforts to complete the project; and b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent will not be liable for any stipulated penalty.

(c) If the SEP is completed in accordance with paragraphs 27-36, but the Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount of \$15,000.

(d) If the SEP is completed in accordance with paragraphs 27-36, and the Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty.

(e) For failure to submit the SEP Completion Report required by paragraph 15(a) above, Respondent shall pay a stipulated penalty in the amount of \$100 for each day after the date in paragraph 36 until the report is submitted.

(f) For failure to submit any other report required by paragraph 36 (b) above, Respondent shall pay a stipulated penalty in the amount of \$100 for each day after the report was originally due until the report is submitted.

38. The determinations of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.

39. Stipulated penalties for subparagraphs (e) and (f) above shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.

40. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of paragraph 46 below. Interest and late charges shall be paid as stated in paragraphs 49 and 50 below.

41. Nothing in this agreement shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law. paragraph. Delay in achievement of one interim step shall not necessarily justify or excuse delay in achievement of subsequent steps.

VII. Site Access

42. EPA, its employees, and its authorized agents (including contractors and subcontractors) shall have access to the Site at all reasonable times for the purposes of inspecting, investigating or verifying compliance with the terms of this CAFO. Access shall include access to, and the right to make copies of, all unprivileged records, documents or information relating to or pertaining to the Site.

43. Respondent shall have the right to accompany EPA representatives and employees throughout their presence at the Site and to monitor and record the investigative activities conducted by EPA. If such a recording of the Agency's investigatory activities is made, the Respondent shall, upon written request, provide a copy of the recording to EPA.

44. This section in no way limits any right of inspection and/or entry available to EPA under applicable federal or state laws, regulations, or permits.

VIII. Payment

45. Under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and 40 C.F.R. § 19, and considering the nature of the violations and other relevant factors, EPA has determined that twenty-eight thousand seven hundred and fifty dollars (\$28,750.00) is an appropriate civil penalty to settle this action.

46. Respondent shall submit payment of the penalty specified in the preceding paragraph within thirty (30) days of the effective date of this CAFO via a cashier's or certified check, payable to the order of "Treasurer, United States of America." The check shall reference on its face the name of Respondent and the Docket Number of this CAFO. Such payment shall be tendered to:

U.S. Environmental Protection Agency
Cincinnati Accounting Operations
Mellon Lockbox 371099M
Pittsburgh, PA 15251-7099

47. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

and

Mike Wylie
U.S. Environmental Protection Agency - Region 4
Wetlands Regulatory Section
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

48. Civil penalty payments under this CAFO are penalties within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), or of 26 C.F.R. § 1.162-21 and are not tax deductible expenditures for purposes of federal law.

49. Under 40 C.F.R. § 13 and 31 U.S.C. § 3717 et seq., if EPA does not receive payment of the penalty assessed by this CAFO in full by its due date, interest shall accrue on the unpaid balance from the due date through the date of payment at an annual rate equal to the rate of the current value of funds to the United States Treasury as prescribed and published by the Secretary of the Treasury. If all or part of the payment is overdue, EPA will assess a late-payment handling charge of \$15.00, with an additional delinquent notice charge of \$15.00 for each subsequent thirty (30) day period. EPA will also assess on a monthly basis an up to six per cent (6%) per annum penalty on any principal amount not paid within ninety (90) days of the due date.

50. Under Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9), failure by the Respondent to pay the penalty assessed by the CAFO in full by its due date may subject the Respondent to a civil action to collect the assessed penalty plus interest (at currently prevailing rates from the effective date of this CAFO), attorney's fees, costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent (20%) of the aggregate amount of such penalty and nonpayment penalty which are unpaid as of the beginning of such quarter. In any such collection action, the validity, amount and appropriateness of the penalty and of this CAFO shall not be subject to review.

IX. General Provisions

51. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit. Other than as expressed herein, compliance with this CAFO shall not be a defense to any actions subsequently commenced under federal laws and regulations administered by the EPA.

52. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of United States to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any federal or state statute, regulation or permit.

53. Except as otherwise set forth in this document, this CAFO constitutes a settlement by Complainant and Respondent of all claims for civil penalties under the CWA with respect to only those violations alleged in this CAFO. Except as otherwise set forth in this document, compliance with this CAFO shall resolve the allegations of violations contained in this CAFO. Nothing in this CAFO is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondent, or other liability resulting from violations that were not alleged in this CAFO. Other than as expressed in this document, Complainant does not waive any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.

54. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

55. This CAFO applies to and is binding upon Respondent and any officers, directors, employees, agents, successors and assigns of the Respondent.

56. Any change in the legal status of Respondent including, but not limited to, any transfer of assets of real or personal property, shall not alter Respondent's responsibilities under this CAFO.

57. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CAFO.

58. In accordance with 40 C.F.R. § 22.5, the individuals below are authorized to receive service relating to this proceeding.

For Complainant:

Philip Mancusi-Ungaro
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street
Atlanta, Georgia 30303
(404) 562-9409

For Respondent:

Mr. Ronnie Bell
Walton County Administrator
P.O. Box 1260
DeFuniak Springs, Florida 32435
(850) 951-0551

59. The parties acknowledge and agree that this CAFO is subject to the requirements of 40 C.F.R. § 22.45(c)(4), which provides a right to petition to set aside a consent agreement and proposed final order based on comments received during the public comment period.

60. Under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.38(b), Complainant represents that the State of Florida was provided a prior opportunity to consult with Complainant regarding this matter.

61. This CAFO in no way affects the rights of the Complainant as against any person or entity not a party to this CAFO.

X. Release by Respondent

62. Respondent hereby covenants not to sue and agrees not to assert any claims or causes of action against the United States, including any department, agency or instrumentality of the United States, with respect to the Site or this CAFO, including but not limited to, any claim that there has been a taking of Respondent's property without compensation.

XI. Effective Date

63. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

For COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY:

Dei Stewart for
James D. Giattina, Director
Water Management Division
U.S. EPA, Region 4

Date: 8/21/07

For RESPONDENT: Walton County, Florida

Kenneth H. G...
Chairman, Board of County Commissioners

Date: 6-15-07

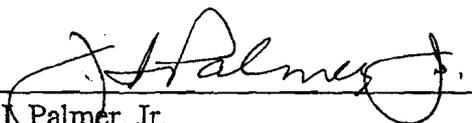
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
)
)
WALTON COUNTY) CONSENT AGREEMENT AND
DEFUNIAK SPRINGS, FLORIDA) FINAL ORDER
)
)
RESPONDENT.) Docket No.: CWA-04-2007-5500(b)
)

FINAL ORDER

In accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits*, 40 C.F.R. Part 22, and authorities delegated to me, the forgoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), Respondent is hereby ordered to comply with the terms of the foregoing Consent Agreement.

