# EPC 1/20/00

# ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY

#### COMMISSIONER'S BOARD ROOM JANUARY 20, 2000 10 AM - 12 NOON

#### **AGENDA**

ī.	CITIZENS WISHING TO APPEAR	
II.	CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE	
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III.	CONSENT AGENDA	
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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.

#### **COMMISSION**

PAT FRANK CHRIS HART JIM NORMAN JAN PLATT THOMAS SCOTT RONDA STORMS BEN WACKSMAN

EXECUTIVE DIRECTOR ROGER P. STEWART



ADMINISTRATIVE OFFICES, LEGAL & WATER MANAGEMENT DIVISION 1900 - 9TH AVENUE TAMPA, FLORIDA 33605 TELEPHONE (813) 272-5960 FAX (813) 272-5157

AIR MANAGEMENT DIVISION TELEPHONE (813) 272-5530

WASTE MANAGEMENT DIVISION TELEPHONE (813) 272-5788

WETLANDS MANAGEMENT DIVISION TELEPHONE (813) 272-7104

# Memo

\*\*\*\*\*\*\*\*EPC AGENDA ITEM \*\*/\*\*

To:

**EPC Members** 

From:

Roger P. Stewart

Date:

January 19, 2000

Re:

**EPC Counsel** 

As you know, we are regretfully losing Vernon Wagner as chief counsel to the EPC. Fortunately however, Sara Fotopulos has now returned from her leave of absence to pursue an LLM in environmental law at George Washington University, and has consented to reassume the position of EPC's General Counsel.

When the position of legal counsel for EPC was created in 1982, we were in the process of drafting the Hillsborough County Charter. At that time, I advised the Board that we would establish the EPC counsel position with a relationship to the Executive Director and Board similar to that of the County Attorney to the BOCC. Section 6.01 of the County Charter provides:

...The county attorney shall be appointed or terminated by the county administrator with the advice and consent of the board of county commissioners...

Therefore, with your consent, it is my intention to reappoint Sara Fotopulos as General Counsel.

COMMISSION
PAT FRANK
CHRIS HART
JIM NORMAN
JAN PLATT
THOMAS SCOTT
RONDA STORMS
BEN WACKSMAN

ROGER P. STEWART



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# Memo

\*\*\*\*\*\*\*\*EPC AGENDA ITEM \*\*\*\*\*\*\*

To:

**EPC Members** 

From:

Sara M. Fotopulos SMF

CC:

**Emmy Acton** 

Date:

January 19, 2000

Re:

Special Counsel Services for EPC and Water Team

Please find attached for your information a copy of the proposed Special Counsel agreement between EPC and Patrick Courtney. As you can see, I tried to limit the use of his services, and therefor cost, to subjects that he is currently handling and which might suffer from the need to familiarize a new attorney on the history and specifics [section 1(a)], to require specific authorization in each case [section 1(b)], and to require specific consideration of the allocation of time when the monthly total nears 150 hours [section4(d)].

The hourly rate Patrick would charge is \$100, with \$50 per hour should paralegal services be appropriate. We would also be responsible for out-of-pocket and out-of-county expenses as permitted by law.

Patrick has agreed to this proposal, and I will be asking for the EPC to authorize Commissioner Platt, EPC Chair, to sign.

#### AGREEMENT FOR SPECIAL COUNSEL SERVICES

THIS AGREEMENT is entered into in Hillsborough County, Florida on this \_\_\_\_\_\_ day of January, 2000 by and between the Environmental Protection Commission of Hillsborough County, an administrative agency created by Special Act of the Legislature, 1900 9th Avenue, Tampa, Florida 33605 (hereinafter referred to as the "EPC"), and Lansky & Courtney, P.L., 313 E. Robertson St., Brandon, Florida, 33511 (hereinafter referred to as the "Attorney").

#### WITNESSETH

WHEREAS, the EPC desires to continue the services of Patrick Courtney Esq., now with the firm of Lansky & Courtney, P.L., with respect to pending water law and litigation issues affecting the EPC; and

WHEREAS, it is in the best interests of the EPC and the County to retain professional legal services with experience in the negotiation, pre-trial, and trial practices of those matters to provide specialized legal services; and

WHEREAS, the EPC desires to retain the Attorney to provide such services, as provided herein.

NOW, THEREFORE, in consideration of the foregoing premises, which shall be deemed an integral part of this Agreement, and of the mutual covenants and agreements set forth below, the EPC and the Attorney, intending to be legally bound, hereby agree as follows:

- 1. ATTORNEY'S DUTIES.
- a) Scope of Services. The EPC hereby retains and employs the Attorney as its attorney to perform professional legal services, as requested and assigned by the General Counsel or her designee on a task-by-task basis, including, but not limited to:
  - i) Perform professional legal services regarding the pending arbitration proceeding in the matter of the Environmental Resource Permit Application for the Alafia River Pump Station and Intake Structure, initiated pursuant to the Amended and Restated Interlocal Agreement reorganizing the WCRWSA executed June 10, 1998;
  - Represent EPC as co-counsel to Holland & Knight, L.L.P in the pending Northern Tampa Bay Minimum Flows and Levels Rule challenge. EPC acknowledges that Holland & Knight is lead counsel on this matter, and that Attorney's representation is subsidiary to that of Holland & Knight.
  - iii) Review, analyze, comment and represent the EPC in the planning, permitting and construction of a seawater desalination plant by Tampa Bay Water and S&W Water, L.L.C.

The Attorney agrees that Patrick B. Courtney, Esquire, will be the partner in charge of all matters arising under this Agreement. The Attorney may assign specific tasks under this Agreement to other attorneys or professionals as needed, pursuant to a task authorization.

b) All services authorized shall be evidenced by written task authorizations signed by EPC's General Counsel or her designee. Each task authorization shall specify the scope of the services to be performed within the above categories, the time frame for completion, the number of hours projected for such performance, the estimated total of reimbursable expenses to be incurred, and the maximum compensation for performing the services.

- 2. EPC's DUTY. The EPC shall make available to the Attorney upon request, all such existing EPC studies, reports and other available data and services of others pertinent to the Scope of Services under Section 1 of this Agreement that are necessary for the performance of the Attorney's services.
- 3. TERM. This Agreement shall take effect immediately upon its execution by the Environmental Protection Commission of Hillsborough County and the Attorney and shall continue until conclusion of the matters referenced in Section 1 above, unless earlier terminated pursuant to Section 9.
- 4. COMPENSATION AND EXPENSES. The EPC shall pay the Attorney as compensation for professional legal services performed pursuant to this Agreement the following:
- a) One Hundred dollars (\$100.00) per hour for attorney services,
- b) Fifty dollars (\$50.00) per hour for paralegal services; and
- c) All reasonable out-of-pocket expenses. The EPC shall reimburse the Attorney for all out-of-County traveling expenses (subject to the limitations of Section 112-061, Florida Statutes (1997), as it may be amended), provided, the Attorney maintains appropriate documentation substantiating the expense, (ii) discloses such claim is true and correct as to every material matter, and (iii) honors a claim for refund by the County should such reimbursement be in excess of the statutory limit.
- d) Without prior approval of the General Counsel or her designee, a total number of hours per month not to exceed one hundred fifty (150). Should Attorney exhaust this limit on tasks covered by Section 1 of this Agreement, approval from the General Counsel or her designee shall be obtained prior to expending further time or resources on behalf of EPC by Attorney.
- 5. PAYMENT OF FEES AND EXPENSES. The fee for professional services and reimbursable expenses shall be submitted monthly by the Attorney to the EPC General Counsel, or its designee, for approval and transmittal to the County for payment Each invoice shall provide a detailed description of services performed and expenses incurred during the period covered by the invoice, together with supporting documentation.
- CONFLICTS OF INTEREST. The Attorney accepts employment and agrees to perform in a 6. professional manner all legal services necessary and proper for the protection of the interests of the EPC regarding the matter described in Section I of this Agreement The Attorney represents that it presently does not represent any other clients which would conflict in any manner with the performance of the services required hereunder. During the term of this Agreement, the Attorney agrees it will not accept representation of another client to pursue interests that are adverse to the EPC's interests unless and until the Attorney has made full disclosure to the EPC of all the relevant facts, circumstances and implications of the Attorney's undertaking of the two representations and the County has consented to the Attorney's representation of the other client The circumstances to be considered in determining whether a client of Attorney has interests adverse to the EPC shall include, but not be limited to: (i) whether there is a substantial relationship between any matter in which the Attorney is representing or has represented the EPC and the matter for the other client; (ii) whether the Attorney's representation of the other client will not implicate any confidential information the Attorney has received from the EPC; (iii) whether effective representation to the EPC and the discharge of the Attorney's professional responsibilities to the EPC will be prejudiced by the Attorney's representation of the other client; and (iv) whether the other client has also consented in writing based on the Attorney's full disclosure of the relevant facts,, circumstances and implications of the Attorney's undertaking the two representations. The EPC agrees, however, that it will not restrict the Attorney from securing other clients whose interests are not adverse to the EPC. If the Attorney is required to decline employment or to withdraw from employment under the provisions of this Section, no partner or associate of the firm may accept such employment or continue such employment

- 7. DISCRIMINATION. During the performance of this Agreement, the Attorney assures the EPC it is in compliance with Title VII of the 1964 Civil Rights Act, as amended, and the Florida Human Rights Act of 1997 and the Hillsborough County Affirmative Action Policies in that the Attorney does not, on the grounds of race, color, national origin, religion, sex, age, handicap or marital status discriminate in any form or manner against said Attorney's employees or applicants for employment. The Attorney understands and agrees this Agreement is conditioned upon the veracity of this Statement of Assurances. Other applicable Federal and State laws, executive orders and regulations prohibiting the type of discrimination as herein above delineated are included by this reference thereto. This Statement of Assurances shall be interpreted to include Vietnam Era Veterans and handicapped persons within this protective range of applicability. In instances where the total payments to be made to the Attorney under this Agreement amount to ten thousand dollars (\$10,000) or more, the Attorney agrees to abide by the provisions of Exhibit "A", the Hillsborough County Equal Opportunity Clause, attached hereto and made a part hereof.
- 8. INDEMNIFICATION AND INSURANCE.. The Attorney agrees to protect, defend, indemnify and hold the County and its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character arising out of or due to any negligent act or omission of the Attorney, its employees, agents and subcontractors in connection with or arising directly or indirectly out of this Agreement and/or the performance hereof. Without limiting its liability under this Agreement, the Attorney shall procure and maintain during the life of this Agreement professional liability insurance in an amount of Three Hundred Thousand Dollars (\$300,000) per claim and in a minimum amount of Three Hundred Thousand Dollars (\$300,000) aggregate.
- 9. TERMINATION. The EPC may terminate this Agreement upon thirty (30) days advance written notice to the Attorney. In the event of termination, the Attorney agrees to transfer to the EPC any documents and other work product belonging to the EPC. In the event of termination, the Attorney shall immediately cease work hereunder and shall be compensated for billable hours of service rendered to the time of such termination and reimbursement for eligible and documented reimbursable expenses incurred prior to the date of termination, as approved by the EPC General Counsel or her designee.
- 10. NOTICE. Any notice required or permitted to be delivered hereunder shall be deemed to be properly made if addressed as follows and sent by United States certified mail, return receipt requested, or delivered in person with proof thereof.

To the Attorney:
Patrick B. Courtney, Esquire
Lansky & Courtney, P.L.
313 E. Robertson St.
Brandon, Florida 33511

To the EPC: Sara M. Fotopulos, Esquire General Counsel 1900 9th Avenue Tampa, Florida 33605

#### 11. MISCELLANEOUS.

- a) All communications between the EPC and the Attorney shall be deemed privileged and confidential attorney-client communications to the extent permitted by law;
- b) Nothing herein shall be construed to give any rights or benefits hereunder to anyone other than the EPC or the Attorney;
- c) The Attorney shall not sublet, assign, or transfer this Agreement or any work specifically set forth under this Agreement without the prior written consent of the EPC General Counsel or its designee;

- d) No changes or modifications of this Agreement shall be valid unless the same be in writing and signed by all parties hereto;
- e) It is understood that unusual and unforeseen circumstances could occur and that the County Attorney may request the Attorney's services for matters outside the scope contemplated by this Agreement, in which case the EPC General Counsel will advise the Attorney of the same, and at such time the Attorney and the EPC General Counsel shall consider and mutually agree upon the nature and scope of such work, and such work, upon such mutual agreement, shall be billed based on the compensation formula set forth in Section 4;
- f) Venue for any action, litigation, or arbitration arising out of this Agreement shall be in Hillsborough County, Florida;
- g) This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida;
- h) If any provision of this Agreement if found invalid or unenforceable by any court of competent jurisdiction, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this Agreement which shall continue in full force and effect, provided the rights and obligations of the parties contained herein are not Materially prejudiced and that the intentions of the parties can continue to be effective;
- i) The EPC and the Attorney agree that each has played an equal part in the negotiation and drafting of this Agreement, and in the event any ambiguity should be asserted or realized in the interpretation or construction of this Agreement, the result of such ambiguity shall be equally assumed and realized by both parties; and This Agreement may be executed in more than one counterpart, each of which shall be deemed an original.

IN WITNESS WHEREOF, the EPC and the Attorney have duly executed this Agreement on the day and year first above written,

ATTEST: RICHARD AKE Clerk of Circuit Court	Environmental Protection Commission of Hillsborough County
By: Deputy Clerk	Ву:
ATTEST:	Lansky & Courtney, P.L.
By: Witness	By: Patrick B. Courtney, Esq. Manager

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Board of County Commissioners		
THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH ESERVE IS A UNIT OF:  □ CITY XX COUNTY □ OTHER LOCAL AGENCY		
NAME OF POLITICAL SUBDIVISION: Hillsborough County		
MY POSITION IS:  UXX ELECTIVE D APPOINTIVE		

#### WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office, MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163,356 or 163,357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, co-owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

#### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

#### APPOINTED OFFICERS:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

## IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- \* You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- \* A copy of the form must be provided immediately to the other members of the agency.
- \* The form must be read publicly at the next meeting after the form is filed.

• • •	-					
IF VOII	MAKE NO	ATTEMPT TO	INFLUENCE THE	F DECISION EXCEPT	RV DISCUSSION A	T THE MEETING.

- \* You must disclose orally the nature of your conflict in the measure before participating.
- \* You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST
I, Jan Platt, hereby disclose that on January 20, 2000,
(a) A measure came or will come before my agency which (check one)
inured to my special private gain or loss;
inured to the special gain or loss of my business associate,;
X inured to the special gain or loss of my relative, William Platt;
inured to the special gain or loss of, by whom I am retained; or
inured to the special gain or loss of, which is the parent organization or subsidiary of a principal which has retained me.
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:
At the Environmental Protection Commission meeting of January 20, 2000 I abstained from voting on an environmental impact study that could impact the location of a desalination plant proposed to be constructed by Tampa Bay Water. My Husband owns a substantial interest in property that could be directly negatively affected by the potential location of a desalination plant near his property.
_ Jan 27, 200 Pate Filed Signature _ Jan K. Platt
_ Jun 27, 200 Paic Filed Signature Jun K. Wlatt

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

CE FORM 8B-REV.1/95

## **Environmental Protection Commission**

of Hillsborough County January 20, 2000 - 10:00 A.M.

# Sign Up Sheet

For Citizens Wishing To Speak To The Commission

Name (Please Print)	Subject Matter (Please Print)
Denise Lagre	Roger Steerant TECO flant
-,, <u>-,</u> ,	

## **Environmental Protection Commission**

of Hillsborough County January 20, 2000 - 10:00 A.M.

# Sign Up Sheet

For Citizens Wishing To Speak To The Commission

Name (Please Print)	Subject Matter (Please Print)
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# NOVEMBER 16, 1999 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to discuss Arbitration of the Tampa Bay Water (TBW) Permits, scheduled for Tuesday, November 16, 1999, at 3:00 p.m., in the Boardroom, County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Pat Frank, Chris Hart, Jim Norman, Thomas Scott, Ronda Storms, and Ben Wacksman.

Chairman Platt called the meeting to order at 3:35 p.m. She said EPC approval was needed in regard to TBW permit items heard that day in the Board of County Commissioners (BOCC) meeting, which related to the TBW regional water treatment plant, the Tampa Bypass Canal pump station, and the hydrobiological monitoring program.

Attorney Patrick Courtney, EPC Legal Department, explained the EPC staff recommendation was the same as that of the water team to the BOCC that day in that each of the permits met the permitting criteria, and EPC should not initiate arbitration on any of the programs. Commissioner Wacksman moved to approve EPC staff recommendation, seconded by Commissioner Norman, and carried seven to zero.

There being no further business, the meeting was adjourned at 3:38 p.m.

	READ AND APPROVED:		
	,	CHAIRMAN	~:
ATTEST:			
RICHARD AKE, CLERK			
By:			
Deputy Clerk			
jp			•

REC'D

DEC 0 7 1999

ENV PROT COMM

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The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, October 18, 1999, at 10:00 a.m., in the Boardroom, County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Pat Frank, Jim Norman, Ronda Storms (arrived at 10:15 a.m.), and Ben Wacksman.

The following members were absent: Commissioners Chris Hart and Thomas Scott (both in attendance at the Florida Association of Counties annual legislative conference in Tallahassee).

Chairman Platt called the meeting to order at 10:05 a.m., led in the pledge of allegiance to the flag, asked that Board members and the public bow their heads in thanksgiving, and gave the invocation.

#### CHANGES TO THE AGENDA

Mr. Roger Stewart, EPC Executive Director, reported that page 7 of the Consent Agenda, item 7, should reflect an amount of \$10,533.

#### CITIZENS WISHING TO APPEAR

Mr. Charles Thomas, representing the American Lung Association (Association), 4025 Tampa Road, said the Association had forwarded information to EPC members regarding funding the Airwise project. The project consisted of air quality education in the school system. The project was partially funded by pollution recovery fund (PRF). Mr. Thomas realized the request had not been timely. However, in the past, the project had been supported by the Citizens Environmental Advisory Committee (CEAC), EPC, and the Board of County Commissioners (BOCC). He gave the details of the program.

Mr. John Chancellor, chief executive officer, American Lung Association of Gulf Coast Florida, 15438 North Florida Avenue, reiterated the request on behalf of the Airwise project and affirmed the process set forth by the EPC regarding allocation of PRF. He explained the reason for the untimely filing of the request.

Ms. Leslie Campbell, EPC staff, reported the PRF had \$186,000 available; requests for PRF amounted to \$600,000, including the Association's request for \$10,000 for the Airwise project. CEAC had not been able to review the application and could not review the project before the deadline. CEAC and

the EPC had canceled their December meetings. Conversation ensued regarding the time demands and funding. Mr. Jerry Campbell, Director, Air Management Division, EPC, said the Air Management Division reviewed and recommended approval of PRF dollars for the project. Chairman Platt requested information on other competing projects prior to making a decision. Following discussion regarding the request, Commissioner Wacksman moved to approve the PRF application for the Airwise project. The motion was seconded by Commissioner Storms. Chairman Platt could not support the motion because there was \$600,000 worth of applications that had not been reviewed by the EPC Board. Commissioner Norman moved to continue the item to the end of the meeting to review the other requests. The motion was seconded by Commissioner Frank and carried five to zero. (Commissioners Hart and Scott were absent.)

