



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

BY ELECTRONIC MAIL
david.bass@cityoforlando.net

Mr. David Bass
Assistant City Attorney
City of Orlando
400 South Orange Avenue
Orlando, Florida 32801

Orange County - Waste Cleanup
Creative Digital Village
68 acres of land within city limits of Orlando, FL generally located east of
Parramore Avenue, south of Colonial Drive (S.R. 50), west of Hughey Avenue and
north of a CSX Railroad
WCU Site ID: COM_320731
BF Site ID No: BF480401007
Limited Scope Remedial Action Plan Approval Order

Dear Mr. Bass:

The Central District's Waste Cleanup Program has reviewed the December 2015 "Design Testing Plan" (Limited Scope Remedial Action Plan "LSRAP"), which was submitted on your behalf by ECT, Inc. on December 31, 2015, for the Creative Digital Village Brownfield site in Orlando, Florida. Based on our review of the LSRAP, the Florida Department of Environmental Protection (Department) has determined that the actions proposed in the LSRAP represent a reasonable strategy toward partially accomplishing the cleanup objectives of Chapter 62-780, Florida Administrative Code (F.A.C.).

Pursuant to Rule 62-780.700(7)(a), F.A.C., the Department approves the LSRAP as described in this LSRAP Approval Order (Order). However, if it appears during LSRAP implementation that the remedial strategy is not effective, a request for modification of this Order, pursuant to Rule 62-780.700(14), F.A.C., may be submitted to the Department or the Department may require the preparation and submittal of a LSRAP Modification to enhance the active remediation. Depending on the nature of the modification, the Department may revoke this Order.

The implementation of the proposed Petrox 3TM injections for the dieldrin-impacted groundwater must be initiated within 120 days of the effective date of this Order, as required by Rule 62-780.700(10), F.A.C. However, according to the schedule included on Page 4-6 of the LSRAP, it is proposed to commence the LSRAP activities in January 2016, or upon approval of the LSRAP. Therefore, the implementation shall take place on or before March 4, 2016. Please provide the Department seven (7) days notice prior to conducting field activities.

Additionally, a baseline groundwater sampling event, which will include obtaining groundwater samples from the 17 monitoring wells installed during the Phase II Environmental Assessment for analysis of organochlorine pesticides by EPA Method 8081B, shall be completed prior to the initial injection. Since no ingredient in

PETROX exceeds a maximum contaminant level (MCL) allowed by the drinking water standards of Chapter 62-550, F.A.C., there are no underground injection control (UIC) parameters to monitor.

Groundwater monitoring for performance effectiveness shall be conducted during weeks 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 following the injections. Groundwater samples shall be obtained from monitoring wells MW-10R and MW-11 for analysis of organochlorine pesticides by EPA Method 8081B, heterotrophic plate count (HPC) by EPA Method 9215B, and total organic carbon (TOC) by EPA Method 9060A.

The LSRAP Implementation Report, which shall include the baseline and effectiveness groundwater sampling results and the injection volume and rate information, shall be submitted within 60 days of completion of the week 12 performance monitoring sampling event, or no later than September 30, 2016. The LSRAP Completion Report shall be submitted within 60 days of completion of the week 24 groundwater sampling event, or before December 30, 2016.

Please note that a LSRAP Modification Approval is required prior to implementation of injections in the vicinity of monitoring well MW-1. However, only field notification is required if the Phase 2 - Pump and Treat proposed in the LSRAP is implemented.

Please submit a digital copy of the submittals to DEP_CD@dep.state.fl.us, with a copy to Shabbir.Rizvi@dep.state.fl.us and George.Houston@dep.state.fl.us. If the file is very large, you may post it to the Waste Cleanup folder on the Central District's ftp site at: ftp://ftp.dep.state.fl.us/pub/incoming/Central_District/Waste_Cleanup/. After posting the document, send an e-mail to DEP_CD@dep.state.fl.us, with a copy to Shabbir.Rizvi@dep.state.fl.us and George.Houston@dep.state.fl.us, alerting us that it has been posted.

Please note: For site rehabilitation cost Voluntary Cleanup Tax Credit applications, the annual application deadline is January 31, or the following business day, of the year following the calendar year for which an applicant is claiming site rehabilitation costs. Therefore, all 2016 calendar year costs (i.e., site rehabilitation conducted and paid for in 2016) must be claimed in an application submitted by January 31, 2017. No prior year costs can be claimed.

A copy of the Voluntary Cleanup Tax Credit Rule and application can be found here <http://www.dep.state.fl.us/waste/categories/vctc/pages/publications.htm>.

Legal Issues

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), within 21 days of receipt of this Order. The procedures for petitioning for an administrative hearing are set forth below.

Persons affected by this Order have the following options:

- (A) If you choose to accept the Department's decision regarding the LSRAP you do not have to do anything. This Order is final and effective as of the date of clerking this Order, which is indicated on the last page of this Order.
- (B) If you choose to challenge the decision, you may do the following:
 - (1) File a request for an extension of time to file a petition for an administrative hearing with the Department's Agency Clerk in the Office of General Counsel within 21 days of receipt of this Order; such a request should be made if you wish to meet with the

Department in an attempt to informally resolve any disputes without first filing a petition for an administrative hearing; **or**

- (2) File a petition for an administrative hearing with the Department's Agency Clerk in the Office of General Counsel within 21 days of receipt of this Order.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for an Administrative Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for an administrative hearing. Such a request must be filed (received) by the Department's Agency Clerk in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from City of Orlando, shall mail a copy of the request to the City of Orlando, 400 South Orange Avenue, Orlando, Florida 32801, Attention: Mr. David Bass, at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for an administrative hearing must be made.

How to File a Petition for an Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative hearing under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Department's Agency Clerk in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from City of Orlando, shall mail a copy of the request to the City of Orlando, 400 South Orange Avenue, Orlando, Florida 32801, Attention: Mr. David Bass, at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Section 120.569(2), F.S. and Rule 28-106.201, F.A.C., a petition for an administrative hearing shall contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the site owner's name and address, if different from the petitioner; and the name and address of the site;
- (b) A statement of when and how each petitioner received notice of the Department's action or proposed action;
- (c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- (d) A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date of clerking this Order, which is indicated on the last page of this Order. Timely filing a petition for an administrative hearing postpones the date this Order takes effect until the

Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Department's Agency Clerk in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Department's clerk (see below).

Questions

Any questions regarding the Department's review of your LSRAP should be directed to Tracy Jewsbury, P.E. at the letterhead above, by telephone at 407-897-4323, or by e-mail at tracy.jewsbury@dep.state.fl.us. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for an administrative hearing or a request for an extension of time to file a petition for an administrative hearing.

Sincerely,



Jeff Prather
Director, Central District

February 2, 2016

Date

JP/TLJ/gbl/tlj

FILING AND ACKNOWLEDGMENT:

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



February 2, 2016

Clerk

Date

- c: Dan Dashtaki, City of Orlando – dan.dashtaki@cityoforlando.net
Jeff Peters, P.G., ECT – jpeters@ectinc.com
Jim Orioles, P.E., ECT – jorioles@ectinc.com
Bill Burns, City of Orlando – bill.burns@cityoforlando.net
George Houston, P.G., FDEP – george.houston@dep.state.fl.us