



# 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

September 24, 2024

Charles Alford, Sr. and Joyce Alford  
Alford Tire Center Goodyear  
2489 Highway 183 A  
Ponce de Leon, FL 32455

Subject: Final Order; DEP vs. Alford Tire Center Goodyear; EPA Facility ID No.  
FLD984234492; OGC File No. 24-1692; Bay County

Please find the enclosed Final Order that addresses the resolution of hazardous waste violations at Alford Tire Center Goodyear, located at 180 N Tyndall Parkway, Panama City, in Bay County, Florida.

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

Your cooperation in resolving this matter is greatly appreciated. If you have any questions, please contact Morgan Tomas at (850) 595-0623, or by email at [Morgan.Tomas@FloridaDEP.gov](mailto:Morgan.Tomas@FloridaDEP.gov).

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Mullins Orr".

Elizabeth Mullins Orr  
Director  
Northwest District

EMO/mt

Enclosure: Final Order

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.  
CHARLES E. ALFORD, SR. AND JOYCE  
W. ALFORD,

OGC CASE NO. 24-1692

Respondents.

\_\_\_\_\_ /

FINAL ORDER

BY THE DEPARTMENT:

On August 5, 2024, the Department of Environmental Protection (“Department”) issued a Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment (“Notice”) to Respondent, pursuant to the authority of Section 403.121(2), Florida Statutes. A copy of the Notice is attached and incorporated herein as Exhibit A. Respondent received the Notice on August 6, 2024. A copy of the certified return receipt is attached and incorporated herein as Exhibit B.

The Notice informed Respondent 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 Respondent. 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 Respondent:

46. Respondents shall forthwith comply with all Department rules regarding Used Oil. Respondent shall correct and redress all violations in the time periods required below and shall comply with all applicable rules in Fla. Admin. Code Chapters 62-710.

47. Within 30 days of the effective date of this Order, Respondents must properly repair or replace the IBC tote that is leaking through the secondary containment.

48. Within 5 days of either repairing or replacing the IBC secondary containment, Respondents must ensure that the metal trough is adequate secondary containment for the IBC by providing the Department a calculation to demonstrating that the repaired or replaced secondary containment for the IBC can hold 110% of the volume of the IBC and will not leak.

49. Within 30 days of the effective date of this Order, Respondents must properly label all contained used to store or transfer used oil as "Used Oil".

50. Within 30 days of the effective date of this Order, Respondents must provide the Department with used oil manifests for the past three years, including the EPA identification number of the used oil transporter used during the past three years.

51. Within 30 days of the effective date of this Order, Respondents must ensure all used oil storage and transport containers are properly closed or otherwise protected from the weather.

52. Within 35 days of the effective date of this Order, Respondents shall submit to the Department records and photo documentation of completing the corrective actions required by paragraphs 47-51, above.

53. Within 30 days of the effective date of this Order, Respondents shall pay \$6,500.00 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.24-1692” and “Water Quality Assurance Trust Fund.” The payment shall be sent to the State of Florida Department of Environmental Protection, Northwest District Office, 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.

54. 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.24-1692” and “Water Quality Assurance Trust Fund.” The payment shall be sent to the State of Florida Department of Environmental Protection, Northwest District Office, 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 Respondent’s 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.

Respondent 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 23rd day of September, 2024, in Escambia County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



---

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

September 24, 2024

Date

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

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35



# 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 5, 2024

Charles Alford, Sr. and Joyce Alford  
Alford Tire Center Goodyear  
2489 Highway 183 A  
Ponce de Leon, FL 32455

**Certified Mail: 7022 2410 0002 6728 9857**

***Return Receipt Requested***

Re: Notice of Violation: DEP vs Alford Tire Center Goodyear; EPA Facility ID No.  
FLD984234492; Bay County

Dear Mr. Charles Alford, Sr. and Ms. Joyce Alford:

Please find enclosed a Notice of Violation that was issued on August 5, 2024 and that addresses the resolution of hazardous waste violations at Alford Tire Center Goodyear, located at 180 N Tyndall Parkway, Panama City, in Bay County, Florida.

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 Morgan Tomas at (850) 595-0623 or by email at [Morgan.Tomas@FloridaDEP.gov](mailto:Morgan.Tomas@FloridaDEP.gov).

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Mullins Orr".

Elizabeth Mullins Orr  
Director  
Northwest District

EMO/mt

Enclosures: Notice of Violation

cc: Kathryn Lewis, OGC, [Kathryn.Lewis@FloridaDEP.gov](mailto:Kathryn.Lewis@FloridaDEP.gov)  
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  
NORTHEAST DISTRICT

Petitioner,

v.