The following persons addressed the EPC Board regarding the proposed desalination plant at the Big Bend power station in Apollo Beach and requested a full environmental impact study be conducted: Mr. Colin Howgill, Apollo Beach; Mr. Helmut Henkel, Apollo Beach; Mr. Keith Towe, 6512 King Palm Way, Apollo Beach; Mr. Joseph Bernia, 636 Kingston Court, Apollo Beach; Mr. Art Lucchesi, Apollo Beach; Mr. Bryan Ingersoll, Apollo Beach; and Ms. Sandy Lucchesi, Apollo Beach.

Commissioners Frank and Storms, as the representatives on the Tampa Bay Water (TBW) board, explained their objections at the TBW meeting regarding locating the desalination plant in Apollo Beach. EPC Legal Counsel Patrick Courtney talked about the permitting process in which EPC was involved. He reported a town meeting had been scheduled in Apollo Beach to discuss the desalination plant. The Hillsborough County water team would present an agenda item on the issue for BOCC discussion in early January; TBW representatives would be invited to all meetings. Commissioner Norman noted that both Commissioners Frank and Storms were doing a stellar job on the TBW board for the citizens of Hillsborough County.

Additional public comment on the Big Bend desalination plant was received from: Mr. Joe Waronka, Apollo Beach; Mr. Cliff Bell, Apollo Beach; Ms. Kathryn Collins, Apollo Beach; Ms. Ginger Hyde, Apollo Beach; Mr. Michael Hyde, Apollo Beach; and Ms. Bonnie Bertolini, Apollo Beach.

Ms. Denise Layne, cochairman conservation committee, Tampa Bay Sierra Club (Sierra Club), expressed the Sierra Club's support for the air quality report from CEAC. Ms. Layne supported the Apollo Beach community on the Big Bend

desalination issues, and she submitted the Sierra Club's position on desalination. Ms. Layne commented on a lawsuit by the city of Tampa (City) in Section 1 for development rights; the Sierra Club would join with the City. Ms. Layne offered the Sierra Club's assistance in support of not developing conservation areas. Ms. Patricia Kemp, executive director, Florida Consumer Action Network, supported the recommendations in the CEAC report. She commented on Tampa Electric Company and the recent lawsuit regarding the Clean Air Act. Mr. Terry Grewer, Apollo Beach, suggested, in support of the two BOCC members on the TBW board, that any legal means necessary be used to protect the County. Ms. Marilyn Smith, County citizen, spoke about the types of projects developed in Apollo Beach. She noted the Brandon and Apollo Beach Chambers of Commerce had voted for the desalination plant.

#### CEAC

Ms. Lynn McGarvey, CEAC chairman, referenced CEAC's memorandum on the clean air policy goals. Chairman Platt suggested referring the report to staff and that discussions on the recommendations be scheduled for the next EPC meeting. Two of the recommendations needed immediate attention, because they dealt with legislation. Mr. Campbell concurred that recommendations on lowsulfur gasoline and power plant emissions should be addressed. stated that Senator Jim Hargrett was prepared to file a bill on low-sulfur fuel. Commissioner Norman moved that item, seconded by Commissioner Storms. Ms. Marilyn Smith, CEAC member, referenced the minority report she had The motion carried five to submitted regarding that issue. (Commissioners Hart and Scott were absent.) Mr. Stewart asked for endorsement of item A of the report--power plant emission. Ms. Smith commented on those issues, as listed in the minority report she had submitted. Ms. McGarvey explained how CEAC had dealt with those issues in its report. Commissioner Frank said EPC was at a disadvantage, because it did not have a piece of legislation to evaluate the proposed language. However, EPC staff had highlighted some problems with air pollution in the area. The EPC Board needed to go on record supporting legislation that would reduce air pollution emitted from power plants in the region. Norman said that was the recommendation of Mr. Stewart. Commissioner Frank so moved, seconded by Commissioner Wacksman, and carried five to zero. (Commissioners Hart and Scott were absent.) Chairman Platt asked staff to be prepared to review the remaining recommendations at the next EPC meeting.

#### CONSENT AGENDA

- A. Approval of Minutes: None
- B. Monthly Activity Report
- C. Legal Department Monthly Reports
- D. Pollution Recovery Fund
- E. Gardinier Settlement Fund

Commissioner Norman moved the Consent Agenda, seconded by Commissioner Wacksman, and carried five to zero. (Commissioners Hart and Scott were absent.)

#### WATER MANAGEMENT DIVISION

Authorize Executive Director to Sign Modified Wastewater Facility Program Specific Operating Agreement with the Department of Environmental Protection (DEP) - Mr. Chris Dunn, Water Management Division, EPC, referenced a copy of the modified specific operating agreement for delegation of wastewater facility program authority to EPC. Staff requested the EPC Board authorize the executive director to sign the modified wastewater facility program agreement. The modification incorporated the May 6, 1999, amendment that expanded delegation of authority for collection systems greater than 12 inches. The modification further expanded the delegation to include responsibility for selected facilities for the DEP industrial wastewater program. Commissioner Frank moved to authorize the executive director to sign the modified wastewater facility agreement with the Florida DEP. The motion was seconded by Commissioner Norman and carried five to zero. (Commissioners Hart and Scott were absent.)

#### WETLANDS MANAGEMENT DIVISION

TBW Restitution Policy - (Commissioner Norman) - Mr. Darrel Howton, Director, EPC Wetlands Management Division, said Commissioner Norman had directed staff to investigate the possibility of EPC or County staff monitoring TBW mitigation activities. Attorney Courtney reported he had received a negative response to that request from TBW. Based on that information, EPC staff had met and developed options. Mr. Anthony D'Aquila, EPC Wetlands Management Division, provided the background and methodology of how staff had arrived at the recommendation, as outlined in the background material. Attorney Courtney said staff recommendation was to allow TBW to continue their permit mitigation activities and that EPC continue in its role to watch and monitor.

Commissioner Norman expressed disappointment that staff had not sought his feedback on the report prior to the presentation. Commissioner Norman moved to continue the item, seconded by Commissioner Wacksman. Commissioner Frank stated the item had been previously postponed, and staff did not want to further delay reporting on the item. Commissioner Wacksman said the memorandum was well written in terms of laying out the options. Commissioner Norman wanted to address some of the findings, which he felt were erroneous. The motion carried five to zero. (Commissioners Hart and Scott were absent.)

Minimum Flows and Levels (MFLs) - Rules for Northern Tampa Bay - Attorney Courtney said the EPC Board had voted on October 21 to give Mr. Stewart the authority to file to protect, by any means necessary, Hillsborough County's water resources with respect to the MFLs rules proposed by Southwest Florida Water Management District (SWFWMD) for the northern Tampa Bay area. The decision had been made to file a petition for an administrative determination of the invalidity of the proposed rules. Staff requested ratification of the item. Commissioner Storms moved staff recommendation, seconded by Commissioner Frank, and carried five to zero. (Commissioners Hart and Scott were absent.)

MFLs - Rules for Lower Hillsborough River - Mr. Howton asked for authorization for the executive director to take action, as necessary, as the rule was developed. EPC Chief Legal Counsel Vernon Wagner explained staff had proposed a peer review of SWFWMD's proposed MFLs rules on the lower Hillsborough River. A report of the peer review had been submitted on Staff had 60 days from that date to file a rule challenge or other legal proceeding. Unfortunately, it would not be known what SWFWMD would do with the rule until their December 14 governing board meeting. Staff requested the Board's authorization, prior to the EPC January meeting, to do what was necessary to preserve the position, as stated, in the lower Hillsborough River MFLs process. Staff would present the item to the EPC Board for ratification at the January meeting. Commissioner Frank moved to support the delegation of authority to the EPC executive director to intervene or initiate rule challenge depending upon the outcome of the governing decision. The motion was seconded by Commissioner Storms and carried five to zero. (Commissioners Hart and Scott were absent.)

CITIZENS WISHING TO APPEAR - RESUMED

Chairman Platt referenced the list of projects that had applied for PRF, as distributed by Ms. Campbell. Discussion ensued regarding the request of the

Association for \$10,000 from the PRF. Commissioner Frank suggested approving the item and if the request was disapproved by EPC staff and CEAC, then the funds should be taken from the remaining \$100,000 that would have been held in the PRF. If the applicant requested funds next year, that request would not be granted, thereby allowing the PRF to be reinstated to the \$100,000. Ms. Campbell noted staff recommendation was for approval in the current year, but anticipated, if the project was ongoing, that it be funded through other sources. In response to Chairman Platt, Ms. Campbell concurred with Attorney Wagner that expedited reviews were not unusual. The motion carried five to zero. (Commissioners Hart and Scott were absent.

There being no further business, the meeting was adjourned at 12:05 p.m.

	READ	AND	APPROVED:_	
				CHAIRMAN
ATTEST: RICHARD AKE, CLERK				
By:				

pgs

3

## DECEMBER 15, 1999 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING DRAFT MINUTES -

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to discuss Arbitration of the Tampa Bay Water (TBW) Permits, scheduled for Wednesday, December 15, 1999, at 2:15 p.m., in the Boardroom, County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Pat Frank, Chris Hart, Jim Norman, Thomas Scott, Ronda Storms, and Ben Wacksman.

Chairman Platt called the meeting to order at 2:16 p.m.

Attorney Patrick Courtney, EPC Legal Department, explained the EPC staff recommendation was the same as that of the water team to the Board of County Commissioners regarding the TBW regional treatment plant, which was not to arbitrate. Commissioner Frank moved approval, seconded by Commissioner Scott, and carried seven to zero.

Attorney Courtney said EPC recommended not to arbitrate TBW's application for geotechnical borings in the Hillsborough River for the north central intertie. Commissioner Scott moved staff recommendation, seconded by Commissioner Frank, and carried seven to zero by oral vote.

Regarding TBW's application for the Alafia River intake structure and pump station, Attorney Courtney said EPC agreed with the water team that the application did not meet permitting criteria under the Southwest Florida Water Management District permitting rules; the application should be arbitrated. Commissioner Frank moved to arbitrate, seconded by Commissioner Wacksman, and carried six to zero by oral vote. (Commissioner Hart was out of the room.)

Attorney Courtney said the EPC recommendation for the south central Hillsborough intertie pipeline was to support the water team recommendation to not arbitrate the project. In answer to Chairman Platt, Attorney Courtney agreed that given the alternatives, the installation method for the pipeline was sound. Commissioner Norman so moved, seconded by Commissioner Wacksman, and carried seven to zero.

## WEDNESDAY, DECEMBER 15, 1999 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 2:20 p.m.

	READ AND APPROVED:	
		CHAIRMAN
ATTEST:	•	
RICHARD AKE, CLERK		
Ву:		
Deputy Clerk		
qį		

-9-

#### MONTHLY ACTIVITIES REPORT AIR MANAGEMENT DIVISION NOVEMBER

A.	Publi	<u>575</u>		
В.	Industrial Air Pollution Permitting			
	1.	Permit Applications Received (Counted by Number Received): a. Operating: b. Construction: c. Amendments: d. Transfers/Extensions:	of Fees  - 4 - 4 - 0 - 0 - 0	
	2.	Delegated Permits Issued by EPC and Non-delegated Recommended to DEP for Approval ('Count Number of Fees Collected - 'Except for 'Facilities where it is Counted by Number of Units affected by the Applicant's Request):  a. Operating': b. Construction': c. Amendments': d. Transfers/Extensions': e. Title V Operating': f. Permit Determinations':	inted by Title V	
	3.	Intent to Deny Permit Issued	0	
	4.	General Permits	0	
C.	Administrative Enforcement			
	1.	Documents Issued:		
		<ul> <li>a. Notice of Intent to Initiate Enforcement</li> <li>b. Citation</li> <li>c. Emergency Order</li> </ul>	0 0 0	<b>1</b>
	2.	Total Cases Initiated:	1_	
	3.	Cases Resolved:	2	
	4.	Cases Referred to Legal Department:	0	
	5.	Consent Orders Signed:	0	-
	6.	Contributions to the Pollution Recovery Fund: \$	1,000.00	
	9	Organization Name <u>Violation</u>	Amount	
	a. :	Premdor, Inc. Operating w/o a permit \$1	,000.00	

D.	inspections:			
	1.	Industrial Facilities:		_1_
	2.	Air Toxics Facilities: a. Asbestos Emitters b. Area Sources (i.e. Drycl Platers, etc) c. Major Sources	eaners, Chrome	0 
	3.	Asbestos Demolition/Renovation	n Projects:	32
E.	Open	Burning Permits Issued:		5_
F.	Numb	er of DOF Permits Monitored:		218
G.	Tota	l Citizen Complaints Received:		70_
H.	Tota	l Citizen Complaints Investigat	ed:	56
I.	Nois	e Sources Monitored:		3
J.	Air	Program's Input to DRI's:		
K.	Test	Reports Reviewed:		29
L.	Comp	liance:		
	1.	Warning Notices Issued:		
	2.	Warning Notices Resolved:		9_
	3.	Advisory Letters Issued:		15
М.	AOR'	s Reviewed	(Toxic Inventory)	85

## FEES COLLECTED FOR AIR MANAGEMENT DIVISION NOVEMBER

		Total Revenue
1.	Non-delegated construction permit for an air pollution source	
	<ul><li>(a) New Source Review or Prevention of Significant Deterioration sources</li><li>(b) all others</li></ul>	\$ -0- \$ -0-
2.	Non-delegated operation permit for an air pollution source	
	<ul><li>(a) class B or smaller facility - 5 year permit</li><li>(b) class A2 facility - 5 year permit</li><li>(c) class A1 facility - 5 year permit</li></ul>	\$ -0- \$ -0- \$ -0-
3.	(a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$2,800.00
	(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$2,600.00
	(c) Delegated General Permit	\$ -0-
4.	Non-delegated permit revision for an air pollution source	\$ -0-
5.	Non-delegated permit transfer of ownership, name change or extension	\$ -0-
6.	Notification for commercial demolition	
	<ul><li>(a) for structure less than 50,000 sq ft</li><li>(b) for structure greater than 50,000 sq ft</li></ul>	\$3,795.00 \$ -0-
7.	Notification for asbestos abatement	
	<ul> <li>(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos</li> <li>(b) renovation greater than 1000 linear feet or 1000 sq ft</li> </ul>	\$ 120.00 \$ 310.00
8.	Open burning authorization	\$2,125.00
9.	Enforcement Costs	\$ 329.77

#### MONTHLY ACTIVITIES REPORT AIR MANAGEMENT DIVISION DECEMBER

A.	Publi	c Outreach/Education Assistance: 25	
В.	Industrial Air Pollution Permitting		
	1.	Permit Applications Received (Counted by Number of Fees Received):  a. Operating:  b. Construction:  c. Amendments:  d. Transfers/Extensions:	
	2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹Counted by Number of Fees Collected - ² Except for Title V Facilities where it is Counted by Number of Emission Units affected by the Applicant's Request):  a. Operating¹:  b. Construction¹:  c. Amendments¹:  d. Transfers/Extensions¹:  e. Title V Operating²:  f. Permit Determinations²:  Intent to Deny Permit Issued  O  O  Intent to Deny Permit Issued	
	3.	Intent to Deny Permit Issued 0	
	4.	General Permits2_	
C.	Admir	istrative Enforcement	
	1.	Documents Issued:	
		a. Notice of Intent to Initiate Enforcement b. Citation c. Emergency Order  1 0 0	
	2.	Total Cases Initiated: 2	
	3.	Cases Resolved:	
	4.	Cases Referred to Legal Department: 0	
	5.	Consent Orders Signed: 5	
	6.	Contributions to the Pollution Recovery Fund: \$46,900.00	
	a. I b. M c. H	Organization Name Dee Company of Plant City McBride Contractors Inc. Evergreen Development CECO HP 1 & 3  Violation NESHAP S 1,000 S 1,500 S 1,500 Emission exceedance S 22,900	

<b>.</b>	inapections.	
	1. Industrial Facilities:	
	<ul> <li>2. Air Toxics Facilities:</li> <li>a. Asbestos Emitters</li> <li>b. Area Sources (i.e. Drycleaners, Chrome Platers, etc)</li> <li>c. Major Sources</li> </ul>	0 14 6
	3. Asbestos Demolition/Renovation Projects:	43
E.	Open Burning Permits Issued:	10
F.	Number of DOF Permits Monitored:	225
G.	Total Citizen Complaints Received:	57
н.	Total Citizen Complaints Closed:	<u>65</u>
I.	Noise Sources Monitored:	
J.	Air Program's Input to DRI's:	0
к.	Test Reports Reviewed:	41
L.	Compliance:	
	1. Warning Notices Issued:	21
	2. Warning Notices Resolved:	6
	3. Advisory Letters Issued:	
М.	AOR's Reviewed	0 ~. ~

## FEES COLLECTED FOR AIR MANAGEMENT DIVISION DECEMBER

		Total Revenue
1.	Non-delegated construction permit for an air pollution source	
	<ul> <li>(a) New Source Review or Prevention of Significant Deterioration sources</li> <li>(b) all others</li> </ul>	\$ -0- \$ -0-
2.	Non-delegated operation permit for an air pollution source	<del></del>
	<ul><li>(a) class B or smaller facility - 5 year permit</li><li>(b) class A2 facility - 5 year permit</li><li>(c) class A1 facility - 5 year permit</li></ul>	\$ -0- \$ -0- \$ -0-
3.	(a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$ 6,400 <u></u>
	(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$ 4,600
	(c) Delegated General Permit	\$ 350
4.	Non-delegated permit revision for an air pollution source	\$ -0-
5.	Non-delegated permit transfer of ownership, name change or extension	\$ 100
6.	Notification for commercial demolition	
	<ul><li>(a) for structure less than 50,000 sq ft</li><li>(b) for structure greater than 50,000 sq ft</li></ul>	\$ 2,300 \$ -0-
7.	Notification for asbestos abatement	
	<ul> <li>(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos</li> <li>(b) renovation greater than 1000 linear feet or</li> </ul>	\$ 580
	1000 sq ft	\$ 400
8.	Open burning authorization	\$ 3,825
9.	Enforcement Costs	\$ 1,136.73

COMMISSION
PAT FRANK
CHRIS HART
JIM NORMAN
JAN PLATT
THOMAS SCOTT
RONDA STORMS
BEN WACKSMAN

EXECUTIVE DIRECTOR ROGER P. STEWART



ADMINISTRATIVE OFFICES, LEGAL & WATER MANAGEMENT DIVISION 1900 - 9" AVENUE TAMPA, FLORIDA 33605 TELEPHONE (813) 272 - 5960 FAX (813) 272 - 5157

AIR MANAGEMENT DIVISION TELEPHONE (813) 272-5530

WASTE MANAGEMENT DIVISION TELEPHONE (813) 272 - 5788

WETLANDS MANAGEMENT DIVISION TELEPHONE (813) 272 - 7104

#### MEMORANDUM

DATE:

December 8, 1999

TO:

Tom Koulianos, Director of Finance and Administration through Hooshang

Boostani, Director of Waste Management

FROM:

Shanna Lawson, Clerk III, Waste Management Division through Sheila

Luce, Senior Environmental Enforcement Specialist

SUBJECT:

**WASTE MANAGEMENT'S NOVEMBER 1999 AGENDA** 

**INFORMATION** 

The following is a summary of activities for the month of November 1999. If you would like more information concerning any of these activities, please let me know.

