

Memorandum

Florida Department of Environmental Protection

TO: All District and Local Program Compliance Supervisors
All District and Local Program Cleanup Supervisors
All BPSS Team Leaders

THROUGH: Michael E. Ashey
Chief, Bureau of Petroleum Storage Systems

FROM: Lewis J. Cornman, Jr.
Environmental Manager (Eligibility Coordinator)

DATE: May 30, 2001

SUBJECT: No Further Action (NFA) Orders for discharges with IPTF eligibility that are determined not to be an actual new discharge.

The purpose of this memo is to clarify the procedure to deal with sites with multiple discharges that are eligible for an Inland Protection Trust Fund (IPTF) cleanup where a subsequent IPTF eligible discharge, after further investigation, reveals that it may not actually be a new discharge. There may be cases where a discharge at a site was made eligible under one of the restoration cleanup programs, and the applicant or responsible party now claims that a subsequent discharge is not a new discharge and that the subsequent discharge and associated eligibility should be rescinded.

Assuming there is nothing pending in the Office of General Counsel regarding the eligibility order (Petition for Administrative Hearing or Request for an Extension of Time to file a Petition for Hearing) and the 21 days has lapsed since the date the applicant received the eligibility order, orders regarding eligibility are final. Discharges with Orders of Eligibility that are final will not be rescinded. The site manager will review all discharges at the site. If a discharge with a final eligibility order is determined not to be an actual new discharge (which would mean that the application for and approval of eligibility was unnecessary), this discharge will be given a No Further Action (NFA) Order. The DRF and its associated eligibility will not be rescinded.

The application of cleanup caps and the collection of deductibles for the various discharges will be determined in accordance with the Department's Petroleum Cleanup Preapproval Program, Standard Operating Procedures (SOP) manual.

If you have any questions, please contact me at SC 278-3935 or (850) 488-3935.