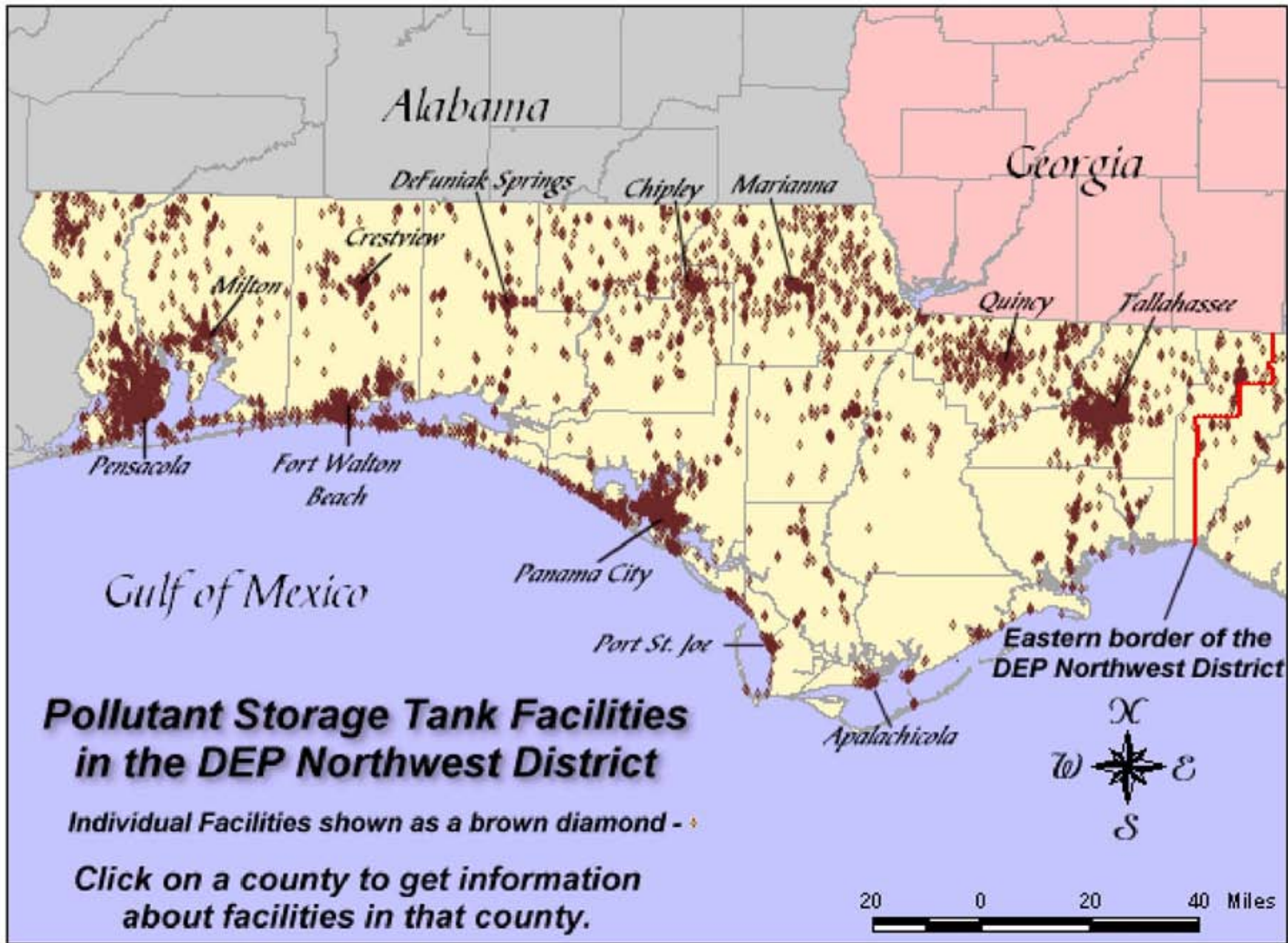


# Northwest District



*Waste Management Program - Tanks Section*  
**Charles Harp - Section Supervisor**



Storage Tank Section, NW Dist.

Charles Harp  
Environmental Manager  
FDEP

Mark Gillman  
ES III  
FDEP

Escambia et al.  
Health Dept.  
Contractor

Gulf et al.  
Health Dept.  
Contractor

Gadsden/Jackson  
Health Dept.  
Contractor

Sue Bristol  
ES II  
FDEP

Washington/Holmes County  
Contractor

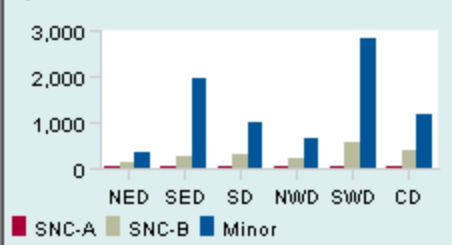
Leon County  
County Tanks Prg.  
Contractor

Wakulla/Jefferson  
Health Dept.  
Contractor

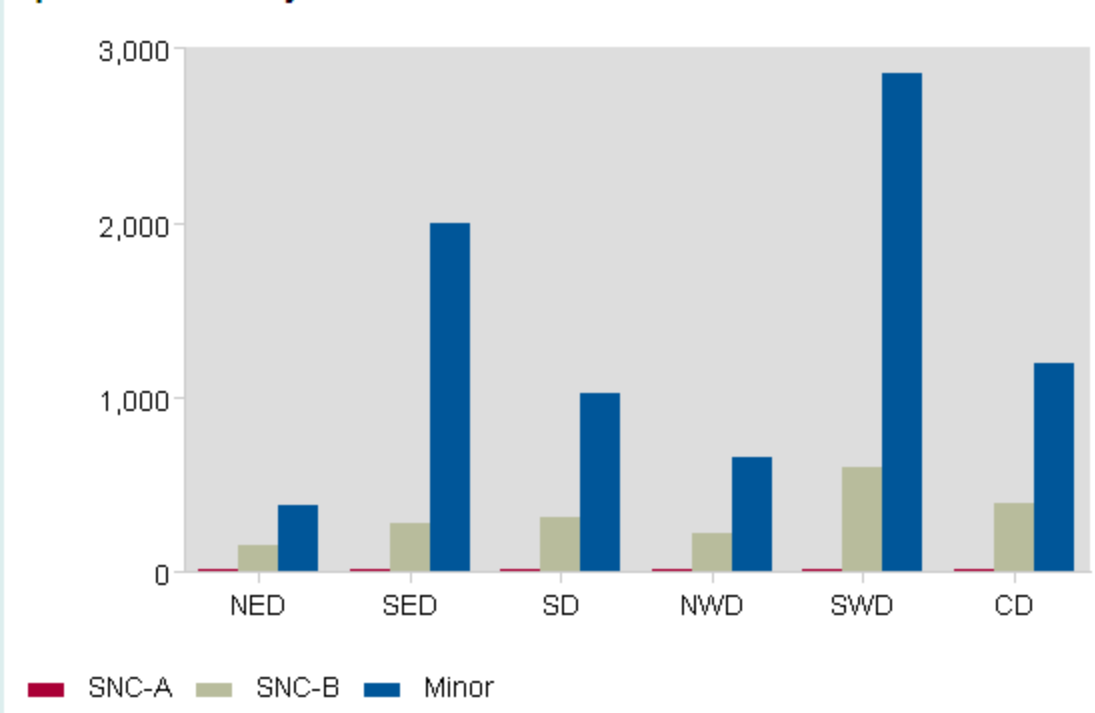


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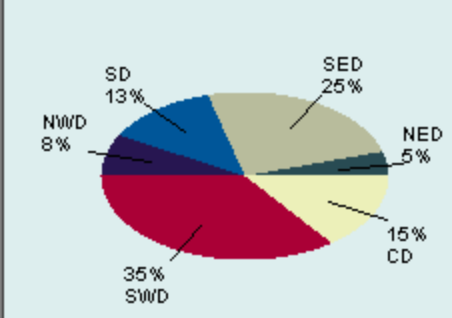
**Open Violations**



