

EPC

3/16/00

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
COMMISSIONER'S BOARD ROOM  
MARCH 16, 2000  
10:30 AM - 12 NOON**

**AGENDA**

- I. CITIZENS WISHING TO APPEAR**
- II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**
  - Items of Interest
- III. CONSENT AGENDA**
  - A. Approval of Minutes: Feb. 2, Feb. 17, & Feb. 22, 2000 1
  - B. Monthly Activity Reports 16
  - C. Legal Department Monthly Reports 31
  - D. Informational: Executive Director Search 34
- IV. LEGAL DEPARTMENT**
  - A. Alafia Intake Structure - Contract for EPC Arbitrator 35
  - B. Alafia Intake Structure - Service Agreement for Arbitration Chair 41
  - C. Request for Authority to Take Appropriate Legal Action Against:  
Ronald Woodcock 43

Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
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MARCH 16, 2000  
10:30 AM - 12 NOON**

**ADDENDUM**

- IV. LEGAL DEPARTMENT**
- B. Backup for Arbitration Services Agreement A1
- V. AIR DIVISION**
- A. Presentation on status of the State's Motor Vehicle Inspection Program A2
- VI. WATER DIVISION**
- A. Update on Sunnydale MHP - Jordan Lewis (Hillsborough County Health Dept.)
- VII. WASTE DIVISION**
- A. Authorize Executive Director to sign contract for 'Storage Tank System Significant Non-Compliance Resolution Program' contract with DEP A9

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By Senators Campbell, Grant, Mitchell, Sullivan, Bronson,  
Webster, Kirkpatrick, Childers, McKay, Horne, Myers and Scott

33-1381A-00

1                                   A bill to be entitled  
2                   An act relating to land conveyances; creating  
3                   s. 253.1201, F.S.; validating the title to  
4                   previous conveyances of land by the state which  
5                   may have included sovereignty lands; clarifying  
6                   the public use of certain navigable waters;  
7                   providing legislative intent; providing an  
8                   effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Legislative intent.--The Legislature  
13 recognizes that it is in the public interest that the  
14 controversy arising from the assertion of state sovereignty  
15 ownership claims against private landowners who derive their  
16 titles from deeds or grants issued by state agencies or  
17 officials which purported to convey swamp and overflowed  
18 lands, internal improvement lands, or other nonsovereignty  
19 lands, but which may have included sovereignty lands within  
20 the legal description, be resolved expeditiously and  
21 economically, in a manner that is equitable to the private  
22 landowners but that preserves the people's rights to use the  
23 navigable waters within the state for the purposes of boating,  
24 fishing, or swimming.

25           Section 2. Section 253.1201, Florida Statutes, is  
26 created to read:

27           253.1201 Certain titles derived from state conveyances  
28 that may have included sovereignty lands, ratified, confirmed,  
29 and validated.--

30           (1) Any title to real property that is derived from a  
31 deed or grant made before this act takes effect by the Board

1 of Trustees of the Internal Improvement Trust Fund, or by any  
2 other state agency or official, which purported to convey  
3 swamp and overflowed lands, internal improvement lands, other  
4 nonsovereignty public lands is ratified, confirmed, and  
5 validated in all respects, notwithstanding that sovereignty  
6 lands may have been included within the legal description of  
7 the land purportedly conveyed in the deed or grant, if:

8       (a) The title of the present landowner is derived from  
9 a deed or grant issued by the Board of Trustees of the  
10 Internal Improvement Trust Fund, or by any other state agency  
11 or official, which appears on its face to be a valid  
12 conveyance of lands that the issuing agency or official was  
13 then authorized by law to convey, without express reservation  
14 of or deduction for any sovereignty lands;

15       (b) The title to the property has remained in private  
16 possession since the conveyance and has been developed,  
17 improved, or put to a qualified agricultural use by a private  
18 party at its expense; and

19       (c) The acreage conveyed has been classified as  
20 private property for ad valorem tax assessment purposes.

21       (2) This section does not affect the public's right to  
22 use any navigable waters for boating, fishing, and swimming on  
23 lands validated under this section. Notwithstanding subsection  
24 (1), this section may not be construed to affect title to  
25 lands under navigable waters within the meaning of Section 11  
26 of Article X of the State Constitution.

27       Section 3. This act shall take effect upon becoming a  
28 law.

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SENATE SUMMARY

Validates the title to previous conveyances of land by the state which may have included sovereignty lands in the legal description. Clarifies the public use of any navigable waters on those lands.

## EDITORIALS

## Eyes wide open

Lawmakers sponsoring a bill that would open hundreds of thousands of acres of lakes and rivers to private claims undermine the public interest. Their legislation should be stopped. It's up to the governor to act swiftly.

Sixty-five House members and a dozen senators, all of whom should know better, are sponsoring legislation that opponents charitably describe as the worst Florida land grab in a century.

With one stroke of the governor's pen, the people of Florida would be left defenseless against a blizzard of lawsuits claiming title to more than 600,000 acres of lakes and rivers and (in the House version) tidelands.

When the Philadelphia industrialist Hamilton Disston walked off with 4-million acres of supposed swampland in 1881, he at least paid a token 25 cents an acre. Relatively few people appreciated how infinitely more valuable it was. Today, everyone does.

How much would Florida's timber companies, phosphate miners and cattle barons pay for the priceless patrimony those legislators propose to give them?

Nothing.

That's right.

What shouldn't be for sale at any price is going for *nothing*.

(Campaign contributions don't count.)

Hear David Guest, a lawyer for the Earth Justice Legal Defense Fund, on what's at stake. It's only a partial list:

"You will lose a large fraction of the remainder of the Peace River, most of the Myakka, most of the Manatee, most of the Little Manatee, large fractions of the Hillsborough, large parts of the south and north prongs of the Alafia, probably half the lakes in Polk County, large acreage on the St. Johns River, all of Lake Poinsett, a big piece of Lake Istokpoga, Lake Harney, large parts of Lake Cypress, all of Blue Cypress Lake, everything upstream of St. George on the St. Johns, most of the southern Withlacoochee, the Wacissa River...."

The sponsors accept as fact what the Florida Supreme Court, in cases dating back to 1908, has four times branded as fiction: the claim that prior owners bought these navigable waters along with the "swamp and overflow land" that the state was purporting to sell them.

Florida surveys in the 19th century were often so sloppy that modern courts cannot rely on them to know what was navigable and what wasn't. But, as Attorney General Bob Butterworth points out, "grantees of swamp deeds, which often encompassed over 1-million acres, knew that navigable waters were not conveyed by those deeds."

The Supreme Court most recently affirmed this in 1986. "Because grantees of swamp and overflowed lands took with notice that such grants did not convey sovereignty lands, neither they nor their successors have any moral or legal claim to these lands," it said.

One of the oldest verities in Anglo-American law is that navigable water, as far shore

ward as the ordinary or mean high water line, is sovereignty land to be held, as Florida's Constitution now expressly provides, "in trust for all the people."

What passes for the public interest in the minds and hearts of the new Republican legislative leadership in Tallahassee? With the conspicuous (and welcome) exceptions of Senate President Toni Jennings and Majority Leader Jack Latvala, every ranking Republican is a co-sponsor of the land-grab bill. Of the 65 House sponsors, 60 are Republicans; only 15 Republicans did not sign on. It becomes a struggle to remember when Florida Republicanism stood for the environment.

It is true that a fair number of present-day farms, homesites and commercial properties are clouded by potential disputes over whether what now appears to be high and dry was once navigable. Yet the division of state lands, which receives some 200 inquiries annually, has been contested in only a handful of cases. Sponsors of the land-grab bill cite these cases as costly and time-consuming. Perhaps a simpler method to resolve these claims could be devised. In no sense, however, do they justify the breathtaking sweep of the legislation, which accepts taxes paid, however erroneously, as validation of private claims.

The bills (HB 1807, SB 1824) pretend not to affect "the public's right to use any navigable waters on such lands for boating, fishing and swimming."

But you'd not better not try to use the newly fenced shoreline for hunting or camping. Timber lobbyists have said in so many words that they don't want people stepping out of their boats. Meanwhile, phosphate companies could mine the lake, river and bay bottoms, and timber companies could clear-cut thousands of acres of cypress trees, sacrificing some of Florida's greatest natural beauty to political expediency and private profiteering.

Gov. Jeb Bush, who has not expressed a position on the legislation, needs to act swiftly and forcefully to stop it in its tracks. Sen. Walter "Skip" Campbell, D-Fort Lauderdale, should be asking himself why a would-be Democratic attorney general is keeping company with the likes of House Speaker John Thrasher and Speaker-to-be Tom Feeney on a matter such as this.

Voters, meanwhile, may want to take note of the co-sponsors. Those of interest to the Tampa Bay community include Sens. John Grant, Tampa, and Don Sullivan, Seminole; Reps. Chris Hart, Sandra Murman and Rob Wallace, Tampa; Johnnie Byrd, Plant City; Nancy Argenziano, Crystal River; Dennis Jones, Seminole; Mike Fasano, New Port Richey; Ken Littlefield, Dade City; and John Morroni, Clearwater. They can be for this legislation or they can be for the public interest, but they can't be for both.

# Environmental Protection Commission

Of Hillsborough County  
March 16, 2000 - 10:00 A.M.

## Sign Up Sheet

For Citizens Wishing To Speak To The Commission

Name (Please Print)	Subject Matter (Please Print)
Gaye Townsend	H <sub>2</sub> O
Mary Ann Smith	H <sub>2</sub> O



FEBRUARY 2, 2000 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -  
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to discuss the Environmental Impact Statement for Proposed Desalination Facility and Administrative Challenge to the Lower Hillsborough River Minimum Flow Rule, scheduled for Wednesday, February 2, 2000, at 3:30 p.m., in the Boardroom, County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Pat Frank, Chris Hart, Jim Norman, Thomas Scott, Ronda Storms, and Ben Wacksman.

Chairman Platt called the meeting to order at 3:35 p.m. and acknowledged the death of Dr. Jerald Parker, who had made a significant contribution to the environmental concerns in the State.

WETLANDS MANAGEMENT DIVISION

ENVIRONMENTAL IMPACT STATEMENT FOR PROPOSED DESALINATION FACILITY

Mr. Tony D'Aquila, Wetlands Management Division, EPC, recommended continuance to the February 17, 2000, EPC meeting because of time constraints and so the Region IV Environmental Protection Agency (EPA) representative could possibly be present. A representative had been unable to attend due to the short notice. The item was not time sensitive. Commissioner Norman moved to continue. Commissioner Storms seconded the motion. Mr. D'Aquila responded to Commissioner Frank about contact with EPA. At the request of Commissioner Hart, Mr. D'Aquila listed information the item would include when it was presented to the Board. Chairman Platt called for public comment; there was no response. Chairman Platt said the County Attorney had opined she could vote, because the delay did not substantively impact the desalination issue. The motion carried seven to zero.

RECOMMEND BOARD CONCURRENCE THAT EPC NOT FILE AN ADMINISTRATIVE CHALLENGE TO THE LOWER HILLSBOROUGH RIVER MINIMUM FLOW RULE

Chairman Platt called for public comment. Attorney John Ovink, Friends of the River, and Mr. Paul F. Stein, 7406 Park Drive, asked EPC to appeal the decision made by the Southwest Florida Water Management District. Their comments addressed the salinity of Sulfur Springs, the condition of the lower river, and rehabilitation of the environment. Mr. D'Aquila said the filing deadline was February 4, 2000. EPC staff had briefed Commissioners. EPC continued to have concerns with the rules, but staff analysis showed a

WEDNESDAY, FEBRUARY 2, 2000 - DRAFT MINUTES

challenge was not in the County's best interest. EPC staff recommendation was not to challenge the rule. Chairman Frank moved staff recommendation. Commissioner Wacksman seconded the motion, which carried seven to zero.

Chairman Platt called a recess at 3:53 p.m. to hold the closed executive session regarding litigation strategies.

There being no further business, the meeting was adjourned at 4:38 p.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
RICHARD AKE, CLERK

By: \_\_\_\_\_  
Deputy Clerk

fw

FEBRUARY 17, 2000 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, February 17, 2000, at 10:00 a.m., in the Boardroom, County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Pat Frank, Chris Hart (arrived at 10:10 a.m.), Jim Norman (arrived at 10:30 a.m.), Thomas Scott, Ronda Storms (arrived at 10:15 a.m.), and Ben Wacksman.

Chairman Platt called the meeting to order at 10:09 a.m. Commissioner Scott led in the pledge of allegiance to the flag and gave the invocation.

CHANGES TO THE AGENDA

Mr. Roger Stewart, EPC Executive Director, referred to the changes listed in the addendum to the agenda, which included approval of minutes for the October 20 and 21, 1999, and the January 20, 2000, EPC meetings; an update on the minimum flows and levels (MFLs) rule for the lower Hillsborough River; and a response to concerns of the County Line Coalition, Incorporated. Commissioner Wacksman moved the changes, seconded by Commissioner Hart, and carried five to zero. (Commissioners Norman and Storms had not arrived.)

CITIZENS WISHING TO APPEAR

Dr. Nick Ehringer, Hillsborough Community College, and Dr. Clinton Dawes, University of South Florida, spoke about funding for recovery and research of seagrass in Cockroach Bay; additional funding was needed for research. Dr. J. B. Canterberry, president, Save our Bays and Canals (SOBAC), was concerned about salt and chemicals from the desalination (desal) process that would be emptied into Tampa Bay. Meses. Denise Layne and Jeanie Williamson, both with the Tampa Bay Group of the Sierra Club, and Mr. Bob Bettis, vice president, SOBAC, supported the cumulative environmental impact statement (EIS) study and submitted letters from the Environmental Protection Agency (EPA) and Representative J. D. Alexander. Mr. Bob Wooten, Riverview, spoke about political involvement in regard to water issues.

Mr. Lawrence Miller, mechanical design engineer, distributed and reviewed documents concerning the Big Bend area sediment chemical analysis and chemicals used in the desal process, which affected manatees. Mr. Paul F. Stein, 7406 Park Drive, was concerned about the decision to not challenge the MFLs rule for the lower Hillsborough River and asked why the reason for that decision had not been made known. Ms. Cheryl Bradford, Riverview, commented

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on cumulative impacts in regard to Tampa Bay Water (TBW) projects and Cargill Fertilizer, Incorporated. She thought staff had not sufficiently explained the recommendation regarding funding for the Cockroach Bay seagrass monitoring project. Ms. Marilyn Smith, County resident, agreed with Ms. Bradford that funding for research and monitoring of seagrass should continue. Mr. Steve Jones, SOBAC, submitted a flyer noticing the February 28, 2000, SOBAC meeting, and he commented on the TBW desal project and seagrass. Mr. Jones urged support of an EIS. Ms. Gaye Townsend, County Line Coalition, Incorporated, talked about impacts from construction of County Line Road as they related to Hillsborough and Pasco Counties. She asked how EPC could enforce mitigation in Pasco County.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Ms. Lynn McGarvey, CEAC chairman, said CEAC had agreed with staff recommendations regarding applications for the Pollution Recovery and Gardinier Settlement Funds. She urged EPC to hire staff to educate citizens about environmental challenges caused by growth and about the functions of EPC. Commissioner Scott left the meeting at 10:46 a.m. to attend a funeral.

Gardinier Settlement Fund Applications - Ms. Leslie Campbell, EPC Legal Department staff, said the recommendations represented a consensus between EPC and the Department of Environmental Protection (DEP) and had been reviewed by CEAC. She reviewed the following three projects recommended for funding: Apollo Beach habitat restoration, Fantasy Island restoration, and the mechanical seagrass planting project. In answer to Chairman Platt, Ms. Campbell verified the projects met the geographical requirements for funding.

Commissioner Hart asked about differences between research and restoration of seagrasses. Ms. Campbell said the technical advisory committee for the Tampa Bay Estuary Program was considering the seagrass issues and might coordinate a master plan for seagrass. Chairman Platt pointed out research projects were funded through a different fund. **Commissioner Norman moved to approve the recommendations, seconded by Commissioner Storms.** Ms. Campbell responded to questions from Commissioners Storms and Frank regarding the time involved in the review process and prior funding of projects. **The motion carried six to zero.** (Commissioner Scott had left the meeting.)

Pollution Recovery Fund Applications - Ms. Campbell reviewed the following three projects recommended for funding: Upper Tampa Bay Trail, which CEAC had reduced by \$9,000, with agreement from the applicants and staff; Cockroach Bay Turtle Grass monitoring, for which funds were available for an

THURSDAY, FEBRUARY 17, 2000 - DRAFT MINUTES

additional two years of research bringing the total funding amount to \$59,920; and the Charlie Walker Conservation Center, for which CEAC recommended additional funding, with no objection from staff. Commissioner Frank moved \$59,920, \$77,300, and \$5,000. Commissioner Hart seconded the motion, which carried six to zero. (Commissioner Scott had left the meeting.)

CONSENT AGENDA

- A. Approval of Minutes: October 20 and 21, 1999, and January 20, 2000
- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Fund
- E. Gardinier Settlement Fund
- F. Quarterly Status Report on Superfund Sites

Chairman Platt called for a motion to concur with the Consent Agenda. Commissioner Frank so moved, seconded by Commissioner Storms, and carried six to zero. (Commissioner Scott had left the meeting.)

LEGAL DEPARTMENT

Confirm Staff Recommendation Regarding the Tampa Bypass Canal Intake Structure - EPC Assistant Counsel Kristin Bennett said the item related to the TBW environmental resource permit letter modification. Staff recommended EPC not file for binding arbitration but have the Water Resource Team continue to monitor the permit through the review process. Commissioner Wacksman moved staff recommendation, seconded by Commissioner Norman. Commissioner Frank wanted assurance of public safety at the withdrawal site. Mr. Pete Hubbell, Water Resource Associates, Water Resource Team, said that area could not be accessed by boat. The motion carried five to zero. (Commissioner Hart was out of the room; Commissioner Scott had left the meeting.)

Confirm Staff Recommendation Regarding the Environmental Resource Permit for the North-Central Hillsborough Intertie Contract I, South Division - Attorney Bennett said staff' recommendation was that EPC not file for binding arbitration but have the Water Resource Team continue to monitor the permit through the review process. Commissioner Wacksman moved to approve staff recommendation, seconded by Commissioner Norman, and carried five to zero. (Commissioner Hart was out of the room; Commissioner Scott had left the meeting.)

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Chairman Platt explained the Board of County Commissioners (BOCC) had been given a presentation regarding the permits the previous day, at which time there had been extensive discussion and debate on the issues, as well as public input.

Confirm Staff Recommendation Regarding the National Pollution Discharge Elimination System Permit to Discharge Process Wastewater from the Tampa Bay Regional Water Treatment Plant - Attorney Bennett said staff recommendation was not to file for binding arbitration but have the Water Resource Team monitor the permit. Commissioner Wacksman moved approval of staff recommendation, seconded by Commissioner Norman. Commissioner Frank would not support the motion due to the superfund area next to the site. The motion carried four to one; Commissioner Frank voted no. (Commissioner Hart was out of the room; Commissioner Scott had left the meeting.)

Update on Status of MFLs Rule for Lower Hillsborough River - EPC Chief Counsel Sara M. Fotopulos said it had not been staff's intention to give an impression of secrecy when the MFLs rule was last discussed. She explained that statements in the public record could hamper legal arguments and staff's ability to protect public interests should there be a challenge, which was the reason for omissions in the last discourse.

Mr. Darrel Howton, Director, EPC Wetlands Management Division, reviewed the two-year history regarding the establishment of the MFLs rule and its scientific peer review. Southwest Florida Water Management District (SWFWMD) had adopted the rule on January 25, 2000. After a thorough review, EPC staff had recommended not to challenge the MFLs rule. Because of strategy and litigation associated with the MFLs rule, there had been minimal discussion about the recommendation. Staff had determined the 10 cubic feet per second (cfs) measurement in the MFLs rule was a good starting point until a scientific ruling showed otherwise. If the MFLs rule was challenged, staff feared the rule could be exempted by the governing board of SWFWMD or the Florida Legislature. Mr. Howton said EPC would participate in an additional study that would be funded by the city of Tampa and SWFWMD. Staff thought further gains could be made in the establishment of MFLs for Sulfur Springs that would dictate how much or whether Sulfur Springs could be used as makeup water for the 10 cfs.

Commissioner Frank wanted to assure citizens she supported the Hillsborough River. With the advice received, she thought staff recommendation not to challenge the MFLs rule had been the right course of action. Commissioner Storms explained staff recommendation, although a bad choice, outweighed what

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would have resulted in a worse choice.

Response to Concerns of County Line Coalition, Incorporated - Attorney Fotopulos explained the item was in response to a letter that Ms. Townsend had addressed earlier in the meeting. Mr. Howton explained the request to impact wetlands along County Line Road had been approved for more than two years. He reviewed the impacts from the road project, noting mitigation would be conducted in Pasco County. SWFWMD would hold a performance bond for the project. Mr. Howton read documentation that said the project was in conformance with the long-range plans of Pasco and Hillsborough Counties. EPC had approved extensions at Pasco County's request; there was no process for neighbor notification when extensions were granted. Staff had granted the extensions, because the plans and impacts had not changed.

Commissioner Hart asked how the Comprehensive Plan addressed situations with other jurisdictions. Attorney Fotopulos would discuss that issue with the Planning Commission and report to EPC members. Commissioner Norman said the community had not objected to the original plans for a two-lane road; the objection was to County Line Road becoming four lanes. Responding to Chairman Platt and Commissioner Storms, Mr. Howton said EPC would rely on SWFWMD to enforce conditions; SWFWMD required a performance bond for mitigation projects that exceeded \$25,000.

WETLANDS MANAGEMENT DIVISION

Staff Presentation on Applicability of the EIS to the TBW Master Water Plan - Mr. Tony D'Aquila, EPC staff, reported on issues related to the proposed desal facility at Big Bend. He assured Commissioner Storms TBW was not involved in drafting the report. Mr. D'Aquila explained the EIS process resulted from the National Environmental Policy Act of 1969. When there was federal involvement such as federal permits or funds, an EIS could be triggered to consider environmental factors and alternatives and to inform the public. He explained the EIS process, which included public involvement. The EIS scope identified issues involved in a project and could be performed on a single project or comprehensively to show cumulative actions. Federal funding was withheld from projects during the EIS process. Staff believed a comprehensive EIS on the TBW master water plan and the plan's impacts on Tampa Bay was justified, because the plan consisted of a set of closely related, connected actions, some of which were federally funded. The desal plant did not require federal permits and was not federally funded; EPA had already indicated it would not pursue an EIS on that plant.

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Mr. D'Aquila listed four options regarding the EIS, noting the staff recommendation was for a letter from the BOCC Chairman to the EPA regional administrator for Region IV supporting a comprehensive EIS of all TBW master water plan projects on Tampa Bay with a copy to the DEP secretary. Staff recommended endorsing that action with a letter to the Tampa Bay Estuary Program and the Agency on Bay Management requesting support of the BOCC action. Commissioner Hart so moved, adding a letter to the chairman of the Regional Planning Council, seconded by Commissioner Norman. (The motion was subsequently withdrawn.)

Mr. John Hamilton, project officer, EPA, Region IV, Atlanta, Georgia, said the scope of federal involvement was with the reservoir and the pipeline, which were federally funded. The EIS process was not flexible; however, EPA would be willing to participate in a study of the area and the basin. EPA would maintain an open mind regarding the connectivity of TBW projects. Mr. Hamilton commented on public participation and explained the EIS process. The applicant could fund preparation of the EIS, or EPA could fund the EIS from its limited budget, which would delay the EIS for approximately two years. The applicant had chosen to select a contractor approved by the EPA legal department. Even though the applicant would pay for the EIS, EPA would help write and edit the document. In the event of a dispute, EPA's interpretation would be used in the text, and the applicant could provide an alternative discussion in the appendix. Commissioner Storms was concerned about finding an unbiased consultant due to the number of consultants already associated with TBW. In response, Mr. Hamilton commented on possible conflicts of interest for the consultants. He said the review process precluded consultants from selectively choosing data.

Commissioner Norman suggested continuing the update report on Sunnydale Mobile Home Park. Chairman Platt agreed and asked to continue the presentation regarding the state of Florida Motor Vehicle Inspection Program. Commissioner Norman moved to continue the two items, seconded by Commissioner Storms, and carried six to zero. (Commissioner Scott had left the meeting.) Commissioners Norman and Wacksman left the meeting at 11:59 a.m.

In addition to the letters, Commissioner Hart modified the motion to ask for a cumulative EIS assessment that would be headed by the secretary of DEP with EPA playing a role. The panel would consist of experts including entities such as SWFWMD and the National Estuary Program--worked out between the Board, DEP, and EPA--with the responsibility to look at the resources the County was trying to protect; the affected area; the water quality needs for the resources; perform a resource-based evaluation on cumulative impacts,



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identify data needed to address the questions determined by the panel; find out what information was available and which questions had not been answered; include a public participation process; conclude the report and findings, of which part of the process would include EPA's comments, within six months, if possible. Mr. Hamilton said EPA would negotiate with DEP regarding the role EPA would have in the process. In answer to Chairman Platt, Commissioner Hart withdrew the prior motion. Commissioner Storms seconded the motion for discussion. Chairman Platt suggested the motion be continued to the land use meeting to have all EPC members present. Commissioner Hart agreed. Commissioner Frank moved to continue to the next land use meeting, seconded by Commissioner Hart, and carried four to zero. (Commissioners Norman, Scott, and Wacksman had left the meeting.)

Mr. Hamilton responded to questions from Commissioner Frank regarding the reservoir and desal projects. Commissioner Frank thought the projects had national implications, and a plan to protect the environment should be drafted before similar projects followed elsewhere. Mr. Hamilton agreed. Chairman Platt directed Dr. Rick Garrity, Director, Water Resource Team, to provide financial assistance, if necessary, for Mr. Hamilton to attend the special EPC meeting the following Tuesday. She asked Mr. Hamilton to check on potential funding for the cumulative EIS study through the National Estuary Program, which was funded by the EPA, and advise EPC on Tuesday. Mr. Hamilton agreed. Chairman Platt directed staff to inform SOBAC when the special EPC meeting would convene and to meet with Mr. Hamilton regarding revisions to the staff recommendation. Commissioner Hart asked that Hillsborough Television and the Internet inform the public of the special EPC meeting. In answer to Mr. Stewart, Chairman Platt agreed a tape of the EPC meeting could be given to Mr. Hamilton. Commissioner Frank suggested Mr. Hamilton attend the February 28 meeting regarding the desal plant.

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There being no further business, the meeting was adjourned at 12:19 p.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
RICHARD AKE, CLERK

By: \_\_\_\_\_  
Deputy Clerk

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FEBRUARY 22, 2000 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -  
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to discuss Settlement Terms for the Minimum Flows and Levels (MFLs) Rules and the Environmental Impact Statement (EIS) to the Tampa Bay Water (TBW) Master Water Plan, scheduled for Tuesday, February 22, 2000, at 4:30 p.m., in the Boardroom, County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Pat Frank, Chris Hart, Jim Norman, Thomas Scott, Ronda Storms, and Ben Wacksman.

Chairman Platt called the meeting to order at 4:30 p.m.

#### SETTLEMENT TERMS FOR THE MFLS RULES

EPC Assistant General Counsel Patrick Courtney, reported EPC staff recommendation was consistent to that of the Water Resource Team to the Board of County Commissioners (BOCC) to accept the settlement terms for the MFLs rules and to enter into the settlement with the Southwest Florida Water Management District (SWFWMD), pending SWFWMD board's approval at its board meeting the following day. Commissioner Norman moved the item, seconded by Commissioner Wacksman, and carried five to two; Commissioners Frank and Storms voted no.

#### EIS TO THE TBW MASTER WATER PLAN

Chairman Platt recalled at the last meeting dealing with the issue, Commissioner Hart had made a motion, which was currently on the floor. Chairman Platt referenced a letter she had received that day from Mr. Bob Bettis, vice president, Save Our Bays and Canals (SOBAC), requesting a representative of SOBAC be allowed to make a presentation regarding the flaws and errors in Stone and Webster's permitting process. Following clarification by SOBAC representative, Ms. Patricia Mitchell, and EPC discussion regarding the request, Chairman Platt decided that, if the issues were applicable, SOBAC could comment at the end of the meeting.

Mr. Anthony D'Aquila, EPC staff, explained staff request was for a dual course of action from the EPC and the BOCC. The course of action--peer review--would help maintain consistency with the County's positions on cumulative impacts; allowed the County to provide influence to the U.S. Environmental Protection Agency's (EPA) decisions on the impact of scoping the regional reservoir EIS; and allowed for a thorough, independent

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assessment of cumulative impacts. Peer review would provide additional guidance to the environmental monitoring efforts to be undertaken in the Tampa Bay area.

Mr. D'Aquila reviewed information presented at the last EPC meeting and reported on a meeting staff held with Commissioner Hart. Staff recommendation was for a letter from the EPC Chairman to the EPA, Region IV, supporting the comprehensive EIS of all TBW master water plan projects on Tampa Bay with a copy to the Florida Department of Environmental Protection (DEP), Tampa Bay Estuary Program (TBEP), and the Agency on Bay Management (ABM). The Chairman would send a letter to DEP Secretary David Struhs to organize a peer review panel that would conduct a cumulative assessment of all TBW master water plan projects under the aegis of NEP, with the support of EPA in the development of that project.

Mr. John Hamilton, project officer, EPA, Region IV, Atlanta, Georgia, responded to questions from Chairman Storms regarding the circumstance in which the EPA would become involved in an EIS. Commissioner Storms commented on a request from her constituents and members of SOBAC for an EIS. Mr. Hamilton opined it would be better to focus on an areawide study, which had already been proposed. The EIS was narrow and focused. EPA would enter into the areawide study through an invitation by DEP.

Commissioner Hart explained part of EPC's direction at the last meeting was that Commissioner Hart work with EPC staff, the Water Resource Team, and others to provide EPC with a more complete recommendation. Board members thanked Mr. Hamilton for coming to the meetings and for helping the EPC clarify what an EIS was, how it operated, and what could be more effective. Mr. Hamilton, at the request of Commissioner Wacksman, explained what an areawide study would entail. Commissioner Storms wanted to know if all information would be included in the areawide study, i.e., SOBAC's information. Mr. Hamilton said data would be accepted from interested parties, government agencies, organizations, et cetera. Commissioner Frank felt it was essential to do the study. However, she was concerned with setting a timetable, which might restrict the ability to obtain all the necessary information. In response to Chairman Platt's concerns regarding the TBEP, Mr. Dick Eckenrod, executive director, TBEP, explained the TBEP had chosen to keep at arms length from making recommendations and taking positions on specific regulatory actions. The TBEP had developed technical criteria that were available to policy-making bodies to make better, informed decisions.

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Responding to Chairman Platt, Commissioner Hart withdrew the motion on the floor, which was made at the last EPC meeting. Based on the approach to a cumulative impact assessment, as outlined in the background material, Commissioner Hart moved to authorize the Chairman of EPC to send a letter to DEP Secretary David Struhs, requesting that he expeditiously convene an independent panel of experts to conduct a peer review of the cumulative assessments of the potential impacts to the TBEP from multiple projects, including the desalination (desal) project, included in the TBW master water plan. That the scope of the peer review shall be a resource-based evaluation. That the panel of experts be chaired by the DEP and, as a minimum, include the various organizations, agencies, and governments of the Tampa Bay region; e.g., Hillsborough County Water Resource Team, Tampa Bay Regional Planning Council, ABM, TBEP, TBW, and SWFWMD. That the panel's work be done concurrently with the desal project permit application, and the panel's recommendations and DEP's decision be provided to all interested parties, including regulatory agencies for additional actions, if necessary. That Mr. Struhs seek any assistance from the EPA in that effort.

