

ATTACHMENT A1
LAST CHANCE LETTER

Date

Facility Owner
Company
Address
City, State, Zip

Subject: Tank Upgrade
Facility Name
Address
City, County
DEP FACID#:

Dear Facility Owner:

The Department's records and a recent inspection -revealed that a petroleum underground storage tank system at the above facility does not appear to be compliant with the upgrade deadline. The deadline for upgrading single-walled **underground** storage tanks (UST) and piping with double-wall containment systems was **December 31, 2009**.

All underground tanks that have not been upgraded to meet the performance standards of Rule 62-761.510, Florida Administrative Code, by the applicable deadlines shall be permanently closed before the deadline.

As an alternative, any underground tank system that has not been upgraded by the applicable deadline should have been taken out-of-service **prior to the deadline date**. Underground storage tank systems that are single-walled, corrosion protected systems may not be kept out of service longer than two years and single-walled, unprotected bare steel systems may only be kept out of service for up to one year. At the end of these time periods, the tank system must be upgraded or permanently closed.

If, at any point during the out-of-service period, the above requirements are not met, the Department will consider the tank system out of compliance with Department rules and require the tanks be immediately and permanently closed.

If it is your intent to upgrade this facility you are encouraged to come to the Department now to negotiate a consent order that will acknowledge your efforts to upgrade.

The Department will continue to enforce these rules to protect Florida's surface and ground water resources. Those facilities that fail to timely meet the applicable deadlines for the required upgrade and continue to operate will face Department enforcement action. The Department will pursue penalties and request injunctive relief requiring that the tanks be

immediately and permanently closed. The Department will not initiate enforcement of the deadline at facilities where owners have an executed consent order or owners who have secured a binding contract, prior to the deadline, with a Florida Licensed Pollutant Storage System Specialty Contactor if all work to complete the required upgrade under such a contract shall be completed by March 31, 2010.

If you have any questions concerning this matter please contact me at (Inspectors Phone Number).

Sincerely,

Inspector's Name
Title