

EPC

4/18/00

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
APRIL 18, 2000
2 - 4 P.M.**

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Tampa Bay Water

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.

Visit our website at <http://epchc.org>

**RECEIVED
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BOCC RECORDS**

THURSDAY, MARCH 16, 2000 - DRAFT MINUTES

Division, EPC, explained funds had been found at the last minute for the PRF request concerning Cockroach Bay. Chairman Platt commented the EPC had also approved money for the American Lung Association that CEAC had not reviewed either. She thought a timely review and following the schedule would help the process. Mr. Padgett said CEAC was forming new committees, there were plans to be more proactive, citizen input would be received at CEAC meetings, and bylaws were being rewritten. Mr. Tom Koulianos, EPC Director of Finance and Administration, gave Mr. Padgett the E-mail address for the EPC website, which would appear on each EPC agenda item cover page beginning next month.

CONSENT AGENDA

- A. Approval of Minutes: February 2, 17, and 22, 2000
- B. Monthly Activity Reports
- C. Legal Department Monthly Reports
- D. Informational: Executive Director Search

Commissioner Norman moved approval of the Consent Agenda. Commissioner Scott seconded the motion. Mr. Koulianos said EPC Chief Legal Counsel Sara Fotopulos had asked him to inquire if Commissioners wished to make an appointment, as described on page 34 of the Consent Agenda; there was no response. The motion carried six to zero. (Commissioner Hart was out of the room.)

LEGAL DEPARTMENT

Alafia Intake Structure - Contract for EPC Arbitrator and Service Agreement for Arbitration Chairman - Attorney Zodrow said the contracts were standard. Commissioner Norman moved both items. Commissioner Wacksman seconded the motion, which carried five to zero. (Commissioners Hart and Storms were out of the room.)

Request for Authority to Take Appropriate Legal Action Against Ronald Woodcock - Mr. Howton gave the history of the case involving construction of a seawall in wetlands associated with the Alafia River. The meetings held since March 1997 and the mediation begun in December 1998 had not resolved the problem. EPC requested authority to pursue other legal actions, including filing a lawsuit. Assistant EPC Attorney Kristin Bennett said it was appropriate for Mr. Woodcock or his attorney to address EPC. Mr. Howton advised Chairman Platt the Port Authority was involved, because it issued permits for construction activity in sovereign submerged lands in the County.

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Representing Mr. Woodcock, Attorney John Agliano, 201 North Franklin Street, Suite 2100, opined it was premature for EPC to authorize legal action, because mediation was ongoing and had not been terminated in writing, as required by EPC rules. Attorney Agliano thought Mr. Stewart should rule on the latest of several proposals that had been submitted on March 15.

Mr. Stewart said giving EPC authority to proceed with legal action did not preclude interim negotiations. Due to protracted efforts to find a solution and continued violation of the code, he requested authority to do whatever was necessary; Attorney Bennett concurred. She had been unaware of the most recent proposal Attorney Agliano referenced and had advised him discussions could continue about a settlement. Attorney Bennett advised Commissioner Frank the last mediation conference had been held in December 1998, with subsequent letters outlining EPC's position. Although a formal letter had not been filed to stop the mediation, the settlement offer extended by EPC at that time expired on its own terms, after several extensions had been granted. Mr. Stewart commented that EPC always pursued amicable solutions to such problems.

Based on recommendations from legal counsel and from Mr. Stewart, Commissioner Wacksman moved staff recommendation. Commissioner Hart seconded the motion and obtained confirmation the motion included the option to continue mediation. Attorney Bennett advised Chairman Platt mediations could continue until a mutually agreeable solution was reached or an impasse was declared. Commissioner Storms suggested allowing another month and then returning with an officially declared impasse. She suggested specifying the terms, deadline, and consequences. Commissioner Norman asked Attorney Agliano if he thought a solution could be reached within 30 days. Attorney Agliano replied he would continue to seek a solution. Administrative remedies were also possible, and, if a suit was filed, one of the first issues to be litigated might be whether the case had to return to the EPC Board.

Commissioner Norman made a substitute motion to ask for an impasse to be declared within 30 days and, if no agreement was reached after that point, to give permission to EPC staff to pursue legal means. Commissioner Storms seconded the motion with the understanding that the motion was not telling EPC staff to settle for results less satisfactory than could be obtained with a lawsuit. With the possibility of an appeal and EPC being the final decision-making body for appeals, Mr. Stewart urged discretion in receiving information during the meeting. The motion carried seven to zero.

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AIR DIVISION

Presentation on Status of the State's Motor Vehicle Inspection Program (MVIP)

- Mr. Jerry Campbell, Director, Air Management Division, EPC, gave an update on the MVIP, as requested by Commissioner Norman. Last year, the legislature had specified the MVIP should be different when contracts were renegotiated for renewal. The Department of Highway Safety had deferred seeking approval from Governor Jeb Bush and the Cabinet, believing action would be taken on the issue during the current legislative session. Mr. Carlos Thomas, program manager, Gordon Darby, Incorporated, 4025 Tampa Road, Oldsmar, presented the merits of the MVIP, which included reduction of ground level ozone, higher quality used cars, fuel savings, increased awareness of citizen responsibility for motor vehicle maintenance, and improved air quality. He confirmed for Chairman Platt that if the MVIP was discontinued, federal dollars for highway programs could be endangered.

Mr. Campbell said two standards currently applied to ozone. The one-hour standard was being met, but 1997-1999 data showed the eight-hour standard was not. Because of that, it was likely the Environmental Protection Agency (EPA) would declare a portion of the Tampa Bay area nonattainment. Regarding the contribution to ozone made by automobiles, Mr. Campbell presented statistics showing the de minimis effect of the MVIP on the pollutant about which there was the most concern. On that basis, EPC felt the MVIP did not help achieve ozone standards.

EPC recommended four options: 1) terminate the MVIP June 30, 2000, which required legislative and EPA approval; 2) expand the MVIP to surrounding counties; 3) continue the current MVIP and ask the legislature to limit the minimum term of the contract from four to two years; or 4) take no action and monitor legislative results. EPC recommended the first option. Chairman Platt asked if that recommendation was contingent on EPA not reducing funding. Mr. Campbell replied that could be part of the recommendation. He added it was possible the legislature could end the MVIP without EPA approval. In that case, EPA could allow Florida 18 months to deal with the issue or impose sanctions by withholding federal highway funds or making it harder for major industries to locate in the area. The latter would be accomplished by requiring a two to one pollution cleanup ratio. Mr. Stewart doubted a recommendation to legislators would be productive, based on EPC staff's many conversations with them.

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Commissioner Norman recalled the item had been on the EPC agenda several times, with support from Mr. Stewart for discontinuing the MVIP each time. Commissioner Norman moved option one, to direct EPC staff to correspond, with the Chairman's signature, requesting that Mr. David Struhs, secretary, Florida Department of Environmental Protection (FDEP) initiate action to withdraw the air quality credits for the MVIP for the Tampa Bay area, and to have EPA approval before moving forward. Commissioner Storms seconded the motion for discussion and thought the punitive sanction of a stricter pollution cleanup ratio could be positive. Messrs. Stewart and Campbell explained why it was unlikely sanctions would be initiated. They confirmed part of the pollution problem for the Tampa Bay area originated from land on the other side of the Gulf of Mexico, although most of the pollution in the area came from industry. Mr. Stewart doubted EPA would object to option one, because of County endorsement of what EPA had done with power plants and use of low sulphur fuel.

Commissioner Frank questioned how it could be ascertained the MVIP had no effect when vehicles entering Hillsborough County could not be tested for pollution. Messrs. Stewart and Campbell responded, explaining that automobiles had initially contributed significantly to pollution in the early 1980s, but automobiles had radically improved. Additionally, the focus had originally been on controlling hydrocarbons, but recent science revealed nitrogen oxides were more important. The MVIP had probably outlived its usefulness.

In light of the fact that resolution for Tampa Electric Company's pollution problems would not begin until 2003 or 2007, Commissioner Frank asked what would take the place of the MVIP in the County's efforts to reduce pollution. Mr. Campbell explained some units would be shut down sooner than 2003 for retrofitting. Also EPC had taken an aggressive position on low sulphur gasoline and was working with legislators on legislation. Mr. Thomas agreed the current MVIP did little for nitrogen oxides and explained how the contract could be modified for greater effectiveness at no additional consumer cost. The motion carried five to one; Commissioner Frank voted no. (Commissioner Scott had left the meeting.)

WATER DIVISION

Update on Sunnydale Mobile Home Park - Jordan Lewis, Hillsborough County Health Department - Mr. Lewis gave the history of the case, which began with anonymous complaints in the fall of 1999, when it was announced the mobile

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home park was being sold and residents would be moving. Investigation had revealed all the complaints to be unfounded. There were no ongoing health or environmental issues currently at the mobile home park, and he opined the presentation and photographs presented to EPC in another meeting could have been misleading. Health Department staff had met with the mobile home park owners, managers, and the elected representative of the residents, whose only concern was about the mobile home park being sold. Commissioner Norman recalled the owners had been the object of humiliating accusations, and he thanked Mr. Lewis for the independent review.

WASTE DIVISION

Authorize Executive Director to Sign Contract for Storage Tank System Significant Noncompliance Resolution Program Contract with FDEP - Mr. Hooshang Boostani, Director, EPC Waste Management Division, requested authority for the EPC Executive Director to sign a contract for the storage tank system significant noncompliance resolution program. Commissioner Frank so moved. Commissioner Storms seconded the motion, which carried five to zero. (Commissioners Hart and Scott had left the meeting.)

OFF-THE-AGENDA ITEM

Regarding Senate Bill 1824, the sovereign submerged lands legislation mentioned during citizen comment, Commissioner Frank moved to recommend the EPC direct the County's legislative lobbyist to express the deep concern of EPC about the bill and the effect it would have on the Tampa Bay area and the Alafia, Manatee, and Hillsborough Rivers; to ask the lobbyist to contact EPC about EPC's reaction; and to authorize Chairman Platt to sign a letter to that effect. Commissioner Wacksman seconded the motion, which carried five to zero. (Commissioners Hart and Scott had left the meeting.) Commissioner Storms gave the landowner's perspective. She supported the motion, because it seemed a safe way to address the issue.



Jeb Bush
Governor

Robert G. Brooks, M.D.
Secretary

MEMORANDUM

TO: Hooshang Boostani, P.E.
Environmental Protection Commission

DATE: 4/18/00

FROM: 
Jordan Lewis, R.S., M.P.H.
Director, Environmental Health and Epidemiology

SUBJECT: Methyl Tertiary-Butyl Ether (MTBE)

Recent events have brought national and regional media attention to the issue of MTBE contamination in groundwater and our public and private drinking water wells.

Since 1986 the Health Department has actively participated in the State Underground Petroleum Emergency Response Act (SUPER Act) by proactively identifying any potential for drinking water well contamination around underground gasoline storage tank sites.

Thousands of samples have been tested and those, which exceed drinking water standards or show significant detection levels, are provided an individual health risk assessment and steps to provide a safe source of drinking water.

In addition to the SUPER Act program the Health Department will investigate all complaints concerning drinking water quality.

With an aggressive drinking water contamination program we have been successful in most cases in determining drinking water contamination prior to any complaints or noticeable change in water quality. A safe drinking water source is provided through an interagency collaboration with the Department of Environmental Protection and our public water utilities.

Please find attached the Environmental Protection Agencies Drinking Water Fact Sheet on MTBE. This advisory was issued in December 1997 and is what we follow in assessing this issue.

From a public Health viewpoint MTBE is not a known carcinogen. The state standard of 35ug/l (parts per billion) is based on taste and odor thresholds - not health concerns. There are no known public drinking water systems in Hillsborough County, which exceed this level. Private wells that have MTBE are directly associated with a gasoline contamination issue and often have other regulated contaminants.

This Health Department will continue to provide our community with the utmost level of service in providing a preventative public health assessment of environmental threats, which have the potential of affecting our health.

attachment

Hillsborough County Health Department • Environmental Health Services
P.O. Box 5135, 1105 E. Kennedy Boulevard • Tampa, FL 33675-5135
Tel: (813)272-6320 • Fax: 272-7242 • Suncom: 543-6320

United States
Environmental Protection Agency

Office of Water
4304

EPA-822-F-97-009
December 1997



FACT SHEET

Drinking Water Advisory: Consumer Acceptability Advice and Health Effects Analysis on Methyl Tertiary-Butyl Ether (MtBE)

The Advisory

The U.S. Environmental Protection Agency (EPA) Office of Water is issuing an Advisory on methyl tertiary-butyl ether (MtBE) in drinking water. This Advisory provides guidance to communities exposed to drinking water contaminated with MtBE. This document supersedes any previous drafts of drinking water health advisories for this chemical.

What is an Advisory?

The U.S. EPA Health Advisory Program was initiated to provide information and guidance to individuals or agencies concerned with potential risk from drinking water contaminants for which no national regulations currently exist. Advisories are not mandatory standards for action. Advisories are used only for guidance and are not legally enforceable. They are subject to revision as new information becomes available. EPA's Health Advisory program is recognized in the Safe Drinking Water Act Amendments of 1996, which state in section 102(b)(1)(F):

"The Administrator may publish health advisories (which are not regulations) or take other appropriate actions for contaminants not subject to any national primary drinking water regulation".

As its title indicates, this Advisory includes consumer acceptability advice as "appropriate" under this statutory provision, as well as a health effects analysis.

What is MtBE?

MtBE is a volatile, organic chemical. Since the late 1970's, MtBE has been used as an octane enhancer in gasoline. Because it promotes more complete burning of gasoline, thereby reducing carbon monoxide and ozone levels, it is commonly used as a gasoline additive in localities which do not meet the National Ambient Air Quality Standards.

In the Clean Air Act of 1990 (Act), Congress mandated the use of reformulated gasoline (RFG) in areas of the country with the worst ozone or smog problems. RFG must meet certain technical specifications set forth in the Act, including a specific oxygen content. Ethanol and MtBE are the primary oxygenates used to meet the oxygen content requirement. MtBE is used in about 84% of RFG supplies. Currently, 32 areas in a total of 16 states are participating in the RFG program, and RFG accounts for about 30% of gasoline nationwide.

Studies identify significant air quality and public health benefits that directly result from the use of fuels oxygenated with MtBE, ethanol or other chemicals. The refiners' 1995/96 fuel data submitted to EPA indicate that the national emissions benefits exceeded those required. The 1996 Air Quality Trends Report shows that toxic air pollutants declined significantly between 1994 and 1995. Early analysis indicates this progress may be attributable to the use of RFG. Starting in the year 2000, required emission reductions are substantially greater, at about 27% for volatile organic compounds, 22% for toxic air pollutants, and 7% for nitrogen oxides.

Why is MtBE a Drinking Water Concern?

A limited number of instances of significant contamination of drinking water with MtBE have occurred due to leaks from underground and

above ground petroleum storage tank systems and pipelines. Due to its small molecular size and solubility in water, MIBE moves rapidly into groundwater, faster than do other constituents of gasoline. Public and private wells have been contaminated in this manner. Non-point sources, such as recreational watercraft, are most likely to be the cause of small amounts of contamination in a large number of shallow aquifers and surface waters. Air deposition through precipitation of industrial or vehicular emissions may also contribute to surface water contamination. The extent of any potential for build-up in the environment from such deposition is uncertain.

