

The following seventeen pages is a highlight of Hillsborough County's case against Pro Way Construction at their Phillips Lane location. Let's not let this happen again, this time at Trinity Lane in Gibsonton.

This is what Mr Moses Present to the Board

CODE ENFORCEMENT BOARD/SPECIAL MAGISTRATE

CASE # CE12011652

**PHILLIPS LANE, LLC/ PRO WAY
VIOLATION ADDRESS: 12210 PHILLIPS LANE**

RESPONDENT PRESENTATION

PRESENTER: Hung T. Mai, P.E. - H.T. Mai, Inc.
PRESENTER ADDRESS: 14031 N. Dale Mabry Highway, Tampa, FL 33618
DATE: January 14, 2013
VIOLATOR: Phillips Lane LLC

PROPERTY INFORMATION

Subject property size: 2 parcels - Total: 15.30+/- acres
Front Folio #51434-0050: 1.0 ac. & Back Folio #51434-0000: 14.30 ac.
Section: 02 - 31S - 19E
Current Zoning: AR
Existing Land Use: **Light Industrial**
Future Land Use: SMU-6

PROPERTY BACKGROUND

- Predecessor Carl Michael used the subject property as agricultural industrial for over 10 years prior to Phillips Lane LLC acquisition.
- Pro Way System LLC (Pro Way) leased the subject property

ACTIVITY SUMMARY

- **May 2012** – Pro Way engaged a zoning consultant for rezoning application
- **May 15, 2012** – Zoning consultant and Pro Way met with Hillsborough County Development Service Department as Pre-submittal conference. DSD staff indicated the proposed use may be considered as compatible and the rezoning would be approvable subject to other conditions during the zoning review process. Pro Way was advised by DSD and PC staff to Planned Development (PD) rezoning. Serial meetings, phone conversations, emails exchanged between Pro Way consultant and DSD zoning staff. At some point, Pro Way consultant was lead to believe the rezoning could be done by Euclidean rezoning subject to meet setback requirements per LDC. The zoning consultant and Pro Way explored the option. However, it was determined that the Euclidean rezoning could not be attained.
- **June 2012** – Pro Way leased the subject property from Phillips Lane LLC.

- **July thru August 2012** – Zoning consultant and Pro Way in-house professional engineer prepared the PD rezoning application, traffic analysis and other support documents for the application.
- **September 20, 2012** – Zoning consultant and Pro Way met with DSD Transportation staff regarding transportation concurrency for roadway network improvements. Ohio Street and Phillip Lane (to the project site) were recommended by County staff for improvement (widening) to meet the County roadway standards to accommodate for future traffic.

Ohio Street right-of-way width per Transportation staff records showed 30' width. Pro Way met with Real Estate Department and Public Works Department the same day – no firm right-of-way width of Ohio Street and Phillips Lane were given. PWD estimated the ROW width of Ohio was 38' wide and Phillips Lane was 40' wide. Pro Way option was to buy additional right-of-way along Ohio Street and Phillips Lane to meet the County roadway standards for 24' driving lane, concrete curb and gutter and sidewalks for a minimum 50' ROW width (Urban Local Street).

Pro Way met with six abutting ROW property owners in the effort to purchase their land for meeting the required right-of-way width to meet the County roadway standards. Several issues were encountered: 1) Few property owners agreed to sell with high price compared to current market; 2) One property house will not meet the LDC setback if ROW was attained; 3) One property owner was not considered the offer but might consider the offer to buy the entire parcel.

Pro Way contacted Landmark Engineering and Surveying for right-of-way width survey determination. Pro Way in-house professional engineer designed Ohio Street and Phillips Lane widening. Cost estimate for additional right-of-way and roadway improvements were done.

- **August – October 2012** – Pro Way met with concerned property owners to address the neighbors' concern regarding noise, dust and truck traffic. Pro Way used water truck and sprinklers to control dust; offer to move existing adjacent homeowner mobile home in the other side of entrance and intermittently use the crusher. Pro Way is continuing meeting with concerned home owners to address their concerns as an ongoing basis.
- **November 28, 2012** – Notice of Hearing Case No. CE12011652 was issued.
- **November – December 2012** – Pro Way was continuing seeking additional right-of-way and finalizes the PD rezoning application.
- **December 11, 2012** – Pro Way met with Hung Mai in order to engage in assistance in transportation concurrency and roadway improvement issues and responding to the notice of violation.

PRO WAY SYSTEM LLC BACKGROUND

- Previously operated as Wright Pavement Maintenance Company located in Gibsonton
- Pro Way Paving LLC (formed in 2009) employed **60 full time employees**. Pro Way three major clients are **MacDill Air Force Base, Tampa International Airport and Hillsborough County**.
- Pro Way Recycling LLC employed **6 full time employees** and subordinates 25 to 50 truck drivers and will invest in this property approximately 1.5 million dollars.

- 500,000 *hm*
- Pro Way revenue in exceed of 5 million dollars and spending \$120,000 a year in fuel.

REQUEST FOR CONSIDERATION

- **We respectfully request nine (9 months) time frame to bring the violation into compliance.** This request is based on the PD Rezoning application will be submitted by Pro Way in February 2013 (DSD Zoning Hearing Master Schedule the PD Rezoning application cut-off date in February) and the BOCC Land Use Hearing will be held in **July 2013**. After the PD Rezoning is approved, we would ask for three (3) months for the site development construction plans approval.