Conversation ensued regarding the standards used to select the independent panel of experts. Dr. Richard Garrity, Water Resource Team, suggested adding Florida Marine Research Institute to the list of agencies. In response to Commissioner Frank, Mr. Hamilton would convey the Board's interest to have EPA's experts participate at some level. Commissioner Hart amended the motion to change the fourth sentence to state "that the panel of experts be chaired by the DEP and, at a minimum, be guided and directed by the various organizations, agencies . . . ." That would ensure those agencies were not biased and would give Mr. Struhs the opportunity to select the experts. Commissioner Storms commented on TBW's change of position on the issue.

Commissioner Frank wanted to have impartial scientific evidence and a panel of experts that would provide an objective evaluation of the cumulative impact; language should be included that would ensure the system was objective. Mr. D'Aquila pointed out information in the backup material referencing the panel of experts would focus on peer review. Commissioner Wacksman amended the motion to request the panel of experts be chaired by the DEP, working in conjunction and certified by the EPA. The amendment was seconded by Commissioner Scott. (The amendment was subsequently withdrawn.) Commissioner Hart offered a modification to the amendment that the panel chaired by EPA would consist of experts mutually agreed upon by Hillsborough County and the Secretary of DEP. Commissioner Wacksman accepted that amendment. In response to Commissioner Storms, Mr. Hamilton said the EPA

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would not certify a group of experts. Commissioner Wacksman withdrew the amendment.

Commissioner Hart amended the fourth sentence to read "That the panel of experts be chaired by DEP and its members mutually agreed upon by the Hillsborough County EPC." Commissioner Storms seconded the amendment for discussion. Commissioner Norman felt the Water Resource Team should include the necessary language in the motion, and EPC could approve the concept. Commissioner Norman amended the motion to approve the concept of pursuing the item, but that the County professionals recommend how to get to that independence and how to form the body of experts. (The amendment was subsequently withdrawn.) Dr. Garrity said a solution would be that the panel of experts be selected by a process to be agreed on; the Water Resource Team would enter into discussion with DEP to provide the solution. Commissioner Norman withdrew the amendment. Commissioner Hart accepted Dr. Garrity's wording as the amendment to the fourth sentence.

Commissioner Frank amended the second sentence, after the word experts, to include "which was mutually agreed upon by the Hillsborough County EPC . . ." In the fourth sentence start with "Various organizations, agencies, and governments of the Tampa Bay region" after which, whatever staff believed was appropriate should be included, then continue with "shall be requested and encouraged to furnish all available data, which the panel of experts deemed would be appropriate." The amendment was seconded by Commissioner Storms. Dr. Garrity agreed with the amendment. Commissioner Hart accepted the amendment as part of the motion. Chairman Platt indicated her intent to abstain, because her husband owned a piece of the property near a desal plant. The motion carried six to zero; Chairman Platt abstained.

Due to time constraints, Commissioner Storms moved to accept SOBAC's information to be considered at a regularly scheduled EPC meeting. The motion was seconded by Commissioner Scott and carried six to zero. (Chairman Platt abstained.)

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There being no further business, the meeting was adjourned at 6:10 p.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
RICHARD AKE, CLERK

By: \_\_\_\_\_  
Deputy Clerk

pgs

MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION  
FEBRUARY

A.	Public Outreach/Education Assistance:	<u>152</u>	
B.	Industrial Air Pollution Permitting		
1.	Permit Applications Received (Counted by Number of Fees Received):		
	a. Operating:	<u>2</u>	
	b. Construction:	<u>7</u>	
	c. Amendments:	<u>0</u>	
	d. Transfers/Extensions:	<u>1</u>	
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (Counted by Number of Fees Collected - <sup>2</sup> Except for Title V Facilities where it is Counted by Number of Emission Units affected by the Applicant's Request):		
	a. Operating <sup>1</sup> :	<u>2</u>	
	b. Construction <sup>1</sup> :	<u>1</u>	
	c. Amendments <sup>1</sup> :	<u>0</u>	
	d. Transfers/Extensions <sup>1</sup> :	<u>1</u>	
	e. Title V Operating <sup>2</sup> :	<u>0</u>	
	f. Permit Determinations <sup>2</sup> :	<u>3</u>	
3.	Intent to Deny Permit Issued	<u>0</u>	
4.	General Permits	<u>2</u>	
C.	Administrative Enforcement		
1.	Documents Issued:		
	a. Notice of Intent to Initiate Enforcement	<u>9</u>	
	b. Citation	<u>0</u>	
	c. Emergency Order	<u>0</u>	
2.	Total Cases Initiated:	<u>8</u>	
3.	Cases Resolved:	<u>1</u>	
4.	Cases Referred to Legal Department:	<u>0</u>	
5.	Consent Orders Signed:	<u>2</u>	
6.	Contributions to the Pollution Recovery Fund: <u>\$4,000.00</u>		
	<u>Organization Name</u>	<u>Violation</u>	
		<u>Amount</u>	
a.	CSX Transportation	Failure to use reasonable precautions	\$3,000
b.	Tampa Electric Co.	Operating w/expired permit	\$1,000



D. Inspections:	
1. Industrial Facilities:	<u>15</u>
2. Air Toxics Facilities:	
a. Asbestos Emitters	<u>0</u>
b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>29</u>
c. Major Sources	<u>0</u>
3. Asbestos Demolition/Renovation Projects:	<u>21</u>
E. Open Burning Permits Issued:	<u>10</u>
F. Number of DOF Permits Monitored:	<u>280</u>
G. Total Citizen Complaints Received:	<u>64</u>
H. Total Citizen Complaints Closed:	<u>60</u>
I. Noise Sources Monitored:	<u>14</u>
J. Air Program's Input to DRI's:	<u>0</u>
K. Test Reports Reviewed:	<u>23</u>
L. Compliance:	
1. Warning Notices Issued:	<u>10</u>
2. Warning Notices Resolved:	<u>13</u>
3. Advisory Letters Issued:	<u>6</u>
M. AOR's Reviewed	<u>0</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION  
FEBRUARY

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	<u>\$1,920.00</u>
(b) all others	<u>\$ -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	<u>\$ -0-</u>
(b) class A2 facility - 5 year permit	<u>\$ -0-</u>
(c) class A1 facility - 5 year permit	<u>\$ -0-</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$2,200.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$1,040.00</u>
(c) Delegated General Permit	<u>\$ 200.00</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$1,725.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$ 430.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ 435.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 400.00</u>
8. Open burning authorization	<u>\$4,250.00</u>
9. Enforcement Costs	<u>\$ 681.81</u>

COMMISSION  
PAT FRANK  
CHRIS HART  
JIM NORMAN  
JAN PLATT  
THOMAS SCOTT  
RONDA STORMS  
BEN WACKSMAN



ADMINISTRATIVE OFFICES, LEGAL &  
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TELEPHONE (813) 272 - 5530

WASTE MANAGEMENT DIVISION  
TELEPHONE (813) 272 - 5788

WETLANDS MANAGEMENT DIVISION  
TELEPHONE (813) 272 - 7104

EXECUTIVE DIRECTOR  
ROGER P. STEWART

## MEMORANDUM

DATE: March 9, 2000

TO: Tom Koulianos, Director of Finance and Administration

FROM: Sheila Luce, Senior Environmental Enforcement Specialist through Hooshang Boostani, Director of Waste Management

SUBJECT: WASTE MANAGEMENT'S JANUARY 2000 AGENDA INFORMATION

### A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	02
2. On-going administrative cases	
a. Pending	09
b. Active	58
c. Legal	09
d. Tracking Compliance (Administrative)	17
e. Inactive/Referred cases	25
f. Criminal Compliance tracking	02
3. NOI's issued	05
4. Citations issued	00
5. Consent Orders signed	02
6. Civil Contributions to the Pollution Recovery Fund	\$10,720.00
7. Criminal Contributions to the Pollution Recovery Fund	\$0.00
8. Enforcement Costs collected	\$633.00
9. Cases referred to Legal Dept.	00
10. Cases Closed	02

### B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	00/00
2. EPC Authorization for Facilities NOT requiring DEP permit	01/02
3. Other Permits and Reports	
a. County Permits	00/00
b. Reports	24/54
4. Inspections (Total)	279

a. Complaints	66
b. Compliance/Reinspections	13
c. Facility Compliance	14
d. Small Quantity Generator	200
5. Enforcement	
a. Complaints Received/Closed	96/55
b. Warning Notices Issued/Closed	07/05
c. Compliance letters	45
d. Letters of Agreement	00
e. DEP Referrals	00
6. Pamphlets, Rules and Material Distributed	559

**C. STORAGE TANK COMPLIANCE**

1. Inspections	
a. UST Compliance	50
b. AST Compliance	35
c. UST Installation	08
d. AST Installation	03
e. UST Closure	08
f. AST Closure	01
g. Compliance Re-Inspections	15
2. Installation Plans Reviewed	08
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	01/01
b. Closure Reports Received/Reviewed	05/02
4. Enforcement	
a. Non-compliance Letters	35
b. Warning Notices Issued/Closed	08/03
c. Cases referred to Enforcement	05
d. Complaints Received/Investigated	06/04
e. Complaints Referred	00
5. Discharge Reporting Forms Received	02
6. Incident Notification Forms Received	01
7. Cleanup Notification Letters Issued	01
8. Public Assistance	500+

**D. STORAGE TANK CLEANUP**

1. Inspections	17
2. Reports Received/Reviewed	49/67
a. Site Assessment	15/24
b. Source Removal	02/05
c. Remedial Action Plans (RAP's)	05/07
d. Site Rehabilitation Completion Order/No Further Action Order	01/03

e. Others	26/28
3. State Cleanup	
a. Active Sites	04
b. Funds Dispersed	\$00.00
E. RECORD REVIEWS	51
F. PUBLIC INFORMATION PROJECTS	13

**ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

February, 2000

**A. ENFORCEMENT**

1. New Enforcement Cases Received:	<u>4</u>	
2. Enforcement Cases Closed:	<u>2</u>	
3. Enforcement Cases Outstanding:	<u>44</u>	
4. Enforcement Documents Issued:	<u>2</u>	
5. Warning Notices:		
a. Issued:	<u>    </u>	
b. Resolved:	<u>    </u>	
6. Recovered costs to the General Fund:	\$ <u>305.97</u>	
7. Contributions to the Pollution Recovery Fund:	<u>\$1,133.33</u>	

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Country Road MHP	Operation w/out a valid permit	200.00
b. Eckerd Drugs at 301 & Gibsonton Dr.	Placed into service w/out acceptance letter	300.00
c. First Freewill Baptist Church	Operation w/out a valid permit	300.00
d. Hughes Hard Chrome	Industrial wastewater discharge	333.33

**B. PERMITTING - DOMESTIC**

1. Permit Applications Received:		
a. Facility Permit:	<u>30</u>	
(i) Types I and II	<u>9</u>	
(ii) Type III	<u>1</u>	
b. Collection Systems-General:	<u>8</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>9</u>	
d. Residuals Disposal:	<u>12</u>	
	<u>0</u>	
2. Permit Applications Approved:	<u>13</u>	
a. Facility Permit:	<u>0</u>	
b. Collection Systems-General:	<u>5</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>8</u>	
d. Residuals Disposal:	<u>0</u>	
3. Permit Applications Recommended for Disapproval:	<u>1</u>	
a. Facility Permit:	<u>0</u>	
b. Collection Systems-General:	<u>1</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>0</u>	
d. Residuals Disposal:	<u>0</u>	
4. Permit Applications (Non-Delegated) Recommended for Approval:	<u>0</u>	
5. Permits Withdrawn:	<u>0</u>	
6. Permit Applications Outstanding:	<u>39</u>	
a. Facility Permit:	<u>30</u>	

b. Collection Systems-General:	5
c. Collection Systems-Dry Line/Wet Line:	<u>8</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	99
1. Compliance Evaluation:	18
a. Inspection (CEI):	<u>0</u>
b. Sampling inspection (CSI):	<u>16</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>2</u>
2. Reconnaissance:	53
a. Inspection (RI):	<u>25</u>
b. Sample Inspection (SRI):	<u>7</u>
c. Complaint Inspection (CRI):	<u>22</u>
d. Enforcement Inspection (ERI):	<u>1</u>
3. Special:	28
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>9</u>
d. Post Construction Inspection (XCI):	<u>19</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	0
a. Facility Permit:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>0</u>
c. Preliminary Design Report:	0
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>1</u>
3. Permit Applications Outstanding:	29
a. Facility Permits:	<u>29</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	25
1. Compliance Evaluation:	8
a. Inspection (CEI):	<u>4</u>
b. Sampling Inspection (CSI):	<u>4</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	17
a. Inspection (RI):	<u>8</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>9</u>

F. CITIZEN COMPLAINTS		
1. Domestic:		
a. Received:		<u>14</u>
b. Closed:		<u>7</u>
		<u>7</u>
2. Industrial:		
a. Received:		<u>19</u>
b. Closed:		<u>10</u>
		<u>9</u>
3. Water Pollution:		
a. Received:		<u>5</u>
b. Closed:		<u>2</u>
		<u>3</u>
G. RECORD REVIEWS		
1. Permitting:		<u>2</u>
2. Enforcement:		<u>1</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:		
1. Air Division:		<u>84</u>
2. Waste Division:		<u>1</u>
3. Water Division:		<u>133</u>
4. Wetlands Division:		<u>0</u>
I. SPECIAL PROJECT REVIEWS		
1. DRI's:		<u>2</u>
2. Permitting:		<u>0</u>
3. Enforcement:		<u>0</u>
4. Other:		<u>0</u>
J. WATER QUALITY MONITORING SPECIAL PROJECTS		
1. Data Review		<u>3</u>
2. Special Sampling		<u>0</u>
3. Biomonitoring/Toxicity Reviews (DW)		<u>4</u>
4. Biomonitoring/Toxicity Reviews (IW)		<u>3</u>
5. Other		<u>0</u>
K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL		<u>23</u>

A.R



ASSESSMENT SECTION

A. EPC Wetlands Reviews

1. Wetland Delineations

a. Wetland Delineations (\$120)	39
b. Wetland Delineation Dispute	1
c. Wetland Line Survey Reviews	26
d. Additional Footage Fees	\$566.28

2. Misc. Activities in Wetlands  
(\$0 or \$100 as applicable)

a. Nuisance Vegetation	11
b. Other	14

3. Impact/Mitigation Proposal (\$775)

7

4. Mitigation Agreements Recorded

1

5. FDOT Reviews

0

B. EPC Delegation/Reviews from State/  
Regional/ Federal Authorities

1. Tampa Port Authority Permit Apps.  
(\$50 or \$150 as applicable)

31

2. Wastewater Treatment Plants (FDEP)

20

3. FDEP Wetland Resource Apps.

0

4. FDEP Grandfathered Delineation

0

5. SWFWMD Wetland Resource Apps.

0

6. Army Corps of Engineers

1

EPC Wetlands Management Division  
 Agenda Backup for February 2000  
 Page 2

	TOTALS
7. Interagency Clearinghouse Reviews	0
8. DRI Annual Report	0
<b>C. Hills. County/ Municipality Permit Application Reviews</b>	
1. Land Alteration/Landscaping (\$100)	1
2. Land Excavation (\$785 or \$650 as applicable)	0
3. Phosphate Mining	
a. Unit Review/Reclamation (\$760)	1
b. Annual Review/Inspection (\$375)	0
4. Rezoning	
a. Reviews (\$85)	21
b. Hearings	0
c. Hearing Prep (hours)	0
5. Site Development/Commercial (\$360)	
a. Preliminary	6
b. Construction	21
6. Subdivision	
a. Preliminary Plat (\$140)	9
b. Master Plan (\$550)	0
c. Construction Plans (\$250)	12
d. Final Plat (\$90)	11
e. Waiver of Regulations (\$100)	0
f. Platted, No-Improvements (\$100)	5
g. Minor - Certified Parcel (\$100)	20
7. As-Builts (\$255)	5

EPC Wetlands Management Division  
 Agenda Backup for January 2000  
 Page 3

TOTALS

8.	Miscellaneous Reviews (no fees)	
	a. Wetland Setback Encroachment	2
	b. Easement /Vacating	2
	c. NRCS Review	0
9.	Preapplications (no fees)	
	a. Review preparation (hours)	9.5
	b. Meetings/Reports	10
10.	Development Review Committee (no fees)	
	a. Review preparation (hours)	2
	b. Meetings	0
D. Other Activities		
1.	Unscheduled meetings with members of the public (walk-ins)	96
2.	Other Meetings	77
3.	Telephone conferences	867
4.	Presentations	0
5.	Correspondence	167
6.	Correspondence Review (hours)	24.75
7.	Special Projects (hours)	56
8.	On-site visits	103
9.	Appeals	9

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	4
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	58
b. Legal	3
2. Number of "Notice of Intent to Initiate Enforcement"	3
3. Number of Citations Issued	0
4. Number of "Emergency Order of the Director"	0
5. Number of Consent Orders Signed	3
C. CASES CLOSED	
1. Administrative / Civil Cases Closed	5
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	0
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$950.00
E. ENFORCEMENT COSTS COLLECTED	\$648.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	77
2. Return Inspections	90
3. Closed	62
B. WARNING NOTICES	
1. Issued	71
2. Return Inspections	138
3. Closed	17
C. MITIGATION	
1. Compliance/Monitoring Reviews	28
2. Compliance Inspections	29
D. OTHER ACTIVITIES	
1. Case Meetings	11
2. Other Meetings	33
3. Telephone Calls	524
4. File Reviews	32
5. Cases Referred to Enforcement Coordinator	4
6. Letters	89

ADMINISTRATIVE / TECHNICAL SECTIONS

A. SOIL SCIENTIST

1. Case Reviews (Soils)	5
2. Field Soil Investigations	6
3. Reports or Notes of Soil Investigations	6
4. Special Projects	
- Brandon Urban Dispersed Wells	
- Alafia River Water Withdrawal Projects	
- TBW Offsite Wetland Mitigation	
- Regional Reservoir and Pipeline	
- Army Corps of Engineers: Hillsborough River Watershed Study	

B. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	4
2. Telephone Assistance	2371
3. Letters	192
4. Incoming Projects	93
5. Additional Info / Additional Footage	11 / 6
6. Resubmittals / Revisions	15 / 2
7. Surveys / Data Entry	17 / 519

C. ENGINEERING STAFF

1. Meetings	29
2. Reviews	23
3. Aerial Reviews	17
4. Telephone Inquiries	45
5. Panel Discussion	1
6. Conferences	3

LEGAL DEPARTMENT MONTHLY REPORT  
March 8, 2000

A. ADMINISTRATIVE CASES

NEW CASES [ 1 ]

**Windemere Utilities:** Applicant filed a formal Chapter 120 Administrative Petition challenging the EPC's denial of a permit issuance and modification based on the inadequacy of the treatment plant and disposal system's operating capacity. EPC is preparing to refer the petition to DOAH and request assignment of an ALJ.

EXISTING CASES [ 10 ]

**FIBA/Bridge Realty:** EPC issued a citation to the owner, Bridge Realty, and former tenant, FIBA Corp., for various unlawful waste management practices, and ordered that a contamination assessment must be conducted, a report submitted and contaminated material appropriately handled. Bridge Realty and FIBA appealed. Bridge Realty initiated a limited assessment; staff requested additional information only a portion of which was delivered. However, an alternate remedial plan has been approved and memorialized in a letter. We have been advised that the required corrective actions have been completed and a final report is due.

**Woodcock:** Mediation, requested under EPC rule 1-2, of a dispute relating to installation of an unpermitted vertical seawall along a portion of the Alafia River. Mediation was unsuccessful, and continued negotiations unsuccessful. Request for Authority sought.

**Kinman:** The Kinmans have requested an 84-446 administrative review of the EPC Director's Decision upholding the delineation of wetlands on their property. Amended appeal received in December 1998. The Hearing Officer agreed with the parties to hold the administrative process in abeyance to petitioner an opportunity to apply for impacts and for the agency to respond. EPC has attempted to contact opposing side regarding status but they have not responded to EPC's request.

**City of Tampa:** Appeal of EPC Citation for the improper disposal of street sweeping debris. Parties agreed in June 99 to abate the proceeding for 90 days to develop a plan for the proper disposal of the material. The plan has been reviewed and comments relayed to COT. Respondent has submitted additional information and we await DEP's comments.

**Cone Constructors, Inc.:** Appeal of EPC Citation for nuisance and Noise Rule violations during the construction of the Sun Coast Parkway (*see, FDOT & Cone Constructors, Inc. - litigation cases*). Settlement letter sent to counsel for Cone Constructors for signature.

**Starlight MHP WWTS:** Applicant requested formal administrative hearing of an EPC denial of a permit for a domestic wastewater treatment system. As a delegated permit process, this matter was referred to the States Department of Administrative Hearings (DOAH) for processing. A third party intervened in the proceeding and the final hearing was continued to pursue settlement discussions. Settlement has been reached in concept and request for additional 60 days has been made to prepare the necessary documents. Staff met with counsel for intervenor on March 2, 2000. Intervenor has suggested modifications to the consent order offered by EPC. Staff is to discuss modifications with intervenor's consultant. Settlement remains a feasible option. Status report due to DOAH on or before April 11, 2000. If parties do not reach a mutually acceptable agreement by April 11, 2000, staff will proceed with the administrative hearing.

**Presto Food Stores Inc.:** Appeal of a citation regarding out of compliance Underground Storage Tanks. The landowner has requested an administrative hearing, asserting a lack of ownership of the UST system. The tenants also claim no ownership. The Hearing Officer has continued the pre-hearing conference pending the property owner's efforts to properly close the system. Tanks have been emptied of product. EPC has agreed to give property owner a brief abeyance pending the owner's circuit court litigation against the operator.

**Watermark:** Appeal of a citation for out-of-compliance Underground Storage Tanks (UST's) at the Kings Point Golf Course. The regulatory deadline for upgrading or properly closing the UST's is passed. The landowner requested an administrative hearing, asserting that extenuating circumstances should be considered. Efforts to resolve this matter without having to refer to a hearing officer continue.

**Putney:** Appeal of Director's denial of request to impact wetlands. Matter has been referred to Hearing Officer Vanessa Cohn and hearing is scheduled for April 12. Parties are involved in discovery and are attempting to limit issues so that a summary hearing will be possible.

**Alafia River Intake Structure Arbitration:** Upon the Commission's authorization later ratified, the Executive Director filed a request to arbitrate the proposed Tampa Bay Water permit. Arbitrators have been selected. Patrick Courtney is lead attorney for EPC. Settlement discussions are ongoing. Deposition of EPC party representative scheduled for March 17, 2000. Arbitration hearing set for May 8<sup>th</sup>-12<sup>th</sup>.

#### **RESOLVED CASES [ 2 ]**

**SWFWMD Minimum Flows and Level Rules – Northern Tampa Bay:** EPC and Hillsborough County requested an independent scientific peer review regarding the District's proposed Minimum Flows and Levels Rules for Northern Tampa Bay. Following the Final Report, SWFWMD separated those portions relating to the Tampa Bypass Canal and proceeded with adoption of the remaining rule. Both Hillsborough County and EPC filed a Chapter 120 challenge to the rule. EPC and the County accepted settlement with SWFWMD, and Tampa Bay Water concurred.

**672 Recovery, Inc.:** Under 84-446, Laws of Florida, respondent appealed EPC citation for unauthorized burning and waste disposal problems. Regarding the underlying operation permit, respondent requested a formal Chapter 120 Fla. Statutes administrative hearing on DEP's intent to deny. 672 Recovery, Inc. has recently sold the operation and no longer operates the facility. The current owner is operating the facility in compliance with a permit issued by DEP. EPC is still seeking to recover penalties and costs from 672 Recovery, Inc. under the civil case and staff are reviewing the file to determine amounts.

### **B. CIVIL CASES**

#### **NEW CASES [ 1 ]**

**Integrated Health Services:** IHS, a Delaware corporation, has filed for bankruptcy and noticed EPC. IHS is a holding company that has acquired a local nursing home, which operation includes a domestic wastewater treatment plant that is not in compliance. The Debtor has filed a motion requesting that utility companies be required to continue service to the Debtors so that their residents can continue without relocation.

#### **EXISTING CASES [ 11 ]**

**Holley, Raymond, et al.:** Suit filed to compel proper closure for an abandoned underground storage tank, and to obtain civil penalties and costs. The Defendants defaulted and filed bankruptcy. The property was thereafter auctioned to a third party who did not follow through with the purchase. The bankruptcy case closed in April, 1998. EPC will renew its previously filed Motion for Judgment after Default once it has filed a motion to re-instate and lifts the stay.

**Slusmeyer:** Defendant failed to comply with a prior judgment and injunction requiring proper closure of underground storage tanks. Discovery is proceeding to obtain injunctive relief. Letter was sent to Defendant regarding contempt hearing and parties have arranged a meeting to resolve the issue.

**Kings Food Mart:** Authority granted to compel assessment of reported contamination at a retail gasoline facility, and to compel compliance with leak detection regulations for an existing the Underground Storage Tank system. Complaint is being drafted.



**Mulberry Phosphate:** Authority granted January 1998, to proceed against Mulberry to recover environmental damages as result of a process water spill from an impoundment system failure. The spill impacted the Alafia River and Tampa Bay. EPC is also seeking recovery of costs of enforcement and civil penalties. In cooperation with DEP and NOAA, EPC conducted a damage assessment and evaluation of appropriate restoration. Currently, several mitigation projects, in both Hillsborough and Pasco, are being reviewed and considered as possible settlement options.

**Stasiak v. EPC:** Mortgage holder attempted foreclosure of EPC's interest in certain real property held by virtue of a recorded settlement agreement against the property owner U.S.H. & B. EPC consented to foreclosure as long as our rights to proceeds were protected. U.S.H.&B. filed Chapter 11 Bankruptcy and a plan providing for appropriate resolution has been filed with the Court.

**672 Recovery, Inc.:** EPC provided authority in March 1999 to compel compliance with EPC rules requiring a Director's Authorization for operation of a wood waste processing facility. 672 Recovery, Inc. has recently sold the operation and no longer operates the facility. The current owner is operating the facility in compliance with a permit issued by DEP. EPC is still seeking to recover penalties and costs from 672 Recovery, Inc. and staff are reviewing the file to determine amounts.

**FDOT & Cone Constructors, Inc.:** Authority granted in March 1999, to take appropriate legal action to enforce the agency's nuisance prohibition and Noise Rule violated during the construction of the SunCoast Parkway.

**Quasem J. v. EPC, et al.:** In foreclosing a mortgage on a UST facility, Plaintiff named EPC as a Defendant because of our recorded judgment against the former owner/operator, a relative of the current Plaintiff (EPC case against Emad Qasem). EPC has asserted the priority of our judgment lien. The current operator appears to be in compliance.

**Acevedo v. EPC:** EPC has been named as Defendant in suit filed to recover damages for injuries allegedly sustained as a result of an auto accident. EPC's Response to the Complaint has been filed. The County Attorney's office is representing the Commission in this matter.

**Georgia and Hubert Maynard:** Authority to take appropriate action against the Maynards as owners and operators of an underground storage tank facility was granted, August 1999. A prior Consent Order required certain actions be taken to bring the facility into compliance, including the proper closure of out-of-compliance tank systems. The requirements of the agreement have not been met. Respondents have asserted willingness to comply, but financial inability.

**Tampa Scrap Processors, Inc.:** Authority granted in August of 1998 to proceed against all responsible parties for violations relating to the management of solid waste, used oil and hazardous waste and to compel a site assessment and a report of the findings. A meeting with the property owner before suit was filed produced a Consent Order signed October 19, 1998. Tampa Scrap has failed to comply with the terms of the Consent Order; the Tampa Port Authority is willing to perform the requirements of the settlement. We have filed suit against Tampa Scrap to protect our rights to legal enforcement of the specific terms of the Consent Order.

#### **RESOLVED CASES [ 0 ]**

**AGENDA ITEM COVER SHEET**

**Date:** March 7, 2000

**Agenda Item:** Informational: Executive Director Search

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**Description/Summary:**

We have 41 Letters of Interest, and are in the process of obtaining the completed Application Forms. Copies will shortly be provided to the Review Panel to begin the evaluation process.

The Review Panel was originally set up to have five persons:  
EPC Chair, Commissioner Platt  
CEAC Chair, Larry Padgett  
Director of Tampa Bay Estuary, Dick Eckenrod  
Director of County Human Resources, Sharon Wall, and  
Director of City of Tampa Human Resources, Sarah Lange -- who had indicated that she does not have the time.

There is no legal requirement to replace the fifth person on the panel, however should the Board wish to do so, it could.

**Commission Action Recommended:**

No action required.

## AGENDA ITEM COVER SHEET

**Date:** March 8, 2000

**Agenda Item:** Alafia Intake Structure – Contract for EPC Arbitrator

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### Description/Summary:

The Environmental Protection Commission sought arbitration of the proposed Tampa Bay Water primary environmental permit application for the Alafia River Intake Structure. The process of arbitration requires that each party select an arbitrator, and that the two arbitrators then select a third to serve as Chair. Each party is separately responsible for the costs and fees required for their selected arbitrator, and each is responsible for a share of the costs and fees of the Chair.

EPC's selected arbitrator is J. Nicholas Ehringer. Attached is the contract for his services, as prepared by Patrick Courtney, special counsel for EPC in this matter. Payment is to be made from the County-EPC Water Resource Team budget.

### Commission Action Recommended:

Authorize execution by EPC Chair.

## AGREEMENT FOR SPECIAL ARBITRATOR SERVICES

THIS AGREEMENT is entered into in Hillsborough County, Florida on this \_\_\_\_ day of \_\_\_\_\_, 2000, by and between the ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY, an administrative agency created by Special Act of the Florida Legislature, 1900 9<sup>th</sup> Avenue, Tampa, FL 33605 (hereinafter referred to as the "EPC"), and J. Nicholas Ehringer, Ph.D., 10414 E. Columbus Drive, Tampa, FL 33619 (hereinafter referred to as "Arbitrator") for a period of services .

