

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
COMMISSIONER'S BOARD ROOM  
OCTOBER 19, 2000  
10 A.M. – 12 NOON**

**AGENDA**

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Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

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## AGENDA ITEM COVER SHEET

**Date:**                   **October 19, 2000**

**Agenda Item:**       **Public Hearing of EPC Rule Chapter 1-3 Amendments.**

**Description/Summary:**

Under EPC's Specific Operating Agreement with the Florida Department of Environmental Protection, the Commission is to consider changes annually in the local rule to remain current and consistent with those state regulations referenced. The proposed amendments to Chapter 1-3, Stationary Air Pollution Source and Ambient Air Quality Standards Rule, are for the purpose of updating the rule to maintain consistency with the Florida Administrative Code, and to correct references to state rules in section 1-3.63. It is basically administrative in nature and does not impose any additional restrictions.

The draft amendments were made available to industry by letter on September 6, 2000. Their comments were solicited but none were received. The amendments were also taken before CEAC and were unanimously approved. Announcement of the public hearing to amend the rule was published at least 10 days prior to the scheduled hearing date, as required by Chapter 84-446, Laws of Florida.

**Commission Action Recommended:**

Consider and approve the amendments to Chapter 1-3, Rules of the Commission.

**Commission Action Taken:**

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  
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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)

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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 the  
55 Florida Legislature as declared in Chapter 84-  
56 446, Laws of Florida, as amended or recodified  
57 (Act), to insure the atmospheric purity and  
58 freedom of the air of Hillsborough County from  
59 contaminants or synergistic agents injurious to  
60 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  
99 **1-3.11 DECLARATION OF**  
100 **LEGISLATIVE FINDINGS**

101     The Commission hereby finds that  
102 emissions into the atmosphere of Hillsborough

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

10

### 11 1-3.12 DEFINITIONS

12 1. Definitions contained in the Act, apply  
13 to this rule.

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

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

21 (a) "Director" shall mean the Director  
22 of the Commission or his authorized agent.

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

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

39

## 40 PART 2

### 41 1-3.20 CIRCUMVENTION PROHIBITED

42 No person shall circumvent any air  
43 pollution control device, or allow the emission  
44 of air pollutants without the applicable air  
45 pollution control device operating properly.

### 46 1-3.21 PERMITS REQUIRED

47 1. No air pollution source may be  
48 constructed, modified or operated in  
49 Hillsborough County without a valid permit as  
50 may be required by the Department pursuant to  
51 Chapters 62-210, 212, 213 and 214, F.A.C.,

52 Chapter 62-17, F.A.C., or as may be otherwise  
53 required by this rule.

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

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

77

### 78 1-3.22 PROHIBITIONS

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

88 2. No person shall cause, let, permit, suffer  
89 or allow the discharge into the atmosphere of  
90 any pollutant from any source or activity in  
91 excess of emission standards herein established.

92 3. No person shall cause, let, permit, suffer  
93 or allow the discharge into the atmosphere of  
94 any pollutant from any source or activity that  
95 causes or tends to cause or to contribute to an  
96 objectionable odor.

97

### 98 1-3.23 NECESSARY PRECAUTIONS

99 No person shall store, pump, handle,  
100 process, load, unload or use in any process or  
101 installation volatile organic compounds or  
102 organic solvents without applying known and

1 existing vapor emission control devices or  
2 systems as may be necessary.

3

#### 4 **1-3.24 PUBLIC NOTIFICATION**

5 1. Pursuant to Chapter 62-110.106 F.A.C.,  
6 a Notice of Proposed Agency Action on an  
7 application for an air pollution permit may  
8 require public notice in a newspaper of general  
9 circulation by the applicant at the applicant's  
10 expense. In such instance, the notice must be  
11 published in a newspaper that meets the  
12 definition described in 50.011 F.S.

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

33 3. Applicants shall post a sign at the  
34 location of any proposed activity under  
35 consideration for a construction permit. At the  
36 Director's discretion, applicants may be directed  
37 to post the same sign for activities to be covered  
38 by an operation permit. The EPC will provide  
39 the applicant with the sign. It must be posted  
40 conspicuously on the property, so as to be  
41 readily viewable from the busiest adjacent  
42 public roadway. The applicant must pick up and  
43 post the sign within 15 days of submitting an  
44 application, and leave it posted on-site for no  
45 less than 30 days.

46

#### 47 **1-3.25 EXCESS EMISSIONS**

48 1. Excess emissions specifically allowed  
49 by Chapter 62-210, F.A.C., shall not be  
50 violations of this rule unless they are determined  
51 to be nuisances. The Director may request

52 written verification that any such emissions fall  
53 within the designated conditions.

54 2. Excess emissions which are caused  
55 entirely or in part by poor maintenance, poor  
56 operation, or any other equipment or process  
57 failure which may be reasonably prevented  
58 during start-up, shut down, or malfunction, are  
59 prohibited.

60

### 61 **PART 3**

#### 62 **1-3.30 AMBIENT AIR QUALITY 63 STANDARDS**

64 1. Standards established in Chapter 62-  
65 204, F.A.C., are adopted and hereby  
66 incorporated by reference.

67 2. Sampling and analysis of contaminants  
68 in this section shall be performed in accordance  
69 with the State of Florida Department of  
70 Environmental Protection "State-Wide Quality  
71 Assurance Plan, January 1985".

72

#### 73 **1-3.32 DESIGNATION OF AIR 74 POLLUTION STATUS OF AREA**

75 Designations of Hillsborough County  
76 pursuant to Chapter 62-204, F.A.C. regarding  
77 the ambient standards of Section 1-3.30 above  
78 and Prevention of Significant Deterioration  
79 areas, are hereby adopted by reference.

80

### 81 **PART 4 (Reserved)**

82

### 83 **PART 5**

#### 84 **1-3.50 NEW SOURCE REVIEW**

85 Provisions contained in Chapter 62-212,  
86 F.A.C., pertinent to Hillsborough County, are  
87 adopted and hereby incorporated by reference.

88

89

90

### 91 **PART 6**

#### 92 **1-3.60 EMISSION LIMITING AND 93 PERFORMANCE STANDARDS**

94 Provisions contained in Chapters 62-204  
95 and 62-296, F.A.C., pertinent to Hillsborough  
96 County, are adopted and hereby incorporated by  
97 reference, except for Sections 62-  
98 296.320(4)(b)2. and 62-296.513(1)(c), F.A.C.,  
99 and except as may be modified herein.

