



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

August 2, 2024

Pace Food Mart, Inc.
c/o Mr. Rayhan Uddin, Registered Agent and President
1400 North Pace Boulevard
Pensacola, Florida 32505
Rayhan5997@gmail.com

SUBJECT: Executed Short Form Consent Order
Department of Environmental Protection v. Pace Food Mart Inc.
OGC File Number 24-1542
Pacemart, Inc.
Facility ID Number: 178630142

Dear Mr. Uddin:

Enclosed is the executed Short Form Consent Order (Order) to resolve the storage tank issues cited during the November 29, 2022 compliance inspection at the Pacemart, Inc. facility (Facility ID #178630142), located at 1400 North Pace Boulevard in Pensacola, Escambia County, Florida.

Please note the requirements of the Order for which you are responsible and complete all actions accordingly. Unless otherwise noted, all deadlines for completing the requirements and actions in the Order are to be calculated from its executed date, which is the date the Order was filed with the Department Clerk, as noted on the signature page.

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.

Sincerely,

A handwritten signature in blue ink that reads "Erin Laskake".

on behalf of

Elizabeth Mullins Orr
Director
Northwest District

EMO/smb

Enclosure: Executed Short Form Consent Order

ec: Lea Crandall, OGC, lea.crandall@dep.state.fl.us



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

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Secretary

July 26, 2024

Pace Food Mart Inc.
c/o Mr. Rayhan Uddin, Registered Agent and President
1400 North Pace Boulevard
Pensacola, Florida 32505
Rayhan5997@gmail.com

SUBJECT: Second Proposed Short Form Consent Order
Department of Environmental Protection v. Pace Food Mart Inc.
OGC File No.: 24-1542
Pacemart, Inc.
1400 North Pace Boulevard
Pensacola, Florida 32505
Facility ID Number: 178630142

Mr. Uddin:

On April 22, 2024, the State of Florida Department of Environmental Protection ("Department") issued a Short Form Consent Order ("Order") that found Pace Food Mart Inc. ("Respondent") at the Pacemart, Inc facility (Facility ID Number 178630142), located at 1400 North Pace Boulevard in Pensacola, Escambia County, Florida failed to satisfy financial requirements in violation of Rule 62-761.420(2), Florida Administrative Code ("F.A.C."); failed to provide reasonable access in violation of Rule 62-761.100(3), F.A.C.; failed to properly operate, maintain, or close a storage tank system in violation of Rule 62-761.700(3)(b), F.A.C.; failed to display a storage tank registration placard in violation of Rule 62-761.400(5), F.A.C.; and failed to properly operate, maintain, or close a storage tank system in violation of Rule 62-761.700(3)(b), F.A.C.

Based on the violations described above, the Department was seeking \$12,250.00 in civil penalties and \$1,000.00 for costs and expenses the Department has incurred in investigating this matter, which amounted to a total of \$13,250.00. The civil penalties are apportioned as follows:

- \$7,500.00 for violation of Rule 62-761.420(2), F.A.C. and Section 403.121(4)(a), Florida Statutes ("F.S.")

DEP vs. Pace Food Mart Inc.

OGC No. 24-1542

Page 2

- \$1,000.00 for violation of Rule 62-761.100(3), F.A.C. and Section 403.121(5), F.S.
- \$1,500.00 for violation of Rule 62-761.700(3)(b), F.A.C. and Section 403.121(3)(g), F.S.
- \$750.00 for violation of Rule 62-761.400(5), F.A.C. and Section 403.121(4)(f), F.S.
- \$1,500.00 for violation of Rule 62-761.700(3)(b), F.A.C. and Section 403.121(3)(g), F.S.

On April 30, 2024, the Respondent submitted to the Department a request for a reduction in the penalty listed in the Order. The request stated that the storage tank systems were damaged due to Hurricane Sally, and that the delivery of equipment ordered for repairs was delayed.

Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations listed in this second proposed Order, the Department is seeking \$6,125.00 in civil penalties and \$1,000.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$7,125.00. The civil penalties are apportioned as follows:

- \$3,750.00 for violation of Rule 62-761.420(2), F.A.C. and Section 403.121(4)(a), F.S.
- \$500.00 for violation of Rule 62-761.100(3), F.A.C. and Section 403.121(5), F.S.
- \$750.00 for violation of Rule 62-761.700(3)(b), F.A.C. and Section 403.121(3)(g), F.S.
- \$375.00 for violation of Rule 62-761.400(5), F.A.C. and Section 403.121(4)(f), F.S.
- \$750.00 for violation of Rule 62-761.700(3)(b), F.A.C. and Section 403.121(3)(g), F.S.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Florida Department of Environmental Protection at the Northwest District Office, 160 West Government Street, Suite 308, Pensacola, Florida 32502 by August 15, 2024. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), Florida Statutes ("F.S.") and will be effective unless a

request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Rayhan Uddin:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violations referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent shall pay a total of \$7,125.00 in one monthly installment of \$625.00 followed by thirteen monthly installments of \$500.00. The first monthly installment of \$625.00 will be due by **October 1, 2024**, followed by monthly installments of \$500.00 due by **November 1, 2024, December 1, 2024, January 1, 2025, February 1, 2025, March 1, 2025, April 1, 2025, May 1, 2025, June 1, 2025, July 1, 2025, August 1, 2025, September 1, 2025, October 1, 2025, and November 1, 2025**. Failure to timely make any installment payment will enable the Department, at its discretion, to accelerate the remaining balance to become immediately due.
- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order (OGC# 24-1542) and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at:
<http://www.fldeportal.com/go/pay/>

DEP vs. Pace Food Mart Inc.
OGC No. 24-1542
Page 4

It will take a number of days after this order is final, effective and filed with the Clerk of the Department before the ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

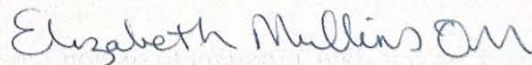
Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Susan Bristol at (850) 595-0570 or at Susan.Bristol@FloridaDEP.gov.

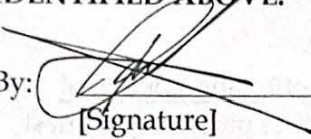
Sincerely,



Elizabeth Mullins Orr
Director
Northwest District

FOR THE RESPONDENT:

I, Rayhan Uddin, HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER
IDENTIFIED ABOVE.


By:  Date: 07-31-24
[Signature]

Title: President
[Type or Print]


FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 1st day of August 2024, in Escambia County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

 On behalf of
Elizabeth Mullins Orr
Director
Northwest District

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


Clerk

August 1, 2024
Date

Attachments: Notice of Rights

Final clerked copy furnished to:
Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)

NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of 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 the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes 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 petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at 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, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to

the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.