

**BOARD OF COUNTY
COMMISSIONERS**

Dave Eggers
Pat Gerard
Charlie Justice
Janet C. Long
John Morroni
Karen Williams Seel
Kenneth T. Welch



Re: Proposed Final Agency Action (Consent Order)
Boca Ciega Partners TC, LP
Enforcement Case No: A17-036

The purpose of this Consent Order (Order) is to complete the resolution of the alleged violations previously identified by the Pinellas County Air Quality Division (Division) in the Notice of Violation dated May 23, 2017. The Respondent (Boca Ciega Partners TC, LP) neither confirms nor denies the alleged violations identified in the Notice of Violation. The Respondent is responsible for payment of the full settlement sum of \$80,745.50 referenced in Paragraph Three (3) below, however, it is understood that Respondent reserves the right to seek indemnity or contribution for such settlement sum from the other parties named in the Notice; such right to seek indemnity or contribution in no way abrogates Respondent's obligation to fully pay the Division by September 10, 2017 in accordance with Paragraph Three (3) below. Respondent agrees to perform the following:

- 1) Thoroughly inspect for the presence of all asbestos, including Category I and Category II non-friable ACM for all future renovation or demolition operations to comply with Pinellas County Code, Chapter 58.
- 2) Ensure that all renovation or demolition work performed by or under the direction of the Respondent complies with all Federal, State and County regulations that pertain to the notification requirements and asbestos removal procedures of said projects.
- 3) Pay to the Division a total of \$80,745.50 to complete settlement of the violations described in the Notice of Violation by September 10, 2017. The payment shall be paid as described below.

The payment must be made to "**Pinellas County Board of County Commissioners**" by cashier's check, certified check or money order and shall include thereon the **Enforcement Case number assigned above (A17-036) and the notation "Pinellas County Air Pollution Recovery Fund."** The payment and signed Order shall be sent to:

*Pinellas County
Air Quality Division
509 East Ave. South, Ste.138
Clearwater, Florida 33756*

Your signing of this Order constitutes your agreement to the terms of the Order. By signing this Order, you promise to pay all costs of collection, including a reasonable attorney's fee, upon failure to satisfy the terms of compensation within this Order. After this Order has been countersigned and filed by the Division, the Order shall constitute a Consent Order, that is final action of the Division with regards to the alleged air violations noted, the terms and conditions that may be enforced in a court of competent jurisdiction pursuant to Pinellas County Code, Chapter 58 and Chapters 78-601 and 90-403, Laws of Florida. Failure to comply with the terms of this Order, once signed by you, shall constitute a violation of Chapter 58 of the Pinellas County Code.

Pinellas County Air Quality
509 East Ave. S. • Suite 138
Clearwater, FL 33756
Main Office: (727) 464-4422
FAX: (727) 464-4420
V/TDD: (727) 464-4062



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The Division, by countersigning this Order, waives its right to seek judicial imposition of damages, or civil penalties for the alleged violations described above. By signing this Order, you waive your rights to a judicial determination on the merits in this matter. If you do not sign and return this Order, it will be assumed that you are not interested in settling this matter according to the terms described herein, and this matter will be referred to the County Attorney's Office with a recommendation that formal enforcement action be taken against you.

***** RESPONDENT *****



WITNESS SIGNATURE

7/27/17

DATE



BY: RESPONDENT SIGNATURE

TODD MENOWITZ

PRINTED NAME OF RESPONDENT

General Partner


TITLE OF RESPONDENT

***** COUNTY *****

WITNESS SIGNATURE

BY: Commissioner Janet C. Long
Board of County Commissioners, Chair

DATE

Approved as to form: 

County Attorney

ENTERED and FILED this _____ day of _____, 2017, in Clearwater, Florida.