#### A. ADMINISTRATIVE ENFORCEMENT

1.	New Cases received	5
2.	Ongoing administrative cases	
	a. Pending	7
	b. Active	49
	c. Legal	10
	d. Tracking Compliance (Admin.)	21
4.	Citations issued	0
5.	Consent Orders signed	7
6.	Civil Contrib. to the Pollution Rec. Fund	\$4,560.00
7.	Criminal contrib. to the Pollution Rec. Fund	\$0.00
8.	Enforcement costs collected	\$590.00
9.	Cases referred to legal	0
10.	Cases Closed	7

В.		SOLID AND HAZARDOUS WASTE		
	1.	Permits (Received/Reviewed)	1/3	
	2.	EPC Authorization for Facilities Not Requiring DEP Permit	1/1	
	3.	Other permits and Reports		
		a. County Permits	0/0	
		b. *Reports	55/71	
	4.	Inspections (Total)	297	
		a. Complaints	58	
		b. Compliance/reinspections	33	
		c. Facility Compliance	18	
		d. Small Quantity Generator	188	
	5.	Enforcement		
		a. Complaints Received/Closed	51/47	
		b. Warning Notice Issued/Closed	<i>5</i> /1	
		c. Compliance letters	14	
		d. Letters of Agreement	1	
		e. DEP Referrals	1	
	6.	Pamphlets, Rules and Material Distributed	773	; .
C.		STORAGE TANK COMPLIANCE		•
	1.	Inspections		
		a. UST Compliance	60	
		b. AST Compliance	31	
		c. UST Installation	11	
		d. AST Installation	3	
		e. UST Closure	2	
		f. AST Closure	3	≈.
		g. Compliance Re-Inspections	32	·
	2.	Installation Plan Reviewed	11	
	3.	Closure Plans & Reports Received/Reviewed	10/08	
		a. Closure Plans Received/ Reviewed	8/8	
		b. Closure Reports Received/Reviewed	2/0	
	4.	Enforcement		
		a. Noncompliance Letters	<b>39</b>	
		b. Warning Notices (issued/closed)	5/1	
		c. Cases referred to Enforcement	7	
		d. Complaints received/investigated	1/1	
		e. Complaints referred	0	
	5.	Discharge Reporting Forms Received	2	
	6.	Incident Notifition Forms Received	0	
	7.	Cleanup Notification Letters Issued	3	
	Я	Public Assistance	200+	

## D. STORAGE TANK CLEANUP

	1.	Inspections:	27
	2.	Reports Received/Reviewed	45/43
		a. Site Assessment	13/15
		b. Source Removal	5/3
		c. Remedial Action Plans (RAP's)	3/1
		d. Site Rehabilitation Completion (SRCs)	2/3
		e. Others	22/21
	3.	State Cleanup Site Activities	
		a. Active Sites	3
		b. Funds Disbursed	\$0.00
E.	Ri	ECORD REVIEWS	83
F.	Ρl	JBLIC INFORMATION PROJECTS	11
	pre	Boatwright, J. Lopez, and D. Bruce performed esentations in area elementary schools for the Great	

COMMISSION
PAT FRANK
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WASTE MANAGEMENT DIVISION TELEPHONE (813) 272 - 5788

WETLANDS MANAGEMENT DIVISION TELEPHONE (813) 272 - 7104

#### MEMORANDUM

DATE:

January 13, 2000

TO:

Tom Koulianos, Director of Finance and Administration through Hooshang

Boostani, Director of Waste Management

FROM:

Shanna Lawson, Clerk III, Waste Management Division through Sheila Luce,

Senior Environmental Enforcement Specialist

SUBJECT:

A.

B.

WASTE MANAGEMENT'S DECEMBER 1999 AGENDA INFORMATION

ADMINISTRATIVE ENFORCEMENT	
1. New cases received	06
2. On-going administrative cases	
a. Pending	12
b. Active	52
c. Legal	10
d. Tracking Compliance (Administrative)	17
e. Inactive/Referred cases	25
f. Criminal Compliance tracking	02
3. NOI's issued	04 -
4. Citations issued	00
5. Consent Orders signed	05
6. Civil Contributions to the Pollution Recovery Fund	\$5,923.00
7. Criminal Contributions to the Pollution Recovery Fund	\$ 0.00
8. Enforcement Costs collected	\$1,406.00
9. Cases referred to Legal Dept.	00
10. Cases Closed	03
' SOLID AND HAZARDOUS WASTE	
1. Permits (received/reviewed)	01/00
2. EPC Authorization for Facilities NOT requiring DEP permit	02/00
3. Other Permits and Reports	<b></b> /
a. County Permits	00/00
b. Reports	48/51
•	,

## December 1999 Agenda Information January 13, 2000 Page 2

•	<ol> <li>4.</li> <li>5.</li> </ol>	<ul> <li>a. Complaints</li> <li>b. Compliance/Reinspections</li> <li>c. Facility Compliance</li> <li>d. Small Quantity Generator</li> </ul>	1349 33 31 31 1254
		a. Complaints Received/Closed	32/40
		b. Warning Notices Issued/Closed	03/03
		c. Compliance letters	24
		d. Letters of Agreement	00
		e. DEP Referrals	01
	6.	Pamphlets, Rules and Material Distributed	22
C.		STORAGE TANK COMPLIANCE	
	1.	Inspections	
		a. UST Compliance	54
		b. AST Compliance	<b>5</b> 1
		c. UST Installation	08
		d. AST Installation	06
		e. UST Closure	06
		f. AST Closure	06
	_	g. Compliance Re-Inspections	35
	2.	Installation Plans Reviewed	07
	3.	Closure Plans & Reports	
		a. Closure Plans Received/ Reviewed	03/03
	4	b. Closure Reports Received/Reviewed	09/02
	4.	Enforcement	
		a. Non-compliance Letters	61
		b. Warning Notices Issued/Closed	04/00
		c. Cases referred to Enforcement	04
		d. Complaints Received/Investigated	03/03
	_	e. Complaints Referred	00
	5.	Discharge Reporting Forms Received	00
	6.	Incident Notification Forms Received	00
	7.	Cleanup Notification Letters Issued	02
	8.	Public Assistance	200+
D.	_	STORAGE TANK CLEANUP	
	1.	Inspections	27
	2.	Reports Received/Reviewed	49/37
		a. Site Assesment	15/15
		b. Source Removal	03/05
		c. Remedial Action Plans (RAP's)	06/03

## December 1999 Agenda Information January 13, 2000 Page 3

		d. Site Rehabilitation Completion Order/No Further Action Order	00/02
	2	e. Others	25/12
	3.	State Cleanup	
		a. Active Sites	03
		b. Funds Dispersed	\$00.00
E.	]	RECORD REVIEWS	65
F.	]	PUBLIC INFORMATION PROJECTS	01
	]	K. Boatwright interviewed and viewed on	
	(	Channel 13 News	

# ACTIVITIES REPORT WATER MANAGEMENT DIVISION

## NOVEMBER, 1999

A.	ENFORCEMENT		- <del>-</del>
	1. New Enforcement Cases	Received:	4
	2. Enforcement Cases Clo	sed:	0
	3. Enforcement Cases Out	standing:	<u> 36</u>
	4. Enforcement Documents	Issued:	2
	<ul><li>5. Warning Notices:</li><li>a. Issued:</li><li>b. Resolved:</li></ul>	•	$   \begin{array}{r}     2 \\     \hline     12 \\     \hline     9 \\     \hline     3   \end{array} $
	6. Recovered costs to th	e General Fund:	\$ <u>1,087.08</u>
	7. Contributions to the	Pollution Recovery Fund:	\$ <u>916.66</u>
	Case Name	Violation	Amount
	a. Country Road Park	Failure to submit a complete permit appliation proior to expiration	200.00
	<ul><li>b. Grandview MHP</li><li>c. Hughes Hard Chrome</li></ul>	Improper operation & maintenar Failure to provide CAR per 199 Consent Order deadline	
в.	PERMITTING - DOMESTIC		
	1. Permit Applications Re a. Facility Permit: (i) Types I and I (ii) Type III b. Collection Systems c. Collection Systems d. Residuals Disposal	I -General: -Dry Line/Wet Line:	$   \begin{array}{r}     36 \\     \hline     9 \\     \hline     0 \\     \hline     9 \\     \hline     12 \\     \hline     15 \\     \hline     0   \end{array} $
	<ol> <li>Permit Applications Apara. Facility Permit:</li> <li>Collection Systems.</li> <li>Collection Systems.</li> <li>Residuals Disposal</li> </ol>	-General: -Dry Line/Wet Line:	$   \begin{array}{r}     32 \\     \hline     9 \\     \hline     10 \\     \hline     13 \\     \hline     0   \end{array} $
	<ul><li>3. Permit Applications Reality Permit:</li><li>b. Collection Systems</li><li>c. Collection Systems</li><li>d. Residuals Disposal</li></ul>	-Dry Line/Wet Line:	
	4. Permit Applications (Nation Recommended for Approximation)		0
	5. Permits Withdrawn:		0

	6.	Permit Applications Outstanding: a. Facility Permit: b. Collection Systems-General: c. Collection Systems-Dry Line/Wet Line: d. Residuals Disposal:	32 20 8 5 0
c.	INS	PECTIONS - DOMESTIC	108
	1.	Compliance Evaluation: a. Inspection (CEI): b. Sampling inspection (CSI): c. Toxics Sampling Inspection (XSI): d. Performance Audit Inspection (PAI):	$ \begin{array}{r}                                     $
	2.	Reconnaissance: a. Inspection (RI): b. Sample Inspection (SRI): c. Complaint Inspection (CRI): d. Enforcement Inspection (ERI):	$ \begin{array}{r}     76 \\     \hline     48 \\     \hline     22 \\     \hline     2 \end{array} $
	3.	<pre>Special: a. Diagnostic Inspection (DI): b. Residual Site Inspection (RSI): c. Preconstruction Inspection (PCI): d. Post Construction Inspection (XCI):</pre>	$ \begin{array}{r}     31 \\     \hline     0 \\     \hline     0 \\     \hline     11 \\     \hline     20 \end{array} $
D.	PERI	MITTING - INDUSTRIAL	
	1.	Permit Applications Received:  a. Facility Permit:  (i) Types I and II  (ii) Type III with groundwater monitoring  (iii) Type III w/o groundwater monitoring	$   \begin{array}{r}     2 \\     \hline     1 \\     \hline     0 \\     \hline     0   \end{array} $
		b. General Permit:	1
		<ul> <li>c. Preliminary Design Report:         <ul> <li>(i) Types I and II</li> <li>(ii) Type III with groundwater monitoring</li> <li>(iii) Type III w/o groundwater monitoring</li> </ul> </li> </ul>	0 0 0 0
	2.	Permits Recommended to DEP for Approval:	0
	3.	Permit Applications Outstanding: a. Facility Permits: b. General Permits:	29 28 1
Ε.	INS	PECTIONS - INDUSTRIAL	48
	1.	Compliance Evaluation: a. Inspection (CEI): b. Sampling Inspection (CSI): c. Toxics Sampling Inspection (XSI): d. Performance Audit Inspection (PAI):	29 28 1 

	<ul><li>Reconnaissance:</li><li>a. Inspection (RI):</li><li>b. Sample inspection (SRI):</li><li>c. Complaint Inspection (CRI):</li></ul>	17 8 0 9
F.	CITIZEN COMPLAINTS	· <b>-</b>
	1. Domestic:	22
	a. Received: b. Closed:	$\begin{array}{r} \underline{22} \\ \underline{10} \\ \underline{12} \end{array}$
	2. Industrial:	18
	a. Received:	$\frac{\frac{18}{7}}{\frac{11}{11}}$
	b. Closed:	
	3. Water Pollution:	$\frac{1}{2}$
	<ul><li>a. Received:</li><li>b. Closed:</li></ul>	
G.	RECORD REVIEWS	
	1. Permitting:	6
	2. Enforcement:	0
н.	ENVIRONMENTAL SAMPLES ANALYSED FOR:	
	1. Air Division:	_23
	2. Waste Division:	0
	3. Water Division:	0 151
	4. Wetlands Division:	0
I.	SPECIAL PROJECT REVIEWS	
	1. DRI's:	3
	2. Permitting:	0
	3. Enforcement:	<u>.</u> 0
	4. Other:	0
J.	WATER QUALITY MONITORING SPECIAL PROJECTS	
	1. Data Review	0
	2. Special Sampling	0
	<ol><li>Biomonitoring/Toxicity Reviews (DW)</li></ol>	9
	4. Biomonitoring/Toxicity Reviews (IW)	3
	5. Other	0
ĸ.	TAMPA PORT AUTHORITY/DEP DREDGE & FILL	14

AR11.99

Table B.2.a.

Issued Domestic Wastewater Facility Permit Report for EPC Activities Report, for Month of November 1999

30-Nov-99

1

Facility ID Number	Facility Name	Application Number	Application Received Date	Issue Date	Permit Type	Permitted Capacity, MGD
FLA012261	RIVERVIEW OAKS S/CTR	003	11/5/99	11/29/99	DW3-MR	0.02
FLA122246	COUNTRY MEADOWS/GOLDEN LAKES MHP	100	12/19/97	11/22/99	DW2-NR	0.021
FLA012199	LIVINGSTON MHP	001	2/16/99	11/22/99	DW3P-NR	0.01
FLA012112	HILLS ALTERNATIVE RESIDENCE PROGRAM	002	5/14/99	11/22/99	DW4P-NR	0.006
FLA012156	OAKSIDE MHP WWTP	002	9/30/99	11/16/99	DW3-MR	0.012
FLA012609	HILLS. COUNTY REST AREA ON I-75	003	10/18/99	11/16/99	DW3-MR	0.04
FLA012253	ROBINSONS ORANGE PARK	003	10/21/99	11/16/99	DW3-MR	0.021
FLA012157	G.A.F. CORP. WWTP	001	10/25/99	11/16/99	DW4-MR	0.003
FLA012263	BAY HILLS VILLAGE CONDO ASSOCIATION	002	10/21/99	11/3/99	DW3-MR	0.025

#### Legend, common permit Type and Subtype codes:

Facility Size Class	Type Code	Subtype Code	Description
Type I	DWI	MIR	minor revision, change monitoring or minor modification
. Type II	DW2	MT	transfer of ownership or time extension
Type III	DW3	NR	permit renewal
Type III (<10,000gpd)	DW4	RA	substantial revision modification with increase in capacity
		RO	substantial revision modification with no increase in capacity
		RM	substantial revision not associated with substantial modification

## ACTIVITIES REPORT WATER MANAGEMENT DIVISION

## DECEMBER, 1999

A.	ENFOR	CEMENT		
	1. N	ew Enforcement Cases	Received:	1
	2. E	nforcement Cases Clos	sed:	3
	3. E	nforcement Cases Outs	standing:	34
	4. E	nforcement Documents	Issued:	2
	a	arning Notices: . Issued: . Resolved:	•	3 34 2 11 3 8
	6. R	ecovered costs to the	e General Fund:	\$394.43
	7. C	ontributions to the P	Pollution Recovery Fund: \$	1,216.66
	Case	Name	Violation	Amount
	b. Co	arlisle Lakes Apts.  ountry Road Park randview MHP	Placing a C/S in service without acceptance letter Expired permit Improper operation & maintenance	\$300.00 \$200.00
		ughes Hard Chrome	exceeded effluent limits Industrial wastewater discharge	\$383.33
в.	PERM	ITTING - DOMESTIC		
	a. b.	ermit Applications Re Facility Permit: (i) Types I and II (ii) Type III Collection Systems- Collection Systems- Residuals Disposal:	General: Dry Line/Wet Line:	$ \begin{array}{r}     31 \\     \hline     13 \\     \hline     0 \\     \hline     13 \\     \hline     \hline     17 \\     \hline     0 \\     0 \\     \hline     0 \\     0 \\     \hline     0 \\ $
	a b c	ermit Applications Ap . Facility Permit: . Collection Systems- . Collection Systems- . Residuals Disposal:	General: Dry Line/Wet Line:	33 11 16 6 0
	a b c	ermit Applications Re . Facility Permit: . Collection Systems- . Collection Systems- . Residuals Disposal:	Dry Line/Wet Line:	33 11 16 6 0 0 0 0 0
		ermit Applications (N Recommended for Appro		0
	5. Pe	ermits Withdrawn:		0

	a b c	Permit Applications Outstanding:  a. Facility Permit: b. Collection Systems-General: c. Collection Systems-Dry Line/Wet Line: d. Residuals Disposal:	30 22 9 0
c.	INSPE	ECTIONS - DOMESTIC	95
	a b	Compliance Evaluation:  1. Inspection (CEI):  2. Sampling inspection (CSI):  3. Toxics Sampling Inspection (XSI):  4. Performance Audit Inspection (PAI):	
	a b	Reconnaissance:  1. Inspection (RI):  2. Sample Inspection (SRI):  3. Complaint Inspection (CRI):  4. Enforcement Inspection (ERI):	$ \begin{array}{r} 2 \\ 0 \\ 2 \\ 0 \\ 0 \end{array} $ $ \begin{array}{r} 52 \\ 30 \\ 10 \\ 11 \\ 1 \end{array} $
	a b	Special:  Diagnostic Inspection (DI):  Residual Site Inspection (RSI): Preconstruction Inspection (PCI): Post Construction Inspection (XCI):	41 0 0 8 33
D.	PERMI	TTING - INDUSTRIAL	
		Permit Applications Received:  i. Facility Permit:  (i) Types I and II  (ii) Type III with groundwater monitoring  (iii) Type III w/o groundwater monitoring	2 0 0 0 0
	b	General Permit:	1
	C	:. Preliminary Design Report: (i) Types I and II (ii) Type III with groundwater monitoring (iii) Type III w/o groundwater monitoring	$ \begin{array}{c} \frac{1}{2} \\ 0 \\ 0 \end{array} $
	2. P	ermits Recommended to DEP for Approval:	_2
	a	Permit Applications Outstanding:  Description: Facility Permits:  Description: General Permits:	30 29 1
E.	INSPE	CTIONS - INDUSTRIAL	19
	a b c	Compliance Evaluation: . Inspection (CEI): . Sampling Inspection (CSI): . Toxics Sampling Inspection (XSI): . Performance Audit Inspection (PAI):	19 4 3 1 0 0

	2.	Reconnaissance: a. Inspection (RI): b. Sample inspection (SRI): c. Complaint Inspection (CRI):	15 7 0 8
F.	CIT	IZEN COMPLAINTS	- <b>-</b>
	1.	Domestic: a. Received: b. Closed:	12 5 7
	2.	<pre>Industrial: a. Received: b. Closed: .</pre>	$\frac{\frac{7}{1}}{\frac{6}{}}$
	3.	Water Pollution: a. Received: b. Closed:	9 4 5
G.	REC	CORD REVIEWS	
	1.	Permitting:	4
	2.	Enforcement:	<u>0</u>
н.	ENV	VIRONMENTAL SAMPLES ANALYSED FOR:	
	1.	Air Division:	<u>135</u>
	2.	Waste Division:	0
	3.	Water Division:	<u>151</u>
	4.	Wetlands Division:	0
I.	SPE	ECIAL PROJECT REVIEWS	
	1.	DRI's:	1
	2.	Permitting:	0
	3.	Enforcement:	·
	4.	Other:	0
J.	WA!	TER QUALITY MONITORING SPECIAL PROJECTS	
	1.	Data Review	2
	2.	Special Sampling	0
	3.	Biomonitoring/Toxicity Reviews (DW)	0
	4.	Biomonitoring/Toxicity Reviews (IW)	0
	5.	Other	0
к.	TAI	MPA PORT AUTHORITY/DEP DREDGE & FILL	_11

Table B.2.a.