Is MtBE in Drinking Water Harmful?

Based on the limited sampling data currently available, most concentrations at which MIBE has been found in drinking water sources are unlikely to cause adverse health effects. However, EPA is continuing to evaluate the available information and is doing additional research to seek more definitive estimates of potential risks to humans from drinking water.

There are no data on the effects on humans of drinking MIBE-contaminated water. In laboratory tests on animals, cancer and noncancer effects occur at high levels of exposure. These tests were conducted by inhalation exposure or by introducing the chemical in oil directly to the stomach. The tests support a concern for potential human hazard. Because the animals were not exposed through drinking water, there are significant uncertainties about the degree of risk associated with human exposure to low concentrations typically found in drinking water.

How Can People be Protected?

MtBE has a very unpleasant taste and odor, and these properties can make contaminated drinking water unacceptable to the public. This Advisory recommends control levels for taste and odor acceptability that will also protect against potential health effects.

Studies have been conducted on the concentrations of MIBE in drinking water at which individuals can detect the odor or taste of the chemical. Humans vary widely in the concentrations they are able to detect. Some who are sensitive can detect very low concentrations, others do not taste or smell the chemical even at much higher concentrations. Moreover, the presence or absence of other

natural or water treatment chemicals can mask or reveal the taste or odor effects.

Studies to date have not been extensive enough to completely describe the extent of this variability, or to establish a population threshold of response. Nevertheless, we conclude from the available studies that keeping concentrations in the range of 20 to 40 micrograms per liter ($\mu\text{g/L}$) of water or below will likely avert unpleasant taste and odor effects, recognizing that some people may detect the chemical below this.

Concentrations in the range of 20 to 40 $\mu\text{g/L}$ are about 20,000 to 100,000 (or more) times lower than the range of exposure levels in which cancer or noncancer effects were observed in rodent tests. This margin of exposure is in the range of margins of exposure typically provided to protect against cancer effects by the National Primary Drinking Water Standards under the Federal Safe Drinking Water Act. This margin is greater than such standards typically provided to protect against noncancer effects. Thus, protection of the water source from unpleasant taste and odor as recommended will also protect consumers from potential health effects.

EPA also notes that occurrences of ground water contamination observed at or above this 20-40 $\mu\text{g/L}$ taste and odor threshold — that is, contamination at levels which may create consumer acceptability problems for water suppliers — have to date resulted from leaks in petroleum storage tanks or pipelines, not from other sources.

What is Being Done About the Problem?

Research

The EPA, other federal and state agencies, and private entities are conducting research and developing a strategy for future research on all health and environmental issues associated with the use of oxygenates. To address the research needs associated with oxygenates in water, a public, scientific workshop to review the EPA's Research Strategy for Oxygenates in Water document was held on October 7, 1997.

Discussions included current, or soon to be started, oxygenate projects in the areas of environmental monitoring/occurrence, source characterization, transport and fate, exposure, toxicity, remediation, among others. The identified research will help provide the

necessary information to better understand the health effects related to MtBE and other oxygenates in water, to further our knowledge on remediation techniques, and to direct future research planning towards the areas of highest priority. This document is expected to be available for external review by January, 1998. EPA plans to hold a workshop with industry to secure commitments on conducting the needed research in the Spring of 1998.

The EPA has also recently notified a consortium of fuel and fuel additive manufacturers of further air-related research requirements of industry under section 211(b) of the Clean Air Act (CAA). The proposed animal inhalation research focuses on the short and long term inhalation effects of conventional gasoline and MtBE gasoline in the areas of neurotoxicity, immunotoxicity, reproductive and developmental toxicity, and carcinogenicity. The testing requirements will also include an extensive array of human exposure research. This research will be completed at varying intervals over the next five years and could be very useful for assessing risks from MtBE in water, depending on the outcome of studies underway on the extrapolation of inhalation risks to oral ingestion.

When adequate research on the human health effects associated with ingestion of oxygenates becomes available, the EPA Office of Water will issue a final health advisory to replace the present advisory.

Monitoring

The EPA's Office of Water has also entered into a cooperative agreement with the United States Geological Survey (USGS) to conduct an assessment of the occurrence and distribution of MtBE in the 12 mid-Atlantic and Northeastern states. Like California, these States have used MtBE extensively in the RFG and Oxygenated Fuels programs. This study will supplement the data gathered in California and will attempt to shed light on the important issues of (1) whether or not MtBE has entered drinking water distribution systems or impacted drinking water source supplies, and (2) determine if point (land) or nonpoint sources (air) are associated with detections of MtBE in ground water resources. Activities are underway to begin collecting data in early 1998.

Underground Storage Tanks

Under EPA regulations, leaks from underground storage tank systems (USTs) which may cause

contamination of groundwater with MtBE or other materials are required to be reported to the "implementing agency" which, in most cases, is a state agency. The EPA Office of Underground Storage Tanks and State and local authorities are addressing the cleanup of water contaminated by such leaks. All USTs installed after December 1988 have been required to meet EPA regulations for preventing leaks and spills. All USTs that were installed prior to December 1988 must be upgraded, replaced, or closed to meet these requirements by December 1998.

Safe Drinking Water Act Candidate List

The Safe Drinking Water Act (SDWA), as amended in 1996, requires EPA to publish a list of contaminants that may require regulation, based on their known or anticipated occurrence in public drinking water systems. The SDWA, as amended, specifically directs EPA to publish the first list of contaminants (Contaminant Candidate List, or CCL) by February 1998, after consultation with the scientific community, including EPA's Science Advisory Board, and after notice and opportunity for public comment. The amendments also require EPA to select at least five contaminants from the final CCL and make a determination of whether or not to develop regulations, including drinking water standards, for them by 2001. The EPA Office of Water published a draft CCL for public comment in the Federal Register on October 6, 1997 (62 FR 52194). MtBE is included on the draft CCL based on actual MtBE contamination of certain drinking water supplies, e.g., Santa Monica, and the potential for contamination of other drinking water supplies in areas of the country where MtBE is used in high levels.

How Can I Get My Water Tested?

A list of local laboratories that can test your water for MtBE can be obtained from your state drinking water agency. The cost for testing is approximately \$150 per sample. The analysis should be performed by a laboratory certified to perform EPA certified methods. The laboratory should follow EPA Method 524.2 (gas chromatography/mass spectrometry).

How Can I Get Rid of MtBE & R's in My Water?

In most cases it is difficult and expensive for individual home owners to treat their own water. Any detection of MtBE should be reported to

your local water authority, who can work with you to have your water tested and treated.

Are There Any Recommendations for State or Public Water Suppliers?

Public water systems that conduct routine monitoring for volatile organic chemicals can test for MIBE at little additional cost, and some States are already moving in this direction.

Public water systems detecting MIBE in their source water at problematic concentrations can remove MIBE from water using the same conventional treatment techniques that are used to clean up other contaminants originating from gasoline releases, such as air stripping and granular activated carbon (GAC). However, because MIBE is more soluble in water and more resistant to biodegradation than other chemical constituents in gasoline, air stripping and GAC treatment requires additional optimization and must often be used together to remove MIBE effectively from water. The costs of removing MIBE will be higher than when treating for gasoline releases that do not contain MIBE. Oxidation of MIBE using UV/peroxide/ozone treatment may also be feasible, but typically has higher capital and operating costs than air stripping and GAC.

To Obtain the Advisory:

Call the National Center for Environmental Publications and Information (NCEPI) at 1-800-490-9198 to be sent a copy or write to NCEPI, EPA Publications Clearinghouse, P.O. Box 42419, Cincinnati, OH 45242.

Internet download:

www.epa.gov/OST/Tools/MIBEes.pdf

To Obtain the Research Strategy on Oxygenates in Water, External Review Draft, Contact: Diane Ray, U.S. EPA, Office of Research and Development, NCEA, MD-52, RTP, NC 27711 or by phone (919)541-3637.

Internet download:

www.epa.gov/ncea/oxywater.htm

To Obtain the 211(b) Air-Related Research Requirements, Contact:

John Brophy, U.S. EPA, Office of Air and Radiation; phone (202) 564-9088;
www.epa.gov/oms/www/omsfuels.htm

For Further Information on the Advisory, Contact:

Charles Abernathy
U.S. EPA, Office of Water, Mail Code 4304
1200 Pennsylvania Ave., Washington, DC. 20460
mtbe.advisory@epa.gov
(202)260-5374

For Further Information on the Research Strategy, Contact:

Diane Ray, U.S. EPA, Office of Research and Development, NCEA, MD-52, RTP, NC 27711
or by phone (919)541-3637.

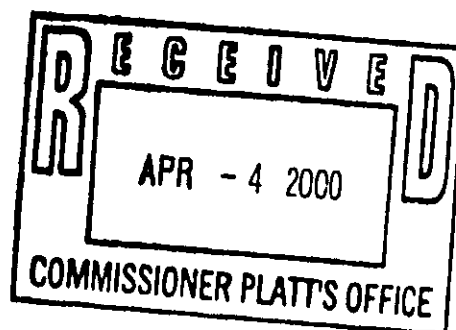
From: <PALADEN81@aol.com>
To: <nolandj@hillsboroughcounty.org>
Date: 4/4/00 8:04PM
Subject: (no subject)

A situation developed in the Brandon Area that was headed for some very serious legal between residents. In the efforts to obtain information regarding the Hillsborough County noise ordinances the situation landed on the desk of Jerry Campbell, a member of Rodger Stuarts EPA team. Mr Campbell handled the promblem with outstanding ability and tact. Through his exceptional handling of the situation, he and he alone was able to defuze the situation and prevented a nasty legal dispute. He is the type of man who can handle difficult and complex situations in a most professional manner.

We feel that the EPA has an employe in Jerry Campbell who is both fully professional and endowed with high personal pride in the most trying of circumstances.

A man othis caliber should be honored by memorializing his accomplishments.

Rhea W. Pierce
and
John A. Pierce
Major USAF Retired



Environmental Protection Commission of Hillsborough County

April 18, 1996 – 2:00PM - 4:00PM

Sign Up Sheet For Citizens Wishing To Speak To The Commission

Name (Please Print)	Subject Matter (Please Print)
✓ Guye Townsend	H2O
Marilyn Dutch	H2O

Monday, April 17, 2000

Please, replace the cover page of your April 18, 2000 EPC Agenda with the attached new cover page.

Thank you,

Tom Koulianos

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Environmental Protection Commission of Hillsborough County

April 18, 1996 – 2:00PM - 4:00PM

Sign Up Sheet For Citizens Wishing To Speak To The Commission

Name (Please Print)	Subject Matter (Please Print)
Denise Layne	MIBE, water, Earth Day

MARCH 16, 2000 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, March 16, 2000, at 10:30 a.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 (arrived at 10:50 a.m.), and Ben Wacksman (arrived at 10:46 a.m.).

Chairman Platt called the meeting to order at 10:44 a.m. and said the meeting had been scheduled for 10:30 a.m. so Commissioners could attend the Census 2000 kickoff.

CHANGES TO AGENDA

Mr. Roger Stewart, Executive Director, EPC, said there were no changes to the agenda, and he introduced Attorney Andrew Zodrow, EPC legal staff.

CITIZENS WISHING TO APPEAR

Ms. Gaye Townsend, County Line Coalition, referenced discussion at the last EPC meeting and a recent letter about the Southwest Florida Water Management District requiring a performance bond from Pasco County. Chairman Platt referred the item to Mr. Stewart and the EPC legal department for follow-up. Ms. Townsend urged swift action regarding legislation on sovereign submerged lands. Ms. Marilyn Smith, County citizen, commented on citizen and staff efforts regarding the sovereign submerged lands legislation.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Commissioner Norman announced a plaque would be mailed to Mr. John Worth Williams for serving more than 10 years on CEAC, and he presented a plaque to Ms. Lynn McGarvey for her dedicated service on CEAC. He urged that Commissioners rotate appointments to boards and councils, so more people would have a chance to serve. Ms. McGarvey echoed comments from citizens about sovereign submerged lands and introduced Mr. Larry Padgett, the new CEAC chairman. Mr. Padgett said the last CEAC meeting had included discussion of pollution recovery fund (PRF) requests. Mr. Padgett said the dollar amounts CEAC had approved for those requests differed from what had been presented to EPC, and CEAC preferred to see the changes before EPC reviewed the PRF requests. He would submit a copy of changes of which he was aware to Chairman Platt. Mr. Darrell Howton, Director, Wetlands Management

THURSDAY, MARCH 16, 2000 - DRAFT MINUTES

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

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____
Deputy Clerk

fw

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
MARCH

A.	Public Outreach/Education Assistance:	<u>10</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	<u>3</u>
b.	Construction:	<u>3</u>
c.	Amendments:	<u>0</u>
d.	Transfers/Extensions:	<u>4</u>
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted 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.	Operating ¹ :	<u>3</u>
b.	Construction ¹ :	<u>3</u>
c.	Amendments ¹ :	<u>3</u>
d.	Transfers/Extensions ¹ :	<u>4</u>
e.	Title V Operating ² :	<u>0</u>
f.	Permit Determinations ² :	<u>10</u>
3.	Intent to Deny Permit Issued	<u>0</u>
4.	General Permits	<u>0</u>
C.	Administrative Enforcement	
1.	Documents Issued:	
a.	Notice of Intent to Initiate Enforcement	<u>1</u>
b.	Citation	<u>0</u>
c.	Emergency Order	<u>0</u>
2.	Total Cases Initiated:	<u>1</u>
3.	Cases Resolved:	<u>0</u>
4.	Cases Referred to Legal Department:	<u>0</u>
5.	Consent Orders Signed:	<u>3</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$15,863.00</u>

<u>Organization Name</u>	<u>Violation</u>	<u>Amount</u>
a. Coronet	Circumvention; Improper Oper.	\$1,113.00
b. Tampa Electric	Excess SO ² & Visible Emissions	6,750.00
c. Eastern Assoc.	Excess Visible Emissions	7,200.00

D.	Inspections:	
1.	Industrial Facilities:	<u>23</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>16</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>34</u>
E.	Open Burning Permits Issued:	<u>0</u>
F.	Number of DOF Permits Monitored:	<u>10</u>
G.	Total Citizen Complaints Received:	<u>101</u>
H.	Total Citizen Complaints Closed:	<u>97</u>
I.	Noise Sources Monitored:	<u>11</u>
J.	Air Program's Input to DRI's:	<u>2</u>
K.	Test Reports Reviewed:	<u>46</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>47</u>
2.	Warning Notices Resolved:	<u>12</u>
3.	Advisory Letters Issued:	<u>7</u>
M.	AOR's Reviewed	<u>0</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
MARCH

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -0-
(b) all others	<u>\$ -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ -0-
(b) class A2 facility - 5 year permit	<u>\$ -0-</u>
(c) class A1 facility - 5 year permit	<u>\$ -0-</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$1,240</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$1,920</u>
(c) Delegated General Permit	<u>\$ 300</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$2,295</u>
(b) for structure greater than 50,000 sq ft	<u>\$ -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ -0-</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 200</u>
8. Open burning authorization	<u>\$ -0-</u>
9. Enforcement Costs	<u>\$ -0-</u>

