



Florida Department of Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Interim Secretary

August 3, 2015

Mr. Sam Ahwal, Manager
Rayan Used Tire Wholesale Inc
Central Florida Parkway
Orlando, FL 32708
samahwal@gmail.com

SUBJECT: Department of Environmental Protection v. Rayan Used Tire Wholesale Inc.
OGC File No.: 15-0466
WACS ID No. 100855

Dear Mr. Ahwal:

The State of Florida Department of Environmental Protection ("Department") finds that Rayan Used Tire Wholesale Inc. ("Respondent") failed to provide financial assurance in the form of recalculated cost estimates for closure of the Waste Tire Processing facility and to provide waste tire quarterly reports in violation of Rule 62-711, Florida Administrative Code (F.A.C.).

Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violation(s). These actions have been completed. However, due to the nature of the violation(s), Respondent remains subject to civil penalties. 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 \$500.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$1,000.00. The civil penalties are apportioned as follows \$500 for violation of Rule 62-711, F.A.C.

Respondent's Acceptance

If you wish to accept this offer and fully resolve this enforcement matter pending against the Respondent, then please sign this letter and return it to:

Florida Department of Environmental Protection
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803

You should return the signed letter **by August 31, 2015**. 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, Sam Ahwal:

- (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.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

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 \$ 1,000 in full by **August 31, 2015**.
- (2) Respondent shall make all payments required by this order by cashier's check, money order or online payment. Cashier's check or money shall be made payable to

the “Department of Environmental Protection” and shall include both the OGC Number 15-0466 assigned to this Order and the notation “Ecosystem Management

and Restoration Trust Fund.” The payment must be sent to 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803. On line payments by e-check can be made by going to the FDEP Business Portal at: <http://www.fldeportal.com/go/pay/>. Please note that it will take a number of days after this Order is final and effective 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, then 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 Gloria-Jean DePradine at (407) 897-4312 or at gloriajean.depradine@dep.state.fl.us.

Sincerely,



Jeff Prather
Director
Central District

FOR THE RESPONDENT:

I, Sam Ahwal, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____
Signature

Date: _____

Title: _____
Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this ____ day of _____, 2015, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jeff Prather,
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.

Clerk

Date

Attachments:
Notice of Rights

Final clerked copy furnished to:
Lea Crandall, Agency Clerk, Lea.crandall@dep.state.fl.us
Bonnie Malloy, FDEP OGC, Bonnie.Malloy@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 OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; 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;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition 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 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.