



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

July 17, 2019

January Environmental Services, Inc.
Mr. Cris January, Owner
1920 State Road 60 West
Bartow, FL 33830
Cris@januaryservices.com

Re: Consent Order OGC File No. 19-1271
January Environmental Services, Inc.
HW Facility ID #FLD982162943
Polk County

Dear Mr. January:

Enclosed please find the executed Consent Order OGC No. 19-1271, regarding the above referenced facility. The effective date of the Consent Order is the filing date entered by the designated Department Clerk on the signature page. The Department received your check in the amount of \$1,500.00 submitted on July 15, 2019; once the check has cleared, the case will be closed.

For inquiries, you may contact Leslie Pedigo at (813) 470-5870 or via e-mail at Leslie.Pedigo@FloridaDEP.gov.

Sincerely yours,

Kelley M. Bootwright for:

Mary E. Yeargan, PG
Southwest District Director
Florida Department of Environmental Protection

cc: Loren January Dorwart, January Environmental Services, Inc.;
Loren@januaryservices.com
Lea Crandall, OGC; Lea.Crandall@dep.state.fl.us
Glen Perrigan, HWR Section; Glen.Perrigan@dep.state.fl.us



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

July 2, 2019

January Environmental Services, Inc.
Mr. Cris January, Owner
1920 State Road 60 West
Bartow, FL 33830
Cris@januaryservices.com

SUBJECT: Department of Environmental Protection v. January Environmental Services, Inc.,
OGC File No.: 19-1271
HW Facility ID #FLD982162943
Polk County

Mr. January:

The State of Florida Department of Environmental Protection ("Department") finds that January Environmental Services, Inc. ("Respondent") managed used oil in violation of the rules cited in the attached inspection report. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking \$1,250.00 in civil penalties and \$250.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$1,500.00. The civil penalties are apportioned as follows: \$625.00 for violation of Rule 62-710.500(1), 62-710.500(2), & 62-710.850(3), F.A.C.; \$625.00 for violation of Rule 62-710.510(5), F.A.C.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at the Southwest District, 13051 N. Telecom Parkway, Suite 101, Temple Terrace, FL 33637 by **July 12, 2019**. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, **Cris January, President of January Environmental Services, Inc.**:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondents' right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violations referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent must pay \$1,500.00 in full by **July 31, 2019**.
- (2) Respondent 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 assigned "OGC number 19-1271" 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 and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

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 Respondent and the Department, and filed with the clerk of the Department. Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

DEP v. January Environmental Services, Inc.
Proposed Consent Order, OGC File No.: 19-1271

If you have any questions, please contact Leslie Pedigo at (813) 470-5870 or at
Leslie.Pedigo@FloridaDEP.gov.

Sincerely,



Mary E. Yeargan, P.G.
District Director
Southwest District

Draft copy furnished to:

Loren January Dorwart, January Environmental Services, Inc.;
Loren@januaryservices.com

Remainder of Page Intentionally Left Blank

FOR THE RESPONDENT:

I, Cris January [Type or Print Name], **HEREBY ACCEPT**
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: [Signature]
[Signature]

Date: 7/16/19

Title: Pres
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 17 day of July, 2019, in Hillsborough
County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Kelley M. Bostwick for:
Mary E. Yeargan, P.G.
District Director
Southwest District

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

Marie Headrick
Clerk

July 17, 2019
Date

Attachments: Notice of Rights
Penalty Assessment Worksheet
3/8/2019 Inspection Report

Final clerked copy furnished to:

Loren January Dorwart, January Environmental Services, Inc.;
Loren@januaryservices.com
Lea Crandall, Agency Clerk; Lea.Crandall@FloridaDEP.gov