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Agenda Item: 5E-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 20, 2017 ( ) Consent (X) Regular ( ) Workshop ( ) Public Hearing

Department
Submitted By: Environmental Resources Management
Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) approve Contract No. GC913 with the Florida Department of Environmental Protection (FDEP) for Permitting and Compliance Assistance Program (PCAP) for a term of July 1, 2017, through June 30, 2027; and

B) authorize the County Administrator, or her designee, to sign all future time extensions, task assignments, certifications and other forms associated with the Contract and necessary minor amendments that do not significantly change the scope of work or terms and conditions of the Contract.

Summary: This Contract was received from the State on June 14, 2017. Under this Contract, the County continues to perform pollutant storage tank compliance activities on behalf of FDEP and will administer the Permitting and Compliance Assistance Program through the Department of Environmental Resources Management for the 10-year period of July 1, 2017, through June 30, 2027. This Contract includes provisions for additional compensation based on terms of the Contract. However, this Contract itself authorizes no work or compensation. Instead, on an annual basis, FDEP will issue task assignments to the County for specific job tasks necessary to carry out services at the local level. The Contract does not include an early termination provision without cause for the County. No financial impact to the County is anticipated as FDEP will be reimbursing the County for each task assignment performed by the County. Countywide (AH)

Background and Justification: Palm Beach County has provided storage tank compliance services for the FDEP under a series of contracts since 1988. The program is currently known as the Permitting and Compliance Assistance Program and involves storage tank compliance inspection and compliance assistance activities for underground and aboveground petroleum and chemical storage tank facilities located in Palm Beach, Martin and Saint Lucie Counties. The purpose of these inspections is to prevent soil and groundwater contamination.

Attachment:
1. FDEP Contract No. GC913

Recommended by: _____ 6/15/17
Department Director **Date**

Approved by: _____ 6/19/17
Deputy County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT					
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund 1231 Department 380 Unit 3233 Object_____

Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:
FDEP contract GC913
No fiscal impact until a task Assignment is issued.

C. Department Fiscal Review: B. Neary

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Dev. and Control Comments:

6/16/17 6/19/17

OFMB ET 6/14 EB 6/16 Contract Development and Control

B. Legal Sufficiency:

Anne Delgado 6-19-17
Assistant County Attorney

C. Other Department Review:

_____
Department Director

CONTRACT

THIS CONTRACT is entered into between the **FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION** (Department), whose address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and **PALM BEACH COUNTY, a Political Subdivision of the State of Florida, by and through its Board Of County Commissioners,** whose address is 2300 North Jog Road, 4th Floor, West Palm Beach, Florida, 33411, (Contractor), to perform compliance inspections within the jurisdictional (geographical) boundaries of the specified counties, including facilities registered to the Contractor as required by an executed Task Assignment(s).

NOW, THEREFORE, the parties agree as follows:

SERVICES AND PERFORMANCE

1. **SERVICES.** Department does hereby retain, and Contractor agrees to perform compliance inspections within the jurisdictional (geographical) boundaries of the specified counties, including facilities registered to the Contractor as required by an executed Task Assignment(s) and Contractor's response thereto, incorporated herein by reference, and in accordance with **Attachment A,** Scope of Work - Level 1 and if applicable **Attachment B,** Scope of Work – Level 2 (Scope) and all exhibits and Attachments named and incorporated herein by reference. Contractor has been determined to be a vendor to the Department under this Contract.

2. **WORK.**

A. Contractor shall provide the services specified in the Scope (Work). Department shall authorize all work assignments by Task Assignment Notification Form (TA) or Task Assignment Change Order Form (TACO) (copies attached hereto and made a part hereof as **Attachment C** and **D** respectively), or by issuing a MyFloridaMarketPlace (MFMP) Purchase Order (PO) or MFMP Change Order (CO).

B. Contractor, or its subcontractors if authorized under this Contract, shall not commence Work until the Contract, and any necessary Amendments or Change Orders, have been fully executed by both Department and Contractor. Contractor, or its subcontractors if authorized under this Contract, shall not commence Work until either 1) a TA/TACO has been fully executed, by both Department and Contractor, or 2) a PO or PO Change Order(CO) has been issued.

C. In the event services are required that are within the general description of services, but are not specifically set out in the Scope, Department and Contractor reserve the right to negotiate the Task Assignments covering performance of those required services.

D. There is no minimum amount of Work guaranteed as a result of this Contract. Any and all Work assigned will be at the sole discretion of the Department.

E. Department reserves the right to not authorize any Work, and may suspend or terminate for cause any Work assigned to Contractor under this or any other contract, if and in the event that the Department and Contractor (or any of its affiliates or authorized subcontractors) are adverse in any litigation, administrative proceeding or alternative dispute resolution, until such adverse relationship is resolved either by agreement or by final non-appealable order of a court.

3. **STANDARD OF CARE FOR PERFORMANCE.**

A. Contractor shall perform as an independent contractor and not as an agent, representative, or employee of the Department.

B. Contractor shall perform the services in a proper and satisfactory manner as determined by the Department. Any and all such equipment, products or materials necessary to perform these services, or requirements as further stated herein, shall be supplied by the Contractor.

C. Contractor shall provide competent, suitably qualified personnel. Contractor must notify the Department's Contract Manager of any changes in the personnel identified in this Contract. Notification shall include a detailed explanation of the need to change personnel and the Contractor's documentation that proposed replacement personnel have equal or greater qualifications and experience.

D. Contractor shall perform the services in a manner consistent with that level of care and skill ordinarily exercised by other contractors performing the same or similar services under similar circumstances at the time performed.

4. **TERM OF CONTRACT.**

A. Initial Term. This Contract shall begin July 1, 2017, and shall remain in effect for a period of ten (10) years, inclusive.

B. Renewal Term. An "X" beside the correct provision in this section signifies that the provision is applicable to the Contract.

☒ This Contract may be renewed, in writing, on the same terms and conditions as the original Contract and any amendments thereto, for a period no greater than the term above, or three (3) years, whichever is longer. All renewals are contingent upon satisfactory performance by Contractor. Renewals may be for the entire period or in increments.

☐ This Contract may not be renewed.

COMPENSATION

5. **COMPENSATION.**

A. As consideration for the services rendered by Contractor under the terms of this Contract, the Department shall pay the Contractor on a combination fee-schedule/cost-reimbursement basis not to exceed $5,424,709.00. For the monthly operation and maintenance services as well as repair and emergency service calls, the Contractor shall be compensated on a fee-schedule basis at the rates specified in the Scope **Guidance Document H**, Contractual Service Payment Calculation, attached hereto and made apart hereof. It is understood that fee schedule amounts include all costs necessary to perform the work outlined herein including, but not limited to, labor, fringe benefits, overhead, supplies, and travel, but do not include reimbursement for equipment purchases. Equipment purchases costing $1,000.00 or more shall be reimbursed on a cost-reimbursement basis and must be pre-approved by the Department.

B. CONTRACTOR SHALL NOT COMMENCE WORK ON ANY SERVICES THAT WILL EXCEED THE COMPENSATION AMOUNT OF THE CONTRACT UNLESS AND UNTIL THE CONTRACT IS AMENDED. It is the Contractor's responsibility to know when the authorized compensation amount of the Contract will be reached.

6. **ANNUAL APPROPRIATION.** Department's performance and obligation to pay under this Contract is contingent upon an annual appropriation by the Florida Legislature. Authorization for continuation and completion of Work and payment associated therewith may be rescinded with proper notice at the discretion of the Department if state or federal appropriations are reduced or eliminated.

7. **PAYMENT METHOD.**

A. Contractor shall submit invoices as specified in **Attachment A** and **B**, under Payments section.

B. All invoices submitted must have sufficient detail for a proper pre-audit and post-audit review.

C. Department must approve the final deliverable(s) before the Contractor may submit a final invoice and any forms.

D. Each invoice, including appropriate supporting documentation as required herein, shall be submitted via email to the following:

Florida Department of Environmental Protection
PCAP Program
Attn: Department Contract Manager
Email address: STR_Invoices@dep.state.fl.us

Copy: Department District Task Manager and DEP Contract Manager

8. **TRAVEL.** An "X" beside the correct provision in this section signifies that the provision is applicable to the Contract.

☐ Travel is not authorized under this Contract.

☒ Travel costs are included in the fee schedule amounts of this Contract.

☐ Travel costs shall be paid on a cost-reimbursement basis in accordance with the paragraph contained herein of this Contract.

9. **EQUIPMENT.** Upon satisfactory completion of this Contract, the Contractor may retain ownership of the non-expendable personal property or equipment purchased under this Contract prior to the execution of an Amendment of said Contract. The following terms shall apply:

A. The Contractor is responsible for any loss, damage, or theft of, and any loss, damage or injury caused by the use of, non-expendable personal property or equipment purchased with state funds and held in his possession for use in a contractual arrangement with the Department.

B. In the event that the Department determines a need to loan equipment needed for the completion of services under this Contract to the Contractor, a Department Property Loan Agreement shall be completed and maintained in the Contract file.

C. The Contractor shall have title to and use of any vehicle previously purchased under a former Contract, by its authorized employees only, for the authorized purposes of this Contract as long as the required work is being satisfactorily performed. In the event that this Contract is terminated for any reason, or the use of the vehicle is no longer needed (such as completion of the Contract), title of the vehicle shall be transferred to the Department.

D. The Contractor is responsible for the implementation of adequate maintenance procedures to keep the non-expendable personal property or equipment in good operating condition.

E. If the Contractor fails to perform its obligations under this Contract, the Contractor shall deliver possession and custody of all such equipment to the nearest District Office location, unless otherwise agreed, within thirty (30) calendar days of Contract termination.

10. **PROMPT PAYMENT.**

A. Department's Contract Manager shall have five (5) business days, unless a greater period is specified herein, to inspect and approve an invoice. Department shall submit a request for payment to DFS within twenty (20) business days; and DFS shall issue a warrant within ten (10) business days thereafter. Days are calculated from the latter of the 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 the Contractor for correction(s) will result in an uncompensated delay in payment. A Vendor Ombudsman has been established within DFS who may be contacted if a Contractor is experiencing problems in obtaining timely payment(s) from a State agency. The Vendor Ombudsman may be contacted at (850) 413-5516, per Section 215.422, F.S.

B. If a warrant in payment of an invoice is not issued within forty (40) business days after receipt of a correct invoice and receipt, inspection, and approval of the goods and services, the Department shall pay the Contractor interest at a rate as established by Section 55.03(1), F.S., on the unpaid balance of the invoice. Interest payments of less than $1 will not be issued unless Contractor requests such payment. The interest rate for each calendar year for which the term of this Contract is in effect can be

obtained from DFS' Vendor Ombudsman at the telephone numbers provided above, or the Department's Procurements Section at (850) 245-2361, per Section 215.422, F.S.

11. **RELEASE OF CLAIMS.** Upon payment for satisfactory completion of any portion of the Work, the Contractor shall execute and deliver to the Department a release of all claims against the Department arising under, or by virtue of, the Work, except claims which are specifically exempted by the Contractor to be set forth therein (**Contractor Release**, using **Attachment** E, Contractor Affidavit/Release of Claims). Receipt by the Department of the Contractor's Release is a condition of final payment under this Contract. Unless otherwise provided in this Contract, by State law or otherwise expressly agreed to by the parties to this Contract, final payment or settlement upon termination of this Contract shall not constitute a release or waiver of the Department's claims against the Contractor, or the Contractor's sureties, subcontractors, successors or assigns under this Contract or as against applicable performance and payment bonds.

12. **PHYSICAL ACCESS AND INSPECTION.** As applicable, the Department personnel shall be given access to and may observe and inspect Work being performed under this Contract, including by any of the following methods:

A. Contractor shall provide access to any location or facility on which the Contractor is performing Work, or storing or staging equipment, materials or documents;

B. Contractor shall permit inspection of any facility, equipment, practices, or operations required in performance of any Work; and,

C. Contractor shall allow and facilitate sampling and monitoring of any substances, soils, materials or parameters at any location reasonable or necessary to assure compliance with any Work or legal requirements.

PARTY REPRESENTATIVES

13. **NOTICE.** All notices and written communication between the parties shall be sent by electronic mail, U.S. Mail, a courier delivery service, or delivered in person. Notices shall be considered delivered when reflected by an electronic mail read receipt, a courier service delivery receipt, other mail service delivery receipt, or when receipt is acknowledged by recipient.

14. **IDENTIFICATION OF CONTRACT MANAGERS.** All matters shall be directed to the Contract Managers for appropriate action or disposition. Any changes to the Contract Manager information identified below must be noticed, in writing, to the other party within ten (10) calendar days of the change. Either party may provide notice to the other party by email identifying a change of a designated Contract Manager and providing the new contact information for the newly designated Contract Manager. Such notice is sufficient to effectuate this change without requiring a written amendment to the Contract. Department and the Contractor Contract Managers and contact information are provided below:

Contractor	Department
Palm Beach County Board of County Commissioners 2300 North Jog Road, 4th Floor West Palm Beach, Florida 33411 Attn: Robert Robbins Phone Number: (561) 233-2454 Email: ttobbins@pbcgov.org	Department of Environmental Protection Division of Waste Management 2600 Blair Stone Road, MS 4500 Tallahassee, Florida 32399-2400 Attn: Roger Ruiz Phone Number: (850) 245-8854 Email: roger.ruiz@dep.state.fl.us

15. **CHANGE ORDERS AND AMENDMENTS.** Department may at any time, by written order designated to be a Change Order, make any change in the Work within the general scope of this Contract (e.g., specifications, method or manner of performance, requirements, etc.). All Change Orders are subject to the mutual agreement of both parties as evidenced in writing. Any change which causes an increase or

decrease in Contractor's cost or time shall require an appropriate adjustment and modification by Amendment to this Contract. Following execution of this Contract, any future Amendments or Change Orders may be executed by the Department representative with appropriate delegated authority.

CONSEQUENCES FOR FAILURE TO PERFORM

16. **DISPUTE RESOLUTION.** Any dispute concerning performance of the Contract shall be decided as follows:

A. All claims or disputes (Claims) must be presented to the Department in writing within thirty (30) days of the date such Claim arises (Notice of Dispute). The Notice of Dispute shall set out in detail all aspects of the disputed matters to be resolved, including the specific relief sought by the Contractor. Claims not presented by Notice of Dispute to Contract Manager shall be deemed waived by the Contractor.

B. The parties shall make a good faith attempt to resolve Claims which may arise from time to time by informal conference within ten (10) days of the Notice of Dispute.

C. Within ten (10) days of the informal conference, the Department shall provide Contractor a detailed written response to the Claim. A formal conference of the parties shall be convened no later than thirty (30) days following the Department's response to the Notice of Dispute, unless the parties mutually agree in writing to a longer period of time within which to schedule a formal conference.

1) All persons necessary to resolution of the claim or disputed matter shall attend the formal conference.

2) Minutes of the formal conference shall be taken, recorded, transcribed, and signed by the Department and the Contractor. Any terms of settlement and/or resolution reached shall be signed by all persons authorized to resolve the Claim.

D. Either party may request mediation of unresolved Claims, with the party seeking mediation to bear the expense of mediation.

E. Any Claim not resolved at formal conference or mediation, may be the subject of a complaint filed in a court of competent jurisdiction in Leon County, Florida.

17. **FINANCIAL CONSEQUENCES FOR UNSATISFACTORY PERFORMANCE.**

A. No payment will be made for deliverables deemed unsatisfactory by the Department. In the event that a deliverable is deemed unsatisfactory by the Department, the Contractor shall re-perform the services needed for submittal of a satisfactory deliverable, at no additional cost to Department, within thirty (30) days of being notified of the unsatisfactory deliverable.

B. If a satisfactory deliverable is not submitted within the specified time frame, the Department may, in its sole discretion: 1) assess liquidated damages if specified in the Contract or its attachments; 2) request from the Contractor agreement to a reduction in the amount payable; 3) suspend all Work until satisfactory performance is achieved, or 4) terminate the Contract for failure to perform.

18. **CORRECTIVE ACTION PLAN.** In the event that deliverables are unsatisfactory or are not submitted within the specified timeframe, the Department Contract Manager may, by letter specifying the failure of performance under the Contract, request that a proposed Corrective Action Plan (**CAP**) be submitted by the Contractor to the Department. All CAPs must be able to be implemented and performed in no more than sixty (60) days.

A. A CAP shall be submitted within ten (10) calendar days of the date of the letter request from the Department. The CAP shall be sent to the Department Contract Manager for review and approval. Within ten (10) calendar days of receipt of a CAP, the Department shall notify the Contractor in writing whether the CAP proposed has been accepted. If the CAP is not accepted, the Contractor shall have ten (10) calendar days from receipt of the Department letter rejecting the proposal to submit a revised proposed CAP. Failure to obtain the Department approval of a CAP as specified above shall result in the Department's termination of the Contract for cause as authorized in the Contract.

B. Upon the Department's notice of acceptance of a proposed CAP, the Contractor shall have ten (10) calendar days, or longer if specified in the approved CAP, to commence implementation of the accepted plan. Acceptance of the proposed CAP by the Department does not relieve the Contractor of any of its obligations under the Contract. In the event the CAP fails to correct or eliminate performance deficiencies by the Contractor, the Department shall retain the right to require additional or further remedial steps, or to terminate the Contract for failure to perform. No actions approved by the Department or steps taken by the Contractor shall estop the Department from subsequently asserting any deficiencies in performance. Contractor shall continue to implement the CAP until all deficiencies are corrected. Reports on the progress of the CAP will be made to the Department as requested by the Department Contract Manager.

C. Failure to respond to a Department request for a CAP shall result in suspension or termination of the Contract.

19. **PAYMENT AND PERFORMANCE BONDS.** An "X" beside the correct provision in this section signifies that the provision is applicable to the Contract.

☒ No Payment or Performance bonds are required.

☐ Contractor shall provide executed Payment and Performance Bonds naming the Department as obligee, issued by a surety acceptable to the Department, in the amount(s) of $_____.

☐ Contractor may be required to provide executed Payment and/or Performance Bonds naming the Department as obligee, issued by a surety acceptable to the Department, in an amount of up to one hundred and twenty percent (120%) of the total anticipated cost of any Work.

20. **LIQUIDATED DAMAGES.** An "X" beside the correct provision in this section signifies that the provision is applicable to the Contract.

☒ No liquidated damages will be assessed.

☐ In addition to other remedies elsewhere in this Contract, and as provided by law, unless otherwise stipulated in the Scope, the Contractor hereby covenants and agrees to pay liquidated damages to the Department as follows:

A. Contractor acknowledges that time is of the essence for all services provided under this Contract, and whereas the actual damages to be suffered by late performance are incapable of accurate calculation, the parties agree to the following as a reasonable estimation thereof as liquidated damages. In addition to any other provisions of this Contract, in the event that the deliverable identified in the Scope, is not completed and submitted by the close of business on the date the deliverable is due, the compensation amount stated for that portion of the Work may be reduced by <u>five percent (5%) per week for each week the deliverable is late, with the total amount of the liquidated damages not to exceed the total compensation amount of the Scope deliverable.</u>

B. The date of submission shall be the date of receipt by the Department.

C. If no Department receipt date appears or the date is illegible, the date of submission shall be deemed to be five (5) days prior to receipt by the Contract Manager.

D. If completion is or will be justifiably delayed due to reasons as set out in paragraph contained herein, the Department may grant an extension of time as evidenced by a properly executed Amendment.

E. If the deliverable(s) fail to comply with the requirements of this Contract, or if questions arise from review and the Contractor is so notified and requested to respond, the Contractor shall furnish the required additions, deletions, or revisions in accordance with the Scope at no additional cost to the Department.

F. If the additions, deletions, and revisions are not submitted to the Department's Contract Manager in accordance with the Scope, the compensation stated for that portion of the

Work may be reduced by five percent (5%) for each week that the requested deliverable is late, as specified. The total reduction shall not exceed the total amount of the Work.

G. Contractor's failure to respond to a request to correct the deliverables will result in termination of the Work and **forfeiture** of any unpaid balance for such deliverables. Additionally, the Department, at its discretion, may re-assign future Work.

21. **RETAINAGE**

A. Department reserves the right to establish the amount and application of retainage on the Compliance Routine Inspection (CRI) Work to a maximum of ten percent (10%). Any retainage to be applied shall be specified in the Task Assignment. Retainage shall be withheld from each payment to the Contractor pending satisfactory completion of CRI performance criteria listed in Task Assignment and approval of all deliverables.

B. Department reserves the right to withhold payment of retainage for the Contractor's failure to meet performance criteria listed in the Task Assignment. Department shall provide written notification to the Contractor of the Department's intent to withhold retainage on the Routine Compliance Inspection Work in the Task Assignment. Contractor's failure to rectify the identified deficiency within the timeframe stated in the Department's notice will result in forfeiture of retainage by the Contractor.

C. If the Contractor fails to perform the requested Scope, or fails to perform the Compliance Routine Inspection Work in a satisfactory manner, Contractor shall forfeit its right to payment for the Compliance Routine Inspection Work and the retainage called for under the Task Assignment. Failure to perform includes, but is not limited to, failure to submit the required deliverables or failure to provide adequate documentation that the work was actually performed.

D. No retainage shall be released or paid for uncompleted Compliance Routine Inspection Work while a Contract is suspended.

E. Except as otherwise provided above, the Contractor shall be paid the retainage associated with the Work, provided the Contractor has completed the work and submits an invoice for retainage held in accordance with paragraph contained herein above.

LIABILITY

22. **INSURANCE.** To the extent required by law, the Contractor will be self-insured against, or will secure and maintain during the life of this Contract and any renewals, Workers' Compensation Insurance for all of its employees connected with the work of this project. The Contractor shall require any and all subcontractors, if authorized under this Contract, to provide Workers' Compensation Insurance for all employees unless such employees are covered by the protection afforded by 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 the Workers' Compensation statute, the Contractor shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the Department, for the protection of its employees not otherwise protected.

23. **INDEMNIFICATION.** The Contractor and the Department shall each be solely responsible for the negligent or wrongful acts of its respective employees and agents acting within the scope of their employment. Further, each party shall bear its own costs of every name and description, including attorneys' fees, arising from or relating to personal injury and damage to real or personal tangible property alleged to be caused in whole or in part by its employees and agents acting within the scope of their employment. However, nothing contained herein shall constitute a waiver by the Contractor or the Department of its sovereign immunity or waiver or modification of Section 768.28, F.S.

THIRD PARTIES

24. **SUBCONTRACTING.** An "X" beside the correct provision in this section signifies that the provision is applicable to the Contract.

☒ Contractor shall not subcontract any work under this Contract.

☐ A. Contractor shall not subcontract any work under this Contract without the prior written consent of the Department's Contract Manager. Department reserves the right to reject any proposed subcontractor based upon the Department's prior experience with subcontractor, subcontractor's reputation, or the Department's lack of adequate assurance of performance by subcontractor. Contractor agrees to be responsible for the fulfillment of all work elements included in any subcontract and agrees to be responsible for the payment of all monies due under any subcontract.

B. Department shall not be liable to any subcontractor for any expenses or liabilities incurred under any subcontract, regardless of whether the Department has approved such subcontract or subcontractor. Contractor shall be solely liable to its subcontractor(s) for all expenses and liabilities incurred under any subcontract. Any subcontracts made under or in performance of this Contract must include the same conditions specified in this Contract, with the exception of insurance requirements (paragraph contained herein), and shall include a release of any rights, claims or liabilities against the Department. The level of insurance to be carried by subcontractors performing work under this Contract shall be at the discretion of Contractor.

25. **NONASSIGNABILITY.** Contractor shall not sell, assign or transfer any of its rights, duties or obligations under this Contract (its **Rights and Duties**), without the prior written consent of the Department. Contractor shall remain liable for performance of its Rights and Duties, regardless of any assignment to or assumption by any third party, notwithstanding any approval thereof by the Department. However, the Department may expressly release the Contractor from any and all Rights and Duties through a novation accompanying an approved assignment. Department may assign the Department's Rights and Duties, but shall give prior written notice of its intent to do so to the Contractor. The foregoing notwithstanding, the Contractor hereby assigns to the State any and all claims it has with respect to the Contract under the antitrust laws of the United States and the State.

26. **THIRD PARTY BENEFICIARIES.** This Contract is neither intended nor shall it be construed to grant any rights, privileges or interest in any third party without the mutual written agreement of the parties hereto.

SUSPENSION AND TERMINATION

27. **SUSPENSION.**

A. Department may order the Contractor in writing to suspend, delay or interrupt all or any part of the Work for failure to perform, or as otherwise specified herein, such period of time as the Department may determine to be appropriate for any of the following reasons:

1.) Contractor fails to timely and properly correct deficiencies in or performs unsatisfactory work;

2.) Contractor's or subcontractor's insurer or surety notifies the Department that any of its required insurance or bonds has lapsed or will lapse, and the Contractor fails to provide replacement insurance or bonds acceptable to the Department before the insurance or bond cancellation or termination date;

3.) Contractor or subcontractor materially violates safety laws or other constraints;

4.) Department determines that there is a threat to the public health, safety or welfare that necessitates such suspension; or

5.) For the convenience of the Department.

B. If the performance of all or any part of the Work is suspended, delayed or interrupted for an unreasonable period of time by an act of the Department in administration of the Work, or by the Department's failure to act within a reasonable time to review or approve an invoice, the Department shall

provide an equitable extension of the time allowed to complete the Work and modify the Scope accordingly. However, no adjustment shall be made under this clause for any suspension, delay or interruption if and to the extent that:

1.) Performance would have been suspended, delayed or interrupted by any other cause, including the fault or negligence of the Contractor; or

2.) Equitable adjustment is provided for (or excluded) under any other provision of this Contract.

C. Contractor shall not be compensated for Work performed subsequent to a notice of suspension by Department.

28. **TERMINATION.**

A. Department may terminate this Contract at any time for cause, in the event of the failure of the Contractor to fulfill any of its obligations. Prior to termination, the Department shall provide ten (10) calendar days written notice of its intent to terminate for cause, including the reasons for such, and shall provide the Contractor an opportunity to consult with the Department regarding the reason(s) for termination. Contractor may be afforded the possibility of curing any default at the sole discretion of the Department.

B. The Department may terminate this Contract without cause and for its convenience by giving thirty (30) calendar days written notice to the Contractor. Termination for convenience shall not entitle either party to any indirect, special or resulting damages, lost profits, costs or penalties, and the Contractor shall be entitled only to recover those amounts earned by it for authorized deliverables completed up to the date of termination (or as may be agreed to in writing by the Department for completion of all or any portion of the Work in process).

GENERAL CONDITIONS

29. **ATTORNEY'S FEES.** In the event of any legal action to enforce the terms of this Contract, each party shall bear its own attorney's fees and costs.

30. **CONFLICT OF INTEREST.** Contractor covenants and warrants that it presently has no interest, and shall not acquire any interest, which would conflict in any manner or degree with its performance of this Contract or the Services required hereunder.

31. **COMPLIANCE WITH APPLICABLE LAW.** Contractor shall comply with all applicable federal, state and local rules and regulations in providing services to the Department under this Contract including, but not limited to, local health and safety rules and regulations. This provision shall be included in all subcontracts issued as a result of this Contract.

32. **DISQUALIFICATION.**

A. The employment of unauthorized aliens by the Contractor/vendor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the Contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Contract. Contractor shall be responsible for including this provision in all subcontracts with private organizations issued as a result of this Contract.

B. Contractor is required to use the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all employees used by the Contractor under this Contract, pursuant to State of Florida Executive Order No.: 11-116. Also, the Contractor shall include in related subcontracts, if authorized under this Contract, a requirement that subcontractors performing work or providing services pursuant to this Contract utilize the E-Verify system to verify employment eligibility of all employees used by the subcontractor for the performance of the Work.

C. If Contract value exceeds one (1) million dollars, Contractor certifies that it and any of its affiliates are not scrutinized companies as identified in Section 287.135, F.S. In addition, Contractor

agrees to observe the requirements of Section 287.135, F.S., for applicable sub-agreements entered into for the performance of work under this Contract. Pursuant to Section 287.135, F.S., the Department may immediately terminate this Contract for cause if the Contractor, its affiliates, or its subcontractors are found to have submitted a false certification; or if the Contractor, its affiliates, or its subcontractors are placed on any applicable scrutinized companies list or engaged in prohibited contracting activity during the term of the Contract. As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

33. **EXECUTION IN COUNTERPARTS.** This Contract, and any Change Orders or Amendments thereto, may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a.pdf format data file, such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or.pdf signature page were an original thereof.

34. **FORCE MAJEURE.** Contractor shall not be responsible for delay resulting from its failure to perform if neither the fault nor the negligence of the Contractor or its employees, subcontractors or agents contributed to the delay and the delay is due directly to acts of God, wars, acts of public enemies, strikes, fires, floods, hurricanes, or other similar cause wholly beyond the Contractor's control, or for any of the foregoing that affect subcontractors or suppliers if no alternate source of supply is available to the Contractor. In case of any delay the Contractor believes is excusable, the Contractor shall notify the Department in writing of the delay or potential delay and describe the cause of the delay either 1) within five (5) days after the cause that creates or will create the delay first arose, if the Contractor could reasonably foresee that a delay could occur as a result, or 2) if delay is not reasonably foreseeable, within ten (10) days after the date the Contractor first had reason to believe that a delay could result. **THE FOREGOING SHALL CONSTITUTE THE CONTRACTOR'S SOLE REMEDY OR EXCUSE WITH RESPECT TO DELAY.** Providing notice in strict accordance with this paragraph is a condition precedent to such remedy. No claim for damages, other than for an extension of time, shall be asserted by the Contractor against the Department. Contractor shall not be entitled to an increase in the price or payment of any kind from the Department for direct, indirect, consequential, impact or other costs, expenses or damages, including but not limited to costs of acceleration or inefficiency, arising because of delay, disruption, interference, or hindrance from any cause whatsoever. If performance is suspended or delayed, in whole or in part, due to any of the causes described in this paragraph, after the causes have ceased to exist the Contractor shall perform at no increased cost, unless the Department determines, in its sole discretion, that the delay will significantly impair the value of the Contract to the State or to the Department, in which case the Department may 1) accept allocated performance or deliveries from the Contractor, provided that the Contractor grants preferential treatment to the Department with respect to products subjected to allocation, or 2) purchase from other sources (without recourse to and by the Contractor for the related costs and expenses) to replace all or part of the products that are the subject of the delay, which purchases may be deducted from the Contract quantity, or 3) terminate the Contract in whole or in part.

35. **FORUM SELECTION, SEVERABILITY, AND CHOICE OF LAW.** This Contract has been delivered in the State of Florida and shall be construed in accordance with substantive and procedural laws of Florida. Wherever possible, each provision of this Contract shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Contract shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Contract. Any action in connection with this Contract shall be brought in a court of competent jurisdiction located in Leon County, Florida.

36. **GOVERNMENTAL RESTRICTIONS.** If the Contractor believes that any governmental restrictions require alteration of the material, quality, workmanship or performance of the products offered under this Contract, the Contractor shall immediately notify the Department so in writing, identifying the specific restriction and alteration. Department reserves the right and the complete discretion to accept any such

alteration or to cancel the Contract at no further expense to the Department. Contractor's failure to timely notify the Department of its asserted belief shall constitute a waiver of such claim.

37. **HEADINGS.** The headings contained herein are for convenience only, do not constitute a part of this Contract and shall not be deemed to limit or affect any of the provisions hereof.

38. **INTEGRATION.** This Contract contains all the terms and conditions agreed upon by the parties, which terms and conditions shall govern all transactions between the Department and the Contractor. Any alterations, variations, changes, modifications or waivers of provisions of this Contract shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Contract, unless otherwise provided herein. No oral agreements or representations shall be valid or binding upon the Department or the Contractor. No alteration or modification of the Contract terms, including substitution of product, shall be valid or binding against the Department. Contractor may not unilaterally modify the terms of this Contract by affixing additional terms to product upon delivery (e.g., attachment or inclusion of standard preprinted forms, product literature, "shrink wrap" terms accompanying or affixed to a product, whether written or electronic) or by incorporating such terms onto the Contractor's order or fiscal forms or other documents forwarded by the Contractor for payment. Department's acceptance of product or processing of documentation on forms furnished by the Contractor for approval or payment shall not constitute acceptance of the proposed modification to terms and conditions.

39. **INTERPRETATION OF CONTRACT.**

A. Where appropriate: the singular includes the plural and vice versa; references to statutes or regulations include all statutory or regulatory provisions consolidating, amending or replacing the statute or regulation referred to; unless otherwise indicated references to Rules are to the adopted rules in the Florida Administrative Code; the words "including," "includes" and "include" shall be deemed to be followed by the words "without limitation"; unless otherwise indicated references to sections, appendices or schedules are to this Contract; words such as "herein," "hereof" and "hereunder" shall refer to the entire document in which they are contained and not to any particular provision or section; words not otherwise defined which have well-known technical or construction industry meanings, are used in accordance with such recognized meanings; references to Persons include their respective permitted successors and assigns and, in the case of Governmental Persons, Persons succeeding to their respective functions and capacities; and words of any gender used herein shall include each other gender where appropriate.

B. Contractor acknowledges and agrees that it has independently reviewed this Contract with legal counsel, and that it has the requisite experience and sophistication to understand, interpret and agree to the particular language of the terms. Accordingly, if an ambiguity in (or dispute regarding the interpretation of) this Contract shall arise, the Contract shall not be interpreted or construed against the Department, and, instead, other rules of interpretation and construction shall be used

40. **MODIFICATIONS REQUIRED BY LAW.** Department reserves the right to revise this Contract to include additional language required by Federal agency(ies) or other sources awarding funding to the Department in support of this Contract, if applicable, and to include changes required by Florida Administrative Code rule changes.

41. **MYFLORIDAMARKETPLACE TRANSACTION FEE.** The State of Florida, through DMS, has instituted MyFloridaMarketPlace, a statewide e-procurement system. Pursuant to Rule 60A-1.032(1), Florida Administrative Code, payments under this Contract are exempt from the MyFloridaMarketPlace transaction fee.

42. **NONDISCRIMINATION.**

A. Contractor certifies that no person, on the grounds of race, creed, color, religion, national origin, age, gender, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Contract.

B. Contractor certifies that neither it nor any affiliate is or has been placed on the discriminatory vendor list. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor or consultant under contract with any public entity, and may not transact business with any public entity. The Florida Department of Management Services ("DMS") is responsible for maintaining the discriminatory vendor list and posts the list on its website. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity at (850) 487-0915.

C. Contractor shall comply with the Americans with Disabilities Act.

43. **NON-SOLICITATION.** Contractor covenants and warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Contractor to solicit or secure this Contract and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the Contractor any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award or making of this Contract.

44. **NON-WAIVER OF RIGHTS.** No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by the other 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.

45. **ORDER OF PRECEDENCE.** In the event of a conflict in terms between any of the components of this Contract, the order of precedence for resolving such conflict shall be as follows (1 being the highest precedence):

1. Body of this Contract;
2. Scope;
3. All other attachments to this Contract; and
4. Documents, agreements and exhibits incorporated herein by reference.

46. **OWNERSHIP OF DOCUMENTS.** All plans, specifications, maps, computer files, databases and/or reports prepared or obtained under this Contract, as well as data collected together with summaries and charts derived therefrom, shall be considered works made for hire and shall be and become the property of the Department upon completion or termination of this Contract, without restriction or limitation on their use, and shall be made available upon request to the Department at any time during the performance of such services and/or upon completion or termination of this Contract. Upon delivery to the Department of said document(s), the Department shall become the custodian thereof in accordance with Chapter 119, F.S. Contractor shall not copyright any material and products or patent any invention developed under this Contract.

47. **P.R.I.D.E.** When possible, the Contractor agrees that any articles which are the subject of, or required to carry out, this Contract shall be purchased from P.R.I.D.E. as specified in Chapter 946, F.S., if available, in the same manner and under the same procedures set forth in Section 946.515(2) and (4), F.S.; and for purposes of this Contract the person, firm or other business entity carrying out the provisions of this Contract shall be deemed to be substituted for this agency insofar as dealings with P.R.I.D.E. are concerned.

The "Corporation identified" is PRISON REHABILITATIVE INDUSTRIES AND DIVERSIFIED ENTERPRISES, INC. (P.R.I.D.E.) which may be contacted at:

P.R.I.D.E.
12425 28th Street, North
St. Petersburg, Florida 33716-1826
Toll Free: 1-800-643-8459
Website: http://www.pride-enterprises.org/

48. **PUBLIC ENTITY CRIMES.** A person or affiliate (as defined) 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 for Category Two (as defined in Section 287.017, F.S.), for a period of 36 months from the date of being placed on the convicted vendor list, pursuant to Section 287.133, F.S. Contractor certifies that neither it nor any affiliate has been placed on such convicted vendor list, and shall notify the Department within five (5) days of its, or any of its affiliate's, placement thereon.

49. **PUBLIC RECORDS.**

A. Contractor shall comply with Florida Public Records law under Chapter 119, F.S. Records made or received in conjunction with this Contract are public records under Florida law, as defined in Section 119.011(12), F.S. Contractor shall keep and maintain public records required by the Department to perform the services under this Contract.

B. This Contract may be unilaterally canceled by the Department for refusal by the Contractor to either provide to the Department upon request, or to allow inspection and copying of all public records made or received by the Contractor in conjunction with this Contract and subject to disclosure under Chapter 119, F.S., and Section 24(a), Article I, Florida Constitution.

C. If Contractor meets the definition of "Contractor" found in Section 119.0701(1)(a), F.S.; [i.e., an individual, partnership, corporation, or business entity that enters into a contract for services with a public agency and is acting on behalf of the public agency], then the following requirements apply:

1. Pursuant to Section 119.0701, F.S., a request to inspect or copy public records relating to this Contract for services must be made directly to the Department. If the Department does not possess the requested records, the Department shall immediately notify the Contractor of the request, and the Contractor must provide the records to the Department or allow the records to be inspected or copied within a reasonable time. If Contractor fails to provide the public records to the Department within a reasonable time, the Contractor may be subject to penalties under s. 119.10, F.S.

2. Upon request from the Department's custodian of public records, Contractor shall provide the Department with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.

3. Contractor shall identify and ensure that all public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Contract term and following completion of the Contract if the Contractor does not transfer the records to the Department.

4. Upon completion of the Contract, Contractor shall transfer, at no cost to Department, all public records in possession of Contractor or keep and maintain public records required by the Department to perform the services under this Contract. If the Contractor transfers all public records to the Department upon completion of the Contract, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public disclosure requirements. If the Contractor keeps and maintains public records upon completion of the Contract, the Contractor shall meet all applicable requirements for retaining public records. All records that are stored electronically must be provided to Department, upon request from the Department's custodian of public records, in a format that is accessible by and compatible with the information technology systems of Department.

D. IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, F.S., TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE DEPARTMENT'S CUSTODIAN OF PUBLIC

RECORDS by telephone at (850) 245-2118, by email at publicservices@dep.state.fl.us, or at the mailing address below.

Department of Environmental Protection
Office of the Ombudsman & Public Services
Attn: Public Records Request
3900 Commonwealth Blvd, MS 49
Tallahassee, Florida 32399

50. **RECORD KEEPING AND AUDIT.**

A. Contractor shall maintain books, records and documents directly pertinent to performance under this Contract in accordance with United States generally accepted accounting principles (**US GAAP**) consistently applied. Department, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Contract and for five (5) years following Contract completion or termination. In the event any work is subcontracted, the Contractor shall similarly require each subcontractor to maintain and allow access to such records for audit purposes.

B. The Contractor understands its duty, pursuant to Section 20.055(5), F.S., to cooperate with the Department's Inspector General in any investigation, audit, inspection, review, or hearing. The Contractor will comply with this duty and ensure that its subcontracts issued under this Contract, if any, impose this requirement, in writing, on its subcontractors.

51. **REMEDIES.** All rights and remedies provided in this Contract are cumulative and not exclusive of any other rights or remedies that may be available to the Department, whether provided by law, equity, statute, in any other agreement between the parties or otherwise. Department shall be entitled to injunctive and other equitable relief, including, but not limited to, specific performance, to prevent a breach, continued breach or threatened breach of this Contract. No remedy or election **hereunder** shall be deemed exclusive. A failure to exercise or a delay in exercising, on the part of the Department, any right, remedy, power or privilege hereunder shall not operate as a waiver thereof; nor shall any single or partial exercise of any right, remedy, power or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, remedy, power or privilege.

52. **RESPECT OF FLORIDA.** When possible, the Contractor agrees that any articles that are the subject of, or required to carry out, this Contract shall be purchased from a nonprofit agency for the blind or for the severely handicapped that is qualified pursuant to Chapter 413, F.S., in the same manner and under the same procedures set forth in Section 413.036(1) and (2), F.S.; and for purposes of this Contract the person, firm, or other business entity carrying out the provisions of this Contract shall be deemed to be substituted for the state agency insofar as dealing with such qualified nonprofit agency is concerned.

The "nonprofit agency" identified is RESPECT of Florida which may be contacted at:

RESPECT of Florida.
2475 Apalachee Parkway, Suite 205
Tallahassee, Florida 32301-4946
(850) 487-1471
Website: www.respectofflorida.org

53. **TAX EXEMPTION.** Contractor recognizes that the Department is an agency of the State of Florida, which by virtue of its sovereignty is not required to pay any taxes on the services or goods purchased under the terms of this Contract. Department does not pay Federal excise or sales taxes on direct purchases of tangible personal property. Department will not pay for any personal property taxes levied on the Contractor or for any taxes levied on employees' wages.

54. **WARRANTY OF ABILITY TO PERFORM.** Contractor warrants that, to the best of its knowledge, there is no pending or threatened action, proceeding, or investigation, or any other legal or financial condition, that would in any way prohibit, restrain, or diminish the Contractor's ability to satisfy its Contract obligations. Contractor warrants that neither it nor any affiliate is currently on the convicted vendor list maintained pursuant to section 287.133 of the Florida Statutes, or on any similar list maintained by any other state or the federal government. Contractor shall immediately notify the Department in writing if its ability to perform is compromised in any manner during the term of this Contract and any renewals.

55. **WARRANTY OF AUTHORITY.** Each person signing this Contract warrants that he or she is duly authorized to do so and to bind the respective party to this Contract.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed, the day and year last written below.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By:_____
Mayor

Date:_____

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Secretary or designee

Date: _____

ATTEST:
SHARON R. BOCK, CLERK OF THE COURT
AND COMPTROLLER
PALM BEACH COUNTY, FLORIDA

BY: _____

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:
PALM BEACH COUNTY ATTORNEY'S OFFICE

BY: _____
ASSISTANT COUNTY ATTORNEY

APPROVED AS TO TERMS AND CONDITIONS

BY:_____
DIRECTOR

FEID No. 59-6000785

List of attachments/exhibits included as part of this Contract:

Specify Type/Letter	Description
Attachment A	Scope of Work - Level One (7 pages)
Attachment B	Scope of Work - Level Two (8 pages)
Attachment C	Task Assignment Notification Form
Attachment D	Task Assignment Change Order Form (2 pages)
Attachment E	Contractor Affidavit/Release of Claims Form

ATTACHMENT A

SCOPE OF WORK

STORAGE TANK SYSTEM COMPLIANCE ASSISTANCE

WORK DESCRIPTION

1. The Contractor shall perform routine compliance inspections within the jurisdictional (geographical) boundaries of the specified counties as required by an executed Task Assignment(s) at the following Chapter 376, F.S., facilities: storage tanks regulated pursuant to Sections 376.30 – 376.317, F.S. (excluding cattle dip vats, dry-cleaning facilities and designated Brownfields) and Chapters 62-761 and 62-762, F.A.C. In addition, the Contractor shall perform closure inspections, installation inspections, discharge inspections, re-inspections, and complaint inspections as applicable, in accordance with each Task Assignment. All inspections shall be performed by an individual(s) in a position equivalent to an Environmental Specialist I level or higher. Beginning on the effective date of this Contract, the Contractor is authorized to enter private property in order to carry out inspections pursuant to Sections 403.091 and 403.858, Florida Statutes. However, an authorized facility representative must safely access all storage tank system components for inspection by the Contractor, and must demonstrate operational functionality of electronic equipment. This Scope of Work provides the minimum services the Department is seeking. The specific Tasks, Deliverables, Performance Measures, and Deliverable due dates will be included in each issued Task Assignment.

TASKS

2. Inspections must be performed in accordance with each executed Task Assignment.

   A. Perform routine compliance inspections of facilities listed on each executed Task Assignment. Facilities not listed for inspection during the current executed Task Assignment will be prioritized to be inspected during subsequent Task Assignments.

   B. Perform all closure inspections at known storage tank system closure activities (limited to Tanks, Sumps, Spill Containment Systems, Spill Buckets, Integral Piping and Bulk Product Piping and any other components as directed) and of past closure activities that have been discovered as having taken place without notification to ensure that the system or system component is properly closed in accordance with Chapters 62-761 and 62-762, F.A.C., as applicable.

   C. Perform all installation inspections of known new installations and of past installations (limited to Tanks, Sumps, Spill Containment Systems, Spill Buckets, Integral Piping and Bulk Product Piping and any other components as directed) that have been discovered as having taken place without notification to ensure that the system or system component is properly constructed and installed in accordance with Chapters 62-761 and 62-762, F.A.C., as applicable.

   D. Perform a discharge inspection at all facilities with known or suspected discharges within fourteen (14) calendar days of receipt of notification.

   E. Re-inspections may only be performed for payment as needed to verify compliance of items identified as requiring a re-inspection, as referenced in the “Storage Tank System Program Violation List” (Guidance Document A). For all other violations, a re-inspection may only be performed for payment if the Contractor and the Department Task Manager agree, prior to the inspection, that it is warranted.

F. Respond to complaints concerning regulated facilities, and/or as directed by the Department Task Manager by performing a complaint inspection. Inspection findings concerning regulated facilities shall be documented in a complaint inspection report activity in FIRST. Complaint inspections not involving a regulated facility shall be documented in writing and/or as directed by the Department Task Manager.

3. Inspector responsibilities shall include:

A. Contacting facility owners, operators, and/or other authorized representatives verbally or in writing, to schedule inspections. The Department Task Manager may require written notification of inspections if verbal methods have proven unsatisfactory. For routine compliance inspections, the Contractor shall provide outreach to each facility prior to the inspection by contacting the facility at least five (5) calendar days in advance of the inspection, reminding the facility to view the inspection videos on the Department's website prior to the upcoming inspection, and discussing recent previous inspections at the facility noting any violations cited. This outreach is to be documented in FIRST in a Phone or Electronic Communication Activity, depending on how the contact was made.

B. Conducting inspections with the owners, operators, and/or other authorized representatives of facilities for the purpose of determining compliance with Chapters 62-761 and 62-762, F.A.C., and Chapter 376, F. S.

C. Distributing registration forms or providing directions for the use of the Electronic Self Service Application Portal (ESSA) on the Department's website to all facilities that are determined by the Contractor to need registration updates.

D. All inspection activities shall be documented using the Florida Inspection Reporting for Storage Tanks (FIRST) database and FIRST equipment in accordance with the minimum standards referenced in the "FIRST User's Guide" (Guidance Document B).

E. All inspection reports shall be completed in accordance with the "Level of Effort Guidance" (Guidance Document F). The date and manner of the issuance of the inspection report to the facility owner/operator shall be documented in FIRST. This may be accomplished with the completion of one or more supporting activities in FIRST, such as a Non-Compliance Project Letter Activity, Issue Document Activity, and/or Electronic Communication Activity.

F. Responding to requests for public assistance both in the office and during inspections.

4. Perform Level 1 Compliance Assistance Actions.

A. These actions shall include investigation and documentation of violations of Chapters 62-761 and 62-762, F.A.C., or the county's equivalent regulations, preparation of Compliance Assistance letters and related activities in accordance with the "Storage Tank System Program Violation List" (Guidance Document A) and "Level of Effort Guidance" (Guidance Document F).

B. An individual(s) in a position equivalent to an Environmental Specialist II level or higher shall conduct Level 1 Compliance Assistance activities. Compliance Assistance 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.

C. All Compliance Assistance letters shall be on Department forms, in Department format, or have Department approval.

D. Compliance Assistance letters shall be issued through FIRST in accordance with the "FIRST User's Guide" (Guidance Document B) to ensure that the letters are posted to the OCULUS document management system.

E. If there is any indication that Compliance Assistance actions are not being performed in accordance with "Level of Effort Guidance" (Guidance Document F); the Department Task Manager may request the submission of a Corrective Action Plan (CAP), and may recommend to the Department Contract Manager to hold invoices until such actions are being performed to the satisfaction of the Department Task Manager. The Department Task Manager shall be responsible for reviewing the CAP and notifying the Contractor if the CAP is approved or in need of revision.

F. The Contractor must maintain the administrative organization, staff, financial and other resources necessary to effectively administer the requirements of this Attachment. Failure to do so is a material breach of this Contract.

G. This Attachment specifically does not include actions associated with the cleanup or enforcement of Contractor-owned or operated petroleum storage systems or any discharge(s) associated with them.

ASSESSMENT OF PERFORMANCE LEVELS

5.. The Contractor shall perform inspections as directed in paragraph 4, above, and assess performance levels monthly to determine its progress towards completion of each Task Assignment. Upon discovery of any problems that would delay or prevent the timely progress and completion of each Task Assignment, the Contractor shall notify the Department Task Manager.

6. Following the effective date of each Task Assignment, the Contractor must have completed the following percentage of the required routine compliance inspections unless otherwise indicated in the Task Assignment:

A. After four (4) months, thirty three percent (33%) of inspections must have been completed.

B. After eight (8) months, sixty six percent (66%) of inspections must have been completed.

C. After twelve (12) months, one hundred percent (100%) of inspections must have been completed.

7. If the actual number of completed inspections falls below these levels, then the Contractor must submit a CAP to the Department Task Manager, and associated invoices will be held by the Department Contract Manager until these completion percentages are subsequently reached.

8. If there is any indication that other required inspections or activities are not being performed, the Department Task Manager may request the submission of a CAP and may recommend to the Department Contract Manager to hold invoices until such actions are being performed to the satisfaction of the Department Task Manager.

9. The Department Task Manager shall be responsible for reviewing all CAPs and notifying the Contractor if the CAP is approved or is in need of revision.

10. A completion rate of 100 percent is required for those activities described in Paragraph 1, above, and as set forth in each Task Assignment, unless otherwise indicated in the Task Assignment.

11. The Department shall authorize the Contractor to provide services under this Contract utilizing the Task Assignment Notification Form, attached to the Contract as Attachment C. The Contractor acknowledges that no work shall be performed until a Task Assignment authorizing work has been fully executed by the Department and the Contractor. If, during the term of an executed Task Assignment, a modification of the Task Assignment is needed, the Department may issue a new Task Assignment Form clearly marked with the original task number and the appropriate amendment

number, detailing the revised description of the work to be performed. As with the original Task Assignment, all amendments to Task Assignments must be executed by both the Department and the Contractor prior to the work being performed.

SCOPE REQUIREMENTS

12. The Contractor shall administer the compliance verification program, provide technical assistance, and perform level 1 Compliance Assistance actions. Data generated from all inspections conducted under the direction of the Department shall be entered into FIRST, and completed, prior to the submittal of an invoice to the Department Contract Manager.

13. The Contractor shall comply with all provisions of this Contract, verify facility compliance with Chapter 376, F.S., and Chapters 62-761 and 62-762, and be knowledgeable of the differences between the state and federal environmental statutes and rules applicable to underground storage tanks.

14. The Contractor shall require that qualified individuals perform field inspections and that they receive training on Chapters 62-761 and 62-762, and Chapter 376, F.S.

15. The Contractor shall provide a sufficient number of qualified staff to satisfactorily complete all the responsibilities included in this Contract. All individuals hired after the effective date of this Contract shall possess qualifications equivalent to Department position levels as specified in this Contract.

16. The Contractor shall determine the accurate latitude and longitude coordinates for each regulated facility inspected using Department-approved procedures and ensure the proper entry of this data into the Department inspection database.

17. The Contractor shall review closure reports filed by facility owners, operators, or authorized representatives to ensure that the Department's “Instructions for Conducting Sampling During Aboveground Storage Tank Closure” (Guidance Document C1) and “Instructions for Conducting Sampling During Underground Storage Tank Closure” (Guidance Document C2) have been followed. In cases where these requirements have not been met, the Contractor shall initiate Level 1 Compliance Assistance actions to compel compliance. In cases where these requirements have been met and none the of Department’s cleanup target levels have been exceeded, the Contractor shall issue a Closure Report Review Letter for the system or component described in the Closure Report indicating the Closure Report meets the requirements of Chapter 62-761 and/or 62-762, F.A.C. In cases where cleanup target levels have been exceeded and it has been determined to be a new discharge, the Contractor shall prepare and send a Site Assessment Report request letter to the facility owner and operator, if appropriate. In addition, the Contractor shall provide notification to the Department Task Manager within thirty (30) days of the determination of a new discharge at a facility.

18. The Contractor shall prepare and send a Site Assessment Report request letter to the facility owner and operator, if appropriate, in cases where a new discharge has been discovered related to a regulated storage tank system, but unrelated to a closure as discussed in paragraph 13., above. In addition, the Contractor shall provide within thirty (30) days of the determination of a new discharge at a facility.

19. The Contractor shall maintain its paper files on regulated facilities that were composed prior to the FIRST database implementation, as well as documentation from the facility that may not be available in FIRST, such as closure reports. In the event a case referral to the Department District Office for further enforcement is necessary, a copy of any documents pertinent to the case that are not available in FIRST shall be submitted to the Department District Office in accordance with the “Guidelines for Case Referrals” (Guidance Document G).

20. Facility files must be kept until the site has been determined closed. Once the facility has been closed for five (5) years, the records may be transmitted electronically to the Department Contract Manager

in Tallahassee for preservation, unless the Contractor is subject to more stringent local record retention 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 inspection program (through this Contract or any future contracts) ceases, the Contractor shall transmit electronic copies of all documents to the Department Contract Manager.

21. The Contractor shall provide attendance of at least one program staff member at scheduled meetings, conferences, and teleconferences. The Department Task Manager may authorize attendance at a location other than the District Office. The Contractor shall provide attendance of additional staff members as requested by the Department.

22. The Contractor shall ensure that all field personnel receive the health and safety training required to meet OSHA standards (an initial 24 or 40-hour course within 6 months of employment under this Contract, followed by an annual 8-hour refresher course).

23. The Contractor shall supervise the Local Compliance Program with an individual at a minimum equivalent to the Department's Environmental Specialist III personnel category.

24. The Contractor shall 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.

25. The Contractor shall maintain financial books, records, and documents directly pertinent to performance under this Contract in accordance with generally accepted accounting principles consistently applied. All books, records, and documents pertinent to performance under this Contract shall be maintained for the entire term of this Contract and for five years following the expiration or termination of this Contract. The Department, the State, or their authorized representatives shall have access to such records for audit purposes during the entire term of this Contract and for five years following the expiration or termination of this Contract. A penalty of 8.3% of the current Task Assignment amount will be assessed for each year that shows insufficient record keeping.