### WITNESSETH

WHEREAS, on June 10, 1998, the EPC executed the *Amended and Restated Interlocal Agreement Reorganizing the West Coast Regional Water Supply Authority* (hereinafter referred to as the "Interlocal Agreement"); and

WHEREAS, by the terms of the Interlocal Agreement, the EPC agreed to waive certain legal rights it possessed under Chapter 120 of the Florida Statutes regarding primary environmental permit applications filed by Tampa Bay Water (hereinafter referred to as "TBW" and formerly known as the West Coast Regional Water Supply Authority); and

WHEREAS, the Interlocal Agreement provides for an alternative dispute resolution process whereby the EPC and TBW may resolve any dispute they may have concerning primary environmental permit applications filed by TBW; and

WHEREAS, on December 15, 1999, the EPC initiated the alternative dispute resolution process provided for under the terms of the Interlocal Agreement; and

WHEREAS, the alternative dispute resolution process of the Interlocal Agreement requires the EPC to select a person to serve as an arbitrator in resolving the dispute between the EPC and TBW; and

WHEREAS, pursuant to the alternative dispute resolution process set forth in the Interlocal Agreement, the arbitrator will be charged with applying the appropriate regulatory agency's rules and policies to TBW's primary environmental permits, which requires specialized knowledge and experience in science and alternative dispute resolution; and

WHEREAS, the Arbitrator possesses such specialized knowledge and experience and is willing to perform said service for the EPC; and

WHEREAS, the EPC desires to retain the Arbitrator to provide such services, under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing premises, which shall be deemed an integral part of this Agreement, and of the mutual covenants and agreements set forth below, the EPC and the Arbitrator, intending to be legally bound, hereby agree as follows:

1. **SCOPE OF SERVICES.** The EPC hereby retains and employs the Arbitrator to perform professional arbitrator services in connection with Sections 3.12, 3.13 and 3.16 and Appendices L and N of the Interlocal Agreement (attached hereto as Exhibit "A"). Such services shall be performed as requested and assigned by the EPC General Counsel or her designee on a task-by-task basis for a one year period beginning January 15, 2000, the date of appointment of arbitrator, (attached as Exhibit "A" hereto). The Arbitrator acknowledges that such services may demand a substantial amount of time to complete, including presiding over a hearing that may be held daily over a ten (10) consecutive weeks period.
2. **TERM.** This Agreement shall take effect immediately upon its full and complete execution by EPC and the Arbitrator and shall continue through conclusion of the matters referenced in Section 1 above, unless earlier terminated pursuant to Section 8.
3. **COMPENSATION AND EXPENSES.** The EPC shall pay the Arbitrator as compensation for professional legal services performed pursuant to this Agreement the following:
  - a. One Hundred dollars (\$100.00) per hour for services performed outside of alternative dispute resolution hearings;
  - b. One Hundred dollars (\$100.00) per hour for services performed at alternative dispute resolution hearings;
  - c. All reasonable out-of-pocket expenses. The EPC shall reimburse the Arbitrator for all out of County traveling expenses (subject to the limitations of Section 112.061, Florida Statutes (1997), as it may be amended), provided, the Arbitrator (i) maintains appropriate documentation substantiating the expense, (ii) discloses such claim is true and correct as to every material matter, and (iii) honors a claim for refund by the EPC should such reimbursement be in excess of the statutory limit.The Arbitrator's total compensation and expenses under this agreement shall not exceed Fifty Thousand Dollars (\$50,000).
4. **PAYMENT OF FEES AND EXPENSES.** The fee for professional services and reimbursable expenses shall be submitted monthly by the Arbitrator to the EPC General Counsel or her designee for approval. Each invoice shall provide a detailed description of services performed and expenses incurred during the period covered by the invoice, together with supporting documentation. Reimbursable expenses shall be limited to air freight and courier charges, and travel expenses and other expenses involving direct-party payments specifically authorized in writing by the EPC General Counsel to her designee.

5. **CONFLICTS OF INTEREST.** The Arbitrator represents that it presently does not represent any other clients which would conflict in any manner with the performance of the services required hereunder. During the term of this Agreement, the Arbitrator agrees it will not accept representation of another client to pursue interests that are adverse to the EPC's interests unless and until the Arbitrator has made full disclosure to the EPC of all the relevant facts, circumstances and implications of the Arbitrator's undertaking of the two representations and the EPC has consented to the Arbitrator's representation of the other client. The circumstances to be considered in determining whether a client of Arbitrator has interests adverse to the EPC shall include, but not be limited to: (i) whether there is a substantial relationship between any matter in which the Arbitrator is representing or has represented the EPC and the matter for the other client; (ii) whether the Arbitrator's representation of the other client will not implicate any confidential information the Arbitrator has received from the EPC; (iii) whether effective representation to the EPC and the discharge of the Arbitrator's professional responsibilities to the EPC will be prejudiced by the Arbitrator's representation of the other client; and (iv) whether the other client has also consented in writing based on the Arbitrator's full disclosure of the relevant facts, circumstances and implications of the Arbitrator's undertaking the two representations. The EPC agrees, however, that it will not restrict the Arbitrator from securing other clients whose interests are not adverse to the EPC. If the Arbitrator is required to decline employment or to withdraw from employment under the provisions of this Section, no partner or associate of the firm may accept such employment or continue such employment.
6. **DISCRIMINATION.** During the performance of this Agreement, the Arbitrator assures the EPC it is in compliance with Title VII of the 1964 Civil Rights Act, as amended, and the Florida Human Rights Act of 1997 and the Hillsborough County affirmative Action Policies in that the Arbitrator does not, on the grounds of race, color, national origin, religion, sex, age, handicap or marital status discriminate in any form or manner against said Arbitrator's employees or applicants for employment. The Arbitrator understands and agrees this Agreement is conditioned upon the veracity of this Statement of Assurances. Other applicable Federal and State laws, executive orders and regulations prohibiting the type of discrimination as herein above delineated are included by this reference thereto. This Statement of Assurances shall be interpreted to include Vietnam Era Veterans and handicapped persons within this protective range of applicability. In instances where the total payments to be made to the Arbitrator by the EPC under this Agreement amount to ten thousand dollars (\$10,000) or more, the Arbitrator agrees to abide by the provisions of Exhibit "B", the *Hillsborough County Equal Opportunity Clause*, attached hereto and made a part hereof.
7. **TERMINATION.** The EPC may terminate this Agreement upon ten (10) days advance written notice to the Arbitrator. In the event of termination, the Arbitrator agrees to transfer to the EPC any documents and other work product belonging to the EPC. In the event of termination, the Arbitrator shall immediately cease work hereunder and shall be compensated for billable hours of service rendered to the time of such termination and reimbursement for

eligible and documented reimbursable expenses incurred prior to the date of termination, as approved by the EPC General Counsel or her designee.

8. **NOTICE**. Any notice required or permitted to be delivered hereunder shall be deemed to be properly made if addressed as follows and sent by United States certified mail, return receipt requested, or delivered in person with proof hereof:

To the Arbitrator:

J. Nicholas Ehringer, PhD,  
10414 E. Columbus Drive  
Tampa, FL 33619

To the EPC:

Sara M. Fotopulos, Esq.  
General Counsel  
1900 9<sup>th</sup> Avenue  
Tampa, Florida 33605

9. **MISCELLANEOUS**.

- a. Nothing herein shall be construed to give any rights or benefits hereunder to anyone other than the EPC or the Arbitrator;
- b. The Arbitrator shall not sublet, assign, or transfer this Agreement or any work specifically set forth under this Agreement without the prior written consent of the County Arbitrator or her designee;
- c. No changes or modifications of this Agreement shall be valid unless the same be in writing and signed by all parties hereto;
- d. It is understood that unusual and unforeseen circumstances could occur and that the EPC General Counsel may request the Arbitrator's services for matters outside the scope contemplated by this Agreement, in which case the EPC General Counsel will advise the Arbitrator of the same, and at such time the Arbitrator and the EPC General Counsel shall consider and mutually agree upon the nature and scope of such work, and such work, upon such mutual agreement, shall be billed based on the compensation formula set forth in Section 3, above;
- e. Venue for any action, litigation, or arbitration arising out of this Agreement shall be in Hillsborough County, Florida;
- f. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida;
- g. If any provision of this Agreement is found invalid or unenforceable by any court of competent jurisdiction, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this Agreement which shall continue in full force and effect, provided the rights and obligations of the parties contained herein are not materially prejudiced and that the intentions of the parties can continue to be effected;

- h. The EPC and the Arbitrator agree that each has played an equal part in the negotiation and drafting of this Agreement, and in the event any ambiguity should be asserted or realized in the interpretation or construction of this Agreement, the result of such ambiguity shall be equally assumed and realized by both parties; and
- i. This Agreement may be executed in more than one counterpart, each of which shall be deemed an original.

IN WITNESS WHEREOF, the EPC and the Arbitrator have duly executed this Agreement on the day and year first above written.

ATTEST:  
 RICHARD AKE  
 CLERK OF CIRCUIT COURT

ENVIRONMENTAL PROTECTION COMMISSION  
 OF HILLSBOROUGH COUNTY

By: \_\_\_\_\_  
 Deputy Clerk

By: \_\_\_\_\_  
 Chairman, EPC

ATTEST:

J. Nicholas Ehringer

By: Robert B. Gundry  
 Witness

By: J. Nicholas Ehringer  
 J. Nicholas Ehringer

Approved as to Form and Legal Sufficiency  
 EPC Office of General Counsel

By: \_\_\_\_\_



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ATTEST:  
 RICHARD AKE  
 CLERK OF CIRCUIT COURT

ENVIRONMENTAL PROTECTION COMMISSION  
 OF HILLSBOROUGH COUNTY

By: \_\_\_\_\_  
 Deputy Clerk

By: \_\_\_\_\_  
 Chairman, EPC

ATTEST:

J. Nicholas Ehringer

By: *Richard B. Curley*  
 Witness

By: *J. Nicholas Ehringer*  
 J. Nicholas Ehringer

Approved as to Form and Legal Sufficiency  
 EPC Office of General Counsel

By: \_\_\_\_\_

**AGENDA ITEM COVER SHEET**

**Date:** March 8, 2000

**Agenda Item:** Alafia Intake Structure – Service Agreement for Arbitration Chair

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**Description/Summary:**

The Environmental Protection Commission sought arbitration of the proposed Tampa Bay Water primary environmental permit application for the Alafia River Intake Structure. The process of arbitration requires that each party select an arbitrator, and that the two arbitrators then select a third to serve as Chair. Each party is separately responsible for the costs and fees required for their selected arbitrator, and each is responsible for a share of the costs and fees of the Chair.

EPC's arbitrator and Tampa Bay Water's arbitrator selected W. Gary Vause to serve as the third arbitrator-Chair. Attached is service agreement for his services, as prepared by Patrick Courtney, special counsel for EPC in this matter. Payment is to be made from the County-EPC Water Resource Team budget.

**Commission Action Recommended:**

Authorize execution by EPC Chair.

## AGENDA ITEM COVER SHEET

**Date:** March 7, 2000

**Agenda Item:** Ronald Woodcock unauthorized seawall constructed in wetlands

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### Description/Summary:

The EPC issued Warning Notice #16437 on April 8, 1997, for construction of a concrete bag seawall in wetlands associated with the Alafia River. The seawall is in violation of Chapter 1-11, the EPC Wetland Rule, Tampa Port Authority Sovereign Land Management Rules and contrary to Hillsborough County's Comprehensive Plan.

On October 28, 1997, EPC staff recommended denial of an amended Tampa Port Authority application to retain the seawall as constructed. The case was forwarded for further enforcement action on January 20, 1998, due to failure to reach agreement on corrective actions necessary to resolve the outstanding warning notice. Corrective actions include removal of the entire seawall and associated backfill, slope the backfill to no less than 4:1 and stabilize the exposed slope.

On September 15, 1998, EPC's Executive Director made a final decision denying the seawall as constructed. The parties entered into mediation. The mediation was unsuccessful. Staff continued discussions with Mr. Woodcock in an attempt to resolve this matter without resorting to litigation. These continued discussions have not led to resolution of the matter.

### Commission Action Recommended:

Ask for Authority to pursue appropriate legal action.

**Arbitration Services Agreement**

The Environmental Protection Commission of Hillsborough County and Tampa Bay Water, hereinafter referred to collectively as "the parties," through their authorized representatives whose signatures are affixed below, agree to retain the services of W. Gary Vause to serve as Arbitrator in the matter of Arbitration Between the Environmental Protection Commission of Hillsborough County and Tampa Bay Water Concerning The Alafia River Pump Station, Environmental Resource Permit Application, on the following terms and conditions:

Vause agrees to serve as the Arbitration Panel Chair in this matter. He will be reimbursed by the parties for all expenses incurred in connection with this matter, and compensated by the parties at the rate of \$250.00 per hour. All statements for expenses and compensation shall be submitted by Vause to the parties in writing on a periodic basis as accrued and shall be payable by the parties within 30 days of receipt. Each party agrees to be liable for payment of one-half of Vause's total expenses and compensation. Statements submitted by Vause to each party shall reflect Vause's total expenses and compensation as well as the amount due from each party.

For the Environmental  
Protection Commission of  
Hillsborough County:

For Tampa Bay Water

The Arbitration Panel  
Chair

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## AGENDA ITEM COVER SHEET

**Date:** February 17, 2000

**Agenda Item:** Staff Presentation to the EPC Board on the current status of the State's Motor Vehicle Inspection Program (MVIP).

### Description/Summary:

EPC staff will describe the current motor vehicle emissions testing program, including the program's capabilities and limitations in helping the County meet EPA's air quality standards. Staff will present the Board with a list of possible options to the current MVIP program. The presentation will be assisted by Carlos Thomas, Program Manager of Gordon Darby, Inc., which administers the MVIP program in Hillsborough and Pinellas counties. Mr. Thomas will speak on the merits of the MVIP program.

### Commission Action Recommended:

Recommend the best option to the legislative delegation on the future of motor vehicle emissions testing in Hillsborough County.

COMMISSION

PAT FRANK  
CHRIS HART  
JIM NORMAN  
IAN PLATT  
THOMAS SCOTT  
RONDA STORMS  
BEN WACKSMAN



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ADMINISTRATIVE OFFICES, LEGAL &  
WATER MANAGEMENT DIVISION  
1900 - 9TH AVENUE  
TAMPA, FLORIDA 33605  
TELEPHONE (813) 272-5960  
FAX (813) 272-5157

AIR MANAGEMENT DIVISION  
TELEPHONE (813) 272-5530

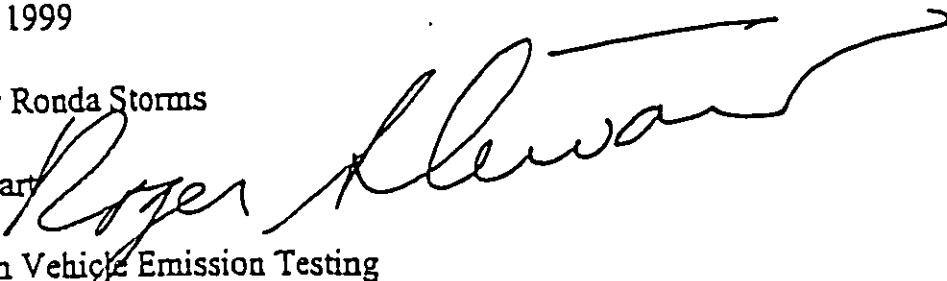
WASTE MANAGEMENT DIVISION  
TELEPHONE (813) 272-5788

WETLANDS MANAGEMENT DIVISION  
TELEPHONE (813) 272-7104

EXECUTIVE DIRECTOR

ROGER P. STEWART

MEMORANDUM

DATE: November 17, 1999  
TO: Commissioner Ronda Storms  
FROM: Roger P. Stewart   
SUBJECT: Information on Vehicle Emission Testing

Thank you for your inquiry concerning the future status of vehicle emission testing in Hillsborough County. The program is authorized by the State Legislature and run by the Department of Motor Vehicles. The EPC's role has been limited to evaluating its effectiveness and commenting on alternatives.

In the 1980's the U. S. Environmental Protection Agency (EPA) cited six Florida counties for exceeding the National Ambient Air Quality Standards for the pollutant ozone. These counties included Broward, Dade, Duval, Palm Beach, as well as Pinellas and Hillsborough. The EPA further directed the State to clean up or face federal sanctions.

Faced with one of the highest emission control tampering rates in the country, the State decided to implement the current motor vehicle inspection program (MVIP) starting in 1991. Once the Legislature authorized it, the State's Department of Environmental Protection (DEP) then committed to the EPA that we would include it our overall air pollution control plan. This in effect now requires us to get the EPA's approval as well as the Legislature's to abolish the program.

During the last session, the Legislature amended the MVIP. Starting in June 2000, the MVIP has been reauthorized for a minimum of 4 years with the following modifications.

- Current model year vehicles and vehicles manufactured in the two prior model years will be exempt from testing.
- Testing will be conducted on a biennial basis.
- Testing fee will be increased from \$10 to \$19.

Commissioner Ronda Storms  
November 17, 1999  
Page 2

So unless there is another amendment from the Legislature, we will have the MVIP through 2004 with further extensions possible.

As I stated early on, the EPC has been evaluating the MVIP. And while the program helped reduce our high tampering rate and increased public awareness, we now feel it produces only marginal air quality benefits. As a result, we have been actively speaking to members of our legislative delegation about less intrusive and more effective alternatives. In particular, we are encouraged about the possible statewide implementation of a cleaner burning low sulfur gasoline. This would do more to improve our ozone situation than the current MVIP, and the costs appear to be reasonable.

Be advised that the DEP has initiated the process to receive the EPA's permission to end the MVIP as early as this coming June in the four counties outside of the Tampa Bay area. If they get the EPA's approval, this would give the Legislature the option of terminating MVIP in Jacksonville and the southeast coast. Because of the elevated ozone readings in this area, the DEP is reluctant to end it here pending further study. We are asking them to carefully look at this decision.

I hope this memo has served to clear up any questions you may have had about the emission testing program and how it affects Hillsborough County. If we can be of any further assistance, please let me know.

cag

cc: Commissioner Frank  
Commissioner Hart  
Commissioner Norman  
Commissioner Platt  
Commissioner Scott  
Commissioner Wacksman

State of Florida  
Motor Vehicle Inspection Program  
(MVIP)

**History:**

- Hillsborough County was classified as nonattainment for the pollutant ozone by the EPA in the 80's.
- EPA surveys indicated that the Tampa Bay area had one of the highest automobile emission system tampering rates in the Country.
- In 1987, ozone readings throughout the State reached record levels.
- In 1988, the Legislature established Florida's MVIP in Hillsborough and five other counties including Pinellas.
- The Florida Department of Environmental Protection (DEP) requests air quality credits for the MVIP from the EPA and receives them.
- Emission inspections began April 1, 1991 in Hillsborough County.
- The program is run by the State through the Department of Highway Safety and Motor Vehicles (DHSMV) and administered locally by their contractor Gordon-Darby, Inc.
- In 1996, the one hour ozone readings have decreased below the standard and the area is redesignated from a nonattainment area to an ozone maintenance area.
- In 1999, the Legislature revises the MVIP statute authorizing DHSMV to enter contracts to extend MVIP for up to another 7 years.

February 10, 2000



**(History continued)**

- Current MVIP contracts expire June 30, 2000.
- Tampa and Pensacola experience elevated ozone readings for the three year period of 1997 – 1999, thus exceeding the EPA's new ozone standard.
- Florida DEP initiates request to end all air quality credits from EPA for Jacksonville and the southeast coast.

**Considerations:**

- In Hillsborough county the failure rate this past year was less than 6 %.
- In July of 2000, MVIP exempts the three latest model years.
- All other vehicles will be required to be tested biennially.
- DHSMV's portion of the inspection fee goes into their Highway Safety Operating Trust Fund and is not necessarily spent in the county where it is collected.
- MVIP does not test for NOx which is the problem pollutant and a precursor for ozone.
- On average, each county with MVIP receives about a single ton of NOx credit per day (this is an estimate).

February 10, 2000

(Considerations continued)

- To put this in perspective, the NOx budget for Hillsborough and Pinellas counties is several hundred tons per day.
- Vehicle miles traveled in Hernando, Pasco, Polk, Manatee and Sarasota Counties is equivalent to the total miles driven on any given day in Pinellas and Hillsborough, yet these counties do not participate in the MVIP.
- Worker commute trips alone into Hillsborough and Pinellas from the surrounding counties is over a hundred thousand trips per day.
- The governor has announced he does not intend to expand the MVIP into the Pensacola area even though their ozone problem is equivalent to west central Florida's.

Possible Options:

- Direct staff to draft correspondence for the Chairman's signature requesting Secretary Struhs initiate action to withdraw air quality credits for the MVIP for the Tampa Bay area through the EPA. Concurrently have staff draft a second letter from our Chairman to the legislative delegation, requesting they support any initiative to terminate the MVIP in Hillsborough county effective June 30, 2000.
- Direct staff to draft correspondence for the Chairman's signature to the legislative delegation requesting they propose and/or support: any initiative to expand the MVIP to Hernando, Pasco, Polk, Manatee and Sarasota counties, and revise MVIP to include NOx testing.
- Direct staff to draft correspondence for the Chairman's signature to the legislative delegation requesting they propose and/or support: any initiative to limit the new MVIP contract to a period not to exceed 2 years, and exclude NOx testing and the surrounding counties.
- Take no action and monitor the legislature this spring.

RECEIVED  
FEB 23 2000  
EPCWaste Management Division

DEP CONTRACT NO. GC598  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AGREEMENT FOR STORAGE TANK SYSTEM  
SIGNIFICANT NON-COMPLIANCE RESOLUTION PROGRAM  
FOR HILLSBOROUGH COUNTY

CONTRACTOR

Hillsborough County  
Environmental Protection Commission  
1900 9<sup>th</sup> Avenue  
Tampa, Florida 33605

FEID NO.: 59-6000661

SCOPE OF SERVICES

The Florida Department of Environmental Protection (DEP or Department) hereby retains the Contractor for the following specific purposes and duties:

1. (a) Perform Level Three Enforcement actions on all significant non-compliance violations of Chapter 62-761, Florida Administrative Code, in Hillsborough County. These actions include: obtaining inspection warrants, as needed; initiation and completion of administrative and judicial enforcement actions as lead agency, as described in Attachment A; preparing, delivering, and executing enforcement documents including Consent Orders, Notices of Violation, and Final Orders; taking lead responsibility in the discovery process; determining appropriate judicial remedies, including civil penalties, injunctive relief, and assessment of damages; and performing post-judgment enforcement activities.
  - (b) The Contractor must perform Level Three Enforcement under its own ordinances. Therefore, to perform Level Three Enforcement activities, the Contractor must have and maintain local ordinances adopting Chapter 62-761, F.A.C., and penalty authority equivalent to that set forth in Section 403.141 and 403.161, F.S., as their own local ordinances during the term of this Contract. Failure to maintain such requirements shall result in unilateral termination of this Contract by the Department. The Contractor is not authorized to enforce local ordinances which are stricter or more stringent than those of the Department in the performance of its duties under this Contract.  
  
Level Three Enforcement activities must be conducted by an individual(s) in a position equivalent to an Environmental Specialist II level or higher. Noncompliance letters may be prepared and sent by an individual(s) at the Environmental Specialist I level under the direction of an individual at the Environmental Specialist II level or higher. All enforcement documents must be in DEP format, or have DEP approval.
  - (c) The Contractor must maintain the administrative organization, staff, financial and other resources to effectively and efficiently administer the requirements of this Contract.
2. The Contractor shall assess performance levels quarterly to determine its progress towards completion and upon discovery shall notify the DEP Contract Manager of any problems that would delay or prevent the timely progress and completion. In the event the Contractor is unable to meet performance levels set forth in the Contract, the Department reserves the right to seek cost recovery according to a percentage of the amount identified in the executed Contract, unless failure of the Contractor to perform is documented to be beyond the foreseeable control of the Contractor (i.e. a force majeure event.).

3. To assist the Contractor in complying with the terms and conditions established herein, standard program terminology used throughout this Contract is defined and provided in Attachment A, attached hereto and made a part hereof. Since this Contract does not include services associated with mineral acid tanks, it is understood and agreed by both parties that all references to Chapter 62-761, F.A.C. in this Contract and/or Attachments incorporated herein shall refer to the provisions related to the storage tank program and shall not include the provisions pertaining to mineral acid tanks.
4. It is hereby understood and agreed that all references in this Contract to Florida Statutes (F.S.), Florida Administrative Code (F.A.C.), and guidance documents shall be for the laws, rules, and guidance documents in effect at the time work is performed by the Contractor.

**CONTRACTOR RESPONSIBILITIES**

1. Perform Level III enforcement actions. Enter into STCM and PCTS related data generated from the enforcement actions under the direction of the DEP prior to the submittal of an invoice. A copy of any proposed Consent Order shall be provided to the District storage tank manager five (5) days prior to execution.
2. Provide, at a minimum, the following staff to satisfactorily complete its requirements under this Contract.

Full Time Equivalent	Position Title
1.0	Enforcement Specialist I
1.0	Enforcement Specialist II
0.25	Attorney
0.25	Clerk
0.10	Environmental Specialist II

3. Maintain files on regulated facilities for inspection reports, noncompliance letters, warning letters, or any other related enforcement documentation, telephone logs and written correspondence from the facility. Facility files must be kept until the site has been determined closed. Once the facility has been closed for five (5) years, the records shall be sent to the Storage Tank Regulation Section in Tallahassee for preservation, unless the Contractor is subject to more stringent local record requirements. Copies can be maintained by the Contractor at the Contractor's expense. If, for any reason, the Department's contractual arrangement with the Contractor to perform the responsibilities set forth in this Contract (through this Contract or any future contracts) ceases, the Contractor shall return all original facility files to the DEP Contract Manager within 30 calendar days of Contract expiration or termination.
4. Ensure that all field personnel receive the health and safety training required to meet OSHA standards. DEP provides an 8-hour refresher course that is available to the Contractor.
5. Perform all clerical and data entry activities for the above mentioned tasks, by an individual at a minimum equivalent to a Secretary Specialist level or higher. Data entry will be performed in accordance with Guidance Document B and meet the time frame established in the Reports and Deliverables section of this Contract.
6. Provide copies of applicable rules, inspection forms, and other program/public assistance information to the public and regulated interests. However, this provision does not authorize photocopying of reference documents in violation of copyright law.
7. Use recycled paper for all program correspondence and documents with the exception of inspection report forms.

8. Maintain a separate account (Trust Fund or Cost Center) within the Contractor's accounting system for the receipt and disbursement of funds provided under this Contract, except that penalties collected from performing Level III enforcement actions need not be maintained or tracked under this account.
9. Provide a Statement of Revenue, Expenses and Fund Balance for the period of the executed Contract within 45 days of payment of the final invoice.
10. Acknowledge prior receipt of the following guidance documents:

Guidance Document	Guidance Document Title
A	Storage Tank Penalty Guidelines and Assessments Memo
B	Storage Tank & Petroleum Contamination Monitoring System Compliance & Enforcement Tracking Data Management Guidance
C	Contractual Services Invoice
D	Level of Effort Memo
E	Storage Tank Facility Compliance Inspection Form & Database Entry Forms
F	DEP Enforcement Memo (available on the DEP Office of General Counsel web site)

The Contractor agrees that the services required under this Contract shall be performed in accordance with the above listed guidance documents and as those documents may be amended from time to time.

11. Ensure that the provisions of Chapter 120, F.S., shall govern actions taken by the Contractor, for the purposes of this Contract. All timely petitions for formal administrative hearings received by the Contractor, except for those provisions pertaining to rulemaking, variance and waivers, and declaratory statements shall be referred to the Division of Administrative Hearings (DOAH) for the assignment of an administrative law judge if the petitions are submitted pursuant to Chapter 120, F.S., and satisfy the requirements set forth in Subsection 120.54(5)(b)4., F.S., (1998 Supp.), and the Uniform Rules of Procedure, with particular attention to Rules 28-106.204 and 28-106.303, F.A.C. At the time of referral of a petition to DOAH, a copy of the notice of referral, the petition, and the challenged decision shall be mailed to the Department's Office of General Counsel, Attention: Deputy General Counsel for Enforcement, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. The Department shall have the right, if it so chooses, to intervene in the DOAH proceeding. For all hearings challenging agency actions initiated under this Contract, the Contractor shall be responsible for preparation for the hearings, appearance at the hearings, and the preparation and submittal of the proposed recommended orders to the assigned administrative law judge. Prior to all final hearings, the Contractor's attorneys shall consult with the Department's attorneys regarding issues related to the case. Final agency action resulting from such DOAH proceedings shall be taken by the Contractor. Appeals of final orders entered following an administrative hearing shall be the responsibility of the Contractor. The Department may join the appeal as a party. Orders entered by the Contractor pursuant to administrative hearings shall be published in the Florida Administrative Law Reporter if they have precedential significance. All final orders entered after an administrative hearing under Sections 120.569 or 120.57, F.S., shall be published in the Florida Administrative Law Reporter and copies provided to the Department within 30 days of publication.

For purposes of this Contract, the Contractor is not authorized to issue variances or waivers under Section 120.542, F.S., equipment approvals or alternate procedures under Rule 62-761.850, F.A.C., or to issue Declaratory Statements under Section 120.565, F.S.

## DEP RESPONSIBILITIES

1. Serve in an advisory capacity to the Contractor. The Department shall make legal interpretations of Department rules, which shall be binding with respect to the Contractor's ordinances to the extent that those ordinances adopt the provisions of Chapter 62-761, F.A.C. as required by this Contract.
2. Provide program and regulatory guidance for the Contractor.
3. Perform a program review, at least once during the term of this Contract. The Contractor shall be notified, in writing, at least fourteen (14) calendar days prior to performance of such review. The DEP Contract Manager may perform additional program reviews, as deemed necessary, to insure the required performance of the Contractor.
4. At the discretion of the Department, perform Level III enforcement actions which would otherwise be performed by the Contractor when:
  - a. there is an extensive enforcement history by the Department for a particular site or sites that where deviation would result in more efficient or effective administration of the enforcement program;
  - b. where potential for appearance of a conflict of interest could be resolved by deviation; or
  - c. in case of emergencies, such as a natural disaster.
5. Perform all enforcement activities at Contractor-owned or operated facilities.

## REPORTS AND DELIVERABLES

The Contractor shall complete the appropriate sections(s) as applicable for Non-Compliance Resolution, in accordance with Guidance Document B and E. The Contractor shall send copies to the DEP Contract Manager's attention at the Florida Department of Environmental Protection, Storage Tank Regulation Section, 2600 Blair Stone Road (MS4525), Tallahassee, Florida 32399-2400, on a quarterly basis, and enter this information, along with enforcement tracking information, into the DEP computer database by the 10th day of the following month. The completed invoice each quarter shall be submitted to the DEP no later than the 15th day of the following month. If the 15th falls on a weekend or State observed holiday, the Contractor shall submit the required information no later than the next business day following the weekend or holiday.

The DEP Contract Manager shall verify the number of Non-Compliance Resolutions before the quarterly invoice is processed. The DEP has ten (10) working days from the receipt of all deliverables and reports to review the work performed by the Contractor during the invoice period. If the Contractor fails to perform as directed by the terms of this Contract, the DEP shall return the unpaid invoice and/or reports and deliverables to the Contractor documenting the areas in which the Contractor has failed to meet its contractual obligations.

## TERM OF CONTRACT

This Contract shall be effective on the date of execution or April 1, 2000, whichever is later; and shall remain in effect until June 30, 2000, by which time all requirements shall be complete. A final invoice shall be submitted to the Department no later than 30 days following the expiration date of this Contract.

This Contract may be renewed for up to two additional one-year periods. Renewal of this Contract shall be in writing and subject to the same terms and conditions of this Contract. All renewals are contingent upon satisfactory performance by the Contractor and the availability of funds.

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## NOTICES

Any and all notices shall be delivered to the parties at the following addresses:

<u>Contractor</u>	<u>Department</u>
Mr. Hooshang Boostani Hillsborough County Environmental Protection Commission 1900 9 <sup>th</sup> Avenue Tampa, Florida 33605	Mr. Marshall Mott-Smith Florida Department of Environmental Protection Storage Tank Regulation Section 2600 Blair Stone Road, MS4525 Tallahassee, Florida 32399-2400

## SUBCONTRACTING

The Contractor shall not subcontract, assign, or transfer any work under this Contract without the prior written consent of the DEP. The Contractor agrees to be responsible for the fulfillment of all work elements included in any subcontract consented to by the Department and agrees to be responsible for the payment of all monies due under any subcontract. It is understood and agreed by the Contractor that the Department shall not be liable to any subcontractor for expenses or liabilities incurred under the subcontract and the Contractor shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.

## COMPENSATION

For satisfactory performance, DEP agrees to compensate the Contractor on a fixed price basis in the amount of \$38,972. It is hereby understood and agreed by both parties that any penalties received by the Contractor in performing Level III enforcement actions under this Contract shall remain the property of the Contractor, and are not included in the fixed price amount of this Contract.

