



Oct. 6, 2021

ELECTRONIC MAIL DELIVERY RECEIPT REQUESTED

Christopher Williams, President
U.S. Recycling Company
1310 Industrial Court
Sarasota, FL 34236-5835
chris@usrecycling.us

and

Christopher Williams, President
Freedom Estates, Inc.
1310 Industrial Court
Sarasota, FL 34236-5835
chris@usrecycling.us

SUBJECT: Sarasota County Air & Water Quality vs. U.S. Recycling Company
and Freedom Estates, Inc., Case No.: A21CO.100
1404 Industrial Court; Sarasota, FL
PID#'s 2025060001 and 2025060002
Facility ID#: 1150187

Dear Mr. Williams:

Sarasota County Air & Water Quality ("Air & Water Quality"), which administers a local air pollution control program through County Ordinance and a Specific Operating Agreement with the Florida Department of Environmental Protection, finds that U.S. Recycling Company and Freedom Estates, Inc. ("Respondents") constructed and operated a non-metallic mineral processing plant ("crusher") without first obtaining a permit, in violation of Rule 62-210.300, Florida Administrative Code (F.A.C.), and failed to allow authorized Air & Water Quality personnel access to the facility to inspect and determine compliance in accordance with Rule 62-210.310(3)(h), F.A.C. Before sending this letter, Air & Water Quality requested that the Respondents undertake the following actions to resolve the violations: perform and log monthly periodic inspections of the crusher's wet suppression systems in a written or electronic logbook in accordance with Title 40, Code of Federal Regulations, Part 60.676(b)(1); obtain an Air General Permit and implement reasonable precautions to control fugitive particulate matter; allow Air & Water Quality personnel access at reasonable times and during normal business hours for inspection and testing as needed to determine compliance in accordance with Rule 62-210.310(3)(h), F.A.C. These actions have since been completed. However, due to the nature of the violations, the Respondents remain subject to civil penalties. The Respondents are also responsible for costs incurred by Air & Water Quality during the investigation of this matter.

Air & Water Quality's Offer

Based on the violations described above, Air & Water Quality is seeking \$5,500.00 in civil penalties and \$1,000.00 for costs and expenses Air & Water Quality has incurred in investigating this matter, which amounts to a total of \$6,500.00. The civil penalties are apportioned as follows: \$4,500.00 for violation of Rule 62-210.300, F.A.C., in accordance with Section 403.121(4)(c), Florida Statutes (F.S.), and \$1,000.00 for violation of Rule 62-210.310(3)(h), F.A.C., in accordance with Section 403.121(5), F.S.

Respondents' Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondents, please sign this letter and return it to Air & Water Quality at 1001 Sarasota Center Blvd., Sarasota, FL 34240, by Oct. 14, 2021. Air & Water Quality will then countersign it and file it with a designated clerk of Air & Water Quality. Once the document is filed with the designated clerk, it will constitute a final order of Air & Water Quality 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, Christopher Williams:

- (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 Respondents;
- (2) acknowledge and waive Respondents' 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 Respondents' right to an appeal pursuant to Section 120.68, F.S.

Air & Water Quality acknowledges that the Respondents' acceptance of this offer does not constitute an admission of liability for the violations referenced above.

Respondents' Performance

After signing and returning this document to Air & Water Quality,

- (1) Respondents must pay \$6,500.00 in full by Dec. 13, 2021.
- (2) The Respondents shall make payment of the appropriate penalties to the Sarasota County Board of County Commissioners by cashier's check or money order and shall include thereon the case number assigned to this Consent Order and the notation "Pollution Recovery Trust Fund." Payment shall be sent to Air & Water Quality, 1001 Sarasota Center Blvd., Sarasota, FL 34240.

Air & Water Quality 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.

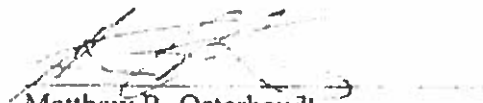
Until clerked by Air & Water Quality, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondents nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of Air & Water Quality, as explained above, the attached Notice of Rights will apply to parties, other than the Respondents, 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 Respondents and Air & Water Quality, and filed with the clerk of Air & Water Quality.

Please be aware that if the Respondents decline to respond to Air & Water Quality's offer, Air & Water Quality will assume that the Respondents are not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Michael Storino at 941-861-0909 or at mstorino@scgov.net.

Sincerely,



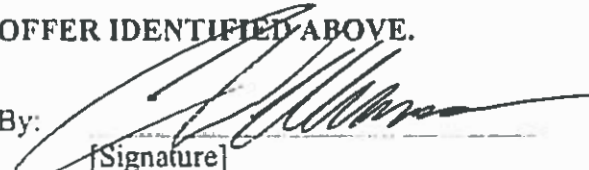
Matthew R. Osterhoudt
Director

Planning and Development Services
Sarasota County Local Program

FOR THE RESPONDENTS:

I, Christopher Williams, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By:


[Signature]

Date:

10/13/21

Title(s): President, U.S. Recycling Company; and President, Freedom Estates, Inc.

FOR AIR & WATER QUALITY USE ONLY

DONE AND ORDERED this 14th day of October 2021, in Sarasota County, Florida.

SARASOTA COUNTY
AIR & WATER QUALITY



Matthew R. Osterhoudt

Director

Planning and Development Services
Sarasota County Local Program

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

Clerk


Theresa M. Gianquinto

Oct. 14, 2021

Date

Attachments: Notice of Rights

Final clerked copy furnished to:

Deanna Newburg, Environmental Manager, FDEP South District
Jessica Dalton, Compliance and Enforcement Administrator, FDEP
Travis Moore Hearne, Esq., Mechanik Nuccio Hearne & Wester, P.A.
Jesse LeVine, Assistant County Attorney, Office of the County Attorney
David Pearce, Assistant County Attorney, Office of the County Attorney
Scott Bossard, Assistant County Attorney, Office of the County Attorney
John T. Hickey, P.E., Manager, Air & Water Quality

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 (F.S.). Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that Air & Water Quality'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 email 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 Office of the County Attorney, 1660 Ringling Blvd., Sarasota, FL 34236, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to Air & Water Quality, 1001 Sarasota Center Blvd., Sarasota, FL 34240. 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, F.S. Mediation under Section 120.573, F.S., is not available in this proceeding.