## Issued Domestic Wastewater Facility Permit Report for EPC Activities Report, for Month of December 1999

05-Jan-00

Facility ID Number	Facility Name	Application Number	Application Received Date	Issue Date	Permit Type	Permitted Capacity, MGD
FLA012129	Strawberry Fields MHP WWTP	001	10/22/99	12/29/99	DWF-MT	0.017
FLA012157	Building Materials  Manufacturing Corp. WWTP	002	12/20/99	12/29/99	DWF-MT	0.003
FLA012158	BULLFROG CREEK MHP	001	6/12/98	12/10/99	DW3P-NR	0.02
FLA012180	IMC LONESOME MINE	001	10/12/99	12/9/99	DW3P-NR	0.01
FLA012154	ALAFIA MOBILE PLAZA	001	10/21/99	12/9/99	DW3-MR	0.015
FLA012181	TWIN OAKS PLAZA WWTP	001	11/3/99	12/9/99	DW3-MR	0.0105
FLA012217	COUNTRYSIDE PLAZA	001	11/15/99	12/9/99	DW3-MR	0.01
FLA012232	PARKWOOD ESTATES MHP	001	11/15/99	12/9/99	DW3-MR	0.04
FLA012172	CASTE CRETE CORPL. OF FLORIDA	003	11/15/99	12/9/99	DW4-MR	0.005
FLA012202	WINDWARD OAKS MHP	003	11/30/99	12/9/99	DW3-MR	0.015
FLA012145	GREEN ACRES CAMPGROUND	002	6/22/99	12/6/99	DW3-MR	0.045

## Legend, common permit Type and Subtype codes:

Facility Size Class Type I Type II Type III Type III (<10,000gpd)	Type Code DW1 DW2 DW3 DW4	Subtype Code MR MT NR RA RO RM	Description minor revision, change monitoring or minor modification transfer of ownership or time extension permit renewal substantial revision modification with increase in capacity substantial revision modification with no increase in capacity substantial revision not associated with substantial modification
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### **ASSESSMENT SECTION**

## A. EPC Wetlands Reviews

	1.		Wetland Delineations .	
		b. c.	Wetland Delineations (\$120) Wetland Delineation Dispute Wetland Line Survey Reviews Additional Footage Fees	45 1 33 \$487.46
	2.		Misc. Activities in Wetlands (\$0 or \$100 as applicable)	
,			Nuisance Vegetation Other	5 19
	3.		Impact/Mitigation Proposal (\$775)	5
	4.		Mitigation Agreements Recorded	2
	5.		FDOT Reviews	0
В.			Delegation/Reviews from State/ onal/ Federal Authorities	
	1.		Tampa Port Authority Permit Apps. (\$50 or \$150 as applicable)	42
	2.		Wastewater Treatment Plants (FDEP)	31
	3.		FDEP Wetland Resource Apps.	0
	4.		FDEP Grandfathered Delineation	0
	5.		SWFWMD Wetland Resource Apps.	0
	6.		Army Corps of Engineers	0

#### **EPC Wetlands Management Division** Agenda Backup for November 1999 Page 2 **TOTALS** 7. Interagency Clearinghouse Reviews 0 8. DRI Annual Report 3 C. Hills. County/ Municipality Permit Application Reviews Land Alteration/Landscaping (\$100) 1. 2 2. Land Excavation (\$785 or \$650 as applicable) 1 3. Phosphate Mining a. Unit Review/Reclamation (\$760) 1 b. Annual Review/Inspection (\$375) 0 4. Rezoning a. Reviews (\$85) 28 b. Hearings 0 c. Hearing Prep (hours) 0 5. Site Development/Commercial (\$360) a. Preliminary 10 b. Construction 28 6. Subdivision a. Preliminary Plat (\$140) 5 b. Master Plan (\$550) 0 c. Construction Plans (\$250) ·12 d. Final Plat (\$90) 6 e. Waiver of Regulations (\$100) 0 f. Platted, No-Improvements (\$100) 7

g. Minor - Certified Parcel (\$100)

As-Builts (\$255)

7.

15

2

#### **EPC Wetlands Management Division** Agenda Backup for November 1999 Page 3 **TOTALS** 8. Miscellaneous Reviews (no fees) a. Wetland Setback Encroachment 0 b. Easement Nacating c. NRCS Review 9. Preapplications (no fees) a. Review preparation (hours) 7.5 b. Meetings/Reports 10. Development Review Committee (no fees) a. Review preparation (hours) 2 b. Meetings 0 D. Other Activities 1. Unscheduled meetings with members 95 of the public (walk-ins) 2. Other Meetings 77 3. Telephone conferences 820 4. Presentations 0 5. Correspondence 207 6. Correspondence Review (hours) 21.5 7. Special Projects (hours) 30.5 8. 74 On-site visits 9. **Appeals** 0 .

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED .	2
B. ACTIVITIES	
<ul><li>1. Ongoing Cases</li><li>a. Active</li><li>b. Legal</li><li>c. Tracking</li></ul>	56 3 51
2. Number of "Notice of Intent to Initiate Enforcement"	1
3. Number of Citation Issued	0
4. Number of "Emergency Order of the Director"	0 .
5. Number of Consent Orders Signed	3
C. CASES CLOSED	
1. Administrative/Civil Cases Closed	1
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	1
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$450.00
E. ENFORCEMENT COSTS COLLECTED	\$725.75

## **INVESTIGATIONS / COMPLIANCE SECTION**

A. COMPL	_AINTS	TOTALS
1. Red 2. Ret 3. Clos	urn Inspections	56 78 51
B. WARNI	ING NOTICES	
1. Issu 2. Ret 3. Clos	urn Inspections	23 46 4
C. MITIGA	ATION	
	mpliance/Monitoring Reviews mpliance Inspections	14 17
D. OTHER	R ACTIVITIES	
2. Oth 3. Tele 4. File	se Meetings eer Meetings ephone Conferences e Reviews ses Referred to Enforcement Coordinator ters	0 37 349 20 2 34

## ADMINISTRATIVE / TECHNICAL SECTIONS

A. SOIL SCIENTIST	TOTALS
<ol> <li>Case Reviews</li> <li>Field Soil Investigations</li> <li>Reports or Notes of Soil Investigations</li> <li>Special Projects         <ul> <li>Brandon Urban Dispersed Wells</li> <li>Cone Ranch Wellfield, Dispersed Well, and Pipeline Project</li> <li>Hillsborough River/TBC and Alafia River</li> </ul> </li> </ol>	7 6 6
Water Withdrawal Projects - Study of Hillsborough County Lakes - A Regional Guidebook for Assessing the Functions of Low Gradient, Blackwater, Riverine Wetlands in Peninsular Florida	

## B. ADMINISTRATIVE SUPPORT STAFF

1.	File Reviews	·3
2.	Telephone Assistance	1804
3.	Incoming Projects	137
4.	Additional Info/Resubmittals and/or Revisions	43/14
5.	Data Entry / Letters	437/143

## C. ENGINEERING STAFF

1.	Meetings	24
2.	Reviews	29
3.	Aerial Reviews	16
4.	Telephone Inquiries	65
5.	Field Visits	2
6.	Presentations	3

## ASSESSMENT SECTION

### A. EPC Wetlands Reviews

	1.		Wetland Delineations .	
		b. c.	Wetland Delineations (\$120) Wetland Delineation Dispute Wetland Line Survey Reviews Additional Footage Fees	32 1 28 \$623.25
	2.		Misc. Activities in Wetlands (\$0 or \$100 as applicable)	
			Nuisance Vegetation Other	14 5
	3.		Impact/Mitigation Proposal (\$775)	7
	4.		Mitigation Agreements Recorded	7
	5.		FDOT Reviews	0
В.			Delegation/Reviews from State/ onal/ Federal Authorities	
	1.		Tampa Port Authority Permit Apps. (\$50 or \$150 as applicable)	29
	2.		Wastewater Treatment Plants (FDEP)	22
	3.		FDEP Wetland Resource Apps.	0
	4.		FDEP Grandfathered Delineation	0
	5.		SWFWMD Wetland Resource Apps.	0
	6.		Army Corps of Engineers	0

#### **EPC Wetlands Management Division** Agenda Backup for December 1999 Page 2 **TOTALS** 7. Interagency Clearinghouse Reviews 0 DRI Annual Report 8. 0 C. Hills. County/ Municipality Permit Application Reviews 1. Land Alteration/Landscaping (\$100) 2 Land Excavation (\$785 or \$650 as applicable) 2. 3 3. Phosphate Mining a. Unit Review/Reclamation (\$760) 2 b. Annual Review/Inspection (\$375) 4. Rezoning a. Reviews (\$85) 16 b. Hearings 0 c. Hearing Prep (hours) Site Development/Commercial (\$360) 5. a. Preliminary 7 b. Construction 18 6. Subdivision a. Preliminary Plat (\$140) 6 b. Master Plan (\$550) 0 c. Construction Plans (\$250) 8 d. Final Plat (\$90) 8 e. Waiver of Regulations (\$100) 0 f. Platted, No-Improvements (\$100) 10 g. Minor - Certified Parcel (\$100) 10

10

7.

As-Builts (\$255)

	Vetlands Management Division a Backup for December 1999 B	TOTALS
8.	Miscellaneous Reviews (no fees)	
	a. Wetland Setback Encroachment b. Easement /Vacating c. NRCS Review	1 0 0
9.	Preapplications (no fees)	•
	a. Review preparation (hours) b. Meetings/Reports	8.25 3
10.	Development Review Committee (no fees)	
,	a. Review preparation (hours) b. Meetings	2.5 0
D. Ot	ner Activities	
1.	Unscheduled meetings with members of the public (walk-ins)	60
2.	Other Meetings	58
3.	Telephone conferences	713
4.	Presentations	0
5.	Correspondence	159
6.	Correspondence Review (hours)	18.55
7.	Special Projects (hours)	29.25
8.	On-site visits	72
9.	Appeals	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED .  B. ACTIVITIES	4
1. Ongoing Cases a. Active b. Legal c. Tracking	56 3 54
2. Number of "Notice of Intent to Initiate Enforcement"	2
3. Number of Citation Issued	0
4. Number of "Emergency Order of the Director"	0 .
5. Number of Consent Orders Signed	3
C. CASES CLOSED	
1. Administrative / Civil Cases Closed	1
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	0
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$300.00
E. ENFORCEMENT COSTS COLLECTED	\$360.00

### **INVESTIGATIONS / COMPLIANCE SECTION**

A. COMPLAINTS	TOTALS
<ol> <li>Received</li> <li>Return Inspections</li> <li>Closed</li> </ol>	58 65 51
B. WARNING NOTICES	
<ol> <li>Issued</li> <li>Return Inspections</li> <li>Closed</li> </ol>	13 97 10
C. MITIGATION	
<ol> <li>Compliance/Monitoring Reviews</li> <li>Compliance Inspections</li> </ol>	20 19
D. OTHER ACTIVITIES	
<ol> <li>Case Meetings</li> <li>Other Meetings</li> <li>Telephone Conferences</li> <li>File Reviews</li> <li>Cases Referred to Enforcement Coordina</li> <li>Letters</li> </ol>	5 38 375 21 tor 4 38

## ADMINISTRATIVE / TECHNICAL SECTIONS

3
3
}
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## B. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	5
2. Telephone Assistance	1699
3. Letters	176
4. Incoming Projects	143
5. Additional Info / Additional Footage	16 / 5
6. Resubmittals / Revisions	4/3
7. Surveys / Data Entry	24 / 373

## C. ENGINEERING STAFF

1. Meetings	38
2. Reviews	47
3. Aerial Reviews	13
4. Telephone Inquiries	66
5. Field Investigations	4

#### LEGAL DEPARTMENT MONTHLY REPORT November 10, 1999 through January 12, 2000

#### A. ADMINISTRATIVE CASES

#### NEW CASES [ 0 ]

#### EXISTING CASES | 11 |

FIBA/Bridge Realty: EPC issued a citation to the owner, Bridge Realty, and former tenant, FIBA Corp., for various unlawful waste management practices, and ordered that a contamination assessment must be conducted, a report submitted and contaminated material appropriately handled. Bridge Realty and FIBA appealed. Bridge Realty initiated a limited assessment, and provided staff with a copy of the report. Staff has reviewed the report and requested additional information only a portion of which was delivered. Staff has, however, considered and approved an alternate plan for remedial work. The plan and approval has been memorialized in a letter agreement and the case will be closed upon completion of the required actions. The required corrective actions have been initiated and a final report is expected to be produced within 30 days.

672 Recovery, Inc.: Under 84-446, Laws of Florida, respondent appealed EPC citation for unauthorized burning and waste disposal problems. The facility has implemented some corrections and has provided a plan for avoiding and handling similar situations in the future. Staff is continuing to monitor the facility. Regarding the underlying operation permit, respondent has requested a formal Chapter 120 Fla. Statutes administrative hearing on DEP's intent to deny. If requested, EPC staff will assist in supporting DEP's position.

<u>Woodcock</u>: Mediation, requested under EPC rule 1-2, of a dispute relating to installation of an unpermitted vertical seawall along a portion of the Alafia River. An agreement in concept has been reached.

Kinman: The Kinmans have requested a 84-446 administrative review of the EPC Director's Decision upholding the delineation of wetlands on their property. Amended appeal received in December 1998. The matter has been referred to Hearing Officer and at pre-hearing conference it was agreed that the administrative process be held in abeyance to provide the Kinmans with an opportunity to apply for impacts and for the agency to respond to the application.

City of Tampa: Appeal of EPC Citation for the improper disposal of street sweeping debris. Parties have agreed to abate the proceeding for 90 days (June, 1999) during which time a plan for the proper disposal of the material is to have been formulated. That plan has been submitted to and reviewed by EPC staff. Comments have been relayed to COT. Meeting with Respondent has been held to discuss plan and implementation issues.

Cone Constructors, Inc.: Appeal of EPC Citation for nuisance and Noise Rule violations during the construction of the Sun Coast Parkway (see, FDOT & Cone Contsructors, Inc. - litigation cases).

SWFWMD Minimum Flows and Level Rule - Lower Hillsborough River Peer Review: During March 1999, EPC requested the statutorily authorized independent scientific peer review process be conducted by the Water Management District regarding the District's proposed Minimum Flows and Levels Rules for the lower Hillsborough River. The patties, SWFWMD, Tampa Bay Water, City of Tampa and EPC have entered an agreement as to cost sharing, general processes and panelists selection. Panelist have completed their review including a site visit and public meetings. The Final Report was be presented to the SWFWMD Governing Board at their December 1999 meeting.

Subject to EPC ratification, the Executive Director has also requested that the District conduct a rule adoption hearing. This hearing has been scheduled for the January 2000 District Governing Board meeting.

Starlight MHP WWTS: Applicant requested formal administrative hearing of an EPC denial of a permit for a domestic wastewater treatment system. Because this action is pursuant to EPC's delegation from the Florida Department of Environmental Protection, referral has been made to the States Department of Administrative Hearings (DOAH) for processing. Third party has intervened in the proceeding and the final hearing has been continued to provide for additional settlement discussions. Report to the Administrative law judge is due on or before February 11, 2000.

<u>Presto Food Stores Inc.</u>: Appeal of a citation regarding the out of compliance Underground Storage Tanks. The landowner has requested a hearing under the administrative appeal provisions of 84-446, Laws of Florida, as amended, asserting a lack of ownership of the UST system. The matter has been referred to a hearing officer for processing. Tanks have been emptied of product. Continuation of prehearing conference has been continued pending property owners efforts to initiate closure of the system.

Watermark: Appeal of a citation regarding out of compliance Underground Storage Tanks (UST's) at the Kings Point Golf Course facility. The regulatory deadline for upgrading or properly closing the UST's has passed. The landowner has requested a hearing under the administrative appeal provisions of 84-446, Laws of Florida, as amended, asserting that extenuating circumstances should be taken into consideration. Staff has meet with the Respondent in an effort to resolve this matter without the necessity of referring the appeal to a hearing officer for processing.

SWFWMD Minimum Flows and Level Rules – Northern Tampa Bay: At Hillsborough County's request the statutorily authorized independent scientific peer review process has been conducted by the Water Management District regarding the District's proposed Minimum Flows and Levels Rules for Northern Tampa Bay. Following the panels submission of the Final Report the SWFWMD Governing Board separated those portions of the proposed rule related to the Tampa Bypass Canal and proceeded with adoption of the remaining rule. Hillsborough County and EPC have both filed a challenge to these rules under Chapter 120, Florida Statutes. Proceeding with discovery.

#### RESOLVED CASES | 0 |

#### **B. CIVIL CASES**

#### NEW CASES [0]

#### EXISTING CASES | 10 |

Holley, Raymond, et al.: Suit filed against owners to compel proper closure for improperly abandoned Underground Storage Tank, and seeking civil penalties and costs. Default was entered and the Defendants filed bankruptcy. Property has been auctioned to a third party purchaser who did not follow through with the purchase, The bankruptcy case closed in April of 1998. EPC is renewing the previously filed Motion for Judgment after Default and asking that a hearing be set on that motion.

<u>Slusmever:</u> Defendant has failed to comply with a prior judgment and injunction requiring proper closure of underground storage tanks. Discovery is proceeding to obtain injunctive relief.

Kings Food Mart: Authority granted to compel assessment of extent of reported contamination at a retail gasoline facility, and to compel compliance with leak detection regulations for an existing the Underground Storage Tank system. Complaint is being drafted.

Mulberry Phosphate: Authority granted January, 1998, to proceed against Mulberry to recover environmental damages as result of a process water spill from an impoundment system failure. The spill impacted the Alafia River and Tampa Bay. EPC is also seeking recovery of costs of enforcement and civil penalties. Currently, EPC in cooperation with The DEP, NOAA and Mulberry, is in the process of damage assessment and consideration of appropriate restoration.

Stasiak v. EPC: Mortgage holder's attempted foreclosure of EPC's interest in certain real property held by virtue of a recorded settlement agreement against the property owner U.S.H. & B. EPC has responded consenting to foreclosure and maintaining our rights to proceeds over and above those owed to prior and superior lien holders. U.S.H.&B. filed chapter 11 Bankruptcy.

