

**THE TOWN OF HILTON HEAD ISLAND**

**REGULAR TOWN COUNCIL MEETING**

**Date:** Tuesday, August 7, 2012

**Time:** 4:00 P.M.

**Present from Town Council:** Drew A. Laughlin, *Mayor*; Ken Heitzke, *Mayor Pro-Tem*; George Williams, Lee Edwards, Bill Ferguson, Bill Harkins, Kim Likins, *Council Members*.

**Present from Town Staff:** Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Lavarn Lucas, *Fire Chief*; Charles Cousins, *Director of Community Development*; Susan Simmons, *Director of Finance*; Brian Hulbert, *Staff Attorney*; Jill Foster, *Deputy Director of Community Development*; Jeff Buckalew, *Town Engineer*; Shea Farrar, *Senior Planner*; Cary Gaffney, *Stormwater Utility Administrator*; Heather Colin, *Development Review Administrator*; Vicki Pfannenschmidt, *Executive Assistant*

**Present from Media:** Tom Barton

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**1) CALL TO ORDER**

Mayor Laughlin called the meeting to order at 4:00 p.m.

**2) PLEDGE TO THE FLAG**

**3) INVOCATION**

**4) FOIA COMPLIANCE** – Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**5) Proclamations and Commendations**

**a. Dan Driessen**

Mr. Dan Driessen was present to accept the Commendation.

**6) Approval of Minutes**

**a. Town Council Meeting– July 3, 2012**

Mr. Heitzke moved to approve. Mrs. Likins seconded. The minutes of the July 3, 2012 Town Council meeting were approved by a vote of 6-0-1. Mr. Harkins abstained because he was not present at the meeting.

**7) Report of the Town Manager**

**a. Semi-Annual Report of the Board of Zoning Appeals** – Peter Kristian, Vice-Chairman  
Vice-Chairman Kristian presented an activity report for the first six months of 2012.

**b. Town Managers Items of Interest**

Mr. Riley reported on some Items of Interest.

**c. July, 2012 Quarterly Report**

Mr. Riley noted the above report was included in the packet and he would gladly answer any questions.

## 8) Reports from Members of Council

### a. General Reports from Council

None.

### b. Report of the Intergovernmental Relations Committee – George Williams, Chairman

No report.

### c. Report of the Personnel Committee – Lee Edwards, Chairman

No report.

### d. Report of the Planning & Development Standards Committee –Bill Ferguson, Chairman

No report.

### e. Report of the Public Facilities Committee – Kim Likins, Chairman

Mrs. Likins stated the Committee had met earlier in the day and voted to recommend approval of granting an easement to Hilton Head Public Service District for the Spanish Wells 1 sewer project and it would be coming forward at today's meeting.

### f. Report of the Public Safety Committee – Bill Harkins, Chairman

Mr. Harkins stated the Committee met on August 6, 2012 to review the 2<sup>nd</sup> Quarter Crime Stats.

### g. Report of the LMO Rewrite Committee – Kim Likins, Ex-Officio Member

No report.

### h. Report of the Economic Development Committee – Bill Harkins, Town Council Liaison

Mr. Harkins stated the Committee has met throughout the summer and will be coming forward with a Tentative Final Report for Town Council in the near future.

## 9) Appearance by Citizens

Mr. Peter Kristian reported on the Stormwater Utility Agreement with the Town and Head Plantation and expressed his gratitude for the working relationship between his staff and the Town Stormwater Utility Administrator.

## 10) Unfinished Business

### a. Second Reading of Proposed Ordinance 2012-20

Second Reading of Proposed Ordinance 2012-20 ratifying the execution of a lease with Seaside Family Chiropractic, LLC for property owned by the Town of Hilton Head Island, South Carolina, pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2006), and Sec. 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved unanimously by a vote of 7-0.

## 11) New Business

### a. First Reading of Proposed Ordinance 2012-21

First Reading of Proposed Ordinance 2012-21 authorizing the execution and delivery of a lease of real property owned by the Town of Hilton Head Island, South Carolina, with the Beaufort County Sheriff's Office and Beaufort County, South Carolina, pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved unanimously by a vote of 7-0.

