

Abandoned Property

*Central District Webinar
March 14, 2012*



Problems with Abandoned Sites

Violations may, or may not be readily visible

Site may be locked up, open, or partially open

- No gate, open gate, or locked gate
- Building(s) locked or open



Inspection Authority

- Section 3007 of RCRA
 - EPA
 - Designated representative (authorized state)
 - Florida is authorized state
- Section 403.091, Florida Statutes
 - Consent from owner, operator, or person in charge
 - Inspection warrant



Inspection Warrant

May be issued when:

- It appears property may be connected to, or contain evidence of violations
- Inspection is part of a larger scheme of systematic routine inspections...



Enforcement Manual

Site Access Documents Section

- Model Affidavit and Application for Inspection Warrant
- Model Inspection Warrant



Affidavit Facts for Abandoned Sites

- Note date inspection attempted, names of inspector(s), and that facility was closed and appeared to be abandoned.
- Provide summary on any visible containers and photos, if available.
- Note any attempts to contact facility or property owner and the results.



IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR
SEMINOLE COUNTY, FLORIDA

AFFIDAVIT AND APPLICATION FOR INSPECTION WARRANT

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The undersigned, being first duly sworn, deposes and says:

1. Affiant, John White, Environmental Specialist III with the State of Florida Department of Environmental Protection (Department). Affiant's business address is Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767. Affiant is over the age of 21 years and fully competent to testify the following matters based on his personal knowledge.

2. In affiant's position with the Department, affiant is responsible for the evaluation of evidence regarding possible violations of Chapter 403, Florida Statutes (Supp. 1984), and Department rules set forth in Florida Administrative Code Chapter 62-730, Florida's hazardous waste management rules. Affiant conducts systematic routine inspections to determine and ensure that those regulated comply with the statutory and rule provisions.

3. Affiant has reason to believe that the property located at 500 S. Maple Avenue, Sanford, Seminole County, Florida, is connected with or contains evidence of violations of Chapter 403, Florida Statutes, and Department rules set forth in Florida Administrative Code Chapter 62-730, or rules properly promulgated thereunder.

4. The facts tending to establish grounds for issuing an inspection warrant are as follows:

- a. On 12/13/2011, John White and Danielle Owens, inspectors with the Florida Department of Environmental Protection, attempted to inspect Artcraft Building Group, LLC d/b/a Artcraft Industries, 500 S. Maple Avenue, Sanford, Florida, in response to a complaint received by the Department on 12/09/2011 (complaint attached). The facility was closed and appeared to be abandoned.
- b. During the inspection on 12/13/ 2011, chemical containers could be seen stored on the property adjacent to the eastern-most building (photos attached).
- c. Attempts to contact the Managing Member of Artcraft Building Group, LLC, Mr. Anthony Tolone, by telephone, electronic mail, and U.S. mail were not successful.
- d. Two other corporations associated with Mr. Anthony Tolone were identified as operating from 500 S. Maple Avenue, Sanford, Florida. The corporations are Alliance Industries, Inc. and Granite E Holdings, LLC. On 01/25/2012, Ms. Heather Gargan, former Vice President of Alliance Industries, contacted John White in response to a letter issued on 01/13/2012. According to Ms. Gargan, she has not been employed by Alliance Industries since late October of 2011. Ms. Gargan also indicated that Pinnacle Bank was possibly foreclosing on the property.

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- e. On 01/30/2012, John White contacted Brandan Hartman, Pinnacle Bank (386)774-0977, in regards to the status of foreclosure on the property. Mr. Hartman indicated Pinnacle Bank has not foreclosed on the property at this time. Mr. Hartman indicated it would be six to nine months before the bank had control of the property.

5. A thorough inspection of the property is necessary in order to ensure that state hazardous waste standards (Rule 62-730, F.A.C.) are being met at the property, and to ensure that all hazardous waste that is generated and stored on the property is being properly managed and does not pose an imminent hazard to the environment or the community.

6. The inspection is to be performed by Environmental Specialists in the Department's Compliance/Enforcement staff. This will include visual inspection of the site including all process facilities and hazardous wastes on the property and collection of samples of suspected hazardous waste containers. The facility is currently secured by padlocks and door locks, which the Department must open or remove in order to enter. Upon completion of the inspection, the Department will secure the gate(s) and buildings with new door locks and/or padlocks, if necessary.

The jurisdictional law enforcement agency is empowered to enforce this warrant under Florida Statute 933.27.

As required by Section 403.091, Florida Statutes, a copy of the inspection report will be sent by the Department to Artcraft Building Group, LLC upon completion.