OGC File No. 24-1692

CHARLES E. ALFORD, SR. and JOYCE  
W. ALFORD,

Respondents.

---

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

To: Charles E. Alford, Sr. and Joyce W. Alford  
2489 Highway 183 A  
Ponce de Leon, FL 32455

**Certified Mail: 7022 2410 0002 6728 9857**

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 Charles E. Alford, Sr. and Joyce W. Alford (Respondents) of the following findings of fact, conclusions of law, orders for corrective action, and assessment of administrative penalties (Notice) with respect to violations of Chapter 403, Fla. Stat. and Chapter 62-710, Florida Administrative Code (Fla. Admin. Code).

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 Fla. Stat., 40 Code of Federal Regulations (C.F.R.) Part 279, and Chapter 62-710 Fla. Admin. Code. and the rules promulgated thereunder in Fla. Admin. Code Title 62.

2. Since on or around December 11, 1989, Respondent Charles Alford has held record title to non-residential real property located at 180 Tyndall Parkway N, Panama City, FL, Bay County Parcel Identification Number 06357-000-000 (Property). On January 24, 2023, Respondent Charles Alford transferred the Property to himself and his wife, Respondent Joyce Alford. That same date, the Respondents transferred the Property to themselves as Trustees of the Charles and Joyce Alford Revocable Trust, such trust having been established under certain revocable trust agreement dated January 24, 2023, and reserved onto themselves, individually, a life estate interest in the Property. As of the date of this Notice, Respondents are the record owners of the Property.

3. Since at least July 30, 2013, the Property has been owned and operated as Alford Tire Center Goodyear, which is an automotive repair facility (Facility). Operations at the Facility include tire services, routine oil changes, and other vehicle maintenance customer requests. Waste generated from these processes includes used oil and used oil filters.

4. On June 7, 2023, the Department conducted a routine inspection of the Facility. During the inspection, Department personnel noted the following: used oil storage containers is leaking through the secondary containment, used oil containers are not properly labeled, and the Facility could not provide documentation of a valid EPA identification number for used oil transporters.

5. On July 28, 2023, a written Compliance Assistance Offer (CAO) was issued to Respondent Charles Alford as part of an agency investigation preliminary to agency action in accordance with section 120.57(5). On August 14, 2023, Respondent Charles Alford responded to the CAO, stating that he thought the Department received everything needed to resolve the violations, to which the Department responded informing the Respondent that no documentation or response had been received.

6. On September 22, 2023, a Warning Letter (WL) was issued to Respondent Charles Alford requesting that you contact the Department within 15 days of receipt to provide any facts you may have that will assist in addressing the violations. Respondent Charles Alford responded on October 5, 2023. On October 6, 2023, the Department replied to your WL response and informed you that there were still open violations that were not addressed in your WL response.

7. A follow-up visit was conducted on December 20, 2023, and a complete resolution of the above identified possible violations was not apparent. Specifically, the Department observed: used oil storage containers are leaking through the secondary containment, used oil containers are not properly labeled, the used oil containers were not closed or otherwise protected from the weather, and the Facility could not provide documentation of a valid EPA identification number for used oil transporters nor documents demonstrating 3 years of disposal records.

8. On February 15, 2024, a second WL was issued to the Respondents that contained the follow-up inspection report indicating that the violations from June 2023 have not been resolved and continued to exist. You responded on April 18, 2024, indicating that covers had

been placed on the used oil containers, but failed to provide documentation of the covers and also failed to address the remainder of the violations.

9. As of the date of this Notice, the Department has not received any documentation or confirmation that the above identified violations have been resolved or corrected.

COUNT I  
FAILURE TO KEEP USED OIL CONTAINERS IN GOOD CONDITION

10. The facts contained in paragraphs 1-9 are realleged and incorporated herein.

11. During both the June 7 and December 20, 2023, inspections, Department staff observed and documented that the Intermodal Bulk Container (IBC) that is being used for storage of used oil has apparent structural defects as evidenced by the used oil visibly leaking out of the IBC.

COUNT II  
FAILURE TO PREVENT USED OIL CONTAINERS FROM LEAKING

12. The facts contained in paragraphs 1-9 are realleged and incorporated herein.

13. During both the June 7 and December 20, 2023, inspections, Department staff observed and documented that the IBC and the corrugated metal trough were visibly leaking used oil onto concrete.

COUNT III  
FAILURE TO PROPERLY LABEL USED OIL CONTAINERS

14. The facts contained in paragraphs 1-9 are realleged and incorporated herein.

15. During both the June 7 and December 20, 2023, inspections, Department staff observed and documented the IBC tote, and 3 other containers, which contain used oil, did not have the proper and necessary labels of “Used Oil”.

