



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Interim Secretary

June 28, 2021

Alexander Solorzano, President  
Junk Car's M&S, Corp.  
2200 SW 56th Ave.,  
West Park, FL 33023  
[junkcarsms@yahoo.com](mailto:junkcarsms@yahoo.com)

Jennilyn Harmer and Stephen Harmer, Property Owners  
East Coast Investor Holdings, LLC  
13800 Luray Road  
Southwest Ranches, FL 33330  
[jharmer183@gmail.com](mailto:jharmer183@gmail.com)

Re: Junk Cars M&S, Corp.  
Facility ID No. FLR000235895  
Broward County

Dear Mr. Solorzano, Ms. Harmer and Mr. Harmer:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records. Please be mindful of all required deadlines within the Order to ensure compliance.

Should you have any questions or comments, please contact Justin Stark at 561-681-6648 or via e-mail at [Justin.Stark@floridadep.gov](mailto:Justin.Stark@floridadep.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Andreotta".

Jason Andreotta  
Director, Southeast District  
Florida Department of Environmental Protection

Enclosure: Executed Consent Order  
Exhibit A

cc: Jason Andreotta, Sirena Davila, Alannah Irwin, Justin Stark, Chris Burroughs, FDEP

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT )	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION )	)	SOUTHEAST DISTRICT
	)	
v. )	)	OGC FILE NO. 21-0446
	)	EPA ID NO. FLR000235895
JUNK CAR'S M & S, CORP. AND )	)	
JENNILYNN HARMER, AND )	)	
STEPHEN HARMER )	)	
_____ )	)	

**CONSENT ORDER**

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Junk Car's, M & S Corp., and Jennilynn Harmer, and Stephen Harmer (collectively referred to herein as "Respondents") to reach settlement of certain matters at issue between the Department and Respondents.

The Department finds and Respondents admit the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to administer and enforce the provisions of the Florida Resource Recovery and Management Act, Sections 403.702, et seq., Florida Statutes ("F.S."), and the rules promulgated in Chapter 62-710, 62-730, 62-737, and 62-780 Florida Administrative Code ("Fla. Admin. Code."). The Department has jurisdiction over the matters addressed in this Order.
2. Respondents Jennilynn Harmer and Stephen Harmer ("Harmer") are the record owners of the real property located at 2200 SW 56<sup>th</sup> Ave, West Park, Florida 33023, in Broward County (Parcel ID number 514124031522) ("Property").
3. Respondent Junk Cars M & S, Corp. ("Junk Cars") is a Florida for profit corporation which operates an automotive salvage yard and used automobile parts store ("Facility") on the Property. More specifically, Junk Cars salvages automobile parts for resale and recycling, as well as sells used vehicles at the Facility. Processes conducted at the Facility generate waste streams that include, but are not limited to, used oil, used oil filters, spent lead acid batteries, used tires, spent fluorescent lamps, and spent fuel.

4. Respondents are each a "person" within the meaning of Sections 403.031(5) and 403.703(23), F.S.
5. Harmer is an "owner" as defined in Rule 62-730.020, Fla. Admin. Code.
6. The Property is a "facility" as defined in Rule 62 730.020, Fla. Admin. Code.
7. Junk Cars is an "operator" of the Facility as defined in Rule 62-730.020, Fla. Admin. Code.
8. The Facility is a Small Quantity Generator ("SQG") pursuant to Title 40 Code of Federal Regulations ("C.F.R.") part 262.16(a).
9. It is unlawful for any facility owner or operator to fail to comply with Department statutes and rules pursuant to Section 403.727, Fla. Stat.
10. On August 31, 2020, the Department conducted a hazardous waste compliance inspection at the Facility. During the inspection, Department staff observed the following:
  - (a) The facility failed to conduct a waste determination on one unlabeled 200-gallon tank which appeared to be holding oily water, nine opened and unlabeled 55-gallon drums and two unlabeled 250-gallon tanks which appeared to be holding spent fuel, which is considered a characteristically ignitable hazardous waste, as defined in 40 C.F.R. part 261.21 and potentially characteristically toxic hazardous waste for benzene, as defined in 40 C.F.R. part 261.24. upon disposal. These wastes are assigned EPA Waste Codes D001 and D018, respectively. Additionally, one of the 55-gallon drums appeared to hold used oil, regulated under 40 C.F.R. part 279 and Chapter 62-710, F.A.C.
  - (b) Based on the number of drums observed accumulating onsite during the August 31, 2020, inspection, the Facility is operating as an SQG of hazardous waste, but has not provided notification to the Department and does not have an EPA ID.
  - (c) The Facility was storing approximately 50 lead acid battery outdoors, exposed to the elements, most of which showed signs of corrosion.

