



# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 West Government Street, Suite 308  
Pensacola, FL 32502

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

July 31, 2024

Mr. Mohammed A. Rahman  
2118 West Nine Mile Road  
Pensacola, Florida 32534  
Certified Mail:  
7022 2410 0002 6729 0167  
*Return Receipt Requested*

S Food Mart Three LLC  
c/o Samira Sultana  
Registered Agent and Manager  
4781 North Ninth Avenue  
Pensacola, Florida 32503  
Certified Mail: 7022 2410 0002 6729 0174  
*Return Receipt Requested*

Re: Final Order; DEP v Mohammed A. Rahman and S Food Mart Three LLC  
OGC File No. 23-1742  
S Food Mart Three LLC  
Facility ID# 578516344  
Santa Rosa County

Dear Mr. Rahman and Ms. Sultana:

Please find enclosed the Final Order that addresses the following underground storage tank violations at the S Food Mart Three LLC facility, located at 6205 Stewart Street NW in Milton, Santa Rosa County, Florida:

1. Failure to conduct required monitoring or testing (failure to perform integrity testing of the STP piping sumps).
2. Failure to conduct required monitoring or testing (failure to perform integrity testing of the dispenser sumps).
3. Failure to satisfy financial responsibility requirements (failure to provide proof of financial responsibility at the time of inspection).
4. Failure to comply with any other Departmental regulatory statute, regulation or requirement (failure to provide a facility representative to provide access to the equipment at the time of inspection).

Review the Orders for Corrective Action section of the Final Order and be sure to respond accordingly.

Your cooperation in resolving this matter is greatly appreciated. If you have any questions, please contact Sue Bristol at (850) 595-0570 or by email at [Susan.Bristol@floridadep.gov](mailto:Susan.Bristol@floridadep.gov).

DEP v Mohammed A. Rahman and S Food Mart Three LLC  
Final Order  
Facility ID No. 578516344  
Page 2 of 2

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Mullins Orr". The signature is written in a cursive style with a large, stylized "O" at the end.

Elizabeth Mullins Orr  
Director  
Northwest District

EMO/smb

Enclosure: Final Order with Exhibit A and Exhibit B

Ec: Lea Crandall, OGC, [Lea.Crandall@floridadep.gov](mailto:Lea.Crandall@floridadep.gov)

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

IN THE OFFICE OF THE  
NORTHWEST DISTRICT

Petitioner,

vs.

OGC CASE NO. 23-1742

MOHAMMED A. RAHMAN, and  
S FOOD MART THREE LLC

Respondents.

\_\_\_\_\_ /

FINAL ORDER

BY THE DEPARTMENT:

On December 1, 2023, the Department of Environmental Protection (“Department”) issued a Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment (“Notice”) to Respondents, pursuant to the authority of Section 403.121(2), Florida Statutes. A copy of the Notice is attached and incorporated herein as Exhibit A. Respondents Mohammed A. Rahman and S Food Mart Three LLC Notices were delivered on December 4, 2023 and December 5, 2023. Copies of the certified return receipts and the United States Postal Service delivery confirmations are attached and incorporated herein as Exhibit B.

The Notice informed Respondents that unless a request for hearing was filed with the Department within 20 days of receipt, the Orders for Corrective Action contained therein would become final. No responsive pleading or request for hearing has been made by Respondents. Therefore, pursuant to Section 403.121(2)(c), Florida Statutes, the Findings of Fact and Conclusions of Law contained in the Notice are deemed admitted and have become binding and final. The Orders for Corrective Action

have likewise become final and effective, pursuant to Section 403.121(2)(c), Florida Statutes.

Specifically, the Orders for Corrective Action (see Exhibit A) contain the following directions to the Respondents:

32. Respondents shall forthwith comply with all Department rules regarding underground storage tank systems. Respondents shall correct and redress all violations in the time periods required below and shall comply with all applicable rules in Florida Administrative Code Chapter 62-761.

33. Within 60 days of the effective date of this Order, Respondents shall conduct STP piping sump and dispenser sump integrity tests in accordance with all the requirements of Florida Administrative Code Chapter 62-761.