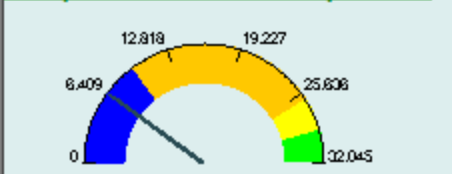
**Open Violations By District**



**Violations By District**



**Completed Contractor Inspections**



All charts reflect data collected on a fiscal year cycle ( July 1st to June 30th).

[View](#)

- Reports Menu
- [Facility Snapshot](#)
- [Facility Snapshot Query](#)
- [Facility Inspection Pending](#)
- [Facility Page](#)
- [Compliance Enforcement Activity By Range](#)
- [Agency Preparedness Summary](#)
- [Agency Preparedness Detail](#)
- [Inspector Activity](#)
- [Violations By County And Date Range](#)
- [Violations](#)
- [Facility Detail](#)

### Violations

This report provides list of all violations by facility that are either resolved or unresolved and what enforcement actions have been taken(i.e NCL, WL and Reinspection).

**\* Required Fields**

**\* County:**

(Hold the Ctrl key to select/deselect more than one county)




**or \* District:**

(Hold the Ctrl key to select/deselect more than one District)




**\* Date Opened is between:**

 AND   
 (mm/dd/yyyy) (mm/dd/yyyy)

**or \* Date Opened is :**

 or more days old.

DEP Contractor-Owned:

Violation Significance:





Violation Status:

Non Compliance Letter:

Warning Letter:

Reinspection:



Florida Department of Environmental Protection  
 Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400  
 Division of Waste Management  
 Bureau of Petroleum Storage Systems  
 Violations

The following criteria was selected:

County:  
 District: NORTHWEST  
 Date Opened Begin-Date:  
 Date Opened End-Date:  
 Date Opened is:  
 DEP Contractor Owned: All  
 Violation Significance: All  
 Violation Status: Unresolved Violations  
 NCL: All  
 WL: All  
 Reinspection: All  
 Group By Facility: Referred  
 Sort By: County Name, Facility Id, Significance Name, Date Violation Opened

Total Number: 877  
 SNC-A: 11  
 SNC-B: 222  
 Minor: 644

Activity Description	Tank Office	Activity Result	Violation Code	Violation Significance	Violation Status	Date Violation Opened	Date Violation Closed	Pre-ETL NCL Sent Date	County NCL Date	County Second NCL Date	District NCL Date	WL Date	Reinspection Date	DEP Contractor Owned	Inspector Name
<b>8500479 DU OIL &amp; GAS CO STATION</b>			<b>BAY</b>		<b>REFERRED DATE - 06/06/2007</b>										
Site Inspection Activity	TKESPH	Major Out of Compliance	1132	SNC-B	Open	09/01/2006		09/01/2006	09/12/2008	09/14/2009				No	BRAZILE, DAVID
<b>8500541 FILL-UPS FOOD STORES #6043</b>			<b>BAY</b>		<b>REFERRED DATE - 04/24/2009</b>										
Site Inspection Activity	TKESPH	Minor Out of Compliance	1105	Minor	Open	10/29/2008			04/24/2009	09/16/2009			04/20/2009	No	BRAZILE, DAVID
<b>8500560 LTN</b>			<b>BAY</b>		<b>REFERRED DATE - 04/08/2009</b>										
Site Inspection Activity	TKESPH	Major Out of Compliance	1132	SNC-B	Open	12/04/2008			12/05/2008	09/14/2009			04/07/2009	No	KHAN, MUHAMMAD RAFIQUE
Site Inspection Activity	TKESPH	Major Out of Compliance	1004	SNC-B	Open	12/04/2008			12/05/2008	09/14/2009			04/07/2009	No	KHAN, MUHAMMAD RAFIQUE
<b>8500575 JAY MALDIMA INC</b>			<b>BAY</b>		<b>REFERRED DATE - 03/06/2008</b>										
Site Inspection Activity	TKESPH	Major Out of Compliance	1132	SNC-B	Open	08/28/2006		07/17/2007	07/10/2009					No	KHAN, MUHAMMAD RAFIQUE
Migrated Legacy Activity	TKESPH		1132	SNC-B	Open	10/11/2005		07/17/2007	07/10/2009					No	BRAZILE
<b>8500635 OHM EXPRESS</b>			<b>BAY</b>		<b>REFERRED DATE - 07/31/2007</b>										
Site Inspection Activity	TKESPH	Major Out of Compliance	1132	SNC-B	Open	05/14/2006			09/12/2008	09/14/2009				No	BRAZILE, DAVID
<b>8500686 SYLVIA'S GROCERY</b>			<b>BAY</b>		<b>REFERRED DATE - 04/23/2009</b>										
Site Inspection Activity	TKESPH	Minor Out of Compliance	2132	Minor	Open	10/15/2009				10/16/2009				No	BRAZILE, DAVID
<b>8500718 BAYOU GEORGE GROCERY STORE</b>			<b>BAY</b>		<b>REFERRED DATE - 10/20/2008</b>										
Site Inspection Activity	TKESPH	Minor Out of Compliance	1117	Minor	Open	10/15/2009				10/16/2009				No	BRAZILE, DAVID
Site Inspection Activity	TKESPH	Minor Out of Compliance	1122	Minor	Open	10/15/2009				10/16/2009				No	BRAZILE, DAVID
Site Inspection Activity	TKESPH	Major Out of Compliance	1105	Minor	Open	09/08/2006		04/26/2007	03/23/2009	10/16/2009				No	KHAN, MUHAMMAD RAFIQUE

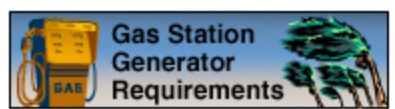
Solid and Hazardous Waste Cleanup

Information Data Reports Forms News Publications and Reports Rules

Investigation Site Map Search Waste Management



Environmental Protection's (FDEP) Division of Waste Management. In 1983, Florida was one of the first states in the union to pass legislation and adopt rules for underground and aboveground storage tank systems. Since then, over 28,000 facilities have reported discharges of petroleum products from storage tank systems. Florida relies on groundwater for about 92 percent of its drinking water needs, and has some of the most stringent rules in the country.



