

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
MAY 21, 2009
9:00 AM**

INVOCATION AND PLEDGE OF ALLEGIANCE

**APPROVAL OF CHANGES TO THE AGENDA AND REMOVAL OF CONSENT
AGENDA ITEMS FOR DISCUSSION AS REQUESTED BY BOARD MEMBERS.**

I.	<u>PUBLIC COMMENT</u>	
	Three (3) Minutes Are Allowed for Each Speaker	
II.	<u>CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE</u>	
	Report from the CEAC Chairman – David Jellerson	
III.	<u>COMMENDATION FOR MAXIM RABINOVICH</u>	
	One of 40 National Finalists in the Intel Science Talent Search.....	3
IV.	<u>CONSENT AGENDA</u>	
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VI.	<u>EXECUTIVE DIRECTOR</u>	
	A. Report on Roger Stewart Receiving the Sydney and Thalia Potter Civic Leadership Award	
	B. Report on Presentation of Award to Terrell Sessums for his Foresight, Leadership and Advocacy in Creating the Environmental Protection Commission of Hillsborough County	
	C. Report on Presentation of the First Annual Terrell Sessums Award to Jan Platt	
	D. Budget Update	
VII.	<u>ENVIRONMENTAL RESOURCE MANAGEMENT</u>	
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Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 21, 2009

Subject: Certificate of Commendation

Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____

Division: Administration

Recommendation: Please read and present Certificate of Commendation to Maxim Rabinovich.

Brief Summary: Maxim Rabinovich is one of 40 national finalists in the Intel Science Talent Search who had the honor of meeting President Obama.

Financial Impact: N/A

Background: N/A

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APRIL 16, 2009 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, April 16, 2009, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Al Higginbotham and Commissioners Rose Ferlita (arrived at 9:10 a.m.), Ken Hagan (arrived at 9:27 a.m.), Jim Norman, Mark Sharpe, and Kevin White.

The following member was absent: Commissioner Kevin Beckner (schedule conflict).

Chairman Higginbotham called the meeting to order at 9:06 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, noted additional items would be discussed during the Executive Director section and said Ms. Edith Stewart, Public Affairs Administrator, was present to address a letter relating to the tobacco tax. **Commissioner Norman moved the changes, seconded by Commissioner White, and carried five to zero.** (Commissioner Hagan had not arrived; Commissioner Beckner was absent.)

PUBLIC COMMENT

Chairman Higginbotham called for public comment; there was no response.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Mr. Jellerson reported the April 14, 2009, meeting included a review of the Tampa Port Authority master plan, expansion projects, and environmental issues and said the master plan was posted on the port website. CEAC approved a request for EPC to send letters to the Hillsborough County Legislative Delegation, leaders of the Florida House of Representatives and Senate, and the Governor expressing opposition to legislation inhibiting local government from enacting/enforcing environmental regulations. Chairman Higginbotham noted approvals and supported sending the letter through the CEAC chairman. Mr. Jellerson agreed and advised 2009 pollution recovery fund (PRF) grant applications were being accepted until May 1, 2009.

Chairman Higginbotham called a recess at 9:11 a.m. to hold a special Board of County Commissioners meeting (covered under separate minutes). **Commissioner Norman moved to adjourn, seconded by Commissioner White, and carried five to zero.** (Commissioner Hagan had not arrived; Commissioner Beckner was absent.) Chairman Higginbotham reconvened the meeting at 9:16 a.m.

THURSDAY, APRIL 16, 2009 - DRAFT MINUTES

CONSENT AGENDA

- A. Approval of minutes: March 19, 2009.
- B. Monthly activity reports.
- C. PRF report.
- D. Gardinier Settlement Trust Fund report.
- E. Quarterly customer service survey report.
- F. Legal case summaries.
- G. Request authority to take appropriate legal action against Hindu Religious Center Incorporated for noise violations.
- H. Memorandum of understanding with the city of Tampa regarding noise regulation enforcement.

Chairman Higginbotham called for a motion to approve the Consent Agenda. **Commissioner Norman so moved, seconded by Commissioner White, and carried four to zero.** (Commissioner Ferlita was out of the room; Commissioner Hagan had not arrived; Commissioner Beckner was absent.)

AIR MANAGEMENT DIVISION

Clean Air Month Proclamation for May 2009 - Mr. Jerry Campbell, Director, EPC Air Management Division, introduced the item. Chairman Higginbotham read the proclamation. Mr. Campbell presented the proclamation to Dr. Douglas Holt, Director, Hillsborough County Health Department, and Mr. Ray Chiaramonte, Metropolitan Planning Organization (MPO) Executive Director. Dr. Holt said April 2009 was Asthma Awareness Month, recognized EPC and Dr. Garrity for their leadership, and made appreciative comments. Mr. Chiaramonte thanked EPC and commented on new comprehensive plans focusing on development and the MPO transit plan. Commissioner Ferlita made laudatory remarks. Dr. Holt submitted brochures on asthma awareness. Mr. Campbell commented on the Clean Air Month photography contest and the Clean Air Fair scheduled for May 7, 2009.

Ammonia Pipeline Amicus Brief - Mr. Campbell presented details of the amicus brief relating to the November 2007 ammonia pipeline release; described the pipeline, dangers of ammonia, regulation, and concerns; reviewed graphics, releases from the pipeline, evacuations, complaints, enforcement, and settlement; and said the amicus brief was filed when the U.S. Department of Transportation took action.

THURSDAY, APRIL 16, 2009 - DRAFT MINUTES

Attorney Andrew Zodrow, EPC Legal Department, reviewed the amicus brief status; stated the federal government, through the Pipeline and Hazardous Material Safety Administration, initiated administrative enforcement against the pipeline company for probable violations; said the hearing was scheduled for April 21, 2009, and EPC concerns were expressed through the filing of the brief, which was prepared in consultation with the Hillsborough County Fire Rescue Department to address concerns relating to the history of noncompliance for environmental protections, institutional disregards for pipeline maintenance, and public safety and highlighted recommendations for corrective action.

EXECUTIVE DIRECTOR

Dr. Garrity advised April 19, 2009, was Earth Day and a celebration would be held at Lowry Park Zoo; stated the public workshop for landscape management regulation issues was scheduled for April 23, 2009, at the Hillsborough County Extension office; recognized Waste Management Division staff for receiving the Small-Quantity Generator Program of the Year Award from the Florida-Caribbean Chapter of the North American Hazardous Materials Management Association; and mentioned the County Fair design project.

Report on EPC Complaint Procedures With Examples - Dr. Garrity introduced the item and Mr. Frederick Nassar, EPC, who discussed the complaint response process and provided an overview of the policy, reporting, tracking, timelines, investigations, follow-up actions, and accountability mechanisms. The data system was integrated into the intranet for inspectors, geographic information system reporting, coordination, feedback, meetings, field investigations, and response. Discussion included agency feedback.

ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION

Basin Management Action Plan (BMAP) - Mr. Richard Boler, EPC, reviewed the BMAP; distributed an acronym list; stated the goal of the Clean Water Act was to protect waters and support aquatic life; said a system of permits was embedded in the Clean Water Act; highlighted components of the national pollution discharge elimination system, including municipal separate storm sewer system permits, total maximum daily load (TMDL) monitoring, and compliance with the BMAP process; discussed water quality, the impaired water rule, water assessment, TMDL, BMAP, monitoring, impaired waters, time frames, working groups, sources for eliminating/tracking pollution, funding, and complaint follow-up; and noted EPC was at the forefront of water pollution prevention and protection. Dr. Garrity described inspections for compliance and coordination.

THURSDAY, APRIL 16, 2009 - DRAFT MINUTES

WASTE MANAGEMENT DIVISION

Mulch Update - Mr. Hooshang Boostani, Director, EPC Waste Management Division, reported on yard waste and processed yard waste regulations; expounded on guidelines and quality of service; reviewed meetings held and support from the agricultural community, which resulted in plans to develop an all-inclusive document for land application of mulch; and referenced plans to hold a workshop to develop recommendations.

LEGAL DEPARTMENT

Legislative Update - EPC General Counsel Richard Tschantz commented on a letter highlighting concerns with Senate Bill (SB) 1974 related to preemption of local regulation of agricultural activities, a proposed amendment not included in SB 1974, SB 2026 and House Bill 7143 regarding streamlining, and the status of SB 360 related to growth management.

In response to Chairman Higginbotham, Dr. Garrity reported a continuation budget was submitted in March 2009. Commissioner Norman remarked about reductions, lack of work, consolidation of services, and creativity. Dr. Garrity discussed compromise and reductions and would follow recommendations.

There being no further business, the meeting was adjourned at 10:11 a.m.

READ AND APPROVED: _____

CHAIRMAN OR VICE CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

lg

**FY 09 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

	<u>APR</u>	<u>TOTAL</u>
A. Public Outreach/Education Assistance		
1. Phone calls	197	1,253
2. Literature Distributed	-	50
3. Presentations	3	9
4. Media Contacts	7	22
5. Internet	60	425
6. Host/Sponsor Workshops, Meetings, Special Events	-	3
B. Industrial Air Pollution Permitting		
1. Permit Applications received (Counted by Number of Fees Received)		
a. Operating	7	58
b. Construction	3	44
c. Amendments	-	-
d. Transfers/Extensions	-	10
e. General	-	-
f. Title V	3	14
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ^1 (Counted by Number of Fees Collected) - ^2 Counted by Number of emission Units affected by the Review)		
a. Operating ^1	14	49
b. Construction ^1	10	69
c. Amendments ^1	-	-
d. Transfers/Extensions ^1	-	5
e. Title V Operating ^2	12	58
f. Permit Determinations ^2	-	8
g. General	-	14
3. Intent to Deny Permit Issued	-	-
C. Administrative Enforcement		
1. New cases received	1	8
2. On-going administrative cases		
a. Pending	3	3
b. Active	12	12
c. Legal	2	2
d. Tracking compliance (Administrative)	14	14
e. Inactive/Referred cases	-	-
TOTAL	31	31
3. NOIs issued	2	11
4. Citations issued	-	1
5. Consent Orders Signed	2	8
6. Contributions to the Pollution Recovery Fund	\$ 7,376	\$ 22,679
7. Cases Closed	2	13

**FY 09 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

APR TOTAL

D. Inspections

1.	Industrial Facilities	34	111
2.	Air Toxics Facilities		
	a. Asbestos Emitters	-	-
	b. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	4	12
	c. Major Sources	20	33
3.	Asbestos Demolition/Renovation Projects	15	107

E. Open Burning Permits Issued

4	12
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F. Number of Division of Forestry Permits Monitored

88	1,037
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G. Total Citizen Complaints Received

52	383
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H. Total Citizen Complaints Closed

54	377
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I. Noise Sources Monitored

6	28
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J. Air Program's Input to Development Regional Impacts

1	12
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K. Test Reports Reviewed

46	484
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L. Compliance

1.	Warning Notices Issued	12	67
2.	Warning Notices Resolved	6	41
3.	Advisory Letters Issued	3	44

M. AOR's Reviewed

3	45
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N. Permits Reviewed for NESHAP Applicability

-	4
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O. Planning Documents coordinated for Agency Review

3	10
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**FY 09 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

	<u>APR</u>	<u>FY TO DATE</u>
A. ENFORCEMENT		
1. New cases received	2	2
2. On-going administrative cases	116	116
Pending	5	5
Active	34	34
Legal	13	13
Tracking Compliance (Administrative)	52	52
Inactive/Referred Cases	12	12
3. NOI's issued	3	7
4. Citations issued	4	9
5. Consent Orders and Settlement Letter Signed	4	12
6. Civil Contributions to the Pollution Recover Fund (\$)	\$ 11,805	\$ 33,753
7. Enforcement Costs Collected (\$)	\$ 2,679	\$ 12,078
8. Cases Closed	4	9
B. SOLID AND HAZARDOUS WASTE		
1. FDEP Permits Received	1	7
2. FDEP Permits Reviewed	-	5
3. EPC Authorization for Facilities NOT Requiring DEP Permit	-	2
4. Other Permits and Reports	-	
County Permits Received	3	6
County Permits Reviewed	3	6
Reports Received	24	229
Reports Reviewed	12	219
5. Inspections (Total)	249	3,013
Complaints	17	124
Compliance/Reinspections	8	113
Facility Compliance	22	177
Small Quantity Generator	202	2,593
P2 Audits	-	6
6. Enforcement		
Complaints Received	17	130
Complaints Closed	12	112
Warning Notices Issued	1	8
Warning Notices Closed	1	18
Compliance Letters	92	500
Letters of Agreement	-	4
Agency Referrals	-	4
7. Pamphlets, Rules and Material Distributed	196	1,124

**FY 09 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

**APR FY TO
 DATE**

C. STORAGE TANK COMPLIANCE

1.	Inspections		
	Compliance	85	586
	Installation	14	87
	Closure	12	84
	Compliance Re-Inspections	17	114
2.	Installation Plans Received	6	62
3.	Installation Plans Reviewed	7	62
4.	Closure Plans & Reports		
	Closure Plans Received	6	48
	Closure Plans Reviewed	6	46
	Closure Reports Received	8	49
	Closure Reports Reviewed	14	61
5.	Enforcement		
	Non-Compliance Letters Issued	80	490
	Warning Notices Issued	3	20
	Warning Notices Closed	-	8
	Cases Referred to Enforcement	-	5
	Complaints Received	4	15
	Complaints Investigated	4	13
	Complaints Referred	-	1
6.	Discharge Reporting Forms Received	1	18
7.	Incident Notification Forms Received	15	105
8.	Cleanup Notification Letters Issued	1	18
9.	Public Assistance	-	-

D. STORAGE TANK CLEANUP

1.	Inspections	37	274
2.	Reports Received	110	853
3.	Reports Reviewed	111	845
	Site Assessment Received	10	78
	Site Assessment Reviewed	8	74
	Source Removal Received	3	21
	Source Removal Reviewed	3	20
	Remedial Action Plans (RAP'S) Received	11	77
	Remedial Action Plans (RAP'S) Reviewed	7	73
	Site Rehabilitation Completion Order/No Further Action Rec'd	1	31
	Site Rehabilitation Completion Order/No Further Action Revw'd	1	34
	Active Remediation/Monitoring Received	46	354
	Active Remediation/Monitoring Reviewed	51	349
	Others Received	39	292
	Others Reviewed	41	296

E. RECORD REVIEWS

18 114

F. LEGAL PIR'S

8 40

G. PUBLIC INFORMATION PROJECTS

1 9

**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

FY TO
APR DATE

A. ENFORCEMENT

1.	New Enforcement Cases Received	1	29
2.	Enforcement Cases Closed	2	25
3.	Enforcement Cases Outstanding	52	376
4.	Enforcement Documents Issued	1	37
5.	Recovered Costs to the General Fund	\$ 590	\$ 4,196
6.	Contributions to the Pollution Recovery Fund	\$ 10,197	\$ 36,771

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	18	121
a.	Facility Permit	6	22
	(i) Types I and II	2	3
	(ii) Type III	4	19
b.	Collection Systems - General	5	44
c.	Collection systems-Dry Line/Wet Line	6	54
d.	Residuals Disposal	1	1
2.	Permit Applications Approved	12	118
a.	Facility Permit	3	13
b.	Collection Systems - General	3	48
c.	Collection systems-Dry Line/Wet Line	6	57
d.	Residuals Disposal	-	-
3.	Permit Applications Recommended for Disapproval	-	1
a.	Facility Permit	-	-
b.	Collection Systems - General	-	1
c.	Collection systems-Dry Line/Wet Line	-	-
d.	Residuals Disposal	-	-
4.	Permit Applications (Non-Delegated)	-	-
a.	Recommended for Approval	-	-
5.	Permits Withdrawn	-	-
a.	Facility Permit	-	-
b.	Collection Systems - General	-	-
c.	Collection systems-Dry Line/Wet Line	-	-
d.	Residuals Disposal	-	-
6.	Permit Applications Outstanding	39	39
a.	Facility Permit	20	20
b.	Collection Systems - General	7	7
c.	Collection systems-Dry Line/Wet Line	11	11
d.	Residuals Disposal	1	1
7.	Permit Determination	3	15

**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

	<u>APR</u>	<u>FY TO DATE</u>
8. Special Project Reviews	-	1
a. Reuse	-	-
b. Residuals/AUPs	-	1
c. Others	-	-