34. Within 90 days of the effective date of this Order, Respondents shall submit the STP piping sump and dispenser sump integrity test results to the Department.

35. Within 90 days of the effective date of this Order, Respondents shall provide proof of financial responsibility to the Department in accordance with all the requirements of Florida Administrative Code Chapter 62-761.

36. Within 90 days of the effective date of this Order, Respondents shall provide an authorized facility representative at all times of inspection to unlock and open any covers, manways, and release detection equipment associated with the storage tank system or system component and demonstrate operational functionality of electronic equipment in accordance with all the requirements of Florida Administrative Code Chapter 62-761.

37. Within 30 days of the effective date of this Order, Respondents shall pay \$14,500.00 to the Department for the administrative penalties imposed above. Payment shall be made by cashier's check, money order or on-line payment. Cashier's check or

money order shall be made payable to the "State of Florida Department of Environmental Protection" and shall include thereon the notations "OGC Case No. 23-1742" and "Water Quality Assurance Trust Fund." The payment shall be sent to the State of Florida Department of Environmental Protection, 160 West Government Street, Suite 308, Pensacola, Florida 32502. Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

38. In addition to the administrative penalties, within 30 days of the effective date of this Order, Respondents shall pay \$500.00 to the Department for costs and expenses. Payment shall be made by cashier's check or money order. Cashier's check or money order shall be made payable to the "State of Florida Department of Environmental Protection" and shall include thereon the notations "OGC Case No. 23-1742" and "Water Quality Assurance Trust Fund." The payment shall be sent to the State of Florida Department of Environmental Protection, 160 West Government Street, Suite 308, Pensacola, Florida 32502. Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

Having considered the Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment and Respondents' failure to timely file a responsive pleading to request a hearing, it is, therefore,

ORDERED by the State of Florida Department of Environmental Protection that the foregoing Orders for Corrective Action are hereby approved and adopted in toto as the Final Order of the Department in the above-styled matter.

Respondents shall comply with the Orders for Corrective Action within the time frames specified above, all of which commence on the effective date of this Final Order. The effective date of this Final Order is the date on which it is filed with the designated Department clerk (see below).

Any party to this Final Order has the right to seek judicial review of the Final Order pursuant to Section 120.68, Florida Statutes, by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Agency Clerk of the Department, Office of General Counsel, 3900 Commonwealth Blvd., MS-35, Tallahassee, Florida 32399-3000 or via electronic correspondence at [Agency\\_Clerk@floridadep.gov](mailto:Agency_Clerk@floridadep.gov); and by filing a copy of the Notice of Appeal with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days of the effective date of this Final Order.

DONE AND ORDERED this 31<sup>st</sup> day of July, 2024, in Escambia County,  
Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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Elizabeth Mullins Orr  
Director  
Northwest District

Filed, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk,  
receipt of which is hereby acknowledged.



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Clerk

July 31, 2024

Date

*Note: This is the effective date of  
the Final Order.*

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35

# EXHIBIT A





# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, FL 32502

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

December 1, 2023

Mr. Mohammed A. Rahman  
2118 West Nine Mile Road  
Pensacola, Florida 32534  
Certified Mail: 7022 2410 0002 6728 9543  
*Return Receipt Requested*

S Food Mart Three LLC  
c/o Samira Sultana  
Registered Agent and Manager  
4781 N. 9<sup>th</sup> Avenue  
Pensacola, Florida 32503  
Certified Mail: 7022 2410 0002 6728 9550  
*Return Receipt Requested*

Re: Notice of Violation  
DEP vs Mohammed A. Rahman and S Food Mart Three LLC  
S Food Mart Three LLC  
Facility ID# 578516344; OGC File No. 23-1742  
Santa Rosa County

Dear Mr. Rahman and Ms. Sultana:

Please find enclosed the Notice of Violation that was issued on December 1, 2023 to address the resolution of the following underground storage tank violations at the S Food Mart Three LLC facility, located at 6205 Stewart Street NW in Milton, Santa Rosa County, Florida:

1. Failure to conduct required monitoring or testing (failure to perform integrity testing of the STP piping sumps).
2. Failure to conduct required monitoring or testing (failure to perform integrity testing of the dispenser sumps).
3. Failure to satisfy financial responsibility requirements (failure to provide proof of financial responsibility at the time of inspection).
4. Failure to comply with any other Departmental regulatory statute, regulation or requirement (failure to provide a facility representative to provide access to the equipment at the time of inspection).