U.S. ENVIRONMENTAL PROTECTION AGENCY



J. I. Palmer, Jr.
Regional Administrator
U.S. EPA, Region 4

Date: AUG 23 2007

Exhibit A

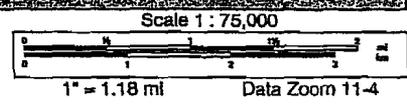
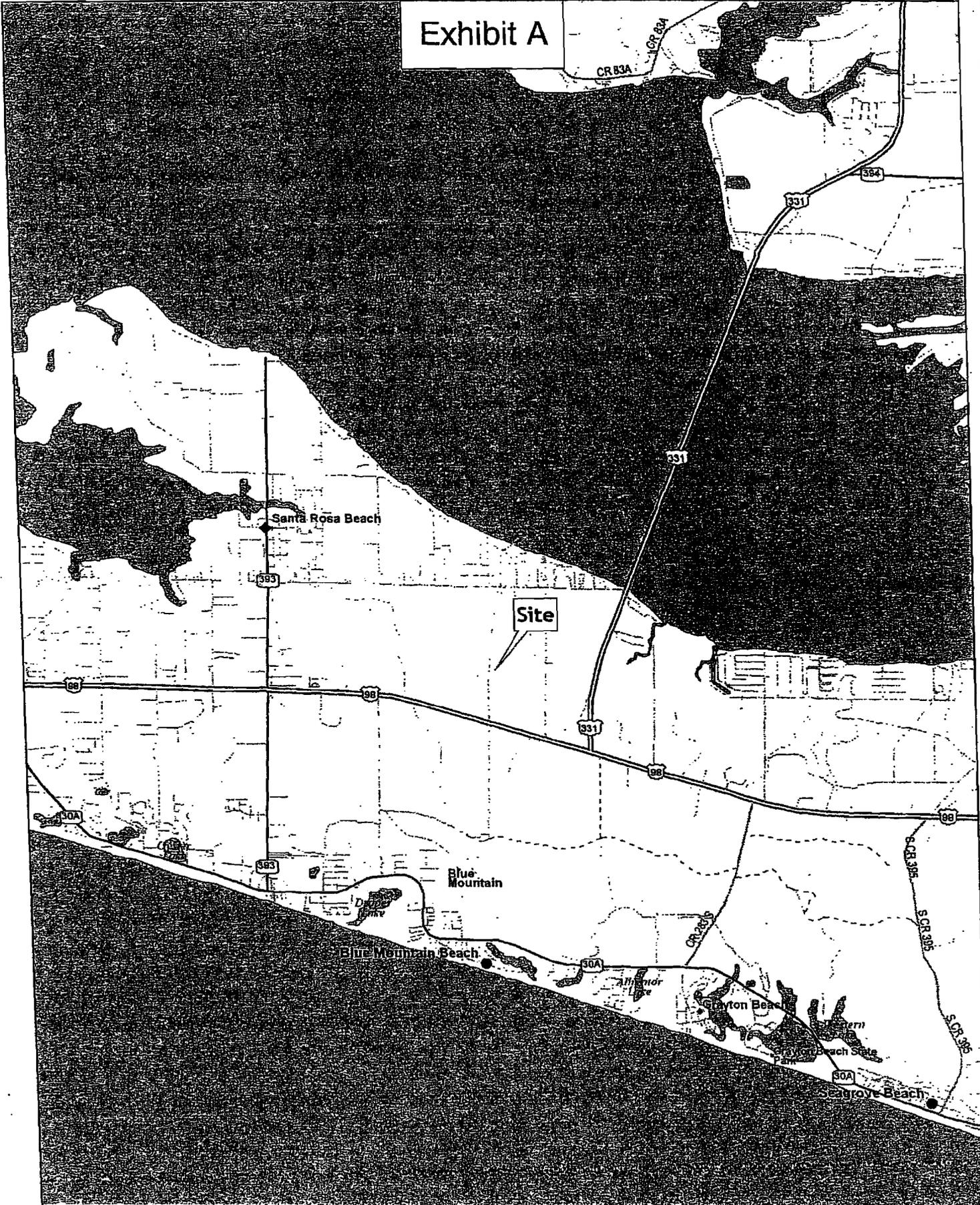


Exhibit B

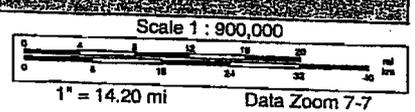
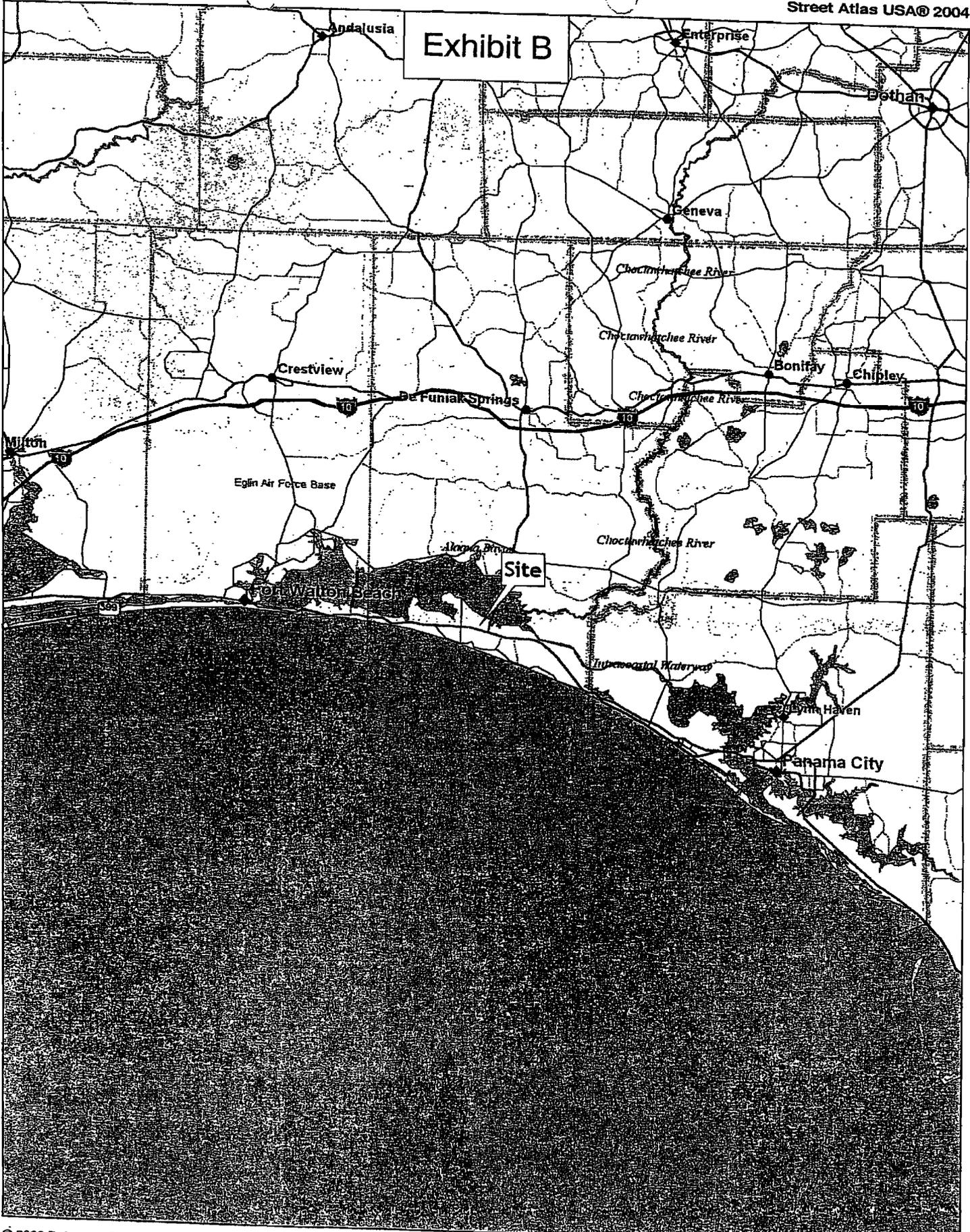


