



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

June 5, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Dominic Iafrate, President  
Angelo's Aggregate Materials, Ltd.  
Post Box 1493  
Largo, Florida 33779

RE: Proposed Settlement of Warning Letter #WL 07-0019SW51SWD  
Enterprise Class III Landfill and Recycling Facility  
OGC File No. 08-0445

Dear Mr. Iafrate:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated December 11, 2007, a copy of which is enclosed, along with the alleged non-compliance items reflected on the Department's Inspection Checklist of October 15 and October 25, 2007. The Department finds that you were in violation of the rules and statutes cited in the enclosed Warning Letter and as noted in the referenced Inspection Checklist. The Department also finds that based on a subsequent follow-up inspection by the Department on February 7, 2008, and measures you have undertaken, the corrective actions required to bring your facility into compliance have been performed.

The Department acknowledges that you do not agree with and dispute the Department's position and that you expressly deny that any presently actionable violation occurred. In order to resolve the matters identified in the enclosed Warning Letter and the subsequent Inspection Checklist, you are assessed civil penalties in the amount of \$17,897 along with \$500 to reimburse the Department costs, for a total of \$18,397.

The Department acknowledges that your signature of this letter, or actions taken thereunder, including, but not limited, to the payment of these civil penalties by you, does not constitute an admission of your having violated any statute or Department rule, or evidence of liability or of fault. Neither shall such signature or actions be deemed or render you or your company "irresponsible" under FDEP Rule 62-701.320, F.A.C. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order 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, Attn: Sandra Wilson, 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926, within thirty (30) days of your signing this letter.

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

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**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

**AUG 08 2008**

**SOUTHWEST DISTRICT  
TAMPA**

final agency action of the Department, which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address within fifteen (15) days after receipt of this letter, 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.

Sincerely,



Mary Jean Yon, Director  
Division of Waste Management  
Tallahassee

FOR THE RESPONDENT:

I, Dominic Iafate, on behalf of Angelo's Aggregate Materials, Ltd. HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: Dominic Iafate

Title: Vice President

Date: 7/31/08

**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this 1<sup>st</sup> day of August, 2008.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Mary Jean Yon, Director  
Division of Waste Management  
Tallahassee

**FILING AND ACKNOWLEDGEMENT**

FILED, on this date, pursuant to  
§ 120.52, Florida Statutes,  
with the designated Department  
Clerk, receipt of which is hereby  
Acknowledged.

Minnie R Robinson  
Clerk

August 1, 2008  
Date

Copies furnished to: Alik Moncrief, OGC

Lea Crandall, OGC (executed copy only)

Sandra Wilson, FDEP, Tampa (executed copy only)

William D. Preston, Esq. 4832-A Kerry Forest Parkway, Tallahassee,

FL 32309

Susan Pelz, P.E., SWD Tampa, Solid Waste