



FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FLORIDA 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

March 11, 2024

Fabco Metal Products LLC
Shane King, CFO
1490 Frances Dr
Daytona Beach, FL 32124
sking@fabcometal.com

Re: Fabco Metal Products LLC
NPDES ST Facility ID # FLR05I415
OGC Case #24-0102

Dear Mr. King,

Enclosed is the executed Consent Order to resolve the above-referenced case. This copy is for your records.

Should you have any questions or comments, please contact Wanda Robles at 407-897-4126 or via e-mail at Wanda.Robles@FloridaDEP.gov.

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "AW 7L".

On behalf of:

Aaron Watkins
Director, Central District

Enclosure

cc: FDEP: Lea Crandall, Daun Festa, Anitra Spencer Wanda Robles
dmaiden@lyndonsteel.com
dhaller@fabcometal.com
mvaldes@fabcometal.com



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March 8, 2024

Fabco Metal Products LLC
Shane King, CFO
1490 Frances Dr
Daytona Beach, FL 32124
sking@fabcometal.com

SUBJECT: Department of Environmental Protection v. Fabco Metal Products, LLC
OGC File No.: 24-0102
NPDES ST Facility ID #FLR05I415

Mr. King,

The State of Florida Department of Environmental Protection (“Department”) finds that Fabco Metal Products LLC. (“Respondent”) failed to prepare, submit, maintain or use required reports or other required documentation, failed to conduct required training, failed to install, maintain BMPs on site, and failed to conduct monitoring or testing in violation of Chapter 403.121, Florida Statutes (F.S.) and Chapter 62-620, 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 \$16,354.00 in civil penalties, and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$16,854.00. The civil penalty in this matter includes 7 violations of \$2,000.00 or more.

However, in lieu of paying the full civil penalty, the Department has determined that \$16,354.00 of the civil penalty may be offset through the implementation of the In-Kind Project described in the attached Exhibit. This amount is referred to as the “offset amount.”

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 Central District Office at 3319 Maguire Blvd., Ste 232, Orlando, FL 32803 by **March 15, 2024**. 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, Shane King:

- (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; and
- (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) Upon signing this letter, you must implement the In-Kind in accordance with the requirements identified in the attached Exhibit. You must begin the In-Kind within **60 days**, and fully complete the In-Kind Project within **180 days** of your signing this letter. Your failure to timely start or complete the In-Kind Project, or timely provide the Department with the Final Report, will cause the In-Kind Project option to be forfeited and the balance of the civil penalty shall be due within 10 days of notice from the Department.

- (2) Respondent shall pay **\$500.00** by **March 29, 2024**. The payment must be made payable to the Department of Environmental Protection by cashier's check, money order or online payment and shall include the OGC File Number assigned above and the notation "Water Quality Assurance Trust Fund." Payment shall be sent to the Central District Office at 3319 Maguire Blvd., Ste 232, Orlando, FL 32803.
- (3) 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 becomes 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.

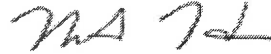
Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed 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.

DEP vs. Fabco Metal Products, LLC
OGC No. 24-0102
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If you have any questions, please contact Wanda Robles at (407) 897-4126 or at Wanda.Robles@FloridaDEP.gov

Sincerely,



On behalf of:

Aaron Watkins
District Director
Central District

Cc: Wanda Robles, FDEP
dmaiden@lyndonsteel.com
dhaller@fabcometal.com
mvaldes@fabcometal.com

FOR THE RESPONDENT:

I, SHANE KING [Type or Print Name], HEREBY ACCEPT
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: [Signature] Date: 3/8/2024

Title: PRESIDENT
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 11 day of March, 2024, in
Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

[Signature] on behalf of
Aaron Watkins
District Director
Central District

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

[Signature]
Clerk

March 11, 2024
Date

Attachments: Notice of Rights
In-Kind Project

Final clerked copy furnished to:
Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)

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, 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.

Exhibit A

In-Kind Project Summary

Fabco Metal Products LLC Sanitary Pump Station
Facility Site ID - FLR051415
1490 Frances Drive
Daytona Beach, FL 32124

Contact : Shane King
sking@fabcometal.com

A. Project Description:

Project I

The proposed In-Kind project consists of the removal of existing septic system including onsite drain field. We will add a sanitary pump station and utilities for connection to the city sewer force main system along Frances Drive.

Drain field and Septic Removal
<ul style="list-style-type: none"> - install silt fence along property for construction - removal of all drain field containments - demo septic tank system - repair drainage area for proper storm water containment requirements per site plans - final grading and pavement - addition of landscaping and sod per site plans
Pump station and City Sewage connection
<ul style="list-style-type: none"> - addition of a pump station on property - underground utilities for city sewer connection - all required testing - final subbase and pavement repair

B. Environmental Benefits:

To creating a complete environmentally friendly site.
Eliminate onsite drain field.
Eliminate the yearly county drain field inspection requirement.

C. Project Costs

Drain field and Septic Removal	
Engineering	\$ 10,000.00
Demo of drain field and septic system	\$ 39,781.00
Grading and Paving	\$ 44,302.00
TOTAL	\$ 94,083.00
Pump station and City Sewage connection	
Engineering	\$ 5,000.00
Pump station	\$ 30,000.00
Underground sewer utilities	\$ 78,470.00
TOTAL	\$ 113,470.00
GRAND TOTAL	\$ 207,553.00

Aa. Project Description:

Project II

Addition of a paint recycler equipment

Recycler Transfer System 6.6G 240V

- build enclosure to house recycler equipment
- install recycler
- training for use

Bb. Environmental Benefits:

To eliminate all hazardous waste generated onsite. Including elimination of all hydrocarbons.

Cc. Project Costs

Recycler Transfer System 6.6G 240V

Enclosure	\$ 4,800.00
Recycler	\$ 8,705.00
Install	\$ 2,500.00
GRAND TOTAL	\$ 16,005.00