(d) The Facility failed to label one 500-gallon tank for used oil and provide adequate secondary containment. One labeled 250-gallon tank for used oil was also observed without adequate secondary containment.

(e) The Facility failed to respond to multiple discharges throughout the facility. Department personnel observed multiple areas of soil stained with used oil and multiple puddles of water contaminated with used oil. Most of the soil onsite was black and smelled of used oil and gas.

11. Based on the observations outlined in paragraph 10 above, the Department finds that the following violations occurred:

- a) The Facility failed to conduct a waste determination as required by Section 40 C.F.R. 262.11 and Rule 62-730.160(1) Fla. Admin. Code. This violation has been resolved.
- b) The Facility failed to notify the Department of its Hazardous Waste Activities as required by 40 C.F.R. 262.18 and Rule 62-710.150(2)(a), 62-730.160(1) Fla. Admin. Code. This violation has been resolved.
- c) The Facility failed to properly manifest its hazardous waste as required by 40 C.F.R. 262.20(a) and Rule 62-730.160(1) Fla. Admin. Code. This violation has been resolved.
- d) The Facility failed to properly manage universal waste batteries as required by 40 C.F.R. 273.13(a) and Rule 62-730.185(1) Fla. Admin. Code. This violation has been resolved.
- e) The Facility failed to properly store, and label used oil containers as required by 40 C.F.R. 279.22(c)(1) and Rule 62-710.210(2), 62-710.401(6) Fla. Admin. Code. This violation has been resolved.
- f) The Facility failed to adequately respond to discharges of used oil as required by Rule 62-710.401(2), 62-780.500(1) Fla. Admin. Code. Violation pending resolution.

Having reached a resolution of the matter Respondents and the Department mutually agree and it is

**ORDERED:**

12. Effective immediately, Respondents shall immediately cease discharges from the Facility to the ground and/or surface waters of the state that are reasonably expected to cause a violation of the Department's water quality minimum criteria and standards, and shall comply with all Department rules regarding hazardous waste management and waste clean-up requirements, including all applicable sections of Chapters 62-710, 62-730, 62-737, and 62-780, Fla. Admin. Code., and 40 C.F.R. Parts 260 through 266, and Parts 268, 273, 279. For all future prohibited discharges to soil or surface water, upon detection of such a discharge. Respondents shall immediately stop, contain, and clean up any such discharge(s), and notify the Department of such discharge(s), in accordance with applicable regulatory provisions.

13. On or before August 13, 2021, Harmer shall complete a site assessment work plan detailing a vertical and horizontal delineation of the extend of contaminated soil and ground water in accordance with Rule 62-780.600, Fla. Admin. Code., and submit the work plan to the Department in accordance with Paragraph 22 below, for review and approval.

14. Within 90 days of written approval by the Department of the site assessment work plan, Harmer shall complete a technically adequate Site Assessment Report ("SAR") in accordance with Rule 62-780.600(8), Fla. Admin. Code, for review and approval by the Department pursuant to Rule 62-780.600(9), Fla. Admin. Code. The SAR shall be submitted to the Department in accordance with Paragraph 22 below. Soil and groundwater contamination shall be assessed and delineated using "Residential" CTLs in accordance with Rule 62-780.600(3), Fla. Admin. Code. The Respondents shall complete soil assessment for contaminants included in Rule 62-780.900 (Table D), Fla. Admin. Code., including but not limited to, volatile organic compounds ("VOCs") including benzene, toluene, ethylbenzene, xylenes ("BTEX") and methyl tert-butyl ether (MTBE), semi-volatile organic compounds

("SVOC"), volatile organic halocarbons (VOHs), polycyclic aromatic hydrocarbons ("PAHs") including 1-methylnaphthalene and 2-methylnaphthalene, total recoverable petroleum hydrocarbons ("TRPH"), polychlorinated biphenyls ("PCBs"), arsenic, cadmium, chromium, and lead. Similarly, confirmatory assessment of, including but not limited to, VOCs, BTEX, MTBE, SVOCs, VOHs, PAHs including 1-methylnaphthalene and 2-methylnaphthalene, TRPH, PCBs, arsenic, cadmium, chromium, and lead, shall be undertaken for all groundwater samples collected from existing and from future monitoring wells installed as part of the SAR. Any exceedances of CTLs for any constituents listed in this Order in the soil and/or groundwater as listed in Chapter 62-777, Fla. Admin. Code. must be included in future sampling plans as contaminants of concern ("COCs"). Harmer shall have the burden of proving that any off-site contamination that is contiguous with on-site contamination did not result from discharges that occurred at the Facility.