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	10	102
a. Inspection (CEI)	5	43
b. Sampling Inspection (CSI)	5	59
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance	60	360
a. Inspection (RI)	15	66
b. Sample Inspection (SRI)	2	5
c. Complaint Inspection (CRI)	43	285
d. Enforcement Inspection (ERI)	-	4
3. Engineering Inspections	31	228
a. Reconnaissance Inspection (RI)	-	7
b. Sample Reconnaissance Inspection (SRI)	-	-
c. Residual Site Inspection (RSI)	-	2
d. Preconstruction Inspection (PCI)	2	27
e. Post Construction Inspection (XCI)	29	192
f. On-site Engineering Evaluation	-	-
g. Enforcement Reconnaissance Inspection (ERI)	-	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received	2	13
a. Facility Permit	1	8
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	1	8
b. General Permit	1	1
c. Preliminary Design Report	-	4
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	-	4
2. Permits Recommended to DEP for Approval	-	-

**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

	<u>APR</u>	<u>FY TO DATE</u>
3. Special Project Reviews	1	10
a. Facility Permit	1	10
b. General Permit	-	-
4. Permitting Determination	-	-
5. Special Project Reviews	29	254
a. Phosphate	5	32
b. Industrial Wastewater	9	99
c. Others	15	123

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation (Total)	12	76
a. Inspection (CEI)	12	76
b. Sampling Inspection (CSI)	-	-
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance (Total)	12	89
a. Inspection (RI)	8	46
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	4	43
d. Enforcement Inspection (ERI)	-	-
3. Engineering Inspections (Total)	3	34
a. Compliance Evaluation (CEI)	3	32
b. Sampling Inspection (CSI)	-	-
c. Performance Audit Inspection (PAI)	-	-
d. Complaint Inspection (CRI)	-	2
e. Enforcement Reconnaissance Inspections (ERI)	-	-

F. INVESTIGATION/COMPLIANCE

1. Citizen Complaints	47	308
a. Domestic	41	247
(i) Received	17	134
(ii) Closed	24	113
b. Industrial	6	61
(i) Received	4	29
(ii) Closed	2	32

**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

	APR	FY TO DATE
2. Warning Notices	11	109
a. Domestic	9	93
(i) Received	6	54
(ii) Closed	3	39
b. Industrial	2	16
(i) Received	1	10
(ii) Closed	1	6
3. Non-Compliance Advisory Letters	18	114
4. Environmental Compliance Reviews	186	1,181
a. Industrial	63	355
b. Domestic	123	826
5. Special Project Reviews	1	7

G. RECORD REVIEWS

1. Permitting Determination	5	33
2. Enforcement	-	4

**H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS
REVIEWED (LAB)**

1. Air division	51	394
2. Waste Division	-	-
3. Water Division	17	132
4. Wetlands Division	-	-
5. ERM Division	143	1,052
6. Biomonitoring Reports	4	36
7. Outside Agency	24	210

I. SPECIAL PROJECT REVIEWS

		54
1. DRIs	1	13
2. ARs	-	7
3. Technical Support	9	29
4. Other	-	5

**FY 09 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

**FY TO
APR DATE**

ASSESSMENT REPORT

Agriculture Exemption Report

# Agricultural Exemptions Reviews	-	1
# Isolated Wetlands Impacted	-	3
# Acres of Isolated Wetlands Impacted	-	0.34
# Isolated Wetlands qualify for Mitigation Exemption	-	3
# Acres of Wetlands qualify for Mitigation Exemption	-	0.34

PGMD Reviews Performance Report

# of Reviews	68	688
Timeframes Met	99%	99%
Year to Date	99%	99%

Formal Wetland Delineation Surveys

Projects	15	83
Total Acres	121	1,124
Total Wetland Acres	39	223
# Isolated Wetlands < 1/2 Acre	3	25
Isolated Wetland Acreage	0.53	4.5

Construction Plans Approved

Projects	18	129
Total Wetland Acres	23	287
#Isolated Wetlands < 1/2 Acre	3	53
Isolated Wetland Acreage	0.81	11.97
Impacts Approved Acreage	0.02	4.02
Impacts Exempt Acreage	0.02	4.78

Mitigation Sites in Compliance

Ratio	198/207	198/207
Percentage	96%	96%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	1.90	8.20
Acreage of Wtaer Quality Impacts	0.00	0.00
Acreage Restored	0.70	7.00

General

Telephone Conferences	821	3,876
Scheduled Meetings	265	1,259
Unscheduled Citizen Assistance	282	522

REVIEW TIMES

# of Reviews	244	1,848
% On Time	98%	99%
% Late	2%	1%

**FY 09 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

APR **FY TO**
DATE

A. General

1.	Telephone conferences	821	4,306
2.	Unscheduled Citizen Assistance	282	567
3.	Scheduled Meetings	265	1,450
4.	Correspondence	956	2,714
1/ 5.	Intergency Coordination	56	56
1/ 6.	Trainings	26	26
1/ 7.	Public Outreach/Education	2	2
1/ 8.	Quality Control	10	10

B. Assessment Reviews

1.	Wetland Delineations	22	135
2.	Surveys	21	126
3.	Miscellaneous Activities in Wetland	25	173
4.	Mangrove	6	43
5.	Notice of Exemption	4	19
6.	Impact/Mitigation Proposal	27	120
7.	Tampa Port Authority Permit Applications	57	292
8.	Wastewater Treatment Plants (FDEP)	-	1
9.	Development Regn'l Impact (DRI) Annual Report	1	10
10.	On-Site Visits	111	707
11.	Phosphate Mining	3	17
12.	Comp Plan Amendment (CPA)	3	9
1/ 13.	AG SWM	4	4
	Sub-Total	284	1,656

Planning and Growth Management Review

14.	Land Alteration/Landscaping	-	13
15.	Land Excavation	1	4
16.	Rezoning Reviews	10	112
17.	Site Development	26	201
18.	Subdivision	18	115
19.	Wetland Setback Encroachment	9	32
20.	Easement/Access-Vacating	-	4
21.	Pre-Applications	20	153
1/ 22.	Agriculture Exemption	1	1
	Sub-Total	85	635
	Total Assessment Review Activities	369	2,291

**FY 09 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

**FY TO
APR DATE**

C. Investigation and Compliance

1.	Warning Notices Issued	15	57
2.	Warning Notices Closed	8	23
1/ 3.	Complaints Closed	45	45
4.	Complaint Inspections	11	276
5.	Return Compliance Inspections for Open Cases	43	208
6.	Mitigation Monitoring Reports	10	209
7.	Mitigation Compliance Inspections	33	158
8.	Erosion Control Inspections	20	155
9.	MAIW Compliance Site Inspections	24	117
10.	TPA Compliance Site Inspections	-	17
1/ 11.	Conservation Easement Inspection	-	-

D. Enforcement

1.	Active Cases	21	21
2.	Legal Cases	-	-
3.	Number of "Notice of Intent to Initiate Enforcement"	1	11
4.	Number of Citations Issued	1	1
5.	Number of Consent Orders Signed	3	24
6.	Administrative - Civil Cases Closed	5	31
7.	Cases Referred to Legal Department	-	3
8.	Contributions to Pollution Recovery	\$ 2,350	\$ 84,121
9.	Enforcement Costs Collected	\$ 444	\$ 8,666

E. Ombudsman

1.	Agriculture	1	17
2.	Permitting Process & Rule Assistance	3	4
3.	Staff Assistance	5	79
4.	Citizen Assistance	5	5

1/ Reported activity beginning with April 2009.

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ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 04/30/09

	<u>As of</u> <u>4/30/09</u>
Beginning Fund Balance, 10/01/08	\$ 908,910
Interest Accrued	40,471
Deposits	178,187
Disbursements	(136,064)
Intrafund Budget Transfers to Project Fund	(443,301)
Intrafund Budget Transfers from Project Fund	34,233
Pollution Recovery Fund Balance	<u>\$ 582,436</u>
Encumbrances:	
Pollution Prevention/Waste Reduction (101)	\$ 2,263
Artificial Reef Program	88,145
PRF Project Outreach	53,589
PRF Project Monitoring	16,128
Total Encumbrances	<u>\$ 160,125</u>
Minimum Balance (Reserves)	\$ 120,000
Balance Available 04/30/09	<u><u>\$ 302,311</u></u>

PROJECT FUND

	Project Amount	Project Balance
Open Projects		
FY 06 Projects		
COT Parks Dept/Cypress Point (97)	\$ 100,000	\$ 100,000
Bahia Beach Restoration (contract 04-03)	150,000	57,291
Field Measurement for Wave Energy	125,000	9,884
Port of Tampa Stormwater Improvement	45,000	45,000
	<u>\$ 450,000</u>	<u>\$ 212,175</u>
FY 07 Projects		
Tank Removal	\$ 25,000	\$ 2,870
Agriculture Best Management Practice Impl	150,000	100,857
Lake Thonotosassa Assessment	75,000	75,000
Natures Classroom Cap, PH III	188,000	188,000
Pollution Monitoring Appl Pilot Project	45,150	6,773
Seagrass & Longshore Bar Recovery	75,000	30
Seawall Removal Cotanchobee Ft Brooke Park	100,000	100,000
Knights Preserve	35,235	-
Oyster Reef Shore/Stab & Enhance	30,000	10,040
Nitrogen Emission/Deposition Ratios, Air Pollution	40,906	5,867
Erosion Control/Oyster Bar Habitat Creation	75,000	75,000
Remediation of Illegally Dumped Asbestos	4,486	4,486
	<u>\$ 843,777</u>	<u>\$ 568,923</u>
FY 08 Projects		
Australian Pine Removal E.G. Simmons Park	\$ 80,000	\$ 80,000
Restoration of MOSI	125,000	75,280
Invasive Plant Removal Egmont Key	133,000	12,415
Lake Magdalene Special Disposition District	66,954	37,541
Testing Reduction of TMDL in Surface Water Flow	19,694	13,149
Assessing Bacteria Lake Carroll	101,962	101,962
	<u>\$ 526,610</u>	<u>\$ 320,347</u>
FY 09 Projects		
Agriculture Pesticide Collection & Education Day	\$ 24,000	\$ 24,000
Agriscience, Food & Natural Resources Department	2,275	2,275
Great American Cleanup 2009	12,830	12,830
MacDill Phase 2 Seagrass Transplanting	79,196	79,196
McKay Bay Sediment Quality	55,000	55,000
Mini FARMS BMP Implementation	50,000	50,000
Petrol Mart, Inc Tank Removal	75,000	75,000
Site Assessment & Removal of Contaminated Soils	25,000	25,000
Wetland Restoration on County Owned Lands	120,000	120,000
	<u>\$ 443,301</u>	<u>\$ 443,301</u>

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
AS OF 04/30/09**

Fund Balance as of 10/1/08	\$ 241,187
Interest Accrued	4,326
Disbursements FY 09	-
Fund Balance	<u>\$ 245,513</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	245,513
Total Encumbrances	<u>\$ 245,513</u>
Fund Balance Available 04/30/09	<u><u>\$ -</u></u>



EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 21, 2009

Subject: Legal Case Summary for May 2009

Consent Agenda X **Regular Agenda** **Public Hearing**

Division: Legal Department

Recommendation: None, informational update.

Brief Summary: The EPC Legal Department provides a monthly list of all its pending civil matters, administrative matters, and cases that parties have asked for additional time to file an administrative challenge.

Financial Impact: No financial impact anticipated; informational update only.

Background: In an effort to provide the Commission a timely list of legal challenges, the EPC staff provides monthly updates. The updates not only can inform the Commission of pending litigation, but may be a tool to check for any conflicts they may have. The summaries generally detail civil and administrative cases where one party has initiated some form of civil or administrative litigation, as opposed to other Legal Department cases that have not risen to that level. There is also a listing of cases where parties have asked for additional time in order to allow them to decide whether they wish to file an administrative challenge to an agency action while we concurrently are attempting to negotiate a settlement.

List of Attachments: **May 2009 EPC Legal Case Summary**

EPC LEGAL DEPARTMENT MONTHLY REPORT
May 2009

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [2]

Evelyn Romano [LEPC09-005]: On March 7, 2009 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a wetland impact approval and mitigation agreement. The Legal Department granted the request and the Appellant has until April 30, 2009 to file an appeal in this matter. On April 27, 2009 the Appellant filed a Notice of Appeal and the matter has been transferred to a Hearing Officer to conduct an administrative hearing. (AZ)

Vertis, Inc. [LEPC09-009]: On April 22, 2009 Vertis, Inc. filed a Petition for Administrative Hearing to challenge Operating Permit #0570254-022-AF for its facility located at 4646 S. Grady Avenue in Tampa. The parties are negotiating. (RM)

EXISTING ADMINISTRATIVE CASES [3]

Florida Gas Transmission Co., LLC [LEPC08-029]: On October 31, 2008 Florida Gas Transmission Company, LLC filed an application for an order granting a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline and compression facilities and to acquire pipeline facilities. On November 13, 2008 the EPC Board granted the Legal Dept. authority to intervene in the FERC certification process to protect the interests of Hillsborough County's environment. The EPC filed its motion to intervene on November 26, 2008. In the next few months a draft Environmental Impact Statement will be issued by FERC that all interested parties should review and comment on. (RT/RM).

Martini Island Land Co. [LEPC07-023]: On August 29, 2007, the Appellant filed a request for an extension of time to file an appeal to challenge a Citation to Cease and Order to Correct that was issued by the Water Mgmt Division. The request was granted and the Appellant had until September 21, 2007 to file an appeal. On Sept. 21, 2007 the Appellant did file an Appeal challenging the Citation to Cease and Order to Correct. The parties are negotiating and the facility is going through foreclosure. (RM)

Michael and Jemimah Ruhala v. DEP and EPC [LEPC08-012]: On May 16, 2008, the Ruhalas filed Chp. 120 petitions against two wastewater treatment permits the DEP Parks Department requested and received modifications on for an expanded effluent sprayfield system at the Hillsborough River State Park. The parties conducted settlement negotiations twice in June and the DEP is investigating reasonable modifications. The parties placed the case in a brief abeyance in an effort to seek settlement. (RM)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [1]

Hindu Religious Center, Inc. [LEPC09-008]: On April 16, 2009 the EPC Board granted authority to take legal action against the Respondent for violations of the EPC Act and Chapter 1-10, Rules of the EPC. In September 2008 Respondent and EPC staff entered into a Consent Order to address the violations. Respondent has failed to comply with the corrective measures contained therein and, as a result, continues to violate the EPC noise standards. (RM)

EXISTING CIVIL CASES [16]

Phillips & Munzel Oil Co., Inc. Robert G. Phillips, Individually, and Clyde W. Munzel Individually [LEPC09-003]: On February 19, 2009 the EPC Board granted authority to take legal action against the Respondents for violations of the EPC Act, Chapter 1-7, EPC Rules and Chapter 62-770, FAC. Citations of Violation were issued on June 25, 2008, the Respondents

failed to appeal the citations and they became final orders of the Agency enforceable in Court. The violations have not been corrected. (AZ)

Michael Robilotta [LEPC08-032]: On December 18, 2008 the EPC Board granted authority to take legal action against Respondent Michael Robilotta, owner and operator of the Old Estates Mobile Home Park, for violations of the EPC Act and EPC Rules Chapter 1-1, General Rules and Chapter 1-5, Water Pollution. Respondent failed to respond to the Citation issued on September 15, 2008 and also failed to respond to the Consent Order offered on November 3, 2008. The Citation became final and is enforceable in Circuit Court. On February 18, 2009 the EPC filed a Complaint in Circuit Court for civil penalties and injunctive relief. Due to a Clerk's office error, the EPC re-filed its motion for default on May 6. (RM)

Fuego Churrascaria Steakhouse Corp. [LEPC08-027]: On November 13, 2008, the EPC Board granted authority to take legal action against Respondent Fuego Churrascaria Steakhouse Corp. for violations of the Noise Rule, Chapter 1-10. On March 18, 2008 staff hand delivered a Citation to Cease and Order to Correct Violation. Respondent failed to respond and the Citation became final and is enforceable in Circuit Court. On February 18, 2009 the EPC filed a Complaint in Circuit Court for civil penalties and injunctive relief. On April 24, 2009, the Clerk of Court granted the EPC's motion for default. (RM)