Review the Orders for Corrective Action section of the Notice of Violation and be sure to respond accordingly.

Your cooperation in resolving this matter is greatly appreciated. If you have any questions, please contact Sue Bristol at (850) 595-0570 or by email at [Susan.Bristol@floridadep.gov](mailto:Susan.Bristol@floridadep.gov).

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Mullins Orr". The signature is written in a cursive style.

Elizabeth Mullins Orr  
Director  
Northwest District

EMO/smb

Enclosure: Notice of Violation

Ec: Kirk White, Office of General Counsel, [Kirk.White@floridadep.gov](mailto:Kirk.White@floridadep.gov)  
Anne Willis, Office of General Counsel, [Anne.Willis@floridadep.gov](mailto:Anne.Willis@floridadep.gov)

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

IN THE OFFICE OF THE  
NORTHWEST DISTRICT

Petitioner,

v.

OGC File No. 23-1742

MOHAMMED A. RAHMAN, and  
S FOOD MART THREE LLC

Respondents.

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NOTICE OF VIOLATION,  
ORDERS FOR CORRECTIVE ACTION AND  
ADMINISTRATIVE PENALTY ASSESSMENT

CERTIFIED MAIL #7022 2410 0002 6728 9543

CERTIFIED MAIL # 7022 2410 0002 6728 9550

To: Mr. Mohammed A. Rahman  
2118 West Nine Mile Road  
Pensacola, Florida 32534

S Food Mart Three LLC  
c/o Samira Sultana, Registered Agent and Manager  
4781 N. 9th Avenue  
Pensacola, Florida 32503

Pursuant to the authority of Section 403.121(2), Florida Statutes (“Fla. Stat.”), the State of Florida Department of Environmental Protection (“Department”) gives notice to Mohammed A. Rahman and S Food Mart Three LLC (“Respondents”) of the following findings of fact and conclusions of law with respect to violations of Chapters 403 and 376, Fla. Stat. and Florida Administrative Code (“Fla. Admin. Code”) Title 62.

FINDINGS OF FACT  
PARAGRAPHS APPLICABLE TO ALL COUNTS

1. The Department is the administrative agency of the state of Florida having the power and duty to protect Florida’s air and water resources and to administer and enforce the provisions of Chapter 403 and 376, Fla. Stat., and the rules promulgated thereunder in Fla.

Admin. Code Title 62.

2. Respondent Mohammed A. Rahman is the owner of non-residential property located at 6025 Stewart Street NW in Milton, Santa Rosa County, Florida also identified by Santa Rosa County Property Appraiser Parcel ID 28-2N-28-0000-01000-0000 (“Property”). A petroleum retail facility (“Facility”) known as S Food Mart Three LLC operates on the Property. The Department has assigned facility identification number 57-8516344 to the Facility.

3. The Property contains an underground storage tank system (“System”) installed on or about September 1, 2018. The System consists of one double-walled fiberglass clad steel 22,000-gallon compartmented storage tank that contains regular gasoline, premium gasoline and vehicular diesel, double-walled piping, and dispensers.

4. Since March 25, 2019, Respondent S Food Mart Three LLC has operated the Facility and owned the System.

5. During a routine inspection of the System on or about March 22, 2023, the Florida Department of Health in Escambia County – Environmental Health Division, a Department contracted inspecting authority, found the following violations related to the System: failure to perform double-walled spill bucket interstitial gauge testing; failure to perform annual line leak detector testing; failure to perform monthly visual release detection monitoring; failure to perform annual automatic tank gauge testing; failure to perform annual operability testing of the overflow protection devices; failure to perform integrity testing of the submersible turbine pump (STP) piping sumps; failure to perform integrity testing of the dispenser sumps; failure to provide proof of financial responsibility at the time of inspection; failure to provide a facility representative to provide access to all of the equipment at the time of inspection.