100

#### 101 **1-3.61 PARTICULATE EMISSIONS**

1 The particulate emission limits under  
2 RACT in Sections 62-296.700 through 62-  
3 296.712, F.A.C., shall apply to all new and  
4 existing emission units. In situations where the  
5 particulate emission limits under RACT,  
6 pursuant to Section 62-296.700, F.A.C., are less  
7 restrictive than process weight limits pursuant to  
8 Section 62-296.320, F.A.C., process weight  
9 limits shall apply, except as provided in Section  
10 62-296.700(3), F.A.C.

11

12 **1-3.62 VISIBLE EMISSIONS**

13 Visible emissions in Hillsborough  
14 County from a single source or combination of  
15 sources sharing a common discharge point shall  
16 not have an opacity greater than 20% except as  
17 otherwise specifically provided in these rules.  
18 The ability to comply with all other standards  
19 does not relieve a source from this 20% opacity  
20 standard.

21

22 **1-3.63 SPECIFIC SOURCE**  
23 **EMISSIONS**

24 Emissions for the following specific  
25 sources shall have the following limits in  
26 Hillsborough County regardless of provisions  
27 otherwise contained in this rule or in Chapters  
28 ~~62-200~~ 62-204 through 62-297 F.A.C., unless  
29 the provisions of Chapters ~~62-200~~ 62-204  
30 through 62-297, F.A.C, are more stringent.

31 (a) sulfuric acid plants or plant sections  
32 manufacturing sulfuric acid - 10% opacity  
33 except for a 30 minute period during plant start-  
34 up, with opacity for such period allowed up to  
35 40%.

36 (b) nitric acid plants producing weak  
37 nitric acid (50 to 70%) by pressure or  
38 atmospheric pressure process - no visible  
39 emissions.

40 (c) existing fossil fuel steam generators  
41 - sulfur dioxide emissions from liquid fuel shall  
42 be limited to 1.1 pounds per million BTU heat  
43 input.

44 (d) fossil fuel steam generators - visible  
45 emissions are limited to 20% opacity except for  
46 either one six-minute period per hour during  
47 which opacity shall not exceed 27 percent, or  
48 one two minute period per hour during which  
49 opacity shall not exceed 40 percent. The option  
50 selected shall be specified in the emission unit's  
51 construction and operation permits.

52 (e) bulk gasoline terminals - loading of  
53 liquid product into gasoline tank trucks shall be  
54 limited to vapor-tight gasoline tank trucks.

55

56 **PART 7**

57 **1-3.70 SOURCE SAMPLING AND**  
58 **MONITORING**

59 Source sampling and monitoring shall  
60 be performed in compliance with Department  
61 and EPA requirements so as to determine as  
62 accurately as possible actual operational  
63 emissions.

64

65 **PART 8 (Reserved)**

66

67

68 Adopted 02/26/86

69 Amended 08/07/86

70 Amended 09/14/88

71 Amended 06/25/98

72 Amended 08/19/99

## AGENDA ITEM COVER SHEET

**Date:**                    **October 19, 2000**

**Agenda Item:**        **Public Hearing of EPC Rule Chapter 1-10 Amendments.**

### Description/Summary:

The proposed amendments to Chapter 1-10, Noise Rule, are for the purpose of providing consistency with the City of Tampa Noise Ordinance adopted November 18, 1999, and to update the rule. The amendments also add pumps and compressors to the standards under Section 1-10.03 C., clarify that cultural events are separate from festival events, and make motor vehicles, personal watercraft, sport shooting ranges, and amusement parks exempt from the rule.

The draft amendments were made available in a technical workshop held on September 21, 2000. One comment was received. The amendments were also taken before CEAC and were unanimously approved. Announcement of the public hearing to amend the rule was published at least 10 days prior to the scheduled hearing date, as required by Chapter 84-446, Laws of Florida.

### Commission Action Recommended:

Consider and approve the amendments to Chapter 1-10, Rules of the Commission.

### Commission Action Taken:

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 for  
 36       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 National 73  
 24 Standards Institute specifications for 74  
 25 sound level meters ANSI S1.4-1983, or 75  
 26 in successor publications. If the weight- 76  
 27 ing employed is not indicated, the A- 77  
 28 weighting shall apply. 78  
 29 16. **Sound Level Meter** - A device used to 79  
 30 measure sound pressure level, or 80  
 31 weighted sound pressure level, or 81  
 32 octave band sound pressure level, and 82  
 33 this device is of Type 2 or better, as 83  
 34 specified in the American National 84  
 35 Standards Institute Publication S1.4- 85  
 36 1983 or its successor publication. 86  
 37 17. **Sound Pressure** - The instantaneous 87  
 38 difference between the actual pressure 88  
 39 and the average or barometric pressure 89  
 40 at a given point in space, as produced 90  
 41 by the presence of energy, which 91  
 42 accompanies the passage of a sound 92  
 43 wave. 93  
 44 18. **Sound Pressure Level** - The sound 94  
 45 pressure level of a sound is 20 times the 95  
 46 logarithm to the base 10 of the ratio of 96  
 47 the pressure of this sound to the 97  
 48 reference pressure of 20 micropascals. 98  
 49 The sound pressure level is expressed in 99  
 50 decibels. 100

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 6<sup>th</sup> 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.

1 **1-10.03 SOUND LEVEL LIMITS**

2 **A. By Receiving Land Use -**

3 **Table I**

4 Receiving Land Use Category	5 Time	6 Sound Level Limit, dBA
7 Residential,-	7 a.m.-10 p.m.	60
8 Public Space	10 p.m.- 7 a.m.	55
9		
10 Commercial	7 a.m.-10 p.m.	65
11	10 p.m.- 7 a.m.	60
12		
13 Industrial	At All Times	75

14  
 15 **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.

16  
 17 **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:

28 **Table II**

29 Measurement Location	30 Sound Level Limit dBA
31 Any point on neighboring property line	32 60
33 Center of neighboring patio	34 55
35 Outside the neighboring living area window nearest the equipment location	36 55

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

38  
 39 1. Sound levels generated by entertainment or musical events within the Ybor City Historic Entertainment District, regardless

51 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.

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 57 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.

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 76 3. ~~Noise generated by E~~ 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.

76 **1-10.04 EXCEPTIONS TO SOUND LEVEL LIMITS ACTIVITIES NOT REGULATED BY THIS RULE :**

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 78 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:

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

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 88 B. The unamplified human voice.

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 96 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.

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 100 ~~D. Reasonable operation of unamplified church bells or chimes when used for traditional religious purposes. Normally occurring sounds on church or school grounds during church or school-~~

1 sponsored activities.