Exhibit C

Walton County EPA Supplemental Environmental Projects (SEPs) July, 2006

Walton County has agreed upon 2 Supplemental Environmental Projects ("SEP") in the vicinity of Walton County. These projects will be in accordance with EPA policies encouraging SEPs. Walton County will initiate each SEP as described below within 30 days of receiving a copy of this CAFO signed by the Regional Administrator or Regional Judicial Officer:

- Gaskin Park- ordering of nature trail boardwalk materials and educational signs, scheduling of labor
- Public Works Training Day- contact possible guest speakers, schedule a date for the training, hold Public Works meetings to go over this training, line up the refreshments for the training

Walton County will complete the rest of the SEPs as follows:

- Gaskin Park- construct nature trail boardwalk and wetland education signs along boardwalk
- Public Works Training Day- require all Public Works employees to attend a one day training session addressing wetland, stormwater, and environmental issues and regulations

The parties agree that the SEPs are intended to secure significant environmental or public health protection and improvements. The Nature Walk Project will, for example educate Walton County residents on the identification, importance, and function of wetlands in the environment. The Gaskin Park Nature Walk will be located in Gaskin FL, a rural town in northern Walton County. This park also has other proposed amenities such as bathrooms, a playground, and a splash pad. The Nature Walk is intended as the SEP project. The adults and children that visit this park and walk along the nature trail will learn about wetlands. This will give adults and children alike the opportunity to experience recreation and conservation in the same setting. The Public Works Training Day will be required by all Public Works employees. This training will not only educate employees about wetlands, but also stormwater issues/the NPDES program. Employees will leave this training with knowledge of how to identify a wetland and the importance of a wetland. A cost estimate and completion date is provided for these 2 projects and can be found in Appendix A.

The SEP is in the public interest, furthers the purposes of the Clean Water Act, and is an appropriate and adequate substitute for a substantial civil penalty that would otherwise have been imposed in this Case. The total expenditure for the SEP shall not be less than \$107,812. Walton County shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report.

By signing the Consent Agreement, Walton County certifies that, as of the date of the Consent Agreement, Walton County is not required to perform or develop the SEP by

any federal, state, or local law or regulation; nor is Walton County required to perform or develop the SEP by any other agreement, grant or as injunctive relief in this or any other Case. Walton County further certifies that it has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

Walton County will prepare and submit the following reports to EPA upon completion of SEP projects:

a. The SEP Completion Report will include the following information:

- (i) A detailed description of the SEP as implemented;
- (ii) A description of any operating problems encountered and the solutions thereto;
- (iii) Itemized costs;
- (iv) Certification that the SEP has been fully implemented under the CAFO; and
- (v) A description of the environmental and public health benefits resulting from implementation of the SEP.

b. The SEP Periodic Report, which Walton County will submit to the EPA in accordance with the Scope of Work, will provide updates on the progress of SEP implementation.

c. Walton County agrees that failure to submit the SEP Completion Report or any Periodic Report required by subsection a) and b) above will be deemed in violation of this CAFO and Walton County will become liable for stipulated penalties.