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

March, 2000

A. ENFORCEMENT

1. New Enforcement Cases Received:	62
2. Enforcement Cases Closed:	1
3. Enforcement Cases Outstanding:	45
4. Enforcement Documents Issued:	1
5. Warning Notices:	9
a. Issued:	8
b. Resolved:	1
6. Recovered costs to the General Fund:	\$ 0
7. Contributions to the Pollution Recovery Fund:	\$533.00

Case Name	Violation	Amount
a. Country Road Park	Operation w/out a valid permit	\$200.00
b. Hughes Hard Chrome	Industrial wastewater discharge	\$333.00

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	34
a. Facility Permit:	5
(i) Types I and II	0
(ii) Type III	5
b. Collection Systems-General:	14
c. Collection Systems-Dry Line/Wet Line:	10
d. Residuals Disposal:	0
2. Permit Applications Approved:	32
a. Facility Permit:	6
b. Collection Systems-General:	15
c. Collection Systems-Dry Line/Wet Line:	11
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	1
a. Facility Permit:	0
b. Collection Systems-General:	1
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated) Recommended for Approval:	0
5. Permits Withdrawn:	0
6. Permit Applications Outstanding:	24
a. Facility Permit:	13
b. Collection Systems-General:	3
c. Collection Systems-Dry Line/Wet Line:	7
d. Residuals Disposal:	0

C. INSPECTIONS - DOMESTIC	<u>98</u>
1. Compliance Evaluation:	<u>19</u>
a. Inspection (CEI):	<u>2</u>
b. Sampling inspection (CSI):	<u>11</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>6</u>
2. Reconnaissance:	<u>36</u>
a. Inspection (RI):	<u>22</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>14</u>
d. Enforcement Inspection (ERI):	<u>0</u>
3. Special:	<u>43</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>12</u>
d. Post Construction Inspection (XCI):	<u>31</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>1</u>
a. Facility Permit:	<u>1</u>
(i) Types I and II	<u>-1</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>0</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>0</u>
3. Permit Applications Outstanding:	<u>30</u>
a. Facility Permits:	<u>30</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	<u>27</u>
1. Compliance Evaluation:	<u>5</u>
a. Inspection (CEI):	<u>3</u>
b. Sampling Inspection (CSI):	<u>1</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>1</u>
2. Reconnaissance:	<u>22</u>
a. Inspection (RI):	<u>11</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>11</u>

F. CITIZEN COMPLAINTS	
1. Domestic:	<u>17</u>
a. Received:	<u>9</u>
b. Closed:	<u>8</u>
2. Industrial:	<u>16</u>
a. Received:	<u>4</u>
b. Closed:	<u>12</u>
3. Water Pollution:	<u>0</u>
a. Received:	<u>0</u>
b. Closed:	<u>0</u>
G. RECORD REVIEWS	
1. Permitting:	<u>4</u>
2. Enforcement:	<u>3</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1. Air Division:	<u>141</u>
2. Waste Division:	<u>1</u>
3. Water Division:	<u>169</u>
4. Wetlands Division:	<u>0</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>1</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>0</u>
4. Other:	<u>0</u>
J. WATER QUALITY MONITORING SPECIAL PROJECTS	
1. Data Review	<u>0</u>
2. Special Sampling	<u>0</u>
3. Biomonitoring/Toxicity Reviews (DW)	<u>5</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>0</u>
5. Other	<u>0</u>
K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL	<u>18</u>

AR03.00

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



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WASTE MANAGEMENT DIVISION
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WETLANDS MANAGEMENT DIVISION
TELEPHONE (813) 272 - 7104

EXECUTIVE DIRECTOR
ROGER P. STEWART

MEMORANDUM

DATE: April 6, 2000

TO: Tom Koulianos, Director of Finance and Administration

FROM: Joyce H. Moore, Executive Secretary, Waste Management Division through
Hooshang Boostani, Director of Waste Management

SUBJECT: WASTE MANAGEMENT'S MARCH 2000 AGENDA INFORMATION

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	4
2. On-going administrative cases	
a. Pending	3
b. Active	62
c. Legal	10
d. Tracking Compliance (Administrative)	17
e. Inactive/Referred cases	24
f. Criminal Compliance tracking	2
3. NOI's issued	8
4. Citations issued	0
5. Consent Orders signed	1
6. Civil Contributions to the Pollution Recovery Fund	\$23,100.00
7. Criminal Contributions to the Pollution Recovery Fund	\$0.00
8. Enforcement Costs collected	\$377.00
9. Cases referred to Legal Dept.	0
10. Cases Closed	5

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	54/59
2. EPC Authorization for Facilities NOT requiring DEP permit	1/0
3. Other Permits and Reports	
a. County Permits	00/00
b. Reports	52/58
4. Inspections (Total)	337

a. Complaints	64
b. Compliance/Reinspections	76
c. Facility Compliance	28
d. Small Quantity Generator	169
5. Enforcement	
a. Complaints Received/Closed	38/82
b. Warning Notices Issued/Closed	5/6
c. Compliance letters	46
d. Letters of Agreement	1
e. DEP Referrals	0
6. Pamphlets, Rules and Material Distributed	478

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. UST Compliance	54
b. AST Compliance	57
c. UST Installation	6
d. AST Installation	8
e. UST Closure	2
f. AST Closure	0
g. Compliance Re-Inspections	18
2. Installation Plans Reviewed	9
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	5/4
b. Closure Reports Received/Reviewed	1/0
4. Enforcement	
a. Non-compliance Letters	51
b. Warning Notices Issued/Closed	4/0
c. Cases referred to Enforcement	1
d. Complaints Received/Investigated	3/0
e. Complaints Referred	0
5. Discharge Reporting Forms Received	0
6. Incident Notification Forms Received	3
7. Cleanup Notification Letters Issued	0
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	29
2. Reports Received/Reviewed	56/63
a. Site Assessment	26/26
b. Source Removal	3/1
c. Remedial Action Plans (RAP's)	3/2
d. Site Rehabilitation Completion Order/ No Further Action Order	2/1

	e. Others	22/33
3.	State Cleanup	
	a. Active Sites	4
	b. Funds Dispersed	\$20,348.95
E.	RECORD REVIEWS	66
F.	PUBLIC INFORMATION PROJECTS	1
	Freshwater Oil Spill Symposium, Greg Cowden (Speaker)	

ASSESSMENT SECTION

A. EPC Wetlands Reviews

1. Wetland Delineations	
a. Wetland Delineations (\$120)	53
b. Wetland Delineation Dispute	1
c. Wetland Line Survey Reviews	24
d. Additional Footage Fees	\$4,344.09
2. Misc. Activities in Wetlands (\$0 or \$100 as applicable)	
a. Nuisance Vegetation	7
b. Other	5
3. Impact/Mitigation Proposal (\$775)	8
4. Mitigation Agreements Recorded	0
5. FDOT Reviews	0

B. EPC Delegation/Reviews from State/
Regional/ Federal Authorities

1. Tampa Port Authority Permit Apps. (\$50 or \$150 as applicable)	51
2. Wastewater Treatment Plants (FDEP)	42
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 March 2000
 Page 2

TOTALS

7.	Interagency Clearinghouse Reviews	0
8.	DRI Annual Report	1
C. Hills. County/ Municipality Permit Application Reviews		
1.	Land Alteration/Landscaping (\$100)	5
2.	Land Excavation (\$785 or \$650 as applicable)	3
3.	Phosphate Mining	
a.	Unit Review/Reclamation (\$760)	0
b.	Annual Review/Inspection (\$375)	0
4.	Rezoning	
a.	Reviews (\$85)	15
b.	Hearings	2
c.	Hearing Prep (hours)	6.5
5.	Site Development/Commercial (\$360)	
a.	Preliminary	7
b.	Construction	26
6.	Subdivision	
a.	Preliminary Plat (\$140)	3
b.	Master Plan (\$550)	0
c.	Construction Plans (\$250)	17
d.	Final Plat (\$90)	7
e.	Waiver of Regulations (\$100)	0
f.	Platted, No-Improvements (\$100)	10
g.	Minor - Certified Parcel (\$100)	31
7.	As-Builts (\$255)	14

TOTALS

8.	Miscellaneous Reviews (no fees)	
	a. Wetland Setback Encroachment	2
	b. Easement /Vacating	6
	c. NRCS Review	0
9.	Preapplications (no fees)	
	a. Review preparation (hours)	3
	b. Meetings/Reports	4
10.	Development Review Committee (no fees)	
	a. Review preparation (hours)	4.25
	b. Meetings	0
D. Other Activities		
1.	Unscheduled meetings with members of the public (walk-ins)	87
2.	Other Meetings	80
3.	Telephone conferences	1009
4.	Presentations	2
5.	Correspondence	232
6.	Correspondence Review (hours)	25.35
7.	Special Projects (hours)	176
8.	On-site visits ,	109
9.	Appeals (hours)	18.5

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	4
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	57
b. Legal	3
2. Number of "Notice of Intent to Initiate Enforcement"	2
3. Number of Citations Issued	0
4. Number of "Emergency Order of the Director"	0
5. Number of Consent Orders Signed	6
C. CASES CLOSED	
1. Administrative / Civil Cases Closed	5
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	0
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$11,200.00
E. ENFORCEMENT COSTS COLLECTED	\$2,608.97

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	92
2. Return Inspections	104
3. Closed	69
B. WARNING NOTICES	
1. Issued	34
2. Return Inspections	114
3. Closed	22
C. MITIGATION	
1. Compliance/Monitoring Reviews	29
2. Compliance Inspections	26
D. OTHER ACTIVITIES	
1. Case Meetings	9
2. Other Meetings	46
3. Telephone Calls	509
4. File Reviews	27
5. Cases Referred to Enforcement Coordinator	4
6. Letters	77

ADMINISTRATIVE / TECHNICAL SECTIONS

A. SOIL SCIENTIST

- | | |
|---|---|
| 1. Case Reviews | 4 |
| 2. Field Soil Investigations | 5 |
| 3. Reports or Notes of Soil Investigations | 4 |
| 4. Special Projects | |
| - Brandon Urban Dispersed Wells | |
| - Regional Reservoir & Pipeline | |
| - SWFWMD Northern Tampa Bay Phase II
Scope of Work | |
| - A Regional Guidebook for Assessing the
Functions of Low Gradient, Blackwater,
Riverine Wetlands in Peninsular Florida | |

B. ADMINISTRATIVE SUPPORT STAFF

- | | |
|---|--------|
| 1. File Reviews | 4 |
| 2. Telephone Assistance | 2471 |
| 3. Letters | 222 |
| 4. Incoming Projects | 166 |
| 5. Additional Info / Additional Footage | 17/8 |
| 6. Resubmittals / Revisions | 16/8 |
| 7. Surveys / Data Entry | 24/419 |

C. ENGINEERING STAFF

- | | |
|---|----|
| 1. Meetings | 43 |
| 2. Reviews | 45 |
| 3. Aerial Reviews | 25 |
| 4. Telephone Inquiries | 61 |
| 5. Field Investigations | 6 |
| - Desal. Plant Tour, Morris Bridge Mit.,
Hills. River Headwaters Investigation | |
| 6. Conferences | 2 |

LEGAL DEPARTMENT MONTHLY REPORT
April 11, 2000

A. ADMINISTRATIVE CASES

NEW CASES [1]

Shady Shores Mobile Home Park: Applicant filed insufficient petition challenging denial of permit to operate wastewater facility for Mobile Home Park. On April 7, 2000 the Petition was dismissed with leave to amend and petitioner was provided 15 days to re-file amended petition.

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; staff requested additional information only a portion of which was delivered. However, an alternate remedial plan has been approved and memorialized in a letter. We have been advised that the required corrective actions have been completed and a final report is due.

Woodcock: Request for Authority sought at 03/16/00 EPC board meeting. EPC required to continue mediation/discussion for 30 days. If negotiations are not successful, EPC has the authority to proceed with appropriate legal action. Settlement meetings have been held and Mr. Woodcock is to submit revised plans by 04/21/00.

Kinman: The Kinmans have requested an 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 Hearing Officer agreed with the parties to hold the administrative process in abeyance to petitioner an opportunity to apply for impacts and for the agency to respond. EPC has attempted to contact opposing side regarding status but they have not responded to EPC's request.

City of Tampa: Appeal of EPC Citation for the improper disposal of street sweeping debris. Parties agreed in June 99 to abate the proceeding for 90 days to develop a plan for the proper disposal of the material. The plan has been reviewed and comments relayed to COT. Respondent has submitted additional information and we await DEP's comments.

Cone Constructors, Inc.: Discussions have been held with counsel for Cone Constructors. It is anticipated that Cone Constructors will be submitting the signed settlement agreement.

Starlight MHP WWTS: Settlement meetings have been ongoing. It is anticipated that the consent order will be finalized within 30 days. On April 11, 2000, the parties filed a joint status report with DOAH requesting a hearing date be set (Week of June 12, 2000) in the event the issue is not resolved.

Presto Food Stores Inc.: Appeal of a citation regarding out of compliance Underground Storage Tanks. The landowner has requested an administrative hearing, asserting a lack of ownership of the UST system. The tenants also claim no ownership. The Hearing Officer has continued the pre-hearing conference pending the property owner's efforts to properly close the system. Tanks have been emptied of product. EPC has agreed to give property owner a brief abeyance pending the owner's circuit court litigation against the operator.

Watermark: Appeal of a citation for out-of-compliance Underground Storage Tanks (UST's) at the Kings Point Golf Course. The regulatory deadline for upgrading or properly closing the UST's is passed. The landowner requested a administrative hearing, asserting that extenuating circumstances should be considered. Efforts to resolve this matter without having to refer to a hearing officer continue.

Putney: Appeal of Director's denial of request to impact wetlands. Matter has been referred to Hearing Officer Vanessa Cohn and hearing is currently scheduled for April 12. Parties were involved in discovery and were attempting to limit issues so that a summary hearing will be possible. EPC was granted Summary Disposition on April 4 and parties are submitting proposed order for determining conclusions of law.

Alafia River Intake Structure Arbitration: Upon the Commission's authorization later ratified, the Executive Director filed a request to arbitrate the proposed Tampa Bay Water permit. Arbitrators have been selected. Patrick Courtney is lead attorney for EPC. Deposition of EPC party representative scheduled for March 17, 2000. Arbitration hearing set for May 8th-12th. Settlement discussions have resulted in a proposed agreement, to be considered to the board on April 11 and 12th.

Windemere Utilities: Applicant filed a formal Chapter 120 Administrative Petition challenging the EPC's denial of a permit issuance and modification based on the inadequacy of the treatment plant and disposal system's operating capacity. EPC has referred the petition to DOAH and requested assignment of an ALJ. Hearing date has been set for July 20 - 21, 2000.

RESOLVED CASES | 0 |

B. CIVIL CASES

NEW CASES | 0 |

EXISTING CASES | 11 |

Holley, Raymond, et al.: Suit filed to compel proper closure for an abandoned underground storage tank, and to obtain civil penalties and costs. The Defendants defaulted and filed bankruptcy. The property was thereafter auctioned to a third party who did not follow through with the purchase. The bankruptcy case closed in April, 1998. EPC has lifted the Bankruptcy stay and is prepared to renew it's previously filed Motion for Judgment after Default. Staff have determined that Defendants may be eligible for state assistance in tank closure and cleanup under the Abandoned Tank Restoration Plan and are awaiting Defendants' application for such assistance.