- » [BPSS Main Page](#)
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- » [Petroleum Cleanup Program Main Page](#)
- » [Storage Tank Regulation Main Page](#)

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- » [District & Local Program Contacts](#)
- » [Ethanol Information](#)
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- » [Generator Information](#)
- » [Leak Prevention](#)
- » [Mobile Laboratory List](#)
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- » [Programs](#)
- » [PSSSC List](#)
- » [Registration](#)
- » [Related Links](#)

## DON'T FORGET the DEADLINES for Installing Secondary Containment



**December 31, 2009** Single-wall USTs and small diameter piping in contact with the soil must have secondary containment.

**January 1, 2010** Single-wall field-erected ASTs must have secondary containment beneath the tank, and single-wall bulk product piping in contact with the soil must have secondary containment unless deferred by an API 570 Integrity Assessment.



We recommend that you consult the Storage Tank Rules Chapters 62-761, F.A.C. and 62-762, F.A.C., your County Inspector, or your DEP District Office if you have any questions. For general technical assistance about the rules, please contact John Svec at 850-245-8845.

**Please Note:** The Department **has never issued an extension** for an equipment upgrade deadline since the storage tank rules were adopted in 1984!

We strongly encourage you to get your upgrades done early! Last-minute upgrades could easily result in higher costs due to the increased demand for storage tanks, piping, and installation services. Last-minute upgrades could also result in unexpected delays, and ultimately expose you to fines and penalties from the Department.



**Storage Tank Financial Responsibility** **Highlights**

Financial responsibility requirements exist to ensure that owners and operators of regulated petroleum storage tanks have the financial resources to pay for the cost of corrective action and compensating third parties for bodily injury and property damage that might result from a release from a petroleum storage tank system. Regulations specify how much financial assurance is required and the financial mechanisms that can be used to ensure that funds are available in the event that they are needed.

The Florida Department of Environmental Protection is providing the information below to assist petroleum storage tank owners in understanding these Financial Responsibility requirements. The Florida Department of Environmental Protection does not endorse any particular insurance company nor does it attest to the accuracy of any information contained on any other web site.

**Financial Responsibility Regulations & Forms:**

- » Florida's financial responsibility requirements are contained in Rule 62-761.400 and Rule 62-762.401, Florida Administrative Code – "[Registration and Financial Responsibility](#)"
- » Federal financial responsibility requirements are contained in [40 CFR Part 280 Subpart H – Financial Responsibility](#)
- » [Certification of Financial Responsibility](#) [Form 62-761.900(3)] Effective 7-13-98
- » [Storage Tank Financial Responsibility Requirements Table](#)
- » "[Financial Responsibility Handbook – A Guide to the Financial Responsibility Mechanisms](#)" prepared by the Bureau of Petroleum Storage Systems, FL. Dept. of Environmental Protection in conjunction with U.S. Environmental Protection Agency's Office of Underground Storage Tanks (revised 05-01-05)
- » [Forms for Financial Responsibility Mechanisms Available to All Storage Tank Owners and Operators](#)
- » [Forms for Financial Responsibility Mechanisms Available to Local Government Storage Tank Owners and Operators](#)
- » [Known Insurance Providers](#) can be found on EPA Publications Link

- » [BPSS Main Page](#)
  - » [Contacts](#)
  - » [Petroleum Cleanup Program Main Page](#)
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  - » Compliance & Insurance
  - » [District & Local Program](#)
  - » [Cd](#) Link opens the Compliance & Insurance
  - » [Ethanol Information](#)
  - » [FIRST Portal](#)
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  - » [Generator Information](#)
  - » [Leak Prevention](#)
  - » [Mobile Laboratory List](#)
  - » [Newsletter](#)
  - » [Procedures & Guidance Documents](#)



**Upgrade Numbers Statewide - In Service Only**

<b>Facs with In Service USTs only</b>		<b>8842</b>	
	Upgraded	7315	82.73%
	Non Upgraded	1527	17.27%
<b>Facs with In Service ASTs only</b>		<b>11183</b>	
	Upgraded	10661	95.33%
	Non Upgraded	522	4.67%
<b>Facs with both In Service USTs and ASTs</b>		<b>464</b>	
	Upgraded	342	73.71%
	Non Upgraded	122	26.29%

**Number of facilities with regulated tanks that have an In Service tank status\***

**20,489**

**Upgrade Numbers Northwest District - In Service Only**

<b>Facs with In Service USTs only</b>	<b>885</b>	
Upgraded	704	79.55%
Non Upgraded	181	20.45%
<b>Facs with In Service ASTs only</b>	<b>1128</b>	
Upgraded	1070	94.86%
Non Upgraded	58	5.14%
<b>Facs with both In Service USTs and ASTs</b>	<b>44</b>	
Upgraded	29	65.91%
Non Upgraded	15	34.09%


