

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT )	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION )	)	DIVISION OF WATER
	)	RESOURCE MANAGEMENT
v. )	)	
	)	OGC FILE NO. 25-1282
H & H LIQUID SLUDGE DISPOSAL, INC.)	)	
_____ )	)	

**CONSENT AGREEMENT ORDER ESTABLISHING SCHEDULE FOR BIOSOLDS  
NUTRIENT MANAGEMENT PLAN COMPLIANCE**

This Consent Agreement Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department) and H & H Liquid Sludge Disposal, Inc. (Permittee) pursuant to Section 120.57(4), Florida Statutes, and Chapter 403, F.S., to settle certain matters at issue between the Department and Permittee.

The Department finds and Permittee admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida’s air and water resources and to administer and enforce the provisions of Chapter 403, 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. Permittee is a person within the meaning of Section 403.031(9), F.S.
3. Permittee is responsible for the operation of the facilities listed in Exhibit 1 (collectively the “Permitted Sites”). These Permitted Sites are biosolids land application sites where the Permittee land applies treated domestic wastewater biosolids, including Class B biosolids. The Permittee does not own the properties on which the Permitted Sites are located.

4. On March 22, 2025, Permittee requested withdrawal of the permits for 5R Ranch (FLA289914) and Buck Mann Ranch (FLA286958) (collectively the “Withdrawn Sites”) where biosolids have historically been applied. Both properties for the Withdrawn Sites have been sold to new owners who have chosen to discontinue biosolids land application. As of the date of permit withdrawal, no biosolids application on the Withdrawn Sites is allowed without additional authorization.

5. Permittee has existing contracts with domestic wastewater facilities and utilities located throughout the state to haul and land apply biosolids. These contracts have expiration dates ranging from 2025 to 2029.

6. Section 403.0855, F.S., which was created by Chapter 2020-150, Laws of Florida, required the Department to adopt new rules to regulate biosolids management with the intent to limit biosolids land application to reduce the migration of nutrients, including nitrogen and phosphorus, that could impair water bodies. The adopted rule required all permits for new and existing biosolids land application sites to meet the requirements for submitting an updated biosolids nutrient management plan no later than two years after the effective date of the adopted rule. The adopted rule was ratified by the Florida Legislature as revisions to Chapter 62-640, F.A.C., and became effective on June 21, 2021 (the “New Rule”).

7. Permittee land applies the treated biosolids from contracted domestic wastewater facilities to the permitted biosolids land application sites listed in Exhibit 1, and is subject to revised rule requirements for the submittal of updated nutrient management plans which consider limitation of biosolids land application rates based on phosphorus crop demand, in accordance with the New Rule.

8. Permittee and contracted wastewater facilities have limited alternatives for biosolids use or disposal which may not be reasonable at this time, other than continued but limited land application at the biosolids land application sites listed in Exhibit 1.

9. Biosolids that are land applied have the potential to contribute excess nutrients to ground and surface waters of the state, as defined pursuant to Section 403.031(23), F.S.

10. The New Rule required nutrient management plans for biosolids application sites to determine land application rates based on phosphorus in addition to rates based on nitrogen, and land application at a site could not exceed either rate. Where phosphorus-based biosolids land application rates are more restrictive than a nitrogen-based rate, the new nutrient management plan (NMP) requirements would typically result in a significant reduction in the amount of biosolids compared with that previously allowed to be applied to a site.

11. Under the Permittee's current permits for the Permitted Sites, land application requirements were based on the previous version of Chapter 62-640, F.A.C., which was in effect prior to the New Rule. Accordingly, the Permittee's approved nitrogen-based application rates at the Permitted Sites allowed biosolids to be applied at corresponding rates of over 400 to 500 lbs. of phosphorus pentoxide (P<sub>2</sub>O<sub>5</sub>) per acre per year, depending on the types of crop and planting seasons. This previously allowed rate is about 10 – 12 times the amount that is allowable for the crop phosphorus demand, based on the New Rule's requirement for updated nutrient management plans, which are expected to reduce biosolids land application based on allowable nutrient loading rates as low as 40 lbs. P<sub>2</sub>O<sub>5</sub> per acre per year for perennial pasture grass crops.