26. The Contractor shall not allocate funding to non-program activities outside the scope of this Contract or any Task Assignment. Sections 376.3071 and 376.11, F.S., prohibit the use of Inland Protection Trust Fund (IPTF) and Florida Coastal Protection Trust Fund (FCPTF) moneys for purposes other than those specified in these sections.

27. Access to Department databases shall be made by using an Internet connection. Therefore, the Contractor is responsible for subscribing to and paying for all charges related to use of the services of a reputable Internet service provider. The Contractor must have a dedicated Internet line for FIRST.

28. Guidance Documents. The Contractor agrees that the services required under this Contract shall be performed in accordance with the guidance documents listed below and in accordance with the provisions of this Contract. The Guidance Documents are available online. To access the Guidance Documents please follow the link: http://www.dep.state.fl.us/waste/categories/tanks/pages/compliance.htm.

    The Contractor hereby acknowledges receipt of the following guidance documents:

    A. Guidance Document A -- Storage Tank System Program Violation List.
    B. Guidance Document B -- Florida Inspection Reporting for Storage Tanks (FIRST) User Requirements. Please visit the following website to download: http://www.dep.state.fl.us/waste/categories/tanks/pages/first_users_guide.htm
    C. Guidance Document C1 -- Instructions for Conducting Sampling During Aboveground Storage Tank Closure

Guidance Document C2-- Instructions for Conducting Sampling During Underground Storage Tank Closure

D. Guidance Document D1 -- Compliance Verification Program Local Program Review Form
Guidance Document D2 -- Contractual Review Form

E. Guidance Document E -- Contractual Services Invoice

F. Guidance Document F -- Level of Effort Guidance

G. Guidance Document G -- Guidelines for Case Referrals

H. Guidance Document H -- Contractual Service Payment Calculation

I. Guidance Document I -- DEP Directive 923 Settlement Guidelines for Civil and Administrative Penalties

29. The Contractor shall provide a written response within forty-five (45) days to the Program Review findings conducted in accordance with paragraph 37, below, and at a minimum, provide details on any corrective actions that will be implemented.

30. The Contractor shall submit a satisfactory Corrective Action Plan to the Department Task Manager upon notification of a score below seventy-five (75) on the Program Review within fourteen (14) calendar days of notification of the score. Because a score below seventy-five (75) reflects an unacceptable level of performance, if the Contractor receives a score below seventy-five (75) may result in contract termination.

31. The Contractor is responsible for the professional quality, technical accuracy, and coordination of all reports and other services furnished by the Contractor under this Contract. The Contractor shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in its reports and other services.

DEPARTMENT RESPONSIBILITIES

32. The Department shall 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 Chapters 62-761 and 62-762, F.A.C., as required by this Contract.

33. The Department shall review completed inspection reports when and as deemed necessary.

34. The Department shall provide program and regulatory guidance for the Contractor. The Department shall provide training in new technology and program management changes as necessary.

35. The Department shall conduct enforcement activities for violations of Chapters 62-761 and 62-762, F.A.C., when case referrals are properly made and forwarded to the District Office in accordance with the "Guidelines for Case Referrals" (Guidance Document G).

36. The Department shall provide information to the Contractor about Department registered storage tank system equipment and alternate procedures (waivers, variances, or registrations).

37. At least once annually, the Department shall perform a Program Review using the "Compliance Verification Program Local Program Review Form" (Guidance Document D), and provide a copy of the Program Review findings to the Contractor upon completion of the Program Review. The Department may conduct inspections, including accompanied inspections and follow-up inspections, at any reasonable time. In addition, the Department may also conduct facility file reviews through FIRST at any time. The Department Task Manager may perform additional program reviews, as deemed necessary, to insure the required performance of the Contractor. The Department Task Manager may forgo a Program Review for the next Task Assignment for a Contractor that receives a score of 95 or greater on the Program Review during the current Task Assignment.

PAYMENTS

38. The Contractor shall submit invoices on a monthly basis. Each invoice shall be submitted using the "Contractual Services Invoice" (Guidance Document E). Each invoice is due no later than the 15th day of the month following the month of services. The invoice shall be submitted electronically to the Department Contract Manager at STR_Invoices@dep.state.fl.us and copied to the Department Task Manager. Reimbursement requests for the purchase of non-expendable equipment costing $1,000 or more must include copies of invoices or receipts to document the charges.

DOCUMENTATION

39. Prior to the submittal of each month's invoice to the Department Contract Manager, the Contractor shall complete and submit electronically the "Payment Calculation Sheet" (Guidance Document H) for the month to the Department Task Manager no later than the 10th day of the month following the month of services. The Department Task Manager shall review the monthly Payment Calculation Sheet for accuracy and completeness and shall return the approved Payment Calculation Sheet to the Contractor for submittal with the monthly invoice to the Department Contract Manager in Tallahassee, Florida for processing. If the Contractor fails to perform as directed by the terms of this Contract, the Department shall return the unpaid invoice to the Contractor documenting the areas in which the Contractor has failed to meet its contractual obligations.

MANAGEMENT

40. The Department Contract Manager is Roger Ruiz, Phone (850) 245-8854. The Contractor's Contract Manager is Robert Robbins, Phone (561) 233-2454. Each Task Assignment will identify the Department Task Manager and the Contractor's Task Manager. All matters relating to a specific Task Assignment shall be directed to the Department Task Manager for appropriate action or disposition. All matters relating to this Contract shall be directed to the Department Contract Manager.

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ATTACHMENT B

SCOPE OF WORK

STORAGE TANK SYSTEM COMPLIANCE ASSISTANCE AND ENFORCEMENT ACTIONS

WORK DESCRIPTION

1. The Contractor shall perform routine compliance inspections within the jurisdictional (geographical) boundaries of the specified counties as required by an executed Task Assignment(s) at the following Chapter 376, F.S., facilities: storage tanks regulated pursuant to Sections 376.30 – 376.317, F.S. (excluding cattle dip vats, dry-cleaning facilities and designated Brownfields) and Chapters 62-761 and 62-762, F.A.C., In addition, the Contractor shall perform closure inspections, installation inspections, discharge inspections, re-inspections, and complaint inspections as applicable, in accordance with each Task Assignment. All inspections shall be performed by an individual(s) in a position equivalent to an Environmental Specialist I level or higher. Beginning on the effective date of this Contract, the Contractor is authorized to enter private property in order to carry out inspections pursuant to Sections 403.091 and 403.858, Florida Statutes. However, an authorized facility representative must safely access all storage tank system components for inspection by the Contractor, and must demonstrate operational functionality of electronic equipment. This Scope of Work provides the minimum services the Department is seeking. The specific Tasks, Deliverables, Performance Measures, and Deliverable due dates will be included in each issued Task Assignment.

TASKS

2. Inspections must be performed in accordance with each executed Task Assignment.

   A. Perform routine compliance inspections of facilities listed on each executed Task Assignment. Facilities not listed for inspection during the current executed Task Assignment will be prioritized to be inspected during subsequent Task Assignments.

   B. Perform all closure inspections at known storage tank system closure activities (limited to Tanks, Sumps, Spill Containment Systems, Spill Buckets, Integral Piping and Bulk Product Piping and any other components as directed) and of past closure activities that have been discovered as having taken place without notification to ensure that the system or system component is properly closed in accordance with Chapters 62-761 and 62-762, F.A.C., as applicable.

   C. Perform all installation inspections of known new installations and of past installations (limited to Tanks, Sumps, Spill Containment Systems, Buckets, Integral Piping and Bulk Product Piping and any other components as directed) that have been discovered as having taken place without notification to ensure that the system or system component is properly constructed and installed in accordance with Chapters 62-761 and 62-762, F.A.C., as applicable.

   D. Perform a discharge inspection at all facilities with known or suspected discharges within fourteen (14) calendar days of receipt of notification.

   E. Re-inspections may only be performed for payment as needed to verify compliance of items identified as requiring a re-inspection, as referenced in the “Storage Tank System Program Violation List” (Guidance Document A). For all other violations, a re-inspection may only be performed for payment if the Contractor and the Department Task Manager agree, prior to the inspection, that it is warranted.

   F. Respond to complaints concerning regulated facilities, and/or as directed by the Department Task Manager by performing a complaint inspection. Inspection findings concerning regulated

facilities shall be documented in a complaint inspection report activity in FIRST. Complaint inspections not involving a regulated facility shall be documented in writing and/or as directed by the Department Task Manager.

3. Inspector responsibilities shall include:

   A. Contacting facility owners, operators, and/or other authorized representatives verbally or in writing, to schedule inspections. The Department Task Manager may require written notification of inspections if verbal methods have proven unsatisfactory. For routine compliance inspections, the Contractor shall provide outreach to each facility prior to the inspection by contacting the facility at least five (5) calendar days in advance of the inspection, reminding the facility to view the inspection videos on the Department's website prior to the upcoming inspection, and discussing recent previous inspections at the facility noting any violations cited. This outreach is to be documented in FIRST in a Phone or Electronic Communication Activity, depending on how the contact was made.

   B. Conducting inspections with the owners, operators, and/or other authorized representatives of facilities for the purpose of determining compliance with Chapters 62-761 and 62-762, F.A.C., and Chapter 376, F. S.

   C. Distributing registration forms or providing directions for the use of the Electronic Self Service Application Portal (ESSA) on the Department's website to all facilities that are determined by the Contractor to need registration updates.

   D. All inspection activities shall be documented using the Florida Inspection Reporting for Storage Tanks (FIRST) database and FIRST equipment in accordance with the minimum standards referenced in the "FIRST User's Guide" (Guidance Document B).

   E. All inspection reports shall be completed in accordance with the "Level of Effort Guidance" (Guidance Document F). The date and manner of the issuance of the inspection report to the facility owner/operator shall be documented in FIRST. This may be accomplished with the completion of one or more supporting activities in FIRST, such as a Non-Compliance Project Letter Activity, Issue Document Activity, and/or Electronic Communication Activity.

   F. Responding to requests for public assistance both in the office and during inspections.

4. Perform Level 1 Compliance Assistance and Level 2 enforcement actions in accordance with Exhibit A, Storage Tank System Compliance Assistance and Enforcement Actions, attached hereto and made a part hereof.

   A. Level 1 Compliance Assistance actions.

      (1) These actions shall include investigation and documentation of violations of Chapters 62-761 and 62-762, F.A.C., or the county's equivalent regulations, preparation of Compliance Assistance letters and related activities in accordance with the "Storage Tank System Program Violation List" (Guidance Document A) and "Level of Effort Guidance" (Guidance Document F).

      (2) An individual(s) in a position equivalent to an Environmental Specialist II level or higher shall conduct Level 1 Compliance Assistance activities. Compliance Assistance 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.

      (3) All Compliance Assistance letters shall be on Department forms, in Department format, or have Department approval.

(4) Compliance Assistance letters shall be issued through FIRST in accordance with the "FIRST User's Guide" (Guidance Document B) to ensure that the letters are posted to the OCULUS document management system.

(5) If there is any indication that Compliance Assistance actions are not being performed in accordance with "Level of Effort Guidance" (Guidance Document F); the Department Task Manager may request the submission of a Corrective Action Plan (CAP), and may recommend to the Department Contract Manager to hold invoices until such actions are being performed to the satisfaction of the Department Task Manager. The Department Task Manager shall be responsible for reviewing the CAP and notifying the Contractor if the CAP is approved or in need of revision.

B. Level 2 enforcement actions.

(1) These actions shall include initiation and completion of administrative and judicial enforcement actions as lead party; preparing, delivering, and executing enforcement documents including Warning Letters, 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.

(2) All Level 2 enforcement actions shall be conducted under the supervision of an attorney licensed to practice law in the State of Florida and employed by the Contractor.

(3) All enforcement documents shall be on Department forms, in Department format, or have Department approval unless documents are being filed as part of a legal proceeding in which case the rules of procedure for the body before which the legal proceeding is taking place shall apply.

(4) Any penalties assessed under this Exhibit shall be in accordance with "DEP Directive 923: Settlement Guidelines for Civil and Administrative Penalties" (Guidance Document I).

5. The Contractor must perform the enforcement actions specified in this Exhibit under its own ordinances. Therefore, the Contractor must have and maintain provisions adopting Chapters 62-761 and 62-762, F.A.C., or their equivalent and penalty authority equivalent to that set forth in Sections 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 the unilateral termination of this Contract by the Department.

6. The Contractor must maintain the administrative organization, staff, financial and other resources necessary to effectively administer the requirements of this Attachment. Failure to do so is a material breach of this Contract.

7. This Attachment specifically does not include actions associated with the cleanup or enforcement of Contractor-owned or operated petroleum storage systems or any discharge(s) associated with them.

8. If there is any indication that enforcement actions are not being performed or are inadequate, the Department Task Manager may request the submission of a CAP and may recommend to the Department Contract Manager to hold invoices until such actions are being performed to the satisfaction of the Department Task Manager. The Department Task Manager shall be responsible for reviewing the CAP and notifying the Contractor if the CAP is approved or in need of revision.

ASSESSMENT OF PERFORMANCE LEVELS

9. The Contractor shall perform inspections as directed in paragraph 4, above, and assess performance levels monthly to determine its progress towards completion of each Task Assignment. Upon

discovery of any problems that would delay or prevent the timely progress and completion of each Task Assignment, the Contractor shall notify the Department Task Manager.

10. Following the effective date of each Task Assignment, the Contractor must have completed the following percentage of the required routine compliance inspections unless otherwise indicated in the Task Assignment:

    A. After four (4) months, thirty three percent (33%) of inspections must have been completed.

    B. After eight (8) months, sixty six percent (66%) of inspections must have been completed.

    C. After twelve (12) months, one hundred percent (100%) of inspections must have been completed.

11. If the actual number of completed inspections falls below these levels, then the Contractor must submit a CAP to the Department Task Manager, and associated invoices will be held by the Department Contract Manager until these completion percentages are subsequently reached.

12. If there is any indication that other required inspections or activities are not being performed, the Department Task Manager may request the submission of a CAP and may recommend to the Department Contract Manager to hold invoices until such actions are being performed to the satisfaction of the Department Task Manager.

13. The Department Task Manager shall be responsible for reviewing all CAPs and notifying the Contractor if the CAP is approved or needs revision.

14. A completion rate of 100 percent is required for those activities described in Paragraph 1, above, and as set forth in each Task Assignment, unless otherwise indicated in the Task Assignment.

15. The Department shall authorize the Contractor to provide services under this Contract utilizing the Task Assignment Notification Form, attached to the Contract as Attachment C. The Contractor acknowledges that no work shall be performed until a Task Assignment authorizing work has been fully executed by the Department and the Contractor. If, during the term of an executed Task Assignment, a modification of the Task Assignment is needed, the Department may issue a new Task Assignment Form clearly marked with the original task number and the appropriate amendment number, detailing the revised description of the work to be performed. As with the original Task Assignment, all amendments to Task Assignments must be executed by both the Department and the Contractor prior to the work being performed.

SCOPE REQUIREMENTS

16. The Contractor shall administer the compliance verification program, provide technical assistance, and perform level 1 Compliance Assistance actions. Data generated from all inspections conducted under the direction of the Department shall be entered into FIRST, and completed, prior to the submittal of an invoice to the Department Contract Manager.

17. The Contractor shall comply with all provisions of this Contract, verify facility compliance with Chapter 376, F.S., and Chapters 62-761 and 62-762, and be knowledgeable of the differences between the state and federal environmental statutes and rules applicable to underground storage tanks.

18. The Contractor shall require that qualified individuals perform field inspections and that they receive training on Chapters 62-761 and 62-762, and Chapter 376, F.S.

19. The Contractor shall provide a sufficient number of qualified staff to satisfactorily complete all the responsibilities included in this Contract. All individuals hired after the effective date of this Contract shall possess qualifications equivalent to Department position levels as specified in this Contract.

20. The Contractor shall determine the accurate latitude and longitude coordinates for each regulated facility inspected using Department-approved procedures and ensure the proper entry of this data into the Department inspection database.

21. The Contractor shall review closure reports filed by facility owners, operators, or authorized representatives to ensure that the Department's “Instructions for Conducting Sampling During Aboveground Storage Tank Closure” (Guidance Document C1) and “Instructions for Conducting Sampling During Underground Storage Tank Closure” (Guidance Document C2) have been followed. In cases where these requirements have not been met, the Contractor shall initiate Level 1 Compliance Assistance actions to compel compliance. In cases where these requirements have been met and none the of Department’s cleanup target levels have been exceeded, the Contractor shall issue a Closure Report Review Letter for the system or component described in the Closure Report indicating the Closure Report meets the requirements of Chapter 62-761 and/or 62-762, F.A.C. In cases where cleanup target levels have been exceeded and it has been determined to be a new discharge, the Contractor shall prepare and send a Site Assessment Report request letter to the facility owner and operator, if appropriate. In addition, the Contractor shall provide notification to the Department Task Manager within thirty (30) days of the determination of a new discharge at a facility.

22. The Contractor shall prepare and send a Site Assessment Report request letter to the facility owner and operator, if appropriate, in cases where a new discharge has been discovered related to a regulated storage tank system, but unrelated to a closure as discussed in paragraph 13., above. In addition, the Contractor shall provide within thirty (30) days of the determination of a new discharge at a facility.

23. The Contractor shall maintain its paper files on regulated facilities that were composed prior to the FIRST database implementation, as well as documentation from the facility that may not be available in FIRST, such as closure reports. In the event a case referral to the Department District Office for further enforcement is necessary, a copy of any documents pertinent to the case that are not available in FIRST shall be submitted to the Department District Office in accordance with the “Guidelines for Case Referrals” (Guidance Document G).

24. Facility files must be kept until the site has been determined closed. Once the facility has been closed for five (5) years, the records may be sent to the Department Contract Manager in Tallahassee for preservation, unless the Contractor is subject to more stringent local record retention 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 inspection program (through this Contract or any future contracts) ceases, the Contractor shall return all original facility files to the Department Contract Manager in Tallahassee within 30 calendar days of Contract expiration or termination.

25. The Contractor shall provide attendance of at least one program staff member at scheduled meetings, conferences, and teleconferences. The Department Task Manager may authorize attendance at a location other than the District Office. The Contractor shall provide attendance of additional staff members as requested by the Department.

26. The Contractor shall ensure that all field personnel receive the health and safety training required to meet OSHA standards (an initial 24 or 40-hour course within 6 months of employment under this Contract, followed by an annual 8-hour refresher course).

27. The Contractor shall supervise the Local Compliance Program with an individual at a minimum equivalent to the Department's Environmental Specialist III personnel category.

28. The Contractor shall 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.

29. The Contractor shall maintain financial books, records, and documents directly pertinent to performance under this Contract in accordance with generally accepted accounting principles consistently applied. All books, records, and documents pertinent to performance under this Contract shall be maintained for the entire term of this Contract and for five years following the expiration or termination of this Contract. The Department, the State, or their authorized representatives shall have access to such records for audit purposes during the entire term of this Contract and for five years following the expiration or termination of this Contract. A penalty of 8.3% of the current Task Assignment amount will be assessed for each year that shows insufficient record keeping.

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32. Guidance Documents. The Contractor agrees that the services required under this Contract shall be performed in accordance with the guidance documents listed below and in accordance with the provisions of this Contract. The Guidance Documents are available online. To access the Guidance Documents please follow the link: http://www.dep.state.fl.us/waste/categories/tanks/pages/compliance.htm.

    The Contractor hereby acknowledges receipt of the following guidance documents:

    A. Guidance Document A -- Storage Tank System Program Violation List.
    B. Guidance Document B -- Florida Inspection Reporting for Storage Tanks (FIRST) User Requirements. Please visit the following website to download: http://www.dep.state.fl.us/waste/categories/tanks/pages/first_users_guide.htm
    C. Guidance Document C1 -- Instructions for Conducting Sampling During Aboveground Storage Tank Closure
       Guidance Document C2 -- Instructions for Conducting Sampling During Underground Storage Tank Closure
    D. Guidance Document D1 -- Compliance Verification Program Local Program Review Form
       Guidance Document D2 -- Contractual Review Form
    E. Guidance Document E -- Contractual Services Invoice
    F. Guidance Document F -- Level of Effort Guidance
    G. Guidance Document G -- Guidelines for Case Referrals
    H. Guidance Document H -- Contractual Service Payment Calculation
    I. Guidance Document I -- DEP Directive 923 Settlement Guidelines for Civil and Administrative Penalties

33. The Contractor shall provide a written response within forty-five (45) days to the Program Review findings conducted in accordance with paragraph 38, below, and at a minimum, provide details on any corrective actions that will be implemented.

34. The Contractor shall submit a satisfactory Corrective Action Plan to the Department Task Manager upon notification of a score below seventy-five (75) on the Program Review within fourteen (14) calendar days of notification of the score. Because a score below seventy-five (75) reflects an

unacceptable level of performance, if the Contractor receives a score below seventy-five (75) may result in contract termination.

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36. The Department shall 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 Chapters 62-761 and 62-762, F.A.C., as required by this Contract.

37. The Department shall review completed inspection reports when and as deemed necessary.

38. The Department shall provide program and regulatory guidance for the Contractor. The Department shall provide training in new technology and program management changes as necessary.

39. The Department shall conduct enforcement activities for violations of Chapters 62-761 and 62-762, F.A.C., when case referrals are properly made and forwarded to the District Office in accordance with the "Guidelines for Case Referrals" (Guidance Document G).

40. The Department shall provide information to the Contractor about Department registered storage tank system equipment and alternate procedures (waivers, variances, or registrations).

41. At least once annually, the Department shall perform a Program Review using the "Compliance Verification Program Local Program Review Form" (Guidance Document D), and provide a copy of the Program Review findings to the Contractor upon completion of the Program Review. The Department may conduct inspections, including accompanied inspections and follow-up inspections, at any reasonable time. In addition, the Department may also conduct facility file reviews through FIRST at any time. The Department Task Manager may perform additional program reviews, as deemed necessary, to insure the required performance of the Contractor. The Department Task Manager may forgo a Program Review for the next Task Assignment for a Contractor that receives a score of 95 or greater on the Program Review during the current Task Assignment.

PAYMENTS

42. The Contractor shall submit invoices on a monthly basis. Each invoice shall be submitted using the "Contractual Services Invoice" (Guidance Document E). Each invoice is due no later than the 15th day of the month following the month of services. The invoice shall be submitted electronically to the Department Contract Manager at STR_Invoices@dep.state.fl.us and copied to the Department Task Manager. Reimbursement requests for the purchase of non-expendable equipment costing $1,000 or more must include copies of invoices or receipts to document the charges.

REPORTS AND DELIVERABLES

43. Prior to the submittal of each month's invoice to the Department Contract Manager, the Contractor shall complete and submit electronically the "Payment Calculation Sheet" (Guidance Document H) for the month to the Department Task Manager no later than the 10th day of the month following the month of services. The Department Task Manager shall review the monthly Payment Calculation Sheet for accuracy and completeness and shall return the approved Payment Calculation Sheet to the Contractor for submittal with the monthly invoice to the Department Contract Manager in Tallahassee, Florida for processing. If the Contractor fails to perform as directed by the terms of this

Contract, the Department shall return the unpaid invoice to the Contractor documenting the areas in which the Contractor has failed to meet its contractual obligations.

MANAGEMENT

45. The Department Contract Manager is Roger Ruiz, Phone (850) 245-8854. The Contractor's Contract Manager is Robert Robbins, Phone (561) 233-2454. Each Task Assignment will identify the Department Task Manager and the Contractor's Task Manager. All matters relating to a specific Task Assignment shall be directed to the Department Task Manager for appropriate action or disposition. All matters relating to this Contract shall be directed to the Department Contract Manager**.**

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Attachment C

Florida Department of Environmental Protection Task Assignment Notification Form for PALM BEACH COUNTY

Contract No. GC913 Task No. xx Amendment No. ___ Date xxx

Performance Period: Effective the date of execution of this Task Assignment or July 1, 2017, whichever is later, and shall remain in effect until June 30, 2018.

Description: (Additional Pages May Be Utilized)

The Contractor shall complete the following services in accordance with the requirements in DEP Contract No. GC913

- Conduct routine compliance inspections at the xx facilities storage tank systems within Palm Beach County, identified in Exhibit #1, by May 31,2xxx.
- Perform all re-inspections per Guidance Document A to confirm compliance within Palm Beach County. Comply with the **Revised Invoice Procedure** (Page 2)
- Utilize the new **Contractual Services Invoice Form** for all monthly invoices (Guidance Document E)
- Compensation will only occur for routine annual compliance inspections conducted at the facilities explicitly identified in the revised **Payment Calculation Sheet** (Guidance Document H)

The Contractor must perform all Enforcement Actions in accordance with Guidance Document F (Level of Effort). Guidance Document F available online at: http://www.dep.state.fl.us/waste/categories/tanks/pages/compliance.htm.

All Guidance documents referenced in the Contract's Scope of Work are available online at: http://www.dep.state.fl.us/waste/categories/tanks/pages/compliance.htm.

Order of Inspection and Substitutions of facilities on Exhibit #1:

Contractor is to conduct routine inspection in order provided in Exhibit #1. Substitutions of facilities are authorized with sites listed on the substitution list on Exhibit #1. The Contractor wishing to substitute a facility shall email department at STR_Invoices@dep.state.fl.us stating the facility and reason for the substitution. The Department will notify via email authorizing the substitution. Copies of authorizations shall be retained by the Contractor for the remainder of the Contract.

Performance Criteria:

1. **Number of days to return to compliance for facilities receiving routine inspections**

2. **Percent of facilities returned to compliance for facilities receiving routine inspections**

FDEP will determine levels of performance based on routine inspections completed before May 1, 2xxx. This will allow for the sixty day return to compliance rate to be determined before July 1, 2xxx.

Payment schedule: Compensation will occur on a monthly basis, per the fee schedule listed in Exhibit #2. Invoices are due no later than the 15th day of the month proceeding work activity. The Contractor must submit a signed 'Contractual Services Invoice' noting the quantity and location of inspections.

Retainage reimbursement criteria for the amount retained per Paragraph 21 of the Contract:

- Half (50%) of the amount retained will be returned to Contractor having an average return to compliance in less than 45 days for facilities receiving routine inspections.
- Half (50%) of the amount retained will be returned to Contractor having an average return to compliance rate of 95% or higher for facilities receiving routine inspections.
- Forty percent (40%) of the amount retained will be returned to Contractor having an average return to compliance rate between 45 and 60 days for facilities receiving routine inspections.
- Forty percent (40%) of the amount retained will be returned to Contractor having an average return to compliance rate of between 90% and up to 95% for facilities receiving routine inspections.
- Thirty percent (30%) of the amount retained will be returned to Contractor having an average return to compliance rate between 61 days and 75 days for facilities receiving routine inspections.
- Thirty percent (30%) of the amount retained will be returned to Contractor having an average return to compliance rate of between 85% and up to 90% for facilities receiving routine inspections.
- Twenty percent (20%) of the amount retained will be returned to Contractor having an average return to compliance rate between 76 days and 90 days for facilities receiving routine inspections.
- Twenty percent (20%) of the amount retained will be returned to Contractor having an average return to compliance rate of between 80% and up to 85% for facilities receiving routine inspections.
- NO retainage will be returned to Contractor having either: more than ninety (90) days as average time to return to compliance for facilities receiving routine inspections; or having an average of less than 80% of facilities receiving routine inspections returned to compliance.

Invoice Procedure

Review of Inspections: The Payment Calculation Sheet shall be submitted by the Contractor to the appropriate DEP District Office. The District will review in Florida Inspection Reporting of Storage Tanks (FIRST) each variable inspection listed on the Payment Calculation Sheet to ensure that the inspection is correctly invoiced. The District will ensure that each routine compliance inspection on the Payment Calculation Sheet is also listed on the task assignment facilities list. Upon completion of the review, the District shall report via email to the Permitting and Compliance Assistance Program's Contract Manager and the Contractor that the review of the inspections has been completed and of any known contractual obligations that have not been met.

Invoice Submission: All invoices with verified and approved Payment Calculation Sheet by the appropriate DEP District Office will be directly submitted by the Contractor to the Permitting and Compliance Assistance Program's Contract Manager by the 15th of each month. Submission of invoice shall be via email to: STR_Invoices@dep.state.fl.us. The email shall consist of a single PDF package. The order of documents in the complete PDF package shall be as follows:

1) Contractual Services Invoice
2) Verified Payment Calculation Sheet (please make sure the month of services rendered appears below the "Invoice Period")
3) FIRST Report (Compliance and Activity by Date Range)
4) Tracking Form (Monthly percentage of Routine Inspections Completed)

Florida Department of Environmental Protection

TASK ASSIGNMENT FORM

Required Signatures: **Adobe Signature**

FDEP Contract No:	Task Assignment No:	Date:	DEP Task Manager:
Project:			
Contractor Name:			
Contractor Representative:		Phone:	Email:
FDEP Contract Manager:		Phone:	Email:
Task Description:			
Deliverables:			
Performance Measures:			
Financial Consequences:			

Florida Department of Environmental Protection

TASK ASSIGNMENT FORM

Schedule:

Start Date:	Completion Date:
Fixed Price Cost:	Cost Reimbursement not to exceed:
Total Task Value:	

Signatures and Date:

1._____ _____ _____
Task Manager, FDEP Signature Date

2._____ _____ _____
Contract Manager, FDEP Signature Date

3. _____ _____ _____
Budget Representative, FDEP Signature Date

4. _____ _____ _____
Contractor, Contract Manager Signature Date

5. _____ _____ _____
Contract Authority, FDEP Signature Date

Encumbrance Information:

Budget Entity	Project #	Grant #	Org Code	Category & Year	Fund	Special Category	Object Code	EO	Amount
								Total:	0

Florida Department of Environmental Protection

TASK ASSIGNMENT CHANGE ORDER FORM

Required Signatures: **Adobe Signature**

Task Assignment Number: _____ Date: _____ Change Order No._____

Contractor Name: _____

Contractor Representative: _____

DEP Contract Manager:_____

Description of Change (Use additional sheets if necessary):

Change in Task Amount

Item	Cost Reimbursement	Fee Schedule	Total
Original Task Amount:			
Task amount prior to this change order:			
Net increase/decrease in task amount:			
Task amount with all change orders:			

Change in Task Time

Original task completion date:	
Completion date prior to this change:	
Net increase/decrease in task period:	
Completion date with all change orders:	

Florida Department of Environmental Protection

TASK ASSIGNMENT CHANGE ORDER FORM

Change in Funding Information

Org. Code	E.O.	Object Code	Budget Entity	Special Category	Grant #	Year	Amount

CONTRACTOR

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

_____ _____ _____ _____

Contract Manager Date Contract Manager Date

APPROVED:

_____ _____

Budget Representative Date

_____ _____

Contractual Authority Date

cc: Procurement Section (MS93)
Bureau of Finance & Accounting (MS78) - 2 copies

ATTACHMENT E
CONTRACTOR AFFIDAVIT / RELEASE OF CLAIMS FORM

This affidavit must be completed and signed by the Contractor when requesting final payment for a Florida Department of Environmental Protection (Department) authorized Task Assignment. The signature of the Contractor shall be notarized as set forth below. Final payment for a Task Assignment will not be released until this form is accepted by the Department.

The undersigned certifies as follows:

1. I, _____ am the _____ of
(name of person appearing) (title of person appearing)

_____ with the authority to
(name of Contractor)

make this statement on behalf;

2. _____ ("the Contractor") entered into an
(name of company or person)

Agreement with the Department to perform certain work under Task Assignment No. _____.

3. Contractor has completed the work in accordance with the aforementioned Work Assignment, including all attachments. Thereto.

4. All subcontractors have been paid in full.

5. Upon receipt by Contractor from Department of final payment under the aforementioned Work Assignment, Contractor releases Department from any and all claims of Contractor and any of its subcontractors and vendors that may arise under, or by virtue of, the Task Assignment, except those claims that may be specifically exempt and set forth under the terms of this Contract. Exemptions claimed must be attached to this affidavit and reference the Task Assignment number. Any exemptions not attached are waived.

_____
(signature of authorized Contractor representative)

---------- Notarization of Signature of Contractor (required) ----------

State of _____ County of _____

Sworn to and subscribed before me by _____ this _____ day of _____, 20____.

☐ Personally known

☐ Produced Identification. Type of ID: _____

_____ My Commission Expires: _____
(Notary's Signature)

Notary Public, State of _____ Commission Number (if applicable) _____

(Approved Template 05/10/16)

GUIDANCE DOCUMENT A - VIOLATION LIST

Viol #	UST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
1001	400(1)(a)-(b)	REGISTRATION	SYSTEMS NOT REGISTERED	N	R	$500 failure to comply with any other departmental regulatory statute $1000 failure to submit required notification to the department $2000 - depositing motor fuel into an unregistered storage tank system	403.121(5) 403.121(4)(e) 403.121(3)(g)	1	400(1)-(2)
1002	400(2)(a)-(e)	REGISTRATION	REGISTRATION FEES NOT PAID	N	R	$500 failure to comply with any other departmental regulatory statute $1000 failure to submit required notification to the department $2000 - depositing motor fuel into an unregistered storage tank system	403.121(5) 403.121(4)(e) 403.121(3)(g)	1	400(1)-(2)
1003	400(2)(f)	REGISTRATION	REGISTRATION PLACARD IS NOT DISPLAYED IN PLAIN VIEW	N	R	$500 failure to prepare, submit, maintain, or use required documentation	403.121(4)(f)	2	400(2)(a)6
1004	400(3)	FINANCIAL RESPONSIBILITY	NO FINANCIAL RESPONSIBILITY	B	R	$5000 failure to satisfy financial responsibility requirements	403.121(4)(a)	3	400(3)
1005	450(1)(a)1	NOTIFICATION & REPORTING	30 DAY NOTIFICATION BEFORE INSTALLATION OR UPGRADE NOT SUBMITTED	N	N	$1000 failure to submit required notification to the department	403.121(4)(e)	4	450(1)(a)1
1006	450(1)(a)2	NOTIFICATION & REPORTING	10 DAY NOTIFICATION BEFORE UST INTERNAL INSPECTION, CHANGE IN SERVICE STATUS, CLOSURE, OR CLOSURE ASSESSMENT NOT SUBMITTED	N	N	$1000 failure to submit required notification to the department	403.121(4)(e)	5	450(1)(a)2
1007	450(1)(a)3	NOTIFICATION & REPORTING	48 HOUR NOTIFICATION BEFORE INSTALLATION/CLOSURE ACTIVITY, UST INTERNAL INSPECTION, CHANGE IN SERVICE STATUS, AND TIGHTNESS TESTS NOT SUBMITTED	N	N	$1000 failure to submit required notification to the department	403.121(4)(e)	6	450(1)(a)3
1008	450(1)(a)4	NOTIFICATION & REPORTING	EMERGENCY OUT-OF-SERVICE NOTIFICATION BEFORE NEXT BUSINESS DAY NOT SUBMITTED	N	N	$1000 failure to submit required notification to the department	403.121(4)(e)	7	450(1)(a)4
1009	450(1)(b)	NOTIFICATION & REPORTING	REGISTRATION UPDATE AFTER CHANGE OF OWNERSHIP, CLOSURE/UPGRADE, OR CHANGE IN FINANCIAL RESPONSIBILITY NOT SUBMITTED WITHIN 30 DAYS	N	N	$1000 failure to submit required notification to the department	403.121(4)(e)	8	450(1)b
1010	450(2)	NOTIFICATION & REPORTING	INCIDENT NOT REPORTED WITHIN 24 HOURS OR BY NEXT BUSINESS DAY	N	N	$1000 failure to submit required notification to the department	403.121(4)(e)	9	450(2)(a)
1011	450(3)(a)	NOTIFICATION & REPORTING	DISCHARGE NOT REPORTED WITHIN 24 HOURS OR BY NEXT BUSINESS DAY	B	N	$1000 failure to submit required notification to the department	403.121(4)(e)	10	450(3)(a)
1012	450(3)(b)	NOTIFICATION & REPORTING	COPY OF ANALYTICAL OR FIELD TEST RESULTS CONFIRMING DISCHARGE NOT SUBMITTED WITH DRF	N	R	$500 failure to prepare, submit, maintain, or use required reports or other required documentation	403.121(4)(f)	11	450(3)(b)
1013	500(1)(a)	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	SITING REQUIREMENTS NOT MET	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	12	500(1)(a)
1014	500(1)(b)	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	IMPERVIOUS SPILL CONTAINMENT NOT INSTALLED OR DOES NOT MEET STANDARDS	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	14	500(1)(c)
1015	500(1)(c)	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	DISPENSING SYSTEMS DO NOT MEET STANDARDS	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	15	500(1)(d)
1016	500(1)(d)1-2	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	SECONDARY CONTAINMENT/LINERS DOES NOT MEET GENERAL STANDARDS	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	16	500(1)(e)1,2
1017	500(1)(d)3	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	CONCRETE SECONDARY CONTAINMENT DOES NOT MEET STANDARDS	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	17	500(1)(e)3
1018	500(1)(e)2	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	CATHODIC PROTECTION TEST STATION/METHOD AND OPERATION DOES NOT MEET REQUIREMENTS	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	23	500(1)(f)2
1019	500(1)(e)4	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	SECONDARY CONTAINMENT NOT PROPERLY DESIGNED OR CONSTRUCTED FOR RELEASE DETECTION, BREECH OF INTEGRITY, OR CATHODIC PROTECTION	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	18	500(1)(e)4
1020	500(1)(e)5	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	FAILURE TO ALLOW FOR/PERFORM A BREACH OF INTEGRITY TEST	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	19	500(1)(e)5
1021	500(1)(e)6	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	FAILURE TO PROVIDE A MONITORING POINT FOR SECONDARY CONTAINMENT	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	20	500(1)(e)6

Viol #	UST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
1022	500(1)(e)7	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	HYDRANT PIT SECONDARY CONTAINMENT DOES NOT MEET STANDARDS	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	21	500(1)(e)7
1023	500(1)(f)	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	UNDERGROUND TANK RELOCATION REQUIREMENTS NOT MET	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	24	500(1)(g)
1024	500(1)(h)	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	REUSED TANKS NOT PROPERLY CERTIFIED	N	R	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	26	500(1)l
1025	500(2)(a)	CATEGORY C SYSTEMS - UST SYSTEMS	NOT INSTALLED ACCORDING TO MANUFACTURER'S INSTRUCTIONS	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	27	500(2)(a)1
1026	500(2)(b)	CATEGORY C SYSTEMS - UST SYSTEMS	INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA 30; NFPA 30A; API 1615; PEI 100	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	28	500(2)(a)2
1027	500(2)(c)	CATEGORY C SYSTEMS - UST SYSTEMS	WORK NOT PERFORMED BY A CERTIFIED CONTRACTOR	N	R	$2000 failure to properly install a storage tank system	403.121(3)(g)	29	500(2)(a)3
1028	500(2)(d)	CATEGORY C SYSTEMS - UST SYSTEMS	TANK AND INTEGRAL PIPING NOT TESTED PROPERLY (TIGHTNESS OR APPROVED TEST METHOD)	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	30	500(2)(a)4
1029	500(3)	CATEGORY C SYSTEMS - UST SYSTEMS	TANK NOT CONSTRUCTED TO STANDARDS, OR APPROVED PER 62-761.850(2)	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	31	500(2)(b)
1030	500(4)	CATEGORY C SYSTEMS - UST SYSTEMS	NOT INSTALLED WITH SECONDARY CONTAINMENT	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	32	500(2)(c)
1031	500(5)	CATEGORY C SYSTEMS - UST SYSTEMS	UST NOT PROVIDED WITH OVERFILL PROTECTION	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	33	500(2)(d)
1032	500(5)(a)	CATEGORY C SYSTEMS - UST SYSTEMS	FILLBOX COVERS NOT MARKED ACCORDING TO API RP 1637, OR EQUIVALENT METHOD	N	I	$500 failure to comply with other departmental requirement	403.121(5)	34	500(2)(d)1
1033	500(5)(b)	CATEGORY C SYSTEMS - UST SYSTEMS	FAILURE TO PROVIDE OVERFILL THAT SHUTS OFF/RESTRICTS FLOW OR TRIGGERS ALARM	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	35	500(2)(d)2
1034	500(6)	CATEGORY C SYSTEMS - UST SYSTEMS	DISPENSER LINERS NOT INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	36	500(2)(e)
1035	500(7)	CATEGORY C SYSTEMS - UST SYSTEMS	PIPING SUMPS NOT INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	38	500(2)(f)
1036	500(8)(a)1,2	CATEGORY C SYSTEMS - INTEGRAL PIPING	NOT INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA30, 30A, ASME B31.4, AND MANUFACTURER'S INSTRUCTIONS	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	57	500(4)(a)1,2
1037	500(8)(a)3	CATEGORY C SYSTEMS - INTEGRAL PIPING	BULK PRODUCT UST PIPING NOT APPROPRIATELY TESTED BEFORE PLACED IN SERVICE	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	58	500(4)(a)3
1038	500(8)(a)4	CATEGORY C SYSTEMS - INTEGRAL PIPING	NEW PIPING NOT IN CONTACT WITH SOIL NOT INSTALLED TO STANDARDS	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)		500(4)(a)4
1039	500(8)(b)	CATEGORY C SYSTEMS - INTEGRAL PIPING	PIPING NOT MEETING REFERENCE STANDARDS AND / OR APPROVED PER 62-761.850(2)	B	R	$2000 failure to properly install a storage tank system	403.121(3)(g)	59	500(4)(b)
1040	500(8)(c)1	CATEGORY C SYSTEMS - INTEGRAL PIPING	SMALL DIAMETER PIPING PRESSURIZED: SHEAR, EMERGENCY SHUTOFF VALVES NOT PROPERLY INSTALLED	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	60	500(4)(c)1
1041	500(8)(c)2	CATEGORY C SYSTEMS - INTEGRAL PIPING	SMALL DIAMETER PIPING WITH GRAVITY-HEAD: ISOLATION VALVES NOT PROPERLY INSTALLED AND NOT MEETING NFPA 30A SECTION 2-1.7	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	61	500(4)(c)2
1042	500(8)(d)	CATEGORY C SYSTEMS - INTEGRAL PIPING	BULK PRODUCT PIPING NOT INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA 30, 30A, ASME B31.4	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	62	500(4)(d)
1043	500(8)(e)1	CATEGORY C SYSTEMS - INTEGRAL PIPING	PIPING IN SOIL OR OVER WATER DOES NOT HAVE SECONDARY CONTAINMENT	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	63	500(4)(e)1
1044	500(8)(e)2,3	CATEGORY C SYSTEMS - INTEGRAL PIPING	BULK PRODUCT AND REMOTE FILL PIPING IN SOIL DOES NOT HAVE SECONDARY CONTAINMENT	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	64	500(4)(e)2,3

Viol #	UST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
1045	501(1)(f)1	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	CATHODIC PROTECTION TEST STATION/MONITORING METHOD NOT DESIGNED AND INSTALLED PROPERLY	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	22	500(1)(f)1& 3
1046	501(1)(f)3	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	CATHODIC PROTECTION NOT DESIGNED BY CORROSION PROFESSIONAL	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	22	500(1)(f)1& 3
1047	510(1)(b)1	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	SHEAR OR EMERGENCY SHUTOFF VALVES NOT INSTALLED BY 12/31/1998	B	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	65	510(1)(b)1
1048	510(1)(b)2	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	NO CATHODIC PROTECTION TEST STATION METHOD BY 12/31/1998	N	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	66	510(1)(b)2
1049	510(1)(b)3	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	FILL BOXES COLOR-NOT CODED BY 12/31/1998	N	I	$500 failure to comply with other departmental requirement	403.121(5)	67	510(1)(b)3
1050	510(1)(b)4	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	AST'S REINSTALLED AS UST'S NOT MEETING RULE BY 12/31/1998	N	R	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	68	510(1)(b)4
1051	510(1)(c)	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	NO CLOSURE ASSESSMENT PRIOR TO TANK SYSTEM COMPONENT UPGRADE	B	R	$2000 failure to conduct required monitoring or testing	403.121(4)(d)	69	510(1)(c)
1052	510(1)(d)	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	NO VALVES MEETING NFPA 30A STANDARDS INSTALLED FOR PIPING SYSTEMS WITH GRAVITY HEAD	N	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	70	510(1)(d)
1053	510(1)(e)	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	NO SECONDARY CONTAINMENT FOR PIPE OVER WATER BY 12/31/2004	B	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	71	510(1)(e)
1054	510(3)(a)	CATEGORY A/B SYSTEMS - UST SYSTEMS	CATEGORY B USTS NOT INSTALLED WITH SECONDARY CONTAINMENT	A	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	73	510(2)(b)1
1055	510(3)(b)	CATEGORY A/B SYSTEMS - UST SYSTEMS	HAZARDOUS SUBSTANCE USTS INSTALLED AFTER 1/1/1991 DOES NOT HAVE SECONDARY CONTAINMENT	A	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	74	510(2)(b)2
1056	510(4)	CATEGORY A/B SYSTEMS - UST SYSTEMS	PIPING NOT INSTALLED WITH SECONDARY CONTAINMENT AFTER 12/31/1990	A	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	75	510(2)(c)
1057	510(5)	CATEGORY A/B SYSTEMS - UST SYSTEMS	ALL SYSTEMS NOT MEETING REQUIREMENTS OF TABLE UST	A	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	76	510(2)(d)
1058	600(1)(a)1	RELEASE DETECTION - GENERAL	CANNOT DETECT A NEW RELEASE FROM ANY PORTION OF THE SYSTEM	N	I	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	81	600(1)(a)1
1059	600(1)(a)2	RELEASE DETECTION - GENERAL	NOT INSTALLED, CALIBRATED, OPERATED PER MANUFACTURER'S SPECIFICATIONS	N	I	$1000 failure to properly operate or maintain storage tank system $2000 - failure to properly install a storage tank system	403.121(3)(g)	82	600(1)(a)2
1060	600(1)(a)3	RELEASE DETECTION - GENERAL	NOT MEETING PERFORMANCE STANDARDS; NOR ALL MANUFACTURER'S CLAIMS RETAINED	N	R	$500 failure to submit or maintain required documentation $2000 failure to maintain required release detection	403.121(4)(f) 403.121(3)(g)	83	600(1)(a)3
1061	600(1)(c)	RELEASE DETECTION - GENERAL	RELEASE DETECTION METHOD NOT PROVIDED UPON INSTALLATION	N	R	$2000 failure to properly install a storage tank system	403.121(3)(g)	85	600(1)(c)
1062	600(1)(d)	RELEASE DETECTION - GENERAL	RELEASE DETECTION NOT PERFORMED AT LEAST ONCE A MONTH	B	R	$2000 failure to conduct required release detection	403.121(3)(g)	86	600(1)(d)
1063	600(1)(e)	RELEASE DETECTION - GENERAL	CONTINUOUS ELECTRONIC LEAK DETECTION NOT INSPECTED MONTHLY	N	R	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	87	600(1)(e)
1064	600(1)(f)	RELEASE DETECTION - GENERAL	SITE SUITABILITY DETERMINATION NOT PERFORMED BY 12/31/1998	B	R	$2000 failure to maintain required release detection	403.121(3)(g)	88	600(1)(f)
1065	600(1)(g)	RELEASE DETECTION - GENERAL	VAPOR MONITORING PLANS NOT IN PLACE BY 12/31/1998	B	R	$2000 failure to maintain required release detection	403.121(3)(g)	89	600(1)(g)
1066	600(1)(h)	RELEASE DETECTION - GENERAL	NO INTERSTITIAL MONITORING FOR SECONDARY CONTAINMENT	B	I	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	90	600(1)(h)
1067	600(1)(i)	RELEASE DETECTION - GENERAL	LINE LEAK DETECTOR NOT PROVIDED FOR PRESSURIZED PIPING	B	I	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	91	600(1)(i)

Viol #	UST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
1068	600(1)(j)	RELEASE DETECTION - GENERAL	STORAGE TANK SYSTEM WITHOUT RELEASE DETECTION BY DUE DATE NOT PERMANENTLY CLOSED	B	I	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	91	600(1)(i)
1069	600(1)(k)	RELEASE DETECTION - GENERAL	MONITORING WELLS NO LONGER USED FOR RELEASE DETECTION NOT CLOSED	N	I	$500 failure to comply with other departmental requirement	403.121(5)	92	600(1)(k)
1070	600(2)	RELEASE DETECTION - UST SYSTEMS	RELEASE DETECTION NOT PROVIDED ACCORDING TO TABLE RD	A	I	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	93	600(2)(a)
1071	600(3)	RELEASE DETECTION - UST SYSTEMS	GROUNDWATER MONITORING PLANS OR SPCC PLANS BEFORE 12/22/90 DO NOT MEET 62-761.640(1)(A)	N	R	$2000 failure to maintain required release detection	403.121(3)(g)	94	600(2)(b)
1072	600(5)	RELEASE DETECTION - UST SYSTEMS	MONITORING WELLS NOT MEETING 62-761.640(2) BY 12/31/1998	N	R	$2000 failure to maintain required release detection	403.121(3)(g)	95	600(2)(d)
1073	610(1)(a)	RELEASE DETECTION - GENERAL	CATEGORIES A & B NO RELEASE DETECTION, AND RD NOT MEETING STANDARDS	B	I	$2000 failure to maintain required release detection	403.121(3)(g)	103	610(1)(a)
1074	610(1)(b)	RELEASE DETECTION - GENERAL	CATEGORY C RELEASE DETECTION IS NOT: INTERSTITIAL MONITORING FOR SECONDARY-CONTAINED TANKS, ALL PIPING; LINE LEAK DETECTOR FOR PRESSURIZED PIPING; CONTINUOUS INTERSTITIAL MONITORING WITH PUMP SHUTOFF FOR SECONDARY-CONTAINED PRESSURIZED PIPING.	A	I	$2000 failure to maintain required release detection	403.121(3)(g)	104	610(1)(b)
1075	610(2)	RELEASE DETECTION - UST SYSTEMS	CATEGORY A & B SYSTEMS DO NOT HAVE RELEASE DETECTION METHOD	A	I	$2000 failure to maintain required release detection	403.121(3)(g)	106	610(2)
1076	610(3)(a)1	RELEASE DETECTION - SMALL DIAMETER PIPING	SINGLE WALLED SUCTION PIPING DOES NOT HAVE ANNUAL LINE TEST OR 62-761.640(2) METHOD	B	N	$2000 failure to conduct required release detection	403.121(3)(g)	109	610(4)(a)1
1077	610(3)(a)2	RELEASE DETECTION - SMALL DIAMETER PIPING	SINGLE WALLED PRESSURIZED PIPING DOES NOT HAVE MECHANICAL LEAK DETECTORS / ANNUAL TIGHTNESS TEST, OR ELECTRONIC LEAK DETECTOR	B	I	$2000 failure to maintain required release detection	403.121(3)(g)	110	610(4)(a)2
1078	610(3)(b)	RELEASE DETECTION - SMALL DIAMETER PIPING	ABOVEGROUND PIPING NOT VISUALLY INSPECTED	B	N	$2000 failure to conduct required release detection	403.121(3)(g)	111	610(4)(b)
1079	610(3)(c)	RELEASE DETECTION - SMALL DIAMETER PIPING	SECONDARY-CONTAINED PIPING IN CONTACT WITH SOIL DOES NOT HAVE: INTERSTITIAL MONITORING, LINE LEAK DETECTOR IF APPLICABLE, AND A BREACH OF INTEGRITY TESTING METHOD	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	112	610(4)(c)
1080	640(1)(a)	RELEASE DETECTION - GENERAL	DEVICE DOES NOT MEET GENERAL STANDARDS; CANNOT DETECT 0.2 GAL/HR OR 150 GALLON RELEASE WITHIN 30 DAYS, WITH 0.95 DETECTION PROBABILITY AND 0.05 FALSE ALARM PROBABILITY	N	R	$2000 failure to maintain required release detection	403.121(3)(g)	116	640(1)(a)
1081	640(1)(b)	RELEASE DETECTION - GENERAL	RELEASE DETECTION METHOD HAS NO DEP EQUIPMENT APPROVAL IN ACCORDANCE WITH 62-761.850(2)	N	R	$500 failure to prepare, submit, maintain, or use required documentation	403.121(4)(f)	117	640(1)(b)
1082	640(1)(c)	RELEASE DETECTION - GENERAL	NO RELEASE DETECTION RESPONSE LEVEL DESCRIBED IN WRITING	N	R	$500 failure to prepare, submit, maintain, or use required documentation	403.121(4)(f)	118	640(1)(c)
1083	640(2)(a)	RELEASE DETECTION - EXTERNAL	MONITORING WELL CONSTRUCTION STANDARDS NOT MET	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	119	640(2)(a)
1084	640(2)(c)2	RELEASE DETECTION - EXTERNAL	FREE PRODUCT OR SHEEN PRESENT IN WELLS	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	120	640(2)(c)2
1085	640(2)(c)3	RELEASE DETECTION - EXTERNAL	ANOTHER METHOD NOT USED WHEN < 1' OF WATER IN WELL OR WATER ABOVE SLOTS	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	121	640(2)(c)3
1086	640(2)(c)4	RELEASE DETECTION - EXTERNAL	MONITORING WELL RECORDS DO NOT MEET RECORDING REQUIREMENTS	N	R	$500 failure to prepare, submit, maintain, or use required documentation	403.121(4)(f)	122	640(2)(c)4

