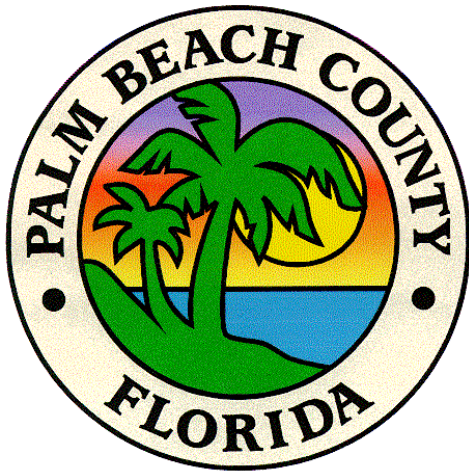


# The December 31, 2009 UST and January 1, 2010 AST deadlines: Are you ready?

Bruce Wayne, Environmental Program Supervisor



Palm Beach County  
Department of  
of Environmental Resources  
Management

# Agenda

October 2, 2009

- Deadlines
- Your options
- What will happen in January
- What about insurance?
- Links
- Questions?

## The Deadlines

- The December 1, 2009 deadline for upgrading all single-wall USTs to secondary containment was established in 1992.
- The January 2, 2010 deadline for lined field erected ASTs and underground bulk product piping was established in 1998. (The “big” AST deadline was December 31, 1999)



Chris Nakashima-Brown / AP

## ***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.

## **What are your options?**

## Your Options to meet the 2009 UST deadline

- Remove the old tanks and install new ones
- Upgrade the existing tanks to meet the secondary containment requirements
- Remove the USTs
- Put the tanks out-of-service
- REMEMBER.....
  - the system must meet the O-O-S requirements
  - the system must be registered as O-O-S before 12/31/09
  - you must meet the financial responsibility requirements

## Your Options to meet the 2010 AST deadline

- Install secondary containment beneath field-erected tanks which were internally lined
- Replace single-wall underground bulk product piping with double-wall or aboveground pipe
- Performed an API 570 Integrity Assessment on the bulk product piping by January 1, 2000
- Remove the AST
- Take the tank out-of-service
  - register the tank as O-O-S before January 1, 2010

In either case, if you are still planning to upgrade or replace an existing tank, a signed contract must be obtained before the deadline date AND the work must be completed by March 31, 2010.

Otherwise, you will be out of compliance if your facility is still open for business January 1<sup>st</sup>.





They failed to meet the upgrade deadline!

What's going to happen on Monday,  
January 4, 2010 ?

- There will be a list of facilities that have single-wall tanks - the same list that generated the notices many of you received from the DEP
- We (ERM) will be instructed to inspect those facilities
- We will be looking to see if the tanks are still in use
- We will be sending out warning letters which will cite a Significant A violation for using the single-wall tanks after the compliance deadline



Courtesy of Joseph Carnevale

“Don’t you dare use that single-wall tank!!”

**Penalty Matrix for PBC Petroleum Systems Ordinance 2003-020  
(authorized by Chapters 125 and 162, F.S.)**

<b>Violation Type</b>	<b>Status</b>	<b>Penalty</b>	<b>Priority Level</b>
<b>Significantly Not in Compliance SNC-A (Major)</b>	<b>Unresolved before Board hearing date</b>	<b>\$3,000 to \$5,000 per violation</b>	<b>Top Priority</b>
	<b>Resolved before Board hearing date</b>	<b>\$1,500 to \$2,500 per violation</b>	
	<b>Unresolved Board Order</b>	<b>\$100 per day per violation</b>	
<b>Significantly Not in Compliance SNC-B (Moderate)</b>	<b>Unresolved before Board hearing date</b>	<b>\$500 to \$2,000 per violation</b>	<b>High Priority</b>
	<b>Resolved before Board hearing date</b>	<b>\$250 to \$1,000 * per violation</b>	
	<b>Unresolved Board Order</b>	<b>\$50 per day per violation</b>	
<b>Minor Out of Compliance (Minor)</b>	<b>Unresolved before Board hearing date</b>	<b>1-2 violations \$200 3+ violations \$500</b>	<b>Low Priority</b>
	<b>Resolved before Board hearing date</b>	<b>1-2 violations \$100 3+ violations \$250</b>	
	<b>Unresolved Board Order</b>	<b>\$25 per day per violation</b>	