Realty Group, LLC., SRJ Enterprises, LLC and Surinder Joshi [LEPC08-028]: On November 13, 2008, the EPC Board granted authority to take legal action against the Defendants for unresolved violations of several EPC Rules including the Waste Management Rule, Chapter 1-7, the Storage Tank Rule, Chapter 1-12, and the Water Quality Rule, Chapter 1-5 at the 301 Truck Stop. On April 23, 2009, the EPC Legal Department filed a lawsuit seeking all corrective actions as well as assessment of civil penalties and costs in the matter. The parties are in negotiations concerning a settlement of the matter (AZ)

Grace E. Poole and Michael Rissell [LEPC08-015]: Authority to take appropriate legal action against Grace E. Poole and Michael Rissell for failure to properly assess petroleum contamination in accordance with EPC and State regulations was granted on June 19, 2008. The property owner and/or other responsible party are required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (AZ)

Letty Cueva and Patricia Vaca (Causeway Station) [LEPC08-005]: Authority to take appropriate legal action against Letty Cueva and Patricia Vaca for failure to comply with the terms of the Consent Order entered on December 21, 2004 was granted on March 20, 2008. The Consent Order required the Defendants to submit and complete a Post Active Remediation Monitoring Plan (PARMP) or to submit and complete a Remedial Action Plan (RAP) and submit a \$500.00 penalty to the EPC. The EPC is attempting to re-negotiate a settlement to resolve the matter. (AZ)

Ecoventure New Port I, LLC [LEPC08-006]: Authority to take appropriate legal action against Ecoventure New Port I, LLC for failure to assess petroleum contamination in accordance with EPC and State regulations was granted on March 20, 2008. The property owner is required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (AZ)

Miley's Radiator Shop [LEPC06-011]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Miley's Radiator Shop, Calvin Miley, Jr., Calvin Miley, Sr., and Brenda Joyce Miley Tyner for waste management violations for improper storage and handling of car repair related wastes on the subject property. In addition, a citation was entered against the respondents on October 28, 2005 requiring specific corrective actions. The Respondents have not complied with the citation. The EPC is preparing to file a lawsuit for the referenced violations. (AZ)

Petrol Mart, Inc. [LEPC07-018]: Authority to take appropriate action against Petrol Mart, Inc. to seek corrective action, appropriate penalties and recover administrative costs for improperly abandoned underground storage tanks and failure to address petroleum contamination was granted on June 21, 2007. The owner of the property is insolvent and the corporation inactive; however, the Waste Management Division intends on obtaining a judgment and lien on the property for the appropriate corrective actions. The Legal Department filed a civil lawsuit on September 26, 2007. The defendant was served with the lawsuit on October 12, 2007. The Court entered a default on November 9, 2007 for the Defendant's failure to respond. The EPC Legal Department set this matter for trial on March 26, 2008. The Court ruled in favor of EPC and entered a Default Judgment against the Defendant awarding all corrective actions, penalties of \$116,000 and costs of \$1,780. In the event the corrective actions are not completed the court also authorized the EPC to contract to have the site cleaned and to add those costs to the lien on the property. PRF monies were allocated in November 2008 to assist in remediating the site. (AZ)

Medallion Convenience Stores, Inc. and MDC6, LLC [LEPC07-034]: The Commission granted authority to take appropriate action against Medallion Convenience Stores, Inc. and MDC6, LLC on December 13, 2007 for failure to comply with a consent order. The consent order required the facility to submit a Discharge Report Form for petroleum discharge and

submit proof of an N.P.D.E.S. permit for de-watering activities at the site. The EPC is attempting to negotiate a settlement in this matter. (AZ)

Tranzparts, Inc. and Scott Yaslow [LEPC06-012]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Tranzparts, Inc., Scott Yaslow, and Ernesto and Judith Baizan to enforce the agency requirement that various corrective actions and a Preliminary Contamination Assessment Plan be conducted on the property for discharges of oil/transmission fluid to the environment. The EPC entered a judicial settlement (consent final judgment [CFJ]) with Tranzparts and Yaslow only on February 16, 2007. The Defendants have only partially complied with the CFJ, thus the case has been re-opened in the Circuit Court in order to enforce the CFJ and hold the Defendants in contempt. A hearing was held on April 28, 2008, wherein the judge awarded the EPC additional penalties. The Legal Dept. filed a proposed Supplemental Judgment with the Court. The Court entered the Order on May 15, 2008, and the Defendants have yet to pay any supplemental costs or penalties. (RM)

D.J.P. Investments, Inc. [LEPC08-011]: On May 15, 2008 the EPC Board granted authority to take appropriate legal action against Defendant D.J.P. Investments, Inc. for failure to initiate and complete site rehabilitation activities in accordance with EPC and State regulations for petroleum contamination at the facility owned and operated by the Defendant. On May 6, 2009, The EPC Legal Department filed a lawsuit seeking an injunction and recovery of penalties and costs for failure to assess the petroleum contamination. (AZ)

Pedro Olivera [LEPC08-021]: Authority to take appropriate legal action against Pedro Olivera for unauthorized wetland and mangrove impacts was granted on July 17, 2008 at the EPC Board meeting. Subsequently, the parties entered into a consent order which provided for corrective actions as well as payment of appropriate penalties and recovery of staff costs. The Defendant failed to comply with several of the provisions outlined in the Order and on January 16, 2009 the EPC Legal Dept. filed a Complaint against the Defendant in Circuit Court. Although the parties are in negotiations to settle the case, the EPC has not been contacted by Mr. Olivera recently and the EPC Legal Department filed a Motion for Default on April 7, 2009 for failure to timely respond to the civil lawsuit. (AZ)

Spencer Farms, Inc. [LEPC09-004]: On March 19, 2009 the EPC Board granted authority to take legal action against the Respondent for violations of the EPC Act, Chapter 1-7 EPC Rules and Chapter 62-770, F.A.C. A Citation of Violation was issued on June 27, 2009, the Respondent failed to appeal the citation and it became a final order of the Agency enforceable in Court. The violations have not been corrected. (AZ)

2601 Hillsborough, LLC and Charlie Mavros [LEPC09-006]: On March 19, 2009 the EPC Board granted authority to take legal action against the Respondents for violations of various wastewater regulations in Chapters 62-620, 62-660, and 62-4, F.A.C. A Citation of Violation was issued on November 25, 2008, the Respondents failed to appeal the citation and it became a final order of the Agency enforceable in Court. The violations have not been corrected. (RM)

A-Team Demo, Inc. [LEPC09-007]: On March 19, 2009 the EPC Board granted authority to take legal action against the Respondent for violations of Chapter 1-3, EPC Rules and Chapter 62-204, F.A.C. On September 16, 2008 the Respondent entered into a Consent Order with EPC. Respondent has failed to timely comply with the penalty and cost requirements of the Consent Order. The parties negotiated and executed an amendment to the Consent Order on April 2, 2009. This matter will be closed. (RM)

RECENTLY RESOLVED CIVIL CASES [0]

C. OTHER OPEN CASES [7]

The following is a list of cases assigned to the EPC Legal Department that are not in litigation, but a party has asked for an extension of time to file for administrative litigation in the hope of negotiating a settlement prior to forwarding the case to a Hearing Officer. The below list may also include waiver or variance requests.

Notice of Intent to Initiate Litigation Against EPC, Billy Williams, Claimant [LEPC05-013]: On April 29, 2005

McCurdy and McCurdy, LLP submitted to EPC a Notice of Intent to Initiate Litigation Against Governmental Entity Re: Hillsborough County Environmental Protection Commission on behalf of Mr. Billy Williams, Claimant, for damages sustained on or about December 15-18, 2003. The Notice alleges that Mr. Williams sustained serious bodily injuries and property damage as the result of EPC's actions and inactions with regard to alleged fugitive emissions released into the air by Coronet Industries. The suit could have been filed October 2005 but has not yet been filed. (RT)

Tandum Holdings Corp. [LEPC08-020]: On July 29, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a Notice of Violation (NOV) issued on July 3, 2008 for unauthorized discharge of domestic and industrial wastewater to the ground and failure to comply with monitoring requirements. The Legal Dept. granted the request and the Petitioner has until September 29, 2008 to file a petition in this matter. The Petitioner failed to file a timely petition to challenge the NOV, thus the EPC issued a Final Order on December 5, 2008. The parties are still seeking settlement options. (RM)

Lazzara Yachts of North America, Inc. [LEPC08-025]: On November 3, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Construction Permit issued to them on October 22, 2008. The Legal Department granted the request for extension of time and the Petitioner was granted until December 22, 2008 to file a petition in this matter. This deadline was extended until January 30, 2009. The Petitioner requested a third extension of time which was granted and the deadline extended to March 16, 2009. The extension passed with no further filing, but the EPC plans to issue an agreeable permit to the applicant. This matter is closed. (RM)

Lazzara Yachts of North America, Inc. [LEPC08-026]: On November 3, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operating Permit issued to them on October 22, 2008. The Legal Department granted the request for extension of time and the Petitioner was granted until December 22, 2008 to file a petition in this matter. This deadline was extended until January 30, 2009. The Petitioner requested a third extension of time which was granted and the deadline extended to March 16, 2009. The extension passed with no further filing, but the EPC plans to issue an agreeable permit to the applicant. This matter is closed. (RM)

TRANSFLO Terminal Services, Inc. [LEPC09-001]: On January 22, 2009 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operating Permit. The Legal Department granted the request and the Petitioner had until March 30, 2009 to file a petition in this matter. On March 30th the Petitioner filed a request for a second extension of time. The Legal Department granted the request and the Petitioner has until May 29, 2009 to file a petition in this matter. (RM)

GI Entertainment & Restaurant Group LLC [LEPC09-002]: On February 13, 2009 the Appellant (Green Iguana) filed a request for an extension of time to file a Notice of Appeal to challenge a Citation to Cease and Order to Correct Violation issued on February 9, 2009, regarding noise violations. The request was denied and the party has until March 26, 2009, to file an appeal. An appeal was filed on March 13, 2009 and the parties are negotiating. (RM)

OneSteel [LEPC09-010]: On April 30, 2009 the Petitioner (OneSteel) filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Construction Permit. The Air Mgmt. Division is reviewing the request. (RM)

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 21, 2009

Subject: TMDL Update and Hillsborough River Basin Management Action Plan (BMAP)

Consent Agenda XX **Regular Agenda** _____ **Public Hearing** _____

Division: Executive Director

Recommendation: Board to authorize Executive Director to adopt the Hillsborough River Fecal Coliform BMAP on behalf of EPC.

Brief Summary: The FDEP released draft Total Maximum Daily Load assessments for several segments of the Northwest Hillsborough County and the Alafia River watershed basins designated as “impaired” due to bacterial contamination. When finalized, these various TMDLs will lead to adoption of Basin Management Action Plans (BMAP) as a strategy to achieve water quality goals. A Basin Management Action Plan (BMAP) has been developed and proposed for adoption for the segments of the Hillsborough River that are “impaired” due to bacterial contamination. This BMAP was presented to the BOCC on May 20, 2009 for adoption on behalf of Hillsborough County. Today’s action serves to authorize the Executive Director to adopt the Hillsborough River Fecal Coliform BMAP on behalf of the EPC.

Financial Impact: No Immediate Financial Impact resulting from this report.

Background:

Through the process of the Impaired Water Rule, 62-303 F.A.C., and via Secretarial Order, dated May 27, 2004, The FDEP is initiating rulemaking to establish Total Maximum Daily Loads (TMDLs) for the waterbodies in the Tampa Bay Basin. Pursuant to Section 403.067(6), F.S., TMDLs must be adopted by the Secretary of the Department by rule. Chapter 62-304, F.A.C., was established as the rule chapter within which rules adopting TMDLs shall reside. The verified list for the Group 1 Tampa Bay basin was adopted by Secretarial Order on June 3, 2008. The Department is accepting written comments on the draft TMDLs through June 1, 2009.

Draft Fecal Coliform TMDLs applicable to Hillsborough County include:

WBID 1498 Brushy Creek
WBID 1516 Sweetwater Creek
WBID 1507 Rocky Creek
WBID 1563 Lower Rocky Creek
WBID 1666A Bullfrog Creek

WBID 1666 Bullfrog Creek
WBID 1688 Little Bullfrog Creek
WBID 1513 Double Branch

The Hillsborough River Basin Management Action Plan (BMAP) was developed by the Hillsborough River Basin Working Group (BWG) and Technical Stakeholders (TS) in a process spanning multiple years. Both the EPC and Hillsborough County are designated as members of both the BWG and the TS. This BMAP addresses sections of waterbodies designated as waterbody identifications (WBIDs) in the Hillsborough River Basin impaired for fecal coliform bacteria (fecal coliform). It focuses on tracking and reducing fecal coliform discharges to streams verified as impaired.

Hillsborough County Public Works is leading coordination with the Water Resource Services, Planning and Growth Management Department as well as with EPC. County staff will provide a Consent Agenda item of the action required by the BOCC to endorse the Hillsborough River BMAP, and this was scheduled for the May 20, 2009 BOCC meeting.

List of Attachments: Additional supporting documentation for this agenda item is lengthy. Rather than print copies and include them as attachments, internet links are provided.

FDEP Secretarial Order for the Adoption of the Verified List of Impaired Waters for the Group 1 Basins [May 29, 2008]:

http://www.dep.state.fl.us/water/tmdl/docs/303d/group1/adopted/cycle2/tampabay-verified_5-29-08_ogc.pdf

FDEP Secretarial Order for the Adoption of the Verified List of Impaired Waters for the Group 2 Basins [May 27, 2004]:

http://www.dep.state.fl.us/water/tmdl/docs/Group2_Order.pdf

Final Adoptable Hillsborough River Basin Management Action Plan:

[ftp://ftp.dep.state.fl.us/pub/water/BMAP/Tampa Bay Tributaries/Fecal%20BMAP/BMAP%20Draft%20Hillsborough%20River%206-21-07B%20ftp%20versionl.pdf](ftp://ftp.dep.state.fl.us/pub/water/BMAP/Tampa_Bay_Tributaries/Fecal%20BMAP/BMAP%20Draft%20Hillsborough%20River%206-21-07B%20ftp%20versionl.pdf)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 21, 2009

Subject: Clean Air Month Photography Contest

Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____

Division: Air Management

Recommendation: N/A

Brief Summary: EPC staff will recognize the four finalists of EPC's Annual Clean Air Month photography contest.

Financial Impact: Financial impact to Tag Fee Fund is \$512.50 and will be paid out of existing funds – no impact to General Revenue Funds.

Background: The EPC has organized an annual Clean Air Month Photography contest for the past eight years. With the cooperation of the School District of Hillsborough County, the EPC has received more than 100 pieces of amazing artwork from local high school students. The Agency is delighted to offer the public an opportunity to view the art exhibition at the Roger P. Stewart Center through August 2009.

Finalists:

Jessica Ramos – 12th Grade

Blake High School

Teacher: Linda Galgani

Untitled

Brandi Drury – 12th Grade

Wharton High School

Teacher: Dana Warner

Don't Bite the Hand that Feeds You

Oscar Herrera – 11th Grade

Plant City High School

Teacher: Niki Carpenter

Protection

Cameron Caballero – 12th Grade

Gaither High School

Teacher: Don Sizemore

Emissions

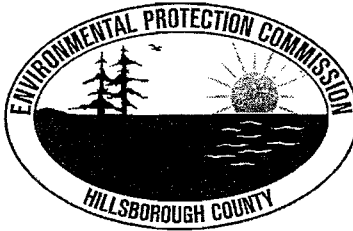
Honorable Mentions:

Rebecca Schiess – 12th Grade
Chamberlain High School
Teacher: DeNeal Pederson
The Cloud Maker

William Lawlor – 12th Grade
Newsome High School
Teacher: Keith Carpenter
Kite Flying

Liz Steele – 11th Grade
Spoto High School
Teacher: Clay
Lucy in the Sky

Amy Shafer – 12th Grade
Alonso High School
Teacher: Yvette Lowe
Rafiki



EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 21, 2009

Subject: Landscape Management Regulation Fact-Finding Discussions Quarterly Update

Consent Agenda _____ **Regular Agenda** _____ **Public Hearing** _____

Division: Environmental Resources Management

Recommendation: Informational Report

Brief Summary: Consistent with Board direction received in January, EPC staff actively engaged in fact-finding discussions within the community on managing residential fertilizer use in Hillsborough County, and is preparing a Report of Findings for later presentation.