Viol #	UST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
1087	640(2)(d)2	RELEASE DETECTION - EXTERNAL	VAPOR MONITORING WELLS RENDERED INOPERATIVE	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	123	640(2)(d)2
1088	640(2)(d)3	RELEASE DETECTION - EXTERNAL	RELEASE DETECTION EQUIPMENT CANNOT DETECT APPROPRIATE CONTAMINANT LEVELS IN PARTS PER MILLION UNITS (PPM)	N	R	$2000 failure to maintain required release detection	403.121(3)(g)	124	640(2)(d)3
1089	640(2)(d)4	RELEASE DETECTION - EXTERNAL	VAPOR MONITORING USED WHERE EXISTING CONTAMINATION INTERFERES	N	R	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	125	640(2)(d)4
1090	640(2)(d)5	RELEASE DETECTION - EXTERNAL	VAPOR MONITORING PLAN NOT DEVELOPED AND IMPLEMENTED ACCORDING TO GUIDELINES	N	N	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	126	640(2)(d)5
1091	640(2)(e)	RELEASE DETECTION - EXTERNAL	PROBLEMS FOUND DURING VISUAL INSPECTIONS NOT NOTED	N	I	$500 failure to prepare, submit, maintain required documentation	403.121(4)(f)	127	640(2)(e)
1092	640(3)(a)1	RELEASE DETECTION - INTERNAL	INTERSTITIAL MONITORING OF SECONDARY-CONTAINED SYSTEMS WITH NON-APPROVED METHOD	N	R	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	128	640(3)(a)1
1093	640(3)(a)3	RELEASE DETECTION - INTERNAL	DOES NOT MEET VACUUM MONITORING REQUIREMENTS	N	R	$2000 failure to maintain required release detection	403.121(3)(g)	130	640(3)(a)3
1094	640(3)(a)4	RELEASE DETECTION - INTERNAL	DOES NOT MEET INTERSTITIAL MONITORING REQUIREMENTS FOR LINER SYSTEMS	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	131	640(3)(a)4
1095	640(3)(b)	RELEASE DETECTION - INTERNAL	INVENTORY CONTROL NOT MAINTAINED FOR SINGLE-WALLED VEHICULAR SYSTEMS	N	R	$2000 failure to conduct required release detection	403.121(3)(g)	132	640(3)(b)
1096	640(3)(b)3	RELEASE DETECTION - INTERNAL	WATER FLUCTUATIONS > 1.0" NOT INVESTIGATED, SYSTEM NOT TESTED	N	I	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	133	640(3)(b)3
1097	640(3)(b)4	RELEASE DETECTION - INTERNAL	INVENTORY CONTROL PERFORMED FOR SYSTEMS >30,000 GALLONS	N	R	$2000 failure to conduct required release detection	403.121(3)(g)	134	640(3)(b)4
1098	640(3)(c)	RELEASE DETECTION - INTERNAL	MANUAL TANK GAUGING DOES NOT MEET REQUIREMENTS	N	R	$2000 failure to maintain required release detection	403.121(3)(g)	135	640(3)(c)1
1099	640(3)(d)	RELEASE DETECTION - INTERNAL	ATG SYSTEM NOT IN TEST MODE EVERY 30 DAYS NOR OPERATED CONTINUOUSLY	N	R	$2000 failure to conduct required release detection	403.121(3)(g)	136	640(3)(c)2
1100	640(3)(e)	RELEASE DETECTION - INTERNAL	MONTHLY SIR ANALYSES NOT PROVIDING: LEAK THRESHOLD, MINIMUM DETECTABLE LEAK RATE, CALCULATED LEAK RATE, AND A RESULT DETERMINATION	N	R	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	137	640(3)(c)3
1101	640(3)(e)9	RELEASE DETECTION - INTERNAL	MONTHLY SIR EVALUATIONS NOT RECORDED ON FORM 900(7) OR EQUIVALENT	N	R	$500 failure to prepare, submit, maintain, or use required documentation	403.121(4)(f)	140	640(3)(c)3i
1102	640(3)(f)	RELEASE DETECTION - INTERNAL	TIGHTNESS TESTING OPERATIONAL REQUIREMENTS NOT MET WHEN USED AS RELEASE DETECTION (TIGHTNESS TESTING NOT MEET STANDARDS)	N	R	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	141	640(3)(c)4
1103	640(4)(a)	RELEASE DETECTION - SMALL DIAMETER PIPING	UST LINE LEAK DETECTOR CANNOT DETECT 3.0 GPH DISCHARGE, NOT TESTED ANNUALLY	N	R	$2000 failure to maintain required release detection	403.121(3)(g)	142	640(3)(d)
1104	640(4)(a)5	RELEASE DETECTION - SMALL DIAMETER PIPING	CONTINUOUSLY OPERATING INTERSTITIAL MONITOR CANNOT DETECT 10 GALLONS OF PRODUCT WITHIN HOUR AND SHUT OFF PUMP	N	R	$2000 failure to maintain required release detection	403.121(3)(g)	143	640(3)(d)1e
1105	700(1)(a)1	REPAIRS OPERATION & MAINTENANCE - GENERAL	NOT REPAIRED COMPONENT WHICH HAS OR COULD CAUSE A DISCHARGE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	144	700(1)(a)1
1106	700(1)(a)2	REPAIRS OPERATION & MAINTENANCE - GENERAL	NOT TAKEN OUT OF OPERATION UNTIL REPAIR IS MADE	B	I	$5000 failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed	403.121(3)(g)	145	700(1)(a)2
1107	700(1)(a)3	REPAIRS OPERATION & MAINTENANCE - GENERAL	NOT REPAIRED PER NFPA 30 OR OTHER APPLICABLE STANDARDS	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	146	700(1)(a)3
1108	700(1)(a)4	REPAIRS OPERATION & MAINTENANCE - GENERAL	REPAIRED COMPONENTS NOT TESTED AS APPLICABLE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	147	700(1)(a)4
1109	700(1)(a)5	REPAIRS OPERATION & MAINTENANCE - GENERAL	REPAIRS TO TANKS NOT MADE BY AUTHORIZED REPRESENTATIVE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	148	700(1)(a)5
1110	700(1)(a)6	REPAIRS OPERATION & MAINTENANCE - GENERAL	PIPING THAT IS DAMAGED OR HAS DISCHARGED IS NOT REPLACED	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	149	700(1)(a)6

Viol #	UST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
1111	700(1)(b)1	REPAIRS OPERATION & MAINTENANCE - CP	NOT OPERATED AND MAINTAINED TO PROVIDE CONTINUOUS PROTECTION	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	150	700(1)(b)1
1112	700(1)(b)2a	REPAIRS OPERATION & MAINTENANCE - CP	NOT INSPECTED 6 MONTHS AFTER INSTALLATION OR REPAIR AND ANNUALLY/3 YEARS	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	151	700(1)(b)2a
1113	700(1)(b)2b	REPAIRS OPERATION & MAINTENANCE - CP	IMPRESSED CURRENT SYSTEM NOT INSPECTED EVERY TWO MONTHS	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	152	700(1)(b)2b
1114	700(1)(b)3	REPAIRS OPERATION & MAINTENANCE - CP	SYSTEMS THAT DO NOT MEET REQUIREMENTS NOT REPAIRED/TAKEN OUT OF SERVICE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	153	700(1)(b)3
1115	700(1)(c)1	REPAIRS OPERATION & MAINTENANCE - O & M	SPILL CONTAINMENT, DISPENSER LINERS AND PIPING SUMPS ACCESSIBLE; WATER AND REGULATED SUBSTANCES NOT REMOVED	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	155	700(1)(c)1
1116	700(1)(c)2	REPAIRS OPERATION & MAINTENANCE - O & M	NOT ENSURED VOLUME AVAILABLE IN TANK IS GREATER THAN THE VOLUME TRANSFERRED AND/OR FAILURE TO MONITOR DURING PRODUCT TRANSFER OPERATION	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	156	700(1)(c)2
1117	700(1)(c)3	REPAIRS OPERATION & MAINTENANCE - O & M	RELEASE DETECTION DEVICES NOT TESTED ANNUALLY	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	157	700(1)(c)3
1118	700(1)(c)5	REPAIRS OPERATION & MAINTENANCE - O & M	INVENTORY CONTROL FOR VEHICULAR FUEL TANKS WITHOUT SECONDARY CONTAINMENT NOT USED	N	R	$500 failure to prepare, submit, maintain, or use required documentation $2000 failure to conduct or maintain required release detection	403.121(4)(f) 403.121(3)(G)	158	700(1)(c)6
1119	700(3)	REPAIRS OPERATION & MAINTENANCE - UST SYSTEMS	NOT TESTED BEFORE PLACING BACK INTO SERVICE (TIGHTNESS/OTHER APPROVED METHOD)	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	159	700(2)(b)
1120	700(4)	REPAIRS OPERATION & MAINTENANCE - UST SYSTEMS	TANK NOT REPAIRED BY LINING PER API 1631, NOT INSPECTED PER NLPA 631 CH. B, AND CATHODIC PROTECTION NOT INSTALLED PROPERLY, NOT TESTED IN STATED TIME FRAMES	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	160	700(2)(c)
1121	700(6)	REPAIRS OPERATION & MAINTENANCE - UST SYSTEMS	TANK UPGRADED WITH INTERNAL LINING INSPECTED AND TIGHTNESS TESTED 10/5 YEARS	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	161	700(2)(e)
1122	710(1)	RECORD KEEPING	PERMANENT RECORDS NOT AVAILABLE WITHIN 5 WORKING DAYS NOTICE; NO REASONABLE FACILITY ACCESS	N	N	$500 failure to prepare or maintain required documentation	403.121(4)(f)	170	710(1)
1123	710(2)	RECORD KEEPING	RECORDS REQUIRING 2-YEAR DOCUMENTATION PERIOD NOT KEPT BY FACILITY	N	N	$500 failure to prepare or maintain required documentation	403.121(4)(f)	171	710(2)
1124	710(3)	RECORD KEEPING	RECORDS REQUIRED FOR LIFE OF SYSTEM NOT KEPT BY FACILITY	N	N	$500 failure to prepare or maintain required documentation	403.121(4)(f)	172	710(3)
1125	800(1)(a)1	OUT OF SERVICE - GENERAL	REQUIREMENTS NOT MET FOR OUT OF SERVICE SYSTEMS	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	174	800(2)(a)1
1126	800(1)(a)2, 4	OUT OF SERVICE - GENERAL	UPGRADES AND TESTING NOT PERFORMED BEFORE RETURNING SYSTEM TO SERVICE	N	I	$1000 failure to properly operate or maintain storage tank system $3000 failure to timely upgrade a storage tank system	403.121(3)(g)	175	800(2)(a)2, 4
1127	800(1)(b)1	OUT OF SERVICE - UST SYSTEMS	NO TIGHTNESS/BREACH OF INTEGRITY TEST BEFORE RETURNING TO SERVICE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	176	800(2)(b)1
1128	800(1)(b)2	OUT OF SERVICE - UST SYSTEMS	SYSTEM OUT OF SERVICE LONGER THAN ALLOWED TIME LIMIT	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	177	800(2)(b)2
1129	800(2)(a)1a	CLOSURE - GENERAL	LIQUIDS AND SLUDGE NOT REMOVED FROM TANK(S)	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	182	800(3)(a)1a
1130	800(2)(a)1b	CLOSURE - GENERAL	INTEGRAL PIPING NOT PROPERLY CLOSED, MANWAYS NOT SECURED	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	183	800(3)(a)1b
1131	800(2)(a)3	CLOSURE - GENERAL	MONITORING WELLS NOT CLOSED UPON SYSTEM CLOSURE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	184	800(3)(a)3
1132	800(2)(b)1	CLOSURE - ASSESSMENT	UNMAINTAINED USTS NOT PROPERLY CLOSED WITHIN 90 DAYS OF DISCOVERY	B	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	187	800(3)(b)1

Viol #	UST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
1133	800(2)(c)2a	CLOSURE - UST SYSTEMS	CLOSURE NOT PERFORMED ACCORDING TO API RP 1604 CHAPTER 1,3,4,5,7-PERMANENT CLOSURE REQUIREMENTS, STORAGE, DISPOSAL AND ACCORDING TO NFPA 30 APPENDIX C	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	189	800(3)(b)2a
1134	800(2)(c)2b	CLOSURE - UST SYSTEMS	NOT PROPERLY CLOSED IN PLACE NOR CERTIFIED CONTRACTOR PERFORMED TANK REMOVAL(S)	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	190	800(3)(b)2b
1135	800(3)(a)&(b)	CLOSURE - ASSESSMENT	CLOSURE ASSESSMENT REQUIRED AND NOT PERFORMED	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	185	800(4)(a)&(b)
1136	800(3)(c)	CLOSURE - ASSESSMENT	SAMPLING NOT IN ACCORDANCE WITH APRIL, 1998 "STORAGE TANK SYSTEM CLOSURE ASSESSMENT REQUIREMENTS"	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	186	800(4)(c)
1137	800(3)(d)	CLOSURE - ASSESSMENT	CLOSURE ASSESSMENT NOT SUBMITTED WITHIN 60 DAYS	B	N	$500 failure to prepare, submit, maintain, or use required documentation	403.121(4)(f)	196	800(4)(d)
1138	820(1)(a),(b),(c)	DISCHARGE RESPONSE	INCIDENT NOT PROMPTLY INVESTIGATED	N	N	$2000 - failure to timely investigate a suspected release	403.121(3)(g)	197	820(1)(a),(b),(c)
1139	820(1)(d)	DISCHARGE RESPONSE	SPILL OR LOSS OF REGULATED SUBSTANCE INTO SECONDARY CONTAINMENT NOT REMOVED WITHIN THREE DAYS OF DISCOVERY	N	N	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	198	820(1)(d)
1140	820(2)(a)	DISCHARGE RESPONSE	ACTIONS NOT TAKEN IMMEDIATELY TO CONTAIN, REMOVE AND ABATE THE DISCHARGE; FREE PRODUCT PRESENT NOT BEING REMOVED	N	R	$5000 failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs are completed; failure to timely recover free product	403.121(3)(g)	199	820(2)(a)
1141	820(2)(b)1	DISCHARGE RESPONSE	UNKNOWN DISCHARGE SOURCE NOT INVESTIGATED PER NFPA 329 CH. 3 & 5	N	R	$2000 - failure to timely investigate a suspected release	403.121(3)(g)	200	820(2)(b)1
1142	820(2)(b)2	DISCHARGE RESPONSE	REGULATED SUBSTANCE NOT REMOVED FROM SYSTEM TO PREVENT FURTHER DISCHARGE TO THE ENVIRONMENT	N	R	$5000 failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed	403.121(3)(g)	201	820(2)(b)2
1143	820(2)(b)3	DISCHARGE RESPONSE	FIRE, EXPLOSION, AND VAPOR HAZARDS NOT IDENTIFIED AND MITIGATED	N	R	$500 failure to comply with any other departmental regulatory statute or rule requirement	403.121(5)	202	820(2)(b)3
1144	820(2)(b)4	DISCHARGE RESPONSE	SYSTEM NOT REPAIRED NOR CLOSED	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	203	820(2)(b)4
1145	820(2)(c)	DISCHARGE RESPONSE	SYSTEM NOT TESTED UPON AGENCY DETERMINATION OF DISCHARGE OR RELEASE DETECTION ISSUE	N	R	$2000 failure to conduct required monitoring or testing	403.121(4)(d)	204	820(2)(c)
1146	820(2)(d)1	DISCHARGE RESPONSE	SYSTEM NOT TESTED WITHIN 3 DAYS TO CONFIRM A DISCHARGE, IF NECESSARY	N	R	$2000 failure to conduct required monitoring or testing	403.121(4)(d)	205	820(2)(d)1
1147	820(2)(d)2	DISCHARGE RESPONSE	LEAKING SYSTEM NOT PLACED OUT OF SERVICE WITHIN 3 DAYS OF DISCOVERY, UNTIL REPAIRED, REPLACED, OR CLOSED	N	R	$5000 failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed	403.121(3)(g)	206	820(2)(d)2
1148	820(2)(e)	DISCHARGE RESPONSE	CONTAMINATED SOIL NOT EXCAVATED, DISPOSED OF OR STOCKPILED, IS MANAGED IN ACCORDANCE WITH CHAPTER 62-770, FAC	N	R	$2000 - failure to timely assess or remediate petroleum contamination (such as failure to remove stockpiled soil after 30 / 60 / 90 days) $5000 - when a release has occurred from that storage tank system (such as spreading contamination from stockpiled soil)	403.121(3)(g)	207	820(2)(e)
1149	850(1)	EQUIPMENT APPROVALS/ALTERNATE PROCEDURES	FACILITY NOT IN COMPLIANCE WITH ALTERNATE PROCEDURE	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	208	850(1)
1150	850(2)	EQUIPMENT APPROVALS/ALTERNATE PROCEDURES	EQUIPMENT NOT APPROVED BY DEPARTMENT BEFORE INSTALLATION OR USE	N	R	$500 failure to prepare, submit, maintain, use required documentation $2000 - failure to properly install a storage tank system	403.121(4)(f) 403.121(3)(g)	209	850(2)
1151	62N-16	DISCHARGE PREVENTION & RESPONSE	FACILITY OUT OF COMPLIANCE WITH REQUIREMENTS OF CHAPTER 62-16N	N	R			224	62N-16

*** Violation Significance**

A - most severe violation; inspector will notify district mgmt
B - inspector will work with owner/operator for 90 days to achieve compliance
N - inspection results in Minor out-of-compliance if there are no other A/B violations detected during inspection

Viol #	UST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite

*** Re-evaluation type**

I - inspector will conduct a follow-up re-inspection to determine owner/operator's return to compliance
R - inspector may require submittal of missing records, and review them in the office without an additional site visit
N - violation is considered a 'timing' violation that cannot be corrected; inspector will issue a NonCompliance Letter detailing the infraction to owner/operator, and

GUIDANCE DOCUMENT A - VIOLATION LIST

Vio #	AST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
2001	401(1)(a)-(b)	REGISTRATION	SYSTEMS NOT REGISTERED	N	R	$500 failure to comply with any other departmental regulatory statute $1000 failure to submit required notification to the department $2000 - depositing motor fuel into an unregistered storage tank system	403.121(5) 403.121(4)(e) 403.121(3)(g)	1	400(1)-(2)
2002	401(2)(a)1-5; 401(2)(b)	REGISTRATION	REGISTRATION FEES NOT PAID	N	R	$500 failure to comply with any other departmental regulatory statute $1000 failure to submit required notification to the department $2000 - depositing motor fuel into an unregistered storage tank system	403.121(5) 403.121(4)(e) 403.121(3)(g)	1	400(1)-(2)
2003	401(2)(a)6	REGISTRATION	REGISTRATION PLACARD IS NOT DISPLAYED IN PLAIN VIEW	N	R	$500 failure to prepare, submit, maintain, or use required documentation	403.121(4)(f)	2	400(2)(a)6
2004	401(3)	FINANCIAL	NO FINANCIAL RESPONSIBILITY	B	R	$5000 failure to satisfy financial responsibility requirements	403.121(4)(a)	3	400(3)
2005	451(1)(a)1	NOTIFICATION & REPORTING	30 DAY NOTIFICATION BEFORE INSTALLATION OR UPGRADE NOT SUBMITTED	N	N	$1000 failure to submit required notification to the department	403.121(4)(e)	4	450(1)(a)1
2006	451(1)(a)2	NOTIFICATION & REPORTING	10 DAY NOTIFICATION BEFORE API 653 INSPECTION, CHANGE IN SERVICE STATUS, CLOSURE, OR CLOSURE ASSESSMENT NOT SUBMITTED	N	N	$1000 failure to submit required notification to the department	403.121(4)(e)	5	450(1)(a)2
2007	451(1)(a)3	NOTIFICATION & REPORTING	48 HOUR NOTIFICATION BEFORE INSTALLATION/CLOSURE ACTIVITY, API 653 INSPECTION, CHANGE IN SERVICE STATUS, AND TIGHTNESS TESTS NOT SUBMITTED	N	N	$1000 failure to submit required notification to the department	403.121(4)(e)	6	450(1)(a)3
2008	451(1)(a)4	NOTIFICATION & REPORTING	EMERGENCY OUT-OF-SERVICE NOTIFICATION BEFORE NEXT BUSINESS DAY NOT SUBMITTED	N	N	$1000 failure to submit required notification to the department	403.121(4)(e)	7	450(1)(a)4
2009	451(1)(b)	NOTIFICATION & REPORTING	REGISTRATION UPDATE AFTER CHANGE OF OWNERSHIP, CLOSURE/UPGRADE, OR CHANGE IN FINANCIAL RESPONSIBILITY NOT SUBMITTED WITHIN 30 DAYS	N	N	$1000 failure to submit required notification to the department	403.121(4)(e)	8	450(1)b
2010	451(2)	NOTIFICATION & REPORTING	INCIDENT NOT REPORTED WITHIN 24 HOURS OR BY NEXT BUSINESS DAY	N	N	$1000 failure to submit required notification to the department	403.121(4)(e)	9	450(2)(a)
2011	451(3)(a)	NOTIFICATION & REPORTING	DISCHARGE NOT REPORTED WITHIN 24 HOURS OR BY NEXT BUSINESS DAY	B	N	$1000 failure to submit required notification to the department	403.121(4)(e)	10	450(3)(a)
2012	451(3)(b)	NOTIFICATION & REPORTING	COPY OF ANALYTICAL OR FIELD TEST RESULTS CONFIRMING DISCHARGE NOT SUBMITTED WITH DRF	N	R	$500 failure to prepare, submit, maintain, or use required reports or other required documentation	403.121(4)(f)	11	450(3)(b)
2013	501(1)(a)	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	SITING REQUIREMENTS NOT MET	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	12	500(1)(a)
2014	501(1)(b)	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	AST SYSTEM EXTERIOR COATING DOES NOT MEET STANDARDS	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	13	500(1)(b)
2015	501(1)(c)	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	IMPERVIOUS SPILL CONTAINMENT NOT INSTALLED OR DOES NOT MEET STANDARDS	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	14	500(1)(c)
2016	501(1)(d)	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	DISPENSING SYSTEMS DO NOT MEET STANDARDS	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	15	500(1)(d)
2017	501(1)(e)1-2	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	SECONDARY CONTAINMENT/LINERS DOES NOT MEET STANDARDS	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	16	500(1)(e)1,2
2018	501(1)(e)3	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	CONCRETE SECONDARY CONTAINMENT DOES NOT MEET STANDARDS	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	17	500(1)(e)3
2019	501(1)(e)4	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	SECONDARY CONTAINMENT NOT PROPERLY DESIGNED OR CONSTRUCTED FOR RELEASE DETECTION, OR CATHODIC PROTECTION	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	18	500(1)(e)4
2020	501(1)(e)5	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	FAILURE TO ALLOW FOR/PERFORM A BREACH OF INTEGRITY TEST	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	19	500(1)(e)5
2021	501(1)(e)6	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	FAILURE TO PROVIDE A MONITORING POINT FOR SECONDARY CONTAINMENT	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	20	500(1)(e)6
2022	501(1)(e)7	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	HYDRANT PIT SECONDARY CONTAINMENT DOES NOT MEET STANDARDS	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	21	500(1)(e)7
2023	501(1)(f)1	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	CATHODIC PROTECTION TEST STATION/MONITORING METHOD NOT DESIGNED AND INSTALLED PROPERLY	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	22	500(1)(f)1& 3

Vio #	AST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
2024	501(1)(f)2	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	CATHODIC PROTECTION TEST STATION/METHOD AND OPERATION DOES NOT MEET REQUIREMENTS	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	23	500(1)(f)2
2025	501(1)(f)3		CATHODIC PROTECTION NOT DESIGNED BY CORROSION PROFESSIONAL	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	22	500(1)(f)1& 3
2026	501(1)(g)	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	ABOVEGROUND TANK RELOCATION REQUIREMENTS NOT MET	N	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	25	500(1)(h)
2027	501(1)(h)	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	REUSED TANKS NOT PROPERLY CERTIFIED	N	R	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	26	500(1)I
2028	501(2)(a)	CATEGORY C SYSTEMS - AST SYSTEMS	INSTALLED ACCORDING TO NFPA 30, NFPA 30A, PEI RP 200-96, AND TO MANUFACTURER'S INSTRUCTIONS	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	40	500(3)(a)1
2029	501(2)(b)1	CATEGORY C SYSTEMS - AST SYSTEMS	SHOP-FABRICATED TANKS NOT CONSTRUCTED TO REFERENCE STANDARDS OR APPROVED PER 62-761.850(2)	N	R	$2000 failure to properly install a storage tank system	403.121(3)(g)	42	500(3)(b)
2030	501(2)(b)2	CATEGORY C SYSTEMS - AST SYSTEMS	FIELD-ERECTED TANKS NOT CONSTRUCTED TO REFERENCE STANDARDS OR APPROVED PER 62-761.850(2)	N	R	$2000 failure to properly install a storage tank system	403.121(3)(g)	42	500(3)(b)
2031	501(2)(b)3	CATEGORY C SYSTEMS - AST SYSTEMS	NEW FIELD ERECTED TANKS DOES NOT HAVE API 653 INSPECTION SCHEDULE ESTABLISHED	N	R	$2000 failure to properly install a storage tank system	403.121(3)(g)	42	500(3)(b)
2032	501(2)(b)4	CATEGORY C SYSTEMS - AST SYSTEMS	CATHODIC PROTECTION INSTALLATION DOES NOT MEET REQUIREMENTS	N	R	$2000 failure to properly install a storage tank system	403.121(3)(g)	42	500(3)(b)
2033	501(2)(c)	CATEGORY C SYSTEMS - AST SYSTEMS	INSTALLED WITH SECONDARY CONTAINMENT FOR NON-EXEMPT AST SYSTEMS	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	43	500(3)(c)
2034	501(2)(c)2	CATEGORY C SYSTEMS - AST SYSTEMS	CONTAINMENT BENEATH FIELD ERECTED TANK DOES NOT MEET API 650	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	43	500(3)(c)
2035	501(2)(c)3a	CATEGORY C SYSTEMS - AST SYSTEMS	DIKE FIELD CONTAINMENT DOES NOT MEETS NFPA 30 CH. 2-3	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	43	500(3)(c)
2036	501(2)(c)3b	CATEGORY C SYSTEMS - AST SYSTEMS	110% CONTAINMENT NOT MET	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	44	500(3)(c)3b
2037	501(2)(c)3c	CATEGORY C SYSTEMS - AST SYSTEMS	CONTAINMENT NOT PROVIDED WITH DRAINAGE	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	45	500(3)(c)3c
2038	501(2)(c)3d	CATEGORY C SYSTEMS - AST SYSTEMS	PENETRATIONS THROUGH CONTAINMENT NOT PROPERLY SEALED	N	I	$1000 failure to properly operate or maintain storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	46	500(3)(c)3d
2039	501(2)(c)3e	CATEGORY C SYSTEMS - AST SYSTEMS	STEEL CONTAINMENT NOT TESTED PER UL 142	N	I	$1000 failure to properly operate or maintain storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	46	500(3)(c)3d
2040	501(2)(d)1	CATEGORY C SYSTEMS - AST SYSTEMS	FUEL TRANSFER NOT MONITORED	B	I	$1000 failure to properly operate or maintain storage tank system	403.121(3)(g)	48	500(3)(d)1
2041	501(2)(d)2	CATEGORY C SYSTEMS - AST SYSTEMS	OVERFILL PROTECTION NOT PERFORMED PER API RP 2350 FOR WATERFRONT FACILITIES WITH FIELD ERECTED GASOLINE STORAGE	B	I	$1000 failure to properly operate, maintain, close storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	49	500(3)(d)2
2042	501(2)(d)3	CATEGORY C SYSTEMS - AST SYSTEMS	FILLBOX COVERS NOT MARKED ACCORDING TO API RP 1637, OR EQUIVALENT METHOD	N	I	$500 failure to comply with other departmental requirement	403.121(5)	50	500(3)(d)3
2043	501(2)(d)4	CATEGORY C SYSTEMS - AST SYSTEMS	LEVEL GAUGE/HI-LEVEL ALARM/PUMP SHUTOFF/GAUGING STICK NOT PROVIDED	B	I	$1000 failure to properly operate or maintain storage tank system $2000 failure to properly install a storage tank system	403.121(3)(g)	52	500(3)(d)4,5
2044	501(2)(e)	CATEGORY C SYSTEMS - AST SYSTEMS	DISPENSER LINERS NOT INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	53	500(3)(e)
2045	501(2)(f)	CATEGORY C SYSTEMS - AST SYSTEMS	PIPING SUMPS NOT INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	55	500(3)f
2046	501(3)(a)1, 2	CATEGORY C SYSTEMS - INTEGRAL PIPING	NOT INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA30, 30A, ASME B31.4, AND MANUFACTURER'S INSTRUCTIONS	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	57	500(4)(a)1,2
2047	501(3)(a)3	CATEGORY C SYSTEMS - INTEGRAL PIPING	AST ASSOCIATED PIPING NOT APPROPRIATELY TESTED BEFORE PLACED IN SERVICE	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	58	500(4)(a)3
2048	501(3)(a)4	CATEGORY C SYSTEMS - INTEGRAL PIPING	NEW PIPING NOT IN CONTACT WITH SOIL NOT INSTALLED TO STANDARDS	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)		500(4)(a)4
2049	501(3)(b)	CATEGORY C SYSTEMS - INTEGRAL PIPING	PIPING NOT MEETING REFERENCE STANDARDS AND / OR APPROVED PER 62-762.851(2)	B	R	$2000 failure to properly install a storage tank system	403.121(3)(g)	59	500(4)(b)

Vio #	AST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
2050	501(3)(c)1	CATEGORY C SYSTEMS - INTEGRAL PIPING	SMALL DIAMETER PIPING PRESSURIZED: SHEAR, EMERGENCY SHUTOFF VALVES NOT PROPERLY INSTALLED	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	60	500(4)(c)1
2051	501(3)(c)2	CATEGORY C SYSTEMS - INTEGRAL PIPING	SMALL DIAMETER PIPING WITH GRAVITY-HEAD: ISOLATION VALVES NOT PROPERLY INSTALLED AND NOT MEETING NFPA 30A SECTION 2-1.7	N	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	61	500(4)(c)2
2052	501(3)(d)	CATEGORY C SYSTEMS - INTEGRAL PIPING	BULK PRODUCT PIPING NOT INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA 30, 30A, ASME B31.4	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	62	500(4)(d)
2053	501(3)(e)1	CATEGORY C SYSTEMS - INTEGRAL PIPING	PIPING IN SOIL OR OVER WATER DOES NOT HAVE SECONDARY CONTAINMENT	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	63	500(4)(e)1
2054	501(3)(e)2-3	CATEGORY C SYSTEMS - INTEGRAL PIPING	BULK PRODUCT AND REMOTE FILL PIPING IN SOIL DOES NOT HAVE SECONDARY CONTAINMENT	B	I	$2000 failure to properly install a storage tank system	403.121(3)(g)	64	500(4)(e)2,3
2055	511(1)(b)1	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	SHEAR OR EMERGENCY SHUTOFF VALVES NOT INSTALLED BY 12/31/1998	B	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	65	510(1)(b)1
2056	511(1)(b)2	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	NO CATHODIC PROTECTION TEST STATION METHOD BY 12/31/1998	N	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	66	510(1)(b)2
2057	511(1)(b)3	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	UST'S REINSTALLED AS AST'S NOT MEETING RULE BY 12/31/1998	N	R	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	68	510(1)(b)4
2058	511(1)(c)	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	NO CLOSURE ASSESSMENT PRIOR TO TANK SYSTEM COMPONENT INSTALLATION OR UPGRADE	B	R	$2000 failure to conduct required monitoring or testing	403.121(4)(d)	69	510(1)(c)
2059	511(1)(d)	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	NO VALVES MEETING NFPA 30A STANDARDS INSTALLED FOR PIPING SYSTEMS WITH GRAVITY HEAD	N	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	70	510(1)(d)
2060	511(1)(e)	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	NO SECONDARY CONTAINMENT FOR PIPE OVER WATER BY 12/21/2004	B	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	71	510(1)(e)
2061	511(2)(a)	CATEGORY A/B SYSTEMS - AST SYSTEMS	HAS NOT MET 17-61 REQUIREMENTS BY 1/1/1990 IF APPLICABLE	A	N	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	77	510(3)(a)
2062	511(2)(b)	CATEGORY A/B SYSTEMS - AST SYSTEMS	CATEGORY B ASTS NOT INSTALLED WITH SECONDARY CONTAINMENT	A	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	78	510(3)(b)
2063	511(2)(c)	CATEGORY A/B SYSTEMS - AST SYSTEMS	CATEGORY B PIPING NOT INSTALLED WITH SECONDARY CONTAINMENT	A	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	79	510(3)(c)
2064	511(2)(d)	CATEGORY A/B SYSTEMS - AST SYSTEMS	CATEGORY A & B ASTS DO NOT MEET REQUIREMENTS OF TABLE AST	A	I	$3000 failure to timely upgrade a storage tank system	403.121(3)(g)	80	510(3)(d)
2065	601(1)(a)1	RELEASE DETECTION - GENERAL	CANNOT DETECT A NEW RELEASE FROM ANY PORTION OF THE SYSTEM	N	I	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	81	600(1)(a)1
2066	601(1)(a)2	RELEASE DETECTION - GENERAL	NOT INSTALLED, CALIBRATED, OPERATED PER MANUFACTURER'S SPECIFICATIONS	N	I	$1000 failure to properly operate or maintain storage tank system $2000 - failure to properly install a storage tank system	403.121(3)(g)	82	600(1)(a)2
2067	601(1)(a)3	RELEASE DETECTION - GENERAL	NOT MEETING PERFORMANCE STANDARDS; NOR ALL MANUFACTURER'S CLAIMS RETAINED	N	R	$500 failure to submit or maintain required documentation $2000 failure to maintain required release detection	403.121(4)(f) 403.121(3)(g)	83	600(1)(a)3
2068	601(1)(c)	RELEASE DETECTION - GENERAL	RELEASE DETECTION METHOD NOT PROVIDED UPON INSTALLATION	N	R	$2000 failure to properly install a storage tank system	403.121(3)(g)	85	600(1)(c)
2069	601(1)(d)	RELEASE DETECTION - GENERAL	RELEASE DETECTION NOT PERFORMED AT LEAST ONCE A MONTH	B	R	$2000 failure to conduct required release detection	403.121(3)(g)	86	600(1)(d)
2070	601(1)(e)	RELEASE DETECTION - GENERAL	VISIBLE STORAGE TANK COMPONENTS AND CONTINUOUS ELECTRONIC LEAK DETECTION NOT INSPECTED MONTHLY	N	R	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	87	600(1)(e)
2071	601(1)(f)	RELEASE DETECTION - GENERAL	SITE SUITABILITY DETERMINATION NOT PERFORMED BY 1/1/2000	B	R	$2000 failure to maintain required release detection	403.121(3)(g)	88	600(1)(f)
2072	601(1)(g)	RELEASE DETECTION - GENERAL	VAPOR MONITORING PLANS NOT IN PLACE BY 1/1/2000	B	R	$2000 failure to maintain required release detection	403.121(3)(g)	89	600(1)(g)
2073	601(1)(h)	RELEASE DETECTION - GENERAL	NO INTERSTITIAL MONITORING FOR SECONDARY CONTAINMENT	B	I	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	90	600(1)(h)
2074	601(1)(i)	RELEASE DETECTION - GENERAL	LINE LEAK DETECTOR NOT PROVIDED FOR PRESSURIZED PIPING	B	I	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	91	600(1)(i)

Vio #	AST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
2075	601(1)(j)	RELEASE DETECTION - GENERAL	STORAGE TANK SYSTEM WITHOUT RELEASE DETECTION BY DUE DATE NOT PERMANENTLY CLOSED	B	I	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	91	600(1)(i)
2076	601(1)(k)	RELEASE DETECTION - GENERAL	MONITORING WELLS NO LONGER USED FOR RELEASE DETECTION NOT CLOSED	N	I	$500 failure to comply with other departmental requirement	403.121(5)	92	600(1)(k)
2077	601(2)(a)	RELEASE DETECTION - AST SYSTEMS	GROUNDWATER MONITORING OR SPCC PLANS SHALL NOT MEETING 62-761.640(1)(A) BY 12/31/1999	N	R	$2000 failure to maintain required release detection	403.121(3)(g)	96	600(3)(a)
2078	601(2)(b)	RELEASE DETECTION - AST SYSTEMS	MONITORING WELLS DO NOT MEET 62-761.640(2) BY 1/1/2000 OR NOT CLOSED	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	97	600(3)(b)
2079	601(2)(c)	RELEASE DETECTION - AST SYSTEMS	RELEASE DETECTION FOR FIELD-ERECTED TANKS DOES NOT MEET API STANDARD 650,	N	R	$2000 failure to maintain required release detection	403.121(3)(g)	98	600(3)(c)
2080	601(2)(d)	RELEASE DETECTION - AST SYSTEMS	RELEASE DETECTION FOR INTERNALLY-LINED TANKS DOES NOT MEET 62-761.640(2)	B	I	$2000 failure to maintain required release detection	403.121(3)(g)	99	600(3)(d)
2081	601(2)(e)	RELEASE DETECTION - AST SYSTEMS	NO RELEASE DETECTION FOR AST PIPING IN CONTACT WITH THE SOIL	B	I	$2000 failure to maintain required release detection	403.121(3)(g)	100	600(3)(e)
2082	601(2)(f)	RELEASE DETECTION - AST SYSTEMS	GROUNDWATER MONITORING PLAN OR SPCC PLAN NOT MEETING 62-761.611 BY 12/31/1999	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	101	600(3)(f)
2083	601(2)(g)	RELEASE DETECTION - AST SYSTEMS	VISUAL INSPECTION FOR HIGH VISCOSITY ASTS	B	I	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	102	600(3)(g)
2084	611(1)(a)	RELEASE DETECTION - GENERAL	CATEGORIES A & B RELEASE DETECTION NOT MEETING STANDARDS	B	I	$2000 failure to maintain required release detection	403.121(3)(g)	103	610(1)(a)
2085	611(1)(b)	RELEASE DETECTION - GENERAL	CATEGORY C SYSTEM DOES NOT HAVE APPROVED RELEASE DETECTION METHOD - INTERSTITIAL MONITORING, LEAK DETECTOR AND BREACH OF INTEGRITY AS APPLICABLE	A	I	$2000 failure to maintain required release detection	403.121(3)(g)	104	610(1)(b)
2086	611(2)(a)1	RELEASE DETECTION - AST SYSTEMS	CATEGORY A & B TANKS DOES NOT HAVE APPROVED RELEASE DETECTION METHOD	A	I	$2000 failure to maintain required release detection	403.121(3)(g)	107	610(3)(a)
2087	611(2)(a)2	RELEASE DETECTION - AST SYSTEMS	VISUAL INSPECTION OF EXEMPT OR SINGLE WALLED AST SYSTEM AND CONTAINMENT NOT PERFORMED ONCE A MONTH	B	N	$2000 failure to conduct required release detection	403.121(3)(g)	108	610(3)(b)
2088	611(2)(a)3	RELEASE DETECTION - AST SYSTEMS	INTERNALLY LINED AND CUT AND COVER TANKS DO NOT HAVE RELEASE DETECTION METHOD	B	N	$2000 failure to conduct required release detection	403.121(3)(g)	108	610(3)(b)
2089	611(2)(b)	RELEASE DETECTION - AST SYSTEMS	VISUAL INSPECTIONS NOT CONDUCTED PROPERLY ONCE A MONTH	B	N	$2000 failure to conduct required release detection	403.121(3)(g)	108	610(3)(b)
2090	611(3)(a)1	RELEASE DETECTION - SMALL DIAMETER PIPING	SINGLE WALLED SUCTION PIPING DOES NOT HAVE ANNUAL LINE TEST OR 62-761.641 METHOD	B	N	$2000 failure to conduct required release detection	403.121(3)(g)	109	610(4)(a)1
2091	611(3)(a)2	RELEASE DETECTION - SMALL DIAMETER PIPING	SINGLE WALLED PRESSURIZED PIPING DOES NOT HAVE MECHANICAL LEAK DETECTORS / ANNUAL TIGHTNESS TEST, OR ELECTRONIC LEAK DETECTOR	B	I	$2000 failure to maintain required release detection	403.121(3)(g)	110	610(4)(a)2
2092	611(3)(a)3a	RELEASE DETECTION - SMALL DIAMETER PIPING	SUCTION PUMP - NO WRITTEN VERIFICATION OF OPTIONAL CHECK VALVE	B	I	$2000 failure to maintain required release detection	403.121(3)(g)	110	610(4)(a)2
2093	611(3)(b)	RELEASE DETECTION - SMALL DIAMETER PIPING	ABOVEGROUND PIPING NOT VISUALLY INSPECTED	B	N	$2000 failure to conduct required release detection	403.121(3)(g)	111	610(4)(b)
2094	611(3)(c)	RELEASE DETECTION - SMALL DIAMETER PIPING	SECONDARY-CONTAINED PIPING IN CONTACT WITH SOIL DOES NOT HAVE: INTERSTITIAL MONITORING, LINE LEAK DETECTOR IF APPLICABLE, AND A BREACH OF INTEGRITY TESTING METHOD	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	112	610(4)(c)
2095	611(3)(d)1	RELEASE DETECTION - BULK & HYDRANT PIPING	SINGLE WALLED BULK PRODUCT PIPING IN CONTACT WITH SOIL NOT PRESSURE TESTED YEARLY NOR MONTHLY RELEASE DETECTION SYSTEM	B	N	$2000 failure to conduct required release detection	403.121(3)(g)	113	610(4)(d)1
2096	611(3)(d)2	RELEASE DETECTION - BULK & HYDRANT PIPING	NO MONTHLY VISUAL INSPECTION OF ABOVEGROUND OR EXEMPT PIPE	B	N	$2000 failure to conduct required release detection	403.121(3)(g)	114	610(4)(d)2

Vio #	AST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
2097	611(3)(d)3	RELEASE DETECTION - BULK & HYDRANT PIPING	SECONDARILY CONTAINED PIPING IN CONTACT WITH SOIL DOES NOT HAVE INTERSTITIAL MONITORING AND BREACH OF INTEGRITY	B	I	$2000 failure to maintain required release detection	403.121(3)(g)	115	610(4)(d)3
2098	641(1)(a)	RELEASE DETECTION - GENERAL	DEVICE DOES NOT MEET GENERAL STANDARDS; CANNOT DETECT 0.2 GAL/HR OR 150 GALLON RELEASE WITHIN 30 DAYS, WITH 0.95 DETECTION PROBABILITY AND 0.05 FALSE ALARM PROBABILITY	N	R	$2000 failure to maintain required release detection	403.121(3)(g)	116	640(1)(a)
2099	641(1)(b)	RELEASE DETECTION - GENERAL	RELEASE DETECTION METHOD HAS NO DEP EQUIPMENT APPROVAL IN ACCORDANCE WITH 62-762.851(2)	N	R	$500 failure to prepare, submit, maintain, or use required documentation	403.121(4)(f)	117	640(1)(b)
2100	641(1)(c)	RELEASE DETECTION - GENERAL	NO RELEASE DETECTION RESPONSE LEVEL DESCRIBED IN WRITING	N	R	$500 failure to prepare, submit, maintain, or use required documentation	403.121(4)(f)	118	640(1)(c)
2101	641(2)(a) & 641(2)(b)	RELEASE DETECTION - EXTERNAL	MONITORING WELL CONSTRUCTION STANDARDS NOT MET; SITE SUITABILITY NOT PERFORMED PROPERLY	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	119	640(2)(a)
2102	641(2)(c)	RELEASE DETECTION - EXTERNAL	GROUNDWATER MONITORING NOT PERFORMED TO STANDARDS	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	120	640(2)(c)2
2103	641(2)(d)	RELEASE DETECTION - EXTERNAL	VAPOR MONITORING NOT PERFORMED TO STANDARDS	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	123	640(2)(d)2
2104	641(2)(e)	RELEASE DETECTION - EXTERNAL	PROBLEMS FOUND DURING VISUAL INSPECTIONS NOT NOTED	N	I	$500 failure to prepare, submit, maintain required documentation	403.121(4)(f)	127	640(2)(e)
2105	641(3)(a)1	RELEASE DETECTION - INTERNAL	INTERSTITIAL MONITORING METHOD DOES NOT MEET STANDARDS	N	R	$2000 failure to conduct or maintain required release detection	403.121(3)(g)	128	640(3)(a)1
2106	641(3)(a)3	RELEASE DETECTION - INTERNAL	DOES NOT MEET VACUUM MONITORING METHOD STANDARDS	N	R	$2000 failure to maintain required release detection	403.121(3)(g)	130	640(3)(a)3
2107	641(3)(a)4	RELEASE DETECTION - INTERNAL	INTERSTITIAL MONITORING METHOD FOR LINER SYSTEMS DOES NOT MEET STANDARDS	N	I	$2000 failure to maintain required release detection	403.121(3)(g)	131	640(3)(a)4
2108	641(3)(b)2	RELEASE DETECTION - INTERNAL	INVENTORY CONTROL NOT MAINTAINED FOR SHOP-FABRICATED ASTS	N	R	$2000 failure to conduct required release detection	403.121(3)(g)	132	640(3)(b)
2109	641(3)(b)3	RELEASE DETECTION - INTERNAL	INVENTORY CONTROL NOT MAINTAINED FOR FIELD-ERECTED ASTS	N	R	$2000 failure to conduct required release detection	403.121(3)(g)	134	640(3)(b)4
2110	701(1)(a)1	REPAIRS OPERATION & MAINTENANCE - GENERAL	NOT REPAIRED COMPONENT WHICH HAS OR COULD CAUSE A DISCHARGE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	144	700(1)(a)1
2111	701(1)(a)2	REPAIRS OPERATION & MAINTENANCE - GENERAL	NOT TAKEN OUT OF OPERATION UNTIL REPAIR IS MADE	B	I	$5000 failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed	403.121(3)(g)	145	700(1)(a)2
2112	701(1)(a)3	REPAIRS OPERATION & MAINTENANCE - GENERAL	NOT REPAIRED PER NFPA 30 OR OTHER APPLICABLE STANDARDS	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	146	700(1)(a)3
2113	701(1)(a)4	REPAIRS OPERATION & MAINTENANCE - GENERAL	REPAIRED COMPONENTS NOT TESTED AS APPLICABLE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	147	700(1)(a)4
2114	701(1)(a)5	REPAIRS OPERATION & MAINTENANCE - GENERAL	REPAIRS TO TANKS NOT MADE BY AUTHORIZED REPRESENTATIVE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	148	700(1)(a)5
2115	701(1)(a)6	REPAIRS OPERATION & MAINTENANCE - GENERAL	PIPING THAT IS DAMAGED OR HAS DISCHARGED IS NOT REPLACED	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	149	700(1)(a)6
2116	701(1)(b)1	REPAIRS OPERATION & MAINTENANCE - CP	NOT OPERATED AND MAINTAINED TO PROVIDE CONTINUOUS PROTECTION	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	150	700(1)(b)1
2117	701(1)(b)2a	REPAIRS OPERATION & MAINTENANCE - CP	NOT INSPECTED 6 MONTHS AFTER INSTALLATION OR REPAIR AND ANNUALLY/3 YEARS	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	151	700(1)(b)2a
2118	701(1)(b)2b	REPAIRS OPERATION & MAINTENANCE - CP	IMPRESSED CURRENT SYSTEM NOT INSPECTED EVERY TWO MONTHS	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	152	700(1)(b)2b
2119	701(1)(b)3	REPAIRS OPERATION & MAINTENANCE - CP	SYSTEMS THAT DO NOT MEET REQUIREMENTS NOT REPAIRED/TAKEN OUT OF SERVICE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	153	700(1)(b)3
2120	701(1)(c)1	REPAIRS OPERATION & MAINTENANCE - O & M	SPILL CONTAINMENT, DISPENSER LINERS AND PIPING SUMPS ACCESSIBLE; WATER AND REGULATED SUBSTANCES NOT REMOVED	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	155	700(1)(c)1

Vio #	AST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
2121	701(1)(c)2	REPAIRS OPERATION & MAINTENANCE - O & M	NOT ENSURED VOLUME AVAILABLE IN TANK IS GREATER THAN THE VOLUME TRANSFERRED AND/OR FAILURE TO MONITOR DURING PRODUCT TRANSFER OPERATION	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	156	700(1)(c)2
2122	701(1)(c)3	REPAIRS OPERATION & MAINTENANCE - O & M	RELEASE DETECTION DEVICES NOT TESTED ANNUALLY	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	157	700(1)(c)3
2123	701(1)(c)6	REPAIRS OPERATION & MAINTENANCE - O & M	INVENTORY CONTROL FOR VEHICULAR FUEL TANKS WITHOUT SECONDARY CONTAINMENT NOT USED	N	R	$500 failure to prepare, submit, maintain, or use required documentation $2000 failure to conduct or maintain required release detection	403.121(4)(f) 403.121(3)(G)	158	700(1)(c)6
2124	701(2)(b)1	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	STORMWATER NOT DRAWN OFF WITHIN ONE WEEK	N	I	$1000 failure to properly operate or maintain storage tank system	403.121(3)(g)	162	700(3)(a)2a
2125	701(2)(b)2	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	STORMWATER WAS DISCHARGED UNTREATED WHEN IT HAS A VISIBLE SHEEN	N	I	$1000 failure to properly operate or maintain storage tank system	403.121(3)(g)	163	700(3)(a)2b
2126	701(2)(c)	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	DRAIN VALVES NOT KEPT CLOSED EXCEPT WHEN DRAWING OFF STORMWATER	N	I	$1000 failure to properly operate or maintain storage tank system	403.121(3)(g)	164	700(3)(a)3
2127	701(3)	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	FIELD ERECTED TANKS NOT EVALUATED, RETESTED, AND/OR REPAIRED PER API 653	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	165	700(3)(b)
2128	701(4)(a)	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	SMALL DIAMETER PIPING NOT TIGHTNESS TESTED BEFORE RETURNING TO SERVICE	N	R	$1000 failure to properly operate or maintain storage tank system	403.121(3)(g)	166	700(3)(c)1
2129	701(4)(b)	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	BULK/HYDRANT PIPING NOT PRESSURE TESTED BEFORE RETURNING TO SERVICE	N	R	$1000 failure to properly operate or maintain storage tank system	403.121(3)(g)	167	700(3)(c)2
2130	701(5)	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	BULK PRODUCT PIPING OVER WATER NOT TESTED ANNUALLY; NOT MAINTAINED PER CFR 33	N	R	$1000 failure to properly operate or maintain storage tank system	403.121(3)(g)	168	700(3)(d)
2131	701(6)	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	SECONDARY CONTAINMENT NOT REPAIRED PER 62-761.500(1)(E)	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	169	700(3)(e)
2132	711(1)	RECORD KEEPING	PERMANENT RECORDS NOT AVAILABLE WITHIN 5 WORKING DAYS NOTICE; NO REASONABLE FACILITY ACCESS	N	N	$500 failure to prepare or maintain required documentation	403.121(4)(f)	170	710(1)
2133	711(2)	RECORD KEEPING	RECORDS REQUIRING 2-YEAR DOCUMENTATION PERIOD NOT KEPT BY FACILITY	N	N	$500 failure to prepare or maintain required documentation	403.121(4)(f)	171	710(2)
2134	711(3)	RECORD KEEPING	RECORDS REQUIRED FOR LIFE OF SYSTEM NOT KEPT BY FACILITY	N	N	$500 failure to prepare or maintain required documentation	403.121(4)(f)	172	710(3)
2135	801(1)	OUT OF SERVICE - GENERAL	REQUIREMENTS NOT MET FOR FIELD-ERECTED TANKS TAKEN TEMPORARILY OUT OF SERVICE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	173	800(1)
2136	801(2)(a)1	OUT OF SERVICE - GENERAL	REQUIREMENTS NOT MET FOR OUT OF SERVICE SYSTEMS	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	174	800(2)(a)1
2137	801(2)(a)2	OUT OF SERVICE - GENERAL	UPGRADES AND TESTING NOT PERFORMED BEFORE RETURNING SYSTEM TO SERVICE	N	I	$1000 failure to properly operate or maintain storage tank system $3000 failure to timely upgrade a storage tank system	403.121(3)(g)	175	800(2)(a)2, 4
2138	801(2)(a)3	OUT OF SERVICE - UST SYSTEMS	SYSTEM OUT OF SERVICE LONGER THAN ALLOWED TIME LIMIT	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	177	800(2)(b)2
2139	801(2)(a)4	OUT OF SERVICE - UST SYSTEMS	NO TIGHTNESS/BREACH OF INTEGRITY TEST BEFORE RETURNING TO SERVICE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	176	800(2)(b)1
2140	801(2)(b)	OUT OF SERVICE - AST SYSTEMS	ASTS WITHOUT SECONDARY CONTAINMENT OUT OF SERVICE FOR MORE THAN 5 YEARS	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	178	800(2)(c)1
2141	801(2)(c)	OUT OF SERVICE - AST SYSTEMS	SHOP-FABRICATED AND FIELD-ERECTED ASTS NOT RECEIVING INSPECTION & EVALUATION PRIOR TO RETURN TO SERVICE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	179	800(2)(c)2
2142	801(2)(d)	OUT OF SERVICE - AST SYSTEMS	FIELD ERECTED TANK PRODUCT CHANGE DOES NOT COMPLY WITH API 653	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	180	800(2)(c)3

Vio #	AST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
2143	801(3)(a)1a	CLOSURE - GENERAL	LIQUIDS AND SLUDGE NOT REMOVED FROM TANK(S)	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	182	800(3)(a)1a
2144	801(3)(a)1b	CLOSURE - GENERAL	INTEGRAL PIPING NOT PROPERLY CLOSED, MANWAYS NOT SECURED	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	183	800(3)(a)1b
2145	801(3)(a)3	CLOSURE - GENERAL	MONITORING WELLS NOT CLOSED UPON SYSTEM CLOSURE	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	184	800(3)(a)3
2146	801(3)(b)	CLOSURE - AST SYSTEMS	UNMAINTAINED AST SYSTEMS NOT PROPERLY CLOSED WITHIN 90 DAYS OF DISCOVERY	B	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	192	800(3)(c)1
2147	801(3)(c)	CLOSURE - AST SYSTEMS	NOT RENDERED FREE OF EXPLOSIVE VAPORS	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	193	800(3)(c)2
2148	801(3)(d)	CLOSURE - AST SYSTEMS	NOT PROTECTED FROM FLOTATION ACCORDING TO NFPA 30, SECTION 2-6	N	I	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	194	800(3)(c)3
2149	801(4)(a-b)	CLOSURE - ASSESSMENT	CLOSURE ASSESSMENT REQUIRED AND NOT PERFORMED	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	185	800(4)(a)&(b)
2150	801(4)(c)	CLOSURE - ASSESSMENT	SAMPLING NOT IN ACCORDANCE WITH APRIL, 1998 "STORAGE TANK SYSTEM CLOSURE ASSESSMENT REQUIREMENTS"	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	186	800(4)(c)
2151	801(4)(d)	CLOSURE - ASSESSMENT	CLOSURE ASSESSMENT NOT SUBMITTED WITHIN 60 DAYS	B	N	$500 failure to prepare, submit, maintain, or use required documentation	403.121(4)(f)	196	800(4)(d)
2152	801(4)b)5	CLOSURE - AST SYSTEMS	NO WRITTEN CERTIFICATION WITHIN 10 DAYS OF SECONDARY CONTAINMENT UPGRADE FOR ASTS < 1100 GALLONS, IN LIEU OF CLOSURE	N	R	$500 failure to prepare, submit documentation	403.121(4)(f)	195	800(4)(b)5
2153	821(1)(a-c)	DISCHARGE RESPONSE	INCIDENT NOT PROMPTLY INVESTIGATED	N	N	$2000 - failure to timely investigate a suspected release	403.121(3)(g)	197	820(1)(a),(b),(c)
2154	821(1)(d)	DISCHARGE RESPONSE	SPILL OR LOSS OF REGULATED SUBSTANCE INTO SECONDARY CONTAINMENT NOT REMOVED WITHIN THREE DAYS OF DISCOVERY	N	N	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	198	820(1)(d)
2155	821(2)(a)	DISCHARGE RESPONSE	ACTIONS NOT TAKEN IMMEDIATELY TO CONTAIN, REMOVE AND ABATE THE DISCHARGE; FREE PRODUCT PRESENT NOT BEING REMOVED	N	R	$5000 failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs are completed; failure to timely recover free product	403.121(3)(g)	199	820(2)(a)
2156	821(2)(b)1	DISCHARGE RESPONSE	UNKNOWN DISCHARGE SOURCE NOT INVESTIGATED PER NFPA 329 CH. 3 & 5	N	R	$2000 - failure to timely investigate a suspected release	403.121(3)(g)	200	820(2)(b)1
2157	821(2)(b)2	DISCHARGE RESPONSE	REGULATED SUBSTANCE NOT REMOVED FROM SYSTEM TO PREVENT FURTHER DISCHARGE TO THE ENVIRONMENT	N	R	$5000 failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed	403.121(3)(g)	201	820(2)(b)2
2158	821(2)(b)3	DISCHARGE RESPONSE	FIRE, EXPLOSION, AND VAPOR HAZARDS NOT IDENTIFIED AND MITIGATED	N	R	$500 failure to comply with any other departmental regulatory statute or rule requirement	403.121(5)	202	820(2)(b)3
2159	821(2)(b)4	DISCHARGE RESPONSE	SYSTEM NOT REPAIRED NOR CLOSED	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	203	820(2)(b)4
2160	821(2)(c)	DISCHARGE RESPONSE	SYSTEM NOT TESTED UPON AGENCY DETERMINATION OF DISCHARGE OR RELEASE DETECTION ISSUE	N	R	$2000 failure to conduct required monitoring or testing	403.121(4)(d)	204	820(2)(c)
2161	821(2)(d)1	DISCHARGE RESPONSE	SYSTEM NOT TESTED WITHIN 3 DAYS TO CONFIRM A DISCHARGE, IF NECESSARY	N	R	$2000 failure to conduct required monitoring or testing	403.121(4)(d)	205	820(2)(d)1
2162	821(2)(d)2	DISCHARGE RESPONSE	LEAKING SYSTEM NOT PLACED OUT OF SERVICE WITHIN 3 DAYS OF DISCOVERY, UNTIL REPAIRED, REPLACED, OR CLOSED	N	R	$5000 failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed	403.121(3)(g)	206	820(2)(d)2
2163	821(2)(e)	DISCHARGE RESPONSE	CONTAMINATED SOIL NOT EXCAVATED, DISPOSED OF OR STOCKPILED, IS MANAGED IN ACCORDANCE WITH CHAPTER 62-770, FAC	N	R	$2000 - failure to timely assess or remediate petroleum contamination (such as failure to remove stockpiled soil after 30 / 60 / 90 days) $5000 - when a release has occurred from that storage tank system (such as spreading contamination from stockpiled soil)	403.121(3)(g)	207	820(2)(e)
2164	851(1)	EQUIPMENT APPROVALS/ALTERNATE PROCEDURE	FACILITY NOT IN COMPLIANCE WITH ALTERNATE PROCEDURE	N	R	$1000 failure to properly operate, maintain, close storage tank system	403.121(3)(g)	208	850(1)
2165	851(2)	EQUIPMENT APPROVALS/ALTERNATE PROCEDURES	EQUIPMENT NOT APPROVED BY DEPARTMENT BEFORE INSTALLATION OR USE	N	R	$500 failure to prepare, submit, maintain, use required documentation $2000 - failure to properly install a storage tank system	403.121(4)(f) 403.121(3)(g)	209	850(2)
2166	891(3)(a),(b)	MINERAL ACID SYSTEMS	MINERAL ACID TANK SYSTEMS NOT REGISTERED WITH THE DEPARTMENT	N	R			210	890(3)(a),(b)

