



AUG 29 2007

Florida Department of Environmental Protection

Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401-2913

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED MAIL # 7006 2760 0005 5726 8498

RETURN RECEIPT REQUESTED

Mr. Judd Gilbert, Owner
Petroleum Management, Inc.
2191 SW 115 Terrace
Davie, FL 33325

Broward County
HW- Petroleum Management, Inc.

CERTIFIED MAIL No.: 7006 2760 0005 5726 8504

RETURN RECEIPT REQUESTED

Gene K. Glasser, Esquire, Registered Agent
Petroleum Management, Inc.
100 W Cypress Creek Road, Suite 700
Ft. Lauderdale, FL 33309

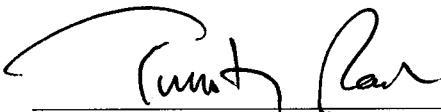
RE: Settlement of Department of Environmental Protection v. Petroleum Management, Inc., 3650
SW 47th Avenue, Davie, FL 33314, OGC Number: 07-0283

Dear Mr. Gilbert:

Enclosed for your implementation is a copy of the fully executed and filed Consent Order in the above styled case. Please ensure that the compliance dates and terms of this Consent Order are accomplished in a timely manner.

Thank you for your cooperation in this matter. If you have any questions concerning this matter please contact Ms. Karen Kantor at 561/681-6720.

Sincerely,

for  8/24/07
Date

Jack Long
District Director
Southeast District


JL/JL/KW/kk

cc: Alan Annicella, EPA Region IV
Al Gomez, Broward County EPD
Michael Redig, DEP Tallahassee (MS #4560)
West Palm Beach, DEP File
Lea Crandall, OGC, DEP Tallahassee (MS #35)



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100 W Cypress Creek Road, Suite 700
Ft. Lauderdale, FL 33309

RECEIVED

AUG 21 2007

**DEPT of ENV PROTECTION
WEST PALM BEACH**

RE: Proposed Settlement in Florida Department of Environmental Protection v. Mr. Judd Gilbert and Petroleum Management, Inc., OGC File Number 07-0283

Dear Mr. Gilbert:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated September 22, 2006, a copy of which is attached. On May 7, 2007, the Department issued a proposed Consent Order for settlement of the above case, which was received by you on May 12, 2007. To date, you have not signed nor returned the proposed Consent Order. The timeframe for your response has expired and the proposed Consent Order has been withdrawn.

In the interim, it has been determined that the corrective actions required to bring your facility into compliance have been performed as recorded in correspondence from the Department's Solid Waste Section dated May 15, 2007, a copy of which is attached. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, your company is assessed civil penalties in the amount of \$5,000.00, along with \$500.00 to reimburse the Department's costs for a total of \$5,500.00. The original civil penalty in this case includes at least one violation of \$2,000.00 or more.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. Within 30 days of the effective date of this letter, Petroleum Management, Inc., shall make the payment to the Department. The payment must be made by cashier's check or money order payable to the Department of Environmental Protection and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Waste Program Administrator, Southeast District, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401.

Your signing this letter constitutes acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated

above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes. The effective date of the letter is the date on which it is filed with the clerk.

If you do not sign and return this letter to the Department at the District address within 20 days, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Jack Long
District Director
Southeast District

JL/JL/KW/kk

Date

7/26/07

I HEREBY ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For Petroleum Management, Inc.:

For the Department:

Judd Gilbert, Pres
Judd Gilbert
President

for Jack Long
District Director
Southeast District

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2007 in West Palm Beach, Florida.

FILING AND ACKNOWLEDGMENT

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

Andreell D. f
Clerk

AUG 29 2007

Date

Attachments: Copy of Warning Letter dated September 22, 2006
Copy of DEP Letter dated May 15, 2007

cc: West Palm Beach DEP File
Hazardous Waste Archboard

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and 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 named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 60Q-2.010, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.