## Florida Environmental Litigation Reform Act (ELRA)

### PENALTY CALCULATION MATRIX EXTENT OF DEVIATION FROM REQUIREMENT (For Cases other than PW, HS, or HW)

P O T E N T I A L  F O R  H A R M		MAJOR	MODERATE	MINOR
	MAJOR	\$10,000 to \$ 8,000	\$7,999 to \$6,000	\$5,999 to \$4,600
	MODERATE	\$4,599 to \$3,200	\$3,199 to \$2,000	\$1,999 to \$1,200
MINOR	\$1,199 to \$500	\$500	\$500	



We will be watching you!!

## What about O-O-S USTs that can't get insurance?

- Under Part A of the November 4th 2008 DEP memo, enforcement actions were deferred until after December 31, 2009
- As of January 1, 2010, if the tanks have not been upgraded or removed, this will be a Significant B violation unless you can provide financial responsibility with an other approved method



## **Memorandum**

# **Florida Department of Environmental Protection**

**TO:** District Directors  
Waste Program Administrators

**FROM:** Mary Jean Yon, Director  
Division of Waste Management

**DATE:** November 4, 2008

**SUBJECT:** Interim Financial Responsibility Enforcement for Single-Walled Storage Tank Systems

This memo describes the options available to facilities with single-walled storage tank systems that are found to be in violation on the financial responsibility (FR) requirement and are unable to acquire and/or maintain insurance as a FR mechanism. In addition to the current options to close or take the tanks out of service in accordance with the rule, as of the date of this memo these specific facilities still operating may be able to demonstrate that they cannot secure insurance because their tanks are single-walled. If approved, these facilities will be granted an additional 90 day grace period to come into compliance with the FR requirement. This option is only available until October 2, 2009 since all facilities must be upgraded and able to demonstrate FR by December 31, 2009.

**A. Enforcement Procedures for Single-Walled Storage Tank Systems that are Properly Out-of-Service and are Unable to Obtain Financial Responsibility**

If an underground single-walled storage tank system is properly out-of-service by meeting all requirements of Fla. Admin. Code Rule 62-761.800(1) and is unable to demonstrate financial responsibility to the Department, the Department will not pursue enforcement action until the upgrade deadline of December 31, 2009 has passed. If, during the period the storage tank system is registered as out-of-service, the storage tank system fails to continue to maintain each element required of a properly out-of-service storage tank system pursuant to Fla. Admin. Code Rule 62-761.800(1), the Department will consider the storage tank system in violation of Department rules and will pursue enforcement for all violations, including failure to maintain financial responsibility. Therefore, it is important that it be emphasized to all facility owners and operators who choose out-of-service status for their storage tank systems, that they must continue to adhere to all requirements under Fla. Admin. Code Rule 62-761.800(1).

The Districts, or other enforcing agencies, shall not cite a violation for failure to maintain financial responsibility on a properly out-of-service storage tank system if all of the above conditions are met.

**B. Enforcement Procedure for Single-Walled Storage Tank Systems Unable to Obtain Financial Responsibility which Intend to Upgrade or Permanently Close**

