## PALM BEACH COUNTY ENVIRONMENTAL CONTROL HEARING BOARD West Palm Beach, Florida

FLORIDA DEPARTMENT OF HEALTH IN PALM BEACH COUNTY,	)	
Petitioner, vs.	)	
CITY OF PAHOKEE at the PAHOKEE MARINA,	) )	Case No. WP-30-21
Respondent.	)	

## AMENDED STIPULATION and ORDER STIPULATION

Petitioner and Respondent stipulate as follows:

- Respondent owns that certain Palm Beach County real property located at 190 N. Lake Avenue, Pahokee, FL 33476, and did own said property on July 2, 2021.
- 2. Respondent was alleged to have violated Chapter 77-616 Laws of Florida, as amended (the Environmental Control Act); Chapter 11 of the Palm Beach County Code, as amended (Ordinance 78-5, as amended); and more specifically, the following sections of the Florida Administrative Code governing Public Water Systems:
  - **62-604.130, F.A.C.** Prohibitions (6) The failure to maintain equipment in a condition which will enable the intended function; **to wit:** On July 2, 2021, the Department Inspecor found a lift station located at the Pahokee Marina that had not been maintained in a condition which would enable its intended function. The lift station was not properly secured nor had it been connected to a sewer line.
  - 62-604.400 (2) (d )F.A.C, Design/Performance Considerations.- New pumping stations shall be enclosed with a fence or otherwise designed with appropriate features that discourage the entry of animals and unauthorized persons. An unobstructed sign made of durable weather resistant material shall be posted at a location visible to the public with a telephone number for a point of contact in case of emergency; to wit: On July 2, 2021, the Department Inspector found a lift station located at the Pahokee Marina that was not enclosed by a fence or otherwise designed with appropriate features to discourage entry; nor was an unobstructed sign made of durable weather resistant material posted at the location with a telephone number

for a point of contact in case of an emergency.

**62-604.500 (2) F.A.C.** Operation and Maintenance -All collection/transmission systems shall be operated and maintained so as to provide uninterrupted service as required by this rule; **to wit:** On July 2, 2021, the Department Inspector found a lift station located at the Pahokee Marina that was not enclosed by a fence or otherwise designed with appropriate features to discourage entry; nor was an unobstructed sign made of durable weather resistant material posted at the location with a telephone number for a point of contact in case of an emergency.

**62-604.500(3)**, **F.A.C.** Operation and Maintenance -All equipment necessary for the collection/transmission of domestic wastewater, including equipment provided pursuant to subsection 62-604.400(2), F.A.C., shall be maintained so as to function as intended. In the event odor, noise or lighting adversely affect neighboring developed areas at levels prohibited by paragraph 62-604.400(2)(c), F.A.C., corrective action (which may include modifications of the collection/transmission system) shall be taken by the permittee. Other corrective action may be required to ensure compliance with rules of the Department; **to wit:** On July 2, 2021, the Department Inspector found a lift station located at the Pahokee Marina that was not enclosed by a fence or otherwise designed with appropriate features to discourage entry; nor was an unobstructed sign made of durable weather resistant material posted at the location with a telephone number for a point of contact in case of an emergency.

- 3. The Petitioner issued Respondent a Notice of the Violation on August 9, 2021.
- 4. Respondent admits the violation(s) and agrees to the entry of the Order below, and further agrees:
  - a) secure or surround lift station with protective fencing, post Emergency Contact number at lift station within thirty (30) days from Order; and
  - b) to pay a total civil penalty of \$500.00 by check payable to the order of "Palm Beach County," to be received on or before April 10, 2022.
- Petitioner agrees to recommend that the Environmental Control Hearing Board enter an Order adopting this
   Stipulation. If approved, Petitioner shall seek no additional civil penalty for the above-referenced violation.

6.	In the event this Stipulation is rejected by the Environmental Control Hearing Board, or if the stipulation is			
	adopted and Respondent fails to comply with the terms of this Stipulation, this matter shall be heard by the			
	Environmental Control Hearing Board on a date to be set. Respondent shall be notified of such hearing by			
	regular U.S. mail.			
		Respondent: CITY OF PAHOKEE PAHOKEE MARINA		
Date		Ву:		
		Title:		
Date		Andrew Simler, Esq. Acting Environmental Control Officer FL Department of Health in Palm Beach County 800 Clematis Street, Rm 546 West Palm Beach, Florida 33401		
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	This matter came before the Palm Beach County Environmental Control Hearing Board. The above terms			
stipulate	ed to by the parties appearing to be fair and proper, the	e Hearing Board hereby adopts the terms as its Order.		
This Bo	ard finds the Respondent has committed the violation	(s) and orders that the parties hereto shall comply with		
this Ord	ler.			
		Gary S. Betensky, Esq., Chair Palm Beach County Environmental Control Hearing Board		
Environ FL Dep 800 Cle	furnished to: Immental Control Officer artment of Health in Palm Beach County Immatis Street, Rm 546 Ilm Beach, Florida 33401	FILED: WITH THE PALM BEACH COUNTY ENVIRONMENTAL CONTROL HEARING BOARD  BY: CLERK OF THE BOARD		
FL Dep Environ 800 Cle	artment of Health in Palm Beach County amental Public Health ematis Street			
Greg Th City of 207 Beg	alm Beach FL 33401 nompson, City Manager Pahokee at the Pahokee Marina gonia Drive e, FL 33476			