**Number of facilities with regulated tanks that have an In Service tank status\***

**2,057**

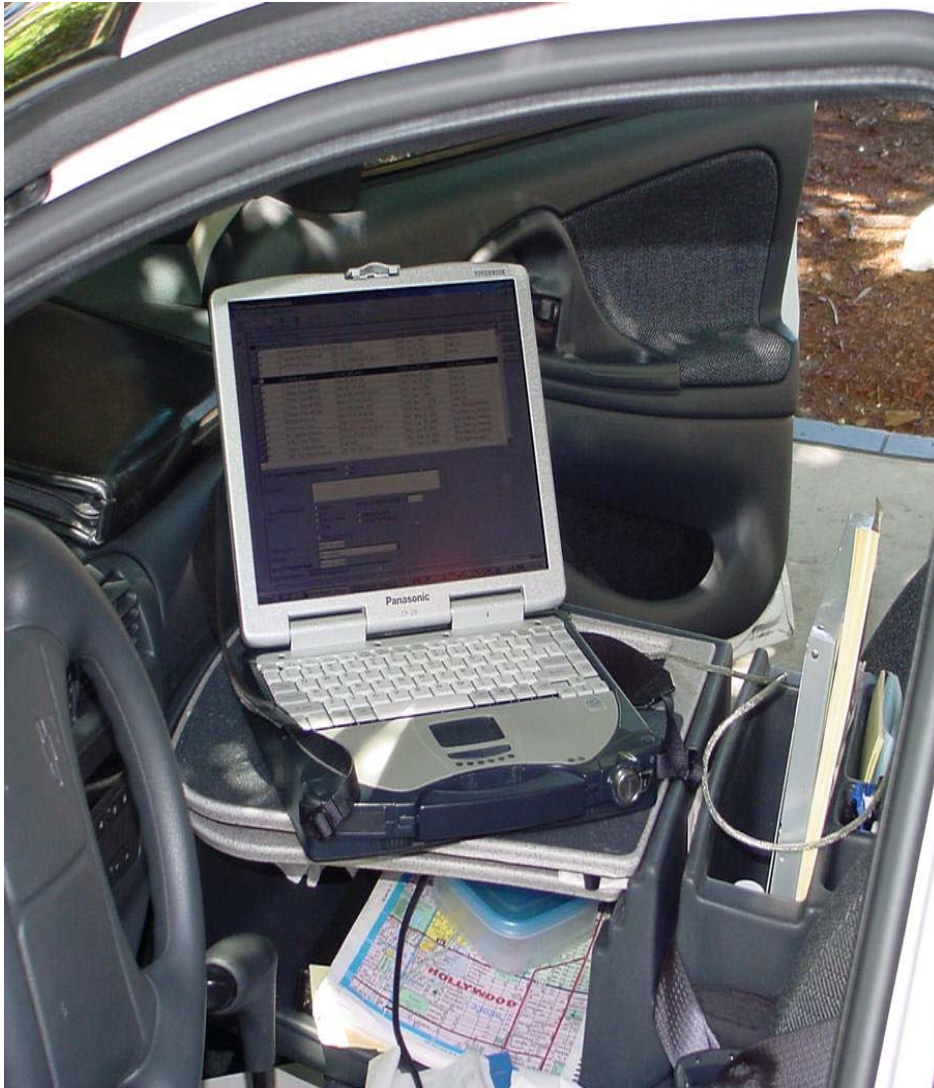
# Fire Destroys Biodiesel Plant

Friday, September 25, 2009 4:50:30 AM

Tools: [E-mail](#) | [Print](#) | [Feedback](#)

 [BOOKMARK](#)





**Facility Information**

Facility ID: 9802980	County: BAY	Inspection Date: 04/24/2007
Facility Name: 77 TRAVEL CTR 15500 HWY 77 PANAMA CITY, FL 32409		Facility Type: A - Retail Station # Of Inspected ASTs: 0 USTs: 4 Mineral Acid Tanks: 0
Latitude: 30° 25' 55.1722"		
Longitude: 85° 41' 13.9907"		
L/L Method: DPHO		

**Inspection Result**

Result : Minor Out of Compliance  
 Description: Facility is out of compliance  
 No re-inspection needed for this Facility.

**Financial Responsibility**

Financial Responsibility: INSURANCE  
 Insurance Carrier: ZURICH-AMERICAN  
 Effective Date: 08/01/2006      Expiration Date: 08/01/2007

**Signatures**

TKESPH - ESCAMBA COUNTY HEALTH  
 DEPARTMENT  
 Storage Tank Program Office

(850) 595-6723  
 Storage Tank Program Office Phone Number

MUHAMMAD KHAN  
 Inspector Name

Jerry curry, Signature was taken , but did not save by system. Informed first team about problem on 4-25-06  
 Facility Representative Name

  
 Inspector Signature

No signature available  
 Facility Representative Signature



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 Annual Site Inspection Report

### Facility Information

Facility ID:	8500538	County:	BAY	Inspection Date:	10/23/2006
Facility Name:	SMOKES TOBACCO OUTLET II			Facility Type:	A - Retail Station
Latitude:	30° 11' 6.1798"	# Of Inspected ASTs:	0		
Longitude:	85° 46' 26.1021"	USTs:	5		
L/L Method:	DPHO	Mineral Acid Tanks:	0		

### Inspection Result

Result : Major Out of Compliance

Description: Facility is out of compliance

A re-inspection will be scheduled on or after 90 days to verify correction of the non-compliance items noted.

### Financial Responsibility

Financial Responsibility: Insurance

Insurance Carrier: Zurich-American

Effective Date: 05/11/2006

Expiration Date: 05/11/2007

### Signatures

TKESPH - ESCAMBIA COUNTY HEALTH  
DEPARTMENT  
Storage Tank Program Office

(850) 595-6723  
Storage Tank Program Office Phone Number

DAVID BRAZILE

Inspector Name

Peter Shah

Facility Representative Name

Inspector Signature

Facility Representative Signature

## System Tests

Test Name	Due Date	Completed Date	Result
-----------	----------	----------------	--------

### Completed Tests (in last year)

Annual Inline Leak Detector Test	05/04/2007	05/04/2006	Passed
Cathodic Survey	05/04/2007	06/29/2006	Passed

### Reviewed Records

Record Category	Record Type	From Date	To Date
Life Time	Cathodic Protection Systems Records	06/29/2006	06/29/2007
Life Time	Closure Assessment Report if Facility is Operating	06/14/2006	06/14/2007
Life Time	Closure Assessment Report if Facility is Operating	05/11/2006	05/11/2007
Two Years	Monthly Maint. Visual Examinations and Results	11/01/2005	10/01/2006

### New Violations

Significance Name: Minor

Rule Number(s): 62-761.710(2)(a), 62-761.710(2)(b), 62-761.710(2)(c), 62-761.710(2)(d), 62-761.710(2)(e), 62-761.710(2)(f), 62-761.710(2)(g), 62-761.710(2)(h)

Violation Text: Records Requiring 2 Year Documentation Period Not Kept By Facility.

Explanation: 62-761.710(2) #1123. No Sir Reports Provided For November 1, 2005 - September 30, 2006

Corrective Action: Provide Sir Reports For November 1, 2005 - September 30, 2006.

Significance Name: **SNC-B**

Rule Number(s): **62-761.600(1)(d)**

Violation Text: **Release Detection Not Performed At Least Once A Month.**

Explanation: **62-761.600(1)(D) #1062. No Sir Records Provide For November 1, 2005 - September 30, 2006**

Corrective Action: **Provide Sir Reports For November 1, 2005 - September 30, 2006.**

Significance Name: Minor

Rule Number(s): 62-761.640(3)(e)1., 62-761.640(3)(e)2., 62-761.640(3)(e)3., 62-761.640(3)(e)4., 62-761.640(3)(e)5.

Violation Text: Monthly Sir Analyses Not Providing: Leak Threshold, Minimum Detectable Leak Rate, Calculated Leak Rate, And A Result Determination.

Explanation: 62-761.640(3)(E) #1100. No Sir Reports Provided For November 1, 2005 - September 30, 2006

Corrective Action: Provide Sir Reports For November 1, 2005 - September 30, 2006

Significance Name: Minor

Rule Number(s): 62-761.700(1)(c)1.

Violation Text: Spill Containment, Dispenser Liners And Piping Sumps Accessible; Water And Regulated Substances Not Removed.

Explanation: 62-761.700(1)(C)1 #1115 Unleaded Regular Tank Sump Contains Water Up To The Pump.

Corrective Action: Have The Water Removed Out Of The Regular Sump And Notify Our Office For A Re-Inspection.

### Outstanding Violations

Significance Name: Minor

Rule Number(s): 62-761.640(3)(e)1., 62-761.640(3)(e)2., 62-761.640(3)(e)3., 62-761.640(3)(e)4., 62-761.640(3)(e)5.

Violation Text: Monthly Sir Analyses Not Providing: Leak Threshold, Minimum Detectable Leak Rate, Calculated Leak Rate, And A Result Determination.

