



FLORIDA DEPARTMENT OF Environmental Protection

Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

November 8, 2024

BY CERTIFIED MAIL: 7022 2410 0002 9325 7271

Vishal Patel, Authorized Member
Yug Four, LLC
4222 SE 9th Avenue
Ocala, Florida 34480
VPatel2028@gmail.com

Re: Notice of Violation
Yug Four, LLC
OGC Case # 24-1968
Marion County

Dear Mr. Patel:

Enclosed is a Final Order issued by the Department in the referenced case. The Final Order addresses allegations of violations of Florida Statutes and Department Rules.

The Order of Corrective Actions section explains what recourse Yug Four, LLC, as the Respondent has concerning resolution of the allegations. Please read this section carefully.

Please contact Faith DeVictoria of the Central District Office at 407-897-4338 or via e-mail at Faith.DeVictoria@FloridaDEP.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Watkins".

Aaron Watkins
Director, Central District

Enclosures: Final Order
Exhibit A – Notice of Violation
Exhibit B – Certified Return Receipt

cc: FDEP: Kirk White, Anne Willis, Faith DeVictoria, Josiah Leonard

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

IN THE OFFICE OF THE
CENTRAL DISTRICT

Petitioner,

vs.

OGC CASE NO. 24-1968

YUG FOUR, LLC,

Respondent.

FINAL ORDER

BY THE DEPARTMENT:

On September 5, 2024, the Department of Environmental Protection (“Department”) issued a Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment (“Notice”) to Yug Four, LLC (“Respondent”), pursuant to the authority of Section 403.121(2), Florida Statutes (“Fla. Stat.”). A copy of the Notice is attached and incorporated herein as Exhibit A. The Respondent received the Notice on September 7, 2024. A copy of the certified return receipt is attached and incorporated herein as Exhibit B.

The Notice informed the Respondent that unless a request for hearing was filed with the Department within 20 days of receipt, the Notice would become final. No responsive pleading or request for hearing has been made by the Respondent. Therefore, pursuant to Section 403.121(2)(c), Fla. Stat., the Findings of Fact and Conclusions of Law contained in the Notice are deemed admitted and have become binding and final. The Orders for Corrective Action have likewise become final and effective, pursuant to Section 403.121(2)(c), Fla. Stat.

Specifically, the Orders for Corrective Action (See Exhibit A) contain the following directions to the Respondent:

1. The Respondent shall forthwith comply with all Department rules regarding Underground Storage Tank Systems. The Respondent shall correct and redress all violations in the time periods required below and shall comply with all applicable rules in Chapter 62-761, Fla. Admin. Code.

2. **Within sixty (60) days of the effective date of this Order**, the Respondent shall obtain financial responsibility, and once financial responsibility is obtained, the Respondent shall provide the Department with the policy, Form Part D (certificate of insurance), and Form Part P (certification of financial responsibility).

3. **If the Respondent is unable to obtain financial responsibility, then within ninety (90) days of the effective date of this Order**, the Respondent shall complete closure of the System in accordance with the requirements of Rule 62-761.800(2)(b), Fla. Admin. Code., and conduct sampling during the closure in accordance with Instructions for Conducting Sampling During Underground Storage Tank Closure, July 2019 Edition, as required by Rule 62-761.800(3)(b), Fla. Admin. Code.

4. **Within 30 days of the effective date of this Order**, the Respondent shall pay \$22,500.00 to the Department for the administrative penalties imposed above. Payment shall be made by cashier's check, money order, or on-line payment. Cashier's check or money order shall be made payable to the "State of Florida Department of Environmental Protection" and shall include thereon the notations "OGC Case No. 24-1968" and "Water Quality Assurance Trust Fund." The payment shall be sent to the State of Florida Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803. 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 becomes final, effective, and filed with the Clerk of the Department before the ability to make online payment is available.

5. **Within 30 days of the effective date of this Order**, the Respondent shall also pay \$500.00 to the Department for costs and expenses. Payment shall be made by

cashier's check or money order. Cashier's check or money order shall be made payable to the "State of Florida Department of Environmental Protection" and shall include thereon the notations "OGC Case No. 24-1968" and "Water Quality Assurance Trust Fund." The payment shall be sent to the State of Florida Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803. Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldeportal.com/go/pay/>. It will take a number of days after this order becomes final, effective, and filed with the Clerk of the Department before the ability to make online payment is available.

