

Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

April 2, 1999

CERTIFIED MAIL  
Z 105 548 692

North Florida Oil  
Post Office Box 157  
Astor, Florida 32102

OCD-HW/E-C-99-0103

Attention: Brenda Simmons, owner

Lake County - HW  
North Florida Oil  
Consent Order

Dear Ms. Simmons:

Enclosed is a copy of the executed Consent Order dated April 2, 1999. Please note the response times outlined in items 7 and 9 are effective from the date the Consent Order was executed. The corrective actions outlined in item 9 are subject to the stipulated penalties noted in item 10.

If there are any questions, please do not hesitate to call me at 407-893-3323. Please maintain this copy for your records.

Sincerely,

Lu Burson  
Environmental Specialist  
Hazardous Waste

lb

Enclosure

cc: FDEP Tallahassee

**Florida Department of  
Environmental Protection**

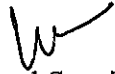
**InterOffice Memorandum**

---

**DATE:** April 2, 1999

**TO:** Vivian F. Garfein  
Director of District Management

**THROUGH:** William Bostwick, ~~RE~~  
Waste Program Administrator

**FROM:** Lu Burson   
Environmental Specialist  
Hazardous Waste Section

**RE:** Lake County - HW  
North Florida Oil  
Consent Order OGC Case No. 99-0304

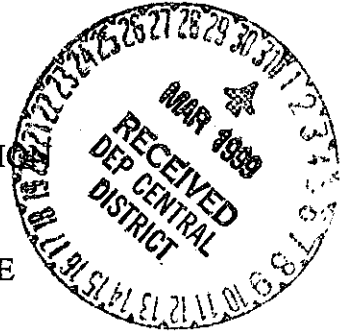
---

Attached is a Consent Order for North Florida Oil. The information and allegations set forth in the subject Consent Order have been reviewed with respect to the requirements of Chapter 403, Florida Statutes, and Florida Administrative Code Chapter 62.

The information contained within is complete and accurate to the best of my knowledge, information and belief.

lb

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

IN THE OFFICE OF THE  
CENTRAL DISTRICT

Complainant,

vs.

OGC FILE NO. 99-0304  
EPA ID. NO. FLD101828689

North Florida Oil, Inc.

Respondent.

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Protection ("Department"), and North Florida Oil, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

For the purposes of this Consent Order, The Department finds and the Respondent admits the following:

1. The Department is the administrative agency of the State of Florida charged with the duty to administer and enforce the provisions of the Florida Resource Recovery and Management Act, Sections 403.702, et seq., Florida Statutes, and the rules promulgated thereunder, Florida Administrative Code, Chapter 62. The Department has jurisdiction over the matters addressed in this Consent Order.
2. Respondent is a person within the meaning of Section 403.703(4), Florida Statutes.
3. Respondent is a registered used oil and used oil filter transporter, transfer facility, and processor, and a registered marketer of on-specification used oil fuel. The Respondent's facility is located at 24133 State Road 40, Lake County, Astor, Florida 32102.
4. On June 9, 1998, Lu Burson, and Jennifer Hobbs, Florida Department of Environmental Protection (FDEP), accompanied by Brenda Simmons, North Florida Oil (NFO), Robert Simmons, NFO, and

Darlyne English, NFO, inspected the facility for compliance with state and federal hazardous waste and used oil regulations. On July 7, 1998, the facility was issued a Non-Compliance letter which included a requirement for them to store used oil filter drums on an impermeable surface, protected from the weather, and develop and maintain a used oil filter drum management plan.

5. On October 5, 1998, Chris Aoussat, FDEP, performed a follow up inspection in conjunction with specific conditions outlined in NFO's Used Oil Processing Permit. During the October inspection used oil filter drums were being stored on ground surfaces in continued violation of Chapter 62-710.850(6)(a) F.A.C.