The State of Florida's performance and obligation to pay under this Contract is contingent upon an annual appropriation by the Legislature and continuation of other funding presently anticipated.

## PAYMENTS

The Contractor shall submit quarterly invoices (based on calendar quarters) in the amount of \$38,972. Each invoice shall be submitted using the Contractual Services Invoice form provided as Guidance Document C. Each invoice is due no later than the 15th day of the month following the quarter of services. Travel expenses associated with the Contractor's performance of its duties under this Contract are included in the quarterly payment amount and no additional travel expenses will be authorized. Each invoice must be submitted in detail sufficient for pre-audit and post-audit review. A final invoice must be submitted within thirty (30) days of the completion date of the end of the Contract period to assure the availability of funding for payment. The DEP shall pay all satisfactory invoices in accordance with Section 215.422, Florida Statutes. Two copies of each invoice shall be submitted to:

Florida Department of Environmental Protection  
Storage Tank Regulation Section  
Attn.: Send to the DEP Contract Manager's Attention  
2600 Blair Stone Road, MS4525  
Tallahassee, FL 32399-2400

Pursuant to Section 215.422, Florida Statutes, the Department's Contract Manager shall have five (5) working days, unless otherwise specified herein, to inspect and approve the services for payment; the Department must submit a request for payment to the Florida Department of Banking and Finance within twenty (20) days; and the Department of Banking and Finance is given ten (10) days to issue a warrant. Days are calculated from the latter date the invoice is received or services received, inspected, and approved. Invoice payment requirements do not start until a proper and correct invoice has been received. Invoices, which have to be returned to a contractor for correction(s), will result in a delay in the payment.



In accordance with Section 215.422, Florida Statutes, the Department shall pay the Contractor, interest at a rate as established by Section 55.03(1), Florida Statutes on the unpaid balance, if a warrant in payment of an invoice is not issued within forty (40) days after receipt of a correct invoice and receipt, inspection, and approval of the goods and services. Interest payments of less than \$1 will not be enforced unless a contractor requests payment. The interest rate established pursuant to Section 55.03(1), F.S. may be obtained by calling the Department of Banking and Finance, Vendor Ombudsman at the telephone number provided below or the Department's Contracts Section at 850/922-5942.

A Vendor Ombudsman has been established within the Department of Banking and Finance. The duties of this individual include acting as an advocate for vendors who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 410-9724 or by calling the State Comptroller's Hotline 1-800-848-3792.

### MANAGEMENT

The DEP Contract Manager is Marshall T. Mott-Smith, Phone 850/488-3935 or SunCom 278-3935. The Contractor's Contract Manager is Hooshang Boostani, Phone 813/272-5788 or SunCom 543-5788. All matters relating to the Contract shall be directed to the Contract Managers.

The DEP and Contractor agree to the following terms:

1. Either party may terminate this Contract for its convenience by giving the other party thirty (30) days written notice. If termination is effected by either party under this provision, the Contractor shall be compensated for work satisfactorily completed.
2. All services shall be performed by the Contractor to the satisfaction of the Secretary of the DEP or his/her designated representative.
3. If the Contractor fails to perform in a timely and proper manner, in the judgment of the DEP, the DEP may terminate this Contract by thirty (30) days written notice, specifying the effective time/date of termination. In this event, the Contractor shall be compensated for any work satisfactorily completed.
4. The DEP and the Contractor may at any time, by written order designated to be a change order, make any change in the work within the general scope of the Contract (e.g., specifications, time, method or manner of performance, requirements, etc.). All change orders are subject to mutual agreement of both parties and shall be evidenced in writing. Any change order which causes an increase or decrease in the Contractor's cost or time shall require an appropriate adjustment and modification (amendment) to this Contract.
5. The Contractor shall maintain books, records and documents directly pertinent to performance under this Contract in accordance with generally accepted accounting principles consistently applied. The DEP, the State, or their authorized representatives shall have access to such records for audit purposes during the term of the Contract and for three years following Contract completion.
6. The Contractor covenants that it presently has no interest and shall not acquire any interest, which would conflict, in any manner or degree with the performance of services required.
7. The Contractor warrants that no person or agency has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee except bona fide employees or agencies maintained by the Contractor for the purpose of securing business.
8. The DEP reserves the right to unilaterally cancel this Contract for refusal by the Contractor to allow reasonable public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, F.S., and made or received by the Contractor in conjunction with this Contract.

9. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.
10. The Contractor shall comply with all federal, state and local rules and regulations in providing services to the Department under this Contract. The Contractor acknowledges that this requirement includes compliance with all federal, state and local health and safety rules and regulations.
11. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this Contract, shall impair any such right, power or remedy of either party; nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.
12. This Contract is an exclusive contract for services and may not be assigned in whole or in part without the written approval of the Department.

#### LIABILITY

1. To the extent required by law, the Contractor will be self-insured against, or will secure and maintain during the life of this Contract, Workers' Compensation Insurance for all of his employees connected with the work of this project and, in case any work is subcontracted, the Contractor shall require the subcontractor similarly to provide Workers' Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the Contractor. Such self-insurance program or insurance coverage shall comply fully with the Florida Workers' Compensation law. In case any class of employees engaged in hazardous work under this Contract is not protected under Workers' Compensation statutes, the Contractor shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the Department, for the protection of his employees not otherwise protected.
2. The Contractor, as an independent contractor and not an agent, representative, or employee of the Department, agrees to carry adequate liability and other appropriate forms of insurance. The Department shall have no liability except as specifically provided in this Contract.
3. Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes.

#### SEVERABILITY

In the event one or more provisions of this Contract are declared invalid, the balance of this Contract shall remain in full force and effect.

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ENTIRE AGREEMENT

It is hereby understood and agreed that this Contract states the entire agreement and that the parties are not bound by any stipulations, representations, agreements, or promises, oral or otherwise, not printed in this Contract. This Contract may be modified by written amendment executed by the parties hereto.

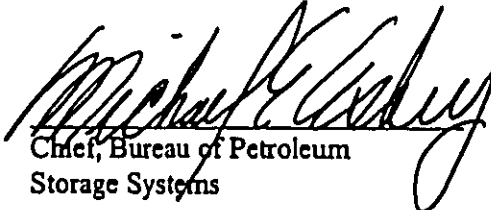
HILLSBOROUGH COUNTY  
ENVIRONMENTAL PROTECTION  
COMMISSION

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

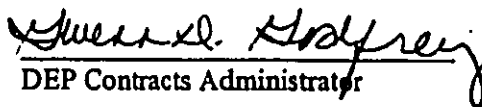
By: \_\_\_\_\_

\*Title:


Date: \_\_\_\_\_

  
\_\_\_\_\_  
Chief, Bureau of Petroleum  
Storage Systems

Date: 2-18-00

  
\_\_\_\_\_  
DEP Contracts Administrator

Approved as to form/legality:

  
\_\_\_\_\_  
DEP Assistant General Counsel

\*For contracts with governmental boards/commissions: If someone other than the Chairman signs this Contract, a resolution, statement or other document authorizing the person to sign the Contract on behalf of the Contractor must accompany the Contract.

List of Attachments included as part of this Contract:

<u>Attachment</u>	<u>Description (include number of pages)</u>
A	Standard Contract Definitions (5 pages)

## ATTACHMENT A

### STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION Significant Non-compliance Resolution Program Local Government Enforcement Contracting

#### Standard Contract Definitions

##### Significant Non-compliance Resolution Program

A locally administered program for the inspection of storage tanks as authorized in 376.303(1)(a) F.S. The purpose of this program is to resolve significant non-compliance violations under Chapter 62-761, F.A.C.

##### Compliance without Enforcement (CWOE)

A return to full compliance without formal enforcement. Full compliance can be verified through a re-inspection, closure or installation inspection, receipt of records in the county office, or the receipt of any other information, through the mail, during a meeting or a site visit, that indicates a facility, previously determined to be out-of-compliance is now in-compliance. Once a case has been referred to the Department's District Office for formal enforcement, it is no longer a CWOE.

##### Consent Order

Refer to Chapter 5 of the DEP Enforcement Manual for a description.

##### Environmental Specialist I

An Environmental Specialist I must have:

- A bachelor's degree from an accredited college or university with a major in one of the physical or natural sciences or engineering; or
- A master's degree from an accredited college or university in one of the physical or natural sciences or engineering; or
- Professional experience in environmental protection, regulation or health; one of the physical or natural sciences; or engineering can substitute on a year-for-year basis for the required college education.

**Note:** Substitutions for qualified personnel can be made at the discretion of the Department based on the tenure of professional experience in a directly related field.

## Environmental Specialist II

An Environmental Specialist II must have:

- A bachelor's degree from an accredited college or university with a major in one of the physical or natural sciences or engineering and two years of professional experience in environmental protection, regulation or health; one of the physical or natural sciences; or engineering; or
- A master's degree from an accredited college or university in one of the physical or natural sciences or engineering and one year of professional experience as described above; or
- A doctorate degree from an accredited college or university in one of the physical or natural sciences or engineering; or
- One year of experience as an Environmental Specialist I with the State of Florida; or
- Professional experience in environmental protection, regulation or health; one of the physical or natural sciences; or engineering can substitute on a year-for-year basis for the required college education.

**Note:** Substitutions for qualified personnel can be made at the discretion of the Department based on the tenure of professional experience in a directly related field.

## Environmental Specialist III

An Environmental Specialist III must have:

- A bachelor's degree from an accredited college or university with a major in one of the physical or natural sciences or engineering and three years of professional experience in environmental protection, regulation or health; one of the physical or natural sciences; or engineering; or
- A master's degree from an accredited college or university in one of the physical or natural sciences or engineering and two years of professional experience as described above; or
- A doctorate degree from an accredited college or university in one of the physical or natural sciences or engineering; or
- Two years of experience as an Environmental Specialist I or higher with the State of Florida; or
- Professional experience in environmental protection, regulation or health; one of the physical or natural sciences; or engineering can substitute on a year-for-year basis for the required college education.

**Note:** Substitutions for qualified personnel can be made at the discretion of the Department based on the tenure of professional experience in a directly related field.

## Environmental Supervisor II

An Environmental Supervisor II must have:

- A bachelor's degree from an accredited college or university with a major in one of the physical or natural sciences or engineering and three years of professional experience in environmental protection, regulation or health; one of the physical or natural sciences; or engineering; or
- A master's degree from an accredited college or university in one of the physical or natural sciences or engineering and two years of professional experience as described above; or
- A doctorate degree in one of the physical or natural sciences or engineering; or
- Two years of experience as an Environmental Specialist I or higher with the State of Florida; or
- Professional experience in environmental protection, regulation of health; one of the physical or natural sciences; or engineering can substitute on a year-for-year basis for the required college education.

An Environmental Supervisor II must supervise at least two professional environmental positions to be classified as an Environmental Supervisor II. If this criterion is not met, the position must be classified as an Environmental Specialist III (see requirements above).

**Note:** Substitutions for qualified personnel can be made at the discretion of the Department based on the tenure of professional experience in a directly related field.

### Final Order

Refer to Chapter 5 of the DEP Enforcement Manual for a description.

### Level 3 Enforcement

The highest level of enforcement for a contracted local government where the contractor has the enforcement lead and enforcement is carried out under the contractors ordinance. The contractor must also:

1. Take the lead in the discovery process.
2. Be responsible for judicial remedies, including the determination of civil penalties, injunctive relief, and assessment of damages.
3. Complete Consent Orders, Notices of Violation, and Final Orders.
4. Perform post judgment enforcement activities.
5. Obtain inspection warrants as needed.

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### Minor Violation – (MIN).

These violations are considered low priority and they are identified by regular type font on the data entry/checklist. Upon discovery of a minor violation the local program shall issue a Non-Compliance Letter (NCL) within 10 working days to the facility owner/operator. The owner/operator has 180 days to resolve minor violations at the local program level. The clock begins upon date of inspection. If after 180 days the violation remains unresolved, the local program shall contact the District Task Manager to discuss. Once the local program and district decide on the appropriate course of action needed, the local program will have met its level of effort requirement.

### Non-compliance Letter

A letter sent to a facility owner/operator after discovery of a violation or problem at a facility.

### Notice of Violation

Refer to Chapter 5 of the DEP Enforcement Manual for a description. ;

### Other Administrative/Judicial Actions

Notices of Violation, Consent Orders, and Administrative and Judicial Actions.

### Regulated 62-761 Facilities

A regulated facility, which has at least one storage tank system that stores a regulated substance that is, either in-service, temporarily out-of-service, or unmaintained, and includes federal facilities.

### Re-inspection

A follow-up inspection performed by the contractor to verify correction of noncompliance items requiring verification at the site for storage tank system rules. Re-inspections are required for all violations identified as having a moderate or major potential for harm to the environment and a moderate or major extent of deviation from the regulations, as referenced in the Storage Tank Penalty Guidelines and Assessments Memo. All violations, regardless of severity, involving notification or reporting will not require a re-inspection.

### Secretary Specialist

One year of secretarial or office clerical experience and attainment of a typing score of at least 35 correct words per minute on the typing test administered by an office of the Job Service of Florida, the state employment service of another state, or the central personnel agency of another state. Possession of a Certified Professional Secretary Certificate; or College education

can substitute at the rate of 30 semester or 45 quarter hours for the year of required experience; or Vocational/technical training in the area of secretarial science or office/business studies can substitute at the rate of 720 classroom hours for the year of required work experience; or A high school diploma or its equivalent can substitute for the one year of work experience.

Significant Non-Compliance - A (SNC - A).

These violations are considered top priority due to their potential for harm to the environment. They are identified on the data entry/checklist by all capital letters and in bold print.

Significant Non-Compliance - B (SNC - B).

These violations are considered high priority due to their potential for harm. They are identified on the data entry/checklist by bold print.

Warning Letter

A formal letter sent certified mail to a facility owner/operator when violations have not been resolved as a result of a noncompliance letter or if the violation merits more stringent enforcement. These letters should follow a format approved by DEP's Office of General Counsel.

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**Memorandum**

**Florida Department of  
Environmental Protection**

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**TO:** Directors of District Management  
District Waste Program Administrators

**FROM:** John M. Ruddell, Director  
Division of Waste Management

**DATE:** January 25, 2000

**SUBJECT:** Storage Tank Penalty Guidelines and Assessments

The attached Storage Tank Penalty Guidelines and Assessments Matrix has been approved for implementation, effective immediately. These documents are to be utilized for violations of Chapter 62-761 F.A.C., and supersede all previous guidance. These general guidelines were developed by District and Tallahassee personnel in an effort to provide some consistency throughout the program.

If you have any questions, please contact Rick Vail or Marshall Mott-Smith at (850) 488-3935.

JMR/rlv  
Attachment

cc: Mike Sole  
Mike Ashley  
District Tanks Program Supervisors  
Betsy Hewitt  
Rebecca Grace  
Larry Morgan

## **GENERAL STORAGE TANKS PENALTY GUIDELINES (01/25/00)**

1. The penalty guidelines are only intended to address Chapter 62-761 F.A.C. violations.
2. Penalties should be adjusted according to the factors located within the DEP Office of General Council Enforcement Manual civil penalty guidelines for settlement, such as:
  - a. The violation is deliberate.
  - b. The violation continues after notice of violation without reasonable efforts made by the responsible party to correct the violation.
  - c. The violation occurs on more than one day.
  - d. The violation results in economic benefits to the responsible party.
3. Where liability is imposed on "persons", penalties may be pursued against an owner and/or operator if they are involved or responsible for a violation, or they have authorized the activity that resulted in violation.
4. In general, consent orders should contain stipulated penalties for failure to comply with the provisions of the consent order.

**STORAGE TANK PROGRAM  
CHAPTER 62-761 F. A. C.  
PENALTY ASSESSMENT MATRIX**

**EXTENT OF DEVIATION**

P  
O  
T  
E  
N  
T  
I  
A  
L  
  
F  
O  
R  
  
H  
A  
R  
M

Violation Type	Unresolved	Resolved
Significantly Not In Compliance: <u>Type A</u> (MAJOR)	\$10,000 to \$5,000	\$5,000 to \$2,000
Significantly Not In Compliance: <u>Type B</u> (MODERATE)	\$5,000 to \$2,000	\$2,000 to \$500
Minor Out of Compliance (MINOR)	\$500 to \$200	\$500 to \$100

# Storage Tank & Petroleum Contamination Monitoring System Compliance and Enforcement Tracking Data Management Guidance

## *Compliance & Enforcement Project Management*

Compliance and enforcement events for all DEP programs are required to be data entered as activities in DEP's *Compliance and Enforcement Tracking Database (COMET)*. The Storage Tank Program has customized access to Comet available from our own Storage Tank and Contamination Monitoring (STCM). From the main menu, select **Compliance Tracking**.

Information is logged into *Projects* that are essentially "theme-based", to effectively manage what might amount to a long history of information for any given facility. Data recorded into Projects are called "*Activities*". An activity may be an inspection or letter that is conducted by Department staff; it may reference a submittal of information sent by the owner or operator; it may indicate a meeting or a formal enforcement action. Each activity logged into COMET is identified by an *activity type*. Although the activity type information is not commonly displayed on the "entry screens", it may have a designation of "C" indicating a Compliance Activity; "E" indicating an Enforcement Activity; "G" indicating a Groundwater Monitoring Activity; or "O" indicating an "Other" Activity (usually something general, such as CALL, LTR, MEET, etc.).

During the past year, the focus of our program management continued to move towards resolution of non-compliance; requiring that inspection staff devote an appropriate amount of time to compliance assistance, inspection follow-up and additional task assignments other than basic inspections and data entry of the results. To this end, our data management team has made a concerted effort to streamline data entry responsibilities.

The "new" STCM Compliance Tracking will track both inspections and associated follow-up and enforcement in a single project: **Compliance Assurance**. Other valid STCM projects, and their respective uses include: the **Discharge Project** – for recording the receipt of a discharge or incident notification and all associated follow-up and district-lead cleanup task tracking; the **Terminal Facility Project** – for recording Discharge Prevention & Response inspections and associated follow-up; and the **Mineral Acid Project** – for recording inspection events for mineral acid tanks and necessary noncompliance follow-up.

## *Compliance Inspections*

Compliance inspections are performed to determine the owner/operator's compliance with storage tank rules for routine operating procedures, installation practices, and closure practices for both underground and aboveground storage tank systems.

**Random Inspections**      Performed as a regularly scheduled storage tank compliance inspection (TCI). This code indicates that the inspector did not have prior knowledge about the results of *this particular inspection*. (Knowledge that the compliance inspection from *last year* (or any other previous year) discovered violations does not constitute knowledge about *this year's* inspection results.)

**Targeted Inspections**      Re-inspections (TCR), as well as compliance inspections performed as required after the receipt of a discharge or incident notification (TCDI), or after a complaint (TCPI).

**All compliance activities & associated follow-up / enforcement must be recorded in the Compliance Assurance Project.**

The first compliance inspection for a facility may be performed as TCI, TCDI, or TCPI; all of the three "count" as fulfillment toward the required (contracted) number of inspections. However, only the results of the regularly scheduled 'TCI' inspections will be included in the calculation of the storage tank program annual compliance rate.

The date the inspection is performed is recorded as the Date Done. In addition, the inspection must have an Evaluation Result stored to be counted as completed, and included in the compliance rate calculation.

## Data Entry Instructions

From the Compliance Tracking menu, select Facility Compliance. Screen displays a compilation of several types of data. Query by Facility ID number. Press tab to move the cursor to other fields for update, or press page down to move to the next block. To requery another facility ID number, press Page Up until the cursor is returned to the zip-code field.

```

Activity Violations Projects Tanks Exit Help
----- Facility Compliance -----
+-----+
|Co Facility District:NED County: ALACHUA |Fac Status:OPEN | |
|l 8500004 CITGO-GATOR CITY |Fac Type:A-Retail Statio|
| | 3310 SW 35TH BLVD |Contractor Owned?:Y |
| | GAINESVILLE 32608-2407|Insp Tanks: A:0 U:2 |
|Onsite Mgr:MALIK Phone:352-376-8170|Tank Office:TKNED |
+-----+
| Lat/Long Method:UNVR |FinanResp:INSURANCE |
| Lat Coordinates:29 :36 :21 |Insurance Carrier:FPLIPA |
|Long Coordinates:82 :21 :33 |Effective:22-JUL-1996 Expires:22-JUL-1999|
+-----+
|^|Project:204012 COMPLIANCE ASSURANCE || Facility has |
|v|Last Activity: UTCI Date Done:19-AUG-1998 || 2 Project(s) |
+-----+
|^|Contract Year: 1998-1999 Created:27-APR-1998 Priority:P /DW Contractor OwnN|
|v|FY Evaluation: UTCI Date Done:19-AUG-1998 Results:MINOR OUT-OF-COMPLIA |
+-----+
| Compliance Status:{violations}:MINOR OUT- / 19-AUG-1998 #Open Violations:2 |
|Enforcement Status:{activities}: / Signif:N Effort Level:REVI |
+-----+

```

**Registration Information:** When the facility information displays, user can move to and update the following information: zip code, phone, on-site manager, (current) contractor-owned indicator, or lat/long data. Data entry of lat/long information requires selection of the method used to determine this data. All previously stored data have been loaded as UNVR - Unverified. Change the method as appropriate. Most common are either MMAP - Manual map interpolation or AGPS - Autonomous GPS. Press the list key (Home) for available types of Lat/Long methods.

Tab from lat/long to go to financial responsibility - or Press <page down> from facility to go right to financial responsibility. Press the list key to see the valid types of financial responsibility. When "Insurance" is chosen, you must also enter an Insurance Carrier with effective and expiration dates. Use the list key to see names of insurance carrier companies already entered to the system. Make a selection or enter a new name that is not on the list. Once entered, the insurance company name just entered should then become a valid choice on the Insurance Carrier selection menu.

**Project Information:** The middle block displays the projects associated with the facility in alphabetic order, as well as the most recent recorded activity in that project. Press Page Down to move to that block and "arrow down" through the list. To see a list of all projects for the facility, select Project from the top menu; then select Project Summary. Arrow down to position the cursor on the project of your choice and select Activity from the top menu to view that project's activity summary.

**Contract Year Information:** Press Page down where your cursor is positioned by the field *Contract Year*. In this field, there may or may not exist a year range (such as 1998-1999). A contract year will display when the facility was part of the Compliance Verification "snapshot" that is generated April 15 each year. This program produces the list of all facilities with regulated storage tanks that require an inspection (based upon data in STCM at that time) as preparation for contract renewals for the next fiscal year. If the registration of a particular facility is completed after the "snapshot" is created, the field "contract year" will be blank. Regardless, these facilities can be inspected, and the data can be recorded, but the results of these inspections will not be reported in the quarterly compliance reports.

In the same block you will find reference to "FY Evaluation". When the first annual compliance inspection is performed (the first TCI, TCDI, or TCPDI), the activity code, the date and the evaluation result is stored in this fiscal year compliance record.

**Current Compliance Information:** The last block of information indicates the current facility compliance, based upon the presence (or absence) of violations, and upon the "significance" and "level of effort" indicated for each. Any open violation that is Sig:A makes the facility have the same result; likewise, any open violation requiring re-inspection, again, rolls the "Effort Level" of the facility to the same level.

## Adding a new Project

From Facility Compliance, select Projects – then select New Project – then select the appropriate project description. Add a project only if one does not yet exist for the same project type. Your selection of Compliance from the pick list creates a Compliance Assurance Project. This is the project into which all activities dated on or after July 1, 1998 should be entered.

```

Activity Violations Projects Tanks Exit Help
-----+-----+-----+-----+-----+-----+
|-----+-----+-----+-----+-----+-----+
|Co Facility District: project Summary |-----+-----+
|1 8500003 7-ELEVEN | project Detail |-----+-----+atus:CLOSED
| | GA07 NE 1 | New project > | Compliance |pe:A-Retail Statio
| | GAINESVIL | Delete project | Discharge |ctor Owned?:N
| | | | | Mineral acid |anks: A:0 U:0
| Onsite Mgr:7-ELEVEN FOOD STORE-14 Phone:9 | Terminal fac |ffice:TKALEP
|-----+-----+-----+-----+-----+-----+
| Lat/Long Method:UNVR |FinanResp:
| Lat Coordinates:29 :41 :10 |Insurance Carrier:
| Long Coordinates:82 :18 :25 |Effective: Expires:
|-----+-----+-----+-----+-----+-----+
|^|Project:104974 UST COMPLIANCE PROJECT || Facility has
|v|Last Activity: FC Date Done:06-MAY-1994 || 1 Project(s)
|-----+-----+-----+-----+-----+-----+
|^|Contract Year: Created: Priority: / Contractor Own
|v|FY Evaluation: Date Done: Results:
|-----+-----+-----+-----+-----+-----+
| Compliance Status:{violations}: / #Open Violations:
| Enforcement Status:{activities}: / Signif: Effort Level:
|-----+-----+-----+-----+-----+-----+
Select the project type and press 'Enter'
  
```

The bottom portion of the screen changes (see below) so that the user can verify the information being stored for this newly created project. You'll see the project open date (date you just created this project), the person assigned (automatically chooses the district's contract supervisor), the office, and the username of the person doing the data entry.

```

Activity Violations Projects Tanks Exit Help
-----+-----+-----+-----+-----+-----+
|-----+-----+-----+-----+-----+-----+
|Co Facility District:NED County: ALACHUA |Fac Status:CLOSED
|1 8500003 7-ELEVEN FOOD STORE #10172 |Fac Type:A-Retail Statio
| | GA07 NE 15TH ST |Contractor Owned?:N
| | GAINESVILLE | 32609-2431|Insp Tanks: A:0 U:0
| Onsite Mgr:7-ELEVEN FOOD STORE-14 Phone:904-371-2759|Tank Office:TKALEP
|-----+-----+-----+-----+-----+-----+
|^|Project Number: Name:7-ELEVEN FOOD STORE #10172
| Facility ID:8500003 Oper. Date:24-FEB-1999 Status:OPEN
|-----+-----+-----+-----+-----+-----+
|^|Project Reason: COMPLIANCE
|^|Description:COMPLIANCE ASSURANCE
|-----+-----+-----+-----+-----+-----+
|^|Person Assigned:DOHANEY T
|^|Location County:1 Project Office:NEAL (Districts or Local Program County)
|-----+-----+-----+-----+-----+-----+
|^|Project Added By:OPSSCARNLEY_C Add Date:24-FEB-1999
|-----+-----+-----+-----+-----+-----+
  
```

Verify information and Press [COMMIT] key to save this project or [EXIT] to cancel

When the facility is designated 'contractor-owned', the project office will have the district office designation.  
 When the facility is not designated 'contractor-owned', the project office will have the local program office designation.  
 Press Commit to save. Press ESC to return to Facility Compliance.

Note: You will no longer be adding data to the UST Compliance Project and/or the AST Compliance Project. These projects now maintain historical data. All new data entry should be recorded in the Compliance Assurance Project with the exception of Terminal Facility and/or Mineral Acid inspections performed by district staff.

## Adding Activities

From Facility Compliance, select Projects, then Proj Summary to see a complete list of all projects for the facility.

```

Activity Violations  Projects  Tanks  Exit  Help
----- Facility Compliance -----
+-----+-----+-----+-----+-----+
|Co Facility District:NED County: ALACHUA |Fac Status:CLOSED | |
|1 8500003 7-ELEVEN FOOD STORE #10172 |Fac Type:A-Retail Statio|
| | GA07 NE 15TH ST |Contractor Owned?:N |
| | GAINESVILLE 32609-2431|Insp Tanks: A:0 U:0 |
|Onsite Mgr:7-ELEVEN FOOD STORE-14 Phone:904-371-2759|Tank Office:TKALEP |
+-----+-----+-----+-----+-----+
| P R O J E C T S U M M A R Y |
+-----+-----+-----+-----+-----+
|Number Project Description Project Name Manager |
| 104974 UST COMPLIANCE PROJECT 7-ELEVEN FOOD STORE #1017 OPS9DOHANEY_T |
| 217599 COMPLIANCE ASSURANCE 7-ELEVEN FOOD STORE #1017 DOHANEY_T |
+-----+-----+-----+-----+-----+

```

Position your cursor next to the Project of your choice and select Activity from the top menu. The Activity screen looks very much like it has. Previously stored activities are displayed in reverse order by date\_done. Select New Act to enter a new activity. The Activity ID number will automatically "fill in" the first field.

```

New act Complete Act detail Reinsp-rpt Pct pgm Appl Exit
----- Activity -----
+-----+-----+-----+-----+-----+
| Project: 161919 UST COMPLIANCE PROJECT Status:OPEN |
| Facility: 8520202 TEXACO-ORANGE PARK Open Date:13-MAR-1997|
| Fac Type: Retail Station County:10 Tank Office:TKCLPH |
| Open Facility Violations:0 Level of Effort:PHYSICAL INSPECTION |
+-----+-----+-----+-----+-----+
| |Activity|ACT | | | | | | | | |
|Activity| Link |Code| Form ID |Date Done | Due Date |Eval |Office| # Viol |
+-----+-----+-----+-----+-----+
|414167 | |TCI |761-05-98 |15-DEC-1998| | |TKHQ | 0 |
|414145 | |TCI |761-05-98 |12-DEC-1998| |IN C |TKHQ | 0 |
|414123 | |UTCI|761-02-91 |02-AUG-1998| | |TKHQ | 0 |
|383712 | |UTCI|61-02-88 |03-MAY-1990| |HIST | | 0 |
+-----+-----+-----+-----+-----+

```

Tab to the Act Code and press List (Home key) to see the available choices of Activity Codes. Tab to add the date\_done or the date\_due, and press commit. Dates can be entered as 3jan99; upon pressing <Tab> or <Enter>, they will automatically display in the correct format. Date done cannot be greater than today's date.

## Completing Inspections

If the activity is an inspection (TCI, TCDI, TCPI, etc.), you will need to proceed with the Complete step to either mark it as "In Compliance" (no additional data need be entered), or to select "Add Violations" so that the appropriate evaluation result of "Minor out of compliance" or "Significant out of compliance" can be calculated. Also, if the activity is one by which outstanding violations have been determined corrected, you will also need to utilize Complete and "Resolve Violations".