Financial Impact: No Financial Impact

Background: Since receiving direction from the Board in January 2009 to work closely with Hillsborough County staff and the community on aspects of landscape management regulation, to include managing fertilizer use in residential settings, EPC staff led a Technical Staff Coordination (TSC) Group on the issue. The TSC Group held four “fact-finding” meetings (on 2/24/2009, 3/3/2009, 3/24/2009, and 4/14/2009). The TSC Group included representation from several county departments, the UF/IFAS Extension Service to Hillsborough County, and from 3/24/2009, representatives from the local jurisdictions of Tampa, Plant City, and Temple Terrace.

The TSC Group focused on developing consensus for key issues such as public education and outreach programs on fertilizer use, and possible training/certification programs for companies that apply fertilizer in residential settings. The TSC Group held a broader public workshop on 4/23/2009, which included participation from key stakeholder and interest groups, as well as the general public.

These numerous technical staff meetings and public workshop resulted in the exchange of ideas and the development of facts and issues bearing on the overall policy decisions concerning landscape management regulations. These will be presented by staff in a Report of Findings at the May EPC meeting.

The issues of landscape management regulation, to include managing fertilizer use in residential settings, are of interest and has state-wide implications. Several bills were introduced in the course of the Florida Legislature session this year. Senate Bill 494 was passed and will be sent

to the Governor for enactment. SB 494, in part, requires counties that have nutrient-impaired waters to adopt a Model Ordinance, defined as the FDEP Model from 2008, published in "Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions," a publication of the FDEP and UF-IFAS, dated January 2009, copy attached.

Presuming the Governor endorses this bill, there will be significant impacts and ramifications from it on Hillsborough County and on this process in particular. EPC staff and Hillsborough County staff met on Friday, May 15, 2009 to discuss future considerations in light of this bill. Staff will update the Board on the content and recommendations coming from that meeting.

List of Attachments: Presentation Slide Show Attached. Additional supporting documentation for this agenda item is lengthy. Rather than print copies and include them as attachments, internet links are provided.

FDEP Manual "Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions," dated January 2009:

<http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/ffl-mo-ccr-1-09.pdf>

Senate Bill 494:

http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JummpToBox&SubMenu=1&Year=2009&billnum=494

Alaric Area Groundwater Plume

Alaric Area Groundwater Plume

EPA ID: FLD012978862

Location: Tampa, Hillsborough County, FL


Congressional District : 11

NPL Status: Proposed 02/04/00; Final: 12/01/2000

Project Manager

Documents:



- [Site Profile](#)
- [Administrative Record Index: OU1 \(PDF, 2 pp., 27K\)](#)
- [Reuse Success Fact Sheet \(PDF, 1 pp., 103K\)](#) 
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](#) (<http://www.epa.gov/region4/foiapps/submit.htm>).

Site Description

The Alaric, Inc. Site is located in Orient Park, Tampa, Hillsborough County, Florida. The Site address is 2110 N. 71st Street, Tampa, Florida. The property is approximately 1.7 acres in size and is located in an urban area with mostly commercial properties.

The Alaric Site has been occupied by several businesses since the early 1970s. Operations of one of the tenants, Concrete Equipment Supply (CES) are believed to have caused the release of significant quantities of degreasers, including perchloroethylene (PCE) and trichloroethylene (TCE). Parts cleaning reportedly were conducted on the southern and western sides of the building. Although no records were found showing that CES used PCE- or TCE-containing degreasing agents, samples collected from the property indicated the presence of two source area with high concentrations of PCE and TCE in the soil.

Initial groundwater monitoring in the late 1990s by the Florida Department of Environmental Protection (FDEP) documented a plume of groundwater contamination several acres in size. The plume also appeared to have migrated onto an adjacent property, the Helena Chemical Superfund Site, where releases of pesticides, benzene, toluene, ethyl benzene and xylene, as well as sulfur have contaminated the soil and groundwater. Due the apparent co-mingling of plumes, the problems associated with the Alaric Site were referred to EPA by the FDEP.

Site Responsibility: This site is being addressed through federal actions.

Threats and Contaminants

EPA began a remedial investigation/feasibility study in 1999, in order to further characterize the nature and extent of soil and groundwater contamination and arrive at an interim remedy. Sampling of soil and groundwater indicated the presence of significant quantities of PCE and TCE in soil samples extending from about 8-to-13 feet below land surface, along the top of the Hawthorn Formation, a clay layer. The distribution of contaminants suggested residual amounts of dense non-aqueous phase liquids. Groundwater samples collected in 1999 indicated that the plume had spread significantly since 1997. The plume appeared to be spreading rapidly in both the surficial and upper portions of the Hawthorn Formation. Trace concentrations of contaminants are being detected in the Upper Floridian aquifer.

Cleanup Approach

EPA issued an Interim Action Record of Decision (IAROD) in July 2002. The remedy selected had three components: 1) removal of the shallow soil contamination and septic tank; 2) treatment of the deeper subsurface soils through chemical oxidation; and 3) containment of the surficial and intermediate aquifer groundwater by pumping and treating.

The contamination which has migrated into the Hawthorn Formation is being investigated. In early 2007, an initial draft of the Phase II remedial investigation, which defines nature and extent of contamination in the deeper hydrostratigraphic units, was circulated for review by EPA and the Florida Department on Environmental Protection. A second and final phase of work for the remedial investigation and the feasibility study for the deeper contamination is being concluded in late 2008. A second Record of Decision is scheduled for the late summer of 2009.

Response Action Status

Removal of Shallow Soil and Septic Tank

Removal of the shallow contaminated soil and septic tank was completed in May 2003. This work included the removal and off-site disposal of the existing 1,000-gallon tank and associated drainfield. Approximately 560 tons of contaminated soil were excavated and disposed of at the Okeechobee Landfill as non-hazardous waste. The excavation ranged from the surface to a depth of approximately 30-to-40 inches below land surface. The existing tank was replaced with a 1,200 gallon primary tank and a 750-gallon secondary dosing tank. A 500 square-foot drainfield was also installed.

The septic system was believed to be the main source of the chlorinated solvents. The results of the sidewall sampling from the excavation phase indicated that an area underneath the concrete slab behind the Alaric building might also have significant concentrations of chlorinated solvents. This area may have been used for intermittent disposal of waste products.

Treatment of Subsurface Soils by Chemical Oxidation

The period of potassium permanganate injection was approximately 12 months, September 15, 2003 through October 29, 2004. Injection was suspended due to equipment malfunction from April 29, 2004 through June 18, 2004, and then again due to the approach of several hurricanes, which cause power outages and flooding due to elevated water table. During the period of injection (operational 377 days) a total of 221,500 pounds of potassium permanganate were injected, at an average concentration of between 0.3 and 2.5 percent. This was equivalent to approximately 3.5 pore volumes (of the original area of contamination in the shallow surficial aquifer) having been injected and re-circulated.

Soil and groundwater samples and soil cores were collected in July 2004 and again in mid-2005. These samples indicated that the contamination in the surficial source zone treatment area had been substantially eliminated with limited exceptions.

Since July 2004, efforts were primarily directed at the remaining areas of contamination. The areas of the site that have been substantially affected via contact with potassium permanganate are essentially non-detect or have low levels of volatile organic contaminants (VOC). In early 2007, 28 drums of 40% sodium permanganate were diluted to a 3% concentration and allowed to infiltrate into an area found to be above the cleanup goals, after the potassium permanganate treatment. Subsequent soil sampling of the re-treated area has shown that although there was additional reduction of the source area a small area of subsurface soil remains above the IAROD's goal. In June 2008, a small area with residual soil contamination was excavated and disposed of. Any remaining shallow soil

contamination will be addressed in the upcoming Record of Decision, which is scheduled to be completed during the spring of 2010.

Groundwater Containment

Hydraulic containment of the downgradient extent of dissolved VOC contamination is complete. Hydraulic capture is controlled by throttling down the submersible pumps. Vertical containment is considered complete to a depth of 85 feet bls. In July 2008 recovery from the surficial aquifer was discontinued since the mass of contaminant removed was negligible. Recovery from the Hawthorn Formation is continuing. The site's first Five Year Review Report was concluded in May 2008. The link to the Report is: <http://www.epa.gov/superfund/sites/fiveyear/f2008040002380.pdf>

Site Repository

78th Street Community Library, 7625 Palm River Road, Tampa, Florida 33619-4131
EPA Region IV Superfund Records Center, 66 Forsyth Street, Atlanta, GA 30303

ARKLA TERRA PROPERTY | Thonotosassa, Florida | Hillsborough County

Site Location:

The Arkla Terra Property site encompasses approximately eight acres and is located at 11706 U.S. Highway 301 in Thonotosassa, Hillsborough County, Florida.

Site History:

From 1976 through 2006, the site was primarily operated as an Underground Storage Tank (UST) refurbishing facility. Solvents, including tetrachloroethene (PCE), were used to clean the tanks prior to their repairs. Several companies operated at the facility, including Southeast Oil and Development Corporation which operated at the site from 1976 through 1988; Four Star Petroleum from 1982 to 1985; PS Equipment, Inc. from 1989 through 1994; Novadyne Corporation from 1986 through 1996; and Arkla Terra Inc. from 1993 through 2006. Solvents were reportedly used to clean tanks prior to repairing or dismantling. Aerial photographs of the site have shown more than 500 storage tanks on the property at one time, along with numerous other types of containers.

Site Contamination/Contaminants:

Contaminants of concern associated with activities at the Arkla Terra property include PCE in soil, ground water monitoring wells, and private drinking water wells.

Potential Impacts on Surrounding Community/Environment:

There is a contaminated ground water plume that contains concentrations of PCE above EPA's Safe Drinking Water Act's maximum contaminant level (MCL) and the State of Florida Primary Drinking Water Standard (FPDWS), which has migrated more than 7,500 feet into the adjacent residential area. The contamination is in the Floridian aquifer that is the primary source of drinking water for residents in the area.

Response Activities (to date):

The Hillsborough County Public Health Unit has sampled more than 200 private residential wells and found at least 78 wells contained PCE at levels exceeding the FPDWS standard. Based on the initial residential well sampling, the Florida Department of Environmental Protection installed commercial water treatment systems for affected residents, and it provided approximately one million dollars to Hillsborough County to extend water lines into the affected areas, connecting the residents to the municipal water supply. The state and the county continue to sample private drinking water wells in the area on an annual basis.

Need for NPL Listing:

The State of Florida referred the site to EPA. The contaminated ground water plume has affected as many as 117 nearby private wells and is a potential threat to other potable ground water supply wells. The responsible parties are not financially viable companies, and the state does not have the resources to clean up the contamination. EPA has received a letter of support for placing this site on the NPL from the state.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on

the sources and extent of contamination. See 56 FR 5600, February 11, 1991, or subsequent FR notices.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at [ATSDR - ToxFAQs](http://www.atsdr.cdc.gov/toxfaqs) (<http://www.atsdr.cdc.gov/toxfaq.html>) or by telephone at 1-888-42-ATSDR or 1-888-422-8737.

Helena Chemical Company

Helena Chemical Company

EPA ID: FLD053502696

Location: Tampa, Hillsborough County, FL

Congressional District: 11

NPL Status: Proposed: 02/07/92; Final 10/14/92


Project Manager

Site Repository:

University of South Florida

4202 E. Fowler Ave.

Tampa, FL 33620

Documents:  About PDF

- [Site Profile](#)
- [Administrative Record Index \(PDF\): OU1 \(11 pp., 425K\), ESD \(1 pp., 24K\)](#)
- [Helena Chemical Company \(Tampa Plant\) Reuse Fact Sheet \(PDF: 1 pp, 769K\)](#)
- [Additional Site Documents including Five Year Reviews, Records of Decisions \(ROD\) and Explanation of Significant Differences \(ESD\).](#)
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](http://www.epa.gov/region4/foiapgsubmit.htm) (<http://www.epa.gov/region4/foiapgsubmit.htm>).

Site Description

The Helena Chemical Company Site located in Tampa, Hillsborough County, Florida is located in the Orient Park Industrial area. The Site is an active facility. The main operating portion of the facility covers approximately eight acres. The facility was built in 1929 as a chemical plant for the production of sulfur. The initial owners manufactured wettable and dusting sulfur and formulated pesticides, herbicides, fungicides, and fertilizers. Helena Chemical Company purchased the facility in 1967. From 1967 to 1981, Helena Chemical Company produced wettable dusting sulfur and formulated pesticides, herbicides, fungicides, and liquid and dry fertilizers.

Site Responsibility: This site is being addressed through responsible party's actions.

Threats and Contaminants

Studies have documented soil contamination by pesticides related to former operations by Helena Chemical Company and its predecessors. Groundwater contamination of the surficial aquifer and Hawthorn Formation's semi-confining unit also exists, but to a much lesser extent. Florida Department of Health and Rehabilitative Services (FHRS), in cooperation with the Agency for Toxic Substances and Disease Registry (ATSDR), prepared a public health assessment in September 1993. In that report, FHRS expressed concern for on-site worker contact with contaminated soils and exposure to sediments and groundwater.

Cleanup Approach

EPA issued a Record of Decision (ROD) in May 1996 outlining the selected remedy and contingency remedy for the Site. The selected remedy includes biological treatment (i.e., bioremediation) of pesticides and other site-related contaminants located in surface soils and sediments to levels appropriate for future industrial use of the Site. In addition, the selected remedy includes groundwater recovery and treatment to remove pesticides and other site related contaminants.

Response Action Status

Removal of the pesticide contaminated soils was completed in September 2000. Approximately 7,700 tons of contaminated soil were excavated and shipped off-site for biological treatment and disposal at the WMI facility Carlyss, Louisiana.

The remedial design (RD) for treatment of contaminated groundwater has been delayed due to the discovery of an adjacent facility, Alaric Area Groundwater Plume Site, where volatile organic compounds discharged onto the ground have migrated into the groundwater and appear to be commingling with the western portion of the groundwater plume from the Helena Chemical Site. Sampling of the Site's groundwater was initiated in late December 2006 and continued through 2007. This sampling is designed to determine whether the data exist to support an amendment to the ROD. The amendment proposed by the responsible party would modify the selected remedy for the Site's groundwater from groundwater containment to monitored natural attenuation. This proposal was not received well by EPA and the Florida Department of Environmental Protection. As a result, in September 2008 the responsible party proposed a series of pilot-scale treatability studies designed to evaluate the degradation of both the remaining low-level pesticide plume, as well as the xylene source area. The draft Work Plan for these studies was received during the week of March 23rd 2009 and will be reviewed this spring by both EPA and FDEP. Results of the 2007 sampling indicate generally low-level pesticide concentrations, however, above the ROD's clean-up goals. A source area of xylene remains on the Helena Chemical property, with a shallow xylene plume migrating in a southeasterly direction.

Between late April and mid-June 2004, approximately 1,824 tons of sulfur-contaminated soil were removed and shipped to Carlyss, LA for treatment and disposal. After removal of the sulfur, lime was mixed into the remaining soil, in order to neutralize the sulfuric acid created through the interaction of the sulfur and groundwater present at four feet below land surface. An additional 1,146 tons of bulk sulfur were removed during the spring of 2005. Lime was also mixed into the unexcavated soil, as described above. As of mid-2007, the addition of lime appears to have had minimal effects on area with very low pH. The site's first Five Year Review Report was concluded in January 2006. The link to the Report is: <http://www.epa.gov/superfund/sites/fiveyear/f0604002.pdf>.

Site Repository

University of South Florida, 4202 E. Fowler Avenue, Tampa, FL 33620
EPA Region IV Superfund Records Center, 66 Forsyth Street, Atlanta, GA 30303

Kassauf-Kimerling (58th Street Landfill)

Kassauf-Kimerling (58th Street Landfill)

EPA ID: FLD980727820

Location: Tampa, Hillsborough County, FL

Congressional District: 07

NPL Status: Proposed: 12/30/82; Final 09/8/93; Deleted: 10/02/2000

Project Manager

Site Repository:

Tampa Hillsborough Libray

900 N. Ashley Dr.

Tampa FL 33602

Documents:



- [Administrative Record Index \(PDF\): OU1 \(14 pp., 692K\), OU2 \(3 pp., 112K\)](#)
- [Kassouf-Kimerling \(58th Street Landfill Reuse Fact Sheet \(PDF: 1 pp, 833K\)](#)
- [Additional Site Documents](#) including Five Year Reviews, Records of Decisions (ROD) and Explanation of Significant Differences (ESD).
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](#) (<http://www.epa.gov/region4/foiapps/submit.htm>).