Explanation: Monthly Sir Analyses Not Providing: Leak Threshold, Minimum Detectable Leak Rate, Calculated Leak Rate, And A Result Determination

Corrective Action: Migrated Violation - No Corrective Action Available

---

Significance Name: Minor

Rule Number(s): 62-761.640(3)(e)1., 62-761.640(3)(e)2., 62-761.640(3)(e)3., 62-761.640(3)(e)4., 62-761.640(3)(e)5.

Violation Text: Monthly Sir Analyses Not Providing: Leak Threshold, Minimum Detectable Leak Rate, Calculated Leak Rate, And A Result Determination.

Explanation: Monthly Sir Analyses Not Providing: Leak Threshold, Minimum Detectable Leak Rate, Calculated Leak Rate, And A Result Determination

Corrective Action: Migrated Violation - No Corrective Action Available

---

Significance Name: Minor

Rule Number(s): 62-761.710(2)(a), 62-761.710(2)(b), 62-761.710(2)(c), 62-761.710(2)(d), 62-761.710(2)(e), 62-761.710(2)(f), 62-761.710(2)(g), 62-761.710(2)(h)

Violation Text: Records Requiring 2 Year Documentation Period Not Kept By Facility.

Explanation: Records Requiring 2-Year Documentation Period Not Kept By Facility

Corrective Action: Migrated Violation - No Corrective Action Available

---

Significance Name: **SNC-B**

Rule Number(s): **62-761.600(1)(d)**

Violation Text: **Release Detection Not Performed At Least Once A Month.**

Explanation: **Release Detection Not Performed At Least Once A Month**

Corrective Action: **Migrated Violation - No Corrective Action Available**

---

#### Inspection Comments

10/24/2006 10-23-2006 -Tel  
Four (4) 6,000 Gt. Slip3 Steel, Single Walled Usts-Anodes Installed 1/11/2005.  
Piping - Dw Smith Red Thread (Eq 252).  
Cpw Sumps (Eq318).  
Dispenser Liners -Apt (Eq423)

Release Detection -Sir(Not Provided For Nov. 1, 2005 - Sept. 30, 2006)Visual Of Sumps & Dispensers.  
Overfill Protection-Anti-Delimiters(Flappers)

Placard -Yes  
Insurance-Yes  
Water In Regular Sump.

# **Informal Enforcement Documents**

Noncompliance Letter

Warning Letter



---

October 24, 2006

Account owner:	Tank owner:
PETER SHAH	PETER SHAH
8015 WEST HIGHWAY 98	8015 WEST HIGHWAY 98
PANAMA CITY BEACH, FL 32407-	PANAMA CITY BEACH, FL 32407-

Chapter(s) 62-761/762, FAC Non-Compliance Letter  
SMOKES TOBACCO OUTLET II  
8015 W HWY 98  
PANAMA CITY BEACH, FL32407-4858  
DEP Facility # 8500538  
BAY County - Regulated Storage Tanks

Dear PETER SHAH

The ESCAMBIA COUNTY HEALTH DEPARTMENT (County) is contracted with the Florida Department of Environmental Protection (Department) to conduct the Storage Tank System Compliance Verification Program for facilities located in BAY County. On 2006-10-24 an inspection was conducted at the above referenced facility. A copy of the inspection report is enclosed for your review. Based on the inspection, you may be in violation of the rules cited below. The following noncompliance items require your attention:

**New Violations found during Site Inspection Activity**

Significance: Minor

Explanation: 62-761.710(2) #1123. No SIR Reports Provided for November 1, 2005 - September 30, 2006

Violation Text: Records requiring 2 year documentation period not kept by facility.

Rule: 62-761.710(2)(f)

Certification of Financial Responsibility on Form 62-761.900(3);

Rule: 62-761.710(2)(g)

Records of types of fuels stored per tank; and

Rule: 62-761.710(2)(h)

The repair or replacement of gaskets, valve packings, valves, flanges, and connection/disconnection fittings for bulk product piping if the repair or replacement is performed in response to a discharge or loss of regulated substances.

Corrective Action: Provide SIR Reports for November 1, 2005 - September 30, 2006.

---

Significance: **SNC-B**

Explanation: **62-761.600(1)(d) #1062. No SIR Records Provide for November 1, 2005 - September 30, 2006**

Violation Text: **Release detection not performed at least once a month.**

Rule: 62-761.600(1)(d)

Except as otherwise specified in Rules 62-761.600-.640, F.A.C., the release detection method or combination of methods used at a facility shall be performed at least once a month, but not exceeding 35 days, to determine if a release from the storage tank system has occurred.

Corrective Action: **Provide SIR Reports for November 1, 2005 - September 30, 2006.**

---

Significance: **Minor**

Explanation: **62-761.640(3)(e) #1100. No SIR Reports Provided for November 1, 2005 - September 30, 2006**

Violation Text: **Monthly SIR analyses not providing: Leak Threshold, Minimum Detectable Leak Rate, Calculated Leak Rate, and a result determination.**

Rule: 62-761.640(3)(e)1.

Data submitted for SIR analysis must be gathered in accordance with the requirements of subparagraphs 62-761.640(3)(e)1.- 5., F.A.C.;

Rule: 62-761.640(3)(e)2.

Results of each monthly analyses must include the calculated results from the data set for leak threshold, the minimum detectable leak rate, the calculated leak rate, and a determination of whether the result of the test was "Pass," "Fail," or "Inconclusive." For the purposes of this section, the "leak threshold" is defined as the specific leak threshold of the SIR method approved in accordance with subsection 62-761.850(2), F.A.C., to meet the release detection level specified in paragraph 62-761.640(1)(a), F.A.C.;

Rule: 62-761.640(3)(e)3.

"Pass" means that the calculated leak rate for the data set is less than the leak threshold and the minimum detectable leak rate is less than or equal to the certified performance standard (0.2 gph);

Rule: 62-761.640(3)(e)4.

"Fail" means that the calculated leak rate for the data set is equal to or greater than the leak threshold;

Rule: 62-761.640(3)(e)5.

"Inconclusive" means that the minimum detectable leak rate exceeds the certified performance standard (0.2 gph) and the calculated leak rate is less than the leak threshold. If for any other reason the test result is not a "pass" or "fail," the result is "inconclusive";

Corrective Action: Provide SIR Reports for November 1, 2005 - September 30, 2006

---

Significance: Minor

Explanation: 62-761.700(1)(c)1 #1115 Unleaded Regular Tank Sump Contains water up to the Pump.

Violation Text: Spill containment, dispenser liners and piping sumps accessible; water and regulated substances not removed.

Rule: 62-761.700(1)(c)1.

Spill containment devices, dispenser liners, and piping sumps shall be maintained to provide access for monthly examination and water removal as necessary. Water collected in spill containment devices, or in piping sumps and dispenser liners that is above the opening of the integral piping connection, or any regulated substances collected in these storage tank system components shall be removed and be either reused or properly disposed of.

Corrective Action: Have the water removed out of the Regular sump and notify our office for a re-inspection.

