

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
SEPTEMBER 21, 2000
10 A.M. – 12 NOON**

AGENDA

- I. CITIZEN'S COMMENTS**
- II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**
- Items of Interest
- III. EXECUTIVE DIRECTOR'S COMMENTS**
- A. Update on Agency Goals and Objectives
B. Update on Building Improvements
- IV. CONSENT AGENDA**
- A. Approval of Minutes: August 8 & 17, 2000 1
B. Monthly Activity Reports 12
C. Legal Department Monthly Report 27
D. Pollution Recovery Trust Fund 31
E. Gardinier Settlement Trust Fund 32
- V. AIR MANAGEMENT DIVISION**
- A. Presentation - 1999 Air Quality Report 33
B. Presentation - Alternative Transportation Week 35
Request Authority to Establish Date for Public Hearing
on October 17, 2000 (10am) to Update Chapter 1-3 (Air Rule)
and Chapter 1-10 (Noise Rule) 40
C. Request to Authorize the Executive Director to Sign the Renewal
of DEP Contracts AQ127 (Title V) & AQ147 (Air Monitoring) 50
- VI. WATER MANAGEMENT DIVISION**
- A. Update on Lake Grady
B. Update on Recent Algae Bloom Problem
- VII. WETLANDS MANAGEMENT DIVISION**
- Discussion – Rules and Regulations Regarding Sale of
Exotic Species 56
- VIII. RESPONSE TO CITIZEN'S INQUIRIES**
- Report on Blue-Belt Legislation

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.

AUGUST 8, 2000 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to discuss the Amendment to the Brandon Urban Dispersed Wellfield (BUDW) Settlement Agreement Regarding Well No. 7, and Modifications to the Hydrobiological Monitoring Program (HBMP), scheduled for Tuesday, August 8, 2000, at 10:00 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, and Ben Wacksman.

Chairman Platt called the meeting to order at 2:28 p.m.

APPROVE AN AMENDMENT TO THE BASELINE ECOLOGICAL AND HYDROLOGIC DATA COLLECTION REQUIREMENTS FOR WELL NO. 7, BUDW, TO EXPEDITE OPERATION OF THE WELL

In response to Chairman Platt, EPC Assistant Counsel Kristin Bennett said EPC made the same recommendation the Board of County Commissioners (BOCC) had received from County staff regarding well No. 7, which was to accept the amendment to the BUDW settlement agreement. Dr. Rick Garrity, EPC Executive Director, confirmed the recommendation was to accept the amended agreement as the BOCC had done. **Commissioner Wacksman so moved, seconded by Commissioner Scott, and carried four to three; Commissioners Frank, Norman, and Storms voted no.**

APPROVE MODIFICATIONS TO THE HBMP

Attorney Bennett explained Southwest Florida Water Management District (SWFWMD) required Tampa Bay Water (TBW), as part of the water use permits for the Hillsborough River, Tampa By-Pass Canal, and Alafia River, to develop an HBMP. SWFWMD, in conjunction with EPC, the Water Resource Team, and TBW, had modified the HBMP. Mr. Stephen Grabe, EPC staff, reported SWFWMD wanted to increase water quality sampling at the mouths of the Hillsborough and Alafia Rivers, above the Hillsborough River dam, and above structure 160 on Palm River, without increasing costs to the project. As a tradeoff, all sampling above the Alafia River intake structure would be eliminated. Program elements were changed to be similar, and the analysis schedule was adjusted. The tradeoff was acceptable, because sampling around the intake structure was extremely difficult. Staff recommended approving the modifications.

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In response to Chairman Platt, Attorney Bennett said action was needed that day. Mr. Grabe responded to questions from Commissioner Frank regarding sampling. Commissioner Norman moved the item, seconded by Commissioner Wacksman, and carried six to one; Commissioner Frank voted no.

There being no further business, the meeting was adjourned at 2:42 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

jp

AUGUST 17, 2000 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, August 17, 2000, at 10:00 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, and Ben Wacksman.

Chairman Platt called the meeting to order at 10:10 a.m. Following the pledge of allegiance to the flag, Chairman Platt asked for a moment of silent prayer for Mr. Larry Padgett, chairman, Citizens Environmental Advisory Committee (CEAC), who had been ill and had undergone major surgery.

CITIZENS WISHING TO APPEAR

Ms. Marilyn Smith, County citizen, recalled passage of a blue belt law, which dealt with high recharge areas. She commended Mr. Tom Cardinale, EPC staff, for the work he was doing; invited Board members to a public hearing on August 22, 2000, on deep well injection; and commented on clean air issues. Chairman Platt requested a staff report, at the next meeting, on the blue belt law.

CEAC REPORT

Mr. Tom Mann, vice chairman, CEAC, reported that at the August 7, 2000, CEAC meeting Ms. Karen Collins, Manatee County, had given an overview on air quality proposals for the 2001 legislative session, and the Big Bend Transfer Company talked about its proposal for constructing a solid sulphur transfer facility in the Big Bend area. Chairman Platt had verified with the Planning and Growth Management Department (PGMD) whether the proposal with the Big Bend Transfer Company would require a development of regional impact amendment and noted a tentative date was set before the hearing master, at which time CEAC could comment on the issue.

EXECUTIVE DIRECTOR'S COMMENTS

Dr. Rick Garrity, EPC Executive Director, reported on his first seven weeks on the job, and he introduced his new secretary, Ms. Louise Scott. Mr. Tom Koulianos, EPC Director of Finance and Administration, updated the Board on changes taking place at EPC: staff was repairing and painting the building; the new Windows version of GroupWise was being implemented; the geographic information system was being updated; all EPC directors were currently on a

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five-day work week; and EPC was in the process of subscribing to an electronic newspaper clipping service.

Dr. Garrity referenced a memorandum sent to the EPC Board on new appointments in the agency--EPC General Counsel Sara Fotopulos was the new EPC Director of Public and Intergovernmental Affairs, and Attorney Richard Tschantz was the new EPC General Counsel. Dr. Garrity asked for EPC Board concurrence of the new appointments. **Commissioner Frank moved to support the director's recommendations, seconded by Commissioner Wacksman, and carried seven to zero.** Attorney Tschantz said he was looking forward to meeting the staff and working with the EPC Board. Commissioner Hart invited Attorney Fotopulos to begin a working relationship with the Tampa Bay Regional Planning Council.

Mr. Tom Cardinale, EPC staff, gave a presentation on the sinkhole at Lake Grady. He felt the sinkhole was connected to the aquifer. As water flowed toward the residential area, the mixture of good groundwater and relatively bad Lake Grady water was getting into the wells causing the problems. To confirm that theory, staff placed over a gallon of dye into the sinkhole, and within 24 to 36 hours the dye was manifested in two or three of the private wells. Staff was confident the sinkhole was causing the water problems in the community. A task force had been created and was in the process of trying to remove the water to plug the sinkhole. To accomplish that, the lake's water level should be lowered two or three feet; the lake would no longer flow into the sinkhole, which would stop the pollution from entering the groundwater. The final solution would be to plug the sinkhole; the lake would return to normal. Commissioner Hart felt the visual from which Mr. Cardinale made his presentation would help the community better understand the situation. Commissioner Hart said the residents in the community wanted to know whether that area would continue to have sinkholes. Mr. Cardinale responded to questions regarding whether plugging the sinkhole would dry up the wells, the process used to plug the sinkhole, and the reliability and longevity of the plugs used on previous sinkholes.

Dr. Garrity noted the last part of his report dealt with an environmental merit award program the Environmental Protection Agency (EPA) had put together. Attorney Fotopulos explained it had been suggested that Mr. Roger Stewart, former EPC Executive Director, be nominated. Attorney Fotopulos had submitted the nomination, due to time constraints, and requested EPC Board endorsement. **Commissioner Wacksman so moved, seconded by Commissioner Scott, and carried six to zero.** (Commissioner Storms was out of the room.) Commissioner Norman suggested the EPC consider utilizing Mr. Stewart as an

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independent consultant on a case by case basis on issues requiring his expertise.

CONSENT AGENDA

- A. Approval of Minutes: May 3 and June 7 and 15, 2000
- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Trust Fund
- E. Gardinier Settlement Trust Fund
- F. Quarterly Status Report - Superfund Sites
- G. Request authority to recruit six new positions for the petroleum cleanup contract. (Funded by the Department of Environmental Protection)

Item G was withheld for discussion. **Commissioner Scott moved items A-F, seconded by Commissioner Wacksman, and carried six to zero.** (Commissioner Storms was out of the room.)

ITEM WITHHELD FROM THE CONSENT AGENDA

- G. Request authority to recruit six new positions for the petroleum cleanup contract. (Funded by the Department of Environmental Protection)

Commissioner Hart requested detailed information on the item. Mr. Hooshang Boostani, Director, EPC Waste Management Division, explained the program was totally funded by the State and had substantially increased in funding. The caseload had doubled, thereby creating the need for additional personnel. The program currently had 6 professional staff and would be increased to 12 employees. Commissioner Hart wanted to ensure everyone being hired understood the program was grant funded and the positions were limited duration. He also wanted to know if it was better to bid the program. Mr. Boostani explained the applicants were advised of the status of the positions. **Commissioner Hart moved the item, seconded by Commissioner Scott, and carried seven to zero.**

LEGAL DEPARTMENT

Request Authority to Take Appropriate Legal Action Against Bodden Asphalt Products, Incorporated - Attorney Fotopulos outlined the request. **Commissioner Hart moved staff recommendation, seconded by Commissioner Wacksman, and carried seven to zero.**

Putney - Request for Variance of Waiver from Wetland Rule - Attorney Fotopulos introduced the item, noting staff had advertised the public hearing in the newspapers. Commissioner Frank suggested limiting the discussion to 15 minutes for the applicant's presentation, followed by staff analysis, 15 minutes for public comment, 5 minutes for rebuttal, and discussion and action by the EPC Board. **Commissioner Frank so moved.** Commissioner Norman suggested limiting the applicant's presentation and public comment to 10 minutes each; rebuttal should be 3 minutes. **Commissioner Frank so amended the motion, seconded by Commissioner Norman, and carried seven to zero.**

Attorney Louis D. Putney, representing Louis W. Putney and Jeanie T. Putney, the applicants, objected to the time limitations. He noted the original application for wetlands impact had been filed with EPC on August 10, 1999; a final administrative order had been entered by EPC on June 28, 2000. The applicants had incorporated, by reference, the entire file of the application to impact the property. However, he submitted portions of the file into the record. Denial of the original application by the Board had and would continue to cause substantial hardship, as defined in Section 120.542, Florida Statutes, or constituted a violation of the principles of fairness, for the reasons stated in the affidavit submitted into evidence.

All economically viable use of the property had been taken from the applicants, and violation of the principle of fairness was that the property had been purchased in 1968 when the applicants had the complete right to develop and fill the property. The rules adopted by the EPC attempted to take away that right. Other properties in the area, too numerous to mention, had been developed and filled, including the property upon which the headquarters for the Southwest Florida Water Management District (SWFWMD) was located. Taking of the property could be alleviated by a condemnation action, which would provide just compensation, as required by Amendments 5 and 14 of the U.S. Constitution and Article 1, Section 9, and Article 10, Section 6, of the Florida Constitution. As an alternative, the waiver could be granted to impact the wetlands.

Attorney Putney said the property consisted of 2.4 acres with a 419-foot frontage on U.S. Highway 301. The property was currently zoned agricultural, was in the Interstate 75 corridor, and was included in the urban land use classification--Mixed Community Use 12. The applicants had been advised by a Planning Commission senior planner that considering the surrounding commercial property and industrial zoning, the property could be rezoned to almost any use, such as commercial or industrial. The applicants had and

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continued to have reasonable expectations of securing a rezoning and developing the property. The property was 100 percent wetlands, consisting of shrubs and red maple trees; the appellants owned no other property in the County, except their homestead, which could be used in mitigation.

Attorney Putney read certain portions of the testimony of Mr. Robert Upcavage, EPC staff. **Commissioner Hart moved to extend an additional five minutes to complete the comments, seconded by Commissioner Storms, and carried seven to zero.** Attorney Putney asked if there had been a ruling that the request for submissions had been granted into evidence. Attorney Fotopulos responded in the affirmative. Attorney Putney advised he had previously submitted a proposed order granting the waiver and allowing the fill.

EPC Assistant Counsel Andrew Zodrow explained Attorney Putney was asking for a variance or waiver from the EPC wetland rule. To be entitled to a waiver or a variance from the rule, the applicant had to show proof of substantial hardship, which was defined as a demonstrated economic technological, legal, or other hardship in complying with the rule. Attorney Putney had alleged that in complying with the adequate protection requirement of the rule, the substantial hardship created was that the applicant would be denied all reasonable economic use of the property. Staff had reviewed the application and there was no evidence in the record from land use planners, property appraisers, or other individuals showing the cost of mitigation or demonstrating adequate protection would be cost prohibitive to fill the wetlands on the property. The applicant's own allegations, found in the affidavit, showed a property value, if filled and if it were uplands, of \$419,000. However, in Attorney Putney's allegations, it would cost about \$150,000 to clear and fill the property, which would leave him with a significant net for offsite mitigation. There was 800 square feet of uplands on the property that could be utilized. As far as the substantial hardship with respect to a loss of economic use, staff had reviewed the item and found no competent, substantial evidence in the record.

As an alternative to a substantial hardship, the applicant had to show a violation of the principles of fairness. That was evident when the application of a rule affected a particular person in a manner significantly different from the way it affected other similarly situated persons that were subject to the rule. Attorney Putney spoke about SWFWMD's office being built on uplands swamp created in wetlands and some of the neighboring properties built in the wetlands. The individuals who filled those areas were not

subject to the rule, because the fill occurred prior to 1985 when the wetland rule went into effect. If built after 1985, mitigation would have been required. By requesting a waiver or variance to the rule, Attorney Putney was asking to be treated differently than everyone else in the County. There was no evidence of a violation of the principles of fairness. Attorney Putney also had to show that he could achieve the underlying purpose of the rule. There was no reasonable evidence provided by Attorney Putney of how he could achieve the underlying purpose of the rule. Attorney Putney had stated the property could be condemned through eminent domain and could be purchased, but that was a separate legal remedy, because the applicant would no longer own the property. A variance meant the property could be filled and not fall under the rule. Facts had to be presented on how the benefits provided by the wetlands on the property would be protected.

Attorney Zodrow explained Attorney Putney had discussed statements in the deposition, which had been taken out of context and were irrelevant to the question. The analysis was narrow--substantial hardship, violation of principles of fairness, and achieving the underlying purpose of the rule. Attorney Zodrow requested the Board not consider the deposition transcript. Attorney Fotopulos administered the oath of testimony to Mr. Upcavage. Mr. Upcavage commented on his review of the applications, noting the applications had not met the intent of Chapter 1-11, Wetlands Rule. Further, the applications were not compliant, specifically with the mitigation proposal, nor did the applications appear to create a substantial hardship for the applicant. Attorney Putney cross-examined Mr. Upcavage, following which Attorney Zodrow requested the Board execute the proposed order denying the variance or waiver from the wetland rule. Chairman Platt called for public comment; there was no response. In rebuttal, Attorney Putney opined the applicant's proposed order should be entered. In the event an adverse order was entered, there were certain portions of the staff proposed final order that were inappropriate.

Mr. Upcavage reviewed the blue line aerial and two maps describing the property. Responding to Commissioner Storms, Attorney Putney explained none of the property could be used for any economic purpose without disturbing the wetlands. Attorney Zodrow clarified staff position was the property owner needed to provide a suitable mitigation plan, and if accepted, the applicant could fill the property. There might be a question of economic use, but the rules clearly provided the applicant with reasonable use. In staff opinion, the cost of mitigation would not deny the applicant all economic use. Attorney Putney answered inquiries by Commissioner Frank regarding dollar

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amounts quoted for offsite mitigation. **Commissioner Norman moved staff recommendation, which was seconded by Commissioner Wacksman.** Attorney Zodrow, in response to Commissioner Storms, explained the differences in the request and the Lucas case in North Carolina, which was a different issue. He commented on what the property owner could do to achieve reasonable economic use from the property. **The motion carried six to zero.** (Commissioner Scott was out of the room.)

WATER MANAGEMENT DIVISION

Bullfrog Creek Water Quality Update - Mr. Cardinale reported on a newspaper article in April outlining some of the environmental problems in Bullfrog Creek. He presented a map showing EPC monitoring sites, which were being sampled since 1973. Over the years, EPC had been frustrated with water quality in that drainage basin based on the samples collected; the site continuously recorded high bacteria levels. Attempts had been made to find from where the bacteria was coming, but that had not been determined, because of other potential sources. On an annual average, the bacteria in that area was excessive. Mr. Cardinale noted various potential causes. Several years previously the Tampa Bay National Estuary program and the University of South Florida (USF), Marine Science Department, put together a project where new scientific tools would be used to help evaluate those situations. EPC had taken the opportunity to recommend both Bullfrog Creek sites and several other sites with bacteria problems for the study. Dr. Joan Rose, with USF, had been conducting the study for about 1.5 years with other researchers; the study was coming to an end. By year-end Dr. Rose would come forth with an interpretation and evaluation of the studies. Pinellas County was also a major participant in the study. Mr. Cardinale recommended waiting for the study to be completed and to ask Dr. Rose to present EPC with an evaluation of the causes of bacteria in the creek.