15. Upon submittal and written approval of the SAR by the Department, Harmer shall commence and complete any and all further tasks required by Rule 62-780, Fla. Admin. Code., in accordance with the requirements and time schedules identified in Rule 62-780, Fla. Admin. Code.

16. If it is determined that there has been a release of hazardous constituents (40 C.F.R. Part 264.93) to the groundwater from the known operations at this Facility, additional groundwater sampling shall be required in accordance with 40 C.F.R. Part 264, Subpart F. The sampling shall be conducted for constituents identified in Appendix IX of 40 C.F.R. Part 264. Harmer may submit an affidavit of petition to the Department to reduce the required list of chemical groups for sampling, incorporated herein as Exhibit "A". Further,

- (a) The Respondents shall provide the Department with opportunities to observe groundwater sampling and split samples by providing notification either by telephone or electronically at least seven calendar days prior to each sampling event.

(b) The Respondents shall submit Groundwater Monitoring Reports (“GWMRs”) in accordance with the schedule in the approved GWMP. Each GWMR can also be submitted in a combined document with any required Remedial Action Status Report. The GWMR must contain the following:

- i. A map showing location of monitoring wells, piezometers, and any staff gauges;
- ii. Reports of any necessary repairs or redevelopment of the wells since the last report;
- iii. An analysis and evaluation of the current data and comprehensive effectiveness of the monitoring program;
- iv. Maps of groundwater flow direction(s) and groundwater velocity calculations;
- v. A plume delineation(s) in a format specified by Rule 62-780.600(8)(a)(28), Fla. Admin. Code. (if any);
- vi. A table of groundwater elevation data;
- vii. Field logs and Groundwater Sampling Logs;
- viii. Current laboratory analytical data sheets (electronic copy only);  
and;
- ix. A monitoring well table summarizing construction details of each piezometer and well.

The text may provide recommendations based on the evaluation of the monitoring program’s effectiveness for modifications to the monitoring program. Modifications may include the addition of new wells, abandonment of existing wells, changes in sampling frequency, or changes in contaminants of concern. Such changes shall not constitute a modification of this Order. All recommendations are subject to written approval by the Department.

(c) All sampling and analysis shall be in accordance with Chapter 62-160, Fla. Admin. Code, Quality Assurance and the Department's Standard Operating Procedures.

(d) All analysis shall be performed on unfiltered groundwater samples, pursuant to Rule 62-520.310(5), Fla. Admin. Code. If Respondents believe that an unfiltered sample is more representative, then Respondents must submit such information to the Department as outlined in the Department's "Determining Representative Ground Water Samples, Filtered or Unfiltered," January 1994, hereby incorporated and adopted as a reference. This document is available from the Department's Bureau of Water Facilities Regulation, MS 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) Groundwater monitoring wells used as part of an approved GWMP may be abandoned only with Department approval. Respondents shall abandon monitoring wells in accordance with the requirements of Rule 62-532.500, Fla. Admin. Code.

(f) Upon completion of the source removal, as defined in Rule 62-780.200(49), Fla. Admin. Code., Respondents shall conduct a waste determination in accordance with 40 C.F.R. 262.11 prior to disposal. Records of disposal shall be provided to the Department within 60 days of off-site shipment.

17. Harmer shall pay the Department \$2,000.00 per year, as reimbursement for costs and expenses incurred by the Department for technical review during the preparation and tracking of this Order. The first payment shall be due within the first annual anniversary of the effective date of this Order, and each subsequent annual payment shall be due on or before the anniversary of the effective date of this Order. In the event that all activities required by this Order have been completed before the next payment due date, no further payments will be required. Payments shall be submitted with a cover letter that states the purpose of the payment and the notation "OGC File No.21-0446" and mailed to:



Environmental Administrator  
Hazardous Waste Program and Permitting  
Florida Department of Environmental  
Protection Post Office Box 3070  
Tallahassee, Florida 32315-3070