---

### Outstanding Violations

---

Significance: Minor

Explanation: MONTHLY SIR ANALYSES NOT PROVIDING: LEAK THRESHOLD, MINIMUM DETECTABLE LEAK RATE, CALCULATED LEAK RATE, AND A RESULT DETERMINATION

Violation Text: Monthly SIR analyses not providing: Leak Threshold, Minimum Detectable Leak Rate, Calculated Leak Rate, and a result determination.

Rule: 62-761.640(3)(e)1.

Data submitted for SIR analysis must be gathered in accordance with the requirements of subparagraphs 62-761.640(3)(e)1.- 5., F.A.C.;

Rule: 62-761.640(3)(e)2.

Results of each monthly analyses must include the calculated results from the data set for leak threshold, the minimum detectable leak rate, the calculated leak rate, and a determination of whether the result of the test was "Pass," "Fail," or "Inconclusive." For the purposes of this section, the "leak threshold" is defined as the specific leak threshold of the SIR method approved in accordance with subsection 62-761.850(2), F.A.C., to meet the release detection level specified in paragraph 62- 761.640(1)(a), F.A.C.;

Rule: 62-761.640(3)(e)3.

"Pass" means that the calculated leak rate for the data set is less than the leak threshold and the minimum detectable leak rate is less than or equal to the certified performance standard (0.2 gph);

Rule: 62-761.640(3)(e)4.

"Fail" means that the calculated leak rate for the data set is equal to or greater than the leak threshold;

Rule: 62-761.640(3)(e)5.

"Inconclusive" means that the minimum detectable leak rate exceeds the certified performance standard (0.2 gph) and the calculated leak rate is less than the leak threshold. If for any other reason the test result is not a "pass" or "fail," the result is "inconclusive";

Corrective Action: MIGRATED VIOLATION - NO CORRECTIVE ACTION AVAILABLE

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Significance: Minor

Explanation: MONTHLY SIR ANALYSES NOT PROVIDING: LEAK THRESHOLD, MINIMUM DETECTABLE LEAK RATE, CALCULATED LEAK RATE, AND A RESULT DETERMINATION

Violation Text: Monthly SIR analyses not providing: Leak Threshold, Minimum Detectable Leak Rate, Calculated Leak Rate, and a result determination.

Rule: 62-761.640(3)(e)1.

Data submitted for SIR analysis must be gathered in accordance with the requirements of subparagraphs 62-761.640(3)(e)1.- 5., F.A.C.;

Corrective Action: MIGRATED VIOLATION - NO CORRECTIVE ACTION AVAILABLE

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Rule: 62-761.640(3)(e)2.

Results of each monthly analyses must include the calculated results from the data set for leak threshold, the minimum detectable leak rate, the calculated leak rate, and a determination of whether the result of the test was "Pass," "Fail," or "Inconclusive." For the purposes of this section, the "leak threshold" is defined as the specific leak threshold of the SIR method approved in accordance with subsection 62-761.850(2), F.A.C., to meet the release detection level specified in paragraph 62-761.640(1)(a), F.A.C.;

Rule: 62-761.640(3)(e)3.

"Pass" means that the calculated leak rate for the data set is less than the leak threshold and the minimum detectable leak rate is less than or equal to the certified performance standard (0.2 gph);

Rule: 62-761.640(3)(e)4.

"Fail" means that the calculated leak rate for the data set is equal to or greater than the leak threshold;

Rule: 62-761.640(3)(e)5.

"Inconclusive" means that the minimum detectable leak rate exceeds the certified performance standard (0.2 gph) and the calculated leak rate is less than the leak threshold. If for any other reason the test result is not a "pass" or "fail," the result is "inconclusive";

Significance: Minor

Explanation: RECORDS REQUIRING 2-YEAR DOCUMENTATION PERIOD NOT KEPT BY FACILITY

Violation Text: Records requiring 2 year documentation period not kept by facility.

Rule: 62-761.710(2)(a)

Measurements and reconciliations of inventory, as applicable;

Rule: 62-761.710(2)(b)

Repair, operation, and maintenance records;

Rule: 62-761.710(2)(c)

Release detection results, including electronic test results, regardless of the frequency, and monthly visual inspections performed in accordance with paragraph 62-761.640(2)(e), F.A.C. The presence of a regulated substance's odor, sheen, or free product shall be recorded for each sampling event;

Rule: 62-761.710(2)(d)

Release detection response level descriptions;

Rule: 62-761.710(2)(e)

A copy of all test data and results gathered during tightness tests, pressure tests, and breach of integrity tests, and the name and type of the test approved under Rule 62-761.850, F.A.C.;

Rule: 62-761.710(2)(f)

Certification of Financial Responsibility on Form 62-761.900(3);

Rule: 62-761.710(2)(g)

Records of types of fuels stored per tank; and

Rule: 62-761.710(2)(h)

The repair or replacement of gaskets, valve packings, valves, flanges, and connection/disconnection fittings for bulk product piping if the repair or replacement is performed in response to a discharge or loss of regulated substances.

Corrective Action: MIGRATED VIOLATION - NO CORRECTIVE ACTION AVAILABLE

Significance: **SNC-B**

Explanation: **RELEASE DETECTION NOT PERFORMED AT LEAST ONCE A MONTH**

Violation Text: **Release detection not performed at least once a month.**

Rule: 62-761.600(1)(d)

Except as otherwise specified in Rules 62-761.600-.640, F.A.C., the release detection method or combination of methods used at a facility shall be performed at least once a month, but not exceeding 35 days, to determine if a release from the storage tank system has occurred.

Corrective Action: **MIGRATED VIOLATION - NO CORRECTIVE ACTION AVAILABLE**

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This facility may not be operating in compliance with FAC Chapter(s) 62-761/762, standards. Any noncompliance items should be corrected immediately. Please provide a written response to this office within 30 calendar days upon receipt of this letter and provide documentation to show that the issues addressed in this letter have been resolved. Please include the facility identification number on all correspondence. Your failure to timely respond may result in further enforcement action.

Please be aware that violations of FAC Chapter(s) 62-761/762 may subject you to penalties of up to \$10,000.00 per day per violation, in addition to investigative costs. These penalties and costs may be imposed in accordance with Chapters 376 and 403, Florida Statutes.

NOTE

Sent to ECHD to issue NCL

If you have any questions you may contact me at the letterhead address or telephone number.

Sincerely,

DAVID BRAZILE

Storage Tank Compliance Inspector

**CERTIFIED, RETURN  
RECEIPT REQUESTED**

Mr. ~~XXXXXXXXXXXX~~  
K & N Quick Stop  
9930 Travis Road  
Brewton, Alabama 36426

Dear Mr. ~~XXXXXXXXXXXX~~

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A field inspection on October 13, 1999 of K&N Quick Stop (FDEP #578842333) at 15405 Hwy 87 North, Jay, Florida, indicates that violations of Florida Statutes and Rules may exist at that facility. An inspector from the Escambia County Petroleum Storage Tanks Program observed the following at the above-described facility:

**OBSERVATION**

**CITATION**

Registration fees had not been paid.

Rule 62-761.400 (2), F.A.C.

Financial responsibility had not been maintained.

Rule 62-761.400 (3), F.A.C.