COUNT IV  
FAILURE TO ENSURE USED OIL TRANSPORTER HAS EPA IDENTIFICATION NUMBER

16. The facts contained in paragraphs 1-9 are realleged and incorporated herein.

17. During both the June 7 and December 20, 2023, inspections, Department staff observed and documented that the Facility did not have three years of used oil manifests demonstrating that the used oil transporter being used by Respondents has a valid EPA identification number.

#### COUNT V

#### FAILURE TO HAVE PROPERLY ENGINEERED SECONDARY CONTAINERMENT

18. The facts contained in paragraphs 1-9 are realleged and incorporated herein.

19. During both the June 7 and December 20, 2023, inspections, Department staff observed and documented that the IBC does not appear to be double walled. Department staff also observed and documented that the metal tough, which the IBC sits in, does not appear to be able to hold 110% of the IBC's volume.

#### COUNT VI

#### FAILURE TO KEEP USED OIL CONTAINERS CLOSED OR PROTECTED FROM THE WEATHER

20. The facts contained in paragraphs 1-9 are realleged and incorporated herein

21. During both the June 7 and December 20, 2023, inspections, Department staff observed and documented that used oil storage area is located outside and is not protected from the weather. Department staff also observed and documented that the IBC tote lid was not closed during the December 20, 2023 inspection.

#### COUNT VII

#### FAILURE TO PROVIDE REQUIRED RECORDS

22. The facts contained in paragraphs 1-9 are realleged and incorporated herein.

23. During both the June 7 and December 20, 2023, inspections, Department staff observed and documented that the Facility was not able to provide the Department with the

required records documenting proper used oil disposal for a period of three years.

### COUNT III

24. 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 Chapter 403, Fla. Stat., and Fla. Admin. Code Title 62. Based on the foregoing facts the Department has made the following conclusions of law:

25. Respondents are each a “person” within the meaning of 403.031(5) and 403.702(22), Fla. Stat.

26. The used oil is “Used Oil” as the term is defined in section 403.75(5), Fla. Stat. and 40 C.F.R. Part 279.1.

27. Respondents are “used oil generators” as the term is defined in 40 C.F.R. Part 279.1.

28. Fla. Admin. Code Rule 62-710.210(2) adopts by reference 40 C.F.R Part 279.

29. The Department is imposing an administrative penalty of less than or equal to \$50,000.00 in this Notice of Violation as calculated in accordance with Section 403.121, Fla. Stat.

30. The facts in Count I constitute a violation of 40 C.F.R Part 279.22(b)(1) and Fla. Admin. Code Rule 62-710.401(6), which requires containers that store used oil must be in good condition (no severe rusting, apparent structural defects or deterioration). The facts also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with Department rules.

31. The violation in Count I requires the assessment of an administrative penalty under Section 403.121(5), Fla. Stat., of \$1,000.00 for failure to comply with any Department regulatory statute or rule.

32. The facts in Count II constitute a violation of 40 C.F.R Part 279.22(b)(2) and Fla. Admin. Code Rule 62-710.401(6), which requires containers used to store used oil must not be leaking (no visible leaks). The facts also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with Department rules.

33. The violation in Count II requires the assessment of an administrative penalty under Section 403.121(5), Fla. Stat., of \$1,000.00 for failure to comply with any Department regulatory statute or rule.

34. The facts in Count III constitute a violation of 40 C.F.R. Part 279.22(c)(1) and Fla. Admin. Code Rule 62-710.401(6), which requires containers used to store used oil must be labeled or marked clearly with the words "Used Oil". The facts also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with Department rules.

35. The violation in Count III requires the assessment of an administrative penalty under Section 403.121(5), Fla. Stat., of \$1,000.00 for failure to comply with any Department regulatory statute or rule.

36. The facts in Count IV constitute a violation of 40 C.F.R. Part 279.24, which requires Respondents to ensure their used oil is only transported by transporters who have obtained EPA Identification Numbers. The facts also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with Department rules.

37. The violation in Count IV requires the assessment of an administrative penalty under Section 403.121(4)(f), Fla. Stat., of \$750.00 for failure to prepare, submit, maintain, or use

required documentation of the transporter's EPA Identification Number.

38. The facts in Count V constitute a violation of Fla. Admin. Code Rule 62-710.401(6), which requires containers that are not double-walled, 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 within the containment area. The facts also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with Department rules.

39. The violation in Count V requires the assessment of an administrative penalty under Section 403.121(5), Fla. Stat., of \$1,000.00 for failure to comply with any Department regulatory statute or rule.