AIR MANAGEMENT DIVISIONS

Report - Auto Emissions - Mr. Jerry Campbell, Director, Air Management Division, EPC, explained there had been a full discussion on the issue in March. At that time the EPC had voted to encourage the Legislative Delegation to support legislation to terminate the program, which the legislature had done, and the Governor had signed it into law. The auto emissions program ended on June 30, 2000, without the EPA first having the opportunity to grant its approval. Mr. Campbell showed emissions savings from various activities in the Tampa Bay area. The goal by 2005 was to have

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nitrogen oxide emissions down to 410 tons on any given day during the ozone season. With or without the inspection program, it had been projected said goal would easily be met. EPA's approval process involved whether or not the County would be asked to do anything as a replacement for the motor vehicle inspection program or whether the actions in place were sufficient. As part of that process, a workshop was scheduled in Tampa on August 22, 2000, at 2:00 p.m. At that meeting EPC staff would comment in support of the State's action to end the motor vehicle inspection program without having to do any alternative control strategies. A letter was being drafted in that regard under Dr. Garrity's signature. Commissioner Frank commented against ending the program.

WETLANDS MANAGEMENT DIVISION

Update on County Line Road - Commissioner Norman moved to receive the staff report, seconded by Commissioner Wacksman, and carried five to zero. (Commissioners Scott and Hart were out of the room.)

Report on Hillsborough Independent Monitoring Program (HIMP) - Mr. Anthony D'Aquila, EPC staff, said the HIMP was an enhancement of EPC's long-standing water quality and benthic monitoring programs. The HIMP enhanced the County's ability to detect change in the river systems and the bay in anticipation of the forthcoming surface water withdrawal activities related to Tampa Bay Water (TBW). The HIMP was also a mechanism to watch over how the hydrobiological monitoring plan (HBMP) performed--that aspect of the monitoring program required by the permit with TBW. The program had been developed by staff along with input from a team of consultants and was being implemented by staff and the contractor. The objectives of the monitoring programs were to develop the independent verification of TBW HBMP, provide three years of pre- and a minimum of post-withdrawal measurements in the bay, incorporate aspects of the impacts from the desalination facility, and address issues critical to public concern. The components of the program included salinity, water quality, benthic species, and emergent vegetation. Mr. D'Aquila commented on the funding provided by the EPC Board, how those dollars had been spent, and the accomplishments to enhance the program.

COMMISSIONERS' REQUESTS

Discussion on Cogongrass (Commissioner Storms) - Mr. Darryl Howton, Director, Wetlands Division, said there had been some problems with the cogongrass infesting some mitigation areas. Commissioner Storms wanted to know if there

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was a plan to deal with the invasive species. Mr. Howton responded the particular grass had been brought to the County as forage, but the grass contained biological features that made it unpalatable to cattle. Some of the grass could be controlled if there was an unlimited supply of funds.

Mr. Upcavage showed a photograph of the cogongrass and gave a presentation on how the grass was spread. He noted there was approximately 40 exotic, nuisance, invasive species in the County. Cogongrass had been introduced in the 1940s, was lime green in color, approximately 1 to 3 feet high, and produced a chemical that did not allow the germination or growth of other plant species in its surroundings. The grass did not typically invade wetland areas. Mr. Upcavage had obtained information from the Internet showing approximately 1,000 nurseries throughout the United States were carrying a cogongrass variant. The grass was being promoted by landscapers. Responding to Commissioner Storms, Mr. Upcavage said it was a violation of State and federal regulations to sell cogongrass. Chairman Platt asked staff, at the next meeting, to provide a recommendation, responses to inquiries regarding enforcement, and whether cogongrass was being sold in the County. Commissioner Storms requested that information on all exotic species.

There being no further business, the meeting was adjourned at 12:02 p.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____

Deputy Clerk

pgs

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
August

A. Industrial Air Pollution Permitting

1.	Permit Applications Received (Counted by Number of Fees Received):	
	a. Operating:	<u>5</u>
	b. Construction:	<u>1</u>
	c. Amendments:	<u>0</u>
	d. Transfers/Extensions:	<u>1</u>
	e. General	<u>3</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>2</u>
	b. Construction ¹ :	<u>4</u>
	c. Amendments ¹ :	<u>6</u>
	d. Transfers/Extensions ¹ :	<u>1</u>
	e. Title V Operating ² :	<u>76</u>
	f. Permit Determinations ² :	<u>3</u>
3.	Intent to Deny Permit Issued	<u>0</u>

B. Administrative Enforcement

1.	Documents Issued:	
	a. Notice of Intent to Initiate Enforcement	<u>0</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>1</u>
6.	Contributions to the Pollution Recovery Fund: <u>\$2,000.00</u>	

<u>Organization Name</u>	<u>Violation</u>	<u>Amount</u>
a. Premium Blast	Grit Blasting	\$2,000.00

C.	Inspections:	
1.	Industrial Facilities:	<u>12</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>2</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>39</u>
D.	Open Burning Permits Issued:	<u>4</u>
E.	Number of Division of Forestry Permits Monitored:	<u>350</u>
F.	Total Citizen Complaints Received:	<u>63</u>
G.	Total Citizen Complaints Closed:	<u>64</u>
H.	Noise Sources Monitored:	<u>4</u>
I.	Air Program's Input to Development Regional Impacts:	<u>3</u>
J.	Test Reports Reviewed:	<u>19</u>
K.	Compliance:	
1.	Warning Notices Issued:	<u>15</u>
2.	Warning Notices Resolved:	<u>8</u>
3.	Advisory Letters Issued:	<u>0</u>
L.	AOR's Reviewed	<u>40</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
August

	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>\$3,640</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>\$3,600</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ 240</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>\$2,760</u>
(b) for structure greater than 50,000 sq ft	<u>\$ 215</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ 290</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 200</u>
8. Open burning authorization	<u>\$ 900</u>
9. Enforcement Costs	<u>\$ -0-</u>

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
 RICHARD D. GARRITY, Ph.D.

M E M O R A N D U M

DATE: September 13, 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: *AB* **WASTE MANAGEMENT'S AUGUST 2000 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	0
2. On-going administrative cases	111
a. Pending	3
b. Active	58
c. Legal	12
d. Tracking Compliance (Administrative)	14
e. Inactive/Referred cases	22
f. Criminal Compliance tracking	2
3. NOI's issued	0
4. Citations issued	0
5. Consent Orders signed	0
6. Civil Contributions to the Pollution Recovery Fund	\$200.00
7. Criminal Contributions to the Pollution Recovery Fund	\$0
8. Enforcement Costs collected	\$2,432.00
9. Cases referred to Legal Dept.	0
10. Cases Closed	1



B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	90/79
2. EPC Authorization for Facilities NOT requiring DEP permit	1/1
3. Other Permits and Reports	
a. County Permits	1/1
b. Reports	86/76
4. Inspections (Total)	286
a. Complaints	54
b. Compliance/Reinspections	32
c. Facility Compliance	32
d. Small Quantity Generator	168
5. Enforcement	
a. Complaints Received/Closed	52/59
b. Warning Notices Issued/Closed	6/3
c. Compliance letters	45
d. Letters of Agreement	0
e. DEP Referrals	0
6. Pamphlets, Rules and Material Distributed	377

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	117
b. Installation	8
c. Closure	8
d. Compliance Re-Inspections	17
2. Installation Plans Received/Reviewed	11/8
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	5/5
b. Closure Reports Received/Reviewed	3/3
4. Enforcement	
a. Non-compliance Letters Issued/Closed	54/7
b. Warning Notices Issued/Closed	1/1
c. Cases referred to Enforcement	2
d. Complaints Received/Investigated	5/5
e. Complaints Referred	0
5. Discharge Reporting Forms Received	4/2
6. Incident Notification Forms Received	1
7. Cleanup Notification Letters Issued	5
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	7
2. Reports Received/Reviewed	48/49
a. Site Assessment	15/18
b. Source Removal	3/3
c. Remedial Action Plans (RAP's)	5/7
d. Site Rehabilitation Completion Order/ No Further Action Order	2/2
e. Others	23/19
3. State Cleanup	
a. Active Sites	5
b. Funds Dispersed	\$167,449.54

E. RECORD REVIEWS

60

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

August, 2000

A. ENFORCEMENT

1. New Enforcement Cases Received:	<u>3</u>	
2. Enforcement Cases Closed:	<u>6</u>	
3. Enforcement Cases Outstanding:	<u>45</u>	
4. Enforcement Documents Issued:	<u>3</u>	
5. Warning Notices:	<u>13</u>	
a. Issued:	<u>10</u>	
b. Resolved:	<u>3</u>	
6. Recovered costs to the General Fund:	\$ 4,041.89	
7. Contributions to the Pollution Recovery Fund:	\$ 3,533.33	

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Country Road Park	Expired Permit	\$200.00
b. Windemere Utility	Improper operation, Failure to maintain	\$1500.00
c. North Palms Villages/ Space Plus Storage Facility	Placement of C/S in service w/o an acceptance letter	\$300.00
d. Steak N' Shake- Citrus Park	Placement of C/S in service w/o an acceptance letter	\$300.00
e. Southshore Subdivisio Phase 1	Placement of C/S in service w/o an acceptance letter	\$450.00
f. University Lakes Professional Park	Placement of C/S in service w/o an acceptance letter	\$450.00
g. Hughes Hard Chrome	Industrial waste water Discharge	\$333.33

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	<u>32</u>	
a. Facility Permit:	<u>3</u>	
(i) Types I and II	<u>1</u>	
(ii) Type III	<u>2</u>	
b. Collection Systems-General:	<u>16</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>13</u>	
d. Residuals Disposal:	<u>0</u>	
2. Permit Applications Approved:	<u>33</u>	
a. Facility Permit:	<u>10</u>	
b. Collection Systems-General:	<u>15</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>8</u>	
d. Residuals Disposal:	<u>0</u>	
3. Permit Applications Recommended for Disapproval:	<u>0</u>	
a. Facility Permit:	<u>0</u>	
b. Collection Systems-General:	<u>0</u>	

c. Collection Systems-Dry Line/Wet Line:	<u>0</u>
d. Residuals Disposal:	<u>0</u>
4. Permit Applications (Non-Delegated) Recommended for Approval:	<u>0</u>
5. Permits Withdrawn:	<u>0</u>
6. Permit Applications Outstanding:	<u>35</u>
a. Facility Permit:	<u>15</u>
b. Collection Systems-General:	<u>7</u>
c. Collection Systems-Dry Line/Wet Line:	<u>13</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	<u>88</u>
1. Compliance Evaluation:	<u>10</u>
a. Inspection (CEI):	<u>0</u>
b. Sampling inspection (CSI):	<u>10</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	<u>50</u>
a. Inspection (RI):	<u>17</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>32</u>
d. Enforcement Inspection (ERI):	<u>1</u>
3. Special:	<u>28</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>5</u>
d. Post Construction Inspection (XCI):	<u>23</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>1</u>
a. Facility Permit:	<u>1</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>
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>32</u>
a. Facility Permits:	<u>31</u>
b. General Permits:	<u>1</u>

E. INSPECTIONS - INDUSTRIAL	<u>22</u>
1. Compliance Evaluation:	<u>5</u>
a. Inspection (CEI):	<u>4</u>
b. Sampling Inspection (CSI):	<u>1</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	<u>17</u>
a. Inspection (RI):	<u>7</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>10</u>
F. CITIZEN COMPLAINTS	
1. Domestic:	<u>20</u>
a. Received:	<u>9</u>
b. Closed:	<u>11</u>
2. Industrial:	<u>8</u>
a. Received:	<u>2</u>
b. Closed:	<u>6</u>
3. Water Pollution:	<u>12</u>
a. Received:	<u>5</u>
b. Closed:	<u>7</u>
G. RECORD REVIEWS	
1. Permitting:	<u>3</u>
2. Enforcement:	<u>1</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1. Air Division:	<u>82</u>
2. Waste Division:	<u>2</u>
3. Water Division:	<u>178</u>
4. Wetlands Division:	<u>4</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>6</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>1</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>2</u>
5. Other	<u>1</u>
K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL	<u>10</u>

ASSESSMENT SECTION

A. EPC Wetlands Reviews

1.	Wetland Delineations	
	a. Wetland Delineations (\$120)	37
	b. Wetland Delineation Dispute	1
	c. Wetland Line Survey Reviews	22
	d. Additional Footage Fees	\$2,150.31
2.	Misc. Activities in Wetlands (\$0 or \$100 as applicable)	
	a. Nuisance Vegetation	16
	b. Other	11
3.	Impact/Mitigation Proposal (\$775)	7
4.	Mitigation Agreements Recorded	3
5.	FDOT Reviews	0

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

1.	Tampa Port Authority Permit Apps. (\$50 or \$150 as applicable)	42
2.	Wastewater Treatment Plants (FDEP)	32
3.	FDEP Wetland Resource Apps.	1
4.	FDEP Grandfathered Delineation	0
5.	SWFWMD Wetland Resource Apps.	0
6.	Army Corps of Engineers	0

EPC Wetlands Management Division
 Agenda Backup for August 2000
 Page 2

TOTALS

7.	Interagency Clearinghouse Reviews	0
8.	DRI Annual Report	0
C. Hills. County/ Municipality Permit Application Reviews		
1.	Land Alteration/Landscaping (\$100)	0
2.	Land Excavation (\$785 or \$650 as applicable)	4
3.	Phosphate Mining	
	a. Unit Review/Reclamation (\$760)	3
	b. Annual Review/Inspection (\$375)	0
4.	Rezoning	
	a. Reviews (\$85)	25
	b. Hearings	0
	c. Hearing Prep (hours)	0
5.	Site Development/Commercial (\$360)	
	a. Preliminary	16
	b. Construction	42
6.	Subdivision	
	a. Preliminary Plat (\$140)	13
	b. Master Plan (\$550)	0
	c. Construction Plans (\$250)	10
	d. Final Plat (\$90)	16
	e. Waiver of Regulations (\$100)	0
	f. Platted, No-Improvements (\$100)	14
	g. Minor - Certified Parcel (\$100)	7
7.	As-Builts (\$255)	6

TOTALS

8.	Miscellaneous Reviews (no fees)	
	a. Wetland Setback Encroachment	1
	b. Easement /Vacating	3
	c. NRCS Review	0
9.	Preapplications (no fees)	
	a. Review preparation (hours)	19
	b. Meetings/Reports	13
10.	Development Review Committee (no fees)	
	a. Review preparation (hours)	2
	b. Meetings	0
D.	Other Activities	
1.	Unscheduled meetings with members of the public (walk-ins)	87
2.	Other Meetings	132
3.	Telephone conferences	1023
4.	Presentations	0
5.	Correspondence	214
6.	Correspondence Review (hours)	46.5
7.	Special Projects (hours)	100
8.	On-site visits	134
9.	Appeals	2

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	5
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	55
b. Legal	3
c. Inactive	29
2. Number of "Notice of Intent to Initiate Enforcement"	1
3. Number of Citations Issued	0
4. Number of "Emergency Order of the Director"	0
5. Number of Consent Orders Signed	4
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	\$5,225.00
E. ENFORCEMENT COSTS COLLECTED	\$1,661.64

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	35
2. Return Inspections	58
3. Closed	35
B. WARNING NOTICES	
1. Issued	23
2. Return Inspections	119
3. Closed	18
C. MITIGATION	
1. Compliance/Monitoring Reviews	24
2. Compliance Inspections	23
D. OTHER ACTIVITIES	
1. Case Meetings	2
2. Other Meetings	29
3. Telephone Calls	468
4. File Reviews	22
5. Cases Referred to Enforcement Coordinator	2
6. Letters	61

ADMINISTRATIVE / TECHNICAL SECTIONS

A. SOIL SCIENTIST

1. Case Reviews (Soils)	10
2. Field Soil Investigations	16
3. Reports or Notes of Soil Investigations	16
4. Special Projects	
- Brandon Urban Dispersed Wells-EMP	
- Central System Wellfield Phase I Mitigation	

B. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	7
2. Telephone Assistance	796
3. Letters	227
4. Incoming Projects	161
5. Additional Info / Additional Footage	14 / 9
6. Resubmittals / Revisions	30 / 9
7. Surveys / Data Entry	30 / 499