672 Recovery, Inc.: Authority granted in March 1999, to take appropriate legal action to compel compliance with EPC rules which require the EPC Director's Authorization for the operation of a yard and wood waste processing facility. 672 Recovery, Inc. currently operates such a facility without the required authorization.

FDOT & Cone Constructors, Inc.: Authority granted in March 1999, to take appropriate legal action to enforce the agency's nuisance prohibition and Noise Rule violated during the construction of the SunCoast Parkway.

<u>Ouasem J. v. EPC, et al.</u>: In pursuing foreclosure of a mortgage lien on a UST facility, Plaintiff named EPC as a Defendant because of our recorded judgment entered in the case of EPC v. Emad Qasem et al. (former owner and operator of the facility and relative of the current Plaintiff). EPC answered the complaint asserting the priority of our judgment lien.

Acevedo v. EPC: EPC has been named as Defendant in suit filed to recover damages for injuries allegedly sustained as a result of an auto accident. The County Attorney's office will be representing the Commission in this matter. EPC's Response to the Complaint has been filed.

Georgia and Hubert Maynard: Authority to take appropriate action against the Maynards as owners and operators of an underground storage tank facility was granted, August 1999. A Consent Order was entered into which required certain actions be taken to bring the facility into compliance with environmental regulation, including the proper closure of out of compliance tank systems. The requirements of the agreement have not been meet.

#### RESOLVED CASES [ 1 ]

<u>Plant Stop Inc.</u>: Authority granted in February, 1998, to proceed against responsible parties for violations pertaining to open burning. The cited corporate entity has dissolved and monetary recovery is unlikely. The property owner does not appear to have been involved in the prohibited activity. Also, operational changes have been made to prevent future violations and there have been no subsequent violations.

#### **COMMISSION**

PAT FRANK **CHRIS HART** JIM NORMAN JAN PLATT THOMAS SCOTT **RONDA STORMS** 

## **EXECUTIVE DIRECTOR**

**BEN WACKSMAN** ROGER P. STEWART



ADMINISTRATIVE OFFICES, LEGAL & WATER MANAGEMENT DIVISION 1900 - 9TH AVENUE TAMPA, FLORIDA 33605 TELEPHONE (813) 272-5960 FAX (813) 272-5157

AIR MANAGEMENT DIVISION TELEPHONE (813) 272-5530

WASTE MANAGEMENT DIVISION TELEPHONE (813) 272-5788

WETLANDS MANAGEMENT DIVISION TELEPHONE (813) 272-7104

January 05, 2000

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY POLLUTION RECOVERY TRUST FUND

Interes Deposit	alance as of 10/01/99 st Accrued FY00 ss FY00 sements FY00		\$1,024,661 8,108 78,162 14,816
Fund Bal	ance		\$1,096,115
Encumbra	nces Against Fund Balanc		
(57a)	Cypress Head Swamp	8,967	
(14)	Wetland Surveys	1,781	
	Seagrass Study/Sheriff	27,500	
/=n\	Art. Reef FY00	46,275	
(53)	Clayton Lake	6,007	
(54)	Mosi Restoration	963	
(56)	Oakview Utilities	74,925	
(55)	Riverview Civic Center	39,525	
(61)	Thalassea Study	19,790	
(63)	McKay Bay	15,000	
(64)	Hughes Hard Chrome	3,373	
(71)	Seagrass Recovery	8,566	
(66)	Asbestos Abatement	5,000	
(72)	Brooker Creek	1,266	
(75)	Adopt A Pond	50,000	
(78)	River Crest Restoration	15,000	
(79)	Epps Park Restoration	10,000	
(68)	Lutz Nature Park	16,000	
(73)	Balm Road Scrub	300,000	
(81)	Oil Boom Prepositioning	50,000	
(82)	Hill. Co. Env. Network	50,000	
•	Waste Reduction/Tampa	98,657	
	Tampa	20,637	
Total of	Encumbrances		848,595
			<del></del>
	Minimum Balance of Fund		100,000
Fund Dal	ango Armilahla Taman		
runu bala	ance Available January 05	o, 2000	147,520
		•	

#### **COMMISSION** PAT FRANK **CHRIS HART** JIM NORMAN JAN PLATT THOMAS SCOTT **RONDA STORMS**

#### **EXECUTIVE DIRECTOR** ROGER P. STEWART

BEN WACKSMAN



ADMINISTRATIVE OFFICES, LEGAL & WATER MANAGEMENT DIVISION 1900 - OTH AVENUE TAMPA, FLORIDA 33605 TELEPHONE (413) 272-5960 FAX (813) 272-5157

AIR MANAGEMENT DIVISION TELEPHONE (813) 272-5530 WASTE MANAGEMENT DIVISION TELEPHONE (813) 272-5788

WETLANDS MANAGEMENT DIVISION TELEPHONE (813) 272-7104

\$1,579,471

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND AS OF JANUARY 05, 2000

Fund Balance as of 10/01/99

Minimum Balance of Fund

Fund Balance Available January 05, 2000

Interest Accrued FY00 Disbursements FY00		14,406 - 0 -	
Fund Balance		\$1,593,877	
Encumbrances Against Fund Balance:			
Alafia River, Add. (SWIM/DEP)	8,948		
Cockroach Bay Exotic Con.(HCC)	8,618		
Alafia River/Wolf Branch	300,000		
Ballast Point Seawall Phase II	25,000		
Audubon Society Riverview CC	50,000	~:	
Oakview Utilities	50,000		
Port Redwing	300,000		
Davis Tract	200,000		
Total of Encumbrances		\$ 942,564	

100,000

\$ 551,313

DATE:

January 12, 2000

**AGENDA ITEM:** 

Appointment of EPC Representative for Purposes of Testimony in the Pending Challenge of SWFWMD's Minimum Flows and Levels Rules

for Northern Tampa Bay, and Ratification of Prior Testimony

#### **SUMMARY:**

On October 21, 1999 Environmental Protection Commission authorized legal counsel to file all legal proceedings necessary to protect the EPC's interests regarding water resource and supply matters. On October 25, 2000 the EPC filed with the Division of Administrative Hearings in Tallahassee a Petition for Administrative Determination of the Invalidity of Proposed rules challenging the Southwest Florida Water Management District's (District) proposed Minimum Flows and Levels rules for Northern Tampa Bay. Shortly after the Petition was filed, the District noticed the deposition of the EPC's representative under Florida Rule of Civil Procedure 1.310(b)(6). Since time was of the essence and Darrell Howton possesses the most knowledge regard the topics set forth in the District's Notice of Deposition, Darrell Howton was designated to testify on behalf of the EPC

#### **RECOMMENDATION:**

With regard the MFL rule challenge initiated by EPC on October 25, 1999: (1) Ratify all prior testimony given by Darrell Howton as the EPC's representative under Florida Rule of Civil Procedure 1.310(b)(6); (2) Appoint Darrell Howton to testify on behalf of the EPC pursuant to Florida Rule of Civil Procedure 1.310(b)(6); and (3) Authorize Darrell Howton to provide trial testimony as the EPC's representative pursuant to the Florida Rules of Civil Procedure.

#### **COMMISSION ACTION TAKEN:**

Date:

January 12, 2000

Agenda Item:

Ratification of EPC's Request for Rule Adoption Hearing pertaining to SWFWMD's Proposed Minimum Flows and Levels Rules for the Lower Hillsborough River and Extension of the Authority Granted the Executive Director at the November 18, 1999 EPC Meeting.

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# Description/Summary:

On November 18, 1999, the Environmental Protection Commission granted authority for the Executive Director to initiate proceedings to protect the Water resources of Hillsborough County with respect to the proposed Minimum Flows and Levels Rules for the Lower Hillsborough River.

On November 30, 1999, after consultation with Mr. Stewart and staff, EPC and filed a Request that the District initiate a Rule Adoption Hearing. The requested hearing has been scheduled before the District's Governing Board during their January 25 and 26, 1999 meeting. The conduct of this hearing also effectively extends the time for filing a Petition for Administrative Determination of the Invalidity of Proposed Rules until the passing of ten days following the conclusion of the hearing. EPC will not know the Districts position on the proposed rule until the conclusion of the January Governing Board meeting. EPC's next regularly scheduled meeting is February 17, 2000. Commission Action Recommended:

Ratify the filing of the Request for Rule Adoption proceeding and continue the authorization of the Executive Director to initiate a rule challenge or other appropriate proceedings as necessary to protect the interests of the EPC in the event that: 1) the proposed rules are inconsistent with prior Commission direction regarding this proposed rule; and 2) EPC's point of entry would expire prior to EPC's next regularly scheduled meeting. Actions initiated by the Executive Director would be subject to Commission Ratification. Commission Action Taken:

Date: January 20, 2000

Agenda Item: Special Counsel

#### **Description/Summary:**

As you know, both Vernon Wagner and Patrick Courtney have unfortunately submitted their resignations and will be leaving their positions with EPC's Legal Department. Since this comes at a time when EPC is heavily involved in the Water Team issues of concern to both the County and EPC, reorganization needs to occur quickly.

With Vernon's assistance, we have arranged for two new EPC attorneys: one whom you already know is Kristin Bennett and who has several months experience with Water Team issues, and another who currently is with DEP. They will begin employment with EPC on February 7, 2000.

However, given that Patrick Courtney has developed a certain expertise in the Water Team area over the last year and a half, it appears appropriate to retain his services on an as-needed-basis for those matters that are in active legal proceedings. In particular, we are suggesting that EPC engage Mr. Courtney as

- a) outside lead counsel to represent EPC and HC on the arbitration of the TBW permit for the Alafia River Intake Structure,
- b) on an as-needed-basis, as co-counsel to Holland & Knight, L.L.P. for the administrative proceedings regarding SWFWMD's proposed Minimum Flows and Levels rules for Northern Tampa Bay; and for the Lower Hillsborough River MFLs, and
- c) on an as-needed-basis to review, analyze, comment and represent EPC and HC through the planning, permitting and construction of the seawater desalination plant on Tampa Bay.

It is understood that the Water Team has a budget that can handle the costs of outside counsel. The hourly legal fee requested by Mr. Courtney is \$100. Dave Forziano of the County Attorney's office has provided us with contract language previously used by the County in retaining professional services and which provides for specific task authorization before services are covered by the agreement. Each task authorization would specify the scope of service, the time frame, the number of projected hours, reimbursable expenses and maximum compensation.

#### Commission Action Recommended:

Recommend the Board authorize the Chair to enter into a legal services agreement with Patrick Courtney to represent EPC and the Water Team for the above listed matters, to be paid from the existing Water Team budget.

Date:

January 12, 2000

Agenda Item:

Ratification of EPC's Request for Rule Adoption Hearing pertaining to SWFWMD's Proposed Minimum Flows and Levels Rules for the Lower Hillsborough River and Extension of the Authority Granted the Executive Director

at the November 18, 1999 EPC Meeting.

#### **Description/Summary:**

On November 18, 1999, the Environmental Protection Commission granted authority for the Executive Director to initiate proceedings to protect the water resources of Hillsborough County with respect to the proposed Minimum Flows and Levels Rules for the Lower Hillsborough River.

On November 30, 1999, after consultation with Mr. Stewart and staff, EPC and filed a Request that the District initiate a Rule Adoption Hearing. The requested hearing has been scheduled before the District's Governing Board during their January 25 and 26, 1999 meeting. The conduct of this hearing also effectively extends the time for filing a Petition for Administrative Determination of the Invalidity of Proposed Rules until the passing of ten days following the conclusion of the hearing. EPC will not know the Districts position on the proposed rule until the conclusion of the January Governing Board meeting. EPC's next regularly scheduled meeting is February 17, 2000.

### **Commission Action Recommended:**

Ratify the filing of the Request for Rule Adoption proceeding and continue the authorization of the Executive Director to initiate a rule challenge or other appropriate proceedings as necessary to protect the interests of the EPC in the event that: 1) the proposed rules are inconsistent with prior Commission direction regarding this proposed rule; and 2) EPC's point of entry would expire prior to EPC's next regularly scheduled meeting. Actions initiated by the Executive Director would be subject to Commission Ratification.

### **Commission Action Taken:**

#### **EPC - AGENDA ITEM COVER SHEET**

Meeting Date:

January 20, 2000

Agenda Item:

Discussion of Process for Hiring Executive Environmental Director

#### **Description/Summary:**

Given Mr. Stewart's resignation, effective July 1, 2000, arrangements need to be made for the selection and hiring of his replacement. Attached is a proposed process, along with a draft job description and draft position notice. The timeline is set to allow the successful candidate time to give 30 days notice and move to Hillsborough, if necessary.

#### Attachments:

- 1. Process outline
- 2. Position Notice
- 3. Job Description
- 4. Current Executive Director contract
- 5. Current salary
- 6. EPC's Special Act

#### Commission Action Recommended:

Approve the job description, the position notice and the proposed process.

#### **COMMISSION** PAT FRANK CHRIS HART JIM NORMAN

THOMAS SCOTT **RONDA STORMS** BEN WACKSMAN

JAN PLATT

#### EXECUTIVE DIRECTOR ROGER P. STEWART



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Danillian

To:

**EPC** 

From:

Sara M. Fotopulos, Associate Executive Director

Date:

January 10, 2000

Re:

Process for hiring new Executive Environmental Director

As we prepare for Mr. Stewart's impending retirement, I propose that we establish a process as early as possible for selecting a new Executive Director for the agency. I have spoken with Sharon Wall, County Human Resources Director, to determine how the County has approached such matters before, and the following appears consistent. The Act provides only:

#### SECTION 7. ENVIRONMENTAL DIRECTOR.

The Hillsborough County environmental protection commission shall appoint an environmental director. Said environmental director shall have at least a bachelor's degree from an accredited university and possess experience in such a field which shall, in the judgment of the commission, qualify him to discharge the duties imposed by this act. The environmental director shall be subject to the supervision of the commission and shall serve at the pleasure of the commission. Compensation for such director shall be determined by the commission and paid from the general funds of Hillsborough County.

Ac	tion	Deadline
1.	Approve job description for the Executive Environmental Director	(attached)
2.	Staff will perform a salary survey to establish a salary range	
3.	Nationally advertise Position Notice (attached)	January 21
4.	Provide application form and packet of information about EPC and County	20 days to respond
5.	Panel of 4 to sort applications, interview top 10	panel review early March
	Proposed panel consisting of EPC Chair, CEAC Chair, EPC's General Counsel, and DEP's District Director	
7.	Panel to interview top 10 and select several to recommend to Commission	interviews in March
8.	Conduct background investigations on recommended candidates	
9.	Introduction of recommended candidates at EPC meeting	April 13
10	. Commission selection at special meeting following public comment	end of April - should give candidates opportunity to meet individually with each Commissioner, and give candidate time for 30 days notice to begin on July 1

And Allertain the Annual Control Comments in the

## Environmental Protection Commission of Hillsborough County, Florida Employment Opportunity

#### Executive Environmental Director

The Environmental Protection Commission of Hillsborough County (EPC), a local governmental agency created by special act of the Florida Legislature, is seeking a highly qualified professional to serve as its Executive Environmental Director beginning July 1, 2000. Under its enabling legislation, the EPC "provide(s) and maintain(s) for the citizens and visitors of said county, standards which will insure the purity of all waters and soils consistent with public health and public enjoyment thereof, the propagation and protection of wildlife, birds, game, fish, and other aquatic life, atmospheric purity and freedom of the air from contaminants or synergistic agents injurious to human, plant, or animal life, and freedom from excessive and unnecessary noise which unreasonably interferes with the comfortable enjoyment of life or property or the conduct of business."

The Executive Environmental Director serves at the pleasure of the Commission, and manages a professional staff of approximately 160, a budget of about \$10 million, and is responsible for implementing and enforcing the provisions of the special act, including local, state and federal environmental regulations, and the provisions of various contracts and grants. The position requires someone who is creative, has strong intellectual capability and critical reasoning skills, and who is articulate and persuasive in public forums.

Minimum qualifications include a Bachelor's Degree (Masters Preferred), with a basic understanding of the meteorological, physical, mechanical, chemical, biological, ecological and environmental sciences, and five to ten years experience in the administration, organizational development, personnel management, and administration of environmental regulatory programs. Public sector experience preferred. Hillsborough County offers management employees excellent compensation and benefits, including medical and life insurance, deferred compensation, and tuition reimbursement. Salary range \$90,000 - 100,000 (pending results of ongoing compensation study). To learn more about Hillsborough County and EPC, visit our websites at www.Hillsboroughcounty.org and http://epchc.org. The position is open until filled. Please send Letter of Interest, Resume, and three references by February 15, 2000 to:

Environmental Protection Commission of Hillsborough County

Legal Department 1900 9th Avenue Tampa, Florida 33605 AA/EOE/Drug Free Workplace Unclassified Position

January 2000

CLASS TITLE:

Executive Environmental Director

REPORTS TO:

**Environmental Protection Commission** 

AGENCY:

Environmental Protection Commission of Hillsborough County

FLSA:

Exempt

#### **JOB SUMMARY:**

Manages and directs a county-wide environmental regulatory agency pursuant to Special Act of the Florida Legislature to

...provide and maintain for the citizens and visitors of (Hillsborough) county standards which will insure the purity of all waters and soils consistent with public health and public enjoyment thereof, the propagation and protection of wildlife, birds, game, fish, and other aquatic life, atmospheric purity and freedom of the air from contaminants or synergistic agents injurious to human, plant, or animal life, and freedom from excessive and unnecessary noise which unreasonably interferes with the comfortable enjoyment of life or property or the conduct of business. (Section 2, Ch 84-446 Laws of Florida)

Administrative programs are divided between four divisions: the Water Management, Waste Management, Wetlands Management and Air Management Divisions; and operate pursuant to locally adopted Rules, and Grants, Contracts and Delegation Agreements with the Florida Department of Environmental Protection and the US Environmental Protection Agency. The Executive Environmental Director is subject to the supervision of the Commission and serves at its pleasure.