Site Background:

Kassauf-Kimerling Site (also referred to as 58th Street Landfill or the Site) is located in Hillsborough County, just north of Columbus Drive on the east side of 58th Street in Tampa, Florida. The site is about 60 feet wide by 700 feet long and lies just east of 58th Street and west of marsh separating the site from the Peninsular Fisheries. A canal was cut through the landfill in the late 1970's and connects a marsh located west of 58th Street to the marsh located just east of the Site. EPA directed a Remedial Investigation (RI) from September 1985 to June 1988, which included geophysical investigations, soil boring and sampling, groundwater and surface water sampling. These investigations identified contamination in soils and surficial groundwater at the landfill as well as in a surface water and sediments in the adjacent marsh. EPA conducted an additional study focusing on surface water and sediments in the marsh. The final report was completed in 1989. The major contaminant of concern at the site is lead which was a result of disposal of battery casings.

Cleanup Progress: Actual Construction Underway

EPA issued two RODs to document the cleanup remedies selected for the site. The first ROD addressing the source of the contamination in the landfill area was designated as Operable Unit 1 (OU 1) and was signed in 1989. The second ROD (OU2) was issued to address contamination in the marsh/wetland and was signed in 1990.

The 1990 Operable Unit 2 ROD required mitigation of the wetlands (marsh) adjacent to the landfill at the Kassauf-Kimerling Site. The ROD does not specify any particular requirements for the mitigation, but does require that the mitigation work be performed in the adjacent marsh, as opposed to off-site mitigation. However, the area of the marsh impacted by contamination from the landfill is owned by a private citizen. In an effort to carry out its obligations under the Consent Decree (CD), Gulf Coast Recycling (GCR) offered to buy the private citizen's property. However, the citizen refused to sell it on any reasonable terms. An alternate location for the wetlands mitigation was chosen. The McKay Bay Nature Park was initially proposed in the February of 1994 Explanation of Significant Differences; however, EPA and FDEP determined that McKay Bay was an unacceptable alternate location for implementation of the wetlands mitigation because McKay Bay was found to be contaminated.

ROD 1 is complete and ROD 2 is ongoing. In March of 1997, EPA issued an Explanation of Significant Differences, which changed the location of the wetlands mitigation from McKay Bay to Mobbly Bay. The Mobbly Bay project is located in Northern Tampa Bay (Old Tampa Bay) within approximately 15 acres of property owned by the City of Olds Mar (about 14 acres) and Panelist County, which are currently used as an easement by the Florida Power Corporation which lies to the south. The project site is composed of several man-made open water ponds (borrow pits) that were excavated several decades ago to fill adjacent lands for urban development. The Mobbly Bay project has been developed by the Southeast Florida Water Management District under the Surface Water Improvement and Management (SWIM) Act. In October of 1997, SWIM and Gulf Coast signed an agreement to initiate construction on this mitigation project. All on-site construction has been completed at Mobbly Bay. Monitoring of the groundwater is still underway.

The site was deleted from the NPL on October 2, 2000. The last 5 Year Review was completed in September 2004. The next 5 Year Review is due September 2009.

MRI Corporation

MRI Corporation**EPA ID:** FLD088787585**Location:** Tampa, Hillsborough County, FL**Congressional District:** 11**NPL Status:** Proposed: 06/17/96; Final 12/23/96Project Manager**Site Repository:**

Brandon Regional Library

619 Vondenburg Dr.

Brandon, FL 33511

Documents:

- [Site Profile](#)
- [Administrative Record Index \(PDF\): OU1 \(8 pp., 366K\)](#)
- [Additional Site Documents](#) including Five Year Reviews, Records of Decisions (ROD) and Explanation of Significant Differences (ESD).
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](http://www.epa.gov/region4/foiapps/submit.htm) (<http://www.epa.gov/region4/foiapps/submit.htm>).

Site Background:

This twelve acre site is the location of a former detinning operation. Tin cans and similar scrap metal were treated with caustic chemicals to remove the tin coating. The tin was then recovered as ingots and the remaining metal was sold for scrap. The site is located in a commercial area on the southeast side of Tampa.

The sampling results indicated that soil, sediment, and groundwater are contaminated with metals, primarily lead.

Site Responsibility: This a Potential Responsible Party (PRP) Lead Site.

Response Actions:

On February 19, 2002, a Consent Decree was entered in between EPA and MRC Holdings, Inc., to conduct the Remedial Design and Remedial Action of the soil selected remedy. In addition, the agreement covers the investigation of the extent of contamination for the on-site and off-site surficial and the deeper aquifers.

Cleanup Progress:

Groundwater Investigation of the surficial and deeper aquifer and the Evaluation of the Fate and Transport of Constituents of Concern in Groundwater Report have been completed. The Site has been split into two Operable Units. Operable Unit One (OU1) been the soil component and OU2 been the groundwater component to the Site cleanup approach. The OU2 Record of Decision was signed on September 28, 2008.

Remedial Design activities are being conducted by the RPP with EPA oversight.

Normandy Park Apartments

Normandy Park Apartments

EPA ID: FLD984229773

Location: Temple Terrace, Hillsborough County, FL


Congressional District: 11

NPL Status: Proposed 01/13/95

Project Manager

Documents:



- [Administrative Record Index \(PDF\): OU1 \(9 pp., 423K\)](#)
- [Reuse Success Fact Sheet \(PDF, 1 pp., 134K\)](#) 
- [Additional Site Documents](#) including Five Year Reviews, Records of Decisions (ROD) and Explanation of Significant Differences (ESD).
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](#) (<http://www.epa.gov/region4/foiapps/submit.htm>).

Site Description

The Normandy Park Apartments site is located at 11110 N. 56th Street in Temple Terrace, Florida, near Tampa. Gulf Coast Recycling, Inc. operated a battery recycling and secondary lead smelting facility on the nine acre site between 1953-1963. Gulf Coast Recycling built a 144 unit apartment complex on the property in 1970. The site was proposed to the National Priorities List (NPL) in 1995, but EPA decided, largely due to the demonstrated cooperation of Gulf Coast Recycling, to use its enforcement discretion not to finalize the site on the NPL. Even though the site was never finalized on the NPL, the cleanup was conducted in accordance with Superfund law.

Site Responsibility

The Site is being addressed by Gulf Coast Recycling with EPA and State oversight.

Threats and Contaminants

Lead and antimony are the main contaminants found at the Site

Cleanup Approach

In June 1992, Gulf Coast Recycling entered into an agreement with EPA to investigate the site and address the immediate threat to the residents of the apartment complex. With oversight by the EPA removal program, Gulf Coast Recycling placed two concrete caps over contaminated soil in the northern complex and constructed a wooden deck over the contaminated soil in the southern courtyard.

In September 1998, Gulf Coast Recycling entered into another agreement with EPA. This agreement required Gulf Coast Recycling to fully determine the nature and extent of contamination, to determine the risks associated with the contamination, and to evaluate cleanup alternatives. This work was completed by Gulf Coast Recycling and approved by EPA.

On May 11, 2000, EPA issued the Record of Decision (ROD) for the site. The ROD specified the remedial action necessary to protect human health and the environment. The major components of the remedial action included:

- excavation of the top two feet of exposed soil around the entire apartment complex;
- removal of the wooden deck in the southern complex and excavation of soil in this area to the water table;
- replacement of the excavated areas with clean fill and sod;
- on-site screening of excavated soil in the open field behind the apartments;
- on-site treatment of the soil via ex-situ stabilization based on the results of on-site screening;
- off-site disposal of the treated soil in a regulated landfill;
- monitored natural attenuation of the groundwater contaminants; and
- institutional controls to limit future use of soil and groundwater.

Cleanup Progress

Gulf Coast Recycling quickly began implementing the remedy and completed the majority of the work in the spring and summer of 2001. The areas within the apartment complex were excavated, replaced with clean fill, and sodded. The excavated soil was tested, treated if necessary, and sent to an appropriate off-site disposal facility. The groundwater monitoring wells necessary to monitor the progress of natural attenuation were installed and sampling began. Periodic sampling in accordance with the approved monitored natural attenuation sampling plan will continue until the groundwater cleanup levels specified in the ROD are achieved.

The buildings and parking lot currently prevent exposure to the soil underneath them. A restrictive covenant has been placed on the property to ensure these structures remain protective. The restrictive covenant requires a plan to be submitted to and approved by EPA before the parking lot or buildings can be removed. To obtain approval, the plan would have to include measures to address the soil underneath the buildings and parking lot in accordance with the ROD for the site.

Site Repository

For more information or to view any site related documents, please visit the site information repository at the following location. As new documents are generated, they will be placed in the information repository for public information.

Temple Terrace Public Library
202 Bullard Parkway
Temple Terrace, Florida 33617

Peak Oil Co./Bay Drum Co.

Peak Oil Co./Bay Drum Co.

EPA ID: FLD004091807

Location: Tampa, Hillsborough County, FL

Congressional District: 11

NPL Status: Proposed: 10/15/84; Final 06/10/86

Project Manager

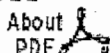
Site Repository:

Brandon Regional Library

619 Vonderburg Dr.

Brandon, FL 33511

Documents:



- [Site Profile](#)
- [Administrative Record Index \(PDF\): Removal \(11 pp., 458K\), OU1 \(17 pp., 769K\), OU1 ESD \(1pp., 26K\), OU2 \(4pp., 126K\), AMD-OU2 \(3 pp., 130K\) OU2 \(22 pp., 977K\), OU3 \(12 pp., 513K\), OU3 ESD \(1 pp., 34K\), OU4 \(11 pp., 420K\)](#)
- [Reuse Potential Fact Sheet \(PDF, 1 pp., 136K\)](#)
- [Proposed Plan Fact Sheet, September 2004 \(PDF, 21 pp., 115K\)](#)
- [Additional Site Documents](#) including Five Year Reviews, Records of Decisions (ROD) and Explanation of Significant Differences (ESD).
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](http://www.epa.gov/region4/foiapggs/submit.htm) (<http://www.epa.gov/region4/foiapggs/submit.htm>).

Site Background

The Peak Oil/Bay Drum site located in Hillsborough County, Florida is approximately 10-acres in size and consists of two adjacent properties. The 4-acre Peak Oil facility began operation as a waste oil refiner in August 1954. After 1979, operations reportedly were limited to blending and filtering of waste oil and resale of waste oils for fuel and flotation oil. The 6-acre Bay Drums facility is a former drum reconditioning facility. Residential neighborhoods, light manufacturing facilities, warehouses and Hillsborough County's refuse-to-energy plant are located in the area around the site.

The soils, sludge, surface water, and sediments on site are contaminated with polychlorinated biphenyls (PCBs), volatile organic compounds, and heavy metals including arsenic and lead from former process wastes. In addition, the groundwater is contaminated with volatile organic compounds and heavy metals. Before EPA got involved, potential health threats in the area included contact with contaminated onsite soils and/or surface water runoff.

Cleanup Progress

EPA selected final remedies for the Site in Record of Decisions (RODs) in the 1990s. Consent Decrees were subsequently signed by Peak Oil/Bay Drum to implement the cleanup. The following paragraphs summarize, by operable unit (OU), actions taken to date.

Soil (OU 1 and OU 3): Remedial designs addressing OU 1 and OU 3 were finalized in September 2000. The remedial action construction activities designed to address OU 1 and OU 3 were completed during the summer/fall of 2001.

The major components of the OU 1 remedy were as follows:

- Excavation and stabilization/solidification of impacted soils and the ash pile.
- Construction of a slurry wall around the impacted area and keyed into the underlying

Hawthorn Formation..

- Onsite disposal of the solidified/stabilized soils and ash in a single monolith.
- Installation of a low permeability cap over the treated material.
- Institutional controls to be placed on the property.

The major components of the OU 3 remedy were as follows:

- Excavation and stabilization/solidification of impacted soils.
- Onsite disposal of the solidified/stabilized soils in a single monolith.
- Installation of a low permeability cap over the treated material.
- Disposal of the onsite shingle pile (i.e., the shingles left on the Bay Drums property after the 1989 EPA Shingle Removal - completed in 1997).
- Placement of one foot of topsoil over the remainder of the uncapped Site.
- Placement of Institutional Controls on the property.

Groundwater (OU 2): Implementation of the cleanup option for the area-wide impacted groundwater (i.e., pump and treat) was delayed until after completion of the soil cleanup. Based on information gained during the late 1990s and early 2000s, the viability and need for implementing the remedy selected in the 1993 ROD for OU 2 was in need of re-examination. In order to evaluate possible cleanup alternatives for OU 2, a Feasibility Study (FS) was initiated in 2003 and completed in 2004. Specifically, a focused Feasibility Study and a Pre-Design were submitted and reviewed. This re-analysis led to the generation of a Proposed Plan in the fall of 2004.

The Proposed Plan summarized for the public the preferred cleanup strategy, rationale for the preference; alternatives presented in the detailed analysis of the Feasibility Study/Pre-Design.

Public comment on the Proposed Plan ran from September 22, 2004 to October 22, 2004. The preferred alternative for the Floridan Aquifer was Monitored Natural Attenuation. The preferred alternative for the Surficial Aquifer was Enhanced In-Situ Bioremediation with Air Sparging and Monitored Natural Attenuation.

The preferred alternatives were made official in the ROD Amendment signed by the EPA Waste Division Director on January 7, 2005. The Remedial Design was completed in January 2005, and the expectation is that groundwater cleanup approach will be installed and operational in 2005.

Wetlands (OU 4): As required in the ROD, sampling of the Wetland (OU 4) occurred before construction activities at OU 1 and OU 3 began (i.e., pre-OU 1 and OU 3 construction sampling). Post-OU 1 and OU 3 construction sampling of the Wetland occurred in late 2002 with a report of the results submitted in March 2003. Discussions are ongoing as to what should be the next step(s) with regard to the Wetland.

All Remedial Action construction activities were completed in 2005. The groundwater data indicates that the vegetable oil remedy is performing as expected. In the surficial aquifer, the vegetable oil injection appears to be reducing concentrations and will be in place as part of the remedy for a considerable period of time. Reductive dechlorination in the vicinity of the vegetable oil 'wall', as indicated by the methane concentrations, is obvious in parts of the site and an additional vegetable oil injection 'wall' is proposed further down gradient. Air sparging was selected as the remedial technology to address volatile organic compounds (VOCs) and BTEX in the surficial aquifer in the area near the central wetlands.

EPA achieved the construction completion milestone on September 26, 2006. The next five-

year review is due in 2010.

Site Repositories

Brandon Regional Library
619 Vonderburg Dr.
Brandon, FL 33511

Contact Information

Scott M. Martin, Remedial Project Manager
Martin.Scott@epa.gov
404-562-8916

RALEIGH STREET DUMP | Tampa, Florida Hillsborough County

Site Location:

The Raleigh Street Dump site is located at the end of Raleigh Street about 0.5 miles west of U.S. Highway 41 in Tampa, Florida. This former dumping site occupies approximately five acres on the northern and southern side of Raleigh Street.

Site History:

EPA first discovered this dump site during an investigation of a nearby battery recycling facility, Chloride Metals, Inc. Chloride Metals, Inc. personnel reportedly dumped incinerator slag and battery casings at the Raleigh Street Dump site. Historical aerial photographs of the dump area show that disposal activities occurred from at least 1977 through 1987 and included miscellaneous construction debris and trash. Exide Corporation, the current owner of the Chloride Metals facility, is in bankruptcy.

Site Contamination/Contaminants:

Metals, pesticides, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs) in soils were found to exceed health-based risk levels. Some of these contaminants were also found in sediments from drainage ditches and Delaney Creek to the south of the site. The majority of the dumping and the most contaminated portion of the site is located north of Raleigh Street in an area of heavy brush, trees and wetlands. Contamination was also found where the dumping extended south of Raleigh Street. Lead was found in onsite surface water, and metals and PAHs were found in shallow ground water.

Potential Impacts on Surrounding Community/Environment:

The area surrounding the site is primarily industrial with approximately 26 residential properties within a half mile of the site to the east and northeast. The site is not entirely fenced and is accessible to trespassers. The creek to the south of the site, Delaney Creek, flows into East Bay and ultimately into Hillsborough Bay. Recreational and commercial fishing occurs throughout East Bay and Hillsborough Bay. The Florida Department of Health (FDOH) determined that ingestion and inhalation of chemicals from onsite soils or ground water are potential exposure scenarios.

