

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
JANUARY 18, 2001
10AM – 12 NOON**

AGENDA

INNOVATION AND PLEDGE OF ALLEGIANCE

**APPROVAL OF CHANGES TO THE AGENDA AND REMOVAL OF CONSENT
AGENDA ITEMS WITH QUESTIONS, AS REQUESTED BY BOARD MEMBERS**

- I. CITIZEN'S COMMENTS**
- II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**
- A. Items of Interest
- B. Outdoor Lighting Regulation Ordinance
- III. SPECIAL PRESENTATIONS**
- Report on Ship Building/Repair Industry 1
- IV. CONSENT AGENDA**
- A. Approval of Minutes: None
- B. Monthly Activity Reports 2
- C. Legal Department Monthly Report 17
- D. Pollution Recovery Trust Fund 22
- E. Gardinier Settlement Trust Fund 23
- V. EXECUTIVE DIRECTOR'S REPORT**
- VI. ADMINISTRATIVE ACTIVITIES**
- Vehicle Utilization Report
- VII. LEGAL DEPARTMENT**
- Request Authority to Take Appropriate Legal Action Against:
- A. Tony Holbrooks and Mary Sutton 24
- B. Coniglio Construction & Demolition Debris Landfill 25

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: January 18, 2001

Agenda Item: Report on Ship Repair/Ship Building Initiative

Description Summary:

Tampa is home to one of the ten largest ports in the United States and represents a significant source of commerce and employment for the area. Unfortunately many of the same activities in the port that contribute to Tampa's economic vitality, also have the potential to adversely impact the air and the waters of our community. In recognition of this issue, the Executive Director has set as one of the Agency's goals to partner with a select industry to bring about improved compliance. Through workshops and open dialogue, the EPC staff and the shipbuilding and repair industry are working towards cleaning up their facilities and how they do business. Staff will give a brief report on the efforts to date.

Commission Action Recommended: Accept report.

Commission Action Taken:

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
DECEMBER

- A. Public Outreach/Education Assistance:
- | | | |
|----|------------------------|-----|
| 1. | Phone Calls | 185 |
| 2. | Literature Distributed | 16 |
| 3. | Presentations | 2 |
| 4. | Media Contacts | 1 |
| 5. | Internet | 86 |
- B. Industrial Air Pollution Permitting
- | | | |
|----|---|---|
| 1. | Permit Applications Received (Counted by Number of Fees Received): | |
| a. | Operating: | 3 |
| b. | Construction: | 4 |
| c. | Amendments: | 0 |
| d. | Transfers/Extensions: | 0 |
| e. | General | 1 |
| 2. | Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review): | |
| a. | Operating ¹ : | 1 |
| b. | Construction ¹ : | 2 |
| c. | Amendments ¹ : | 2 |
| d. | Transfers/Extensions ¹ : | 0 |
| e. | Title V Operating ² : | 0 |
| f. | Permit Determinations ² : | 5 |
| g. | General | 1 |
| 3. | Intent to Deny Permit Issued | 1 |
- C. Administrative Enforcement
- | | | |
|----|---|------------|
| 1. | Documents Issued: | |
| a. | Notice of Intent to Initiate Enforcement | 1 |
| b. | Citation | 0 |
| c. | Emergency Order | 0 |
| 2. | Total Cases Initiated: | 1 |
| 3. | Cases Resolved: | 0 |
| 4. | Cases Referred to Legal Department: | 0 |
| 5. | Consent Orders Signed: | 1 |
| 6. | Contributions to the Pollution Recovery Fund: | \$4,950.00 |

<u>Organization Name</u>	<u>Violation</u>	<u>Amount</u>
a. Alcoa Extrusions	Failed minimum VOC destruction efficiency	\$4,950.00

