

Compliance

updated 6/10/2011 3:34:23 PM

| <i>CE #</i> | <i>County</i> | <i>Discovery Date</i> | <i>Date Action Required</i> | <i>Violation Summary</i> | <i>Respondent</i> | <i>Comments</i> | <i>Staff</i> |
|-------------|---------------|-----------------------|-----------------------------|---------------------------|-------------------|--|------------------|
| CE06-0058 | LEVY | 8/2/2006 | 7/7/2011 | Unpermitted construction. | Douglas McKoy | Tabled at April 2010 Board (Denial) for one month. Received emails from applicant. Permit denial was pulled from the Governing Board agenda. Spoke with engineer 8/2/10; has received information from Mr. McCoy. Plans and calculations should be submitted by 9/1/10. Sent email 9/13/10; requesting submittal date. Spoke with engineer. RAI materials to be sent to District by 10/18/10. 11/1/10; engineer stated that the response submittal was in the mail. RAI response received 1/3/11. RAI sent 1/25/11. Response due 4/24/11. Received a 30 day request for an extension on 4/21/11. Extension granted until 6/2/11. District called engineer on 5/31/11 requesting the status of application.6/8/11; received RAI information. | Webster, Patrick |
| CE10-0016 | JEFFERSON | 2/9/2010 | 3/21/2011 | Unpermitted construction. | Judy Miller | Compliance Agreement mailed 11/29/10. Received signed agreement 12/6/10. Returned executed agreement to Ms. Miller 12/9/10. Compliance Agreement executed on 12/9/10, requires fees for a settlement penalty and staff costs to be paid no later than 12/19/10. Ms. Miller informed District staff during a 03/14/11 telephone discussion that she would re-purchase money order to pay penalties and staff costs, as the original purchased on 12.02/10 never cleared or received by the District. RAI sent 1/14/11. Staff to monitor Compliance Agreement stipulations. Consultant has requested an extension until 3/21/11. Extension request granted. 3/21/11; received fee & penalty check for \$2,305.65 and RAI material. Permit issued 4/8/11. Staff to monitor Compliance Agreement stipulations. | Hastings, John |

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|-------------|---------------|-----------------------|-----------------------------|---|--|---|------------------|
| CE10-0026 | COLUMBIA | 4/20/2010 | 2/10/2011 | Unpermitted construction. | Sam Oosterhoudt-Lake City Developers, LLC. | SWO had delivered 4/20/10. NOV sent 4/26/10. 14 days to contact District. File sent to legal 5/21/10. Call from Mr. Oosterhoudt on 5/26/10. Engineer has been hired and no other work to be done until permit is modified. Informed legal to hold enforcement. Email to legal, no contact from owner since 5/26/10 phone call. Received ERP application 7/26/10. Sent RAI 8/11/10. 18 day letter sent 11/15/10. Meeting scheduled with applicant. Extension letter sent 1/11/11. Staff met with applicant on 2/4/11. 2/25/11; Compliance Agreement sent to Mr. Oosterhoudt for signature. Executed Compliance Agreement sent to Mr. Oosterhoudt 3/14/11. Awaiting monthly payments beginning 3/31/11 and ending 5/31/11. 5/18/11; received admin cost of \$317.01 & partial penalty of \$382.99. 5/31/11; final payment not received. Respondent has defaulted on Compliance Agreement. June 2011 Board for initiation of legal action to reach resolution. | Marshall, Leroy |
| CE10-0036 | COLUMBIA | 7/29/2010 | 5/17/2011 | Failure to maintain surfacewater management system. | Michelle O'Brien - Lake City Home Depot | Remedial action has been completed and as-built plans and calculations received in 05/27/11 e-mail correspondence. Staff to review as-builts by 06/11/11. | Mantini, Louis |
| CE10-0046 | LEVY | 9/23/2010 | 6/14/2011 | Unpermitted road construction. | Donny Crews / Levy County Road Department | 14 days to schedule meeting with District. Conducted a meeting with County, Mr. McNulty, and Lee Mills, P.E., on 10/12/10. Please refer to CE10-0045 (McNulty) for updates regarding this enforcement file. | Mantini, Louis |
| CE08-0022 | SUWANNEE | 3/3/2008 | 9/13/2010 | Construction without a permit. | Donald Edwards | 5/17/11; meeting with NFLG attorney and finance company. 5/26/11; site visit. Problem has been resolved. Staff to keep update due to concerns of a major flood event. | Marshall, Leroy |
| CE08-0072 | COLUMBIA | 12/16/2008 | 1/6/2011 | Dredging and filling of a pond. | Larry R. and Eva Joyce Sigers | Mailed Consent Agreements to Sigers on 10/19/10. As of 11/22/10, no response. Sent letter 12/16/10; 30 days to sign Consent Agreements. March 2011 Board for execution of Consent Agreement and Final Order. Staff to monitor Consent Agreement conditions. | Spencer, William |
| CE11-0031 | TAYLOR | 6/6/2011 | 6/27/2011 | No as-builts. | Fred Shore - Gulf Breeze Partners, LLC. | 20 days to contact District | Bowden, Jerry |