12. Beginning in or before 2023, the Permittee reduced biosolids land application rates to 240 lbs. Total Nitrogen (TN) per acre per year for the application zones at the permitted biosolids sites listed in Exhibit 1. This corresponds to approximately 276 lbs. of P<sub>2</sub>O<sub>5</sub> per acre per year, or about 7 times the current regulation's provision of as low as 40 lbs. of P<sub>2</sub>O<sub>5</sub> per acre per year, depending on the types of crop and planting seasons.

13. In accordance with the New Rule, the typical biosolids application rate for perennial pasture grass will be 40 lbs. of P<sub>2</sub>O<sub>5</sub> per acre per year for most application zones, and up to 80 lbs. of P<sub>2</sub>O<sub>5</sub> per acre per year for haying applications. This is a reduction of approximately 10 times the previously allowed loading rate.

14. Permittee's biosolids sites in Osceola County (with some portions in Brevard County) have biosolids application zones located in, or in the vicinity of, water bodies that the Department has identified as being impaired for phosphorus (P), which may be from biosolids land application along with other sources of nutrient inputs to the associated watershed. Monitoring of surface waters in the vicinity of these sites reported by the St. Johns River Water Management District has demonstrated elevated phosphorus concentrations correlating to increased biosolids application in associated watersheds since 2013. The permittee's other biosolids sites are in watershed areas which are not currently impaired for P.

15. The Permittee communicated with Department staff regarding updated NMPs as early as March 2023, but submitted applications for minor permit revisions, with follow-up application fees, for revised NMPs between June 28 - Aug. 8, 2023, to comply with the New Rule. The NMPs for each site claimed native phosphatic soils and based the allowed application rates on nitrogen. The Department's applicable district offices sent a Request for Additional Information (RAI) related to items for the NMPs for each site, including the claims of native phosphatic soils. The Department granted a series of time extensions as the claims and information were being reviewed, and allowed the Permittee to continue operating under the existing permits and NMPs. In October 2024, the Department notified the Permittee that their claims of native phosphatic soils were not accepted.

16. On January 6, 2025, the Permittee submitted schedules for each site to reach compliance no later than 2029. On February 5, 2025, the Department issued a second consolidated RAI to address the schedules and NMPs for all sites. The Permittee supplied partial responses to the second consolidated RAI on March 22, and April 9, 2025, including lists of contracted facilities and projected annual biosolids quantities and areas, and alternatives for biosolids disposal options.

17. Given the statewide operations by the Permittee, it is essential to prioritize and require compliance with new biosolids land application rates at sites in or near water bodies impaired for phosphorus on a more expedited schedule. Data compiled for the St. Johns River

Water Management District by Todd Z. Osborne, et al (Ref: 32690-FY2024 Report) and by Andy Canon, et al (Ref: Technical Publication SJ2021-03) show a correlation between the application of biosolids at sites in the Upper St John's River watershed and increases of phosphorus in the river and tributaries to the river.

18. The facility permits and associated NMPs for the above named biosolids land application sites were under review with the permittee and were not finalized, and the permitted sites on Exhibit 1 are not in compliance with revised land application rates, within two years of the June 21, 2021, effective date for revisions to Chapter 62-640, F.A.C., as required by Section 403.0855, F.S. and paragraph 62-640.100(5)(h), F.A.C.

Having reached a resolution of the matter Permittee and the Department mutually agree and it is

**ORDERED:**

19. Permittee shall comply with the following actions within the stated time periods:

20. For biosolids land application sites FLA863289, FLA318655, FLA617903, and FLA832243, the Permittee shall limit land application to the sites as follows:

a. Beginning January 1, 2026, and continuing to December 31, 2026, biosolids application rates shall be limited to no more than three (3) times the crop phosphorus demand (in terms of P<sub>2</sub>O<sub>5</sub>) for each application zone based on the New Rule requirements, and shall meet an overall average application rate of no more than 115 lbs. P<sub>2</sub>O<sub>5</sub> per acre/year for the applied acreage at each site.

b. Beginning January 1, 2027, and continuing to June 30, 2027, biosolids application rates shall be limited to no more than one and a quarter (1.25) times the crop phosphorus demand (in terms of P<sub>2</sub>O<sub>5</sub>) for each application zone based on the New Rule requirements, and shall meet an overall average application rate of no more than 80 lbs. P<sub>2</sub>O<sub>5</sub> per acre/year, for the applied acreage at each site.

c. Beginning July 1, 2027, biosolids land application rates, for all applications zones, shall be compliant with the NMP land application rates and related requirements under the New Rule.