Slusmeyer: Defendant failed to comply with a prior judgment and injunction requiring proper closure of underground storage tanks. Discovery is proceeding to obtain injunctive relief. Letter was sent to Defendant regarding contempt hearing and parties have attended a meeting to resolve the issue. Defendant has verbally agreed to comply and has been given until April to comply with the judgment or EPC will ask the court for injunctive relief.

Kings Food Mart: Authority granted to compel assessment 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. In cooperation with DEP and NOAA, EPC conducted a damage assessment and evaluation of appropriate restoration. Currently, several mitigation projects, in both Hillsborough and Pasco, are being reviewed and considered as possible settlement options.

Stasiak v. EPC: Mortgage holder 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 consented to foreclosure as long as our rights to proceeds were protected. U.S.H.&B. filed Chapter 11 Bankruptcy and a plan providing for appropriate resolution has been filed with the Court. EPC staff have been involved in the discovery process between the parties.

672 Recovery, Inc.: EPC provided authority in March 1999 to compel compliance with EPC rules requiring a Director's Authorization for operation of a wood waste processing facility. 672 Recovery, Inc. has recently sold the operation and no longer operates the facility. The current owner is operating the facility in compliance with a permit issued by DEP. EPC is still seeking to recover penalties and costs from 672 Recovery, Inc. and staff are reviewing the file to determine amounts. Opposing counsel has been contacted and has agreed to review the citation regarding the EPC's request for costs and penalties.

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.

Quasem J. v. EPC, et al.: In foreclosing a mortgage on a UST facility, Plaintiff named EPC as a Defendant because of our recorded judgment against the former owner/operator, a relative of the current Plaintiff (EPC case against Emad Qasem). EPC has asserted the priority of our judgment lien. The current operator appears to be in compliance.

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. EPC's Response to the Complaint has been filed. The County Attorney's office is representing the Commission in this matter.

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 prior Consent Order required certain actions be taken to bring the facility into compliance, including the proper closure of out-of-compliance tank systems. The requirements of the agreement have not been met. Respondents have asserted willingness to comply, but financial inability.

Tampa Scrap Processors, Inc.: Authority granted in August of 1998 to proceed against all responsible parties for violations relating to the management of solid waste, used oil and hazardous waste and to compel a site assessment and a report of the findings. A meeting with the property owner before suit was filed produced a Consent Order signed October 19, 1998. Tampa Scrap has failed to comply with the terms of the Consent Order; the Tampa Port Authority is willing to perform the requirements of the settlement. We have filed suit against Tampa Scrap to protect our rights to legal enforcement of the specific terms of the Consent Order.

Integrated Health Services: IHS, a Delaware corporation, has filed for bankruptcy and noticed EPC. IHS is a holding company that has acquired a local nursing home, which operation includes a domestic wastewater treatment plant that is not in compliance. The Debtor has filed a motion requesting that utility companies be required to continue service to the Debtors so that their residents can continue without relocation.

RESOLVED CASES | 0 |

AGENDA ITEM COVER SHEET

Date: April 18, 2000

Agenda Item: Clean Air Month 2000 Proclamation

Description/Summary:

The month of May is traditionally proclaimed each year as Clean Air Month. The theme for this year is "Promote Ozone Awareness". The purpose of the theme is to increase public awareness of the effects of ozone on the air quality in Hillsborough County.

Commission Action Recommended:

Recommend the EPC Chairman proclaim, on behalf of the Board, the month of May 2000 as Clean Air Month.

The Board of the Environmental Protection Commission

Hillsborough County



PROCLAMATION

WHEREAS, the Environmental Protection Commission of Hillsborough County is promoting Clean Air and public awareness of our environment in cooperation with the American Lung Association and the Hillsborough County Schools; and

WHEREAS, the observance of Clean Air Month is designed to focus the attention of the public on the need to improve the air we breathe, and to encourage new efforts and leadership towards a better environment; and

WHEREAS, the Environmental Protection Commission supports existing measures to control and prevent air pollution, we also recognize our obligation to educate the citizens, young and old by publishing the daily Air Quality Index (AQI) to allow them to make more informed choices; and

WHEREAS, to vigilantly safeguard the quality of the air we breathe, the theme of "Clean Air Month" will be "Promote Ozone Awareness" by encouraging energy conservation, ridesharing, recycling, alternative fuel vehicles, bicycling, and proper vehicle maintenance .

NOW, THEREFORE, BE IT PROCLAIMED that the Board of the Environmental Protection Commission of Hillsborough County, Florida, does hereby set aside the month of May, 2000, as "Clean Air Month" in Hillsborough County, and does hereby encourage all citizens to support the Environmental Protection Commission, the American Lung Association, and the Hillsborough County Schools in this worthy cause.

Executed this 18th day of April, 2000.

Chairman

Vice Chairman

COMMISSION

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



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WATER MANAGEMENT DIVISION
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TAMPA, FLORIDA 33605
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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

EXECUTIVE DIRECTOR
ROGER P. STEWART

AGENDA ITEM COVER SHEET

Date: April 18, 2000

Agenda Item: Recognition of the Air Monitoring Section

Description/Summary:

The dedication and capability of the Air Monitoring Section of EPC has been recognized by EPA when EPA recently awarded Hillsborough County and Pinellas County funding for one of only four National Air Toxics Monitoring Pilot Programs. This pilot project will begin in late 2000 and run for one year to help determine how EPA will establish a national Air Toxics Monitoring network in the future.

The State of Florida also recognized the outstanding efforts of the Air Monitoring Section in DEP's recently completed annual audit of that group. Their report back to EPC cited "with great pleasure" no findings and only laudatory comments.

Commission Action Recommended:

None.

Air Toxics Monitoring Steering Committee Meeting Notes - Saturday April 1, 2000

These minutes are from the Saturday Air Toxics Monitoring Steering Committee meeting which was held Saturday, April 1, 2000 during the SAMWG and STAPPA/LAPCO semi-annual conference. Attendees are listed at the end of these minutes.

New Member

Winston Smith, EPA Region Air Division Director was introduced as a new Steering Committee member.

Science Advisory Board (SAB) Meeting Recap

Mel Zeldin, CARB, discussed the outcome of the March 30 review with the SAB. The SAB approved overwhelmingly, the items addressed in the Air Toxics Concept Paper. The key points were:

1. EPA had identified the appropriate near-term uses for air toxics data. The Subcommittee offered several additional suggestions for future data uses.
2. A neighborhood scale monitoring program, without any ecological studies, is appropriate. The height of the monitors may not be suitable for ecological studies anyway. In addition, larger spatial scales may be appropriate for rural monitoring.
3. 1/12 sampling schedule is the bare minimum, although not appropriate for characterizing seasonal factors. The proposed 24-hour sampling where able, also is adequate. Higher frequency sampling should be included for some sites in the initial (pilot) monitoring studies to permit evaluation of alternative sampling schedules.
4. The Subcommittee representatives agreed that the data analysis and pilot study plan was the right approach and followed a classical statistical model.
5. The TO- and IO- methods are tried and true. Be sure to conduct lab audits and explore other research efforts. Also make sure the participants don't use instruments that are greater than 5 years old.
6. The Subcommittee approved of the approach to evaluate model estimates with monitoring data.
7. The laboratories doing the analyses should be told to submit measurements less than the stated method detection limits: all the data should be given to the statisticians to permit

better estimation of annual average concentrations.

8. The Subcommittee appreciated the State and local agency involvement in the preparation of the Concept Paper.

The SAB Committee recommendations now go to the Executive Committee (May/June/July) for approval. A draft report is expected sooner. The Executive Committee will be looking for consistency with this Committee's recommendations and other SAB Committees. The SAB will possibly reconvene in 1-1/2 to 2 years to review the developing plan for a national network.

Data Analysis Plans

Dick Valentinetti, Vermont DEQ, discussed that LADCO will be administering the contract for the \$500,000 data analysis portion of this project. A Board of Directors will be convened to review RFP's. The Steering Committee will be utilized to review all decisions.

Presentation on Variability

Neil Frank, of US EPA, presented results of a quick analysis conducted by the Air Quality Trends Analysis Group on cities that were submitted as potential projects. The analysis consisted of taking the 10th and 90th percentiles of each city's estimated ambient concentrations (from the ASPEN modeling results) and dividing by their median. There was some discussion on the validity of the results. Seattle ranked number 1 in variability. Other western cities also ranked high. Cities in the Midwest had generally lower variability (Detroit ranked as the least). Lack of variability could have been affected by the national emission inventory. Most mobile and area source data were generated by US EPA using consistent methodologies, and some cities did not send point source data (Detroit for example), which further diminishes the chance of catching variability in the analysis. Everyone agreed, however, that the analysis was worthwhile, since we have to look at ALL the data we have access to.

Discussion of Meteorology

Fred Palma, AQSSD of US EPA, discussed each city that made the final list in relation to the ease of modeling due to climatology and meteorology. Detroit was the clear winner and Seattle was the clear loser. However, Seattle had other attributes that kept it in the mix.

Choosing the Large Urban Pilot Projects

The remainder of the meeting focused on choosing the 3 main pilot cities. Everyone agreed the parameters were as follows:

- Process was not a competition.
- Each Region shall have representation.
- Existing PAMS sites a clear plus.

- Getting new cities in the program will expand our knowledge.
- Unique cities may not be a good representation of the nation.
- Need additional resources to get a new city (one without a current program) up and running.
- Perhaps need to look at mid-size cities - not just large urban cities which we already have a good amount of toxics monitoring data.

Each member of the committee discussed their views on where to focus - the six characteristics sent out for Regional consideration in proposal choices were reviewed and agreed upon once again, and the pilot cities chosen will not receive the entire \$3 million FY 2001 grant allocation.

Each member voted for their three top cities. This process was repeated three times, as new information on particular cities was discussed. Sally Shaver proposed re-allocating the funding from the original three-city plan so that Tampa could be included. Tampa looked very appealing for a pilot study, since they already have a comprehensive toxics monitoring program in place, they have an excellent emission inventory, and their participation would add a lot of value to the pilot. Thus, funding was allocated to supplement the current Tampa network. To allow the new allocation and obtain participation from four cities instead of three, a new allocation was agreed upon that included using a small amount from the FY 2001 funding. The final decision was as follows:

Region/City	FY2000 funding (\$)	FY2001 funding (\$)
I - Providence, Rhode Island	460,000	40,000
IV - Tampa, Florida	260,000	40,000
V - Detroit or Chicago	460,000	40,000
X - Seattle, Washington	460,000	40,000
Remaining 6 regions-small/urban cities	143,000 x 6 = 858,000	0
Total allotments	2,498,000	\$160,000

Detroit/Chicago Issue

Every one agreed Detroit was a good choice over Chicago since it reflected stable meteorology, diversity of sources, a program already in place, clear information on where they propose to place monitors, and a strong willingness to participate. However, Detroit has not released a point source emission inventory for use in the National Toxics Inventory (NTI). Since the emission inventory is a crucial component of model to monitor comparisons, it was decided to allow Detroit the chance to send their 1996 emission inventory to US EPA, and to commit to providing a high quality emission inventory for 1999 and 2002. If Detroit cannot formally commit to this contingency, then funding defaults to Chicago. (This contingency will be written into the Pilot Program Grant Guidance).

Small Urban Allocations

The Steering Committee decided to allow Regional contacts to choose their pilot cities. However, their choices will need to be reviewed and approved by the Steering Committee. The Committee is concerned that not enough rural characterization would be captured, and that at least one rural city should be represented.

Duration of Major Pilot Site Studies and Equipment Ownership

The Steering Committee recommends that the four major pilot studies operate for 1 year (i.e., collect 1 year of data) and establish 3 or 4 new "major" pilots in 2001. To facilitate this movement, the Committee recommended that interstate organizations own the equipment.

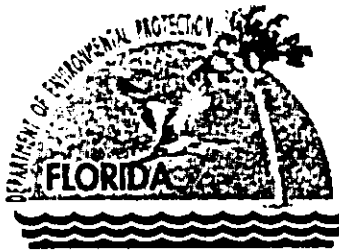
NEXT STEPS - ACTION ITEMS

1. MQAG will distribute meeting notes.
2. MQAG will write grant guidance in conjunction with Jerry Stubberfield and the Grants Office.
3. The Monitoring Subcommittees will be convened to review and comment on the grant guidance.
4. Target date for releasing grant guidance is mid-May.
5. Mike Koerber to seek LADCO approval for owning monitoring equipment.
6. Dick Valentinetti to do same with NESCAUM.
7. Mel Zeldin to do same with WESTAR..
8. Winston Smith to do same with SESARM.
9. Mike Koerber to resolve Detroit emissions issue.

MEETING ATTENDEES:

Leo Alderman	EPA Region 7	913/551-7001
Linda Anderson-Carnahan	EPA Region 4	404/562-9074
Bill Baker	EPA Region 2	212/637-3733
Ray Bishop	OK DEQ	785/296-1551
Larry Byrum	CenSARA	405/378-7377
Tom Curran	EPA/OAQPS	919/541-5559
Fred Dimmick	EPA/OAQPS	919/541-5537
David Dyke	OK DEQ	405/702-4100
Neil Frank	EPA/OAQPS	919/541-5560
Bob Hanneschlager	CenSARA	214/665-3188
Mary Kemp	EPA Region 6	214/665-8358
Mike Koerber	LADCO	847/296-2181
Jerry Kurtzweg	EPA/OAR	202/564-1234
Scott Mgebroff	TX/TNRCC	512/239-1036
David Mobley	EPA/OAQPS	919/541-4676
Sharon Nizich	EPA/OAQPS	919/541-2825
Connie Oldham	EPA/OAQPS	919/541-7774

Ted Palma	EPA/OAQPS	919/541-5470
Charles Pietarinen	NJDEP	609/633-7648
Anne Pope	EPA/OAQPS	919/541-5373
Rich Scheffe	EPA/OAQPS	919/541-4650
Nancy Seidman	MA DEP	617/556-1020
Sally Shaver	EPA/OAQPS	919/541-5572
Jan Sides	KS Dept. of Health	785/296-1551
Winston Smith	EPA Region 4	404/562-9077
Kent Stafford	OK DEQ	405/702-4139
Harry St. Cloud	Cincinnati, OH	513/946-7733
Ken Stroud	CARB	916/324-7591
Jerry Stubberfield	EPA/OAQPS	919/541-0876
Jake Summers	EPA/OAQPS	919/541-5695
Doug Tubbs	Ventura County APCD	805/662-6950
Eddie Terrill	OK	405/702-4154
Dick Valentinetti	Vermont	802/241-3860
Susan Wierman	MARAMA	410/467-0170
Mel Zeldin	SC, CA	909/396-3058



Department of Environmental Protection

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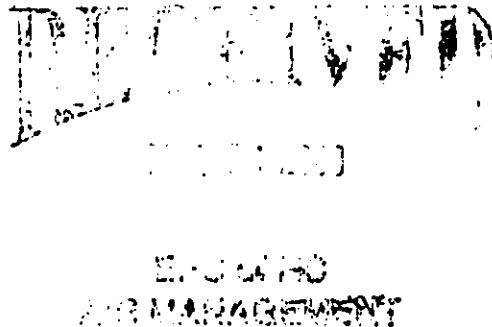
Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

March 28, 2000

Mr. Jerry Campbell, Director
Air Management Division
Hillsborough County Environmental
Protection Commission
1410 North 21 Street
Tampa, Florida 33605



Dear Mr. Campbell:

Enclosed is a copy of your agency's Ambient Air Monitoring Systems Audit report for calendar year 1999. The audit was conducted on March 21-22.