Appendix A

Preliminary Schedule and Costs: SEP Projects

SEP Name	Estimated Costs	Estimated Start Date	Estimated Completion Date
Gaskin Park Nature Trail	\$150,000*	Permits have been received. Work can start within 30 days of signed EPA agreement. Trail construction will be contracted out.	March, 2007
Public Works Training Day	\$10,000	Preliminary outline for training is complete. Guest speakers will be scheduled and training outline will be complete within 30 days of signed EPA agreement.	March, 2007

*Exceeds the SEP requirement of \$107,812.

Public Works Training Day: Outline

- Introduction
- Current County Policy Review (6 Areas)
 1. Permit Specialist
 2. Project Managers
 3. Project Board Postings
 4. Pre-Construction Meetings
 5. Training
 6. Disciplinary Policies
- Silt Fence Installation Procedures with Slide Presentation
- Wetlands Recognition with Slide Presentation
- Working at/on Wetlands Procedures with Slide Presentation
- Policy Violations and Consequences
- Statement of Training Received and Understanding with Signature
- Note: Possibility of guest speaker to wrap up the training. Possibility speaker may be from FLDEP or Army Corps of Engineers.
- Conclusion

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
)
) CONSENT AGREEMENT AND
Walton County, Florida) FINAL ORDER
Defuniak Springs, Florida)
)
RESPONDENT.) Docket No.: CWA-04-2007-5500(b)
_____)

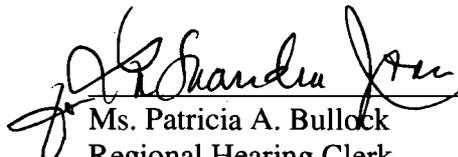
CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the attached **CONSENT AGREEMENT AND FINAL ORDER** in the matter of Walton County, Florida, Docket No. CWA-04-2007-5500(b) (filed with the Regional Hearing Clerk on August 29, 2007) was served on August 29, 2007, in the manner specified to each of the persons listed below.

By hand-delivery: Philip Mancusi-Ungaro
Associate Regional Counsel
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303

Mike Wylie
Wetlands Regulatory Section
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303

By certified mail,
return receipt requested: Mr. Kenneth Pridgen
Chairman
Walton County Board of Commissioners
P. O. Box 1260
DeFuniak Springs, Florida 32435


Ms. Patricia A. Bullock
Regional Hearing Clerk
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

=====

TO BE COMPLETE BY ORIGINATING OFFICE:

(attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Mike Wylie [Name] 8/9/07 [Date]
in the Wetlands Regulatory Section [Office] at 404-562-9435 [Telephone Number]

- Non-SF Judicial Order/Consent Decree. USAO COLLECTS.
Administrative Order/Consent Agreement. FMS COLLECTS PAYMENT.
SF Judicial Order/Consent Decree. FMS COLLECTS.
Other Receivables
This is an original debt.
This is a modification.

PAYEE: Walton County, Florida
[Name of person and/or Company/Municipality making the Payment]

The Total Dollar Amount of Receivable: \$ 28,750
[If in installments, attach schedule of amounts and respective due dates]

The Case Docket Number: CWA-04-2007-5500 (b)

The Site-Specific Superfund (SF) Account Number: _____

The Designated Regional/Headquarters Program Office: _____

TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT SECTION:

The IFMS Accounts Receivable Control Number is: _____ Dafa

If you have any questions call: _____ in the Financial Management Section,

Telephone Number: _____ COMMERCIAL

DISTRIBUTION:

A. JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the FINAL JUDICIAL ORDER should be mailed to:

- 1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice/RH 1647
P.O. BOX 7611, Benjamin Franklin Station
Washington, DC 20044
2. Originating Office (ORC)
3. Designated Program Office

B. ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the ADMINISTRATIVE ORDER should be sent to:

- 1. Originating Office
2. Designated Program Office
3. Regional Hearing Clerk
4. Regional Counsel