REASONS FOR JUSTIFICATION OF THE REQUEST

- There was a misunderstanding between the **current zoning and land use** on Pro Way part.
- Pro Way has demonstrated a good faith of effort to obtain a proper zoning for the subject property.
- Pro Way has encountered the lack of right-of-way width of Ohio Street and Phillips Lane that are beyond their control; however, they are working in good faith effort to seek for solution, i.e. additional ROW purchase.
- 66 full time employees will potentially lose their job.
- Paving contract for MacDill Air Force Base, Tampa International Airport and Hillsborough County will be jeopardized.
- Hillsborough County real estate tax will continue suffering at \$4,676.19 in lieu of \$28,625.55 (after \$1.5 million improvements from Pro Way).
- Hillsborough County will lose a small business.
- Since June 2012, Pro Way has cleaned and prevented illegal dumping and secured the site with no illegal burn and no drug trafficking.

Respectfully submitted,

By: _____

H.T. Mai

Hung T. Mai, P.E. #32625

Date: _____

1-14-2013

H.T. MAI, INC.

Civil-Environmental-Transportation-Water Resource Engineering

14031 N. Dale Mabry Highway

Tampa, FL 33618

P: (813) 962-6230

F: (813) 962-6420

**HILLSBOROUGH COUNTY
CODE ENFORCEMENT BOARD/SPECIAL MAGISTRATE**

HILLSBOROUGH COUNTY
Political subdivision of the State of Florida
Petitioner,
VS.
PHILLIPS LANE LLC
Respondent(s)

CASE #: CE12011652

ORDER

THIS CASE came to be heard by the Hillsborough County Code Enforcement Special Magistrate ("CESM") on 03/11/2013. Pursuant to Chapter 162, Florida Statutes and Hillsborough County Ordinance 10-27, and after hearing sworn testimony, reviewing the evidence, hearing arguments and being otherwise fully informed, it is ORDERED as follows:

FINDINGS OF FACT

1. The real property which is the subject of this case ("Property") is located at 12210 PHILLIPS LN HBCO. The Property is described as: Folio No.: 051434.0000 , Legal Description: S-T-R 2-31-19 THAT PART OF N 1032 FT OF NE 1/4 OF NW 1/4 LYING WEST OF R/R LESS N 370 FT AND LESS S 350 FT OF W 248.91 FT AND LESS 1 ACRE FOR COMMERCIAL PROP LESS THAT PART DESC AS : COM AT SW COR OF NE 1/4 OF NW 1/4 SD COR ALSO BEING A PT ON E R/W LINE OF PHILLIPS LANE THN N 00 DEG 42 MIN 47 SEC W ALG W BDRY OF SD NE 1/4 OF NW 1/4 ADN E R/W LINE OF PHILLIPS LANE 278.89 FT THN N 89 DEG 55 MIN 38 SEC E 248.91 FT FOR POB THN N 00 DEG 40 MIN 30 SEC E 350 FT THN N 89 DEG 55 MIN 38 SEC E 248.94 FT THN S 00 DEG 40 MIN 30 SEC W 350 FT THN S 89 DEG 55 MIN 38 SEC W 248.94 FT TO POB
2. That PHILLIPS LANE LLC is/are the current owner(s) of record of the Property.
3. On 08/24/2012, Hillsborough County Code Enforcement Department served written Notice of Violation to PHILLIPS LANE LLC .
4. Pursuant to the Notice of Violation, all violations were to be corrected and the Property brought into compliance with Hillsborough County Codes on or before 30 days from the receipt of the notice.
5. That pursuant to the Affidavit of Violation dated 11/08/2012 by Inspector FRANK FERRERA, the following violations remain in non-compliance:
 - a. ITEM Z200: IMPROPER USE OF ZONE Hillsborough County Land Development Code:
Sections: 2.02.01/2.02.02/5.02.01 Action Required: Cease Or Acquire Approvals
Please note: When the use violation is corrected, most cases also must comply with Section 5.02.00 of the Hillsborough County Land Development Code which requires site development review to assess the impact on public utilities, facilities, roadways and adjacent land and their use. No property in violation for Improper Use of Zone will be released from violation until these requirements have been met and all site improvements are completed to the satisfaction of Hillsborough County, or it is determined that site development review is not necessary. DESCRIPTION: Use (paving company) improper for AR zone.
6. That a Notice of Hearing dated 11/28/2012 concerning the above-stated violations was served on PHILLIPS LANE LLC.
7. That the following were in attendance and provided testimony and/or evidence at the public hearing on 11/28/2012: JIM BLINCK, HCCED; HUNG MAI, P.E, rep.; RANDY M OSES, tenant.
8. That the case be continued to the hearing on Monday, March 11,2013, at 9:00 a.m.

CE12011652

9. That the following were in attendance and provided testimony and/or evidence at the public hearing on 11/28/2012: JIM BLINCK, HCCED; HUNG MAI, P.E, representative; BOB JAMES, complainant.

CONCLUSION OF LAW

10. Based upon the above Findings of Fact, on the gravity of the violation(s), the actions taken by the Respondent, the Respondent's history, and after hearing sworn testimony, reviewing the evidence, hearing arguments and being otherwise fully informed, it is found that the Property continues to be in violation of Hillsborough County Code(s) as follows:

a. ITEM Z200: IMPROPER USE OF ZONE Hillsborough County Land Development Code:
Sections: 2.02.01/2.02.02/5.02.01 Action Required: Cease Or Acquire Approvals
Please note: When the use violation is corrected, most cases also must comply with Section 5.02.00 of the Hillsborough County Land Development Code which requires site development review to assess the impact on public utilities, facilities, roadways and adjacent land and their use. No property in violation for Improper Use of Zone will be released from violation until these requirements have been met and all site improvements are completed to the satisfaction of Hillsborough County, or it is determined that site development review is not necessary. DESCRIPTION: Use (paving company) improper for AR zone.