Response Activities (to date):

In June 2007, EPA issued a proposed plan for cleanup of contaminated soils, sediment and ground water.

Need for NPL Listing:

The State of Florida referred the site to EPA because the responsible parties have been unwilling to conduct the cleanup. EPA received a letter of support for placing this site on the NPL from the state.

[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination. See 56 FR 5600, February 11, 1991, or subsequent FR notices.]

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at [ATSDR - ToxFAQs](http://www.atsdr.cdc.gov/toxfaqs) (<http://www.atsdr.cdc.gov/toxfaq.html>) or by telephone at 1-888-42-ATSDR or 1-888-422-8737.

Reeves Southeast Galvanizing Corporation

Reeves Southeast Galvanizing Corporation

EPA ID: FLD000824896

Location: Tampa, Hillsborough County, FL

Congressional District: 11

NPL Status: Proposed: 12/30/82; Final 09/08/83

Project Manager


Site Repository:

Brandon Regional Library

619 Vondenburg Dr.

Brandon, FL 33511

Documents:

About
PDF 

- [Site Profile](#)
- [Administrative Record Index \(PDF\): OU1 \(17 pp., 742K\), OU2 \(24 pp., 1.0M\), OU3 \(11 pp., 464K\)](#)
- [Reeves Southeastern Galvanizing Corporation Reuse Fact Sheet \(PDF: 1 pp, 542K\)](#)
- [Additional Site Documents](#) including Five Year Reviews, Records of Decisions (ROD) and Explanation of Significant Differences (ESD).
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](#) (<http://www.epa.gov/region4/foiapggs/submit.htm>).

Site Background:

The Reeves Southeastern site located in Hillsborough County, Florida encompasses two areas on 28 acres. The site includes the Reeves Southeastern Galvanizing (SEG) facility covering 17 acres and the Reeves Southeastern Wire (SEW) facility covering 11 acres. Beginning in the 1960s, spent caustic, rinse, and acid process wastes generated at SEG and SEW were neutralized and discharged to storage ponds. It is believed that plating wastes were discharged in the same manner. These practices have caused contamination of groundwater and surface water. When Hillsborough County issued a notice of violation to the company in 1974, the company responded by upgrading its existing wastewater treatment facility to an advanced system to neutralize the acid and to remove 90 percent of the heavy metals.

Residential neighborhoods, light manufacturing facilities, warehouses, and a refuse-to-energy plant are located in the area surrounding the site. County-owned water supply wells are located about 1 mile upgradient of the site. There are approximately 56,000 people residing within 3 miles of the site.

Groundwater is contaminated with heavy metals such as zinc from former process wastes. Prior to EPA's involvement, soil and surface water were also contaminated with heavy metals, primarily zinc, and sediments contained heavy metals such as zinc and lead. Although subsequent sampling has shown that municipal and private wells are not contaminated, people who come in direct contact with or accidentally ingest contaminated surface water or soils may be at risk.

Cleanup Progress

EPA selected final remedies for the Site in Records of Decision (RODs) from 1993 and 1994. In 1995, Reeves Southeastern Corporation signed a Consent Decree with EPA agreeing to conduct the design and construct the cleanup remedies for the Site. The following paragraphs summarize, by operable unit (OU), actions taken to date.

OU-1 (Soil and Sediment): Soil and sediment exceeding cleanup goals were excavated from

the SEG and SEW facilities during 1996 and 1997. The excavated material was shipped to an approved off-site landfill in April and May 1997 and all excavated areas were backfilled and revegetated.

OU-2 (Groundwater): Remedial design of the groundwater remedy was completed in 1999 and modified in 2000 due to migration of the groundwater plume beyond limits originally anticipated. The remedy consists of installation of a groundwater control structure (also referred to as a stormwater-conveyance system) and semi-annual monitoring (July/January) of groundwater for metals (i.e., natural attenuation).

The groundwater control structure is to prevent contaminated groundwater from discharging to local surface water via a drainage swale north of the SEG property. After numerous delays regarding access, installation of the groundwater control structure occurred in late 2003/early 2004. The Construction Report for the Stormwater-Conveyance structure was submitted in March 2004.

As part of the confirmation and tracking of natural attenuation, the ROD requires that within 2.6 years, the metals in groundwater should be below the selected performance standards (i.e., cleanup standards) or to at least 50% of the "time-zero" levels. If these levels are not met, then a contingency remedy, pump and treat, is available for use.

One potential complicating factor in determining if the selected performance standards or the 50% "time-zero" levels are met is a couple of spills which occurred in 1996 and 1997. These spills occurred from ongoing operations at the Site. The operator is Industrial Galvanizers of America, who leases the property from Reeves Southeastern Galvanizing. The 1997 spill was 130 gallons of rinse water from a secondary containment area. The 1996 spill was a release of 1,750 gallons of process acid. Affected soil from the 1996 spill was removed, but the 1997 spill did not result in any removal action. A monitoring well installed in 1998 near the release points into the subsurface indicated elevated groundwater levels of contaminants of concern (e.g., chromium, zinc and lead).

The findings from spill investigation, along with the ongoing semi-annual monitoring of site-impacted groundwater, are documented in a document called the Modification One Report. The main outcome of the Modification One Report is providing information from which to determine the effectiveness (or ineffectiveness) of the natural attenuation remedy component. The Modification One Report was submitted in November 2004, and after EPA review, led to the submission of an Additional Characterization and In-Situ Groundwater Treatment Pilot Test Study Work Plan which was approved by EPA on February 10, 2006. The additional characterization is designed to clarify the conceptual model for the existing contamination (e.g., investigation of the vertical distribution of contaminants). The pilot test is designed to determine whether the injection of reagents directly into the aquifer will be able to sequester the metals. The expectation is that the groundwater remedy will need to be expanded or supplemented with additional cleanup technique(s). Depending on the scope and extent of the changes/additions to the groundwater remedy, either an Explanation of Significant Differences (ESD) to the original ROD will be issued or a ROD Amendment will be pursued.

OU-3 (North Wetland and Unnamed Creek): No cleanup actions were envisioned for the wetlands. However, the ROD did call for ongoing monitoring. Monitoring of the wetland began in the summer of 2002 and is currently continuing.

Five Year Review: As required by EPA policy, if a remedial action is selected that results in hazardous substances, pollutants, or contaminants remaining at the site above levels that

allow for unlimited use and unrestricted exposure, the lead agency shall review such action no less often than every five years after the initiation of the selected remedial action. Therefore, in September 2006, EPA completed the second Five-Year Review Report for the Site. The following are the main conclusions drawn from the 2006 Five-Year Review Report:

For OU1 (Soil/Sediment Removal)

The remedy at OU1 is protective of human health and the environment.

For OU2 (Northern Surficial Aquifer Monitoring)

The selected remedy at OU2 is considered protective of human health in the short term as there are no apparent complete pathways of exposure to groundwater. However, in order for the remedy to be protective in the long term, an active remedy should be implemented.

For OU3 (Monitoring of North Wetland and Unnamed Creek)

The selected remedy for the North Wetland in OU3 is considered protective of human health and the environment. A protectiveness determination of the selected remedy for the Unnamed Creek portion of OU3 cannot be made until further information is obtained as part of OU2. However, achieving the long-term protectiveness of OU2 should be protective of OU3.

The next Five-Year Review is to be completed in September 2011.

Site Repositories

Brandon Regional Library
619 Vondenburg Dr.
Brandon, FL 33511

Contact Information

Scott M. Martin, Remedial Project Manager
Martin.Scott@epa.gov
404-562-8916

Schuylkill Metals Corporation

Schuylkill Metals Corporation

EPA ID: FLD062794003

Location: Plant City, Hillsborough County, FL

Congressional District: 12

NPL Status: Final 09/08/83; Deleted 08/22/01

Project Manager

Site Repository:

Bruton Memorial Library

302 Mclendon St.

Plant City FL 33566

Documents:



- [Site Profile](#)
- [Administrative Record Index \(PDF\): OU1 \(20 pp., 641K\), ESD \(1 pp., 36K\), Deletion \(2 pp., 73K\)](#)
- [Schuylkill Metals Corporation Reuse Fact Sheet \(PDF: 1 pp, 637K\)](#)
- [Additional Site Documents](#) including Five Year Reviews, Records of Decisions (ROD) and Explanation of Significant Differences (ESD).
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](#) (<http://www.epa.gov/region4/foiapggs/submit.htm>).

Site Description

Schuylkill Metals Corporation (SMC) recovered lead from batteries on a 17.5 acre site from 1972 through 1986. Automobile, golf cart and other batteries were transported to the site where the tops of the battery cases were sawed off, sulfuric acid was dumped on the ground, and lead plates were loaded on a railroad car bound for a Baton Rouge, LA smelter. The empty battery cases were landfilled onsite. The site is bounded by agricultural land and housing developments. Approximately 20,000 residents live within a three miles of the site. A junior high school, elementary school and hospital are located within one mile of the site.

Site Responsibility: This site has been addressed through responsible party actions.

Threats and Contaminants

Very high levels of lead were found in the soil and surface water, as well as the sediments of the neighboring wetlands.

Cleanup Approach

To date, the contaminated sediments have been removed from the neighboring wetlands. These wetlands have been replanted to create new habitat for wildlife. In addition, over 266,000 tons of contaminated soil and sediment from the former process area and wastewater pond were treated by solidification and have been covered. Wetlands mitigation work has also concluded.

Response Action Status

The Schuylkill Metals Corporation Site was deleted from the National Priorities List in mid-2001. The responsible party is continuing groundwater monitoring in the vicinity of the solidified soil. The site's second Five Year Review Report was concluded in May 2006. The link to the Report is: <http://www.epa.gov/superfund/sites/fiveyear/f0604008.pdf>.

Site Repository

Bruton Memorial Library, 302 McIendon St., Plant City FL 33566

Sixty-Second Street Dump

Sixty-Second Street Dump

EPA ID: FLD980728877

Location: Tampa, Hillsborough County, FL

Congressional District: 07

NPL Status: Proposed: 12/30/82; Final: 09/08/83; Deleted 10/01/99

Project Manager

Documents:



- [Site Profile](#)
- Administrative Record Index (PDF): [ROD \(1 pp., 31K\)](#), [Amend 9 pp., 351K\)](#), [Deletion \(2 pp., 96K\)](#)
- [Additional Site Documents](#) including Five Year Reviews, Records of Decisions (ROD) and Explanation of Significant Differences (ESD).
- [62nd Street Dump Reuse Fact Sheet](#) (PDF: 1pp, 624K)
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](#) (<http://www.epa.gov/region4/foiapggs/submit.htm>).

Site Background:

The 62nd Street Dump Site is located in Tampa, Hillsborough County, Florida, north of Columbus Drive and just west of 62nd Street. The site is a five and one-half acre private landfill formerly used for the disposal of industrial waste. The Site is located in an area with mixed residential and light industrial land use. The Site is bounded on the west by a series of small shallow ponds formed for fish breeding. To the east and south of the Site are residential areas interspersed with light commercial and industrial operations. To the north of the Site is undeveloped land. The current landowner operates an automobile scrap yard on the southern portion of the Site.

In March 1984, the FDER and the EPA entered into a Cooperative Agreement to conduct a Remedial Investigation/Feasibility Study (RI/FS) at the site. The RI was conducted in 1986 by a team of several consulting firms consisting of Mayes, Sudderth & Etheredge, Inc., Fred C. Hart Associates, Inc., Universal Engineering Testing Company, Inc., and Compuchem Laboratories, Inc. The field activities were conducted in two phases. Phase I was conducted in February 1986, and consisted of construction and sampling of 12 test pits across the site. Phase II was conducted in July and August 1986 and involved installing and sampling 14 groundwater monitoring wells, sampling 10 domestic wells, sampling surface water and sediment from the fish ponds, and sampling on-site surface soils.

Camp, Dresser, & McKee, Inc. (CDM) was contracted by FDER in August 1988 to conduct a Feasibility Study (FS) for the Site. It was determined that waste buried at the Site fall into two categories: auto part/battery (non-cement) wastes and cement waste. The disposal of the non-cement waste at the Site has resulted in the release of hazardous substances including antimony, arsenic, cadmium, chromium, copper, lead, and polychlorinated biphenyls (PCBs) in the soil. The surficial aquifer both on-site and off-site is also contaminated with cadmium, chromium, and lead above health-based levels. The cement wastes represent little threat through either direct contact or leaching to groundwater.

The remedy includes: 1) Solidification/Stabilization of the battery wastes, shredded auto parts, and contaminated soils (approximately 48,000 cubic yards); 2) No treatment of the on-site cement wastes since they present little threat through either direct contact or leaching to groundwater; 2) Capping of the entire site (approximately 5.5 acres) with a two-foot vegetative soil cover underlain by an impermeable membrane; and 3) Institutional

controls or other land use restrictions to ensure the integrity of the cap and the treated soils. All work was completed under the Consent Decree for Remedial design and Remedial Action.

Cleanup Progress: Construction Completed:

At this point, the construction activities associated with the remedy have been completed. More than 100 tons of waste and soil was treated. Currently, the groundwater is being monitored annually for site-related contaminants. The site was deleted from the NPL on October 1, 1999. The last 5 Year Review was completed in September, 2004. The next 5 Year Review is due in September, 2009.

Southern Solvents, Inc.

Southern Solvents, Inc.

EPA ID: FL0001209840

Location: Tampa, Hillsborough County, FL

Congressional District: 8

NPL Status: Proposed: 05/11/00; Final: 07/27/00

Project Manager

Site Repository:

North Tampa Branch Library

8916 North Boulevard

Tampa, FL 33604

(813) 975-2111

Documents:



- [Site Profile](#)
- [Administrative Record Index \(PDF\): OU1 ESD \(1 pp., 10K\)](#)
- [Southern Solvents Reuse Fact Sheet \(PDF: 2 pp, 1.68MB\)](#)
- [Additional Site Documents](#) including Five Year Reviews, Records of Decisions (ROD) and Explanation of Significant Differences (ESD).
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](#) (<http://www.epa.gov/region4/foiapgsubmit.htm>).

Site Background:

The Southern Solvents Site, is located at 4109 Linebaugh Avenue, in a mixed commercial and residential area of North Tampa, Florida. The Site, is the former location of a facility that distributed dry cleaning solvents (i.e., perchloroethylene (PCE) and trichloroethylene (TCE)) to the local dry cleaning industry from the late 1970's to 1985, resuming operations for a brief period from 1985 to 1989. The facility is comprised of a parcel of property approximately 100 feet wide by 185 feet deep. The only structures on the property are a one story metal building and a concrete slab along the north end of the building. Reportedly, PCE and TCE were stored in above ground tanks and small tanker trucks on the concrete slab and the northern portion of the property. Soil and groundwater contamination are reportedly the result of periodic spills from these tanks.

EPA evaluated alternatives for cleanup of the site, and presented the selected remedy in a Record of Decision (ROD) issued in September 1999. The selected remedy included excavation of contaminated, unsaturated soils located in the former solvent storage area and the treatment of highly contaminated saturated soil and surficial groundwater using in-situ chemical oxidation (ISCO). The remedy for the unsaturated soil was modified to soil vapor extraction (SVE), rather than excavation and disposal. Increased unsaturated soil volume is the principal reason for this modification.

Site Responsibility: This site is being addressed through federal actions.

Threats and Contaminants

A Remedial Investigation and Feasibility Study (RI/FS) was completed by EPA in April 1999. The findings of this investigation showed perchloroethylene (PCE) contamination in the site surface and subsurface soils as well as groundwater. The highest concentrations of PCE in the soils were detected in the saturated zone beneath the former solvent storage area. Groundwater contamination was most concentrated onsite in the surficial aquifer. Leakage through a clay into the underlying Floridan aquifer has occurred.

Cleanup Approach

First Operable Unit

The remedial design for the first operable unit, which included the treatment of the contaminated subsurface soil above the water table using soil vapor extraction (SVE), was concluded in the fall of 2002. Also in the fall of 2002, EPA entered into a State Superfund Contract with FDEP for the construction operation of the SVE system and the completion of a pilot-scale ISCO treatability study, designed to further evaluate chemical oxidation as the remedy for the more heavily contaminated soil, present below the water table.