6. On March 24, 2023 a written Compliance Assistance Offer was issued to Mr. Rahman as part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), Fla. Stat. On or about May 2, 2023, Mr. Rahman responded to the Compliance Assistance Offer by submitting documentation to the Florida Department of Health in Escambia County – Environmental Health Division to resolve some of the violations.

7. A file review of the Facility reveals that the following violations still exist: failure to perform integrity testing of the STP piping sumps failure to perform integrity testing of the dispenser sumps; failure to provide proof of financial responsibility at the time of inspection; failure to provide a facility representative to provide access to all of the equipment at the time of inspection.

COUNT I  
FAILURE TO CONDUCT REQUIRED MONITORING OR TESTING

8. The Department realleges the facts set out in Paragraphs 1 through 7 as if fully stated herein.

9. Respondents failed to perform integrity testing of the STP piping sumps.

COUNT II  
FAILURE TO CONDUCT REQUIRED MONITORING OR TESTING

10. The Department realleges the facts set out in Paragraphs 1 through 7 as if fully stated herein.

11. Respondents failed to perform integrity testing of the dispenser sumps.

COUNT III  
FAILURE TO SATISFY FINANCIAL RESPONSIBILITY REQUIREMENTS

12. The Department realleges the facts set out in Paragraphs 1 through 7 as if fully

stated herein.

13. Respondents failed to provide proof of financial responsibility at the time of inspection.

COUNT IV  
FAILURE TO COMPLY WITH ANY OTHER DEPARTMENTAL REGULATORY  
STATUTE, REGULATION OR REQUIREMENT

14. The Department realleges the facts set out in Paragraphs 1 through 7 as if fully stated herein.

15. Respondents failed to provide a facility representative to provide access to the equipment at the time of inspection.

COUNT V

16. The Department has incurred expenses to date while investigating this matter in the amount of not less than \$500.00.

CONCLUSIONS OF LAW

The Department has evaluated the Findings of Fact with regard to the requirements of Chapters 403 and 376, Fla. Stat., and Fla. Admin. Code Title 62. Based on the foregoing facts the Department has made the following conclusions of law:

17. Underground storage tank systems are regulated under Fla. Admin. Code 62-761.

18. Each Respondent is a “person” within the meaning of Sections 376.301(29) and 403.031(9), Fla. Stat.

19. Respondent Mohammed A. Rahman is an owner as defined in Section 376.301(28), Fla. Stat.

20. Respondent S Food Mart Three LLC is an operator as defined in Section 376.301(27), Fla. Stat.

21. The Department is imposing an administrative penalty of less than or equal to \$50,000 in this Notice of Violation as calculated in accordance with Section 403.121, Fla. Stat.

22. The facts in Count I constitute a violation of Fla. Admin. Code Rule 62-761.700(3)(a)1.b, which requires piping sumps to be tested every three years, not to exceed 36 months. The facts also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with Department rules.

23. The violation in Count I requires the assessment of an administrative penalty under Section 403.121(4)(d), Fla. Stat., of \$3,000.00 for failure to conduct required monitoring or testing.

24. The facts in Count II constitute a violation of Fla. Admin. Code Rule 62-761.700(3)(a)1.c, which requires dispenser sumps to be tested every three years, not to exceed 36 months. The facts also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with Department rules.

25. The violation in Count II requires the assessment of an administrative penalty under Section 403.121(4)(d), Fla. Stat., of \$3,000.00 for failure to conduct required monitoring or testing.

26. The facts in Count III constitute a violation of Fla. Admin. Code Rule 62-761.420(2), which requires financial responsibility to be maintained and demonstrated to the county or Department for all storage tank systems until the storage tank systems are properly closed pursuant to subsections 62-761.800(2) and (3), Fla. Admin. Code. The facts also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with Department rules.

27. The violation in Count III requires the assessment of an administrative penalty under Section 403.121(4)(a), Fla. Stat., of \$7,500.00 for failure to satisfy financial responsibility requirements.

28. The facts in Count IV constitute a violation of Fla. Admin. Code Rule 62-761.100(3), which requires site access to the facility and individual storage tank systems or system components, subject to safety considerations, shall be provided for compliance inspections conducted at reasonable times and with notice by phone or email. The facility owner or operator shall provide an authorized facility representative to unlock and open any covers, manways, and release detection equipment associated with the storage tank system or system component and demonstrate operational functionality of electronic equipment. The facts also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with Department rules.