It is always with great pleasure that I forward a report that contains no findings and only laudatory comments. I congratulate you and your monitoring staff on the outstanding efforts they have expended in obtaining this level of performance.

Since there is no response required on your part, a copy of the report will be sent to the EPA Region 4 Administrator for his review in accordance with appropriate federal regulations.

Your continued cooperation and assistance to help ensure the smooth operation of the statewide systems audit process is both necessary and appreciated. In addition, the cooperation and professional courtesies extended to the staff of the Bureau of Air Monitoring and Mobile Sources during this audit were also greatly appreciated.

If you have any questions, please call me at Suncom 291-9566 or 850/921-9566.

Sincerely,

Dick Arbes, Administrator
Ambient Monitoring Section
Bureau of Air Monitoring
and Mobile Sources

DA:as

Enclosure

cc: Dotty Diltz, BAMMS

Bill Thomas, P.E., Southwest District

-34-

**HILLSBOROUGH COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
Ambient Air Monitoring Program
1999 QUALITY ASSURANCE SYSTEMS AUDIT**

SUMMARY

On March 21-22, 2000 Messrs. Edward Huck and Bruce Ferrier of the Florida Department of Environmental Protection's Ambient Air Monitoring Section, visited the Hillsborough County Environmental Protection Commission Ambient Air Monitoring Program office in Tampa, Florida and met with Messrs. Leroy Shelton, Environmental Manager of Air Toxics and Air Monitoring; Tom Tamanini, Chief of Air Monitoring, Larry Nye, Electronic Technician Supervisor, and Meses. Hilda Grover, QA Coordinator and Francis Olszewski, Environmental Supervisor.

The purpose of the visit was to conduct a management systems audit of the agency's ambient air monitoring program in accordance with the provisions of 40 CFR, Part 58. The system audit is the process used to evaluate the general condition of the quality assurance program employed in the collection and reporting of the ambient air quality data. During the audit process, Messrs. Tom Tamanini, Larry Nye, Meses. Hilda Grover and Francis Olszewski were interviewed.

During CY 1999, the District operated the following network:

	Number of Criteria Pollutant Monitors					
	Ozone	PM ₁₀	SO ₂	CO	NO ₂	Pb
NAMS	1	3	2	2	1	0
SLAMS	2	3	4	1	0	1
SPM	1	5	1	1	1	2
TOTAL	4	11	7	4	2	3

The agency met the EPA 75% completeness criteria for all the ambient data reported to the DEP for 1999. The agency's calculated precision and accuracy probability limit results met the applicable EPA goals.

The agency participated in all of the required EPA National Performance Audit Program Audits (NPAP).

The audit did not identify any major or minor findings relative to the agency's quality control program. Comments on the program are contained in the body of this report.

Conclusions

The 1999 Quality Assurance Systems Audit results indicate that the Hillsborough County Environmental Protection Commission quality assurance program is capable of identifying and correcting systematic problems associated with its ambient air quality data collection and analysis program.

Comments

It was noted during the systems audit process that the QA/QC program has been enhanced by installing flow sensing devices at all sites that utilize laminar flow manifolds. The flow sensor devices can be remotely accessed to determine that the flow system is operational. This action was a result of corrective action taken at the Simmons Park site (AIRS # 12-057-0081) during the first quarter of CY 1999.

It should also be noted that this agency has developed comprehensive and individualized training programs for the various positions in the ambient air monitoring program. The individualized forms provide documentation for a step by step training and orientation program that requires verification by the employee and their supervisor. This assures that the employee is familiar with and attains the necessary knowledge on specific agency policies, procedures and is aware of formal EPA training courses available to enhance their competency.

All agency staff involved in the audit form preparation and interview process was well prepared and provided actionable information that expedited the systems audit process.

COMMISSION

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



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EXECUTIVE DIRECTOR

ROGER P. STEWART

AGENDA ITEM COVER SHEET

Date: April 18, 2000

Agenda Item: Brief presentation to the EPC Board on Earth Day events

Description/Summary:

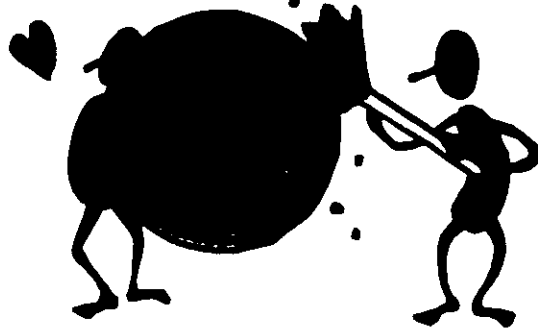
A presentation will be given summarizing the outcome of the Earth Day Downtown Celebration scheduled for April 14, 2000 at Franklin Street Mall, hosted by the EPC and the Tampa Downtown Partnership. The Earth Day Pledge Banner will be available for EPC Board members who did not get an opportunity to sign the banner at the event.

In addition, a short briefing will be given regarding the upcoming Earth Day Event for April 22, 2000 at Lowry Park Zoo Bandshell, where the EPC will be participating with a Public Information Booth.

Commission Action Recommended:

None





Earth Day 2000 Downtown Celebration!

The Environmental Protection Commission of Hillsborough County in conjunction with the Tampa Downtown Partnership is celebrating the 30th anniversary of Earth Day. Our lunchtime event will feature environmental educational booths and exhibits from local organizations all wishing to commemorate this environmental milestone!

Come join us for the festivities! Stop by to sign our Earth Day banner and make a pledge to protect the earth for the next 30 years and beyond!

Date: Friday, April 14, 2000

Time: 11:00AM-2:00 PM

Place: Franklin Street Pedestrian Mall
(between Kennedy and Madison)



Come Celebrate!

Earth Day 2000

RECEIVED

MAR 13 2000

EPC OF H.C.
WETLANDS

Date: Saturday, April 22, 2000

Time: 11:00 am to 7:00 pm

Place: Lowry Park Bandshell, Tampa (Next to
Lowry Park Zoo (Sligh Avenue and Boulevard)
Free parking!

Music: Live Local Performers on Stage all day!
Bring your drum for our Earth Day Drum
Circle!

Fun for All:

Environmentally friendly products, services, Pipeline of Hope
Decorating, Storyteller, face-painting, Special Activities for Kids
from the Lowry Park Zoo, and MORE!

Special Boat "Flow-tilla":

To raise awareness of the Hillsborough River as a
precious resource in Tampa Bay, we will have a Boat "flow-tilla"
down the Hillsborough River from the Rowlett Park Dam to the
Lowry Park Boat Ramp! Get Involved! Bring your canoe or boat
and attend the Launch: 10:00 am!

For More Information or to Participate Call: 237-8830

Sponsored by: Friends of the River, Just Earth! Network and The Sierra Club

FOR IMMEDIATE RELEASE

EARTH DAY 2000 scheduled for April 22 at the Lowry Park Bandshell.

Tampa Bay area residents are invited to join 550-million people around the world in celebrating the 30th annual Earth Day from 11 a.m. until 7 p.m. Saturday, April 22 at the Lowry Park Bandshell.

The local celebration of music and the environment will be sponsored by Friends of the River, Inc. (F.O.R.), the Sierra Club of Tampa Bay and Amnesty International.

EARTH DAY 2000 will feature music from some of the Tampa Bay area's most popular talent, including Fred Johnson, Freddie Montes con su Breeza Tropicale, Scholar's Word, Denise Moore and Then Some, Grin, Dave Hardin, Safka, Orchestre Matata, and Three Hair Soup, all of whom are donating their time and talents to focus public and media attention upon the environmental concerns of Florida and the world at large.

Prominent area environmental activist have been invited to take the stage and address these concerns between sets of music.

Area environmental organizations and other related groups will have educational displays and activities for kids and adults. Other kids activities include face painting, arts and crafts, storytelling and much more.

Just Earth! Network, a coalition formed between Amnesty International and the Sierra Club, will construct a '**PIPELINE OF HOPE**' for environmental activists in other countries. Local organizations around the country will contribute pieces of a pipeline--decorated with poetry and artwork--that will be assembled in Washington D.C. The pipeline is intended to call attention to the environmentally disastrous Exxon, Mobil and Unocal pipelines in Burma, Chad and Cameroon.

To raise awareness of the **ZERO FLOW** status of the Hillsborough River (there was **ZERO FLOW** over the dam for an estimated 320 days during 1999), Friends of the River will leading a **FLOW-TILLA** of kayaks, canoes other watercraft (including the internationally renowned AARucci Duct art float) form the base of dam at Rowlett Park at 9 a.m. downstream to join the main **EARTH DAY 2000** celebration in Lowry Park.

Residents in the vicinity of the Lowry Park boat ramp have offered their private facilities for securing watercraft for the day-long event. Area boating groups and riverfront residents are urged to their support for the Hillsborough River by participating in this **FLOW-TILLA**.

Exhibitors include: 87X Community Radio, Adventures on Horseback, Aqua Azul Kayaking, Clearwater Marine Aquarium, Coholo Millennium Peace Project, ELAPP, **Environmental Protection Commission**, Florida Bat Center, Florida East Timor Action Network, Florida Ornithological Society, Florida Voices for Animals, Food Not Bombs, Habitat for Bears, Hillsborough River Greenways Taskforce, LaGuardar, Inc. Wildlife Education Center, MOSI, Old McMicky's Farm, Recycling Task Force, Save Our Springs, Save the Manatee, SICK, SP Recycling Corporation, Tampa Audubon Society, Tampa Bay Manatee Watch, Uhuru Solidarity committee, Wild Birds Unlimited, Wildlife on Easy Street, UMN 88.5 Community Radio and 107.3 The Bay.

Significant sponsorship provided by Signature Communications, an authorized GTE wireless agent.

AGENDA ITEM COVER SHEET

Date: April 11, 2000

Agenda Item: Request for Authority to Take Legal Action against Larry G. Mathis d/b/a Shady Shores Mobile Home Park.

Description/Summary:

Mr. Mathis is the owner and permittee for the wastewater treatment plant (WWTP) that serves Shady Shores located at 8536 Honeywell Rd., Gibsonton. The WWTP has a history of poor operation and maintenance for which EPC has issued Mr. Mathis four Warning Notices and one Notice of Intent to Initiate Enforcement between June 18, 1998 and April 14, 1999. Alleged violations of Chapters 1-1 and 1-5, Rules of the Commission, and Chapters 62-600, 62-610, 62-640, F.A.C., include: repeated solids losses; improper sludge accumulation in percolation ponds; improper sludge storage and disposal; effluent limit violations for total fecal coliform, total residual chlorine, and total suspended solids; unpermitted effluent discharges, both pond leaching and pumping pond effluent on to the ground; failure to sample for pH and total residual chlorine in accordance with permit schedule; failing to meet Class B lime stabilization standards; intermittent flows above permitted capacity, and; repeated electrical breakdowns.

Since October 13, 1999, EPC has attempted to resolve the above violations with Mr. Mathis by consent order, but negotiations have failed.

On March 9, 2000, EPC denied Mr. Mathis' August 11, 1999 Application For A Domestic Wastewater Facility Permit due to the applicant failing to provide information required to complete the application pursuant to Section 62-620.510(5), F.A.C. This action is currently in appeal.

Commission Action Recommended:

Grant authority to pursue appropriate legal action against Larry G. Mathis, the owner and operator of the WWTP to compel compliance with all applicable environmental rules and regulations, and to recover civil penalties and reasonable costs of enforcement.

AGENDA ITEM COVER SHEET

Date: April 18, 2000

Agenda Item: Environmental Management Plan for the Brandon Urban Dispersed Wellfields ("BUDW-EMP")

Description/Summary:

On April 5, 2000, while in session as the Board of County Commissioners, the BOCC held a public hearing to consider the County's decision on whether to pursue arbitration of the BUDW-EMP.¹ The BUDW-EMP is a Primary Environmental Permit as that term is defined under the *Amended and Restated Interlocal Agreement Reorganizing West Coast Regional Water Supply Authority*. Should arbitration of the permit be desired, a request must be made within thirty (30) days of Tampa Bay Water Board's action which occurred March 20, 2000. April 18, 2000, is the final day to request arbitration on the BUDW-EMP.

On April 5, 2000, Dr. Scott Emery and Dr. Richard Garrity provided an overview of the BUDW-EMP, answered questions from the Board and made the Water Resource Team recommendation that arbitration was not recommended. The Board voted not to arbitrate the BUDW-EMP.

Staff of the EPC has actively participated in the numerous meetings that were held during the development of the BUDW-EMP. EPC staff concurs with the recommendation of the Water Resource Team. EPC and Water Resource team Staff is present for today's meeting and available to answer any questions the Board may have.

Commission Action Recommended:

Concur with the Board of County Commissioner's decision not to initiate binding arbitration on Tampa Bay Water's Environmental Management Plan for the Brandon Urban Dispersed Wellfields.

¹ BOCC back up agenda material provided for reference.

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

AGENDA ITEM COVER SHEET

CONSENT

REGULAR

MEETING DATE: April 5, 2000

SUBJECT: Public hearing on Brandon Urban Dispersed Wells (BUDW) Final Draft Environmental Management Plan (EMP);

OFFICE: County Administrator

DEPT: Water Resources Team

CONTACT PERSON: Richard D. Garrity, Ph. D.

RECOMMENDATION:

Conduct a public hearing per BOCC Policy for Public Involvement in Tampa Bay Water (TBW) projects and consider whether to initiate binding arbitration pursuant to Sections 3.12, 3.13, and 3.16 of the Interlocal Agreement.

BACKGROUND:

Pursuant to the "Governance Agreement" of 1998, disputes between TBW and a Member Government are to be resolved through binding arbitration. Pursuant to the BOCC's Policy for Public Involvement, an opportunity is to be provided for citizens to be heard by the BOCC prior to deciding on whether to arbitrate a Primary Environmental Permit. The BUDW Final Draft EMP falls under this category.

Continued

Financial Impact Statement and Index/Sub-object Code: None

Continued

<u>SIGN-OFF APPROVALS</u>	<u>DATE</u>	<input type="checkbox"/> Affected parties notified <input type="checkbox"/> Not required	<input type="checkbox"/> Attachments
DIRECTOR <u>RDG</u>	<u>3/23/00</u>	<input type="checkbox"/> Advertised <input type="checkbox"/> Not Required	<input type="checkbox"/> None <input type="checkbox"/> Backup on file in County Administrator's Office
MGMT & BUDGET _____		Date: _____	
CONTRACTS _____		Paper: _____	
LEGAL _____		CIT Project? <input type="checkbox"/> yes <input type="checkbox"/> no	
ACA _____			

- OCA STAFF ONLY -

BOARD ACTION: Approved Disapproved Continued/Deferred Until _____

OTHER/SPECIAL INSTRUCTIONS: _____

Original Documents forwarded to Chief Deputy Clerk BY: _____

The EMP for the Consolidated Water Use Permit (WUP) was used as the template for the BUDW project. Certain modifications to that document were necessary to accurately adapt to the specific conditions in the Brandon area. From November 1999 through February 2000, four meetings were held between TBW, SWFWMD, Hillsborough County and Hillsborough County EPC. A special field trip with TBW, Hillsborough County and EPC was also conducted to visit a number of the sites. In March, members of the HCWRT continued to search the area for additional potential monitoring sites.