WHEREFORE, pursuant to Section 403.091, Florida Statutes (Supp. 1984), the undersigned prays for issuance of an inspection warrant allowing the above described inspection of the above described property.



John White
Environmental Specialist
Affiant

Sworn to and subscribed before me on February 6th, 2012



Circuit Judge
Eighteenth Judicial Circuit

Warrant Statements for Abandoned Sites

- Identify Facility Address
- Identify all parcels, as appropriate.
Important if there are several that make up the site
- If door(s) and/or gate(s) are locked you must state that locks will be opened
- If samples will be taken, you must state this fact



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INSPECTION WARRANT

TO: JOHN WHITE OF THE DEPARTMENT'S HAZARDOUS WASTE
PROGRAM, OR ANY REPRESENTATIVE OF THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Proof by affidavit having been made before me by John White that cause exists to issue the
inspection warrant requested in the affidavit which is attached and expressly made part by reference,

YOU ARE HEREBY COMMANDED to inspect the following property:

500 S. Maple Avenue
Sanford, Seminole County, Florida
Parcel ID # 25-19-30-5AG-0710-0010, 25-19-30-5AG-0710-0060 (Details Attached)

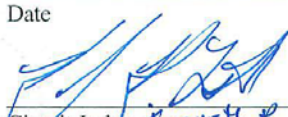
leaving a copy of this Warrant, for the purposes of inspecting the property for compliance with State
and Federal hazardous waste and used oil regulations. This will include visual inspection of the site
including all process facilities and hazardous wastes on the property and collection of samples of
suspected hazardous waste containers. The facility is currently secured by padlocks and door locks,
which the Department must open or remove in order to enter. Upon completion of the inspection, the
Department will secure the building with new door locks and/or padlocks. As required by Section
403.091, Florida Statutes, a copy of the inspection report will be sent by the Department to the
property owner, Artcraft Building Group, LLC, upon completion. A copy of the key(s) to the lock(s)
will be sent with the report, if necessary.

All of such evidence is to be taken for use in any judicial or administrative proceedings. Such
inspection may be made during the daytime or nighttime as circumstances may demand or require.

This Warrant is issued pursuant to the authority of Section 403.091, Florida Statutes, and is
effective on 02/07/2012 and it expires on 02/10/2012.

2-6-12

Date


Circuit Judge Kenneth R. Leboeuf Jr.
Eighteenth Judicial Circuit

SERVED BY JOHN WHITE 2/7, 2012 at 0910.
(date) (time)

Locksmith

- Pre-arranged through Administration Section to have locksmith on property on the day Warrant will be served.
- Costs will be recovered as part of enforcement process



Artcraft Building Appears Abandoned



UPS delivery notice several months old

UPS InfoNotice®

Date: 11/30 To: Art's craft

We attempted to: ☒ Deliver ☐ Pick up

Package(s) from: MDC

☒ 1st attempt ☐ 2nd attempt ☐ Final Attempt

We could not leave the package(s) because: For more details, see back of this form.

☐ A Your written authorization is required to leave package(s)

☒ B The sender required a signature at the time of delivery

☐ C An adult signature is required (minimum 21 years of age) at your address

☐ D You owe a C.O.D. amount of (no cash please):

Checks are accepted unless the box below is checked. Make payable to sender, not UPS.

Cashier's check, official bank check, or money order only.

We will try again on: MON TUES WED THURS FRI


Estimated Time: Before 10:30 10:30-2:00 2:00-5:00 After 5:00

In your absence, the package was left at: Front door Back door Side door

Patio Porch Garage Office Deck


Neighbor Other

InfoNotice Number ▶ 9323 4297 670 6

 **YOU DECIDE WHEN AND WHERE YOUR PACKAGES ARE DELIVERED.**

Sign up for UPS My Choice™ at ups.com/mychoice

For more information, go to ups.com® and enter the InfoNotice number above in the "Tracking or InfoNotice Numbers" box.



Leave Warrant On Door



Waste containers visible through fence



Flammable Labels Visible



Raptor / EPOCH Boidiesel



Wastes visible through fence



Waste Stored Inside Building



BER Assistance in Sampling



BER Assistance in Sampling



EPA may assist!



Abandon Wastes – Benline



Abandon Drums - Benline



Abandon Drums - Benline



Abandoned Drums – Spann Property



Leaking Drum



Release



Drums and containers in shed



Release



Drums inside building – through hole in wall



Useful Websites

- County Appraisers
 - <https://www.brevardpropertyappraiser.com/paohome.asp>
- Dept of State Division of Corporations
 - <http://www.sunbiz.org/>
- Yellow pages
 - http://www.whitepages.com/reverse_phone
- Facility websites
- Wiki corporations
 - <http://www.corporationwiki.com/>