29. The violation in Count IV requires the assessment of an administrative penalty under Section 403.121(5), Fla. Stat., of \$1,000.00 for failure to comply with any other Departmental regulatory statute, regulation or requirement.

30. The administrative penalties assessed for Counts I, II, III, and IV total \$14,500.00.

31. The costs and expenses related in Count V are reasonable costs and expenses incurred by the Department while investigating this matter, which are recoverable pursuant to Section 403.141(1) Fla. Stat.

#### ORDERS FOR CORRECTIVE ACTION

The Department has alleged that the activities related in the Findings of Fact constitute



violations of Florida law. The Orders for Corrective Action state what you, Respondents, must do in order to correct and redress the violations alleged in this Notice.

The Department will adopt the Orders for Corrective Action as part of its Final Order in this case unless Respondents either file a timely request for a formal hearing or informal proceeding, pursuant to Section 403.121(2)(c), Fla. Stat., or file written notice with the Department opting out of this administrative process, pursuant to 403.121(2)(c), Fla. Stat. (See Notice of Rights). If Respondents fail to comply with the corrective actions ordered by the Final Order, the Department is authorized to file suit seeking judicial enforcement of the Department's Order pursuant to Sections 120.69, 403.121, and 403.131, Fla. Stat.

Pursuant to the authority of Sections 403.061(8) and 403.121, Fla. Stat., the Department proposes to adopt in its Final Order in this case the following specific corrective actions that will redress the alleged violations:

32. Respondents shall forthwith comply with all Department rules regarding underground storage tank systems. Respondents shall correct and redress all violations in the time periods required below and shall comply with all applicable rules in Fla. Admin. Code Chapter 62-761.

33. Within 60 days of the effective date of this Order, Respondents shall conduct STP piping sump and dispenser sump integrity tests in accordance with all the requirements of Fla. Admin. Code Chapter 62-761.

34. Within 90 days of the effective date of this Order, Respondents shall submit the STP piping sump and dispenser sump integrity test results to the Department.

35. Within 90 days of the effective date of this Order, Respondents shall provide proof of financial responsibility to the Department in accordance with all the requirements of Fla. Admin. Code Chapter 62-761.

36. Within 90 days of the effective date of this Order, Respondents shall provide an authorized facility representative at all times of inspection to unlock and open any covers, manways, and release detection equipment associated with the storage tank system or system component and demonstrate operational functionality of electronic equipment in accordance with all the requirements of Fla. Admin. Code Chapter 62-761.

37. Within 30 days of the effective date of this Order, Respondents shall pay \$14,500.00 to the Department for the administrative penalties imposed above. Payment shall be made by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "State of Florida Department of Environmental Protection" and shall include thereon the notations "OGC Case No. 23-1742" and "Water Quality Assurance Trust Fund." The payment shall be sent to the State of Florida Department of Environmental Protection, 160 W. Government Street, Suite 308, Pensacola, Florida 32502. Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

38. In addition to the administrative penalties, within 30 days of the effective date of this Order, Respondents shall pay \$500.00 to the Department for costs and expenses. Payment

shall be made by cashier's check or money order. Cashier's check or money order shall be made payable to the "State of Florida Department of Environmental Protection" and shall include thereon the notations "OGC Case No. 23-1742" and "Water Quality Assurance Trust Fund." The payment shall be sent to the State of Florida Department of Environmental Protection, 160 W. Government Street, Suite 308, Pensacola, Florida 32502. Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

#### NOTICE OF RIGHTS

Respondents' rights to negotiate, litigate or transfer this action are set forth below.

##### Right to Negotiate

39. This matter may be resolved if the Department and Respondents enter into a Consent Order, in accordance with Section 120.57(4), Fla. Stat., upon such terms and conditions as may be mutually agreeable.

