



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

CERTIFIED MAIL

7099 3400 0010 5098 1486

Mr. Brian S. McCully
General Manager
Atlantic Industrial Services
359 Cypress Road
Ocala, FL 34472-3101

OCD-HW-C-E-03-0196

Marion County - HW
Settlement for Atlantic Industrial Services
OGC File No. 03-1309

Dear Mr. McCully:

Enclosed is the signed and entered Consent Order to resolve the above referenced case. This copy is for your records.

Your cooperation in resolving this case is appreciated.

Sincerely,


Leah D. Proffitt
Environmental Specialist

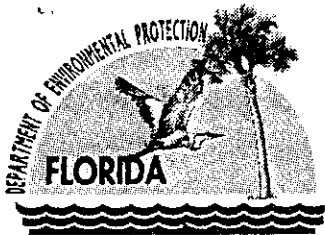
Date: 8/13/03

Enclosure

cc: Mike Redig, FDEP, Tallahassee
Larry Morgan, Office of General Counsel, Tallahassee
Laurie DiGaetano, EPA Region IV, Atlanta

"More Protection, Less Process"

Printed on recycled paper.



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CK #
13717240

CERTIFIED MAIL

7001 0360 0000 6784 8055

OCD-HW-C-E-03-0176

Mr. Brian S. McCully
General Manager
Atlantic Industrial Services
359 Cypress Road
Ocala, FL 34472-3101

RECEIVED

JUL 23 2003

Central Dist. - DEP

**RE: PROPOSED SETTLEMENT BY SHORT FORM CONSENT ORDER
ATLANTIC INDUSTRIAL SERVICES
MARION COUNTY-UO FLR 000060301
OGC FILE NO. 03-1309**

Dear Mr. McCully:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated November 7, 2002, 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 \$2,000 along with \$100 to reimburse the Department costs, for a total of \$2,100. In lieu of making monetary payment of the civil penalties, the Department determined that \$1,600 of the civil penalty may be offset through the implementation of a Supplemental Environmental Project (SEP). The SEP consisted of the printing of the 2,300 decals bearing the inscription "Warning—Used Oil Only—Do Not Mix." This SEP was completed June 25, 2003. Payment of the remaining \$400 in civil penalties and \$100 in Department costs, for a total of \$500, shall be made within 15 days of signing this letter, and mailed to the letterhead address. 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."

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability.

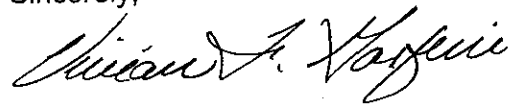
Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the 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.

"More Protection, Less Process"

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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.

Sincerely,



Vivian F. Garfein
Director, Central District

Date: July 8, 2003

FOR THE RESPONDENTS:

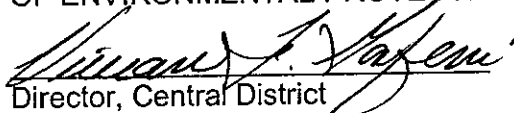
I, Michael G. Ryan on behalf of ATLANTIC INDUSTRIAL SERVICES, INC., HEREBY
ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: Michael G. Ryan
Date: July 18th, 2003

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 29th day of July, 2003.

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.

[Signature] 7/29/2003
Clerk Date

Copies furnished to: Mike Redig, FDEP, Tallahassee, RCRA
Laurie DiGaetano, EPA Region 4

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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and 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:

MR BRIAN S MCCULLY
ATLANTIC INDUSTRIAL SERVICES
359 CYPRESS ROAD
OCALA FL 34472-3101

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery
8-25-03

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

2P

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number 7099 3400 0010 5098 1486

(Transfer from service label)

0CD-HW-C-E-03-0196/LP

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-25C

UNITED STATES POSTAL SERVICE

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



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

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CENTRAL DISTRICT
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FL 32803 - 3757

AUG 27 2003

Central Dist.