Make sure you select Complete while your cursor is positioned on the activity you just entered.

```

New act  Complete  Act detail  Reinsp-rpt  Pct  pgm  Appl  Exit
-----+-----+-----+-----+-----+-----+-----+-----+
Activity
+-----+-----+-----+-----+-----+-----+-----+
| Project:| In compliance |NCE PROJECT                | Status:OPEN |
| Facility:| Add violations |GE PARK                    | Open Date:13-MAR-1997|
| Fac Type:| Close violation | County:10 Tank Office:TKCLPH|
| Open Faci+-----+-----+-----+-----+-----+-----+
| Level of Effort:PHYSICAL INSPECTION |
+-----+-----+-----+-----+-----+-----+-----+
| Activity|ACT | | | | | | | | | |
| Activity| Link |Code| Form ID |Date Done | Due Date | Eval | Tank |# Viol |
+-----+-----+-----+-----+-----+-----+-----+
| 414167 | |TCI| 761-05-98 |15-DEC-1998| | |TKHQ | 0 | |
| 414145 | |TCI| 761-05-98 |12-DEC-1998| |IN C|TKHQ | 0 |
| 414103 | |UTCI| | |03-DEC-1998| | |TKHQ | 0 |
| 414123 | |UTCI| 761-02-91 |02-AUG-1998| | |TKHQ | 0 |
| 383712 | |UTCI| 61-02-88 |03-MAY-1990| |HIST| | 0 |
| | | | | | | | | | |
| | | | | | | | | | |
+-----+-----+-----+-----+-----+-----+-----+
In Compliance, however open violations exist for this facility
  
```

From the sub-menu that displays, you must first select Name/Tank Count to add the name of the inspector & the number of tanks reviewed during the inspection (required entry).

```

-----+-----+-----+-----+-----+-----+-----+
Activity
+-----+-----+-----+-----+-----+-----+-----+
| Project: 176362 COMPLIANCE ASSURANCE | Status:OPEN |
| Facility: 8500016 AMOCO-NICKS | Open Date:11-JAN-1999|
| Fac Type: Retail Station | County:1 Tank Office:TKALEP |
| Open Facility Violations:16 | Level of Effort:INSP RE-INSPECTION |
+-----+-----+-----+-----+-----+-----+-----+
| Activity:414359 Code: TCI Date:03-DEC-1998 Eval: | (Link: ) |
+-----+-----+-----+-----+-----+-----+-----+
| Completion Notes: ADD NOTES HERE - - - - |
| Inspector's Name: NASH |
| Number of AST inspected: 1 | Answer Y or N to questions about construction |
| Number of UST Inspected: 0 | of the tanks: All AST DW?:N All UST DW?:N |
+-----+-----+-----+-----+-----+-----+-----+
| Completion Notes are optional. The text block for notes is much larger than |
| it appears. Press '/' on key-pad to maximize block, Press again to minimize. |
| Inspector's Name is free format. Number of AST and UST inspected is required, |
| zero is a valid entry. Answers to Double Wall Tank questions are optional. |
+-----+-----+-----+-----+-----+-----+-----+
  
```

Add the info about whether all ASTs &/or USTs are DW – "double-walled" (meaning having secondary containment).

Press Commit to save your data. The system will return you to Activity, and show you a "successful transaction" message. Select Complete again to make a selection for the Evaluation Result. If the inspection is "In Compliance", make that selection. The Evaluation Result will appear and you will be finished with your data entry.

If you mark the inspection as "In Compliance", but there still exist open violations, a message will display at the bottom of the screen – FYI. You are not prohibited from doing so, but the system prompts you to be aware that previous violations may need to be closed. If you mark the inspection as "In Compliance" in error – you can Complete again, and select Add Violations to correct the Evaluation Result.



## Adding Violations

Violations are added to STCM Compliance Tracking only by way of a valid storage tank inspection code: TCI, TCPI, TCDI, TCR, TIN, TXI. As with each of the inspection questions in the prior version of Compliance Tracking, each violation is identified with a "Significance Level" of A, B, or N (N is "not significant" or "minor"; "A" is the most severe, "B" allows follow-up by the local program). In addition, each violation is identified with a "Next Effort" of I, R, or N. (I indicates INSP: correction should be verified during a re-inspection; R indicates REVIEW: correction may be verified by reviewing late submitted records, new info by phone, letter, etc.; N indicates NCLI: essentially that the violation is a "timing issue" that cannot be "fixed" and inspection staff are required to send and record an NCLD).

Select Complete, then Add Violations. The Violation Categories (that match the Inspection Data Entry forms) will appear.

```

----- Storage Tank & Contamination Monitoring -----
----- Compliance Categories -----
+-----+
| ^ | REGISTRATION/FINANCIAL RESPONSIBILITY | +-----+
| | | NOTIFICATION & REPORTING | |To Compute | |
| | | CATEGORY C SYSTEMS - GENERAL PERFORMANCE | |Evaluation & |
| | | CATEGORY C SYSTEMS - UST SYSTEMS | |Save Result |
| | | CATEGORY C SYSTEMS - AST SYSTEMS | | |
| | | CATEGORY C SYSTEMS - INTEGRAL PIPING | |Enter 'Y' in |
| | | CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE | |box below then|
| | | CATEGORY A/B SYSTEMS - UST SYSTEMS | |Press [COMMIT]|
| | | CATEGORY A/B SYSTEMS - AST SYSTEMS | | +-----+ |
| | | RELEASE DETECTION - GENERAL | | | |
| | | RELEASE DETECTION - EXTERNAL | | +-----+ |
| v | RELEASE DETECTION - INTERNAL | +-----+
+-----+

```

### Instructions:

1. Choose Category, Press [ENTER] to add violations for selected category.
2. On return, chose another category and add additional violations --OR--
3. Press [PAGE DOWN] to move to "Compute Evaluation" box (see above).
4. From "Evaluation box", press [PAGE UP] to return to category selection.

Following the instructions, "arrow down" to choose (highlight) the appropriate category, and press enter. The violations for that category will appear . . . .

```

Exit
----- Storage Tank & Contamination Monitoring -----
+-----+
|Select|      List of Violations for the Category Chosen |
| 'X' |Number  Text |
|   | 12    SITING |
|   | 13    EXTERIOR COATINGS |
|   | 14    SPILL CONTAINMENT |
|   | 15    DISPENSING SYSTEMS |
|   | 16    SECONDARY CONTAINMENT/LINERS HOLD PRODUCT FOR 3 |
+-----+
Instructions: Scroll through violations; Choose all that apply
by entering 'X' beside the violation number. Press [COMMIT] to
save 'marked' violations and return to "Select Categories".

```

Following the instructions, "arrow down" & select violations by entering 'X' next to your choice(s). Press commit to save. You will be "returned" to the list of Violation Categories. Repeat the process to add more violations OR press Page Down to access Compute Evaluation field. Enter 'Y' to 'tell' the system that data entry is complete, and commit; an evaluation result will be calculated and stored with the inspection. The system will return you to the Activity screen.

Please remember to perform the last step and the last commit. Inspections entered without an evaluation result cannot be counted in our program's compliance reports.

2/24 - at this time, this screen is not doing what we call a "requery" on the return; thus the evaluation result that was just calculated does not appear to "be there" when Activity returns. However if you back out one more screen and return to Activity, you will see that it is there.

*View Violations*

If you would like to confirm your data entry of violations, escape back to Facility Compliance and select Violations from the top menu. Choose to see the "open" violations, or a complete history by date or by violation number.

```
Activity Violations Projects Tanks Exit Help
----- Facility Compliance -----
+-----+ Open violations +-----+
|Co Facilit| history by Date |nty: CLAY |Fac Status:OPEN | |
|10 8520202| history by Vio# | |Fac Type:A-Retail Statio|
| | del Resolution | |Contractor Owned?:Y |
| | del Violation | | 32073-4910 |Insp Tanks: A:0 U:11 |
|Onsite Mgr+-----+ Phone:904-269-5630 |Tank Office:TKNED |
+-----+
| Lat/Long Method:AGPS |FinanResp:INSURANCE |
| Lat Coordinates:30 :10 :28 |Insurance Carrier:FPLIPA |
|Long Coordinates:81 :42 :8 |Effective:13-FEB-1990 Expires:13-FEB-1998|
+-----+
|^|Project:161919 UST COMPLIANCE PROJECT || Facility has |
| |Last Activity: TCI Date Done:15-DEC-1998 || 1 Project(s)|
+-----+
|^|Contract Year: 1998-1999 Created:15-APR-1998 Priority:P /SW Contractor OwnN|
|v|FY Evaluation: Date Done: Results: |
+-----+
|Current Compliance: / Significance Level:N |
|Enforcement Status: / Open Violations:0 Level of Effort:NCLI |
+-----+
```

Selecting Open Violations will also list the "interim" violations created from the compliance inspection questions with a response = 2 (out of compliance); and where the inspection was the most recent activity for the previous UST or AST Project. The "interim" violations are identified by a 900-series ID number.

```
Activity Violations Projects Tanks Exit Help
----- Facility Compliance -----
+-----+
|Co Facility District:CD County: ORANGE |Fac Status:OPEN | | |
|48 8521789 BATTAGLIA FRUIT CO., INC. |Fac Type:C-Fuel user/Non|
| | 628 E PLANT ST |Contractor Owned?:N |
| | WINTER GARDEN | 34787-3135 |Insp Tanks: A:1 U:2 |
|Onsite Mgr:BATTAGLIA FRUIT CO.,IN Phone:407-281-8585 |Tank Office:TKOREP |
+-----+
+-----+
|----- Initiating Info -----|----- Open Violation Information -----| | | | | |
|Activity Code Date Done|Number Compliance Category Sig. ReEv Text |
|402610 ATXI 12-DEC-1996|911 RELEASE DETECTION COMPLIAN A I CHAPT |
|402610 ATXI 12-DEC-1996|914 SYSTEM PERFORMANCE / UPGRA A I CHAPT |
| | | | | | | |
+-----+
```

**2/24** The functions to delete a violation or to delete a resolution are "in the works".

## Resolving Violations

Outstanding violations can be resolved or closed by a follow-up re-inspection, the next year's compliance inspection, a following closure or new installation inspection, in some cases by an NCLI, in other cases by another general follow-up type of activity, and lastly by the use of an enforcement-related activity code. Most violations will probably be resolved by the use of one of the following inspection codes: TCI, TCDI, TCPI, TCR, TIN, TXI (yes, closure inspections and subsequent installation inspections can "close" outstanding compliance violations, if that's how the inspector makes that determination).

The resolving activity is data entered on the Activity screen, just as the inspection was, and with a date that is subsequent to the inspection. The follow-up activity essentially indicates the procedure or event by which the inspector came to agreement that the violation was adequately and properly corrected and/or addressed. It will not be unusual to see several violations discovered during the same inspection to be "resolved" in different ways. One may be a 'timing' issue addressed (resolved) by an NCLI; another may be determined corrected during a re-inspection; a third may "go to enforcement" and be subsequently resolved by a consent order (COE).

2/24 At the present time, the following activity codes, *in addition to the inspection codes listed above*, are allowed to resolve violations: CALL, LTR, NCLI, WLI, PDNE, FR, MTG, COE, and FOI.

Select New act, then enter the appropriate (follow-up) activity with a date done, and link to the original inspection having violations. In the case below - violations are "found" during the inspection (the TCI is called the *initiating activity*). During the re-inspection, the violations are deemed 'corrected' (the TCR closes the violations and is called the *resolving activity*).

New act	Complete	Act detail	Reinsp-rpt	Pct	pgm	Appl	Exit
----- Activity -----							
Project:	217599	COMPLIANCE ASSURANCE					Status:OPEN
Facility:	8500003	7-ELEVEN FOOD STORE #10172					Open Date:24-FEB-1999
Fac Type:	Retail Station	County:1					Tank Office:TKALEP
Open Facility	Violations:3						Level of Effort:INSP - RE-INSPECTION DUE
Activity	ACT						Tank   # Viol
Activity	Link	Code	Form ID	Date Done	Due Date	Eval	Office   Found
774758	774752	TCR	761-00-98	03-FEB-1999			TKHQ   0
774752		TCI	761-05-98	03-JAN-1999			SIGN   TKHQ   3

With your cursor positioned on the *resolving activity*, select Complete, then select Close Violations.

New act	Complete	Act detail	Reinsp-rpt	Pct	pgm	Appl	Exit
----- Activity -----							
Name/tank count							
Project:	In compliance	ASSURANCE					Status:OPEN
Facility:	Add violations	OD STORE #10172					Open Date:24-FEB-1999
Fac Type:	Close violation	County:1					Tank Office:TKALEP
Open Faci							Level of Effort:INSP - RE-INSPECTION DUE
Activity	ACT						Tank   # Viol
Activity	Link	Code	Form ID	Date Done	Due Date	Eval	Office   Found
774758	774752	TCR	761-00-98	03-FEB-1999			TKHQ   0
774752		TCI	761-05-98	03-JAN-1999			SIGN   TKHQ   3

A screen will appear that displays all open violations. Following the instructions on the screen, mark with an 'X' those that were addressed and deemed corrected by the follow-up activity just entered (the TCR, in this example).

```

Exit
----- Storage Tank & Contamination Monitoring -----
              Resolve Open Violations
-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
|Activity:774758   Code:TCR   Date Done:03-FEB-1999
|This Activity has been chosen to resolve the open violations listed below.
|-----+-----+-----+-----+-----+-----+-----+-----+-----+
|Resolve|          Violation
| 'X' | Number Activity Date| Violation Text
| X   | 1     03-JAN-1999 | SYSTEMS REGISTERED; FEES PAID
| X   | 32    03-JAN-1999 | INSTALLED WITH SECONDARY CONTAINMENT
| X   | 33    03-JAN-1999 | OVERFILL PROTECTION
|-----+-----+-----+-----+-----+-----+-----+-----+-----+
| Scroll through open violations displayed. Choose ones to be resolved by
| entering 'X' in field beside violation number. When all violations are
| 'marked' for resolution, Press [COMMIT].
  
```

Press commit to save your changes and you will return to the Activity screen.

```

New act Complete Act detail Reinsp-rpt Pct  pgm Appl  Exit
-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
| Project: 217599  COMPLIANCE ASSURANCE                               Status:OPEN
| Facility: 8500003 7-ELEVEN FOOD STORE #10172                       Open Date:24-FEB-1999|
| Fac Type: Retail Station      County:1      Tank Office:TKALEP
| Open Facility Violations:0     Level of Effort:INSP - RE-INSPECTION DUE
|-----+-----+-----+-----+-----+-----+-----+-----+-----+
|          |Activity|ACT |
|Activity| Link |Code| Form ID |Date Done | Due Date | Eval | Tank | # Viol |
|-----+-----+-----+-----+-----+-----+-----+-----+-----+
|774758 |774752 |TCR |761-00-98 |03-FEB-1999|          |      |TKHQ | 0
|774752 |      |TCI |761-05-98 |03-JAN-1999|          |SIGN |TKHQ | 3
|-----+-----+-----+-----+-----+-----+-----+-----+-----+
  
```

In the last column, "# Violations Found", the data does not change after resolving violations. This number reflects the count of violations that were originally found during the inspection, regardless of their current status. However, the count displayed in the top block of the form, "Open Facility Violations", has been reduced by the number you just 'resolved'.

Note: Once all violations have been addressed and the violation count = 0, the inspector will need to data enter, when appropriate, a final status code of CWOE (indicating that all violations were corrected, and no enforcement effort was necessary), or CFFE (indicating that formal enforcement has been concluded. CWOE should be linked to the inspection with violations; EPI should be linked to the inspection with violations; CFFE should be linked to the EPI.

```

New act Complete Act detail Reinsp-rpt Pct  pgm Appl  Exit
-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
| Project: 217599  COMPLIANCE ASSURANCE                               Status:OPEN
| Facility: 8500003 7-ELEVEN FOOD STORE #10172                       Open Date:24-FEB-1999|
| Fac Type: Retail Station      County:1      Tank Office:TKALEP
| Open Facility Violations:0     Level of Effort:INSP - RE-INSPECTION DUE
|-----+-----+-----+-----+-----+-----+-----+-----+-----+
|          |Activity|ACT |
|Activity| Link |Code| Form ID |Date Done | Due Date | Eval | Tank | # Viol |
|-----+-----+-----+-----+-----+-----+-----+-----+-----+
|774758 |774752 |TCR |761-00-98 |03-FEB-1999|          |      |TKHQ | 0
|774752 |      |TCI |761-05-98 |03-JAN-1999|          |SIGN |TKHQ | 3
|774770 |774752 |CWOE|          |03-FEB-1999|          |      |TKHQ |
|-----+-----+-----+-----+-----+-----+-----+-----+-----+
  
```

Note: an inspection can both "resolve" violations and "discover" new ones. Thus, from the same activity, you can select Close Violations, and mark the old ones closed; and (through Complete again) select Add Violations to record new ones.

**Enforcement status**

On the "Facility Compliance" view, we created a field to display the most recent "enforcement" code that is present in the Compliance Assurance project. It merely provides a "quick look" into the status of the facility.

At a glance, a user can tell if the current fiscal year compliance inspection has been accomplished, and what the result was. Further, you can quickly tell if there are still outstanding violations that have not been addressed by the Current Compliance Status. The Enforcement Status will reflect the most recent of the following codes: WLI, CRDE, CRLE, EPI, COE, FOI, CWOE, CFFE; helping the user to identify situations where an inspection was performed after the facility was designated as being in an "on-going" enforcement situation; or where some next enforcement step may be still pending.

**Compliance Tracking Project Management**

Intended to manage on-going, year by year accrual of data volume within the Compliance Assurance Project, the following plan is proposed: On or about July 15, all data entry of compliance activities should be complete for the "just-ended" fiscal year (July 1, 1998 – June 30, 1999; for example). The "end-of-year Compliance Report" for our program is run at that time. Following, we will move all of the activities recorded during the previous fiscal year from the Compliance Assurance Project to the Historical Compliance Project – a designated "hold" of "archived data". This will be done for every facility at which there are no open violations and at which there is no open enforcement action on-going. When there are open, unresolved violations, or when there has been entered an EPI code that does not yet have a CFFE linked to it – then the data will remain in the Compliance Assurance Project.

**Updating Tank Attributes**

Escape back to Facility Compliance. Select menu item "Tanks" and you will see a summary listing of the tanks with the following information:

Tank Detail		Exit		Storage Tank Attributes						
Tank / Vessel / Drum Search										
County/ Facility	Tank ID	Tank/Vess/ Drum	U	Installed	Added To Database	Substance Gallons	Status Code Effective Date	I	S	P
48 / 8521789	1	TA	UN	01-APR-1961		U 3000	-			Y
48 / 8521789	2	TA	UN	01-APR-1961		U 4000	F -01-JUN-1995			Y
48 / 8521789	3	TA	AB	01-MAY-1968		A 8000	T -01-AUG-1994			Y
/										

Select Tank Detail to access "update" to the tank system construction attributes. "Arrow" down to move to a different Tank ID; press Page Down to move to the next block (construction or piping, etc.). Press insert to add a new construction code; tab to the End Date to "end" an old code that no longer applies. Press commit to save your changes.

Exit		Storage Tank & Contamination Monitoring						
Tank Details								
Co / Facility	Name:	BATTAGLIA FRUIT CO., INC.						
48 / 8521789		628 E PLANT ST						
		WINTER GARDEN						
		FL 34787						
Tank ID:	1	Tank Type:	TANK	Replaces:		Replaced By:		
Installed:	01-APR-1961	Tank Status:	U-In Service	Effective:				
Placement:	UNDERGROUND	Substance:	U-Mineral Acid	Gallons:	3000			
		Type/Description		Begin Date		End Date		
Construction		D Unknown		01-APR-1961				
		V						
Piping		Y Unknown		01-APR-1961				
		V						
Monitoring		Y Unknown						
		V						

Exit to return to Tank Summary; exit again to return to Facility Compliance.

### ***Discharge Project Management***

All records of incident and/or discharge notification, discovery of a discharge during an inspection or during a closure report review, and confirmation that the discharge does or does not require 62-770 cleanup will continue to be tracked in the Discharge Project. "Short" inspections that deal only with discharge info (TDI) should be recorded in the Discharge Project. All other inspections that deal also with compliance issues and "count" towards completion of a compliance inspection should be recorded in the Compliance Assurance Project.

### ***Discovery***

The initial "discovery" of a potential release from a regulated storage tank system should be submitted by the facility owner/operator to the Department or Local Program with an Incident Notification Form. Record receipt of the IRFR in Discharge Project, and investigate appropriately. When a release is confirmed, a Discharge Report Form should be filed. Data enter DRFR - Discharge Report Form Received in the same project. The date of receipt of the notification is the Date Done. Investigation/confirmation should determine whether or not the environment has been affected.

When a confirmed discharge (actual release to the environment) is "discovered" by the inspector during a routine compliance or closure inspection, record the event as DDCI - Discharge Discovered During Compliance/Closure Inspection. The date of inspection (date of discovery) is entered as the Date Done. If a Closure Inspection is not done, or does not reveal evidence of contamination, but a (later) review of the Closure Report does, record the event as DDCR - Discharge Discovered During Closure Report Review. The date of the review (date of discovery) is entered as the Date Done.

Occasionally, incidents of "spill" occur that are not related to storage tank systems. "Trucker spills" are usually reported to the Bureau of Emergency Response and may be reported to the Tanks Program. If the discharge results in contamination that will be tracked by the Petroleum Cleanup Section, then a (tankless) facility must be created, as well as a Discharge Project, and the related PCT records data entered. This type of "discovery" is logged as ERNR - Emergency Report Notification Received.

### ***Discharge Inspections***

When an inspection is conducted *after* the notification of a suspected or confirmed discharge, the activity should be recorded as TDI and logged into the Discharge Project. If a full compliance inspection is conducted at the same time, the inspector will record the TCDI in the Compliance Assurance Project, and the TDI in the Discharge Project.

Other pertinent "follow-up" to the notification or to the inspection should be recorded in the Discharge Project, as well. You will use codes such as LTR, MEET, NCLI, WLI, RRBD, CNLI, CWOE, CRDE, EPI, etc. Please link all follow-up codes to the event that is considered the "discovery" or the "initiating" point.

### ***Cleanup Assessments***

After a "discovery" event is recorded, it will be required of the inspector to make an assessment of the situation and report whether or not "62-770 Cleanup is required". Use one of the following activity codes; the date of assessment is the Date Done.

**DCCR - Discharge Confirmed; 62-770 CU Required**

**DCNC - Discharge Minor; 62-770 CU Not Required** \*Containment/abatement responsibilities still apply.

**DSNR - Discharge Suspected; No Release Found (to environment)**

**DSUC - Discharge Suspected; Unconfirmed**

Subsequent to the cleanup assessment, notify the facility owner or operator of their containment/abatement/cleanup responsibilities with a Cleanup Notification Letter; and record as CNLI. The date of issue is the Date Done.

### ***"Informal" Cleanup***

An assessment of DCNC is made when there has occurred a spill or discharge to the environment that does not exceed Chapter 62-770 limits, and constitutes what is commonly referred to as an "informal" cleanup. When the owner/operator has complied with the containment/abatement responsibilities outlined in chapter 62-761, F.A.C., and this effort is approved by the inspector; the owner should be informed by letter that no further remedial action is required.

Do not enter CWOE into the Discharge Project until owner/operator has fulfilled all containment/abatement/follow-up responsibilities.

### *Petroleum Contamination Tracking (PCT)*

An assessment of DCCR is made when there has occurred a spill or discharge to the environment that exceeds Chapter 62-770 limits, and tracking of cleanup efforts and activities are required in STCM - PCT. From the Activity Screen (in Discharge Projects only), select 'PCT' from the top menu to access the STCM Petroleum Contamination Tracking module. The Discharge Notification screen will appear. Here you will enter additional information about the discharge: contaminated media, gallons lost, etc. DO NOT ENTER DATA TO PCT THAT IS NOT A CONFIRMED DISCHARGE WITH 62-770 CLEANUP REQUIRED.

NOTE: a required entry into the Discharge Notification screen is the inspection date. For situations where a Discharge Report Form or Emergency Response Notification has been filed for either a site without tanks or the site of a "trucker spill", where there will be no storage tank inspection, record either the date of a site visit (SV) if one is appropriate or the date that the notification (& any supporting soil/water analysis that documents the contamination) was reviewed.

Local programs contracted with the Petroleum Cleanup Section will have additional data entry options and responsibilities in STCM - PCT, while compliance inspection staff contracted with Storage Tank Regulation will enter only the basic discharge information. All staff, however, will have read access to all PCT data.

### *Complaints & Assistance*

When an inspector responds to a complaint, but no compliance inspection is performed, the activity should be recorded as a CVAL - Complaint Evaluation. When an inspector is requested to "visit" a site in order to provide "compliance assistance", education regarding rules and/or operational procedures, the activity is recorded as CASV - Compliance Assistance Site Visit. When the inspector finds it necessary to conduct a complete compliance inspection, the activity shall be recorded using the "complaint inspection" code TCPI. Record these activities in the Compliance Assurance Project.

### *Discovery of "Unregistered Sites"*

Inspection staff are required to ensure that all "unregistered sites" are properly registered. However, when the site is best described as a "prior" tank site (that is, evidence suggests that tanks were once present, but have long since been removed), then registration is only required if there is further evidence that contamination is present. At that time, it is especially important to complete a registration form with as much historical tank information as possible. It may also be appropriate to complete an inspection coverpage with site information and site visit comments, using the Discharge Checklist as guidance. When tanks no longer exist, no compliance inspection paperwork should be completed. Data entry of this event should be limited to recording a Site Visit - SV in the Compliance Assurance Project, with the date of the visit entered as Date Done.

### *"Emergency" Registration of New Facility ID Numbers*

Occasionally, an inspector will conduct an inspection at a facility that is not registered with the Department; or petroleum contamination may be discovered at a location where storage tanks existed many years ago, prior to Department rules. When this occurs, and a facility ID number is needed quickly, please E-mail two of the following: Sinclair\_A, McGill\_A, Cason\_B, or Farr\_S with the basic facility information needed for data entry: facility name, address, city, and factype. We will create a facility ID number for you.

These requests should be limited to those occasions where data entry of compliance or PCT information is held up, pending the registration. It is important that an original registration form follow these requests so that we can include tank and owner information on the STCM registration, and document the registration in the STRS files. If the facility is no longer active, a form will be accepted from the inspector. It must provide (legible) name, signature and date. If the facility is active, the form will be accepted from the owner/operator with the same name, signature, and date. Tank and owner data will not be entered via email for active tank sites without the submittal of a registration form.

We do give priority to these requests, but understand that staff are sometimes out of the office, or previously committed to correcting other registration problems for facility owners. I ask that you email each request to two staff for those days/times where a "backup" may be needed. We attempt to complete these requests very timely, but there may be occasions when you experience a 'wait'. Staff have occasionally gotten as many as 10 requests from a single county in a day, in addition to the "regular" mail they were expected to complete, and the "regular" phone calls that can't be planned.

Please also attempt a thorough search before sending your request. The best way is to search by entering the county, the city and the street name (use a wildcard in the street search, like: %Main%). You may find that the facility ID you are looking for is already there, just under a "previous facility name" (ID numbers stay with the address, not the facility name).

#### *Compliance Inspection Follow-up*

In every instance where the evaluation of an inspection is "out of compliance", a **Non Compliance Letter** that specifically addresses the violation(s) should be sent to the owner/operator within 10 days. Record this event as an Activity - **NCLI** - in the appropriate compliance project(s). Enter the date the letter was mailed as the **Date Done**. Record any other follow-up information that you feel is necessary or important. Meetings, phone calls, letters all represent efforts to achieve compliance.

#### *"Timing" Violations & Minor Violations*

When the violation is one of a "timing" nature (uncorrectable and does not require a re-inspection); that is the owner should have done "XYZ", but did so "late" - the **Non Compliance Letter** can be used to "resolve" this violation. If the inspector deems it necessary for the owner/operator to acknowledge an understanding of his or her responsibility, the inspector can enter the activity **RRBD - Response Received by Department** - with a **Date Due**, if an actual response is expected. When the response is received, enter the date of receipt in the **Date Done** field of **RRBD**, and use the **RRBD** to "resolve" the violation. This sequence of events can be completed by the data entry of **CWOE - Compliance Without Formal Enforcement**.

#### *Repeated Minor Violations & Significant Violations*

Sometimes repeat violations (even minor ones), and/or significant violations are not resolved by "Compliance Without Enforcement" (**CWOE**) efforts. There will be times when a case should be referred directly to the District or to the Level Three Enforcement Section for action. When a referral is necessary, record the Activity **CRDE - Case Referred for District Enforcement**, or **CRLE - Case Referred to Local Enforcement** with your referral date as the **Date Done**.

#### *Enforcement*

When enforcement is necessary, as a result of a referral from the local program or as a result of district initiation, each district and/or each "Level Three" enforcement program should exercise its own procedural guidelines as to the next course of action (Warning Letter, subsequent actions). All enforcement follow-up should be tracked in the same **Compliance Assurance Project**. Two important "milestone" activity codes indicate the "status" of the facility with regard to enforcement. **EPI** means that an **Enforcement Project** has been initiated and should be recorded when enforcement begins, and this code should be linked to the original inspection that is out of compliance. **CFFE** means that compliance was achieved after enforcement initiatives were implemented and the code should be recorded when facility compliance is achieved, and linked to the "EPI" as a means of identifying the "closure" of the enforcement action.