##### Right to Request a Hearing

40. Respondents have the right to a formal administrative hearing pursuant to Sections 120.569, 120.57(1), and 403.121(2), Fla. Stat., if Respondents dispute issues of material fact raised by this Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment ("Notice"). At a formal hearing, Respondents will have the opportunity to be represented by counsel or qualified representative, to present evidence and argument on all issues involved, and to conduct cross-examination and submit rebuttal evidence.

41. Respondents have the right to an informal administrative proceeding pursuant to

Sections 120.569 and 120.57(2), Fla. Stat., if Respondents do not dispute issues of material fact raised by this Notice. If an informal proceeding is held, Respondents will have the opportunity to be represented by counsel or qualified representative, to present to the agency written or oral evidence in opposition to the Department's proposed action, or to present a written statement challenging the grounds upon which the Department is justifying its proposed action.

42. If Respondents desire a formal hearing or an informal proceeding, Respondents must file a written responsive pleading entitled "Request for Administrative Proceeding" within 20 days of receipt of this Notice. The request must be in the form required by Fla. Admin. Code Rule 28-106.2015 and include the following:

- (a) The name, address, and telephone number, and facsimile number (if any) of each respondent if the respondent is not represented by an attorney or qualified representative;
- (b) The name, address, telephone number, and facsimile number of the attorney or qualified representative of respondent, if any, upon whom service of pleadings and other papers shall be made;
- (c) A statement of when respondent received the Notice;
- (d) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the request for hearing must so indicate; and
- (e) The notation "OGC Case No. 23-1742 shall be included in the request.

A request for hearing is filed when it is received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000 or received via

electronic correspondence at [Agency\\_Clerk@floridadep.gov](mailto:Agency_Clerk@floridadep.gov).

#### Right to Mediation

43. If Respondents timely file a request challenging the Notice in accordance with Section 403.121(2)(e) Fla. Stat., the Respondents have the right to mediate the issues raised in the Notice. If requested, a mediator will be appointed to assist the Department and Respondents to reach a resolution of some or all of the issues. The mediator is chosen from a list of mediators provided by the FCRC Consensus Center (“FCRC”). The FCRC will provide up to 8 hours of free mediation services to the Respondents. A mediator cannot require the parties to settle the case. If mediation is unsuccessful, both parties retain their full rights to litigate the issues before an administrative law judge. The Respondents must select the mediator and notify the FCRC within 15 days of receipt of the list of mediators. The mediation process does not interrupt the time frames of the administrative proceedings and the mediation must be completed at least 15 days before the date of the final hearing.

44. The written request to appoint a mediator must be made within 10 days after receipt of the Initial Order from the administrative law judge appointed to hear the case. The request must be received by the FCRC Consensus Center, Attn. Chris Pedersen, 296 Champions Way, UCC6140, Tallahassee, Florida, 32306-2641, [cpedersen@fsu.edu](mailto:cpedersen@fsu.edu). Once the request is timely received, the FCRC will provide the parties with a list of mediators and the necessary information as required by Section 403.121(2)(e) Fla. Stat.

#### Right to Opt Out of the Administrative Proceeding

45. If Respondents do not wish to contest the issues before an administrative law judge, Respondents may file a notice with the Department opting out of the administrative

process. Respondents must file its written opt out notice within 20 days after service of the Notice. The written notice to opt out is filed when it is received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at [Agency\\_Clerk@floridadep.gov](mailto:Agency_Clerk@floridadep.gov).

46. Once the Respondents opt out of the administrative process, the Department may sue the Respondents for injunctive relief, damages, costs and expenses and civil penalties. If the Respondents opt out of the administrative process, the Department may ask the judge to assess civil penalties in excess of the amounts in this Notice up to \$15,000.00 per day per violation. The election to opt out of the administrative process is permanent and once the election is made the administrative process cannot be restarted.

#### Waivers

47. Respondents will waive the right to a formal hearing or an informal proceeding if either

a. a request for a formal hearing or informal proceeding is not filed with the Department within 20 days of receipt of this Notice, or

b. a notice opting out of the administrative proceeding is not filed with the Department within 20 days of receipt of this Notice.

These time limits may be varied only by written consent of the Department.