### b. First Reading of Proposed Ordinance 2012-22

First Reading of Proposed Ordinance 2012-22 authorizing the execution of that certain utility easement agreement with Hilton Head No. 1 Public Service District for an easement over town owned property in conjunction with the Mathews Drive LPS/Broad Creek Headwaters Sewer Project pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2011), and Sec. 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved unanimously by a vote of 7-0.

### c. First Reading of Proposed Ordinance 2012-25

First Reading of Proposed Ordinance 2012-25 authorizing the execution and delivery of a contact to sell town owned real estate known as a portion of the Crossings Park tract to the South Island Public Service District, and to grant a temporary construction easement over town owned real estate known as the Crossings Park Tract and to authorize the execution of an agreement related to a Pollution Free Zone encumbering town owned real estate known as the Crossings Park Tract, pursuant to the authority of S.C. Code Ann. § 5-7-40 (Supp. 2011), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved unanimously by a vote of 7-0.

### d. First Reading of Proposed Ordinance 2012-26

First Reading of Proposed Ordinance 2012-26 authorizing the granting of an easement to Hilton Head Public Service District encumbering real property owned by the Town of Hilton Head Island, South Carolina, known as "Spanish Wells 1", being 2.4 acres on Spanish Wells Road, pursuant to the authority of S. C. Code Ann. § 5-7-40 (supp. 2010), and § 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983, As Amended); and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved unanimously by a vote of 7-0.

**e. First Reading of Proposed Ordinance 2012-27**

First Reading of Proposed Ordinance 2012-27 authorizing the execution of a lease with American Towers, LLC, for property owned by the Town of Hilton Head Island, South Carolina, known as the "Jenkins Island" Tract, and authorizing the execution of two easements in favor of American Towers, LLC, encumbering town owned land, known as the "Jenkins Island" Tract, pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2012), and Sec. 2-7-20, *Code of the Town of Hilton Head Island, South Carolina*, (1983); and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved unanimously by a vote of 7-0.

**f. Consideration of a Resolution – Metropolitan Planning Organization**

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island to adopt geographical boundaries for a Beaufort County and Jasper County Metropolitan Planning Area and to create a Metropolitan Planning Organization.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved unanimously by a vote of 7-0.

**g. Consideration of a Resolution – American Towers, LLC/Fire Station 7 Site**

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the execution and delivery of a second amendment to the October 25, 2011, Communications Tower Ground Lease between the Town of Hilton Head Island, South Carolina, and American Towers, LLC, for a tower site at the Town's Fire Station 7 Property on Marshland Road.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved unanimously by a vote of 7-0.

**h. Consideration of a Resolution regarding an Agreement with HHPSD**

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the execution and delivery of a contract between the Town of Hilton Head Island, South Carolina, and the Hilton Head No. 1 Public Service District relating to the sewage expansion projects known as the "Mathews Drive LPS/Broad Creek Headwaters", the "William Hilton Parkway LPS/Chaplin Linear Park", the "Squire Pope Sewer Extension/Ford's Shell Ring" and sewage connection project known as the "Fish Haul Sewer Connection" project.

Mr. Heitzke moved to approve. Mr. Williams seconded. The motion was approved unanimously by a vote of 7-0.

**i. Consideration of a Recommendation regarding Prior Year Accommodation Tax Grant Extensions**

Consideration of a Recommendation that the Town Council of the Town of Hilton Head Island extend the 2011 Accommodations Tax Grants for the Hilton Head Island St. Patrick's Day Parade and the Shelter Cove Harbour Company 4<sup>th</sup> of July Fireworks through December 31, 2012; and (2) Town Council delegate to Town Manager the authority to approve prior year grant extensions in the future.

Mr. Heitzke moved to approve. Mr. Harkins seconded. Mr. Williams moved to amend the motion to remove the portion of the motion that Town Council delegate to the Town Manager the authority to approve prior year grant extensions in the future. The amended motion was approved by a vote of 7-0.

Mr. Riley noted it was 4:26 p.m. and there was a Public Hearing scheduled for 5:00 p.m. He suggested to make good use of the time available that he needed an executive session for legal matters pertaining to the proposed developer agreement for the Shelter Cove Mall with the intention they would be back at 5:00 p.m. for the Public Hearing.