# Attachments

## I. TK Activity Codes

FKSA DESCRIPTION	T
ABD AS BUILT DRAWINGS	C
ABDA AS BUILT DRAWINGS APPROVED	C
ACO AMENDED CONSENT ORDER ISSUED	E
ACOE AMENDED CONSENT ORDER EXECUTED	E
ACOG AMENDED CONSENT ORDER SENT TO OGC	E
AH ADMINISTRATIVE HEARING	E
AHR ADMINISTRATIVE HEARING REQUESTED	E
APR ABILITY TO PAY REVIEW	C
CALL TELEPHONE CONVERSATION	C
CAP CONTAMINATION ASSESSMENT PLAN	O
CAPA CONTAMINATION ASSESSMENT PLAN APPROVED	G
CAR CONTAMINATION ASSESSMENT REPORT	G
CARA CONTAMINATION ASSESSMENT REPORT APPROVED	G
CASV COMPLIANCE ASSISTANCE SITE VISIT	C
CCD CASE CLOSED BY DISTRICT	E
CCLR Clean Tank Closure Report Approved	C
CFFE RETURN TO COMPLIANCE FROM FORMAL ENFORCEMENT	C
CNLI CLEANUP NOTIFICATION LETTER ISSUED	E
COE CONSENT ORDER EXECUTED	E
COND PERMIT CONDITION OR CONSENT ORDER/RESPONSE DUE	O
CPAM CIVIL PENALTY AUTHORIZATION MEMO	E
CPIS COMPLAINT INVESTIGATION SCHEDULED	C
CPR COMPLAINT RECEIVED	O
CRCC CASE REFERRED TO COUNTY CLEANUP SECTION	C
CRDA CASE REFERRED TO DISTRICT ATTORNEY	E
CRDE CASE REFERRED TO DISTRICT ENFORCEMENT	E
CRE CASE REFERRED TO EPA	E
CRFC CASE REFERRED FROM COUNTY PROGRAM	E
CRLE CASE REFERRED TO LOCAL ENFORCEMENT AUTHORITY	E
CRO CASE REFERRED TO OGC	E
CROP CASE REFERRED TO OTHER PROGRAM OR AGENCY	E
CRSA CASE REFERRED TO STATE ATTORNEY	E
CRSC CASE REFERRED TO STATE CLEANUP/SUPERFUND ASSISTANCE	E
CRSI CASE REFERRED TO SITE INVESTIGATION	E
CVAL COMPLAINT EVALUATION	O
CWOE COMPLIANCE W/O FORMAL ENFORCEMENT ACTION	C
DCCR DISCHARGE CONFIRMED - 770 CU REQUIRED	C
DCNC DISCHARGE MINOR - 770 CU NOT REQUIRED	C
DCOG DRAFT CONSENT ORDER SENT TO OGC	E
DCOI DRAFT CONSENT ORDER ISSUED	E
DCS DEPARTMENT COMMENTS SENT	O
DDCI DISCHARGE DISCOVERED DURING COMPLIANCE/CLOSURE INSPECTION	C
DDCR DISCHARGE DISCOVERED DURING CLOSURE REPORT REVIEW	C
DETR DOCUMENT FORWARDED FOR TECHNICAL REVIEW	O
DPRI DISCHARGE PREVENTION/RESPONSE INSPECTION	C
DPRR DISCHARGE PREVENTION/RESPONSE REINSPECTION	C
DRFR DISCHARGE REPORT FORM RECEIVED	C
DSNR DISCHARGE SUSPECTED - NO RELEASE FOUND	C
DSUC DISCHARGE SUSPECTED - UNCONFIRMED	C
EMT ENFORCEMENT MEETING	E
EPI ENFORCEMENT PROJECT INITIATED	C
ERNR EMERGENCY RESPONSE NOTICE RECIEVED	E
FC FACILITY CLOSED	O
FOI FINAL ORDER ISSUED	E
FR FILE REVIEW	O
FRR FINANCIAL RECORD REVIEW	C
FS FEASIBILITY STUDY	G
IH INFORMAL HEARING	E
IHR INFORMAL HEARING REQUESTED	E
IKPA INKIND PROJECT PROPOŠAL APPROVED	E
IKPC INKIND PROJECT COMPLETED	E
IKPI INKIND PROJECT IMPLEMENTED	E
IKPP INKIND PROJECT PROPOSAL RECEIVED	E
IKPR INKIND PROJECT PROGRESS REPORT	E
IPAM IN-KIND PENALTY AUTHORIZATION MEMO	E
IRA INTERIM REMEDIAL ACTION	G
IRAP INTERIM REMEDIAL ACTION PLAN	G
IRFR INCIDENT REPORT FORM RECEIVED	C
IRPA IRAP APPROVED	G

FKSA DESCRIPTION

FKSA DESCRIPTION	T
JCD JUDICIAL CONSENT DECREE	E
JCP JUDICIAL COMPLAINT/PETITION FILED	E
LTR LETTER	O
MATI MINERAL ACID TANK COMPLIANCE INSPECTION	C
MATR MINERAL ACID TANK COMPLIANCE REINSPECTION	C
MDR MONITORING DATA RESULTS REVIEWED	G
MEET MEETING	O
MEMO INTERDEPARTMENTAL MEMO	O
MOP MONITORING ONLY PLAN	G
MOPA MONITORING ONLY PLAN APPROVED	G
NCLI NON-COMPLIANCE LETTER ISSUED	C
NOVI NOTICE OF VIOLATION ISSUED	E
NOVO NOTICE OF VIOLATION SENT TO OGC	E
P2FR P2 FINAL REPORT	E
P2PP P2 PROJECT PLAN	E
P2PR P2 PROGRESS REPORT	E
P2WA P2 WASTE AUDIT REPORT	E
PCAP PRELIMINARY CONTAMINATION ASSESSMENT PLAN	G
PCAR PRELIMINARY CONTAMINATION ASSESSMENT REPORT	G
PCL PROJECT CLOSED LETTER	O
PCPA PRELIMINARY CONTAMINATION ASSESSMENT PLAN APPROVED	G
PCRA PRELIMINARY CONTAMINATION ASSESSMENT REPORT APPROVED	G
PDNE PROGRAM DISCRETION/NO ENFORCEMENT INITIATED	C
PHA1 PRELIMINARY ASSESSMENT OR INITIAL REMEDIATION ACTION PHASE	G
PHA2 SITE ASSESSMENT PHASE	G
PHA3 SITE REHABILITATION PHASE	G
PHA4 CLEANUP COMPLETE PHASE	G
PNP PUBLIC NOTICE PUBLICATION	E
PR PENALTY RECEIVED	O
PRPC POTENTIALLY RESPONSIBLE PARTIES CONTACTED	O
QAPA QAPP APPROVED	G
QAPP QUALITY ASSURANCE PROJECT PLAN	C
RAJ RISK ASSESSMENT / JUSTIFICATION	G
RAP REMEDIAL ACTION PLAN	G
RAPA REMEDIAL ACTION PLAN APPROVED	G
RASA RISK ASSESSMENT REPORT APPROVED	G
RCL RETURN TO COMPLIANCE LETTER	C
REX REQUEST FOR EXTENSION	O
REXA REQUEST FOR EXTENSION APPROVED	G
RRBD RESPONSE RECEIVED BY DEPARTMENT	C
RVR REVISIONS RECEIVED	O
SADC SELF AUDIT DISCLOSURE DATE	S
SADU SELF AUDIT CORRECTIONS DUE DATE	S
SAEF SELF AUDIT ENFORCEMENT REFERRAL DATE	S
SAIT SELF AUDIT INITIATED DATE	S
SARD SELF AUDIT REMEDIATION DUE DATE	S
SAVL SELF AUDIT VIOLATION DATE	S
SCOE SHORT FORM CONSENT ORDER EXECUTED	E
SCOI SHORT FORM CONSENT ORDER ISSUED	E
SIR SITE INVESTIGATION REPORT	G
SPL SAMPLING INSPECTION	C
SRCA SITE REHABILITATION COMPLETION APPROVED	G
SRCC SITE REHAB COMPLETION REPORT APPROVED WITH CONDITIONS	G
SRCR SITE REHABILITATION COMPLETION REPORT	G
SRRV ANALYTICAL SAMPLE RESULTS REVIEWED	C
SRVC SUBMITTAL RECEIVED BY DEPARTMENT	O
STAR STATUS REPORT	E
SV SITE VISIT	C
TCDI STORAGE TANK COMPLIANCE INSPECTION/DISCHARGE	C
TCI STORAGE TANK ANNUAL COMPLIANCE INSPECTION	C
TCPI STORAGE TANK COMPLIANCE INSPECTION/COMPLAINT	C
TCR STORAGE TANK COMPLIANCE RE-INSPECTION	C
TDI STORAGE TANK DISCHARGE INSPECTION/EVALUATION	C
TIN STORAGE TANK INSTALLATION INSPECTION	C
TR TECHNICAL REVIEW	O
TXI STORAGE TANK CLOSURE INSPECTION	C
VCAE VOLUNTARY CLEANUP AGREEMENT EXECUTED	E
VCAI VOLUNTARY CLEANUP AGREEMENT ISSUED	E
WLI WARNING LETTER ISSUED	E

## II. TK Activity Codes that can Add or Resolve Violations

Add Violations	Resolve Violations
TCDI STORAGE TANK COMPLIANCE INSPECTION/DISCHARGE	CALL TELEPHONE CONVERSATION
TCI STORAGE TANK ANNUAL COMPLIANCE INSPECTION	COE CONSENT ORDER EXECUTED
TCPI STORAGE TANK COMPLIANCE INSPECTION/COMPLAINT	FC FACILITY CLOSED
TCR STORAGE TANK COMPLIANCE RE-INSPECTION	FOI FINAL ORDER ISSUED
TDI STORAGE TANK DISCHARGE INSPECTION/EVALUATION	FR FILE REVIEW
TIN STORAGE TANK INSTALLATION INSPECTION	LTR LETTER
TXI STORAGE TANK CLOSURE INSPECTION	MEET MEETING
	NCLI NON-COMPLIANCE LETTER ISSUED
	PDNE PROGRAM DISCRETION/NO ENFORCEMENT INITIATIVE
	RRBD RESPONSE RECEIVED BY DEPARTMENT
	TCDI STORAGE TANK COMPLIANCE INSPECTION/DISCHARGE
	TCI STORAGE TANK ANNUAL COMPLIANCE INSPECTION
	TCPI STORAGE TANK COMPLIANCE INSPECTION/COMPLAINT
	TCR STORAGE TANK COMPLIANCE RE-INSPECTION
	TDI STORAGE TANK DISCHARGE INSPECTION/EVALUATION
	TIN STORAGE TANK INSTALLATION INSPECTION
	TXI STORAGE TANK CLOSURE INSPECTION
	WLI WARNING LETTER ISSUED

## III. Master List of Chapter 62-761 Violations (effective July, 1998)

V#	Rule Cite	Sig	ReEval	Category	-----
Text	- - -				
1	400(1)-(2)	N	R	REGISTRATION/FINANCIAL RESPONSIBILITY	
SYSTEMS REGISTERED; FEES PAID					
2	400(2)(a)5	N	R	REGISTRATION/FINANCIAL RESPONSIBILITY	
PLACARD DISPLAYED IN PLAIN VIEW					
3	400(3)	B	R	REGISTRATION/FINANCIAL RESPONSIBILITY	
FINANCIAL RESPONSIBILITY					
4	450(1)(a)1	N	N	NOTIFICATION & REPORTING	
30 DAY NOTIFICATION BEFORE INSTALLATION OR UPGRADE					
5	450(1)(a)2	N	N	NOTIFICATION & REPORTING	
10 DAY NOTIFICATION BEFORE API653 AST INSPECTION/UST INTERNAL INSPECTION; CHANGE IN SERVICE STATUS, CLOSURE, CLOSURE ASSESSMENT					
6	450(1)(a)3	N	N	NOTIFICATION & REPORTING	
48 HOUR NOTIFICATION BEFORE INSTALLATION/CLOSURE ACTIVITY BEGINS					
7	450(1)(a)4	N	N	NOTIFICATION & REPORTING	
EMERGENCY OUT-OF-SERVICE NOTIFICATION BEFORE NEXT BUSINESS DAY					
8	450(1)b	N	N	NOTIFICATION & REPORTING	
30 DAY NOTIFICATION AFTER CHANGE OF OWNERSHIP, CLOSURE/UPGRADE, CHANGE IN REGISTRATION OR FINANCIAL RESPONSIBILITY					
9	450(2)(a)	N	N	NOTIFICATION & REPORTING	
INCIDENT NOTIFICATION (INF) IN 24 HOURS, OR NEXT BUSINESS DAY					
10	450(3)(a)	B	N	NOTIFICATION & REPORTING	
DISCHARGE REPORTING (DRF) WITHIN 24 HOURS, OR NEXT BUSINESS DAY					
11	450(3)(b)	N	R	NOTIFICATION & REPORTING	
COPY OF ANALYTICAL/TEST RESULTS WITH DRF					
12	500(1)(a)	N	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	
SITING					
13	500(1)(b)	N	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	
EXTERIOR COATINGS					

<u>v#</u>	<u>Rule Cite</u>	<u>Sig</u>	<u>ReEval</u>	<u>Category</u> -----
14	500(1)(c) SPILL CONTAINMENT	B	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
15	500(1)(d) DISPENSING SYSTEMS	B	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
16	500(1)(e)1,2 SECONDARY CONTAINMENT/LINERS HOLD PRODUCT FOR 30 DAYS	B	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
17	500(1)(e)3 CONCRETE SECONDARY CONTAINMENT	B	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
18	500(1)(e)4 CONTAINMENT DOESN'T INTERFERE WITH CATHODIC PROTECTION	N	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
19	500(1)(e)5 CLOSED INTERSTICE SYSTEMS DESIGNED / TESTED FOR BREACH OF INTEGRITY	N	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
20	500(1)(e)6 MONITORING POINT FOR SECORDARY CONTAINMENT	N	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
21	500(1)(e)7 SECONDARY CONTAINMENT/SPILL PREVENTION FOR AIRPORT AND HYDRANT PITS	N	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
22	500(1)(f)1& 3 CATHODIC PROTECTION TEST STATION/MONITORING METHOD DESIGNED AND INSTALLED PROPERLY	N	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
23	500(1)(f)2 CATHODIC PROTECTION TEST STATION/METHOD AND OPERATION REQUIREMENTS	N	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
24	500(1)(g) UNDERGROUND TANK RELOCATION REQUIREMENTS MET	N	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
25	500(1)(h) ABOVEGROUND TANK RELOCATION REQUIREMENTS MET	N	I	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
26	500(1)1 REUSE TANKS PROPERLY CERTIFIED	N	R	CATEGORY C SYSTEMS - GENERAL PERFORMANCE
27	500(2)(a)1 INSTALLED ACCORDING TO MANUFACTURER'S INSTRUCTIONS	N	I	CATEGORY C SYSTEMS - UST SYSTEMS
28	500(2)(a)2 NFPA 30; NFPA 30A; API 1615; PEI 100	N	I	CATEGORY C SYSTEMS - UST SYSTEMS
29	500(2)(a)3 WORK PERFORMED BY A CERTIFIED CONTRACTOR	N	R	CATEGORY C SYSTEMS - UST SYSTEMS
30	500(2)(a)4 TANK AND INTEGRAL PIPING TESTED PROPERLY (TIGHTNESS OR APPROVED TEST METHOD)	N	I	CATEGORY C SYSTEMS - UST SYSTEMS
31	500(2)(b) TANK CONSTRUCTED TO STANDARDS, OR APPROVED PER 62-761.850(2)	N	I	CATEGORY C SYSTEMS - UST SYSTEMS
32	500(2)(c) INSTALLED WITH SECONDARY CONTAINMENT	B	I	CATEGORY C SYSTEMS - UST SYSTEMS
33	500(2)(d) OVERFILL PROTECTION	N	I	CATEGORY C SYSTEMS - UST SYSTEMS
34	500(2)(d)1 FILLBOX COVERS MARKED ACCORDING TO API RP 1637, OR EQUIVALENT METHOD	N	I	CATEGORY C SYSTEMS - UST SYSTEMS
35	500(2)(d)2 UST PROVIDED WITH OVERFILL PROTECTION	B	I	CATEGORY C SYSTEMS - UST SYSTEMS
36	500(2)(e) DISPENSER LINERS INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	N	I	CATEGORY C SYSTEMS - UST SYSTEMS

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37	500(2)(e)3	B	I	CATEGORY C SYSTEMS - UST SYSTEMS DISPENSER LINERS ALLOW FOR INTERSTITIAL MONITORING
38	500(2)(f)	N	I	CATEGORY C SYSTEMS - UST SYSTEMS PIPING SUMPS INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING
39	500(2)(f)3	B	I	CATEGORY C SYSTEMS - UST SYSTEMS PIPING SUMPS ALLOW FOR INTERSTITIAL MONITORING
40	500(3)(a)1	N	I	CATEGORY C SYSTEMS - AST SYSTEMS INSTALLED ACCORDING TO MANUFACTURER'S INSTRUCTIONS
41	500(3)(a)2	N	I	CATEGORY C SYSTEMS - AST SYSTEMS INSTALLED ACCORDING TO NFAP 30, NFPA 30A, PEI RP 200-96
42	500(3)(b)	N	R	CATEGORY C SYSTEMS - AST SYSTEMS CONSTRUCTED TO REFERENCE STANDARDS OR APPROVED PER 62-761.850(2)
43	500(3)(c)	N	I	CATEGORY C SYSTEMS - AST SYSTEMS PROVIDED WITH ADEQUATE SECONDARY CONTAINMENT
44	500(3)(c)3b	N	I	CATEGORY C SYSTEMS - AST SYSTEMS 110% CONTAINMENT
45	500(3)(c)3c	N	I	CATEGORY C SYSTEMS - AST SYSTEMS CONTAINMENT PROVIDED WITH DRAINAGE
46	500(3)(c)3d	N	I	CATEGORY C SYSTEMS - AST SYSTEMS PENETRATIONS THROUGH CONTAINMENT PROPERLY SEALED
47	500(3)(d)	N	I	CATEGORY C SYSTEMS - AST SYSTEMS API RP 2350 OVERFILL PROTECTION/FUEL TRANSFER MONITORING
51	500(3)(d)	N	I	CATEGORY C SYSTEMS - AST SYSTEMS OVERFILL PROTECTION
48	500(3)(d)1	B	I	CATEGORY C SYSTEMS - AST SYSTEMS FUEL TRANSFER MONITORED
49	500(3)(d)2	B	I	CATEGORY C SYSTEMS - AST SYSTEMS OVERFILL PROTECTION PERFORMED PER API RP 2350
50	500(3)(d)3	N	I	CATEGORY C SYSTEMS - AST SYSTEMS FILLBOX COVERS MARKED ACCORDING TO API RP 1637, OR EQUIVALENT METHOD
52	500(3)(d)4,5	B	I	CATEGORY C SYSTEMS - AST SYSTEMS LEVEL GAUGE/HI-LEVEL ALARM/PUMP SHUTOFF/GAUGING STICK PROVIDED
53	500(3)(e)	N	I	CATEGORY C SYSTEMS - AST SYSTEMS DISPENSER LINERS INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING
54	500(3)(e)3	B	I	CATEGORY C SYSTEMS - AST SYSTEMS DISPENSER LINERS ALLOW FOR INTERSTITIAL MONITORING
56	500(3)(f)3	B	I	CATEGORY C SYSTEMS - AST SYSTEMS PIPING SUMPS ALLOW FOR INTERSTITIAL MONITORING
55	500(3)f	N	I	CATEGORY C SYSTEMS - AST SYSTEMS PIPING SUMPS INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING
57	500(4)(a)1,2	N	I	CATEGORY C SYSTEMS - INTEGRAL PIPING INSTALLED ACCORDING TO NFPA30, 30A, ASME B31.4, AND MANUFACTURER'S INSTRUCTIONS
58	500(4)(a)3	N	I	CATEGORY C SYSTEMS - INTEGRAL PIPING AST AND BULK PIPING HAVE TIGHTNESS TEST BEFORE PLACED IN-SERVICE
59	500(4)(b)	N	R	CATEGORY C SYSTEMS - INTEGRAL PIPING PIPING MEETS REFERENCED STANDARDS OR CERTIFIED BY NATIONALLY RECOGNIZED LAB OR APPROVED PER 62-761.850(2)

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60	500(4)(c)1	N	I	CATEGORY C SYSTEMS - INTEGRAL PIPING SMALL DIAMETER PIPING PRESSURIZED: SHEAR, EMERGENCY SHUTOFF VALVES PROPERLY INSTALLED
61	500(4)(c)2	N	I	CATEGORY C SYSTEMS - INTEGRAL PIPING SMALL DIAMETER PIPING GRAVITY-FED: ISOLATION VALVES PROPERLY INSTALLED AND MEET NFPA 30A SECTION 2-1.7
62	500(4)(d)	N	I	CATEGORY C SYSTEMS - INTEGRAL PIPING BULK PRODUCT PIPING INSTALLED ACCORDING TO NFPA 30, 30A, ASME B31.4
63	500(4)(e)1	N	I	CATEGORY C SYSTEMS - INTEGRAL PIPING SMALL DIAMETER PIPING IN SOIL OR OVER WATER HAS SECONDARY CONTAINMENT
64	500(4)(e)2,3	N	I	CATEGORY C SYSTEMS - INTEGRAL PIPING BULK PRODUCT AND REMOTE FILL PIPING IN SOIL HAS SECONDARY CONTAINMENT
65	510(1)(b)1	B	I	CATEGORY A/B SYSTEMS - GENERAL PERFORMAN SHEAR OR EMERGENCY SHUTOFF VALVES INSTALLED BY 12/31/1998
66	510(1)(b)2	N	I	CATEGORY A/B SYSTEMS - GENERAL PERFORMAN CATHODIC PROTECTION TEST STATION METHOD BY 12/31/1998
67	510(1)(b)3	N	I	CATEGORY A/B SYSTEMS - GENERAL PERFORMAN FILL BOXES COLOR-CODED BY 12/31/1998
68	510(1)(b)4	N	R	CATEGORY A/B SYSTEMS - GENERAL PERFORMAN UST'S REINSTALLED AS AST'S OR VICE VERSA MEET RULE BY 12/31/1998
69	510(1)(c)	B	R	CATEGORY A/B SYSTEMS - GENERAL PERFORMAN CLOSURE ASSESSMENT FOR DISPENSER LINERS, PIPING, ETC.
70	510(1)(d)	N	I	CATEGORY A/B SYSTEMS - GENERAL PERFORMAN VALVES MEET NFPA 30A REQUIREMENTS
71	510(1)(e)	B	I	CATEGORY A/B SYSTEMS - GENERAL PERFORMAN SECONDARY CONTAINMENT FOR PIPE OVER WATER BY 12/21/2004
72	510(2)(a)	A	I	CATEGORY A/B SYSTEMS - UST SYSTEMS CATEGORY A PROTECTED FROM CORROSION
73	510(2)(b)1	A	I	CATEGORY A/B SYSTEMS - UST SYSTEMS CATEGORY B USTS INSTALLED WITH SECONDARY CONTAINMENT
74	510(2)(b)2	A	I	CATEGORY A/B SYSTEMS - UST SYSTEMS HAZARDOUS SUBSTANCE USTS INSTALLED AFTER 1/1/1991 HAVE SECONDARY CONTAINMENT
75	510(2)(c)	A	I	CATEGORY A/B SYSTEMS - UST SYSTEMS PIPING INSTALLED WITH SECONDARY CONTAINMENT AFTER 12/31/1990
76	510(2)(d)	A	I	CATEGORY A/B SYSTEMS - UST SYSTEMS ALL SYSTEMS MEET REQUIREMENTS OF TABLE UST
77	510(3)(a)	A	N	CATEGORY A/B SYSTEMS - AST SYSTEMS MET 17-61 REQUIREMENTS BY 1/1/1990 IF APPLICABLE
78	510(3)(b)	A	I	CATEGORY A/B SYSTEMS - AST SYSTEMS CATEGORY B ASTS INSTALLED WITH SECONDARY CONTAINMENT
79	510(3)(c)	A	I	CATEGORY A/B SYSTEMS - AST SYSTEMS CATEGORY B PIPING INSTALLED WITH SECONDARY CONTAINMENT
80	510(3)(d)	A	I	CATEGORY A/B SYSTEMS - AST SYSTEMS CATEGORY A & B ASTS MEET REQUIREMENTS OF TABLE AST
81	600(1)(a)1	N	I	RELEASE DETECTION - GENERAL CAN DETECT A NEW RELEASE FROM ANY PORTION OF THE SYSTEM
82	600(1)(a)2	B	I	RELEASE DETECTION - GENERAL INSTALLED, CALIBRATED, OPERATED PER MANUFACTURER'S SPECIFICATIONS

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83	600(1)(a)3	N	R	RELEASE DETECTION - GENERAL	MEETS PERFORMANCE STANDARDS; ALL MANUFACTURER'S CLAIMS RETAINED
84	600(1)(b); 640(1)(c)	N	R	RELEASE DETECTION - GENERAL	WRITTEN RELEASE DETECTION RESPONSE LEVEL FOR SYSTEM
85	600(1)(c)	N	R	RELEASE DETECTION - GENERAL	RELEASE DETECTION METHOD PROVIDED UPON INSTALLATION
86	600(1)(d)	N	R	RELEASE DETECTION - GENERAL	RELEASE DETECTION PERFORMED AT LEAST ONCE A MONTH
87	600(1)(e)	N	R	RELEASE DETECTION - GENERAL	CONTINUOUS ELECTRONIC LEAK DETECTION INSPECTED MONTHLY
88	600(1)(f)	B	R	RELEASE DETECTION - GENERAL	SITE SUITABILITY DETERMINATION (USTS BY 12/31/1998, ASTS BY 1/1/2000)
89	600(1)(g)	B	R	RELEASE DETECTION - GENERAL	VAPOR MONITORING PLANS IN PLACE BY 12/31/1998
90	600(1)(h)	B	I	RELEASE DETECTION - GENERAL	INTERSTITIAL MONITORING FOR SECONDARY CONTAINMENT
92	600(1)(k)	N	I	RELEASE DETECTION - GENERAL	MONITORING WELLS NO LONGER USED FOR RELEASE DETECTION CLOSED
91	600(1)(l)	B	I	RELEASE DETECTION - GENERAL	LINE LEAK DETECTOR PROVIDED FOR PRESSURIZED PIPING
93	600(2)(a)	A	I	RELEASE DETECTION - UST SYSTEMS	RELEASE DETECTION PROVIDED ACCORDING TO TABLE RD
94	600(2)(b)	N	R	RELEASE DETECTION - UST SYSTEMS	SPCC PLAN CAN MEET DETECTION REQUIREMENT OF 620761.640(1)(A)
95	600(2)(d)	B	R	RELEASE DETECTION - UST SYSTEMS	MONITORING WELLS MEET 62-761.640(2) BY 12/31/1998
96	600(3)(a)	B	R	RELEASE DETECTION - AST SYSTEMS	RELEASE DETECTION MEETS 62-761.640(1)(A) BY 12/31/1999
97	600(3)(b)	N	I	RELEASE DETECTION - AST SYSTEMS	MONITORING WELLS MEET 62-761.640(2) BY 1/1/2000 OR CLOSE
98	600(3)(c)	N	R	RELEASE DETECTION - AST SYSTEMS	RELEASE DETECTION FOR FIELD-ERECTED TANKS MEETS API STANDARD 650, APPENDIX I
99	600(3)(d)	B	I	RELEASE DETECTION - AST SYSTEMS	RELEASE DETECTION FOR INTERNALLY-LINED TANKS MEETS 62-761.640(2)
100	600(3)(e)	B	I	RELEASE DETECTION - AST SYSTEMS	RELEASE DETECTION FOR AST PIPING IN CONTACT WITH THE SOIL
101	600(3)(f)	N	I	RELEASE DETECTION - AST SYSTEMS	FACILITIES USING SPCC PLAN MEET 62-761.610 BY 12/31/1999
102	600(3)(g)	N	I	RELEASE DETECTION - AST SYSTEMS	VISUAL INSPECTION FOR ASTS WITH HIGH VISCOSITY REGULATED SUBSTANCES
103	610(1)(a)	N	I	RELEASE DETECTION - GENERAL	CATEGORIES A & B MEET RELEASE DETECTION AND PERFORMANCE STANDARDS
104	610(1)(b)	N	I	RELEASE DETECTION - GENERAL	RD: INTERSTITIAL MONITORING FOR ALL SECONDARILY CONTAINED TANKS; INTERSTITIAL MONITORING (ALL PIPING) AND LINE LEAK DETECTOR (PRESSURIZED ONLY), OR CONTINUOUS INTERSTITIAL MONITORING WITH PUMP SHUTOFF FOR SECONDARILY CONTAINED PIPING (PRESSURIZED ONLY)

<u>y#</u>	<u>Rule Cite</u>	<u>sig</u>	<u>ReEval</u>	<u>Category</u> -----
105	610(1)(b)	N	R	RELEASE DETECTION - GENERAL CATEGORY C SYSTEMS HAVE BREACH OF INTEGRITY TEST EVERY 5 YEARS
106	610(2)	A	I	RELEASE DETECTION - UST SYSTEMS CATEGORY A & B SYSTEMS HAVE RELEASE DETECTION METHOD
107	610(3)(a)	A	I	RELEASE DETECTION - AST SYSTEMS CATEGORY A & B SYSTEMS HAVE RELEASE DETECTION
108	610(3)(b)	B	N	RELEASE DETECTION - AST SYSTEMS VISUAL INSPECTION OF SYSTEM AND CONTAINMENT ONCE A MONTH
109	610(4)(a)1	B	N	RELEASE DETECTION - SMALL DIAMETER PIPIN ANNUAL LINE TEST OR 62-761.640(2) METHOD FOR SUCTION PIPING
110	610(4)(a)2	B	I	RELEASE DETECTION - SMALL DIAMETER PIPIN LINE LEAK DETECTORS FOR PRESSURIZED PIPING BY DECEMBER 31, 1998
111	610(4)(b)	N	N	RELEASE DETECTION - SMALL DIAMETER PIPIN ABOVEGROUND PIPING VISUALLY INSPECTED
112	610(4)(c)	N	I	RELEASE DETECTION - SMALL DIAMETER PIPIN INTERSTITIAL MONITORING, BREACH OF INTEGRITY FOR CATEGORY C, AND LINE LEAK DETECTOR FOR SECONDARILY CONTAINED PIPING
113	610(4)(d)1	B	N	RELEASE DETECTION - BULK & HYDRANT PIPIN PRESSURE TESTED YEARLY OR MONTHLY RELEASE DETECTION SYSTEM
114	610(4)(d)2	B	N	RELEASE DETECTION - BULK & HYDRANT PIPIN MONTHLY VISUAL INSPECTION OF ABOVEGROUND OR EXEMPT PIPE
115	610(4)(d)3	B	I	RELEASE DETECTION - BULK & HYDRANT PIPIN INTERSTITIAL MONITORING AND BREACH OF INTEGRITY FOR SECONDARY-CONTAINED PIPING
116	640(1)(a)	N	R	RELEASE DETECTION - GENERAL DEVICE MEETS GENERAL STANDARDS; CAN DETECT 0.2 GAL/HR OR 150 GALLON RELEASE WITHIN 30 DAYS, WITH 0.95 DETECTION PROBABILITY AND 0.05 FLASE ALARM PROBABILITY
117	640(1)(b)	N	R	RELEASE DETECTION - GENERAL APPROVED IN ACCORDANCE WITH 62-761.850(2)
118	640(1)(c)	N	R	RELEASE DETECTION - GENERAL RELEASE DETECTION RESPONSE LEVEL DESCRIBED IN WRITING
119	640(2)(a)	N	I	RELEASE DETECTION - EXTERNAL MONITORING WELL CONSTRUCTION STANDARDS MET
120	640(2)(c)2	N	I	RELEASE DETECTION - EXTERNAL FREE PRODUCT OR SHEEN PRESENT IN WELLS
121	640(2)(c)3	N	I	RELEASE DETECTION - EXTERNAL ANOTHER METHOD USED IF < 1' OF WATER IN WELL OR WATER ABOVE SLOTS
122	640(2)(c)4	N	R	RELEASE DETECTION - EXTERNAL MONITORING WELL RECORDS MEET RECORDING REQUIREMENTS
123	640(2)(d)2	N	I	RELEASE DETECTION - EXTERNAL VAPOR MONITORING WELLS NOT RENDERED INOPERATIVE
124	640(2)(d)3	N	R	RELEASE DETECTION - EXTERNAL EQUIPMENT CAN DETECT 500 PPM(GAS) OR 50 PPM(DIESEL)
125	640(2)(d)4	N	R	RELEASE DETECTION - EXTERNAL VAPOR MONITORING NOT USED WHERE EXISTING CONTAMINATION INTERFERES
126	640(2)(d)5	N	N	RELEASE DETECTION - EXTERNAL PERFORMED ACCORDING TO GUIDELINES FOR VAPOR MONITORING
127	640(2)(e)	N	I	RELEASE DETECTION - EXTERNAL VISUAL INSPECTIONS NOTED AND REPAIRS MADE