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| CE10-0060 | HAMILTON | 12/14/2010 | 7/10/2011 | Unpermitted construction. | Karamchand Doobay - Florida Gateway Resort | SWO & NOV sent 12/16/10. Owner contacted District 12/21/10. They will cease work and respond to RAI. Site visit 1/19/11; not additional work reported. Staff was contacted 2/14/11 by new project owner/management. Site visit 2/16/11. Short term compliance issues as well as how to approach the permitting for the expanded scope of work were discussed. Compliance efforts are temporarily on hold until new engineer works out all details. 4/13/11; reminder letter sent to applicant. Spoke with project manager on 5/17/11. Permit application package is being finalized. | Hastings, John |
| CE11-0001 | GILCHRIST | 1/13/2011 | 5/31/2011 | Unpermitted water use. | Rodney O. Tompkins Trustee - Misty Farms | 20 days to submit water use application. NOV returned unclaimed. Second NOV sent 2/11/11 to be served by Alachua & Gilchrist County Sheriff Offices. WUP application due 3/2/11. Ms. Tompkins called on 2/18/11. Received receipt from Alachua County Sherriff's Office; date served was 2/24/11. Received receipt from Gilchrist County Sherriff's Office 3/3/2011, papers were served on 2/16/2011. Ms. Tompkins called on 3/15/2011. Ms. Tompkins also requested a copy of the District's Enforcement policy. Staff faxed the Enforcement policy on 3/15/2011. Ms. Tompkins called on 4/5/2011 with additional questions about the application and our enforcement policy. Ms. Tompkins left a message with District staff on 4/26/11. Staff spoke with Ms. Tompkins on 5/3/11 & 5/11/11. WUP application due by 5/31/11. June 2011 Board for enforcement proceedings. 6/7/11; certified letter returned unclaimed after 3 attempts by USPS. | Wright, Kevin |
| CE10-0042 | UNION | 10/10/2010 | 6/11/2011 | Unpermitted construction. | John Rimes, III - New River Forest Villas | Received sketch from Scott Britt on 04/04/11. Letter sent 5/11/11; 30 days submit compliance deadline. Received a letter on 05/26/11, from Mr. Rimes stating that he has hired an engineer on behalf of the Town, will comply with the District's requests. | Mantini, Louis |