In early February, the HCWRT distributed a recent version of this EMP to different citizens and solicited their comments. There have been no unfavorable comments received as of this date.

HCWRT identified requirements for the EMP specific to the Brandon conditions. These are itemized below.

ISSUE: Method(s) to determine "normal pool" elevations tailored to the Brandon area.
HOW RESOLVED: Specific language to add flexibility, HCWRT suggestions were incorporated into the EMP. Detailed methodology for monitoring adopted from Consolidated Permit EMP, including field form and training.

ISSUE: Sufficiently large sample size of wetlands and lakes considered.
HOW RESOLVED: More than 30 wetland sites jointly identified, along with 15 lakes, 3 sinkholes, 2 springs, and several creeks are to be monitored. Provisions to add more sites if identified by HCWRT and/or TBW.

ISSUE: Adequate frequency of water level readings.
HOW RESOLVED: All water levels to be read 2 times per month.

ISSUE: Adequate water table aquifer monitoring.
HOW RESOLVED: Piezometers to be placed at center and edge of each wetland.

ISSUE: Use of soils as indicators of impacts.
HOW RESOLVED: Standardized soil monitoring method developed based upon HCWRT recommendations.

ISSUE: Quantitative vegetation transects.
HOW RESOLVED: Three transects to be established and maintained based upon HCWRT and TBW biologist recommended locations.

ISSUE: Whether to wait until vegetative impacts/changes are seen to begin action by Tampa Bay Water.
HOW RESOLVED: Implement a water level-based early warning.....don't wait until see vegetative changes.

ISSUE: How to decide which mitigation tools to use.
HOW RESOLVED: Prioritization of mitigation tools described in the document.

ISSUE: How to assure Tampa Bay Water continues to work with the County on this in the future and how to assure the County maintains adequate voice in any future modifications to the EMP.
HOW RESOLVED: County is assured of future participation in changes to the document as well as a commitment from Tampa Bay Water to continue to work with the County at various points in the document.

ISSUE: What to do about other sites not included in the list of wetlands and lakes?
HOW RESOLVED: Tampa Bay Water is to investigate any site the County requests and/or any sites the County receives complaints about.

ISSUE: Spring flow monitoring.
HOW RESOLVED: EMP added springflow monitoring requirements at the two springs.

ISSUE: Monitoring of existing sinkholes.
HOW RESOLVED: TBW identified two sites. HCWRT added a third, which TBW added.

ISSUE: What levels to use on the lakes?
HOW RESOLVED: Use of SWFWMD management levels for lakes, plus a list of other factors specified in the EMP.

ISSUE: How to develop specific targets for action and decision pathways.
HOW RESOLVED: Conservative hydrologically-based early warning water level reductions specified along with clear decision pathways in the EMP.

ISSUE: Soil methodology.
HOW RESOLVED: TBW adopted the soil method language proposed by the HCWRT.

ISSUE: Consistency with Settlement Agreements between Hillsborough County/EPC and TBW and Cargill and TBW.
HOW RESOLVED: EMP cross-references specific monitoring requirements were applicable. HCWRT attorneys have reviewed the Final Draft EMP for consistency.

CONCLUSION: The Final Draft EMP meets the intent of 40D-2; addresses how environmental conditions near wellfields will be monitored; addresses how adverse impacts will be identified; addresses how wellfield-induced adverse impacts will be mitigated; will identify impacts early, should any occur; will quickly implement wellfield management to reduce the stress; will investigate/employ mitigation where conditions persist; will monitor sinkholes and springs per HCWRT requests. All objectives of the HCWRT have been satisfied in the Final Draft of this EMP. The HCWRT believes this Final Draft EMP for the BUDW should be submitted to SWFWMD for their review. The HCWRT recommends the County not file for binding arbitration on this EMP document and that the HCWRT continue to monitor this permit as it goes through the SWFWMD permit review process.

AGENDA ITEM COVER SHEET

Date: April 18, 2000

Agenda Item: Environmental Management Plan for the Consolidated Water Use Permit of the Central System Wellfields ("Consolidated Permit-EMP")

Description/Summary:

On April 5, 2000, while in session as the Board of County Commissioners, the BOCC held a public hearing to consider the County's decision on whether to pursue arbitration of Tampa Bay Water's Consolidated Permit EMP.¹ The Consolidated Permit EMP is a Primary Environmental Permit as that term is defined under the *Amended and Restated Interlocal Agreement Reorganizing West Coast Regional Water Supply Authority*. Should arbitration of the permit be desired, a request must be made within thirty (30) days of Tampa Bay Water Board's action which occurred March 20, 2000. April 18, 2000, is the final day to request arbitration on the Consolidated Permit EMP.

On April 5, 2000, Dr. Scott Emery and Dr. Richard Garrity provided an overview of the Consolidated Permit EMP, answered questions from the Board and made the Water Resource Team recommendation that arbitration was not recommended. The Board voted not to arbitrate the Consolidated Permit EMP.

Staff of the EPC has actively participated in the numerous meetings that were held during the development of the Consolidated Permit EMP. EPC staff concurs with the recommendation of the Water Resource Team. EPC and Water Resource team Staff is present for today's meeting and available to answer any questions the Board may have.

Commission Action Recommended: Concur with the Board of County Commissioner's decision not to initiate binding arbitration of Tampa Bay Water's Environmental Management Plan for the Consolidated Water Use Permit of the Central System Wellfields.

¹ BOCC back up agenda material provided for reference.

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

AGENDA ITEM COVER SHEET

CONSENT

REGULAR

MEETING DATE: April 5, 2000

SUBJECT: Public Hearing on Consolidated Permit Environmental Management Plan (EMP)

OFFICE: County Administrator

DEPT: Water Resource Team

CONTACT PERSON: Richard D. Garrity, Ph. D.

RECOMMENDATION:

Conduct a public hearing in accordance with BOCC policy for Public Involvement in Tampa Bay Water Projects and consider whether to initiate binding arbitration pursuant to Sections 3.12, 3.13 and 3.16 of the Interlocal Agreement.

BACKGROUND:

On June 10, 1998 the Hillsborough Board of County Commissioners (BOCC) executed the "Governance" Agreement re-organizing the West Coast Regional Water Supply Authority, and the "Partnership Agreement" forming Tampa Bay Water (TBW). Per Governance, all disputes between TBW and a Member Government regarding "Primary Environmental Permits" are to be resolved through binding arbitration. On June 24, 1998, the BOCC adopted a policy establishing a process for citizens to be heard by the BOCC prior to a decision on whether to arbitrate a proposed Primary Environmental Permit application.

Continued

Financial Impact Statement and Index/Sub-object Code: None

Continued

<p><u>SIGN-OFF APPROVALS</u></p> <p>DIRECTOR <u>RDB</u></p> <p>MGMT & BUDGET _____</p> <p>CONTRACTS _____</p> <p>LEGAL _____</p> <p>ACA _____</p>	<p><u>DATE</u></p> <p><u>3/23/00</u></p>	<p><input type="checkbox"/> Affected parties notified <input type="checkbox"/> Not required</p> <p><input type="checkbox"/> Advertised <input type="checkbox"/> Not Required</p> <p>Date: _____</p> <p>Paper: _____</p> <p>CIT Project? <input type="checkbox"/> yes <input type="checkbox"/> no</p>	<p><input type="checkbox"/> Attachments</p> <p><input type="checkbox"/> None</p> <p><input type="checkbox"/> Backup on file in County Administrator's Office</p>
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Agenda Item
March 23, 2000
Page 2

A Draft Consolidated Water Use Permit EMP was negotiated between TBW and the Member Governments. HCWRT was actively involved in that process. Given that all of the HCWRT's objectives were met within the final Draft of that EMP, the County decided not to arbitrate the EMP before it was sent to the SWFWMD on November 1, 1999. SWFWMD reviewed the Final Draft of the EMP for roughly 3 months, and responded to TBW with some comments and recommendations for additions/changes to the Final Draft.

On February 24, 2000, SWFWMD and TBW agreed to changes in the Final Draft of the EMP. These are summarized in the attached TBW staff memo (Attachment 1). HCWRT have reviewed these and compared the latest wording with the wording of the Final Draft. The complete document is included as Attachment 2. The latest document incorporates language on establishing "normal pool" levels which is consistent with the language the HCWRT has negotiated in the Brandon EMP. Several minor editorial changes have been made. And, language from HCEPC's soil scientist has been incorporated.

This latest version of the EMP still incorporates all the objectives of the HCWRT. The latest version adds more language from the HCWRT (from the Brandon EMP). None of the changes proposed by SWFWMD negatively impact the methodologies negotiated by the HCWRT.

Given these facts, the HCWRT believes the latest version of the EMP still represents monitoring and management methodologies soundly grounded in scientific principles. The HCWRT's recommendation is that this latest version of the EMP not be arbitrated and that the HCWRT continue to monitor this permit as it goes through the SWFWMD permit review process.

AGENDA ITEM COVER SHEET

Date: April 18, 2000

Agenda Item: Tampa Bay Water's Environmental Resource Permit for the North Central Hillsborough Intertie Contract 2 ("NCHI contract 2 ERP")

Description/Summary:

On April 5, 2000, while in session as the Board of County Commissioners, the BOCC held a public hearing to consider the County's decision on whether to pursue arbitration of Tampa Bay Water's NCHI contract 2 ERP.¹ NCHI contract 2 ERP is a Primary Environmental Permit as that term is defined under the *Amended and Restated Interlocal Agreement Reorganizing West Coast Regional Water Supply Authority*. Should arbitration of the permit be desired, a request must be made within thirty (30) days of Tampa Bay Water Board's action which occurred March 20, 2000. April 18, 2000, is the final day to request arbitration on the Consolidated Permit EMP.

On April 5, 2000, Dr. Peter Hubbell of Water Resource Associates and Dr. Richard Garrity provided an overview of the NCHI contract 2 ERP, answered questions from the Board and made the Water Resource Team recommendation that arbitration was not recommended. The Board voted not to arbitrate the NCHI contract 2 ERP.

Staff of the EPC has actively participated in the numerous meetings that were held during the development of the NCHI contract 2 ERP. EPC staff concurs with the recommendation of the Water Resource Team. EPC and Water Resource team Staff is present for today's meeting and available to answer any questions the Board may have.

Commission Action Recommended Concur with the Board of County Commissioner's decision not to initiate binding arbitration of Tampa Bay Water's North Central Hillsborough Intertie Contract 2 Environmental Resource Permit.

¹ BOCC back up agenda material provided for reference.

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

AGENDA ITEM COVER SHEET

CONSENT

REGULAR

MEETING DATE: April 5, 2000

SUBJECT: Public Hearing on Environmental Resource Permits for the North Central Intertie - Contract #2
(North Division)

OFFICE: County Administrator,

DEPT: Water Resource Team

CONTACT PERSON: Richard D. Garrity, Ph. D.

RECOMMENDATION:

Conduct a public hearing in accordance with the BOCC'S Policy for Public Involvement in Tampa Bay Water Projects and consider whether to initiate binding arbitration of the Environmental Resource Permit for the North-Central Hillsborough Intertie-Contract 2 (North Division) pursuant to Sections 3.12, 3.13 and 3.16 of the Interlocal Agreement.

BACKGROUND:

On June 10, 1998, Hillsborough County Board of County Commissioners ("BOCC") executed the Governance Agreement reorganizing the West Coast Regional Water Supply Authority and the Partnership Agreement forming Tampa Bay Water ("TBW"). One of the requirements of the Governance Agreement is that all disputes between TBW and a Member Government regarding TBW applications for water supply permits (hereinafter referred to as "Primary Environmental Permits") be resolved through binding arbitration. Recognizing the potential impact that TBW activities may have on the citizens of Hillsborough County, on June 24, 1998, the BOCC adopted a policy establishing a process for citizens to be heard by the BOCC prior to deciding whether to arbitrate a proposed TBW Primary Environmental Permit application.

Continued

Financial Impact Statement and Index/Sub-object Code: No financial impact.

Continued

<p>SIGN-OFF APPROVALS</p> <p>DIRECTOR <u>RDG</u></p> <p>MGMT & BUDGET _____</p> <p>CONTRACTS _____</p> <p>LEGAL _____</p> <p>OCA _____</p>	<p>DATE</p> <p><u>3/24/00</u></p>	<p><input type="checkbox"/> Affected parties notified <input type="checkbox"/> Not required</p> <p><input type="checkbox"/> Advertised <input type="checkbox"/> Not Required</p> <p>Date: _____</p> <p>Paper: _____</p> <p>CIT Project? <input type="checkbox"/> yes <input type="checkbox"/> no</p>	<p><input type="checkbox"/> Attachments</p> <p><input type="checkbox"/> None</p> <p><input type="checkbox"/> Backup on file in County Administrator's Office</p>
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One of TBW's initiative to develop new supplies for the region is the required transmission facilities to move water through the interconnected system. Among the permits that TBW is required to receive for these projects are Environmental Resource Permits ("ERPs") from the Florida Department of Environmental Regulation (FDEP) for the construction or alteration of stormwater management systems and impact to wetlands. The ERPs are considered Primary Environmental Permits under the Interlocal Agreement.

The North-Central Hillsborough Intertie Project is the 84" pipeline which will ultimately interconnect the TBW Regional Water Treatment Plant (RWTP) with the Morris Bridge Booster Pumping Facility at the Lower Hillsborough Wilderness Park. This pipeline will allow finished water to enter the regional system through the Loop 72" Pipeline. The project was split into two segments (Contract 1 and Contract 2) due to specific design considerations that were negotiated between TBW and the Corps of Engineers dealing with right-of-way issues on the Tampa Bypass Canal (TBC).

The NCHI-Contract 1 portion of the pipeline is a 84-inch diameter pipe that will run from the RWTP to Harney Road for a distance of approximately 5.7 miles. The majority of the pipeline alignment will follow the Southwest Florida Water Management District (District) TBC and other property owned by the District. The remainder of the route is located within the right-of-way of existing roadways or in easements on private property. The NCHI-Contract 1 was approved at the HCBOCC meeting of February 16, 2000.

The NCHI-Contract 2, is the northern portion of the pipeline, which runs from Harney Road north for a distance of approximately seven miles to the Morris Bridge Booster Pumping Facility. The pipeline has three different surface water crossings. Two are aerial crossings which include the TBC and Cow House Creek. The third crossing is under the Hillsborough River through a proposed tunnel.

Water quantity (flooding) and water quality (offsite) issues are non-existent on this project. The major issue with this ERP is potential wetland impacts due to the pipeline location and construction. The pipeline is located mainly in existing right-of-way of the TBC, thus wetland impacts are minimal.