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

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

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

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

14 I. Amusement parks

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

18 K. Sport shooting ranges

19 L. The operation of trains, ships, and  
20 aircraft.

## 21 **1-10.05 MOTOR VEHICLES**

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

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

41 ~~B. **Motor Vehicles Operated at Facilities for**~~  
42 ~~**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 contain  
77 at a minimum the following information and  
78 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

1 f. Descriptions of measures, methods,  
2 and techniques which will be used to reduce the  
3 volume of noise generated by the event, including  
4 description and representative illustrations and  
5 plans ~~of~~ for the enclosure or barrier system or  
6 process and performance 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 1-10.05 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 monitoring  
25 requirements.

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

29 A. The sponsors of a cultural event, which will  
30 occur infrequently and which reasonably may not  
31 meet the noise standards and regulations provided  
32 above, may submit a request for a waiver to the  
33 Commission, along with proposed precautions  
34 and conditions. The sponsors shall also provide  
35 15 days' written notice to each Registered  
36 Neighborhood Organization within one mile of  
37 the proposed event, including a description of the  
38 event and proposed conditions, the name and  
39 telephone number of a contact for more  
40 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 of~~  
57 ~~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 waivers  
61 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

Amended 01/17/96

72 Amended 06/20/95

Amended 00/00/00

(Latest revision date 10/4/00)

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## **AGENDA ITEM COVER SHEET**

**Date:** EPC Meeting October 19, 2000

**Agenda Item:** Goals and Objectives

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### **Description/Summary:**

The Executive Director's contract provides that a list of agency goals and objectives be prepared and submitted at the October EPC meeting for discussion.

The attached chart reflects five major goals and summarizes the actions that staff proposes to undertake in achieving those goals, along with the environmental benefits anticipated. Staff proposes to achieve significant improvement toward each goal during the next fiscal year.

The Executive Director has assigned specific actions under each goal and objective to his key management staff and will require periodic updates throughout the year. The Executive Director will provide a status report on these goals to the Commission within 6 months, and a more detailed annual report this time next year.

### **Attachment:**

Chart of goals, objectives and benefits.

### **Commission Action Recommended:**

The Executive Director requests Commission input and acceptance.

GOAL	OBJECTIVE	ACTION SUMMARY	ENVIRONMENTAL BENEFITS
<p>A. Regulatory Effectiveness</p>	<ol style="list-style-type: none"> <li>1. Ensure effectiveness of regulatory programs</li> <li>2. Implement projects and Action Plans through BRACE and the CCMP designed to monitor atmospheric deposition of nitrogen and other introduction of toxic contaminants to Tampa Bay</li> <li>3. Focus potential pollution sources on pollution prevention (P2)</li> <li>4. Redouble efforts to achieve remediation of petroleum contaminated sites (including those contaminated with MTBE)</li> <li>5. Evaluate the uses of the Pollution Recovery Fund to maximize environmental benefit</li> </ol>	<p>Evaluate current regulatory functions for environmental effectiveness</p> <p>Develop data on nitrogen oxide emissions, toxics, and benthics in sediments that, in combination with ongoing ambient air monitoring will facilitate identification of trends and "hot spots"</p> <p>Provide mechanisms that permitting and enforcement staff can use to encourage regulated industry to adopt strategies that eliminate and reduce pollution before it is created</p> <p>Meet the new petroleum cleanup task assignments and encourage the use of innovative technology as a means to remediate sites more efficiently</p> <p>Refine the process of technical evaluation of environmental benefits and focus followup inspections to ensure maximum result</p>	<ul style="list-style-type: none"> <li>• Effective allocation of resources</li> <li>• Streamlined regulatory processes</li> <li>• Air toxics profile for the Tampa Bay area</li> <li>• Regional approach to air quality protection</li> <li>• Better understanding of trends and causes of environmental conditions in the Bay</li> <li>• Quantification of N loading to the atmosphere and to the waters of Tampa Bay will permit better adjustment of pollution allocations to protect air and water quality</li> <li>• Reduction in pollutant emissions and discharges</li> <li>• Slower rate of permit demand increase</li> <li>• Increased compliance rates</li> <li>• Increased number of sites in natural attenuation and the number of sites issued Site Rehabilitation Completion Orders.</li> <li>• Use of Pollution Recovery Fund to maximize efficient and effective use for Environmental benefit</li> </ul>

GOAL	OBJECTIVE	ACTION SUMMARY	ENVIRONMENTAL BENEFITS
<p><b>B. Regulatory Efficiency</b></p>	<ol style="list-style-type: none"> <li>1. Facilitate sharing of information and expertise, and coordinating current activities between EPC divisions</li> <li>2. Clarify and coordinate EPC's wetland impact assessment and approval process with the County development and zoning review and with the Planning Commission's future land use process</li> <li>3. Improve responsiveness to public inquiries, and Administrative and Commissioner referrals</li> <li>4. Streamline procedures to meet new DEP policy guidelines and decrease existing backlogs</li> <li>5. Ensure appropriate recovery of regulatory costs in regulatory services</li> <li>6. Streamline and improve data handling systems</li> </ol>	<p>Develop mechanisms that allow divisions to efficiently assist each other in reviewing and commenting on projects with cross-media implications and team permitting efforts</p> <p>Develop a general permit process for standard situations, and develop guidelines and procedures that coordinate with the procedures of other agencies</p> <p>Develop agency-wide process for reviewing and responding to requests received via mail, phone, and internet</p> <p>Implement permit review strategies to avoid delay, compliance strategies to identify potential problems earlier, and enforcement strategies to prioritize cases</p> <p>Compare cost recovery under the current fee schedule to actual permitting costs, including phosphate mining review and team permitting</p> <p>Update agency email system, develop capacity and infrastructure to accommodate GIS, and standardize agency databases</p>	<ul style="list-style-type: none"> <li>• Consistent and comprehensive agency-wide positions</li> <li>• Pollution minimization through proper design and operation of facilities and evaluation of groundwater and surfacewater systems</li> <li>• Better compliance with regulations protecting natural resources</li> <li>• Increased consistency in permitting decisions</li> <li>• Less confusion and controversy</li> <li>• Easy retrieval of questions submitted and responses given</li> <li>• Responses on multi-media issues coordinated between divisions</li> <li>• Reduced processing time for a permit without sacrificing quality</li> <li>• Enhanced environmental compliance at regulated facilities</li> <li>• Enhanced remediation of unpermitted discharges</li> <li>• Availability of funding to cover necessary regulatory activities</li> <li>• Better communication internally and with other agencies</li> <li>• Better availability and coordination of information in site review analysis</li> <li>• Faster responses and ability to provide historical information</li> <li>• More efficient storage of records</li> </ul>

