



Arrest Report

20CF694

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
3900 COMMONWEALTH BLVD.
TALLAHASSEE, FL 3239

Report Date / Time 1/17/2020 10:53 AM	Report Number C-9377AA	Case Number/Cad Number FWSA19OFF014392 / FWSA19CAD010553	Reporting Officer Name POMERANTZ, JEFFREY
Originating Agency ORI FL0370500	Occur Date Time Range 12/16/2019 13:46:12 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type OTHER	Location Description DEP		
Street Number 520	Street WHITNEY AVE	Apt/Lot/Bldg City LAKE WORTH	State FL	Zip Code 33462

Defendant

First Name VANKATESHWAR	Middle Name	Last Name RAMSINGH	Suffix	Race UNKNO WN	Sex MALE	Height 5'07"	Weight 185	Hair GRAY	Eyes BROWN
MNI #	SSN	Date of Birth 10/10/1960	Age 59	Place of Birth GURUL	Drivers License or other ID R525877603700	State FL	ID Type E		
Address * WORK / 520 WHITNEY AVE STE B8 , , FL 33462 /									

Arrest

Arrest Date/Time 1/21/2020 12:00:00 AM	Arrest Location Type OTHER	Arrest Location Description DEP SOUTHEAST REGIONAL OFFICE			
Street Number 3301	Street GUN CLUB ROAD	Apt/Lot/Bldg City WEST PALM BEACH	County PALM BEACH	State FL	Zip Code 33406

Charge : ADMINISTRATIVE CODE

Counts 1	Charge 403.161(1)(b)	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code CONSERVATION-ENVIRONMENT	
Charge Description VIOLATION OF FLORIDA ADMINISTRATIVE CODE PERTAINING TO USED OIL MANAGEMENT - PROHIBITIONS [62-710.401]			

Charge : ADMINISTRATIVE CODE

Counts 1	Charge 403.161(1)(b)	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code CONSERVATION-ENVIRONMENT	
Charge Description VIOLATION OF FLORIDA ADMINISTRATIVE CODE PERTAINING TO USED OIL MANAGEMENT - PROHIBITIONS [62-710.401]			

Arrest Report

SCANNED
JAN 22 2020

FILED
JAN 22 2020
Page 1 of 5
CIRCUIT & COUNTY COURTS
(CRIMINAL DIV)

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Charge : ADMINISTRATIVE CODE

Counts 1	Charge 403.161(1)(b)	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code CONSERVATION-ENVIRONMENT	
Charge Description FAILURE TO OBTAIN PERMIT REQUIRED BY RULE OR REGULATION, OR TO VIOLATE OR FAIL TO COMPLY WITH RULE, REGULATION, ORDER, PERMIT, OR CERTIFICATION ADOPTED OR ISSUED BY THE DEPARTMENT			

Charge : STATE STATUTE

Counts 1	Charge 403.413(6)(c)	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree THIRD DEGREE	Charge Level FELONY	General Offense Code CONSERVATION-ENVIRONMENT	
Charge Description LITTERING EXCEEDING 100 CUBIC FEET OR 500 POUNDS OR FOR COMMERCIALPURPOSES			

Bond Set by Officer

Bond Amount	<input type="checkbox"/> No Bond
Bond Type(s)	

Probable Cause

On December 11, 2019, Florida Department of Environmental Protection (FDEP) Special Agent (SA) Jeffrey Pomerantz received a complaint from the Florida Division of Emergency Management (FDEM) State Watch Office (SWO) Incident Report #2019-6910; regarding an auto repair shop illegally dumping used tires in a trash container, as well as washing possible petroleum products down the complex's storm drain.

On December 13, 2019, SA Pomerantz met with Environmental Specialist II, Romina Lancellotti; Reference FDEP Inspection, EPA ID#FLR000231399 04/05/2019 (Ram's Auto Repair, INC.), located at 520 Whitney Street (#B8), Lantana, Florida.

SA Pomerantz discovered that on April 05, 2019, Lancellotti issued the following violations to Ram's Auto Repair, INC., subsequent to her inspection:

1. Florida Administrative Code (FAC) 62-710.401(6) - The facility failed to label one (1) 55-gallon drum with used oil, and one (1) 275-gallon container with used oil with the words "used oil".
2. FAC 62-710.401(6) - The facility failed to provide a secondary containment for the above drum and container.

On Monday, December 18, 2019, at approximately 1215hours, FDEP SA Pomerantz conducted surveillance at Ram's Auto Repair, INC. SA Pomerantz observed a 275gallon tote on the east side of the building, which appeared to have a dark liquid substance within. SA Pomerantz also noted that there was no secondary

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containment as required by FAC, 62-710.401(6).

On December 19, 2020, SA Pomerantz took a sworn statement from complainant Kimberly Ciceroni, Property Manager at 520 Whitney Street, Lantana, FL. Ciceroni stated that the above incidents occurred at Ram's Auto Repairs Inc., located at 520 Whitney St, #B8, Lantana, FL.

Ciceroni turned over several surveillance videos and (2) two still photos for evidence. SA Pomerantz examined the evidence and described them as follows:

1. Video - "tires in dumpster and no tag vehicle parked in front of our bay" Depicts Ram's Auto Repair, INC., employee discarding (4) four tires into the association's dumpster. Subject made (2) two trips carrying (2) two tires each trip; first at approximately 2:30 on surveillance video and second at approximately 3:30.

2. Photos - (2) two still frame photos taken by Ciceroni on August 18th, 2019. Photos depict two used tires discarded in dumpster, as well as a small used oil container.

Ciceroni advised that she does not know the identity of the subjects in the videos, but recognized them to be employees of Rams Auto Repair, INC.