Cathodic protection system inspection had not been performed. (Inspection was due in April 1999.)

Rule 62-761.700 (2) (b) 2a., F.A.C.

Records of inventory, testing inspections and repairs had not been maintained.

Rule 62-761.710 (1), F.A.C.

Chapter 376, Florida Statutes, provides authority to the Department to establish rules governing the operation of underground tank facilities. The Department's storage tank regulations are codified in Chapter 62-761, Florida Administrative Code, which includes requirements for the operation of petroleum storage tanks.

The tank system at your facility is registered as "temporarily out-of-service." However, based on inspection, the system does not meet the minimum operation and maintenance requirements for "out of service" tanks. Furthermore, "out-of-service" tanks are not exempt from either the state or federal requirement to maintain financial responsibility to pay for corrective action and third-party liability in the event of a petroleum discharge. You are advised to immediately address the potential violations named in this letter and cease any activities that may contribute to violations of the forenamed statutes or rules.

The Escambia County Tanks Program attempted to work with you in resolving this issue. Because you did not wish to cooperate, the case was forwarded to the Department for resolution.

You are requested to contact Mark Gillman at the address on the letterhead, or by telephone, at (850) 595-8360, Extension 1260, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter. **Should you fail to respond as requested we will have no other option but to refer the case to our Office of General Counsel for administrative or civil enforcement action.**

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

Charles F. Goddard  
Program Administrator  
Waste Management

CFG:mjm  
Cc: Robert Merritt

# **Formal Enforcement Documents**

Consent Order

Notice of Violation (ELRA)

Final Order



BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

IN THE OFFICE OF THE  
NORTHWEST DISTRICT

Complainant,

Vs.

STATE OF FLORIDA DEPARTMENT  
OF HIGHWAY SAFETY AND  
MOTOR VEHICLES,

OGC FILE NO: 99-0659-37-TK

Respondent.

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This Consent Order is entered into between the State of Florida Department of Environmental Protection ("Department") and State of Florida Department of Highway Safety and Motor Vehicles ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and the Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapters 403 and 376, Florida Statutes ("F.S."), and the rules promulgated thereunder, Florida Administrative Code ("F.A.C.") Title 62. The Department has jurisdiction over the matters addressed in this Consent Order.
2. Respondent is an administrative agency of the State of Florida and a person within the meaning of Sections 376.301(27) and 403.031(5), F. S.
3. Respondent is the operator of an underground storage tank system ("System") located at 2900 Apalachee Parkway, in Tallahassee, Leon County, Florida, at latitude 30° 09' 50", longitude 85° 38' 48" ("Facility"). The Facility is registered with

4. The System consists of two 1,000-gallon diesel underground storage tanks and their associated piping. The System is used to fuel two on-site emergency generators. The System, installed on an unknown date, is constructed of bare steel, and therefore, is not protected from corrosion. In violation of Rule 62-761.510 (2) (d), F.A.C., the System was not upgraded with secondary containment or closed by December 31, 1998.

5. On February 8, 1999, the Leon County Division of Environmental Compliance, Storage Tank Section, conducted a routine compliance inspection at the Facility. It was noted in the inspection that the System had not been upgraded with secondary containment as required by Rule 62-761.510 (2) (d), F.A.C., nor had a contract been signed with an environmental company to do the upgrade work.

Having reached resolution of the matter, the Department and the Respondent mutually agree and it is,

**ORDERED:**

6. Within 30 days of the effective date of this Consent Order Respondent shall close the System in accordance with Rules 62-761.800 (3) and (4), F.A.C.

7. At the time the System is closed, Respondent shall undertake a closure assessment as required by Rule 62-761.800 (4), F.A.C. Within 60 days of closing the System, Respondent shall submit to the Department a closure assessment report as required by Rule 62-761.800 (4), F.A.C. If the closure assessment reveals the presence of contamination at the Facility, Respondent shall immediately undertake corrective actions at the Facility in accordance with Rule 62-761.820 (2), F.A.C. and Chapter 62-770, F.A.C., and the timeframes therein.

8. Within 120 days of the effective date of this Consent Order, Respondent shall pay to the Department \$15,000 in settlement of the matters addressed in this Consent Order. Respondent shall pay \$14,500 in civil penalties for alleged violation of Section 403.161, F.S., and of the Department's rules and \$500 for costs and expenses incurred by the Department during the investigation of this matter and the preparation

Department of Environmental Protection and shall include thereon the notations "OGC No. 99-0659" and "Ecosystem Management and Restoration Trust Fund." The payment shall be sent to Department of Environmental Protection, Storage Tank Section, 160 Governmental Center, Pensacola, Florida 32501-5794.

9. In lieu of making a monetary settlement as set forth in paragraph 8, above, Respondent may elect to implement an in-kind penalty project, which must be approved by the Department. The in-kind project must be either an environmental enhancement, environmental education, or environmental restoration project. The Respondent shall notify the Department of this election by certified mail within 15 days of the effective date of this Consent Order. An in-kind penalty shall be one and a half times the civil penalty amount, which in this case is the equivalent of at least \$21,750 (1.5 x \$14,500). If Respondent elects to undertake an in-kind settlement, then the Respondent shall comply with the following timeframes and specifications.

a. Within 60 days of the effective date of this Consent Order, Respondent shall submit, by certified mail, a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

b. If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal, or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, by certified mail, all requested additional information, clarification, and modifications within 15 days of receipt of written notice.

c. If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines, Respondent shall be notified in writing of the reason(s) which prevent the acceptance of the proposal. The Respondent shall correct and redress all of the matters at issue and submit, by certified mail, a new proposal within 15 days of receipt of written notice.

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

IN THE OFFICE OF THE  
NORTHWEST DISTRICT

Complainant,

v.

OGC FILE NO.: 99-0587-37-TK

FLORENCE C. ROBINSON,

Respondent.

NOTICE OF VIOLATION AND  
ORDERS FOR CORRECTIVE ACTION

TO: Ms. Florence C. Robinson  
Robinson's Grocery  
704 Bragg Drive  
Tallahassee, Florida 323010

Certified Mail Number \_\_\_\_\_

Pursuant to the authority of Section 403.121(2), Florida Statutes ("F.S.") the State of Florida Department of Environmental Protection ("Department") gives notice to Florence C. Robinson ("Respondent") of the following findings of fact and conclusions of law with respect to violations of Chapters 376 and 403, F.S.

FINDINGS OF FACT

PARAGRAPHS APPLICABLE TO ALL COUNTS

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapters 376 and 403, F.S., and the rules promulgated thereunder in Florida Administrative Code ("F.A.C.") Title 62.

2. Respondent is an individual that owns non-residential property located on 2021 Holton Street, in Tallahassee, Leon County, Florida, latitude 30° 25' 55", longitude 84° 21' 50" ("Property").

3. The Property currently contains an underground petroleum storage tank system ("UST System" or "System"), owned by Respondent, which consists of one 300 gallon underground petroleum storage tanks and associated piping. The storage tank contains or contained kerosene fuel. The Property and System are referred to collectively as "the Facility". The Facility is registered with the State of Florida and has been assigned Department Facility number 379400598. The System, which is constructed of unprotected bare steel, has an unknown installation date. This System does not have secondary containment.