Second Operable Unit

A second remedial investigation/feasibility study (RI/FS) to investigate groundwater contamination in the deeper Floridan aquifer was started in early 2000. Field activities associated with the second remedial investigation began in late August 2000. A third phase of Floridan aquifer monitoring well installation was concluded in the fall of 2003. Migration of groundwater contaminants in the Floridan aquifer is substantial, with a 150 foot deep Floridan aquifer well located 750 feet west of the site found to have 820 parts per billion (ppb) of PCE and 170 ppb of TCE. A final downgradient Floridan aquifer monitoring well was installed the spring of 2006. A round of Floridan aquifer groundwater sampling occurred in the spring of 2006. Work on the second operable unit is suspended until the first operable unit advances and results are assessed.

Response Action Status

The SVE system began operation in June 2005. During the first two months of operation the system recovered 27 pounds of contaminant, primarily PCE. The system maintained a 99.9 percent runtime, above the design objective of 80 percent. In June 2006, operation of the system was discontinued. The final draft Work Plan for the ISCO pilot study was completed in December 2006. An amendment to the Superfund State Contract was finalized in early 2007. The first phase of the pilot-scale ISCO injections was completed in February 2008. A second phase of injections will follow in April 2009. After the injected oxidant has had time to react and spend itself the SVE system will be re-started and monitored for effectiveness. If the SVE system is effective at removing PCE from above the water table it will be kept in operation.

Site Repository

North Tampa Branch Library, 8916 North Boulevard, Tampa, FL 33604
EPA Region IV Superfund Records Center, 66 Forsyth Street, Atlanta, GA 30303

Stauffer Chemical Company (Tampa)

Stauffer Chemical Company (Tampa)

EPA ID: FLD004092532

Location: Tampa, Hillsborough County, FL

Congressional District: 11

NPL Status: Proposed: 06/17/96; Final 12/23/96

Project Manager

Site Repository:

Reference Department Head

4202 East Fowler Ave.

Tampa, FL 33620

Documents:

About
PDF 

- [Site Profile](#)
- [Administrative Record Index \(PDF\): Rod Amendment OU1 \(3 pp., 96K\), Removal \(6 pp., 222K\), OU1 \(24 pp., 1.0M\)](#)
- [Additional Site Documents](#) including Five Year Reviews, Records of Decisions (ROD) and Explanation of Significant Differences (ESD).
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](#) (<http://www.epa.gov/region4/foiapps/submit.htm>).

Site Background:

The Stauffer Chemical Company Site is located in Tampa, Hillsborough County, Florida. The Site is an inactive pesticide manufacturer/distribution facility which encompasses approximately 40 acres of land in an industrialized area of Tampa. The Site was used to formulate agricultural chemical products (organochlorine and organophosphorus pesticides) from 1951 until 1986 and is now inactive. Disposal practices at the Site included the burial of containerized wastes, off-specification pesticides, and packaging materials. Site investigations revealed the presence of pesticides in onsite soil, surface water and sediment in onsite ponds, and in groundwater underlying the Site. A geophysical survey completed during the investigation concluded buried metal was present.

Cleanup Progress:

A removal of buried drums and debris, and 3450 cubic yards (CY) of highly contaminated soils was completed in 1993. The soils were temporarily stored on site and later treated by Low Temperature Thermal Desorption (LTTD) which was completed on November 22, 1994. EPA issued a Record of Decision (ROD) in December 1995 outlining the selected remedy and contingency remedy for the Site. Stauffer Chemical is the PRP and they are performing the cleanup design under an Administrative Order on Consent (AOC). A Consent Decree for Stauffer to continue the full remedial action (RA) activities has been approved.

The selected remedy addresses soil, sediment, and groundwater contamination at the Site and includes ex-situ anaerobic treatment (i.e., bioremediation) of pesticide contaminated surface soils and sediments to levels appropriate for future industrial use of the Site. In addition, the selected remedy includes groundwater recovery and treatment with activated carbon to remove pesticides.

The remedial action began in May 1999. It was initially believed that the total quantity of contaminated soils requiring treatment was about 16,000 cubic yards, and an additional 2,500 cubic yards of pond sediments. The soils were treated with Xenorem™. Batch 1 performed well. However, this batch took nearly a year of total cycle time. Batch 2 did not perform as well as Batch 1. Batch 3 was disappointing, missing remedial goals for chlordane, DDT, dieldrin and toxaphene. As with Batch 1, Batches 2 and 3 each took a full year of cycle

time. In recognition that the selected remedy did not work with the site contaminants, Stauffer Chemical is developed a modification proposal for the remedial approach to the soil cleanup at the Site. The groundwater component of the remedy, Pump and Treat, still is operational and functional.

In August 2006 EPA issued an Amended ROD for the soils cleanup component of the Site. The remedy consists of implementing the following actions: construction of the containment cell; removal of contaminated surface soils (0-2 feet) above remedial goals (RGs) and placement in the containment cell; removal of one foot of contaminated pond sediments above RGs and placement in the containment cell; removal of DNAPL contaminated subsurface soils and placement in the containment cell; installation of a 2-foot thick pervious soil cap and the impervious geosynthetic cap over surface soil for those areas with identified subsurface soil contamination above RGs, in addition to the containment cell; placement of 1-foot thick layer of clean fill in the north and south ponds to reduce ecological risk; and Institutional Controls.

Construction of the new soils remedy was done between October 2006 and June 2007. A Draft Construction Completion Report was drafted by Stauffer Management in December 2007. Institutional Controls, in the form of deed restrictions, are been put in place through an agreement between the Florida Department of Environmental Protection (FDEP) and Stauffer Management. Once the deed restrictions are in place the Construction Completion Report will be completed.

PRP representatives prepared and submitted to FDEP the draft Restrictive Covenant language to establish the Institutional Controls in January 09. PRPs and EPA are waiting for FDEP's approval to finalize the Remedial Action Construction Completion Report.

Sydney Mine Sludge Ponds

Sydney Mine Sludge Ponds

EPA ID: FLD000648055

Location: Brandon, Hillsborough County, FL

Congressional District: 12

NPL Status: Proposed: 06/10/86; Final 10/04/89

Project Manager

Site Repository:

Tampa-Hillsborough Public Library

619 Vonderburg Dr.

Brandon FL 33511

Documents:



- [Site Profile](#)
- [Administrative Record Index \(PDF\): OU1 \(20 pp., 801K\)](#)
- [Potential Reuse Fact Sheet \(PDF, 1 pp., 150K\)](#)
- [Additional Site Documents](#) including Five Year Reviews, Records of Decisions (ROD) and Explanation of Significant Differences (ESD).
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](http://www.epa.gov/region4/foiapggs/submit.htm) (<http://www.epa.gov/region4/foiapggs/submit.htm>).

Site Background:

The Sydney Mine Sludge Ponds Site is a 9.5 acre former liquid waste disposal site that was strip-mined for phosphate ore from the 1930s through the 1950s. Starting in late 1973, Hillsborough County leased a small portion of the tract and operated a liquid waste disposal facility until 1981. Approximately 16 million gallons of liquid waste, including sludge, grease trappings, cutting oil, etc. were hauled to and disposed of at the site. As a result of this disposal, contaminants, principally volatile organic compounds, have migrated vertically and laterally, and are being detected in the limestone of the Hawthorn aquifer, locally the principal potable water source of groundwater.

Site Responsibility: This site has been addressed through responsible party actions.

Threats and Contaminants

Groundwater contamination by volatile organic compounds is the principal threat.

Cleanup Approach

Twelve thousand cubic yards of contaminated soil from the sludge ponds were excavated and incinerated in the mid-1980s. Subsequent to this, the County constructed a slurry wall around the ponds, believing that this would prevent the migration of contaminants. In the late 1980s the County constructed a recovery and treatment system in order to remediate the surficial aquifer. In 1989, EPA issued a Record of Decision, requiring the County-constructed Groundwater recovery and treatment system be optimized. Working under a Unilateral Administrative Order in the early 1990s, the potentially responsible parties modified the surficial aquifer system, in an effort to improve the performance of the system. While this work was going on, it became apparent that two additional water-bearing units had also become contaminated. At EPA's request additional recovery wells were installed in the intermediate aquifer system. This system was put into operation in early 1995.

Late in 1996, the potentially responsible parties submitted a plan to evaluate the effectiveness of intrinsic bioremediation, rather than active pumping and treating, as a way of ultimately achieving cleanup goals. Groundwater quality data over the years indicate that

remediation through pumping and treating will take a very long time. EPA evaluated this proposal, keeping in mind Tampa Bay's growth along the corridor that the site is located. The same reason that attracted disposal of the liquid wastes into the clays of the former phosphate mine makes remediation of the groundwater to State of Florida standards problematic.

In late 1997, the first round of data collection to determine whether intrinsic bioremediation is a viable option for the site's surficial and intermediate aquifers was conducted. The report on the second and final phase was submitted for EPA and FDEP review in mid-June 2000.

Response Action Status

During late 2001 and early 2002, the groundwater pump-and-treat system was decommissioned. Long-term groundwater monitoring continues. The most recent groundwater data available is from January 2009 sampling. Negotiations for a Restrictive Covenant have finished. EPA is awaiting (March 2009) concurrence from the State of Florida on the draft Restrictive Covenant.

The site's second Five Year Review Report was concluded in September 2006. The link to the Report is: <http://www.epa.gov/superfund/sites/fiveyear/f2006040001070.pdf>.

Site Repository

Tampa-Hillsborough Public Library, 619 Vanderburg Dr., Brandon FL 33511
EPA Region IV Superfund Records Center, 66 Forsyth Street, Atlanta, GA 30303

Taylor Road Landfill

Taylor Road Landfill

EPA ID: FLD980494959

Location: Brandon, Hillsborough County, FL

Congressional District: 09

NPL Status: Final 09/08/83

Project Manager

Site Repository:

Thonotosassa Public Library

10715 Maion St.

Thonotosassa, FL 33592

Documents:



- [Site Profile](#)
- [Administrative Record Index \(PDF\): OU1 \(8 pp., 309K\), ESD \(1 pp., 20K\)](#)
- [Reuse Success Fact Sheet \(PDF, 1pp., 106K\)](#)
- [Additional Site Documents](#) including Five Year Reviews, Records of Decisions (ROD) and Explanation of Significant Differences (ESD).
- For documents not available on the website, please contact the [Region 4 Freedom of Information Office](#) (<http://www.epa.gov/region4/foiapggs/submit.htm>).

Site Background:

The Taylor Road Landfill, located in Hillsborough County, Florida, is a 42 acre municipal landfill owned and operated by Hillsborough County from 1976 to 1980. The landfill is unlined and contains an unknown quantity of hazardous waste. Two additional landfills are situated adjacent to the Taylor Road Landfill. In October 1979, as part of a nationwide program of groundwater sampling and analysis, EPA discovered volatile organic compounds and metals in site monitoring wells and numerous private wells drilled into the Floridan Aquifer. The Floridan Aquifer is the drinking water source for much of the greater Tampa area.

Site Responsibility

The Hillsborough County Solid Waste Management Department is conducting the clean up on behalf of a larger group of responsible parties.

Threats and Contaminants

Volatile organic compounds and metals in monitoring wells on-site and numerous private wells drilled into the Floridan Aquifer.

Cleanup Approach

Past actions:

In 1979, EPA advised residents in the vicinity of the site to discontinue the use of their wells. A bottled water program was established and eventually about 400 residences and businesses were connected to the county water supply. Under a 1983 RCRA Consent Decree, Hillsborough County closed all three landfills and began a 30-year maintenance and monitoring program. Continued groundwater monitoring conducted since the landfills were closed demonstrated significant attenuation of contamination in the area of the landfills. A final remedy decision addressing the groundwater contamination was made in September, 1995. The remedy consists of groundwater monitoring to document the continuation of the

attenuation process, creating a buffer zone around the landfills by supplying additional residents with municipal water, and planning for active groundwater remediation if future monitoring reveals the need.

EPA signed a Consent Decree with Hillsborough County and a number of private PRPs to implement the final remedy. Groundwater monitoring continues at the site to make sure the remedy remains effective.

Cleanup Progress Construction Completed

In 1999, the Final Construction Report was issued and approved by EPA and the Florida Department of Environmental Protection, signifying the completion of the Remedial Action. A Preliminary Closeout Report documenting Construction Completion was finalized in June 1999.

A statutory Five-Year Review was performed by EPA with the support of the Florida Department of Environmental Protection between May and September 2003. The remedy at the Taylor Road Landfill was determined to currently protect human health and the environment because ground water monitoring at the compliance ring ensures contingent measures can be taken prior to impacts to domestic supply wells, institutional controls restrict the installation of new domestic supply wells in the impacted area, post-closure care of the landfills under RCRA minimizes ongoing impacts to the aquifer, and natural attenuation is demonstrated to be occurring. However, in order for the remedy to remain protective in the long-term, the following actions were taken to address issues identified during the Five-Year Review: repair fencing and improve enforcement of site access controls; improve routine maintenance of monitoring wells; perform a potable well survey in the vicinity of the site to ensure institutional controls are effective; ensure the long-term operation and maintenance of the landfills; resume annual ground water quality statistical evaluations; and, improve responsiveness to ongoing community concerns.

Future Work and Contacts

Current work at the site includes evaluating the sampling program to optimize the long term monitoring plan.

The next five-year review will be completed in the fall of 2008.

EPA Remedial Project Manager – Erik Spalvins 404-562-8938

NPL Site Narrative for Tri-City Oil Conservationist, Inc

TRI-CITY OIL CONSERVATIONIST, INC.
Tampa, Florida

Federal Register Notice: September 21, 1984

Conditions at proposal (September 8, 1983): Tri-City Oil Conservationist, Inc., recycles waste oil at a 0.25-acre site in Tampa, Hillsborough County, Florida. The site is about 3,000 feet from the Hillsborough River and within 3 miles of the public well field serving the community's 16,000 residents. About 35 people served by nine private wells live within one block of the site.

About 260 cubic yards of oil and sludge cover the ground at the site. An above-ground storage facility holds 16,000 gallons of waste oil. Sampling performed by the State indicates high levels of heavy metals in the oily wastes.

Status (September 21, 1984): In February 1984, EPA used \$40,000 in CERCLA emergency funds to remove all surface wastes. Also in February, EPA issued an Administrative Order to the responsible parties informing them that their activities represent an imminent and substantial danger to public health and the environment and that they must act promptly to stop those activities.

Status (September 1, 1988): This site is being deleted from the NPL because EPA, in consultation with the State of Florida, has determined that all appropriate Superfund-financed response under CERCLA has been implemented, and that no further response by responsible parties is appropriate.

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at <http://www.atsdr.cdc.gov/toxfaq.html> or by telephone at 1-888-42-ATSDR or 1-888-422-8737

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 21, 2009

Subject: IPA Action Plan – Fiscal Year 2009 Second Quarterly Report

Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____

Division: Wetlands Management Division

Recommendation: Informational Report

Brief Summary: The Wetlands Management Division is presenting updates for the second quarter of FY 2009 for the Action Plan

Financial Impact: No Financial Impact

Background:

Pursuant to the EPC Board's approval of the Wetlands Hybrid Plan in 2008, an Internal Process Audit was conducted by Hillsborough County's auditor. The intent of the audit was to improve and streamline the regulatory permitting process; specifically as to how the EPC Wetlands Division reviews permits through its participation with Planning Growth Management in the land development permit process as well as improving inter-agency coordination and implementation of performance measures.

Electronic review of land development projects is being tested in two phases. Currently, electronic comments by EPC are being uploaded to Optix (PGMD's document management system) thus allowing applicants and PGMD staff to receive simultaneous and expedient information. Phase II allows for electronic review of select projects in order to test existing hardware and software and staff training issues related to further implementation of Optix.

The process of seeking formal delegation from the Tampa Port Authority is close to implementation. A delegation agreement has been adopted by the Port Authority and will result in one stop permitting for certain minor works permits to be issued by the EPC Executive Director. This follows 18 months of staff training on combining submerged lands requirements with environmental considerations into a single review. This has been an important step in leading to further delegation for similar activities from the Department of Environmental Protection. A delegation we expect to complete this year. In the final analysis, these delegations will allow EPC to review and approve or deny coastal projects previously reviewed by four separate local, state and federal agencies.

