



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
Secretary

June 24, 2024

Leo Gazeta
Oil Exchange, Inc.
10675 S US Highway 1,
Port St Lucie, FL 34952
Lg2362@gmail.com

Re: Department of Environmental Protection vs Oil Exchange, Inc.
Facility EPA ID # FLD984184168
OGC Case # 24-0105

Dear Mr. Gazeta,

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.

Your cooperation in this matter is appreciated. Should you have any questions or comments, please contact Kaitlyn Taylor at 561-681-6628 or via e-mail at Kaitlyn.A.Taylor@floridadep.gov

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Davila", with a stylized flourish at the end.

Sirena Davila
Director, Southeast District
Florida Department of Environmental Protection

Enclosure: Executed Short Form Consent Order

cc: Lea Crandall, OGC



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3301 Gun Club Road, MSC 7210-1
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June 18, 2024

Leo Gazeta
Oil Exchange, Inc.
10675 S US Highway 1,
Port St Lucie, FL 34952
Lg2362@gmail.com

SUBJECT: Department of Environmental Protection vs Oil Exchange, Inc.
OGC File No.: 24-0105
Oil Exchange, Inc.
HW EPA ID No. FLD984184168
St. Lucie County

Dear Mr. Gazeta,

The State of Florida's Department of Environmental Protection ("Department") finds that Oil Exchange, Inc. ("Respondent") was in violation of the following:

- a) Failure to label containers of used oil with the words "Used Oil" and store containers of used oil, that are not double walled and stored outdoors, in a secondary containment, in violation of Rule 62-710.401(6), Florida Administrative Code (F.A.C.);
- b) Failure to label containers of used oil filters with the words "Used Oil Filters", in violation of Rule 62-710.850(5)(a), F.A.C.;
- c) Release of used oil at the facility, in violation of Rule 62-710.401(2), F.A.C.;
- d) Failure to prevent and properly respond to a leak of used oil at the facility, in violation of Title 40 Code of Federal Regulations (CFR) Part 279.22(d); and

- e) Failure to conduct a waste determination on contaminated media to facilitate disposal, in violation of Title 40 CFR Part 262.11.

Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violation. These actions have since been completed. However, due to the nature of the violation, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking \$20,250.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of **\$20,750.00**.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at Kaitlyn.A.Taylor@floridadep.gov, or at FDEP Southeast District Office, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406 **within fifteen (15) days of the mailing date of this Order**. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, **it will constitute a final order of the Department** pursuant to Section 120.52(7), Florida Statutes (F.S.) and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Leo Gazeta:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violations referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent must pay **twelve** equal **monthly** installments of **\$1,729.17**. The first payment is due by **July 13, 2024**, and Respondent's final payment is due no later than **June 13, 2025**. Failure to timely make any installment payments will enable the Department, at its discretion, to accelerate the remaining balance to become immediately due.

Payments are due as follows:

Payment Due Date	Payment Amount
July 13, 2024	\$1,729.17
August 13, 2024	\$1,729.17
September 13, 2024	\$1,729.17
October 13, 2024	\$1,729.17
November 13, 2024	\$1,729.17
December 13, 2024	\$1,729.17
January 13, 2025	\$1,729.17
February 13, 2025	\$1,729.17
March 13, 2025	\$1,729.17
April 13, 2025	\$1,729.17
May 13, 2025	\$1,729.17
June 13, 2025	\$1,729.17

- (2) Respondent shall make the payment 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 (24-0105) 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 is final and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request

an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

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 will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Kaitlyn Taylor at 561-681-6628 or at Kaitlyn.A.Taylor@floridadep.gov.

Sincerely,

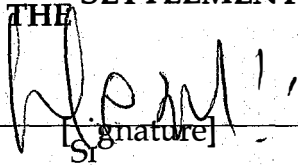
A handwritten signature in black ink, appearing to read 'Sirena Davila', with a horizontal line extending to the right.

Sirena Davila
Director, Southeast District

FOR THE RESPONDENT:

I, _____ [Leo Gazeta], HEREBY ACCEPT THE
TERMS OF ~~THE~~ SETTLEMENT OFFER IDENTIFIED ABOVE.

By:


[Signature]

Date: 6-18-2024

Title:

Leonardo GAZETA
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 24th day of June, 2024, in Palm Beach
County, Florida

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Sirena Davila
Director, Southeast District Office

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

Kameil Akbar
Clerk

June 24, 2024
Date

Attachments: Notice of Rights

Final clerked copy furnished to:
Lea Crandall, Agency Clerk (lea.crandall@floridadep.gov)

NOTICE OF RIGHTS

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