



Jeb Bush
Governor

Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Colleen Castille
Secretary

CERTIFIED MAIL

7006 0810 0000 0865 9394

OCD-HW-C/E-06-0301

Mr. Allen Paquette, Owner
A. R. Paquette and Co., Inc.
1400 East International Speedway Boulevard
Deland, FL 32724

**RE: PROPOSED SETTLEMENT BY SHORT FORM CONSENT ORDER
A. R. PAQUETTE
VOLUSIA COUNTY- HW FLD982105884
OGC FILE NO. 06-2612**

Dear Mr. Paquette:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated August 31, 2006, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$610.00, along with \$100.00 in Department costs, for a total of \$710.00.


The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. 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, 3319 Maguire Boulevard, Orlando, FL 32803, within 15 days of your signing this letter.

Your signing this letter constitutes your 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 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 15 days of receipt, 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.

If you have any questions about this proposed settlement, please contact Ms. Leah Proffitt at 407-893-3323 or by e-mail at leah.proffitt@floridadep.net.

Sincerely,



Vivian F. Garfein
Director, Central District

Date: December 21, 2006

FOR THE RESPONDENTS:

I, _____ on behalf of _____, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____

Date: _____

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 200__.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Director, Central District

FILING AND ACKNOWLEDGMENT

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

Clerk

Date

Copies furnished to: Michael Redig, Tallahassee, RCRA, michael.redig@floridadep.net

Larry Morgan, OGC, larry.morgan@floridadep.net
Alan Annicella, EPA Region IV, annicella.alan@epa.gov

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

REVISED PENALTY COMPUTATION WORKSHEET

Violator's Name: **A. R. Paquette & Co., Inc.**

Identify Violator's Facility: **1400 E. International Speedway Blvd; Deland, FL 32724**

Name of Staff Responsible for the Penalty Computations: **Leah Proffitt** Date: **December 19, 2006**

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day/Event	Other Adjustments	Total
a.	279.22(c)	ELRA	N/A	N/A	N/A	N/A	N/A	\$500
b.	263.20	HW 6.2	Minor	Minor	\$110-\$549	N/A	N/A	\$110

Multi-Day/Event & Other Adjustments

TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS: \$610.00

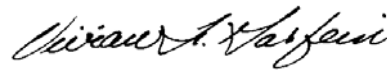
Prepared by:



Leah Proffitt
Environmental Specialist

December 19, 2006

Date



Vivian Garfein
Director, Central District

December 21, 2006

Date