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| CE11-0005 | BRADFORD | 2/24/2011 | 5/31/2011 | Unpermitted dredge & fill in wetlands. | Jacob Hake | 20 days to contact District. Mr. Hake contacted the District on 2/26/11 and a site visit conducted on 3/11/11 with staff. A Compliance Agreement will be drafted to insure removal of vegetative and earthen debris from (AE) flood zone following an approximate delineation of this zone by staff using best available (GIS) data on 03/17/11. Compliance Agreement hand-delivered to Mr. Hake 4/1/11. Meeting 4/8/11 with staff to discuss Compliance Agreement. Mr. Hake was advised not to follow-through with his compliance agreement until he has formulated a site plan for activities he wishes to conduct on his property. Flooding issues, due to up- and downstream stormwater management, continue to be addressed by staff and must be to fully resolve this enforcement file. A field visit with FPL was conducted downstream on 05/31/11; and upstream issues will be addressed subsequently, regarding Rayonier and DuPont properties and stormwater management. Meeting 6/24/11 to discuss watershed. | Mantini, Louis |
| CE11-0006 | GILCHRIST | 1/12/2011 | 6/16/2011 | Unpermitted dredge & fill in wetlands. | Donald Barselou | 20 days to contact District. Mr. Barselou contacted the District within the 20-day deadline, and a site visit was conducted with staff on 3/21/11. Compliance Agreement mailed 3/29/11 for signatures. Staff to meet on-site with Mr. Barselou and his consultants on 04/26/11. 5/2/11; received signed Compliance Agreements & penalty (\$1,716.93). An ERP application is due 6/16/11, according to the Consent Agreement . | Mantini, Louis |
| CE11-0007 | GILCHRIST | 2/9/2011 | 10/14/2011 | Unpermitted structure in floodway. | Richard & Rebecca Tenaglia | 20 days to contact District. Received WOD application 3/2/11. 3/30/11: sent RAI. District staff met with Mr. Tenaglia on 4/8/11 to discuss draft compliance agreement (CA). CA mailed for signature 4/13/11. RAI mailed 4/15/11. CA returned unclaimed 5/2/11. 5/2/11; remailed regular mail per Respondent's request. CA received by Respondent but Respondent cannot return it at this time. Staff will make contact again in September. | Robinson, Vince |
| CE11-0008 | BRADFORD | 6/23/2009 | 4/15/2011 | No as-builts and no maintenance and repair of SW system. | Jeff Oody - Capital City Bank | They are continuing to work on the problem with Mr. Kelley (Engineer) and should have an update by 06/21/11. | Bowden, Jerry |

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| CE11-0009 | UNION | 3/4/2011 | 4/7/2011 | Unpermitted well abandonmnet & not constructed according to permitted plans. | Brian Crawford - Dollar General Raiford | 20 days to contact District. Contacted District 4/6/11. Working on resolution. 5/12/11; Compliance Agreement mailed. 5/23/11; revised Compliance Agreement mailed. | Link, James |
| CE11-0010 | GILCHRIST | 3/17/2011 | 6/21/2011 | Unpermitted development. | Richard Roberts | 20 days to contact District. 3/22/11: Compliance Agreement being prepared & RAI sent. Mr. Roberts contacted the District on 3/22/11. Compliance Agreement received by Mr. Roberts on 3/21/11. 4/5/11; meeting at District. Executed the compliance agreement and paid penalty. 4/11/11; mailed executed Compliance Agreement. Conducted site inspection on 4/15/11, fill was removed and regraded but large mounds of cleared vegetation must still be removed from the floodway. RAI responses received on 4/21/11. Permit issued 4/28/11. Owner has requested a burn permit to burn vegetative piles. Has not been able to burn because of drought conditions. | Webster, Patrick |
| CE10-0055 | DIXIE | 11/10/2010 | 4/3/2011 | Unpermitted ditch construction. | Glenn O'Steen - Bascom Gulf, LLC | 14 days to contact District. Received a response on 11/29/10. Meeting 12/7/10 to discuss resolution. Staff and Mr. Osteen agreed upon a plan to install ditch blocks to resolve the excessive ditching. Concerned party updated of the resolution plan. Staff has scheduled to meet on 2/22/11 to discuss check-dam installation. During the 2/22/11 meeting, a suitable location for check-dam installation was identified in the field. The check-dam construction contractor requested that the site drain adequately, so equipment may be mobilized at this location. District staff contacted The Campbell Group will mobilize the week of 4/25-4/29/11, and staff inspected on 04/28/11. One check-dam was installed. John Hastings inspected the check-dam on 5/3/11, during a field visit on related issues and reported the check-dam was too narrow and too low. Staff informed Mr. Osteen of the check-dam inadequacies. Mr. Osteen will be advised to contact John Hastings for a more direct line of communication in this matter. A message was left for Mr. Osteen on 5/31/11. | Mantini, Louis |
| CE10-0059 | UNION | 11/29/2010 | | Unpermitted construction. | Ms. Pat Harrell - City of Worthington Springs | Staff scheduling meeting with City in January 2011. This is related to CE10-0042, John Rimes, Jr., New River Villas. | |