Having considered the Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment and Respondent's failure to timely file a responsive pleading to request a hearing, it is, therefore,

ORDERED by the State of Florida Department of Environmental Protection that the foregoing Orders for Corrective Action are hereby approved and adopted in toto as the Final Order of the Department in the above-styled matter.

Respondent shall comply with the Orders for Corrective Action within the time frames specified above, all of which commence on the effective date of this Final Order. The effective date of this Final Order is the date on which it is filed with the designated Department clerk (see below).

Any party to this Final Order has the right to seek judicial review of the Final Order pursuant to Section 120.68, Florida Statutes, by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Agency Clerk of the Department, Office of General Counsel, 3900 Commonwealth Blvd., MS-35, Tallahassee, Florida 32399-3000 or via electronic correspondence at Agency_Clerk@floridadep.gov; and by filing a copy of the Notice of Appeal with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days of the effective date of this Final Order.

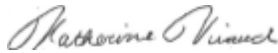
DONE AND ORDERED this 8th day of November, 2024, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Aaron Watkins
District Director
Central District

Filed, on this date, pursuant to Section 120.52, Fla. Stat., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

November 8, 2024

Date

*Note: This is the effective date of
the Final Order.*

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35



FLORIDA DEPARTMENT OF Environmental Protection

Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

Exhibit A

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

September 5, 2024

Vishal Patel, Authorized Member
Yug Four, LLC
4222 SE 9th Avenue
Ocala, Florida 34480
VPATEL2028@GMAIL.COM

CERTIFIED MAIL: 9589 0710 5270 0424 6215 05

Re: Notice of Violation
Yug Four, LLC
OGC Case No. 24-1968
Marion County

Dear Mr. Patel:

Enclosed is a Notice of Violation (NOV) issued by the Department in the referenced case. The NOV addresses allegations of violations of Florida Statutes and Department Rules.

The NOV's Notice of Rights section explains what recourse the Respondent has concerning resolution of the allegations contained in the NOV. Please read this section carefully.

Please contact Faith DeVictoria of the Central District Office at 407-897-4338 or via e-mail at Faith.DeVictoria@FloridaDEP.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "AW 7/2".

On behalf of:

Aaron Watkins
Director, Central District

Enclosures: Notice of Violation

cc: FDEP: Kirk White, Anne Willis, Faith DeVictoria

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

IN THE OFFICE OF THE
CENTRAL DISTRICT

Petitioner,

v.

OGC File No. 24-1968

Yug Four, LLC.

Respondent.

_____ /

**NOTICE OF VIOLATION,
ORDERS FOR CORRECTIVE ACTION, AND
ADMINISTRATIVE PENALTY ASSESSMENT**

To: Yug Four, LLC
c/o Vishal Patel
4222 SE 8th Avenue
Ocala, Florida 34480

Pursuant to the authority of Section 403.121(2), Florida Statutes ("Fla. Stat."), the State of Florida Department of Environmental Protection ("Department") gives notice to YUG FOUR, LLC ("Respondent") of the following findings of fact, conclusions of law, orders for corrective action, and assessment of administrative penalties ("Notice") with respect to violations of Chapter 376 and 403, Fla. Stat.

**FINDINGS OF FACT
PARAGRAPHS APPLICABLE TO ALL COUNTS**

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to

administer and enforce the provisions of Chapter 376 and 403, Fla. Stat., and the rules promulgated thereunder in Title 62, Florida Administrative Code (“Fla. Admin. Code”).

2. The Respondent has owned and operated the non-residential property located at 938 SE 17th Street, Ocala, Marion County, Florida 34480, identified by the Marion County Property Appraiser as Parcel ID No. 30566-001-00 (“Property”), since approximately June 10, 2022. The property contains an underground storage tank system (“System”) with the Department Facility ID No. 8511252, which consists of three in service underground storage tanks (“USTs”), their associated piping, and dispensers (“Facility”).