At 4:27 p.m. Mr. Heitzke moved to go into Executive Session for the reasons given by the Town Manager. Mr. Harkins seconded. The motion was unanimously approved by a vote of 7-0.

Mayor Laughlin called the meeting back to order at 5:00 p.m. and stated there was no business to take up as a result of executive session and opened the Public Hearing listed below.

**5:00 P.M. - PUBLIC HEARING – PROPOSED DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF HILTON HEAD ISLAND AND SHELTER COVE TOWNE CENTRE, LLC (RE: TRACT KNOWN AS THE MALL AT SHELTER COVE)**

Heather Colin conducted a brief overview of the components of the Development Agreement. She noted that there will be several other agreements that will have to be entered into and approvals obtained in order to accomplish several aspects of the design plan. She explained the recommendation before Town Council, at the request of the applicant, Shelter Cove Towne Center, LLC, staff recommends that Town Council refer the Development Agreement to the Planning Commission to process and review any LMO Amendments that are associated with this Development Agreement.

Wes Jones, Attorney for the applicant, thanked Council for the opportunity to speak. He commended Town Staff for their diligence, cooperation and responsiveness. He added the applicant does support and recommend that the agreement be referred to the Planning Commission and appreciate the staff's willingness to work with them.

Mayor Laughlin asked for Public Comment at 5:10 p.m.

Walt Nestor, representing Shelter Cove Harbour Company, spoke concerning Shelter Cove Lane and stated they are not willing to give up the road. He said they are in favor of the redevelopment. He noted they would like documents put in place relative to Shelter Cove Lane and have been working with the developer and the agreements are moving forward.

Dan Saxon, representing Palmetto Dunes Property Owners Association stated that previously the Association had voiced opposition to the application. He explained it was based primarily on the Mall's owner's assertion of an easement or an access right over the Palmetto Dunes private property that would benefit the new apartment tenants that are proposed. He said that since that time the applicant has agreed to address the concern by releasing and relinquishing any such access or easement rights, if they ever existed and based upon that release, the Association has withdrawn and does not oppose the rezoning application or the Development Agreement.

Jim Collett spoke suggesting the new Mall area have WiFi connectivity throughout the entire site as was done in Greenville. He suggested they go and see how Greenville accomplished the project and include it as part of the planning.

Chester Williams, representing Bob and Jane Prust said his clients are keenly interested in seeing this project go forward because they are hopeful of being a tenant at the new Mall. He stated they do have concerns about the approval process and concerns about the Development Agreement and they have addressed those to Mr. Jones and Town Staff. He asked that those issues be addressed and taken into consideration as the project moves forward.

Juana Quick, representing the Board of Directors at Newport Villas and the Peninsula in Shelter Cove read a prepared letter stating various concerns about the Development Agreement and design requesting reconsideration of the proposed gas station. She noted concern for the environment and concern that the developer would not commit to the highest construction standards set here on the Hilton Head Island. Ms. Quick requested that her letter and supporting documentation be attached to these minutes.

Suzanne Coffin, Board Member of Newport Villas voiced her concern of the gas station and possible leaks, fumes, pollution and lighting that would result. She requested the gas station be relocated or minimize the view of the gas station by the addition of trees.

Al Quick, a property owner at Newport Villas spoke concerning the misinformation and confusion concerning the Development Agreement. He said he strongly supported the redevelopment of the Mall but he opposes adding 210 affordable rental units. Mr. Quick stated he felt it would cause traffic congestion and result in lower property values in Newport Villas.

Barbara Hall, a property owner at Newport Villas spoke in opposition to the gas station location and suggested it be located near Fuddruckers.

Linda Archinocko spoke in support of maintaining public access to the many large oak trees near the marsh.

Kathy Stevens, a property owner at Newport Villas spoke in support of redevelopment. She voiced her concern on the effects on the wildlife in the Broad Creek and Marsh area. She suggested there is a better use for the area overlooking the marsh than rental units.

Bob Onorato, former President of Palmetto Dunes Property Association spoke in support of the design and Development Agreement. He said the Developers have done a good job and commended Town Staff on a job well done.