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| CE11-0012 | MADISON | 3/24/2011 | 4/24/2011 | No as-builts. | Bill McCans - Sonic Foods Madison | 30 days to submit as-builts. Letter sent to Mr. McCans requesting updated status. The business is closed. 04/25/11; No response to NOV. 5/02/11; phone call, left message to return call. Second call on 05/04/11. Third call on 05/06/11. No response as of 05/09/11. Left phone message and sent e-mail on 06/10/11. If no response, staff to prepare for July 2011 Board for legal action. | Bowden, Jerry |
| CE11-0015 | BRADFORD | 4/13/2011 | 6/22/2011 | Unpermitted construction & clearing. | John Curles - Handi House of Starke, Inc. | 20 days to contact District. Scheduled conducted a site review with owner on 4/20/11. Staff sent out summary email to resolve NOV on 4/22/11. 5/24/11; received ERP application. Staff to review by 6/17/11. | Webster, Patrick |
| CE11-0016 | LAFAYETTE | 3/23/2011 | 7/1/2011 | Unpermitted structure in floodway. | Shaun Freeman | 20 days to contact District. 5/3/11; met Mr. Freeman to discuss his violation. WOD application to be submitted. Received WOD application & \$375 penalty 5/19/11. 6/1/11; RAI sent. 30 days to respond. | Robinson, Vince |
| CE11-0019 | COLUMBIA | 3/24/2011 | 6/14/2011 | Erosion & sediment control issues. | Palmer Daughtry - Emerald Cove Subdivision | 21 days to contact District. | Link, James |
| CE11-0020 | LAFAYETTE | 5/24/2011 | 6/14/2011 | Unpermitted water well. | Thomas Santerfeit | 20 days to contact District and pay penalty. 6/3/2011; applied for a permit #100765 and submitted the well completion report. No penalty received. | Hancock, Gloria |
| CE11-0023 | GILCHRIST | 5/27/2011 | 6/13/2011 | Failure to submit completion report. | James R. Smith | 15 days to submit completion report. 6/3/2011; completion report received. No penalty received. | Hancock, Gloria |
| CE11-0024 | HAMILTON | 5/25/2011 | 6/9/2011 | Failure to submit completion reports. | George Michael Wiles | 15 days to submit completion reports. | Hancock, Gloria |
| CE11-0022 | ALACHUA | 5/25/2011 | 6/9/2011 | Failure to submit completion report. | Lawerence Bowen | 15 days to submit completion report. | Hancock, Gloria |
| CE11-0026 | COLUMBIA | 5/18/2011 | 6/27/2011 | Unpermitted construction. | Clyde Higgs | 21 days to contact District to schedule meeting. Meeting 6/10/11 to discuss violation. | Marshall, Leroy |
| CE11-0027 | COLUMBIA | 6/6/2011 | 7/9/2011 | Unpermitted construction. | Abram Huber / Global Innovations-C. Creek Center Lot 9 | NOV mailed 6/10/11. Penalty due and permit required. | Marshall, Leroy |