4. On September 26, 1994, the Leon County Department of Growth and Environmental Management ("County") conducted a routine compliance inspection at the Facility. During the course of the inspection, it was noted that the System did not have a method of detecting leaks. It was also noted that Respondent failed to maintain the required pollution and third party liability insurance or otherwise demonstrate adherence to the Department's financial responsibility requirements. Subsequent inspections at the Facility revealed no changes in the status of the release detection or financial responsibility.

5. During the compliance inspection on September 26, 1994, and during each of the following annual inspections, the last on July 21, 1998, Respondent failed to provide the County with a registration placard, which would have shown that annual registration renewal fees were paid.

6. The Department's Storage Tank and Contamination database indicates that Respondent has not submitted renewal fees for Fiscal Year 1999-2000, and that there is an unpaid balance of \$160.00 from failure to renew in FY 1999-2000 and in previous years.

7. On October 7, 1994, the County issued Respondent a letter noting the discrepancies found during the September 26<sup>th</sup> inspection.

8. Following subsequent inspections on September 13, 1995, September 12, 1996, September 4, 1997, and July 28, 1998, the County issued a warning letter to Respondent on July 29, 1998.

9. On October 22, 1998, the Department issued Respondent a warning letter requesting that Respondent either upgrade the System or properly close the System.

COUNT I

11. Respondent has failed to provide a method of release detection for the System.

COUNT II

12. Respondent has failed to provide financial responsibility for the System.

COUNT III

13. Respondent has failed to close an underground petroleum storage tank system, which lacks secondary containment for piping and tank.

COUNT IV

14. Respondent has failed to close an underground petroleum storage tank system which lacks overfill protection.

COUNT V

15. Respondent has failed to close an underground petroleum storage tank system, which lacks spill containment.

COUNT VI

16. Respondent has failed to pay annual renewal fees for the storage tank system.

COUNT VII

17. The Department has incurred expenses to date while investigating this matter in the amount of not less than \$500.00.

CONCLUSIONS OF LAW

The Department has evaluated the Findings of Fact with regard to the requirements of Chapters 403 and 376, F.S. and F.A.C. Title 62. Based on the foregoing facts the Department has made the following conclusions of law:

18. Respondent is a "person" within the meaning of Sections 403.031(5) and 376.301(27), F.S. (1998 Supp.).

19. The Facility is a "facility" within the meaning of Section 376.301(18), F.S. (1998 Supp.) and Rule 62-761.200(29), F.A.C.

20. Respondent is the "owner" of the Facility within the meaning of Section 376.301(26), F.S. (1998 Supp.).

376.302(1)(b) and 403.161(1)(b), F.S., which makes it a violation to fail to comply with Department rules.

22. The facts described in Count II constitute a violation of Rule 62-761.400(3), F.A.C., which requires that all facilities shall demonstrate to the Department financial responsibility. The facts also constitute a violation of Sections 376.302(1)(b) and 403.161(1)(b), F.S., which makes it a violation to fail to comply with Department rules.

23. The facts described in Count III constitute a violation of Rule 62-761.510(2)(d), F.A.C., which requires closure by December 31, 1998, of underground petroleum storage tank systems without corrosion protection which have not been upgraded with secondary containment for piping and tank. The facts also constitute a violation of Sections 376.302(1)(b) and 403.161(1)(b), F.S., which makes it a violation to fail to comply with Department rules.

24. The facts described in Count IV constitute a violation of Rule 62-761.510(2)(d), F.A.C., which requires closure by December 31, 1998, of underground petroleum storage tank systems not upgraded with overfill protection. The facts also constitute a violation of Sections 376.302(1)(b) and 403.161(1)(b), F.S., which makes it a violation to fail to comply with Department rules.

25. The facts described in Count V constitute a violation of Rule 62-761.510(2)(d), F.A.C., which requires closure by December 31, 1998, of underground petroleum storage tank systems not upgraded with spill containment. The facts also constitute a violation of Sections 376.302(1)(b) and 403.161(1)(b), F.S., which makes it a violation to fail to comply with Department rules.

26. The facts described in Count VI constitute a violation of Rule 62-761.400(1), F.A.C., which requires that a tank facility's owner or operator submit an annual registration renewal fee of \$25.00 for each storage tank system not meeting closure requirements.

27. The costs and expenses related in Count VII are reasonable costs and expenses incurred by the State while investigating this matter, which are recoverable pursuant to Section 403.141(1) F.S.

## NOTICE OF RIGHTS

1. Respondent has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), F.S., if Respondent disputes issues of material fact raised by this Notice of Violation and Orders for Corrective Action ("Notice"). At a formal hearing, Respondent will have the opportunity to be represented by counsel, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

2. Respondent has the right to an informal administrative proceeding pursuant to Sections 120.569 and 120.57(2), F.S., if Respondent does not dispute issues of material fact raised by this Notice. If an informal proceeding is held, Respondent will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Department's proposed action, or to present a written statement challenging the grounds upon which the Department is justifying its proposed action.

3. If Respondent desires a formal hearing or an informal proceeding, Respondent must file a written responsive pleading entitled "Petition for Administrative Proceeding" within 20 days of receipt of this Notice or within 20 days of any timely requested informal conference held pursuant to paragraph 5 below. The petition must be in the form required by F.A.C. Chapter 62-103.155 and by F.A.C. Rule 28-106.201. A petition is filed when it is received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000.



BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

IN THE OFFICE OF THE  
NORTHWEST DISTRICT

Complainant,

vs

OGC CASE NO.: 00-0134-03-TK

WILMA BROWN

Respondent

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FINAL ORDER

BY THE DEPARTMENT:

On January 27, 2000, the Department of Environmental Protection issued a Notice of Violation and Orders for Corrective Action ("Notice") to Respondent, pursuant to the authority of Sections 403.061(8), 403.121(2), and 403.141, Florida Statutes. A copy of the Notice is attached and incorporated herein as Exhibit A. Respondent received the Notice on May 8, 2000. The Notice was hand delivered to Ms. Brown at her address at 8026 Cluster Road, Panama City, Florida, by Mark Gillman, FDEP Storage Tanks Section.

The Notice informed Respondent that unless a formal request for hearing was filed with the Department within twenty days of receipt, the Orders contained therein would become final. Respondent has made no responsive pleading or request for hearing. The Notice also informed Respondent of the opportunity to engage in an informal conference with the Department for the purpose of negotiating a prompt resolution of the violations. Respondent failed to petition to the Department for an informal conference within 20 days of receipt of the Notice. The issues described in the Notice therefore remain unresolved. Pursuant to Section 403.121(2)(c), Florida Statutes, the allegations contained in the Notice are deemed admitted and have become binding and final as a result of Respondent's failure to file a responsive pleading. The Orders for

# **Other Enforcement Options**

Case Report/ Civil Action

Criminal Prosecution



- Use good judgement in operating your facility
- Make sure your employees are paying attention
- Penalties are potentially serious