C. ENGINEERING STAFF

1. Meetings	36
2. Reviews	65
3. Telephone Inquiries	3
4. Field Investigations	7
5. Walk-In(s)	1

LEGAL DEPARTMENT MONTHLY REPORT
September 13, 2000

A. ADMINISTRATIVE CASES

NEW CASES | 0 |

EXISTING CASES | 11 |

FIBA/Bridge Realty [LBRI95-162]: EPC issued a citation to the owner, Bridge Realty and former tenant FIBA Corp., for various unlawful waste management practices. It was ordered that a contamination assessment must be conducted, a report submitted and contaminated material appropriately handled. Bridge Realty and FIBA appealed. Bridge Realty initiated a limited assessment and staff requested additional information only a portion of which was delivered. However, an alternate remedial plan was approved and staff is reviewing the final report. (RT)

Woodcock [LWOO98-160]: On April 26, 2000, Mr. Woodcock submitted proposed plans for removal of the vertical seawall and restoration of an impacted wetland area. EPC sent a proposed Letter of Agreement formalizing the plans submitted by Mr. Woodcock. Mr. Woodcock has represented that he would sign the Letter of Agreement and pay the stipulated penalty. Counsel for Mr. Woodcock has not responded to recent messages. (KKB)

Kinman [J.KIN98-164]: The Kinmans requested an 84-446 administrative review of the EPC Director's Decision upholding the delineation of wetlands on their property and amended their appeal in December 1998. The Hearing Officer agreed to hold the administrative process in abeyance to give petitioner an opportunity to apply for impacts and for the agency to respond. EPC has sent correspondence to the opposing side regarding status but they have not responded to EPC's request. On August 10, 2000 the Hearing Officer entered an order requiring the appellants to show cause why the matter should not be dismissed within 30 days for failure to move the appeal forward. The appellants have until September 11th to respond or the Hearing Officer will dismiss the appeal. EPC is currently waiting for a response from the appellants. (AZ)

City of Tampa [LCOT99-005]: 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 the city. The city has resolved all non-compliance issues and the EPC staff is currently calculating penalties and costs for past violations. (AZ)

Cone Constructors, Inc. [LCONB99-006]: (*See related case under Civil Cases*). Citation for Noise Rule violations during the construction of the Suncoast Parkway was appealed. Proceedings are in abeyance pending settlement. A meeting with Mr. Michael Cone is scheduled for September 14, 2000 at which time Mr. Cone is expected to enter into the settlement agreement and pay costs. (KKB)

Presto Food Stores Inc. [L.PREZ00-002]: Appeal of a citation regarding out of compliance Underground Storage Tanks. The landowner requested an administrative hearing, asserting a lack of ownership of the UST system. The tenants also claim no ownership. The Hearing Officer continued the pre-hearing conference pending the property owner's efforts to properly close the system. Tanks have been emptied of product. The landowner has submitted a closure report of the UST system which is under review. In the event the closure application is accepted, the only issue remaining is establishing and recovering penalties and costs. EPC staff is currently calculating penalties and costs for settlement. (AZ)

Watermark [LWATB98-168]: 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 an administrative hearing, asserting that extenuating circumstances should be considered. Efforts continue to resolve this matter without having to refer to a hearing officer. Landowner and EPC are currently negotiating a P2 pollution prevention plan in lieu of a portion of the penalties. EPC staff is currently calculating penalties and costs for inserting into the consent order. (AZ)

DOT [LDOTF00-008]: DOT appealed a citation issued to them for failing to obtain a Director's Authorization prior to excavating solid waste from old landfills at two sites in Hillsborough County. Since DOT indicated that negotiations for settlement were underway, the appeal proceedings will be held in abeyance pending possible settlement. A productive meeting was held on June 20, 2000. (RT)

Tampa Bay Organics [LTBOF00-007]: Tampa Bay Organics, a wood recycling facility, filed a Notice of Appeal of EPC's citation for causing a dust nuisance and for operating an air pollution source without valid permits. The appeal is being held in abeyance pending settlement discussions. (KKB)

Lakeshore Villas Mobile Home Park [LLAKZ00-010]: Lakeshore Villas, an applicant for a permit which EPC proposed to deny, converted its Chapter 120 petition to challenge the denial into a formal Request for Extension of time to file a petition. Applicant was granted until September 29, 2000 to file a petition, giving Lakeshore Villas additional time to resolve the problems identified by EPC staff. (AZ)

Mike Carter Construction [LWILZ00-011]: Mike Carter Construction filed an appeal of the Executive Director's denial of its request to impact wetlands in the construction of a public storage facility at Wilsky Blvd. and Waters Avenue. Formal processing of the appeal has been temporarily suspended pending negotiations between the parties. (KKB)

RESOLVED CASES | 1 |

Putney [LPUTZ00-009]: After a Final Order denying an application for authorization to impact wetlands the Putneys filed an application for a Variance or Waiver from the EPC Wetland Rule Chapter 1-11. The application asserted a substantial hardship and that the applicants can still achieve the underlying purpose of the Wetland Rule. The Executive Director recommended denial of the request at the EPC meeting on August 17 for the reasons identified in the proposed Final Order. The Commission recommended denial of the request for a variance and the Final Order denying the application was sent out on August 23, 2000. (AZ)

B. CIVIL CASES

NEW CASES | 2 |

EPC v. Larry G. Mathis (Shady Shores MHP) [LSHAZ00-012]: EPC requested and received authority to file a lawsuit against the Defendant for multiple violations regarding the unpermitted operation of a wastewater treatment plant at the Shady Shores Mobile Home Park. The owner has been operating the plant since April without the necessary state delegated wastewater permit. The lawsuit was served on the defendant on September 11, 2000. The defendant has twenty days in which to respond. The parties are involved in negotiations to get the facility into compliance and settle the lawsuit. (AZ)

EPC v. Bodden Asphalt Products, Inc. and Rupert Bodden [LBODZ00-013]: Authority to take appropriate action against Mr. Bodden as owner and operator of an asphalt shingle recycling facility that is a potential source of air pollution was granted, August 17, 2000. Mr. Bodden entered into a Consent Order with the EPC last year and is in default of payments agreed to in the consent order. In addition, Mr. Bodden has operated the air pollution source without a required EPC permit. The parties are currently in negotiations for resolving past violations and obtaining the proper permits for continued operation of the facility. (AZ)

EXISTING CASES | 12 |

Holley, Raymond, et al. [LHOL94-161]: Suit was filed in 1994 to compel proper closure for an abandoned underground storage tank and to obtain civil penalties and costs. The Defendants defaulted but obtained a judicial stay by filing bankruptcy. The bankruptcy case closed in April 1998 and EPC renewed its previously filed Motion for Judgment after Default. Although staff tried to work with Defendants as being eligible for state assistance under the Abandoned Tank Restoration Plan, Defendants did not cooperate. EPC filed an Amended Motion for Judgment after Default with a supporting affidavit on costs and scheduled a hearing. On July 25, 2000 the Court entered a Default Final Judgment requiring the Defendant to properly close the USTs, pay costs of \$1,240.87, and required payment of \$22,100 in penalties if the order for injunctive relief is not complied with. The Defendants have not complied with the judgment and the legal staff is drafting a motion for contempt to get the facility properly closed. (AZ)

Slusmeyer [LSLU94-152]: Defendant failed to comply with a prior court order and injunction requiring proper closure of underground storage tanks. Although Defendant verbally agreed and was given until April to comply with the judgment, he failed to do so. EPC asked the court for an order of contempt and injunctive relief. On April 27, the judge took the issue of contempt under advisement and allowed Defendant 60 days to comply with the judgment after which further sanctions would be sought. The day prior to the hearing on the Renewed Motion for Contempt, the Defendant retained an attorney and a consultant in order to comply with the judgment. He has been provided a brief additional amount of time to resolve all outstanding issues. The Defendant has contracted with an environmental consultant to close the underground storage tanks in accordance with state and local rules. Aside from recovering penalties and costs, it is anticipated the matter will be resolved in the next month. (AZ)

Kings Food Mart [LKIN96-159]: Authority granted to compel assessment of reported contamination at a retail gasoline facility and to compel compliance with leak detection regulations for an existing Underground Storage Tank system. Complaint has been drafted and enclosed with a demand letter on June 13, 2000. After meeting with the legal office and Waste Management staff, the landowner has since applied for petroleum contamination cleanup assistance and has gotten into compliance with other issues. Staff is currently calculating penalties and costs for the past non-compliance so that settlement might occur. (AZ)

Mulberry Phosphate [LMULF98-166]: 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. EPC is working cooperatively with DEP and NOAA to resolve this case jointly. EPC conducted a damage assessment and evaluation of appropriate restoration and currently several mitigation projects in both Hillsborough and Polk counties are being reviewed and considered as possible settlement options. Settlement discussions are continuing and NOAA has a statutory deadline in December of this year. (RT)

Stasiak v. EPC [LSTA98-163]: 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. A plan providing for appropriate resolution has been filed with the Court but various creditors have filed a challenge. EPC staff have been called for depositions between the parties and for testimony before the court. The property is currently in compliance with all regulations and a Consent Order is pending to close the case. (RT)

672 Recovery, Inc. [LREC97-155]: 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. 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 is reviewing the file to determine the proper amounts. Opposing counsel has been contacted and has agreed to review the citation regarding the EPC's request for costs and penalties. (AZ)

FDOT & Cone Constructors, Inc. [LCONB99-007]: (*See related case under Administrative Cases*) 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. A letter has been sent to counsel for Cone Constructors. A signed settlement agreement with payment of associated investigative costs is anticipated. Cone Constructors filed for bankruptcy on July 14, 2000. A meeting with Mr. Michael Cone is scheduled for September 14, 2000 at which time Mr. Cone is expected to enter into the settlement agreement and pay costs. (KKB)

Quasem J. v. EPC, et al. [LQAS98-161]: 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. Defendant, property owner HJEM, Inc., filed a motion for summary judgment asserting the Plaintiff's mortgage was entered into fraudulently and that it has priority over all lien holders. EPC responded by asserting the priority of its judgment over the Defendant, HJEM, Inc.'s ownership of the property as the property was sold to HJEM, Inc. subject to EPC's judgment. Hearing on the summary judgment was postponed pending an amended motion for summary judgment. Depositions are currently scheduled in the case for September 18, 2000. (AZ)

Georgia Maynard [LMAYZ99-003]: Authority to take appropriate action against Ms. Maynard as owner and operator 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. Respondent has asserted willingness to comply but financial inability. Complaint is being drafted. A pre-litigation letter was sent to Respondent advising of pending action. An attorney representing Ms. Maynard responded by suggesting the matter could be resolved without litigation. The attorney has since provided EPC staff with several estimates for the work in anticipation of settling the matter. (AZ)

Tampa Scrap Processors, Inc. [LTPA98-157]: 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 failed to comply with the terms of the Consent Order. The Tampa Port Authority is willing to perform the requirements of the settlement. EPC filed suit against Tampa Scrap to protect our rights to legal enforcement of the specific terms of the Consent Order. Tampa Export, a presumed successor entity to Tampa Scrap, has filed for bankruptcy protection. EPC staff will be witnesses in the hearing on Tampa Port Authority's motion to evict Tampa Export and obtain correction. (RT)

Integrated Health Services [LIHSF00-005]: IHS, a Delaware corporation, filed for bankruptcy and noticed EPC as a potential creditor. IHS is a holding company that acquired a local nursing home, which operation includes a domestic wastewater treatment plant that is not in compliance. The Debtor filed a motion requesting that utility companies be required to continue service to the Debtors so that their residents can continue without relocation. (RT)

Manhattan Oil, William Chiles [LMAN00-006]: EPC's Citation for violation of the abandoned underground storage tank regulations was appealed and then settled in a negotiated Consent Order. However, the conditions of the Consent Order have not been implemented and the site remains out of compliance. The Commission granted authority on June 15, 2000 to commence appropriate legal action. A pre-litigation letter has been sent and a Complaint is being drafted. The owner resides in Massachusetts and the EPC is preparing to serve the complaint out of state. (AZ)

RESOLVED CASES [0]

COMMISSION

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



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WETLANDS MANAGEMENT DIVISION
TELEPHONE (813) 272-7104

EXECUTIVE DIRECTOR

RICHARD D. GARRITY, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF SEPTEMBER 12, 2000

Fund Balance as of 10/01/99	\$1,024,661
Interest Accrued FY00	57,538
Deposits FY00	261,634
Disbursements FY00	153,550
Fund Balance	\$1,190,283

Encumbrances Against Fund Balance:

(57a) Cypress Head Swamp	8,967
(14) Wetland Surveys	1,781
Seagrass Study/Sheriff	27,500
Art. Reef FY00	15,197
(53) Clayton Lake	6,007
(54) Mosi Restoration	963
(56) Oakview Utilities	74,925
(55) Riverview Civic Center	39,525
(61) Thalasssea Study	13,245
(63) McKay Bay	15,000
(64) Hughes Hard Chrome	3,373
(66) Asbestos Abatement	5,000
(72) Brooker Creek	1,266
(75) Adopt A Pond	50,000
(78) River Crest Restoration	15,000
(79) Epps Park Restoration	10,000
(68) Lutz Nature Park	9,405
(73) Balm Road Scrub	300,000
(81) Tampa Baywatch	31,435
(82) Hill. Co. Env. Network	50,000
Waste Reduction/Tampa	98,657
Upper Tampa Bay Trail	77,300
Charlie Walker Cons. Cen.	5,000
Cockroach Bay Turtle	59,920

Total of Encumbrances	<u>919,466</u>
Minimum Balance	100,000
Fund Balance Available September 12, 2000	<u>\$170,817</u>

COMMISSION

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JAN PLATT
THOMAS SCOTT
RONDA STORMS
BEN WACKSMAN

EXECUTIVE DIRECTOR

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ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
AS OF SEPTEMBER 13, 2000

Fund Balance as of 10/01/99	\$1,579,471
Interest Accrued FY00	79,426
Disbursements FY00	415
Fund Balance	\$1,658,482

Encumbrances Against Fund Balance:

Alafia River, Add. (SWIM/DEP)	8,948
Cockroach Bay Exotic Con. (HCC)	8,618
Alafia River/Wolf Branch	300,000
Ballast Point Seawall Phase II	25,000
Audubon Society Riverview CC	50,000
Oakview Utilities	50,000
Port Redwing	300,000
Davis Tract	199,585
Apollo Beachhabitat Restoration	100,000
Fantasy Island Restoration	50,000
Mechanical Seagrass Planting	50,000

Total of Encumbrances	<u>\$1,142,151</u>
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Fund Balance Available September 13, 2000	\$ 516,331
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COMMISSION

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

EXECUTIVE DIRECTOR

RICHARD D. GARRITY, Ph.D.



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TELEPHONE (813) 272-5788

WETLANDS MANAGEMENT DIVISION
TELEPHONE (813) 272-7104

AGENDA ITEM COVER SHEET

Date: September 21, 2000

Agenda Item: 1999 Air Quality Report

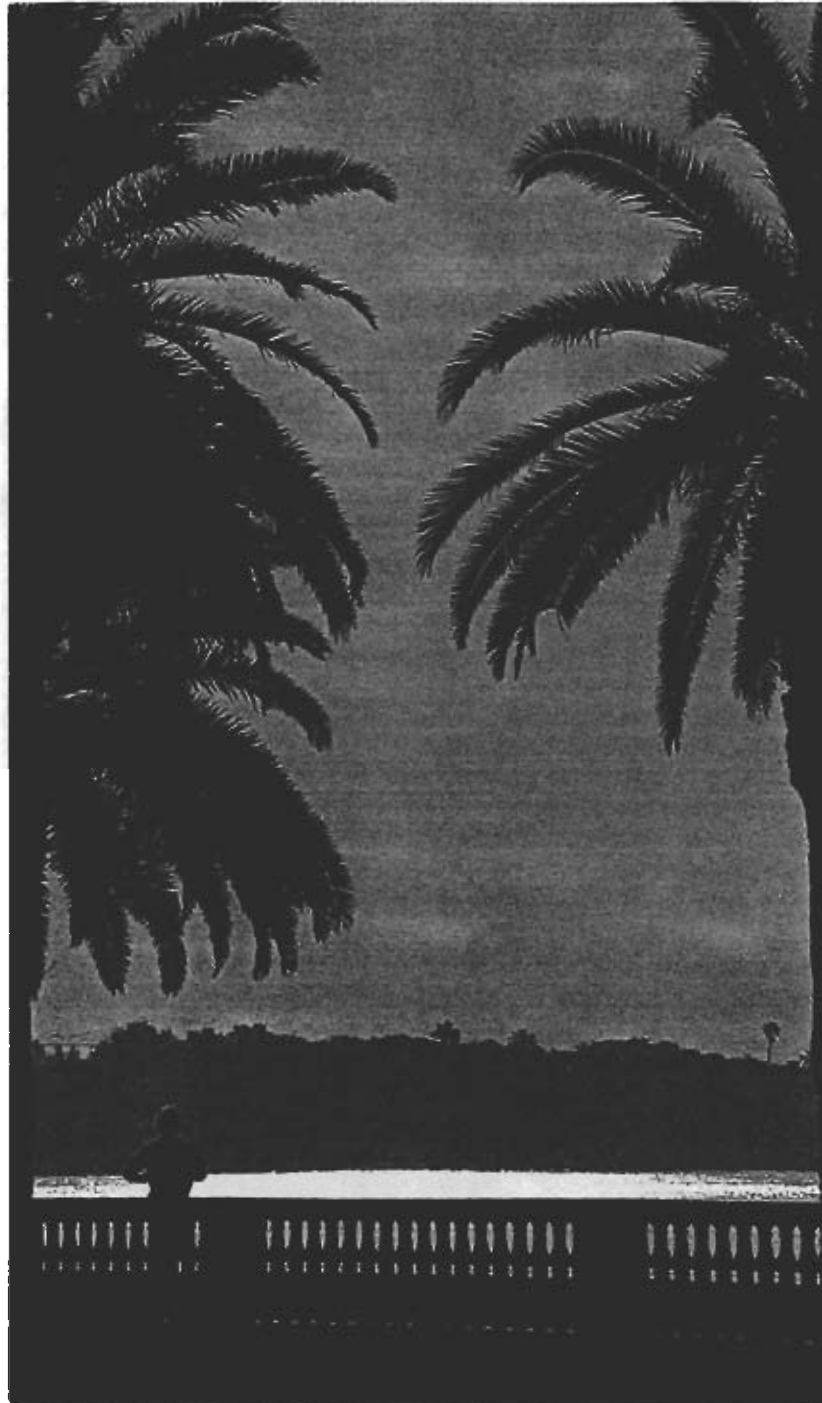
Description/Summary:

The 1999 Air Quality Report will be presented to the EPC Board.

