



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

LOWER WEST COAST REGIONAL SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901
(239) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (239) 338-2936 • www.sfwmd.gov/lwc/

Cost Code: 10026

December 14, 2007

Russell Weintraub
Treeco
PO Box 767
Bokeelia, FL 33922

Dear Mr. Weintraub:

IN AID OF SETTLEMENT

**Subject: Notice of Violation,
Alcorn Tract
Lee County, Sec. 20,21 /Twp. 44 /Rge. 22
Application/Permit No. 36-05821-P**

This correspondence is being sent to you in reference to your Notice of Violation dated October 26, 2007, for destruction of approximately six (6) acres of wetlands and blocking flows in other surface waters. The area of wetlands and other surface waters were to remain in their natural state. In the Notice of Violation, you were informed that specific terms for resolution of this violation would be forwarded to you upon completion of our investigation.

The following items are the terms to resolve the violation:

- Within 60 days submit a plan for District approval to restore all impacted wetlands. Within 180 days implement the District approved plan. If the landowner at this time intends to seek an Environmental Resource Permit (ERP) for any of the impacted area, the landowner will submit an ERP application within 45 days, and will obtain the permit within 180 days. After 180 days, the landowner will agree to pay a stipulated penalty of \$500.00 per day for each day an approved wetland restoration plan is not in place or an ERP is not issued addressing impacts to the area.
- Payment of Thirty Five Thousand One Hundred Dollars (\$35,100.00) in civil penalty.
- Payment of Five Thousand Dollars (\$5,000.00) in staff investigative costs and attorney fees.

The District is authorized under Section 373.129 of the Florida Statutes to seek civil penalties and recover costs. This civil penalty amount was calculated by using the United States Environmental Protection Agency's (EPA) Penalty Matrix, which the District employs for calculating all civil penalties.

Be advised that the \$35,100.00 civil penalty and \$5,000.00 District cost is proposed for the

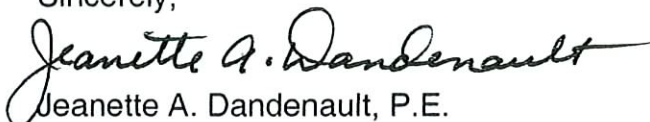
purpose of settlement. Should you choose not to accept this proposal, the District will pursue the resolution of this violation through the judicial process, with an increase in civil penalties and accumulated costs.

Therefore, you are directed to respond to this letter, in writing, within seven (7) days of receipt with your acceptance or rejection of these proposed settlement terms. Should you accept the settlement, the District will document resolution through a Consent Agreement. This document will be forwarded to you within fifteen (15) days of our receipt of your written acceptance. Upon your signature on the Consent Agreement and returning it to the District, the Consent Agreement will be presented to the District's Governing Board with a recommendation for approval. Once the Board has approved the Consent Agreement, you will be responsible to fulfill your obligations, including payment of penalties and costs, within the time frame detailed in the Order section of the Agreement.

PLEASE NOTE THAT THE MATTERS DESCRIBED IN THIS CORRESPONDENCE MAY NOT REPRESENT ALL NECESSARY CORRECTIVE ACTION REGARDING THIS SITE, AS FURTHER INVESTIGATION MAY DISCLOSE ADDITIONAL INFORMATION. THIS CORRESPONDENCE IS NOT THE FINAL SETTLEMENT DOCUMENT. ANY TERMS AND CONDITIONS AGREED TO BY THE PARTIES WILL NOT BE A FINAL RESOLUTION OF THIS ACTION UNTIL SUCH TIME AS THEY ARE COMMITTED IN A CONSENT AGREEMENT EXECUTED BY THE RESPONSIBLE PARTY AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

If you have any questions, please contact me at 239-338-2929. Your attention and cooperation in this matter is appreciated.

Sincerely,



Jeanette A. Dandenault, P.E.
Engineer Supervisor
Lower West Coast Service Center
South Florida Water Management District

Attachment(s)

CERTIFIED MAIL NO. 7006 2150 0002 5479 5463

c: Carol A. Lis, Sr. Env. Planner, Lee County
Doug MacLaughlin, SFWMD Office of Counsel