11. Respondent(s) is/are to correct the above violation(s) on or before 03/31/2013. Upon Citizen Boards Support's receipt of an Affidavit of Non-Compliance from a Hillsborough County Inspector stating that the violations have not been corrected by the date set forth, a fine of \$1,000.00 per day may commence for each and every day any violation described herein continues past 03/31/2013. Pursuant to Section 162.09(1), Florida Statutes, a hearing shall not be necessary prior to imposing such fine.

IT IS THE RESPONSIBILITY OF THE RESPONDENT(S) TO NOTIFY CODE ENFORCEMENT INVESTIGATOR FRANK FERRERA, CODE ENFORCEMENT/INSPECTIONAL SERVICES AT 813-486-3441, ON OR BEFORE THE COMPLIANCE DATE TO DEMONSTRATE TO HILLSBOROUGH COUNTY'S SATISFACTION THAT THE VIOLATION(S) HAVE BEEN CORRECTED.

12. Section 162.11, Florida Statutes, provides as follows:

162.11 Appeals. - An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

13. Failure to comply with this Order within the specific times set forth above will result in the recordation of this Order in the Public Records, which constitutes a lien against the Property on which the violation(s) exist and upon any other real or personal property owned by the Respondent. Such lien may be foreclosed and the Property sold to enforce such lien. If such lien is filed, you will be assessed all cost incurred in recording and satisfying this lien.

14. After three (3) months from the recordation date of such lien, if the fines and fees remain unpaid, the Hillsborough County Attorneys Office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law.

DONE AND ORDERED THIS 15 DAY OF MARCH, 2013.

COUNTY OF HILLSBOROUGH
CODE ENFORCEMENT BOARD/SPECIAL MAGISTRATE

BY: Paul P. Cavalli
SPECIAL MAGISTRATE

ATTEST: Kevin W. Hart
CITIZEN BOARDS SUPPORT/ GOVERNMENT SERVICES ADMIN

PLEASE NOTE THIS LETTER IS NOT ON OFFICIAL LETTERHEAD

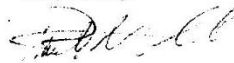
Hillsborough County Sheriff's Office
Gibsonton Community Station
Gibsonton, FL 33547
April 8, 2013

Hillsborough County Commission
601 E. Kennedy Boulevard
Tampa, FL 33602

Dear Board of Hillsborough County Commissioners:

I would like to thank you for taking the time to read my letter in regards to the property located at 12210 Phillips Lane, Gibsonton, FL 33534. This property which was formerly known as 6300 Carmichael Industries Way, use to be an area known for drugs and violent crimes. Since the purchase of this property a clean up has taken place at no cost to the tax payer, resulting in a zero percent crime rate. I use to make daily arrests on this property prior to the clean up. About four years ago myself and Hillsborough County Code Enforcement were interviewed by a local news station in regards to the mess left behind by the previous owner, and the cost associated to the tax payer in regards to the clean up of this property. In my opinion, having a good legitimate business such as Pro Way Recycling and Crushing, that would employ local labor in the Gibsonton area would be beneficial to the community as a whole. There is a concern for some local residents and to my knowledge offers to purchase their properties has been made. This area is growing in an industrial direction and this is a unique area of Gibsonton that can thrive with more local businesses. An approval for this local business to remain operational in Gibsonton, would be a great success story considering that four to five years ago it was a high crime area and a local hangout area for the Renegade Motorcycle gang and local drug users. Thank you for your time and consideration in regards to this matter.

Respectfully,



Deputy Phil Merkle #66447
Hillsborough County Sheriff's Office
Gibsonton Community Resource Deputy

03 04 48

Warning Notice 2012-0234A

Page 1 of 1 *WN*

Richard D. Garrity, Ph.D.
Executive Director
(813)627-2600



2012-0234A

Date Issued: 11/9/2012
S 02 T 31 R 19

Environmental Protection Commission of Hillsborough County

WARNING NOTICE

Responsible Party: Powerscreen of Florida / Richard Grant

Mailing Address: 5125 N Frontage Road
Lakeland, FL, 33813

Phone: (863) 687-7153

Location of alleged violation: Carmichael Industries Way Gibsonton, FL 33534

Day and time of alleged violation: Inspected 11/9/2012

Alleged violation pursuant to:
Chapter 84-446 Laws of Florida (Act):

Chapter 1-3, Rules of the Commission (Stationary Sources)

Other: Rule 62-210.310(5)(e)3.c.(I) and (II), F.A.C.
Permit No. 7775743-001-AG

The violations here alleged may not include possible concurrent violations of other applicable environmental laws: local, state or federal including those of the Environmental Protection Commission. Facts believed to constitute alleged violation:

Failure to use a water suppression system with spray bars located at the entrance to the crusher and all of the conveyor drop points.

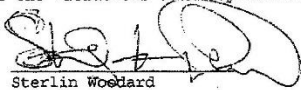
Failure to use reasonable precautions to prevent unconfined emissions of particulate matter from the stockpiles, roadways and work yards where the nonmetallic mineral processing plant is located.

By copy of this Notice, the responsible party is informed that Commission staff believes that based upon the information available, a violation may have occurred. If substantiated, appropriate administrative or legal action will be initiated by the Commission to assure compliance with the Environmental Protection Act of Hillsborough County and the Rules of the Environmental Protection Commission. If you believe that the above does not constitute a violation as alleged, you are encouraged to immediately contact the Investigator named below. If the violation is substantiated, cooperative resolution and correction may avoid enforcement action in this matter.

Note: This case may be transferred for further enforcement action.

Because continuation of violation subsequent to this Notice may be considered to be an intentional violation, it is recommended that you cease the above alleged violation and until this matter is resolved it is recommended that you do the following:

Please cease the violations and respond in writing within 15 days of receipt of this notice.