Mayor Laughlin asked if there were any comments from Council. Being none, the Mayor announced there will be another Public Hearing on the Proposed Development Agreement between the Town and Shelter Cove Towne Center, LLC at 5:00 p.m. on Tuesday, October 16, 2012 in Council Chambers.

At 5:30 p.m., Mayor Laughlin declared the Public Hearing closed.

## **j. First Reading of Proposed Ordinance 2012-23**

First Reading of Proposed Ordinance 2012-23 of the Town Council of the Town of Hilton Head Island, South Carolina, authorizing the execution of a Development Agreement with Shelter Cove Towne Centre, LLC for the redevelopment of the Mall at Shelter Cove pursuant to the authority of S.C. Code Ann. Sec. 5-7-40 (Supp. 2011), and Sec. 2-7-20, Code of the Town of Hilton Head Island, South Carolina, (1983); and providing for severability and an effective date.

Mr. Heitzke moved to approve. Mr. Ferguson seconded.

Mr. Williams moved that the Town Council for the Town of Hilton Head Island defer the adoption of:

- a) Proposed Ordinance 2012-23, which would authorize the executive of a Development Agreement;
- b) Proposed Ordinance 2012-24, which would authorize the sale of the Town's property in exchange for land owned by Shelter Cove Towne Centre, LLC;
- c) Proposed Ordinance 2012-28, which would authorize placing covenants and restrictions on the Town's property; and
- d) Proposed Ordinance 2012-29, which would authorize the extinguishment of covenants and restrictions on the Town's property; and
- e) Proposed Ordinance 2012-19, which would amend the Land Management Ordinance of the Town of Hilton Head Island's Official Zoning Map and the Palmetto Dunes Resort Master Plan.

Such deferral would be until after such time as the Amendments to the LMO, reflected in Exhibit "D" of the Mall at Shelter Cove Development Agreement, are submitted by the Town to the Planning Commission for Public Hearing on October 3, 2012. Said referral is for the limited purpose of allowing the Planning Commission to process the Amendments and make recommendations to Town Council. Mr. Heitzke seconded.

Mr. Heitzke, as the maker of the first motion withdrew the original motion and Mr. Ferguson withdrew his second.

Mr. Williams stated he felt this was more of a procedural matter and Council is very supportive and enthusiastic about the concept of the redevelopment of the Mall and look forward it coming back before Town Council as soon as possible.

Mayor Laughlin asked for public comment on the motion. Walt Nestor asked for clarification Proposed Ordinance 2012-29 contained in item d) of the motion. Mr. Riley explained there are restrictions on some of the out parcels where the proposed apartments are to be located which need removed in order to move forward.

The motion was unanimously approved by a vote of 7-0.

## **12) Executive Session**

Mr. Riley stated he needed an executive session for contractual matters pertaining to land acquisition, including a potential joint purchase with Beaufort County and a request to sell Town-owned land; legal matters pertaining to the proposed developer agreement for the Mall; and personnel matters pertaining to the potential re-designation of a member of the Accommodations Tax Advisory Committee.

At 5:37 p.m. Mr. Heitzke moved to go into Executive Session for the reasons given by the Town Manager. Mr. Williams seconded. The motion was unanimously approved by a vote of 7-0.

Mayor Laughlin called the meeting back to order at 6:33 p.m. and asked if there was any business to take up as a result of executive session.

Mr. Edwards moved that the Accommodations Tax Committee designation of Frank Soule as an At-Large Member be changed from At-Large to Cultural Organization. Mrs. Likins seconded. The motion was unanimously approved by a vote of 7-0.

**13) Adjournment**

Mr. Harkins moved to adjourn. Mr. Edwards seconded. The meeting was adjourned at 6:35 p.m.

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Victoria L. Pfannenschmidt  
Executive Assistant

Approved:

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Drew A. Laughlin, Mayor

August 7, 2012

Juana Quick  
6104 Newport Villas  
Hilton Head, SC 29928

Dear Mr. Chairman and honorable Members of the Town Council,

I am Juana Quick and I am speaking to you on behalf of the Board of Directors of Newport Villas and the Peninsula in Shelter Cove, adjacent to Shelter Cove Mall.