GOAL	OBJECTIVE	ACTION SUMMARY	ENVIRONMENTAL BENEFITS
<p><b>C. Better Coordination- Delegation with our Regulatory Partners</b></p>	<ol style="list-style-type: none"> <li>1. Improve coordination with FDEP and its various programs, and work with other agencies such as SWFWMD, Port Authority, Planning Commission and City of Tampa to develop memorandums of understanding, contract, or delegation of appropriate programs to achieve better service to the public, and regulatory efficiency and better allocation of limited public resources</li> <li>2. Coordinate with the County Water Resource Team in evaluating resource sensitive water projects</li> <li>3. Work with the Department of Agriculture, DEP and water management districts to identify and amend as appropriate existing and proposed Best Management Practices under the Florida Right to Farm Act</li> </ol>	<p>Coordinate on a regular basis with other agencies having regulatory authority and programs in the County to identify methods for streamlining, coordination and assistance and to determine if delegation would provide a more efficient and effective allocation of resources</p> <p>Coordinate water supply reviews and evaluations of cumulative impacts, comment on proposed SWFWMD rules and participate in rulemaking and challenges as appropriate</p> <p>Review existing BMPs, evaluate effect and participate in statewide evaluation as needed</p>	<p><b>ENVIRONMENTAL BENEFITS</b></p> <ul style="list-style-type: none"> <li>• More efficient and effective utilization of regulatory resources in the county</li> <li>• More comprehensive environmental decisions acceptable to more entities</li> <li>• More consistent decisions regarding permitted activities</li> <li>• Better environmental compliance</li> <li>• Better protection of environmental concerns in the County/City planning process</li> <li>• Clear regulations and enforcement process</li> <li>• Clarification of respective agency processes in wetland delineation and enforcement</li> <li>• Efficient use and sharing of resources</li> </ul> <ul style="list-style-type: none"> <li>• Better environmental decisions</li> <li>• More rapid regulatory decisions</li> <li>• Greater consistency</li> <li>• Effective regulation and protection of environmental resources</li> </ul> <ul style="list-style-type: none"> <li>• Statewide BMPs that prevent environmental concerns without the need for separate local regulation</li> </ul>



	<p>4. Work with Coast Guard and DEP Emergency Response to plan strategies to prevent and abate oil spill incidents</p> <p>5. Work with Hillsborough County, DEP, and municipalities to encourage redevelopment of perceived contaminated properties (Brownfields)</p>	<p>Coordinate oil spill management and rapid response strategies with other agencies</p> <p>Coordinate processes for the review and assessment of environmental concerns on Brownfield sites, and assist in developing criteria and monitoring implementation of remediation</p>	<ul style="list-style-type: none"> <li>• Minimize chances of oil spill incidents</li> <li>• Improve response to oil spill incidents and thus minimize adverse impacts</li> <li>• Reuse of abandoned and uneconomical properties</li> <li>• Reduced need to impact natural systems through development of green spaces</li> <li>• Coordinated, consistent and effective application of environmental protection criteria</li> <li>• Efficient use of resources</li> </ul>
<p><b>GOAL</b></p> <p>D. Partnering with regulated facilities or industry for better compliance</p>	<p><b>OBJECTIVE</b></p> <ol style="list-style-type: none"> <li>1. Assist County and Cities in monitoring and controlling illicit stormwater connections to their stormwater systems</li> <li>2. Develop a regular contact with the agricultural community to identify applicable BMPs, complete the evaluation of the EPC Dairy Pilot Project, and to work on programs that minimize agriculture's concerns regarding environmental compliance</li> </ol>	<p><b>ACTION SUMMARY</b></p> <p>Develop an MOU with the County to coordinate inspections and enforcement information</p> <p>Participate more actively with existing agricultural organizations to find solutions to perceived problems</p>	<p><b>ENVIRONMENTAL BENEFITS</b></p> <ul style="list-style-type: none"> <li>• More efficient use of resources</li> <li>• Less duplication of effort</li> <li>• Better coverage of potential sources and prevention of pollution</li> <li>• Less concern about non-compliance on both agricultural and regulatory side</li> <li>• Better understanding of relationship between education and compliance</li> <li>• Better compliance with less enforcement</li> </ul>

	<p>3. Partner with ship repair facilities to encourage minimizing these operations' impact on the local environment.</p> <p>4. Work with DOT to resolve permitting conflicts</p>	<p>Meet with affected industry to discuss means to minimize their impacts, and revise permits as necessary</p> <p>Meet with DOT and DEP to clarify applicable regulations, appropriate interpretation and application, and develop a review process that addresses DOT's administrative procedures</p>	<ul style="list-style-type: none"> <li>• Fewer citizen complaints on these facilities</li> <li>• Higher compliance rate on the unannounced quarterly EPC inspections.</li> <li>• More effective application of regulations in road construction</li> <li>• Less delay and cost in road construction</li> <li>• Less conflict and distrust between agencies</li> <li>• Better understanding between EPC, DOT and DEP regarding review process for wetlands and for management of contaminated soils</li> </ul>
<p><b>GOAL</b></p>	<p><b>OBJECTIVE</b></p>	<p><b>ACTION SUMMARY</b></p>	<p><b>ENVIRONMENTAL BENEFITS</b></p>
<p><b>E. Outreach and Public Education and Training</b></p>	<ol style="list-style-type: none"> <li>1. Keep the public and policy makers informed about ambient surface water quality, air quality and known waste sites in Hillsborough County and Tampa Bay</li> <li>2. Develop contacts and a coordinated process for sharing information with the media</li> <li>3. Develop the EPC web-site to become more informative, helpful and interactive</li> </ol>	<p>Improve the methods of transmitting and sharing environmental information about Hillsborough County with the commission, other agencies and the public</p> <p>Establish a process for identifying newsworthy items and for their release as appropriate</p> <p>Make EPC's website a first stop for relevant agency information on procedures and issues by posting such things as applications forms, permit review guidelines, meeting agendas minutes, news, agency contacts, etc.</p>	<ul style="list-style-type: none"> <li>• Better understanding of areas where policy, government effort and funding should be directed</li> <li>• Citizen understanding and support of pollution reduction efforts</li> <li>• Greater citizen participation in public processes</li> <li>• Greater public understanding of environmental issues and achievements</li> <li>• Greater public access and involvement with EPC goals</li> <li>• Less citizen confusion over permits and regulatory processes</li> <li>• Easier compliance with regulatory procedure</li> </ul>