6. On November 13, 1998, North Florida Oil was issued a Warning Letter, OWL-HW/E-C-98-0010, citing violations of F.A.C. 62-710.850(6)(a). A copy of the Warning Letter is attached as Exhibit A. Having reached a resolution of the matter Respondent and Department mutually agree and it is,  
**ORDERED:**

7. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department \$100.00 as reimbursement for investigative costs. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the "Department of Environmental Protection" and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." The payment shall be sent to the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

8. Respondent shall pay a civil penalty of \$ 3520.00 for the alleged violations of F.A.C. 62-710. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the "Department of Environmental Protection" and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." The payment shall be sent to the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

9. In lieu of the direct payment of \$ 3520.00, the Department will allow a credit for a pollution prevention project; specifically the construction of an impermeable storage pad for used oil filters as outlined in Respondent's quote of January 29, 1999 (Exhibit B). This credit is pursuant to the following terms:

- A. Within sixty calendar days of the effective date of this Consent Order, the Respondent shall have completed the installation of a satisfactory impermeable pad for the storage of used oil filters.
  - B. Within fourteen calendar days of completing the storage pad, the Respondent shall submit a full accounting (invoices) of the project costs.
  - C. If any balance remains after the cost accounting is verified, the Respondent shall pay this balance to the Department within seven days in accordance with the requirements of paragraph 8.
  - D. Within 15 days of the effective date of this consent order submit to the Department documentation that all tanks have been properly certified as requested in Permitting Non-Compliance Letter, OCD-HW/P-98-0317, which is attached as Exhibit C.
  - E. The Department may terminate the pollution prevention project (impermeable storage pad installation) at any time if the Respondent fails to comply with the above requirements, at which time, payment of the full civil penalty of \$3520, in accordance with the requirements of paragraph 8, becomes due immediately.
10. Respondent agrees to pay the Department stipulated penalties in the amount of \$50.00 per day for each and every day Respondent fails to comply with any of the requirements of paragraph 9 of this Consent Order. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties in accordance with the requirements of paragraph 8. The Department may make demands for payment at any time after violations occur. 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 Consent Order in an amount greater than the stipulated penalties due under this paragraph.
11. Effective immediately, Respondent shall comply with all Department rules regarding hazardous waste management, used oil and used oil filter management.
12. Respondent shall allow all authorized representatives of the Department access to the facility at reasonable times for purposes of determining compliance with this Consent Order and the rules of the Department.
13. Entry of this Consent Order does not relieve Respondent of the need to comply with applicable federal, state or local laws, regulations or ordinances.

14. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.727(1), Florida Statutes.
15. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties of up to \$50,000 per offense and criminal penalties.
16. All penalties, costs and expenses, or other documents required by this Consent Order to be submitted to the Department shall be sent to Robert T. Snyder, P.E., Program Manager, Hazardous Waste Section, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.
17. This Consent Order is a final order of the Department pursuant to Section 120.52(7), Florida Statutes, 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, Florida Statutes. Upon timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

3/29/99  
DATE

Brenda Simmons  
(Name)  
(Title)

DONE AND ORDERED this 2<sup>nd</sup> day of APRIL, 1999, in Orlando, Florida.

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.

E. Williams  
CLERK

4/2/99  
Date

Memorandum

Florida Department of  
Environmental Protection

CENTRAL DISTRICT

TO: William M. Bostwick, Jr.

FROM: *VFG* Vivian F. Garfein  
Director of District Management

DATE: July 11, 1995

SUBJECT: Delegation of Authority to Sign

No CO - OGC FILE <sup>92</sup> 6304

Effective immediately, you are authorized to sign permitting and compliance documents for me with the following EXCEPTIONS:

Variances  
Denials

Letters of Intent and Issuance, Permits without Intents, Major Modifications for Controversial Projects and Major Pollution Sources

Warning Letters  
Case Reports  
Consent order Execution  
Notices of Violation and Final Orders  
Informal Conference Extensions  
All Actions Against Governmental Entities  
Site Rehabilitation Completion Orders

The above named exceptions will be prepared using my signature block.

I would like to continue to review the above named documents. During my extended absence from the office, the Manager-on-Duty is authorized to sign for me.

On personnel related items (including Performance Evaluations), I will continue to review and sign them. In my extended absence, I would like to continue to have Bill Bostwick review and sign them. Should both Bill and I be absent, then the appropriate Manager-on-Duty may sign. I want to emphasize that I do want to review these documents and this policy should only be carried out in either (or both) of these instances: during my extended absence and if, the deadline date is upon us.

A copy of this memo will be filed with each document you sign, until such time as your signature block appears on the appropriate documents.

VFG:ssl