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128	640(3)(a)1	N	R	RELEASE DETECTION - INTERNAL INTERSTITIAL MONITORING OF DOUBLE-WALL SYSTEMS (FOUR OPTIONS)
129	640(3)(a)2	N	N	RELEASE DETECTION - INTERNAL BREACH OF INTEGRITY TEST FOR CATEGORY C SYSTEMS PERFORMED
130	640(3)(a)3	N	R	RELEASE DETECTION - INTERNAL MEETS VACUUM MONITORING REQUIREMENTS
131	640(3)(a)4	N	I	RELEASE DETECTION - INTERNAL MEETS INTERSTITIAL MONITORING REQUIREMENTS FOR LINED SYSTEMS
132	640(3)(b)	N	R	RELEASE DETECTION - INTERNAL INVENTORY CONTROL MAINTAINED FOR SINGLE-WALLED VEHICULAR SYSTEMS
133	640(3)(b)3	N	I	RELEASE DETECTION - INTERNAL WATER FLUCTUATIONS > 1.0" INVESTIGATED, SYSTEM TESTED
134	640(3)(b)4	N	R	RELEASE DETECTION - INTERNAL INVENTORY CONTROL PERFORMED FOR FIELD ERECTED ASTS
135	640(3)(c)1	N	R	RELEASE DETECTION - INTERNAL MANUAL TANK GAUGING MEETS REQUIREMENTS
136	640(3)(c)2	N	R	RELEASE DETECTION - INTERNAL ATG SYSTEM IN TEST MODE EVERY 30 DAYS OR OPERATED CONTINUOUSLY
137	640(3)(c)3	N	R	RELEASE DETECTION - INTERNAL SIR HAS LEAK THRESHOLD, MIN. AND CALCULATED LEAK RATE, DETERMINATION
138	640(3)(c)3f	N	R	RELEASE DETECTION - INTERNAL INF SUBMITTED FOR A FAILING SIR REPORT
139	640(3)(c)3g	N	R	RELEASE DETECTION - INTERNAL INF SUBMITTED FOR TWO CONSECUTIVE INCONCLUSIVE SIR REPORTS
140	640(3)(c)3i	N	R	RELEASE DETECTION - INTERNAL MONTHLY EVALUATIONS RECORDED ON FORM 900(7) OR EQUIVALENT
141	640(3)(c)4	N	R	RELEASE DETECTION - INTERNAL TIGHTNESS TESTING REQUIREMENTS MET
142	640(3)(d)	N	R	RELEASE DETECTION - SMALL DIAMETER PIPIN LINE LEAK DETECTOR CAN DETECT 3.0 GPH DISCHARGE
143	640(3)(d)1e	N	R	RELEASE DETECTION - SMALL DIAMETER PIPIN CONTINUOUSLY OPERATING INTERSTITIAL MONITOR CAN DETECT 10 GAL/HR AND SHUT OFF PUMP
144	700(1)(a)1	N	I	REPAIRS OPERATION & MAINTENANCE - GENERA REPAIRED COMPONENT WHICH HAS OR COULD CAUSE A DISCHARGE
145	700(1)(a)2	B	I	REPAIRS OPERATION & MAINTENANCE - GENERA TAKEN OUT OF OPERATION UNTIL REPAIR IS MADE
146	700(1)(a)3	N	I	REPAIRS OPERATION & MAINTENANCE - GENERA REPAIRED PER NFPA 30 OR OTHER APPLICABLE STANDARDS
147	700(1)(a)4	N	I	REPAIRS OPERATION & MAINTENANCE - GENERA REPAIRED COMPONENTS TESTED AS APPLICABLE
148	700(1)(a)5	N	I	REPAIRS OPERATION & MAINTENANCE - GENERA REPAIRS TO TANKS MADE BY AUTHORIZED REPRESENTATIVE
149	700(1)(a)6	N	I	REPAIRS OPERATION & MAINTENANCE - GENERA PIPING THAT IS DAMAGED OR HAS DISCHARGED IS REPLACED
150	700(1)(b)1	N	I	REPAIRS OPERATION & MAINTENANCE - CP OPERATED AND MAINTAINED TO PROVIDE CONTINUOUS PROTECTION

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151	700(1)(b)2a	N	I	REPAIRS OPERATION & MAINTENANCE - CP INSPECTED 6 MONTHS AFTER INSTALLATION OR REPAIR AND ANNUALLY/3 YEARS
152	700(1)(b)2b	N	R	REPAIRS OPERATION & MAINTENANCE - CP IMPRESSED CURRENT SYSTEM INSPECTED EVERY TWO MONTHS
153	700(1)(b)3	N	I	REPAIRS OPERATION & MAINTENANCE - CP SYSTEMS THAT DO NOT MEET REQUIREMENTS REPAIRED/TAKEN OUT OF SERVICE
154	700(1)(b)4	N	R	REPAIRS OPERATION & MAINTENANCE - CP RECORDS OF INSPECTIONS AND TESTING ARE MAINTAINED
155	700(1)(c)1	N	I	REPAIRS OPERATION & MAINTENANCE - O & M SPILL CONTAINMENT, DISPENSER LINERS AND PIPING SUMPS ACCESSIBLE; WATER AND REGULATED SUBSTANCES REMOVED
156	700(1)(c)2	N	R	REPAIRS OPERATION & MAINTENANCE - O & M VOLUME IN TANK IS GREATER THAN THE VOLUME TRANSFERRED
157	700(1)(c)3	N	R	REPAIRS OPERATION & MAINTENANCE - O & M RELEASE DETECTION DEVICES TESTED ANNUALLY
158	700(1)(c)6	N	R	REPAIRS OPERATION & MAINTENANCE - O & M INVENTORY CONTROL FOR VEHICULAR FUEL TANKS WITHOUT SECONDARY CONTAINMENT
159	700(2)(b)	N	R	REPAIRS OPERATION & MAINTENANCE - UST SY TESTED BEFORE PLACING BACK INTO SERVICE (TIGHTNESS/OTHER APPROVED METHOD)
160	700(2)(c)	N	R	REPAIRS OPERATION & MAINTENANCE - UST SY TANK REPAIRED BY LINING INSPECTED OR CATHODICALLY PROTECTED AND TESTED
161	700(2)(d)	N	R	REPAIRS OPERATION & MAINTENANCE - UST SY TANK REPAIRED WITH LINING AND CATHODIC PROTECTION TESTED EVERY 5 YEARS
162	700(3)(a)2	N	I	REPAIRS OPERATION & MAINTENANCE - AST SY STORMWATER DRAWN OFF WITHIN ONE WEEK
163	700(3)(a)2b	N	I	REPAIRS OPERATION & MAINTENANCE - AST SY STORMWATER NOT DISCHARGED UNTREATED IF IT HAS A VISIBLE SHEEN
164	700(3)(a)3	N	I	REPAIRS OPERATION & MAINTENANCE - AST SY DRAIN VALVES KEPT CLOSED EXCEPT WHEN DRAWING OFF STORMWATER
165	700(3)(b)	N	I	REPAIRS OPERATION & MAINTENANCE - AST SY FIELD ERECTED TANKS EVALUATED AND RETESTED PER APR 653
166	700(3)(c)1	N	R	REPAIRS OPERATION & MAINTENANCE - AST SY SMALL DIAMETER PIPING TIGHTNESS TESTED BEFORE RETURNING TO SERVICE
167	700(3)(c)2	N	R	REPAIRS OPERATION & MAINTENANCE - AST SY BULK/HYDRANT PIPING PRESSURE TESTED BEFORE RETURNING TO SERVICE
168	700(3)(d)	N	R	REPAIRS OPERATION & MAINTENANCE - AST SY BULK PRODUCT PIPING OVER WATER TESTED ANNUALLY; OPERATED AND MAINTAINED PER CFR 33
169	700(3)(e)	N	I	REPAIRS OPERATION & MAINTENANCE - AST SY SECONDARY CONTAINMENT REPAIRED PER 62-761.500(1)(E)
170	710(1)	N	N	RECORD KEEPING DATED, MAINTAINED IN PERMANENT FORM AND AVAILABLE IN 5 WORKING DAYS
171	710(2)	N	N	RECORD KEEPING RECORDS REQUIRED TO BE MAINTAINED FOR 2 YEARS
172	710(3)	N	N	RECORD KEEPING RECORDS REQUIRED FOR LIFE OF SYSTEM
173	800(1)	N	I	OUT OF SERVICE - GENERAL REQUIREMENTS MET FOR FIELD-ERECTED TANKS TAKEN TEMPORARILY OUT OF SERVICE

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 Text - - -

- 174 800(2)(a)1 N I OUT OF SERVICE - GENERAL  
 REQUIREMENTS MET FOR OUT OF SERVICE SYSTEMS
- 175 800(2)(a)2, 4 N I OUT OF SERVICE - GENERAL  
 UPGRADES AND TESTING PERFORMED BEFORE RETURNING SYSTEM TO SERVICE
- 176 800(2)(b)1 N I OUT OF SERVICE - UST SYSTEMS  
 TIGHTNESS/BREACH OF INTEGRITY TEST BEFORE RETURNING TO SERVICE
- 177 800(2)(b)2 N I OUT OF SERVICE - UST SYSTEMS  
 OUT OF SERVICE MORE THAN 1 YEAR UNPROTECTED/2 YEARS PROTECTED
- 178 800(2)(c)1 N I OUT OF SERVICE - AST SYSTEMS  
 ASTS WITHOUT SECONDARY CONTAINMENT OUT OF SERVICE NO MORE THAN 5 YEARS
- 179 800(2)(c)2 N I OUT OF SERVICE - AST SYSTEMS  
 INSPECTED PER 500(3)(B)1 OR API 653 BEFORE RETURNED TO SERVICE
- 180 800(2)(c)3 N R OUT OF SERVICE - AST SYSTEMS  
 FIELD ERECTED TANK PRODUCT CHANGE COMPLIES WITH API 653
- 181 800(3)(a)1 N I CLOSURE - GENERAL  
 TANK CLOSURE PERFORMED PROPERLY
- 182 800(3)(a)1a N I CLOSURE - GENERAL  
 LIQUIDS AND SLUDGE REMOVED FROM TANK(S)
- 183 800(3)(a)1b N I CLOSURE - GENERAL  
 MANWAYS SECURED, PIPING DISCONNECTED AND REMOVED/CAPPED
- 184 800(3)(a)3 N I CLOSURE - GENERAL  
 MONITORING WELLS CLOSED IN ACCORDANCE WITH 62-761.600
- 187 800(3)(b)1 N I CLOSURE - GENERAL  
 UNMAINTAINED USTS CLOSED WITHIN 90 DAYS OF DISCOVERY
- 188 800(3)(b)2 N R CLOSURE - GENERAL  
 CLOSURE BY CERTIFIED CONTRACTOR, MEETS API RP 1604, NFPA 30
- 189 800(3)(b)2a N R CLOSURE - UST SYSTEMS  
 CLOSURE PERFORMED ACCORDING TO API RP 1604 CHAPTER 1,3,4,5,7-PERMANENT CLOSURE  
 REQUIREMENTS, STORAGE, DISPOSAL AND ACCORDING TO NFPA 30 APPENDIX C
- 190 800(3)(b)2b N I CLOSURE - UST SYSTEMS  
 PROPERLY CLOSED IN PLACE/CERTIFIED CONTRACTOR PERFORMED TANK REMOVAL(S)
- 191 800(3)(c) N I CLOSURE - AST SYSTEMS  
 UNMAINTAINED ASTS CLOSED WITHIN 90 DAYS, VAPOR FREE, ANCHORED
- 192 800(3)(c)1 N I CLOSURE - GENERAL  
 UNMAINTAINED SYSTEMS PROPERLY CLOSED WITHIN 90 DAYS OF DISCOVERY
- 193 800(3)(c)2 N I CLOSURE - AST SYSTEMS  
 RENDERED FREE OF EXPLOSIVE VAPORS
- 194 800(3)(c)3 N I CLOSURE - AST SYSTEMS  
 PROTECTED FROM FLOTATION ACCORDING TO NFPA 30, SECTION 2-6
- 185 800(4)(a)&(b) N R CLOSURE - GENERAL  
 CLOSURE ASSESSMENT REQUIRED OR PERFORMED
- 195 800(4)(b)5 N R CLOSURE - GENERAL  
 WRITTEN CERTIFICATION FOR UPGRADED ASTS <1100 GALLONS
- 186 800(4)(c) N R CLOSURE - GENERAL  
 SAMPLING AND ANALYSIS PER STSCA REQUIREMENTS
- 196 800(4)(d) N N CLOSURE - GENERAL  
 CLOSURE ASSESSMENT SUBMITTED WITHIN 60 DAYS

V#	Rule Cite	Sig	ReEval	Category
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Text - - -

- 197 820(1)(a) N N DISCHARGE RESPONSE  
INCIDENT PROMPTLY INVESTIGATED
- 198 820(1)(d) N N DISCHARGE RESPONSE  
SPILL OR LOSS OF REGULATED SUBSTANCE INTO SECONDARY CONTAINMENT REMOVED WITHIN  
THREE DAYS OF DISCOVERY
- 199 820(2)(a) N R DISCHARGE RESPONSE  
ACTIONS TAKEN IMMEDIATELY TO CONTAIN, REMOVE AND ABATE THE DISCHARGE; FREE  
PRODUCT PRESENT BEING REMOVED
- 200 820(2)(b)1 N R DISCHARGE RESPONSE  
SOURCE OR CAUSE OF DISCHARGE UNKNOWN, THEN DISCHARGE INVESTIGATED ACCORDING TO  
NFPA 329, CHAPTERS 3 AND 5
- 201 820(2)(b)2 N R DISCHARGE RESPONSE  
REGULATED SUBSTANCE REMOVED FROM SYSTEM TO PREVENT FURTHER DISCHARGE TO THE ENVIRONMENT
- 202 820(2)(b)3 N R DISCHARGE RESPONSE  
FIRE, EXPLOSION, AND VAPOR HAZARDS IDENTIFIED AND MITIGATED
- 203 820(2)(b)4 N R DISCHARGE RESPONSE  
SYSTEM REPAIRED OR CLOSED
- 204 820(2)(c) N R DISCHARGE RESPONSE  
SYSTEM TESTED FOR TIGHTNESS AFTER DEPARTMENT OR COUNTY DETERMINATION
- 205 820(2)(d)1 N R DISCHARGE RESPONSE  
SYSTEM TESTED IN ACCORDANCE WITH RULE 62-761.640(3) WITHIN 3 DAYS
- 206 820(2)(d)2 N R DISCHARGE RESPONSE  
LEAKING SYSTEM PLACED OUT OF SERVICE ACCORDING TO RULE 62-761.800(2), F.A.C.,  
UNTIL REPAIRED, REPLACED OR CLOSED
- 207 820(2)(e) N R DISCHARGE RESPONSE  
CONTAMINATED SOIL EXCAVATED, DISPOSED OF OR STOCKPILED, IS MANAGED IN ACCORDANCE  
WITH CHAPTER 62-770, FAC
- 208 850(1) N R EQUIPMENT APPROVALS/ALTERNATE PROCEDURES  
FACILITY IN COMPLIANCE WITH ALTERNATE PROCEDURE
- 209 850(2) N R EQUIPMENT APPROVALS/ALTERNATE PROCEDURES  
EQUIPMENT APPROVED BY DEPARTMENT BEFORE INSTALLATION OR USE

## Memorandum

# Florida Department of Environmental Protection

TO: All Storage Tank Staff

FROM: Storage Tank Program Guidance Committee

DATE: 10/19/98

SUBJECT: Inspection Cover Page Information

This serves as a guide for the minimum amount of information to write on the inspection cover sheets for each type of inspection highlighted below. Items are listed here under headings for each type of inspection in the order of importance and the preferred order of documentation. Items that are recommended but not required to be documented are designated by an asterisk. All inspection cover sheets should have a STCM tank listing report and the appropriate data entry forms attached. The inspector should mark his or her initials on the STCM report to indicate the information has been verified as current or has been crossed out and changed.

### COMPLIANCE INSPECTIONS

1. Violation number and description
2. Release detection results
  - a. If monitor well, include physical location (i.e. N.E. monitor well) and instrument reading(s)
  - b. Water level in monitor wells\*
  - b. If vapor well, include physical location and instrument reading(s)
  - c. If electronic method, include name of system and operating status
  - d. If visual method, include parts of system that can be visually inspected and results of inspection (i.e. sumps dry, dispenser liners dry, AST exterior maintained, etc.)
3. Upgrade deadlines\*
4. Facility map or reference to a current map on file\*
5. Forms completed or left at facility (i.e. registration form, SIRS form, etc.)
6. If reinspection, items corrected since last inspection\*

### DISCHARGE INSPECTIONS

1. Source of discharge
2. See numbers 1-5 above

### INSTALLATION INSPECTIONS

1. Violation number and description
2. PSSC name and number
3. Quantity, size and brand of tanks\*
4. Approximate lengths and brand of piping\*
5. Release detection option (if electronic system, make and model)\*
6. Pressure/hydrostatic test results\*

### CLOSURE INSPECTIONS

1. Violation number and description
2. PSSC name and number
3. Consulting firm taking samples\*
4. Method used to make tanks safe for removal (i.e. inerting, induction, etc.)\*
5. Quantity, size, and general condition of tanks\*
6. Lengths of piping removed\*

7. Lengths of piping remaining and whether it is capped off\*
8. Location of excavation (i.e. excavation located 20' N.E. of office building)\*
9. Disposal of tanks
10. Disposal of sludges/fuel and contaminated soil
11. Evidence of contamination

\* = recommended documentation

Remainder of Page Intentionally Left Blank

## Memorandum

# Florida Department of Environmental Protection

TO: All Storage Tank Staff

FROM: Storage Tank Program Guidance Committee

DATE: 10/19/98

SUBJECT: Instructions for Using Cover Page and Database Entry Forms

The inspection forms for the storage tank rule effective 7/13/98 are a significant departure from the old inspection forms. Most obvious is the omission of "N/A" and "Unk" responses.

The Database Entry Forms can be printed as needed from the Department's Storage Tank Section webpage on the Internet at the following address. Copies of the forms can be made as needed.

<http://www.state.fl.us/waste/programs/tanks/index.htm>

The cover pages are printed in triplicate by a printing company. They are to be disseminated to all storage tank program offices as required.

Follow these instructions for completing each type of inspection form. Please ask any member of the Storage Tank Program Guidance or Training committee for clarification or additional information. Lists of the committee members are attached.

### COVER PAGE, FIRST PAGE

**Facility Name:** Enter the name of the facility exactly as it appears in STCM. If the name requires changing, prepare a Storage Tank Registration Form at the facility and leave it with the owner/operator to mail. Indicate this has been done on the cover pages after listing any violations.

**Facility ID Number:** Enter the seven-digit ID number.

**Facility County Number:** Enter the two-digit ID number.

**Inspection Date:** Enter the date of the inspection in mo/day/yr format (i.e. 11/1/98).

**Latitude and Longitude:** Enter the coordinates.

**Description:** Mark the type of inspection.

**Rule Cite/Description:** Use the Facility Database Entry Form to write in the "Rule Cite" column the rule subsection number of all filled-in requirement subsection circles. These are potential rule violations. List the description of the violation in the "Description" column. If you have not listed any violations, mark through the words "Rule Cite" and "Description" and replace with "Additional Information."

**Financial Responsibility:** Request the Certification of Financial Responsibility form to mark the type of financial responsibility. Fill in the blanks as appropriate.

**Based upon the inspection results. . . (shaded box):** Mark "Yes" if there were no violations. Mark "No" if there were one or more violations. For re-inspections, mark "CWOE" if the facility was in compliance without the use of enforcement. Determine and record a day to perform a re-inspection in the blank in the shaded box.

**COVER PAGE, SECOND PAGE**

**Facility Name:** Enter the name of the facility exactly as it appears in STCM as on the first page.

**Facility ID:** Enter the seven-digit ID number.

**Date:** Enter the date of the inspection as on the first page.

**Rule Cite/Description:** Continue listing violations in the boxes as on the first page. Follow the violations with additional information. If you have no violations to list on this page, mark through the words "Rule Cite" and "Description" and replace with "Additional Information."

**Page \_\_\_ of \_\_\_:** Record the page numbers. Use as many sheets as necessary.

**FACILITY DATABASE ENTRY FORMS**

The database entry forms are used only for data entry into STCM. Do not leave a copy of the forms with the owner/operator unless you are requested to do so.

The forms are divided into boxes for each major rule section. The heading of each major rule section appears next to the section number inside the shaded area at the top of each box. To the left of the section headings and numbers, there are "Yes" and "No" bubbles. Below the sections heading and numbers, there are individual subsection rule requirements listed next to numbered circles. You will be assessing the compliance of the facility using the numbered rule requirements as follows:

1. Read the major heading and section number at the top of the box.
2. A. If the section applies, read the rule requirements next to the numbered circles below it.  
B. If the requirement is not applicable, or if it applies and the storage tank system meets the requirement, go to the next requirement. Do not fill in a circle.  
C. If the requirement applies, but the tank system does not meet the requirement, or there is not enough information for you to know if the system meets the requirement, fill-in the numbered circle next to the requirement. Anytime there is insufficient information to determine a facility's compliance with a particular rule requirement, the circle for that requirement should be filled-in.  
D. If all applicable requirements have been met, fill-in the "Yes" bubble in the shaded area at the top of the box. This informs the data entry person that the storage tank system meets all the applicable requirements and that no violations are to be recorded in STCM.
3. If the section does not apply, fill-in the "Yes" bubble, write "N/A" in the middle of the box, and go to the next major rule section. It is important to remember that a "yes" response in this case does not mean the tank system is in compliance with the rule section. It serves only as an indication that the requirement does not apply and that you did not unintentionally miss a section. For example, if you are inspecting a system installed in 1987, mark the section for category C systems (those installed after 7/13/98) "Yes" to indicate you have taken this section into account.
4. Fill-in the "No" bubble at the top of each box for any major rule section with any numbered circle filled in. The data entry person will record any numbered circle that is filled-in as a violation in STCM.
5. Remember, filling-in the "Yes" bubble means either the storage tank system is in compliance with the rule section, or the rule section does not apply.

At the conclusion of the inspection, have the owner/operator sign the cover sheet after you have signed it. Give the pink copy of the cover page to the owner/operator and retain all other pages of the inspection for data entry into STCM. Do not give a copy of the Facility Database Entry Form unless requested to do so. It is intended only for data entry into STCM.



## Instructions

**Invoice No.:** Contractor/Consultant's billing number.

**Contract No.:** FDEP's Contract Number.

**Task No.:** FDEP's Job Number. Task must be invoiced separately. However, More than one subtask of the same task may be included.

**Date:** Date of Invoice

**Period of Service:** The beginning and ending dates of the work done by the Contractor/Consultant.

**Vendor:** Contractor/Consultant's business name and mailing address.

**FED No.:** Contractor/Consultant's federal employment identification number.

**Telephone:** Contractor/Consultant's telephone number for contract contact person.

**Agent:** Contractor/Consultants contract contact person.

**Contractor Use:** For Contractor's Consultant's use only(e.g., any billing information unique to the Contractor/Consultant's billing system).

**Fixed Price:** If the contract or task is to be billed as a fixed price contract/task, fill in these blanks. Fill in all applicable blanks and place "N/A" in the non-applicable blanks.

1. For tasked contracts, enter only the amount of the task being invoiced. For non-tasked contracts, enter the total contract amount.
2. For tasked contracts, enter the total amount previously invoiced for the task being invoiced this time. For non-tasked contracts, enter the total amount previously invoiced for the contract.
3. Enter the appropriate amount if the contract provides for retainage.
4. Enter the appropriate amount if the contract provides for a performance fee.
5. Enter the total amount for all subtasks being invoiced this time. If the Optional Worksheet is used, this amount would be the total of the entries in the "Subtask Total" column.
6. Enter the total amount being invoiced this time.

**Cost Plus:** If the contract or task is to be billed on a cost plus fixed fee basis, fill in these blanks. Complete all applicable blanks and place "N/A" in the non-applicable blanks.

1. - 2. See explanation under "Fixed Price".
3. Enter the appropriate amount if the contract provides for a fixed fee.
4. - 6. See explanation under "Fixed Price".

**DEP Use:** For FDEP coding only. Contractor/Consultant should not write in this space.

**Optional Worksheet:** The second page of the contract invoice may be used at the Contractor/Consultant's discretion to provide additional information.

## CONTRACTUAL SERVICES INVOICES

Invoice No.	Contract No.	Task No.	Date	Period of Service
Site Name, City, County _____				
<b>Vendor:</b>  FEID No. _____ Telephone: _____ Agent: _____			<b>Bill To:</b>  Department of Environmental Protection Bureau of Petroleum Storage Systems 2600 Blair Stone Road Tallahassee, FL 32399-2400	
<b>Contractor Use:</b>      				
<b>Fixed Price:</b>  1. Contract/Task Amount.....\$38,792.00 2. Less Previously Invoiced..... 3. Less/Plus Retainage..... 4. Available Performance Fee..... 5. Subtask Total..... 6. Invoice Total.....			<b>Cost Plus:</b>  1. Contract/Task Amount.....\$ 2. Less Previously Invoiced..... 3. Less/Plus Retainage..... 4. Available Performance Fee..... 5. Subtask Total..... 6. Invoice Total.....	
<b>DEP Use:</b>  1. Date Invoice Received _____ 2. Date(s) Services Rendered _____ 3. Date Services Approved _____ 4. Performance Certified Satisfactory _____  <div style="display: flex; justify-content: space-between;"> <span>Project Manager Signature</span> <span>Date</span> </div> 5. Approval  <div style="display: flex; justify-content: space-between;"> <span>Cost Center Administrator Signature</span> <span>Date</span> </div> 6. Final Invoice: YES NO 7. If Final Invoice:  <div style="display: flex; justify-content: space-between;"> <span>Bureau Chief Level or Higher Signature</span> <span>Date</span> </div>				

**WORKSHEET for  
CONTRACTUAL SERVICES INVOICE**

<b>Invoice No.</b> ██████████	<b>Contract No.</b> ██████████	<b>Task No.</b> ██████████	<b>Date</b> ██████████	<b>Period of Service</b> ██████████
<b>Site Name, City, County</b> _____				

Number of employees working in program:

- 1.0 Enforcement Specialist I
- 1.0 Enforcement Specialist II
- 0.25 Attorney
- 0.25 Clerk
- 0.10 Environmental Specialist II

Percentage of time during Period of Service spent doing program work:

- Enforcement Specialist I
- Enforcement Specialist II
- Attorney
- Clerk
- Environmental Specialist II

**STORAGE TANK REGULATION SECTION**  
**LEVEL OF EFFORT GUIDANCE**  
**LEVEL I PROGRAMS**

**PURPOSE:**

This "Level of Effort" enforcement guidance is provided to clarify the requirements of the Level I contracted local tanks programs with regards to enforcement actions.

**VIOLATION TYPES:**

Violation types in the storage tank regulation section.

- 1) Significant Non-Compliance - A (SNC - A).  
These violations are considered top priority due to their potential for harm to the environment. They are identified on the data entry/checklist by all capital letters and in bold print.
- 2) Significant Non-Compliance - B (SNC - B).  
These violations are considered high priority due to their potential for harm. They are identified on the data entry/checklist by bold print.
- 3) Minor violation - (MIN).  
These violations are considered low priority. They are identified by regular type font on the data entry/checklist.

**SIGNIFICANT NON - COMPLIANCE - A VIOLATIONS:**

The following "Level of Effort" is required on SNC - A violations at the local program level.

- 1) Upon discovery of a SNC - A violation, the local program shall issue a Non-Compliance Letter (NCL) within 10 working days to the facility owner/operator. A warning letter shall be issued by the local program if requested by the District Task Manager.
- 2) After the NCL is issued, the local program will refer the violation to the DEP district office within 5 working days.
- 3) Upon referral of a violation to DEP, the local program shall attach all appropriate case documents as specified by the District Task Manager.

### **SIGNIFICANT NON – COMPLIANCE - B VIOLATIONS:**

The following "Level of Effort" is required on SNC – B violations at the local program level.

- 1) Upon discovery of a SNC - B violation, the local program shall issue a Non-Compliance Letter (NCL) within 10 working days to the facility owner/operator. A warning letter shall be issued by the local program if requested by the District Task Manager.
- 2) The owner/operator is given 90 days to resolve the violation at the local program level. If after 90 days the violation remains unresolved, the local program shall refer the violation to the DEP district office. The 90 day clock begins upon issuance of the NCL.
- 3) If the violation is in the process of resolution, and is being accomplished in a manner that is acceptable to both the local program and DEP, then the DEP may waive the 90-day referral. The local program may continue the resolution process with DEP oversight.
- 4) Upon referral of a violation to DEP, the local program shall attach all appropriate case documents as specified by the District Task Manager.

### **MINOR VIOLATIONS:**

The following "Level of Effort" is required to resolve minor violations at the local program level.

- 1) Upon discovery of a minor violation the local program shall issue a Non-Compliance Letter (NCL) within 10 working days to the facility owner/operator.
- 2) The owner/operator has 180 days to resolve minor violations at the local program level. The clock begins upon date of inspection. If after 180 days the violation remains unresolved, the local program shall contact the District Task Manager to discuss.
- 3) Once the local program and district decide on the appropriate course of action needed, the local program will have met its level of effort requirement.



Guidance Document E  
**Florida Department of Environmental Protection**  
 Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400  
 Division of Waste Management  
 Bureau of Petroleum Storage Systems

### Storage Tank Facility Compliance Inspection Report

Facility ID  County  Inspection Date

Facility Name  Facility Type

Latitude  Longitude  L/L Method

Check box to identify type of inspection performed. Update latitude/longitude as necessary. Provide Lat/Long Determination Method. ("Map", "AGPS" (Magellan), "GGPS" (Trimble). Provide the count of USTs and/or ASTs reviewed *during* this inspection

	# USTs Inspected		# ATSS Inspected	
--	------------------	--	------------------	--

Compliance Inspection (Annual)	TCI	Installation Inspection	TIN	
Compliance Inspection (DRF received)	TCDI	Closure Inspection	TXI	
Compliance Inspection (Complaint received)	TCPI	Compliance Re-Inspection	TCR	
Discharge Evaluation ("short form")	TDI	** Record the results of the TDI in a <i>Discharge Project</i>		

• "Code" in block below corresponds to the Rule Cite; represents a Data Entry Code for ease of electronic data recording of inspection results. 1

Rule Cite	Description / Inspector's Comments	Code

**Financial Responsibility – Verify owner's coverage. Select *Insurance* or *Other*, and provide *Mechanism*, if appropriate.**

\_\_\_\_\_ Insurance Carrier: \_\_\_\_\_ Effective Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

\_\_\_\_\_ Other Coverage meeting federal financial responsibility requirements. Mechanism: \_\_\_\_\_

\_\_\_\_\_ None

Based upon the inspection results and information provided by the owner/operator, this facility appears to meet the requirements of Florida Administrative Code 62-761.       Yes       No       CWOE – Compliance without Enforcement

A re-inspection will be scheduled on or after \_\_\_\_\_ days to verify correction of the non-compliance items noted.

Storage Tank Program Office	Storage Tank Program Office Phone Number
Inspector Name – Please Print	Facility Representative Name – Please Print
Inspector Signature & Date	Facility Representative Signature & Date

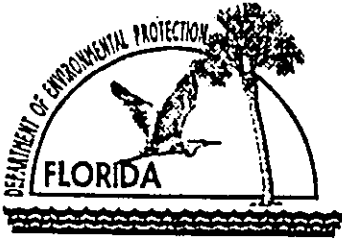
Guidance Document E

*Florida Department of Environmental Protection • Bureau of Petroleum Storage Systems  
Storage Tank Facility Compliance Inspection Report*

Facility Name: \_\_\_\_\_ Facility ID: \_\_\_\_\_ Date: \_\_\_\_\_

Rule Cite	Description / Inspector's Comments	Code

Guidance Document E



Florida Department of Environmental Protection
Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400
Division of Waste Management
Bureau of Petroleum Storage Systems

Storage Tank Facility
Compliance Inspection - Database Entry Form

Facility Name: \_\_\_\_\_

Recorded in STCM by: \_\_\_\_\_

Facility ID: \_\_\_\_\_

Date Recorded: \_\_\_\_\_

Inspection Date: \_\_\_\_\_

Registration/Financial Responsibility 62-761.400

- 1. systems registered, fees paid .400(1)-(2)
2. placard displayed in plain view .400(2)(a)6.
3. financial responsibility .400(3)

Notification and Reporting 62-761.450

- 4. 30 days before installation or upgrade .450(1)(a)1.
5. 10 days before API 653 AST inspection / UST internal inspection, change in service status, closure, or closure assessment .450(1)(a)2.
6. 48 hour notification before installation/closure activity begins .450(1)(a)3.
7. before next business day for emergency out-of-service .450(1)(a)4.
8. within 30 days for change of ownership, closure/upgrade, change in registration or financial responsibility (STRF) .450(1)(b)
9. incident notification (INF) in 24 hours, or next business day .450(2)(a)
10. discharge reporting (DRF) within 24 hours, or next business day .450(3)(a)
11. copy of analytical/test results with DRF .450(3)(b)

Performance Standards Category C Storage Tank Systems 62-761.500

General Performance Standards

- 13. exterior coatings .500(1)(b)
14. spill containment .500(1)(c)
15. dispensing systems .500(1)(d)
16. secondary containment / liners .500(1)(e)1.,2.
17. concrete secondary containment .500(1)(e)3.
18. containment doesn't interfere with cathodic protection .500(1)(e)4.
19. closed interstice systems designed and tested for breach of integrity .500(1)(e)5.
20. monitoring point(s) for secondary containment .500(1)(e)6.
21. secondary containment/spill prevention for airport and hydrant pits .500(1)(e)7.
23. cathodic protection test station/method and operation requirements .500(1)(f)2.

