



# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

December 5, 2023

Sent via email to: susan.sitkoff@cityoforlando.net

Ms. Susan Sitkoff, P.G.  
City of Orlando  
400 South Orange Ave  
Orlando, Florida 32801

Subject: Remedial Action Plan Approval Order  
Precision Tire  
1226 W Jefferson St  
Orlando, Orange County  
FDEP Facility ID# 489101221  
Discharge Date: April 24, 1990 (ATRP-Voluntary)  
Involves UIC: No

Dear Ms. Sitkoff:

The Petroleum Restoration Program (PRP) has reviewed the Remedial Action Plan (RAP) dated November 1, 2023 (received November 1, 2023) for the petroleum product discharge referenced above. We found all the documents submitted to date to be adequate to meet the RAP requirements of Rule 62-780.700, Florida Administrative Code (F.A.C.). The Florida Department of Environmental Protection (Department) has determined that the actions proposed in this RAP represent a reasonable strategy toward accomplishing the cleanup objectives of Chapter 62-780, F.A.C. Pursuant to Paragraph 62-780.700(7)(a), F.A.C., the Department approves the RAP as described in this RAP Approval Order (Order).

The Department's approval of the RAP should not be construed that we have agreed to the costs and time frames described in the plan for funding by the PRP. Our review of the RAP at this time is to evaluate technical feasibility, effectiveness, compliance with required levels of groundwater treatment and air emissions concerns, and general cost-effectiveness of the proposed remediation strategy.

## NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the addressee at the address indicated above at the time of filing.

### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the addressee must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the addressee must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

### Mediation

Mediation is not available in this proceeding.

### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

### Questions

Any questions regarding the PRP's review of the RAP should be directed to Damon Taylor at 407-836-1480. Questions regarding legal issues should be referred to the Department's Office of General Counsel at 850-245-2242. Contact with any of the above does not constitute a petition for an administrative hearing or a request for an extension of time to file a petition for an administrative hearing.

The FDEP Facility Number for this facility is 489101221. Please use this identification on all future correspondence with the Department.

### **EXECUTION AND CLERKING**

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Natasha Lampkin  
Program Administrator  
Petroleum Restoration Program

Ms. Susan Sitkoff, P.G.  
FDEP Facility ID# 489101221  
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December 5, 2023

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

ec: Susan Sitkoff, P.G., City of Orlando, susan.sitkoff@cityoforlando.net  
Damon Taylor, OCEPD, damon.taylor@ocfl.net  
Melissa Shook, E.I, Geosyntec Consultants, Inc., melissa.shook@geosyntec.com  
File

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

\_\_\_\_\_  
**Clerk**

\_\_\_\_\_  
**Date**




**ENVIRONMENTAL PROTECTION DIVISION**

**Renée H. Parker, LEP, Manager**

3165 McCrory Place, Suite 200  
Orlando, FL 32803-3727  
407-836-1400 ▪ Fax 407-836-1499  
www.ocfl.net

**Memorandum**


**To: Natasha Lampkin, Program Administrator  
Petroleum Restoration Program  
Florida Department of Environmental Protection**

**From: James B. Russell, P.E.   
Engineer III  
Orange County Petroleum Restoration Program**

**Subject: Recommend Approval of Remedial Action Plan  
Precision Tire  
1226 W Jefferson St, Orlando, Orange County  
FDEP Facility Identification # 489101221**

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I have reviewed and concur that the components of Remedial Action Plan dated November 1, 2023, prepared for the April 24, 1990, petroleum product discharge discovered at the above-referenced facility satisfy the requirements set forth in Chapter 62-780, Florida Administrative Code and that this plan provides a reasonable strategy toward accomplishing the site-specific cleanup objectives. This concurrence does not extend to aspects of this plan that are outside my area of expertise (including, but not limited to, electrical, mechanical, and structural features).

  
James B. Russell, P.E.  
Engineer III  
Petroleum Restoration Program  
Florida Registration # 49329

Date: 11-2-2023