Commission Action Recommended:

None

*Environmental Protection Commission
of Hillsborough County*



1 9 9 9

Air Quality Report

COMMISSION

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AGENDA ITEM COVER SHEET

Date: September 21, 2000

Agenda Item: Brief presentation to the EPC Board on Alternative Transportation Week (ATW)

Description/Summary:

A presentation will be given regarding the 4th annual Alternative Transportation Week scheduled for October 9-13, 2000. The event is designed to help promote getting to and from work in ways other than driving alone such as carpooling, vanpooling, riding the bus, bicycling, walking or telecommuting. The EPC plans on hosting a public information booth at ATW's Festival Event at Franklin Street Mall on October 9, 2000.

Also, in an effort to raise community awareness regarding the air quality benefits of low-emission vehicles, the EPC is considering the purchase of an alternative-fuel vehicle. This hybrid vehicle will be utilized by EPC staff, as well as, be displayed at public outreach events. Funding for this vehicle is included in EPC's 2001 air grant from the United States EPA.

Commission Action Recommended:

Motion by the Board supporting the Alternative Transportation Week and approving the Agency's purchase of an alternative-fuel vehicle in lieu of a conventional gasoline powered car.

How much is your car worth?

Find out for free at CARPRICES.COM



Toyota announced in mid-October of 1998 that it had developed the world's first hybrid vehicle to see its way to mass production. A hybrid vehicle? Yes, a new type of vehicle has been invented, actually, a new way of powering vehicles has been introduced. The Toyota Prius (PREEH-us) is powered by both a gasoline engine and an electric motor. Since it hit the market in Japan in December 1998, Toyota has been flooded with orders for this revolutionary new product.

The Prius is evidence of an effort on the part of Toyota engineers to reduce vehicle emissions and improve the earth's climate. In its efforts, Toyota has been the only automaker recognized for global environmental stewardship by the United States Environmental Protection Agency.

The vehicle achieves exceptional fuel efficiency, while providing a luxurious and safe package coupled with responsive handling and performance. The Toyota Hybrid System (THS), which powers the Prius, achieves cleaner emissions aiding in the reduction of CO₂ (the cause of global warming), while conserving energy. The Prius' engine accomplishes twice the fuel efficiency of a conventional engine and cuts HC, NO_x, and CO emissions

below the amounts set by current pollution regulations.

The engine is a 1.5 liter gasoline BEAMS*1 1NZ-FXE, equipped with VVT-i*2. The engine contains an Advanced Mechanism System and Variable Valve Timing, producing 58 horsepower at a constant speed of 4,000 rpm. At low speeds, a 30kilowatt electric motor is used alone. Once the Prius reaches 10 mph, the gasoline engine kicks in and an engine management mechanism determines what proportion of gasoline and electric power the throttle requires. The engine automatically shuts off when the vehicle is at a standstill to reduce energy loss, and kinetic energy is regenerated into electrical energy during deceleration.

Ultra-efficient fuel consumption is also achieved by low vehicle weight, innovative power assist steering, and newly designed tires. The weight of the Prius was minimized by reducing the size of the THS and using light-weight aluminum wheels. Power-assist steering feeds off the electric motor instead of using engine power like that of conventional hydraulic designs. The low fuel consumption tires (165/65R15) featured on the Prius minimize rolling resistance.

The exterior styling of the Prius is an example of Toyota's vision of future designs. The vehicle's three-box style features a large cabin area with short overhangs. The hood is short and slanted, while the body is characterized by sharp lines sculpted across the surface. The six spoke aluminum wheels feature three-spoke resin covers to provide a boldly futuristic look.

The vehicle's interior is also an example of daring styling techniques. With unique moldings, the two-tone instrument panel is more artistic than that of many current vehicles on the market. The overall cabin feel is very soft, and the dashboard was designed to maximize visibility and operability.

Safety was a top priority in the Prius' design. Along with standard anti-lock brakes, the vehicle is also equipped with three-point seat belts featuring Emergency Locking Retractors (ELR), dual airbags, and a Whiplash Injury Lessening (WIL) concept in the seats.

The Prius went on sale in Japan on December 10, 1999 at which time Toyota set an initial sales target of 1,000 per month. But the vehicle's innovative, ultra-efficient powertrain and comfortable passenger accommodations drew thousands of orders immediately, causing Toyota to look at ways of increasing production. However, the Prius isn't necessarily a profit maker, the vehicle is built at a cost of approximately \$40,000, while it sells for only \$16,500.

The probability of the Prius' success in the U.S. market is also in question considering that American consumers have failed to embrace electric vehicles like General Motor's EV1. GM halted production of the EV1 in 1998 after only several hundred had been produced, and built only 80 EV1s in 1999. However, the combination of gasoline and electric power in the Prius does give the car an advantage in terms of driving range and convenience. This

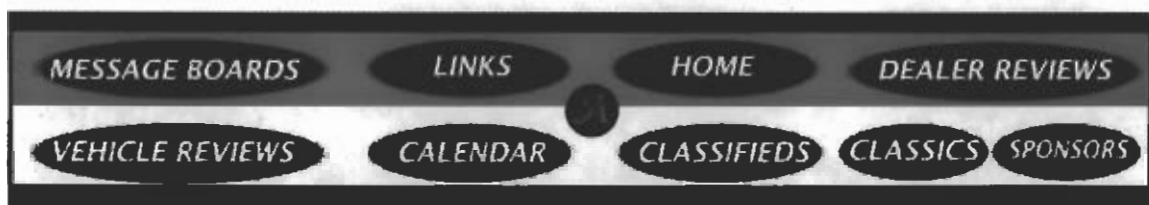
should help ease typical worries electric car buyers have about their cars running out of power during the commute to work. The Prius certainly won't cannibalize sales of the Camry or Corolla, but it may be the first viable attempt to market an environmentally friendly car in the U.S.

The Toyota Prius will make its U.S. debut this summer.

Toyota Home Page: <http://www.toyota.com>

Toyota Prius Information Site: <http://www.anim8.com/prius/index.html>

Toyota Prius Preview Site: <http://toyotarequest.programhq.com/Prius/index.html>





The ICE engine is mounted transversely in front, under the hood. It turns on and off automatically, with input from the driver, except perhaps from the accelerator's request for power.

Although it has an electric motor, this car never needs to be plugged in.



Nickel Metal Hydride batteries, the same as those in the Toyota RAV 4 EV, but 1/3 the number due to the Prius' ICE engine. They fit nicely behind the rear seat.

[Index] [prius ride] [prius photos] [contacts] [Prius Index] [Sponsors]

AGENDA ITEM COVER SHEET

Date: September 21, 2000

Agenda Item: Public Hearing Request for Chapter 1-3, Air Pollution Rule and Chapter 1-10, Noise Rule.

Description/Summary:

EPC Rule Chapter 1-3 is recommended for updating based on an annual requirement of our Standard Operating Agreement with the State. EPC Rule Chapter 1-10 is being revised because of the need to be consistent with the City of Tampa's noise ordinance.

Commission Action Recommended:

Approve the scheduling of a public hearing on Chapters 1-3 and 1-10 at the regular October 19th meeting of the Board.

1 RULES OF THE
2 ENVIRONMENTAL PROTECTION
3 COMMISSION
4 OF HILLSBOROUGH COUNTY

5
6 CHAPTER 1-10
7 NOISE

8
9 1-10.01 Definitions

10 1-10.02 Prohibitions

11 1-10.03 Sound Level Limits

12 1-10.04 Exceptions to Sound Level Limits

13 1-10.05 Motor Vehicles

14 1-10.06 Cultural Events

15
16 1-10.01 DEFINITIONS

17 A. Definitions contained in Chapter 84-446,
18 Laws of Florida, as amended, apply to this rule.

19 B. The following specific definitions shall apply
20 to this rule:

21
22 1. Amusement Parks - Theme parks and
23 amusement attractions as defined by
24 Florida Statutes, water parks, zoos and
25 aquariums and their related amenities
26 and service areas.

27 2. A-Weighted Sound Level - The sound
28 pressure level decibels as measured on
29 a sound level meter using the A-
30 weighting network. The level so read
31 is designated dBA.

32 3. Commercial Area Property - All
33 property which is used primarily for
34 the sale of merchandise or goods, or
35 for the performances of a service, or
36 for office or clerical work.

37 4. Decibel (dB) - The unit in which the
38 levels of various acoustical quantities
39 are expressed. Typical quantities so
40 expressed are sound pressure level,
41 noise level, and sound power level.

42 5. Emergency - Any occurrence or set of
43 circumstances involving actual or
44 imminent physical trauma or property
45 damage which demands immediate
46 action.

47 6. Emergency Work - Any work
48 performed for the purpose of
49 preventing or alleviating the physical
50 trauma or property damage threatened

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or caused by an emergency.

7. Industrial Area Property - Any
property which is used primarily for
manufacturing, processing or an
airport.

8. Noise - Any sound which annoys or
disturbs humans or causes or tends to
cause an adverse psychological or
physiological effect on humans.

9. Noise Disturbance Nuisance-

a. Sound which

(1) is or may be harmful or
injurious to the health or
welfare of any person, or

(2) unreasonably interferes with
the enjoyment of life, property
or outdoor recreation of a
reasonable person with normal
sensitivities, or

(3) is of such character and ~~in~~
~~such quantity~~ or level as to be
detectable by a considerable
number of persons so as to
interfere with their health,
repose, or safety or to cause
severe annoyance or
discomfort.

b. Sound which meets the
definitions of Section 2,
Hillsborough County Ordinance 84-
4, as amended.

10. Octave Band - All of the components
in a sound spectrum whose frequencies
are between two sine wave
components separated by an octave.

11. Public Right-Of-Way - Any street,
avenue, boulevard, highway, sidewalk
or alley or similar place normally
accessible to the public which is owned
or controlled by a government entity.

~~12. Public Space - Any real property or~~
~~structures thereon normally accessible~~
~~to the public which is owned or~~
~~controlled by a government utility.~~

12. Real Property Line - An imaginary
line along the ground surface, and its
vertical plane extension, which
separates the real property owned,
rented or leased by one person from
that owned, rented or leased by another

1 person, excluding intrabuilding real 51
 2 property divisions. 52
 3 13. **Residential Area Property** - All 53
 4 property on which people live and 54
 5 sleep, ~~or~~ parkland, ~~or~~ hospitals, ~~or~~ 55
 6 schools, ~~or~~ nursing homes or that 56
 7 which is not commercial or industrial 57
 8 or the individual plots within a mobile 58
 9 home park assigned by the owner of 59
 10 the park. 60
 11 14. **Sound** - An oscillation or alteration in 61
 12 pressure, stress, particle displacement, 62
 13 particle velocity or other physical 63
 14 parameter, in an elastic medium; or, an 64
 15 auditory sensation evoked by the 65
 16 alterations described above. The 66
 17 description of sound may include any 67
 18 characteristic of such sound, including 68
 19 duration, intensity and frequency. 69
 20 15. **Sound Level** - The weighted sound 70
 21 pressure level obtained by the use of a 71
 22 metering characteristic and weighting 72
 23 scale as specified in American 73
 24 National Standards Institute 74
 25 specifications for sound level meters 75
 26 ANSI SI.4-1983, or in successor 76
 27 publications. If the weighting 77
 28 employed is not indicated, the A- 78
 29 weighting shall apply. 79
 30 16. **Sound Level Meter** - A device used to 80
 31 measure sound pressure level, or 81
 32 weighted sound pressure level, or 82
 33 octave band sound pressure level, and 83
 34 this device is of Type 2 or better, as 84
 35 specified in the American National 85
 36 Standards Institute Publication SI.4- 86
 37 1983 or its successor publication. 87
 38 17. **Sound Pressure** - The instantaneous 88
 39 difference between the actual pressure 89
 40 and the average or barometric pressure 90
 41 at a given point in space, as produced 91
 42 by the presence of energy, which 92
 43 accompanies the passage of a sound 93
 44 wave. 94
 45 18. **Sound Pressure Level** - The sound 95
 46 pressure level of a sound is 20 times the 96
 47 logarithm to the base 10 of the ratio of 97
 48 the pressure of this sound to the 98
 49 reference pressure of 20 micropascals. 99
 50 The sound pressure level is expressed 100

in decibels.
 19. **Spectator Games** - Competitive sports including, but not limited to baseball, football, soccer, ice hockey and similar athletic events performed for an audience.
 20. **Ybor City Entertainment District** - Land area north of the right of way of the CSX rail line along 6th Avenue, west of 22nd Street, south of Palm Avenue, and east of Nuccio Parkway.
 21. **Cultural Event** - Any event drawing a large attendance for entertainment, amusement, enlightenment or recreation purposes, which in the determination of the Commission, has or is likely to become a community event integrated into accepted social practices or traditions.

1-10.02 PROHIBITIONS

- A. **Noise ~~Disturbance~~ Nuisance Prohibited** - No person shall make, continue or cause to be made or continued any noise ~~disturbance~~ nuisance. The generation or continuation of a noise ~~disturbance~~ nuisance upon a property following notice to that property's owner of the existence of a noise ~~disturbance~~ nuisance shall be deemed to continue with the permission of the property owner.
- B. **Maximum Sound Levels For Receiving Land Use** - Sound levels which exceed the limits set forth in this rule for the receiving land when measured at or within the property line of the receiving land ~~use~~ are declared to be noise pollution as defined by Section 3(21) of Chapter 84-446, Laws of Florida.
- C. Commercial operation of motorized lawn, garden, or other outdoor maintenance equipment is prohibited between the hours of 10:00 P.M. and 7:00 A.M.
- D. Heavy construction activities, whose sites are within close proximity to residential areas, with the exception of those activities whose sites are on public right-of-ways, shall not start prior to 7:00 A.M., Monday through Friday, and 8:00 A.M., Saturday, Sunday and holidays, and shall cease at sunset.

1-10.03 SOUND LEVEL LIMITS

A. By Receiving Land Use -

Table I

Receiving Land Use Category	Time	Sound Level Limit, dBA
Residential	7 a.m.-10 p.m.	60
Public Space	10 p.m.- 7 a.m.	55
Commercial	7 a.m.-10 p.m.	65
	10 p.m.- 7 a.m.	60
Industrial	At All Times	75

B. Octave Band Sound Level Limit - In addition to the standards of 1-10.03A, for any source of sound which impacts on residential property or public space, the maximum allowable sound level limit for the individual octave bands whose centers are 63, 125, 250 and 500 Hertz shall not exceed 65 dB.

C. Air Conditioning and Air Handling Equipment, Pumps and Compressors - No person shall operate or cause to be operated any air conditioning or air-handling equipment, or any pumps and compressors, in such a manner as to exceed any of the following sound levels across a residential real property line at any time of the day or night:

Table II

Measurement Location	Sound Level Limit dBA
Any point on neighboring property line	60
Center of neighboring patio	55
Outside the neighboring living area window nearest the equipment location	55

D. Ybor City Historic Entertainment District (as defined by the City of Tampa)

1. Sound levels generated by entertainment or musical events within the Ybor City

~~Historic Entertainment District, regardless of time of day, shall not exceed 65 dBA when received at any point on the boundary of the Ybor City Entertainment District as defined in Section 1-10.01 B.20, south of the right-of-way of the CSX rail line along 6th Avenue, east of 22nd Street, north of Palm Avenue, or west of Nuccio Parkway.~~

2. The maximum allowable sound levels for the individual octave bands whose centers are 63, 125, 250 and 500 Hertz shall not exceed 75 dB when received at any point on the boundary of the Ybor City Entertainment District as defined in Section 1-10.01B. 20, beyond the same-described boundary lines.