3. Each of the Facility’s USTs have a volume in excess of 110 gallons that contains or contained regulated petroleum product. The USTs are double walled and constructed of fiberglass clad steel with the aliases 1R1, 3R1, and 4R1.

4. On November 15, 2022, the Alachua County Environmental Protection Department (“ACEPD”) conducted an inspection of the Facility, and the following violation was observed which has yet to be resolved:

a. The Facility failed to provide proof of storage tank insurance as required per Rule 62-761.420, Fla. Admin. Code. The storage tank insurance on file expired on July 22, 2021.

5. On January 22, 2023, a written Compliance Assistance Offer was issued to Yug Four, LLC from ACEPD as part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), Fla. Stat. The Respondent failed to respond to the Compliance Assistance Offer within 15 days.

6. On May 11, 2023, the Facility was referred to the Department for enforcement of its violation.

7. On August 25, 2023, a Warning Letter was issued to the Respondent by the Department requesting that the Respondent contact the Department within seven (7) days of receipt of the Warning Letter to arrange a meeting to discuss this matter. Since that time no response has been received.

8. As of the date of this Notice, the Respondent has failed to resolve the compliance issues associated with the Facility.

COUNT I
FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY

9. The facts in Paragraphs 1-8 are re-alleged and incorporated herein.

10. The Respondent has not maintained financial responsibility as required by Rule 62-761.420, Fla. Admin. Code since July 22, 2021. The financial responsibility requirement was not satisfied for 2021-2022, 2022-2023, and 2023-2024 for three total occurrences of failure to satisfy the financial responsibility requirements.

COUNT II
DEPARTMENT COSTS AND EXPENSES

11. The Department has incurred expenses to date while investigating this matter in the amount of not less than \$500.00.

CONCLUSIONS OF LAW

The Department has evaluated the Findings of Fact with regard to the requirements of Chapters 376 and 403, Fla. Stat., and Title 62, Fla. Admin. Code. Based on the foregoing facts the Department has made the following conclusions of law:

12. The Facility, including the three underground storage tank systems, is a “facility” within the meaning of Section 376.301(18), Fla. Stat.

13. The Facility is subject to regulation by the Department pursuant to Chapters 376 and 403, Fla. Stat., and Rule 62-761, Fla. Admin. Code.

14. Respondent is a “person” within the meaning of Sections 376.301(29) and 403.031(9), Fla Stat.

15. Respondent is an “owner” as defined in Section 376.301(28), Fla. Stat.

16. The Department is imposing an administrative penalty of less than or equal to \$50,000.00 in this Notice as calculated in accordance with Section 403.121, Fla. Stat.

17. The facts in Count I constitute a violation of Rule 62-761.420(2), Fla. Admin. Code for failure to maintain financial responsibility. The facts also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with Department rules.

18. The violation in Count I requires the assessment of an administrative penalty under Section 403.121(4)(a), Fla. Stat. of \$7,500.00 for each occurrence of failure to satisfy financial responsibility. Three occurrences of failure to satisfy financial responsibility totals \$22,500.00.

19. The administrative penalties assessed for Counts I total \$22,500.00.

20. The costs and expenses related in Count II are reasonable costs and expenses incurred by the Department while investigating this matter, which are recoverable pursuant to Section 403.141(1), Fla. Stat.

ORDERS FOR CORRECTIVE ACTION

The Department has alleged that the activities related in the Findings of Fact constitute violations of Florida law. The Orders for Corrective Action state what you, the Respondent, must do in order to correct and redress the violations alleged in this Notice.

The Department will adopt the Orders for Corrective Action as part of its Final Order in this case unless the Respondent either files a timely request for a formal hearing or informal proceeding, pursuant to Section 403.121(2)(c), Fla. Stat., or files written notice with the Department opting out of this administrative process, pursuant to 403.121(2)(c), Fla. Stat. (See Notice of Rights). If the Respondent fails to comply with the corrective actions ordered by the Final Order, the Department is authorized to file suit seeking judicial enforcement of the Department's Order pursuant to Sections 120.69, 403.121, and 403.131, Fla. Stat.