Vio #	AST Cite	Category	New Violation text	Sig	ReEv	ELRA penalty amount	403.121 FS cite	98-04	98-04 Cite
2167	891(3)(c)	MINERAL ACID SYSTEMS	REGISTRATION PLACARD NOT DISPLAYED IN PLAIN VIEW	N	R			211	890(3)(c)
2168	891(5)	MINERAL ACID SYSTEMS	NO NOTIFICATION OF CHANGE TO REGISTRATION INFORMATION OR NO REPORTING OF A RELEASE INTO SECONDARY CONTAINMENT WITHIN ESTABLISHED TIMEFRAMES	N	N			212	890(5)
2169	891(6)	MINERAL ACID SYSTEMS	DISCHARGE REPORT NOT FILED FOR RELEASE OF MINERAL ACID SUBSTANCE IN EXCESS OF ESTABLISHED LEVELS, WITHIN 24 HRS/1 WORK DAY	B	N			213	890(6)
2170	891(7)(a)1	MINERAL ACID SYSTEMS	TANKS IN OPERATION BEFORE JULY 1, 1992 DO NOT HAVE CONTAINMENT & INTEGRITY PLAN OR SECONDARY CONTAINMENT	N	I			214	890(7)(a)1
2171	891(7)(a)2	MINERAL ACID SYSTEMS	NEW TANKS INSTALLED AFTER JULY 1, 1992 DO NOT HAVE SECONDARY CONTAINMENT	A	I			215	890(7)(a)2
2172	891(7)(b)	MINERAL ACID SYSTEMS	CONTAINMENT & INTEGRITY PLAN NOT REVIEWED/UPDATED EVERY 2 YRS BY P.E.	N	R			216	890(7)(b)
2173	891(7)(b)1-7	MINERAL ACID SYSTEMS	CONTAINMENT & INTEGRITY PLAN CONTAINS NO DOCUMENTATION ON CONSTRUCTION, MAINTENANCE, WATER LOCATION, CLEANUP PROCEDURES - AS REQUIRED	N	R			217	890(7)(b)1-7
2174	891(7)(c)	MINERAL ACID SYSTEMS	NO PE CERTIFICATION DOCUMENTS PROPER SECONDARY CONTAINMENT, WHERE CIP NOT USED	N	R			219	890(7)(c)
2175	891(7)(d)	MINERAL ACID SYSTEMS	TANKS INSTALLED AFTER JULY 1, 1992 DO NOT HAVE SECONDARY CONTAINMENT & LINERS INSTALLED AFTER JULY 13, 1998	B	I			220	890(7)(d)
2176	891(7)(e)	MINERAL ACID SYSTEMS	PE CERTIFICATION OF TANK INSPECTION/MAINTENANCE NOT IN ACCORDANCE WITH CIP	N	R			218	890(7)(e)
2177	891(8)	MINERAL ACID SYSTEMS	CONTAINMENT & INTEGRITY PLAN OR CERTIFICATION OF SECONDARY CONTAINMENT NOT AVAILABLE FOR INSPECTION	N	R			221	890(8)
2178	891(9)(a)	MINERAL ACID SYSTEMS	APPROPRIATE ACTIONS NOT TAKEN IN THE EVENT OF A DISCHARGE - PRODUCT REMOVAL/TANK REPAIR - CLOSURE	N	I			222	890(9)(a)
2179	891(9)(b)	MINERAL ACID SYSTEMS	ACTION IMMEDIATELY NOT TAKEN TO CONTAIN, NEUTRALIZE, ABATE A DISCHARGE	N	I			223	890(9)(b)
2180	62N-16	DISCHARGE PREVENTION & RESPONSE	FACILITY OUT OF COMPLIANCE WITH REQUIREMENTS OF CHAPTER 62-16N	N	R			224	62N-16

GUIDANCE DOCUMENT A - VIOLATION LIST

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
REGISTRATION/FINANCIAL RESPONSIBILITY	SYSTEMS REGISTERED; FEES PAID	1	400(1)-(2)	N	R		400(1)(a)-(b)	SYSTEMS NOT REGISTERED	401(1)(a)-(b)	SYSTEMS NOT REGISTERED
		1	400(1)-(2)	N	R		400(2)(a)-(e)	REGISTRATION FEES NOT PAID	401(2)(a)1-5; 401(2)(b)	REGISTRATION FEES NOT PAID
REGISTRATION/FINANCIAL RESPONSIBILITY	REGISTRATION PLACARD DISPLAYED IN PLAIN VIEW	2	400(2)(a)6	N	R		400(2)(f)	REGISTRATION PLACARD IS NOT DISPLAYED IN PLAIN VIEW	401(2)(a)6	REGISTRATION PLACARD IS NOT DISPLAYED IN PLAIN VIEW
REGISTRATION/FINANCIAL RESPONSIBILITY	FINANCIAL RESPONSIBILITY	3	400(3)	B	R		400(3)	NO FINANCIAL RESPONSIBILITY	401(3)	NO FINANCIAL RESPONSIBILITY
NOTIFICATION & REPORTING	30 DAY NOTIFICATION BEFORE INSTALLATION OR UPGRADE	4	450(1)(a)1	N	N		450(1)(a)1	30 DAY NOTIFICATION BEFORE INSTALLATION OR UPGRADE NOT SUBMITTED	451(1)(a)1	30 DAY NOTIFICATION BEFORE INSTALLATION OR UPGRADE NOT SUBMITTED
NOTIFICATION & REPORTING	10 DAY NOTIFICATION BEFORE API653 AST INSPECTION/UST INTERNAL INSPECTION; CHANGE IN SERVICE STATUS, CLOSURE, CLOSURE ASSESSMENT	5	450(1)(a)2	N	N		450(1)(a)2	10 DAY NOTIFICATION BEFORE UST INTERNAL INSPECTION, CHANGE IN SERVICE STATUS, CLOSURE, OR CLOSURE ASSESSMENT NOT SUBMITTED	451(1)(a)2	10 DAY NOTIFICATION BEFORE API 653 INSPECTION, CHANGE IN SERVICE STATUS, CLOSURE, OR CLOSURE ASSESSMENT NOT SUBMITTED
NOTIFICATION & REPORTING	48 HOUR NOTIFICATION BEFORE INSTALLATION/CLOSURE ACTIVITY BEGINS	6	450(1)(a)3	N	N		450(1)(a)3	48 HOUR NOTIFICATION BEFORE INSTALLATION/CLOSURE ACTIVITY, UST INTERNAL INSPECTION, CHANGE IN SERVICE STATUS, AND TIGHTNESS TESTS NOT SUBMITTED	451(1)(a)3	48 HOUR NOTIFICATION BEFORE INSTALLATION/CLOSURE ACTIVITY, API 653 INSPECTION, CHANGE IN SERVICE STATUS, AND TIGHTNESS TESTS NOT SUBMITTED
NOTIFICATION & REPORTING	EMERGENCY OUT-OF-SERVICE NOTIFICATION BEFORE NEXT BUSINESS DAY	7	450(1)(a)4	N	N		450(1)(a)4	EMERGENCY OUT-OF-SERVICE NOTIFICATION BEFORE NEXT BUSINESS DAY NOT SUBMITTED	451(1)(a)4	EMERGENCY OUT-OF-SERVICE NOTIFICATION BEFORE NEXT BUSINESS DAY NOT SUBMITTED
NOTIFICATION & REPORTING	30 DAY NOTIFICATION AFTER CHANGE OF OWNERSHIP, CLOSURE/UPGRADE, CHANGE IN REGISTRATION OR FINANCIAL RESPONSIBILITY	8	450(1)b	N	N		450(1)(b)	REGISTRATION UPDATE AFTER CHANGE OF OWNERSHIP, CLOSURE/UPGRADE, OR CHANGE IN FINANCIAL RESPONSIBILITY NOT SUBMITTED WITHIN 30 DAYS	451(1)(b)	REGISTRATION UPDATE AFTER CHANGE OF OWNERSHIP, CLOSURE/UPGRADE, OR CHANGE IN FINANCIAL RESPONSIBILITY NOT SUBMITTED WITHIN 30 DAYS
NOTIFICATION & REPORTING	INCIDENT NOTIFICATION (INF) IN 24 HOURS, OR NEXT BUSINESS DAY	9	450(2)(a)	N	N		450(2)	INCIDENT NOT REPORTED WITHIN 24 HOURS OR BY NEXT BUSINESS DAY	451(2)	INCIDENT NOT REPORTED WITHIN 24 HOURS OR BY NEXT BUSINESS DAY
NOTIFICATION & REPORTING	DISCHARGE REPORTING (DRF) WITHIN 24 HOURS, OR NEXT BUSINESS DAY	10	450(3)(a)	B	N		450(3)(a)	DISCHARGE NOT REPORTED WITHIN 24 HOURS OR BY NEXT BUSINESS DAY	451(3)(a)	DISCHARGE NOT REPORTED WITHIN 24 HOURS OR BY NEXT BUSINESS DAY
NOTIFICATION & REPORTING	COPY OF ANALYTICAL/TEST RESULTS WITH DRF	11	450(3)(b)	N	R		450(3)(b)	COPY OF ANALYTICAL OR FIELD TEST RESULTS CONFIRMING DISCHARGE NOT SUBMITTED WITH DRF	451(3)(b)	COPY OF ANALYTICAL OR FIELD TEST RESULTS CONFIRMING DISCHARGE NOT SUBMITTED WITH DRF
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	SITING	12	500(1)(a)	N	I		500(1)(a)	SITING REQUIREMENTS NOT MET	501(1)(a)	SITING REQUIREMENTS NOT MET
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	EXTERIOR COATINGS	13	500(1)(b)	N	I				501(1)(b)	AST SYSTEM EXTERIOR COATING DOES NOT MEET STANDARDS
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	SPILL CONTAINMENT	14	500(1)(c)	B	I		500(1)(b)	IMPERVIOUS SPILL CONTAINMENT NOT INSTALLED OR DOES NOT MEET STANDARDS	501(1)(c)	IMPERVIOUS SPILL CONTAINMENT NOT INSTALLED OR DOES NOT MEET STANDARDS
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	DISPENSING SYSTEMS	15	500(1)(d)	N	I		500(1)(c)	DISPENSING SYSTEMS DO NOT MEET STANDARDS	501(1)(d)	DISPENSING SYSTEMS DO NOT MEET STANDARDS
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	SECONDARY CONTAINMENT/LINERS	16	500(1)(e)1,2	B	I		500(1)(d)1-2	SECONDARY CONTAINMENT/LINERS DOES NOT MEET GENERAL STANDARDS	501(1)(e)1-2	SECONDARY CONTAINMENT/LINERS DOES NOT MEET STANDARDS

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	CONCRETE SECONDARY CONTAINMENT	17	500(1)(e)3	B	I		500(1)(d)3	CONCRETE SECONDARY CONTAINMENT DOES NOT MEET STANDARDS	501(1)(e)3	CONCRETE SECONDARY CONTAINMENT DOES NOT MEET STANDARDS
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	CONTAINMENT DOESN'T INTERFERE WITH CATHODIC PROTECTION	18	500(1)(e)4	N	I		500(1)(e)4	SECONDARY CONTAINMENT NOT PROPERLY DESIGNED OR CONSTRUCTED FOR RELEASE DETECTION, BREECH OF INTEGRITY, OR CATHODIC PROTECTION	501(1)(e)4	SECONDARY CONTAINMENT NOT PROPERLY DESIGNED OR CONSTRUCTED FOR RELEASE DETECTION, OR CATHODIC PROTECTION
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	CLOSED INTERSTICE SYSTEMS DESIGNED / TESTED FOR BREACH OF INTEGRITY	19	500(1)(e)5	N	I		500(1)(e)5	FAILURE TO ALLOW FOR/PERFORM A BREACH OF INTEGRITY TEST	501(1)(e)5	FAILURE TO ALLOW FOR/PERFORM A BREACH OF INTEGRITY TEST
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	MONITORING POINT FOR SECONDARY CONTAINMENT	20	500(1)(e)6	N	I		500(1)(e)6	FAILURE TO PROVIDE A MONITORING POINT FOR SECONDARY CONTAINMENT	501(1)(e)6	FAILURE TO PROVIDE A MONITORING POINT FOR SECONDARY CONTAINMENT
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	SECONDARY CONTAINMENT/SPILL PREVENTION FOR AIRPORT AND HYDRANT PITS	21	500(1)(e)7	N	I		500(1)(e)7	HYDRANT PIT SECONDARY CONTAINMENT DOES NOT MEET STANDARDS	501(1)(e)7	HYDRANT PIT SECONDARY CONTAINMENT DOES NOT MEET STANDARDS
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	CATHODIC PROTECTION TEST STATION/MONITORING METHOD DESIGNED AND INSTALLED PROPERLY	22	500(1)(f)1& 3	N	I		501(1)(f)1	CATHODIC PROTECTION TEST STATION/MONITORING METHOD NOT DESIGNED AND INSTALLED PROPERLY	501(1)(f)1	CATHODIC PROTECTION TEST STATION/MONITORING METHOD NOT DESIGNED AND INSTALLED PROPERLY
		22	**500(1)(f)1& 3**	**N**	**I**		501(1)(f)3	CATHODIC PROTECTION NOT DESIGNED BY CORROSION PROFESSIONAL	501(1)(f)3	CATHODIC PROTECTION NOT DESIGNED BY CORROSION PROFESSIONAL
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	CATHODIC PROTECTION TEST STATION/METHOD AND OPERATION REQUIREMENTS	23	500(1)(f)2	N	I		500(1)(e)2	CATHODIC PROTECTION TEST STATION/METHOD AND OPERATION DOES NOT MEET REQUIREMENTS	501(1)(f)2	CATHODIC PROTECTION TEST STATION/METHOD AND OPERATION DOES NOT MEET REQUIREMENTS
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	UNDERGROUND TANK RELOCATION REQUIREMENTS MET	24	500(1)(g)	N	I		500(1)(f)	UNDERGROUND TANK RELOCATION REQUIREMENTS NOT MET		
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	ABOVEGROUND TANK RELOCATION REQUIREMENTS MET	25	500(1)(h)	N	I				501(1)(g)	ABOVEGROUND TANK RELOCATION REQUIREMENTS NOT MET
CATEGORY C SYSTEMS - GENERAL PERFORMANCE	REUSED TANKS PROPERLY CERTIFIED	26	500(1)l	N	R		500(1)(h)	REUSED TANKS NOT PROPERLY CERTIFIED	501(1)(h)	REUSED TANKS NOT PROPERLY CERTIFIED
CATEGORY C SYSTEMS - UST SYSTEMS	INSTALLED ACCORDING TO MANUFACTURER'S INSTRUCTIONS	27	500(2)(a)1	N	I		500(2)(a)	NOT INSTALLED ACCORDING TO MANUFACTURER'S INSTRUCTIONS		
CATEGORY C SYSTEMS - UST SYSTEMS	INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA 30; NFPA 30A; API 1615; PEI 100	28	500(2)(a)2	B	I		500(2)(b)	INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA 30; NFPA 30A; API 1615; PEI 100		
CATEGORY C SYSTEMS - UST SYSTEMS	WORK PERFORMED BY A CERTIFIED CONTRACTOR	29	500(2)(a)3	N	R		500(2)(c)	WORK NOT PERFORMED BY A CERTIFIED CONTRACTOR		
CATEGORY C SYSTEMS - UST SYSTEMS	TANK AND INTEGRAL PIPING TESTED PROPERLY (TIGHTNESS OR APPROVED TEST METHOD)	30	500(2)(a)4	N	I		500(2)(d)	TANK AND INTEGRAL PIPING NOT TESTED PROPERLY (TIGHTNESS OR APPROVED TEST METHOD)		
CATEGORY C SYSTEMS - UST SYSTEMS	TANK CONSTRUCTED TO STANDARDS, OR APPROVED PER 62-761.850(2)	31	500(2)(b)	N	I		500(3)	TANK NOT CONSTRUCTED TO STANDARDS, OR APPROVED PER 62-761.850(2)		
CATEGORY C SYSTEMS - UST SYSTEMS	INSTALLED WITH SECONDARY CONTAINMENT	32	500(2)(c)	B	I		500(4)	NOT INSTALLED WITH SECONDARY CONTAINMENT		
CATEGORY C SYSTEMS - UST SYSTEMS	OVERFILL PROTECTION	33	500(2)(d)	B	I		500(5)	UST NOT PROVIDED WITH OVERFILL PROTECTION		
CATEGORY C SYSTEMS - UST SYSTEMS	FILLBOX COVERS MARKED ACCORDING TO API RP 1637, OR EQUIVALENT METHOD	34	500(2)(d)1	N	I		500(5)(a)	FILLBOX COVERS NOT MARKED ACCORDING TO API RP 1637, OR EQUIVALENT METHOD		

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
CATEGORY C SYSTEMS - UST SYSTEMS	UST PROVIDED WITH OVERFILL PROTECTION	35	500(2)(d)2	B	I		500(5)(b)	FAILURE TO PROVIDE OVERFILL THAT SHUTS OFF/RESTRICTS FLOW OR TRIGGERS ALARM		
CATEGORY C SYSTEMS - UST SYSTEMS	DISPENSER LINERS INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	36	500(2)(e)	B	I		500(6)	DISPENSER LINERS NOT INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING		
CATEGORY C SYSTEMS - UST SYSTEMS	**DISPENSER LINERS ALLOW FOR INTERSTITIAL MONITORING**	**37**	**500(2)(e)3**	**B**	**I**	**30-Jun-00**				
CATEGORY C SYSTEMS - UST SYSTEMS	PIPING SUMPS INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	38	500(2)(f)	B	I		500(7)	PIPING SUMPS NOT INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING		
CATEGORY C SYSTEMS - UST SYSTEMS	**PIPING SUMPS ALLOW FOR INTERSTITIAL MONITORING**	**39**	**500(2)(f)3**	**B**	**I**	**30-Jun-00**				
CATEGORY C SYSTEMS - AST SYSTEMS	INSTALLED ACCORDING TO MANUFACTURER'S INSTRUCTIONS	40	500(3)(a)1	N	I				501(2)(a)	INSTALLED ACCORDING TO NFPA 30, NFPA 30A, PEI RP 200-96, AND TO MANUFACTURER'S INSTRUCTIONS
CATEGORY C SYSTEMS - AST SYSTEMS	INSTALLED ACCORDING TO NFPA 30, NFPA 30A, PEI RP 200-96	41	500(3)(a)2	N	I					
CATEGORY C SYSTEMS - AST SYSTEMS	CONSTRUCTED TO REFERENCE STANDARDS OR APPROVED PER 62-761.850(2)	42	500(3)(b)	N	R				501(2)(b)1	SHOP-FABRICATED TANKS NOT CONSTRUCTED TO REFERENCE STANDARDS OR APPROVED PER 62-761.850(2)
		42	**500(3)(b)**	**N**	**R**				501(2)(b)2	FIELD-ERECTED TANKS NOT CONSTRUCTED TO REFERENCE STANDARDS OR APPROVED PER 62-761.850(2)
		42	**500(3)(b)**	**N**	**R**				501(2)(b)3	NEW FIELD ERECTED TANKS DOES NOT HAVE API 653 INSPECTION SCHEDULE ESTABLISHED
		42	**500(3)(b)**	**N**	**R**				501(2)(b)4	CATHODIC PROTECTION INSTALLATION DOES NOT MEET REQUIREMENTS
CATEGORY C SYSTEMS - AST SYSTEMS	INSTALLED WITH SECONDARY CONTAINMENT FOR NON-EXEMPT AST SYSTEMS	43	500(3)(c)	B	I				501(2)(c)	INSTALLED WITH SECONDARY CONTAINMENT FOR NON-EXEMPT AST SYSTEMS
		43	**500(3)(c)**	**B**	**I**				501(2)(c)2	CONTAINMENT BENEATH FIELD ERECTED TANK DOES NOT MEET API 650
		43	**500(3)(c)**	**B**	**I**				501(2)(c)3a	DIKE FIELD CONTAINMENT DOES NOT MEETS NFPA 30 CH. 2-3
CATEGORY C SYSTEMS - AST SYSTEMS	110% CONTAINMENT	44	500(3)(c)3b	N	I				501(2)(c)3b	110% CONTAINMENT NOT MET
CATEGORY C SYSTEMS - AST SYSTEMS	CONTAINMENT PROVIDED WITH DRAINAGE	45	500(3)(c)3c	N	I				501(2)(c)3c	CONTAINMENT NOT PROVIDED WITH DRAINAGE
CATEGORY C SYSTEMS - AST SYSTEMS	PENETRATIONS THROUGH CONTAINMENT PROPERLY SEALED	46	500(3)(c)3d	N	I				501(2)(c)3d	PENETRATIONS THROUGH CONTAINMENT NOT PROPERLY SEALED
		46	**500(3)(c)3d**	**N**	**I**				501(2)(c)3e	STEEL CONTAINMENT NOT TESTED PER UL 142
CATEGORY C SYSTEMS - AST SYSTEMS	**API RP 2350 OVERFILL PROTECTION/FUEL TRANSFER MONITORING**	**47**	**500(3)(d)**	**N**	**I**	**20-Jan-00**				

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
CATEGORY C SYSTEMS - AST SYSTEMS	FUEL TRANSFER MONITORED	48	500(3)(d)1	B	I				501(2)(d)1	FUEL TRANSFER NOT MONITORED
CATEGORY C SYSTEMS - AST SYSTEMS	OVERFILL PROTECTION PERFORMED PER API RP 2350 FOR WATERFRONT FACILITIES WITH FIELD ERECTED GASOLINE STORAGE TANKS	49	500(3)(d)2	B	I				501(2)(d)2	OVERFILL PROTECTION NOT PERFORMED PER API RP 2350 FOR WATERFRONT FACILITIES WITH FIELD ERECTED GASOLINE STORAGE TANKS
CATEGORY C SYSTEMS - AST SYSTEMS	FILLBOX COVERS MARKED ACCORDING TO API RP 1637, OR EQUIVALENT METHOD	50	500(3)(d)3	N	I				501(2)(d)3	FILLBOX COVERS NOT MARKED ACCORDING TO API RP 1637, OR EQUIVALENT METHOD
CATEGORY C SYSTEMS - AST SYSTEMS	**OVERFILL PROTECTION**	**51**	**500(3)(d)**	**N**	**I**	**20-Jan-00**				
CATEGORY C SYSTEMS - AST SYSTEMS	LEVEL GAUGE/HI-LEVEL ALARM/PUMP SHUTOFF/GAUGING STICK PROVIDED	52	500(3)(d)4,5	B	I				501(2)(d)4	LEVEL GAUGE/HI-LEVEL ALARM/PUMP SHUTOFF/GAUGING STICK NOT PROVIDED
CATEGORY C SYSTEMS - AST SYSTEMS	DISPENSER LINERS INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	53	500(3)(e)	B	I				501(2)(e)	DISPENSER LINERS NOT INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING
CATEGORY C SYSTEMS - AST SYSTEMS	**DISPENSER LINERS ALLOW FOR INTERSTITIAL MONITORING**	**54**	**500(3)(e)3**	**B**	**I**	**30-Jun-00**				
CATEGORY C SYSTEMS - AST SYSTEMS	PIPING SUMPS INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	55	500(3)f	B	I				501(2)(f)	PIPING SUMPS NOT INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING
CATEGORY C SYSTEMS - AST SYSTEMS	**PIPING SUMPS ALLOW FOR INTERSTITIAL MONITORING**	**56**	**500(3)(f)3**	**B**	**I**	**30-Jun-00**				
CATEGORY C SYSTEMS - INTEGRAL PIPING	INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA30, 30A, ASME B31.4, AND MANUFACTURER'S INSTRUCTIONS	57	500(4)(a)1,2	B	I		500(8)(a)1,2	NOT INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA30, 30A, ASME B31.4, AND MANUFACTURER'S INSTRUCTIONS	501(3)(a)1, 2	NOT INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA30, 30A, ASME B31.4, AND MANUFACTURER'S INSTRUCTIONS
CATEGORY C SYSTEMS - INTEGRAL PIPING	AST ASSOCIATED PIPING HAS APPROPRIATED TEST BEFORE PLACED IN SERVICE	58	500(4)(a)3	N	I		500(8)(a)3	BULK PRODUCT UST PIPING NOT APPROPRIATELY TESTED BEFORE PLACED IN SERVICE	501(3)(a)3	AST ASSOCIATED PIPING NOT APPROPRIATELY TESTED BEFORE PLACED IN SERVICE
			500(4)(a)4	**B**	**I**		**500(8)(a)4**	**NEW PIPING NOT IN CONTACT WITH SOIL NOT INSTALLED TO STANDARDS**	**501(3)(a)4**	**NEW PIPING NOT IN CONTACT WITH SOIL NOT INSTALLED TO STANDARDS**
CATEGORY C SYSTEMS - INTEGRAL PIPING	PIPING MEETS REFERENCE STANDARDS AND/OR APPROVED PER 62-761.850(2)	59	500(4)(b)	B	R		500(8)(b)	PIPING NOT MEETING REFERENCE STANDARDS AND / OR APPROVED PER 62-761.850(2)	501(3)(b)	PIPING NOT MEETING REFERENCE STANDARDS AND / OR APPROVED PER 62-762.851(2)
CATEGORY C SYSTEMS - INTEGRAL PIPING	SMALL DIAMETER PIPING PRESSURIZED: SHEAR, EMERGENCY SHUTOFF VALVES PROPERLY INSTALLED	60	500(4)(c)1	N	I		500(8)(c)1	SMALL DIAMETER PIPING PRESSURIZED: SHEAR, EMERGENCY SHUTOFF VALVES NOT PROPERLY INSTALLED	501(3)(c)1	SMALL DIAMETER PIPING PRESSURIZED: SHEAR, EMERGENCY SHUTOFF VALVES NOT PROPERLY INSTALLED
CATEGORY C SYSTEMS - INTEGRAL PIPING	SMALL DIAMETER PIPING WITH GRAVITY-HEAD: ISOLATION VALVES PROPERLY INSTALLED AND MEET NFPA 30A SECTION 2-1.7	61	500(4)(c)2	N	I		500(8)(c)2	SMALL DIAMETER PIPING WITH GRAVITY-HEAD: ISOLATION VALVES NOT PROPERLY INSTALLED AND NOT MEETING NFPA 30A SECTION 2-1.7	501(3)(c)2	SMALL DIAMETER PIPING WITH GRAVITY-HEAD: ISOLATION VALVES NOT PROPERLY INSTALLED AND NOT MEETING NFPA 30A SECTION 2-1.7
CATEGORY C SYSTEMS - INTEGRAL PIPING	BULK PRODUCT PIPING INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA 30, 30A, ASME B31.4	62	500(4)(d)	B	I		500(8)(d)	BULK PRODUCT PIPING NOT INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA 30, 30A, ASME B31.4	501(3)(d)	BULK PRODUCT PIPING NOT INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA 30, 30A, ASME B31.4
CATEGORY C SYSTEMS - INTEGRAL PIPING	PIPING IN SOIL OR OVER WATER HAS SECONDARY CONTAINMENT	63	500(4)(e)1	B	I		500(8)(e)1	PIPING IN SOIL OR OVER WATER DOES NOT HAVE SECONDARY CONTAINMENT	501(3)(e)1	PIPING IN SOIL OR OVER WATER DOES NOT HAVE SECONDARY CONTAINMENT

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
CATEGORY C SYSTEMS - INTEGRAL PIPING	BULK PRODUCT AND REMOTE FILL PIPING IN SOIL HAS SECONDARY CONTAINMENT	64	500(4)(e)2,3	B	I		500(8)(e)2,3	BULK PRODUCT AND REMOTE FILL PIPING IN SOIL DOES NOT HAVE SECONDARY CONTAINMENT	501(3)(e)2-3	BULK PRODUCT AND REMOTE FILL PIPING IN SOIL DOES NOT HAVE SECONDARY CONTAINMENT
CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	SHEAR OR EMERGENCY SHUTOFF VALVES INSTALLED BY 12/31/1998	65	510(1)(b)1	B	I		510(1)(b)1	SHEAR OR EMERGENCY SHUTOFF VALVES NOT INSTALLED BY 12/31/1998	511(1)(b)1	SHEAR OR EMERGENCY SHUTOFF VALVES NOT INSTALLED BY 12/31/1998
CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	CATHODIC PROTECTION TEST STATION METHOD BY 12/31/1998	66	510(1)(b)2	N	I		510(1)(b)2	NO CATHODIC PROTECTION TEST STATION METHOD BY 12/31/1998	511(1)(b)2	NO CATHODIC PROTECTION TEST STATION METHOD BY 12/31/1998
CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	FILL BOXES COLOR-CODED BY 12/31/1998	67	510(1)(b)3	N	I		510(1)(b)3	FILL BOXES COLOR-NOT CODED BY 12/31/1998		
CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	UST'S REINSTALLED AS AST'S OR VICE VERSA MEET RULE BY 12/31/1998	68	510(1)(b)4	N	R		510(1)(b)4	AST'S REINSTALLED AS UST'S NOT MEETING RULE BY 12/31/1998	511(1)(b)3	UST'S REINSTALLED AS AST'S NOT MEETING RULE BY 12/31/1998
CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	CLOSURE ASSESSMENT PRIOR TO TANK SYSTEM COMPONENT UPGRADE	69	510(1)(c)	B	R		510(1)(c)	NO CLOSURE ASSESSMENT PRIOR TO TANK SYSTEM COMPONENT UPGRADE	511(1)(c)	NO CLOSURE ASSESSMENT PRIOR TO TANK SYSTEM COMPONENT INSTALLATION OR UPGRADE
CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	VALVES MEETING NFPA 30A STANDARDS REQUIRED FOR PIPING SYSTEMS WITH GRAVITY HEAD	70	510(1)(d)	N	I		510(1)(d)	NO VALVES MEETING NFPA 30A STANDARDS INSTALLED FOR PIPING SYSTEMS WITH GRAVITY HEAD	511(1)(d)	NO VALVES MEETING NFPA 30A STANDARDS INSTALLED FOR PIPING SYSTEMS WITH GRAVITY HEAD
CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	SECONDARY CONTAINMENT FOR PIPE OVER WATER BY 12/21/2004	71	510(1)(e)	B	I		510(1)(e)	NO SECONDARY CONTAINMENT FOR PIPE OVER WATER BY 12/31/2004	511(1)(e)	NO SECONDARY CONTAINMENT FOR PIPE OVER WATER BY 12/21/2004
CATEGORY A/B SYSTEMS - UST SYSTEMS	**CATEGORY A PROTECTED FROM CORROSION**	**72**	**510(2)(a)**	**A**	**I**	**30-Jun-00**				
CATEGORY A/B SYSTEMS - UST SYSTEMS	CATEGORY B USTS INSTALLED WITH SECONDARY CONTAINMENT	73	510(2)(b)1	A	I		510(3)(a)	CATEGORY B USTS NOT INSTALLED WITH SECONDARY CONTAINMENT		
CATEGORY A/B SYSTEMS - UST SYSTEMS	HAZARDOUS SUBSTANCE USTS INSTALLED AFTER 1/1/1991 HAVE SECONDARY CONTAINMENT	74	510(2)(b)2	A	I		510(3)(b)	HAZARDOUS SUBSTANCE USTS INSTALLED AFTER 1/1/1991 DOES NOT HAVE SECONDARY CONTAINMENT		
CATEGORY A/B SYSTEMS - UST SYSTEMS	PIPING INSTALLED WITH SECONDARY CONTAINMENT AFTER 12/31/1990	75	510(2)(c)	A	I		510(4)	PIPING NOT INSTALLED WITH SECONDARY CONTAINMENT AFTER 12/31/1990		
CATEGORY A/B SYSTEMS - UST SYSTEMS	ALL SYSTEMS MEET REQUIREMENTS OF TABLE UST	76	510(2)(d)	A	I		510(5)	ALL SYSTEMS NOT MEETING REQUIREMENTS OF TABLE UST		
CATEGORY A/B SYSTEMS - AST SYSTEMS	MET 17-61 REQUIREMENTS BY 1/1/1990 IF APPLICABLE	77	510(3)(a)	A	N				511(2)(a)	HAS NOT MET 17-61 REQUIREMENTS BY 1/1/1990 IF APPLICABLE
CATEGORY A/B SYSTEMS - AST SYSTEMS	CATEGORY B ASTS INSTALLED WITH SECONDARY CONTAINMENT	78	510(3)(b)	A	I				511(2)(b)	CATEGORY B ASTS NOT INSTALLED WITH SECONDARY CONTAINMENT
CATEGORY A/B SYSTEMS - AST SYSTEMS	CATEGORY B PIPING INSTALLED WITH SECONDARY CONTAINMENT	79	510(3)(c)	A	I				511(2)(c)	CATEGORY B PIPING NOT INSTALLED WITH SECONDARY CONTAINMENT
CATEGORY A/B SYSTEMS - AST SYSTEMS	CATEGORY A & B ASTS MEET REQUIREMENTS OF TABLE AST	80	510(3)(d)	A	I				511(2)(d)	CATEGORY A & B ASTS DO NOT MEET REQUIREMENTS OF TABLE AST
RELEASE DETECTION - GENERAL	CAN DETECT A NEW RELEASE FROM ANY PORTION OF THE SYSTEM	81	600(1)(a)1	N	I		600(1)(a)1	CANNOT DETECT A NEW RELEASE FROM ANY PORTION OF THE SYSTEM	601(1)(a)1	CANNOT DETECT A NEW RELEASE FROM ANY PORTION OF THE SYSTEM
RELEASE DETECTION - GENERAL	INSTALLED, CALIBRATED, OPERATED PER MANUFACTURER'S SPECIFICATIONS	82	600(1)(a)2	N	I		600(1)(a)2	NOT INSTALLED, CALIBRATED, OPERATED PER MANUFACTURER'S SPECIFICATIONS	601(1)(a)2	NOT INSTALLED, CALIBRATED, OPERATED PER MANUFACTURER'S SPECIFICATIONS
RELEASE DETECTION - GENERAL	MEETS PERFORMANCE STANDARDS; ALL MANUFACTURER'S CLAIMS RETAINED	83	600(1)(a)3	N	R		600(1)(a)3	NOT MEETING PERFORMANCE STANDARDS; NOR ALL MANUFACTURER'S CLAIMS RETAINED	601(1)(a)3	NOT MEETING PERFORMANCE STANDARDS; NOR ALL MANUFACTURER'S CLAIMS RETAINED
RELEASE DETECTION - GENERAL	**WRITTEN RELEASE DETECTION RESPONSE LEVEL FOR SYSTEM**	**84**	**600(1)(b); 640(1)(c**	**N**	**R**	**26-Jan-00**				

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
RELEASE DETECTION - GENERAL	RELEASE DETECTION METHOD PROVIDED UPON INSTALLATION	85	600(1)(c)	N	R		600(1)(c)	RELEASE DETECTION METHOD NOT PROVIDED UPON INSTALLATION	601(1)(c)	RELEASE DETECTION METHOD NOT PROVIDED UPON INSTALLATION
RELEASE DETECTION - GENERAL	RELEASE DETECTION PERFORMED AT LEAST ONCE A MONTH	86	600(1)(d)	B	R		600(1)(d)	RELEASE DETECTION NOT PERFORMED AT LEAST ONCE A MONTH	601(1)(d)	RELEASE DETECTION NOT PERFORMED AT LEAST ONCE A MONTH
RELEASE DETECTION - GENERAL	CONTINUOUS ELECTRONIC LEAK DETECTION INSPECTED MONTHLY	87	600(1)(e)	N	R		600(1)(e)	CONTINUOUS ELECTRONIC LEAK DETECTION NOT INSPECTED MONTHLY	601(1)(e)	VISIBLE STORAGE TANK COMPONENTS AND CONTINUOUS ELECTRONIC LEAK DETECTION NOT INSPECTED MONTHLY
RELEASE DETECTION - GENERAL	SITE SUITABILITY DETERMINATION (USTS BY 12/31/1998, ASTS BY 1/1/2000)	88	600(1)(f)	B	R		600(1)(f)	SITE SUITABILITY DETERMINATION NOT PERFORMED BY 12/31/1998	601(1)(f)	SITE SUITABILITY DETERMINATION NOT PERFORMED BY 1/1/2000
RELEASE DETECTION - GENERAL	VAPOR MONITORING PLANS IN PLACE BY 12/31/1998	89	600(1)(g)	B	R		600(1)(g)	VAPOR MONITORING PLANS NOT IN PLACE BY 12/31/1998	601(1)(g)	VAPOR MONITORING PLANS NOT IN PLACE BY 1/1/2000
RELEASE DETECTION - GENERAL	INTERSTITIAL MONITORING FOR SECONDARY CONTAINMENT	90	600(1)(h)	B	I		600(1)(h)	NO INTERSTITIAL MONITORING FOR SECONDARY CONTAINMENT	601(1)(h)	NO INTERSTITIAL MONITORING FOR SECONDARY CONTAINMENT
RELEASE DETECTION - GENERAL	LINE LEAK DETECTOR PROVIDED FOR PRESSURIZED PIPING	91	600(1)(i)	B	I		600(1)(i)	LINE LEAK DETECTOR NOT PROVIDED FOR PRESSURIZED PIPING	601(1)(i)	LINE LEAK DETECTOR NOT PROVIDED FOR PRESSURIZED PIPING
		91	**600(1)(i)**	**B**	**I**		600(1)(j)	STORAGE TANK SYSTEM WITHOUT RELEASE DETECTION BY DUE DATE NOT PERMANENTLY CLOSED	601(1)(j)	STORAGE TANK SYSTEM WITHOUT RELEASE DETECTION BY DUE DATE NOT PERMANENTLY CLOSED
RELEASE DETECTION - GENERAL	MONITORING WELLS NO LONGER USED FOR RELEASE DETECTION CLOSED	92	600(1)(k)	N	I		600(1)(k)	MONITORING WELLS NO LONGER USED FOR RELEASE DETECTION NOT CLOSED	601(1)(k)	MONITORING WELLS NO LONGER USED FOR RELEASE DETECTION NOT CLOSED
RELEASE DETECTION - UST SYSTEMS	RELEASE DETECTION PROVIDED ACCORDING TO TABLE RD	93	600(2)(a)	A	I		600(2)	RELEASE DETECTION NOT PROVIDED ACCORDING TO TABLE RD		
RELEASE DETECTION - UST SYSTEMS	GROUNDWATER MONITORING PLANS OR SPCC PLANS BEFORE 12/22/90 MEET 62-761.640(1)(A)	94	600(2)(b)	N	R		600(3)	GROUNDWATER MONITORING PLANS OR SPCC PLANS BEFORE 12/22/90 DO NOT MEET 62-761.640(1)(A)		
RELEASE DETECTION - UST SYSTEMS	MONITORING WELLS MEET 62-761.640(2) BY 12/31/1998	95	600(2)(d)	N	R		600(5)	MONITORING WELLS NOT MEETING 62-761.640(2) BY 12/31/1998		
RELEASE DETECTION - AST SYSTEMS	GROUNDWATER MONITORING OR SPCC PLANS SHALL MEET 62-761.640(1)(A) BY 12/31/1999	96	600(3)(a)	N	R				601(2)(a)	GROUNDWATER MONITORING OR SPCC PLANS SHALL NOT MEETING 62-761.640(1)(A) BY 12/31/1999
RELEASE DETECTION - AST SYSTEMS	MONITORING WELLS MEET 62-761.640(2) BY 1/1/2000 OR CLOSE	97	600(3)(b)	N	I				601(2)(b)	MONITORING WELLS DO NOT MEET 62-761.640(2) BY 1/1/2000 OR NOT CLOSED
RELEASE DETECTION - AST SYSTEMS	RELEASE DETECTION FOR FIELD-ERECTED TANKS MEETS API STANDARD 650, APPENDIX I	98	600(3)(c)	N	R				601(2)(c)	RELEASE DETECTION FOR FIELD-ERECTED TANKS DOES NOT MEET API STANDARD 650, APPENDIX I
RELEASE DETECTION - AST SYSTEMS	RELEASE DETECTION FOR INTERNALLY-LINED TANKS MEETS 62-761.640(2)	99	600(3)(d)	B	I				601(2)(d)	RELEASE DETECTION FOR INTERNALLY-LINED TANKS DOES NOT MEET 62-761.640(2)
RELEASE DETECTION - AST SYSTEMS	RELEASE DETECTION FOR AST PIPING IN CONTACT WITH THE SOIL	100	600(3)(e)	B	I				601(2)(e)	NO RELEASE DETECTION FOR AST PIPING IN CONTACT WITH THE SOIL
RELEASE DETECTION - AST SYSTEMS	GROUNDWATER MONITORING PLAN OR SPCC PLAN MEETS 62-761.610 BY 12/31/1999	101	600(3)(f)	N	I				601(2)(f)	GROUNDWATER MONITORING PLAN OR SPCC PLAN NOT MEETING 62-761.611 BY 12/31/1999
RELEASE DETECTION - AST SYSTEMS	VISUAL INSPECTION FOR ASTS WITH HIGH VISCOSITY REGULATED SUBSTANCES	102	600(3)(g)	B	I				601(2)(g)	VISUAL INSPECTION FOR HIGH VISCOSITY ASTS
RELEASE DETECTION - GENERAL	CATEGORIES A & B HAVE RELEASE DETECTION, AND RD MEETS STANDARDS	103	610(1)(a)	B	I		610(1)(a)	CATEGORIES A & B NO RELEASE DETECTION, AND RD NOT MEETING STANDARDS	611(1)(a)	CATEGORIES A & B RELEASE DETECTION NOT MEETING STANDARDS

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
RELEASE DETECTION - GENERAL	CATEGORY C RELEASE DETECTION IS INTERSTITIAL MONITORING FOR SECONDARY-CONTAINED TANKS, ALL PIPING; LINE LEAK DETECTOR FOR PRESSURIZED PIPING; CONTINUOUS INTERSTITIAL MONITORING WITH PUMP SHUTOFF FOR SECONDARY-CONTAINED PRESSURIZED PIPING.	104	610(1)(b)	A	I		610(1)(b)	CATEGORY C RELEASE DETECTION IS NOT: INTERSTITIAL MONITORING FOR SECONDARY-CONTAINED TANKS, ALL PIPING; LINE LEAK DETECTOR FOR PRESSURIZED PIPING; CONTINUOUS INTERSTITIAL MONITORING WITH PUMP SHUTOFF FOR SECONDARY-CONTAINED PRESSURIZED PIPING.	611(1)(b)	CATEGORY C SYSTEM DOES NOT HAVE APPROVED RELEASE DETECTION METHOD - INTERSTITIAL MONITORING, LEAK DETECTOR AND BREACH OF INTEGRITY AS APPLICABLE
RELEASE DETECTION - GENERAL	**CATEGORY C SYSTEMS HAVE BREACH OF INTEGRITY TEST EVERY 5 YEARS**	**105**	**610(1)(b)**	**N**	**R**	**20-Jan-00**				
RELEASE DETECTION - UST SYSTEMS	CATEGORY A & B SYSTEMS HAVE RELEASE DETECTION METHOD	106	610(2)	A	I		610(2)	CATEGORY A & B SYSTEMS DO NOT HAVE RELEASE DETECTION METHOD		
RELEASE DETECTION - AST SYSTEMS	CATEGORY A & B SYSTEMS HAVE RELEASE DETECTION	107	610(3)(a)	A	I				611(2)(a)1	CATEGORY A & B TANKS DOES NOT HAVE APPROVED RELEASE DETECTION METHOD
RELEASE DETECTION - AST SYSTEMS	VISUAL INSPECTION OF AST SYSTEM AND CONTAINMENT ONCE A MONTH	108	610(3)(b)	B	N				611(2)(a)2	VISUAL INSPECTION OF EXEMPT OR SINGLE WALLED AST SYSTEM AND CONTAINMENT NOT PERFORMED ONCE A MONTH
		108	**610(3)(b)**	**B**	**N**				611(2)(a)3	INTERNALLY LINED AND CUT AND COVER TANKS DO NOT HAVE RELEASE DETECTION METHOD
		108	**610(3)(b)**	**B**	**N**				611(2)(b)	VISUAL INSPECTIONS NOT CONDUCTED PROPERLY ONCE A MONTH
RELEASE DETECTION - SMALL DIAMETER PIPING	SINGLE WALLED SUCTION PIPING HAS ANNUAL LINE TEST OR 62-761.640(2) METHOD	109	610(4)(a)1	B	N		610(3)(a)1	SINGLE WALLED SUCTION PIPING DOES NOT HAVE ANNUAL LINE TEST OR 62-761.640(2) METHOD	611(3)(a)1	SINGLE WALLED SUCTION PIPING DOES NOT HAVE ANNUAL LINE TEST OR 62-761.641 METHOD
RELEASE DETECTION - SMALL DIAMETER PIPING	SINGLE WALLED PRESSURIZED PIPING HAS MECHANICAL LEAK DETECTORS / ANNUAL TIGHTNESS TEST, OR ELECTRONIC LEAK DETECTOR	110	610(4)(a)2	B	I		610(3)(a)2	SINGLE WALLED PRESSURIZED PIPING DOES NOT HAVE MECHANICAL LEAK DETECTORS / ANNUAL TIGHTNESS TEST, OR ELECTRONIC LEAK DETECTOR	611(3)(a)2	SINGLE WALLED PRESSURIZED PIPING DOES NOT HAVE MECHANICAL LEAK DETECTORS / ANNUAL TIGHTNESS TEST, OR ELECTRONIC LEAK DETECTOR
		110	**610(4)(a)2**	**B**	**I**				611(3)(a)3a	SUCTION PUMP - NO WRITTEN VERIFICATION OF OPTIONAL CHECK VALVE
RELEASE DETECTION - SMALL DIAMETER PIPING	ABOVEGROUND PIPING VISUALLY INSPECTED	111	610(4)(b)	B	N		610(3)(b)	ABOVEGROUND PIPING NOT VISUALLY INSPECTED	611(3)(b)	ABOVEGROUND PIPING NOT VISUALLY INSPECTED
RELEASE DETECTION - SMALL DIAMETER PIPING	SECONDARY-CONTAINED PIPING IN CONTACT WITH SOIL HAS: INTERSTITIAL MONITORING, LINE LEAK DETECTOR IF APPLICABLE, AND A BREACH OF INTEGRITY TESTING METHOD	112	610(4)(c)	N	I		610(3)(c)	SECONDARY-CONTAINED PIPING IN CONTACT WITH SOIL DOES NOT HAVE: INTERSTITIAL MONITORING, LINE LEAK DETECTOR IF APPLICABLE, AND A BREACH OF INTEGRITY TESTING METHOD	611(3)(c)	SECONDARY-CONTAINED PIPING IN CONTACT WITH SOIL DOES NOT HAVE: INTERSTITIAL MONITORING, LINE LEAK DETECTOR IF APPLICABLE, AND A BREACH OF INTEGRITY TESTING METHOD
RELEASE DETECTION - BULK & HYDRANT PIPING	SINGLE WALLED PIPING IN CONTACT WITH SOIL PRESSURE TESTED YEARLY OR MONTHLY RELEASE DETECTION SYSTEM	113	610(4)(d)1	B	N				611(3)(d)1	SINGLE WALLED BULK PRODUCT PIPING IN CONTACT WITH SOIL NOT PRESSURE TESTED YEARLY NOR MONTHLY RELEASE DETECTION SYSTEM
RELEASE DETECTION - BULK & HYDRANT PIPING	MONTHLY VISUAL INSPECTION OF ABOVEGROUND OR EXEMPT PIPE	114	610(4)(d)2	B	N				611(3)(d)2	NO MONTHLY VISUAL INSPECTION OF ABOVEGROUND OR EXEMPT PIPE

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
RELEASE DETECTION - BULK & HYDRANT PIPING	SECONDARY-CONTAINED PIPING IN CONTACT WITH SOIL HAS INTERSTITIAL MONITORING AND BREACH OF INTEGRITY	115	610(4)(d)3	B	I				611(3)(d)3	SECONDARILY CONTAINED PIPING IN CONTACT WITH SOIL DOES NOT HAVE INTERSTITIAL MONITORING AND BREACH OF INTEGRITY
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 FALSE ALARM PROBABILITY	116	640(1)(a)	N	R		640(1)(a)	DEVICE DOES NOT MEET GENERAL STANDARDS; CANNOT DETECT 0.2 GAL/HR OR 150 GALLON RELEASE WITHIN 30 DAYS, WITH 0.95 DETECTION PROBABILITY AND 0.05 FALSE ALARM PROBABILITY	641(1)(a)	DEVICE DOES NOT MEET GENERAL STANDARDS; CANNOT DETECT 0.2 GAL/HR OR 150 GALLON RELEASE WITHIN 30 DAYS, WITH 0.95 DETECTION PROBABILITY AND 0.05 FALSE ALARM PROBABILITY
RELEASE DETECTION - GENERAL	RELEASE DETECTION METHOD HAS DEP EQUIPMENT APPROVED IN ACCORDANCE WITH 62-761.850(2)	117	640(1)(b)	N	R		640(1)(b)	RELEASE DETECTION METHOD HAS NO DEP EQUIPMENT APPROVAL IN ACCORDANCE WITH 62-761.850(2)	641(1)(b)	RELEASE DETECTION METHOD HAS NO DEP EQUIPMENT APPROVAL IN ACCORDANCE WITH 62-762.851(2)
RELEASE DETECTION - GENERAL	RELEASE DETECTION RESPONSE LEVEL DESCRIBED IN WRITING	118	640(1)(c)	N	R		640(1)(c)	NO RELEASE DETECTION RESPONSE LEVEL DESCRIBED IN WRITING	641(1)(c)	NO RELEASE DETECTION RESPONSE LEVEL DESCRIBED IN WRITING
RELEASE DETECTION - EXTERNAL	MONITORING WELL CONSTRUCTION STANDARDS MET	119	640(2)(a)	N	I		640(2)(a)	MONITORING WELL CONSTRUCTION STANDARDS NOT MET	641(2)(a) & 641(2)(b)	MONITORING WELL CONSTRUCTION STANDARDS NOT MET; SITE SUITABILITY NOT PERFORMED PROPERLY
RELEASE DETECTION - EXTERNAL	NO FREE PRODUCT OR SHEEN PRESENT IN WELLS	120	640(2)(c)2	N	I		640(2)(c)2	FREE PRODUCT OR SHEEN PRESENT IN WELLS	641(2)(c)	GROUNDWATER MONITORING NOT PERFORMED TO STANDARDS
RELEASE DETECTION - EXTERNAL	ANOTHER METHOD USED IF < 1' OF WATER IN WELL OR WATER ABOVE SLOTS	121	640(2)(c)3	N	I		640(2)(c)3	ANOTHER METHOD NOT USED WHEN < 1' OF WATER IN WELL OR WATER ABOVE SLOTS		
RELEASE DETECTION - EXTERNAL	MONITORING WELL RECORDS MEET RECORDING REQUIREMENTS	122	640(2)(c)4	N	R		640(2)(c)4	MONITORING WELL RECORDS DO NOT MEET RECORDING REQUIREMENTS		
RELEASE DETECTION - EXTERNAL	VAPOR MONITORING WELLS NOT RENDERED INOPERATIVE	123	640(2)(d)2	N	I		640(2)(d)2	VAPOR MONITORING WELLS RENDERED INOPERATIVE	641(2)(d)	VAPOR MONITORING NOT PERFORMED TO STANDARDS
RELEASE DETECTION - EXTERNAL	RELEASE DETECTION EQUIPMENT CAN DETECT APPROPRIATE CONTAMINANT LEVELS IN PARTS PER MILLION UNITS (PPM)	124	640(2)(d)3	N	R		640(2)(d)3	RELEASE DETECTION EQUIPMENT CANNOT DETECT APPROPRIATE CONTAMINANT LEVELS IN PARTS PER MILLION UNITS (PPM)		
RELEASE DETECTION - EXTERNAL	VAPOR MONITORING NOT USED WHERE EXISTING CONTAMINATION INTERFERES	125	640(2)(d)4	N	R		640(2)(d)4	VAPOR MONITORING USED WHERE EXISTING CONTAMINATION INTERFERES		
RELEASE DETECTION - EXTERNAL	VAPOR MONITORING PLAN DEVELOPED AND IMPLEMENTED ACCORDING TO GUIDELINES	126	640(2)(d)5	N	N		640(2)(d)5	VAPOR MONITORING PLAN NOT DEVELOPED AND IMPLEMENTED ACCORDING TO GUIDELINES		
RELEASE DETECTION - EXTERNAL	VISUAL INSPECTIONS NOTED	127	640(2)(e)	N	I		640(2)(e)	PROBLEMS FOUND DURING VISUAL INSPECTIONS NOT NOTED	641(2)(e)	PROBLEMS FOUND DURING VISUAL INSPECTIONS NOT NOTED
RELEASE DETECTION - INTERNAL	INTERSTITIAL MONITORING OF SECONDARY-CONTAINED SYSTEMS WITH APPROVED METHOD	128	640(3)(a)1	N	R		640(3)(a)1	INTERSTITIAL MONITORING OF SECONDARY-CONTAINED SYSTEMS WITH NON-APPROVED METHOD	641(3)(a)1	INTERSTITIAL MONITORING METHOD DOES NOT MEET STANDARDS
RELEASE DETECTION - INTERNAL	**BREACH OF INTEGRITY TEST FOR CATEGORY C SYSTEMS PERFORMED**	**129**	**640(3)(a)2**	**N**	**N**	**20-Jan-00**		**FAILURE TO PERFORM BREACH OF INTEGRITY TEST FOR CATEGORY-C SYSTEMS**		
RELEASE DETECTION - INTERNAL	MEETS VACUUM MONITORING REQUIREMENTS	130	640(3)(a)3	N	R		640(3)(a)3	DOES NOT MEET VACUUM MONITORING REQUIREMENTS	641(3)(a)3	DOES NOT MEET VACUUM MONITORING METHOD STANDARDS
RELEASE DETECTION - INTERNAL	MEETS INTERSTITIAL MONITORING REQUIREMENTS FOR LINED SYSTEMS	131	640(3)(a)4	N	I		640(3)(a)4	DOES NOT MEET INTERSTITIAL MONITORING REQUIREMENTS FOR LINER SYSTEMS	641(3)(a)4	INTERSTITIAL MONITORING METHOD FOR LINER SYSTEMS DOES NOT MEET STANDARDS

