

# FLORIDA

## Retail Environmental Enforcement Summary July 1, 2016 - December 31, 2016



1

The Florida Department of Environmental Protection (DEP) enforces the state's environmental laws.



6 Enforcement actions issued to retailers out of 135 total

3



**\$38,962**

Total fines issued to retailers

## HIGHLIGHTS

Between July 1, 2016 and December 31, 2016, approximately five percent of the enforcement actions filed by the Florida Department of Environmental Protection (DEP) were issued to retail facilities. These included dry cleaners, a building materials retailer, gas stations/convenience stores, and an auto parts store for violations related to hazardous waste, petroleum contamination, air permitting, and scrap tire. Florida does not make inspection reports public.

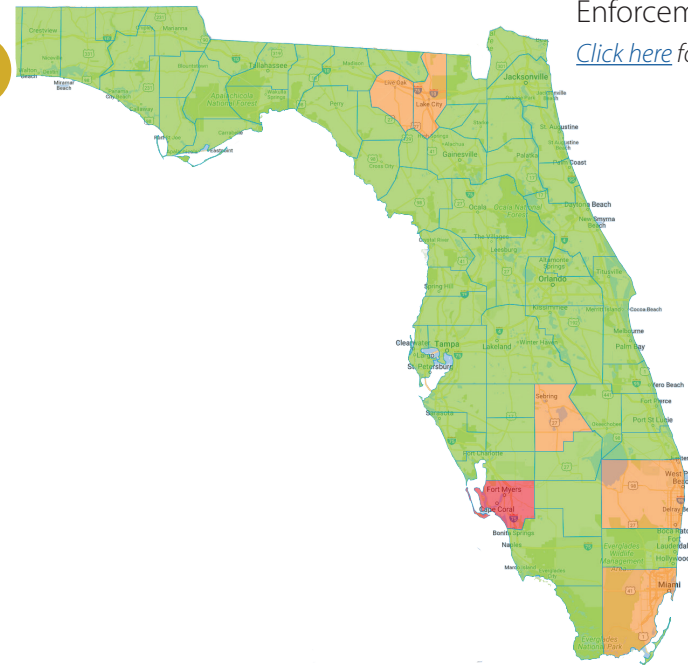
Fines ranged from \$2,000 to \$14,111, in addition to actions required to bring the entities into compliance. The highest fine was issued to a dry cleaner that was in violation of hazardous waste and air regulations.

2

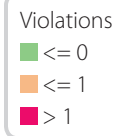
The types of retail stores facing enforcement.

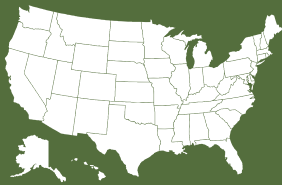
	<b>Gas Station</b>	<b>2</b>
	<b>Dry Cleaner</b>	<b>2</b>
	<b>Automotive Parts</b>	<b>1</b>
	<b>Lumber &amp; Building Material</b>	<b>1</b>

4



Enforcement by county  
[Click here](#) for interactive map.





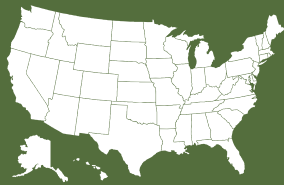
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### ENFORCEMENT DETAIL

Enforcement Area	Store type	Enforcement Type <sup>1</sup>	Enforcement Summary	County	Fine (\$) and actions to comply
<b>Air permitting.</b> One failure to obtain a permit violation by a dry cleaner.					
Air permitting	Dry cleaner <sup>2</sup>  <sup>2</sup> Multiple violations	Final Judgement	Failure to: <ul style="list-style-type: none"> <li>• Obtain an air permit from the DEP</li> </ul>	Lee	\$14,111 fine; \$1,000 for DEP costs. In addition, retailer was required to: <ul style="list-style-type: none"> <li>• Apply for an air permit within 15 days of the Final Judgement</li> <li>• Stop operating the facility within 45 days of the final judgement, if the air permit was not obtained</li> </ul>
<b>Hazardous waste.</b> Violations covered a building materials retailer and two dry cleaners that included failure to comply with hazardous waste generator standards, install containment structures, and failure to properly store hazardous waste.					
Hazardous Waste	Building materials retailer	Consent Order	Failure to: <ul style="list-style-type: none"> <li>• Comply with standards, requirements, and procedures for retailers who generate and transport hazardous waste, and owners and operators of hazardous waste facilities</li> </ul>	Miami-Dade	\$4,815 fine and \$500 for DEP costs.
	Dry cleaner	Consent Order	Failure to: <ul style="list-style-type: none"> <li>• Install containment structures around each machine that used dry-cleaning solvents and around solvents or waste-containing solvents storage areas</li> </ul>	Palm Beach	\$2,000 fine and \$500 for DEP costs.
	Dry cleaner <sup>2</sup>  <sup>2</sup> Multiple violations	Final Judgement	Failure to: <ul style="list-style-type: none"> <li>• Properly store hazardous waste</li> <li>• Maintain secondary containment</li> <li>• Properly manage fluorescent lamps</li> <li>• Label hazardous waste containers</li> <li>• Conduct and document inspections</li> <li>• Provide accurate contingency plan information</li> <li>• Plan with local authorities</li> <li>• Properly maintain and operate facility</li> <li>• Notify the DEP of changed status</li> </ul>	Lee	Not applicable to hazardous waste violation. Refer to air permitting above for retailers' fine and actions to comply.