	<p>4. Identify environmental concerns before each legislative session and provide technical and administrative information to assist the EPC and the Legislative Delegation</p> <p>5. Participate and assist various local organizations that serve as forums for citizen and industry discussion</p> <p>6. Work with CEAC to identify issues relevant to EPC effectiveness in addressing citizen concerns</p> <p>7. Ensure that municipal and County administrations are informed of pending environmental concerns, issues, and regulations</p>	<p>Work with the County, FAC, DEP and FLERA to identify likely legislative inquiry, inform the EPC of issues on which we should respond and provide information to Legislative Delegation members as requested</p> <p>Designate specific staff persons responsible for working with various local organizations and provide environmental information as appropriate</p> <p>Assist CEAC in identifying and addressing issues that they can effectively participate in providing public comment and suggestion to the Commission</p> <p>Work with the municipalities and County administrations to inform them of our environmental services and to offer our assistance in addressing their concerns</p>	<ul style="list-style-type: none"> <li>• Better environmental legislation and better coordination with local processes</li> <li>• EPC will be a source of relevant and timely environmental information for our Commission and for our Legislative Delegation</li> <li>• EPC will become a source of relevant and practical environmental information as the Tampa Bay community addresses issues of public concern</li> <li>• CEAC will become a voice for citizen information and communication with EPC</li> <li>• Better municipal and County consistency and compliance with environmental regulatory goals</li> </ul>
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MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION  
SEPTEMBER

A.	Public Outreach/Education Assistance:	<u>489</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
	a. Operating:	<u>4</u>
	b. Construction:	<u>6</u>
	c. Amendments:	<u>0</u>
	d. Transfers/Extensions:	<u>2</u>
	e. General	<u>3</u>
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ( <sup>1</sup> Counted by Number of Fees Collected - <sup>2</sup> Except for Title V Facilities where it is Counted by Number of Emission Units affected by the Applicant's Request):	
	a. Operating <sup>1</sup> :	<u>4</u>
	b. Construction <sup>1</sup> :	<u>4</u>
	c. Amendments <sup>1</sup> :	<u>1</u>
	d. Transfers/Extensions <sup>1</sup> :	<u>2</u>
	e. Title V Operating <sup>2</sup> :	<u>84</u>
	f. Permit Determinations <sup>2</sup> :	<u>3</u>
3.	Intent to Deny Permit Issued	<u>0</u>
C.	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>0</u>
3.	Cases Resolved:	<u>1</u>
4.	Cases Referred to Legal Department:	<u>0</u>
5.	Consent Orders Signed:	<u>0</u>
6.	Contributions to the Pollution Recovery Fund: \$	<u>-0-</u>

<u>Organization Name</u>	<u>Violation</u>	<u>Amount</u>
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D.	Inspections:	
1.	Industrial Facilities:	<u>12</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>14</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>38</u>
E.	Open Burning Permits Issued:	<u>15</u>
F.	Number of Division of Forestry Permits Monitored:	<u>253</u>
G.	Total Citizen Complaints Received:	<u>39</u>
H.	Total Citizen Complaints Closed:	<u>54</u>
I.	Noise Sources Monitored:	<u>3</u>
J.	Air Program's Input to Development Regional Impacts:	<u>5</u>
K.	Test Reports Reviewed:	<u>7</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>5</u>
2.	Warning Notices Resolved:	<u>21</u>
3.	Advisory Letters Issued:	<u>2</u>
M.	AOR's Reviewed	<u>49</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION  
SEPTEMBER

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -0-
(b) all others	<u>\$ -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ -0-
(b) class A2 facility - 5 year permit	<u>\$ -0-</u>
(c) class A1 facility - 5 year permit	<u>\$ -0-</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$1,680.00</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>\$2,000.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ 240.00</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ 960.00</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	\$1,955.00
(b) for structure greater than 50,000 sq ft	<u>\$ -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$ 290.00
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 400.00</u>
8. Open burning authorization	<u>\$6,375.00</u>
9. Enforcement Costs	<u>\$ -0-</u>

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



ADMINISTRATIVE OFFICES, LEGAL &  
 WATER MANAGEMENT DIVISION  
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WASTE MANAGEMENT DIVISION  
 TELEPHONE (813) 272 - 5788

WETLANDS MANAGEMENT DIVISION  
 TELEPHONE (813) 272 - 7104

EXECUTIVE DIRECTOR  
 RICHARD D. GARRITY, Ph.D.

**MEMORANDUM**

**DATE:** October 12, 2000

**TO:** Tom Koulianos, Director of Finance and Administration

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

**SUBJECT:** **WASTE MANAGEMENT'S SEPTEMBER 2000 AGENDA INFORMATION**

**A. ADMINISTRATIVE ENFORCEMENT**

1. New cases received	0
2. On-going administrative cases	112
a. Pending	3
b. Active	59
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	0
7. Criminal Contributions to the Pollution Recovery Fund	2
8. Enforcement Costs collected	\$200.00
9. Cases referred to Legal Dept.	0
10. Cases Closed	0



**B. SOLID AND HAZARDOUS WASTE**

1. Permits (received/reviewed)	55 / 59
2. EPC Authorization for Facilities NOT requiring DEP permit	1
3. Other Permits and Reports	
a. County Permits	0
b. Reports	55 / 58
4. Inspections (Total)	227
a. Complaints	58
b. Compliance/Reinspections	18
c. Facility Compliance	12
d. Small Quantity Generator	139
5. Enforcement	
a. Complaints Received/Closed	54 / 50
b. Warning Notices Issued/Closed	5 / 3
c. Compliance letters	41
d. Letters of Agreement	0
e. DEP Referrals	0
6. Pamphlets, Rules and Material Distributed	212

**C. STORAGE TANK COMPLIANCE**

1. Inspections	
a. Compliance	95
b. Installation	6
c. Closure	7
d. Compliance Re-Inspections	13
2. Installation Plans Received/Reviewed	12 / 6
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	0 / 0
b. Closure Reports Received/Reviewed	4 / 3
4. Enforcement	
a. Non-compliance Letters Issued/Closed	54 / 9
b. Warning Notices Issued/Closed	2 / 0
c. Cases referred to Enforcement	1
d. Complaints Received/Investigated	0 / 0
e. Complaints Referred	0
5. Discharge Reporting Forms Received	0
6. Incident Notification Forms Received	0
7. Cleanup Notification Letters Issued	4
8. Public Assistance	200+



**D. STORAGE TANK CLEANUP**

1. Inspections	18
2. Reports Received/Reviewed	48 / 59
a. Site Assessment	17 / 12
b. Source Removal	6 / 3
c. Remedial Action Plans (RAP's)	4 / 4
d. Site Rehabilitation Completion Order/ No Further Action Order	1 / 4
e. Others	20 / 36
3. State Cleanup	
a. Active Sites	5
b. Funds Dispersed	\$0.00

