



FLORIDA

Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



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



20 Enforcement actions were issued to retailers

The types of retail stores facing enforcement.



Automotive Store 4



Automotive Dealership 1



Dry Cleaners 4



Gas Station 9



\$19,760

Total fines issued to retailers

233% ↑

Enforcement action increase in 2017

HIGHLIGHTS

Between January 1, 2017 and June 30, 2017, 20 enforcement actions filed by the Florida Department of Environmental Protection (DEP) were issued. This was an increase from 6 enforcement actions issued to retail entities from July 1, 2016 and December 31, 2016.

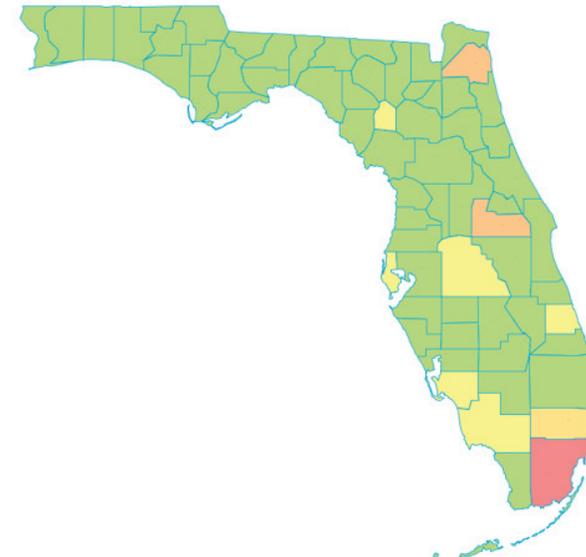
Though there was a significant increase in the number of enforcement actions issued, the type of retail entities receiving such actions did not vary drastically. Retailers that received an enforcement action throughout the two six-month time periods consisted mainly of gas stations, dry cleaners, and automotive stores. Hazardous waste, air, and scrap tire violations were issued (between January 1 to June 30) in both 2016 and 2017. Additionally in 2017, underground storage tanks (USTs) regulation noncompliance violations were issued.

Fines ranged from \$375 to \$10,000. from January 1, 2017 and June 30, 2017, while fines issued between July 1, 2016 and December 31, 2016 ranged from \$2,000 to \$14,111.

Florida does not make inspection reports publicly available.

Enforcement by county

[Click here](#) for interactive map.



Violations

- <= 0
- <= 1
- <= 2
- > 3



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ENFORCEMENT DETAIL

Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
Air. Violations covered dry cleaners. Violations included failure to: conduct a biweekly or monthly leak inspection, monitor the dry cleaning machine condenser outlet temperature weekly, and renew the general air permit.						
Air	Dry cleaners ²	Notice of violation (NOV) ¹ Consent orders ¹ Warning letter ¹	Failure to: <ul style="list-style-type: none"> • Conduct a biweekly or monthly leak inspection • Monitor the dry cleaning machine condenser outlet temperature weekly • Update perchloroethylene purchase logs monthly • Renew air general permit 	Orange Pinellas	1 1	\$800 fine for one retailer. \$375 plus \$100 for DEP costs for one retailer. In addition, retailers were required to: <ul style="list-style-type: none"> • Renew air general permit
Hazardous waste. Violations covered dry cleaners. Violations included failure to: maintain adequate secondary containment around the dry cleaning machine, provide a dry cleaning solvent impervious coating, and store separator water, lint, sludge, spotting chemicals within secondary containment.						
Hazardous waste	Dry cleaners	Consent orders	Failure to: <ul style="list-style-type: none"> • Maintain adequate secondary containment around dry cleaning machine • Provide a dry cleaning solvent impervious coating on the floor around the dry cleaning machine and the spotting board • Store separator water, lint, sludge, spotting chemicals, and containers of waste in the outside area within secondary containment • Prevent evaporation of hazardous waste separator water, lint, sludge, solvent in the dry cleaning machine filters, and solvent in the containers outside the facility 	Collier Duval	1 1	\$10,000 fine for one retailer and \$1,000 for DEP costs. \$2,585 fine for one retailer and \$250 for DEP costs.



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Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
Scrap tires. Violations covered automotive stores and an automotive dealer. Violations included failure to store tires at a facility with a permit or written authorization from the DEP.						
Scrap tires	Automotive stores	NOV Final order ¹ Warning letter	Failure to: <ul style="list-style-type: none"> • Store tires at facility with a permit or written authorization from the DEP 	Duval Gilchrist Lee	1 1 1	\$3,000 fines for two retailers. In addition, retailers were required to: <ul style="list-style-type: none"> • Respond to a warning letter • Dispose of all waste tires located at the site • Provide copies of all waste tire transportation and disposal receipts to verify proper disposal of waste tires
	Automotive dealership	Warning letter	Failure to: <ul style="list-style-type: none"> • Collect and transport waste tires to a site with a valid collector's registration • Implement waste tire storage requirements 	Orange	1	None



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Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
Underground storage tank (UST). Violations covered an automotive store and gas stations. Violations included failure to prevent discharges from a leaking UST, failure to submit an incident investigation report, failure to submit a quarterly Operations and Maintenance Report.						
UST	Automotive store	NOV	Failure to: <ul style="list-style-type: none"> Prevent discharges from a leaking UST Respond to an NOV from the DEP 	Miami-Dade	1	The retailer was required to: <ul style="list-style-type: none"> Submit a Remedial Action Plan (RAP) Addendum
	Gas stations	Consent orders NOVs Warning letters	Failure to: <ul style="list-style-type: none"> Notify the DEP prior to replacing a regular unleaded spill bucket Prevent discharges from a leaking UST Respond to the initial NOV Submit annual line leak detector tests Submit an incident investigation report Submit post-installation test documents for the tank system Submit the \$2,000 annual fee for Environmental Assessment and Remediation (EAR) License Submit a Closure Report within 60 days of tank removal Submit a quarterly Operations and Maintenance Report Submit an additional assessment to address contamination in groundwater 	Broward Duval Miami-Dade Orange Polk Saint Lucie	2 1 3 1 1 1	Retailers were required to: <ul style="list-style-type: none"> Cease all discharges to the ground or groundwater Commence emergency response, including free product removal or interim source removal Conduct free product removal and proper disposal, soil treatment, or proper soil disposal Conduct soil investigation Provide a status report for a discharge and associated remedial activities Respond to a warning letter Submit an Operations and Maintenance Report within 30 days of service Submit the \$2,000 annual fee for EAR License Submit the Closure Report Submit two signed copies of a Site Assessment Report (SAR) Submit a Remedial Action Plan (RAP) Addendum Test the UST system

¹ See Glossary for details

² These retailers received more than one enforcement action across one enforcement area



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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.

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

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.

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.

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.

Warning Letter — a document that is issued by the DEP to further investigate potential violations and to initiate settlement discussions. It is the first step in initiating any formal enforcement action.