*"Less Process, More Protection"*

*Printed on recycled paper.*

Facilities in Palm Beach County that have tanks which have not been upgraded

upgrade/closure plans on file

tanks are out-of-service

USTs

8513814 CITGO STATION	2765 FOREST HILL BLVD	WEST PALM BEACH
8513834 BP MALVERN #608	4000 S DIXIE HWY	WEST PALM BEACH
8513840 SHELL-GATEWAY	2360 N FEDERAL HWY	BOYNTON BEACH
8513885 BOYNTON AUTOTRONICS SUNOCO	2403 S FEDERAL HWY	BOYNTON BEACH
8513892 SPANISH RIVER CHEVRON	4055 N FEDERAL HWY	BOCA RATON
8513904 THOMPSONS SERVICE STATION	2510 BROADWAY	WEST PALM BEACH
8513908 MOBIL #15027	1001 N FEDERAL HWY	BOCA RATON
8513929 929 GAS & OIL INC	929 N DIXIE HWY	LAKE WORTH
8513947 NANAS PETROLEUM INC #22	251 E MAIN ST	PAHOKEE
8513953 CALLERY-JUDGE GROVE	SEMINOLE PRATT WHITNEY RD	LOXAHATCHEE
8513981 CHEVRON-SOUTH BAY	110 US HWY 27 & PALM BEACH	SOUTH BAY
8513985 PRIP MART #199- COASTAL	199 NW 20TH ST	BOCA RATON
8513987 CITGO-GARDENS	4109 NORTHLAKE BLVD	PALM BEACH GARD
8513991 UNION 76 CHOSEN	101 SW 16TH ST	BELLE GLADE
8514014 CORNER STORE	250 SOUTHERN BLVD	WEST PALM BEACH
8514025 TEXACO-COVERED BRIDGE	7049 LAKE WORTH RD	LAKE WORTH
8514053 BP-WEST PALM #610	1229 N DIXIE HWY	WEST PALM BEACH
8514056 K-VORK ENTERPRISES INC	5010 W ATLANTIC AVE	DELRAY BEACH
8514057 EXXON-LAKE IDA	206 NE 4TH ST	DELRAY BEACH
8514062 CITGO-DELRAY BEACH	398 NE 5TH AVE	DELRAY BEACH
8514081 TEXACO FOOD MART	805 SOUTHERN BLVD	WEST PALM BEACH
8514082 TEXACO FOOD MART	3639 S MILITARY TRL	LAKE WORTH
8514086 WEST PALM BEACH EXXON	2615 S DIXIE HWY	WEST PALM BEACH
8514160 TRIPLE M PETROLEUM INC	6710 GEORGIA AVE	WEST PALM BEACH
8514162 FORREST HILL STATION	6715 S DIXIE HWY	WEST PALM BEACH
8514329 VALERO- DE #401 LAKE PARK	1401 10TH ST	LAKE PARK
8514348 MARATHON- RPC #496 SPEED STOP	281 S MAIN ST	BELLE GLADE
8514354 SUNOCO-LIGHTHOUSE	9730 A1A	PALM BEACH GARD
8514376 TIGER INVESTMENT #1	4053 COOLEY CT	LAKE WORTH
8514413 NORTH LAUDERDALE PETROLEUM LLC	4771 S MILITARY TRL	LAKE WORTH
8514427 MOES SUNOCO	106 S DIXIE HWY	LANTANA
8514434 BP RIVIERA BEACH	2520 BROADWAY	RIVIERA BEACH
8514436 DBR LEASE EXCHANGE LLC PROPERTY	2921 S FEDERAL HWY	BOYNTON BEACH
8514475 U S FOOD MART	874 N DIXIE HWY	LANTANA
8514484 PAHOKEE SERVICE STATION	760 E MAIN ST	PAHOKEE
8514490 SHELL DONNINI ENTERPRISES INC	8961 N MILITARY TRL	LAKE PARK
8514511 CITGO -RPC #605 BELVEDERE	901 BELVEDERE RD	WEST PALM BEACH
8514523 TEXACO STATION	408 N DIXIE HWY	LANTANA
8514558 SUNOCO-RIFE BROS	970 S MILITARY TRL	WEST PALM BEACH
8514593 REPUBLIC SERVICES OF PALM BEACH	786 PIKE RD	WEST PALM BEACH
8514614 SHELL ANAKIS INC	111 SE 15TH AVE	BOYNTON BEACH
8514631 TEXACO-OKEECHOBEE	2274 OKEECHOBEE BLVD	WEST PALM BEACH