Investigator: 
Sterlin Woodard
(813) 627-2600

Delivered by: Certified Mail # 7010 2780 0002 0780
CC: Diana Lee, P.E. - EPCHC
Jason Waters, P.E. - EPCHC *9394*

Warning Notice 2013-0094A

Page 1 of 1

Richard D. Garrity, Ph.D.
Executive Director
(813)627-2600



2013-0094A

Date Issued: 6/7/2013
S 02 T 31 R 19

Environmental Protection Commission of Hillsborough County

WARNING NOTICE

Responsible Party: Proway Recycling & Crushing, LLC / Robert Vollmer

Mailing Address: 6331 US Hwy 301
Riverview, FL, 33578

Phone:

Location of alleged violation: 12210 Phillips Lane, Gibsonton, FL

Day and time of alleged violation: 5/28/2013 / 3:00 pm

Alleged violation pursuant to:

Chapter 84-446 Laws of Florida (Act):

- ▶ Chapter 84-446 (Act), Sec. 17 1.a, Causing Water/Air/Noise Pollution
- ▶ Chapter 1-3, Rules of the Commission (Stationary Sources)

Other: Rule 62-296.320(4)c., F.A.C. Rule 62-210.310(3)(f), F.A.C. Rule 62-210.310(3)(g), F.A.C. Rule 62-210.310(3)(i), F.A.C. Rule 62-210.310(5)(e)3.c., F.A.C. Rule 1-3.20;1-3.21(3);1-1.05;1-1.06 and 1-1.07(5), Rules of the EPC.

The violations here alleged may not include possible concurrent violations of other applicable environmental laws: local, state or federal including those of the Environmental Protection Commission. Facts believed to constitute alleged violation:

Failure to use reasonable precautions to prevent unconfined emissions of particulate matter from the stockpiles and work yards where the nonmetallic mineral processing plant is located.

During the inspection, the crusher and Warrior 1800 powerscreen were not observed in operation. However, it was noted that at least two of the conveyor drop points from the Warrior 1800 powerscreen were not equipped with spray bars as required by Rule 62-210.310(5)(e)3.c., F.A.C.

Failure to notify the Department that the facility did not comply with or was unable to comply with the dust control measures required by the air general permit pursuant to Rule 62-210.310(3)(i), F.A.C.

By copy of this Notice, the responsible party is informed that Commission staff believes that based upon the information available, a violation may have occurred. If substantiated, appropriate administrative or legal action will be initiated by the Commission to assure compliance with the Environmental Protection Act of Hillsborough County and the Rules of the Environmental Protection Commission. If you believe that the above does not constitute a violation as alleged, you are encouraged to immediately contact the Investigator named below. If the violation is substantiated, cooperative resolution and correction may avoid enforcement action in this matter.

Note:

Because continuation of violation subsequent to this Notice may be considered to be an intentional violation, it is recommended that you cease the above alleged violation and until this matter is resolved it is recommended that you do the following:

Please respond in writing within 10 days of receipt of this notice. This matter may be referred to enforcement.

Investigator:

Noel Morera
Noel Morera, P.E. I
(813) 627-2600 ext 1282

Delivered by: Certified Mail #7007 3020 0002 8946 5528
CC:

<http://sqlcompliance.epchc.org/warningnotice.asp?id=52348>

6/6/2013

Print Date: 07-02-2013



HILLSBOROUGH COUNTY CODE ENFORCEMENT

10119 WINDHORST RD

TAMPA FL 33619

CASE INFORMATION SHEET FOR CASE NUMBER: CE12011652 CASE STATUS: FINERUN
 CURRENTLY ASSIGNED TO INSPECTOR: DENNIS CLIFT
 SUPERVISOR REFERRAL PRIORITY: 2

START DATE:	08/23/2012	END DATE:	NEXT INSPECTION DATE:	07/16/2013	
STRUCTURE TYPE:	NA	OCCUPANCY:	Vacant Lot	FORCLOSURE:	N
ADDRESS:	12210 PHILLIPS LN HBCO				
ZONED:	AR	PARCEL #	051434.0000	ZIP CODE:	33534

ORIGINAL COMPLAINT DESCRIPTION:

DUMP TRUCKS IN AND OUT ALL DAY

PEOPLE ASSOCIATED WITH THIS CASE

OWNER PHILLIPS LANE LLC 08/23/2012
 8512 RIVERVIEW DR
 RIVERVIEW FL 33578-4985
 AGENT WILLIAMS BETTY L AGENT FOR 08/23/2012
 8512 RIVERVIEW DRIVE
 RIVERVIEW FL 33578

VIOLATIONS CITED

1 ITEM Z200: IMPROPER USE OF ZONE
 HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE: SECTIONS: 2.02.01/2.02.02/5.02.01
 ACTION REQUIRED: CEASE OR ACQUIRE APPROVALS
 Please note: When the use violation is corrected, most cases also must comply with Section 5.02.00 of the Hillsborough County Land Development Code which requires site development review to assess the impact on public utilities, facilities, roadways and adjacent land and their use. No property in violation for Improper Use of Zone will be released from violation until these requirements have been met and all site improvements are completed to the satisfaction of Hillsborough County, or it is determined that site development review is not necessary.

