



FLORIDA DEPARTMENT OF Environmental Protection

South District Office
2295 Victoria Ave, Suite 364
Fort Myers, FL 33901

Ron DeSantis
Governor

Jay Collins
Lt. Governor

Alexis A. Lambert
Secretary

January 28, 2026

CERTIFIED MAIL NO. 9589 0710 5270 1906 9275 66
RETURN RECEIPT REQUESTED

Julie Wilkins, Mayor
City of Labelle
481 West Hickpochee Ave
Labelle, FL, 33935

RE: Consent Order
OGC Case No. 25-1567
Facility Name: City of Labelle
Facility/Site No. 5260050

Dear Mayor Julie Wilkins:

Enclosed is a proposed Consent Order to resolve the above-referenced 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 **Rocio Andrade** at **239-344-5740** or via e-mail at Rocio.Andrade@FloridaDEP.gov.

Your cooperation in resolving this matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Sweigert".

Elizabeth Sweigert
Director of District Management

Cc: Julie Wilkins, Mayor JulieWilkins@citylabelle.com
Mitch Willis, mwills@citylabelle.com
Salvador Mora, SMora@woodardcurran.com
Juan Cuardenas, JCardenas@woodardcurran.com
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Brianna Morales, Brianna.Morales@woodardcurran.com
Glenn Burden, gburden@woodardcurran.com
Tijuana Warner, tiawarner@citylabelle.com

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT))	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION))	SOUTH DISTRICT
)	
v.))	OGC FILE NO. 25-1567
)	
CITY OF LABELLE))	
_____))	

CONSENT ORDER

This Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and City of Labelle (“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 protect Florida’s water resources and to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, 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 Section 403.852(5), F.S.
3. Respondent is the owner of a Community Water System, PWS No. 5260050, located at 2500 S SR 29, LaBelle, FL 33935 (“System”).
4. The Department finds that the Respondent violated Section 403.850, Florida Statutes (F.S.), and Rules 62-550 and 62-555, Florida Administrative Code (F.A.C.).
 - a. On August 20, 2022, Department staff conducted a Sanitary Survey Inspection and identified the following deficiencies. On July 16, 2025, Department staff conducted a Sanitary Survey Inspection and identified the same deficiencies, which remain unaddressed:
 - i. Respondent failed to address corrosion and leaks on high service

pumps 1, 2, 3, and 4, in violation of Rule 62-555.350(2), F.A.C.

ii. Respondent failed to correct leaking and biological growth on Well #3 near the well casing, and failed to maintain the gap between the well pad and well casing, in violation of Rule 62-555.350(2), F.A.C.

iii. Respondent produced more than 75 percent of its permitted design capacity and did not submit a Capacity Analysis Report within 6 months of the initial exceedance, in violation of Rule 62-555.348(3), F.A.C.

iv. Respondent failed to demonstrate that six wells (Wells AAE6983, AAH9205, AAH9250, AAH9252, AAH9251, and AAC5589) were properly abandoned.

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

ORDERED:

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

a. **Within 180 days of the effective date of this order**, Respondent shall submit documentation or photographs confirming that the following six wells have been properly abandoned: Wells AAE6983, AAH9205, AAH9250, AAH9252, AAH9251, and AAC5589.

b. **Within 270 days of the effective date of this order**, Respondent shall repair the corrosion and leaks, or replace high service pumps 1, 2, 3, and 4. If the pumps cannot be replaced with identical units, Respondent shall obtain the necessary permits prior to installation.

c. **Within 270 days of the effective date of this order**, Respondent shall submit photos to the Department documenting completion of the leak repair on Well #3 and that the gap between the base of the well and the well pad has been properly filled.

d. **Within 180 days of the effective date of this Order**, Respondent shall submit a Capacity Analysis Report to the Department in accordance with the

requirements of Rule 62-555.348, F.A.C. This document must be prepared, signed, and sealed by a Florida-licensed Professional Engineer.

6. **Within 60 days of the effective date of this Order**, Respondent shall pay the Department \$ 6,250.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$ 5,750.00 in civil penalties for violations of Sections 403.121(4)(f) and 403.121 (5), F.S., and \$ 500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

7. Respondent agrees to pay the Department stipulated penalties in the amount of \$100.00 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 paragraph 8, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 6 of this Order.

8. 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 25-1597 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.

9. Except as otherwise provided, all submittals and payments required by this Order shall be sent to SouthDistrict.PWS@FloridaDEP.gov, Department of Environmental Protection, 2295 Victoria Ave Suite 364, Fort Myers, Florida 33901.

10. In lieu of making cash payment of \$ 5,750.00 in civil penalties as set forth in paragraph 6 above, Respondent may elect to off-set this amount by implementing an in-kind penalty project, which must be approved by the Department. An in-kind project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project and may not be a corrective action requirement of the Order or otherwise required by law. The Department may also consider the donation of environmentally sensitive land as an in-kind project. The value of the in-kind penalty project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$8,625.00. If Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election within 15 days of the effective date of this Consent Order. Notwithstanding the election to implement an in-kind project, payment of the remaining \$500.00 in costs must be paid within 30 days of the effective date of the Consent Order. If Respondent elects to implement an in-kind project, then Respondent shall comply with all the requirements and time frames in Exhibit A entitled In-Kind Projects, attached. Respondent shall allow all authorized representatives of the Department access to the System 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.

11. In the event of a sale or conveyance of the System or of the Property upon which the System 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 System 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 System, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the System. The sale or conveyance of the System or the Property does not relieve Respondent of the obligations imposed in this Order.

12. 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.

13. 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 the violations described above 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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, 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 South District, 2295 Victoria Ave Fort Myers, Florida 33901. **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 mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

22. Rules referenced in this Order are available at <https://floridadep.gov/ogc/ogc/content/rules>.

FOR THE RESPONDENT:
CITY OF LABELLE

Julie Wilkins, Mayor

Date

THIS PORTION INTENTIONALLY LEFT BLANK

Please do not write below this line. For DEP use only.

DONE AND ORDERED this _____ day of _____, 2025, in Lee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Elizabeth Sweigert
Director of South District Management
South 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

Exhibit A
In-Kind Projects

I. Introduction

An in-kind project

a. Within 60 days of the effective date of this Consent Order, or of the Department's notification that applying stipulated penalties to an in-kind project is acceptable, Respondent shall submit a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the in-kind project.

b. If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit all requested additional information, clarification, and modifications within 15 days of receipts of written notice.

c. If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines, Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all of the matters at issue and submit a new proposal within 30 days of receipt of written notice. In the event that the revised proposal is not approved by the Department, Respondent shall make cash payment of the civil penalties as set forth in paragraph 6 of the Consent Order, within 30 days of Department notice.

d. Within 120 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable then Respondent shall make cash payment of the civil penalties as set forth in paragraph 6 of the Consent Order, within 30 days of Department notice.

e. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph (a) above, Respondent shall complete the entire in-kind project.

f. During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

g. In the event, Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$5,750.00 penalty, no additional penalties shall be assessed under paragraph 7 of the Consent Order for failure to complete the requirement of this paragraph.

h. Within 15 days of completing the in-kind project, Respondent shall notify the Department of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

i. If upon review of the notification of completion, the Department determines that the project cannot be accepted due to a substantially incomplete notification of completion or due to substantial deviations from the approved in-kind project; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all of the matters at issue and submit a new notification of completion within 15 days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalty shall be due from Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$5,750.00, no additional penalties shall be assessed under paragraph 7 of the Consent Order for failure to complete the requirements of this paragraph.