**E. RECORD REVIEWS**

**46**

**F. PUBLIC INFORMATION PROJECTS**

**Chuck Heintz**, Interview with Bay News 9.

**Kelley Boatwright, Brenda Fonda, & Leslie Campbell**; Bay Drum Case Study @  
 Statewide Air & Waste Management.

**ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION  
SEPTEMBER, 2000**

**A. ENFORCEMENT**

1. New Enforcement Cases Received:	6
2. Enforcement Cases Closed:	1
3. Enforcement Cases Outstanding:	47
4. Enforcement Documents Issued:	4
5. Warning Notices:	10
a. Issued:	7
b. Resolved:	3
6. Recovered costs to the General Fund:	\$112.78
7. Contributions to the Pollution Recovery Fund:	\$1383.33

Case Name	Violation	Amount
a. Windemere Utility	Improper operation, Failure to maintain	\$750.00
b. Reflections of Tampa	C/S placed into service prior to approval	\$300.00
c. Hughes Hard Chrome	Industrial WW discharge	\$333.33

**B. PERMITTING - DOMESTIC**

1. Permit Applications Received:	23
a. Facility Permit:	0
(i) Types I and II	0
(ii) Type III	0
b. Collection Systems-General:	13
c. Collection Systems-Dry Line/Wet Line:	10
d. Residuals Disposal:	0
2. Permit Applications Approved:	30
a. Facility Permit:	2
b. Collection Systems-General:	14
c. Collection Systems-Dry Line/Wet Line:	14
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated) Recommended for Approval:	0
5. Permits Withdrawn:	0

6. Permit Applications Outstanding:	<u>28</u>
a. Facility Permit:	<u>13</u>
b. Collection Systems-General:	<u>6</u>
c. Collection Systems-Dry Line/Wet Line:	<u>9</u>
d. Residuals Disposal:	<u>0</u>
<b>C. INSPECTIONS - DOMESTIC</b>	<u>98</u>
1. Compliance Evaluation:	<u>11</u>
a. Inspection (CEI):	<u>1</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>47</u>
a. Inspection (RI):	<u>16</u>
b. Sample Inspection (SRI):	<u>1</u>
c. Complaint Inspection (CRI):	<u>26</u>
d. Enforcement Inspection (ERI):	<u>4</u>
3. Special:	<u>40</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>1</u>
c. Preconstruction Inspection (PCI):	<u>9</u>
d. Post Construction Inspection (XCI):	<u>30</u>
<b>D. PERMITTING - INDUSTRIAL</b>	
1. Permit Applications Received:	<u>0</u>
a. Facility Permit:	<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>
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>1</u>
3. Permit Applications Outstanding:	<u>30</u>
a. Facility Permits:	<u>30</u>
b. General Permits:	<u>0</u>
<b>E. INSPECTIONS - INDUSTRIAL</b>	<u>21</u>
1. Compliance Evaluation:	<u>6</u>
a. Inspection (CEI):	<u>6</u>
b. Sampling Inspection (CSI):	<u>0</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>

2. Reconnaissance:	<u>15</u>
a. Inspection (RI):	<u>5</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>10</u>
<b>F. CITIZEN COMPLAINTS</b>	
1. Domestic:	<u>19</u>
a. Received:	<u>6</u>
b. Closed:	<u>13</u>
2. Industrial:	<u>20</u>
a. Received:	<u>8</u>
b. Closed:	<u>12</u>
3. Water Pollution:	<u>11</u>
a. Received:	<u>5</u>
b. Closed:	<u>6</u>
<b>G. RECORD REVIEWS</b>	
1. Permitting:	<u>3</u>
2. Enforcement:	<u>0</u>
<b>H. ENVIRONMENTAL SAMPLES ANALYSED FOR:</b>	
1. Air Division:	<u>123</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>172</u>
4. Wetlands Division:	<u>0</u>
<b>I. SPECIAL PROJECT REVIEWS</b>	
1. DRI's:	<u>7</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>0</u>
4. Other:	<u>0</u>
<b>J. WATER QUALITY MONITORING SPECIAL PROJECTS</b>	
1. Data Review	<u>4</u>
2. Special Sampling	<u>10</u>
3. Biomonitoring/Toxicity Reviews (DW)	<u>4</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>1</u>
5. Other - Env. Impact Statement (FPSO's)	<u>1</u>
<b>K. TAMPA PORT AUTHORITY/DEP DREDGE &amp; FILL</b>	<u>11</u>

**EPC LEGAL DEPARTMENT MONTHLY REPORT**  
**October 10, 2000**

**A. ADMINISTRATIVE CASES**

**NEW CASES [ 0 ]**

**EXISTING CASES [ 9 ]**

**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)

**City of Tampa** [LCOTZ99-005]: 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. On September 14, 2000, Mr. Cone signed a Settlement Letter to resolve this case. In addition to prohibiting Mr. Cone from conducting night time operation of heavy duty rock hauling, the Settlement Letter provided for payment of \$1,074.00 as reimbursement for costs and expenses associated with the investigation and resolution of this matter. To date, Mr. Cone has not paid the agreed upon amount. Options for collection of the agreed upon amount are being investigated. (KKB)

**Presto Food Stores Inc.** [LPREZ00-002]: 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. The facility is currently in compliance. EPC staff is currently calculating penalties and costs for settlement of past violations. (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. EPC staff and Tampa Bay Organics personnel held a meeting to discuss resolution of this matter. The parties agreed to enter into a Consent Order. The Consent Order has been drafted and is being reviewed. Further settlement meetings are anticipated. (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 November 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. On September 8, 2000, EPC staff received information previously requested in October 1999. The information indicated that in 1987 the EPC had participated in the review of a Hillsborough County rezoning petition. The zoning petition incorporated the wetland line as delineated by staff in 1987. Delineations that have been incorporated in the approval of development by another governmental body shall be valid for the life of that approval. Because of the previous determination, the project site at issue does not contain wetlands regulated by Chapter 1-11. Therefore, a request to impact wetlands for the development of the tract is unnecessary. Withdrawals of the denial and appeal are being prepared. (KKB)

#### **RESOLVED CASES [ 2 ]**

**Kinman** [LKIN98-164]: 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 Hearing Officer entered an order dismissing the appeal with prejudice on September 20, 2000. The EPC Legal Department entered an order closing the file on September 22, 2000. (AZ)