3. ~~Noise generated by~~ entertainment or musical events within the Ybor City Entertainment Historic District shall be regulated by the City of Tampa under their noise ordinance, except as provided in Sections 1-10.03 D.1. and 2., in compliance with these sound limits, or which does not exceed 65 dBA at the point of generation, is not a noise disturbance under this rule.

1-10.04 EXCEPTIONS TO SOUND LEVEL LIMITS ACTIVITIES NOT REGULATED BY THIS RULE :

It is not the intent of this Rule to regulate noises under all in circumstances. ~~where persons, property, wildlife or plant life are not affected by the noise.~~ The following activities or sources are exempt from the requirements of Section 1-10.03 of this Rule:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency, or in the performance of emergency work.

B. The unamplified human voice.

C. Reasonable operation of equipment or conduct of activities normal to residential or agricultural communities such as lawn care, soil cultivation, maintenance of trees, hedges and gardens, refuse collections, the use of lawn mowers, saws and tractors, street sweepers, mosquito fogging, tree trimming and limb chipping, and other normal community operations.

~~D. Reasonable operation of unamplified church bells or chimes when used for traditional religious purposes. Normally occurring sounds~~

1 on church or school grounds during church or
2 school-sponsored activities.

3 E. Events directly related to Gasparilla, Fourth
4 of July, New Year's Eve, Guavaween, or
5 officially authorized spectator games.

6 F. The lowing of cattle, the clucking of fowl,
7 the neighing of horses, the baying of hounds and
8 other normal sounds of ~~reasonably cared for~~
9 ~~domestic animals.~~

10 G. Motor vehicles operating on a public right
11 of way.

12 H. Personal watercraft, including amphibious
13 craft when operated upon the waterways within
14 Hillsborough County.

15 I. Amusement parks.

16 J. Common carrier stations, including but
17 not limited to bus stations, transit malls, train
18 stations, ships' wharves and docks, and
19 airports.

20 K. Sport shooting ranges

21 L. The operation of trains, ships, and aircraft.

22 1-10.05 MOTOR VEHICLES

23 ~~A. Motor Vehicles Operating on Public~~
24 ~~Right of Way Motor vehicles on a~~
25 ~~public right of way are regulated as set~~
26 ~~forth in Sections 316.293 and 403.415~~
27 ~~Florida Statutes (1989).~~

28 A. Recreational Motorized Vehicles

29 Operating Off Public Rights of Way - No
30 person shall operate or cause to be operated any
31 recreational motorized vehicle off a public right
32 of way in such a manner that the sound level
33 emitted therefrom violates the provision of
34 Section 1-10.03A. This section shall apply to all
35 recreational motorized vehicles, whether or not
36 duly licensed and registered, including, but not
37 limited to motorcycles, go-carts, ~~amphibious~~
38 ~~craft,~~ campers and dune buggies. All such
39 vehicles shall use noise attenuating devices
40 (exhaust mufflers).

41 ~~B. C. Motor Vehicles Operated at Facilities~~ 42 ~~for Competitive Events -~~

43 1. All motor vehicles operated at facilities
44 permitted for competitive motor vehicle events
45 are exempted from complying with Section 1-
46 10.03 A.

47 2. Noise levels from competitive motor
48 vehicle events shall not exceed 68 dBA when
49 measured at or within the property line of
50 residential properties, except as provided in

51 paragraph ~~C. B.~~ 3.

52 3. Noise levels from the ~~"Annual~~
53 ~~Nationals"~~ and the regular Saturday night races as
54 presently held at East Bay Raceway, shall not
55 exceed 78 dBA at the nearest residential property
56 lines.

57 4. Vehicles shall use noise attenuating
58 devices. The type of noise attenuating device
59 utilized is dependent upon, but not limited to,
60 vehicle characteristics, available technology, and
61 conditions set by the Environmental Director
62 pursuant to Section 1-10.05 ~~D. C.~~ Noise
63 attenuating devices may include, but are not
64 limited to, directed exhausts, exhaust mufflers,
65 turbochargers, superchargers, airfoils, diverter
66 vanes, body design, and tire design.

67 ~~D. C. Authorization Required -~~

68 1. No person shall construct, alter, expand
69 or operate any installation or facility for
70 competitive motor vehicle events without first
71 providing documentation and assurance of com-
72 pliance with Section 1-10.05 ~~D. B.~~, and without
73 first receiving a permit by Letter of Authorization
74 from the Environmental Director.

75 2. The request for a Letter of
76 Authorization shall be in writing and shall
77 contain at a minimum the following information
78 and attachments:

79 a. Name, address, and telephone
80 number of the person, firm, corporation, or
81 association requesting authorization. In the case
82 of a firm, corporation or association, the request
83 shall include the names of its Board of Directors,
84 members, and owners.

85 b. Name and telephone numbers of a
86 responsible party who may be reached at all times
87 during the occurrence of any competitive motor
88 vehicle event.

89 c. Identification of sanctioning body
90 and name and telephone number of
91 representative.

92 d. Location, dates and times of
93 commencement and termination of competitive
94 motor vehicle events, including practice heats.

95 e. Descriptions of the numbers of
96 competitive motor vehicle events planned,
97 number of vehicles participating in each type of
98 event and type of vehicles involved.

99 f. Descriptions of measures,
100

1 methods, and techniques which will be used to
2 reduce the volume of noise generated by the
3 event, including description and representative
4 illustrations and plans of for the enclosure or
5 barrier system or process and performance
6 parameters.

7 g. Plans for operator/employee
8 training and familiarization with requirements of
9 this rule.

10 h. Provisions for trackside and
11 boundary noise monitoring.

12 i. Design features, equipment, work
13 practices, or operational methods to reduce the
14 volume of noise generated by the competitive
15 motor vehicle events.

16 3. Upon reasonable assurance that the
17 requested competitive motor vehicle events will
18 be in compliance with Section 1-10.05G B., and
19 upon payment of any applicable fee pursuant to
20 Chapter 1-6, the Environmental Director will
21 issue a Letter of Authorization for the event with
22 such conditions as may be necessary, which shall
23 include but not be limited to, date and time of
24 operation, reporting requirements, and
25 monitoring requirements.

26
27 **1-10.06 WAIVERS FOR CULTURAL**
28 **EVENTS :**

29 A. The sponsors of a cultural event, which
30 will occur infrequently and which reasonably
31 may not meet the noise standards and regulations
32 provided above, may submit a request for a
33 waiver to the Commission, along with proposed
34 precautions and conditions. The sponsors shall
35 also provide 15 days' written notice to each
36 Registered Neighborhood Organization within
37 one mile of the proposed event, including a
38 description of the event and proposed conditions,
39 the name and telephone number of a contact for
40 more information, and the date and time when the
41 matter will be considered by the Commission.
42 EPC staff shall review the proposal and comment
43 on the reasonable expectations of compliance or
44 non-compliance with the provisions of this rule
45 and the likely impacts to the surrounding
46 community. The proposal, along with staff's
47 comments, shall be reviewed by the Commission
48 at an advertised public hearing. Any waiver
49 granted will specify which provisions of the rule
50 are waived, the times for which they are waived,

51 and any additional conditions which apply.

52
53 ~~B. For purposes of this section, a cultural event~~
54 ~~is any event drawing a large attendance for~~
55 ~~entertainment, amusement, enlightenment or~~
56 ~~recreation purposes, which in the determination~~
57 ~~of the Commission, has or is likely to become a~~
58 ~~community event integrated into accepted social~~
59 ~~practices or traditions.~~

60 B. All requirements for cultural events
61 waivers shall be separate, and in addition to, the
62 requirements set forth in Hillsborough County
63 Ordinance #89-42 regarding Entertainment
64 Festival Permits.

65
66 Adopted 6/10/76
67 Amended 11/15/84
68 Amended 11/11/88
69 Amended 10/05/89
70 Amended 05/23/90
71 Amended 05/22/91
72 Amended 06/20/95
73 Amended 01/17/96
74 Amended 00/00/00

1 **RULES OF THE**
2 **ENVIRONMENTAL PROTECTION**
3 **COMMISSION**
4 **OF HILLSBOROUGH COUNTY**
5
6 **CHAPTER 1-3**
7 **STATIONARY AIR POLLUTION**
8 **SOURCES AND AMBIENT AIR QUALITY**
9 **STANDARDS**
10
11 **PART 1**
12 **1-3.10** Statement of Intent
13 **1-3.11** Declarations of Legislative
14 Findings
15 **1-3.12** Definitions
16
17 **PART 2**
18 **1-3.20** Circumvention Prohibited
19 **1-3.21** Permits Required
20 **1-3.22** Prohibitions
21 **1-3.23** Necessary Precautions
22 **1-3.24** Public Notification
23 **1-3.25** Excess Emissions
24
25 **PART 3**
26 **1-3.30** Ambient Air Quality Standards
27 **1-3.31** (Reserved)
28 **1-3.32** Designation of Air Pollution
29 Status of Area
30
31 **PART 4** (Reserved)
32
33 **PART 5**
34 **1-3.50** New Source Review
35
36 **PART 6**
37 **1-3.60** Emission Limiting and
38 Performance Standards
39 **1-3.61** Particulate Emissions
40 **1-3.62** Visible Emissions
41 **1-3.63** Specific Source Emissions
42
43 **PART 7**
44 **1-3.70** Source Sampling and
45 Monitoring
46
47 **PART 8** (Reserved)
48
49

50
51 **PART 1**
52 **1-3.10 STATEMENT OF INTENT**
53 1. The Commission promulgates this rule
54 for the purpose of implementing the intent of
55 the Florida Legislature as declared in Chapter
56 84-446, Laws of Florida, as amended or
57 recodified (Act), to insure the atmospheric
58 purity and freedom of the air of Hillsborough
59 County from contaminants or synergistic agents
60 injurious to human, plant, or animal life, which
61 unreasonably interfere with comfortable
62 enjoyment of life or property or the conduct of
63 business. In so doing, the Commission
64 recognizes that the Florida Department of
65 Environmental Protection has environmental
66 regulatory and enforcement authority pursuant
67 to Chapter 403, Florida Statutes. It is the intent
68 of the Commission to require compliance with
69 the Department's permitting rules and emission
70 limits in Hillsborough County, except as may be
71 otherwise provided herein, so as to further the
72 policies of preventing significant deterioration,
73 protecting air quality existing at the time the
74 Department adopted its standards, and of
75 upgrading or enhancing air quality. Where a
76 new or increased source of air pollution poses a
77 possibility of degrading existing high air quality
78 or ambient air quality established by this rule,
79 the Director shall not recommend issuance of a
80 Department permit for such source or proposed
81 source until he has received reasonable
82 assurance that such source, construction or
83 development will not violate this rule.
84 2. Standards and provisions of the
85 Department, as here adopted, are incorporated in
86 the form existing on the date of adoption of this
87 rule or relevant amendment.
88 3. Department rules, as adopted herein and
89 incorporated by reference, shall be interpreted
90 consistently with official Department policy.
91 For purposes of this rule, official Department
92 policy shall include written policy statements
93 signed by the Secretary of the Department or
94 his/her designee. Other documented
95 representations of Department policy may be
96 used in support of a policy interpretation, but
97 shall not themselves be official policy.
98

1 **1-3.11 DECLARATION OF**
2 **LEGISLATIVE FINDINGS**

3 The Commission hereby finds that
4 emissions into the atmosphere of Hillsborough
5 County in excess of, or contributing to an
6 exceedance of, the standards hereinafter
7 provided may reasonably be expected to cause
8 air pollution prohibited by Section 17 of the
9 Act. The Commission also finds that emissions,
10 while in compliance with source specific
11 emission limiting standards may at times
12 constitute nuisances as defined by Section 3(8)
13 and prohibited by Section 16 of the Act.
14

15 **1-3.12 DEFINITIONS**

16 1. Definitions contained in the Act, apply
17 to this rule.

18 2. With the exception of the definitions for
19 "Air Pollution," and "Particulate Matter,"
20 definitions contained in Section 62-210.200,
21 F.A.C., shall, to the extent applicable apply to
22 this rule.

23 3. The following specific definitions shall
24 apply to this rule:

25 (a) "Director" shall mean the Director
26 of the Commission or his authorized agent.

27 (b) "Objectionable odor" shall mean
28 any odor present in the outdoor atmosphere
29 which by itself or in combination with other
30 odors, is or may be harmful or injurious to
31 human health or welfare, or which creates a
32 nuisance as defined by the Act.

33 (c) "Vapor-tight gasoline tank truck"
34 shall mean a gasoline tank truck which has
35 demonstrated within the 12 preceding months
36 that its product delivery tank will sustain a
37 pressure change of not more than 750 pascals
38 (75mm of water) within 5 minutes after it is
39 pressurized to 4500 pascals (450mm of water).
40 This capability is to be demonstrated using the
41 pressure test procedure specified in EPA
42 Reference Method 27.
43

44 **PART 2**

45 **1-3.20 CIRCUMVENTION PROHIBITED**

46 No person shall circumvent any air
47 pollution control device, or allow the emission
48 of air pollutants without the applicable air
49 pollution control device operating properly.

50 **1-3.21 PERMITS REQUIRED**

51 1. No air pollution source may be
52 constructed, modified or operated in
53 Hillsborough County without a valid permit as
54 may be required by the Department pursuant to
55 Chapters 62-210, 212, 213 and 214, F.A.C.,
56 Chapter 62-17, F.A.C., or as may be otherwise
57 required by this rule.

58 2. Application for or renewal of a
59 Department permit, or copy where appropriate,
60 shall be submitted to the Director for his review
61 pursuant to Department requirements and
62 recommendation according to this rule.
63 Reasonable assurances shall be provided that all
64 Department and Commission standards have or
65 will be met by the applicant or the activity
66 sought to be permitted. Activities under
67 Citation at the time of application shall have the
68 Citation resolved prior to the Director
69 recommending approval of an application
70 involving the same activity.

71 3. No air pollution source may be
72 constructed, modified or operated in
73 Hillsborough County in violation of any
74 conditions specified on the permit, whether
75 issued by the Commission or by the
76 Department, or certification authorizing the
77 activity or as may be incorporated by reference
78 within the conditions of the permit authorizing
79 the activity. Violation of any such permit or
80 certification condition is a violation of this rule.
81

82 **1-3.22 PROHIBITIONS**

83 1. No person may build, erect, construct,
84 or implant any new source or operate, modify or
85 re-build an existing source, or by any other
86 means release or take action which would result
87 in the release of air pollutants into the
88 atmosphere of the County which will result in or
89 contribute to, ambient air concentrations greater
90 than ambient air quality standards as defined in
91 this rule.

92 2. No person shall cause, let, permit, suffer
93 or allow the discharge into the atmosphere of
94 any pollutant from any source or activity in
95 excess of emission standards herein established.

96 3. No person shall cause, let, permit, suffer
97 or allow the discharge into the atmosphere of
98 any pollutant from any source or activity that

1 causes or tends to cause or to contribute to an
2 objectionable odor.

3
4 **1-3.23 NECESSARY PRECAUTIONS**

5 No person shall store, pump, handle,
6 process, load, unload or use in any process or
7 installation volatile organic compounds or
8 organic solvents without applying known and
9 existing vapor emission control devices or
10 systems as may be necessary.

11
12 **1-3.24 PUBLIC NOTIFICATION**

13 1. Pursuant to Chapter 62-110.106 F.A.C.,
14 a Notice of Proposed Agency Action on an
15 application for an air pollution permit may
16 require public notice in a newspaper of general
17 circulation by the applicant at the applicant's
18 expense. In such instance, the notice must be
19 published in a newspaper that meets the
20 definition described in 50.011 F.S.

21 2. Applicants shall give written notice to
22 each Neighborhood Organization registered
23 with the EPC, that lies within one mile of any
24 proposed activity under consideration for a
25 construction permit. At the Director's
26 discretion, applicants may be directed to provide
27 the same written notice to Neighborhood
28 Organizations further than one mile from the
29 proposed activity and/or for activities to be
30 covered by an operation permit. The EPC will
31 provide the applicant with the affected
32 Neighborhood Organization list, and within 10
33 days of receipt of this list, the applicant will
34 provide the EPC written evidence that the
35 Neighborhood Organizations were notified. The
36 notice to the Neighborhood Organizations shall
37 include a description of the air emission source,
38 the nature of the air emissions, the proposed
39 startup date and the name of a contact person at
40 the EPC for further information.

41 3. Applicants shall post a sign at the
42 location of any proposed activity under
43 consideration for a construction permit. At the
44 Director's discretion, applicants may be directed
45 to post the same sign for activities to be covered
46 by an operation permit. The EPC will provide
47 the applicant with the sign. It must be posted
48 conspicuously on the property, so as to be
49 readily viewable from the busiest adjacent

50 public roadway. The applicant must pick up
51 and post the sign within 15 days of submitting
52 an application, and leave it posted on-site for no
53 less than 30 days.