DESCRIPTION: Use (paving company) improper for AR zone.
 08/24/2012: Inspection Comment

CASE COMMENTS

RUFFINI 08/23/2012 8/23/12 PROPERTY ZONED (AR Agricultural Rural) AND IS BEING USED BY AN ASPHALT COMPANY NAMED "PRO/WAY" THE COMPANY IS STARTING THEIR WORK DAY ON THIS PROPERTY AT 6AM AND DISTURBING THE LOCAL NEIGHBORS. ALSO THE LARGE SEMI TRUCKS ARE RUNNING IN AND OUT OF THIS AREA IS DAMAGING THE ROADS AS WELL. THE NEIGHBORS ALSO STATE THAT THERE ARE WET LANDS ON THE PROPERTY AND MAY BE FILLING THEM IN. STAFF WILL NOTIFY THE DEP AS WELL. STAFF WILL REQUEST A CERT LETTER TO OWNERSHIP AS WELL.
 88 08/23/2012 88 - 30-Day Cert requested (added by script)
 48 08/24/2012 CERT NOTICE APPROVED BY 48 ON 08/24/2012 (added by script)
 WOODHAMJ 08/24/2012 CERT NOTICE COMPLETED 08/24/2012 - 70120470000037537813 (added by script)
 WOODHAMJ 09/25/2012 CERT Notice Sent 08/24/2012 Received on 08/29/2012 - WOODHAMJ (added by script)
 WOODHAMJ 09/25/2012 70120470000037537813 Delivered August 29, 2012, 2:15 pm RIVERVIEW, FL 33578 Certified Mail?
 Processed through USPS Sort Facility August 29, 2012, 12:54 am TAMPA, FL 33630
 88 10/11/2012 It's a paving company (Pro Way) on SR301. They're pilling material there. A case (CE12011652)was opened 08/23, a cert letter was sent 08/23 for improper use of zone (paving company in AR zone), and the recheck is scheduled for 10/11/12. Andy.

-----Original Message-----

From: Barge, Dexter
 Sent: Wednesday, October 03, 2012 3:19 PM
 To: Pfeiffer, Andrew

CEINFO - CASE CE12011652

07-02-2013

Warning Notice 2014-0199A

Page 1 of 1

Richard D. Garrity, Ph.D.
Executive Director
(813)627-2600



2014-0199A

Date Issued: 2/18/2014
S 02 T 31 R 19

Environmental Protection Commission of Hillsborough County

WARNING NOTICE

Responsible Party: Pro Way Paving Systems, LLC Robert Vollmer, Manager

Mailing Address: 6331 US Hwy 301 South
Riverview, FL, 33578

Phone: 813-626-4444

Location of alleged violation:

Folio: 051434-0000

Day and time of alleged violation: 2-17-14 2:00 p.m.

Alleged violation pursuant to:
Chapter 84-446 Laws of Florida (Act):

▶ **Chapter 84-446 (Act), Sec. 17 1.a, Causing Water/Air/Noise Pollution**

▶

Other:

The violations here alleged may not include possible concurrent violations of other applicable environmental laws: local, state or federal including those of the Environmental Protection Commission. Facts believed to constitute alleged violation:

Excessive amounts of dust is generated on Carmichael Industries Way by vehicles entering and exiting the facility's site. The fugitive dust is also impacting nearby residents.

By copy of this Notice, the responsible party is informed that Commission staff believes that based upon the information available, a violation may have occurred. If substantiated, appropriate administrative or legal action will be initiated by the Commission to assure compliance with the Environmental Protection Act of Hillsborough County and the Rules of the Environmental Protection Commission. If you believe that the above does not constitute a violation as alleged, you are encouraged to immediately contact the Investigator named below. If the violation is substantiated, cooperative resolution and correction may avoid enforcement action in this matter.

Note:

Because continuation of violation subsequent to this Notice may be considered to be an intentional violation, it is recommended that you cease the above alleged violation and until this matter is resolved it is recommended that you do the following:

Within 10 days of receipt of this notice you must submit a written response detailing what actions will be taken to resolve this matter. Please specify the time frame in which you will complete all necessary actions.

Investigator:

Joan Hallgren
Joan Hallgren
(813) 627-2600

Delivered by: 7007 3020 0002 8946 3753
CC:

<http://sqlcompliance.epchc.org/warningnotice.asp?id=52479>

2/18/2014

Warning Notice 2014-0268A

Page 1 of 1

Richard D. Garrity, Ph.D.
Executive Director
(813)627-2600



2014-0268A

Date Issued: 6/10/2014
S 02 T 31 R 19

Environmental Protection Commission of Hillsborough County

WARNING NOTICE

Responsible Party: Proway Recycling & Crushing, LLC / Robert Vollmer

Mailing Address: 6331 US Hwy 301
Riverview, FL, 33578

Phone:

Location of alleged violation: 12210 Phillips Lane, Gibsonton, FL

Day and time of alleged violation: 6/5/2014 at 1:30 pm

Alleged violation pursuant to:

Chapter 84-446 Laws of Florida (Act):

Chapter 84-446 (Act), Sec. 17 1.a, Causing Water/Air/Noise Pollution

Other: Rule 62-296.320(4)(c), F.A.C. Rule 62-210.310(3)(f), F.A.C. Rule 62-210.310(3)(g), F.A.C. Rule 62-210.310(3)(i), F.A.C. Rule 62-210.310(5)(e)3.c., F.A.C. Rule 1-3.20;1-3.21(3);1-1.05;1-1.06 and 1-1.07(5), Rules of the EPC.

The violations here alleged may not include possible concurrent violations of other applicable environmental laws: local, state or federal including those of the Environmental Protection Commission. Facts believed to constitute alleged violation:

Failure to use reasonable precautions to prevent unconfined emissions of particulate matter from the stockpiles and work yards where the nonmetallic mineral processing plant is located. (Facility grounds not watered resulting in dust caused by vehicle traffic.)

During the inspection, the crusher and Warrior 1800 powerscreen were observed in operation. It was noted that at least three of the conveyor drop points from the Warrior 1800 powerscreen were not equipped with spray bars as required by Rule 62-210.310(5)(e)3.c., F.A.C. Also noted was a significant amount of dust being emitted from the crusher's hopper.

Failure to notify the Department that the facility did not comply with or was unable to comply with the dust control measures required by the air general permit pursuant to Rule 62-210.310(3)(i), F.A.C.