21. For biosolids land application sites FLA690392, FLA311898, FLA384364, FLA017515, and FLAB07084, the Permittee shall limit land application to the sites as follows:

a. Beginning January 1, 2026, and continuing to December 31, 2026, biosolids application rates shall be limited to no more than a total of 276 lbs. P2O5 per acre per year. This allowed amount of P2O5 from biosolids shall be reduced by the amount of any P2O5 added to an application zone by other fertilizer or soil amendments, to the extent other sources of P2O5 are also applied to the site.

b. Beginning January 1, 2027, and continuing to December 31, 2027, biosolids application rates shall be limited to no more than a total of 207 lbs. P2O5 per acre per year. This allowed amount of P2O5 from biosolids shall be reduced by the amount of any P2O5 added to an application zone by other fertilizer or soil amendments, to the extent other sources of P2O5 are also applied to the site.

c. Beginning January 1, 2028, and continuing to December 31, 2028, biosolids application rates shall be limited to no more than a total of 138 lbs. P2O5 per acre per year. This allowed amount of P2O5 from biosolids shall be reduced by the amount of any P2O5 added to an application zone by other fertilizer or soil amendments, to the extent other sources of P2O5 are also applied to the site.

d. The Department and the Permittee agree that the allowed amount of P2O5 from biosolids, as specified under subparagraphs 21.a. – 21.c. above, may be further reduced if the watershed where the sites or application zones are located is verified as being impaired for phosphorus, in accordance with Chapter 62-303, F.A.C.

e. Beginning January 1, 2029, biosolids application rates shall be compliant with Chapter 62-640, F.A.C.

22. Ground water monitoring requirements under the New Rule shall be conducted no later than the date when the respective land application sites are required to be in compliance with the New Rule in accordance with paragraphs 20 and 21 of this Order. Where the Permittee fails to have an approved ground water monitoring plan or have ground water monitoring wells installed and sampled at a site prior to the dates specified herein, the Permittee shall cease biosolids land application operations at the respective site.

23. In addition to the Biosolids Application Site Annual Summary report required by Rule 62-640.650(5)(d), F.A.C., every calendar quarter after the effective date of this Order and continuing until all actions have been completed, Permittee shall electronically submit to the Department a brief written summary report providing the general status of requirements under this Order, including a summary table of application zones for each biosolids land application site, with the corresponding P2O5 loading amounts at the end of each quarter and a description of any noncompliance or projected noncompliance during the next 12-month period. Permittee shall submit the reports to the Department within two months of the end of each quarter (e.g., on or before May 31 for the calendar quarter of January 1 through March 31).

24. Permittee agrees to pay the Department stipulated penalties in the amount of \$750 per dry ton, or portion thereof, for land application of biosolids above the resulting equivalent amounts specified by paragraphs 20 and 21 of this Order; or \$150 per day where the Permittee otherwise fails to timely comply with any of the requirements of paragraphs 22 and 23 of this Order. The Department may demand stipulated penalties at any time after violations occur. The permittee 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 25, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order.

25. Permittee 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 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 is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

26. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Maurice Barker, Senior Program Analyst, Wastewater Management Program, Division of Water Resource Management, Mail Station # 3545, 2600 Blair Stone Road, Tallahassee, Florida.

27. Permittee shall allow all authorized representatives of the Department access to the Facility 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.

28. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Permittee shall, at least 30 days prior to the sale or conveyance of the Facility 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 Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Permittee of the obligations imposed in this Order.

29. If any event, including administrative or judicial challenges by third parties unrelated to Permittee, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Permittee shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Permittee and could not have been or cannot be overcome by Permittee'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 Permittee (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, Permittee 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 Permittee 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 Permittee, 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 Permittee must take to avoid or minimize the delay, if any. Failure of Permittee to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Permittee's right to request an extension of time for compliance for those circumstances.