**Woodcock** [LWOO98-160]: On September 18, 2000, the Executive Director signed a Letter of Agreement between Mr. Woodcock and the Environmental Protection Commission resolving this case. The issue involved settlement of an enforcement action taken when Mr. Woodcock constructed a sakrete bag seawall on his property located on the Alafia River. Mr. Woodcock is required to remove approximately 75% of the seawall and associated backfill, to restore disturbed wetland areas, to perform annual monitoring of the restored wetland areas for a minimum of two years and to pay \$1,000 to the Pollution Recovery Fund and \$1,000 to the EPC for reimbursement for expenses incurred in investigating and resolving this issue. (KKB)

### **B. CIVIL CASES**

#### **NEW CASES [ 0 ]**

#### **EXISTING CASES [ 14 ]**

**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. Compliance issues should be resolved within a month, however EPC will continue to pursue penalties and costs. (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. The next settlement discussion is October 19, 2000 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. On September 14, 2000, Mr. Cone signed a Settlement Letter to resolve this case. In addition to prohibiting Mr. Cone from conducting night time operation of heavy duty rock hauling, the Settlement Letter provided for payment of \$1,074.00 as reimbursement for costs and expenses associated with the investigation and resolution of this matter. To date, Mr. Cone has not paid the agreed upon amount. Options for collection of the agreed upon amount are being investigated. (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 were 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. The property owner has obtained bids for removal of the underground storage tanks and resolving all non-compliance issues. (AZ)

**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 had twenty days in which to respond. The parties have resolved most technical issues regarding the violations. The Defendant has been provided an additional 10 days in which to respond to the lawsuit. (AZ)

**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. Mr. Bodden has provided payment for the penalties and has agreed to submit a permit application to continue operations at the facility. (AZ)

## **RESOLVED CASES | 0 |**



COMMISSION

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



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EXECUTIVE DIRECTOR

RICHARD D. GARRITY, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
POLLUTION RECOVERY TRUST FUND  
AS OF OCTOBER 11, 2000

Fund Balance as of 10/01/99		\$1,024,661
Interest Accrued	FY00	64,379
Deposits	FY00	266,367
Disbursements	FY00	230,481

Fund Balance \$1,124,926

Encumbrances Against Fund Balance:

(57a)	Cypress Head Swamp	8,967
(14)	Wetland Surveys	1,781
	Seagrass Study/Sheriff	27,500
	Art. Reef FY00	7,793
(53)	Clayton Lake	6,007
(54)	Mosi Restoration	963
(56)	Oakview Utilities	74,925
(55)	Riverview Civic Center	39,525
(61)	Thalassea 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	8,435
(73)	Balm Road Scrub	300,000
(81)	Tampa Baywatch	12,870
(82)	Hill. Co. Env. Network	8
	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 843,535

Minimum Balance 100,000

Fund Balance Available October 11, 2000 \$181,391

COMMISSION

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ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND  
AS OF OCTOBER 11, 2000

Fund Balance as of 10/01/99	\$1,579,471
Interest Accrued FY00	88,253
Disbursements FY00	22,739
 Fund Balance	 \$1,644,985

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	177,261	
Apollo Beachhabitat Restoration	100,000	
Fantasy Island Restoration	50,000	
Mechanical Seagrass Planting	50,000	
 Total of Encumbrances		 \$1,119,827

Fund Balance Available October 11, 2000	\$ 525,158
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## EPC STAFF WHITE PAPER

Note: An EPC staff White Paper, such as this one, is prepared to give EPC upper management the staff's point of view on a given technical topic.

Date: October 4, 2000  
From: Chuck Heintz and Gordon Leslie  
Question: Is there a standard approach to sinkhole stabilization?

After some brief discussion, we agreed that a survey of some appropriate agencies and organizations via e-mail was the best, and most time-efficient way of finding out if there are standardized engineering methods to stabilize sinkholes. We both agreed that, being professional geologists, we do not have the geotechnical engineering education or credentials to make a professional statement ourselves on this matter.

We have polled nine organizations that we believed could provide us with useful information and, to date, responses have been received from four of them (see Attachment): 1. the University of Florida (UF) Civil Engineering Department, 2. the Florida Geological Survey (FGS), 3. the University of Central Florida (UCF) Civil and Environmental Engineering Department, and 4. the Southwest Florida Water Management District (SWFWMD). We will continue to monitor the five non-responding organizations in an attempt to obtain better coverage of the issue. Those organizations we are awaiting response from are: Florida State University's Department of Civil Engineering, the University of South Florida's Department of Civil Engineering, the Florida Board of Professional Engineers, the Florida Engineering Society, and the Florida Department of Insurance.

The four responses that we have received so far are summarized as follows:

Dr. Frank Townsend of the University of Florida Civil Engineering Department stated that their department does not have any standard method to stabilize sinkholes. However, he went on to state that grouting is most commonly used. Note: Grouting is a process whereby a cement material is injected into a sinkhole feature to fill a void, thereby attempting to prevent further collapse.

Mr. Frank Rupert of the Florida Geological Survey (FGS) stated that his agency does not know of any standard repair methods, either. Since people with a geotechnical engineering background typically handle these matters, this response from a non-engineering organization, such as the FGS, is to be expected. Mr. Rupert went on to state that the FGS is not aware of any codes covering sinkhole stabilization. He stated that the repair methods that the FGS has witnessed have been designed on a case-by-case basis.

Dr. Shiou-san Kuo of the University of Central Florida Civil and Environmental Engineering Department stated that their department does "not have any standardized method for the (sic) sinkhole stabilization."

Page 2  
EPC White Paper on Sinkhole Stabilization  
October 4, 2000

Mr. Tony Gilboy of the Southwest Florida Water Management District (SWFWMD) said that his organization does not have any codes for sinkhole stabilization. Mr. Gilboy also said that the SWFWMD might get involved with remediating sinkholes when they develop in stormwater ponds that are regulated by the SWFWMD. He went on to say that he does not remember seeing any standards for sinkhole stabilization in the Year 2000 version of the American Society for Testing Materials (ASTM) guidelines. Mr. Gilboy concluded by saying that, due to the variability of sinkhole formation, remediation methods are used on a case-by-case basis.

In conclusion, these four responses are expected to be representative of those from the other organizations that we polled, but have not yet heard from. Based on our informal poll, it appears that the geotechnical engineer brought in for the project will use professional judgement to determine the most appropriate sinkhole stabilization method on a case-by-case basis.

We hope that you will find this information to be helpful in addressing and finalizing this matter.

Attachment: Responses that we have received to Date

Univ. of Florida

Gordon Leslie

From: Chuck Heintz <heintz@epcjanus.epchc.org>  
 To: Richard D. Garrity <garrityr@epcjanus.epchc.org>; Gordon Leslie <leslie@epcjanus.epchc.org>  
 Sent: Wednesday, September 27, 2000 1:28 PM  
 Subject: Fw: FW: Standardized Engineering Methods for Sinkhole Stabilization

Rick and Gordon:

This is the first response to EPC staff's poll.