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| CE11-0029 | MADISON | 6/7/2011 | 6/22/2011 | Failure to submit completion report. | William Tony Betts | 15 days to submit completion reports. 6/9/2011; received completion report. | Hancock, Gloria |
| CE11-0032 | LAFAYETTE | 5/16/2011 | 6/29/2011 | Unpermitted fill & obstruction in floodway. | Jacqueline S. Wrede C/o Karen Wrede | 20 days to contact District. | Robinson, Vince |
| CE11-0033 | GILCHRIST | 5/16/2011 | 6/29/2011 | Unpermitted fill in floodway. | William Walden, Sr. | 20 days to contact District. | Robinson, Vince |
| CE11-0034 | LAFAYETTE | 5/16/2011 | 6/29/2011 | Unpermitted fill in floodway. | Howard & Patricia Thomas | 20 days to contact District. 6/8/11; received penalty & WOD application. | Robinson, Vince |
| CE11-0030 | COLUMBIA | 6/7/2011 | 6/22/2011 | Failure to submit completion reports. | Chad Hall | 15 days to submit completion reports. | Hancock, Gloria |

MEMORANDUM

TO: Governing Board

FROM: Jon Dinges, Director, Water Supply & Resource Management

THRU: David Still, Executive Director

DATE: June10, 2011

RE: Enforcement Status & Litigation Report

ADMINISTRATIVE MATTERS WITHIN THE DISTRICT

Justin M. Fitzhugh/Movie Gallery (CE05-0046) – Columbia County

Counsel mailed a Notice of Violation to Justin Fitzhugh on July 22, 2010, regarding a non-functioning surface water management system and failure to submit as-built certification forms. The Notice of Violation required a response from Mr. Fitzhugh on or before August 22, 2010.

After numerous contacts with Mr. Fitzhugh, a Compliance Agreement was executed by Mr. Fitzhugh and the District.

Staff performed a site inspection on March 15, 2011, and discovered that no work has been done to bring the pond into compliance with permit conditions. The Compliance Agreement specified a monthly payment schedule for the assessed penalty, administrative costs and attorney's fees. As of June 2, 2011, no payments have been received.

It has been discovered that the property at issue in this matter is in foreclosure and will likely be sold via foreclosure sale in the very near future. It is anticipated that the mortgagee, Columbia Bank, will take title to the property after the sale. The bank is aware of the outstanding violations and will likely be willing to work with the District to remedy the violations once the bank receives a Certificate of Title.

Derrick Freeman (CE08-0043) – Suwannee County

This file was sent to counsel on August 9, 2010. Counsel has attempted to notify Mr. Freeman repeatedly of the violation. Counsel has discovered that Mr. Freeman has been unavoidably detained in South Florida due to health issues.

Counsel has not received a response from Mr. Freeman, but has been informed by Express Legal Support Services that Mr. Freeman is still located in South Florida due to

health concerns. Staff is working with counsel to determine an alternate legal party on behalf of Mr. Freeman. **No changes since last report.**

Richard Oldham (CE10-0024) – Bradford County

A Notice of Violation was sent to Mr. Oldham on April 13, 2010, for an unpermitted pond and deposition of spoil material in a flood hazard area. After numerous attempts to correct this violation, the file was sent to counsel. Counsel notified Mr. Oldham twice (letters dated August 9, 2010, and November 4, 2010 – this letter being hand delivered) regarding the action needed to remedy the situation.

Staff met with Mr. Oldham on-site on December 6, 2010, to again explain the steps necessary to resolve the violation. As of March 16, 2011, Mr. Oldham has not responded to Counsel or staff regarding his intention to comply.

In order to resolve this enforcement action, either the site needs to be restored to pre-existing conditions or the pond must be permitted and the spoil material removed from the flood-hazard area.

Mr. Oldham had commenced corrective work but has stopped. On May 1, 2011, staff sent Mr. Oldham a Compliance Agreement for signature. He has not returned the signed agreement.

Staff to seek authorization at the July 2011 Board meeting for permission to refer the file to Counsel for resolution.