30. The Department, for and in consideration of the complete and timely performance by Permittee 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 Permittee’s complete compliance with all of the terms of this Order.

31. 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 Permittee of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

32. 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.

33. Permittee is fully aware that a violation of the terms of this Order may subject Permittee to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

34. Permittee 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. Permittee also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

35. 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 Permittee and the Department, and filed with the clerk of the Department.

36. 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.

37. This Consent Agreement 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 Agreement Order will not be effective until further order of the Department.

38. Permittee shall publish the following notice in a newspaper of general circulation in Osceola County, Brevard County, Suwannee County, Polk County, and Taylor County, Florida. For the purpose of this notice publication, " in a newspaper of general circulation " means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031,

F.S., in the counties for the activities under this Order. The notice shall be published one time only within 21 days of the effective date of the Order. Permittee shall provide a certified copy of the published notices to the Department within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF CONSENT AGREEMENT ORDER

The Department of Environmental Protection (“Department”) gives notice of agency action of entering into a Consent Agreement Order with H&H Liquid Sludge Disposal, LLC, pursuant to section 120.57(4), Florida Statutes. The Consent Agreement Order addresses the land application of domestic wastewater biosolids at the permitted biosolids land application sites listed in Exhibit 1. The Consent Agreement Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Division of Water Resource Management, Wastewater Management Program, 2600 Blair Stone Road, Tallahassee, Florida.

Persons who are not parties to this Consent Agreement 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 Agreement Order means that the Department’s final action may be different from the position it has taken in the Consent Agreement 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 or received via electronic correspondence at Agency\_Clerk@floridadep.gov, 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 Insert District Office and Address. **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 Agreement 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 the mediation process and procedure is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

39. Rules referenced in this Order are available at <https://flrules.org/gateway/ChapterHome.asp?Chapter=62-640> and <https://floridadep.gov/ogc/ogc/content/rules>.

FOR THE PERMITTEE:

  
\_\_\_\_\_


Print Name: Steve Hacht

Print Title: President

7/25/25  
Date

DONE AND ORDERED this 25th day of July, 2025, in Leon County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

 Digitally signed by John Coates  
Date: 2025.07.25 13:58:50  
-04'00'

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John A. Coates, P.E., Director  
Division of Water Resources Management

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

**Marjane C.** Digitally signed by  
**Taylor** Marjane C. Taylor  
Date: 2025.07.25  
14:22:54 -04'00'

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Clerk

7/25/2025  
Date

Copies furnished to:

Lea Crandall, Agency Clerk, Mail Station 35  
Cindy Mulkey, Division of Water Resource Management  
Tom Kallemeyn, Northeast District Office  
Nathan Hess, Central District Office  
Pam Vazquez, Southwest District Office

Exhibit 1

Facilities and ID Numbers for Biosolids Land Application Sites Permitted by H&H Liquid Sludge Disposal, LLC.

<b>Site (Facility) Name</b>	<b>DEP Permit ID#</b>	<b>County</b>	<b>Address</b>
Rolling R Ranch	FLA017515	Suwannee	6990 US Highway 27, Branford, Florida, 32008
Tennille Ranch-Biosolids Application Site	FLA690392	Taylor	18887 US 19 South, Perry, Florida 32359
K Bar Ranch Biosolids Site	FLA384364	Suwannee	County Road 248, Beechville, Florida 32008
Chris Walker Ranch	FLA690392	Polk	4985 US Highway 98 W, Frostproof, Florida 33843
Circle Cross Ranch	FLA311898	Polk	9015 Angus Road, Alturas, Florida 33853
Bronson Ranch	FLA863289	Osceola	32739 Highway 441 at Coaches Lane, Holopaw, Florida 32739
Deer Park Ranch	FLA318655	Osceola and Brevard	6254 Kempfer Rd, Saint Cloud, Florida 33773
Hayman 711 Ranch	FLA617903	Osceola	711 Hayman Ranch Rd, Kenansville, Florida 34739
Kenansville Ranch	FLA832243	Osceola	3585 Six Mile Road, Kenansville, Florida 34739