Underground Storage Tank Systems

- 29. work performed by a certified contractor .500(2)(a)3.
32. installed with secondary containment .500(2)(c)
34. filibox covers marked according to API RP 1637, or equivalent method .500(2)(d)1.
35. UST provided with overfill protection .500(2)(d)2.
37. dispenser liners allow for interstitial monitoring .500(2)(e)3.
39. piping sumps allow for interstitial monitoring .500(2)(f)3.

Aboveground Storage Tank Systems

- 44. 110% containment .500(3)(c)3 b.
45. containment provided with drainage .500(3)(c)3 c.
46. penetrations through containment properly sealed .500(3)(c)3 d.
48. fuel transfer monitored .500(3)(d)1.
49. overfill protection performed per API RP 2350 .500(3)(d)2.
50. filibox covers marked according to API RP 1637, or equivalent method .500(3)(d)3.
52. level gauge/hi-level alarm/pump shutoff/gauging stick provided .500(3)(d)4,5.
54. dispenser liners allow for interstitial monitoring .500(3)(e)3.
56. piping sumps allow for interstitial monitoring .500(3)(f)3.



## Guidance Document E

### Yes No Performance Standards for Category A and B Systems 62-761.510

#### General Performance Standards

- 65. shear or emergency shutoff valves installed by 12/31/98 .510(1)(b)1.
- 66. cathodic protection test station/method by 12/31/98 .510(1)(b)2.
- 67. fill boxes color-coded by 12/31/98 .510(1)(b)3.
- 68. UST's reinstalled as AST's or vice versa meet rule by 12/31/98 .510(1)(b)4.
- 69. closure assessment for dispenser liners, piping, etc. .510(1)(c)
- 70. valves meet NFPA 30A requirements .510(1)(d)
- 71. secondary containment for pipe over water by 12/31/04 .510(1)(e)

#### Underground Storage Tank Systems

- 72. CATEGORY-A PROTECTED FROM CORROSION .510(2)(a)

- 73. CATEGORY-B USTS INSTALLED W/ SECONDARY CONTAINMENT .510(2)(b)1.
- 74. HAZARDOUS SUBSTANCE USTS INSTALLED AFTER 1/1/91 HAVE SECONDARY CONTAINMENT .510(2)(b)2.
- 75. PIPING INSTALLED WITH SECONDARY CONTAINMENT AFTER 12/31/90 .510(2)(c)
- 76. all systems meet requirements of Table UST .510(2)(d)

#### Aboveground Storage Tank Systems

- 77. MET 17-81 REQUIREMENTS BY 1/1/90 IF APPLICABLE .510(3)(a)
- 78. CATEGORY B ASTS INSTALLED WITH SECONDARY CONTAINMENT .510(3)(b)
- 79. CATEGORY B PIPING INSTALLED W/ SECONDARY CONTAINMENT .510(3)(c)
- 80. CATEGORY A+B ASTS MEET REQUIREMENTS OF TABLE AST .510(3)(d)

### Yes No Release Detection Methods and Performance Standards 62-761.600, .610, .640

#### General

- 81. can detect a new release from any portion of the system .600(1)(a)1.
- 82. installed, calibrated, operated, and maintained per manufacturer's specifications .600(1)(a)2.
- 83. meets performance standards; all manufacturer's claims retained .600(1)(a)3.
- 84. written release detection response level for system .600(1)(b), .640(1)(c)
- 86. release detection performed at least once a month .600(1)(d)
- 87. continuous electronic leak detection inspected monthly .600(1)(e)
- 88. site suitability determination (USTs by 12/31/90, ASTs by 1/1/00) .600(1)(f)
- 89. vapor monitoring plans in place by 12/31/98 .600(1)(g)
- 90. interstitial monitoring for secondary containment .600(1)(h)
- 91. line leak detector provided for pressurized piping .600(1)(i)
- 92. monitoring wells no longer used for release detection closed .600(1)(k)
- 103. Categories A+B meet release detection and performance standards .610(1)(a)
- 105. Category C systems have breach of integrity test every 5 years .610(1)(b)
- 117. approved in accordance with 62-761.850(2) .640(1)(b)

#### External Release Detection Standards

- 119. monitoring well construction standards met .640(2)(a)
- 120. free product or sheen present in wells .640(2)(c)2.
- 121. another method used if <1' of water in well or water above slots .640(2)(c)3.
- 122. monitoring well records meet recording requirements .640(2)(c)4.
- 123. vapor monitoring wells not rendered inoperative .640(2)(d)2.
- 124. equipment can detect 500 ppm(gas) or 50 ppm (diesel) .640(2)(d)3
- 125. vapor monitoring not used where existing contamination interferes .640(2)(d)4
- 126. performed according to Guidelines for Vapor Monitoring .640(2)(d)5
- 127. visual inspections noted and repairs made .640(2)(e)

#### Internal Release Detection Standards

- 128. interstitial monitoring of double-wall systems .640(3)(a)1.
- 129. breach of integrity test for Category C systems performed .640(3)(a)2.
- 130. meets vacuum monitoring requirements .640(3)(a)3.
- 131. meets interstitial monitoring requirements for lined systems .640(3)(a)4.
- 132. inventory control maintained for single-walled vehicular systems .640(3)(b)
- 133. water fluctuations >1.0" investigated, system tested .640(3)(b)3.
- 134. inventory control performed for field erected ASTs .640(3)(b)4.
- 135. manual tank gauging meets requirements .640(3)(c)1.
- 136. ATG system in test mode every 30 days or operated continuously .640(3)(c)2.
- 137. SIR has leak threshold, min. and calc. leak rate, determination .640(3)(c)3.
- 138. INF submitted for a failing SIR report .640(3)(c)3.f.
- 139. INF submitted for two consecutive inconclusive SIR reports .640(3)(c)3.g.
- 140. monthly evaluations recorded on Form 900(B) or equivalent .640(3)(c)3.i.
- 141. tightness testing requirements met .640(3)(c)4.

#### Small Diameter Piping

- 109. annual line test or 62-761.640(2) method for suction piping .610(4)(a)1.
- 110. line leak detectors for pressurized piping by 12/31/98 .610(4)(a)2.
- 111. aboveground piping visually inspected .610(4)(b)
- 112. interstitial monitoring, breach of integrity for Category C, and line leak detector for secondarily contained piping .610(4)(c)
- 142. UST line leak detector can detect 3.0gph discharge, tested annually .640(3)(d)
- 143. continuously operating interstitial monitor can detect 10 gal/hr .640(3)(d)1.e.

#### Bulk And Hydrant Piping

- 113. pressure tested yearly or monthly release detection system .610(4)(d)1.
- 114. monthly visual inspection of aboveground or exempt pipe .610(4)(d)2.
- 115. interstitial monitoring and breach of integrity for secondarily-contained piping .610(4)(d)3.

Guidance Document E

**O Yes O No Release Detection Methods and Performance Standards 62-761.600, .610, .640 (Cont.)**

Underground Storage Tank Systems	Aboveground Storage Tank Systems
<input type="radio"/> 93. RELEASE DETECTION PROVIDED ACCORDING TO TABLE RD .600(2)(a)	<input type="radio"/> 96. release detection meets 62-761.640(1)(a) by 12/31/99 .600(3)(a)
<input type="radio"/> 94. SPCC plan can meet detection requirement of 62-761.640(1)(a) .600(2)(b)	<input type="radio"/> 97. monitoring wells meet 62-761.640(2) by 1/1/00 or closed .600(3)(b)
<input type="radio"/> 95. monitoring wells meet 62-761.640(2) by 12/31/98 .600(2)(d)	<input type="radio"/> 98. release detection for field-erected tanks meets API Standard 650, Appendix I .600(3)(c)
<input type="radio"/> 106. CATEGORY A+B SYSTEMS HAVE RELEASE DETECTION METHOD .610(2)	<input type="radio"/> 99. release detection for internally lined tank meets 62-761.640(2) .600(3)(d)
-interstitial monitoring system .610(2)(a)	<input type="radio"/> 100. release detection for AST piping in contact with the soil .600(3)(e)
-single monitoring well or vapor detector within liner .610(2)(b)	<input type="radio"/> 101. facilities using SPCC plan meet 62-761.610 by 12/31/99 .600(3)(f)
-continuously operating leak detection system .610(2)(c)	<input type="radio"/> 102. visual inspection for ASTs with high viscosity regulated substances .600(3)(g)
-groundwater or vapor monitoring wells installed per site suitability determination .610(2)(d)	<input type="radio"/> 107. CATEGORY A+B SYSTEMS HAVE RELEASE DETECTION .610(3)(a)
-ATG with tank tightness test every 3 years or continuous ATG .610(2)(e)	-interstitial monitoring for tanks with secondary containment .610(3)(a)1.
-SIR system with tank tightness test every three years .610(2)(f)	-visual inspection .610(3)(a)2.
-manual tank gauging .610(2)(g)-(h)	-method for lined and cut and cover tanks meets 62-761.640(2) .610(3)(a)3.
-annual tank test in conjunction with inventory control .610(2)(i)	<input type="radio"/> 108. visual inspection of system and containment once a month .610(3)(b)

**O Yes O No Repairs, Operation And Maintenance 62-761.700**

General	Underground Storage Tank Systems	
<input type="radio"/> 144. repaired component which has or could cause a discharge .700(1)(a)1.	<input type="radio"/> 159. tested before placing back into service (tightness/other approved method) .700(2)(b)	
<input type="radio"/> 145. taken out-of-operation until repair is made .700(1)(a)2.	<input type="radio"/> 160. tank repaired by lining inspected or cathodically protected and tested .700(2)(c)	
<input type="radio"/> 146. repaired per NFPA 30 or other applicable standards .700(1)(a)3.	<input type="radio"/> 161. tank repaired w/lining and cathodic protection tested every 5 years .700(2)(d)	
<input type="radio"/> 147. repaired components tested as applicable .700(1)(a)4.	<th>Aboveground Storage Tank Systems</th>	Aboveground Storage Tank Systems
<input type="radio"/> 148. repairs to tanks made by authorized representative .700(1)(a)5.	<input type="radio"/> 162. storm water drawn off within one week .700(3)(a)2.a.	
<input type="radio"/> 149. piping that is damaged or has discharged is replaced .700(1)(a)6.	<input type="radio"/> 163. storm water not discharged untreated if it has a visible sheen .700(3)(a)2.b.	
<th>Cathodic Protection</th> <td> <input type="radio"/> 164. drain valves kept closed except when drawing off storm water .700(3)(a)3.                 </td>	Cathodic Protection	<input type="radio"/> 164. drain valves kept closed except when drawing off storm water .700(3)(a)3.
<input type="radio"/> 150. operated and maintained to provide continuous protection .700(1)(b)1.	<input type="radio"/> 165. field erected tanks evaluated and re-tested per API 653 .700(3)(b)	
<input type="radio"/> 151. inspected 6 months after installation or repair and annually/3 years .700(1)(b)2.a.	<input type="radio"/> 166. small diameter piping tightness tested before returning to service .700(3)(c)1.	
<input type="radio"/> 152. impressed current system inspected every two months .700(1)(b)2.b.	<input type="radio"/> 167. bulk/hydrant piping pressure tested before returning to service .700(3)(c)2.	
<input type="radio"/> 153. systems that do not meet requirements repaired/taken out-of-service .700(1)(b)3.	<input type="radio"/> 168. bulk product piping over water tested annually; operated and maintained per CFR 33 .700(3)(d)	
<input type="radio"/> 154. records of inspections and testing are maintained .700(1)(b)4.	<input type="radio"/> 169. secondary containment repaired per 62-761.500(1)(e) .700(3)(e)	
<th>Operation And Maintenance</th> <td></td>	Operation And Maintenance	
<input type="radio"/> 155. spill containment, dispenser liners and piping sumps accessible; water and regulated substances removed .700(1)(c)1		
<input type="radio"/> 156. volume in tank is greater than the volume transferred .700(1)(c)2.		
<input type="radio"/> 157. release detection devices tested annually .700(1)(c)3.		
<input type="radio"/> 158. inventory control for vehicular fuel tanks without secondary containment .700(1)(c)6.		

Florida Department of Environmental Protection  
 Storage Tank Facility Compliance Inspection  
 Database Entry Form 761-05-98

## Guidance Document E

### Yes No Record Keeping 62-761.710

- 170. dated, maintained in permanent form and available in 5 working days .710(1)
- 171. records required to be maintained for 2 years .710(2)
- 172. records required for life of system .710(3)

### Yes No Out Of Service Requirements 62-761.800

#### General

- 173. requirements met for field-erected tanks taken temporarily out of service .800(1)
- 174. requirements met for out-of-service systems .800(2)(a)1.
- 175. upgrades and testing performed before returning system to service .800(2)(a)2,4.

#### Underground Storage Tank Systems

- 176. tightness/breach of integrity test before returning to service .800(2)(b)1.
- 177. out-of-service more than 1 year unprotected/2 years protected .800(2)(b)2.

#### Aboveground Storage Tank Systems

- 178. ASTs without secondary containment out of service no more than 5 years .800(2)(c)1.
- 179. inspected per .500(3)(b)1 or API 653 before returned to service .800(2)(c)2.
- 180. field erected tank product change complies with API 653 .800(2)(c)3.

### Yes No Closure Requirements 62-761.800

#### General

- 181. tank closure performed properly .800(3)(a)1.
- 185. closure assessment required or performed .800(4)(a) & (b)
- 186. closure assessment sampling performed properly .800(4)(c)
- 188. closure by Certified Contractor, meets API RP 1604, NFPA 30 .800(3)(b)2.
- 192. unmaintained systems properly closed within 90 days of discovery .800(3)(c)1.
- 195. written certification for upgraded ASTs <1100 gallons .800(4)(b)5.
- 196. Closure Assessment submitted within 60 days .800(4)(d)

#### Underground Storage Tank Systems

- 187. unmaintained systems properly closed within 90 days of discovery .800(3)(b)1.
- 189. closure performed according to API RP 1604 Chapters 1, 3, 4, 5, and 7 - permanent closure requirements, storage, disposal and according to NFPA 30 Appendix C .800(3)(b)2.a.
- 190. properly closed in place / certified contractor performed tank removal(s) .800(3)(b)2.b.

#### Aboveground Storage Tank Systems

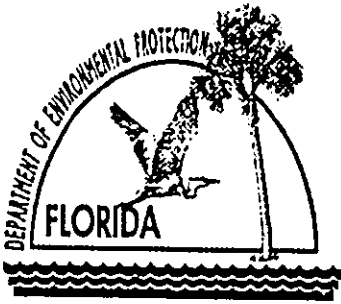
- 191. unmaintained ASTs closed within 90 days, vapor free, anchored .800(3)(c)
- 193. rendered free of explosive vapors .800(3)(c)2.
- 194. protected from flotation according to NFPA 30, Section 2-6 .800(3)(c)3.

### Yes No Equipment Approvals And Alternative Procedures 62-761.850

- 208. facility in compliance with alternate procedure .850(1)
- 209. equipment approved by Department before installation or use .850(2)

Florida Department of Environmental Protection  
Storage Tank Facility Compliance Inspection  
Database Entry Form 761-05-98

Guidance Document E



Florida Department of Environmental Protection  
 Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400  
 Division of Waste Management  
 Bureau of Petroleum Storage Systems

Storage Tank Facility  
 Installation Inspection - Database Entry Form

Facility Name: \_\_\_\_\_

Recorded in STCM by: \_\_\_\_\_

Facility ID: \_\_\_\_\_

Date Recorded: \_\_\_\_\_

Inspection Date: \_\_\_\_\_

Yes  No Notification and Reporting 62-761.450

- 4. 30 days before installation or upgrade .450(1)(a)1.
- 6. 48 hour notification before installation/closure activity begins .450(1)(a)3.

Yes  No Performance Standards Category C Storage Tank Systems 62-761.500

<p><b>General Performance Standards</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> 12. siting .500(1)(a)</li> <li><input type="radio"/> 13. exterior coatings .500(1)(b)</li> <li><input type="radio"/> 14. spill containment .500(1)(c)</li> <li><input type="radio"/> 15. dispensing systems .500(1)(d)</li> <li><input type="radio"/> 16. secondary containment/liners .500(1)(e)1,2.</li> <li><input type="radio"/> 17. concrete secondary containment .500(1)(e)3.</li> <li><input type="radio"/> 18. containment doesn't interfere with cathodic protection .500(1)(e)4.</li> <li><input type="radio"/> 19. closed interstice systems designed/tested for breach of integrity .500(1)(e)5.</li> <li><input type="radio"/> 20. monitoring point for secondary containment .500(1)(e)6</li> <li><input type="radio"/> 21. secondary containment/spill prevention for airport and hydrant pits .500(1)(e)7.</li> <li><input type="radio"/> 22. cathodic protection test station / monitoring method designed and installed properly .500(1)(f)1. &amp; 3.</li> <li><input type="radio"/> 24. underground tank relocation requirements met .500(1)(g)</li> <li><input type="radio"/> 25. aboveground tank relocation requirements met .500(1)(h)</li> <li><input type="radio"/> 26. reused tanks properly recertified .500(1)(i)</li> </ul> <p><b>Underground Storage Tank Systems</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> 27. installed according to manufacturer's instructions .500(2)(a)1.</li> <li><input type="radio"/> 28. NFPA 30 chapters 2 and 3 - tank storage, piping systems                      NFPA 30A chapters 2, 3, 4, 10 - storage, piping, valves and fittings,                      fuel dispensing systems, marine service stations                      API 1615 sections 2, 3, 5, 6, 9, 10, 11 - preinstallation site analysis, materials                      and equipment, excavation, equipment, placement, anchorage, secondary                      containment and ballasting, piping, backfilling, other equipment                      PEI 100 Ch. 1, 2, 3, 4, 5 - handling, excavation, backfilling, anchorage                      .500(2)(a)2.</li> </ul>	<ul style="list-style-type: none"> <li><input type="radio"/> 29. work performed by a certified contractor .500(2)(a)3.</li> <li><input type="radio"/> 30. tank and integral piping tested properly (tightness or approved test method) .500(2)(a)4.</li> <li><input type="radio"/> 31. tank constructed to standards, or approved per 62-761.850(2) .500(2)(b)</li> <li><input type="radio"/> 32. Installed with secondary containment .500(2)(c)</li> <li><input type="radio"/> 33. overfill protection .500(2)(d)</li> <li><input type="radio"/> 36. dispenser liners installed, tested and allow for interstitial monitoring .500(2)(e)</li> <li><input type="radio"/> 38. piping sumps installed, tested and allow for interstitial monitoring .500(2)(f)</li> </ul> <p><b>Aboveground Storage Tank Systems</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> 40. installed according to manufacturer's instructions .500(3)(a)1.</li> <li><input type="radio"/> 41. installed according to NFPA 30 and 30A, PEI RP 200-96 .500(3)(a)2.</li> <li><input type="radio"/> 42. constructed to referenced standards or approved per 62-761.850(2) .500(3)(b)</li> <li><input type="radio"/> 43. provided with adequate secondary containment .500(3)(c)</li> <li><input type="radio"/> 44. 110% containment .500(3)(c)3 b.</li> <li><input type="radio"/> 45. provided with containment drainage .500(3)(c)3 c.</li> <li><input type="radio"/> 46. pipes passing through containment properly sealed .500(3)(c)3 d.</li> <li><input type="radio"/> 47. API RP 2350 overfill protection/fuel transfer monitoring .500(3)(d)</li> <li><input type="radio"/> 51. overfill protection .500(3)(d)</li> <li><input type="radio"/> 53. dispenser liners installed, tested and allow for interstitial monitoring .500(3)(e)</li> <li><input type="radio"/> 55. piping sumps installed, tested and allow for interstitial monitoring .500(3)(f)</li> </ul>
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## Guidance Document E

### Yes No **Performance Standards Category C Storage Tank Systems 62-761.500 (Cont)**

#### Integral Piping For Above And Underground Storage Systems

- 57. installed according to NFPA 30, 30A, ASME B31.4, and manufacturer's instructions .500(4)(a)1,2.
- 58. AST and bulk product piping have tightness test before placed in-service .500(4)(a)3.
- 59. piping meets referenced standards or certified by nationally recognized lab or approved per 62-761.850(2) .500(4)(b)
- 60. small diameter piping, pressurized: shear, emergency shutoff valves properly installed .500(4)(c)1.
- 61. small diameter piping, gravity fed: isolation valves properly installed and meets NFPA 30A Section 2-1.7 .500(4)(c)2.
- 62. bulk product piping installed according to NFPA 30, 30A, ASME B31.4 .500(4)(d)
- 63. small diameter piping in soil or over water has secondary containment .500(4)(e)1.
- 64. bulk product and remote fill piping in soil has secondary containment .500(4)(e)2,3.

### Yes No **Release Detection Methods and Performance Standards 62-761.600, .610, .640**

#### General

- 81. can detect a new release from any portion of the system .600(1)(a)1.
- 82. installed and calibrated per manufacturer's specifications .600(1)(a)2.
- 84. written release detection response level for system .600(1)(b)
- 85. release detection method provided upon installation .600(1)(c)
- 90. interstitial monitoring provided for secondary containment .600(1)(h)
- 91. line leak detector provided for pressurized piping .600(1)(l)
- 104. release detection consists of interstitial monitoring for all secondarily contained tanks; interstitial monitoring (all piping) and line leak detector (pressurized only), or continuous interstitial monitoring with pump shutoff for secondarily contained piping (pressurized only) .610(1)(b)
- 116. device meets general standards - can detect 0.2 gal/hr or 150 gallon release within 30 days, with 0.95 detection probability and 0.05 false alarm probability .640(1)(a)
- 117. approved in accordance with 62-761.850(2) .640(1)(b)
- 118. release detection response level described in writing .640(1)(c)

#### Aboveground Storage Tanks

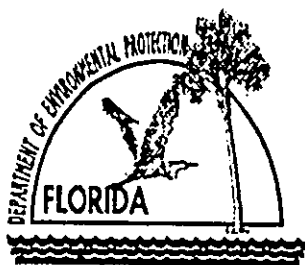
- 98. release detection for field-erected tanks meets API Standard 650, Appendix I .600(3)(c)
- 100. release detection for AST piping in contact with the soil .600(3)(e)

#### Internal Release Detection Standards

- 128. interstitial monitoring of double-wall systems (four options) .640(3)(a)1.
- 129. breach of integrity test for Category C systems performed .640(3)(a)2.
- 130. meets vacuum monitoring requirements .640(3)(a)3.
- 131. meets interstitial monitoring requirements for lined systems .640(3)(a)4.
- 142. line leak detector can detect 3.0 gph discharge .640(3)(d)
- 143. continuously operating interstitial monitor can detect 10 gal/hr and shut off pump .640(3)(d)1.e.

Florida Department of Environmental Protection  
 Storage Tank Facility Installation Inspection  
 Database Entry, Form 761-06-98

Guidance Document E



Florida Department of Environmental Protection
Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400
Division of Waste Management
Bureau of Petroleum Storage Systems

Storage Tank Facility
Closure Inspection - Database Entry Form

Facility Name: \_\_\_\_\_

Recorded in STCM by: \_\_\_\_\_

Facility ID: \_\_\_\_\_

Date Recorded: \_\_\_\_\_

Inspection Date: \_\_\_\_\_

Registration 62-761.400

- 1. systems registered, fees paid, placard posted .400(1)-(2)
5. notification made prior to tank(s) closure .450(1)(a)2.
6. 48 hour notification before installation/closure activity begins .450(1)(a)3.

Notification and Reporting 62-761.450

- 10. discharge reporting (DRF) within 24 hours, or next business day .450(3)(a)

Closure Requirements 62-761.800

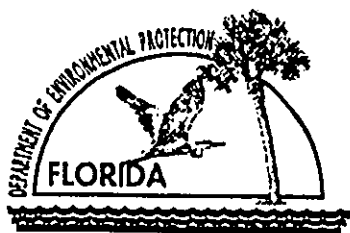
- General: 181. tank closure performed properly .800(3)(a)1. 182. Liquids and sludge removed from tank(s) .800(3)(a)1.a. 183. manways secured, piping disconnected and removed / capped .800(3)(a)1.b. 184. monitoring wells closed in accordance with 62-761.600 .800(3)(a)3. 185. closure assessment required or performed .800(4)(a) & (b) 186. closure assessment sampling performed properly .800(4)(c) 188. closure by Certified Contractor, meets API RP 1604, NFPA 30 .800(3)(b)2. 192. unmaintained systems properly closed within 90 days of discovery .800(3)(c)1. 195. written certification for upgraded AS's <1100 gallons .800(4)(b)5. 196. closure Assessment submitted within 60 days .800(4)(d)
Underground Storage Tank Systems: 187. unmaintained systems properly closed within 90 days of discovery .800(3)(b)1. 189. closure performed according to API RP 1604 Chapters 1, 3, 4, 5, and 7 - permanent closure requirements, storage, disposal and according to NFPA 30 Appendix C .800(3)(b)2.a. 190. properly closed in place / certified contractor performed tank removal(s) .800(3)(b)2.b.
Aboveground Storage Tank Systems: 191. unmaintained ASTs closed within 90 days, vapor free, anchored .800(3)(c) 193. rendered free of explosive vapors .800(3)(c)2. 194. protected from flotation according to NFPA 30, Section 2-6 .800(3)(c)3.

Discharge Response 62-761.820

- 199. actions taken immediately to contain, remove, and abate the discharge; free product present being removed .820(2)(a)
207. contaminated soil excavated, disposed of or stockpiled, is managed in accordance with Chapter 62-770, FAC .820(2)(e)

Florida Department of Environmental Protection
Storage Tank Facility Closure Inspection
Database Entry, Form 761-07-98

Guidance Document E



**Florida Department of Environmental Protection**  
Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400  
Division of Waste Management  
Bureau of Petroleum Storage Systems

**Storage Tank Facility  
Discharge Inspection / Evaluation - Database Entry Form**

Facility Name: \_\_\_\_\_

Recorded in STCM by: \_\_\_\_\_

Facility ID: \_\_\_\_\_

Date Recorded: \_\_\_\_\_

Inspection Date: \_\_\_\_\_

**Yes  No Notification and Reporting 62-761.450**

- 9. incident notification (INF) in 24 hours, or next business day .450(2)(a)
- 10. discharge reporting (DRF) in 24 hours, or next business day .450(3)(a)

**Yes  No Repairs, Operation And Maintenance 62-761.700**

- 144. repaired component which has or could cause a discharge .700(1)(a)1.
- 145. taken out-of-operation until repair is made .700(1)(a)2.
- 146. repaired per NFPA 30 or other applicable standards .700(1)(a)3.
- 147. repaired components tested as applicable .700(1)(a)4.
- 148. repairs to tanks made by authorized representative .700(1)(a)5.
- 149. piping that is damaged or has discharged is replaced .700(1)(a)6.

**Yes  No Discharge Response 62-761.820**

- 197. incident promptly investigated .820(1)(a)
- 198. spill or loss of regulated substance into secondary containment removed within three days of discovery .820(1)(d)
- 199. actions taken immediately to contain, remove, and abate the discharge; free product present being removed .820(2)(a)
- 200. source or cause of discharge unknown, then discharge investigated according to NFPA 329, Chapters 3 and 5 .820(2)(b)1.
- 201. regulated substance removed from system to prevent further discharge to the environment .820(2)(b)2.
- 202. fire, explosion, and vapor hazards identified and mitigated .820(2)(b)3.
- 203. system repaired or closed .820(2)(b)4.
- 204. system tested for tightness after Department or County determination .820(2)(c)
- 205. system tested in accordance with Rule 62-761.640(3) within three days .820(2)(d)1.
- 206. leaking system placed out-of-service according to Rule 62-761.800(2), F.A.C., until repaired, replaced or closed .820(2)(d)2.
- 207. contaminated soil excavated, disposed of or stockpiled, is managed in accordance with Chapter 62-770, FAC .820(2)(e)

Florida Department of Environmental Protection Storage Tank Facility Discharge Inspection/Evaluation  
Database Entry, Form 761-08-98

# Panel votes to end tailpipe tests

■ The battle to end the auto emissions testing in Pinellas and Hillsborough may jeopardize federal highway funding.

By JULIE HAUSERMAN  
Times Staff Writer

TALLAHASSEE — Three Tampa Bay area senators voted to end auto emissions tests in Florida Wednesday, even though Hillsborough and Pinellas counties could lose federal highway dollars if the region's air quality doesn't improve.

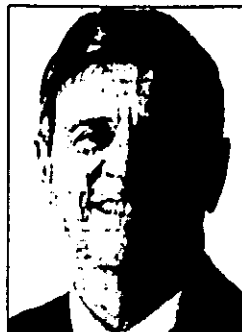
Lawmakers said the tailpipe tests aren't catching the kind of pollution that poses a threat to the area, and they say they hear



Hargrett



Sebesta



Sullivan

too many complaints from folks tired of bringing their cars in for the tests.

But the U.S. Environmental Protection Agency is likely to take a dim view, because the region is among the worst spots for air pollution in Florida.

"How can I explain to my constituents why they have to

go through these tests?" said Sen. James Hargrett, D-Tampa. "I think what we need to say is: Enough is enough, and challenge the EPA to come back at us, even if we have to hire a couple of lawyers."

The Senate Transportation Committee, which includes Hargrett, and Sens. Jim Sebesta, R-St. Petersburg, and Don

Sullivan, R-Seminole, voted unanimously to end the testing program.

But the political battle will continue. The bill has two more Senate committee stops and three more in the House, where any number of changes might be made.

Defying federal air pollution rules can be politically risky: Atlanta, Ga., lost federal highway dollars because of excessive smog.

"We are very much in favor of clean air, but to continue with ancient technology that's not accomplishing anything, it's time to move on," Sebesta said.

Six Florida counties have the tests. Air quality in four of those

Please see **TESTS 9B**

## Tests from 1B

counties — Duval, Miami-Dade, Broward and Palm Beach — has improved enough that the Florida Department of Environmental Protection is ready to end emissions testing in those counties. But the air in Pinellas and Hillsborough still flunks federal standards.

Sullivan had little to say during the debate. Hargrett and Sebesta argued that other factors, such as cleaner cars, cleaner fuels and improvements at the Tampa Electric Co. plant will lead to cleaner air in the coming years.

"Right now they are taking an aggressive posture that we don't think we need the testing and if the EPA thinks we need it, we'll deal with that later," said Sen. Ron Klein, D-Boca Raton, who is sponsoring the bill to

end emissions testing.

Klein had urged the Tampa Bay senators to add an amendment that would keep the testing in place in Pinellas and Hillsborough, and even add more intensive testing to catch levels of nitrogen oxide, or NOx, a significant pollutant.

In the last three years, Florida's air quality has gotten worse, primarily because of rising levels of NOx from increased road traffic.

Even though today's cars are built to be far cleaner than the gas-guzzlers of years past, emissions from poorly maintained vehicles account for half of the smog-causing pollution in urban areas. Florida tests to see if cars are so poorly tuned that they put out excessive amounts of carbon monoxide and hydrocarbons.

The bill's next stop is the Senate Governmental Oversight and Productivity Committee, which has Palm Harbor Republican Jack Latvala as its chairman.

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