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8514636	DELRAY BEACH VALERO	1001 S CONGRESS AVE	DELRAY BEACH
8514655	TIGER INVESTMENT #2	4001 S OLIVE AVE	WEST PALM BEACH
8514674	SUNOCO- CENTURY	5850 OKEECHOBEE BLVD	WEST PALM BEACH
8514675	SUNOCO-NORTHLAKE	774 NORTHLAKE BLVD	LAKE PARK
8514686	SUNOCO #0612-4507	3981 LK WORTH RD	LAKE WORTH
8514709	SHELL - I-95	3905 NORTHLAKE BLVD	LAKE PARK
8514710	TIGER INVESTMENT #3	1950 LK WORTH RD	LAKE WORTH
8514722	MARATHON-PAHOKEE	680 E MAIN ST	PAHOKEE
8514731	GEC BOYNTON BEACH LLC	9094 MILITARY TRL	BOYNTON BEACH
8514736	SHELL-TESTA'S	231 ROYAL POINCIANA WAY	PALM BEACH
8514744	TEXACO-NORTHLAKE #459	2915 NORTHLAKE BLVD	LAKE PARK
8514746	TEXACO-LAKE PARK #460	917 10TH ST	LAKE PARK
8514748	TEXACO-EUROPEAN #461	4111 OKEECHOBEE BLVD	WEST PALM BEACH
8514760	SHELL-VENTURE INTERNATIONAL INC	1991 N MILITARY TRL	WEST PALM BEACH
8514770	SAHAR PETROLEUM	9 NW AVE L	BELLE GLADE
8514818	MARATHON-BOCA RATON	1655 N FEDERAL HWY	BOCA RATON
8514840	BP-BELVEDERE #570	1705 BELVEDERE RD	WEST PALM BEACH
8623020	BP INDIANTOWN #592	243 W INDIANTOWN RD	JUPITER
8623048	MAROONE FORD OF DELRAY	1311 LINTON BLVD	DELRAY BEACH
8623069	TEXACO-DELRAY	445 SE 6TH AVE	DELRAY BEACH
8623094	BP AMOCO #6304	980 NORTHLAKE BLVD	LAKE PARK
8623119	COUNTRY CLUB OF FL	54 COUNTRY RD S	VILLAGE OF GOLF
8623181	ANGEL FERNANDEZ STATION	847 SOUTHERN BLVD	WEST PALM BEACH
8623212	PALMDALE OIL CO INC	319 INDUSTRIAL AVE	BOYNTON BEACH
8623287	TEXACO-A & E #465	5899 N FEDERAL HWY	BOCA RATON
8626154	PETROAMERICA #659	8880 LANTANA RD	LAKE WORTH
8630524	BOYNTON BEACH CITY-PUBLIC WORKS	222 NE 9TH AVE	BOYNTON BEACH
8630541	TEXACO-SOUTHEND SERVICE CENTER	5201 S DIXIE HWY	WEST PALM BEACH
8630588	GASTVEN #4	1632 EAST CANAL ST.	BELLE GLADE
8630623	OIL TECH USA	1005 US HWY 27 N	SOUTH BAY
8630640	LAKE WORTH STATION	6323 LAKE WORTH RD	LAKE WORTH
8630643	SCHUMACHER BUICK INC	3031 OKEECHOBEE BLVD	WEST PALM BEACH
8630668	ST MARYS MEDICAL CTR	901 45TH ST	WEST PALM BEACH
8630685	DELRAY BEACH READY MIX	1300 S SWINTON AVE	DELRAY BEACH
8630771	SHERBROOKE GOLF & COUNTRY CLUB	6151 LYONS RD	LAKE WORTH
8732344	CHEVRON NOLENS	4805 BROADWAY	WEST PALM BEACH
8736966	WPEC TV 12 TRANSMITTER	6011 SR 7	WEST PALM BEACH
8837655	PALM BEACH TOWN-FIRE STAT #2	300 N CNTY RD	PALM BEACH
8837954	SOUTHERN SUNOCO	343 SOUTHERN BLVD	WEST PALM BEACH
8838018	PALM BEACH POLO & COUNTRY CLUB M/	11934 SOUTH SHORE BLVD	WELLINGTON
8838293	TEXACO-HOGUE'S	801 N FEDERAL HWY	DELRAY BEACH
8839003	PALM BEACH TOWN-SW	1060 N LAKE WAY D-10	PALM BEACH
8839076	MARATHON RPB	11318 OKEECHOBEE RD	ROYAL PALM BEACH
8839090	DDRM MEADOWS SQUARE STATION	4791 N CONGRESS AVE	BOYNTON BEACH
8840233	FL GARDENS SRVC INC	7482 LK WORTH RD	LAKE WORTH
8840393	FALLS COUNTRY CLUB	6455 JOG RD	LAKE WORTH