Scott McNulty (CE10-0045) - Levy County

This file was sent to counsel on March 7, 2011. On July 14, 2010, the District discovered that unpermitted excavation and road construction had occurred in the Cedar Key Heights Subdivision, within portions of SW 126th Terrace and SW 127th Court and may have occurred in jurisdictional wetlands within the SW 77th Place rights-of-way. A violation letter was sent to Mr. McNulty via certified mail, which requires a response from him on or before April 10, 2011. Received letter April 8, 2011, from Respondent's counsel indicating that Mr. McNulty is not in violation of the District permitting process and does not intend to pay any fees or fines. At the May 2011 Governing Board meeting, the Board directed staff to hire counsel to develop a list of options for resolution and bring the options back to the Board for further consideration.

Staff has contracted with Bruce Robinson of Robinson, Kennon & Kendron, P.A., to advise the Governing Board on resolution options. Mr. Robinson has provided options for resolution, as shown in the attached letter.

CIRCUIT COURT MATTERS

Suwannee River Water Management District v. El Rancho No Tengo, Inc.

This enforcement matter has been ongoing since 2006. After multiple court hearings, and in accordance with Court rulings, a Notice of Sheriff's Sale was sent to the parties by certified mail.

The Sheriff's Sale of Defendant's real property pursuant to two writs of execution occurred on May 3, 2011. The Executive Director and Counsel were present at the sale. After an opening bid by Jeffrey Hill of ten dollars, Mr. Still bid \$390,000, which was also the highest bid. Twenty-two minutes prior to the sale, Jeffrey Lance Hill, Sr., filed a chapter 12 case with the U.S. Bankruptcy Court in Jacksonville, Florida. Counsel has since consulted with Lance Cohen, a bankruptcy attorney in Jacksonville, whom the District retained in 2008 when El Rancho No Tengo, Inc., filed a bankruptcy case. Mr. Cohen is of the opinion that because Mr. Hill filed for bankruptcy prior to the Sheriff's Sale, the District's interest in quieting title would best be served in bankruptcy court. Therefore, Staff has directed Counsel to work with Mr. Cohen again to efficiently and expeditiously secure title to the land in the District.

Linda Fennell/Stephen Buckles (CE06-0107) – Lafayette County

This enforcement action has been ongoing since 2007. After many attempts to resolve the violation (construction of a building, dock and walkway within the 75' setback and floodway of the Suwannee River without a permit), staff referred this matter to counsel.

At this time, the parties have been unable to agree upon a date for the mediation, but are currently planning a mediation to be conducted in early to mid-April. It is currently believed by the parties that a settlement of this case is possible; therefore, in an effort to save legal fees and costs, the trial in this matter has been continued until May 16-17, 2011, to give the parties an opportunity to mediate the issues.

Counsel was informed by her attorney that Ms. Fennell is willing to raise the structure above the 100-year flood elevation; however, Ms. Fennell is unwilling to remove the structure to a location outside of the 75-foot setback. Therefore, it appears litigation in this matter will need to continue so this case can be resolved by the Court. Counsel is coordinating with Ms. Fennell's attorney to reschedule the trial.

Charlie Hicks, Jr. (CE07-0087) — Madison County

This enforcement case has been ongoing since 2008. The violation consists of construction of a structure in the floodway, without obtaining a Works of the District permit. The case has been before this court several times.

On March 1, 2011, the Court granted the District's Motion for Appointment of the Madison County Sheriff or Other Neutral Party to Perform the Acts Required by the Court's June 8, 2010, Order. The Sheriff of Madison County is unable to accept

appointment to perform the acts required the Court's June 8, 2010, Order due to a lack of finances, resources, equipment and personnel. Therefore, a neutral third party will be appointed by the Court to carry out the terms of the Court's Order. **No action since last report.**

Steven Midyette (CE07-0065) – Gilchrist County

The is an ongoing enforcement case which involved clearing of wetland vegetation within a riverine wetland slough without a permit, filling in wetlands and constructing a boat ramp within a riverine wetland slough without a permit. Mr. Midyette eventually signed a Consent Agreement and Order on March 29, 2010. The Governing Board adopted Final Order 10-0010 on July 13, 2010, adopting the Consent Agreement.