On January 13, 2020, SA Pomerantz conducted an investigation at Ram's Auto Repair Inc., while FDEP regulatory personnel conducted a follow up inspection.

At approximately 1015hrs, SA Pomerantz took a digitally recorded sworn statement from Oshane Thorpe, employee at Ram's Auto Repair, Inc.

Thorpe was shown a surveillance video of a person who disposed of (4) four used tires in the dumpster. Thorpe acknowledged that he was the individual that was seen discarding the used tires in video. Additionally, Thorpe advised that he was directed to this by Venkateshwar Ramsingh (V. Ramsingh), owner of Ram's Auto Repair, Inc.

At approximately 1035hrs, SA Pomerantz took a digitally recorded non-custodial sworn statement from Jason Ramsingh (J. Ramsingh), Manager at Ram's Auto Repair, INC.

J. Ramsingh stated that V. Ramsingh made the decision to return the 275gallon tote back to the same location to where it was, even though FDEP ESII Lancellotti was advised it was removed in order to comply with a previous violation.

Additionally, SA Pomerantz asked J. Ramsingh how Ram's Auto Repair Inc., disposes of their used tires. J. Ramsingh stated, "we either use a tire collector" and/or "pack used tires in a junk vehicle and send it to the junk yard to help with weight". It was later revealed during a sworn statement taken from V. Ramsingh that the used tires are discarded in the dumpster and a tire collector was never used.

At approximately 1100hrs, SA Pomerantz took a digitally recorded non-custodial sworn statement from V.

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Ramsingh, Owner at Ram's Auto Repair, INC.

V. Ramsingh stated that Ram's Auto Repair Inc., generates approximately 55 gallons or more of waste oil a month. V. Ramsingh also admitted to using the 275 gallon tote without secondary containment even though he knows it is a violation.

Additionally, V. Ramsingh stated that Ram's Auto Repair, INC., generates approximately (4) four waste tires a month. When V. Ramsingh was asked how Ram's Auto Repair Inc., disposes of their used tires, SA Pomerantz was advised that he used a tire collector. When SA Pomerantz requested to see the records that documents this, he put his head down and admitted that they do not use a tire collector.

Although V. Ramsingh acknowledged that contracting with a tire collector is the proper way to dispose of used tires, he directs his employees to dispose of the used tires in the dumpster. He also stated that last week he discarded approximately (6) six tires in the dumpster, because the association planned on downsizing the dumpster.

Lastly, V. Ramsingh stated that he is been in business for approximately 22 years and is aware that he is not disposing of tires appropriately. V. Ramsingh stated that he has only been throwing them in the dumpster for the last couple of years.

Subsequent to taking the statements, SA Pomerantz observed the following violations.

1. FAC 62-710.401(6) - The facility failed to label several 55-gallon drums with used oil, with the words "used oil", as previously warned.
2. FAC 62-710.401(6) - facility failed to provide a secondary containment for the 275gallon tote as previously warned.

On January 21, 2020, at approximately 1000hrs, SA Pomerantz took a digitally recorded post Miranda statement from V. Ramsingh, Owner at Ram's Auto Repair, INC.

V. Ramsingh acknowledged that he disposed of used tires in the dumpster, contrary to proper disposal practices. He also admitted to knowing that Ram's Auto Repair, Inc., saved money by disposing tires in the dumpster, instead of contracting with a tire collector.

As per FAC 62-710.401 (6), V Ramsingh was in violation because, "No person may store used oil in tanks or containers unless they are clearly labeled with the words "used oil," are in good condition (no severe rusting, apparent structural defects or deterioration), and not leaking (no visible leaks).

Additionally,

As per FAC 62-710.401 (6), Ramsingh was in violation because, "If tanks or containers are not stored inside a structure, the contents shall be closed, covered or otherwise protected from the weather. If tanks or containers are not double-walled, they shall be stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment which has the capacity to hold 110% of the volume of the largest tank or container

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within the containment area.”

Additionally,

V. Ramsingh is in violation of Florida State Statute (F.S.S.), 403.413(6)(c) and FAC 62-711.400 (2).

F.S.S 403.413 (6)(c), “Any person who dumps litter in violation of subsection (4) in an amount exceeding 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes, or dumps litter which is a hazardous waste as defined in s. 403.703, is guilty of a felony of the third degree”

and,
FAC 62-711.400(2) “No person shall dispose of waste tires except at a permitted solid waste management facility which includes any facility permitted by the Department for the disposal of waste tires. Collection or storage of waste tires at a permitted waste tire processing facility or waste tire collection center prior to processing or use does not constitute disposal, provided that the collection and storage complies with rule 62-711.540, F.A.C. Collectors are advised that it has been the experience of the Department that local law enforcement officers frequently prosecute persons who illegally dispose of waste tires under section 403.413, F.S.”

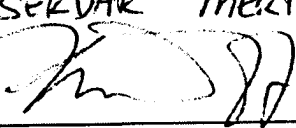

Court

▶ Court County PALM BEACH	Court Location		
Court	Court Phone	Court Appearance Date / Time	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
POMERANTZ, JEFFREY SPECIAL AG WEC14	REPORTING OFFICER	FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION WESAIDEP-ENVIRONMENTAL INV-OER

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name POMERANTZ, JEFFREY	Office Rank SPECIAL AG	Officer ID No WEC14	Sworn and subscribed before me, the undersigned authority This the <u>21st</u> day of <u>JANUARY</u> , <u>2020</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT SA. SERDAR MERT EC 09 
Officer Agency FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	Officer Signature 		



Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2020002352	Date: 1/21/2020
	Specialist Name/ID: J. Beck/9007

SCANNED
JAN 22 2020