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SHORT FORM CONSENT ORDER

February 14, 2023

Hari Krupa Real Estate LLC
P.O. Box 46877
Tampa, FL 33646

Hari Krupa Real Estate LLC
111 2nd Ave. NE Ste 311
St. Petersburg, FL 33701

Kirit Patel, kiritpetroleum@yahoo.com
8133 Brinegar Circle
Tampa, FL 33647

Anthony J. Comparetto, Esq., comparettolawfirm@gmail.com
Title "Other" and Registered Agent on behalf of Hari Krupa Real Estate LLC
P.O. Box 1298
St. Petersburg, FL 33731-1298

**Subject: Proposed Settlement for EPC Enforcement Case #21-25273/Joy Foods
#101/10810 US Highway 41 South, Gibsonton, Hillsborough County/FDEP ID# 298625273**

Dear Mr. Comparetto,

The purpose of this Short Form Consent Order (SFCO) is to complete the resolution of the matter previously identified by the Environmental Protection Commission of Hillsborough County (EPC) in the Notice of Intent to Initiate Enforcement (NOI) issued to Hari Krupa Real Estate LLC (hereinafter "Respondent") on July 7, 2022, a copy of which is attached as Exhibit 1. This SFCO is being offered because corrective actions required to bring the facility into compliance with the allegations herein have been performed but the case is otherwise not resolved until entry of this settlement.

Respondent, Hari Krupa Real Estate LLC, an inactive registered corporation and a person under Chapter 403, Florida Statutes, owns real property located at 10810 US Highway 41 S, Gibsonton, which is assigned FDEP Facility #298625273. The EPC finds that Respondent is in violation of the rules and statutes cited in the EPC Compliance Inspection Report dated February 28, 2020 and summarized in the NOI attached as Exhibit 1. To summarize, the EPC finds violations of Chapter 84-446, Laws of Florida, the Environmental Protection Act of Hillsborough County (EPC ACT), and the EPC Storage Tank Rule Chapter 1-12, Rules of the EPC.

Environmental Excellence in a Changing World

**Environmental Protection Commission - Roger P. Stewart Center
3629 Queen Palm Drive, Tampa, FL 33619 - (813) 627-2600 - www.epchc.org**

In order to avoid pursuing a civil suit in this matter, the Executive Director offers this settlement as a final resolution of the violations noted in Exhibit 1 and Respondent is assessed civil penalties in the amount of \$11,250.00 along with \$445.00 to reimburse the EPC costs, for a total of \$11,695.00. The EPC acknowledges that the payment of civil penalties and expenses by Respondent does not constitute an admission of liability. The terms of settlement are:

1. Within 30 days of the effective date of this settlement, Respondent will submit a check or money order to the Executive Director in the amount of \$8,850.00 made payable to the **“Environmental Protection Commission”** with the notation **“EPC Costs and Penalties.”** This reflects the appropriate settlement amount for civil penalties and expenses incurred by the EPC during the investigation of this matter and the preparation and tracking of this SFCO. Payment shall be sent to the Environmental Protection Commission, 3629 Queen Palm Drive, Tampa, Florida 33619.
2. This settlement does not relieve Respondent of the need to comply with other applicable federal, state or local laws, and the EPC does not waive its right to prevent or violations not here addressed. Upon execution by all parties, this final agency action is subject to Chapter 1-2, Rules of the EPC, thus it may be challenged by affected persons. However, the Respondent waives its right to challenge this agency action in any court of competent jurisdiction, including but not limited to administrative, county, circuit, or appellate courts.

By signing this settlement, Respondent accepts the EPC’s offer to resolve this matter on these terms. If Respondent elects to accept this SFCO, please sign and have notarized the SFCO and return it to Shannon Camp at the EPC Waste Management Division at 3629 Queen Palm Drive, Tampa, FL, 33619. Use this point of contact for mailing the checks also. The EPC will then countersign the letter and maintain the original. We will mail you a copy. When signed by all parties (i.e. – the effective date), the letter shall constitute final agency action of the EPC which shall be enforceable in a court of competent jurisdiction pursuant to Section 18 of the EPC Act.

If you or another authorized representative of the Respondent do not sign and return this SFCO to the EPC at 3629 Queen Palm Drive, Tampa, Florida 33619 within **21 days** of receipt, the EPC 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 SFCO unless you sign it and return it to the above noted address. 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.

Sincerely,

Steffanie L. Wickham
Waste Division Director

Joy Foods #101
February 14, 2023

RESPONDENT: Hari Krupa Real Estate LLC

I HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE

RESPONDENT BY:

Date: _____

Signature: _____

Anthony J. Comparetto, Esq.