#### General Provisions

48. The findings of fact and conclusions of law of this Notice together with the Orders for Corrective Action will be adopted by the Department in a Final Order if Respondents

fail to timely file a request for a formal hearing or informal proceeding, pursuant to Section 403.121, Fla. Stat. A Final Order will constitute a full and final adjudication of the matters alleged in this Notice.

49. If Respondents fail to comply with the Final Order, the Department is authorized to file suit in circuit court seeking a mandatory injunction to compel compliance with the Order, pursuant to Sections 120.69, 403.121, and 403.131, Fla. Stat. The Department may also seek to recover damages, all costs of litigation including reasonable attorney's fees and expert witness fees, and civil penalties of not more than \$15,000.00 per day for each day that Respondents have failed to comply with the Final Order.

50. Copies of Department rules referenced in this Notice may be examined at any Department Office or may be obtained by written request to the District Office.

DATED this 1st day of December, 2023.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Elizabeth Mullins Orr  
Director  
Northwest District

Copies furnished to:  
Lea Crandall, Agency Clerk  
Kirk White, OGC Litigation Section  
Anne Willis, Office of General Counsel

## **EXHIBIT B**



USPS TRACKING #



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 7745 2152 7932 60

United States  
Postal Service

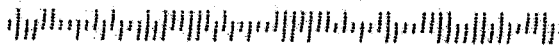
• Sender: Please print your name, address, and ZIP+4® in this box•

RECEIVED

DEC 05 2023

Florida DEP  
Northwest District

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NORTHWEST DISTRICT  
160 W. GOVERNMENT ST., STE. 308  
PENSACOLA, FL 32502



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p>																	
<p>Article Addressed to:</p> <p style="text-align: center;">Mr. Mohammed A. Rahman  2118 West Nine Mile Road  Pensacola, Florida 32534</p>	<p>B. Received By (Printed Name)</p>	<p>C. Date of Delivery</p>																
<p>9590 9402 7745 2152 7932 60</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center;">S. Bristol</p>																	
<p>7022 2410 0002 6728 9545</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™																	
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																	
<input type="checkbox"/> Collect on Delivery Restricted Delivery																		
<input type="checkbox"/> Insured Mail																		
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																		

Tracking Number:

Remove X

## 70222410000267289543

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was delivered to the front desk, reception area, or mail room at 3:11 pm on December 4, 2023 in PENSACOLA, FL 32534.

### Get More Out of USPS Tracking:

**USPS Tracking Plus<sup>®</sup>**

### Delivered

**Delivered, Front Desk/Reception/Mail Room**

PENSACOLA, FL 32534

December 4, 2023, 3:11 pm

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus<sup>®</sup>



Product Information



See Less ^

Track Another Package



Feedback

Enter tracking or barcode numbers

## Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

S Food Mart Three LLC  
c/o Samira Sultana  
4781 N. 9th Avenue  
Pensacola, Florida 32503



9590 9402 7745 2152 7932 84

2. Article Number (Transfer from service label)

7022 2410 0002 6728 9550

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
*X KAMAL*

B. Received by (Printed Name)

C. Date of Delivery  
*11/5/23*

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

*S. Bristol*

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

USPS TRACKING#



9590 9402 7745 2152 7932 84



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

United States  
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box\*

RECEIVED

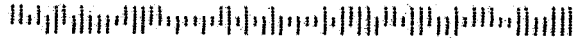
DEC 6 2023

FLORIDA DEP  
Northwest District

Florida DEP  
Northwest District

S. Bristol

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NORTHWEST DISTRICT  
160 W. GOVERNMENT ST., STE. 308  
PENSACOLA, FL 32502



Tracking Number:

[Remove X](#)

## 70222410000267289550

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

### Latest Update

Your item was delivered to an individual at the address at 10:55 am on December 5, 2023 in PENSACOLA, FL 32503.

### Get More Out of USPS Tracking:

[USPS Tracking Plus<sup>®</sup>](#)

### Delivered

**Delivered, Left with Individual**

PENSACOLA, FL 32503

December 5, 2023, 10:55 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

[Text & Email Updates](#)



[USPS Tracking Plus<sup>®</sup>](#)



[Product Information](#)



[See Less ^](#)

[Track Another Package](#)



Feedback

Enter tracking or barcode numbers

## Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)