Pursuant to the authority of Sections 403.061(8) and 403.121, Fla. Stat., the Department proposes to adopt in its Final Order in this case the following specific corrective actions that will redress the alleged violations:

21. The Respondent shall forthwith comply with all Department rules regarding Underground Storage Tank Systems. The Respondent shall correct and redress all violations in the time periods required below and shall comply with all applicable rules in Chapter 62-761, Fla. Admin. Code.

22. **Within sixty (60) days of the effective date of this Order**, the Respondent shall obtain financial responsibility, and once financial responsibility is obtained, the

Respondent shall provide the Department with the policy, Form Part D (certificate of insurance), and Form Part P (certification of financial responsibility).

23. **If the Respondent is unable to obtain financial responsibility, then within ninety (90) days of the effective date of this Order**, the Respondent shall complete closure of the System in accordance with the requirements of Rule 62-761.800(2)(b), Fla. Admin. Code., and conduct sampling during the closure in accordance with Instructions for Conducting Sampling During Underground Storage Tank Closure, July 2019 Edition, as required by Rule 62-761.800(3)(b), Fla. Admin. Code.

24. **Within 30 days of the effective date of this Order**, the Respondent shall pay \$22,500.00 to the Department for the administrative penalties imposed above. Payment shall be made by cashier's check, money order, or on-line payment. Cashier's check or money order shall be made payable to the "State of Florida Department of Environmental Protection" and shall include thereon the notations "OGC Case No. 24-1968" and "Water Quality Assurance Trust Fund." The payment shall be sent to the State of Florida Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803. 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 becomes final, effective, and filed with the Clerk of the Department before the ability to make online payment is available.

25. **Within 30 days of the effective date of this Order**, the Respondent shall also pay \$500.00 to the Department for costs and expenses. Payment shall be made by cashier's check or money order. Cashier's check or money order shall be made payable

to the “State of Florida Department of Environmental Protection” and shall include thereon the notations “OGC Case No. 24-1968” and “Water Quality Assurance Trust Fund.” The payment shall be sent to the State of Florida Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803. 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 becomes final, effective, and filed with the Clerk of the Department before the ability to make online payment is available.

NOTICE OF RIGHTS

Respondent’s rights to negotiate, litigate, or transfer this action are set forth below.

Right to Negotiate

26. This matter may be resolved if the Department and the Respondent enter into a Consent Order, in accordance with Section 120.57(4), Fla. Stat., upon such terms and conditions as may be mutually agreeable.

Right to Request a Hearing

27. The Respondent has the right to a formal administrative hearing pursuant to Sections 120.569, 120.57(1), and 403.121(2), Fla. Stat., if the Respondent disputes issues of material fact raised by this Notice. At a formal hearing, the Respondent will have the opportunity to be represented by counsel or qualified representative, to present evidence and argument on all issues involved, and to conduct cross-examination and submit rebuttal evidence.

28. The Respondent has the right to an informal administrative proceeding pursuant to Sections 120.569 and 120.57(2), Fla. Stat., if the Respondent does not dispute issues of material fact raised by this Notice. If an informal proceeding is held, the Respondent will have the opportunity to be represented by counsel or qualified representative, to present to the agency written or oral evidence in opposition to the Department's proposed action, or to present a written statement challenging the grounds upon which the Department is justifying its proposed action.

29. If the Respondent desires a formal hearing or an informal proceeding, the Respondent must file a written responsive pleading entitled "Request for Administrative Proceeding" within 20 days of receipt of this Notice. The request must be in the form required by Rule 28-106.201, Fla. Admin. Code and include the following:

- (a) The name, address, telephone number, and facsimile number (if any) of each respondent if the Respondent is not represented by an attorney or qualified representative;
- (b) The name, address, telephone number, and facsimile number of the attorney or qualified representative of the Respondent, if any, upon whom service of pleadings and other papers shall be made;
- (c) A statement of when the Respondent received the Notice;
- (d) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the request for hearing must so indicate; and

- (e) The notation “OGC Case No. 24-1968” shall be included in the request.

A request for hearing is filed when it is received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at: Agency_Clerk@floridadep.gov.