#### **ESSENTIAL FUNCTIONS:**

- Serve as technical secretary to the Commission, handle correspondence, investigations and prepare - reports and data between meetings
- Employ a staff of over 160, manage the budget, purchase goods and services, and provide facilities and equipment, including vehicles, a laboratory, and electronic information and communication services with other governmental agencies
- Investigate air pollution, water pollution and noise pollution control programs and activities in operation in other areas and make recommendations for the improvement of the regulation, administration and enforcement of pollution controls in the County
- Publicize the importance of adequate pollution controls, hold public hearings, discussions, forums
  and institutes, and arrange programs for the presentation of information by experts in the field of
  air, water and noise pollution, and to visit and study pollution control programs conducted in other
  areas, subject to budget limitations

- Make continuing studies and periodic reports and recommendations for the improvement of air, water and noise in the County, and publish and disseminate information to the public concerning air, and water and noise pollution
- Establish, operate and maintain a continuous program for monitoring air, water and noise pollution by means of countywide air and water quality surveillance networks designed to provide accurate data and information as to whether the requirements of the Act are being complied with and whether the level of air, water and noise pollution is increasing or decreasing throughout the County
- Work with the Citizens Environmental Advisory Committee to ensure that the environmental protection needs of the citizenry are met
- Intervene for the purpose of providing environmental impact statements, recommendations, and advice in matters having or likely to have an effect upon the environment of Hillsborough County
- Cooperate with appropriate public agencies and work with the Florida Department of Environmental Protection, the Southwest Florida Water Management District, Hillsborough County government, the municipalities of Tampa, Temple Terrace, and Plant City, the US Environmental Protection Agency, and other appropriate agencies and groups interested in the field of air, water and noise pollution, and to maintain and enforce environmental standards
- Implement Grants, Contracts and Delegation Agreements with other agencies
- Develop rules, and propose amendments as necessary, for the implementation and effective
  enforcement, administration and interpretation of the provision of the Act and to provide for the
  effective and continuing control and regulation of air, water and noise pollution, and appropriate
  fees for services performed; monitor environmental rulemaking and legislation at the state and
  federal levels to ensure compliance of local regulations and standards
- Investigate complaints, study and observe the air, water and noise pollution conditions, and recommend actions necessary to abate nuisances caused by air, water and noise pollution, and prosecute violations of the Act
- Inspect property, facilities, equipment, and processes to determine whether the provisions of the Act are being complied with; enter upon any public or private premise or carrier during regular business hours in the performance of duty relating to pollution control in order to inspect and copy records pertaining to same
- Sample, test, inspect and make analyses with respect to pollution control within the provisions of this law and rules at any time and place and to such an extent as may be necessary to determine whether possible sources of pollution are in compliance with the provisions of the law
- Require reports from any person engaging in activities which may be a source of air, water or
  noise pollution relating to the processes and methods of manufacture, the composition and source
  of airborne effluents, rate and periods of emission and such other information as prescribed

- Require, process and issue permits for the construction, alteration, expansion or operation of any installation or plant which may emit, discharge or permit the escape of pollutants or contaminants into the air, water, soil or property
- Require sampling and testing facilities and the performance of supervised tests by any person who may be responsible for the emission of air, water or noise pollution form any source
- Issue notices of violation and citations to cease, orders to require suspension or cessation of operations, and orders to restore or correct
- Institute administrative proceedings for abatement and for restoration or other correction, and to establish liability and to recover damages
- Issue subpoenas to compel the attendance of witnesses at any hearing who may have information relevant to any issue before the commission,
- Manage a pollution recovery fund and designated trust funds to be used to restore pollution areas, mitigate the effects of pollution and to otherwise enhance pollution control activities within the county, and
- Enforce the provisions of the Act and the Rules and Regulations through administrative, civil or criminal proceedings as appropriate
- Perform all other duties necessary to effect the purpose of the Act.

#### **MINIMUM QUALIFICATIONS REQUIRED:**

At least a bachelor's degree from an accredited university, with a basic understanding of the meteorological, physical, mechanical, chemical, biological, ecological and environmental sciences;

Training and experience as necessary to manage a staff of 160 technical, administrative, management and professional employees;

Ability to conceptualize, prepare and implement programs and activities to assess and improve environmental protection;

Ability to communicate effectively, both verbally and in writing, with scientists, citizens and policy makers; ability to make clear and persuasive public presentations; ability to build alliances with key partners;

Working knowledge of governmental structures, relationships, functions, and procedures affecting environmental protection in Florida, and the public processes mandated by law; and

Knowledge of financial management techniques sufficient to oversee a budget of \$10 million.

#### Licenses and Certifications:

Must possess a valid driver's license and satisfactory motor vehicle record. Membership in professional associations preferred.

#### **EMPLOYMENT AGREEMENT**

THIS AGREEMENT, made and entered into this \( \sum\_{\text{day}} \) day of \( \sum\_{\text{day}} \), 1998, by and between the Environmental Protection Commission of Hillsborough County (Commission), and Roger P. Stewart (the Employee) as follows:

#### WITNESSETH:

WHEREAS, the Commission and the Employee desire to memorialize their agreement of employment which has been undefined since 1969:

WHEREAS, it is the Commission's desire to provide certain benefits, to establish certain conditions of employment, and to set working conditions of the Employee; and

WHEREAS, the Employee desires to accept and continue employment as Environmental Director of the Environmental Protection Commission pursuant to Chapter 84-446, Laws of Florida as amended;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

#### Section I: Duties

The Commission hereby agrees to employ Roger P. Stewart as Environmental Director to exercise the responsibilities and duties of Chapter 84-446, Laws of Florida, and to perform other legally permissible and proper duties and functions as the Commission shall from time to time assign.

#### Section II: Term

- A. The Employee agrees to accept continued employment as the Environmental Director of the Environmental Protection Commission and to continue that service until completed pursuant to Sections III, IV, or V of this agreement.
- B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Commission to terminate the services of the Employee at any time, subject only to the provisions set forth in Section III, paragraph A, of this agreement.
- C. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from his position with the Commission subject only to the provisions set forth in Section IV of this agreement.

#### Section III: Termination and Severance Pay

A. In the event that the Employee is terminated by the Commission during such time as the Employee is willing and able to perform the duties as Environmental Director, then the Commission agrees to continue the Employee's salary and benefits in full force and effect for six months after termination as a severance benefit; provided, however, that in the event the Employee is terminated as a result of his conviction of any felony, any crime of moral turpitude or any illegal act involving personal gain to him in conjunction with his employment, the

Commission shall have no obligation to make the severance benefits provided in this paragraph. The Employee waives any entitlement to unemployment compensation in consideration of severance pay.

- B. At the Employee's option, he may request a lump sum cash payment of the salary and benefits to which he is entitled pursuant to paragraph A above by making written request therefor within 30 days following the date of termination, and the Commission agrees to pay such salary and benefits in a lump sum case payment not later than thirty (30) days following the Employee's request therefor.
- C. In the event that the Commission at any time during the employment of the Employee shall cause his salary or other financial benefits to be reduced in a greater percentage than an applicable across-the-board reduction for County employees, or in the event the Commission refuses, following written notice, to comply with any other provisions hereof which benefits the Employee as stated herein, or in the event the Employee shall resign following a formal request for his resignation by the Commission, then the Employee may at his option be deemed to have been "terminated" as of the date of such reduction or refusal or resignation and shall be entitled to the severance benefits provided in this section.
- D. Should Chapter 84-446, Laws of Florida be changed to provide for a different executive structure than the present appointed director, then the Employee may at his option be deemed to have been "terminated" as of the date the new structure takes effect, and he shall be entitled to severance as provided in paragraph A above.

#### Section IV. Resignation or Retirement

- A. In the event the Employee voluntarily resigns his position with the Commission, then the Employee shall give the Commission three months notice in advance, unless the parties agree otherwise.
- B. In the event the Employee voluntarily retires from his position with the Commission, the Employee shall give the Commission six (6) months notice in advance, unless the parties agree otherwise. During that six month period, the Employee shall assist the Commission in the process of developing a detailed job description for Environmental Director, advertising, and screening applicants for his replacement.

#### Section V: Disability

If the Employee is unable to perform his duties for any reason, including but not limited to sickness, accident, injury, mental incapacity or health for a period of four successive weeks beyond any accrued sick leave, the Commission shall have the option to terminate this agreement. In this event, the Employee shall be entitled to six months severance pay. Upon electing to participate in the County's long-term disability policy, the Commission agrees to pay the cost of premiums at the same rate as paid on behalf of other managerial employees.

#### Section VI: Salary

The Commission agrees to pay the Employee for his services rendered pursuant hereto an annual base salary of \$90,812, payable in installments at the same time as other employees of the Commission are

paid. The Commission shall consider additional salary or benefit increases as it may deem appropriate no later than sixty days after completion of the Employee's annual performance evaluation, which increase shall be retroactive to October 1st of the fiscal year in which it is approved.

#### Section VII: Performance Evaluation

The Commission shall review and evaluate the performance of the Employee at least once annually, and at such other times as the Commission deems appropriate. Said review and evaluation shall be in accordance with specific criteria developed jointly by the Commission and the Employee. Said criteria may be added to or deleted from as the Commission may from time to time determine, in consultation with the Employee.

#### Section VIII: Outside Activities

The Employee shall be permitted to engage in teaching during non-work time, so long as such activity is not in conflict with the interest of the County. The Commission shall be the sole judge of whether any conflict exists.

#### Section IX: Moving and Relocation Expenses

Not applicable.

#### Section X: Temporary Housing

Not applicable.

#### Section XI: Automobile

The Commission shall pay to the Employee the amount of \$300 per month as a car allowance.

#### Section XII: Vacation and Sick Leave Benefits

Over the years the Employee has accrued unused vacation and sick leave. Upon execution of this agreement, the Employee shall continue to accrue and have credited to his personal account, vacation at the rate of 20 days a year and sick leave at the same rate as other employees of the County. However, there shall be no limitation placed on the amount of either vacation or sick leave which may be carried over from one year to the next. Upon termination, resignation, or retirement of employment, the Employee shall be paid for all accrued and unused vacation and sick leave.

#### Section XIII: Disability, Health, and Life Insurance Benefits

- A. The Commission agrees to pay at the same rate as provided to other managerial employees costs of premiums for either group hospitalization, surgical and comprehensive medical insurance or an equivalent participation in an HMO for the Employee and his dependents.
- B. The Commission agrees to continue in full force and effect the standard life insurance coverage as provided to all classified employees.

#### Section XIV: Retirement Benefits

- A. The Commission shall designate the Employee for enrollment and participation in the Senior Management Class of the Florida Retirement System and Social Security as provided by state and federal law.
- B. As an alternative to deterred compensation, and in recognition that the Employee withdrew funds from his retirement account in 1974 because of certain circumstances beyond his control, the Commission agrees to reimburse the Employee's retirement account \$10,646.00 as the interest that would have accrued but for the withdrawal. The Employee must pay into his retirement account the principal that was withdrawn.

#### Section XV: Dues and Subscriptions

The Commission agrees to budget for and to pay for professional and other dues and subscriptions of Employee necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth, and advancement, and for the good of the County.

#### Section XVI: Professional Development

The Commission hereby agrees to budget for and to pay for registration, travel and subsistence expenses of the Employee pursuant to Chapter 112, Florida Statutes for professional and official travel, meetings, and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official functions for the Commission, including FLERA and other national, regional, state, and local governmental groups and committees in which the Employee serves as a member.

#### Section XVII: General Expenses

The Commission recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by Employee, and hereby agrees to reimburse or to pay to Employee as compensation therefor the sum of two hundred (\$200) per month.

#### Section XVIII: Indemnification

In addition to that required under state and local law, the Commission shall defend, save harmless, and indemnify the Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Employee's duties as Environmental Director, unless he acted in had faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. The County or Commission shall not be liable in tort for the acts or omissions of the Employee committed while acting outside the course and scope of his agreed duties or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Commission may compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

# Section XIX: Other Terms and Conditions of Employment

- A. The Commission, in consultation with the Employee shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, Chapter 84-446, Laws of Florida, or any other law.
- B. All provisions of the County regulations relating to vacation and sick leave, retirement and pension system contributions, holidays, and other benefits and working conditions as they now exist or hereafter may be amended, also shall apply to the Employee as they would to other managerial employees of the County, in addition to said benefits enumerated specifically for the benefit of Employee except as herein provided.

#### Section XX: No Reduction of Benefits

The Commission shall not at any time during the term of this agreement reduce the salary, compensation or other financial benefits of the Employee, except to the degree of such a reduction across-the-board for all employees of the County.

#### Section XXI: Notices

Notices pursuant to this agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

Commission: Commissioner

Chairman: Environmental Protection Commission

Post Office Box 1110 Tampa, Florida 33601-1110

Employee:

Roger P. Stewart

6507 Quail Meadow Road Plant City, Florida 33565

Alternatively, notices required pursuant to this agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

#### Section XXII: General Provisions

- A. The text herein shall constitute the entire agreement between the parties.
- B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.
- C. This agreement shall be effective upon execution.
- D. If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, the Environmental Protection Commission of Hillsborough County, Florida, has caused this agreement to be signed and executed in its behalf by this Chairman, and duly attested by its clerk, and the Employee has signed and executed this agreement, both in duplicate, the day and year first above written.

ATTEST: Richard Ake Clerk of Circuit Court

COMMISSION: Environmental Protection Commission

Roger P. Stewart

Deputy Clerk

ATTEST:

**EMPLOYED** 

Witness

Witness

[I:\agency\employment 1-13-98]

# Memo

To:

**EPC** Members

From:

Sara M. Fotopulos, Associate Executive Director

Date:

January 10, 2000

Re:

Executive Director's Salary

The base salary for the Executive Director has increased since the 1998 contract rate due to standard increases provided by the board to all employees. The current base rate is:

 $$49.21/hour \times 2080 \text{ hours/year} = $102,356.80 \text{ plus fringe benefits.}$ 

# HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION ACT

### CHAPTER 84-446 LAWS OF FLORIDA

Section 1.	Short Title.
Section 2.	Declaration of Legislative Intent.
Section 3.	Definitions.
Section 4.	Creation of Hillsborough County
	Environmental Protection Commis-
	sion.
Section 5.	Environmental Protection Commis-
	sion; Duties and Powers.
Section 6.	Hearing Officer; Duties and Powers.
Section 7.	Environmental Director.
Section 8.	Environmental Director; Duties and
	Powers.
Section 9.	Appeals From Actions or Decisions
	of Environmental Director.
Section 10.	Reporting of Sources.
Section 11.	Permits May Be Required.
Section 12.	Sampling and Testing.
Section 13.	Open Burning Prohibited.
Section 14.	Violations; Notices; Citations.
Section 15.	Emergency Order; Penalties.
Section 16.	Nuisances Prohibited.
Section 17.	Prohibitions, Violation, Penalty,
	Intent.
Section 18.	Enforcement; Procedure; Remedies;
	Proceedings For Injunction.
Section 19.	Additional Civil Liability; Assessment
	of Damages; Joint and Several
	Liability; Pollution Recovery Fund.
Section 20.	Appropriations.
Section 21.	Construction of Act.

Be it enacted by the Legislature of the State of Florida:

Section 22. Consolidation of Governments.

#### SECTION 1. SHORT TITLE.

Section 23. Severability. Section 24. Repealer.

Section 25. Effective Date.

This act may be known and cited as the \*Hillsborough County Environmental Protection Act.\*

# SECTION 2. DECLARATION OF LEGISLATIVE INTENT.

The Legislature finds and declares that the reasonable control and regulation of activities which are causing or may reasonably be expected to cause pollution or contamination of air, water, soil, and property, or cause excessive and unnecessary noise may be necessary for the proection and preservation of the public health, safety, and welfare. It is the intent and purpose of this act to designate the Board of County Commissioners as the Environmental Protection Commission of Hillsborough County to provide and maintain for the citizens and visitors of said county standards which will insure the purity of all waters and soils consistent with public health and public enjoyment thereof, the propagation and protection of wildlife, birds, game, fish, and other aquatic life, atmospheric purity and freedom of the air from contaminants or synergistic agents injurious to human, plant, or animal life, and freedom from excessive and unnecessary noise which unreasonably interferes with the comfortable enjoyment of life or property or the conduct of business.

#### SECTION 3. DEFINITIONS.

As used in this act and said rules and regulations, the following words and phrases shall have the following meanings, unless some other meaning is plainly indicated:

- 1. "County" means Hillsborough County, Florida.
- 2. "Air contaminants" means a particulate matter as defined herein, gas, or odor, including, but not limited to, smoke, charred paper, dust, soot, grime, carbon, or any other particulate matter, or irritating, malodorous, or noxious acids, fumes, or gases, or any combination thereof, but shall not include uncombined water vapor.
- 3. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or combination thereof in such quantities and of such duration as to be injurious to human, plant, or animal life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business.
- 4. "Dusts" means minute solid particles released into the air by natural forces or by mechanical processes, including, but not limited to, crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering,

from actions or decisions of the environmental director, and any matters relating to this chapter which the Commission may refer.

# SECTION 6. HEARING OFFICER; DUTIES AND POWERS.

- 1. A hearing officer shall be appointed by the commission. The hearing officer shall hear appeals of actions or decisions of the environmental director and determine all factual disputes relating to compliance with this act and rules and regulations promulgated pursuant to this act. The hearing officer also shall hear and determine any matters relating to this act which the commission may delegate to said officer, provided, however, that all hearings for the adoption of rules shall be before the commission. All hearings shall be public. The hearing officer shall have the power to issue notices of hearings, subpoenas requiring the attendance of witnesses and the production of evidence, to administer oaths and take testimony as may be necessary. A written decision containing findings of fact, conclusions of law and recommendations shall be promptly rendered to the commission in each case.
- 2. The hearing officer shall give probative effect to evidence which would be admissible in civil proceedings in the courts of this state, but in receiving evidence due regard shall be given to the technical and highly complicated subject matter which the commission and director must handle and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise effect shall be given to the rules of evidence recognized by the law in this state.
- 3. The hearing officer shall be compensated for his services from the general revenue fund of Hillsborough County and such compensation shall be set by the commission.

#### SECTION 7. ENVIRONMENTAL DIRECTOR.

The Hillsborough County Environmental Protection Commission shall appoint an environmental director. Said environmental director shall have at least a bachelor's degree from an accredited university and possess such experience in such a field which shall, in the judgment of the commission, qualify him to discharge the duties imposed by this act. The environmental director shall be subject to the supervision of the commission and shall serve at the pleasure of the commission. Compensation

for such director shall be determined by the commission and paid from the general funds of Hillsborough County.

# SECTION 8. ENVIRONMENTAL DIRECTOR; DUTIES AND POWERS.

The duties, functions, powers, and responsibilities of the environmental director, or his agents, shall include the following:

- 1. Serve as technical secretary to the commission, to handle correspondence, investigations and prepare reports and data between meetings.
- 2. The enforcement of the provisions of this act and the rules and regulations.
- 3. Investigation of complaints, study and observation of air, water and noise pollution conditions, and recommendations as to institution of actions necessary to abate nuisances caused by air, water and noise pollution, as to prosecution of proceedings for violations of this act.
- 4. Making of inspections of property, facilities, equipment, and processes to determine whether the provisions of this act are being complied with.
- 5. To intervene for the purpose of providing environmental impact statements, recommendations, and advice in matters having or likely to have an effect upon the environment of Hillsborough County.
- 6. Establishing, operating, and maintaining a continuous program for monitoring air, water and noise pollution by means of countywide air and water quality surveillance networks designed to provide accurate data and information as to whether the requirements of this act are being complied with and whether the level of air, water and noise pollution is increasing or decreasing throughout the county.
- 7. Publication and dissemination of information to the public concerning air, and water and noise pollution.
- 8. Cooperation with appropriate public agencies.
- 9. To enter upon any public or private premise or carrier during regular business hours in the performance of his duties relating to pollution control in order to inspect and copy records pertaining to same.
- 10. To sample, test, inspect, and make analyses with respect to pollution control within the provisions of this law and rules adopted

hereunder, at any time and place and to such an extent as he may deem necessary to determine whether possible sources of pollution are in compliance with the provisions of this law.