By copy of this Notice, the responsible party is informed that Commission staff believes that based upon the information available, a violation may have occurred. If substantiated, appropriate administrative or legal action will be initiated by the Commission to assure compliance with the Environmental Protection Act of Hillsborough County and the Rules of the Environmental Protection Commission. If you believe that the above does not constitute a violation as alleged, you are encouraged to immediately contact the Investigator named below. If the violation is substantiated, cooperative resolution and correction may avoid enforcement action in this matter.

Note

Because continuation of violation subsequent to this Notice may be considered to be an intentional violation, it is recommended that you cease the above alleged violation and until this matter is resolved it is recommended that you do the following:

Please respond in writing within 10 days of receipt of this notice. Your response should include a detailed plan of the measures that will be implemented to control dust, including but not limited to sprinkler locations noted on a map, water truck schedules, spray bar installation schedule for the powerscreen, etc. This matter may be referred to enforcement.

Investigator: Noel Morera
Noel Morera, P. E. I
(813) 627-2600 ext 1282

Delivered by: Hand Delivered
CC:

<http://salcompliance.epchc.org/warningnotice.asp?id=52554>

6/9/2014

NetZero Message Center

Page 1

[Print Message](#) | [Close](#)

From : Fletcher Chip <FletcherC@hillsboroughcounty.org>
<robertajames@netzero.net" <robertajames@netzero.net>, "rlahles45@gmail.com" <rlahles45@gmail.com>, "Horwedel, Gregor" <HorwedelG@hillsboroughcounty.org>, "Blinck, Jim" <BlinckJ@HillsboroughCounty.ORG>, "Blount, Marvin" <Blount@epchc.org>
To : "Langford, William" <LangfordW@HillsboroughCounty.ORG>, "Waters, Jason" <watersj@epchc.org>, "Brazel, Robert" <BrazelR@HillsboroughCounty.ORG>, "Spiller, Ronald" <SpillerR@hillsboroughcounty.org>, "Pope, Kenneth" <PopeK@HillsboroughCounty.ORG>, "Barge, Dexter" <BargeD@HillsboroughCounty.ORG>, "Hallgren, Joan" <HallgrenJ@epchc.org>, "Mazur, Roy" <MazurR@hillsboroughcounty.org>
Subject : Hillsborough County vs Pro Way Recycling & Crushing, LLC
Date : Fri, Feb 06, 2015 05:15 PM

All,

I am writing to correct communication by e-mail from Attorney Ken Pope, in my office, dated February 4th. It was indicated that a specific Commissioner "approved" certain actions in our litigation with Pro Way. Please be aware that all decisions regarding litigation actions are taken by our office and I, as County Attorney, am ultimately responsible for those actions. The Board of County Commissioners did approve initiating litigation against Pro Way. However, after that approval our office is responsible for conducting the litigation and has moved forward with the goal of achieving compliance with the County's code and development orders.

The ultimate strategic goal of the County here is not necessarily to shut down an ongoing business enterprise, but to achieve compliance with the County regulatory requirements. We believe that filing the lawsuit has prompted Pro Way to finally begin to comply. We will not retreat from this litigation until full compliance is achieved. However, our goal is compliance, and shutting down an ongoing business operation is an action of last resort.

Since the initial complaint was filed in this litigation, Pro Way has made substantial progress in permitting and design for the required road improvements. We anticipate that they will initiate construction of the improvements in the near future. Based on this substantial progress since our office filed this litigation, it was our judgment that the most likely path to achieve compliance with the County regulatory requirements was to reschedule the hearing date to provide Pro Way the opportunity to complete the design and permitting for the improvements. Considering that our ultimate goal here is compliance and not punitive measures, it was my judgment that this was the best path. We did consult with various county officers and employees. However, ultimately it was my responsibility to make this decision, and I stand by it.

Regards,

Chip Fletcher

County Attorney

Hillsborough County Attorney's Office

601 E. Kennedy Blvd., 27th Floor

Tampa, FL 33602

Ph: (813) 272-5670

Fax: (813) 301-7142 fletcher@hillsboroughcounty.org

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From : Jim Blinck <BlinckJ@HillsboroughCounty.ORG>
To : Bob James <robertajames@netzero.net>, "Horwedel, Gregory" <HorwedelG@hillsboroughcounty.org>, "Murman, Sandra" <MurmanS@hillsboroughcounty.org>
Cc : "Cury, Della" <CuryD@HillsboroughCounty.ORG>, "Fletcher, Chip" <FletcherC@hillsboroughcounty.org>, "showpeople@charter.net" <showpeople@charter.net>, "Spiller, Ronald" <SpillerR@hillsboroughcounty.org>
Subject : RE: FW: Who do I have to see about a problem
Date : Mon, Feb 16, 2015 05:39 PM

Mr. James,

The current case is accruing fines of \$1000.00 per day which today is approximately \$152,062.00. The previous case fine is approximately \$129,222.00. The variance goes with the property and it's a onetime requirement if they are to operate a resource recovery facility. They needed the variance approval because the code required 1000' distance from residential use property which they didn't meet. The goal is always compliance and it appears the threat of civil litigation has motivated them to start complying with the magistrates order. The case can still move forward in March if their promises they made to the county are not kept. If you have any questions, Please do not hesitate to contact me.