Right to Request Mediation

30. If the Respondents file a timely request challenging the Notice in accordance with Section 403.121(2)(e), Fla. Stat., the Respondents have the right to mediate the issues raised in the Notice. If requested, a mediator will be appointed to assist the Department and the Respondents to reach a resolution of some or all of the issues. The mediator is chosen from a list of mediators provided by the FCRC Consensus Center (“FCRC”). If mediation is requested, up to 8 hours of free mediation services will be provided to the Respondents. A mediator cannot require the parties to settle the case. If mediation is unsuccessful, both parties retain their full rights to litigate the issues before an administrative law judge. The Respondents must select the mediator and notify the Department within 15 days of receipt of the list of mediators. The mediation process does not interrupt the time frames of the administrative proceedings, and the mediation must be completed at least 15 days before the date of the final hearing.

31. The written request to appoint a mediator must be made within 10 days after receipt of the Initial Order from the administrative law judge appointed to hear the case. The request must be received by Department's Office of General Counsel, 3900

Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at: Agency_Clerk@floridadep.gov. Once received the Department will provide the parties with a list of mediators and the necessary information as required by Section 403.121(2)(e), Fla. Stat.

Right to Opt Out of the Administrative Proceeding

32. If Respondent does not wish to contest the issues before an administrative law judge, the Respondent may file a notice with the Department opting out of the administrative process. Respondent must file its written opt out notice within 20 days after service of the Notice. The written notice to opt out is filed when it is received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at: Agency_Clerk@floridadep.gov.

33. Once the Respondent opts out of the administrative process, the Department may sue the Respondent for injunctive relief, damages, costs and expenses, and civil penalties. If the Respondent opts out of the administrative process, the Department may ask the judge to assess civil penalties in excess of the amounts in this Notice up to \$15,000.00 per day per violation. The election to opt out of the administrative process is permanent, and once the election is made the administrative process cannot be restarted.

Waivers

34. Respondent will waive the right to a formal hearing or an informal proceeding if either:

a. a request for a formal hearing or informal proceeding is not filed with the Department within 20 days of receipt of this Notice, or

b. a notice opting out of the administrative proceeding is not filed with the Department within 20 days of receipt of this Notice.

These time limits may be varied only by written consent of the Department.

General Provisions

35. The findings of fact and conclusions of law of this Notice together with the Orders for Corrective Action will be adopted by the Department in a Final Order if the Respondent fails to file a timely request for a formal hearing or informal proceeding, pursuant to Section 403.121, Fla. Stat. A Final Order will constitute a full and final adjudication of the matters alleged in this Notice.

36. If the Respondent fails to comply with the Final Order, the Department is authorized to file suit in circuit court seeking a mandatory injunction to compel compliance with the Order, pursuant to Sections 120.69, 403.121, and 403.131, Fla. Stat. The Department may also seek to recover damages, all costs of litigation including reasonable attorney's fees and expert witness fees, and civil penalties of not more than \$15,000.00 per day for each day that the Respondent has failed to comply with the Final Order.

37. Copies of Department rules referenced in this Notice may be examined at any Department Office or may be obtained by written request to the District Office.

DATED this 5th day of September, 2024.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



On behalf of:

Aaron Watkins
Director, Central District

Copies furnished to:
Lea Crandall, OGC

SENDER: COMPLETE THIS SECTION

- Print your return address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Vishal Patel
 Yug Four, LLC
 4222 SE 9th Avenue
 Ocala, Florida 34480



9590 9402 8668 3244 9509 97

2. Article Number (Transfer from service label)

9589 0710 5270 0424 6215 05

COMPLETE THIS SECTION ON DELIVERY**Exhibit B**

A. Signature

X Vishal Patel

-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

9/07

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

Tanks / DeVictoria

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input checked="" type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

Domestic Return Receipt

USPS TRACKING #

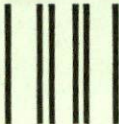


Exhibit B

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 8668 3244 9509 97

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

DEPARTMENT OF ENVIRONMENTAL PROTECTION
CENTRAL DISTRICT OFFICE
3319 MAGUIRE BOULEVARD, SUITE 232
ORLANDO, FL 32803

RECEIVED

SEP 12 2024

DEP Central District