For the record, I want to clarify that the majority of homeowners are pleased that Kroger has purchased this land for their entry into the Hilton Head marketplace. We all know this redevelopment is needed. And, as you know, we are the only residential community that will be immediately affected by the upcoming redevelopment.

With a nod to Charles Fraser, we are hopeful that this redevelopment is both eco-friendly and of the highest construction standards the Town Council has set to keep our island aesthetically pleasing and welcoming to all. We encourage you to look at the developer's existing projects near Savannah and see for yourselves the quality, or lack of same, that the developer is touting as upscale. We think you will find this is not the case.

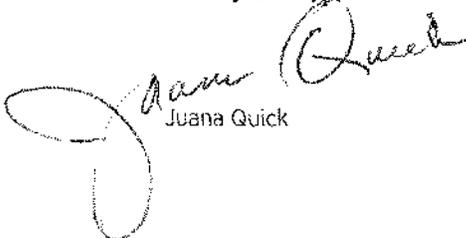
In addition, we implore you to reconsider the most recent location change of the gas station. We request that all consideration be given to whether there is a need for a station and if a series of findings determined that need. If so, then we would hope that the station be relocated to the other side of the mall and moved closer to the Kroger grocery store entrance, making it more convenient for shoppers and not under existing power lines.

We would also like to respectfully ask when and how this plan for redevelopment evolved from a mall restoration/waterfront park with upscale shopping/retail into a dense apartment subdivision? Our initial excitement about what we thought would be an advantageous development has now turned into fear and anxiety as we now look at what appears to be a dramatic shift from the initial concept into one that is fraught with environmental, ecological and economic issue for those living at Shelter Cove and, on a larger scale, Hilton Head. We implore you not to move forward with any plans that destroy not only the uniqueness of Shelter Cove, but the uniqueness of this island as this decision ultimately affects everyone here whether living here or visiting.

Unfortunately, Alf Nelson, President of the Newport Homeowners Association is unable to be with us today. He has asked that I convey our extreme concern about the lack of considerations for the needs of Newport/Peninsula residents. Mr. Nelson is out of the country until next week and would like to request that the Town Council delay any final decisions regarding the gas station location — if approved — and all of the other concerns we will raise today that he and other homeowners at Newport will express until such time that we can meet with the developer and Town Council staff representatives overseeing this project.

Whom may we call to arrange for a meeting?

Thank you for your time.

  
Juana Quick

As owners at Newport Villas, we are excited about the possibilities of the redevelopment of The Mall at Shelter Cove, especially since we are the only residential community directly affected. Today's purpose is to both identify and determine the integrity and environmental concerns as both a community and town that meets the highest standards. We are hopeful that we can address item by item the following:

### **STANDARDS/ARCHITECTURE**

- Architectural integrity; does the current plan meet all building and architectural standards (construction)?
- Has the town concluded that our area is underserved in terms of additional gas stations?
- If gas station approval is granted, will it also meet architectural/construction/quality standards including lighting?
- Has a series of findings determined that this gas station is "safe"?

### **ENVIRONMENTAL**

- Gas station location/environmental hazards; does the current location of the gas station meet environmental standards: just over this past year, according to Beasley, Allen, Crow, Melvin, Portis & Miles, there have been 497,817 reports of system releases (leaks) and 379,000 cleanups.<sup>1</sup> Leaks from gas stations are the primary cause. In the state of Florida — which has a similar environment as Hilton Head — there have been 25,000 leaks from gas stations.<sup>2</sup> The cost to taxpayers is in excess of \$200 million for clean-up and the potential for remaining contaminated water is massive. Just one leak on marshland can ruin our area and ultimately affect tourism on the island for years.
- The addition of two large docks into the marsh and the possibility of damage to the ecology
- Other areas of concern: noise, congestion, views/quality of marsh life

<sup>1</sup><http://www.leaking-storage-tank.com/home/fac>

<sup>2</sup><http://www.wftv.com/news/news/100redts-of-gas-stations-leaking-into-ground/h7Bk8/>

