

Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

February 19, 2002

Mr. Michael R. Levitsky
Atlantic Industrial Services, Inc.
6600 North West 12th Avenue, Suite 205
Fort Lauderdale, Florida 33309-1147

OCD-HW/C/E-02-0083

Marion County - HW
Atlantic Industrial Services, Inc.
FLR000060301 & FLR000050054
Executed Short Form Consent Order

Dear Mr. Levitsky:

Attached is an executed copy of the Short Form Consent Order resolving issues raised in the Department's Warning Letter, dated September 10, 2001. Please be aware, the draft language for the Public Service Announcements must be submitted by March 6, 2002.

If you have any questions, please contact me at (407)893-3323.

Sincerely,

Lu Burson
Environmental Manager

lb/jw

attachment: Executed Short Form Consent Order

"More Protection, Less Process"

Printed on recycled paper.



Department of Environmental Protection

Jeb Bush
Governor

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

January 28, 2002



David B. Struhs
Secretary

Certified Mail

7099 3400 0004 1324 6064

Mr. Michael R. Levitsky
Atlantic Industrial Services, Inc.
6600 North West 12th Avenue, Suite 205
Fort Lauderdale, Florida 33309-1147

OCD-HW/C/E-02-0036

Marion County - HW
Atlantic Industrial Services, Inc.
FLR000060301 & FLR000050054

SUBJECT: Proposed Settlement of Atlantic Industrial Services, Inc
OGC File No.: 01-1751

Dear Mr. Levitsky:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated September 10, 2001, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$8,000.00 along with \$250.00 to reimburse the Department costs, for a total of \$8,250.00. In lieu of making monetary payment of the civil penalties, the Department has determined that \$6,000.00 of the civil penalty may be offset through the implementation of a Supplemental Environmental Project (SEP). The SEP shall consist of public service announcements regarding proper management of used oil, to be circulated in Central Florida Counties, including Marion, Lake, Orange and Seminole Counties. Payment of the remaining civil penalties, \$2,000, and the \$250.00 Department costs, for a total of \$2,250.00 shall be made within 30 days of signing this letter. 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 (01-1751) and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803, within 30 days of your signing this letter.

Within 30 days of signing this Order, Respondent shall submit for Department approval a written copy of the proposed Public Service Announcement(s) language. Within 60 days of receipt of written approval from the Department, Respondent shall implement the proposed SEP. Within

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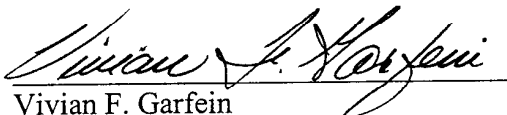
120 days of signing this Order, Respondent shall provide the Department with written proof that the SEP has been completed, including copies of all receipts. Your failure to implement the SEP as approved or to complete the SEP and provide receipts to the Department within 120 days of signing this letter will cause the SEP option to be forfeited and the balance of the civil penalty, \$6,000.00, shall be due within ten days of default.

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 Section 120.69 and 403.121, Florida Statutes.

This Consent Order shall not be considered an admission by Respondents of any violation of or liability under any applicable federal, state or local laws and regulations, nor shall it be used as evidence in any administrative proceeding except an action involving the terms or implementation of this Consent Order, or as otherwise provided herein.

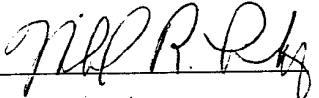
If you do not sign and return this letter to the Department at the District address by February 8, 2002, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,


Vivian F. Garfein
Director of District Management
January 29, 2002

FOR THE RESPONDENTS:

I, Michael R. Levitsky on behalf of Atlantic Industrial Services, Inc., **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: 

Date: 2/4/02

.....

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 18th day of February, 2002.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Vivian F. Garfein
Director of District Management

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

2/18/2002
Date

Attachment: Warning Letter and Inspection Reports

Copies furnished to: Tallahassee
OGC

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.