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
RELEASE DETECTION - INTERNAL	INVENTORY CONTROL MAINTAINED FOR SINGLE-WALLED VEHICULAR SYSTEMS	132	640(3)(b)	N	R		640(3)(b)	INVENTORY CONTROL NOT MAINTAINED FOR SINGLE-WALLED VEHICULAR SYSTEMS	641(3)(b)2	INVENTORY CONTROL NOT MAINTAINED FOR SHOP-FABRICATED ASTS
RELEASE DETECTION - INTERNAL	WATER FLUCTUATIONS > 1.0" INVESTIGATED, SYSTEM TESTED	133	640(3)(b)3	N	I		640(3)(b)3	WATER FLUCTUATIONS > 1.0" NOT INVESTIGATED, SYSTEM NOT TESTED		
RELEASE DETECTION - INTERNAL	INVENTORY CONTROL PERFORMED FOR FIELD ERECTED ASTS	134	640(3)(b)4	N	R		640(3)(b)4	INVENTORY CONTROL PERFORMED FOR SYSTEMS >30,000 GALLONS	641(3)(b)3	INVENTORY CONTROL NOT MAINTAINED FOR FIELD-ERECTED ASTS
RELEASE DETECTION - INTERNAL	MANUAL TANK GAUGING MEETS REQUIREMENTS	135	640(3)(c)1	N	R		640(3)(c)	MANUAL TANK GAUGING DOES NOT MEET REQUIREMENTS		
RELEASE DETECTION - INTERNAL	ATG SYSTEM IN TEST MODE EVERY 30 DAYS OR OPERATED CONTINUOUSLY	136	640(3)(c)2	N	R		640(3)(d)	ATG SYSTEM NOT IN TEST MODE EVERY 30 DAYS NOR OPERATED CONTINUOUSLY		
RELEASE DETECTION - INTERNAL	MONTHLY SIR ANALYSES TO PROVIDE: LEAK THRESHOLD, MINIMUM DETECTABLE LEAK RATE, CALCULATED LEAK RATE, AND A RESULT DETERMINATION	137	640(3)(c)3	N	R		640(3)(e)	MONTHLY SIR ANALYSES NOT PROVIDING: LEAK THRESHOLD, MINIMUM DETECTABLE LEAK RATE, CALCULATED LEAK RATE, AND A RESULT DETERMINATION		
RELEASE DETECTION - INTERNAL	**INF SUBMITTED FOR A FAILING SIR REPORT**	**138**	**640(3)(c)3f**	**N**	**R**	**26-Jan-00**				
RELEASE DETECTION - INTERNAL	**INF SUBMITTED FOR TWO CONSECUTIVE INCONCLUSIVE SIR REPORTS**	**139**	**640(3)(c)3g**	**N**	**R**	**20-Jan-00**				
RELEASE DETECTION - INTERNAL	MONTHLY SIR EVALUATIONS RECORDED ON FORM 900(7) OR EQUIVALENT	140	640(3)(c)3i	N	R		640(3)(e)9	MONTHLY SIR EVALUATIONS NOT RECORDED ON FORM 900(7) OR EQUIVALENT		
RELEASE DETECTION - INTERNAL	TIGHTNESS TESTING OPERATIONAL REQUIREMENTS MET WHEN USED AS RELEASE DETECTION	141	640(3)(c)4	N	R		640(3)(f)	TIGHTNESS TESTING OPERATIONAL REQUIREMENTS NOT MET WHEN USED AS RELEASE DETECTION (TIGHTNESS TESTING NOT MEET STANDARDS)		
RELEASE DETECTION - SMALL DIAMETER PIPING	UST LINE LEAK DETECTOR CAN DETECT 3.0 GPH DISCHARGE, TESTED ANNUALLY	142	640(3)(d)	N	R		640(4)(a)	UST LINE LEAK DETECTOR CANNOT DETECT 3.0 GPH DISCHARGE, NOT TESTED ANNUALLY		
RELEASE DETECTION - SMALL DIAMETER PIPING	CONTINUOUSLY OPERATING INTERSTITIAL MONITOR CAN DETECT 10 GALLONS OF PRODUCT WITHIN HOUR AND SHUT OFF PUMP	143	640(3)(d)1e	N	R		640(4)(a)5	CONTINUOUSLY OPERATING INTERSTITIAL MONITOR CANNOT DETECT 10 GALLONS OF PRODUCT WITHIN HOUR AND SHUT OFF PUMP		
REPAIRS OPERATION & MAINTENANCE - GENERAL	REPAIRED COMPONENT WHICH HAS OR COULD CAUSE A DISCHARGE	144	700(1)(a)1	N	I		700(1)(a)1	NOT REPAIRED COMPONENT WHICH HAS OR COULD CAUSE A DISCHARGE	701(1)(a)1	NOT REPAIRED COMPONENT WHICH HAS OR COULD CAUSE A DISCHARGE
REPAIRS OPERATION & MAINTENANCE - GENERAL	TAKEN OUT OF OPERATION UNTIL REPAIR IS MADE	145	700(1)(a)2	B	I		700(1)(a)2	NOT TAKEN OUT OF OPERATION UNTIL REPAIR IS MADE	701(1)(a)2	NOT TAKEN OUT OF OPERATION UNTIL REPAIR IS MADE
REPAIRS OPERATION & MAINTENANCE - GENERAL	REPAIRED PER NFPA 30 OR OTHER APPLICABLE STANDARDS	146	700(1)(a)3	N	I		700(1)(a)3	NOT REPAIRED PER NFPA 30 OR OTHER APPLICABLE STANDARDS	701(1)(a)3	NOT REPAIRED PER NFPA 30 OR OTHER APPLICABLE STANDARDS
REPAIRS OPERATION & MAINTENANCE - GENERAL	REPAIRED COMPONENTS TESTED AS APPLICABLE	147	700(1)(a)4	N	I		700(1)(a)4	REPAIRED COMPONENTS NOT TESTED AS APPLICABLE	701(1)(a)4	REPAIRED COMPONENTS NOT TESTED AS APPLICABLE
REPAIRS OPERATION & MAINTENANCE - GENERAL	REPAIRS TO TANKS MADE BY AUTHORIZED REPRESENTATIVE	148	700(1)(a)5	N	I		700(1)(a)5	REPAIRS TO TANKS NOT MADE BY AUTHORIZED REPRESENTATIVE	701(1)(a)5	REPAIRS TO TANKS NOT MADE BY AUTHORIZED REPRESENTATIVE
REPAIRS OPERATION & MAINTENANCE - GENERAL	PIPING THAT IS DAMAGED OR HAS DISCHARGED IS REPLACED	149	700(1)(a)6	N	I		700(1)(a)6	PIPING THAT IS DAMAGED OR HAS DISCHARGED IS NOT REPLACED	701(1)(a)6	PIPING THAT IS DAMAGED OR HAS DISCHARGED IS NOT REPLACED
REPAIRS OPERATION & MAINTENANCE - CP	OPERATED AND MAINTAINED TO PROVIDE CONTINUOUS PROTECTION	150	700(1)(b)1	N	I		700(1)(b)1	NOT OPERATED AND MAINTAINED TO PROVIDE CONTINUOUS PROTECTION	701(1)(b)1	NOT OPERATED AND MAINTAINED TO PROVIDE CONTINUOUS PROTECTION

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
REPAIRS OPERATION & MAINTENANCE - CP	INSPECTED 6 MONTHS AFTER INSTALLATION OR REPAIR AND ANNUALLY/3 YEARS	151	700(1)(b)2a	N	I		700(1)(b)2a	NOT INSPECTED 6 MONTHS AFTER INSTALLATION OR REPAIR AND ANNUALLY/3 YEARS	701(1)(b)2a	NOT INSPECTED 6 MONTHS AFTER INSTALLATION OR REPAIR AND ANNUALLY/3 YEARS
REPAIRS OPERATION & MAINTENANCE - CP	IMPRESSED CURRENT SYSTEM INSPECTED EVERY TWO MONTHS	152	700(1)(b)2b	N	R		700(1)(b)2b	IMPRESSED CURRENT SYSTEM NOT INSPECTED EVERY TWO MONTHS	701(1)(b)2b	IMPRESSED CURRENT SYSTEM NOT INSPECTED EVERY TWO MONTHS
REPAIRS OPERATION & MAINTENANCE - CP	SYSTEMS THAT DO NOT MEET REQUIREMENTS REPAIRED/TAKEN OUT OF SERVICE	153	700(1)(b)3	N	I		700(1)(b)3	SYSTEMS THAT DO NOT MEET REQUIREMENTS NOT REPAIRED/TAKEN OUT OF SERVICE	701(1)(b)3	SYSTEMS THAT DO NOT MEET REQUIREMENTS NOT REPAIRED/TAKEN OUT OF SERVICE
REPAIRS OPERATION & MAINTENANCE - CP	**RECORDS OF INSPECTIONS AND TESTING ARE MAINTAINED**	**154**	**700(1)(b)4**	**N**	**R**	**20-Jan-00**				
REPAIRS OPERATION & MAINTENANCE - O & M	SPILL CONTAINMENT, DISPENSER LINERS AND PIPING SUMPS ACCESSIBLE; WATER AND REGULATED SUBSTANCES REMOVED	155	700(1)(c)1	N	I		700(1)(c)1	SPILL CONTAINMENT, DISPENSER LINERS AND PIPING SUMPS ACCESSIBLE; WATER AND REGULATED SUBSTANCES NOT REMOVED	701(1)(c)1	SPILL CONTAINMENT, DISPENSER LINERS AND PIPING SUMPS ACCESSIBLE; WATER AND REGULATED SUBSTANCES NOT REMOVED
REPAIRS OPERATION & MAINTENANCE - O & M	ENSURE VOLUME AVAILABLE IN TANK IS GREATER THAN THE VOLUME TRANSFERRED AND/OR FAILURE TO MONITOR DURING PRODUCT TRANSFER OPERATION	156	700(1)(c)2	N	R		700(1)(c)2	NOT ENSURED VOLUME AVAILABLE IN TANK IS GREATER THAN THE VOLUME TRANSFERRED AND/OR FAILURE TO MONITOR DURING PRODUCT TRANSFER OPERATION	701(1)(c)2	NOT ENSURED VOLUME AVAILABLE IN TANK IS GREATER THAN THE VOLUME TRANSFERRED AND/OR FAILURE TO MONITOR DURING PRODUCT TRANSFER OPERATION
REPAIRS OPERATION & MAINTENANCE - O & M	RELEASE DETECTION DEVICES TESTED ANNUALLY	157	700(1)(c)3	N	R		700(1)(c)3	RELEASE DETECTION DEVICES NOT TESTED ANNUALLY	701(1)(c)3	RELEASE DETECTION DEVICES NOT TESTED ANNUALLY
REPAIRS OPERATION & MAINTENANCE - O & M	INVENTORY CONTROL FOR VEHICULAR FUEL TANKS WITHOUT SECONDARY CONTAINMENT	158	700(1)(c)6	N	R		700(1)(c)5	INVENTORY CONTROL FOR VEHICULAR FUEL TANKS WITHOUT SECONDARY CONTAINMENT NOT USED	701(1)(c)6	INVENTORY CONTROL FOR VEHICULAR FUEL TANKS WITHOUT SECONDARY CONTAINMENT NOT USED
REPAIRS OPERATION & MAINTENANCE - UST SYSTEMS	TESTED BEFORE PLACING BACK INTO SERVICE (TIGHTNESS/OTHER APPROVED METHOD)	159	700(2)(b)	N	R		700(3)	NOT TESTED BEFORE PLACING BACK INTO SERVICE (TIGHTNESS/OTHER APPROVED METHOD)		
REPAIRS OPERATION & MAINTENANCE - UST SYSTEMS	TANK REPAIRED BY LINING PER API 1631, INSPECTED PER NLPA 631 CH. B, AND CATHODIC PROTECTION INSTALLED PROPERLY, TESTED IN STATED TIME FRAMES	160	700(2)(c)	N	R		700(4)	TANK NOT REPAIRED BY LINING PER API 1631, NOT INSPECTED PER NLPA 631 CH. B, AND CATHODIC PROTECTION NOT INSTALLED PROPERLY, NOT TESTED IN STATED TIME FRAMES		
REPAIRS OPERATION & MAINTENANCE - UST SYSTEMS	TANK UPGRADED WITH INTERNAL LINING INSPECTED AND TIGHTNESS TESTED 10/5 YEARS	161	700(2)(e)	N	R		700(6)	TANK UPGRADED WITH INTERNAL LINING INSPECTED AND TIGHTNESS TESTED 10/5 YEARS		
REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	STORMWATER DRAWN OFF WITHIN ONE WEEK	162	700(3)(a)2a	N	I				701(2)(b)1	STORMWATER NOT DRAWN OFF WITHIN ONE WEEK
REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	STORMWATER NOT DISCHARGED UNTREATED IF IT HAS A VISIBLE SHEEN	163	700(3)(a)2b	N	I				701(2)(b)2	STORMWATER WAS DISCHARGED UNTREATED WHEN IT HAS A VISIBLE SHEEN
REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	DRAIN VALVES KEPT CLOSED EXCEPT WHEN DRAWING OFF STORMWATER	164	700(3)(a)3	N	I				701(2)(c)	DRAIN VALVES NOT KEPT CLOSED EXCEPT WHEN DRAWING OFF STORMWATER
REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	FIELD ERECTED TANKS EVALUATED, RETESTED, AND/OR REPAIRED PER APR 653	165	700(3)(b)	N	I				701(3)	FIELD ERECTED TANKS NOT EVALUATED, RETESTED, AND/OR REPAIRED PER API 653

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	SMALL DIAMETER PIPING TIGHTNESS TESTED BEFORE RETURNING TO SERVICE	166	700(3)(c)1	N	R				701(4)(a)	SMALL DIAMETER PIPING NOT TIGHTNESS TESTED BEFORE RETURNING TO SERVICE
REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	BULK/HYDRANT PIPING PRESSURE TESTED BEFORE RETURNING TO SERVICE	167	700(3)(c)2	N	R				701(4)(b)	BULK/HYDRANT PIPING NOT PRESSURE TESTED BEFORE RETURNING TO SERVICE
REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	BULK PRODUCT PIPING OVER WATER TESTED ANNUALLY; MAINTAINED PER CFR 33	168	700(3)(d)	N	R				701(5)	BULK PRODUCT PIPING OVER WATER NOT TESTED ANNUALLY; NOT MAINTAINED PER CFR 33
REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	SECONDARY CONTAINMENT REPAIRED PER 62-761.500(1)(E)	169	700(3)(e)	N	I				701(6)	SECONDARY CONTAINMENT NOT REPAIRED PER 62-761.500(1)(E)
RECORD KEEPING	PERMANENT RECORDS AVAILABLE WITHIN 5 WORKING DAYS NOTICE; REASONABLE FACILITY ACCESS	170	710(1)	N	N		710(1)	PERMANENT RECORDS NOT AVAILABLE WITHIN 5 WORKING DAYS NOTICE; NO REASONABLE FACILITY ACCESS	711(1)	PERMANENT RECORDS NOT AVAILABLE WITHIN 5 WORKING DAYS NOTICE; NO REASONABLE FACILITY ACCESS
RECORD KEEPING	RECORDS REQUIRING 2-YEAR DOCUMENTATION PERIOD KEPT BY FACILITY	171	710(2)	N	N		710(2)	RECORDS REQUIRING 2-YEAR DOCUMENTATION PERIOD NOT KEPT BY FACILITY	711(2)	RECORDS REQUIRING 2-YEAR DOCUMENTATION PERIOD NOT KEPT BY FACILITY
RECORD KEEPING	RECORDS REQUIRED FOR LIFE OF SYSTEM KEPT BY FACILITY	172	710(3)	N	N		710(3)	RECORDS REQUIRED FOR LIFE OF SYSTEM NOT KEPT BY FACILITY	711(3)	RECORDS REQUIRED FOR LIFE OF SYSTEM NOT KEPT BY FACILITY
OUT OF SERVICE - GENERAL	REQUIREMENTS MET FOR FIELD-ERECTED TANKS TAKEN TEMPORARILY OUT OF SERVICE	173	800(1)	N	I				801(1)	REQUIREMENTS NOT MET FOR FIELD-ERECTED TANKS TAKEN TEMPORARILY OUT OF SERVICE
OUT OF SERVICE - GENERAL	REQUIREMENTS MET FOR OUT OF SERVICE SYSTEMS	174	800(2)(a)1	N	I		800(1)(a)1	REQUIREMENTS NOT MET FOR OUT OF SERVICE SYSTEMS	801(2)(a)1	REQUIREMENTS NOT MET FOR OUT OF SERVICE SYSTEMS
OUT OF SERVICE - GENERAL	UPGRADES AND TESTING PERFORMED BEFORE RETURNING SYSTEM TO SERVICE	175	800(2)(a)2, 4	N	I		800(1)(a)2, 4	UPGRADES AND TESTING NOT PERFORMED BEFORE RETURNING SYSTEM TO SERVICE	801(2)(a)2	UPGRADES AND TESTING NOT PERFORMED BEFORE RETURNING SYSTEM TO SERVICE
OUT OF SERVICE - UST SYSTEMS	TIGHTNESS/BREACH OF INTEGRITY TEST BEFORE RETURNING TO SERVICE	176	800(2)(b)1	N	I		800(1)(b)1	NO TIGHTNESS/BREACH OF INTEGRITY TEST BEFORE RETURNING TO SERVICE	801(2)(a)4	NO TIGHTNESS/BREACH OF INTEGRITY TEST BEFORE RETURNING TO SERVICE
OUT OF SERVICE - UST SYSTEMS	SYSTEM OUT OF SERVICE NO LONGER THAN ALLOWED TIME LIMIT	177	800(2)(b)2	N	I		800(1)(b)2	SYSTEM OUT OF SERVICE LONGER THAN ALLOWED TIME LIMIT	801(2)(a)3	SYSTEM OUT OF SERVICE LONGER THAN ALLOWED TIME LIMIT
OUT OF SERVICE - AST SYSTEMS	ASTS WITHOUT SECONDARY CONTAINMENT OUT OF SERVICE NO MORE THAN 5 YEARS	178	800(2)(c)1	N	I				801(2)(b)	ASTS WITHOUT SECONDARY CONTAINMENT OUT OF SERVICE FOR MORE THAN 5 YEARS
OUT OF SERVICE - AST SYSTEMS	SHOP-FABRICATED AND FIELD-ERECTED ASTS RECEIVE INSPECTION & EVALUATION PRIOR TO RETURN TO SERVICE	179	800(2)(c)2	N	I				801(2)(c)	SHOP-FABRICATED AND FIELD-ERECTED ASTS NOT RECEIVING INSPECTION & EVALUATION PRIOR TO RETURN TO SERVICE
OUT OF SERVICE - AST SYSTEMS	FIELD ERECTED TANK PRODUCT CHANGE COMPLIES WITH API 653	180	800(2)(c)3	N	R				801(2)(d)	FIELD ERECTED TANK PRODUCT CHANGE DOES NOT COMPLY WITH API 653
CLOSURE - GENERAL	**TANK CLOSURE PERFORMED PROPERLY**	**181**	**800(3)(a)1**	**N**	**I**	**20-Jan-00**				
CLOSURE - GENERAL	LIQUIDS AND SLUDGE REMOVED FROM TANK(S)	182	800(3)(a)1a	N	I		800(2)(a)1a	LIQUIDS AND SLUDGE NOT REMOVED FROM TANK(S)	801(3)(a)1a	LIQUIDS AND SLUDGE NOT REMOVED FROM TANK(S)
CLOSURE - GENERAL	INTEGRAL PIPING PROPERLY CLOSED, MANWAYS SECURED	183	800(3)(a)1b	N	I		800(2)(a)1b	INTEGRAL PIPING NOT PROPERLY CLOSED, MANWAYS NOT SECURED	801(3)(a)1b	INTEGRAL PIPING NOT PROPERLY CLOSED, MANWAYS NOT SECURED
CLOSURE - GENERAL	MONITORING WELLS CLOSED UPON SYSTEM CLOSURE	184	800(3)(a)3	N	I		800(2)(a)3	MONITORING WELLS NOT CLOSED UPON SYSTEM CLOSURE	801(3)(a)3	MONITORING WELLS NOT CLOSED UPON SYSTEM CLOSURE

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
CLOSURE - ASSESSMENT	CLOSURE ASSESSMENT REQUIRED AND PERFORMED	185	800(4)(a)&(b)	N	R		800(3)(a)&(b)	CLOSURE ASSESSMENT REQUIRED AND NOT PERFORMED	801(4)(a)&(b)	CLOSURE ASSESSMENT REQUIRED AND NOT PERFORMED
CLOSURE - ASSESSMENT	SAMPLING IN ACCORDANCE WITH APRIL, 1998 "STORAGE TANK SYSTEM CLOSURE ASSESSMENT REQUIREMENTS"	186	800(4)(c)	N	R		800(3)(c)	SAMPLING NOT IN ACCORDANCE WITH APRIL, 1998 "STORAGE TANK SYSTEM CLOSURE ASSESSMENT REQUIREMENTS"	801(4)(c)	SAMPLING NOT IN ACCORDANCE WITH APRIL, 1998 "STORAGE TANK SYSTEM CLOSURE ASSESSMENT REQUIREMENTS"
CLOSURE - ASSESSMENT	UNMAINTAINED USTS PROPERLY CLOSED WITHIN 90 DAYS OF DISCOVERY	187	800(3)(b)1	B	I		800(2)(b)1	UNMAINTAINED USTS NOT PROPERLY CLOSED WITHIN 90 DAYS OF DISCOVERY		
CLOSURE - GENERAL	**CLOSURE BY CERTIFIED CONTRACTOR, MEETS API RP 1604, NFPA 30**	**188**	**800(3)(b)2**	**N**	**R**	**30-Jun-00**				
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	189	800(3)(b)2a	N	R		800(2)(c)2a	CLOSURE NOT PERFORMED ACCORDING TO API RP 1604 CHAPTER 1,3,4,5,7-PERMANENT CLOSURE REQUIREMENTS, STORAGE, DISPOSAL AND ACCORDING TO NFPA 30 APPENDIX C		
CLOSURE - UST SYSTEMS	PROPERLY CLOSED IN PLACE OR CERTIFIED CONTRACTOR PERFORMED TANK REMOVAL(S)	190	800(3)(b)2b	N	I		800(2)(c)2b	NOT PROPERLY CLOSED IN PLACE NOR CERTIFIED CONTRACTOR PERFORMED TANK REMOVAL(S)		
CLOSURE - AST SYSTEMS	**UNMAINTAINED ASTS CLOSED WITHIN 90 DAYS, VAPOR FREE, ANCHORED**	**191**	**800(3)(c)**	**N**	**I**	**20-Jan-00**				
CLOSURE - AST SYSTEMS	UNMAINTAINED AST SYSTEMS PROPERLY CLOSED WITHIN 90 DAYS OF DISCOVERY	192	800(3)(c)1	B	I				801(3)(b)	UNMAINTAINED AST SYSTEMS NOT PROPERLY CLOSED WITHIN 90 DAYS OF DISCOVERY
CLOSURE - AST SYSTEMS	RENDERED FREE OF EXPLOSIVE VAPORS	193	800(3)(c)2	N	I				801(3)(c)	NOT RENDERED FREE OF EXPLOSIVE VAPORS
CLOSURE - AST SYSTEMS	PROTECTED FROM FLOTATION ACCORDING TO NFPA 30, SECTION 2-6	194	800(3)(c)3	N	I				801(3)(d)	NOT PROTECTED FROM FLOTATION ACCORDING TO NFPA 30, SECTION 2-6
CLOSURE - AST SYSTEMS	WRITTEN CERTIFICATION WITHIN 10 DAYS OF SECONDARY CONTAINMENT UPGRADE FOR ASTS < 1100 GALLONS, IN LIEU OF CLOSURE	195	800(4)(b)5	N	R				801(4)b)5	NO WRITTEN CERTIFICATION WITHIN 10 DAYS OF SECONDARY CONTAINMENT UPGRADE FOR ASTS < 1100 GALLONS, IN LIEU OF CLOSURE
CLOSURE - ASSESSMENT	CLOSURE ASSESSMENT SUBMITTED WITHIN 60 DAYS	196	800(4)(d)	B	N		800(3)(d)	CLOSURE ASSESSMENT NOT SUBMITTED WITHIN 60 DAYS	801(4)(d)	CLOSURE ASSESSMENT NOT SUBMITTED WITHIN 60 DAYS
DISCHARGE RESPONSE	INCIDENT PROMPTLY INVESTIGATED	197	820(1)(a),(b),(c)	N	N		820(1)(a),(b),(c)	INCIDENT NOT PROMPTLY INVESTIGATED	821(1)(a),(b),(c)	INCIDENT NOT PROMPTLY INVESTIGATED
DISCHARGE RESPONSE	SPILL OR LOSS OF REGULATED SUBSTANCE INTO SECONDARY CONTAINMENT REMOVED WITHIN THREE DAYS OF DISCOVERY	198	820(1)(d)	N	N		820(1)(d)	SPILL OR LOSS OF REGULATED SUBSTANCE INTO SECONDARY CONTAINMENT NOT REMOVED WITHIN THREE DAYS OF DISCOVERY	821(1)(d)	SPILL OR LOSS OF REGULATED SUBSTANCE INTO SECONDARY CONTAINMENT NOT REMOVED WITHIN THREE DAYS OF DISCOVERY
DISCHARGE RESPONSE	ACTIONS TAKEN IMMEDIATELY TO CONTAIN, REMOVE AND ABATE THE DISCHARGE; FREE PRODUCT PRESENT BEING REMOVED	199	820(2)(a)	N	R		820(2)(a)	ACTIONS NOT TAKEN IMMEDIATELY TO CONTAIN, REMOVE AND ABATE THE DISCHARGE; FREE PRODUCT PRESENT NOT BEING REMOVED	821(2)(a)	ACTIONS NOT TAKEN IMMEDIATELY TO CONTAIN, REMOVE AND ABATE THE DISCHARGE; FREE PRODUCT PRESENT NOT BEING REMOVED
DISCHARGE RESPONSE	UNKNOWN DISCHARGE SOURCE INVESTIGATED PER NFPA 329 CH. 3 & 5	200	820(2)(b)1	N	R		820(2)(b)1	UNKNOWN DISCHARGE SOURCE NOT INVESTIGATED PER NFPA 329 CH. 3 & 5	821(2)(b)1	UNKNOWN DISCHARGE SOURCE NOT INVESTIGATED PER NFPA 329 CH. 3 & 5
DISCHARGE RESPONSE	REGULATED SUBSTANCE REMOVED FROM SYSTEM TO PREVENT FURTHER DISCHARGE TO THE ENVIRONMENT	201	820(2)(b)2	N	R		820(2)(b)2	REGULATED SUBSTANCE NOT REMOVED FROM SYSTEM TO PREVENT FURTHER DISCHARGE TO THE ENVIRONMENT	821(2)(b)2	REGULATED SUBSTANCE NOT REMOVED FROM SYSTEM TO PREVENT FURTHER DISCHARGE TO THE ENVIRONMENT

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DISCHARGE RESPONSE	FIRE, EXPLOSION, AND VAPOR HAZARDS IDENTIFIED AND MITIGATED	202	820(2)(b)3	N	R		820(2)(b)3	FIRE, EXPLOSION, AND VAPOR HAZARDS NOT IDENTIFIED AND MITIGATED	821(2)(b)3	FIRE, EXPLOSION, AND VAPOR HAZARDS NOT IDENTIFIED AND MITIGATED
DISCHARGE RESPONSE	SYSTEM REPAIRED OR CLOSED	203	820(2)(b)4	N	R		820(2)(b)4	SYSTEM NOT REPAIRED NOR CLOSED	821(2)(b)4	SYSTEM NOT REPAIRED NOR CLOSED
DISCHARGE RESPONSE	SYSTEM TESTED UPON AGENCY DETERMINATION OF DISCHARGE OR RELEASE DETECTION ISSUE	204	820(2)(c)	N	R		820(2)(c)	SYSTEM NOT TESTED UPON AGENCY DETERMINATION OF DISCHARGE OR RELEASE DETECTION ISSUE	821(2)(c)	SYSTEM NOT TESTED UPON AGENCY DETERMINATION OF DISCHARGE OR RELEASE DETECTION ISSUE
DISCHARGE RESPONSE	SYSTEM TESTED WITHIN 3 DAYS TO CONFIRM A DISCHARGE, IF NECESSARY	205	820(2)(d)1	N	R		820(2)(d)1	SYSTEM NOT TESTED WITHIN 3 DAYS TO CONFIRM A DISCHARGE, IF NECESSARY	821(2)(d)1	SYSTEM NOT TESTED WITHIN 3 DAYS TO CONFIRM A DISCHARGE, IF NECESSARY
DISCHARGE RESPONSE	LEAKING SYSTEM PLACED OUT OF SERVICE WITHIN 3 DAYS OF DISCOVERY, UNTIL REPAIRED, REPLACED, OR CLOSED	206	820(2)(d)2	N	R		820(2)(d)2	LEAKING SYSTEM NOT PLACED OUT OF SERVICE WITHIN 3 DAYS OF DISCOVERY, UNTIL REPAIRED, REPLACED, OR CLOSED	821(2)(d)2	LEAKING SYSTEM NOT PLACED OUT OF SERVICE WITHIN 3 DAYS OF DISCOVERY, UNTIL REPAIRED, REPLACED, OR CLOSED
DISCHARGE RESPONSE	CONTAMINATED SOIL EXCAVATED, DISPOSED OF OR STOCKPILED, IS MANAGED IN ACCORDANCE WITH CHAPTER 62-770, FAC	207	820(2)(e)	N	R		820(2)(e)	CONTAMINATED SOIL NOT EXCAVATED, DISPOSED OF OR STOCKPILED, IS MANAGED IN ACCORDANCE WITH CHAPTER 62-770, FAC	821(2)(e)	CONTAMINATED SOIL NOT EXCAVATED, DISPOSED OF OR STOCKPILED, IS MANAGED IN ACCORDANCE WITH CHAPTER 62-770, FAC
EQUIPMENT APPROVALS/ALTERNATE PROCEDURES	FACILITY IN COMPLIANCE WITH ALTERNATE PROCEDURE	208	850(1)	N	R		850(1)	FACILITY NOT IN COMPLIANCE WITH ALTERNATE PROCEDURE	851(1)	FACILITY NOT IN COMPLIANCE WITH ALTERNATE PROCEDURE
EQUIPMENT APPROVALS/ALTERNATE PROCEDURES	EQUIPMENT APPROVED BY DEPARTMENT BEFORE INSTALLATION OR USE	209	850(2)	N	R		850(2)	EQUIPMENT NOT APPROVED BY DEPARTMENT BEFORE INSTALLATION OR USE	851(2)	EQUIPMENT NOT APPROVED BY DEPARTMENT BEFORE INSTALLATION OR USE
MINERAL ACID SYSTEMS	MINERAL ACID TANK SYSTEMS REGISTERED WITH THE DEPARTMENT	210	890(3)(a),(b)	N	R				891(3)(a),(b)	MINERAL ACID TANK SYSTEMS NOT REGISTERED WITH THE DEPARTMENT
MINERAL ACID SYSTEMS	REGISTRATION PLACARD DISPLAYED IN PLAIN VIEW	211	890(3)(c)	N	R				891(3)(c)	REGISTRATION PLACARD NOT DISPLAYED IN PLAIN VIEW
MINERAL ACID SYSTEMS	NOTIFICATION OF CHANGE TO REGISTRATION INFORMATION OR REPORTING OF A RELEASE INTO SECONDARY CONTAINMENT WITHIN ESTABLISHED TIMEFRAMES	212	890(5)	N	N				891(5)	NO NOTIFICATION OF CHANGE TO REGISTRATION INFORMATION OR NO REPORTING OF A RELEASE INTO SECONDARY CONTAINMENT WITHIN ESTABLISHED TIMEFRAMES
MINERAL ACID SYSTEMS	DISCHARGE REPORT FILED FOR RELEASE OF MINERAL ACID SUBSTANCE IN EXCESS OF ESTABLISHED LEVELS, WITHIN 24 HRS/1 WORK DAY	213	890(6)	B	N				891(6)	DISCHARGE REPORT NOT FILED FOR RELEASE OF MINERAL ACID SUBSTANCE IN EXCESS OF ESTABLISHED LEVELS, WITHIN 24 HRS/1 WORK DAY
MINERAL ACID SYSTEMS	TANKS IN OPERATION BEFORE JULY 1, 1992 HAVE CONTAINMENT & INTEGRITY PLAN OR SECONDARY CONTAINMENT	214	890(7)(a)1	N	I				891(7)(a)1	TANKS IN OPERATION BEFORE JULY 1, 1992 DO NOT HAVE CONTAINMENT & INTEGRITY PLAN OR SECONDARY CONTAINMENT
MINERAL ACID SYSTEMS	NEW TANKS INSTALLED AFTER JULY 1, 1992 HAVE SECONDARY CONTAINMENT	215	890(7)(a)2	A	I				891(7)(a)2	NEW TANKS INSTALLED AFTER JULY 1, 1992 DO NOT HAVE SECONDARY CONTAINMENT
MINERAL ACID SYSTEMS	CONTAINMENT & INTEGRITY PLAN REVIEWED/UPDATED EVERY 2 YRS BY P.E.	216	890(7)(b)	N	R				891(7)(b)	CONTAINMENT & INTEGRITY PLAN NOT REVIEWED/UPDATED EVERY 2 YRS BY P.E.

Category	1998-2004 Violation Text	V#	1998-2004 Cite	Sig	ReEval	End Date	New UST Cite	New Violation text	New AST Cite	New Violation text
MINERAL ACID SYSTEMS	CONTAINMENT & INTEGRITY PLAN CONTAINS DOCUMENTATION ON CONSTRUCTION, MAINTENANCE, WATER LOCATION, CLEANUP PROCEDURES - AS REQUIRED	217	890(7)(b)1-7	N	R				891(7)(b)1-7	CONTAINMENT & INTEGRITY PLAN CONTAINS NO DOCUMENTATION ON CONSTRUCTION, MAINTENANCE, WATER LOCATION, CLEANUP PROCEDURES - AS REQUIRED
MINERAL ACID SYSTEMS	PE CERTIFICATION OF TANK INSPECTION/MAINTENANCE IN ACCORDANCE WITH CIP	218	890(7)(e)	N	R				891(7)(e)	PE CERTIFICATION OF TANK INSPECTION/MAINTENANCE NOT IN ACCORDANCE WITH CIP
MINERAL ACID SYSTEMS	PE CERTIFICATION DOCUMENTS PROPER SECONDARY CONTAINMENT, WHERE CIP NOT USED	219	890(7)(c)	N	R				891(7)(c)	NO PE CERTIFICATION DOCUMENTS PROPER SECONDARY CONTAINMENT, WHERE CIP NOT USED
MINERAL ACID SYSTEMS	TANKS INSTALLED AFTER JULY 1, 1992 HAVE SECONDARY CONTAINMENT & LINERS INSTALLED AFTER JULY 13, 1998	220	890(7)(d)	B	I				891(7)(d)	TANKS INSTALLED AFTER JULY 1, 1992 DO NOT HAVE SECONDARY CONTAINMENT & LINERS INSTALLED AFTER JULY 13, 1998
MINERAL ACID SYSTEMS	CONTAINMENT & INTEGRITY PLAN OR CERTIFICATION OF SECONDARY CONTAINMENT AVAILABLE FOR INSPECTION	221	890(8)	N	R				891(8)	CONTAINMENT & INTEGRITY PLAN OR CERTIFICATION OF SECONDARY CONTAINMENT NOT AVAILABLE FOR INSPECTION
MINERAL ACID SYSTEMS	APPROPRIATE ACTIONS TAKEN IN THE EVENT OF A DISCHARGE - PRODUCT REMOVAL/TANK REPAIR - CLOSURE	222	890(9)(a)	N	I				891(9)(a)	APPROPRIATE ACTIONS NOT TAKEN IN THE EVENT OF A DISCHARGE - PRODUCT REMOVAL/TANK REPAIR - CLOSURE
MINERAL ACID SYSTEMS	ACTION IMMEDIATELY TAKEN TO CONTAIN, NEUTRALIZE, ABATE A DISCHARGE	223	890(9)(b)	N	I				891(9)(b)	ACTION IMMEDIATELY NOT TAKEN TO CONTAIN, NEUTRALIZE, ABATE A DISCHARGE
DISCHARGE PREVENTION & RESPONSE	FACILITY OUT OF COMPLIANCE WITH REQUIREMENTS OF CHAPTER 62-16N	224	62N-16	N	R		62N-16	FACILITY OUT OF COMPLIANCE WITH REQUIREMENTS OF CHAPTER 62-16N	62N-16	FACILITY OUT OF COMPLIANCE WITH REQUIREMENTS OF CHAPTER 62-16N

GUIDANCE DOCUMENT A - VIOLATION LIST

violation_criteria_id	ccc1_compliance_category_id	rule	violation_text	slc1_significance_level_id	rtc1_reevaluation_type_id
1001	REGISTRATION	400(1)(a)-(b)	SYSTEMS NOT REGISTERED	N	R
1002	REGISTRATION	400(2)(a)-(e)	REGISTRATION FEES NOT PAID	N	R
1003	REGISTRATION	400(2)(f)	REGISTRATION PLACARD IS NOT DISPLAYED IN PLAIN VIEW	N	R
1004	FINANCIAL RESPONSIBILITY	400(3)	NO FINANCIAL RESPONSIBILITY	B	R
1005	NOTIFICATION & REPORTING	450(1)(a)1	30 DAY NOTIFICATION BEFORE INSTALLATION OR UPGRADE NOT SUBMITTED	N	N
1006	NOTIFICATION & REPORTING	450(1)(a)2	10 DAY NOTIFICATION BEFORE UST INTERNAL INSPECTION, CHANGE IN SERVICE STATUS, CLOSURE, OR CLOSURE ASSESSMENT NOT SUBMITTED	N	N
1007	NOTIFICATION & REPORTING	450(1)(a)3	48 HOUR NOTIFICATION BEFORE INSTALLATION/CLOSURE ACTIVITY, UST INTERNAL INSPECTION, CHANGE IN SERVICE STATUS, AND TIGHTNESS TESTS NOT SUBMITTED	N	N
1008	NOTIFICATION & REPORTING	450(1)(a)4	EMERGENCY OUT-OF-SERVICE NOTIFICATION BEFORE NEXT BUSINESS DAY NOT SUBMITTED	N	N
1009	NOTIFICATION & REPORTING	450(1)(b)	REGISTRATION UPDATE AFTER CHANGE OF OWNERSHIP, CLOSURE/UPGRADE, OR CHANGE IN FINANCIAL RESPONSIBILITY NOT SUBMITTED WITHIN 30 DAYS	N	N
1010	NOTIFICATION & REPORTING	450(2)	INCIDENT NOT REPORTED WITHIN 24 HOURS OR BY NEXT BUSINESS DAY	N	N
1011	NOTIFICATION & REPORTING	450(3)(a)	DISCHARGE NOT REPORTED WITHIN 24 HOURS OR BY NEXT BUSINESS DAY	B	N
1012	NOTIFICATION & REPORTING	450(3)(b)	COPY OF ANALYTICAL OR FIELD TEST RESULTS CONFIRMING DISCHARGE NOT SUBMITTED WITH DRF	N	R
1013	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	500(1)(a)	SITING REQUIREMENTS NOT MET	N	I
1014	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	500(1)(b)	IMPERVIOUS SPILL CONTAINMENT NOT INSTALLED OR DOES NOT MEET STANDARDS	B	I
1015	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	500(1)(c)	DISPENSING SYSTEMS DO NOT MEET STANDARDS	N	I
1016	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	500(1)(d)1-2	SECONDARY CONTAINMENT/LINERS DOES NOT MEET GENERAL STANDARDS	B	I
1017	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	500(1)(d)3	CONCRETE SECONDARY CONTAINMENT DOES NOT MEET STANDARDS	B	I
1018	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	500(1)(e)2	CATHODIC PROTECTION TEST STATION/METHOD AND OPERATION DOES NOT MEET REQUIREMENTS	N	I
1019	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	500(1)(e)4	SECONDARY CONTAINMENT NOT PROPERLY DESIGNED OR CONSTRUCTED FOR RELEASE DETECTION, BREECH OF INTEGRITY, OR CATHODIC PROTECTION	N	I
1020	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	500(1)(e)5	FAILURE TO ALLOW FOR/PERFORM A BREACH OF INTEGRITY TEST	N	I
1021	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	500(1)(e)6	FAILURE TO PROVIDE A MONITORING POINT FOR SECONDARY CONTAINMENT	N	I
1022	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	500(1)(e)7	HYDRANT PIT SECONDARY CONTAINMENT DOES NOT MEET STANDARDS	N	I
1023	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	500(1)(f)	UNDERGROUND TANK RELOCATION REQUIREMENTS NOT MET	N	I
1024	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	500(1)(h)	REUSED TANKS NOT PROPERLY CERTIFIED	N	R
1025	CATEGORY C SYSTEMS - UST SYSTEMS	500(2)(a)	NOT INSTALLED ACCORDING TO MANUFACTURER'S INSTRUCTIONS	N	I
1026	CATEGORY C SYSTEMS - UST SYSTEMS	500(2)(b)	INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA 30; NFPA 30A; API 1615; PEI 100	B	I
1027	CATEGORY C SYSTEMS - UST SYSTEMS	500(2)(c)	WORK NOT PERFORMED BY A CERTIFIED CONTRACTOR	N	R
1028	CATEGORY C SYSTEMS - UST SYSTEMS	500(2)(d)	TANK AND INTEGRAL PIPING NOT TESTED PROPERLY (TIGHTNESS OR APPROVED TEST METHOD)	N	I
1029	CATEGORY C SYSTEMS - UST SYSTEMS	500(3)	TANK NOT CONSTRUCTED TO STANDARDS, OR APPROVED PER 62-761.850(2)	N	I
1030	CATEGORY C SYSTEMS - UST SYSTEMS	500(4)	NOT INSTALLED WITH SECONDARY CONTAINMENT	B	I
1031	CATEGORY C SYSTEMS - UST SYSTEMS	500(5)	UST NOT PROVIDED WITH OVERFILL PROTECTION	B	I
1032	CATEGORY C SYSTEMS - UST SYSTEMS	500(5)(a)	FILLBOX COVERS NOT MARKED ACCORDING TO API RP 1637, OR EQUIVALENT METHOD	N	I
1033	CATEGORY C SYSTEMS - UST SYSTEMS	500(5)(b)	FAILURE TO PROVIDE OVERFILL THAT SHUTS OFF/RESTRICTS FLOW OR TRIGGERS ALARM	B	I
1034	CATEGORY C SYSTEMS - UST SYSTEMS	500(6)	DISPENSER LINERS NOT INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	B	I
1035	CATEGORY C SYSTEMS - UST SYSTEMS	500(7)	PIPING SUMPS NOT INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	B	I
1036	CATEGORY C SYSTEMS - INTEGRAL PIPING	500(8)(a)1,2	NOT INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA30, 30A, ASME B31.4, AND MANUFACTURER'S INSTRUCTIONS	B	I
1037	CATEGORY C SYSTEMS - INTEGRAL PIPING	500(8)(a)3	BULK PRODUCT UST PIPING NOT APPROPRIATELY TESTED BEFORE PLACED IN SERVICE	N	I
1038		500(8)(a)4	NEW PIPING NOT IN CONTACT WITH SOIL NOT INSTALLED TO STANDARDS	B	I
1039	CATEGORY C SYSTEMS - INTEGRAL PIPING	500(8)(b)	PIPING NOT MEETING REFERENCE STANDARDS AND / OR APPROVED PER 62-761.850(2)	B	R
1040	CATEGORY C SYSTEMS - INTEGRAL PIPING	500(8)(c)1	SMALL DIAMETER PIPING PRESSURIZED: SHEAR, EMERGENCY SHUTOFF VALVES NOT PROPERLY INSTALLED	N	I
1041	CATEGORY C SYSTEMS - INTEGRAL PIPING	500(8)(c)2	SMALL DIAMETER PIPING WITH GRAVITY-HEAD: ISOLATION VALVES NOT PROPERLY INSTALLED AND NOT MEETING NFPA 30A SECTION 2-1.7	N	I
1042	CATEGORY C SYSTEMS - INTEGRAL PIPING	500(8)(d)	BULK PRODUCT PIPING NOT INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA 30, 30A, ASME B31.4	B	I
1043	CATEGORY C SYSTEMS - INTEGRAL PIPING	500(8)(e)1	PIPING IN SOIL OR OVER WATER DOES NOT HAVE SECONDARY CONTAINMENT	B	I
1044	CATEGORY C SYSTEMS - INTEGRAL PIPING	500(8)(e)2,3	BULK PRODUCT AND REMOTE FILL PIPING IN SOIL DOES NOT HAVE SECONDARY CONTAINMENT	B	I

1045	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(f)1	CATHODIC PROTECTION TEST STATION/MONITORING METHOD NOT DESIGNED AND INSTALLED PROPERLY	N	I
1046		501(1)(f)3	CATHODIC PROTECTION NOT DESIGNED BY CORROSION PROFESSIONAL	N	I
1047	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	510(1)(b)1	SHEAR OR EMERGENCY SHUTOFF VALVES NOT INSTALLED BY 12/31/1998	B	I
1048	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	510(1)(b)2	NO CATHODIC PROTECTION TEST STATION METHOD BY 12/31/1998	N	I
1049	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	510(1)(b)3	FILL BOXES COLOR-NOT CODED BY 12/31/1998	N	I
1050	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	510(1)(b)4	AST'S REINSTALLED AS UST'S NOT MEETING RULE BY 12/31/1998	N	R
1051	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	510(1)(c)	NO CLOSURE ASSESSMENT PRIOR TO TANK SYSTEM COMPONENT UPGRADE	B	R
1052	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	510(1)(d)	NO VALVES MEETING NFPA 30A STANDARDS INSTALLED FOR PIPING SYSTEMS WITH GRAVITY HEAD	N	I
1053	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	510(1)(e)	NO SECONDARY CONTAINMENT FOR PIPE OVER WATER BY 12/31/2004	B	I
1054	CATEGORY A/B SYSTEMS - UST SYSTEMS	510(3)(a)	CATEGORY B USTS NOT INSTALLED WITH SECONDARY CONTAINMENT	A	I
1055	CATEGORY A/B SYSTEMS - UST SYSTEMS	510(3)(b)	HAZARDOUS SUBSTANCE USTS INSTALLED AFTER 1/1/1991 DOES NOT HAVE SECONDARY CONTAINMENT	A	I
1056	CATEGORY A/B SYSTEMS - UST SYSTEMS	510(4)	PIPING NOT INSTALLED WITH SECONDARY CONTAINMENT AFTER 12/31/1990	A	I
1057	CATEGORY A/B SYSTEMS - UST SYSTEMS	510(5)	ALL SYSTEMS NOT MEETING REQUIREMENTS OF TABLE UST	A	I
1058	RELEASE DETECTION - GENERAL	600(1)(a)1	CANNOT DETECT A NEW RELEASE FROM ANY PORTION OF THE SYSTEM	N	I
1059	RELEASE DETECTION - GENERAL	600(1)(a)2	NOT INSTALLED, CALIBRATED, OPERATED PER MANUFACTURER'S SPECIFICATIONS	N	I
1060	RELEASE DETECTION - GENERAL	600(1)(a)3	NOT MEETING PERFORMANCE STANDARDS; NOR ALL MANUFACTURER'S CLAIMS RETAINED	N	R
1061	RELEASE DETECTION - GENERAL	600(1)(c)	RELEASE DETECTION METHOD NOT PROVIDED UPON INSTALLATION	N	R
1062	RELEASE DETECTION - GENERAL	600(1)(d)	RELEASE DETECTION NOT PERFORMED AT LEAST ONCE A MONTH	B	R
1063	RELEASE DETECTION - GENERAL	600(1)(e)	CONTINUOUS ELECTRONIC LEAK DETECTION NOT INSPECTED MONTHLY	N	R
1064	RELEASE DETECTION - GENERAL	600(1)(f)	SITE SUITABILITY DETERMINATION NOT PERFORMED BY 12/31/1998	B	R
1065	RELEASE DETECTION - GENERAL	600(1)(g)	VAPOR MONITORING PLANS NOT IN PLACE BY 12/31/1998	B	R
1066	RELEASE DETECTION - GENERAL	600(1)(h)	NO INTERSTITIAL MONITORING FOR SECONDARY CONTAINMENT	B	I
1067	RELEASE DETECTION - GENERAL	600(1)(i)	LINE LEAK DETECTOR NOT PROVIDED FOR PRESSURIZED PIPING	B	I
1068		600(1)(j)	STORAGE TANK SYSTEM WITHOUT RELEASE DETECTION BY DUE DATE NOT PERMANENTLY CLOSED	B	I
1069	RELEASE DETECTION - GENERAL	600(1)(k)	MONITORING WELLS NO LONGER USED FOR RELEASE DETECTION NOT CLOSED	N	I
1070	RELEASE DETECTION - UST SYSTEMS	600(2)	RELEASE DETECTION NOT PROVIDED ACCORDING TO TABLE RD	A	I
1071	RELEASE DETECTION - UST SYSTEMS	600(3)	GROUNDWATER MONITORING PLANS OR SPCC PLANS BEFORE 12/22/90 DO NOT MEET 62-761.640(1)(A)	N	R
1072	RELEASE DETECTION - UST SYSTEMS	600(5)	MONITORING WELLS NOT MEETING 62-761.640(2) BY 12/31/1998	N	R
1073	RELEASE DETECTION - GENERAL	610(1)(a)	CATEGORIES A & B NO RELEASE DETECTION, AND RD NOT MEETING STANDARDS	B	I
1074	RELEASE DETECTION - GENERAL	610(1)(b)	CATEGORY C RELEASE DETECTION IS NOT: INTERSTITIAL MONITORING FOR SECONDARY-CONTAINED TANKS, ALL PIPING; LINE LEAK DETECTOR FOR PRESSURIZED PIPING; CONTINUOUS INTERSTITIAL MONITORING WITH PUMP SHUTOFF FOR SECONDARY-CONTAINED PRESSURIZED PIPING.	A	I
1075	RELEASE DETECTION - UST SYSTEMS	610(2)	CATEGORY A & B SYSTEMS DO NOT HAVE RELEASE DETECTION METHOD	A	I
1076	RELEASE DETECTION - SMALL DIAMETER PIPING	610(3)(a)1	SINGLE WALLED SUCTION PIPING DOES NOT HAVE ANNUAL LINE TEST OR 62-761.640(2) METHOD	B	N
1077	RELEASE DETECTION - SMALL DIAMETER PIPING	610(3)(a)2	SINGLE WALLED PRESSURIZED PIPING DOES NOT HAVE MECHANICAL LEAK DETECTORS / ANNUAL TIGHTNESS TEST, OR ELECTRONIC LEAK DETECTOR	B	I
1078	RELEASE DETECTION - SMALL DIAMETER PIPING	610(3)(b)	ABOVEGROUND PIPING NOT VISUALLY INSPECTED	B	N
1079	RELEASE DETECTION - SMALL DIAMETER PIPING	610(3)(c)	SECONDARY-CONTAINED PIPING IN CONTACT WITH SOIL DOES NOT HAVE: INTERSTITIAL MONITORING, LINE LEAK DETECTOR IF APPLICABLE, AND A BREACH OF INTEGRITY TESTING METHOD	N	I
1080	RELEASE DETECTION - GENERAL	640(1)(a)	DEVICE DOES NOT MEET GENERAL STANDARDS; CANNOT DETECT 0.2 GAL/HR OR 150 GALLON RELEASE WITHIN 30 DAYS, WITH 0.95 DETECTION PROBABILITY AND 0.05 FALSE ALARM PROBABILITY	N	R
1081	RELEASE DETECTION - GENERAL	640(1)(b)	RELEASE DETECTION METHOD HAS NO DEP EQUIPMENT APPROVAL IN ACCORDANCE WITH 62-761.850(2)	N	R
1082	RELEASE DETECTION - GENERAL	640(1)(c)	NO RELEASE DETECTION RESPONSE LEVEL DESCRIBED IN WRITING	N	R
1083	RELEASE DETECTION - EXTERNAL	640(2)(a)	MONITORING WELL CONSTRUCTION STANDARDS NOT MET	N	I
1084	RELEASE DETECTION - EXTERNAL	640(2)(c)2	FREE PRODUCT OR SHEEN PRESENT IN WELLS	N	I
1085	RELEASE DETECTION - EXTERNAL	640(2)(c)3	ANOTHER METHOD NOT USED WHEN < 1' OF WATER IN WELL OR WATER ABOVE SLOTS	N	I
1086	RELEASE DETECTION - EXTERNAL	640(2)(c)4	MONITORING WELL RECORDS DO NOT MEET RECORDING REQUIREMENTS	N	R
1087	RELEASE DETECTION - EXTERNAL	640(2)(d)2	VAPOR MONITORING WELLS RENDERED INOPERATIVE	N	I
1088	RELEASE DETECTION - EXTERNAL	640(2)(d)3	RELEASE DETECTION EQUIPMENT CANNOT DETECT APPROPRIATE CONTAMINANT LEVELS IN PARTS PER MILLION UNITS (PPM)	N	R
1089	RELEASE DETECTION - EXTERNAL	640(2)(d)4	VAPOR MONITORING USED WHERE EXISTING CONTAMINATION INTERFERES	N	R
1090	RELEASE DETECTION - EXTERNAL	640(2)(d)5	VAPOR MONITORING PLAN NOT DEVELOPED AND IMPLEMENTED ACCORDING TO GUIDELINES	N	N

