

MODEL WARNING LETTER

Date

CERTIFIED MAIL NO.: _____
RETURN RECEIPT REQUESTED

Name and Address

Subject: Warning Letter # _____

Dear _____ :

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A field inspection _____ (date) of _____ (insert **description of facility**) indicates that a violation of Florida Statutes and Rules may exist at the above described facility. **(This sentence can be modified to fit the facts of how the apparent violations were discovered. However, it is most important that a statement not be made indicating that a determination has been made that a violation exists. Be careful to use the phrase "may be in violation.")** Department of Environmental Protection personnel **(change if local program staff conducted the inspection)** observed the following at the above-described facility: **(This section should include the facts of what was observed, or how the alleged violations were discovered, and where the activity was observed. In describing what was observed, no determination should be made that what was observed constitutes a violation of a statute or rule.)**

MODEL WARNING LETTER

Page Two

January 1, 2010

Section _____, Florida Statutes, provides that: **(This section should accurately reflect the statutory and rule provisions that may have been violated. If you have any questions about the appropriate statute or rule to cite, you should consult OGC. The statements about the applicable statutes and rules should be made in a generic way without expressing a determination that the party receiving the warning letter has violated the described statutes or rule.)** The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules should be ceased.

You are requested to contact _____ at the address or telephone number above within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter **(If no meeting is going to be required, this sentence can be modified by deleting "to arrange a meeting with Department personnel.")** The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

Director of District Management

(NOTE: The Directors of District Management, at their discretion, can include language in the Warning Letter concerning potential liability for civil penalties.)

ADDITIONAL LANGUAGE THAT MAY BE USED:

The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the administrative imposition of penalties up to \$10,000.00 pursuant to Section 403.121, Florida Statutes, or the judicial imposition of civil penalties up to \$10,000.00 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. *{change the judicial number if case involves PW or HW}*