

PORT EVERGLADES TARIFF NO. 12

ITEM: CONDITIONS GOVERNING IDENTIFICATION, RETIREMENT, AND REMOVAL OF ASPHALT AND PETROLEUM BULK PRODUCT PIPING **ITEM NO: 1048**

ISSUE NO: 3

EFFECTIVE DATE: OCTOBER 1, 2009

Facility Operators, when requested by the Port Everglades Department will, within 48 hours of such request, locate and mark any active asphalt or petroleum bulk pipelines located on County land within Port Everglades. Additionally if requested, Facility Operators will use their best efforts to assist the Port Everglades Department in locating and establishing ownership of abandoned or out-of-service asphalt or petroleum bulk product piping located on County land within Port Everglades formerly connected to, or having previously served a Facility Operator's terminal facility.

Unless otherwise agreed to in writing with the County, by June 30, 2011 Facility Operators shall provide the Port Everglades Department with a complete set of as built plans and locations of both active and inactive asphalt or petroleum bulk pipelines located on County land within Port Everglades using the Florida State Plane Coordinate Grid System and signed/sealed by a registered land surveyor. The submission is to include one set of machine readable disks containing electronic data in an AUTOCAD format or other format acceptable to the County.

The Port Everglades Department may require the closure and removal of petroleum bulk product piping located on County land within Port Everglades that is abandoned or continually out-of-service for a period of three (3) years.

Concurrent with asphalt or petroleum bulk product piping removal, the Port Everglades Department, at its sole discretion, may allow the abandonment of pipe sections in place using procedures acceptable to the Port Everglades Department and meeting all applicable State and Federal regulations. The Facility Operators owning any asphalt or petroleum bulk product piping abandoned in place remains responsible for the retired pipe in the event its future removal is required by the Port Everglades Department.

ITEM: CONDITIONS GOVERNING IDENTIFICATION, ITEM NO:
RETIREMENT, AND REMOVAL OF ASPHALT (CONT) 1048
AND PETROLEUM BULK PRODUCT PIPING

Facility Operators operating bulk asphalt or petroleum bulk piping on County land within Port Everglades shall deliver to the Port Everglades Department a payment bond, or other appropriate method of security, in a form approved by the Port Everglades Department. Such security, if a bond, shall be executed by a surety company authorized to transact business in the State of Florida. Security shall be in an amount of \$100,000.00. Such security shall ensure the payment, up to the amount of the security, to Broward County for damages, expenses, costs and reasonable attorneys' fees sustained by Broward County as a result of the Facility Operators failure to remove its pipelines from County owned land within Port Everglades where a Facility Operator has out-of-service or abandoned pipelines and the Port Everglades Department has requested removal of same.