1091	RELEASE DETECTION - EXTERNAL	640(2)(e)	PROBLEMS FOUND DURING VISUAL INSPECTIONS NOT NOTED	N	I
1092	RELEASE DETECTION - INTERNAL	640(3)(a)1	INTERSTITIAL MONITORING OF SECONDARY-CONTAINED SYSTEMS WITH NON-APPROVED METHOD	N	R
1093	RELEASE DETECTION - INTERNAL	640(3)(a)3	DOES NOT MEET VACUUM MONITORING REQUIREMENTS	N	R
1094	RELEASE DETECTION - INTERNAL	640(3)(a)4	DOES NOT MEET INTERSTITIAL MONITORING REQUIREMENTS FOR LINER SYSTEMS	N	I
1095	RELEASE DETECTION - INTERNAL	640(3)(b)	INVENTORY CONTROL NOT MAINTAINED FOR SINGLE-WALLED VEHICULAR SYSTEMS	N	R
1096	RELEASE DETECTION - INTERNAL	640(3)(b)3	WATER FLUCTUATIONS > 1.0" NOT INVESTIGATED, SYSTEM NOT TESTED	N	I
1097	RELEASE DETECTION - INTERNAL	640(3)(b)4	INVENTORY CONTROL PERFORMED FOR SYSTEMS >30,000 GALLONS	N	R
1098	RELEASE DETECTION - INTERNAL	640(3)(c)	MANUAL TANK GAUGING DOES NOT MEET REQUIREMENTS	N	R
1099	RELEASE DETECTION - INTERNAL	640(3)(d)	ATG SYSTEM NOT IN TEST MODE EVERY 30 DAYS NOR OPERATED CONTINUOUSLY	N	R
1100	RELEASE DETECTION - INTERNAL	640(3)(e)	MONTHLY SIR ANALYSES NOT PROVIDING: LEAK THRESHOLD, MINIMUM DETECTABLE LEAK RATE, CALCULATED LEAK RATE, AND A RESULT DETERMINATION	N	R
1101	RELEASE DETECTION - INTERNAL	640(3)(e)9	MONTHLY SIR EVALUATIONS NOT RECORDED ON FORM 900(7) OR EQUIVALENT	N	R
1102	RELEASE DETECTION - INTERNAL	640(3)(f)	TIGHTNESS TESTING OPERATIONAL REQUIREMENTS NOT MET WHEN USED AS RELEASE DETECTION (TIGHTNESS TESTING NOT MEET STANDARDS)	N	R
1103	RELEASE DETECTION - SMALL DIAMETER PIPING	640(4)(a)	UST LINE LEAK DETECTOR CANNOT DETECT 3.0 GPH DISCHARGE, NOT TESTED ANNUALLY	N	R
1104	RELEASE DETECTION - SMALL DIAMETER PIPING	640(4)(a)5	CONTINUOUSLY OPERATING INTERSTITIAL MONITOR CANNOT DETECT 10 GALLONS OF PRODUCT WITHIN HOUR AND SHUT OFF PUMP	N	R
1105	REPAIRS OPERATION & MAINTENANCE - GENERAL	700(1)(a)1	NOT REPAIRED COMPONENT WHICH HAS OR COULD CAUSE A DISCHARGE	N	I
1106	REPAIRS OPERATION & MAINTENANCE - GENERAL	700(1)(a)2	NOT TAKEN OUT OF OPERATION UNTIL REPAIR IS MADE	B	I
1107	REPAIRS OPERATION & MAINTENANCE - GENERAL	700(1)(a)3	NOT REPAIRED PER NFPA 30 OR OTHER APPLICABLE STANDARDS	N	I
1108	REPAIRS OPERATION & MAINTENANCE - GENERAL	700(1)(a)4	REPAIRED COMPONENTS NOT TESTED AS APPLICABLE	N	I
1109	REPAIRS OPERATION & MAINTENANCE - GENERAL	700(1)(a)5	REPAIRS TO TANKS NOT MADE BY AUTHORIZED REPRESENTATIVE	N	I
1110	REPAIRS OPERATION & MAINTENANCE - GENERAL	700(1)(a)6	PIPING THAT IS DAMAGED OR HAS DISCHARGED IS NOT REPLACED	N	I
1111	REPAIRS OPERATION & MAINTENANCE - CP	700(1)(b)1	NOT OPERATED AND MAINTAINED TO PROVIDE CONTINUOUS PROTECTION	N	I
1112	REPAIRS OPERATION & MAINTENANCE - CP	700(1)(b)2a	NOT INSPECTED 6 MONTHS AFTER INSTALLATION OR REPAIR AND ANNUALLY/3 YEARS	N	I
1113	REPAIRS OPERATION & MAINTENANCE - CP	700(1)(b)2b	IMPRESSED CURRENT SYSTEM NOT INSPECTED EVERY TWO MONTHS	N	R
1114	REPAIRS OPERATION & MAINTENANCE - CP	700(1)(b)3	SYSTEMS THAT DO NOT MEET REQUIREMENTS NOT REPAIRED/TAKEN OUT OF SERVICE	N	I
1115	REPAIRS OPERATION & MAINTENANCE - O & M	700(1)(c)1	SPILL CONTAINMENT, DISPENSER LINERS AND PIPING SUMPS ACCESSIBLE; WATER AND REGULATED SUBSTANCES NOT REMOVED	N	I
1116	REPAIRS OPERATION & MAINTENANCE - O & M	700(1)(c)2	NOT ENSURED VOLUME AVAILABLE IN TANK IS GREATER THAN THE VOLUME TRANSFERRED AND/OR FAILURE TO MONITOR DURING PRODUCT TRANSFER OPERATION	N	R
1117	REPAIRS OPERATION & MAINTENANCE - O & M	700(1)(c)3	RELEASE DETECTION DEVICES NOT TESTED ANNUALLY	N	R
1118	REPAIRS OPERATION & MAINTENANCE - O & M	700(1)(c)5	INVENTORY CONTROL FOR VEHICULAR FUEL TANKS WITHOUT SECONDARY CONTAINMENT NOT USED	N	R
1119	REPAIRS OPERATION & MAINTENANCE - UST SYSTEMS	700(3)	NOT TESTED BEFORE PLACING BACK INTO SERVICE (TIGHTNESS/OTHER APPROVED METHOD)	N	R
1120	REPAIRS OPERATION & MAINTENANCE - UST SYSTEMS	700(4)	TANK NOT REPAIRED BY LINING PER API 1631, NOT INSPECTED PER NLPA 631 CH. B, AND CATHODIC PROTECTION NOT INSTALLED PROPERLY, NOT TESTED IN STATED TIME FRAMES	N	R
1121	REPAIRS OPERATION & MAINTENANCE - UST SYSTEMS	700(6)	TANK UPGRADED WITH INTERNAL LINING INSPECTED AND TIGHTNESS TESTED 10/5 YEARS	N	R
1122	RECORD KEEPING	710(1)	PERMANENT RECORDS NOT AVAILABLE WITHIN 5 WORKING DAYS NOTICE; NO REASONABLE FACILITY ACCESS	N	N
1123	RECORD KEEPING	710(2)	RECORDS REQUIRING 2-YEAR DOCUMENTATION PERIOD NOT KEPT BY FACILITY	N	N
1124	RECORD KEEPING	710(3)	RECORDS REQUIRED FOR LIFE OF SYSTEM NOT KEPT BY FACILITY	N	N
1125	OUT OF SERVICE - GENERAL	800(1)(a)1	REQUIREMENTS NOT MET FOR OUT OF SERVICE SYSTEMS	N	I
1126	OUT OF SERVICE - GENERAL	800(1)(a)2, 4	UPGRADES AND TESTING NOT PERFORMED BEFORE RETURNING SYSTEM TO SERVICE	N	I
1127	OUT OF SERVICE - UST SYSTEMS	800(1)(b)1	NO TIGHTNESS/BREACH OF INTEGRITY TEST BEFORE RETURNING TO SERVICE	N	I
1128	OUT OF SERVICE - UST SYSTEMS	800(1)(b)2	SYSTEM OUT OF SERVICE LONGER THAN ALLOWED TIME LIMIT	N	I
1129	CLOSURE - GENERAL	800(2)(a)1a	LIQUIDS AND SLUDGE NOT REMOVED FROM TANK(S)	N	I
1130	CLOSURE - GENERAL	800(2)(a)1b	INTEGRAL PIPING NOT PROPERLY CLOSED, MANWAYS NOT SECURED	N	I
1131	CLOSURE - GENERAL	800(2)(a)3	MONITORING WELLS NOT CLOSED UPON SYSTEM CLOSURE	N	I
1132	CLOSURE - ASSESSMENT	800(2)(b)1	UNMAINTAINED USTS NOT PROPERLY CLOSED WITHIN 90 DAYS OF DISCOVERY	B	I
1133	CLOSURE - UST SYSTEMS	800(2)(c)2a	CLOSURE NOT PERFORMED ACCORDING TO API RP 1604 CHAPTER 1,3,4,5,7-PERMANENT CLOSURE REQUIREMENTS, STORAGE, DISPOSAL AND ACCORDING TO NFPA 30 APPENDIX C	N	R
1134	CLOSURE - UST SYSTEMS	800(2)(c)2b	NOT PROPERLY CLOSED IN PLACE NOR CERTIFIED CONTRACTOR PERFORMED TANK REMOVAL(S)	N	I
1135	CLOSURE - ASSESSMENT	800(3)(a)&(b)	CLOSURE ASSESSMENT REQUIRED AND NOT PERFORMED	N	R

1136	CLOSURE - ASSESSMENT	800(3)(c)	SAMPLING NOT IN ACCORDANCE WITH APRIL, 1998 "STORAGE TANK SYSTEM CLOSURE ASSESSMENT REQUIREMENTS"	N	R
1137	CLOSURE - ASSESSMENT	800(3)(d)	CLOSURE ASSESSMENT NOT SUBMITTED WITHIN 60 DAYS	B	N
1138	DISCHARGE RESPONSE	820(1)(a),(b),(c)	INCIDENT NOT PROMPTLY INVESTIGATED	N	N
1139	DISCHARGE RESPONSE	820(1)(d)	SPILL OR LOSS OF REGULATED SUBSTANCE INTO SECONDARY CONTAINMENT NOT REMOVED WITHIN THREE DAYS OF DISCOVERY	N	N
1140	DISCHARGE RESPONSE	820(2)(a)	ACTIONS NOT TAKEN IMMEDIATELY TO CONTAIN, REMOVE AND ABATE THE DISCHARGE; FREE PRODUCT PRESENT NOT BEING REMOVED	N	R
1141	DISCHARGE RESPONSE	820(2)(b)1	UNKNOWN DISCHARGE SOURCE NOT INVESTIGATED PER NFPA 329 CH. 3 & 5	N	R
1142	DISCHARGE RESPONSE	820(2)(b)2	REGULATED SUBSTANCE NOT REMOVED FROM SYSTEM TO PREVENT FURTHER DISCHARGE TO THE ENVIRONMENT	N	R
1143	DISCHARGE RESPONSE	820(2)(b)3	FIRE, EXPLOSION, AND VAPOR HAZARDS NOT IDENTIFIED AND MITIGATED	N	R
1144	DISCHARGE RESPONSE	820(2)(b)4	SYSTEM NOT REPAIRED NOR CLOSED	N	R
1145	DISCHARGE RESPONSE	820(2)(c)	SYSTEM NOT TESTED UPON AGENCY DETERMINATION OF DISCHARGE OR RELEASE DETECTION ISSUE	N	R
1146	DISCHARGE RESPONSE	820(2)(d)1	SYSTEM NOT TESTED WITHIN 3 DAYS TO CONFIRM A DISCHARGE, IF NECESSARY	N	R
1147	DISCHARGE RESPONSE	820(2)(d)2	LEAKING SYSTEM NOT PLACED OUT OF SERVICE WITHIN 3 DAYS OF DISCOVERY, UNTIL REPAIRED, REPLACED, OR CLOSED	N	R
1148	DISCHARGE RESPONSE	820(2)(e)	CONTAMINATED SOIL NOT EXCAVATED, DISPOSED OF OR STOCKPILED, IS MANAGED IN ACCORDANCE WITH CHAPTER 62-770, FAC	N	R
1149	EQUIPMENT APPROVALS/ALTERNATE PROCEDURES	850(1)	FACILITY NOT IN COMPLIANCE WITH ALTERNATE PROCEDURE	N	R
1150	EQUIPMENT APPROVALS/ALTERNATE PROCEDURES	850(2)	EQUIPMENT NOT APPROVED BY DEPARTMENT BEFORE INSTALLATION OR USE	N	R
1151	DISCHARGE PREVENTION & RESPONSE	62N-16	FACILITY OUT OF COMPLIANCE WITH REQUIREMENTS OF CHAPTER 62-16N	N	R
2001	REGISTRATION	401(1)(a)-(b)	SYSTEMS NOT REGISTERED	N	R
2002	REGISTRATION	401(2)(a)1-5; 401(2)(b)	REGISTRATION FEES NOT PAID	N	R
2003	REGISTRATION	401(2)(a)6	REGISTRATION PLACARD IS NOT DISPLAYED IN PLAIN VIEW	N	R
2004	FINANCIAL RESPONSIBILITY	401(3)	NO FINANCIAL RESPONSIBILITY	B	R
2005	NOTIFICATION & REPORTING	451(1)(a)1	30 DAY NOTIFICATION BEFORE INSTALLATION OR UPGRADE NOT SUBMITTED	N	N
2006	NOTIFICATION & REPORTING	451(1)(a)2	10 DAY NOTIFICATION BEFORE API 653 INSPECTION, CHANGE IN SERVICE STATUS, CLOSURE, OR CLOSURE ASSESSMENT NOT SUBMITTED	N	N
2007	NOTIFICATION & REPORTING	451(1)(a)3	48 HOUR NOTIFICATION BEFORE INSTALLATION/CLOSURE ACTIVITY, API 653 INSPECTION, CHANGE IN SERVICE STATUS, AND TIGHTNESS TESTS NOT SUBMITTED	N	N
2008	NOTIFICATION & REPORTING	451(1)(a)4	EMERGENCY OUT-OF-SERVICE NOTIFICATION BEFORE NEXT BUSINESS DAY NOT SUBMITTED	N	N
2009	NOTIFICATION & REPORTING	451(1)(b)	REGISTRATION UPDATE AFTER CHANGE OF OWNERSHIP, CLOSURE/UPGRADE, OR CHANGE IN FINANCIAL RESPONSIBILITY NOT SUBMITTED WITHIN 30 DAYS	N	N
2010	NOTIFICATION & REPORTING	451(2)	INCIDENT NOT REPORTED WITHIN 24 HOURS OR BY NEXT BUSINESS DAY	N	N
2011	NOTIFICATION & REPORTING	451(3)(a)	DISCHARGE NOT REPORTED WITHIN 24 HOURS OR BY NEXT BUSINESS DAY	B	N
2012	NOTIFICATION & REPORTING	451(3)(b)	COPY OF ANALYTICAL OR FIELD TEST RESULTS CONFIRMING DISCHARGE NOT SUBMITTED WITH DRF	N	R
2013	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(a)	SITING REQUIREMENTS NOT MET	N	I
2014	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(b)	AST SYSTEM EXTERIOR COATING DOES NOT MEET STANDARDS	N	I
2015	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(c)	IMPERVIOUS SPILL CONTAINMENT NOT INSTALLED OR DOES NOT MEET STANDARDS	B	I
2016	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(d)	DISPENSING SYSTEMS DO NOT MEET STANDARDS	N	I
2017	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(e)1-2	SECONDARY CONTAINMENT/LINERS DOES NOT MEET STANDARDS	B	I
2018	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(e)3	CONCRETE SECONDARY CONTAINMENT DOES NOT MEET STANDARDS	B	I
2019	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(e)4	SECONDARY CONTAINMENT NOT PROPERLY DESIGNED OR CONSTRUCTED FOR RELEASE DETECTION, OR CATHODIC PROTECTION	N	I
2020	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(e)5	FAILURE TO ALLOW FOR/PERFORM A BREACH OF INTEGRITY TEST	N	I
2021	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(e)6	FAILURE TO PROVIDE A MONITORING POINT FOR SECONDARY CONTAINMENT	N	I
2022	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(e)7	HYDRANT PIT SECONDARY CONTAINMENT DOES NOT MEET STANDARDS	N	I
2023	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(f)1	CATHODIC PROTECTION TEST STATION/MONITORING METHOD NOT DESIGNED AND INSTALLED PROPERLY	N	I
2024	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(f)2	CATHODIC PROTECTION TEST STATION/METHOD AND OPERATION DOES NOT MEET REQUIREMENTS	N	I
2025		501(1)(f)3	CATHODIC PROTECTION NOT DESIGNED BY CORROSION PROFESSIONAL	N	I
2026	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(g)	ABOVEGROUND TANK RELOCATION REQUIREMENTS NOT MET	N	I
2027	CATEGORY C SYSTEMS - GENERAL PERFORMANCE	501(1)(h)	REUSED TANKS NOT PROPERLY CERTIFIED	N	R
2028	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(a)	INSTALLED ACCORDING TO NFPA 30, NFPA 30A, PEI RP 200-96, AND TO MANUFACTURER'S INSTRUCTIONS	N	I
2029	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(b)1	SHOP-FABRICATED TANKS NOT CONSTRUCTED TO REFERENCE STANDARDS OR APPROVED PER 62-761.850(2)	N	R
2030	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(b)2	FIELD-ERECTED TANKS NOT CONSTRUCTED TO REFERENCE STANDARDS OR APPROVED PER 62-761.850(2)	N	R

2031	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(b)3	NEW FIELD ERECTED TANKS DOES NOT HAVE API 653 INSPECTION SCHEDULE ESTABLISHED	N	R
2032	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(b)4	CATHODIC PROTECTION INSTALLATION DOES NOT MEET REQUIREMENTS	N	R
2033	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(c)	INSTALLED WITH SECONDARY CONTAINMENT FOR NON-EXEMPT AST SYSTEMS	B	I
2034	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(c)2	CONTAINMENT BENEATH FIELD ERECTED TANK DOES NOT MEET API 650	B	I
2035	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(c)3a	DIKE FIELD CONTAINMENT DOES NOT MEETS NFPA 30 CH. 2-3	B	I
2036	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(c)3b	110% CONTAINMENT NOT MET	N	I
2037	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(c)3c	CONTAINMENT NOT PROVIDED WITH DRAINAGE	N	I
2038	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(c)3d	PENETRATIONS THROUGH CONTAINMENT NOT PROPERLY SEALED	N	I
2039	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(c)3e	STEEL CONTAINMENT NOT TESTED PER UL 142	N	I
2040	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(d)1	FUEL TRANSFER NOT MONITORED	B	I
2041	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(d)2	OVERFILL PROTECTION NOT PERFORMED PER API RP 2350 FOR WATERFRONT FACILITIES WITH FIELD ERECTED GASOLINE STORAGE TANKS	B	I
2042	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(d)3	FILLBOX COVERS NOT MARKED ACCORDING TO API RP 1637, OR EQUIVALENT METHOD	N	I
2043	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(d)4	LEVEL GAUGE/HI-LEVEL ALARM/PUMP SHUTOFF/GAUGING STICK NOT PROVIDED	B	I
2044	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(e)	DISPENSER LINERS NOT INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	B	I
2045	CATEGORY C SYSTEMS - AST SYSTEMS	501(2)(f)	PIPING SUMPS NOT INSTALLED, TESTED AND ALLOW FOR INTERSTITIAL MONITORING	B	I
2046	CATEGORY C SYSTEMS - INTEGRAL PIPING	501(3)(a)1, 2	NOT INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA30, 30A, ASME B31.4, AND MANUFACTURER'S INSTRUCTIONS	B	I
2047	CATEGORY C SYSTEMS - INTEGRAL PIPING	501(3)(a)3	AST ASSOCIATED PIPING NOT APPROPRIATELY TESTED BEFORE PLACED IN SERVICE	N	I
2048	CATEGORY C SYSTEMS - INTEGRAL PIPING	501(3)(a)4	NEW PIPING NOT IN CONTACT WITH SOIL NOT INSTALLED TO STANDARDS	B	I
2049	CATEGORY C SYSTEMS - INTEGRAL PIPING	501(3)(b)	PIPING NOT MEETING REFERENCE STANDARDS AND / OR APPROVED PER 62-762.851(2)	B	R
2050	CATEGORY C SYSTEMS - INTEGRAL PIPING	501(3)(c)1	SMALL DIAMETER PIPING PRESSURIZED: SHEAR, EMERGENCY SHUTOFF VALVES NOT PROPERLY INSTALLED	N	I
2051	CATEGORY C SYSTEMS - INTEGRAL PIPING	501(3)(c)2	SMALL DIAMETER PIPING WITH GRAVITY-HEAD: ISOLATION VALVES NOT PROPERLY INSTALLED AND NOT MEETING NFPA 30A SECTION 2-1.7	N	I
2052	CATEGORY C SYSTEMS - INTEGRAL PIPING	501(3)(d)	BULK PRODUCT PIPING NOT INSTALLED ACCORDING TO REFERENCE STANDARDS - NFPA 30, 30A, ASME B31.4	B	I
2053	CATEGORY C SYSTEMS - INTEGRAL PIPING	501(3)(e)1	PIPING IN SOIL OR OVER WATER DOES NOT HAVE SECONDARY CONTAINMENT	B	I
2054	CATEGORY C SYSTEMS - INTEGRAL PIPING	501(3)(e)2-3	BULK PRODUCT AND REMOTE FILL PIPING IN SOIL DOES NOT HAVE SECONDARY CONTAINMENT	B	I
2055	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	511(1)(b)1	SHEAR OR EMERGENCY SHUTOFF VALVES NOT INSTALLED BY 12/31/1998	B	I
2056	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	511(1)(b)2	NO CATHODIC PROTECTION TEST STATION METHOD BY 12/31/1998	N	I
2057	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	511(1)(b)3	UST'S REINSTALLED AS AST'S NOT MEETING RULE BY 12/31/1998	N	R
2058	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	511(1)(c)	NO CLOSURE ASSESSMENT PRIOR TO TANK SYSTEM COMPONENT INSTALLATION OR UPGRADE	B	R
2059	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	511(1)(d)	NO VALVES MEETING NFPA 30A STANDARDS INSTALLED FOR PIPING SYSTEMS WITH GRAVITY HEAD	N	I
2060	CATEGORY A/B SYSTEMS - GENERAL PERFORMANCE	511(1)(e)	NO SECONDARY CONTAINMENT FOR PIPE OVER WATER BY 12/21/2004	B	I
2061	CATEGORY A/B SYSTEMS - AST SYSTEMS	511(2)(a)	HAS NOT MET 17-61 REQUIREMENTS BY 1/1/1990 IF APPLICABLE	A	N
2062	CATEGORY A/B SYSTEMS - AST SYSTEMS	511(2)(b)	CATEGORY B ASTS NOT INSTALLED WITH SECONDARY CONTAINMENT	A	I
2063	CATEGORY A/B SYSTEMS - AST SYSTEMS	511(2)(c)	CATEGORY B PIPING NOT INSTALLED WITH SECONDARY CONTAINMENT	A	I
2064	CATEGORY A/B SYSTEMS - AST SYSTEMS	511(2)(d)	CATEGORY A & B ASTS DO NOT MEET REQUIREMENTS OF TABLE AST	A	I
2065	RELEASE DETECTION - GENERAL	601(1)(a)1	CANNOT DETECT A NEW RELEASE FROM ANY PORTION OF THE SYSTEM	N	I
2066	RELEASE DETECTION - GENERAL	601(1)(a)2	NOT INSTALLED, CALIBRATED, OPERATED PER MANUFACTURER'S SPECIFICATIONS	N	I
2067	RELEASE DETECTION - GENERAL	601(1)(a)3	NOT MEETING PERFORMANCE STANDARDS; NOR ALL MANUFACTURER'S CLAIMS RETAINED	N	R
2068	RELEASE DETECTION - GENERAL	601(1)(c)	RELEASE DETECTION METHOD NOT PROVIDED UPON INSTALLATION	N	R
2069	RELEASE DETECTION - GENERAL	601(1)(d)	RELEASE DETECTION NOT PERFORMED AT LEAST ONCE A MONTH	B	R
2070	RELEASE DETECTION - GENERAL	601(1)(e)	VISIBLE STORAGE TANK COMPONENTS AND CONTINUOUS ELECTRONIC LEAK DETECTION NOT INSPECTED MONTHLY	N	R
2071	RELEASE DETECTION - GENERAL	601(1)(f)	SITE SUITABILITY DETERMINATION NOT PERFORMED BY 1/1/2000	B	R
2072	RELEASE DETECTION - GENERAL	601(1)(g)	VAPOR MONITORING PLANS NOT IN PLACE BY 1/1/2000	B	R
2073	RELEASE DETECTION - GENERAL	601(1)(h)	NO INTERSTITIAL MONITORING FOR SECONDARY CONTAINMENT	B	I
2074	RELEASE DETECTION - GENERAL	601(1)(i)	LINE LEAK DETECTOR NOT PROVIDED FOR PRESSURIZED PIPING	B	I
2075	RELEASE DETECTION - GENERAL	601(1)(j)	STORAGE TANK SYSTEM WITHOUT RELEASE DETECTION BY DUE DATE NOT PERMANENTLY CLOSED	B	I
2076	RELEASE DETECTION - GENERAL	601(1)(k)	MONITORING WELLS NO LONGER USED FOR RELEASE DETECTION NOT CLOSED	N	I
2077	RELEASE DETECTION - AST SYSTEMS	601(2)(a)	GROUNDWATER MONITORING OR SPCC PLANS SHALL NOT MEETING 62-761.640(1)(A) BY 12/31/1999	N	R
2078	RELEASE DETECTION - AST SYSTEMS	601(2)(b)	MONITORING WELLS DO NOT MEET 62-761.640(2) BY 1/1/2000 OR NOT CLOSED	N	I
2079	RELEASE DETECTION - AST SYSTEMS	601(2)(c)	RELEASE DETECTION FOR FIELD-ERECTED TANKS DOES NOT MEET API STANDARD 650, APPENDIX I	N	R

2080	RELEASE DETECTION - AST SYSTEMS	601(2)(d)	RELEASE DETECTION FOR INTERNALLY-LINED TANKS DOES NOT MEET 62-761.640(2)	B	I
2081	RELEASE DETECTION - AST SYSTEMS	601(2)(e)	NO RELEASE DETECTION FOR AST PIPING IN CONTACT WITH THE SOIL	B	I
2082	RELEASE DETECTION - AST SYSTEMS	601(2)(f)	GROUNDWATER MONITORING PLAN OR SPCC PLAN NOT MEETING 62-761.611 BY 12/31/1999	N	I
2083	RELEASE DETECTION - AST SYSTEMS	601(2)(g)	VISUAL INSPECTION FOR HIGH VISCOSITY ASTS	B	I
2084	RELEASE DETECTION - GENERAL	611(1)(a)	CATEGORIES A & B RELEASE DETECTION NOT MEETING STANDARDS	B	I
2085	RELEASE DETECTION - GENERAL	611(1)(b)	CATEGORY C SYSTEM DOES NOT HAVE APPROVED RELEASE DETECTION METHOD - INTERSTITIAL MONITORING, LEAK DETECTOR AND BREACH OF INTEGRITY AS APPLICABLE	A	I
2086	RELEASE DETECTION - AST SYSTEMS	611(2)(a)1	CATEGORY A & B TANKS DOES NOT HAVE APPROVED RELEASE DETECTION METHOD	A	I
2087	RELEASE DETECTION - AST SYSTEMS	611(2)(a)2	VISUAL INSPECTION OF EXEMPT OR SINGLE WALLED AST SYSTEM AND CONTAINMENT NOT PERFORMED ONCE A MONTH	B	N
2088	RELEASE DETECTION - AST SYSTEMS	611(2)(a)3	INTERNALLY LINED AND CUT AND COVER TANKS DO NOT HAVE RELEASE DETECTION METHOD	**B**	**N**
2089	RELEASE DETECTION - AST SYSTEMS	611(2)(b)	VISUAL INSPECTIONS NOT CONDUCTED PROPERLY ONCE A MONTH	**B**	**N**
2090	RELEASE DETECTION - SMALL DIAMETER PIPING	611(3)(a)1	SINGLE WALLED SUCTION PIPING DOES NOT HAVE ANNUAL LINE TEST OR 62-761.641 METHOD	B	N
2091	RELEASE DETECTION - SMALL DIAMETER PIPING	611(3)(a)2	SINGLE WALLED PRESSURIZED PIPING DOES NOT HAVE MECHANICAL LEAK DETECTORS / ANNUAL TIGHTNESS TEST, OR ELECTRONIC LEAK DETECTOR	B	I
2092	RELEASE DETECTION - SMALL DIAMETER PIPING	611(3)(a)3a	SUCTION PUMP - NO WRITTEN VERIFICATION OF OPTIONAL CHECK VALVE	**B**	**I**
2093	RELEASE DETECTION - SMALL DIAMETER PIPING	611(3)(b)	ABOVEGROUND PIPING NOT VISUALLY INSPECTED	B	N
2094	RELEASE DETECTION - SMALL DIAMETER PIPING	611(3)(c)	SECONDARY-CONTAINED PIPING IN CONTACT WITH SOIL DOES NOT HAVE: INTERSTITIAL MONITORING, LINE LEAK DETECTOR IF APPLICABLE, AND A BREACH OF INTEGRITY TESTING METHOD	N	I
2095	RELEASE DETECTION - BULK & HYDRANT PIPING	611(3)(d)1	SINGLE WALLED BULK PRODUCT PIPING IN CONTACT WITH SOIL NOT PRESSURE TESTED YEARLY NOR MONTHLY RELEASE DETECTION SYSTEM	B	N
2096	RELEASE DETECTION - BULK & HYDRANT PIPING	611(3)(d)2	NO MONTHLY VISUAL INSPECTION OF ABOVEGROUND OR EXEMPT PIPE	B	N
2097	RELEASE DETECTION - BULK & HYDRANT PIPING	611(3)(d)3	SECONDARILY CONTAINED PIPING IN CONTACT WITH SOIL DOES NOT HAVE INTERSTITIAL MONITORING AND BREACH OF INTEGRITY	B	I
2098	RELEASE DETECTION - GENERAL	641(1)(a)	DEVICE DOES NOT MEET GENERAL STANDARDS; CANNOT DETECT 0.2 GAL/HR OR 150 GALLON RELEASE WITHIN 30 DAYS, WITH 0.95 DETECTION PROBABILITY AND 0.05 FALSE ALARM PROBABILITY	N	R
2099	RELEASE DETECTION - GENERAL	641(1)(b)	RELEASE DETECTION METHOD HAS NO DEP EQUIPMENT APPROVAL IN ACCORDANCE WITH 62-762.851(2)	N	R
2100	RELEASE DETECTION - GENERAL	641(1)(c)	NO RELEASE DETECTION RESPONSE LEVEL DESCRIBED IN WRITING	N	R
2101	RELEASE DETECTION - EXTERNAL	641(2)(a) & 641(2)(b)	MONITORING WELL CONSTRUCTION STANDARDS NOT MET; SITE SUITABILITY NOT PERFORMED PROPERLY	N	I
2102	RELEASE DETECTION - EXTERNAL	641(2)(c)	GROUNDWATER MONITORING NOT PERFORMED TO STANDARDS	N	I
2103	RELEASE DETECTION - EXTERNAL	641(2)(d)	VAPOR MONITORING NOT PERFORMED TO STANDARDS	N	I
2104	RELEASE DETECTION - EXTERNAL	641(2)(e)	PROBLEMS FOUND DURING VISUAL INSPECTIONS NOT NOTED	N	I
2105	RELEASE DETECTION - INTERNAL	641(3)(a)1	INTERSTITIAL MONITORING METHOD DOES NOT MEET STANDARDS	N	R
2106	RELEASE DETECTION - INTERNAL	641(3)(a)3	DOES NOT MEET VACUUM MONITORING METHOD STANDARDS	N	R
2107	RELEASE DETECTION - INTERNAL	641(3)(a)4	INTERSTITIAL MONITORING METHOD FOR LINER SYSTEMS DOES NOT MEET STANDARDS	N	I
2108	RELEASE DETECTION - INTERNAL	641(3)(b)2	INVENTORY CONTROL NOT MAINTAINED FOR SHOP-FABRICATED ASTS	N	R
2109	RELEASE DETECTION - INTERNAL	641(3)(b)3	INVENTORY CONTROL NOT MAINTAINED FOR FIELD-ERECTED ASTS	N	R
2110	REPAIRS OPERATION & MAINTENANCE - GENERAL	701(1)(a)1	NOT REPAIRED COMPONENT WHICH HAS OR COULD CAUSE A DISCHARGE	N	I
2111	REPAIRS OPERATION & MAINTENANCE - GENERAL	701(1)(a)2	NOT TAKEN OUT OF OPERATION UNTIL REPAIR IS MADE	B	I
2112	REPAIRS OPERATION & MAINTENANCE - GENERAL	701(1)(a)3	NOT REPAIRED PER NFPA 30 OR OTHER APPLICABLE STANDARDS	N	I
2113	REPAIRS OPERATION & MAINTENANCE - GENERAL	701(1)(a)4	REPAIRED COMPONENTS NOT TESTED AS APPLICABLE	N	I
2114	REPAIRS OPERATION & MAINTENANCE - GENERAL	701(1)(a)5	REPAIRS TO TANKS NOT MADE BY AUTHORIZED REPRESENTATIVE	N	I
2115	REPAIRS OPERATION & MAINTENANCE - GENERAL	701(1)(a)6	PIPING THAT IS DAMAGED OR HAS DISCHARGED IS NOT REPLACED	N	I
2116	REPAIRS OPERATION & MAINTENANCE - CP	701(1)(b)1	NOT OPERATED AND MAINTAINED TO PROVIDE CONTINUOUS PROTECTION	N	I
2117	REPAIRS OPERATION & MAINTENANCE - CP	701(1)(b)2a	NOT INSPECTED 6 MONTHS AFTER INSTALLATION OR REPAIR AND ANNUALLY/3 YEARS	N	I
2118	REPAIRS OPERATION & MAINTENANCE - CP	701(1)(b)2b	IMPRESSED CURRENT SYSTEM NOT INSPECTED EVERY TWO MONTHS	N	R
2119	REPAIRS OPERATION & MAINTENANCE - CP	701(1)(b)3	SYSTEMS THAT DO NOT MEET REQUIREMENTS NOT REPAIRED/TAKEN OUT OF SERVICE	N	I
2120	REPAIRS OPERATION & MAINTENANCE - O & M	701(1)(c)1	SPILL CONTAINMENT, DISPENSER LINERS AND PIPING SUMPS ACCESSIBLE; WATER AND REGULATED SUBSTANCES NOT REMOVED	N	I
2121	REPAIRS OPERATION & MAINTENANCE - O & M	701(1)(c)2	NOT ENSURED VOLUME AVAILABLE IN TANK IS GREATER THAN THE VOLUME TRANSFERRED AND/OR FAILURE TO MONITOR DURING PRODUCT TRANSFER OPERATION	N	R
2122	REPAIRS OPERATION & MAINTENANCE - O & M	701(1)(c)3	RELEASE DETECTION DEVICES NOT TESTED ANNUALLY	N	R

2123	REPAIRS OPERATION & MAINTENANCE - O & M	701(1)(c)6	INVENTORY CONTROL FOR VEHICULAR FUEL TANKS WITHOUT SECONDARY CONTAINMENT NOT USED	N	R
2124	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	701(2)(b)1	STORMWATER NOT DRAWN OFF WITHIN ONE WEEK	N	I
2125	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	701(2)(b)2	STORMWATER WAS DISCHARGED UNTREATED WHEN IT HAS A VISIBLE SHEEN	N	I
2126	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	701(2)(c)	DRAIN VALVES NOT KEPT CLOSED EXCEPT WHEN DRAWING OFF STORMWATER	N	I
2127	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	701(3)	FIELD ERECTED TANKS NOT EVALUATED, RETESTED, AND/OR REPAIRED PER API 653	N	I
2128	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	701(4)(a)	SMALL DIAMETER PIPING NOT TIGHTNESS TESTED BEFORE RETURNING TO SERVICE	N	R
2129	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	701(4)(b)	BULK/HYDRANT PIPING NOT PRESSURE TESTED BEFORE RETURNING TO SERVICE	N	R
2130	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	701(5)	BULK PRODUCT PIPING OVER WATER NOT TESTED ANNUALLY; NOT MAINTAINED PER CFR 33	N	R
2131	REPAIRS OPERATION & MAINTENANCE - AST SYSTEMS	701(6)	SECONDARY CONTAINMENT NOT REPAIRED PER 62-761.500(1)(E)	N	I
2132	RECORD KEEPING	711(1)	PERMANENT RECORDS NOT AVAILABLE WITHIN 5 WORKING DAYS NOTICE; NO REASONABLE FACILITY ACCESS	N	N
2133	RECORD KEEPING	711(2)	RECORDS REQUIRING 2-YEAR DOCUMENTATION PERIOD NOT KEPT BY FACILITY	N	N
2134	RECORD KEEPING	711(3)	RECORDS REQUIRED FOR LIFE OF SYSTEM NOT KEPT BY FACILITY	N	N
2135	OUT OF SERVICE - GENERAL	801(1)	REQUIREMENTS NOT MET FOR FIELD-ERECTED TANKS TAKEN TEMPORARILY OUT OF SERVICE	N	I
2136	OUT OF SERVICE - GENERAL	801(2)(a)1	REQUIREMENTS NOT MET FOR OUT OF SERVICE SYSTEMS	N	I
2137	OUT OF SERVICE - GENERAL	801(2)(a)2	UPGRADES AND TESTING NOT PERFORMED BEFORE RETURNING SYSTEM TO SERVICE	N	I
2138	OUT OF SERVICE - UST SYSTEMS	801(2)(a)3	SYSTEM OUT OF SERVICE LONGER THAN ALLOWED TIME LIMIT	N	I
2139	OUT OF SERVICE - UST SYSTEMS	801(2)(a)4	NO TIGHTNESS/BREACH OF INTEGRITY TEST BEFORE RETURNING TO SERVICE	N	I
2140	OUT OF SERVICE - AST SYSTEMS	801(2)(b)	ASTS WITHOUT SECONDARY CONTAINMENT OUT OF SERVICE FOR MORE THAN 5 YEARS	N	I
2141	OUT OF SERVICE - AST SYSTEMS	801(2)(c)	SHOP-FABRICATED AND FIELD-ERECTED ASTS NOT RECEIVING INSPECTION & EVALUATION PRIOR TO RETURN TO SERVICE	N	I
2142	OUT OF SERVICE - AST SYSTEMS	801(2)(d)	FIELD ERECTED TANK PRODUCT CHANGE DOES NOT COMPLY WITH API 653	N	R
2143	CLOSURE - GENERAL	801(3)(a)1a	LIQUIDS AND SLUDGE NOT REMOVED FROM TANK(S)	N	I
2144	CLOSURE - GENERAL	801(3)(a)1b	INTEGRAL PIPING NOT PROPERLY CLOSED, MANWAYS NOT SECURED	N	I
2145	CLOSURE - GENERAL	801(3)(a)3	MONITORING WELLS NOT CLOSED UPON SYSTEM CLOSURE	N	I
2146	CLOSURE - AST SYSTEMS	801(3)(b)	UNMAINTAINED AST SYSTEMS NOT PROPERLY CLOSED WITHIN 90 DAYS OF DISCOVERY	B	I
2147	CLOSURE - AST SYSTEMS	801(3)(c)	NOT RENDERED FREE OF EXPLOSIVE VAPORS	N	I
2148	CLOSURE - AST SYSTEMS	801(3)(d)	NOT PROTECTED FROM FLOTATION ACCORDING TO NFPA 30, SECTION 2-6	N	I
2149	CLOSURE - ASSESSMENT	801(4)(a)&(b)	CLOSURE ASSESSMENT REQUIRED AND NOT PERFORMED	N	R
2150	CLOSURE - ASSESSMENT	801(4)(c)	SAMPLING NOT IN ACCORDANCE WITH APRIL, 1998 "STORAGE TANK SYSTEM CLOSURE ASSESSMENT REQUIREMENTS"	N	R
2151	CLOSURE - ASSESSMENT	801(4)(d)	CLOSURE ASSESSMENT NOT SUBMITTED WITHIN 60 DAYS	B	N
2152	CLOSURE - AST SYSTEMS	801(4)b)5	NO WRITTEN CERTIFICATION WITHIN 10 DAYS OF SECONDARY CONTAINMENT UPGRADE FOR ASTS < 1100 GALLONS, IN LIEU OF CLOSURE	N	R
2153	DISCHARGE RESPONSE	821(1)(a),(b),(c)	INCIDENT NOT PROMPTLY INVESTIGATED	N	N
2154	DISCHARGE RESPONSE	821(1)(d)	SPILL OR LOSS OF REGULATED SUBSTANCE INTO SECONDARY CONTAINMENT NOT REMOVED WITHIN THREE DAYS OF DISCOVERY	N	N
2155	DISCHARGE RESPONSE	821(2)(a)	ACTIONS NOT TAKEN IMMEDIATELY TO CONTAIN, REMOVE AND ABATE THE DISCHARGE; FREE PRODUCT PRESENT NOT BEING REMOVED	N	R
2156	DISCHARGE RESPONSE	821(2)(b)1	UNKNOWN DISCHARGE SOURCE NOT INVESTIGATED PER NFPA 329 CH. 3 & 5	N	R
2157	DISCHARGE RESPONSE	821(2)(b)2	REGULATED SUBSTANCE NOT REMOVED FROM SYSTEM TO PREVENT FURTHER DISCHARGE TO THE ENVIRONMENT	N	R
2158	DISCHARGE RESPONSE	821(2)(b)3	FIRE, EXPLOSION, AND VAPOR HAZARDS NOT IDENTIFIED AND MITIGATED	N	R
2159	DISCHARGE RESPONSE	821(2)(b)4	SYSTEM NOT REPAIRED NOR CLOSED	N	R
2160	DISCHARGE RESPONSE	821(2)(c)	SYSTEM NOT TESTED UPON AGENCY DETERMINATION OF DISCHARGE OR RELEASE DETECTION ISSUE	N	R
2161	DISCHARGE RESPONSE	821(2)(d)1	SYSTEM NOT TESTED WITHIN 3 DAYS TO CONFIRM A DISCHARGE, IF NECESSARY	N	R
2162	DISCHARGE RESPONSE	821(2)(d)2	LEAKING SYSTEM NOT PLACED OUT OF SERVICE WITHIN 3 DAYS OF DISCOVERY, UNTIL REPAIRED, REPLACED, OR CLOSED	N	R
2163	DISCHARGE RESPONSE	821(2)(e)	CONTAMINATED SOIL NOT EXCAVATED, DISPOSED OF OR STOCKPILED, IS MANAGED IN ACCORDANCE WITH CHAPTER 62-770, FAC	N	R
2164	EQUIPMENT APPROVALS/ALTERNATE PROCEDURES	851(1)	FACILITY NOT IN COMPLIANCE WITH ALTERNATE PROCEDURE	N	R
2165	EQUIPMENT APPROVALS/ALTERNATE PROCEDURES	851(2)	EQUIPMENT NOT APPROVED BY DEPARTMENT BEFORE INSTALLATION OR USE	N	R
2166	MINERAL ACID SYSTEMS	891(3)(a),(b)	MINERAL ACID TANK SYSTEMS NOT REGISTERED WITH THE DEPARTMENT	N	R
2167	MINERAL ACID SYSTEMS	891(3)(c)	REGISTRATION PLACARD NOT DISPLAYED IN PLAIN VIEW	N	R

2168	MINERAL ACID SYSTEMS	891(5)	NO NOTIFICATION OF CHANGE TO REGISTRATION INFORMATION OR NO REPORTING OF A RELEASE INTO SECONDARY CONTAINMENT WITHIN ESTABLISHED TIMEFRAMES	N	N
2169	MINERAL ACID SYSTEMS	891(6)	DISCHARGE REPORT NOT FILED FOR RELEASE OF MINERAL ACID SUBSTANCE IN EXCESS OF ESTABLISHED LEVELS, WITHIN 24 HRS/1 WORK DAY	B	N
2170	MINERAL ACID SYSTEMS	891(7)(a)1	TANKS IN OPERATION BEFORE JULY 1, 1992 DO NOT HAVE CONTAINMENT & INTEGRITY PLAN OR SECONDARY CONTAINMENT	N	I
2171	MINERAL ACID SYSTEMS	891(7)(a)2	NEW TANKS INSTALLED AFTER JULY 1, 1992 DO NOT HAVE SECONDARY CONTAINMENT	A	I
2172	MINERAL ACID SYSTEMS	891(7)(b)	CONTAINMENT & INTEGRITY PLAN NOT REVIEWED/UPDATED EVERY 2 YRS BY P.E.	N	R
2173	MINERAL ACID SYSTEMS	891(7)(b)1-7	CONTAINMENT & INTEGRITY PLAN CONTAINS NO DOCUMENTATION ON CONSTRUCTION, MAINTENANCE, WATER LOCATION, CLEANUP PROCEDURES - AS REQUIRED	N	R
2174	MINERAL ACID SYSTEMS	891(7)(c)	NO PE CERTIFICATION DOCUMENTS PROPER SECONDARY CONTAINMENT, WHERE CIP NOT USED	N	R
2175	MINERAL ACID SYSTEMS	891(7)(d)	TANKS INSTALLED AFTER JULY 1, 1992 DO NOT HAVE SECONDARY CONTAINMENT & LINERS INSTALLED AFTER JULY 13, 1998	B	I
2176	MINERAL ACID SYSTEMS	891(7)(e)	PE CERTIFICATION OF TANK INSPECTION/MAINTENANCE NOT IN ACCORDANCE WITH CIP	N	R
2177	MINERAL ACID SYSTEMS	891(8)	CONTAINMENT & INTEGRITY PLAN OR CERTIFICATION OF SECONDARY CONTAINMENT NOT AVAILABLE FOR INSPECTION	N	R
2178	MINERAL ACID SYSTEMS	891(9)(a)	APPROPRIATE ACTIONS NOT TAKEN IN THE EVENT OF A DISCHARGE - PRODUCT REMOVAL/TANK REPAIR - CLOSURE	N	I
2179	MINERAL ACID SYSTEMS	891(9)(b)	ACTION IMMEDIATELY NOT TAKEN TO CONTAIN, NEUTRALIZE, ABATE A DISCHARGE	N	I
2180	DISCHARGE PREVENTION & RESPONSE	62N-16	FACILITY OUT OF COMPLIANCE WITH REQUIREMENTS OF CHAPTER 62-16N	N	R

Guidance Document C1 - AST Closure

Instructions for Conducting Sampling During Aboveground Storage Tank Closure

Permitting and Compliance Assistance Program

Division of Waste Management

Florida Department of Environmental Protection

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CONTENTS

INSTRUCTIONS FOR CONDUCTING SAMPLING DURING CLOSURE

INTRODUCTION

This document establishes procedures for conducting and reporting storage tank system closures to meet the requirements of Chapter 62-762, Florida Administrative Code (F.A.C.), Aboveground Storage Tank Systems.

As an integral part of a system or a system component closure performed at an Aboveground Storage Tank (AST) facility a Closure Report or a Limited Closure Report, as applicable, shall be prepared and submitted to the Department or contracted County program as required in subsections 62-762.801, F.A.C., and 62-762.802, F.A.C. The report is to describe the work that was performed at the facility during the system or system component closure, and summarize any data collected at that time.

A Site Assessment in accordance with Chapter 62-780, F.A.C., conducted and approved by the Department will satisfy the requirements of this guideline. However, these guidelines do not meet the criteria to qualify for the issuance of a Site Rehabilitation Completion Order (SRCO) as specified in Chapter 62-780, F.A.C. If a facility intends to demonstrate that all No Further Action requirements of Chapter 62-780, F.A.C., have been met, a Closure Report which meets the Site Assessment requirements of Chapter 62-780, F.A.C., must be prepared and submitted, and the report must be signed and sealed by a Professional Engineer (PE) licensed in the State of Florida or a Professional Geologist (PG) licensed in the State of Florida.

A. Closure Report

In cases where an investigation is required at the time of closure in accordance with this document and as specified in Rule 62-762.801, F.A.C., and 62-762.802, F.A.C., a Closure Report with the following elements and documentation shall be prepared and submitted in writing or electronic format to the County within 60 days of completion of closure.

1. Summary Narrative

   The Closure Report shall summarize closure actions and provide:

   a. Information on the procedures (soil field screening procedures, analytical sample collection, etc.) followed during closure;
   b. Information on the dimensions of the excavation(s), depth to groundwater, volume of soil

excavated, and disposal method for the excavated soil;

c. Disposition of excavated contaminated soil;
d. Disposition of removed system components;
e. Disposition of accumulated sludge / liquids removed from system components; and
f. Recommendation for no additional actions or for site assessment under Chapter 62-780, F.A.C.

2. Supporting Documentation
   a. A scaled site map showing the area(s) excavated and approximate locations of all samples collected;
   b. Table(s) summarizing all field and analytical results obtained, listing the approximate depth at which each sample was collected;
   c. DEP Form 62-762.901(2) "Storage Tank Facility Registration Form" (due within 10 days after closure);
   d. Copies of laboratory reports.

B. General Sampling Guidelines

All samples must be analyzed using approved methods listed in Chapter 62-780, F.A.C., or methods approved through protocols described in Chapter 62-160, F.A.C.

Composite soil samples cannot be used to meet the requirement of Closure Investigation sampling. Soil samples collected during Closure Investigation must be discrete grab samples. Composite samples are only allowed for analysis of contaminated soil for the purposes of disposal.

Benzo(a)pyrene equivalents must be calculated for soil samples as there are no longer individual direct exposure Cleanup Target Levels (CTLs) for several of the Polycyclic Aromatic Hydrocarbons (PAHs).

Soil samples for volatile analyses must be collected pursuant to EPA Method 5035. However, if the substrate to be sampled consists of large particles such as pea gravel, contains debris or is consolidated, soil samples for volatile analyses may be collected in a bulk jar.

Note: Chapter 62-780, F.A.C., allows Level 1 Risk Management alternative closure options for both

the total recoverable petroleum hydrocarbons (TRPH) CTLs and leachability CTLs, and in accordance with these procedures, further analysis of the soil sample can be run. As such, enough soil should be collected during sampling efforts so that the laboratory can perform additional tests on that soil if necessary. The laboratory should be advised that in the event that contamination is detected which exceeds the TRPH Direct Exposure Residential CTL or TRPH Leachability Based on Groundwater CTL specified in Table II of Chapter 62-777, F.A.C., TRPH fractionation using either the Massachusetts method or the Working Group method should be performed on that soil sample. The laboratory should also be advised that in the event that contamination is detected that exceeds the Department's Leachability Based on Groundwater Criteria Soil CTLs specified in Table II of Chapter 62-777, F.A.C., for any other contaminant of concern, a Synthetic Precipitation Leaching Procedure (SPLP) extraction and analysis of that soil sample should be performed. Additionally, the acceptable holding times for the soil samples need to be met. If TRPH fractionation or SPLP is utilized, the Closure Report needs to be signed and sealed by a PG or PE.

1. Gasoline and Kerosene Analytical Groups

   a. Soil Samples

      Soil samples obtained during closure of a storage tank system are to be screened in the field using an instrument or method approved by the Department. A sample from the location in each source area (tank farm, integral piping, and dispenser island[1]), that yields the highest hydrocarbon measurement is to be analyzed for volatile organic aromatics (VOAs), PAHs and TRPHs. If no positive screening results are obtained, the sample, from each source area, is to be collected from the location within each source area believed to be most likely to have contamination, such as next to a fill port. Only one sample is needed to confirm a new discharge and then the facility enters the site assessment initiation phase under 62-780, F.A.C.

      (1) If an organic vapor analysis instrument with a Flame Ionization Detector (FID) or a Photo Ionization Detector (PID) is used, it must be in the survey mode. PIDs should not be used in situations where humidity will interfere with the instrument's sensitivity (i.e., during rainy periods, measuring moist or wet soil). Readings must be obtained from the headspace of samples in half-filled, 8-ounce or 16-ounce jars. Each soil sample should be obtained from the vadose zone (the area above the water table), brought (if necessary)

[1] *Each island is considered a source area. If there are five islands with two dispensers on each island, five samples are to be collected.*

to a temperature of between 20°C (68°F) and 32°C (90°F), and the reading obtained five to thirty minutes thereafter. If an FID is used, each soil sample must be split into two jars, and one of the readings must be obtained with the use of an activated charcoal filter unless the unfiltered reading is 10 parts per million (ppm) or less. The total corrected hydrocarbon measurement must be determined by subtracting the filtered reading from the unfiltered reading. Analytical instruments must be calibrated in accordance with the manufacturer's instructions.

(2) If soil that yields positive field screening results (hydrocarbon measurements greater than 10 ppm) is identified and remains on-site, a grab sample from the location in each source area that yields the highest hydrocarbon measurement must be analyzed for VOAs, PAHs and TRPHs. If the evidence suggests that products from both the Gasoline Analytical Group and Kerosene Analytical Group were released at different locations within a source area, then the sample from each distinct product area with the highest hydrocarbon measurement is to be collected for laboratory analyses.

(3) If contaminated soil is identified and excavated, a minimum of four or five samples (at least one from the bottom of the excavation if the water table was not reached and at least four from the walls of the excavation) are to be obtained for field screening. The sample that yields the highest hydrocarbon measurement is to be analyzed for VOAs, PAHs and TRPHs. If no positive screening results are obtained, the sample is to be collected from the location believed to be most likely to have contamination. This sampling is in addition to the sampling required in B.1.a., above.

Removal of soil greater than 20 feet of depth and/or in a 20 foot radius laterally from the edge of excavation is allowable provided that an Interim Source Removal Report is submitted in accordance with the requirements of Rule 62-780.500, F.A.C., and is signed and sealed by a PE or PG.

b. Groundwater Samples

Groundwater samples obtained during closure of a tank must be analyzed for all parameters specified in Table C of Chapter 62-780, F.A.C.