Impacts to wetlands are categorized as follows:

1. **Temporary wetland impacts:** 1.11 acres of herbaceous wetlands, 0.002 acres of forested wetlands and 0.002 acres of open water. Temporary impacts will be mitigated on-site.
2. **Permanent wetland impacts:** 2.429 of forested wetlands and 0.002 acres of open water. The permanent impacts will be mitigated at a 2:1 ratio at the Model Dairy Wetland Mitigation Project.

Members of the HCEPC attended the Pre-Application Meeting for the ERP with representatives of FDEP and TBW on March 24, 1999. A site visit was conducted on January 20, 2000 with TBW and the HCWRT. The application was submitted to the Hillsborough County Water Resource Team (HCWRT) for review on February 11, 2000. Comments were subsequently sent to TBW and integrated into the draft application. A conference call was held to review the comments and responses on March 3, 2000.

Agenda Item
March 24, 2000
Page 3

As mentioned, Contract 1 of the NCHI was approved by the TBW and HCBOCC last month to send on to FDEP for permitting. This permit was in poor condition when received by the HCWRT. Based on the improvements requested to Contract 1, the Contract 2 submittal was received in relatively good condition with only minimal editorial comments required by the HCWRT.

After reviewing the supplemental information prepared by TBW in response to the HCWRT concerns the application was presented to the TBW Board on March 20, 2000. The HCWRT recommends that this ERP application should be submitted to FDEP for review and that the County should not file for binding arbitration regarding the permit application. It is also recommended that the HCWRT continue to monitor this permit as it goes through the FDEP permit review process.

Public Hearing on Environmental Resource Permits for the North-Central Hillsborough Intertie-Contract 2 -
(North Division)

AGENDA ITEM COVER SHEET

Date: April 18, 2000

Agenda Item: Tampa Bay Water's Optimized Regional Operations Plan ("OROP").

Description/Summary:

On April 5, 2000, while in session as the Board of County Commissioners, the BOCC held a public hearing to consider the County's decision on whether to pursue arbitration of Tampa Bay Water's Optimized Regional Operations Plan ("OROP").¹ The OROP is a Primary Environmental Permit as that term is defined under the *Amended and Restated Interlocal Agreement Reorganizing West Coast Regional Water Supply Authority*. Should arbitration of the permit be desired, a request must be made within thirty (30) days of Tampa Bay Water Board's action which occurred March 20, 2000. April 18, 2000, is the final day to request arbitration on the Consolidated Permit EMP.

On April 5, 2000, Dr. Andy Smith and Dr. Richard Garrity provided an overview of the OROP, answered questions from the Board and made the Water Resource Team recommendation that arbitration was not recommended. The Board voted not to arbitrate the OROP.

Staff of the EPC has actively participated in the numerous meetings that were held during the development of the OROP. EPC staff concurs with the recommendation of the Water Resource Team. EPC and Water Resource team Staff is present for today's meeting and available to answer any questions the Board may have.

Commission Action Recommended: Concur with the Board of County Commissioner's decision not to initiate binding arbitration of Tampa Bay Water's Optimized Regional Operations Plan that was approved by the TBW Board of Directors on March 20, 2000.

¹ BOCC back up agenda material provided for reference.

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

AGENDA ITEM COVER SHEET

CONSENT

REGULAR

MEETING DATE: April 5, 2000

SUBJECT: Tampa Bay Water Projects - Optimized Regional Operations Plan

OFFICE: Community Services

DEPT: Water Resources Team

CONTACT PERSON: Richard D. Garrity, Ph. D.

RECOMMENDATION:

Ratify the decision of the Water Resource Team not to file for binding arbitration regarding Tampa Bay Water's Optimized Regional Operations Plan for 2000. Conduct a public hearing per BOCC Policy for Public Involvement in Tampa Bay Water (TBW) projects and consider whether to initiate binding arbitration pursuant to Sections 3.12, 3.13, and 3.16 of the Interlocal Agreement.

BACKGROUND:

The Optimized Regional Operations Plan annual update is a requirement of the Partnership Plan and the Eleven wellfield Consolidated Permit. The Plan is designed to determine the best distribution of pumping from the eleven wellfields to meet member government's water demands. The plan produces a new distribution of pumping every two weeks, based on water level data at 31 control point wells and wetlands distributed throughout the eleven-wellfield area.

Continued

Financial Impact Statement and Index/Sub-object Code: None

Continued

<p>SIGN-OFF APPROVALS</p> <p>DIRECTOR <u><i>[Signature]</i></u> DATE <u>9/23/00</u></p> <p>MGMT & BUDGET _____</p> <p>CONTRACTS _____</p> <p>LEGAL _____</p> <p>ACA _____</p>	<p><input type="checkbox"/> Affected parties notified <input type="checkbox"/> Not required</p> <p><input type="checkbox"/> Advertised <input type="checkbox"/> Not Required</p> <p>Date: _____</p> <p>Paper: _____</p> <p>CIT Project? <input type="checkbox"/> yes <input type="checkbox"/> no</p>	<p><input type="checkbox"/> Attachments</p> <p><input type="checkbox"/> None</p> <p><input type="checkbox"/> Backup on file in County Administrator's Office</p>
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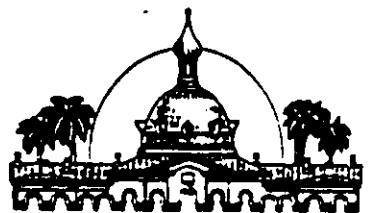
On March 20, 2000, the Tampa Bay Water's Board of Governors approved the Water Year 2000 update to the Optimized Regional Operations Plan. The TBW Board approval followed a TBW public hearing on the plan, February 28, 2000.

Water Resource Team members have reviewed the draft plan and have recommended several changes to the plan. The water team recommendations include 1) Evaluation of the number and distribution of surficial aquifer control points, 2) Evaluation of Floridan aquifer control points, 3) A change to the manner in which Floridan aquifer regulatory water levels are used as a constraint in the optimization equation, and 4) several revisions to the text of the report. Tampa Bay Water staff have included all of our recommendations in the final report.

The Water Team presentation will include an explanation of the Optimized Regional Operations Plan and its relationship to the Partnership Plan and Consolidated Permit. The presentation will also explain the team recommendations to Tampa Bay Water regarding the Water Year 2000 update and Tampa Bay Water's inclusion of our recommendations.

Because Tampa Bay Water has included our recommendations for changes to the Water Year 2000 plan, the Water Resource Team recommendation is that Hillsborough County not arbitrate the Optimized Regional Operation Plan (OROP) Water Year 2000 plan update

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

Daniel A. Kleman
County Administrator

MEMORANDUM

DATE: March 27, 2000

TO: Jan Platt, Chair, EPC

FROM: Pat Frank, Commissioner *RF*

SUBJECT: EPC/ MTBE in Hillsborough County Wells

REC'D
MAR 29 2000
ENV. PROT. COMM
OF H.C.

I am very concerned by the issues raised in the attached news article from the St. Petersburg Times. It was my understanding that EPC reported there were no problems in Hillsborough County with MTBE in the water.

We need to be sure that we are not ignoring a problem.

/cl

cc: EPC

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Gas additive shows up in bay area wells

Efforts are under way to ban MTBE, a potential cancer-causing agent, but it's too late for many water sources.

By DAVID PEDREIRA

© St. Petersburg Times, published March 27, 2000

TAMPA -- First came the headaches.

Mark Albritton and his wife got severe migraines every time they showered.

Then came the smell.

Whenever they opened their taps, the Albrittons noticed an odor of gasoline or turpentine wafting from their well water.

The couple wondered whether they were imagining things. Then, late last year, a public health inspector knocked on their door.

Ironic pollutant

MTBE, an additive that makes gasoline burn cleaner, has fouled water wells in Florida and across the nation. A possible carcinogen, MTBE typically contaminates groundwater by leaking from underground fuel storage tanks. It spreads faster underground than virtually any other pollutant.

House

Private well

Benzene

This known carcinogen travels fairly slowly through the ground and degrades quickly

Service station

Surficial



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[Times art]

Like a half-dozen other residents in their tree-lined community off Fletcher Avenue, the Albrittons' well was polluted with dangerous levels of MTBE, a gasoline additive fouling public water supplies and private wells from California to Florida.

"I have an 8-year-old son who I'm worried about," said Albritton, whose well is now fitted with a massive carbon filter, courtesy of the state. "The government knows there's a danger with this stuff, why are they still letting the oil companies put it in our gasoline?"

While Florida's political leaders have taken little notice of the national debate on MTBE, an analysis of computer records by the St. Petersburg Times shows traces of the potentially carcinogenic additive have been found in more than 2,400 locations throughout the state since 1989.

Amounts of MTBE high enough to be detected by smell, or more than 5 parts per billion, were found in 767 well or groundwater samples across Florida, state records show.

Hillsborough County leads the way.

In the past 11 years, Health Department workers have found sizable levels of MTBE at 96 Hillsborough wells. Nearly a third of those exceeded federal safety limits, forcing the state to install filters or connect well owners to municipal water lines.

Throughout Tampa Bay, inspectors have found significant levels of MTBE in at least 139 other wells, including 47 in Pasco, 31 in Sarasota, 26 in Citrus, 21 in Hernando and 14 in Pinellas.

At least 36 of those wells were polluted beyond federal safety limits. Hundreds of others in the bay area have been tainted with traces of the chemical.

And small wells aren't the only concern.

While MTBE apparently hasn't seeped into municipal reservoirs or Florida's deep aquifer, a U.S. Geological Survey study released last week shows the gasoline additive poses a risk to nearly half the public water-supply systems in the state.

Leaking underground storage tanks -- the main source of MTBE contamination -- are within 1 kilometer, about six-tenths of a mile, of 2,066 public water-supply wells in Florida, potentially affecting cities from St. Petersburg to Miami, the USGS reported.



[Times photo: Mike Pease]
James Johnson shows the filtration system installed on his water line by the state after testing found dangerous levels of MTBE in his well water.

"There is a lot of MTBE in the state of Florida," said Ray Steiner, a chemist at the state Department of Health who tracks the chemical in his laboratory. "I've seen some water tests that are like raw gasoline samples."

The Clinton administration is moving to ban MTBE, after years of being bombarded with reports from across the nation that the substance is polluting water supplies.

But even if MTBE is banned, the Environmental Protection Agency admits, it may take as many as 10 years before it no longer endangers drinking water supplies. European scientists linked MTBE to liver and kidney tumors in mice in a mid-1990s study. The EPA considers it a possible human carcinogen.

MTBE added to make cleaner-burning gasoline

Methyl tertiary butyl ether was supposed to help the environment by reducing air pollution.

Developed by oil companies in the 1970s to replace lead in gasoline, MTBE is an "oxygenate," meaning it adds oxygen to gasoline and increases octane.

It also makes gas burn cleaner, cutting vehicle emissions by as much as 40 percent in some cases. When the Clean Air Act passed in 1990, the EPA ordered the nation's smoggiest metropolitan areas to put a percentage of oxygenate additives in gasoline.

MTBE became the resounding favorite. Today, MTBE is in the gas tanks of nearly 70 percent of U.S. cars.

It's not required in Florida, but a large portion of the gasoline sold in the state contains at least some MTBE, officials said.

MTBE advocates say it has done more to reduce air pollution than anything else developed in the United States. They question a study showing MTBE causes cancer in animals, pointing out that several U.S. health associations have declined to list it as a carcinogen.

"Because of cleaner-burning gasoline with MTBE, cities like Los Angeles are enjoying their best air quality in 50 years," said Terry Wigglesworth, executive director of the Oxygenated Fuels Association. "Common sense dictates there is not an MTBE problem in this country, there is, an underground storage tank problem."

While MTBE has generally pleased air regulators by reducing smoggy emissions, those who keep an eye on water pollution began to notice two insidious characteristics.

First, MTBE doesn't degrade quickly when it leaks into the ground.

It has a nasty habit of sticking around.

Second, the additive is highly soluble in water. Water experts were baffled by the amazing speed that MTBE traveled underground after it mixed with water. In some cases, it even ran uphill.

Virginia Beard, who used to test Hillsborough wells for

volatile chemicals before taking a job with the state, said she quickly learned that if she found MTBE in a well, other chemicals would likely follow.

"MTBE is sort of the canary in the coal mine," Beard said. "It's the first thing you're going to see."

In California, which has one of the worst MTBE problems in the country, water managers learned this lesson the hard way.

Santa Monica lost more than half of its public supply when a large portion of its production well fields were fouled by MTBE. The city is now shipping in water, and estimates the cleanup from several spills will cost \$100-million.

A problem anywhere gas can seep into the ground

In Florida, MTBE contamination has received little public attention despite the fact that state regulators have been testing wells for its presence since 1989.

The Sunshine State has nowhere near the amount of MTBE contamination as states that were mandated to oxygenate their gasoline, officials said. But records show MTBE has popped up in well and groundwater tests in virtually every Florida county.

Hillsborough has one of the worst problems because it is highly industrial and has many leaking underground storage tanks, Steiner, the health department chemist, said.

But underground tanks aren't the only cause of MTBE contamination. Inspectors have found traces of the substance around old junkyards, landfills and service stations -- virtually anywhere gasoline can seep into the ground.

Since 1989, Hillsborough health inspectors have found wells with unsafe levels of MTBE in Plant City, Tampa, Dover, Sun City Center, Lutz and the area surrounding the University of South Florida, state records show.

In Pasco County, more than 50 Holiday residents sued Chevron and the Pasco County Health Department last year, after they discovered wells in their community had been fouled with the additive.

In the Albrittons' neighborhood, residents first noticed a

bad smell in their tap water last summer. An old gas station sits on a rise just north of N 53rd Street, a few hundred yards from Peter Pullara's home. Pullara thinks one of the tanks at the station ruptured sometime last summer, spilling gasoline into the shallow aquifer.

His water fouled in a matter of days.

"I opened up the spigot and thought I was drinking high test," Pullara said. "Let's just say you didn't need a cocktail before dinner after drinking that stuff."

State health officials put carbon filters on the Pullaras' well this year after finding MTBE levels of 334 parts per billion -- nearly 10 times higher than the federal government allows.

Peter and Harriett Pullara still don't drink their tap water. The couple recently had their blood tested to make sure they weren't suffering any toxic side effects.

Albritton has taken things a step further, discussing possible legal action with an attorney.

"My health hasn't been that great the last six months," Albritton said. "And I can't even sell this house until I get put on city water. No mortgage company will finance a home with contaminated water."

Fixing polluted wells like the ones on N 53rd Street has been a fairly costly endeavor for the state.

Charles Coultas, head of the Department of Environmental Protection's water supply restoration program, says Florida spends as much as \$1-million a year on finding and cleaning petroleum spills.

So far in 2000, \$96,000 has been dedicated to fix wells contaminated with petroleum additives, Coultas said. The money comes from gasoline taxes.

The fact that any wells in Hillsborough are contaminated with MTBE came as a shock to Pat Frank, chairwoman of the Hillsborough County Commission.

Frank and Commissioner Chris Hart asked the county Environmental Protection Commission for a report on MTBE earlier this year, after seeing a feature about the petroleum additive on 60 Minutes.

EPC Director Roger Stewart assured the commissioners

MTBE hadn't been found in the county's public water. He made no mention of private wells.