-----Original Message-----

From: Bob James [mailto:robertajames@netzero.net]
Sent: Sunday, February 15, 2015 9:32 PM
To: Blinck, Jim; Horwedel, Gregory; Murman, Sandra
Cc: Cury, Della; Fletcher, Chip; showpeople@charter.net
Subject: RE: FW: Who do I have to see about a problem

Dear Mr Blinck

Sir I hope your New Year has been better then Mine LOL, I would like to ask a few question about Pro Way, 12210 Phillips Lane, Could You Please tell me how much in Fines Pro Way has accumulated since this all started, the last account I had was \$129,000 ? and are the fines still running ?
 Also since Pro Way failed to come in to compliance after a year with their Variance in August 2014, do they have to request another Variance ??
 The Court order/Injunction was approve by the BOCC on or about 15 October 2014, I was told By Mr Pope, County Attorney Pro Way was going to be served the first part of December 2014, then again there going to be served on 12 February 2015 now it is 12 March 2015, so from 12 August 2014 when the Variance ended to present, giving Pro Way 4 more months to operate or Break Code and EPA Laws, Thanks to the County for CARING ??
 So the way I see it there are Laws for Rich, Company People and Laws for Poor People ??

Thanks

Bob James, a Very disappointed Person

----- Original Message -----

From: "Blinck, Jim" <BlinckJ@HillsboroughCounty.ORG>
To: Bob James <robertajames@netzero.com>, "Barge, Dexter" <BargeD@HillsboroughCounty.ORG>, "Horwedel, Gregory" <HorwedelG@hillsboroughcounty.org>
gt:
Cc: "Blount, Marvin" <Blount@epchc.org>, "Cury, Della" <CuryD@HillsboroughCounty.ORG>, "Langford, William" <LangfordWV@HillsboroughCounty.ORG>, "Morera, Noel" <Morera@epchc.org>, "Hallgren, Joan" <HallgrenJ@epchc.org>
Subject: RE: FW: Who do I have to see about a problem
Date: Wed, 19 Nov 2014 14:28:48 +0000

Mr. James,

The current fine regarding Pro-Way is accruing at \$1000.00 per day from 9/17/2014. The fine is up to \$64,000.00 as of today Wednesday the 19th of November.
 The fine amount for the previous case is \$129,000.00. The \$1000.00 per day fine ran from 4/1/2013 to 8/7/2013.

<http://webmailb.netzero.net/webmail/new/8?block=1&msgList=0000UIW0:001Ksb6Z000...> 3/11/2015

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From : Pope Kenneth <PopeK@HillsboroughCounty.ORG>
To : Bob James <robertajames@netzero.net>
Subject : RE:
Date : Mon, Mar 16, 2015 02:12 PM

Mr. James,

Hillsborough County's ultimate goal in code violation cases is compliance. The reason that the County Attorney's Office has rescheduled the last two court hearings, but does not cancel the hearing altogether, is because Pro Way is now making the necessary permit applications and site improvements to bring the site into compliance. The progress that Pro Way has made and continues to make demonstrates that Pro Way takes as real the County's threat to shut it down if it doesn't continue to make progress towards compliance.

In addition, please know that the County will likely only have one opportunity to seek the injunction. Should the court conclude that Pro Way is making efforts towards compliance, the court may not issue the injunction. The next court date is April 9, 2015, and should the County determine that Pro Way is no longer making efforts towards compliance, the County Attorney's Office will seek the injunction at that court hearing.

Thank you.

Kenneth C. Pope
Senior Assistant County Attorney
Hillsborough County Attorney's Office
(813) 272-5670
(813) 272-5847 fax
popeK@hillsboroughcounty.org

-----Original Message-----

From: Bob James [mailto:robertajames@netzero.net]
Sent: Thursday, March 12, 2015 10:33 AM
To: Pope, Kenneth
Subject: RE:

Could You Please tell me why You can't get this case before a Judge, You really don't under stand just what I go through every day, with the Dust, Big Truck and the Big Equipment noise and the slamming of tailgates on the big trucks to get the dirt to come out WHY ?? Please Help ?
Bob James
813-677-6141

----- Original Message -----

From: "Pope, Kenneth" <PopeK@HillsboroughCounty.ORG>
To: Bob James <robertajames@netzero.net>
Subject: RE:
Date: Thu, 12 Mar 2015 13:42:16 +0000

Mr. James, the hearing has been re-scheduled to April 9, 2015, at 2:30 p.m.

Kenneth C. Pope
Senior Assistant County Attorney
Hillsborough County Attorney's Office
(813) 272-5670
(813) 272-5847 fax
popeK@hillsboroughcounty.org

-----Original Message-----

From: Bob James [mailto:robertajames@netzero.net]
Sent: Wednesday, March 11, 2015 3:21 PM
To: Fletcher, Chip; Pope, Kenneth
Cc: Horwedel, Gregory

<http://webmailb.netzero.net/webmail/new/8?block=1&msgList=0000W1k0:001L1lo60000...> 3/16/2015

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From : Bob James <robertajames@netzero.net>
To : BlinckJ@HillsboroughCounty.ORG, CuryD@HillsboroughCounty.ORG, mumans@hillsboroughcounty.org, blount@epchc.org
Cc : halkgrenj@epchc.org, moreira@epchc.org, spiller@hillsboroughcounty.org, oklahmoon@aol.com
Subject : RE: Pro Way CODE and EPC Fines ?
Date : Wed, Jul 15, 2015 09:20 AM

Good Morning All

I would like to THANK everyone who has worked on this Case for My Neighbors and Me, It has been a Long, Timely and Costly Fight but thanks to you all I hope it is over with in 90 days ??