2. Used Oil

   a. Soil Samples

      (1) Soil samples obtained during closure of a used oil tank are to be inspected for signs of staining or discoloration. If the tank appears to have discharged or if soil contaminated or saturated with used oil is identified and remains on-site, a sample that represents the location believed to be most likely to have contamination must be analyzed for all parameters specified for used oil in Table D of Chapter 62-780, F.A.C.

      (2) If soil visually stained or saturated with used oil is identified and excavated, at least one sample is to be obtained from the bottom of the excavation if the water table was not reached and at least one sample is to be obtained from the wall of the excavation at an equivalent depth of the soil visually stained or saturated with used oil that was removed, and analyzed for those contaminants detected in the sample collected from the most visibly stained area or during pre-burn analyses.

   b. Groundwater Samples

      Groundwater samples must be analyzed for all parameters specified for used oil in Table D of Chapter 62-780, F.A.C.

C. Sampling Requirements for Storage Tank Removals [see Section E and F for requirements during closure of individual system components]

1. Gasoline and Kerosene Analytical Groups

   a. Soil Samples

      During the removal of an aboveground storage tank system or component, field screening of soils in accordance with B.1.(a), above shall be conducted in the area of soil contact. The screening locations are to be spaced on a five (5) foot grid pattern, beginning at the edge of the undisturbed soil, with soil collection from ground surface at discrete points at a depth of two feet and five feet below land surface (bls), then continuing at five foot intervals to 20 feet bls, unless groundwater is encountered.

      Note: If it is anticipated that a very large sampling area will be required and if an alternate soil sampling frequency is requested, a proposal under subsection 62-762.851(1), F.A.C.,

(Alternative Procedures) can be submitted to the Department for approval under that rule.

b. Groundwater Samples

Groundwater samples must be obtained from a properly constructed temporary monitoring well or a direct push well as discussed below whenever the depth to the groundwater table is less than 20 feet. If the depth to the groundwater table is greater than 20 feet, a groundwater sample is not required if:

- the screening and laboratory results indicated that contaminated soil was not present; or
- contaminated soil was identified and was left in place requiring the discharge to be reported and a site assessment to be conducted in accordance with Rule 62-780.600, F.A.C.; or
- contaminated soil was identified, excavated and results demonstrated that groundwater should not have been affected based on the:
  - degree of contamination,
  - horizontal and vertical extent of contamination in the excavated soil,
  - type of product believed to have been discharged, and
  - site stratigraphy

Subsequent to backfilling, the temporary monitoring well is to be installed in the area that represents the location believed to be most likely to have contamination as determined by the soil field screening results. If no soil contamination is found, the well is to be installed near the center of the former tank location. Minimum well construction details for a temporary monitoring well require a sand pack placed around the well screen prior to sampling and the well screen intercepting the groundwater table.

2. Used Oil

a. Soil Samples

When a used oil tank is being removed, a visual inspection of the excavation, of the tank condition and of the removed soil is to be performed to document the integrity of the tank. If the tank appears to have discharged or if soil staining is documented, a soil sample is to be obtained in accordance with Section B.2.(a) above.

b. Groundwater Samples

Groundwater sampling is not required if visual observations or laboratory results from sampling indicate that contaminated soil is not present. However, if the tank appears to have discharged or if soil staining is documented, and the depth to the groundwater table is less than 20 feet, a temporary monitoring well is to be installed in the area that represents the location believed to be most likely to have contamination as determined by the visual observations of the soil samples. If the depth to the groundwater table is greater than 20 feet, a groundwater sample is not required if:

- the visual observations or laboratory results from sampling indicated that contaminated soil was not present; or
- contaminated soil was identified and was left in place requiring the discharge to be reported and a site assessment to be conducted in accordance with Rule 62-780.600, F.A.C.; or
- contaminated soil was identified, excavated and results demonstrated that groundwater should not have been affected based on the:
  - degree of contamination,
  - horizontal and vertical extent of contamination in the excavated soil,
  - type of product believed to have been discharged, and
  - site stratigraphy.

D. Sampling Requirements for Storage Tanks Closed in Place [see Section E and F for requirements during closure of individual system components]

1. Gasoline and Kerosene Analytical Groups

a. Soil Samples

Soil borings must be placed around each aboveground storage tank, with a maximum distance of 20 feet between borings. Each boring is to be placed as close to the tank as possible, with one of the borings placed as close to the fill port as possible while still being beyond the edge of the tank so that the boring can continue to the groundwater table or 20 feet, whichever is less. Soil must be screened at two foot intervals to a depth of 10 feet below land surface and then at 5 foot intervals to the groundwater table, or to a depth of 20

feet below land surface if the water table is not encountered.

Note: If it is anticipated that a very large sampling area will be required and if an alternate soil sampling frequency is requested, a proposal under subsection 62-762.851(1), F.A.C., (Alternative Procedures) can be submitted to the Department for approval under that rule.

b. Groundwater Samples

Groundwater samples must be obtained whenever the depth to the groundwater table is less than 20 feet. If the depth to the groundwater table is greater than 20 feet, a groundwater sample is not required if:

- the screening and laboratory results indicated that contaminated soil was not present; or
- contaminated soil was identified and was left in place requiring the discharge to be reported and a site assessment to be conducted in accordance with Rule 62-780.600, F.A.C.; or
- contaminated soil was identified, excavated and results demonstrated that groundwater should not have been affected based on the:
  - degree of contamination,
  - horizontal and vertical extent of contamination in the excavated soil,
  - type of product believed to have been discharged, and
  - site stratigraphy.

When compliance monitoring wells are present, one sample can be obtained from each compliance monitoring well (if only one tank of 2,000 gallon capacity or less is being closed in place, only two temporary monitoring wells are to be installed, at locations suspected to be downgradient and upgradient from the tank). If it is determined that the construction of the compliance wells is not adequate (that is, if the water table does not intersect the screened interval), temporary monitoring wells are to be installed, as specified below.

If there are no compliance monitoring wells present, four temporary monitoring wells are to be installed around the tank field and sampled (if only one tank of 2,000 gallon capacity or less is being closed in place, only two temporary monitoring wells are to be installed, at

locations suspected to be downgradient and upgradient from the tank). Minimum well construction details for a temporary monitoring well require a sand pack placed around the well screen prior to sampling and that the screened interval intercepts the groundwater table.

2. Used Oil

   a. Soil Samples

   Sample as specified in Section D.1.a. above, with the samples visually inspected to determine if the tank appears to have discharged. If the tank appears to have discharged or if soil staining is documented, a soil sample is to be obtained in accordance with Section B.2.(a) above.

   b. Groundwater Samples

   If the depth to the groundwater table is less than 20 feet, a temporary monitoring well is to be installed in the area that represents the location believed to be most likely to have contamination as determined by the visual observations of the soil samples. If no soil staining is documented, the temporary monitoring well is to be installed next to the tank, as close to the fill port as possible. If the depth to the groundwater table is greater than 20 feet, a groundwater sample is not required if:

   - visual observations or laboratory results indicated that contaminated soil was not present; or
   - contaminated soil was identified and was left in place requiring the discharge to be reported and a site assessment to be conducted in accordance with Rule 62-780.600, F.A.C.; or
   - contaminated soil was identified, excavated and results demonstrated that groundwater should not have been affected based on the:
     - degree of contamination,
     - horizontal and vertical extent of contamination in the excavated soil,
     - type of product believed to have been discharged, and
     - site stratigraphy.

E. Sampling Requirements for Closure of Integral Piping in Contact with Soil

1. Soil Samples

   One soil boring must be placed approximately every 20 feet of product transfer line (piping), with the spacing determined by any evidence of contamination and location of potential sources of leaks, such as fixtures, connections and joints. The boring(s) is/are to be located as close to the transfer line as possible, with the sampling point one foot below the line level, or immediately above the groundwater table, whichever is first encountered.

   Note: If it is anticipated that a very large sampling area will be required and if an alternate soil sampling frequency is requested, a proposal under subsection 62-762.851(1), F.A.C., (Alternative Procedures) can be submitted to the Department for approval under that rule.

2. Groundwater Samples

   A groundwater sample is not required if:

   - the screening and laboratory results indicated that contaminated soil was not present; or
   - contaminated soil was identified and was left in place requiring the discharge to be reported and a site assessment to be conducted in accordance with Rule 62-780.600, F.A.C.; or
   - contaminated soil was identified, excavated and results demonstrated that groundwater should not have been affected based on the:
     - degree of contamination,
     - horizontal and vertical extent of contamination in the excavated soil,
     - type of product believed to have been discharged, and
     - site stratigraphy.

   If the results cannot demonstrate that groundwater should not have been affected, then a temporary monitoring well is to be installed in the area that represents the location believed to be most likely to have contamination as determined by the soil samples.

F. Sampling Requirements for Closure of Piping Sumps, Hydrant System Sumps, Spill Containment Devices and Dispenser Sumps

1. Soil Samples

   a. One soil boring must be placed next to each submersible pump or fill port. Samples for field screening are to be collected approximately every two feet below land surface until the top of

the storage tank, or the groundwater table, whichever is first encountered.

b. A minimum of one soil boring must be placed directly under each product dispenser or less than three feet from each product dispenser. Samples for field screening are to be obtained approximately every two feet below land surface to a minimum depth of four feet, or to the groundwater table, whichever is first encountered (if the appropriate District or contracted County program determines based on screening results that there is a need to extend any boring below 10 feet, subsequent samples may be collected every five feet). The depth of the soil boring(s) will be dependent upon the hydrocarbon vapors encountered. The ideal location for evaluating soil conditions is directly under the dispenser if the dispenser has been removed and the area is large enough to be accessible.

2. Groundwater Samples

A groundwater sample is not required if:

- the screening and laboratory results indicated that contaminated soil was not present; or
- contaminated soil was identified and was left in place requiring the discharge to be reported and a site assessment to be conducted in accordance with Rule 62-780.600, F.A.C.; or
- contaminated soil was identified, excavated and results demonstrated that groundwater should not have been affected based on the:
  - degree of contamination,
  - horizontal and vertical extent of contamination in the excavated soil,
  - type of product believed to have been discharged, and
  - site stratigraphy.

If the results cannot demonstrate that groundwater should not have been affected, then a temporary monitoring well is to be installed in the area that represents the location believed to be most likely to have contamination as determined by the soil samples.

G. Discharge Reporting Requirements during a Petroleum/Product Tank System Closure

The Department must be notified by the facility owner or operator of the discovery of an unreported discharge on the Discharge Report Form [Department Form 62-762.901(1)] within 24 hours of the discovery or before the close of the Department's next business day. If any one of the following

reporting criteria is met, then the Closure Investigation may be terminated, a Closure Report (prepared according to the guidelines described in Section A – Documentation Requirements, describing the work that was performed at the site and summarizing the data collected at that time) is to be submitted and a formal site assessment initiated in accordance with Chapter 62-780, F.A.C.:

1. Soil contaminated with products classified in the Gasoline Analytical Group or in the Kerosene Analytical Group, that exceeded the default soil CTLs specified in Chapter 62-777, F.A.C., remains on-site; or
2. Soil contaminated with used oil, that exceeded the default soil CTLs specified in Chapter 62-777, F.A.C., remains on-site; or

   Note: For G.1. and G.2. above, a DRF does not need to be submitted when the default soil CTLs are exceeded while level 1 alternative closure options (Fractionation and SPLP) are being evaluated. Once the evaluation is complete, if it is demonstrated that the soil is contaminated, then a DRF must be submitted;
3. Free product or a sheen of petroleum products is detected in a monitoring well or in the tank or tank system components excavation area; or
4. Any of the groundwater CTLs specified in Chapter 62-777, F.A.C., has been exceeded.

H. Other Pollutant and High Viscosity Pollutant Storage Tank Systems

Owners or operators of other pollutant ASTs are required to perform a Closure Investigation. The Closure Report must address the particular regulated substance stored in the storage tank system. Sampling methodology must be submitted to the District or contracted County program for approval 30 days before the storage system closure. If the sampling methodology proposed by the Owner or Operator will accurately detect any discharges that may have occurred, the District or contracted County program will notify the owner or operator of the approval within 14 days of receipt of the sampling methodology. Closure Investigation may be conducted in accordance with existing Department-approved closure evaluation protocols and related corrective action protocols approved under other Department programs [e.g., high viscosity pollutants, such as no. 6 Fuel Oil, the use of *Closure Sampling Protocol for Aboveground Storage Tank Systems (ASTs) Containing High Viscosity Pollutants*, (Appendix A) and *Heavy Fuel Oil Discharge Response Actions*, FDEP May 2016, (Appendix B)].

Appendix A

Closure Sampling Protocol for Aboveground Storage Tank Systems (ASTs) Containing High Viscosity Pollutants

High viscosity pollutants, such as No. 6 fuel oil, are relatively immobile in the environment and any impacts are typically very localized and limited to surficial soils. Based on the characteristics of high viscosity pollutants, facilities have the option of following these procedures for closure sampling and evaluation an AST system that contained a high viscosity pollutant.

1. Conduct a visual inspection around the perimeter of the tank to determine the presence or absence of soil staining or discoloration indicative of a release of high viscosity pollutants.

2. If no visual staining or discoloration is observed, borings/test trenching will be collected at approximately 50 ft. intervals. Borings/test trenching, whenever possible, will be located in proximity to manways, nozzles, other shell penetrations, floor sumps, etc. If the tank has cathodic protection, any samples will be collected in the range of 7.5 to 10 ft. from the edge of the tank. If the tank does not have cathodic protection, any soil samples will be collected immediately adjacent to the apron of the tank. For underground piping, the facility will collect soil samples at 50 ft. intervals for straight piping and additional samples where there are 90 degree bends in the piping. At each soil boring/test trenching location, samples will be collected at one foot depths from ground surface to 4 ft.-below land surface (ft-bls), and visually inspected and documented.

3. If stained or discolored soil is encountered indicating that a release of high viscosity pollutants has occurred, such soil and a one foot lateral and vertical buffer will be excavated. There shall be no limitation on the volume of soil that may be excavated so long as such excavation activity complies with the requirements of Rule 62-780.550, F. A. C. After excavation, up to four side wall and one bottom soil samples will be collected for TRPH analysis and the Polyaromatic Hydrocarbons (PAHs) applicable to Heavy Fuel Oil. Based on the FDEP approved *Heavy Fuel Oil Discharge Response Actions* protocol, these PAH constituents associated with #6 oil are phenanthrene, anthracene, flouranthene, benzo (a) anthracene, benzo (b) flouranthene, benzo (k)

flouranthene, benzo (a) pyrene, chrysene and indeno (1,2,3-cd) pyrene. The location of the excavation and confirmatory samples will be documented and any disposal manifests maintained.

4. In the event that TRPH in soil is detected above the TRPH Soil Cleanup Target Levels specified in Table II of Chapter 62-777, F. A.C., TRPH fractionation using the Florida Working Group method will be performed on the sample. If necessary, SPLP analysis may also be performed.

5. If it is determined that a release of high viscosity pollutants may have come into contact with groundwater, the facility will install a temporary groundwater monitoring well or wells as appropriate and a groundwater sample or samples will be collected for TRPH analysis. Also, if SPLP analysis is performed in accordance with Paragraph 4 and the results indicate that leaching of TRPH is occurring above the TRPH Groundwater Cleanup Target Level specified in Table I of Chapter 62- 777, F.A.C., or exceeds the leachability concentrations of Calculated SCTLs for TRPH Fractions (Table C-5 of the 2 Technical Report: Development of Cleanup Target Levels for Chapter 62-777), the facility will install a temporary groundwater monitoring well and collect and analyze a groundwater sample for TRPH.

6. A Closure Report will be generated for each tank within 60 days of data collection. This Closure Report will include a description of site investigation activities, analytical results, photographs of the individual test trench soil profiles, as well as conclusions and recommendations for future activities, if necessary.

Appendix B

Heavy Fuel Oil Discharge Response Actions

Heavy Fuel Oil

Discharge Response Actions

Background

Heavy fuel oil is not a petroleum product as defined in Section 376.301, F.S. Heavy fuel oil includes American Society for Testing and Materials (ASTM) grades number 5 and number 6 residual oils, and intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher. No. 6 fuel oil is far more common than no. 5, and is the principal fuel used by oil-fired power plants. Thus "heavy fuel oil" is frequently used as a synonym for no. 6 residual oil. Heavy fuel oil is a highly viscous oil that has a low propensity to flow. When discharged, it usually results in visual staining of the top 3 to 4 inches of soil in the vicinity of the discharge. The response actions proposed by the Florida Electric Power Coordinating Group, Inc. (FCG) and its member electric utilities takes into consideration the fuel's high viscosity, low propensity to flow, and the staining associated with a discharge.

Applicability

The response actions provided below apply to discharges of heavy fuel oil to a pervious surface. It does not apply to discharges of heavy fuel oil being addressed pursuant to the Clean Water Act. Heavy oil discharged onto impervious surfaces will be recovered. Adherence to this protocol, such that the heavy fuel oil discharge is remediated within 30 days, constitutes compliance with the provisions of Rule 62-780.550, F.A.C. In responding to heavy oil discharges, including those into or near waters of the state, FCG member electric utilities will also comply with all other applicable laws and rules, including applicable notification requirements.

Response Actions

Heavy oil discharge response actions include two types of discharge categories: a new discharge and an existing discharge. A new discharge is defined as a discharge that is known to have occurred within the past 48 hours. An existing discharge is any other heavy oil discharge.

Response actions will be completed within 30 days of discovery of a new or existing discharge. To the extent response actions are not completed within that timeframe, the electric utility will contact the local county storage tank program office or Department of Environmental Protection (Department) district office to develop an appropriate discharge response in accordance with Chapter 62-780, F.A.C.

A. New Discharge Response Protocol

1. New Discharge Not Resulting in Contact with Groundwater

The response actions for a new discharge of any quantity where the discharge did not result in contact with groundwater will be initiated within 48 hours after discovery. Once the source of the discharge is abated or otherwise secured, FCG members will initiate response actions, which include immediate measures to control and abate the discharge.

Soil impacted by heavy fuel oil will be excavated through visual delineation of stained soil. This is typically done using shovels, a backhoe, a track hoe or other appropriate equipment. All visible traces of the heavy oil in the soil will be removed; including a one foot lateral and vertical buffer, unless prevented by a physical obstacle such as a storage tank, building, etc. Excavated soil will be stockpiled on Visqueen or other similar impervious material until loaded into 55 gallon drums, roll-off dumpsters or similar containers. Excavated soil will be secured in a manner that prevents human exposure to contaminated soil and prevents soil exposure to precipitation that may cause surface runoff. All excavated soil will be disposed of or treated within 60 days of completion of field activities in accordance with applicable local, state, and federal regulations. Applicable disposal or treatment documents will be obtained.

2. New Discharge Resulting in Contact with Groundwater

The response actions for a new discharge of any quantity that resulted in contact with groundwater will be initiated within 48 hours after discovery. Once the source of the discharge is abated or otherwise secured, FCG members will initiate response actions, which include immediate measures to control and abate the discharge.

In accordance with paragraph C. below, if a new discharge resulted in contact with groundwater confirmatory laboratory analysis will be conducted of the groundwater to ensure that levels of Polycyclic Aromatic Hydrocarbons (PAHs) applicable to heavy fuel oil as provided in Table A are below the corresponding groundwater cleanup target levels for those PAH constituents in Chapter 62-777, F.A.C., or alternative target levels agreed to with the Department.

To the extent such removal cannot be completed within 30 days, the electric utility will contact the relevant Department district office to develop an appropriate discharge response in accordance with Chapter 62-780, F.A.C.

B. Existing Discharge Response Protocol

The response actions for an existing discharge will be initiated as soon as possible after discovery, but no later than 7 days after discovery.

If the discharge is 25 gallons or less and did not result in contact with groundwater, the response protocol for new discharges in paragraph A. I. will be followed.

If the discharge is 25 gallons or less and resulted in contact with groundwater, the response protocol for new discharges will be followed. Also, in accordance with paragraph C. below, potential groundwater impacts will be addressed.

If the discharge is greater than 25 gallons, or resulted in contact with groundwater (see paragraph C. below), all visible traces of the heavy fuel oil in the soil will be recovered including a one foot lateral and vertical buffer as provided in Section A above and confirmatory laboratory analysis of one composite sample of soil from the bottom of the excavation (unless the bottom is below the water table) and the walls or perimeter of the excavation will be conducted to ensure that all impacted soil has been removed. Also, where the existing discharge resulted in contact with groundwater, the provisions of paragraph C. shall be followed.

Verification cleanup of the soil will be confirmed by ensuring that levels of PAHs applicable to heavy fuel oil as provided in Table A are less than the lower of the direct exposure or leachability soil cleanup target levels for those PAH constituents, or other alternative target levels agreed to with the Department. Removal will continue until applicable PAH constituent levels are below the aforementioned concentrations, unless prevented by a physical obstacle as previously mentioned.

To the extent such removal cannot be completed within 30 days, the electric utility will contact the relevant Department district office to develop an appropriate discharge response in accordance with Chapter 62-780, F.A.C.

C. Groundwater Contact

Heavy fuel oil removal activities in groundwater may include but are not be limited to the use of:

a. Absorbent pads or booms;

b. Pumps (skimmer, diaphragm, centrifugal, etc.) with mechanical, electrical or hand- bailed purging operations;

c. Hand or mechanical bailing;

d. Fluid vacuum techniques; or

e. Other applicable techniques or technologies.

Recovered heavy fuel oil will either be burned for energy recovery or disposed of or treated in accordance with applicable local, state, and federal regulations.

If a new or existing discharge resulted in contact with groundwater, after heavy fuel oil removal activities in groundwater have been completed, confirmatory laboratory analysis will be conducted to ensure that PAH levels applicable to heavy fuel oil as provided in Table A are below the applicable groundwater cleanup target levels for PAH constituents in Chapter 62-777, F.A.C., or alternative target levels agreed to with the Department.

D. Documentation

The attached form will be completed by electric utilities for each discharge of heavy fuel oil on a pervious surface and kept on file for a period of five years and made available to the Department upon request.

Table A - PAH Constituents Applicable to Heavy Fuel Oil

Phenanthrene
Anthracene
Fluoranthene
Benz(a)anthracene
Benzo(b)fluoranthene
Benzo(k)fluoranthene
Benzo(a)pyrene
Chrysene
Indeno(1, 2, 3 - cd)pyrene

Summary Document for Heavy Fuel Oil Discharge (on a pervious surface)

Question	Answer
Location(s) of Spill (street address of discharge, if known, facility name and narrative description or illustration indicating where discharge occurred)	
Date of Spill	
Type of Product Discharged	
Volume of Product Discharged (in gallons)	
Volume of Free Product Recovered (in gallons)	
Volume of contaminated soil excavated (tons or cubic yards)	
Disposal or recycling methods for free product	
Disposal or recycling methods for excavated soil	
Disposal methods for other contaminated media or investigative related waste	
A site map or sketch showing locations(s) of free product recovered and the area of soil removed	
Narrative description or illustrations of the approximate dimensions of the excavation - length, width and depth. (All dimensions to be provided in feet)	
Documentation confirming the proper treatment and/or disposal of the free product or contaminated soil. (Attach manifests to report)	
Narrative description or illustration of where samples were taken, screening methods used and analytical results. (Attach to report)	
Other applicable information such as a description of any physical obstacles, if any, preventing complete removal	

Appendix 1

No. 6 Fuel Oil-PAH Analysis and Spill Response Recommendations

PAHs are ubiquitous in the environment, forming whenever organic substances are exposed to high temperatures. They can be broadly separated into three categories: biogenic (formed from natural biological processes including diagenesis); petrogenic (primarily associated with crude oil and natural oil seeps); and pyrogenic (formed in high heat or combustion processes, including incomplete combustion of fuels). PAHs derived from all three categories are likely to be found as contaminants in soils, particularly in urban or industrial areas, but also, for examp1e, in areas where wood-burning stoves (biogenic) and high-volume vehicular traffic (pyrogenic) are present.

Petrogenic PAHs are characterized by low molecular weight compounds with 2 or 3 aromatic rings (i.e., six-carbon fused benzene rings) with a predominance of alkyl substitution (predominantly methyl groups attached to the ring structures). Conversely, pyrogenic PAHs are characterized by high molecular weight compounds typically with 4 to 7 aromatic rings, and much less alkyl substitution. An important toxicological distinction between the two categories is that all known carcinogenic PAHs fall into the high molecular weight, or pyrogenic, category. Atmospheric transport from point sources and the ever-increasing volume of mobile sources ensures the presence of pyrogenic PAHs in nearly all soils in the U.S. and elsewhere in the developed world.

Number (No.) 6 fuel oil, also known as Bunker C fuel, is a refinery by-product, principally the residue of processes in which light and medium crude oils are fractionally distilled and processed to produce gasoline, diesel fuel, and other products. Although derived from a predominately petrogenic source, No. 6 fuel oil may be substantially enriched in 3 to 5-ring PAHs formed in a number of high-temperature petroleum refining processes including catalytic and steam cracking, vacuum distillation, hydrodesulfurization, etc. PAHs in the high-viscosity residuum of the refining process are primarily petrogenic in origin; however, when necessary, low-viscosity blending stocks from the refining operations are blended with residuum to reduce viscosity and improve flowability. This occasional practice has the potential to introduce high-molecular weight pyrogenic PAHs in quantities that are both unpredictable and batch-specific, although the actual concentrations are low. This, along with the petrogenic PAH variability in parent crudes, are why PAH fingerprinting can be used to identify specific sources of fuel oil spills.

To develop a coherent approach to assessing risk from PAHs associated with a spill of residual fuel oil, as well as recommended cleanup criteria, all regulated PAH compounds have been compiled in Table 1. Those not found to be present in No. 6 fuel oil are shaded and all are compared with regulatory endpoints for cleanup action. Composition data for No. 6 fuel oil was compiled by the Total Petroleum Hydrocarbon Criteria Working Group (Potter and Simmons 1998). Data are presented as weight percentages for all fuel constituents reported from a comprehensive search of the literature, and from government, military and oil industry sources.

It is reasonable to assume that any PAHs with maximum reported levels less than 0.02 wt% in No. 6 fuel oil are unlikely to be present at detectable levels in soil or groundwater samples following a fuel spill. That is to say, if these PAHs are detected they would either be at a de minimis level or derived from a

source other than a heavy fuel oil spill, given the plethora of potential PAH sources described above. If this assumption is accepted, only the following PAHs found in soils subjected to a No. 6 fuel oil spill should be considered to be derived from that spill:

Phenanthrene
Anthracene
Fluoranthene
Benz(a)anthracene
Chrysene
Benzo(b)fluoranthene
Benzo(k)fluoranthene

The threshold of 0.02 wt% eliminates inclusion of naphthalene; the remainder of PAHs reported to be present in fuel oil No. 6 (see Table 1) are less abundant in fuel oil #6 than naphthalene. [Some, like benzo(a)pyrene (reported only once in fuel oil No. 6), are an order of magnitude less abundant than naphthalene.] Naphthalene is the most soluble of binuclear aromatics, and orders of magnitude more soluble than PAHs with 3 or 4 aromatic rings. This is further justification for not including naphthalene in the above list since solubility is a major factor in determining the rate of biodegradation.

For decisions on remediation of PAHs in the environment it is also important to consider bioavailability. PAH bioavailability will not be discussed further here, but considerable literature information is available (e.g., National Research Council 2003, Stroo et al., 2005).

Recommendations

For response activities related to a No. 6 fuel oil spill to soil and/or groundwater, it is recommended, with respect to PAHs, to compare only the following PAHs and their respective regulatory criteria.

Phenanthrene
Anthracene
Fluoranthene
Benz(a)anthracene
Chrysene
Benzo(b)fluoranthene
Benzo(k)fluoranthene

Bibliography

The following references were used in the development of this Appendix.

API 1994. Transport and Fate of Non-BTEX Petroleum Chemicals in Soils and Groundwater. API Publication number 4593, American Petroleum Institute, Washington, D.C.

Davis, Jay. 2005. PAHs in the Estuary. San Francisco Bay Institute Regional Monitoring Program, http://www.sfei.org/rmp/rmp news/RMP News volume 2 issue 2.pdf

ERT2 Multimedia Training Tools. 2005. Advanced Chemical Fingerprinting. http:/www.ert2.org/chemicalfingerprinting/printfriendly.aspx

Massachusetts Department of Environmental Protection. 2005. Polycyclic Aromatic Hydrocarbons. http://www.mass.gov/dep/toxics/pahs.htm

National Research Council. 2003. Current Use of Bioavailability in the Management of Contaminated Soil and Sediment, pp. 52-118. In: NRC. 2003. Bioavailability of Contaminants in Soils and Sediments: Processes, Tools, and Applications. 420 pp., National Academies Press, Washington D.C.

Neff, J.M., S.A. Stout and D.G. Gunster. 2005. Ecological risk assessment of polycyclic aromatic hydrocarbons in sediments: identifying sources and ecological hazard. Integrated Environmental Assessment and Management, 1 (1):22-33.

Potter, Thomas L. and Kathleen E. Simmons. 1998. Composition of Petroleum Mixtures. Total Petroleum Hydrocarbon Criteria Working Group Series, Volume 2. Amherst Scientific Publishers, Amherst, Massachusetts.

Stroo, H.F. et al. 2005. Improving risk assessments for manufactured gas plant soils by measuring PAH availability. Integrated Environmental Assessment and Management, 1(3):259-266.

Table 1. Compilation of Regulated PAHs, Occurrence in No. 6 Fuel Oil, and Regulatory Characterization and Limits for Spills to Soil in Florida

Priority Pollutants PAHs[1] (# of aromatic rings)	Reported wt% in No. 6 Fuel Oil[2] (avg and range)	USEPA Carcinogenic Potential[3]	Florida Groundwater CTLs (ug/L)	Florida Soil CTLs – Res/CI (mg/kg)[4]
Naphthalene[5] (2)	4.2E-3 2.1E-4 – 1.5E-2	N/C	14	55/300
1-Methylnaphthalene (2)	N/R[6]	N/A	28	200/1800
2-Methylnaphthalene (2)	N/R	N/C	28	210/2100
Acenaphthylene (2)	N/R	N/C	210	1800/20,000
Acenaphthene (2)	N/R	N/A	20	2400/20,000
Fluorene (2)	N/R	N/A	280	2600/33,000
Phenanthrene (3)	2.1E-2 2.1E-3 – 4.8E-2	N/C	210	2200/36,000
Anthracene (3)	5.0E-3	N/C	2100	21,000/300,000
Fluoranthene (3)	2.4E-2	N/C	280	3200/59,000
Pyrene (4)	2.3E-3	N/C	210	2400/45,000
Benz(a)anthracene (4)	5.5E-2 2.9E-3 – 1.5E-1	B2	0.05	Calculate based on TEF of 0.1[7]
Chrysene (4)	6.9E-2 2.9E-3 – 3.1E-1	B2	4.8	Calculate based on TEF of 0.001
Benzo(b)fluoranthene (4)	4.4E-2	B2	0.05	Calculate based on TEF of 0.1
Benzo(k)fluoranthene (4)	4.4E-2	B2	0.5	Calculate based on TEF of 0.01
Benzo(a)pyrene (5)	4.4E-3	B2	0.2	0.1/0.7 (TEF of 1)
Dibenz(a,h)anthracene (5)	N/R	B2	0.005	Calculate based on TEF of 1.0
Benzo(g,h,i)perylene (6)	N/R	N/A	210	2500/52,000
Indeno(1,2,3-cd)pyrene (5)	1.0E-2	B2	0.05	Calculate based on TEF of 0.1

1. Includes all reported constituents of No. 6 fuel oil (unshaded) that also are listed in Chapter 62-777 SCTLs.
2. Total Petroleum Hydrocarbon Criteria Working Group. Vol. 2, Composition of Petroleum Mixtures.
3. B2-probable human carcinogen; N/C- not classifiable; N/A- not available.
4. Chapter 62-777, F.A.C. Contaminant Cleanup Target Levels, Risk Impact Statement Section 120.81(6), Florida Statutes (F. S.). Residential and Commercial Industrial CTLs presented.
5. Naphthalene, although included in the Priority Pollutant list, is a di-aromatic and generally not considered in the same group as polynuclear aromatic hydrocarbons.
6. N/R (shaded) = Not reported in literature as occurring in No. 6 Fuel Oil.
7. For applicable PAHs, benz(a)pyrene equivalent concentrations are calculated as the sum of the individual PAH concentration times its toxic equivalency factor (TEF). This concentration should then be compared with the benz(a)pyrene SCTL.

Guidance Document C2 - UST Closure

Instructions for Conducting Sampling During Underground Storage Tank Closure

Permitting and Compliance Assistance Program

Division of Waste Management

Florida Department of Environmental Protection

April 2016

2600 Blair Stone Road, MS 4525
Tallahassee, Florida 32399-2400
www.dep.state.fl.us

TABLE OF CONTENTS

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INSTRUCTIONS FOR CONDUCTING SAMPLING DURING CLOSURE

INTRODUCTION

This document establishes procedures for conducting and reporting storage tank system closures to meet the requirements of Chapter 62-761, Florida Administrative Code (F.A.C.), Underground Storage Tank Systems.

As an integral part of a system or a system component closure performed at an Underground Storage Tank (UST) facility, a Closure Report or a Limited Closure Report, as applicable, shall be prepared and submitted to the Department or contracted County program as required in Rule 62-761.800, F.A.C. The report is to describe the work that was performed at the facility during the system or system component closure, and summarize any data collected at that time.

A Site Assessment in accordance with Chapter 62-780, F.A.C., conducted and approved by the Department will satisfy the requirements of this guideline. However, these guidelines do not meet the criteria to qualify for the issuance of a Site Rehabilitation Completion Order (SRCO) as specified in Chapter 62-780, F.A.C. If a facility intends to demonstrate that all No Further Action requirements of Chapter 62-780, F.A.C., have been met, a Closure Report which meets the Site Assessment requirements of Chapter 62-780, F.A.C., must be prepared and submitted, and the report must be signed and sealed by a Professional Engineer (PE) licensed in the State of Florida or a Professional Geologist (PG) licensed in the State of Florida.

A. Closure Report

In cases where an investigation is required at the time of closure in accordance with this document and as specified in Rule 62-761.800, F.A.C., a Closure Report with the following elements and documentation shall be prepared and submitted in writing or electronic format to the County within 60 days of completion of closure.

1. Summary Narrative

The Closure Report shall summarize closure actions and provide:

a. Information on the procedures (soil field screening procedures, analytical sample collection, etc.) followed during closure;

b. Information on the dimensions of the excavation(s), depth to groundwater, volume of soil excavated, and disposal method for the excavated soil;

c. Disposition of excavated contaminated soil;

d. Disposition of removed system components;

e. Disposition of accumulated sludge / liquids removed from system components; and

f. Recommendation for no additional actions or for site assessment under Chapter 62-780 F.A.C.

2. Supporting Documentation

a. A scaled site map showing the area(s) excavated and approximate locations of all samples collected;

b. Table(s) summarizing all field and analytical results obtained, listing the approximate depth at which

each sample was collected;

c. DEP Form 62-761.900(2) "Storage Tank Facility Registration Form" (due within 10 days after closure);

d. DEP Form 62-761.900(5) "Underground Storage System Installation and Removal Form for Certified Contractors" (due no later than 21 days after removal of a storage tank system);

e. Copies of laboratory reports.

B. General Sampling Guidelines

All samples must be analyzed using approved methods listed in Chapter 62-780, F.A.C., or methods approved through protocols described in Chapter 62-160, F.A.C.

Composite soil samples cannot be used to meet the requirement of Closure Investigation sampling. Soil samples collected during Closure Investigation must be discrete grab samples. Composite samples are only allowed for analysis of contaminated soil for the purposes of disposal.

Benzo(a)pyrene equivalents must be calculated for soil samples as there are no longer individual direct exposure Cleanup Target Levels (CTLs) for several of the Polycyclic Aromatic Hydrocarbons (PAHs).

Soil samples for volatile analyses must be collected pursuant to EPA Method 5035. However, if the substrate to be sampled consists of large particles such as pea gravel, contains debris or is consolidated, soil samples for volatile analyses may be collected in a bulk jar.

Note: Chapter 62-780, F.A.C., allows Level 1 Risk Management alternative closure options for both the total recoverable petroleum hydrocarbons (TRPH) CTLs and leachability CTLs, and in accordance with these procedures, further analysis of the soil sample can be run. As such, enough soil should be collected during sampling efforts so that the laboratory can perform additional tests on that soil if necessary. The laboratory should be advised that in the event that contamination is detected which exceeds the TRPH Direct Exposure Residential CTL or TRPH Leachability Based on Groundwater CTL specified in Table II of Chapter 62-777, F.A.C., TRPH fractionation using either the Massachusetts method or the Working Group method should be performed on that soil sample. The laboratory should also be advised that in the event that contamination is detected that exceeds the Department's Leachability Based on Groundwater Criteria Soil CTLs specified in Table II of Chapter 62-777, F.A.C., for any other contaminant of concern, a Synthetic Precipitation Leaching Procedure (SPLP) extraction and analysis of that soil sample should be performed. Additionally, the acceptable holding times for the soil samples need to be met. If TRPH fractionation or SPLP is utilized, the Closure Report needs to be signed and sealed by a PG or PE.

1. Gasoline and Kerosene Analytical Groups

a. Soil Samples

Soil samples obtained during closure of a storage tank system are to be screened in the field using an instrument or method approved by the Department. A sample from the location in each source area (tank farm, integral piping, dispenser island[1]), that yields the highest hydrocarbon measurement is to be analyzed for volatile organic aromatics (VOAs), PAHs and TRPHs. If no positive screening results are obtained, the sample, from each source area, is to be collected from the location within each source area believed to be most likely to have contamination, such as next to a fill port. Only one sample is needed to confirm a new discharge and then the facility enters the site assessment

[1] *Each island is considered a source area. If there are five islands with two dispensers on each island, five samples are to be collected.*

initiation phase under 62-780, F.A.C

(1) If an organic vapor analysis instrument with a Flame Ionization Detector (FID) or a Photo Ionization Detector (PID) is used, it must be in the survey mode. PIDs should not be used in situations where humidity will interfere with the instrument's sensitivity (i.e., during rainy periods, measuring moist or wet soil). Readings must be obtained from the headspace of samples in half-filled, 8-ounce or 16-ounce jars. Each soil sample should be obtained from the vadose zone (the area above the water table), brought (if necessary) to a temperature of between 20°C (68°F) and 32°C (90°F), and the reading obtained five to thirty minutes thereafter. If an FID is used, each soil sample must be split into two jars, and one of the readings must be obtained with the use of an activated charcoal filter unless the unfiltered reading is 10 parts per million (ppm) or less. The total corrected hydrocarbon measurement must be determined by subtracting the filtered reading from the unfiltered reading. Analytical instruments must be calibrated in accordance with the manufacturer's instructions.

(2) If soil that yields positive field screening results (hydrocarbon measurements greater than 10 ppm) is identified and remains on-site, a grab sample from the location in each source area that yields the highest hydrocarbon measurement must be analyzed for VOAs, PAHs and TRPHs. If the evidence suggests that products from both the Gasoline Analytical Group and Kerosene Analytical Group were released at different locations within a source area, then the sample from each distinct product area with the highest hydrocarbon measurement is to be collected for laboratory analyses.

(3) If contaminated soil is identified and excavated, a minimum of four or five samples (at least one from the bottom of the excavation if the water table was not reached and at least four from the walls of the excavation) are to be obtained for field screening. The sample that yields the highest hydrocarbon measurement is to be analyzed for VOAs, PAHs and TRPHs. If no positive screening results are obtained, the sample is to be collected from the location believed to be most likely to have contamination. This sampling is in addition to the sampling required in B.1.a., above.

Removal of soil greater than 20 feet of depth and/or in a 20 foot radius laterally from the edge of excavation is allowable provided that an Interim Source Removal Report is submitted in accordance with the requirements of Rule 62-780.500, F.A.C., and is signed and sealed by a PE or PG.

b. Groundwater Samples

Groundwater samples obtained during closure of a tank must be analyzed for all parameters specified in Table C of Chapter 62-780, F.A.C.

2. Used Oil

a. Soil Samples

(1) Soil samples obtained during closure of a used oil tank are to be inspected for signs of staining or discoloration. If the tank appears to have discharged or if soil contaminated or saturated with used oil is identified and remains on-site, a sample that represents the location believed to be most likely to have contamination must be analyzed for all parameters specified for used oil in Table D of Chapter 62-780, F.A.C.

(2) If soil visually stained or saturated with used oil is identified and excavated, at least one sample is to be obtained from the bottom of the excavation if the water table was not reached and at least one sample is to be obtained from the wall of the excavation at an equivalent depth of the soil

visually stained or saturated with used oil that was removed, and analyzed for those contaminants detected in the sample collected from the most visibly stained area or during pre-burn analyses.

b. Groundwater Samples

Groundwater samples must be analyzed for all parameters specified for used oil in Table D of Chapter 62-780, F.A.C.

C. Sampling Requirements for Storage Tank Removals [see Section E and F for requirements during closure of individual system components]

1. Gasoline and Kerosene Analytical Groups

a. Soil Samples

During the removal of an underground storage tank system, field screening of soils in accordance with B.1.(a), above shall be conducted inside the area of the tank pit. The screening locations are to be spaced on a five (5) foot grid pattern, beginning at the edge of the undisturbed soil, with soil collection from ground surface at discrete points at a depth of two feet and five feet below land surface (bls), then continuing at five foot intervals to 20 feet bls, unless groundwater is encountered.

Note: If it is anticipated that a very large excavation will be required and if an alternate soil sampling frequency is requested, a proposal under subsection 62-761.850(1), F.A.C., (Alternative Procedure Requirements) can be submitted to the Department for approval under that rule.

b. Groundwater Samples

Groundwater samples must be obtained from a properly constructed temporary monitoring well or a direct push well as discussed below whenever the depth to the groundwater table is less than 20 feet. If the depth to the groundwater table is greater than 20 feet, a groundwater sample is not required if:

- the screening and laboratory results indicated that contaminated soil was not present, or
- contaminated soil was identified and was left in place requiring the discharge to be reported and a site assessment to be conducted in accordance with Rule 62-780.600, F.A.C., or
- contaminated soil was identified, excavated and results demonstrated that groundwater should not have been affected based on the:
    - degree of contamination,
    - horizontal and vertical extent of contamination in the excavated soil,
    - type of product believed to have been discharged, and
    - site stratigraphy

Subsequent to backfilling, the temporary monitoring well is to be installed in the area that represents the location believed to be most likely to have contamination as determined by the soil field screening results. If no soil contamination is found, the well is to be installed near the center of the former tank location. Minimum well construction details for a temporary monitoring well require a

sand pack placed around the well screen prior to sampling and the well screen intercepting the groundwater table.

2. Used Oil

a. Soil Samples

When a used oil tank is being removed, a visual inspection of the excavation, of the tank condition and of the removed soil is to be performed to document the integrity of the tank. If the tank appears to have discharged or if soil staining is documented, a soil sample is to be obtained in accordance with Section B.2.(a) above.

b. Groundwater Samples

Groundwater sampling is not required if visual observations or laboratory results from sampling indicate that contaminated soil is not present. However, if the tank appears to have discharged or if soil staining is documented, and the depth to the groundwater table is less than 20 feet, a temporary monitoring well is to be installed in the area that represents the location believed to be most likely to have contamination as determined by the visual observations of the soil samples. If the depth to the groundwater table is greater than 20 feet, a groundwater sample is not required if:

- the visual observations or laboratory results from sampling indicated that contaminated soil was not present, or
- contaminated soil was identified and was left in place requiring the discharge to be reported and a site assessment to be conducted in accordance with Rule 62-780.600, F.A.C., or
- contaminated soil was identified, excavated and results demonstrated that groundwater should not have been affected based on the:
    - degree of contamination,
    - horizontal and vertical extent of contamination in the excavated soil,
    - type of product believed to have been discharged, and
    - site stratigraphy.

D. Sampling Requirements for Storage Tanks Closed in Place [see Section E and F for requirements during closure of individual system components]

1. Gasoline and Kerosene Analytical Groups

a. Soil Samples

A minimum of four soil borings must be placed around each underground storage tank, with a maximum distance of 20 feet between borings. Each boring is to be placed as close to the tank as possible, with one of the borings placed as close to the fill port as possible while still being beyond the edge of the tank so that the boring can continue to the groundwater table or 20 feet, whichever is less. Soil must be screened at two foot intervals to a depth of 10 feet below land surface and then at 5 foot intervals to the groundwater table, or to a depth of 20 feet below land surface if the water table is not encountered.

b. Groundwater Samples

Groundwater samples must be obtained whenever the depth to the groundwater table is less than 20 feet. If the depth to the groundwater table is greater than 20 feet, a groundwater sample is not required if:

- the screening and laboratory results indicated that contaminated soil was not present, or
- contaminated soil was identified and was left in place requiring the discharge to be reported and a site assessment to be conducted in accordance with Rule 62-780.600, F.A.C., or
- contaminated soil was identified, excavated and results demonstrated that groundwater should not have been affected based on the:
    - degree of contamination,
    - horizontal and vertical extent of contamination in the excavated soil,
    - type of product believed to have been discharged, and
    - site stratigraphy.

When compliance monitoring wells are present, one sample can be obtained from each compliance monitoring well (if only one tank of 2,000 gallon capacity or less is being closed in place, only two temporary monitoring wells are to be installed, at locations suspected to be downgradient and upgradient from the tank). If it is determined that the construction of the compliance wells is not adequate (that is, if the water table does not intersect the screened interval), temporary monitoring wells are to be installed, as specified below.

If there are no compliance monitoring wells present, four temporary monitoring wells are to be installed around the tank field and sampled (if only one tank of 2,000 gallon capacity or less is being closed in place, only two temporary monitoring wells are to be installed, at locations suspected to be downgradient and upgradient from the tank). Minimum well construction details for a temporary monitoring well require a sand pack placed around the well screen prior to sampling and that the screened interval intercepts the groundwater table.

2. Used Oil

a. Soil Samples

Sample as specified in Section D.1.a. above, with the samples visually inspected to determine if the tank appears to have discharged. If the tank appears to have discharged or if soil staining is documented, a soil sample is to be obtained in accordance with Section B.2.(a) above.

b. Groundwater Samples

If the depth to the groundwater table is less than 20 feet, a temporary monitoring well is to be installed in the area that represents the location believed to be most likely to have contamination as determined by the visual observations of the soil samples. If no soil staining is documented, the temporary monitoring well is to be installed next to the tank, as close to the fill port as possible. If the depth to the groundwater table is greater than 20 feet, a groundwater sample is not required if:

- visual observations or laboratory results indicated that contaminated soil was not present, or
- contaminated soil was identified and was left in place requiring the discharge to be reported and a site assessment to be conducted in accordance with Rule 62-780.600, F.A.C., or

- contaminated soil was identified, excavated and results demonstrated that groundwater should not have been affected based on the:

    - degree of contamination,
    - horizontal and vertical extent of contamination in the excavated soil,
    - type of product believed to have been discharged, and
    - site stratigraphy.

E. Sampling Requirements for Closure of Integral Piping in Contact with Soil

1. Soil Samples

One soil boring must be placed approximately every 20 feet of product transfer line (piping), with the spacing determined by any evidence of contamination and location of potential sources of leaks, such as fixtures, connections and joints. The boring(s) is/are to be located as close to the transfer line as possible, with the sampling point one foot below the line level, or immediately above the groundwater table, whichever is first encountered.

2. Groundwater Samples

A groundwater sample is not required if:

- the screening and laboratory results indicated that contaminated soil was not present, or

- contaminated soil was identified and was left in place requiring the discharge to be reported and a site assessment to be conducted in accordance with Rule 62-780.600, F.A.C., or

- contaminated soil was identified, excavated and results demonstrated that groundwater should not have been affected based on the:

    - degree of contamination,
    - horizontal and vertical extent of contamination in the excavated soil,
    - type of product believed to have been discharged, and
    - site stratigraphy.

If the results cannot demonstrate that groundwater should not have been affected, then a temporary monitoring well is to be installed in the area that represents the location believed to be most likely to have contamination as determined by the soil samples.

F. Sampling Requirements for Closure of Piping Sumps, Spill Containment Devices and Dispenser Sumps

1. Soil Samples

a. One soil boring must be placed next to each submersible pump or fill port. Samples for field screening are to be collected approximately every two feet below land surface until the top of the storage tank, or the groundwater table, whichever is first encountered.

b. A minimum of one soil boring must be placed directly under each product dispenser or less than

three feet from each product dispenser. Samples for field screening are to be obtained approximately every two feet below land surface to a minimum depth of four feet, or to the groundwater table, whichever is first encountered (if the appropriate District or contracted County program determines based on screening results that there is a need to extend any boring below 10 feet, subsequent samples may be collected every five feet). The depth of the soil boring(s) will be dependent upon the hydrocarbon vapors encountered. The ideal location for evaluating soil conditions is directly under the dispenser if the dispenser has been removed and the area is large enough to be accessible.

2. Groundwater Samples

A groundwater sample is not required if:

- the screening and laboratory results indicated that contaminated soil was not present, or
- contaminated soil was identified and was left in place requiring the discharge to be reported and a site assessment to be conducted in accordance with Rule 62-780.600, F.A.C., or
- contaminated soil was identified, excavated and results demonstrated that groundwater should not have been affected based on the:
    - degree of contamination,
    - horizontal and vertical extent of contamination in the excavated soil,
    - type of product believed to have been discharged, and
    - site stratigraphy.

If the results cannot demonstrate that groundwater should not have been affected, then a temporary monitoring well is to be installed in the area that represents the location believed to be most likely to have contamination as determined by the soil samples.

G. Discharge Reporting Requirements during a Petroleum/Product Tank System Closure

The Department must be notified by the facility owner or operator of the discovery of an unreported discharge on the Discharge Report Form [Department Form 62-761.900(1)] within 24 hours of the discovery or before the close of the Department's next business day. If any one of the following reporting criteria is met, then the Closure Investigation may be terminated, a Closure Report (prepared according to the guidelines described in Section A – Documentation Requirements, describing the work that was performed at the site and summarizing the data collected at that time) is to be submitted and a formal site assessment initiated in accordance with Chapter 62-780, F.A.C.:

1. Soil contaminated with products classified in the Gasoline Analytical Group or in the Kerosene Analytical Group, that exceeded the default soil CTLs specified in Chapter 62-777, F.A.C., remains on-site; or

2. Soil contaminated with used oil, that exceeded the default soil CTLs specified in Chapter 62-777, F.A.C., remains on-site; or

   Note: For G.1. and G.2. above, a DRF does not need to be submitted when the default soil CTLs are exceeded while level 1 alternative closure options (Fractionation and SPLP) are being evaluated. Once the evaluation is complete, if it is demonstrated that the soil is contaminated, then a DRF must be submitted;

3. Free product or a sheen of petroleum products is detected in a monitoring well or in the tank or tank

system components excavation area; or

4. Any of the groundwater CTLs specified in Chapter 62-777, F.A.C., has been exceeded.

H. Hazardous Substance and Other Pollutant Storage Tank Systems

Owners or operators of hazardous substance USTs and other pollutant USTs are required to perform a Closure Investigation. The Closure Report must address the particular regulated substance stored in the storage tank system. Sampling methodology must be submitted to the District or contracted County program for approval 30 days before the storage system closure. If the sampling methodology proposed by the Owner or Operator will accurately detect any discharges that may have occurred, the District or contracted County program will notify the owner or operator of the approval within 14 days of receipt of the sampling methodology. Closure Investigation may be conducted in accordance with existing Department-approved closure evaluation protocols and related corrective action protocols approved under other Department programs [e.g., Heavy Fuel Oil Discharge Response Actions (FDEP April 2007)].

Guidance Document D1

Compliance Verification Program Review

PURPOSE

The program review serves to gauge program performance during the course of each task assignment. This program review seeks to ensure effective communication (both written and verbal) between the contractors and DEP.

Each section contains a comment area used to explain deficiencies and to highlight superior performance. DEP's program review will emphasize the Contractor's performance in relation to inspection type, facility type and inspector competence. DEP will use these program reviews during the development of future performance standards. The program reviews will evaluate the entire fiscal year task assignment.

In summary:

1. Provide comments
2. Highlight deficiencies and superior performances
3. Conduct periodic reviews during course of task assignment
4. Provide copies to the contractor and the Contract Manager with the Permitting and Compliance Assistance Program (PCAP) within two weeks of completion.
5. Request response from the contractor within 45 days of issuance of the program review.

Directions for Completing Contract Review Form

Program Management

1. Have the required number of routine compliance inspections been done as required by the Scope of Work in the contract? Have all the applicable inspections: installation, closure, discharge, re-inspections and complaint been conducted, and the reports completed, as specified within the contract?
2. Has the contractor generally met the Level of Effort time frames specified by DEP? Refer to Guidance Document F.
3. Were closure documents received as required and properly reviewed? Were appropriate closure letters sent? Was follow up conducted as needed?
4. Are the Payment Calculation Sheets submitted to the Task Manager electronically by the 10th of the following month, and are the electronic invoices (deliverables) submitted by the 15th of the following month to PCAP? Was the Task Manager copied on the electronic invoice submittal?
5. Have performance deficiencies noted in previous task assignment(s) been addressed and corrected by management or staff?

Data Management

1. Are all FIRST entries relevant to facility status done? This includes such things as site maps, photos, EQ information, registration information, outreach prior to routine compliance inspections, documentation of inspection report delivery, incident data entry, and facility coordinate information.
2. Are the appropriate discharge reporting activities conducted and entered into FIRST and is the Task Manager notified within 30 days of the discovery of a new discharge at a facility?

Staffing

1. Are positions correctly staffed? Have a sufficient number of qualified staff been provided to satisfactorily complete the contract requirements?
2. OSHA training within 6 months of hiring and annually thereafter?
3. Has a contract program representative attended all scheduled meetings, teleconferences and training?
4. Have all inspectors and compliance assistance personnel attended inspector training courses offered by DEP?

Public Assistance

1. Does the contractor provide access to facility files and provide copies of applicable rules, inspection forms, and other program/public assistance information to the public and regulated interests?

Comments

Total all points from the file review and field review forms in the appropriate spaces. All NO answers need to be explained in the comment section where applicable and specific instances

of shortcomings in the program documented. Send copy of review to the local program supervisor upon completion of the contract review.

Directions for Completing FIRST Review Form

Inspection Reports

1. Has the registration information been checked to verify if STCM and FIRST are correct? If the information needs to be updated, has the facility representative been directed to correct the information? Has the registration form been forwarded to Tank Registration as needed?
2. Are the violations accurately cited?
3. Are clear and concise appropriate corrective actions stated?
4. Required inspection report information:

   All inspections:

   a. Has plain language been used so that the facility representative can understand the findings in the inspection report?
   b. Has the mechanism of financial responsibility been documented?
   c. Have the reviewed records and systems tests fields been completed accurately.
   d. Does the inspection report meet the minimum standards referenced in the FIRST User's Guide and include the following information shown below?