54
55 **1-3.25 EXCESS EMISSIONS**

56 1. Excess emissions specifically allowed
57 by Chapter 62-210, F.A.C., shall not be
58 violations of this rule unless they are determined
59 to be nuisances. The Director may request
60 written verification that any such emissions fall
61 within the designated conditions.

62 2. Excess emissions which are caused
63 entirely or in part by poor maintenance, poor
64 operation, or any other equipment or process
65 failure which may be reasonably prevented
66 during start-up, shut down, or malfunction, are
67 prohibited.

68
69 **PART 3**

70 **1-3.30 AMBIENT AIR QUALITY**
71 **STANDARDS**

72 1. Standards established in Chapter 62-
73 204, F.A.C., are adopted and hereby
74 incorporated by reference.

75 2. Sampling and analysis of contaminants
76 in this section shall be performed in accordance
77 with the State of Florida Department of
78 Environmental Protection "State-Wide Quality
79 Assurance Plan, January 1985".

80
81 **1-3.32 DESIGNATION OF AIR**
82 **POLLUTION STATUS OF AREA**

83 Designations of Hillsborough County
84 pursuant to Chapter 62-204, F.A.C. regarding
85 the ambient standards of Section 1-3.30 above
86 and Prevention of Significant Deterioration
87 areas, are hereby adopted by reference.

88
89 **PART 4 (Reserved)**

90
91 **PART 5**

92 **1-3.50 NEW SOURCE REVIEW**

93 Provisions contained in Chapter 62-212,
94 F.A.C., pertinent to Hillsborough County, are
95 adopted and hereby incorporated by reference.

1 **PART 6**

2 **1-3.60 EMISSION LIMITING AND**
3 **PERFORMANCE STANDARDS**

4 Provisions contained in Chapters 62-
5 204 and 62-296, F.A.C., pertinent to
6 Hillsborough County, are adopted and hereby
7 incorporated by reference, except for Sections
8 62-296.320(4)(b)2. and 62-296.513(1)(c),
9 F.A.C., and except as may be modified herein.

10
11 **1-3.61 PARTICULATE EMISSIONS**

12 The particulate emission limits under
13 RACT in Sections 62-296.700 through 62-
14 296.712, F.A.C., shall apply to all new and
15 existing emission units. In situations where the
16 particulate emission limits under RACT,
17 pursuant to Section 62-296.700, F.A.C., are less
18 restrictive than process weight limits pursuant to
19 Section 62-296.320, F.A.C., process weight
20 limits shall apply, except as provided in Section
21 62-296.700(3), F.A.C.

22
23 **1-3.62 VISIBLE EMISSIONS**

24 Visible emissions in Hillsborough
25 County from a single source or combination of
26 sources sharing a common discharge point shall
27 not have an opacity greater than 20% except as
28 otherwise specifically provided in these rules.
29 The ability to comply with all other standards
30 does not relieve a source from this 20% opacity
31 standard.

32
33 **1-3.63 SPECIFIC SOURCE**
34 **EMISSIONS**

35 Emissions for the following specific
36 sources shall have the following limits in
37 Hillsborough County regardless of provisions
38 otherwise contained in this rule or in Chapters
39 ~~62-200~~ 62-204 through 62-297 F.A.C., unless
40 the provisions of Chapters ~~62-200~~ 62-204
41 through 62-297, F.A.C, are more stringent.

42 (a) sulfuric acid plants or plant sections
43 manufacturing sulfuric acid - 10% opacity
44 except for a 30 minute period during plant start-
45 up, with opacity for such period allowed up to
46 40%.

47 (b) nitric acid plants producing weak
48 nitric acid (50 to 70%) by pressure or

49 atmospheric pressure process - no visible
50 emissions.

51 (c) existing fossil fuel steam generators
52 - sulfur dioxide emissions from liquid fuel shall
53 be limited to 1.1 pounds per million BTU heat
54 input.

55 (d) fossil fuel steam generators - visible
56 emissions are limited to 20% opacity except for
57 either one six-minute period per hour during
58 which opacity shall not exceed 27 percent, or
59 one two minute period per hour during which
60 opacity shall not exceed 40 percent. The option
61 selected shall be specified in the emission unit's
62 construction and operation permits.

63 (e) bulk gasoline terminals - loading of
64 liquid product into gasoline tank trucks shall be
65 limited to vapor-tight gasoline tank trucks.

66
67 **PART 7**

68 **1-3.70 SOURCE SAMPLING AND**
69 **MONITORING**

70 Source sampling and monitoring shall
71 be performed in compliance with Department
72 and EPA requirements so as to determine as
73 accurately as possible actual operational
74 emissions.

75
76 **PART 8 (Reserved)**

77
78
79 Adopted 02/26/86

80 Amended 08/07/86

81 Amended 09/14/88

82 Amended 06/25/98

83 Amended 08/19/99

AGENDA ITEM COVER SHEET

Date: September 21, 2000

Agenda Item: Request to authorize the Executive Director to sign the renewal of the DEP Contract No. AQ127 (Title V) and the DEP Contract No. AQ147 (Air Monitoring) with the Florida Department of Environmental Protection (DEP)

Description/Summary:

The Florida DEP has delegated permitting and most of its air pollution control activities for Hillsborough County to the EPC. This delegation is formalized through Contracts between the agencies, and we are seeking authorization to have the Executive Director sign the two renewals. The Contracts cover reimbursement by DEP for costs incurred for personnel, equipment, computer equipment, training/travel, safety equipment, etc. up to 1.1 million dollars for the fiscal year commencing October 1, 2000. By entering into these Contracts, the Board is assuring the continued coordination of air pollution regulation in this County.

Commission Action Recommended:

Grant the Executive Director the authority to sign the Title V and Air Monitoring contract renewals on behalf of the EPC.

DEP CONTRACT NO. AQ127
AMENDMENT NO. 4

THIS AGREEMENT as entered into on the 26th day of September, 1996, and amended on the 30th day of September, 1997, the 16th day of October, 1998, and on the 13th day of September, 1999, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and the ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY (hereinafter referred to as the "Contractor") is hereby amended as follows:

- In order to provide funding for the second twelve (12) month renewal period of service ending September 30, 2001 (the fifth twelve (12) month period of service under this Agreement), Paragraph 5 is hereby revised to increase the maximum compensation amount from \$3,791,854 to \$4,552,429 (an increase of \$760,575). The maximum compensation (combined total for the first, second, third, fourth and fifth twelve (12) month periods) shall not exceed \$4,552,429.
- Paragraph 6 is hereby revised to include the following:

Paragraph 6 is hereby revised to include the payment schedule for months forty-nine (49) through sixty (60) of this Agreement. For months forty-nine (49) through fifty-nine (59), the Contractor shall be compensated on a cost reimbursement basis up to a maximum of \$65,452 per month. For month sixty (60), the Contractor may submit invoices for reimbursable expenses up to the amount remaining after the first fifty-nine (59) months of the Agreement. Attachment F, Payment Schedule, attached hereto and made a part hereof, is hereby added to the Agreement to identify each service period, service period amounts, invoice limitations and additional cost reimbursement data for each service period.
- The maximum amount of compensation authorized for the purchase of equipment is hereby increased from \$249,315.88 to \$289,915.88 (an increase of \$40,600).
- The following equipment is hereby authorized to be purchased for purposes of this Agreement: one (1) current model vehicle (2001 pick up truck), one (1) portable gas chromatograph, two (2) desktop personal computers, and one (1) digital camera.
- Pursuant to Paragraph 11, the parties hereby agree to exercise the second renewal option, thereby changing the completion date of the Agreement from September 30, 2000 to September 30, 2001.
- Paragraph 27 is hereby deleted in its entirety and replaced with the following:

27. A. The Contractor shall maintain books, records and documents directly pertinent to performance under this Agreement in accordance with generally accepted accounting principles consistently applied. The Department, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for three (3) years following Agreement completion. In the event any work is subcontracted, the Contractor shall similarly require each subcontractor to maintain and allow access to such records for audit purposes.

B. In addition to the preceding subparagraph, the Contractor shall comply with the applicable provisions contained in Attachment G (Special Audit Requirements), attached hereto and made a part hereof. A revised copy of Attachment G, Exhibit-1, must be provided to the Contractor with each amendment which authorizes a funding increase or decrease. The revised Exhibit-1 shall summarize the funding sources supporting the Agreement for purposes of assisting the Contractor in complying with the requirements of Attachment G. If the Contractor fails to receive a revised copy of Attachment G, Exhibit-1, the Contractor shall notify the Department's Contracts Administrator at 850/922-5942 to request a copy of the updated information.

-- Paragraph 31 is hereby deleted in its entirety and replaced with the following:

31. A. No person, on the grounds of race, creed, color, national origin, age, sex, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.
- B. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor or consultant under contract with any public entity, and may not transact business with any public entity.

-- Paragraph 36 is hereby amended as follows:

- As amended by Amendment No. 2, Part D is hereby deleted in its entirety and replaced with the following:

By execution of this Contract, the Contractor certifies that all information technology products resulting from this Contract will continue to properly process Year 2000 data. In addition, the Contractor agrees comply with the provisions of Florida Department of Management Services, Division of Purchasing Memorandum No. 6 (1998-99), dated February 5, 1999, are hereby incorporated by reference and provided as Attachment H, attached hereto and made a part hereof.

- As amended by Amendment No. 3, Part E is revised to authorize the purchase of one (1) current model vehicle (2001 pickup truck), the cost of which shall not exceed \$15,000. It is understood and agreed that such vehicle shall be purchased, utilized and maintained in accordance with the terms and conditions stated therein.

-- Attachment A-1, is hereby revised as follows effective as of the date of execution of this Amendment or October 1, 2000 (whichever is later) :

- Paragraph 1 is hereby revised to read as follows:

Review and act upon operating permit applications for major stationary air pollution resources consistent with the time requirements set by the Department and Federal Agencies in the Department's June 25, 1999, memorandum "Title V Permitting" which includes the "Title V Permit Issuance Goal - Year 5", attached hereto and made a part hereof, as Attachment I.

- Paragraph 15(b) is hereby revised to read as follows:

Upon completion of each compliance inspection, the Contractor's compliance inspector shall complete the Department approved Inspection Summary Report outlining the results of the inspection and shall leave a copy with the facility's responsible official. The Contractor's compliance inspector shall be responsible for the data entry of inspection results and receipt of Annual Compliance Certification Forms/Statement of Compliance into the Area Source General Permit Program (ASGP) database.

- Paragraph 15(c) is hereby revised to read as follows:

The Department's Title V General Permitting Office shall be responsible for maintaining active/inactive facility status in ARMS. Notification of inactive facility status shall be made to the Department's Title V General Permitting Office in writing. The Department's Title V General Permitting Office shall be responsible for annual emission fee invoicing and fee data input, Title V area source permit renewals and quarterly status reports.

- Attachment F, Payment Schedule, is hereby added to the Agreement.
- Attachment G, Special Audit Requirements, is hereby added to the Agreement
- Attachment H, Division of Purchasing Memorandum No. 6 (1998-99), is hereby added to the Agreement.
- Attachment I, Title V Permit Issuance Goal – Year 5, is hereby added to the Agreement.

In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed the day and year last written below.

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: _____
Title:

By: *Arnold D. Rhodes*
Director, Division of Air Resources
Management or designee

Date: _____

Date: *Sept. 11, 2000*

Theresa E. Grogan
DEP Contracts Administrator

Approved as to form and legality:

Mark C. J.
DEP Attorney

List of attachments/exhibits included as part of this Amendment:

Specify Type	Letter/ Number	Description
Attachment	F	Payment Schedule (1 Page)
Attachment	G	Special Audit Requirements (5 Pages)
Attachment	H	DMS Purchasing Memorandum No. 6 (1998-99) (3 Pages)
Attachment	I	Title V Permit Issuance Goal – Year 5 (1 Page)

**DEP CONTRACT NO. AQ147
AMENDMENT NO. 2**

THIS AGREEMENT as entered into on the 24th day of November, 1998, and amended on the 23rd day of September, 1999, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and the HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION (hereinafter referred to as the "Contractor") is hereby amended.

WHEREAS, Paragraph 5 of the Agreement authorizes the Department to amend the Agreement to provide for services and compensation for additional Agreement periods; and,

WHEREAS, the Department wishes to exercise the second one-year renewal option allowed under paragraph 11 of the Agreement.

NOW, THEREFORE, the parties hereto agree as follows:

1. All references in the Agreement (excluding attachments and attachment identifiers on the bottom of signature pages) to Attachments A and A-1 are hereby revised to read Attachments A, A-1 and A-2.
2. Effective with the execution of Amendment No. 2, the Agreement is hereby revised to include the Scope of Services for the period beginning upon execution of Amendment No. 2 or October 1, 2000, whichever is later, and ending September 30, 2001 as Attachment A-2, attached hereto and made a part of the Agreement.
3. Paragraph 7(B)i is hereby amended to establish the Fringe Benefits rate for the third service period at 44.38% of direct salaries.
4. Paragraph 11 is hereby amended to exercise the second one-year renewal option and change the Agreement completion date from September 30, 2000 to September 30, 2001.
6. Paragraph 26 is hereby replaced in its entirety with the following provisions:
 26. A. The Contractor shall maintain books, records and documents directly pertinent to performance under this Agreement in accordance with generally accepted accounting principles consistently applied. The Department, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for three years following Agreement completion. In the event any work is subcontracted, the Contractor shall similarly require each subcontractor to maintain and allow access to such records for audit purposes.
 - B. In addition to the provisions contained in paragraph 26.A above, the Contractor shall comply with the applicable provisions contained in Attachment E. A revised copy of Attachment E, Exhibit-1, must be provided to the Contractor with each amendment which authorizes a funding increase or decrease. The revised Exhibit-1 shall summarize the funding sources supporting the Agreement for purposes of assisting the Contractor in complying with the requirements of Attachment E. If the Contractor fails to receive a revised copy of Attachment E, Exhibit-1, the Contractor shall notify the Department's Contracts Administrator at 850/922-5942 to request a copy of the updated information.
7. Paragraph 35, subparagraph (D) is hereby modified as follows:
 - Introductory statement is hereby modified to read as follows: "For the purchase of vehicles authorized under this Agreement, the following additional requirements shall apply:"

- All references to the term "vchicle" shall be changed to "vehicles".
8. The compensation amount of the Agreement is hereby increased from \$620,000 to \$980,000 (an increase of \$360,000).
 9. Attachment E, Special Audit Requirements, is hereby added to the Agreement.

In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed the day and year last written below.

HILLSBOROUGH COUNTY
ENIVORNMENTAL PROTECTION
COMMISSION

By: _____

Title:

Date: _____

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: *[Signature]*
Secretary or designee

Date: 9/12/00

[Signature]
DEP Contracts Administrator

Approved as to form and legality:
[Signature]
DEP Attorney

List of attachments/exhibits included as part of this Amendment:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A-2	Scope of Services – Third Service Period (2 Pages)
Attachment	E	Special Audit Requirements (5 Pages)

COMMISSION

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

EXECUTIVE DIRECTOR

RICHARD D. GARRITY, Ph.D.



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

AIR MANAGEMENT DIVISION
TELEPHONE (813) 272-5530

WASTE MANAGEMENT DIVISION
TELEPHONE (813) 272-5788

WETLANDS MANAGEMENT DIVISION
TELEPHONE (813) 272-7104

MEMORANDUM

DATE: September 13, 2000

TO: Commissioner Ronda Storms

FROM: ^{BU} EPC staff

SUBJECT: **AUGUST 17 EPC BOARD MEETING/ PRESENTATION OF COGON GRASS (*IMPERATA CYLINDRICA*)/ LANDSCAPE VARIANT AKA JAPANESE BLOOD GRASS**

At the August 17 EPC Board meeting you requested EPC staff to follow up on the subject presentation. Two items under request were:

1. What are the current laws that regulate cogon grass?
2. Do any local nurseries provide or stock cogon grass?

Response to question #1 is the state of Florida, through the Florida Department of Agriculture, prohibits the possession, transportation or release of noxious weeds listed in Rule 5B-57.007 (attached) and by the list found in Codified Federal Regulation (CFR) 360.200(a) and (c) (also attached). At the federal level cogon grass is also prohibited, in the same manner, by CFR 360 which is administered by the U.S. Department of Agriculture.

In response to question # 2 was that fifteen phone calls were made local nurseries (both large and small). The phone calls indicate a lack of availability of Japanese blood grass within Hillsborough County. Most nurserymen were unaware of the species, but several follow-up phone calls were made at suggestion of the nurserymen as to who may carry the plants. Again, a lack of availability appears to be the norm. However, research through the internet did reveal one Florida wholesaler (see attachment) and several Georgia, Texas, Virginia and Maryland wholesalers.