Again Thanks, My God Bless You and Please have a Nice Day
 Bob James, an Old Retired Soldier
 12206 Phillips Lane
 Gibsonton

----- Original Message -----

From: "Blinck, Jim" <BlinckJ@HillsboroughCounty.ORG>
To: Bob James <robertajames@netzero.net>, "Murman, Sandra" <MurmanS@hillsboroughcounty.org>
Cc: "Blount, Marvin" <Blount@epchc.org>, "salstrin@wfla.com" <salstrin@wfla.com>
Subject: RE: Pro Way CODE and EPC Fines ?
Date: Tue, 14 Jul 2015 14:39:06 +0000

Mr. James,

The County Attorney went back to County Court on July 2nd to obtain an order to cease and desist the unapproved activity. At the hearing Pro Way's Attorney advised the Judge they needed 90 days to finish processing material on site and they will shut down the business permanently. Hillsborough County accepted the compromise and the Judge agreed with the settlement offer. The Judge strongly advised them to honor their commitment and not come back for an extension. If you have any questions, please do not hesitate to contact me.

-----Original Message-----

From: Bob James [mailto:robertajames@netzero.net]
Sent: Tuesday, July 14, 2015 8:17 AM
To: Blinck, Jim; Murman, Sandra
Cc: Blount, Marvin; salstrin@wfla.com
Subject: Pro Way CODE and EPC Fines ?

Morn Mr. Blinck and Mr. Blount

Sir I know it has been a while since I have E-mailed You all and I hope your day is better then mine ?

Pro Way's first Big Truck came in at 6:23am when I was awoken and looked at the clock, yesterday morning I was lucky first Big Truck came in at 6:50am, My freedom that I served 22 years to help preserve and protect has been taken away from my neighbors and me, I guess the money the county gets from Pro Way means more to them then our living condution's ?

I guess Pro Way is still being fines a \$1000 a day for failing to comply with Codes and EPC is fining them because Pro Way failed to comply with their agreement to black top their driveway to the rear of their Property ? I have made complains the Ms. Hallgren (EPC) about the noise the big trucks make when an empty truck comes in and out due to the pot holes ? still got the problem and the dust is bad at times, Pro Way only water their drive when they get around to it and not when it is needed.

I don't understand why county doesn't do any thing about our problem, is it because

<http://webmailb.netzero.net/webmail/new/5?count=1443630787&type=no%2Dmagic&ses...> 9/30/2015

----- Forwarded Message -----

From: "Blinck, Jim" <BlinckJ@HillsboroughCounty.ORG>
To: Bob James <robertajames@netzero.net>
Cc: "Pope, Kenneth" <PopeK@HillsboroughCounty.ORG>, "Cury, Della" <CuryD@HillsboroughCounty.ORG>, "Hallgren, Joan" <HallgrenJ@epchc.org>, "Sims, Jeff" <SimsJ@epchc.org>, "Morera, Noel" <Morera@epchc.org>, "Murman, Sandra" <MurmanS@hillsboroughcounty.org>, "Spiller, Ronald" <SpillerR@hillsboroughcounty.org>
Subject: FW: The Big Dump Trucks are still Running after Court order to cease all a fter 2 October 15
Date: Wed, 7 Oct 2015 21:38:09 +0000

Mr. James,

Below is the deadline for the Pro Way Company to complete their business activity. We will conduct the necessary visits to the site to ensure compliance. The cease and desist order is in effect and the presiding judge has the authority enforce his order if they are found to be in violation. Please do not hesitate to contact me if you have any questions.

-----Original Message-----

From: Pope, Kenneth
Sent: Wednesday, October 07, 2015 1:31 PM
To: Blinck, Jim <BlinckJ@HillsboroughCounty.ORG>
Cc: Fletcher, Chip <FletcherC@hillsboroughcounty.org>; Brazel, Robert <BrazelR@HillsboroughCounty.ORG>
Subject: RE: The Big Dump Trucks are still Running after Court order to cease all a fter 2 October 15

Pursuant to the Order, the 90 days runs on October 8, 2015, at 5:00 p.m.. Pro Way's attorney has not contacted me seeking an extension, but I will call him now to confirm that Pro Way will cease operations by tomorrow at 5:00 p.m..

Kenneth C. Pope
Senior Assistant County Attorney
Hillsborough County Attorney's Office
(813) 272-5670
(813) 272-5847 fax
popek@hillsboroughcounty.org

-----Original Message-----

From: Blinck, Jim
Sent: Wednesday, October 07, 2015 1:24 PM
To: Pope, Kenneth <PopeK@HillsboroughCounty.ORG>
Subject: FW: The Big Dump Trucks are still Running after Court order to cease all a fter 2 October 15

Ken

Do you have the exact date that the business activity was to cease? Has their attorney indicated that they intend to seek another extension on the Judge's order? Thanks for your help.

-----Original Message-----

From: Bob James [<mailto:robertajames@netzero.net>]
Sent: Wednesday, October 07, 2015 11:20 AM
To: Sims, Jeff <SimsJ@epchc.org>; Blinck, Jim <BlinckJ@HillsboroughCounty.ORG>
Cc: Cury, Della <CuryD@HillsboroughCounty.ORG>; Hallgren, Joan <HallgrenJ@epchc.org>; Morera, Noel <Morera@epchc.org>; Murman, Sandra <MurmanS@hillsboroughcounty.org>
Subject: The Big Dump Trucks are still Running after Court order to cease all after 2 October 15

Dear Mr. Sims

I was hoping that I would not have to Bug Code enforcement again because of this problem but hear we go again.

Pro Way has no respect for any laws or County Codes and from my understanding Pro Way was to cease all after the 2 of October 15 by court Order, today is the 7th 11 am, and they have had 9 big trucks come and go, I was lucky this morning they didn't start until 8:25 am.

Now I have the Dust and Noise problem again, Do I need to Call EPC again ?

Can I call the Sheriff ?

In the 90 days Pro Way had to remove their stuff, they keep bring concrete and Black Top to recycle or crush but now they are hauling rock and stone out, what is wrong with that picture ??

Make that 14 Big Trucks.

What can be done about this ?

Thank You

Bob James

12206 Phillips Lane

Gibsonton Fl

813 677 6141