



Department of Environmental Protection

Lawton Chiles
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Westhrell
Secretary

August 28, 1996

Mr. Steve Baker
Brooke Custom Cleaners, Inc.
133 Main Street
Daytona Beach, Florida 32118

Subject: Brooke Custom Cleaners
133 Main Street
Daytona Beach, Florida 32118
DEP Facility ID #649500500



Dear Mr. Baker:

The Department has completed its review of the application package submitted in accordance with Chapter 62-781, Florida Administrative Code (F.A.C.). The Department has determined that the referenced site is eligible for state-administered cleanup under the Drycleaning Solvent Cleanup Program.

Pursuant to Section 376.3078(5), Florida Statutes (F.S.), the site has received a score of 23. A priority list of eligible sites will be maintained by the Department, based on an ordering of scored sites such that the highest scored sites are of the highest priority for rehabilitation. Scored sites are incorporated into this list on a quarterly basis with all sites previously on the list being adjusted accordingly.

Section 376.3078, F.S., provides that cleanup of this incident be absorbed at the expense of the Hazardous Waste Management Trust Fund, minus a deductible payable by the applicant(s). The deductible for this facility, pursuant to 376.3078(3)(d), is \$1,000 and will be payable upon notice from the Department. Also, participation in the Program is contingent upon continual compliance with the conditions of eligibility set forth in Section 376.3078(3), F.S.

Persons whose substantial interests are affected by this Order of Eligibility have a right, pursuant to Section 120.57, F.S., to petition for an administrative determination (hearing). The Petition must conform to the requirements of Chapters 62-103 and 28-5, F.A.C., and must be filed (received) with the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within twenty-one (21) calendar days of receipt of this Notice. Failure to file a petition within the twenty-one (21) calendar days constitutes a

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waiver of any right such persons have to an administrative determination (hearing) pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department's Facility Identification Number and county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends warrant reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above, as set forth in Chapters 62-103 and 28-5 F.A.C., and must be filed (received) with the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within twenty-one (21) calendar days of receipt of this Notice. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to rule 22I-6, F.A.C.

This Order of Eligibility is final and effective on the date of receipt of this Order unless a petition is filed in accordance with the preceding paragraph. Upon the timely filing of such petition, this Order will not be effective until further order of the Department.

When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3900; and by

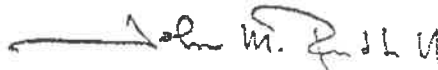
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filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 calendar days from the date the Final Order is filed with the Clerk of the Department.

The DEP Facility Number for this site is referenced in the subject line of this letter. Please use this identification on all future correspondence with the Department.

The questions you may have on the technical aspects of this Order of Eligibility should be directed to Mr. William Burns at 904/488-0190. Contact with Mr. Burns does not constitute a petition for administrative determination.

Sincerely,

A handwritten signature in dark ink, appearing to read "John M. Ruddell".

John M. Ruddell, Director
Division of Waste Management

JMR/wbr

cc: Bret LeRoux, Central District
Jack Rollins, Volusia Co.