FLORIDA

BRIEF SUMMARY OF PLANT PROTECTION REGULATIONS

Updated August, 1999

Florida Department of Agriculture and Consumer Services
Bob Crawford - Commissioner

Division of Plant Industry
Richard Gaskalla - Director

Post Office Box 147100
Gainesville, Florida 32614-7100

NURSERY STOCK, QUARANTINES, APIARY AND WEED REGULATIONS
Bureau of Plant and Apiary Inspection Phone: (352) 372-3505 Fax: (352) 955-2301

Richard A. Clark	Chief, Bureau of Plant and Apiary Inspection
Laurence P. Cutts	Assistant Chief, Apiary Section
Danny C. Phelps	Assistant Chief, Plant Inspection Section (Nematode Certification, Imported Fire Ant)
Joe Beckwith	Certification Specialist (Import and Export certification, noxious weed, endangered and threatened plant collection permits)
Stephen A. Hildebrandt	Regional Administrator, North Florida Region I phone: (352) 372-3505 x160
Terry L. Kipp	Regional Administrator, Central Florida Region II phone: (407) 884-2030 fax (407) 884-2033
Louis T. Lodyga	Regional Administrator, South Florida Region III phone: (305) 252-4362 fax (305) 252-4410

NURSERY STOCK DEFINITION

All plants, trees, shrubs, vines, bulbs, cuttings, grafts, scions, or buds, grown or kept for or capable of propagation or distribution, unless specifically excluded by the rules of the department.

GENERAL SHIPPING REQUIREMENTS

Any person, nurseryman, stock dealer, agent, or plant broker who desires to ship into this state nursery stock from any state, territory, or district of the United States, shall comply with the following regulations:

The nurseryman, stock dealer, agent or plant broker must be listed in the latest directory of registered or certified nurseries, agents, stock dealers, and plant brokers of the state where such nursery stock originated.

A valid certificate of inspection must be attached to each separate package, bundle, box, or shipment of nursery stock shipped into Florida. In club orders, one tag must be attached to each individual order and another to the package containing the individual orders.

All shipments of nursery stock entering peninsular Florida by road are required to stop at an agricultural inspection station where they will be screened for proper certification and subject to cargo inspection by the department.

House plants which are part of a passenger's baggage or household effects may enter the state provided the plants are accompanied with a certificate of inspection. Should the plants originate from a state that does not offer an inspection and certification service for house plants, the owner must be able to furnish the department a Florida address where the plants will be located. This information will enable the department to conduct a follow-up inspection if deemed necessary. If sufficient information is given, the plants will be allowed entry.

REQUIREMENTS FOR THE INTERNATIONAL MOVEMENT OF PLANTS AND PLANT PRODUCTS

All shipments of foreign origin plant and plant products are prohibited entry into the state of Florida unless accompanied by supporting documentation verifying inspection and clearance by the USDA. These products must also be accompanied with a bill of lading which contains: Name and physical address of the shipper or consignor; Name and physical address of receiver or consignee; Description of plants or plant products in shipment; Place and country or origin; Ultimate destination of shipment if other than receiver or consignee.

NOXIOUS WEEDS

Definition: Any living stage, including, but not limited to, seeds and reproductive parts, of a parasitic or other plant of a kind, or subdivision of a kind, which may be a serious agricultural threat in Florida as listed in Rule 5B-57.007, as well as those plants identified by the USDA as noxious weeds under CFR 360.200 (b) and (c).

It is unlawful to introduce, possess, move, or release any plant pest or noxious weed regulated by the department and the USDA except under permit issued by the department or the USDA. No permit shall be issued unless the department has determined that procedures exist to adequately contain the plant pest or noxious weed or that it will not pose a threat to the agricultural industry or the environment.

QUARANTINES OR ADDITIONAL REQUIREMENTS

TRANSIT INSPECTION AND POSTENTRY QUARANTINE

INSPECTION OF SHIPMENTS IN TRANSIT: Any shipments of plants and plant products are subject to inspection by authorized representatives of the Division or the USDA. Such inspection may be conducted at agricultural inspection stations operated by the department or USDA, on the highways, at shipment destinations, at airports, bus terminals, freight terminals or other warehouses,

storage places, or places of business of common carriers. Inspection may include request for presentation to the authorized representative, certificates accompanying the shipment, invoices, or waybills included with the cargo, The authorized representative may require individual inspections of all items considered to be regulated articles.

POSTENTRY QUARANTINE: For the purpose of detecting certain plant pests or noxious weeds which are difficult to detect in certain stages of their growth, the Division or USDA may require a postentry quarantine period of inspection. Compliance agreements may be entered into stipulating requirements of the postentry quarantine.

AQUATIC PLANTS

PESTS: Aquatic plant species not native to the State of Florida.

STATES REGULATED: ALL

MATERIALS REGULATED: Aquatic plants

RESTRICTIONS: No person shall import into the state any aquatic plant or seed thereof of a species

storage places, or places of business of common carriers. Inspection may include request for presentation to the authorized representative, certificates accompanying the shipment, invoices, or waybills included with the cargo, The authorized representative may require individual inspections of all items considered to be regulated articles.

POSTENTRY QUARANTINE: For the purpose of detecting certain plant pests or noxious weeds which are difficult to detect in certain stages of their growth, the Division or USDA may require a postentry quarantine period of inspection. Compliance agreements may be entered into stipulating requirements of the postentry quarantine.

AQUATIC PLANTS

PESTS: Aquatic plant species not native to the State of Florida.

STATES REGULATED: ALL

MATERIALS REGULATED: Aquatic plants

RESTRICTIONS: No person shall import into the state any aquatic plant or seed thereof of a species not native to the state without having first obtained a permit from the Florida Department of Environmental Protection (DEP), Bureau of Invasive Plant Management.

CITRUS PESTS

PESTS: All injurious insects, plant diseases or disorders of citrus.

STATES REGULATED: ALL

MATERIALS REGULATED: Any and all kinds of citrus plants and parts thereof.

RESTRICTIONS: It is unlawful to move into Florida any and all kinds of citrus trees and parts thereof except by a special permit from the Division Director. Permits are not required to move citrus fruits into the state. Federal Domestic Quarantines regulate the interstate movement of fruit from areas known to harbor fruit flies injurious to citrus.

DOGWOOD ANTHRACNOSE

PEST: Dogwood anthracnose

STATES REGULATED: CT, DE, GA, ID, MD, MA, NJ, NY, NC, OR, PA, SC, TN, VA, WA, WV and any other state, where dogwood anthracnose is determined to be established.

MATERIALS REGULATED: A dogwood plant (*Cornus* spp.) or part thereof or any other plant or part thereof which is capable of harboring or transporting dogwood anthracnose in any of its life stages.

RESTRICTIONS: The movement of dogwood plants or part thereof from infested states into Florida is prohibited except by master permit issued by the director.

FRUIT FLIES AND OTHER DANGEROUS INSECTS AND DISEASES

PESTS: Fruit flies (Trypetidae or Tephritidae)

STATES REGULATED: Hawaii and U.S. Possessions

MATERIALS REGULATED: Fruit fly hosts

RESTRICTIONS: Entry of Planting Stock and Produce From Hawaii and U.S. Possessions. The movement into Florida from Hawaii, Puerto Rico and the Virgin Islands of the following is prohibited: All fruits in the raw, or unprocessed state of citrus (*Citrus* spp.), mango (*Mangifera* spp.), jobo (*Spondias* spp.), guava (*Psidium* spp.), pomarrosa or rose apple (*Eugenia jambos*), and all other fruits that may be determined to be hosts of fruit flies (Trypetidae or Tephritidae); string beans, lima beans, kidney beans, faba beans, and pigeon peas, either in the pod or shelled; peppers, okra, green corn, sugarcane, and all parts thereof, sweet potatoes, cottonseed, and paddy rice; provided that the fruits and vegetables enumerated herein may enter Florida when free of plant litter and soil and when treated under the supervision of inspectors of the U.S. Department of Agriculture by a method developed by said department or by an authorized inspector of the state of origin.

LETTUCE MOSAIC

PEST: Lettuce mosaic virus

STATES REGULATED: ALL

MATERIALS REGULATED: Lettuce seed and plants

RESTRICTIONS: Lettuce seed and or plants moved into, sold or planted in a commercial lettuce production area in Florida shall be certified as having been tested for lettuce mosaic virus by a testing facility approved by the Division of Plant Industry.

OAK WILT

PEST: Oak wilt disease

STATES REGULATED: AR, IL, IN, IA, KS, KY, MD, MI, MN, MO, NE, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, WI.

MATERIALS REGULATED: Rooted trees and seedling plants of oak (*Quercus* spp.), chestnut (*Castanea* spp.), chinequapin (*Castanopsis* spp.) and tanbark oak (*Lithocarpus densiflora*), and any parts of such plants for propagation, except seed.

RESTRICTIONS: The movement of oak wilt disease or host plants into the state from an infested or regulated area is prohibited except by master permit issued by the director. The movement of firewood with bark and unpeeled lumber into the state from an infested or regulated area is prohibited except by a certificate issued by an authorized representative of the state of origin. The certificate shall state that these regulated articles have been treated in a manner approved by the department to minimize risk of inadvertent introduction of oak wilt disease.

SAINT AUGUSTINE GRASS DECLINE

PEST: Saint Augustine grass decline

STATES REGULATED: AR, GA, LA, MS, NC, SC, TX

MATERIALS REGULATED: Saint Augustine grass (*Stenotaphrum secundatum*), centipede grass (*Eremochloa ophiuroides*), or crabgrass (*Digitaria sanguinalis*) plant or plant part or any other plant or plant part which is capable of being infested or infected by Saint Augustine Decline in any of its life stages.

RESTRICTIONS: The movement of Saint Augustine grass, centipede grass, or crabgrass from infested states into Florida is prohibited unless accompanied by a special permit.

SEED POTATO PESTS

PESTS: Seed potatoes offered for sale in Florida must not exceed the tolerances indicated for the following plant pests: golden nematode, 0%, potato rot nematode, 0%, potato wart, 0%; stem and bulb nematode, 0%; ring rot, 0%; spindle tuber, 1%; blackleg, 1%; Fusarium wilt, 1%; net necrosis, 1%; late blight, 1%; and any other dangerous pest of potatoes not listed, 0%. Scab and *Rhizoctonia* same as U.S. No. 1 tolerance.

STATES REGULATED: ALL

MATERIALS REGULATED: Seed potatoes

RESTRICTIONS: (1) All potatoes to be sold for propagation in Florida must meet U.S. No. 1, Size B requirements, except that the tolerance for shatter bruising may be that designated for U.S. No. 2.(2) All potatoes to be sold for seed in Florida must have been grown under a seed potato certification program of the state or country of origin, and each bag must be accompanied by a certificate issued by the agency administering the seed potato certification program. (3) The department shall have the authority to open any shipment of seed potatoes for inspection and to draw a reasonable sample from any bag of seed potatoes for laboratory examination or for planting for field observation.

SNAILS

PESTS: Snails

- *Archachatina* spp. and *Achatina* spp. (Example: marginate achatina snail and giant African snail)
- *Helix* spp. (Example: brown garden snail)
- *Theba pisana* (Muller), white garden snail
- *Megalobulimus oblongus* (Muller), (giant South American snail)
- Any other plant-infesting snail which may be determined by department order or rule to be injurious to Florida agriculture.

STATES REGULATED: AZ, CA, OR, TX, WA, NM, HI

MATERIALS REGULATED: Any plant, plant product or other regulated article capable of transporting or harboring plant-feeding snails.

RESTRICTIONS: Regulated articles from infested states may move into Florida provided they have been inspected by authorized officials of the state of origin and each shipment accompanied by an original special certificate stating that the articles have been inspected and meet Florida's requirements.

SUGARCANE

STATES REGULATED: ALL

MATERIALS REGULATED: Propagative parts of sugarcane

RESTRICTIONS: The movement of propagative parts of sugarcane into the State of Florida is prohibited unless accompanied by a special permit issued by the department.

APIARY INSPECTION LAW

VARROA MITE

PEST: Varroa mite

STATES REGULATED: ALL

MATERIALS REGULATED: Apis mellifera and all subspecies thereof, all beekeeping equipment, honey in the comb and any other article that is capable of transporting any stage of the Varroa mite.

RESTRICTIONS: The movement of all honeybees, beekeeping equipment, or other regulated articles into the State of Florida is prohibited unless accompanied by a certificate issued by the state of origin department of agriculture certifying that the regulated articles are apparently free of Varroa mite or have been treated as prescribed by the department.

PESTS OF HONEYBEES AND UNWANTED RACES OF HONEYBEES

PESTS: American foulbrood, Tropilaelaps clareae, African honeybee, Cape honeybee and any other honeybee race or pest determined by the department to be a threat to the state.

STATES REGULATED: ALL

MATERIALS REGULATED: American foulbrood, Tropilaelaps clareae, African honeybee, Cape honeybee, any honeybee race or pest determined by the department to be a threat to the state, used beekeeping equipment or fixtures and any other article capable of transporting a regulated pest or an unwanted race of honeybees.

RESTRICTIONS: The movement of all honeybees, beekeeping equipment, or other regulated articles are prohibited entry into the State of Florida unless accompanied by a certificate issued by the state of

origin department of agriculture certifying that the regulated articles were inspected and found to meet Florida's entry requirements.

Other Related Links

[Florida Statutes Chapter 581 Plant Industry](#)

[PEST ALERT-University of Florida](#)

[Division of Plant Industry Library](#)

[Florida Plants Online](#)

[Selected Botanical WWW Sites](#)

[APIS: Apicultural Information and Issues](#)

[Small Hive Beetle](#)

[USDA-APHIS home page](#)

[Federal Noxious Weeds](#)

[U.S. Fish & Wildlife Service World Wide Web Site](#)

[National Agricultural Pest Information System \(NAPIS\)](#)

[Export Certification Project \(EXCERPT\) \(username and password required\)](#)

[USDA Import Manual-Nonpropagative \(username and password required\)](#)

[California Dept. of Food and Agriculture Plant Quarantine Manual](#)

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5B-57.007 Noxious Weed List.

(1) Parasitic Weeds.

Aeginetia spp. (Aeginetia).

Alectra spp. (Alectra).

Cuscuta spp. Only the native Florida species are excluded from this list.

These include:

- 1. **C. americana.**
- 2. **C. compacta.**
- 3. **C. exaltata.**
- 4. **C. gronovii.**
- 5. **C. indecora.**
- 6. **C. obtusiflora.**
- 7. **C. pentagona.**
- 8. **C. umbellata.**

Orobanche spp. (broomrapes), with the exception of:

- 1. **O. uniflora (oneflowered broomrape).**

(2) Terrestrial Weeds.

Ageratina adenophora (crofton weed).

Alternanthera sessilis (sessile joyweed).

Asphodelus fistulosus (onionweed).

Avena sterilis (including Avena budoviciana) (animated oat, wild oat).

Borreria alata (broadleaf buttonweed).

Carthamus oxyacantha (wild safflower).

Chrysopogon aciculatus (pilipiliula).

Commelina benghalensis (Benghal dayflower).

Crupina vulgaris (common crupina).

Cupaniopsis anacardioides (carrotwood). Propagation prohibited effective 7/1/99; sale or distribution prohibited 1/1/2001.

Digitaria scalarum (African couchgrass, fingergrass).

Digitaria velutina (Velvet fingergrass, annual conchgrass).

Dioscorea alata (white yam).

Dioscorea bulbifera (air potato).

Drymaria arenarioides (lightning weed).

Emex australis (three-cornered jack).

Emex spinosa (devil's thorn).

Euphorbia prunifolia (painted euphorbia).

Galega officinalis (goat's rue).
Heracleum mantegazzianum (giant hogweed).
Imperata brasiliensis (Brazilian satintail).
Imperata cylindrica (cogongrass).
Ipomoea triloba (little bell, Aiea morning glory).
Ischaemum rugosum (muraingrass).
Leptochloa chinensis (Asian sprangletop).
Lycium ferocissimum (African boxthorn).
Lygodium japonicum (Japanese climbing fern).
Lygodium microphyllum (small-leaved climbing fern).
Melaleuca quinquenervia (melaleuca).*
Melastoma malabathricum (Indian rhododendron).
Mikania cordata (mile-a-minute).
Mikania micrantha (climbing hempweed).
Mimosa invisa (giant sensitive plant).
Mimosa pigra (catclaw mimosa).*
Nassella trichotoma (serrated tussock).
Neyraudia reynaudiana (Burma reed).
Opuntia aurantiaca (jointed prickly pear).
Oryza longistaminata (red rice).
Oryza punctata (red rice).
Oryza rufipogon (wild red rice).
Paederia cruddasiana (sewer-vine).
Paederia foetida (skunk-vine).
Paspalum scrobiculatum (Kodomillet).
Pennisetum clandestinum (Kikuyu grass).
Pennisetum macrourum (African feathergrass).
Pennisetum pedicellatum (Kyasuma grass).
Pennisetum polystachyon (missiongrass, thin napiergrass).
Prosopis spp.
Pueraria montana (kudzu).
Rhodomyrtus tomentosa (downy myrtle).
Rottboellia cochinchinensis (itchgrass).
Rubus fruticosus (bramble blackberry).
Rubus moluccanus (wild raspberry).
Saccharum spontaneum (wild sugarcane).
Salsola vermiculata (wormleaf salsola).
Sapium sebiferum (Chinese tallow tree).
Schinus terebinthifolius (Brazilian pepper-tree).*
Setaria pallidefusca (cattail grass).
Solanum tampicense (wetland nightshade).
Solanum torvum (turkeyberry).
Solanum viarum (tropical soda apple).
Tridax procumbens (coat buttons).
Urochloa panicoides (liverseed grass).

