



Florida Department of Environmental Protection

Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

4/12 F
Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

APR 12 2010

Mr. J. B. Coomes, President
Coomes Oil & Supply, Inc.
P.O. Box 175
St. Augustine, Florida 32085

RE: Proposed Settlement of Coomes Oil & Supply, Inc.
EPA/DEP ID: FLD 000 612 010
OGC File No.: 10-1320
St. Johns County – Hazardous Waste

Dear Mr. Coomes:

The purpose of this letter is to complete the resolution of the matter previously identified by the Florida Department of Environmental Protection (Department) in the Warning Letter No. WL09-2438HWSNY55NED dated August 7, 2009, a copy of which is attached. The Department finds that you were in violation of the rules and statutes cited in the attached Warning Letter. The corrective actions required to bring your facility into compliance have been performed. In order to resolve the violations cited in the Warning Letter, you are assessed civil penalties in the amount of \$9,000, along with \$250 to reimburse the Department costs, for a total of \$9,250. The civil penalty in this case includes one violation of \$2,000 or more.

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, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256-7590. The Department is amenable to a payment schedule to be paid over a two year period. The payment shall be made in eight quarterly payments. The final due dates for each of the eight payments are as follows:

- | | |
|----------------------------------|----------------------------------|
| ▪ \$1,375 due by July 1, 2010 | ▪ \$1,125 due by July 1, 2011 |
| ▪ \$1,125 due by October 1, 2010 | ▪ \$1,125 due by October 1, 2011 |
| ▪ \$1,125 due by January 1, 2011 | ▪ \$1,125 due by January 1, 2012 |
| ▪ \$1,125 due by April 1, 2011 | ▪ \$1,125 due by April 1, 2012 |

Final payment is due no later than April 1, 2012. Failure to timely make any installment payment by the above listed due dates will allow the Department, at its discretion, to accelerate the balance which will become immediately due.

Coomes Oil & Supply, Inc.

OGC File No.: 10-1320

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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 the original document 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 by April 23, 2010, 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,



Gregory J. Strong
District Director

GJS:jp

I, J.B. Coomes, HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

FOR THE RESPONDENT:

Date: _____

"FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged."

Clerk

Date

Date: _____

J.B. Coomes, President
With the authority to bind
Coomes Oil & Supply, Inc.

FOR THE DEPARTMENT:

Gregory J. Strong
District Director

Entered into this _____ day of _____ 2010, in Jacksonville, Florida.

cc: Lea Crandall, OGC MS-35
Data Entry, DEP, Jacksonville

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 Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order; (d) A statement of when and how the petitioner received notice of the Consent Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes 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.



Florida Department of Environmental Protection

Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

File 8/7

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

mailed on Aug. 7, 2009

CERTIFIED MAIL # 7008 1300 000 6190 5011
RETURN RECEIPT REQUESTED

Mr. J.B. Coomes, Owner
Coomes Oil & Supply
P.O. Box 175
St. Augustine, Florida 32085

Re: Coomes Oil & Supply
8 Hartshorn St, St. Augustine, FL 32084
Warning Letter WL09-2438HWSNY55NED
EPA/DEP ID: FLD 000 612 010
St. Johns County - Hazardous Waste

Dear Mr. Coomes:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible and to seek your cooperation in resolving the matter. A hazardous waste program compliance inspection conducted on March 19, 2009, indicates that violations of Florida Statutes and Rules may exist at your facility. Florida Department of Environmental Protection (DEP) personnel made observations described in the attached inspection report. The "Summary of Potential Violations and Corrective Actions" section of the report lists the alleged violations.

Section 403.727, Florida Statutes, provides that it is a violation to fail to comply with rules adopted by the DEP. The activities observed during the DEP's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Rules should be ceased.

You are requested to contact Jenna Perry at 904.807.3382 within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The DEP is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. If after further investigation, the DEP's preliminary findings are verified, this matter may be resolved through the entry of Consent Order, which will include a compliance schedule, an appropriate penalty, and reimbursement of the DEP's costs and expenses. In accordance with Section 403.727(3), Florida Statutes, the penalties, which could be assessed in hazardous waste cases, are up to \$50,000 per day per violation. DEP costs are a minimum of \$250.00.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through a timely entry of a Consent Order, under the DEP's agreement with the EPA, a formal referral for judicial action must be made to the DEP's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



Michael J. Fitzsimmons, Administrator
Waste Program

DBP

MJF:jp

Enclosure