Mr. Midyette failed to timely obtain a permit for his floating dock and submit a restoration plan as required by the Final Order.

A Complaint was filed with the Circuit Court of Gilchrist County and it was served on Mr. Midyette on March 30, 2011. We are awaiting his Answer to the Complaint, which is due on April 19, 2011.

A status conference was held with the Court on May 24, 2011, at which Mr. Midyette did not deny our allegation that he breached the Consent Agreement, but simply reiterated his ongoing financial difficulties. The court encouraged Mr. Midyette to get with District Counsel to resolve the issues as it would be less expensive for everyone involved. The Court set another status conference for July 22, 2011. Since Mr. Midyette denies breaching the Consent Agreement in his Answer, District counsel will initiate discovery prior to the next status conference.

Paul Moody (CE10-0009) - Bradford County

Staff referred this matter to Counsel on February 18, 2010. Counsel was unsuccessful in negotiations with Mr. Moody in an attempt to resolve this matter. This violation was unpermitted construction of a water well by an unlicensed contractor. A complaint has been filed with the Clerk of Circuit Court of Bradford County.

A Process Server located and served Mr. Moody with the Complaint on March 2, 2011. As of March 29, 2011, Mr. Moody has not filed an answer to the Complaint. Counsel will file a Motion for Default in this matter on or before April 6, 2011.

On May 26, 2011, the Court entered a Final Judgment on Liability against Mr. Moody. Counsel will now move for the entry of an Injunction against Mr. Moody to prevent him from conducting any further well drilling without the required license and permit and for collection of a civil penalty, attorneys' fees and costs.

Bill McCans/Starke Sonic Drive-In (CE08-0037) – Bradford County

Staff referred this matter to Counsel on July 1, 2010. The violation consists of failure to fix a non-functioning surface water management system that poses off-site impacts to

the water resources and it is a public safety concern. Also, Mr. McCans has failed to submit as-built certification forms. After numerous attempts to resolve this matter, a complaint was filed in the Circuit Court of Bradford County. Sonic Restaurants, Inc. was served on February 24, 2011, and Mr. McCans was served on February 22, 2011. An Answer to the Complaint was served by Mr. McCans on March 25, 2011. Sonic Restaurants, Inc. was served on February 24, 2011, and a Motion to Dismiss was served by Sonic on March 25, 2011. However, Mr. McCans has employed the services of an engineering firm to either bring the pond into proper functioning condition under the terms of the original permit, or submit plans for a permit modification if necessary to bring the pond into proper functioning condition. By April 17, 2011, District counsel to contact Mr. McCans Counsel to discuss settlement agreement. **No action since last report.**

Jeff Hill/Smithfield Estates, Phase I and Haight-Ashbury Subdivision
Haight-Ashbury Subdivision:

This enforcement activity has been ongoing for several years. At the most recent hearing (January 31, 2011), the Court granted the motion for summary judgment in this case. The judge's order requires Mr. Hill to comply with the corrective actions specified in the District's final order, imposes a civil penalty, and awards the District its costs and attorney's fees. The order, which was reduced to writing on February 15th, also sets a date for a case management conference with Judge Parker on April 25, 2011, for the purpose of determining compliance.

District staff discussed the corrective actions needed to bring the stormwater management system into compliance with the permit with a contractor, Sam Oosterhoudt, on March 15, 2011, and Mr. Oosterhoudt is going to complete the work prior to the case management conference on April 25, 2011.

Respondent has failed to perform the corrective action District staff was expecting to be completed prior to April 25, 2011. Neither Respondent nor Mr. Oosterhoudt contacted District staff after the site meeting on March 15, 2011. At the case management conference with Judge Parker on April 25, 2011, Respondent and Counsel for Columbia County both stated it was their understanding that the work was completed towards the end of March/beginning of April. However, when District staff inspected the property on April 21st, no work had been done.