40. The facts in Count VI constitute a violation of Fla. Admin. Code Rule 62-710.406(6), which requires that containers that are not stored inside a structure shall be closed, covered or otherwise protected from the weather. The facts also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with Department rules.

41. The violation in Count VI requires the assessment of an administrative penalty under Section 403.121(5), Fla. Stat., of \$1,000.00 for failure to comply with any Department regulatory statute or rule.

42. The facts in Count VII constitute a violation of Fla. Admin. Code Rule 62-710.510(4), which requires waste disposal records to be retained for a period of three years and shall be kept at the street address of the registered person and shall be available for inspection by the Department during normal business hours. The facts also constitute a violation of Section 403.161, Fla. Stat., which makes it a violation to fail to comply with Department rules.

43. The violation in Count VII requires the assessment of an administrative penalty

under Section 403.121(4)(f), Fla. Stat., of \$750.00 for failure to prepare, submit, maintain or use required reports or other required documentation.

44. The administrative penalties assessed for Counts I and VII total \$6,500.00.

45. The costs and expenses related in Count VIII 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 files 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:

46. Respondents shall forthwith comply with all Department rules regarding Used Oil. Respondent shall correct and redress all violations in the time periods required below and shall comply with all applicable rules in Fla. Admin. Code Chapters 62-710.



47. **Within 30 days of the effective date of this Order**, Respondents must properly repair or replace the IBC tote that is leaking through the secondary containment.

48. **Within 5 days of either repairing or replacing the IBC secondary containment**, Respondents must ensure that the metal trough is adequate secondary containment for the IBC by providing the Department a calculation to demonstrating that the repaired or replaced secondary containment for the IBC can hold 110% of the volume of the IBC and will not leak.

49. **Within 30 days of the effective date of this Order**, Respondents must properly label all contained used to store or transfer used oil as “Used Oil”.

50. **Within 30 days of the effective date of this Order**, Respondents must provide the Department with used oil manifests for the past three years, including the EPA identification number of the used oil transporter used during the past three years.

51. **Within 30 days of the effective date of this Order**, Respondents must ensure all used oil storage and transport containers are properly closed or otherwise protected from the weather.

52. **Within 35 days of the effective date of this Order**, Respondents shall submit to the Department records and photo documentation of completing the corrective actions required by paragraphs 47-51, above.

53. **Within 30 days of the effective date of this Order**, Respondents shall pay \$6,500.00 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.24-1692” and “Water Quality Assurance Trust

Fund.” The payment shall be sent to the State of Florida Department of Environmental Protection, Northwest District Office, 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.

54. 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.24-1692” and “Water Quality Assurance Trust Fund.” The payment shall be sent to the State of Florida Department of Environmental Protection, Northwest District Office, 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.

#### NOTICE OF RIGHTS

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

#### Right to Negotiate

55. 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

56. 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.

57. 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.

58. If Respondents desire a formal hearing or an informal proceeding, Respondent 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. 24-1692 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

59. 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). If mediation is requested, up to 8 hours of free mediation services will be provided 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.

60. 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 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). Once the request is timely received, the Department 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

61. If Respondents do not wish to contest the issues before an administrative law judge, Respondent may file a notice with the Department opting out of the administrative process. Respondents must file their 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).

62. Once the Respondent opts 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

63. 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

64. 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.

65. 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 Respondent has failed to comply with the Final Order.

66. 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 5th day of August, 2024.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Elizabeth Mullins Orr  
Director  
Northwest District

Copies furnished to:  
Kirk White, OGC Litigation Section  
Kathryn Lewis, OGC Litigation Section

USPS TRACKING#



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

9590 9402 7745 2152 7928 81

United States  
Postal Service

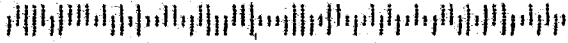
• Sender: Please print your name, address, and ZIP+4® in this box •

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

RECEIVED

AUG 08 2024

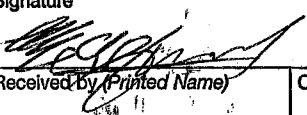
Florida: DEP  
Northwest District



**SENDER: COMPLETE THIS SECTION**

**COMPLETE THIS SECTION ON DELIVERY**


- 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.

A. Signature  
**X**   Agent  
 Addressee

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery \_\_\_\_\_

1. Article Addressed to:

Charles Alford, Sr. and Joyce Alford  
 Alford Tire Center Goodyear  
 2489 Highway 183 A  
 Ponce de Leon, FL 32455



9590 9402 7745 2152 7928 81

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

2. Article Number (Transfer from service label)  
 7022 2410 0002 6728 9857

3. Service Type

<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)	