### **APARTMENTS**

- Current plan is allowing our community to be the only planned community with apartments
- Has a series of findings determined that congestion, noise, traffic, quality of marsh life, and dust will not affect the area in terms of quality and environment?
- Have studies been conducted to determine the risk associated with bringing apartments into a planned community for depression of current property values?
- Have studies been conducted to determine if there is a higher risk of crime within apartment communities versus condo/housing communities?
- Current homeowners have concerns about pool privacy and current water/marsh views changing extensively again affecting property values
- Current plans have multiple bedrooms which may allow for multiple families to inhabit increasing traffic, congestion, etc.
- Are there findings that have determined why apartments versus condos on prime marshland?
- Does the South Carolina Coastal Commission weigh in on the decision for apartments?
- Does the proposed apartment complex meet architectural and quality standards (construction)?

**PARK**

- What cost is there to the taxpayers for the renovation of the park (upwards of \$2.2 million?)

**LANDSCAPE/PARKING**

- Does the existing plan for tree removal/landscaping meet standards under our tree ordinance?
- Has the additional recommendation for parking taken excessive traffic into consideration?

**DEVELOPER /DEVELOPMENT AGREEMENT**

- Does it follow the new agreement supersede the Town ordinance and does it follow the municipal code?
- Has overall zoning affected only the Palmetto Dunes/Shelter Cove areas to allow both gas stations and apartments in existing private, gated communities (no such conditions exist at Wexford, Long Cove, etc.)?

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In closing, our ultimate goals are to maintain the highest quality standards for not only Shelter Cove but Hilton Head Island. While we would welcome a high quality redevelopment of The Mall, our concerns from an environmental, depreciation of value, quality of marsh life, how taxpayers will be affected...and how all of this may impact tourism is of great concern.

We would like to call for a meeting not to move forward with any decisions until amiable agreements have been settled.

## FAQ

### What is an Underground Storage Tank (UST) system?

According to the U.S. Environmental Protection Agency, an **underground storage tank (UST)** system is a tank (or a combination of tanks) and connected piping having at least 10 percent of their combined volume underground. Federal UST regulations apply only to underground tanks and piping storing either petroleum or certain hazardous substances.

Until the mid-1980s most underground storage tanks (USTs) were made of bare steel, which is likely to **corrode** over time and allow UST contents to leak into the environment. The **greatest potential hazard** from a leaking UST is that its contents (petroleum or other hazardous substances) can seep into the soil and **contaminate** groundwater, the source of **drinking water** for nearly half of all Americans.

The following types of tanks do not have to meet federal UST regulations:

- Farm and residential tanks of 1,100 gallons or less capacity holding motor fuel used for noncommercial purposes;
- Tanks storing heating oil used on the premises where it is stored;
- Tanks on or above the floor of underground areas, such as basements or tunnels;
- Septic tanks and systems for collecting storm water and wastewater;
- Flow-through process tanks;
- Tanks of 110 gallons or less capacity; and Emergency spill and overfill tanks.

### How common are UST leaks?

The EPA has received **479,817 reports** of UST system releases as of Sept. 2008, due to leaks, spills, and overfills. UST systems contain hazardous and toxic chemicals, and fumes and vapors can travel through the ground and collect in areas like basements, parking garages and underground vaults, where they may result in a **threat to human health and safety**.

Also as of September 2008, 455,096 cleanups of UST releases have been initiated, and 377,019 cleanups have been completed.

**Gasoline**, leaking from service stations, is one of the most common sources of groundwater pollution.

The EPA regulates USTs with the hopes of preventing releases, as clean up is difficult and expensive, and not always effective.

### How is a release from a UST system reported?

It is the responsibility of an **owner or operator** of an underground storage tank system to report any suspected release to their state or local implementing agency within 24 hours, or within the reasonable time period established by that agency. A list of the EPA's state and territory UST/LUST program contacts is available on the EPA web site.

UST owners and operators also are required to take **immediate action** to stop the release of petroleum or other hazardous substances from the UST and to ensure there is no threat to the safety of people located in the area of the release.

According to the EPA, UST owners and operators are not required to alert the implementing agency of aboveground spills or overfills of petroleum of less than 25 gallons if the release can be contained and cleaned up within 24 hours.