      Routine Compliance:

      - Date of physical inspection.
      - All release detection methods for tanks, piping, and sumps listed. Description of any unusual operating conditions, such as alarms.
      - Any forms that were completed during the inspection, or provided to the facility for later update or referral to the Department's website for electronic update.
      - A brief description of the inspector's physical inspection results for all accessible system equipment. This may include:
        - Vacuum gauge readings.
        - Results (dry/water/product, etc.) for tank and piping interstices, fill/spill containments, sumps, AST containments.
        - Integrity and conditions of all accessible system components (corrosion; containment integrity; deterioration or deformation, damaged or worn components, etc.)
        - Presence of any current leaks or staining that is indicative of past leaks or overfills.
        - Operating status, hours and amp/volt readings of impressed current rectifier, presence of cp test stations.
      - If certain system equipment was not inspected or could not be inspected, reason(s) for the lack of inspection recorded.
      - Any requests for and/or receipt of an INF or a DRF based on the records review or physical inspection findings.

      Installations:

- The description of activities conducted and observed by the inspector(s). Ensure that the dates and times of these activities and observations are noted.
- The PSSC name and number for UST installations or the name of the contractor performing the AST installation.
- List of all the equipment installed, manufacturer, and EQs. As a reminder, this information also needs to be recorded at the facility level.
- The release detection methods used to demonstrate compliance.
- The testing company name, the method of test performed, and the results.
- Any forms that were completed during the inspection or provided to the facility for later update. If a registration form has not been completed, note that one must be completed and submitted.

Closures:

- The activities conducted and observed by the inspector(s). Ensure that the dates of these activities and observations are noted.
- The PSSC name and number for UST closures or the name of the contractor performing AST closure.
- The equipment closed as well as general condition. Include manufacturer, and EQ numbers, if now known, if this information was not previously known and/or recorded in FIRST. As a reminder, this information also needs to be recorded at the facility level. Update the site map accordingly at the facility level.
- The method(s) used to make the tanks safe for removal (i.e. inerting, induction, etc.)
- Whether any forms were completed during the inspection or provided to the facility for later update. If a registration form has not been completed, note that one must be completed and submitted within 10 days.
- The cleanup status of previous discharges.
- Document whether the closure integrity evaluation report form was submitted as applicable.
- The statement as to whether a closure report or a limited closure report is required, and by what date.
- The name of the consultant performing the closure assessment and the methods of sampling, if applicable.
- The disposal of the tanks, contents, and contaminated soil/groundwater, as applicable.
- The observance of contamination, or lack thereof, during the closure process. Any photographs or sketches describing the contamination encountered should be attached in the Attachments section described above.
- An INF/DRF that is provided by the responsible party during a closure inspection.

Discharge Inspections:

- After notification, was a discharge inspection performed within 14 calendar days?

- The product discharged, including type, amount, and cause of discharge, when possible.
- Actions taken to contain and abate the discharge (tank emptied, repairs, tightness testing, etc.).
- The date the DRF was filed, or a statement that the DRF has not yet been filed, and for what reason.
- The names of any consultants and/or PSSC, with number, if they are involved with response to discharge.
- Any requests to the responsible party to provide soil and/or product disposal manifests.
- Whether a site assessment will be required, if known at the time of the inspection.
- A diagram of the affected area, if the discharge was a visible surface spill.

Reinspections:

- Describe what was re-inspected, what corrective actions were taken and what violations were resolved, if any.
- An INF that is provided by the responsible party during a re-inspection.

Complaints:

- Source and description of complaint received.
- Outcome of complaint.
- An INF that is provided by the responsible party during a complaint inspection.

5. Have photos been taken of physical violations, installations, closures and discharges? Are the photos properly documented?

<u>Correspondence</u>

1. Have Compliance Assistance/In-Compliance letters been issued per the Level of Effort document?

<u>Follow-up</u>

1. Conducted and Documented:
   a. Have reinspections been scheduled and conducted as needed?
   b. Has the resolution of violations been documented (submittals, phone calls, meetings)?
   c. Have non-compliant facilities that have not returned to compliance been referred for enforcement?
   d. Have appropriate start-up tests (i.e., hydrostatic, operability, and integrity tests) been provided?
   e. Have closure documents (Closure Integrity Evaluation Reports, Closure Reports, and Limited Closure Reports) and forms been timely received and reviewed? And, were follow-up letters issued, as applicable (i.e., incomplete/complete) issued)?
   f. Was a cleanup notification letter issued when appropriate?
   g. Has every effort been made to get the facility back into compliance prior to referring the facility for enforcement? The degree of effort may be dependent on their enforcement level.

h. Have INFs/DRFs been tracked and appropriate follow-up taken?
i. Have the latitudes/longitudes for new facilities been determined and verified in accordance with DEP approved procedures?

FIRST Information

1. Were activities, comments, and attachments complete?
2. Was all necessary data entry completed? Including:
   a. For routine compliance inspections, was Outreach conducted prior to the inspection and documented in FIRST in a Phone or Electronic Communication Activity, depending on how the contact was made?
   b. Was the date and manner of the issuance of the inspection report to the facility owner/operator documented in FIRST in a supporting activity such as a Non-Compliance Project Letter Activity, Issue Document Activity, and/or Electronic Communication Activity?
   c. EQ information provided for each tank on the Regulatory Information Page.
   d. Was inspection report completed within 14 days.
3. Does FIRST contain current and historic site photos and site maps, as applicable?

Directions for Completing Field Inspection Review Form

Process

1. Did the inspection report meet the minimum standards referenced in the FIRST User's Guide?
2. Has the registration information been checked to verify if STCM and FIRST are correct? If the information needs to be updated, has the facility representative been directed to correct the information. Has the registration form been forwarded to Tank Registration as needed?
3. Were all necessary records and system tests reviewed?
4. Have photos been taken of physical violations and are the photos properly documented?
5. Have Compliance Assistance/In-Compliance letters been issued per the Level of Effort document?

Performance

1. Were all tank components, including release detection components, inspected?
2. Are the violations accurately cited?
3. Are clear and concise appropriate corrective actions stated?
4. Was proper safety equipment used and were safe work practices used?
5. Was compliance assistance provided as needed?

Guidance Document D2

CONTRACT REVIEW FORM

CONTRACT NUMBER: G

COUNTIES:

DATE:

Compliance Inspection Verification Program Review

	Program Management	YES	NO	N/A	Pts. avail.	Pts. scored
1	Program inspections meet Scope of Work?				10	
2	Program follows Level of Effort timeframes?				10	
3	Timely receipt/review of closure documents? Letters sent?				4	
4	Payment Calculation Sheets and Invoices timely submitted?				2	
5	Previous task assignment deficiencies corrected?				5	
	Data Management					
1	Are all applicable FIRST entries made including such things site maps, photos and EQ information?				2	
2	Appropriate discharge reporting activities conducted and entered into FIRST?				2	
	Staffing					
1	Positions correctly staffed?				1	
2	Appropriate OSHA training completed?				1	
3	Attendance at required meetings, telecons and training?				1	
4	Staff attended inspector training courses?				1	
	Public assistance					
1	Program info. available to public? Access provided?				1	

	Total				40	
	FIRST Review Attached				30	
	Field Inspection Review Attached				30	
	Total for contract review				100	

Program review conducted by: Date:

Comments:

FIRST REVIEW FORM

	CONTRACTOR NAME:	FACILITY ID NUMBERS									
										Pts.	**Mean**
	INSPECTION REPORTS	Y/N	score	Y/N	score	Y/N	score	Y/N	score	**avail.**	**score**
	Insp. Type/Inspector										
1	Reg. Info correct/verified									**2**	**#DIV/0!**
2	Violations cited and accurate									**3**	**#DIV/0!**
3	Appropriate corrective actions stated									**3**	**#DIV/0!**
4	All req. inspection rpt info. and items completed									**5**	**#DIV/0!**
5	Appropriate photo taken									**2**	**#DIV/0!**
	CORRESPONDENCE										
1	Letter issued per LOE									**2**	**#DIV/0!**
	FOLLOW-UP										
1	Conducted/Documented									**5**	**#DIV/0!**
	FIRST										
1	Activities, Comments and Attachments Complete?									**2**	**#DIV/0!**
2	Data entry timely completed									**4**	**#DIV/0!**
3	Current/Historic photos/site map									**2**	**#DIV/0!**
							Mean Score This Page				**#DIV/0!**

Review Conducted By: Date:

Comments:

FIELD INSPECTION REVIEW FORM

Contract Number:
County:
Date:

		YES	NO	N/A	Pts. Avail.	Pts. Scored
	PROCESS:					
1	All required inspection report information and items completed?				5	
2	Reg. Info correct/verified				2	
3	All records and system tests reviewed and documented?				2	
4	Photos taken as needed?				2	
5	Letter issued per LOE?				2	
	PERFORMANCE:					
1	Inspection of all storage tank/release detection components?				6	
2	All violations cited and accurate?				3	
3	Appropriate corrective actions stated?				3	
4	Proper use of safety equipment/techniques?				3	
5	Compliance Assistance provided as needed?				2	
				Total	30	0

Review Conducted By: Date:

Comments:

GUIDANCE DOCUMENT E

CONTRACTUAL SERVICES INVOICE

Invoice No.	Contract No.	Task No.	Date	Period of Service
				7/1/2016 to 6/30/2017

Vendor:

FEID No.:
Telephone:
Agent:

Bill To: Florida Department of Environmental Protection
Permitting and Compliance Assistance Program
2600 Blair Stone Road, M.S. 4565
Tallahassee, Florida 32399-2400

Attn.: Tanks Compliance Assistance Accounting

Contractor Use:

Fixed Price:

Contract/Task Amount	$150,000.00
Less Previously Invoiced	$14,692.80
Gross Invoice Amount	$1,275.95
Less/Plus Retainage (10% routine inspection costs)	$51.55
Invoice Total	$1,224.40

Cost Plus: N/A

Contract/Task Amount

Less Previously Invoiced

Less/Plus Retainage

Invoice Total

TOTAL AMOUNT OF INVOICE: **$1,224.40**

FDEP Use Only:

STRS Rev. 6/15 WB

Month/Yr.	Routine Inspection Amount	Less Retainage (10%)	Routine Inspection Invoiced	Variable Invoiced	Adjusted Invoice Total	Total Previously Invoiced
Jul 2016	$ 515.50	$ 51.55	$ 463.95	$ 760.45	$ 1,224.40	$ -
Aug 2016	$ 515.50	$ 51.55	$ 463.95	$ 760.45	$ 1,224.40	$ 1,224.40
Sep 2016	$ 515.50	$ 51.55	$ 463.95	$ 760.45	$ 1,224.40	$ 2,448.80
Oct 2016	$ 515.50	$ 51.55	$ 463.95	$ 760.45	$ 1,224.40	$ 3,673.20
Nov 2016	$ 515.50	$ 51.55	$ 463.95	$ 760.45	$ 1,224.40	$ 4,897.60
Dec 2016	$ 515.50	$ 51.55	$ 463.95	$ 760.45	$ 1,224.40	$ 6,122.00
Jan 2017	$ 515.50	$ 51.55	$ 463.95	$ 760.45	$ 1,224.40	$ 7,346.40
Feb 2017	$ 515.50	$ 51.55	$ 463.95	$ 760.45	$ 1,224.40	$ 8,570.80
Mar 2017	$ 515.50	$ 51.55	$ 463.95	$ 760.45	$ 1,224.40	$ 9,795.20
Apr 2017	$ 515.50	$ 51.55	$ 463.95	$ 760.45	$ 1,224.40	$ 11,019.60
May 2017	$ 515.50	$ 51.55	$ 463.95	$ 760.45	$ 1,224.40	$ 12,244.00
Jun 2017	$ 515.50	$ 51.55	$ 463.95	$ 760.45	$ 1,224.40	$ 13,468.40
Total:	**$ 6,186.00**	**$ 618.60**	**$ 5,567.40**	**$ 9,125.40**	**$ 14,692.80**	**$ 14,692.80**
NOT Yet Invoiced Amt.:		$ 618.60	$ 15,311.40			

GUIDANCE DOCUMENT F

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 – COMPLANCE - 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 – COMPLANCE - 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 90 days to resolve minor violations at the local program level. The clock begins upon date of inspection. If after 90 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 G

Guidelines for Case Referrals

1. In accordance with the Level of Effort Guidance (Guidance Document F), the Contractor shall refer facilities to the Department if the facilities don't timely return to compliance through efforts by the Contractor.

2. The Contractor shall refer facilities as necessary to the Department through the Enforcement Referral Activities tab within the Enforcement Project in FIRST

3. In addition, the Contractor shall prepare a memorandum to the Department Task Manager stating that the Contractor is referring the case for enforcement. The memorandum should be inserted as an attachment within the Enforcement Referral Activity in FIRST.

4. The memorandum should include the following:

   a. The facility name and Department Facility ID Number, and a short summary of the open violations. It should also name the staff that will available for questions, meetings, depositions, hearings, and other enforcement related activities.

   b. A chronology of events leading to the referral. The chronology should describe any attempts to resolve the non-compliance issues, including telephone logs and other pertinent correspondence between the County and the Responsible Parties.

   c. Names, telephone numbers, e-mail address if known, and addresses of the RPs, links to the county property appraiser's office websites, the clerk of the courts office websites, and corporate records website are:

      County appraisers: http://www.state/fl.us/dor/property/apprasiers.htlm
      Clerk of the courts: http://www.flclercks.com
      Corporate records: http://www.sunbiz.org/

      These links are helpful in determining ownership interests.

   d. Copies of all letters or emails that have been sent to or received from the RPs, and that are not available in FIRST. Please note that prior to referring a facility, all potential RPs must have been contacted directly when the issues identified in the initial Compliance Assistance letter have not been timely resolved.

   e. Copies of photographs of the violations where appropriate and that are not available in FIRST.

CONTRACTUAL SERVICES INVOICE

Payment Calculations

Invoice No.	Contract No.	Task No.	Date	Invoice Period

Inspection Type	Value	Quantity	List of Facilities (FAC. ID only)
Routine	$ 510.40		Attach FIRST spreadsheet
UST System Install	$ 1,140.68		
UST Piping Install	$ 380.23		
Component Install	$ 190.11		
UST System Closure	$ 836.50		
UST Piping Closure	$ 418.25		
Component Closure	$ 209.12		
AST System Install	$ 570.34		
AST Piping Install	$ 190.11		
AST Piping Closure	$ 190.11		
AST System Closure	$ 380.23		
Complaint	$ 190.11		
Discharge	$ 190.11		
Enforcement	$ 190.11		
Non-Compliance	$ 190.11		

TOTAL
$ -

Signature

Date

State of Florida
Department of Environmental Protection
Administrative Directive

DEP 923
Effective: February 14, 2013
Approved by the Secretary

SETTLEMENT GUIDELINES FOR CIVIL AND ADMINISTRATIVE PENALTIES

1. Purpose

These guidelines are provided solely for the use of Department staff in determining what position the agency should take in settlement negotiations concerning civil and administrative penalties. They are intended to provide a rational, fair and consistent method for determining whether the Department should seek a civil penalty in an enforcement action and the appropriate amount of civil and administrative penalties the Department should seek from responsible parties in settling enforcement actions when imposition of a civil penalty is appropriate. These guidelines are not a rule and may not be cited as legal authority for any agency action. These guidelines are not applicable for assessing damages to natural resources. In an appropriate case, monetary relief for actual damages caused to the State's natural resources can be sought in addition to civil or administrative penalties. These guidelines will be periodically reviewed to determine their effectiveness, and whether refinements are needed.

2. Authority

With the enactment of the Environmental Litigation Reform Act (ELRA), the Department has administrative penalty authority for most regulatory programs. The Department now has the authority to impose up to a total of $10,000 in civil penalties in one administrative action for most regulatory violations as provided in ELRA. This authority is codified at Section 403.121, Florida Statutes.

Independent of ELRA, the Department has statutory authority to assess administrative penalties in Beaches and Coastal Systems cases for up to $10,000 per day, Section 161.054(1), Florida Statutes, and in State Lands cases for up to $10,000 per day, Section 253.04(2), Florida Statutes. ELRA does not modify or add to that existing authority. Penalty guidelines for these programs have been adopted by rule.

The Department also has the authority in a judicial proceeding to ask a court to assess penalties of up to $10,000 per day per violation, Sections 403.141, 376.302, and 373.129(5) Florida Statutes; up to $25,000 per day per violation for hazardous substance violations, Section 403.726, Florida Statutes; up to $50,000 per day per violation for hazardous waste violations, Section 403.727, Florida Statutes; up to $5,000 per day per violation for violations of the Safe

Drinking Water Act, Section 403.860, Florida Statutes; and up to $5,000 per day per violation for violations involving phosphate mines in Section 378.211(2),(4), Florida Statutes.

3. Introduction

This Department is directed by the Legislature to protect and enhance Florida's water, air, and lands, to protect human health, safety and welfare from adverse environmental conditions, and to manage the state's natural resources. To accomplish these goals, the Legislature has passed laws restricting or prohibiting activities that may cause pollution, harm the resources of the state, or threaten human health or safety. It has also given the Department the authority to adopt environmental standards, to require that persons engaging in certain activities obtain permits or other authorizations before those activities are undertaken, and to take appropriate actions to ensure that all persons comply with the statutory, rule, and permit requirements.

The Department has multiple ways to encourage compliance with the law, and to address non-compliance. Effective education of the public and regulated persons may prevent non-compliance from occurring in many instances. Such education may be in the form of training or outreach efforts. If a violation occurs, the Department may often obtain a return to compliance by informal means. In such cases, education may still be the appropriate remedy, and the Department may establish an environmental education course for such persons. Assisting with a prompt return to compliance without formal enforcement is the preferred means to correct a violation committed by a person who did not know that the person's actions were contrary to law, or whose actions were inadvertent , if the violation caused no more than "minor harm" as identified in the Program's Penalty Guidelines. An inadvertent violation is one that occurs despite the good faith efforts of the responsible party to comply with the applicable requirements.

Once a decision has been made that formal enforcement is appropriate, Department staff must then decide whether a civil penalty is appropriate. Even when formal enforcement is necessary, these guidelines do not require imposition of a civil penalty in every enforcement action. The Department staff involved in pursuing enforcement, with appropriate supervisory review, should use their sound judgment, along with any program specific guidance that is consistent with this policy, to decide when a penalty should be sought. In exercising this judgment, the user should remember that the imposition of penalties is an enforcement tool that is intended to insure immediate and continued compliance by the subject of the action and by others who may face a similar situation in the future. Thus, penalties should be considered in those cases in which it is determined that penalties are needed to ensure that the

responsible party and others similarly situated will be deterred from future non-compliance.

For example, a person – perhaps a homeowner or a person new to a business venture--may have committed a violation out of sheer ignorance. The person may acknowledge the mistake and be willing to correct any problems created by the violation. For this first time violator, the staff may reasonably believe that the violation was inadvertent or occurred because the responsible party was not aware of or did not understand the requirement, and that a civil penalty would not provide a deterrent effect under the circumstances. In general, such cases may be appropriate for education. However, because of the nature of the corrective actions, the Department staff may decide that a consent order would be most appropriate to ensure that the corrective actions are completed or to provide needed authorization to conduct the corrective actions. In such cases, the staff should ensure that impacts on the environment are corrected, while also minimizing the impact of the consent order on the responsible party. Under these circumstances, devices such as conservation easements, institutional controls, etc., should only be required if necessary to achieve the restoration goal. On the other hand, a penalty may be entirely appropriate for a first time violator who knew or had reason to know that the actions were illegal, who refuses to correct the problem that the person created by those illegal actions, or whose violation resulted in harm to the public health or the environment. A penalty should normally be sought against a person with a pattern of non-compliance.

Once you have made a determination that a civil penalty is appropriate, these guidelines should be used in settling both administrative and judicial enforcement actions brought against the persons violating Department statutes or rules. Although ELRA, enacted in the 2001 legislative session, sets specific penalty amounts for certain violations covered under the Act when those violations are pursued with a Notice of Violation, these guidelines provide: (1) direction about the application of the ELRA penalty schedule to the penalty calculation and negotiation process, (2) direction for programs not covered under ELRA, and (3) direction on cases that involve penalties calculated under ELRA that exceed $10,000.

When formal enforcement is necessary, staff should attempt to negotiate a consent order to resolve all issues, including civil penalties, whenever possible and appropriate, before issuing a notice of violation or filing a judicial complaint. No such notice of violation or complaint should refer to these guidelines. If a settlement cannot be reached and recovering penalties is appropriate, the Department must issue a notice of violation in all cases that are covered under

ELRA that involve only penalties, and that involve penalties in an amount that is $10,000 or less as calculated under ELRA.

In determining whether the Department should settle a case, file a notice of violation, or go to court for a judicial assessment of penalties, the Department will not only look at the statutory authorizations and requirements, but also at the following: does formal enforcement result in the elimination of any economic benefit gained by the violator as a result of the violation; and beyond that, does formal enforcement provide enough of a financial disincentive to discourage future violations not only by the violator but by others contemplating similar activities? At the same time, this policy should not be used to try to obtain more without litigation than could be obtained as civil penalties in an administrative or a judicial action. It must also be recognized that in some cases the benefits to the Department and public are not worth the costs and effort necessary to recover a penalty. In carrying out the mission of the agency, the District and Division Directors are authorized to deviate from these guidelines consistent with state law. However, penalties which are increased for the reasons cited below are subject to Secretarial approval.

4. Applicability to Program Areas

This policy is designed to apply to all program areas except those overseen by the Board of Trustees, unless otherwise preempted by an interagency agreement or other obligation of the Department. The Department currently has guidance and interagency agreements with the EPA, which are updated from time-to-time. Although such guidance and agreements represent a basis for establishing consistency, they are to not be used as mandates, but rather guidelines, applied on a case-by-case basis.

Most of the Department's programs have developed program specific guidelines for characterizing violations routinely found in their program areas. The program specific guidelines do not provide guidelines for every possible violation that may be discovered. The program specific guidelines are intended to be used in conjunction with these Settlement Guidelines when calculating the appropriate penalties to be sought in cases involving penalties exceeding $10,000 or in cases involving programs not covered under ELRA. There may be some cases that involve unusual circumstances that have not been factored into the program specific guidelines. The program area should be consulted in these cases so as to enhance state-wide consistency.

5. Penalty Calculation

The initial step in calculating any penalty is to determine whether the program under which the penalty is being assessed is covered by ELRA, and whether the penalty using ELRA exceeds $10,000. The RCRA, UIC, Asbestos, and Beaches and Coastal Systems programs are not specifically covered by ELRA.

A. **If the program is not covered by ELRA:**
The penalty should be calculated using: (a) the program specific guidelines to determine how the violation should be characterized; and (b) the guidance below in Sections 6, 7, and 8 to determine the total penalty amount.

B. **If the program is covered by ELRA and the penalty does not exceed $10,000**:

1. The civil penalty calculation should start with the application of the specific penalty schedule in ELRA. If the total amount of penalties calculated for all violations using the ELRA penalty schedule is $10,000 or less, those calculations should be used as a basis for settlement discussions.

2. Once the baseline penalty has been established, a decision must be made as to whether there are any mitigating circumstances involved in the particular case that would warrant downward or upward adjustments of the baseline penalty.

3. Downward adjustments could be made for good faith efforts to comply before or after the discovery of the violation, or for violations caused by circumstances beyond the control of the responsible party which could not have been prevented by due diligence. A downward adjustment could also be made if it is determined, after review of the responsible party's financial information, that the responsible party is unable to pay the baseline penalty.

4. Upward adjustments to the baseline penalty could be made based upon a history of non-compliance as provided in ELRA or for economic benefit gained from the violation. If the upward adjustments together with the ELRA schedule baseline penalty exceeds a total of $10,000, the penalty must be capped at $10,000, if the Department is going to pursue the penalty under ELRA.

C. **If the calculated penalty using the specific penalty schedule in ELRA exceeds $10,000**:

The penalty should be calculated using: (a) the program specific guidelines to determine how the violation should be characterized; and (b) the guidance below in Sections 6, 7, and 8 to determine the total penalty amount unless a decision is made by the District Director to cap the recovery of penalties at $10,000 for the particular case. There may be cases in which the calculated penalty marginally exceeds $10,000 and would not warrant a state court action, if not settled. As a practical matter, those cases should either be settled at $10,000 or pursued administratively for the maximum allowed under the ELRA. In all cases where a proposed penalty is to exceed $10,000, a peer review by the Division should be conducted and the proposed penalty must gain Deputy Secretary approval. Proposed penalties established at a value of $50,000 or more must gain approval by the Secretary.

6. Penalty Matrix

The penalty matrix in Attachments I, II, III, and IV have two factors:

a. actual (or in some cases potential) environmental harm; and

b. extent of deviation from a statutory or regulatory requirement.

Subsection a. addresses the actual or potential harm to human health or the environment that may occur as a result of the violation. Generally, penalties that are assessed predominantly for potential harm (where little or no actual harm is done, nor willful intent to violate existed) should not exceed $10,000. There are three levels of harm within this axis of the matrix:

1. MAJOR: violations that actually result in pollution in a manner that represents a substantial threat to human health or the environment;

2. MODERATE: violations that actually or are reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment;

3. MINOR: violations that actually or are reasonably expected to result in a minimal threat to human health or the environment.

An example of a major violation is a discharge or emission of a pollutant to the air or a water body in a manner which exceeds air or water quality standards by an order of magnitude amount and over a substantial period of time, or where the environment is measurably and substantially affected by the discharge or emission.

Subsection b. addresses the degree to which the violation deviates from Department statutes and rules and thereby upsets the orderly and consistent application of the law. The three levels are classified as follows:

1. MAJOR: the violator deviates from the requirements of the law by a significant extent (e.g. an order of magnitude or more) or the violation was willful and intentional.

2. MODERATE: the violator deviates from the legal requirements of the law significantly but for a short period of time and/or most of the requirements are implemented as intended.

3. MINOR: the violator deviates somewhat from the requirements of the law but most of the requirements are met.

Each box in the penalty matrices contains a range of penalty amounts. If it is determined that the violations were knowing, deliberate or chronic violations, penalties should be calculated by using the top of the applicable ranges.

7. Multiple and Multi-Day Penalties

Violations usually occur in multiples, over extended periods of time. While the policy must be designed to encourage a prompt return to compliance, assessing the full matrix penalty amount for each day of a violation for those cases outside the scope of ELRA could result in an astronomical amount being sought. On the other hand, such a calculation might be useful in setting outside limits if a large economic benefit has been received from the violation. In order to recognize ongoing and multiple violations without unrealistic results, the following applies:

Other than cases where willful or intentional violations have occurred, multiple penalties should not be calculated where a single activity, cause or omission resulted in the exceedances. For example, an accidental water or air release could result in several constituent violations, yet penalties should not be calculated for each individual constituent.

Multi-day penalties may be pursued where daily advantage is being gained by the violator for an ongoing violation; or, where the violation is causing daily adverse impacts to the environment and the violator knew or should have known of the violation after the first day it occurred and either failed to take

action to mitigate or eliminate the violation or took action that resulted in the violation continuing. On the other hand, deference should be given to those rare cases involving regulated entities, whereby the sole alternative to a violation would result in the loss of essential services (e.g. water or electricity) to Florida citizens. Multi-day penalties should be computed by multiplying the appropriate daily penalty calculated or a part thereof by the number of days of noncompliance. Where the impact of the ongoing violation is not significantly detrimental to the environment, a penalty amount that is lower than the matrix amount should be calculated for the violations that occur after the first day. For violations that are significantly detrimental to the environment, a penalty amount at the matrix amount should be calculated for the violations that occur after the first day, up to 30 days of non-compliance. For violations that occur for more than 30 days, judgment should be exercised to determine the appropriate penalty amount to be sought for each additional day of non-compliance that occurs over 30 days. For multi-day hazardous waste violations, staff should consider the guidance provided in EPA's most current RCRA Civil Penalty Policy. Multi-day penalties are also useful when a facility agrees to come into compliance by a specific date. In that case stipulated daily penalties could be required for missing the agreed upon compliance date. Or the overall penalty could be lowered based upon the number of days the violator comes into compliance prior to the compliance date.

An alternative to multiplying the total daily penalty by the number of days of noncompliance for non-ELRA cases that are not significantly detrimental to the environment would be to use one or more of the adjustment factor amounts chosen multiplied by the number of days the adjustment factor is appropriate. For example, assume a total one day penalty of $8,000 was arrived at by adding $6,000 derived from the matrix, $1,000 for lack of good faith before the Department discovered the violation, and $1,000 for lack of good faith after the Department informed the responsible party of the violation, but you feel the penalty is too low considering the nature of the violation. A multi-day penalty could be calculated, for example, by adding to the total one day penalty ($6,000) a multiple of $1,000 times the number of days the violation occurred prior to being discovered by the Department and the violator acted with lack of good faith, and/or by multiplying $1,000 times the number of days the violation occurred after the Department informed the responsible party of the violation and the violator acted with lack of good faith.

If the above described example involved a violation that took place over a twenty day period with the violator acting with lack of good faith for five days prior to the Department discovering the violation, and the violator acting with lack of

good faith for ten days after being informed of the violation by the Department, the total penalty could be calculated as follows:

a. One day penalty - $6,000 (without adjustments), plus

b. A multi-day penalty using the adjustment factor amount for lack of good faith prior to the Department discovering the violation times the number of days lack of good faith was demonstrated by the violator - $1,000 x 5 = $5,000, plus

c. A multi-day penalty using the adjustment factor amount for lack of good faith after the violator was informed of the violation by the Department times the number of days lack of good faith was demonstrated by the violator - $1,000 x 10 - $10,000.

d. Total penalty proposed for settlement: $6,000 + $5,000 + $10,000 = $21,000.

It is important in using daily penalties of this type that the amount be sufficient to discourage the violator from continuing a violation by making it more expensive to pay the daily penalty than to come into compliance. Also, if the case is within the scope of ELRA, multi-day penalties should be pursued consistent with ELRA.

8. Adjustment Factors

The attached Penalty Computation Worksheet sets out the steps you should follow in calculating a penalty based upon the matrix and adjustment factors. After you have calculated the penalty amount derived from the matrix, you should consider the adjustment factors and determine whether any or all of them should be used. When applying adjustment factors, a penalty can be reduced to zero or increased up to the statutory maximum per day allowed for the particular violation.

Good Faith Efforts to Comply/Lack of Good Faith Prior to Discovery of the Violation by the Department: This adjustment factor can be used to increase or decrease the amount of penalties derived from the penalty matrix. This adjustment factor allows you to consider what efforts the responsible party made prior to the Department's discovering a violation to comply with applicable regulations. Some examples of lack of good faith are:

a. The responsible party knew it was not complying with the Department's regulations.

b. The responsible party claims it did not know it was not complying with the Department's regulations, but because of the nature of the responsible party's business and the length of time the business was operating, it is reasonable to assume that the responsible party should have known about the Department's regulations.

c. The violation was caused by an uninformed employee or agent of the responsible party, and the responsible party knew or should have known about the Department's regulations and made no or little effort to train, educate or inform its employees or agents.

Some examples of good faith efforts to comply are:

a. The violation was caused by the responsible party's employees or agents despite the responsible party's reasonable efforts to train, educate or inform its employees or agents.

b. The violation was caused by the responsible party as a result of a legitimate\misinterpretation of the Department's regulations.

c. The violation occurred after a Department regulation was changed and compliance was required, but the responsible party had been making reasonable efforts to bring its operation into compliance with the new Department regulation.

d. The responsible party took action on its own to mitigate the violation once it discovered that a violation had occurred.

e. Once the responsible party discovered the violation, it made changes to its operation on its own to prevent future violations from occurring.

f. The responsible party has demonstrated that it is implementing an acceptable pollution prevention plan.

g. The responsible party has demonstrated that it is operating in accordance with a DEP Ecosystem Management Agreement.

Good Faith Efforts to Comply/Lack of Good Faith after the Department Informed the Responsible Party of the Violation: This adjustment factor

can be used to increase or decrease the amount of penalties derived from the penalty matrix. Some examples of good faith efforts to comply are:

a) Once the responsible party was notified of the violation by the Department, it took immediate action to stop the violation and mitigate any effects of the violation.

b) Once the responsible party was notified of the violation by the Department, it cooperated with the Department in reaching a quick and effective agreement for addressing the violation.

Some examples of lack of good faith efforts to comply are:

a. The responsible party took affirmative action that was in violation of the Department's regulation after being notified by the Department that such action constituted a violation of the Department's regulation.

b. The responsible party failed to take action to stop an ongoing violation or to mitigate the effects of a violation after being notified by the Department that it was in violation of a Department regulation.

c. The responsible party ignores the Department's requests to negotiate a settlement.

History of Non-Compliance: This adjustment factor can be used to increase the amount of penalties derived from the penalty matrix or ELRA schedule. This adjustment factor may be used if a violation has occurred within a five year period previous to the occurrence of the current violation and a consent order, final order, judgment, judicial complaint or notice of violation was issued for the violation; the previous violations involved any of the programs regulated by the Department; and the previous violations involved a penalty obtained or being pursued where at least one of the violations was deemed as major for either the "environmental harm" or "extent of deviation from requirement" categories and was in the amount of $2,000 or more. For ELRA cases, the history of non-compliance prior to June of 2001 cannot be considered.

Economic Benefit of Non-Compliance (requires Deputy Secretary approval): Economic benefits can be both passive, such as avoided costs gained from inaction, where the benefits come from the money saved from avoiding or delaying costs of compliance; and active, such as increased profits or revenue gained from actions taken in violation of Department statutes or rules where the benefits would not have been gained, if the facility had only been

operated in compliance. In certain situations a responsible party could both actively and passively gain economic benefit from violating Department statutes or rules. Other than in ELRA cases, the statute does not specifically authorize the recovery of economic benefits gained by the violator.

Passive economic benefits usually consist of the money that was made or that could have been made by an alternate use of the money that should have been expended to bring the facility into compliance. Assuming the responsible party will be forced to spend money to come into compliance as a result of the enforcement action, the minimum economic benefit associated with avoiding or delaying costs can be determined by calculating the amount of interest that was or could have been earned on the amount of money that should have been spent to bring the facility into compliance. The amount of this form of economic benefit will depend upon the amount of money that should have been spent, the period of time the costs were avoided or delayed, and the prevailing interest rate. A common example of economic benefits gained from avoiding or delaying costs is the situation in which an owner or operator of a regulated source of pollution fails to purchase a pollution control device needed to operate the facility in compliance with pollution control laws.

Active economic benefits usually consist of any increase in profits, revenue gained or reduction in costs that are directly attributable to the activity conducted in violation of Department statutes or rules. Increased profits and/or a reduction of costs, for example, can occur when a facility that is required to operate with a pollution control device is operated without the use of the pollution control device in order to increase the production or reduce the costs of production. Increased profits can also be gained when action is taken such as constructing and operating a facility without obtaining the required permits in order to make money from the operation of the facility sooner than would have been allowed. A possible example could involve a situation in which the developer of a shopping center conducts dredging and filling activities, constructs a stormwater facility or runs water and sewer lines without waiting to obtain permits so that the construction of the shopping center can meet a deadline for opening.

In addition to adjusting ELRA penalties by considering economic benefit, in non-ELRA cases the economic benefit adjustment factor can be used to increase the amount of penalties derived from the penalty matrix. There may be cases that arise in which the economic benefit gained by the violator exceeds the amount of money that can be recovered in civil penalties authorized by law. For example, three days of circumvention of a pollution control device could result in increased profits, revenue gained and/or a reduction in costs amounting to more than

$30,000, the statutory amount that would be allowed for three days of violations for which a $10,000 penalty be day can be imposed. Other than in ELRA cases, the statute does not specifically authorize the recovery of economic benefits gained by the violator. The statute does allow for penalties to be imposed in an amount that ensures immediate and continued compliance, and unless the economic benefit from the violation is taken away by the penalties, the penalties will not ensure immediate and continued compliance. Therefore, economic benefits that are not de minimis may be included in all penalty calculations up to the amount allowed by the applicable statutory per day penalty cap. For example, if a violation occurs for 10 days and the statute allows for the imposition of a penalty up to $10,000 per day, and the matrix penalty calculated for the violations is $60,000, the amount of economic benefit gained by the violator maybe added to the matrix penalty up to the statutory maximum penalty of $100,000. Continuing with the example, if the matrix penalty calculated for the violations is $60,000, and the economic benefit to the violator from the violations is $30,000, the penalty sought may be as high as $90,000. If the matrix penalty calculated for the violations is $60,000 and the economic benefit to the violator from the violations is $50,000, the Department would be limited to pursuing a penalty of $100,000. Staff should consider capturing the economic benefit gained by one or more violations by using the statutory penalty cap for the total of all violations.

For non-ELRA cases, the statute provides that a penalty may be calculated in an amount sufficient to ensure future compliance. Since one factor to ensure future compliance is to eliminate the economic benefits of non-compliance, the approach described for ELRA cases may be applied to the calculation of non-ELRA civil penalties where appropriate.

In some cases it may be very difficult to determine the economic benefits of non-compliance, or the amount of the benefits may be insignificant. For any significant economic benefits the District staff should request that OGC assist in the development of an appropriate amount by use of EPA's computer model for calculating economic benefits (BEN) or by use of some other accepted economic method. The request should be directed to OGC or the appropriate department financial analyst.

Ability to Pay: This adjustment factor may be used to decrease or increase the amount of penalties derived from the penalty matrix. This adjustment factor may be used to decrease the amount of penalties derived from the ELRA schedule. The violator has the burden of providing to the Department all of the financial information needed to determine ability to pay. If sufficient information is not provided by the violator, an ability to pay adjustment decreasing the

penalty may not be considered. Like economic benefits, ability to pay may be a difficult matter to determine by the District staff. If the District staff needs assistance in determining ability to pay, a request should be made by the District staff to OGC to assist in the ability to pay determination by use of EPA's computer model for determining ability to pay (ABEL) or by use of some other accepted financial method.

Other Unique Factors: This adjustment factor can be used to increase or decrease the amount of penalties derived from the penalty matrix, or to decrease the amount of penalties to be pursued in an ELRA case, but may not be used to increase the amount of penalties that can be pursued in an ELRA case. This adjustment factor is intended to provide the District with flexibility to make adjustments in a particular case based upon unique circumstances that do not clearly fit within the other adjustment factors. When it is used, the unique circumstances justifying its use must be specifically explained on the penalty worksheet, and a peer review by the Division should be conducted.

9. In-Kind Penalties

Once the settlement amount has been established, staff should make the violator aware of the opportunity to propose, and should consider if proposed, an in-kind penalty project by the violator as a way of reducing the total cash amount owed the Department. The in-kind penalty project is not designed to give the violator credit for the cost of corrective actions that he would be required to undertake anyway, but only to offset all or some portion of the cash settlement in a mutually satisfactory manner. So long as the financial impact upon the violator is equivalent to that established pursuant to these settlement guidelines, the Department is encouraged to work cooperatively to find alternative ways that the violator may pay the penalty.

In-kind penalties should only be considered in the following circumstances:

a) If the responsible party is a government entity, such as a federal agency, state agency, county, city, university, or school board, including a port or airport, or

b) If the responsible party is a private party proposing an environmental restoration or enhancement project, or

c) If the responsible party is a private party proposing an in-kind project that does not involve environmental restoration or enhancement for a calculated penalty of $10,000 or more.

In-kind penalties are limited to the following specific options:

a. Material and/or Labor Support for Environmental Enhancement or Restoration Projects. Preference should be given to proposals that involve participation in existing or proposed government sponsored environmental enhancement or restoration projects such as SWIM projects. The responsible party shall be required to place appropriate signs at the project site during the implementation of the project indicating that the responsible party's involvement with the project is the result of a Department enforcement action. Once the project has been completed as required by the Consent Order, the sign may be taken down. However, the responsible party should not be allowed to post a sign at the site after the project has been completed indicating that the reason for the project being completed was anything other than a DEP enforcement action. For most environmental enhancement or restoration projects conducted on private property, the responsible party should provide a conservation easement to the Department for the land on which the restoration project took place. For an environmental enhancement or restoration project on public land, the responsible party may need to provide a conservation easement to the Department for private land adjoining the environmental enhancement or restoration project if it is required to protect the completed restoration project.

b. Environmental Information/Education Projects. Any information or education project proposed must demonstrate how the information or education project will directly enhance the Department's pollution control activities. An example of an acceptable information or education project is one that involves training, workshops, brochures, PSAs, or handbooks on what small quantity generators of hazardous waste need to do to comply with RCRA. The information or education projects must not include recognition of the development of the projects by the responsible parties.

c. Capital or Facility Improvements. Any capital or facility improvement project proposed must demonstrate how the capital or facility improvement project will directly enhance the Department's pollution control activities. An example of an acceptable capital or facility improvement project is one that involves the construction of a sewer line to hook up a failing package plant, owned and operated by an insolvent third party, to a regional sewage treatment plant. An example of an

unacceptable capital or facility improvement project is one that involves the planting of upland trees and shrubs.

d. Property. A responsible party may propose to donate environmentally sensitive land to the Department as an in-kind penalty. Any proposals concerning the donation of land to the Department as an in-kind penalty must receive prior approval from the Department's Division of State Lands. The DEP may require proposals concerning the donation of land to another government entity or non-profit organization to include a conservation easement involving the donated property.

If an in-kind penalty is used in lieu of a cash penalty, the value of the in-kind penalty should be 1 and 1/2 times the amount of the penalty if paid in cash. Department staff should not be involved in choosing vendors or agents used by the responsible party in implementing an in-kind project. No in-kind penalty project should include the purchase or lease of any equipment for the Department.

10. Pollution Prevention Projects

Whenever practicable, enforcement staff should affirmatively consider and discuss with responsible parties the option of offsetting civil penalties with pollution prevention projects. Responsible parties should be provided materials on the definition of a pollution prevention project, the nature of preferred pollution prevention projects, a description of the information that would need to be submitted by the responsible party to the Department for a pollution prevention project to be approved, and a description and sample of a pollution prevention plan that would be attached as an exhibit to a consent order or settlement agreement.

Pollution Prevention Project in the context of enforcement is defined as a process improvement that can be classified in one of the following three categories:

a. Source Reduction - Source reduction involves eliminating the source of pollution. It is accomplished when chemicals or processes that produce pollution are eliminated or replaced with chemicals or processes that cause less pollution. The ideal source reduction project is to produce goods with no pollution. This has the most benefit for the environment, and usually requires the greatest change in the production process. Source reduction can be as sweeping as terminating the production of products that cannot be manufactured without pollution, or it can be as

mundane as eliminating an unneeded cleaning step. Other examples of source reduction include:

(1) Replacing a vapor degreaser with a re-circulating, water based cleaning process;

(2) Using darker wood to eliminate solvents in ordinary staining;

(3) Using UV cure paint to eliminate the solvents in ordinary paint;

(4) Using a painted or plastic surface instead of chrome plated surface such as those found on lawnmower handles and the "Euro-look" cars and bumpers;

(5) Eliminating the release of CFC by sending electronic parts for sterilization to a plant that can use pure ethylene oxide instead of the more common ethylene oxide/freon mix;

(6) Keeping supplies and stock out of the weather to eliminate cleaning between processes;

(7) Having a vendor use a no-clean rust inhibitor on incoming parts; and

(8) Using propylene carbonate instead of acetone to clean tools used in fiberglass parts manufacturing.

b. Waste Minimization - Waste minimization involves the conservation of materials that are the source of pollution. This is accomplished when releases of chemicals to the environment are reduced. The ideal situation is a no-loss process. Waste minimization can be as expensive as replacing a regular vapor degreaser with one that has an airlock, or it can be as simple as using large, refillable containers to reduce the amount of material disposed of on the walls of emptied containers. Other examples include:

(1) Using High Volume Low Pressure paint guns in place of High Pressure Low Volume paint guns in a painting line to reduce paint loss.

(2) Using electrostatics with painting to reduce paint loss.

(3) Keeping containers of liquids covered and cool to minimize evaporation.

(4) Using processes less likely to produce spills.

(5) Using rollers instead of sprayers to reduce evaporation loss from atomization.

(6) Adjusting floating lid tanks to keep fixed volume tanks full, reducing evaporation.

(7) Using counter current rinsing to reduce water use.

(8) Reducing dragout to minimize chemical depletion.

c. On-Site Recycling - On-site recycling involves the reuse of materials that are the source of pollution. Process - chemicals are reused directly in the process or are revived in some manner and reused in either their original process or in some other operation within the facility. The ideal is total reuse of materials. On-site recycling can be as complex as an ion exchange system for the recovery of dissolved metals in a rinse water, or it can be as simple as a batch solvent still for the recycling of a cleaner. Other examples include:

(1) Using a cart that rolls up to a vehicle, filters oil or coolant and returns the clean fluid to the vehicle;

(2) Using a solvent still to clean solvent for reuse;

(3) Filtering machining fluids for reuse;

(4) Installing a paint gun cleaner that filters and recirculates the cleaning solvent;

(5) Using electrowinning to remove dissolved metals from plating rinse water and allowing the water to be reused;

(6) Capturing solvent vapors from printing operations for their distillation and reuse.

d. Pollution prevention does NOT include:

(1) Off-site recycling such as sending used process water to be reused at a golf course, sending used motor oil or coolant off-site for reclamation or incineration, off-site solvent recovery, or regeneration of ion exchange columns;

(2) Treatment such as: wastewater treatment to remove contaminants prior to disposal, evaporation of a waste stream to remove water from contaminants, sludge de-watering to reduce volume, air stack scrubbers to remove gaseous contaminants or catalytic incinerators to remove VOCs from air;

(3) Disposal such as: landfilling or incineration.

Before a pollution prevention project should be approved to offset civil penalties, the responsible party must submit a waste audit report to the Department. The responsible party should be given the option of preparing the report on his or her own, by hiring a consultant or by requesting the help of the Department's Pollution Prevention Program staff. The waste audit report must include: 1) a waste audit of the facility or of the process or processes that are relevant to the proposed pollution prevention project; 2) a pollution prevention opportunity penalty calculation; and 3) a conceptual pollution prevention proposal.

The Department retains the option to approve or disapprove the submitted conceptual proposal depending upon the environmental merits of the proposal. The Divisions should provide programmatic guidance to the enforcement staff concerning the nature of preferred pollution prevention projects. Potential or actual economic benefits gained by the responsible party should not be used as a basis for denying an otherwise acceptable proposal for a pollution prevention project.

Once a conceptual pollution prevention project has been approved, the responsible party must prepare a pollution prevention project plan that must, when applicable, include information on the following: design, construction, installation, testing, training, maintenance/operation, capital/equipment costs, monitoring, reporting, and scheduling of activities.

No costs expended by a responsible party on a pollution prevention project that are necessary to bring the facility into compliance with

current law should be used to offset civil penalties. The following costs associated with pollution prevention projects can be used to offset up to 100% of civil penalties on a dollar for dollar basis:

a. Preparation of a pollution prevention plan.

b. Design of a pollution prevention project.

c. Installation of a pollution prevention project.

d. Construction of a pollution prevention project.

e. Testing of a pollution prevention project.

f. Training of staff concerning the implementation of a pollution prevention project.

g. Capital/equipment needed for a pollution prevention project.

The following costs should not be used to offset a civil penalty:

a. Cost incurred in conducting a waste audit and preparing a waste audit report (includes waste audit, opportunity assessment and conceptual proposal).

b. Maintenance and operation costs involved in implementing a pollution prevention project.

c. Monitoring and reporting costs.

A responsible party should not be given the opportunity to bank or transfer pollution prevention credits to offset future civil penalties.

Whenever possible, approval of specific pollution prevention projects should be obtained prior to entering into a consent order or settlement agreement. District Directors or Division Directors are authorized to approve pollution prevention proposals. If the specifics of a pollution prevention plan cannot be worked out in time to meet EPA timelines for taking formal enforcement action, the responsible party can be given the option of paying the civil penalty in cash or having a pollution prevention project reviewed and approved by a time certain to be identified in a consent order or settlement agreement.

For all approved pollution prevention projects, the responsible party must maintain/operate the pollution prevention project for a time certain after initial implementation, and must be required to submit at least one report discussing the status of implementation and the pollution prevention results of the project.

11. Review by the Office of General Counsel

In addition to any unique case identified by a Division or District Director, cases which exceed certain threshold penalties should be reviewed for legal defensibility by OGC. These three situations are:

a. The case involves a proposed penalty of $25,000 or more for non-RCRA cases.

b. The case involves a proposed penalty of $50,000 or more for RCRA cases.

c. The case involves a proposed cash penalty of $10,000 or more to be satisfied with an in-kind proposal that does not involve environmental enhancement or restoration.

All above-described penalty proposals should be submitted to the Office of General Counsel using the Department's form penalty authorization memo and routed to the Chief Deputy General Counsel for review to determine whether the penalty proposals are consistent with this policy.

12. Procedure for Implementation

In order for these guidelines to be implemented properly, adequate record keeping must be followed. The penalty determination matrices are attached.

Also attached is the penalty computation worksheet. This worksheet should be used in all cases in which a penalty is calculated and proposed, and (following applicable peer reviews) should be sent along with the draft Consent Order that is to be reviewed by OGC for final approval. If the penalty being sought includes an adjustment and/or a multi-day determination, fill out both Part I and Part II.

If the penalty amount calculated as the Total Penalties for all Violations in Part I is reduced after meeting with the responsible party, a new penalty computation worksheet or Part III of the penalty computation worksheet must be filled out. If the penalty is being reduced based upon new information concerning the facts or law relied upon to determine the number or character of the violations for which penalties are being sought, a new penalty computation worksheet should be

filled out reflecting the changes in the violations for which penalties are being sought or the characterization of the violations. If the penalty is being reduced for other reasons, Part III of the penalty computation worksheet must be filled out and signed and dated by the Director of District Management.

A narrative explanation should also be prepared in all cases to be reviewed by the Chief Deputy General Counsel to explain how the penalty proposal was reached, and in all cases in which the program specific guidelines are not being followed. This should be completed at the time the penalty is calculated and forwarded with the penalty computation worksheet.

Responsible Office: Office of General Counsel

ATTACHMENTS:

Penalty Calculation Matrix (Potable Water Cases),
(ATTACHMENT I)

Penalty Calculation Matrix (Cases other than PW, HS or HW)
(ATTACHMENT II)

Penalty Calculation Matrix (Hazardous Substance Cases)
(ATTACHMENT III)

Penalty Calculation Matrix (Hazardous Waste Cases)
(ATTACHMENT IV)

Penalty Computation Worksheet,
(ATTACHMENT V)

ATTACHMENT I

PENALTY CALCULATION MATRIX*
(Potable Water Cases)

EXTENT OF DEVIATION FROM REQUIREMENT

ENVIRONMENTAL HARM		MAJOR	MODERATE	MINOR
	MAJOR	$5,000 to $ 4,000	$4,999 to $3,000	$2,999 to $2,300
	MODERATE	$2,299 to $1,600	$1,599 to $1,000	$999 to $600
	MINOR	$999 to $500	$500[1)]	$500[1)]

1) – Environmental Education may be an acceptable substitute

ATTACHMENT II

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

ENVIRONMENTAL HARM		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[1)]	$500[1)]

1) – Environmental Education may be an acceptable substitute

ATTACHMENT III

PENALTY CALCULATION MATRIX
EXTENT OF DEVIATION FROM REQUIREMENT
(Hazardous Substance Cases)

ENVIRONMENTAL HARM		MAJOR	MODERATE	MINOR
	MAJOR	$25,000 to $ 20,000	$19,999 to $15,000	$14,999 to $11,000
	MODERATE	$10,999 to $ 8,000	$7,999 to $5,000	$4,999 to $3,000
	MINOR	$2,999 to $1,500	$1,499 to $500[3)]	$500[3)]

This matrix should be used whenever the following two conditions exist:

1) The violation creates an imminent hazard as defined in Section 403.726(3), Florida Statutes: "If any hazardous substance creates an immediate and substantial danger to human health, safety, or welfare or to the environment."
2) The violation involves the release, discharge of a hazardous substance as defined in Section 403.703(29), Florida Statutes. Florida's definition of a hazardous substance refers to the federal definition of a hazardous substance under CERCLA. The CERCLA definition of a hazardous substance includes a list of substances that can be found at 40 CFR 302.4. In addition to the list of hazardous substances, hazardous substances can include any toxic pollutant listed under Section 307(a) of the Clean Water Act, any substance designated pursuant to Section 311(b)(2)(A) of the Clean Water Act, and any hazardous air pollutant listed under Section 112 of the Clean Air Act. The list of hazardous air pollutants should only be used as a basis for pursuing hazardous substance penalties if the pollutants have been released or discharged to the ground, surface water or ground water. All hazardous wastes are hazardous substances. If the violation involves a hazardous waste, the hazardous waste matrix should be used for that violation.
3) Environmental Education may be an acceptable substitute

ATTACHMENT IV

PENALTY CALCULATION MATRIX
EXTENT OF DEVIATION FROM REQUIREMENT
(Hazardous Waste Cases)

ENVIRONMENTAL HARM		MAJOR	MODERATE	MINOR
	MAJOR	$37,500 to $ 28,330	$28,330 to $21,250	$21,250 to $15,580
	MODERATE	$15,580 to $11,330	$11,330 to $7,090	$7,090 to $4,250
	MINOR	$4,250 to $2,130	$2,130 to $710[1)]	$710 to $150[1)]

Note: If the violation involving a hazardous waste results in human injury or death, or involves the deliberate disposal to the ground, surface water or groundwater, the $50,000 per day statutory maximum penalty may be pursued.

1) – Environmental Education may be an acceptable substitute

ATTACHMENT V

PENALTY COMPUTATION WORKSHEET

Violator's Name: _____

Identify Violator's Facility_____

Name of Department Staff Responsible for the Penalty Computations:

_____

Date: _____

PART I - Penalty Determinations

	Violation Type	ELRA Schedule	ENVIRON-MENTAL Harm	Extent of Dev.	Matrix Amount	Multi-day	Adjust-ments	Total
1								
2								
3								
4								
5								
6								
7								
8								
9								

Total Penalties for all Violations:_____

_____	_____
Director of District Management	Date
Division Director	
Peer reviewed by Division: Yes ( ) No ( )	
_____	_____
Deputy Secretary (if required by these guidelines)	Date
_____	_____
DEP Secretary (if required by these guidelines)	Date

ATTACHMENT V

Part II - Multi-day Penalties and Adjustments

ADJUSTMENTS Dollar Amount

Good faith/Lack of good faith prior to discovery:_____

Justification:_____

Good faith/Lack of good faith after discovery:_____

Justification:_____

History of Non-compliance:_____

Justification:_____

Economic benefit of non-compliance:_____

Justification:_____

Ability to pay:_____

Justification:_____

Total Adjustments:_____

MULTI-DAY PENALTIES Dollar Amount

Number of days adjustment factor(s) to be applied: _____

Justification: _____

_____

Or

Number of days matrix amount is to be multiplied: _____

Justification: _____

_____

ATTACHMENT V

Part III - Other Adjustments Made After Meeting with the Responsible Party

ADJUSTMENT	Dollar Amount
Relative merits of the case:	_____
Resource considerations:	_____

Other justification:_____

_____

_____

_____

_____

_____ _____

Date

Director of District Management or Division Director