Chuck Heintz

-----Original Message-----

From: Dr. Frank Townsend <ftown@ce.ufl.edu>  
 To: heintz@epcjanus.epchc.org <heintz@epcjanus.epchc.org>  
 Date: Wednesday, September 27, 2000 8:18 AM  
 Subject: Re: FW: Standardized Engineering Methods for Sinkhole Stabilization

From: "Marc Hoit" <mhoit@ce.ufl.edu>  
 To: "Geotech" <geotech@ce.ufl.edu>  
 Subject: FW: Standardized Engineering Methods for Sinkhole Stabilization  
 Date sent: Tue, 26 Sep 2000 21:46:22 -0400

HI Chuck

The UF CE department to the best of my knowledge does not have any standard remediation method. However, I do know that grouting is most commonly used.

FCT

response

Faculty - Please respond  
 Marc

-----Original Message-----

From: Chuck Heintz [mailto:heintz@epcjanus.epchc.org]  
 Sent: Tuesday, September 26, 2000 4:24 PM  
 To: webmaster@ce.ufl.edu  
 Cc: Richard D. Garrity; Hooshang Boostani; Michael McKelvey; Paul A. Schipfer; Gordon Leslie  
 Subject: Standardized Engineering Methods for Sinkhole Stabilization

Per the request of management, Environmental Protection Commission (EPC) of Hillsborough County staff is querying various agencies, institutions, and organizations concerning the engineering methods for sinkhole stabilization. Does the University of Florida (UF) Civil Engineering Department recognize any standardized engineering methods for stabilizing sinkholes?

Any information that your department can provide regarding this question is greatly appreciated. Thank you.

FGS

Gordon Leslie

**From:** Chuck Heintz <heintz@epcjanus.epchc.org>  
**To:** Richard D. Garrity <garrityr@epcjanus.epchc.org>; Gordon Leslie <leslie@epcjanus.epchc.org>  
**Sent:** Wednesday, September 27, 2000 1:33 PM  
**Subject:** Fw: Standardized Engineering Methods for Sinkhole Stabilization -reply

Rick and Gordon:

This is the second response to EPC staff's poll.

Chuck Heintz

-----Original Message-----

**From:** Frank Rupert TAL 850/488-9380 <Frank.Rupert@dep.state.fl.us>  
**To:** Chuck Heintz <heintz@epcjanus.epchc.org>  
**Date:** Wednesday, September 27, 2000 9:12 AM  
**Subject:** Re: Standardized Engineering Methods for Sinkhole Stabilization -reply

>Mr. Heintz:  
 >  
 > The FGS typically does not get involved at all with sinkhole repair.  
 >We have on occasion suggested repair methods to individuals who have small  
 >sinkholes on their properties, and these suggestions are based on observing  
 >what simple solutions have worked in the past for other people with similar  
 >size holes. Our interest in sinkholes is primarily geological in nature.  
 >Currently the bulk of our work on the subject involves maintaining and  
 >updating  
 >the statewide sinkhole database which we inherited from the Florida  
 >Sinkhole  
 >Research Institute after it lost its funding. We don't have the staff to  
 >do  
 >much more than that.  
 > Regarding standardized methods for repair, an engineering firm who has  
 >actually performed sinkhole repair work, or possibly insurance companies  
 >that  
 >have solicited such repair, might be better able to advise you on any  
 >existing  
 >standards. As I am sure you've discovered, there is at least one firm on  
 >the  
 >internet advertising their concrete pumping services for repairing  
 >sinkholes.  
 >We personally do not know of any standard repair methods as such, nor any  
 >state  
 >codes covering sinkhole stabilization. Repair methods that we have  
 >witnessed  
 >have been designed on a case by case basis.  
 > Good luck with your project. If we can be of further assistance to  
 >you, please feel free to call on us.  
 >  
 >Frank Rupert  
 >Florida Geological Survey  
 >903 West Tennessee Street  
 >Tallahass e, FL 32304

response

UCF

**Gordon Leslie**

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**From:** Chuck Heintz <heintz@epcjanus.epchc.org>  
**To:** Gordon Leslie <leslie@epcjanus.epchc.org>  
**Sent:** Monday, October 02, 2000 4:53 PM  
**Subject:** Fw: Standardized Engineering Methods for SinkholeStabilization

Gordon:

This is the third response to our poll. I'll add it to our draft memo.

Chuck

-----Original Message-----

**From:** Shiou-san Kuo <kuo@mail.ucf.edu>  
**To:** heintz@epcjanus.epchc.org <heintz@epcjanus.epchc.org>  
**Date:** Friday, September 29, 2000 11:55 AM  
**Subject:** Re: Standardized Engineering Methods for SinkholeStabilization

>>> "Chuck Heintz" <heintz@epcjanus.epchc.org> 09/27/00 07:47 AM >>>  
Dr. Chopra and Dr. Kuo:

Per the request of management, Environmental Protection Commission (EPC) of Hillsborough County staff is querying various agencies, institutions, and organizations concerning the engineering methods for sinkhole stabilization. Does the University of Central Florida (UCF) Civil and Environmental Engineering Department recognize any standardized engineering methods for stabilizing sinkholes?

Any information that your department can provide regarding this question is greatly appreciated. Thank you.

Chuck Heintz

Chuck:  
Sorry we at the University do not have any standardized method for the sinkhole stabilization.

Dr. Kuo, Professor

response



SWFWMD

**Gordon Leslie**

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**From:** Chuck Heintz <heintz@epcjanus.epchc.org>  
**To:** Gordon Leslie <leslie@epcjanus.epchc.org>  
**Sent:** Tuesday, October 03, 2000 10:21 AM  
**Subject:** Engineering Sinkhole Stabilization: Response from the SWFWMD

Gordon:

Tony Gilboy of the Southwest Florida Water Management District (SWFWMD) Technical Services Section (SUNCOM # 628-4150 ext. 4305) returned my telephone message. He stated that the SWFWMD does not have any codes for sinkhole stabilization. He said, however, that, under the SWFWMD's surface water permitting program, that the SWFWMD may require the remediation of sinkholes when they develop or have the potential to develop in stormwater retention ponds. He said that he is not aware of any legislative statute directing governments to investigate or remediate sinkholes. He said that he does not recall seeing any standards for sinkhole stabilization in copies of the Year 2000 version of the ASTM guidelines. Mr. Gilboy stated that, due to the variability of sinkhole formation, different sinkhole remediation methods are used on a case-by-case basis.

I'll add this information to our draft memo.

Chuck