Performance measures were outlined in the process audit in order to provide meaningful numbers in the area of wetland protection. The measures include: numbers of small isolated wetlands, wetland acreage impacts, use of exemptions implemented by the Hybrid Rules, mitigation compliance and on-time reviews of applications, agriculture project coordination and others. This report updates some of these categories.

The majority of the recommendations as outlined in the Action Plan have been implemented and are on-going.

Recommendation: Informational

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 21, 2009

Subject: 2009 Legislative Session – Environmental Legislation Update

Consent Agenda _____ **Regular Agenda:** X **Public Hearing** _____

Division: Legal Department

Recommendation: Informational Report Only

Brief Summary: The EPC staff tracked numerous environmental and administrative bills and budget items during the 2009 Legislative Session. The EPC General Counsel will provide a briefing on some of the environmental and administrative bills and the impact of some budgetary items on the EPC.

Financial Impact: No financial impact

Background: The 2009 Florida Legislative Session began on Tuesday March 3, 2009, and ended after a brief extension on May 8, 2009. The Environmental Protection Commission (EPC) staff tracked and analyzed numerous environmental and administrative bills. The Executive Director and General Counsel attended and spoke at various committee deliberations during the Legislative Session. The Executive Director and General Counsel also closely tracked the State budget. Additionally, EPC staff provided analysis and comments to the County's Public Affairs Office, the Florida Association of Counties staff, and Florida Local Environmental Regulatory Agencies (FLERA). The EPC General Counsel will provide a briefing on some of the environmental and administrative bills and their fate, some of which are summarized below.

I. BUDGET INFORMATION:

Inland Protection Trust Fund. The Petroleum Cleanup Program is a key environmental program that funds the cleanup of petroleum contaminated facilities (e.g., gas stations) and funds DEP and local programs that support and regulate the program. During the session the House and Senate varied greatly on how to fund this program. Historically, it has been funded in the low \$200 M to the mid \$100 M range, but in this session the initial figures were no greater than \$10 M to \$135 M. In the end, the House and Senate reduced the budget allocation to \$10 million but this money will be used for a \$90 million bond issue to keep the program going. Although EPC does not have all the details, it is predicted that the DEP and local governments will keep the program in place but with less funding and fewer staff. This will slow down the cleanup of petroleum spills that threaten our water supplies, but the program survived.

Major Source Permitting and Air Monitoring Contracts. EPC and six other approved local programs across the State have received funding since 1993 to assist in the above referenced programs. Monies come from permitting fees and automobile tag revenues collected in the County and elsewhere, and are directed back to EPC through a contractual arrangement with the Florida Department of Environmental Protection. Each year the State legislature must authorize the Department to do so. This year the funding for major source permitting was reauthorized at a level consistent with FY09. On the other hand, the Department has indicated they may terminate the air monitoring assistance effective July 1, 2009. This would result in the loss of \$192,000 to EPC and require us to cut staff and close additional air monitoring stations.

II. BILLS OF NOTE THAT PASSED:

HB 73 - Permit Process for Economic Development Projects. PASSED. Designates act "Mike McHugh Act" and requires DEP and Water Management Districts to adopt programs to expedite processing of wetland permits (ERP) for certain economic development projects that have been identified by municipalities and counties as "target industry business" per section 288.106, F.S. The local governments shall identify specific businesses as targeted industry businesses by commission resolution. Mandatory pre-application meetings with the permitting agency are required. The normal 90-day permit or denial process (after an application is complete) is reduced to 45 days. This bill adds more pressure on DEP, WMD, and a limited number of ERP delegated local governments to review and issue wetland permits quicker for these targeted businesses. It is unlikely that this will impact EPC work load when we get partial wetland delegation from the DEP, as the SWFWMD would process most of these ERPs. The bill is effective July 1, 2009.

SB 360 - Growth Management. PASSED. This is an omnibus growth bill that regulates programs not related to EPC functions, but a last minute addition to the bill does impact some environmental programs. The EPC typically does not comment on growth management bills, as we defer to Planning and Growth Management (PGMD) and the Planning Commission's expertise on this issue. Nonetheless, one recent amendment to Senate Bill 360 impacts environmental permitting programs, but not substantially. The bill extends permits for two years that expire between Sept. 2008 and January 1, 2012. Applicants must notify the agency of the use of the extension. This should not impact the EPC, but it does apply to state ERPs (state wetland permits) and local building permits and development orders. Among other exceptions, those with a history of noncompliance cannot use the extension. Some state and local governments will for about three years lose a mechanism to deny or modify some permits that could use improvement during the typical permit renewal phase. Additionally, by not requiring applicants to apply for a full renewal, this could lead to the loss of a revenue stream for many agencies. The bill states that if rules or ordinances change, these permits will not be required to be amended to comply with new the rules, unless the agency can show a threat to public health or safety.

SB 494 - Water Conservation/Automatic Sprinkler Systems/Fertilizer. PASSED. SB 494 initially was only a water conservation bill that strengthened the requirements for, and inspection programs of, automatic shutoff mechanisms on outdoor sprinkler systems. It requires the DEP to create a model ordinance and penalties on or before January 15, 2010. The bill requires sprinkler contractors to test the shutoff mechanisms. Local governments may adopt the model on or before October 1, 2010. Any local government that has a more stringent water conservation code would be exempt from adopting this code.

Most notably, the bill was amended to require any local government with waterbodies that have nutrient impairments to adopt the FDEP fertilizer model code. The local governments can be more restrictive

only with consultation with IFAS and other agencies and certain scientific demonstrations that the underlying model is not good enough to deal with the nutrient situation in their jurisdiction. The bill also requires all fertilizer applicators to be trained and certified by 2014. This bill requires Hillsborough County to have a fertilizer ordinance adopted but no deadline is provided. All the other fertilizer bills died (HB 1515, SB 982, SB 1328, and SB 1490).

HB 707 - Construction Defects/Mgmt of Wastewater. PASSED. This bill requires Dept. of Health to notify local governments and local offices of DEP when health advisories regarding beach swimming advisories are issued due to fecal coliform or enterococci bacteria samples. Upon notice, the local offices of DEP must to conduct investigations of wastewater treatment facilities with 1 mile of the beach to see if they had any incidents and provide results of such investigations to the local governments. Effective July 1, 2009.

HB 1021 Dept. of Transportation. PASSED. Ports are currently not subject to development of regional impact (DRI) review, but among other things this bill would allow commercial and industrial facilities within three miles of a port to also be exempt from DRI review if the DCA and the local government determine that the facility is port-related. Nonetheless, this does not mean EPC or any other environmental agency loses its environmental review or permitting authority near port developments. The bill will be effective July 1, 2009.

HB 1423 Relating to Fish and Wildlife Conservation Commission. PASSED. This is an omnibus FWCC bill that has various provisions regarding sea grass damage, fishing licenses, vessel registration, slow speed zones, etc. Of note, the bill would make it a noncriminal infraction to damage seagrasses in aquatic preserves. The bill also prohibits local governments from regulating certain aspects of boating and vessel equipment.

III. BILLS OF NOTE THAT FAILED OR DIED IN COMMITTEE:

HB 1133 and SB 1974 Stormwater Assessment Fee and Agricultural Land Permitting. DIED. The bill proposed to deny counties the ability to charge Agricultural lands a stormwater management fee. Additionally, the bill proposed including the "or enforce" language that prohibits adoption or enforcement of local government rules that apply to Agricultural lands when a state rule or BMP already applies to the land. Current law only prohibits adoption of new rules that apply to Agricultural land, if they duplicate existing State laws or BMPs. This bill would have prohibited enforcement of current laws. House Bill 1133 created an exemption for local wetland programs, springs protection, and delegated programs that local governments have. It also required people moving next to farms to sign a form waiving nuisance claims.

SB 114 Contaminated Property/Notification. DIED. The current law requires the DEP to notice any adjacent property that is discovered to be contaminated when the adjoining property is undergoing rehabilitation. Early versions of this bill would have additionally required the DEP to provide notice within 60 days to property owners within a 1-mile radius of contaminated property. The DEP would also have had to provide notice to schools in the 1-mile radius and those schools must then notify teachers and parents. Finally, the DEP would have had to make available additional information about the contamination.

HB 7143 Environmental Streamlining bill. DIED. This was an omnibus environmental streamlining bill that prior to drafting was rumored to be a vehicle to end or limit local government environmental

regulation. That language never appeared. Among the items that did surface, but failed were as follows:

Proposed a wetland exemption and a wetland general permit for various public facilities (parking at a park, boat launches, rip rap, ditch filling, filling dredge holes, etc.)

Proposed a permit applicant 120 days to respond to an agency request for additional information. Current ruled-based law is 90 days to respond (see rule 62-4.055, FAC).

Proposed expedited permitting of certain biofuel projects.

Proposed an extensive section on Florida Friendly Landscaping practices. It also prohibited local governments and HOA's from prohibiting Florida Friendly landscaping practices.

Proposed creation of a stormwater management system design task force to provide recommendations to the Legislature by Nov. 1, 2009.

HB 1349 and SB 364 Environmental Protection. DIED. Contained language that would have made it difficult for DEP and WMDs to deny state wetland permit (ERP) if certain professionals certified the application. Also contained language that would have improved and clarified existing environmental enforcement laws in the Environmental Litigation Reform Act (ELRA) [see also **SB 2104** that died, it contained similar ELRA language].

SB 274 and SB 2120 Spring Protection. DIED. Both of the spring protection and spring task force bills died for the third year.

List of Attachments: Legislative Tracking Sheet

2009 FLORIDA LEGISLATIVE TRACKING SHEET FOR THE EPC

BILL NUMBER	BILL TITLE OR DESCRIPTION	BILL STATUS or INFO	Staff assigned to review	PRIORITY BILL	REVIEWED BY EPC	COMMENTED TO COUNTY PUBLIC AFFAIRS	PASSED	FAILED (failed, died, or tabled)
HB 73; SB 852	Permit Process for Economic Development Projects	PASSED both House and Senate	Rick M	MEDIUM	Yes	Yes	HB 73 - PASSED	
SB 114	Contaminated Property/Notification		Yeagan Schipfer	HIGH	Yes	Yes		FAILED
SB 118	Wekiva Onsite Sewage Treatment and Disposal		Leslie Dunn	LOW	Yes	Yes		FAILED
SB 148	Mangrove Protection		Zodrow	HIGH	Yes	Yes		FAILED
HB 155	Vessel Safety		Rick M	LOW	Yes	NO		FAILED
HB 255	Pest Control		Rick M	LOW	Yes	NO	PASSED	
SB 274	Florida Springs Protection Act	Added fertilizer code	Leslie	HIGH	Yes	Yes, before fertilizer code added		FAILED
SB 360	Growth Management	compare with SB 7049 and 7127	Tschantz	HIGH	Yes	NO - County is aware	PASSED	
SB 362	Growth Mgmt./Permit deadlines	Compare SB 1306 and SB 2148	Rick M	MEDIUM	Yes			FAILED
SB 364	E-SHOP/Wetlands	Added bad ERP language	Rick M	HIGH	Yes	Yes		FAILED
SB 494	Water Conservation/Automatic Sprinkler Systems	Added model fertilizer code	Leslie	HIGH	Yes	Yes, but before fertilizer added	PASSED	
HB 559; SB 924	Mosquito Control Districts	Identical bills	Stetler	MEDIUM	Yes	Yes		BOTH FAILED
HB 593	Water Resources		D'Aquila Leslie	LOW	Yes	Yes		FAILED
HB 625	Mangrove Protection		Rick M Zodrow	HIGH	Yes	NO		FAILED
SB 630	Relating to Impact Fees/Moratorium on Imposition or Collection		Tschantz	HIGH	Yes	NO - County is aware of bill		FAILED
HB 681	Tax on Sales, Use, and other		Rick M	LOW	Yes	Yes		FAILED
SB 692	Motor Vehicles/Lake Beds		Stetler	LOW	Yes	Yes		FAILED

HB 707	Construction Defects/Mgmt. of Wastewater		Dunn Rick M	MEDIUM	Yes	Yes	PASSED	
SB 730	DCA dismantling		Rick M	MEDIUM	Yes	NO		FAILED
HB 755	Water Conservation		Rick M	LOW	Yes	NO		FAILED
SB 982	[Fertilizer] - Urban/Residential Environments & Water Protection		Rick M	HIGH	Yes	Yes		FAILED
HB 987	Water Mgmt District		Rick M Leslie	LOW	Yes	Yes		FAILED
SB 1002	Beach Erosion Control Projects		Rick M	LOW	Yes	No need to comment		FAILED
SB 1004	Coastal Zone Protection		Rick M	LOW	Yes	No need to comment		FAILED
SB 1014	State Parks and Preserves		Rick M	LOW	Yes	Yes		FAILED
HB 1021	Relating to DOT	Exempts additional port related facilities from DRI	Rick M	LOW	Yes	No	PASSED	
HB 1053; SB 1438	Injection Wells		Dunn	LOW	Yes	Yes		Both FAILED
HB 1079	Petroleum Restoration Program		Boostani	LOW	Yes	Yes		FAILED
HB 1109	Arboriculture		Rick M	LOW	Yes	Yes		FAILED
HB 1111	Water Supply		Rick M	MEDIUM	Yes	Only to FAC		FAILED
HB 1133; SB 1974	Stormwater Assessment Fee and local pre-emption on Ag land		Rick M Rick T	HIGH	Yes	Yes		HB 1133 and SB 1974 both FAILED
SB 1186	Permitting of Landfills		Boostani Rick M	MEDIUM	Yes	Yes		FAILED
HB 1219	Environmental Control	Oil drilling	Rick M	MEDIUM	Yes	Yes		FAILED
HB 1229	Contamination Notification		McKelvey	MEDIUM	Yes	Yes		FAILED
HB 1241	Agriculture (food/tomato)		Rick M	LOW	Yes	Yes		FAILED
SB 1328	Commercial Fertilizer Application		Rick M	HIGH	Yes	Yes		FAILED
HB 1423	FWCC		Rick M	MEDIUM	Yes	No request for comment.	PASSED	
HB 1453	Coral Reef Protection		Rick M	LOW	Yes	Yes		FAILED
SB 1490	Fertilizer Application/Phosphorus		Rick M Leslie	HIGH	Yes	Yes		FAILED

HB 1515	Protecting Urban & Residential Evt. & Water (DEP model)	FERTILIZER REGULATION	Rick M	HIGH	Yes	Yes	Yes	FAILED but see SB 494
SB 1904	Water Supply Development Projects		Rick M Leslie	MEDIUM	Yes	Yes	Yes	FAILED
SB 1974	Stormwater Fees and Wetland Permitting		Rick M & Rick T	HIGH	Yes	Yes	Yes	FAILED
SB 1994; HB 1309	Motor Vehicle Emission Standards	Identical bills	Campbell	LOW	Yes	Yes	Yes	Both FAILED
SB 2016; HB 1123	Environmental Permitting		Zodrow Stetler	HIGH	Yes	Yes	Yes	SB 2016 and HB 1123 FAILED
SB 2026	State and Local Permitting		Rick M	HIGH	Yes	Yes	Yes	FAILED
SB 2080	West-Central FL Water Restoration Action Plan		Rick M	LOW	Yes	Yes	Yes	PASSED
SB 2104; HB 1349	Environmental Protection (land acq; ELRA; permitting)	See 1349 committee amendment	Rick M	HIGH	Yes	Yes	Yes	HB 1349 and SB 2104 both FAILED
SB 2120	FL Springs Stewardship Task Force		Rick M	MEDIUM	Yes	Yes	Yes	FAILED
SB 2294	Environmental Control	NUCLEAR POWER	Rick M	MEDIUM	Yes	Yes	Yes	FAILED
SB 2618	FWCC		Rick M	LOW	Yes	Yes	Yes	FAILED
SB 2636	DEP (&FWCC)		Rick M	LOW	Yes	Yes	Yes	FAILED
STATE AIR BUDGET	Air Contracts Money		Jerry C	HIGH				-----
DEP Proposal	Water Conservation Bill		Rick M	MEDIUM	Yes	Yes	Yes -- via e-mail	-----
HB 7137	Related to Water Mgmt. Districts	see also SB 1898	Rick M	MEDIUM	Yes	Yes	No	HB 7137 and SB 1898 both FAILED
HB 7143	Environmental Streamlining	(f/k/a PCB ANR 09-02)	Rick T & Rick M	HIGH	Yes	Yes	Yes - via e-mail	FAILED
TOTAL approx. 60	=							8 bills passed that EPC tracked

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