Judge Parker ordered the parties to appear at a second case management conference set for July 18, 2011, to confirm that the repairs to the pond have been made.

In the Smithfield Matter: This enforcement activity has been ongoing for several years. At the last hearing (January 31, 2011), the Court granted the motion for summary judgment in this case. The judge's order requires Mr. Hill to comply with the corrective actions specified in the District's final order, imposes a civil penalty, and awards the District its costs and attorney's fees. The order, which was reduced to

writing on February 17th, also sets a date for a case management conference with Judge Parker on April 25, 2011, for the purpose of determining compliance.

District staff met with a contractor, Sam Oosterhoudt, at the site on March 15, 2011, to review the corrective actions needed to bring the stormwater management system into compliance with the permit. Staff agreed with Mr. Oosterhoudt that there are physical obstacles. Therefore, staff also agreed to allow Mr. Oosterhoudt two weeks to explore with the Columbia County Engineer the possibility of modifying the permit.

Mr. Oosterhoudt failed to contact District staff as expected on or about March 29, 2011, to provide additional information concerning a possible permit modification. Neither Respondent nor Mr. Oosterhoudt contacted District staff after the site meeting on March 15, 2011. District staff inspected the property on April 21, 2011, and no work had been done. A case management conference with Judge Parker was held on April 25, 2011, at which both Respondent and Counsel for Columbia County stated that a meeting between Respondent and the County occurred within the two-week period. Respondent also stated that since that meeting, the County has performed survey work within the subdivision.

Judge Parker ordered the parties to appear at a second case management conference set for July 18, 2011, to confirm that an application to modify the permit has been submitted.

Cannon Creek Airpark ERP Violation

This enforcement action has been on-going for a number of years. This involves work that was done within the subdivision to alleviate flooding. The work was done without a permit. Columbia County officials are working on a stormwater project that may alleviate the practical need to obtain compliance with the existing District permit, but instead would require that the permit be modified to reflect the system as constructed.

District staff is currently reviewing an ERP application to implement one phase of the County's master stormwater plan that includes the Cannon Creek area, which should address the remaining drainage problems for this project. **The District is waiting for Columbia County to respond to the mitigation offer before taking further action on the permit application.**

PENDING COMPLIANCE MATTERS:

For a list of pending compliance matters, please see the current Compliance Report.

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JUN 05 2011

June 7, 2011

ORIGINAL TO FILE: CE10-0045
COPIES TO: TS/JO/DAS

Jon Dinges
Department Director
Suwannee River Water Management District
9225 CR 49
Live Oak, Florida 32055

**Re: SRWMD Contract No.: 10/11-129; Legal Services; Enforcement
Scott McNulty; CE10-0045
Our File No.: 12219-001**

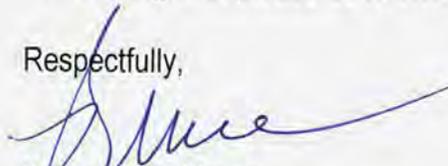
Dear Mr. Dinges:

Mr. Sagul has asked that I write you regarding potential options concerning Scott McNulty. Your file indicates to me that Mr. McNulty has built a road impacting wetlands without an ERP, and that the county may be complicit because it was on their right-of-way. It, therefore, appears that you have three (3) potential options here if action is taken.

The first would be to sue Mr. McNulty for doing this work without obtaining an ERP. Second, suing the county for allowing this to be done on their right-of-way, and not correcting it afterwards. Third, suing Mr. McNulty and the county and letting them sort out between them who is at fault and who is responsible. Of course, if you sue Mr. McNulty, he may well third party in anyone else he thinks is responsible. It seems to me that the more practical course of conduct would be to file an action against both Mr. McNulty and Levy County and attempt to have this matter remedied. I do think, however, the better case is against Mr. McNulty, as he is the person who apparently actually did the work without the ERP.

Should you have any further questions concerning this, please do not hesitate to contact me.

Respectfully,



Bruce W. Robinson

BWR:cp