



Lawton Chiles
Governor

Florida Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wetherell
Secretary

September 27, 1993

Donald J. Beuttenmuller, Jr.
Gunster, Yoakley & Stewart, P.A.
Phillips Point, Suite 500 East
777 South Flagler Drive
West Palm Beach, Florida 33401-6194

FLA. DEPARTMENT OF
ENVIRONMENTAL REG.
WEST PALM BEACH

93 OCT 1 PM 2 11

RECEIVED

Re: Department of Environmental Protection v.
Florida Tire Recycling, OGC 92-1094C;
Circuit Case No. 93-895CA17;

Dear Don:

This letter is to respond to your letter of September 23, 1993 regarding the current status of the above-referenced case. First, as we discussed, I called Judge Rupert Smith's Judicial Assistant and requested that the Temporary Injunction Motion be rolled over to the November docket. According to the Judicial Assistant, the November docket call is scheduled for November 1, 1993 for a trial period from November 2-5, 1993. In addition, there is a second docket call on November 29, 1993 for a period of time from November 30 through December 3, 1993. Judge Smith's Judicial Assistant indicated that she could reschedule the injunction hearing on the November 1, 1993 docket call without our attendance at the September 27, 1993 docket call.


Second, it is my understanding from your letter that you will notify me in writing if Florida Tire's counterclaim and counter-petition for injunctive relief is filed with the Court and that DEP's time for response will be governed by the Florida Rules of Civil Procedure, as if the pleading had been first served at the time of its filing with the Court.

Finally, with respect to the issue of the Lakeland permit, I have discussed with you that the decision maker with respect to the Lakeland permit is the Director of District Management of the Southwest District of DEP, Dr. Richard Garrity. As I understand the meeting of September 22, 1993, DEP made no representations with regard to the resolution of the Petition for Administrative Hearing filed by Florida Tire challenging the Intent to Deny issued by the Southwest District Office of DEP. I have informed Doug Beason, the attorney handling the "Petition" of the settlement negotiation period discussed at the meeting as a

possible resolution of DEP's Temporary Injunction Motion; however, any questions regarding Florida Tire's "Petition" should be directed to Doug.

If you have any questions regarding the above, please call me at (904)488-9730.

Sincerely yours,


Janet E. Bowman
Assistant General Counsel

cc Mary E.S. Williams ✓
Tom Beason, Esq.