

July 6, 2006

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. John Smith  
Greenleaf Construction  
1201 Sandy Terrace  
Centerville, FL

**ORDER TO COMPLY WITH REQUEST FOR INFORMATION**

Dear Mr. Smith:

The Florida Department of Environmental Protection ("Department") finds that Greenleaf Construction is a person who generates hazardous waste and may have discharged to the environment. Based on that finding of fact, the Department is making an inquiry as to the nature and extent of hazardous waste handling practices at Greenleaf Construction. Pursuant to Rule 62-730.150(4), Florida Administrative Code (F.A.C.) and the statutory authority provided to the Department in Sections 403.061, 403.091, 403.151, 403.704, and 403.721, Florida Statutes (F.S.), the Department hereby orders you to respond in writing to the Request for Information attached as Exhibit A and incorporated herein by reference, within ten (10) days of the date this Order becomes Final. This Order will become Final twenty-one (21) days after you receive it, unless you timely exercise the rights explained in the Notice of Rights attached as Exhibit B and incorporated herein by reference.

Compliance with this Order is required, and any information provided by you may be used by the Department in civil proceedings. Please be further advised that if you knowingly submit false statements or representations, you may be subject to civil or criminal penalties under Section 403.727.F.S.

If you dispute the factual or legal basis on which this Order is issued, you may exercise the rights explained in Exhibit B. **PLEASE NOTE: FAILURE TO EXERCISE YOUR RIGHTS WITHIN THE TIME LIMITS EXPRESSED IN EXHIBIT B WILL CAUSE THOSE RIGHTS TO BE DEEMED WAIVED.**

Your response to this Request for Information should be mailed to:

Joe Inspector  
Environmental Specialist  
Florida Department of Environmental Protection  
3319 Maguire Boulevard Suite 232  
Orlando, FL 32803

Should you have any questions concerning this matter please contact Mr. Inspector at (470) 222-1401.

Sincerely,

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Vivian F. Garfein  
Director of District Management

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

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**Clerk**

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**Date**

**cc:** Lea Crandall, Agency Clerk  
Mail Station 35

## **EXHIBIT A**

### **REQUEST FOR INFORMATION**

#### I. Instructions

1. Please Identify the person(s) responding to this Request.
2. Please respond separately to each of the Information Requests set forth in Section II. In order to make it clear which answer relates to each Information Request, please precede each answer with the number of the Information Request to which it corresponds.
3. Please identify all documents and persons consulted or referred to in the preparation of each response, and provide true and accurate copies of all such documents. Please indicate in some reasonable manner the number of the Information Request to which each document responds.
4. If information is not known or is unavailable to you as of the date of submission of a response to this Information Request, but should later become known or available to you, you are required to supplement your response to the Department. If you find at any time after submission of your response that any portion of the previously submitted information is in any way false or inaccurate, you should promptly notify the Department thereof.

## II. Information Requested

On May 5, 2002, you signed for a certified letter mailed to you by the Department. In that letter you were asked to clean areas of stained soil and provide documents that all wastestreams generated at your facility are managed appropriately. A copy of that letter is enclosed, including a copy of the signed Certified Mail card.

1. Provide any and all documentation that the areas of stained soil addressed in the above-mentioned letter have been cleaned up and the contaminated soil disposed of according to a proper waste determination.
2. Provide copies of three years' worth of used oil and used oil filter manifests.
3. Provide a written account of how used antifreeze is managed at your facility. Include any disposal receipts.
4. Provide any and all documentation that used batteries are either sent for recycling or disposed of as hazardous waste.
5. Provide copies of salvage yard receipts documenting recycling of car bodies.

## **EXHIBIT B**

### **NOTICE OF RIGHTS**

1. If you dispute any issue of material fact raised by this Information Request, you have the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes (F.S.). At a formal hearing, you will have the opportunity to be represented by counsel, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing office's recommended order.
2. If you do not dispute any issue of material fact raised by this Information Request, you have the right to an informal administrative proceeding pursuant to Sections 120.569 and 120.57(2), F.S. If an informal proceeding is held, you will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Department's Order, or to present a written statement challenging the grounds upon which the Department is justifying its proposed action.
3. You may request an informal conference with the Department. Your rights will not be adjudicated at an informal conference. If you desire an informal conference, you must file a written "Request for an Informal Conference" within 10 days of receipt of this Information Request. The request must be made to Joe Inspector at the Central District Office. The request is "filed" when it is received in the Central District Office. You will waive the right to an informal proceeding if a Request is not filed with the District within 10 days of the date you receive this Information Request. If no resolution of this matter results from the informal conference, you have the right to file a petition for a formal hearing or informal proceeding within 10 days of the date the conference is held.
4. If you desire a formal hearing or an informal proceeding, you must file a written "Petition for Administrative Proceeding" within 21 days of receipt of this Order or within 10 days or any timely requested informal conference held pursuant to paragraph 3 above. The petition must be in the form required by Rule 28-106.201(2) F.A.C. A petition is "filed" when it is received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000.
5. You will waive the right to a formal hearing or an informal proceeding if a Petition is not filed with the Department within 21 days of the date you receive this Information Request or 10 days after the date of an informal conference if one is held. These time limits may be varied only by written consent of the Department.
6. Mediation is not available in the context of this Order.
7. A party who is adversely affected by this Order when it becomes Final is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by

filing one copy of a Notice of Appeal with the Agency Clerk, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, and a second copy, accompanied by filing fees prescribed by law, with the First District Court of Appeal or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed. The Order is rendered on the date it becomes Final. The Order becomes Final 21 days after it is received, unless a Petition for formal hearing or informal proceeding or a request for informal conference is filed as outlined in this notice.

8. If you fail to comply with the Order when it becomes Final, the Department is authorized to file suit in circuit court seeking a mandatory injunction to compel compliance with the Order, pursuant to Section 120.69, 403.131 and 403.727, F.S. The Department may also seek to recover damages, all costs of litigation including reasonable attorney's fees and expert witness fees, and civil penalties of not more than \$50,000 per day for each day that you failed to comply with the Final Order.

9. Copies of Department statutes and rules referenced in this Information Request may be examined at any Department office or may be obtained by written request to the person named above in paragraph 3.