



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED MAIL

7006 0810 0000 4206 1610

Mr. Gerald Lourenco
Friends Recycling, LLC
2350 N.W. 27th Avenue
Ocala, FL 34475

OCD-SW-08-0539

Marion County-SW
Friends Recycling, LLC.

Transmittal of Short Form Consent Order OGC #08-2397

Dear Mr. Lourenco:

Attached is a copy of the executed Short Form Consent Order **OGC# 08-2397**. The execution of this document completes the resolution of the above-referenced case. We acknowledge receipt of the civil penalties of \$2250.00 received on or about October 10, 2008.

If you have any questions regarding this Consent Order you may contact Gloria-Jean De Pradine or Tom Lubozynski of this office at (407) 893-3328 or by email at Gloria.depradine@dep.state.fl.us or Tom.lubozynski@dep.state.fl.us.

Sincerely,

F. Thomas Lubozynski P.E.
Waste Program Administrator

Date: October 21, 2008

VFG/FTL/gnd

Attachments – Short Form Consent Order



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Mr. Gerald Lourenco
Friends Recycling, LLC.
2350 NW 27th Avenue
Ocala FL 34475

SUBJECT: Marion County - SW
Proposed Settlement of Friends Recycling, LLC.
Short Form Consent Order OGC No.: 08-2397

Dear Mr. Lourenco:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter, OWL-SW-07-0012 dated August 17, 2007, a copy of which is attached.

The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter (OWL-SW-07-0012). In order to resolve the matter identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$1500.00, along with \$750.00 to reimburse the Department costs, for a total of \$2250.00

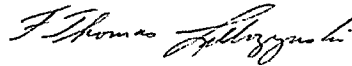
The Department acknowledges that payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order, and shall include the **OGC File Number 08-2397** assigned above and the notation "**Ecosystem Management and Restoration Trust Fund.**" Payment shall be sent to the **Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767.**

The payment shall be made in 6 monthly installment payments of \$375.00 commencing within 30 days of your signing this letter. The final payment is due no later than March 15, 2009. Failure to timely make any installment will allow the Department at its discretion to accelerate the balance which will become due immediately.

Your signing this letter constitutes your acceptance of the Department's offer to resolve the matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address within 20 days of receipt of this letter, the Department will assume that you are not interested in settling this matter on the above-described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,



F. Thomas Lubozynski for

Vivian F. Garfein, Director
Central District

Date: September 29, 2008

Attachment:

1. Notice of Rights
2. Warning Letter, OWL-SW-07-0012 dated August 17, 2007

FOR THE RESPONDENTS:

I, Gerald Lourenco, on behalf of Friends Recycling, LLC HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: Gerald Lourenco

Date: 10/6/08

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 16th day of October, 2008.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

for 
Vivian F. Garfein
Director, Central District

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

October 16, 2008
Date

cc: Lea Crandall, Agency Clerk

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and 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 named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.