



**ENVIRONMENTAL PROTECTION DIVISION**

**Lori Cunniff, Manager**

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www.OrangeCountyFl.net

September 9, 2010

**CERTIFIED MAIL: # 7009 1680 0001 9572 9660**

**OCEPD-TK-10-026**

**FIS**

**Annette Soball  
2001 Summit Park Drive  
Orlando, FL 32810**

**RE:           Chapter 62-762, FAC, Warning Letter  
Orange County – Tanks Compliance  
FIS  
2001 Summit Park Drive, Orlando, FL  
FDEP Facility ID 48/9812061**

**Dear Ms. Soball:**

The Orange County Environmental Protection Division (Division) has been authorized by contract with the Florida Department of Environmental Protection (FDEP) to perform compliance inspections and enforcement activities at facilities regulated under Chapter 62-761 and Chapter 62-762, Florida Administrative Code (FAC).

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. Field inspections of the subject facility conducted by Division storage tank inspectors indicated that violations of Florida Statutes and Rules may exist at the above-described facility.

During the inspections of the subject facility, Division personnel observed the following:

1. A 2200-gallon petroleum aboveground storage tank (AST) was installed without the required 30-day and 48-hour notifications provided to the Division.
2. Proof of financial responsibility has not been provided to the Division.

Section 451(1)(a)1, 451(1)(a)3, 401(2)(a)1, 401(3)(a)1, 601(1)h and 501(1)(c)1 Florida Statutes (FS), provides that facilities comply with any rule, regulation, order, permit, or certification adopted or issued by FDEP pursuant to its lawful authority. Section 376.303, FS, requires the FDEP to establish rules regulating underground and aboveground storage tank facilities and their integral piping systems. These rules are set forth in Chapter 62-761, Chapter 62-762, and Chapter 62-770, FAC. Orange County has adopted Chapters 62-761 and 62-762, FAC, by reference. See Section 15-705 of the Orange County Code.

The following are violations of Chapter 62-762, FAC:

- **Florida Administrative Code 62-762.401(3)(a):** **Code #2004**  
Failure to provide financial responsibility  
(Potential penalty fine of \$5,000 for failure to satisfy responsibility requirements.)

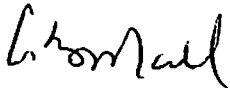
- **Florida Administrative Code 62-762.451(1)(a)(1):** **Code #2005**  
Failure to provide 30-day notification before installation.  
(Potential penalty fine of \$1,000 for failure to submit required notification to the Division.)
- **Florida Administrative Code 62-762.451(1)(a)(3):** **Code #2007**  
Failure to provide 48-hour notification before installation.  
(Potential penalty fine of \$1,000 for failure to submit required notification to the Division.)

You are hereby requested to contact Seth Moorhead at the address above or telephone number, 407-836-1403, within **10 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter.

The Division 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 the 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), FS. These possible violations may result in the initiation of an enforcement action with potential liability for civil penalties. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Alan Marshall  
Regulatory Compliance Program Coordinator

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SM/RR/DJ:bco  
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Enclosures

C: Central File