### How can I tell if a gasoline release has impacted my property?

In a perfect world, the top priority of every underground storage tank (UST) owner would be to **detect and stop gasoline releases** before they pose a threat to the health and safety of adjacent property owners. In actual practice though, many UST owners do not have (or do not properly use) sufficient protective equipment to detect and prevent leaks before they get out of hand. In some instances, UST owners simply fail to do anything about a leak for many months or years in the hopes of avoiding liability.

For this reason, **people who live or work near a gas station** must take steps to protect themselves and their property by paying attention to the "**warning-signs**" of a UST leak.

For instance, **you should suspect a leak** when you discover any of the following warning signs:

- The soil on your property has a petroleum-based odor.
- You notice an oily sheen on the surface of a nearby creek, pond or drainage ditch.

- Your drinking water tastes or smells like petroleum.
- You detect any sort of gas vapors in your basement or crawlspace.
- You observe heavy equipment removing soil and/or asphalt at the gas station.
- You observe a crew installing and/or testing narrow monitoring wells at the station.

If you encounter any of these warning signs, you should immediately contact your state environmental agency to determine whether a UST leak has been reported in your area. In addition, you should take steps to protect your legal rights.

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Updated: 6:33 p.m. Tuesday, Feb. 9, 2010 | Posted: 4:42 p.m. Tuesday, Feb. 9, 2010

## Hundreds Of Gas Stations Leaking Into Ground

**SANFORD, Fla.** — The place where you fill up on gas could be contaminating your drinking water. 9 Investigates the thousands of gasoline leaks that could threaten our water supply and found out why lawmakers refused to hold stations responsible and then cut the funding for the cleanup. Every time Soil & Water Supervisor Steve Barnes passes by a local gas station, he worries about what's leaking underneath it.

### THE LIST: Florida's Leaky Gas Stations

"One gallon of gasoline can contaminate a million gallons of drinking water," he said.

For years, Barnes has investigated the staggering number of large gasoline tanks that have rusted and rotted below the stations.

"We've got a huge problem across Florida. We've got 25,000 gas stations that are leaking gasoline, potentially into the aquifer, which is where we get our drinking water," he said.

The Florida Department of Environmental Protection has a list of all the un-cleaned spills around the state (*see the list*). Eyewitness News checked locations in the city of Sanford.

Just in Sanford, there are 69 leak sites. There are 45 leaks in Kissimmee, 81 in Melbourne, 94 in Daytona Beach, 281 in Orlando, and the state legislature has not held offenders responsible.

"They didn't want to burden the gasoline companies and oil companies with responsibility to clean up their own mess and they really should have done that," Barnes said.

Instead, taxpayers paid for the cleanup-effort for years through a special fund.

"The only way to run this program was the way they did it," said Pat Moricca with Gasoline Retailers Association.

Moricca is a lobbyist for Florida gas stations. He says the cleanup program stalled a couple of years ago when lawmakers raided the fund and spent tens of millions of dollars elsewhere.

"We've been complaining about it. Because, someplace that needs a cleanup, the money should be there," he said.

Barnes says the fund continues to shrink.

"Historically, it had been almost \$200 million a year. That was cut in recent years to \$135 million. And now we're down to \$35 million for this year," he said.

Barnes says that will have serious consequences.

"Drinking water is something we can't replace," he said.

Our water supply has not yet been contaminated, according to state tests, but environmentalists fear it could and likely will be as thousands of gas spills continue to seep toward our drinking water.

In the early 80s, the city of Belleview's water supply in Marion County was contaminated after 10,000 gallons of gasoline leaked from an underground storage tank at a Union 76 station. The city had to abandon its well. Costs for a new well and cleanup reached several million dollars.

### More News

#### We recommend

- Lettuce photo gets 3 Burger King workers fired (wftv.com)
- Missing 1-month-old boy found dead in trunk (wftv.com)
- Alleged kidnapping victim dials 911 from phone in pocket; 3 arrested (wftv.com)
- Disgruntled employee shot at Orange County barbershop (wftv.com)
- Man in custody for alleged Obama threats described as 'polite' by neighbors (wflv.com)

#### From around the web

- The Hottest Gray Haircolor Solution for 2012 (Hair Color For Women)
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