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8841300	PALM BEACH ATLANTIC COLLEGE	901 S FLAGLER AVE	WEST PALM BEACH
8842083	WEST BOCA MEDICAL CTR	21644 SR 7	BOCA RATON
8842234	LLOYDS SERVICE CTR INC	8000 W ATLANTIC AVE	DELRAY BEACH
8942964	MAROON CHEVROLET OF DELRAY	1111 LINTON BLVD	DELRAY BEACH
8943141	LANTANA CHEVRON	6760 LANTANA RD	LANTANA
8943461	MR MAJESTIC #463	6729 S MILITARY TRL	LAKE WORTH
8943517	MAROONE CHEVROLET OF GREENACRES-	5757 LK WORTH RD	LAKE WORTH
8944177	BP-CAMPSITE #573	4567 S CONGRESS AVE	LAKE WORTH
8944664	SOUTH BAY CITY-WATER TREATMENT PL	WATER PLANT RD & US 27 N	SOUTH BAY
8944720	BELLE GLADE QUICK SHOP	356 NW 16TH ST	BELLE GLADE
8944721	GASTVEN #3	509 SW 16TH ST	BELLE GLADE
8945269	MASCHMEYER CONCRETE CO OF FL	1142 WATERTOWER RD	LAKE PARK
8945331	JONATHANS LANDING MARINA	3238 CASSEEKEY ISLAND RD	JUPITER
9045933	CHEVRON #53535	19345 US HWY 441	BOCA RATON
9045942	10TH AVENUE SHELL	2201 10TH AVE N	LAKE WORTH
9046175	FORMER SHELL S/S #136571	6751 W INDIANTOWN RD	JUPITER
9063859	SCHUMACHER AUTOMOTIVE	3720 NORTHLAKE BLVD	LAKE PARK
9100403	THE ATRIUM AT BOCA RATON	1080 NW 15TH ST	BOCA RATON
9200051	RPBE EXXON ON THE GO	1201 ROYAL PALM BCH BLVD	ROYAL PALM BEACH
9200101	45TH STREET INC	1245 45TH ST	MANGONIA PARK
9500017	YAMATO OFFICE CENTER	1001 YAMATO RD	BOCA RATON
9602606	SCHEVER INTERNATIONAL HOLDINGS	7280 W PALMETTO PARK RD S	BOCA RATON
9602627	BARRY PLAZA	40 SE 5TH ST	BOCA RATON

ASTs

8514703	SUGAR CANE GROWERS CO-OP OF FL	E SIDE OF W SUGARHOUSE RD	BELLE GLADE
8736721	OKEELANTA CORP	21250 S HWY 27	SOUTH BAY
9804777	VERIZON WIRELESS (JUPITER MTSO) SWIT	15340 PARK OF COMMERCE BL	JUPITER

## Links

DEP Tank Compliance Home Page

<http://www.dep.state.fl.us/waste/categories/tanks/default.htm>

(here's where you can get updated compliance information, a blank registration form, copies of the Rules, et cetera)

Florida Inspection Reporting for Storage Tanks (FIRST)

<http://epic229.dep.state.fl.us/WasteFirst/index.jsp>

(you can look under "cover page" and see the registration information for your facility)

Countywide Information Network for  
Electronic Media Access  
(CINEMA)

[http://files.co.palm-  
beach.fl.us/cinema/pbc.cinema.welcome](http://files.co.palm-beach.fl.us/cinema/pbc.cinema.welcome)

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Alternative fuel vehicle