



# 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

December 12, 2023

Lone Star Enterprises, Inc. / Miami Iron and Metal, Co.  
Carlos Arango, President  
3338 N.W. North River Drive  
Miami, FL 33142  
[sales@catrucks.com](mailto:sales@catrucks.com)

Re: Department of Environmental Protection v. Miami Iron and Metal, Co.,  
OGC File No.: 23-1063  
NPDES-ST Facility ID No.: FLR05F488

Mr. Carlos Arango:

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 Jennifer Douglass at 561-681-6729 or via e-mail at [jennifer.douglass@floridadep.gov](mailto:jennifer.douglass@floridadep.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Sirena Davila".

Sirena Davila  
Director, Southeast District  
Florida Department of Environmental Protection

Enclosure: Executed Consent Order, OGC File No.: 23-1063

cc: Lea Crandall, OGC



# 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

November 16, 2023

Lone Star Enterprises, Inc. / Miami Iron and Metal, Co.  
Carlos Arango, President  
3338 N.W. North River Drive  
Miami, FL 33142  
[sales@catrucks.com](mailto:sales@catrucks.com)

SUBJECT: Department of Environmental Protection v. Miami Iron and Metal, Co.,  
OGC File No.: 23-1063  
NPDES-ST Facility ID No.: FLR05F488

Mr. Carlos Arango:

The State of Florida Department of Environmental Protection (“Department”) finds that Lone Star Enterprises, Inc. / Miami Iron and Metal, Co. (“Respondent”) has violated the terms of the National Pollutant Discharge Elimination System (NPDES) Stormwater Multi-Sector Generic (MSG) permit in violation of Rule 62-621.300(5)(a), Florida Administrative Code (F.A.C.). Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, 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 \$9,905.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$10,405.00. The civil penalty in this matter includes one violation of \$2,000.00 or more.

### **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 Southeast District Office located at 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL, 33406 within **20 days** of the mailing date of this letter. 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), 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, Carlos Arango:

- (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.

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

### **Respondent's Performance**

After signing and returning this document to the Department,

- (1) Respondent must pay \$ 10,405.00 in full within **21 days** of the effective date of this Order.
- (2) Respondent 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 is final, effective and 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 Jennifer Douglass at 561-681-6729 or at [jennifer.douglass@floridadep.gov](mailto:jennifer.douglass@floridadep.gov).

Sincerely,

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

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Sirena Davila  
District Director  
Southeast District

cc: Kerri Barsh, Greenberg Traurig, LLP

[barshk@gtlaw.com](mailto:barshk@gtlaw.com)

FOR THE RESPONDENT:

I, Carlos Arango [Type or Print Name], **HEREBY**  
**ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By:  Date: 12.4.23  
[Signature]

Title: OWNER / PRESIDENT  
[Type or Print]

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**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this # day of Month, Year, in County County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



\_\_\_\_\_  
Sirena Davila  
District 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.

Shirley Richards

12/12/2023

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

Attachments:            Notice of Rights

Final clerked copy furnished to:  
Lea Crandall, Agency Clerk  
Kerri Barsh, Greenberg Traurig, LLP

lea.crandall@floridadep.gov  
barshk@gtlaw.com

### 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 name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

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 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.