18. If a clean closure determination (“no further actions without control”) is not achieved, Harmer shall be subject to corrective actions required by 40 C.F.R. Part 264.101. If the site cannot receive a clean closure, Harmer shall establish and maintain financial assurance in an amount sufficient to cover the costs of remediation at the facility, in the form of a trust fund, surety bond guaranteeing payment into a trust fund, surety bond guaranteeing performance, letter of credit, insurance, or financial test and corporate guarantee, worded as set forth in Title 40 C.F.R. 264.151(a), (b), (c), (d), (e), or (f), respectively, or a combination of these. All submittals in response to this paragraph shall be submitted in duplicate to:

Financial Coordinator  
Hazardous Waste Program and Permitting  
Florida Department of Environmental  
Protection Post Office Box 3070  
Tallahassee, Florida 32315-3070

If there is no soil or groundwater contamination at the Property and/or to the adjacent property on which the discharge occurred as a result of a release of hazardous waste constituents, as evidenced by testing data presented in the SAR, then the clean closure requirements imposed in Paragraphs 18(f) and (g) herein shall not apply.

19. Respondent, Junk Cars shall pay to the Department \$22,474.50, in settlement of the violations addressed in this Order in the following schedule: \$7,000.00, within 90 days of the effective date of this order, the remaining balance shall be paid in seven semiannual installments by January 31, 2025. Payments are due as follows:

<b>Payment Due Date</b>	<b>Payment Amount</b>
January 31, 2022	\$474.50
July 31, 2022	\$2,500
January 31, 2023	\$2,500
July 31, 2023	\$2,500
January 31, 2024	\$2,500
July 31, 2024	\$2,500
January 31, 2025	\$2,500

Payments shall be made in accordance with Paragraph 21 of this Order. Upon Respondent's first failure to make any timely installment payment, the Department will provide written notice of intent to accelerate the remaining balance. Respondent shall have seven days from the date of the notice to make the installment payment to prevent acceleration. Any additional failure to timely make any further installment payment will enable the Department, at its discretion, to accelerate the remaining balance to become immediately due, without notice. This amount includes penalties assessed in the amount of \$27,812.50 for the violations outlined in this Order, plus \$750.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalties are apportioned as follows: \$3,190.00, for violation of 40 C.F.R. part 262.11 and Rule 62-730.160(1) Fla. Admin. Code; \$ 1,420.00. for violation of 40 C.F.R. part 262.18(a) , 62-730.150(2)(a), 62-730.160(1) Fla. Admin. Code; \$1,420.00, for violation of 40 C.F.R. part 262.20(a),(1), 62-730.160(1) Fla. Admin. Code; \$1,420.00, for violation of 40 C.F.R. part 273.13(a), 62-730.185(1), Fla. Admin. Code; \$1,500.00, for violation of 40 C.F.R. part 279.22(c)(1), 62-710.210(2), 62-710.401(6) Fla. Admin. Code; and \$8,000.00, for violation of Rule 62-710.401(2), 62-780.501(1), Fla. Admin. Code. Lastly, an Economic Benefit was calculated at \$10,862.50, and the Department pursued this amount in accordance with Florida's RCRA Hazardous Waste Program Economic Benefit Calculation Guidance.

20. Respondents agree to pay the Department stipulated penalties in the amount of \$1,000.00 per day for each and every day Respondents fails to timely comply with any of the

requirements of Paragraph(s) 12-19 of this Order. A separate stipulated penalty shall be assessed for each violation of this Order, and the Department may demand stipulated penalties at any time after violations occur. Respondents shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in Paragraph 21, below. Nothing in this Paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this Paragraph shall be in addition to the civil penalties agreed to in Paragraph 19 of this Order. If the Department is required to file a lawsuit to recover stipulated penalties under this Paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Order in an amount greater than the stipulated penalties due under this Paragraph.

21. Respondents shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." 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 ability to make online payment is available.

22. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Justin Stark, Environmental Specialist II, Hazardous Waste Section, Department of Environmental Protection, Southeast District, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida 33406, and shall include both the Facility EPA ID number (FLR000235895) and OGC number (21-0446) assigned to this Order.

23. Respondents shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

24. Respondents shall use all reasonable efforts to obtain any necessary access to implement the terms of this Order. If necessary access cannot be obtained, or if obtained, is revoked by owners or entities controlling access to the properties to which access is necessary, Respondents shall notify the Department within five business days of such refusal or revocation. The Department may at any time seek to obtain access as is necessary to implement the terms of this Order. Respondents shall reimburse the Department for any damages, costs, or expenses, including expert and attorney fees, that the Department is ordered to pay, or that the Department incurs in connection with its efforts to obtain access that is necessary to implement the terms of this Order. Respondents shall pay these sums to the Department or arrange a payment schedule with the Department within 30 days of written demand by the Department.

25. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondents shall, at least 30 days prior to the sale or conveyance of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondents of the obligations imposed in this Order.

26. If any event, including administrative or judicial challenges by third parties unrelated to Respondents, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondents shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondents and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines (unless the cause of the contractor's late

performance was also beyond the contractor's control) shall be considered circumstances beyond the control of Respondents. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondents shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay, and the timetable by which Respondents intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondents, the time for performance hereunder shall be extended. The agreement to extend compliance must describe the provision or provisions extended, the new compliance date or dates, and the additional measures respondents must take to avoid or minimize the delay, if any. Failure of Respondents to comply with the notice requirements of this Paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

27. The Department, for and in consideration of the complete and timely performance by Respondents of the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for violations outlined in this Order. This waiver is conditioned upon (a) Respondent's complete compliance with all of the terms of this Order, and (b) the remediation of contaminated areas to the applicable site rehabilitation levels. The Department's cause of action for damages accrues when the Department concludes that remediation of contaminated areas to the applicable site rehabilitation levels is not feasible or that the Respondents failed to completely implement the Department-approved remedial or corrective action plan (however designated). If the Department and Respondents fail to reach agreement on the payment of the damages, the Department may initiate appropriate legal action to recover the damages as provided by law.

28. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or the rules administered by the Department that

are not specifically resolved by this Order. Nothing herein shall be construed to limit the Department's authority to take any action against Respondents in response to or to recover the costs of responding to conditions at or from the Facility that require Department action to abate an imminent hazard to the public health, welfare, or the environment.

29. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondents of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

30. Respondents is fully aware that a violation of the terms of this Order may subject Respondents to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

31. Respondents acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this Order. Respondents also acknowledges and waives its right to appeal the terms of this Order pursuant to Section 120.68, F.S.

32. 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. No modifications of the terms of this Order shall be effective until reduced to writing, executed by both Respondents and the Department, and filed with the clerk of the Department.

33. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, F S. Failure to comply with the terms of this Order shall constitute a violation of Section 403.161(1)(b), F.S.

34. This Consent Order is a final order of the Department pursuant to Section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S.

Upon the timely filing of a petition, this Order will not be effective until further order of the Department.

35. Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- 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 Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the 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 Order.

The petition must be filed (received) at 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](mailto:Agency_Clerk@floridadep.gov), 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 at the address indicated in Paragraph 22, below. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes.

Before the deadline for filing a petition, a person whose substantial interests are affected by this Order may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in Section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

36. Rules referenced in this Order are available at <http://www.dep.state.fl.us/legal/Rules/rulelist.htm>.



RESPONDENT JUNK CAR'S M & S CORP.:

Alexander Solano  
Printed Name: Alexander Solorzano  
Title: OWNER

6/25/21  
DATE

RESPONDENT JENNILYNN HARMER AND STEPHEN HARMER:

Jennilyn Harmer  
Printed Name: Jennilyn Harmer  
Title: OWNERS

6/24/21  
DATE

DONE AND ORDERED this 28th day of June, 2021, in Orange County,  
Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

Jason Andreotta

Jason Andreotta  
Director  
Southeast District

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

Amita L. Spencer

Clerk

June 28, 2021

Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35

## Suggested Language For Affidavit

### Deletion of Groups of Parameters for Appendix VIII/Appendix IX Sampling

Based on our in-depth study of the historical waste management practices at [the site], including but not limited to [personal knowledge, review of historical operating records, personnel interviews with long-term current and/or former employees, etc.], we do hereby:

1. certify that none of the chemical compounds or constituents listed below have ever been handled or managed by [company or corporation] at [the site], nor are they likely to be present as degradation products of any materials known to have been handled at the site, and,
2. affirmatively state that, to the best of our knowledge and belief, none of the chemical compounds or constituents listed below have ever been handled or managed at [the site] by previous owners or operators, nor are they likely to be present as degradation products of any materials known to have been handled at the site by previous owners or operators.

[List groups of parameters to be deleted.]

The sworn affidavit must be signed by the plant manager, an executive officer of the company or corporation, and corporate counsel.