11. To perform all other duties necessary to effect the purpose of this act, including the implementation of those duties of the commission set forth in section 5(3), (4), and (5) and sections 1air8 and 19.

# SECTION 9. APPEALS FROM ACTIONS OR DECISIONS OF ENVIRONMENTAL DIRECTOR.

Any person aggrieved by an action or decision of the environmental director may appeal to the commission by filing within twenty (20) days after the date of the action or decision complained of, a written notice of appeal which shall set con-cisely the action or decision appealed from and the reasons or grounds for the appeal. The notice of appeal shall be filed with the chairman of the commission. hearing officer shall set such appeal for hearing at the earliest reasonable date, and cause notice thereof to be served upon the appellant and the environmental director. The hearing officer shall file his report and recommen-dations with the commission and serve copies on the parties. The parties may serve exceptions to the report within ten (10) days from the date it is served on them. If no exceptions are filed within the period, the commission shall take appropriate action on the report. If exceptions are filed, they shall be heard on reasonable notice by either party. In such proceeding to review exceptions to the hearing officer's report, the commission shall promptly render a written decision affirming, reversing or modifying the decision of the hearing officer, provided that the commission shall not take any action which conflicts with or nullifies any of the provisions of this act or rules enacted pursuant to Any person aggrieved by the final administrative decision may seek review in accordance with the Administrative Procedure Act, Chapter 120, part II, Florida Statutes, 1961.

#### SECTION 10. REPORTING OF SOURCES.

Any person engaging in any activity or operation which may be a source of air, water or noise pollution shall at the written request of the environmental director file with the commission reports on a form approved by the commission containing information relating to the processes and methods of manufacture; the composition

and source of airborne effluents; rate and period of emissions; and such other information as the commission may prescribe.

## SECTION 11. PERMITS MAY BE REQUIRED.

The commission may adopt rules and regulations making it unlawful for any person to construct, alter, expand or operate any installation or plant which, through its operation or maintenance, may emit, discharge or permit to escape pollutants or contaminants into the air, water, soil or property without first obtaining a permit from the environmental director as may be provided by such rules and regulations. Commencing construction or operation under such permit to construct or to operate shall be deemed acceptance of all of the conditions so specified.

### SECTION 12. SAMPLING AND TESTING.

Any person who may be responsible for the emission of air, water or noise pollution from any source shall, upon request of the environmental director, provide in connection with such sources and related source operations, such sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for the proper determination of the nature, extent, quantity and degree of such pollution. environmental director may also require the person responsible for the source of contaminants to conduct tests which will show the contaminant emissions from the source and to provide the results of said tests to the environmental director. These tests shall be carried out under the supervision of the environmental director or his designated representative and at the expense of the person responsible for the source of contaminants.

### SECTION 13. OPEN BURNING PROHIBITED.

No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open burning except:

- 1. Fires or campfires used only for noncommercial preparation of food, for recreational purposes, for ceremonial occasions, or on cold days for warming of outdoor workers, as long as a nuisance is not created.
- 2. Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, including the disposal of dangerous materials

where there is no safe alternate method of disposal, or in the instruction of public employees in the methods of fighting fires, which fire is, in the opinion of such official, necessary.

- 3. Fires set for the purpose of instruction in the methods of fighting fires, provided prior permission has been granted by a public officer in the performance of official duty.
- 4. Fires otherwise permitted by rule of the commission.

# SECTION 14. VIOLATIONS; NOTICE; CITATIONS.

Whenever evidence has been obtained or received establishing that a violation of this act or any rules or regulations adopted pursuant to this act is occurring or has been committed, the environmental director shall issue a citation to cease the violation, and cause the same to be served upon the violator by personal service or certified mail or by posting a copy in a conspicuous place on the premises of the facility causing the violation. Such citation shall specify the provision of law, rule, regulation, permit, certification or order of the commission or director alleged to be violated and shall include a summary of the facts alleged to constitute a violation thereof. Such citation shall specify a reasonable time within which the violation shall be rectified or stopped, commensurate with the circumstances. If the violation is not stopped within the time so specified, or reasonable steps taken to rectify the violation, the environmental director shall have the power and authority to issue an order requiring the violator to cease the activity or suspend operation of the facility causing the violation until the violation has been corrected. The environmental director may include with a citation an order for restoration or other corrective action, provided that no order for restoration shall become effective until after service and an administrative hearing before the hearing officer if required. Failure to request an administrative hearing by service of notice of appeal within twenty (20) days after service of the order shall constitute a waiver thereof, and any such unappealed order for restoration shall become an order of the commission by operation

# SECTION 15. EMERGENCY ORDER; PENALTIES

In the event a violation of this act or the rules and regulations promulgated pursuant to this act

creates an immediate health hazard or threatens immediate serious damage to the public health, or threatens or causes irreparable injury or damage to aquatic life or property, the environmental director shall have the power and authority to order immediate cessation of the operations causing such conditions. Any person receiving such an order for cessation of operations shall immediately comply with the requirements thereof. It shall be unlawful for any person to fail or refuse to comply with an emergency order issued and served under the provisions of this section.

#### SECTION 16. NUISANCES PROHIBITED.

No person shall cause, let, permit, suffer, or allow any emission, placement, or discharge in or upon the soils or into the atmosphere or waters of any substance or thermal energy, or commit any act, affecting soils, the air, or waters, which causes or may reasonably be expected to cause injury, detriment, or nuisance to any person or the public or which endangers the comfort, repose, health, or safety of any person or the public. Each day such violation exists shall constitute a separate offense.

# SECTION 17. PROHIBITIONS, VIOLATION, PENALTY, INTENT.

- 1. It is unlawful for any person:
- a. To cause or to take such action as may reasonably be expected to cause air, water or noise pollution in Hillsborough County, or to otherwise violate any other provision of this act, or any rules adopted by the commission pursuant to this act.
- b. To violate or fail to comply with any order of the director or commission, including orders or rules fixing standards for noise, or air or water quality.
- 2. Violation is punishable by a civil penalty of not more than \$5,000 for the first offense and of not more than \$5,000 for each offense thereafter. Each day during any portion of which such violation occurs constitutes a separate offense. Failure of any offender to pay any fine imposed under this section within a time set by the court when imposing said fine shall be evidence of an intent to violate orders of the commission and shall enable the court to enter an order for the offender to cease from doing business or carrying on operations within Hillsborough County.
  - 3. The violation of any provision of this act

is declared to be a criminal offense and misdemeanor within the meaning of §§775.08, Florida Statutes, and shall be punishable as provided by law.

4. It is the legislative intent that the civil and criminal penalties and fines imposed by the court be of such amount as to insure immediate and continued compliance with this act and rules and regulations pursuant thereto.

# SECTION 18. ENFORCEMENT; PROCEDURE; REMEDIES; PROCEEDINGS FORINJUNCTION.

The following remedies shall be available for violation of this chapter:

- 1. Judicial remedies:
- a. The commission may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant and aquatic life caused by any violation; and
- b. The commission may institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation in an amount of not more than \$5,000 per offense, provided, that the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.
- c. It shall not be a defense to or grounds for dismissal of these judicial remedies for damages and civil penalties that the commission has failed to exhaust all administrative remedies, has failed to serve a notice of violation or has failed to hold an administrative hearing prior to the institution of a civil action.
  - 2. Administrative remedies:
- a. The environmental director may institute an administrative proceeding for abatement and for restoration or other corrections by service of a citation to cease and order for restoration as provided in section 14.
- b. The environmental director may institute administrative proceedings to establish liability and to recover damages by written request to the commission setting forth the provision of law, rule, regulation, permit, certification or order alleged to be violated and a summary of the facts alleged to constitute a violation thereof. The request shall be served upon the alleged violator by personal service or certified mail or by posting a copy in a conspicuous place on the premises of the violation, and include a notice of the time and

place when the request will be heard by the commission. After a hearing the violator may be ordered by the commission to pay a specified sum as damages for any injury to the air, waters, or property, including animal, plant, or aquatic life caused by any violation. Judgment upon the amount of damages may be entered in any court having jurisdiction thereof and may be enforced as any other judgment. Parties to an administrative proceeding for damages shall be afforded all rights of discovery permitted by the Florida rules of civil procedure, and appropriate orders may be issued to effectuate the purposes of discovery.

- 3. Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law or this act.
- 4. Every order of the commission is legally enforceable, binding and reviewable only in accordance with the administrative procedure act, chapter 120, part III, Florida Statutes, 1961.
- 5. The commission may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this chapter or any rule, regulation, permit, certification, or order, to enjoin any violation specified in section 16 or section 17(1), and to seek injunctive relief to protect or restore the air, waters, and property, including animal, plant and aquatic life from injury caused or threatened by any violation.
- 6. All the Judicial and administrative remedies in this section and section 14, as amended, are independent and cumulative except that the judicial and administrative remedies to recover damages are alternative and mutually exclusive.

# SECTION 19. ADDITIONAL CIVIL LIABILITY; ASSESSMENT OF DAMAGES; JOINT AND SEVERAL LIABILITY; POLLUTION RECOVERY FUND.

- 1. Whoever causes air, water or noise pollution or damage to the animal, or plant life of Hillsborough County, or other damage to said air or waters is liable to the county for such damages and the reasonable costs and expenses of the county or commission incurred in tracing the source of the pollution or damage and in restoring the air or waters or plant or animal communities to their former condition.
- 2. Upon the request of the environmental director or any proper county officer or agency or the alleged violator, the commission may consider

and assess these damages. If the amount so assessed is not paid within a reasonable time as prescribed by the commission, the commission may institute civil action in the appropriate court for a judicial determination of liability and damages.

- 3. Nothing herein shall give the commission the right to bring an action on behalf of any private person. Nothing herein shall prohibit the commission from proceeding forthwith to obtain a judicial determination of the llability and damages. No finding, written report or recommendation of the commission made pursuant to this section shall be admissible in evidence in any action.
- 4. Whenever two or more persons cause air, water or noise pollution in violation of this chapter or any rule, regulation or order of the commission, or otherwise violate this act, so that the damage is indivisible, each violator shall be jointly and severally liable for such damage and for the reasonable cost and expenses incurred in tracing the source of discharge or damage, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including the animal, plant, and aquatic life to their former condition; provided, however, that if said damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for that damage attributable to his violation.
- There is hereby created a pollution recovery fund which is to be supervised and used by the commission to restore polluted areas of the county, as defined by the commission, to the condition they were in before pollution occurred, to mitigate the effects of pollution, or to otherwise enhance pollution control activities within the county. The fund shall consist of all moneys, excluding costs and expenses, recovered by the commission or director in an action against any person who has polluted or engaged in activity in violation of this act or any activity tending to pollute the air, soil, or water of the county. The fund moneys shall be disbursed first to pay all amounts necessary to restore or mitigate the respective polluted areas which were the subjects of commission action, where such restoration or mitigation could not be obtained from the violator. Any moneys remaining in the fund shall then be used by the commission, as it sees fit, to pay for any work needed to restore or mitigate areas which require more money than the commission

was able to obtain by court action or otherwise to restore or mitigate areas in which the commission brought enforcement action but was unable to recover any moneys from the alleged violators, or to otherwise enhance pollution control activities within the county. An amount up to 10 percent of the average annual balance of the fund may be disbursed for monitoring past restoration or mitigation. An amount up to 50 percent of the annually collected funds may be disbursed to the commission's Artificial Reef Program.

# SECTION 20. APPROPRIATIONS.

The board of county commissioners of Hillsborough County shall annually appropriate sufficient moneys as they shall deem appropriate to carry out the purposes of this act. In making such appropriations and in expending such funds, the board of county commissioners shall not be limited by the provisions of section 7, chapter 22323, Laws of Florida, 1943; section 1, chapter 57-1391, Laws of Florida; and section 1, chapter 63-1391, Laws of Florida. The appropriation, budgeting and expenditure of such funds is hereby declared to be for a public purpose. The commission may also accept any grant or donation for the purposes of this law.

# SECTION 21. CONSTRUCTION OF ACT.

The provisions of this act shall be liberally construed in order to effectively carry out the purposes of this act in the interest of public health, safety and general welfare; provided the provisions of this act are not intended and shall not be construed as superseding or conflicting with any statutory provisions relating to, or rules and regulations promulgated by, the Department of Health and Rehabilitative Services, and the Department of Environmental Regulation, but shall be construed as implementing and assisting the enforcement thereof.

### SECTION 22. CONSOLIDATION OF GOVERN-MENTS.

In the event of the consolidation of governments of the City of Tampa and Hills-borough County, all powers, functions, duties, responsibilities, obligations and properties of the commission shall be transferred to and vested in the legislative branch of such consolidated government automatically by operation of law.

# SECTION 23. SEVERABILITY.

It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this act is held invalid, the remainder of the act shall not be affected.

SECTION 24. Chapter 67-1504, Laws of Florida; Chapter 69-1149, Laws of Florida; Chapter 71-681, Laws of Florida; Chapter 72-563, Laws of Florida; and Chapter 73-496, Laws of Florida, are hereby repealed.

# SECTION 25. THIS ACT SHALL TAKE EFFECT UPON BECOMING A LAW;

Filed in Office Secretary of State May 21, 1984.

(act 5/92) Amended by Chapter 87-495, Laws of Florida on July 2, 1987

# Agenda Item Cover Sheet

Date:

January 20, 2000

Agenda Item: Clean Air Policy Goals Proposed By Commissioner McClash

# Description/Summary:

At the August EPC meeting, Commissioner Joe McClash from Manatee County spoke about the seven goals he proposed for clean air in Florida. The EPC Board referred the matter to CEAC who reported back at the November meeting. Two of the seven goals were singled out for referral to the legislative delegation. Those two called for tougher emission standards on older electric power plants and required the use of cleaner low sulfur gasoline for automobiles. Discussion on the other five was deferred to the January meeting.

Staff was directed to work with CEAC on the remaining goals. We have done so, and attached is a summary of the CEAC's recommendations and our comments. Some of the goals have merit, but the EPC Board is under no obligation to respond to Commissioner McClash's proposals. Several of the proposals have already been addressed through recent rule making and lawsuits, and would appear to be beyond the jurisdictional control of the EPC.

#### Commission Action Recommended:

Recommend the Board accept this report and the CEAC's recommendations, but take no specific action at this time.

COMMISSION
PAT FRANK
CHRIS HART
JIM NORMAN
JAN PLATT
THOMAS SCOTT
RONDA STORMS
BEN WACKSMAN

EXECUTIVE DIRECTOR
ROGER P. STEWART



ADMINISTRATIVE OFFICES, LEGAL & WATER MANAGEMENT DIVISION 1900 - 9TH AVENUE TAMPA, FLORIDA 33605 TELEPHONE (813) 272-5960 FAX (813) 272-5157

AIR MANAGEMENT DIVISION TELEPHONE (813) 272-5530

WASTE MANAGEMENT DIVISION TELEPHONE (813) 272-5788

WETLANDS MANAGEMENT DIVISION TELEPHONE (813) 272-7104

### **MEMORANDUM**

DATE:

January 11, 2000

TO:

**EPC** Board

FROM:

Roger Stewart

SUBJECT:

Clean Air Policy Goals Proposed by Commissioner McClash

As you recall, Commissioner Joe McClash from Manatee County spoke at the August EPC meeting about his proposed Clean Air Policy Goals for the State of Florida. He encouraged the EPC Board to endorse his seven goals and ask that you pass this endorsement on to your legislative delegation. The EPC Board referred the matter to the Citizens Environmental Advisory Committee (CEAC) who reported back to you at the November meeting.

Two of the goals were singled out for immediate action. One required cleaner burning low sulfur gasoline for Florida, and the second called for tighter emission standards for older electric power plants. The EPC Board approved these and passed them on to the legislative delegation. Following the Board's unanimous votes, Commissioner Platt communicated this to the delegation's Chairman (see attached correspondence from Platt to Murman dated December 15, 1999, labeled attachment A).

Any discussion on the remaining five Clean Air Policy Goals was deferred to the EPC Board's January meeting. Staff was directed to work with the CEAC Chairperson and report back to you with any other recommendations. As such, we have contacted Ms. McGarvey and put together the summary labeled as attachment B. Attachment B lists Commissioner McClash's other five goals and CEAC's recommendation on each. In addition, we have also included EPC staff comments for your review. There were also written minority CEAC recommendations which were considered but are not listed in the attachment.

My recommendation to the Board is to accept this report and the CEAC's recommendations, but take no specific action at this time. Between the EPA's new rules on Sport Utility Vehicles and cleaner gasoline, and the State's recent settlement with TECO; several of McClash's goals have already been accomplished. The goals requiring renewable energy and more efficient air conditioners have merit, and perhaps could be examined the next time the County sets minimum

EPC Board Memorandum January 11, 2000 Page 2

building standards. The final goal speaks to empowering a single agency with the ability to carry out energy and clean air policies, and we simply feel this is not a good idea for the reasons enumerated in attachment B.

Thank you for your attention to this matter. If you require any additional information, please let me know.

cag

Attachments

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# BOARD OF COUNTY COMMISSIONERS

Chairman Par Frank, District 7

Vice Chairman
Chris Hart, District 5

Bert Wacksman, District 1 Jim Norman, District 2 Thomas Scott, District 3 Ronda Stottes, District 4 Jan K. Platt, District 6



P.O. Sox 1110 Tampa, Florida 33601 (813) 272-5660

Daniel A. Klemati Councy Administrator

December 15, 1999

The Honorable Sandra Murman, Chairman Hillsborough County Legislative Delegation Post Office Box 1110 Tampa, Florida 33601 Post-It Fax Note 7671 Dale 12 17 pages Prom J. NO (Ruck Co. Dept. Eye Co. Boxe Phone #

RE: Air Quality Issues in the 2000 Legislative Session

#### Dear Chairman Murman:

As an elected official of the Tampa Bay area, you are probably aware of the elevated air pollution readings we have been experiencing over the last several years. This disturbing trend has reversed the gains we made in the early 90's, and will most likely force the Governor this spring to recommend that the EPA declare a portion of the west central Florida area as nonattainment for the pollutant ozone. Ozone is a respiratory irritant when present in high enough concentrations is unhealthy for the public at large. As the local environmental agency responsible for protecting air quality, the Environmental Protection Commission of Hillsborough County (EPC) is concerned and we are seeking your assistance during the upcoming legislative session.

EPC staff, our Citizens Environmental Advisory Committee (CEAC) and even a fellow Commissioner from a neighboring county have been advising the EPC about possible solutions. At the EPC meeting on November 18, 1999, the EPC unanimously endorsed two recommendations from the CEAC which require legislative action. As such, we ask that you consider supporting any legislative initiative covering either of the following:

# 1. Requiring Statewide Use of Cleaner Burning Low Sulfur Gasoline:

Automobiles contribute significantly to our air quality problems. Despite our community planners' efforts to control urban sprawl, we continue to experience an increase in the number of vehicles on the road and a proportionately higher increase in the vehicle miles

The Honorable Sandra Murman Page Two December 15, 1999

traveled. One way to minimize their impact is improve the quality of fuel the cars burn, and allow the automobiles to run cleaner.

