

**BEFORE THE HEARING EXAMINER FOR THE BROWARD
COUNTY ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT
DEPARTMENT IN AND FOR BROWARD COUNTY, FLORIDA**

IN RE VARIANCE PETITION OF

Variance No: VAR07-02

**FLORIDA PETROLEUM MARKETERS AND
CONVENIENCE STORE ASSOCIATION, INC.
(FPMA) ON BEHALF OF ITS MEMBERS AND
OTHER GASOLINE DISPENSING FACILITY
OWNERS DOING BUSINESS IN BROWARD
COUNTY**

JOINT MOTION TO EXTEND THE VARIANCE

1. On June 28, 2007, this matter came before Renee Clark, Hearing Examiner, for the Broward County Environmental Protection Department ("EPD") now known as Environmental Protection and Growth Management Department ("EPGMD").

2. The issue before the Hearing Examiner was whether Florida Petroleum Marketers and Convenience Store Association, Inc. ("FPMA") on behalf of its members and other gasoline dispensing facility owners doing business in Broward County (hereinafter referred to as "FPMA"), should receive a variance from subsections 27-319(a)(2) and 27-319(b)-(f) of the Broward County Code, which require a Stage II System at gasoline dispensing facilities where more than 10,000 gallons of gasoline are dispensed in any one calendar month.

3. The variance granted by the Hearing Examiner was for a period that would terminate on January 1, 2010 in concert with the secondary containment upgrade schedule or upon amendment of Section 27.319 of the Broward County Code to

conform to Rule 62-252.400, Florida Administrative Code, and the SIP, whichever is earlier. At the hearing, the Hearing Examiner retained jurisdiction of the variance.

4. Broward County Chapter 27, Article X, is currently being updated to be consistent with proposed changes to the State's Underground and Aboveground Storage Tank Rules, Chapters 62-761 and 62-762, F.A.C. respectively, which are anticipated to be promulgated and passed soon after January 1, 2010.

5. To avoid public confusion, to promote a more proficient rule making process, and to prevent taking the agency, regulated public, and County Commissioners through multiple rule making processes, public hearings, and workshops, the agency is proposing to extend the variance period for five (5) years or until such time when the state passes their final Storage Tank Rules, whichever is less.

6. Broward County Storage Tank Rules will then be updated and made consistent with all associated State Rules (Chapters 62-252, 62-761 and 62-762) and later presented to the Broward County Board of County Commissioners for their approval.

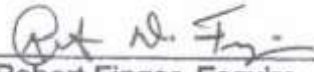
Wherefore, EPGMD and FPMA request that Variance VAR07-02 be extended for a period that would terminate on January 1, 2015 or upon amendment. of Section 27-319 of the Broward County Code to conform to Rule 62-252.400, Florida Administrative Code, and the SIP, whichever is earlier. This variance shall include all of the FPMA members and other gasoline dispensing facility owners who own and operate or will own or operate gasoline dispensing facilities pursuant to Chapter 27-319(a)(2) and (b) through (f) of the Broward County Code, that plan to upgrade their storage tank

systems to meet the secondary containment requirements of Chapter 27, Article X, Section 27-307 of the Broward County Code.

Respectfully submitted on this 20th d a y o f M a y, 2009.

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