*** Department of Environmental Protection permit required for these species.**

***Specific Authority 570.07 (13), (23) FS. Law Implemented 581.031 (4), (5), (6), 581.083, 581.091
FS. History - New 7-27-93, Amended
2/28/94, 6/30/96, 7-6-99.***

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62C-52.011 Prohibited Aquatic Plants.

(1) Class I Prohibited Aquatic Plants -- Under no circumstances will these species be permitted for possession, collection, transportation, cultivation, and importation except as provided in Rule 62C-52.004, F.A.C.:

SCIENTIFIC NAMES	COMMON NAMES
Alternanthera philoxeroides	Alligatorweed, green lead plant
Casuarina spp.	Australian Pine
Crassula helmsii	Swamp stone crop
Eichhornia spp.	Waterhyacinth
Hydrilla verticillata	Hydrilla, Florida elodea,
stargrass, oxygen grass	
Ipomoea aquatica	Water spinach
Ipomoea fistulosa	
Lagarosiphon spp.	African elodea
Limnocharis flava	Sawah flowing rush
Lythrum salicari	Purple loosestrife
Melaleuca quinquenervia	Melaleuca
Mimosa pigra	Giant sensitive plant, cat's claw
Monochoria hastata	
Monochoria vaginalis	
Myriophyllum spicatum	Eurasian watermilfoil
Nechamandra alternifolia	
Oryza rufipogon	Wild Red rice
Pontederia rotundifolia	Tropical pickerelweed
Salvinia spp., (excluding S. minima)	
Schinus terebinthifolius	Brazilian-pepper
Sparganium erectum	Exotic bur-reed
Stratiotes aloides	Water-aloe, soldier plant
Trapa spp.	Water chestnut
Vossia cuspidata	Hippo grass

(2) Class II Prohibited Aquatic Plants -- These species are considered to be highly invasive and noxious in localized areas of the State of Florida. These plants may be cultured in a nursery regulated by the Department of Agriculture and Consumer Services pursuant to s. 581.031, 581.131, and 581.145, F.S., and shall only be sold out of state upon approval by the Department of Agriculture and Consumer Services. These species shall not be imported or collected from the wild. They must be contained in such a manner so as to prevent the dissemination from the nursery premises.

SCIENTIFIC NAMES	COMMON NAME
Hygrophila polysperma	Hygro
Limnophila sessiliflora	Ambulia

Pistia stratiotes

Water lettuce

(3) The department is authorized to designate additional plants to be prohibited by emergency order as provided in Rule 62C-52.012, F.A.C.

(4) The prohibited aquatic plant list comprises the most recent and accepted scientific and common names of the prohibited aquatic plant species. However, the prohibited status also applies to any synonyms.

(5) The department is authorized to consider a plant for inclusion on the prohibited plant list when it displays, or when there is scientific evidence to believe it could display in the Florida environment, one or more of the following characteristics:

(a) The tendency to spread or become invasive in an ecosystem, sometimes in a rapid manner, so as to impair the ecosystem's ability to function by altering its productivity, decomposition, water fluxes, nutrient cycling and loss, soil fertility, erosion, dissolved oxygen concentrations, or its ability to maintain its existing species diversity.

(b) The propensity to invade and disrupt aquatic and wetland ecosystems in other areas or in other countries with climates similar to that of Florida.

(c) The ability to create dense, monospecific stands or monotypic stands which displace or destroy native plant habitat, destroy fish and wildlife habitats, inhibit water circulation, hinder navigation and irrigation, or severely restrict the recreational use of waterways.

(d) The ability to resist effective management by present technology or available management agents so that only extraordinary efforts, such as repeated chemical treatments at high dosage rates, can bring about effective management.

Specific Authority 369.25, 369.251 FS.

Law Implemented 369.25, 369.251 FS.

History--New 8-11-86, Amended 6-13-93, Formerly 16C-52.011.

**PART 360-NOXIOUS WEED REGULATIONS Authority:
7 U.S.C. 2803 and 2809; 7 CFR 2.17, 2.51, and 371.2(c).**

Aquatic weeds

Parasitic Weeds

Terrestrial Weeds

360.100 Definitions.

(a) As used in this part, words in the singular form shall be deemed to import the plural and vice versa, as the case may require.

(b) As used in this part, the terms as defined in section 3 of the Act (7 U.S.C. 2802) shall apply with equal force and effect. In addition and except as may be provided otherwise in this part the following words shall be construed, respectively, to mean:

Department. The U.S. Department of Agriculture.

Deputy Administrator. The Deputy Administrator of the Plant Protection and Quarantine Programs of the Animal and Plant Health Inspection Service of the Department, or any other officer or employee of the Plant Protection and Quarantine Programs to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

Plant Protection and Quarantine Programs. The Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service of the Department. [41 FR 49988, Nov. 12, 1976]

360.200 Designation of noxious weeds.

{1} One or more common names of weeds are given in parentheses after most scientific names to help identify the weeds represented by such scientific names; however, a scientific name is intended to include all weeds within the genus or species represented by the scientific name, regardless of whether the common name or names are as comprehensive in scope as the scientific name.

Pursuant to the provisions of section 10 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2809) the Secretary of Agriculture, after publication of the required notice of proposal and after public hearing on the proposal when requested by any interested person, has determined based upon the information received at any such hearing and other information available to the Secretary, that the following plants are within the definition of a "noxious weed" in section 3(c) of the Act (7 U.S.C. 2802(c)) and that their dissemination in the United States may reasonably be expected to have, to a serious degree, an effect specified in said section 3(c) of the Act:

(a) Aquatic weeds:

Azolla pinnata R. Brown (mosquito fern, water velvet)

Eichornia azurea (Swartz) Kunth (anchored waterhyacinth, rooted waterhyacinth)

Hydrilla verticillata (Linnaeus f.) Royle (hydrilla)

Hygrophila polysperma T. Anderson (Miramar weed)

Ipomoea aquatica Forsskal (water-spinach, swamp morning-glory)

Lagarosiphon major (Ridley) Moss

Linnophila sessiliflora (Vahl) Blume (ambulia)

Melaleuca quinquinervia (Cav.) Blake (broadleaf paper bark tree).

Monochoria hastata (Linnaeus) Solms-Laubach
Monochoria vaginalis (Burman f.) C. Presl
 +*Ottelia alismoides* (L.) Pers.
Sagittaria sagittifolia Linnaeus (arrowhead)
Salvinia auriculata Aublet (giant salvinia)
Salvinia biloba Raddi (giant salvinia)
Salvinia herzogii de la Sota (giant salvinia)
Salvinia molesta D.S. Mitchell (giant salvinia)
Sparganium erectum Linnaeus (exotic bur-reed)

(b) Parasitic weeds:

Aeginetia spp.
Alectra spp.
Cuscuta spp. (dodders), other than following species:
Cuscuta americana Linnaeus
Cuscuta applanata Engelman
Cuscuta approximata Babington
Cuscuta attenuata Waterfall
Cuscuta boldinghii Urban
Cuscuta brachycalyx (Yuncker) Yuncker
Cuscuta californica Hooker & Arnott
Cuscuta campestris Yuncker
Cuscuta cassytoides Nees ex Engelman
Cuscuta ceanothii Behr
Cuscuta cephalanthii Engelman
Cuscuta compacta Jussieu
Cuscuta corylii Engelman
Cuscuta cuspidata Engelman
Cuscuta decipiens Yuncker
Cuscuta dentatasquamata Yuncker
Cuscuta denticulata Engelman
Cuscuta epilinum Weihe
Cuscuta epithymum (Linnaeus) Linnaeus
Cuscuta erosa Yuncker
Cuscuta europaea Linnaeus
Cuscuta exalta Engelman
Cuscuta fasciculata Yuncker
Cuscuta glabrior (Engelman) Yuncker
Cuscuta globulosa Benth
Cuscuta glomerata Choisy
Cuscuta gronovii Willdenow
Cuscuta harperi Small
Cuscuta howelliana Rubtsoff
Cuscuta indecora Choisy
Cuscuta jepsonii Yuncker
Cuscuta leptantha Engelman
Cuscuta mitriformis Engelman
Cuscuta nevadensis I. M. Johnston
Cuscuta obtusiflora Humboldt, Bonpland, & Kunth

Cuscuta occidentalis Millspaugh ex Mill & Nuttall
Cuscuta odontolepis Engelman
Cuscuta pentagona Engelman
Cuscuta planiflora Tenore
Cuscuta plattensis A. Nelson
Cuscuta polygonorum Engelman
Cuscuta rostrata Shuttleworth ex Engelman
Cuscuta runyonii Yuncker
Cuscuta salina Engelman
Cuscuta sandwichiana Choisy
Cuscuta squamata Engelman
Cuscuta suaveolens Seringe
Cuscuta suksdorfii Yuncker
Cuscuta tuberculata Brandegee
Cuscuta umbellata Humboldt, Bonpland, & Kunth
Cuscuta umbrosa Beyrich ex Hooker
Cuscuta vetchii Brandegee
Cuscuta warneri Yuncker
 Orobanche spp. (broomrapes), other than the following species:
Orobanche bulbosa (Gray) G. Beck
Orobanche californica Schlechtendal & Chamisso
Orobanche cooperi (Gray) Heller
Orobanche corymbosa (Rydberg) Ferris
Orobanche dugesii (S. Watson) Munz
Orobanche fasciculata Nuttall
Orobanche ludoviciana Nuttall
Orobanche multicaulis Brandegee
Orobanche parishii (Jepson) Heckard
Orobanche pinorum Geyer ex Hooker
Orobanche uniflora Linnaeus
Orobanche valida Jepson
Orobanche vallicola (Jepson) Heckard
 Striga spp. (witchweeds)

(c) Terrestrial weeds:

Ageratina adenophora (Sprengel) King & Robinson (crofton weed)
Alternanthera sessilis (Linnaeus) R. Brown ex de Candolle (sessile joyweed)
Asphodelus fistulosus Linnaeus (onionweed)
Avena sterilis Linnaeus (including *Avena ludoviciana* Durieu) (animated oat, wild oat)
Borreria alata (Aublet) de Candolle
Carthamus oxyacantha M. Bieberstein (wild safflower)
Chrysopogon aciculatus (Retzius) Trinius (pilipiliula)
Commelina benghalensis Linnaeus (Benghal dayflower)
Crupina vulgaris Cassini (common crupina)
Digitaria scalarum (Schweinfurth) Chiovenda (African couchgrass, fingergrass)
Digitaria velutina (Forsskal) Palisot de Beauvois (velvet fingergrass, annual conchgrass)
Drymaria arenarioides Humboldt & Bonpland ex Roemer & Schultes (lightning weed)
Emex australis Steinheil (three-cornered jack)
Emex spinosa (Linnaeus) Campdera (devil's thorn)

Galega officinalis Linnaeus (goatsrue)
Heracleum mantegazzianum Sommier & Levier (giant hogweed)
Imperata brasiliensis Trinius (Brazilian satintail)
Imperata cylindrica (Linnaeus) Raeuschel (cogongrass)
Ipomoea triloba Linnaeus (little bell, aiea morning-glory)
Ischaemum rugosum Salisbury (muraingrass)
Leptochloa chinensis (Linnaeus) Nees (Asian sprangletop)
Lycium ferocissimum Miers (African boxthorn)
Melastoma malabathricum Linnaeus
Mikania cordata (Burman f.) B. L. Robinson (mile-a-minute)
Mikania micrantha Humboldt, Bonpland, & Kunth
Mimosa invisa Martius (giant sensitive plant)
Mimosa pigra Linnaeus var. *pigra* (catclaw mimosa)
Nassella trichotoma (Nees) Hackel ex Arechavaleta (serrated tussock)
Opuntia aurantiaca Lindley (jointed prickly pear)
Oryza longistaminata A. Chevalier & Roehrich (red rice)
Oryza punctata Kotschy ex Steudel (red rice)
Oryza rufipogon Griffith (red rice)
Paspalum scrobiculatum Linnaeus (Kodo-millet)
Pennisetum clandestinum Hochstetter ex Chiovenda (kikuyugrass)
Pennisetum macrourum Trinius (African feathergrass)
Pennisetum pedicellatum Trinius (kyasumagrass)
Pennisetum polystachion (Linnaeus) Schultes (missiongrass, thin napiergrass)
Prosopis alpataco R. A. Philippi
Prosopis argentina Burkart
Prosopis articulata S. Watson
Prosopis burkartii Munoz
Prosopis caldenia Burkart
Prosopis calingastana Burkart
Prosopis campestris Griseback
Prosopis castellanosi Burkart
Prosopis denudans Bentham
Prosopis elata (Burkart) Burkart
Prosopis farcta (Solander ex Russell) Macbride
Prosopis ferox Grisebach
Prosopis fiebrigii Harms
Prosopis hassleri Harms
Prosopis humilis Gillies ex Hooker & Arnott
Prosopis kuntzei Harms
Prosopis pallida (Humboldt & Bonpland ex Willdenow) Humboldt, Bonpland, & Kunth
Prosopis palmeri S. Watson
Prosopis reptans Bentham var. *reptans*
Prosopis rojasiana Burkart
Prosopis ruizlealii Burkart
Prosopis ruscifolia Grisebach
Prosopis sericantha Gillies ex Hooker & Arnott
Prosopis strombulifera (Lamarck) Bentham
Prosopis torquata (Cavanilles ex Lagasca y Segura) de Candolle
Rottboellia exaltata Linnaeus f. (itchgrass, raoulgrass)
Rubus fruticosus Linnaeus (complex) (wild blackberry)

Rubus moluccanus Linnaeus (wild raspberry)
Saccharum spontaneum Linnaeus (wild sugarcane)
Salsola vermiculata Linnaeus (wormleaf salsola)
Setaria pallide-fusca (Schumacher) Stapf & Hubbard (cattail grass)
Solanum torvum Swartz (turkeyberry)
+Solanum viarum Dunal (tropical soda apple)
Tridax procumbens Linnaeus (coat buttons)
Urochloa panicoides Beauvois (liverseed grass)

[48 FR 20039, May 4, 1983, as amended at 49 FR 25223, June 20, 1984; 57 FR 8838, Mar. 13, 1992]

360.300 Permits for movement of noxious weeds.

(a) The Deputy Administrator shall issue a written permit for the movement of a noxious weed into or through the United States if application is made for such movement and if he determines that such movement under conditions specified in the permit would not involve a danger of dissemination of the noxious weed in the United States; otherwise such a permit shall not be issued. Application for such movement shall be made by filing a completed form of application with the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Biological Assessment and Taxonomic Support, 4700 River Road, Unit 133, Riverdale, Maryland 20737-1236.

{1} Such forms of application are available without charge from the the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Biological Assessment and Taxonomic Support, Plant Pest Permit Section, 4700 River Road, Unit 133, Riverdale, Maryland 20737-1236, or local PPQ offices which are listed in telephone directories.

(b) All such permits issued shall contain in written form in the permit any conditions (other than those conditions specified in this part) under which the permit is to be granted, e.g. conditions with respect to shipment, storage, and destruction.

(c) If the permit is denied, the applicant shall be furnished the reasons therefor.

(d) The Deputy Administrator may revoke any outstanding permit issued under this section if he determines that there has been a failure to comply with any provision of the Act or this section, including conditions written on the permit. Upon request, any permit holder will be afforded an opportunity for a hearing with respect to the merits or validity of any such revocation involving his permit.

(Approved by the Office of Management and Budget under control number 0579-0054) (44 U.S.C. 35)
[41 FR 49988, Nov. 12, 1976, as amended at 48 FR 57466, Dec. 30, 1983]

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Scientific Name

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House, Bay and Marginal Grasses

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Scientific Name Common Name	In Stock	Spec	Price	ROP	Qty
Hosta 'On Stage'					
Hosta - On Stage Plantain Lily					

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<i>Hosta sieboldii</i> (<i>H. albomarginata</i>) Hosta: Siebold's Plantain Lily; Koba-giboshi	available- please call	TC Stage 3	OR	
<i>Imperata cylindrica</i> 'Red Baron' (<i>Rubra</i>) Blood Grass: Japanese Blood Grass	# 50 cell tray	1.15		
<i>Juncus patens</i> Rush: Common Rush	# 50 cell tray	.98		
<i>Koeleria glauca</i> Hair Grass: Large Blue Hair Grass	# 50 cell tray	.98		
<i>Leymus arenarius</i> 'Glaucus' (<i>Elymus a.</i>) Lyme Grass: Blue Lyme Grass; Blue Wild Rye	# 50 cell tray	.98		
	# 50 cell tray	.98		

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