Sulfur is a contaminant in gasoline and causes existing pollution control equipment on vehicles to be less effective. Cars burning lower sulfur gasoline pollute less. Refiners control the sulfur content in gasoline, and technology exists to lower it well beyond current levels.

Thus we are seeking legislation which would require gasoline importers in the State of Florida to deliver only low sulfur gasoline for sale on a statewide basis. Although the United States EPA has proposed a national program for low sulfur gasoline, it has not been finalized. The EPA proposal calls for full implementation in 2004, yet this may not be timely enough for Florida. Even more of a concern is any backsliding the EPA may accept to get their rule promulgated. Low sulfur gasoline is already required in California and the Atlanta area to help mitigate their air pollution problems.

2. Setting Tougher Air Emission Standards for Older Electric Power Plants:

Industrial sources of air pollution are generally regulated by age with the newest sources required to meet the toughest standards. Existing older sources typically do not have to meet these stricter limitations. Under the premise that at some point they will wear out and be replaced by a newer cleaner operation, older sources are generally exempt or grandfathered from new standards.

This regulatory scheme was in part based on the understanding that plants would become obsolete after 25 years or so. However through life extension projects, electric utilities in particular have successfully extended the use of some of their older boilers. Given nitrogen oxides contribution to our persistent ozone problem and the significant contribution that the utilities make to the emission inventory, this has necessitated the need to legislatively mandate that the Florida Department of Environmental Protection set new standards for every power plant in Florida. These standards would specify an appropriate ratio of nitrogen oxides to megawatt hours of energy produced. Within 4 to 7 years these standards would have to be met. And to prevent any relaxation of the rules, existing clean power plants operating at a pollution ratio lower than the standard could under no circumstances increase emissions up to the standard.

Keep in mind the recent settlement reached between the State and the Tampa Electric Company did not go as far as the United States EPA wanted, and only addresses two of the many power plants operating in Florida. This settlement was negotiated in the last few days and was not available to the CEAC when they reported to the Board last month.

The Honorable Sandra Murman Page Three December 15, 1999

Thank you in advance for your consideration. If you have any questions or require any additional information, please feel free to contact the EPC's Executive Director, Roger Stewart at 813-272-5960.

Sincerely,

Jan Platt, Chairman

im Platt

**Environmental Protection Commission** 

:cag

cc: H. C. Legislative Delegation

#### Goal

# REQUIRE FUEL ANALYSIS FOR POWER PLANTS

#### PROBLEM

Power plants have no incentive or requirement to burn clean fuels.

### MCCLASH SOLUTION

Require analysis of availability of clean fuels. If clean fuels such as gas are available, then conversion should take place or plant should emit at level of clean fuel using current fuel.

### **CEAC's RECOMMENDATIONS**

Require analysis of availability of clean fuels. If clean fuels are available, then conversion should take place or plant should emit at level of clean fuel using current fuel. The BOCC should urge the delegation to support legislation requiring, from the operator of each power plant, a brief, annual availability analysis of clean fuel. The general accuracy of each report would be certified by the DEP. In appropriate cases incentives should be offered to facilitate conversion to renewable energy or clean burning fuels to keep electrical rates competitive. Legislation to this effect should be introduced. When public health or safety or the environment is jeopardized by the continued burning of a polluting fuel when a cleaner alternative is available, then the State of Florida, acting through the DEP, should have the authority to require fuel conversion as a condition for a permit.

#### **EPC STAFF COMMENTS**

Combined cycle units fired on clean natural gas appear to be the technology of choice for new electric utility capacity. This is TECO's proposal for refiring the Gannon Station under the State's recent settlement agreement, and we believe this is the industry norm. In other words, economics is already driving the electric utilities to cleaner fuels, thus this issue is taking care of itself.

#### Goal

### CLOSE LOOPHOLE FOR LIGHT TRUCKS AND SUV's.

#### PROBLEM

SUV's and light trucks pollute more than cars.

#### MCCLASH SOLUTION

Close the loophole and require SUVs and light trucks have same pollution standards as cars.

### **CEAC's RECOMMENDATIONS**

Close the loophole and require that SUVs and light trucks have the same pollution standards as cars. No action is indicated. This is already contemplated under Tier 2. EPA, writing in the Federal Register: May 13, 1999 (Volume 64, Number 92)], [Proposed Rules], indicates that it already has taken such action:

"For the first time, through a phase-in, we propose to apply a single average exhaust emission standard that would cover both passenger cars and all light trucks (operated on any fuel). The proposed emission levels ("Tier 2 standards") are feasible for both types of vehicles an are appropriate since the miles traveled in light trucks are increasing and the emissions from these vehicles are thus an increasing problem. This approach will build on the recent technology improvements resulting from the successful National Low-Emission Vehicles (NLEV) program and improve the performance of these vehicles through lower sulfur gasoline."

## **EPC STAFF COMMENTS**

Late last month EPA promulgated a final rule tightening the manufacturer's tailpipe emission standards for light duty trucks and sport utility vehicles. By 2004, most of these vehicles will have to meet the same stringent standards as regular automobiles. No further action is necessary.

### Goal

**USE RENEWABLE ENERGY** 

#### **PROBLEM**

No incentives for use of solar energy or equipment. Florida is failing to use the sun for hot water in homes and businesses.

### MCCLASH SOLUTION

Set standard for new homes to use solar or energy recovery equipment. Water heating accounts for 30% or more of the average energy used in a home. Florida needs a goal to have 50% or more homes use solar or energy recovery equipment.

### **CEAC'S RECOMMENDATIONS**

In appropriate cases local utilities or the county should offer incentives to use solar or energy recovery equipment. We should remember that solar water heating was popular when incentives were offered in the 80's. Water heating accounts for 30% or more of the average energy used in a home. Florida needs a goal to have 50% or more homes use solar energy or energy recovery equipment for hot water. We also recommend incentives for power plants and consumers to use windmills, thermal energy, fuel cells and other alternative renewable energy sources.

#### **EPC STAFF COMMENTS**

We have always endorsed the promotion of solar energy and its research at USF. To the extent the County can provide incentives for its use in new buildings by offsetting the impact fees or other means, we encourage you to do so. To date, windmills and thermal energy have not been shown to be practical in Florida.

#### Goal

INCREASE EFFICIENCY STANDARDS

#### **PROBLEM**

Air conditioners, the largest energy consumer, are still at an old standard of 10 SEER. 12+ SEER is possible, reducing pollution and energy consumption 20% or more.

### MCCLASH SOLUTION

Changing the standard to 12 SEER will reduce pollution and energy consumption by 20% or more.

# **CEAC'S RECOMMENDATIONS**

The EPC should urge the legislative delegation to support raising the standard to 12 SEER [Seasonal Energy Efficiency Ratio for residential air conditioners] to reduce pollution and reduce energy consumption by 20% or more. Florida has one of the highest air conditioning demands in the nation, and its special situation justifies action that would both protect the environment and benefit consumers.

### **EPC STAFF COMMENTS**

Commissioner McClash mentioned he is in the air conditioning business, so we will assume his information is accurate. Whether it is cost effective to require the more efficient unit, we can not comment. In general, we endorse the use of more efficient appliances and the resulting energy conservation. This is very much in line with the EPA's Green Lights Program which we endorsed early on.

#### Goal

#### CONSOLIDATE CLEAN AIR POLICY RESPONSIBILITY

### PROBLEM

Florida has no clean air policy and existing policy is fragmented.

# MCCLASH SOLUTION

Adopt a clean air policy. Consolidate energy policy with clean air policy. Give one agency the ability to carry out policy.

#### CEAC'S RECOMMENDATIONS

We acknowledge that Florida does have a Clean Air Policy. We need to strengthen the policy and articulate it in a more coherent way that recognizes Florida's continuing population growth, and to urge the legislature to mandate a statewide policy that responds to demographic realities. The BOCC should urge the delegation to support a measure for a gubernatorial appointment of a bipartisan committee of scientists, educators, business leaders, and representatives of both other constituencies and demographic groups. Its charge would include revising the current policy and reporting to the Governor with a view to appropriate legislative action on specific proposals for the 2001 legislative session.

Second, rather than consolidate energy policy with clean air policy, we should link them. How such coordination could be achieved might be an appropriate topic for the above committees consideration.

Finally, we recommend to the BOCC that it <u>not</u> support the creation of a new agency to implement energy policy. If such an agency were established, counties like Hillsborough, with effective programs to protect the environment might find themselves hampered in carrying out their missions, as they cope with another level of bureaucracy.

# **EPC STAFF COMMENTS**

We disagree with Commission McClash on this issue. Florida does have an existing clean air policy, and it is codified in a formal document approved by the EPA and called the State Implementation Plan. We do not endorse the creation of a new government agency which would attempt to oversee the State's energy and clean air policies. The Public Service Commission, the Florida Department of Environmental Protection and local programs such as the EPC currently serve these functions.

From:

Lelia Blevins

To:

EPC.STEWART, EPC.KOULIANOS

Date:

Friday, January 7, 2000 10:03 am

Subject:

Discussion during the 1/5/00 BOCC meeting

During the January 5 meeting, John Craig appeared regarding the Sunnydale Mobile Home Park. Attached is the captioning of this discussion.

The Board directed that the EPC review these comments and schedule this as a discussion item on the 1/20 EPC meeting.

Please let me know if you need anything else.

Have a nice day!

□□□À@ââ-

JOHN -- SORRY, I CAN'T READ THE LAST NAME.

IT LOOKS LIKE CROY.

THE DISCUSSION IS POLLUTING OF TAMPA BAY.

COULD YOU PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD SO I'M SURE I HAVE IT RIGHT.

>> MY NAME IS JOHN CRAIG, 4542 VILLAGE DRIVE IN HILLSBOROUGH COUNTY.

I'M HERE TODAY -- AND I'M GOING TO TRY AND TALK VERY, VERY FAST BECAUSE I KNOW I'M GOING TO NOT BE ABLE TO FINISH IN THREE MINUTES.

THIS WAS AN ARTICLE BY THE ST. PETE TIMES CONCERNING A MOBILE HOMEOWNER THAT HAS OVER A DOZEN MOBILE HOMES IN HILLSBOROUGH COUNTY.

THIS PARTICULAR ARTICLE DEALS WITH A SUNNYDALE MOBILE HOME PARK ON DALE MABRY.

I KNOW THIS IS NOT IN THE COUNTY'S JURISDICTION, BUT I AM HERE TO READ TWO THINGS.

ONE MAINLY WAS THAT LAST WEEK, WHICH IS THE MONTH BEFORE, THE HEALTH DEPARTMENT, EPC ISSUED FORMAL WARNINGS TO NELSON STEINER FOR HAVING SEWAGE FLOW FROM DRAINAGE DITCH AT SUNNYDALE FLOWING INTO A DITCH TO AN OPEN DITCH IN SUNNYDALE. I HAVE PHOTOGRAPHS WHERE THAT DITCH GOES.

THIS IS ACROSS THE STREET FROM BRITTON PLAZA.

THESE ARE PHOTOGRAPHS OF A DITCH THAT GO TO TAMPA BAY A HALF A MILE AWAY.

THIS IS MOVING WATER.

THIS MAN HAS NEGLECTED AND ALLOWED FOR OVER FIVE YEARS FOR FECAL MATERIAL, URINE TO BE PLACED IN TAMPA BAY.

THIS IS PHOTOGRAPHS OF HOW HE MAINTAINED SEPTIC TANKS.

EPC HEALTH DEPARTMENT MADE WARNINGS TO HIM.

I THINK WE NEED TO KNOW ABOUT THE WARNINGS.

THESE ARE ELDERLY LOW-INCOME PEOPLE.

HE MADE A STATEMENT THAT HE WAS THROWING THEM OUT OF THEIR PARK.

NOW WHAT'S HAPPENED IS CHARLIE MIRANDA SAYS THAT THIS -- THEIR HANDS ARE TIED.

THESE ARE 18 COUNTS OF FLORIDA VIOLATIONS AGAINST THIS PERSON. THIS IS A LAWSUIT FILED AGAINST THE CITY OF TAMPA FOR ALLOWING THIS TO HAPPEN, TO HAVE THESE PEOPLE THROWN OUT WITHOUT

PROPERLY DOING WHAT THEY WERE SUPPOSED TO DO ACCORDING TO FLORIDA CODE.

SO THIS IS ONE PARK THAT'S NOT IN YOUR JURISDICTION.

THE RELIABILITY -- I WAS THE ONE WHO SPOKE TO PEOPLE.

I HAVE FRIENDS WHO LIVE HERE.

THEY WERE THE ONES WHO IDENTIFIED THE POLLUTION.

THE EPC CAME OUT, THEY HAVE SEEN IT.

THEY HAVE WARNED THE PEOPLE IF THEY TOUCH ANY OF THE MOBILE HOMES THAT HAVE BEEN DIVERTED, THE SEPTIC FECAL MATERIAL INTO TAMPA BAY SHOULD BE STOPPED.

WHAT I SAY NOW IS I HAVE ANOTHER RELIABLE SOURCE OF ANOTHER POLLUTION IN TAMPA BAY OF THE WATERWAYS IN TAMPA BAY.

THERE IS ALSO CODE VIOLATIONS, SERIOUS CODE AND HEALTH

VIOLATIONS OF THESE POOR ELDERLY PEOPLE LIVING IN SOME OF THESE MOBILE HOME PARKS.

WHAT I WOULD LIKE TO KNOW IS, ALSO, THIS GENTLEMAN, MR. STEINER, GAVE A STATE OF THE UNION ADDRESS OF THE MOBILE HOME INDUSTRY FOR HILLSBOROUGH COUNTY.

AND I SAY TO THIS COMMISSION, WE CANNOT LET PEOPLE POLLUTE TAMPA BAY

WE CANNOT TAKE ANY ADVICE FROM PEOPLE LIKE THIS.

I WOULD LIKE ONE COMMISSIONER HERE, AND I KNOW A COUPLE OF THEM SITTING HERE RIGHT NOW THAT HAVE A GREAT CONCERN ABOUT POLLUTING TAMPA BAY.

AND I WOULD LIKE TO MOVE FORTH WITH YOUR HELP TO GO AND PROVE THE OTHER POLLUTIONS OF THIS COUNTY.

>>PAT FRANK: COMMISSIONER PLATT IS CHAIR OF THE EPC, AND SHE MAY WANT TO COMMENT ON YOUR --

>>JAN PLATT: I WOULD ASK THAT ADMINISTRATION MAKE A COPY OF THIS TAPE AVAILABLE TO THE EPC STAFF.

AND THAT YOU CONFER WITH THEM AND WE'LL ASK THAT THIS BE PLACED ON THE EPC AGENDA.

BECAUSE THAT'S REALLY THE PROPER FORUM FOR DISCUSSION ABOUT THESE POLLUTIONS.

SO WE'LL HAVE AN UPDATE ON WHAT THE STATUS OF ALL THIS IS.

>> THE PROBLEM IS, JAN, FOR A MONTH AND A HALF, THESE WARNINGS CAME OUT ABOUT POLLUTING TAMPA BAY.

NOTHING HAS BEEN DONE ABOUT IT.

>>JAN PLATT: OKAY.

WE'LL GET AN UPDATE ON IT AT THE EPC MEETING.

>> THANK YOU VERY MUCH.

>>PAT FRANK: AND I MIGHT SAY, YOU KNOW, THESE REPEATED VIOLATIONS THAT PEOPLE IGNORE ARE NOT GOING UNNOTICED BY THE U.S. ATTORNEY'S OFFICE IN CASES.

AND THERE HAVE BEEN CRIMINAL PROSECUTIONS.

SO I THINK THAT IT OUGHT TO BE TAKEN SERIOUSLY BY THOSE WHO ARE AWARE THAT THEY ARE OFFENDING THE LAW.

>> YES, EXACTLY.

THIS MAN WAS CITED WITH MANY WARNINGS AND HE HAS YET TO CLEAN UP THOSE THINGS.

THESE ARE ELDERLY POOR PEOPLE BEING TOSSED OUT OF THAT PARK THAT DON'T HAVE THE MONEY.

THE LAWSUIT AGAINST THE CITY DID NOT HAVE TO HAPPEN.

THE CLEANING UP SHOULD HAVE BEEN DONE AND WE'RE TALKING ABOUT POLLUTING OF OUR WATERS.

>>JIM NORMAN: YOU KNOW, WE'RE TAKING EVERYTHING -- I THINK THE STAFF SHOULD REPORT BACK TO US.

WE'RE TAKING EVERYTHING HERE AS FACT AND WE HAVEN'T EVEN LOOKED AT THE INFORMATION BEING PRESENTED.

SO I THINK FAIRNESS TO BOTH SIDES, WE NEED TO HAVE A REPORT BACK TO US.

WHY EPC APPARENTLY HAS LOOKED AT IT, WHY THEY HAVEN'T RESPONDED.

>> THEY HAVEN'T LOOKED AT THE COUNTY POLLUTING PROBLEMS.

>>JIM NORMAN: SIR, WE'RE LETTING AN INDIVIDUAL JUST GET BEAT UP HERE.

>>PAT FRANK: LET'S JUST PUT SOME ORDER TO THIS, PLEASE.

JUST A MOMENT, PLEASE.

WE ARE GOING TO BRING THIS ISSUE BEFORE EPC.

THAT WOULD BE TO ME THE LOGICAL PLACE TO BEGIN.

IF COUNTY STAFF HAS TO GET INVOLVED IN IT, THEN WE'LL DO THAT AT A LATER DATE.

>>JAN PLATT: EPC IS JANUARY 20TH AT 10:00.

>> UP HERE WITH THAT.

CAN I BRING WITNESSES OF THE PROOF OF THE OTHER VIOLATIONS?

>>PAT FRANK: LET US JUST TAKE ONE STEP AT A TIME. PLEASE.

>>BEN WACKSMAN: I THINK THE ISSUE -- THERE'S A LOT OF ISSUES THAT THIS SPEAKER HAS BROUGHT UP.

REALLY WHAT WE'RE TALKING ABOUT ARE A CLAIM OF VIOLATIONS THAT HAVE BEEN CITED THAT HAVE NOT -- NOTHING HAS BEEN DONE TO ALLEVIATE.

THAT'S REALLY THE ONLY ISSUE.

>> THAT AND OTHER POLLUTIONS IN YOUR ALL'S JURISDICTION THAT I WOULD LIKE TO BRING UP WITHOUT HANDING IT TO THE OWNER.

>>PAT FRANK: LET'S NOT GET INTO THE DETAILS AT THIS POINT.

IF YOU WANT TO GET IN TOUCH WITH COMMISSIONER PLATT IN TERMS OF THE LOGISTICS, PLEASE FEEL FREE TO DO THAT.

>> THANK YOU VERY MUCH.

I'M SORRY.

I'M NOT HAPPY.

I GREW UP IN TAMPA BAY, AND I SAW JAN PLATT PICKING UP TRASH YEARS AGO, AND I PARTICIPATED.

>>PAT FRANK: I'M SORRY.
I HAVE TO CUT YOU OFF, SIR.
RALPH HUGHES.

>> THANK YOU, MADAM CHAIR.

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