Printed Name: _____

Corporate position: _____

(Below to be signed and dated by agency:)

Signed this _____ day of _____, 2023.

**FOR THE ENVIRONMENTAL
PROTECTION COMMISSION OF
HILLSBOROUGH COUNTY**

Janet D. Lorton, Executive Director
3629 Queen Palm Drive
Tampa, Florida 33619
(813) 627-2600

CONSENT ORDER NOTICE OF RIGHTS FOR THIRD PARTIES

Pursuant to Section 9 of the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, (EPC Act) and Rule 1-2.30, Rules of the Environmental Protection Commission of Hillsborough County (EPC) any person whose interests are protected by the EPC Act and who is adversely affected or otherwise aggrieved by this Consent Order has the right to appeal this Consent Order, unless the right was previously waived. **Written Notice of Appeal for a Section 9 Appeal must be received by the EPC Commission Chair, c/o EPC Legal Department, 3629 Queen Palm Dr., Tampa, Florida 33619 or via electronic mail at legalclerk@epchc.org, within twenty (20) days of receipt of this notice.** Pursuant to Section 1-2.30(c), Rules of the EPC, a Notice of Appeal must include the following information:

- (1) The name, address, and telephone number of the Appellant; the name, address, and telephone number of the Appellant's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the Appellant will be aggrieved or how his or her interests will be adversely affected by the Executive Director's decision;
- (2) A statement of when and how the Appellant received notice of the agency decision;
- (3) A statement of all disputed issues of material fact. If there are none, the Notice of Appeal must so indicate;
- (4) The specific facts the Appellant contends warrant reversal or modification of the Executive Director's proposed action;
- (5) A statement of the specific laws or rules the Appellant contends require reversal or modification of the Executive Director's proposed action; and
- (6) A statement of the relief sought by the Appellant, stating precisely the action Appellant wishes the Commission to take with respect to the Executive Director's proposed action or decision.

Pursuant to Section 1-2.31, Rules of the EPC, you may request additional time to file a Notice of Appeal by filing a REQUEST FOR EXTENSION OF TIME TO FILE A NOTICE OF APPEAL. The Request for Extension of Time must include a statement when and how the Appellant received notice of the agency decision and a statement why good cause exists for the extension. The Request must be sent to and received by the EPC Legal Department at the address, e-mail, or fax noted above within twenty (20) calendar days of receipt of this notice. **By submitting a "Notice of Appeal" or a "Request for Extension of Time to file a Notice of Appeal" via e-mail, you are agreeing to service and receipt of correspondences via e-mail at the originating e-mail address identified in the e-mail submission.**

This Order is FINAL unless the party timely files, pursuant to Chapter 1-2, Part IV, Rules of the EPC, a "Notice of Appeal" or files a "Request for Extension of Time to file a Notice of Appeal" for a formal hearing. Pursuant to Section 1-2.31(e), Rules of the EPC, failure to request an appeal by filing a Notice of Appeal within twenty (20) days after receipt of this Order shall constitute a **WAIVER** of one's right to have an appeal heard, and this unappealed Order shall automatically become a final and enforceable Order of the Commission. Upon receipt of a sufficient Notice of Appeal for a Section 9 Appeal an independent hearing officer will be assigned. The hearing officer will schedule the appeal hearing at the earliest reasonable date. Following an evidentiary hearing, the hearing officer will render his/her decision as a recommendation before the EPC board. Pursuant to Section 1-2.35, Rules of the EPC, the EPC board will take final agency action on the findings of fact and conclusions of law of the hearing officer. A written decision will be provided by the EPC board, which affirms, reverses or modifies the hearing officer's decision. Should this final administrative decision still not be in your favor, you may seek review in accordance with Section 9 of the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, and the Administrative Procedure Act, Chapter 120, part II, Florida Statutes, 1961 by filing an appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the clerk of the Environmental Protection Commission, EPC Legal Department, 3629 Queen Palm Dr., Tampa, FL 33619, and by filing a notice of appeal accompanied by the applicable filing fee with the Second District Court of Appeal within 30 days from the date of this order becoming an Order of the Commission. Please note that this judicial review appeal differs from the Section 9 Appeal.

Copies of EPC rules referenced in this Order may be examined at any EPC office, may be found on the internet site for the agency at <http://www.epchc.org>, or may be obtained by written request to the EPC Legal Department at 3629 Queen Palm Dr., Tampa, FL 33619.