Last month, the Hillsborough County Water Department put out a news release saying tests on the public water supply in 1996 found no traces of MTBE.

"Hillsborough County water customers can be assured their water does not contain this chemical," it said.

Frank said Thursday that she will ask county staff for a more detailed report on MTBE, covering both private and public wells.

"With the scarce water supply we have right now, we can't afford to pollute any of it," Frank said.

"I am astonished about this."

Pullara, a war veteran who moved to Tampa 36 years ago, said he understands the government's initial interest in MTBE. He just can't understand why it took more than a decade for expectations to turn into alarm.

"They tried to clean the air and they ended up fouling the water," Pullara said. "I guess the road to hell is paved with good intentions."

Computer-assisted reporting specialist Constance Humburg contributed to this report.



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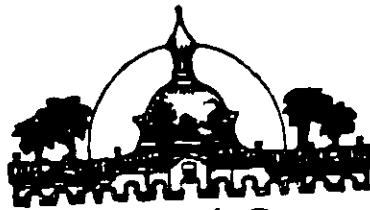


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Hillsborough County
Florida

Office of the County Administrator
Daniel A. Kleman

April 10, 2000

BOARD OF COUNTY COMMISSIONERS

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Commissioner Chris Hart
Hillsborough County
Board of County Commissioners
PO Box 1110
Tampa, FL 33601

Dear Commissioner Hart:

On behalf of the Review Panel created to assist in the process of selecting a new Executive Director for the Environmental Protection Commission (EPC), I am pleased to submit for your consideration the names of four highly qualified candidates for this position. They are in alphabetical order:

Mr. Cory Chadwick

Dr. Richard Garrity

Mr. Steven Kuhrtz

Mr. Rocco Marcello

These individuals were selected after a thorough review by panel members of the 42 applications submitted for the position and interviews of the top six candidates by the full panel. Resumes and transmittal letters of each candidate are enclosed for your information.

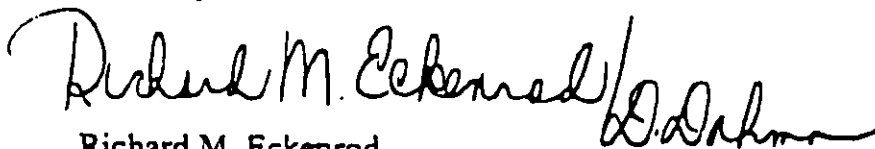
Commissioner Chris Hart
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To assist the Commission in making its final selection, we propose the following process for your consideration:

- At its April 18, 2000 EPC meeting, the Board will discuss the process outlined below and approve it, or some other process agreeable to the Board, for completing the selection of the EPC Executive Director. The Review Panel Chair and Sharon Wall, Director of the County's Human Resources Department, will be present to answer questions regarding the selection process.
- Interviews will be conducted on Monday, April 24, 2000, with each Commissioner meeting individually with the top four candidates. Commissioners will be asked to select and rank the top two candidates for the position at a special meeting of the Commission scheduled for Tuesday, April 25, 2000, a day on which the Board of County Commissioners is scheduled to meet on zoning matters.
- Sharon Wall is to be authorized to negotiate salary, contract terms, length of contract and effective date with the top ranked candidate. Also, Ms. Wall will negotiate salary, contract terms, length of contract and effective date with the second ranked candidate, if she is unable to achieve a satisfactory agreement with the top ranked candidate.

I look forward to meeting with you on April 18th to discuss the proposed process. In the meantime, please feel free to contact my office at (727)893-2765 if you have any questions.

Sincerely,



Richard M. Eckenrod
Review Panel Chair

Attachment

cc: EPC Review Panel



- CUMULATIVE IMPACTS -



Predicting, Monitoring, and Assessments

- Purpose of Briefing
- Definition of Terminology
- Role of Modeling and Monitoring
- Status of Studies and Assessments Done to Date
- Status of Current WRT Effort in Modeling of Cumulative Impacts
- Staff Intent Concerning Assessment of Potential Future Cumulative Impact

4/18/00

NOTES



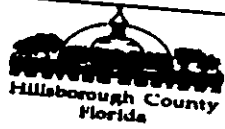
TBNEP/ABM Joint Meeting



- Water Resource Team presented Cumulative Assessment Study Approach
- Participants suggested study improvements
- Meeting produced 12 questions to be addressed by various agencies
- Additional meetings are planned

4/18/00

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Definition of Terminology



- Cumulative Impacts
 - cumulative impacts versus project impacts
 - time and space characteristics
- Environmental Impact Statement
- Modeling
 - Near Field versus Far Field
- Monitoring
 - Physical Data versus Biological Data

4/18/00

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Helpful Definitions

Cumulative Impacts - Cumulative impacts may arise from single or multiple actions and may result in additive or interactive impacts. Interactive impacts may be either countervailing - where the net adverse cumulative impact is less than the sum of the individual impacts - or synergistic - where the net adverse cumulative impact is greater than the sum of the individual impacts. Identifying the major cumulative impacts of a project involves defining the following:

- the direct and indirect impacts of the proposed action,
- which resources, ecosystems, and human communities are affected, and,
- which effects on these resources are important from the cumulative impacts perspective.

Environmental Impact Statement - Under the auspices of the National Environmental Policy Act of 1969, Congress established that for major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official will be completed. That Environmental Impact Statement will address:

- the environmental impact of the proposed action,
- any adverse environmental effects which cannot be avoided should the proposal be implemented,
- alternatives to the proposed action,
- the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, and
- any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Modeling - An investigative technique using a mathematical or physical representation of a system or theory that accounts for all or some of its known properties. Models are often used to test the effect of changes of system components on the overall performance of the system. This method of analysis allows for the quantifying of the cause-and-effect relationships leading to cumulative impacts. Typically, a modern model takes the form of a computer-driven series of mathematical equations. These mathematical equations describe the environment, the process of interest, (such as effluent discharge), and compute the effect of various scenarios based on a program of logical decisions.

Monitoring - Periodic or continuous surveillance or testing to determine the level of compliance with statutory requirements and/or pollutant levels in various media or in humans, animals, and other living things.

Table 1-2. Principles of cumulative effects analysis

1. Cumulative effects are caused by the aggregate of past, present, and reasonably foreseeable future actions.

The effects of a proposed action on a given resource, ecosystem, and human community include the present and future effects added to the effects that have taken place in the past. Such cumulative effects must also be added to effects (past, present, and future) caused by all other actions that affect the same resource.

2. Cumulative effects are the total effect, including both direct and indirect effects, on a given resource, ecosystem, and human community of all actions taken, no matter who (federal, nonfederal, or private) has taken the actions.

Individual effects from disparate activities may add up or interact to cause additional effects not apparent when looking at the individual effects one at a time. The additional effects contributed by actions unrelated to the proposed action must be included in the analysis of cumulative effects.

3. Cumulative effects need to be analyzed in terms of the specific resource, ecosystem, and human community being affected.

Environmental effects are often evaluated from the perspective of the proposed action. Analyzing cumulative effects requires focusing on the resource, ecosystem, and human community that may be affected and developing an adequate understanding of how the resources are susceptible to effects.

4. It is not practical to analyze the cumulative effects of an action on the universe; the list of environmental effects must focus on those that are truly meaningful.

For cumulative effects analysis to help the decisionmaker and inform interested parties, it must be limited through scoping to effects that can be evaluated meaningfully. The boundaries for evaluating cumulative effects should be expanded to the point at which the resource is no longer affected significantly or the effects are no longer of interest to affected parties.

5. Cumulative effects on a given resource, ecosystem, and human community are rarely aligned with political or administrative boundaries.

Resources typically are demarcated according to agency responsibilities, county lines, grazing allotments, or other administrative boundaries. Because natural and sociocultural resources are not usually so aligned, each political entity actually manages only a piece of the affected resource or ecosystem. Cumulative effects analysis on natural systems must use natural ecological boundaries and analysis of human communities must use actual sociocultural boundaries to ensure including all effects.

6. Cumulative effects may result from the accumulation of similar effects or the synergistic interaction of different effects.

Repeated actions may cause effects to build up through simple addition (more and more of the same type of effect), and the same or different actions may produce effects that interact to produce cumulative effects greater than the sum of the effects.

7. Cumulative effects may last for many years beyond the life of the action that caused the effects.

Some actions cause damage lasting far longer than the life of the action itself (e.g., acid mine drainage, radioactive waste contamination, species extinctions). Cumulative effects analysis needs to apply the best science and forecasting techniques to assess potential catastrophic consequences in the future.

8. Each affected resource, ecosystem, and human community must be analyzed in terms of its capacity to accommodate additional effects, based on its own time and space parameters.

Analysts tend to think in terms of how the resource, ecosystem, and human community will be modified given the action's development needs. The most effective cumulative effects analysis focuses on what is needed to ensure long-term productivity or sustainability of the resource.

from: Executive Office of the President, Council on Environmental Quality,
"Considering Cumulative Effects Under the National Environmental
Policy Act", January, 1997.



The Role of Modeling and Monitoring

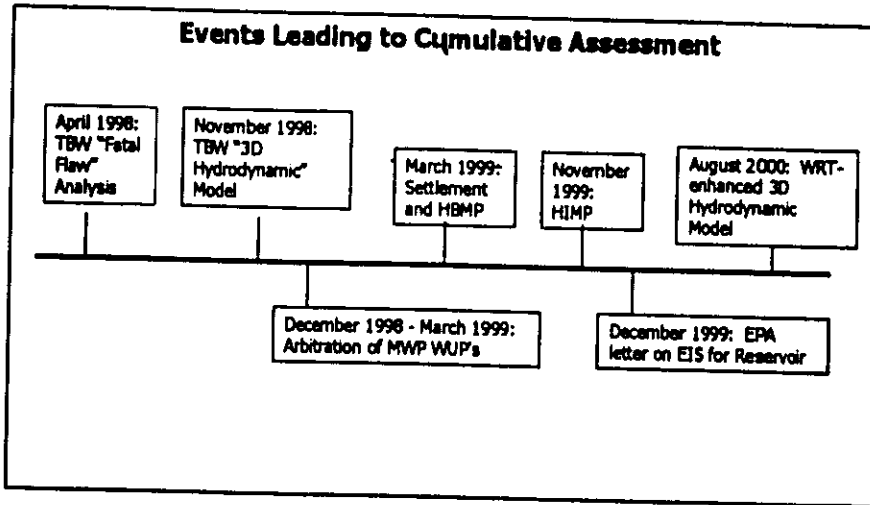
- Modeling creates a **simulation** of events in the environment. It is **predictive** of impacts (salinity changes) expected as a result of simulated inputs.
- Models are **validated** as being accurate based upon their being **calibrated** against real-world observations.
- Monitoring **measures** conditions and has the potential to actually **detect** impacts. Monitoring, therefore, is the tool to **verify** what modeling predicts.

4/18/00

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TIMELINE



4/18/00

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Status of Studies and Assessments Done to Date

- April 30, 1998 - "Fatal Flaw Analysis"
 - Regression Analysis
 - Mechanistic Model
 - Mass Balance Box Model
- Did not include all projects
- Spatial scale too broad, not sensitive to all impacts

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Status of Studies and Assessments Done to Date

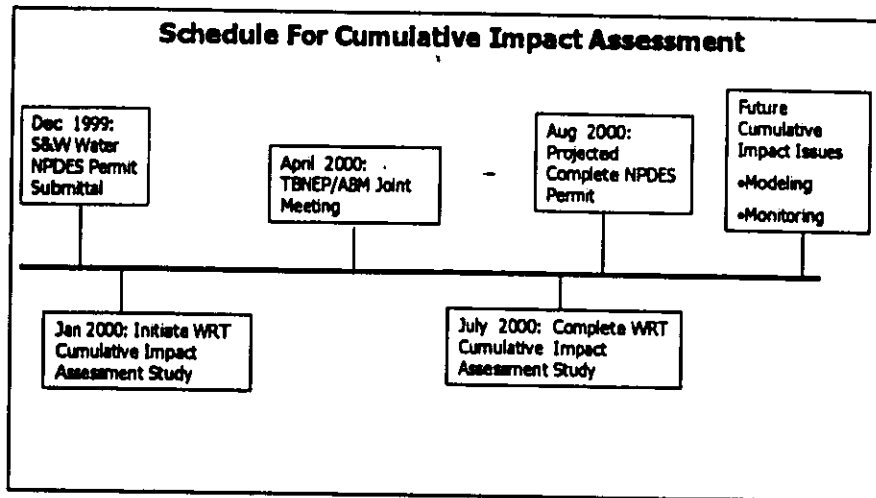
- November 23, 1998 - "3-D Hydrodynamic Model"
 - High Resolution
 - Circulation Model
- Did not include all projects
- Desalination not considered
- Spatial scale too broad, not sensitive to all impacts, especially in littoral zones and upstream into the rivers.
- Water Resources Team Is Addressing Fix to 3-D Model

4/18/00

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TIMELINE



4/18/00

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Objectives

- Evaluate potential environmental impacts to Tampa Bay associated with the TBW water projects
- Provide information to HCBOCC, EPC-HC, Public, TBW, SWFWMD, FDEP, S&W Water and others
- Maintain ongoing environmental assessment program

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Principal Investigators

- **Dr. Alan Blumberg, Ph.D.**
Hydroqual Inc.
Author of 3-D Hydrodynamic Model used
for previous Tampa Bay studies

- **Dr. Norman Blake, Ph.D.**
USF- Marine Science Dept.
Extensive power plant /desal discharge
research

4/18/00

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Scope of Work

- Review and Analysis of Historic & Ongoing Monitoring Data
- Refine 3-D Hydrodynamic Model
 - Add river withdrawal inputs
 - Add desal plant withdrawal
 - Update data inputs
- Perform a Hydrodynamic Study of Desal Plant Discharge Plume

4/18/00

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Scope of Work

- Evaluate potential for adverse impacts to marine environment based on results of hydrodynamic model

4/18/00

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Staff Intent Concerning Monitoring and Assessment of Potential Future Cumulative Impact

- Permit process and arbitration settlements assure there will be adequate monitoring of the Tampa Bay ecosystem.
- A mechanism to evaluate results of the various monitoring efforts, and present findings, is needed.

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NOTES



- **Adopt Modified Peer Review Process:**
 - Participants Select/Resource the Panel
 - County Resources from TBW/WRT Budget
- **Appoint 5 Member Peer Review Panel:**
 - Physical Oceanographer
 - Benthic Scientist
 - Fisheries Scientist
 - Statistician
 - Marine/Estuarine Botanist

4/18/00

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- Use Joint TBEP/ABM Technical Advisory Committees (TAC) to provide guidance in developing Cumulative Assessment Program.
- Use Peer Review Panel this summer to validate various monitoring programs in the Bay, and to integrate TAC guidance.
- Peer Review Panel meets regularly, (every 1 to 3 years), to evaluate data and findings from various monitoring programs (HBMP, HIMP, S&W Desal, etc.)

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- Peer Review Panel publishes summary report.
- Peer Review Panel presents findings to BOCC/EPC.
- Joint TBEP/ABM Technical Advisory Committees review and validate findings of Peer Review Panel.
- Findings are provided to public, SWFWMD, and FDEP for follow-up.

4/18/00

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