D.	Inspections:	
	1. Industrial Facilities:	<u>4</u>
	2. Air Toxics Facilities:	
	a. Asbestos Emitters	<u>0</u>
	b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>21</u>
	c. Major Sources	<u>0</u>
	3. Asbestos Demolition/Renovation Projects:	<u>43</u>
E.	Open Burning Permits Issued:	<u>11</u>
F.	Number of Division of Forestry Permits Monitored:	<u>204</u>
G.	Total Citizen Complaints Received:	<u>61</u>
H.	Total Citizen Complaints Closed:	<u>55</u>
I.	Noise Sources Monitored:	<u>1</u>
J.	Air Program's Input to Development Regional Impacts:	<u>2</u>
K.	Test Reports Reviewed:	<u>38</u>
L.	Compliance:	
	1. Warning Notices Issued:	<u>5</u>
	2. Warning Notices Resolved:	<u>14</u>
	3. Advisory Letters Issued:	<u>9</u>
M.	AOR's Reviewed:	<u>18</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>7</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
DECEMBER

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ <u>-0-</u>
(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	\$ <u>-0-</u>
(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>1,400.00</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>2,400.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	\$ <u>200.00</u>
4. Non-delegated permit revision for an air pollution source	\$ <u>-0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	\$ <u>-0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$ <u>2,415.00</u>
(b) for structure greater than 50,000 sq ft	\$ <u>-0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$ <u>1,160.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$ <u>1,200.00</u>
8. Open burning authorization	\$ <u>4,675.00</u>
9. Enforcement Costs	\$ <u>1,230.31</u>

COMMISSION
 PAT FRANK
 CHRIS HART
 JIM NORMAN
 JAN PLATT
 THOMAS SCOTT
 RONDA STORMS
 STACEY EASTERLING



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

AIR MANAGEMENT DIVISION
 TELEPHONE (813) 272 - 5530

WASTE MANAGEMENT DIVISION
 TELEPHONE (813) 272 - 5788

WETLANDS MANAGEMENT DIVISION
 TELEPHONE (813) 272 - 7104

EXECUTIVE DIRECTOR
 RICHARD D. GARRITY, Ph.D.

MEMORANDUM

DATE: January 10, 2001

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 DECEMBER 2000 AGENDA INFORMATION

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	2
2. On-going administrative cases	109
a. Pending	11
b. Active	50
c. Legal	12
d. Tracking Compliance (Administrative)	12
e. Inactive/Referred cases	22
f. Criminal Compliance tracking	2
3. NOI's issued	0
4. Citations issued	0
5. Consent Orders signed	1
6. Civil Contributions to the Pollution Recovery Fund	0
7. Criminal Contributions to the Pollution Recovery Fund	0
8. Enforcement Costs collected	\$1,976.96
9. Cases referred to Legal Dept.	1
10. Cases Closed	1



B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	51/65
2. EPC Authorization for Facilities NOT requiring DEP permit	1
3. Other Permits and Reports	
a. County Permits	0
b. Reports	49/62
4. Inspections (Total)	555
a. Complaints	25
b. Compliance/Reinspections	9
c. Facility Compliance	39
d. Small Quantity Generator	482
5. Enforcement	
a. Complaints Received/Closed	24/25
b. Warning Notices Issued/Closed	2/3
c. Compliance letters	30
d. Letters of Agreement	0
e. DEP Referrals	0
6. Pamphlets, Rules and Material Distributed	1

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	47
b. Installation	9
c. Closure	4
d. Compliance Re-Inspections	16
2. Installation Plans Received/Reviewed	2/1
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	3/3
b. Closure Reports Received/Reviewed	6/6
4. Enforcement	
a. Non-compliance Letters Issued/Closed	18/5
b. Warning Notices Issued/Closed	2/1
c. Cases referred to Enforcement	1
d. Complaints Received/Investigated	0
e. Complaints Referred	0
5. Discharge Reporting Forms Received	5
6. Incident Notification Forms Received	11
7. Cleanup Notification Letters Issued	5
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	27
2. Reports Received/Reviewed	54/56
a. Site Assessment	18/22
b. Source Removal	4/6
c. Remedial Action Plans (RAP's)	5/8
d. Site Rehabilitation Completion Order/ No Further Action Order	6/6
e. Others	21/14
3. State Cleanup	
a. Active Sites	5
b. Funds Dispersed	\$0.00