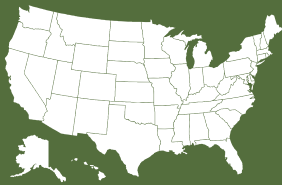
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Enforcement Area	Store type	Enforcement Type <sup>1</sup>	Enforcement Summary	County	Fine (\$) and actions to comply
<b>Petroleum contamination.</b> Violations at two convenience store/gas stations included improper closure of tanks and failure to properly report or remediate.					
Petroleum contamination	Convenience store/gas station	Notice of Violation	Failure to: <ul style="list-style-type: none"> <li>• Properly close three underground storage tanks (USTs), resulting in petroleum discharge contaminating groundwater beneath property</li> <li>• Timely or completely remediate</li> </ul>	Suwannee	\$5,000 fine and \$500 for DEP costs. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Initiate active remediation at Property within 120 days of the effective date of the Order</li> <li>• Submit As-Built Drawings to the DEP within 120 days</li> <li>• Perform all necessary cleanup until the DEP issues a No Further Action Order or Site Rehabilitation Completion Order</li> </ul>
	Gas station	Final Order	Failure to: <ul style="list-style-type: none"> <li>• Report petroleum product contamination that migrated onto an adjoining property</li> <li>• Start emergency response action at the time of the petroleum product release</li> <li>• Begin Site Assessment within 60 days of the petroleum product release</li> <li>• Submit a Site Assessment report within 270 days of the petroleum product release</li> </ul>	Highlands	\$10,000 fine and \$1,000 for DEP costs. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Comply with regulations for ownership of USTs and Contaminated Site Cleanup Criteria</li> <li>• Submit a completed Site Assessment Report</li> </ul>
<b>Scrap tire.</b> One violation at an auto parts store for not obtaining permit and registration before operating.					
Scrap tire	Auto parts store	Consent Order	Failure to: <ul style="list-style-type: none"> <li>• Obtain a waste tire processing facility permit before operating a mobile tire shredder on-site</li> <li>• Obtain a state-issued waste tire collectors registration before collecting tires</li> </ul>	Columbia	\$3,000 fine and \$500 for DEP costs. In addition, the retailer was required to: <ul style="list-style-type: none"> <li>• Stop collecting waste tires for storage, processing, and disposal on the effective date of the Order</li> <li>• Remove and properly dispose of all waste tires located on property within 30 days of the CO</li> <li>• Submit all disposal receipts documenting that all waste tires have been removed from site for proper removal within 4 days of the CO</li> <li>• Provide control for mosquitoes and rodents as well as fire protection</li> </ul>

<sup>1</sup>See Glossary for details <sup>2</sup>Multiple violations across different enforcement areas



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## GLOSSARY

**Consent Order** — a document that formally settles enforcement actions and constitutes a final order. A consent order instructs the violator to perform actions within identified timeframes to resolve the violations.

**Final Order and Final Judgement** — documents that bind a violating party to perform specific actions within identified timeframes to resolve violations and, in many cases, to pay an administrative penalty. Final orders are administrative versions of a judicial final judgement issued by either DEP or an Administrative Law Judge.

**Notice of Violation** — a document that initiates formal administrative proceedings against a 'respondent' to address violations of environmental laws. NOVs are administrative complaints.

**Retail** — stores that sell goods or services to customers, typically in small quantities, for consumption or use. Retail stores can include: automotive parts and new/used tire sales, convenience stores, gas stations, distribution centers, dry cleaners, pharmacies, rental stores, sports/hunting goods stores, and variety stores.

*Documents concerning state enforcement actions on retail entities are obtained by contacting the state's environmental regulatory agency directly by email and by phone, submitting Freedom of Information Act (FOIA) requests, or using online document databases. The search is refined using retail-specific criteria, such as titles and address locations of the entities, Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) codes and descriptions. Enforcement actions involving non-retailers are excluded from the data analysis and summaries.*

*Retail-specific state enforcement documents and data are analyzed to determine trends including: the most frequent violations, what the most common media types violations are (such as air, petroleum contamination, waste, or water), and where the retailers who were issued enforcement actions are located. Data is collected and trends are analyzed on a biannual basis.*