E. RECORD REVIEWS **46**

F. PUBLIC INFORMATION PROJECTS **1**

K. Boatwright & M. McKelvey –
Hosts for Legislative Delegation and County Commissioner Tour

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

DECEMBER, 2000

A. ENFORCEMENT

1. New Enforcement Cases Received:	1
2. Enforcement Cases Closed:	2
3. Enforcement Cases Outstanding:	45
4. Enforcement Documents Issued:	1
5. Warning Notices:	13
a. Issued:	5
b. Resolved:	8
6. Recovered costs to the General Fund:	\$ 649.12
7. Contributions to the Pollution Recovery Fund:	\$2,083.33

Case Name	Violation	Amount
a. Country Road Park	Expired Permit	\$200.00
b. Windemere Utility WWTP	Improper operation/failure to maintain	\$750.00
c. Family of Christ Lutheran Church	Operation w/out a permit	\$300.00
d. Lutz Lake Fern Daycare	Placement of c/s in service w/o an acceptance letter	\$200.00
e. Cornerstone Plaza	Placement of c/s in service w/o an acceptance letter	\$300.00
e. Hughes Hard Chrome	Industrial wastewater discharge	\$333.33

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	19
a. Facility Permit:	6
(i) Types I and II	0
(ii) Type III	6
b. Collection Systems-General:	4
c. Collection Systems-Dry Line/Wet Line:	9
d. Residuals Disposal:	0
2. Permit Applications Approved:	27
a. Facility Permit:	9
b. Collection Systems-General:	8
c. Collection Systems-Dry Line/Wet Line:	10
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	1
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	1
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated) Recommended for Approval:	1

5. Permits Withdrawn:	<u>0</u>
6. Permit Applications Outstanding:	<u>23</u>
a. Facility Permit:	<u>14</u>
b. Collection Systems-General:	<u>3</u>
c. Collection Systems-Dry Line/Wet Line:	<u>6</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	<u>46</u>
1. Compliance Evaluation:	<u>9</u>
a. Inspection (CEI):	<u>1</u>
b. Sampling inspection (CSI):	<u>8</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	<u>30</u>
a. Inspection (RI):	<u>11</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>19</u>
d. Enforcement Inspection (ERI):	<u>0</u>
3. Special:	<u>7</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>1</u>
c. Preconstruction Inspection (PCI):	<u>1</u>
d. Post Construction Inspection (XCI):	<u>5</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>2</u>
a. Facility Permit:	<u>2</u>
(i) Types I and II	<u>2</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>0</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>0</u>
3. Permit Applications Outstanding:	<u>29</u>
a. Facility Permits:	<u>29</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	<u>21</u>
1. Compliance Evaluation:	<u>3</u>
a. Inspection (CEI):	<u>3</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>18</u>
a. Inspection (RI):	<u>6</u>
b. Sample inspection (SRI):	<u>1</u>
c. Complaint Inspection (CRI):	<u>11</u>
F. CITIZEN COMPLAINTS	
1. Domestic:	<u>11</u>
a. Received:	<u>4</u>
b. Closed:	<u>7</u>
2. Industrial:	<u>8</u>
a. Received:	<u>3</u>
b. Closed:	<u>5</u>
3. Water Pollution:	<u>4</u>
a. Received:	<u>2</u>
b. Closed:	<u>2</u>
G. RECORD REVIEWS	
1. Permitting:	<u>4</u>
2. Enforcement:	<u>0</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1. Air Division:	<u>44</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>149</u>
4. Wetlands Division:	<u>3</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>1</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>0</u>
4. Other:	<u>0</u>
J. WATER QUALITY MONITORING SPECIAL PROJECTS	
1. Data Review	<u>0</u>
2. Special Sampling	<u>0</u>
3. Biomonitoring/Toxicity Reviews (DW)	<u>2</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>0</u>
5. Other	<u>0</u>
K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL	<u>13</u>

ASSESSMENT SECTION

A. EPC Wetlands Reviews

1.	Wetland Delineations	
	a. Wetland Delineations (\$120)	30
	b. Wetland Delineation Dispute	1
	c. Wetland Line Survey Reviews	16
	d. Additional Footage Fees	\$1,207.05
2.	Misc. Activities in Wetlands (\$0 or \$100 as applicable)	
	a. Nuisance Vegetation	16
	b. Other	20
3.	Impact/Mitigation Proposal (\$775)	3
4.	Mitigation Agreements Recorded	0
5.	FDOT Reviews	0

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

1.	Tampa Port Authority Permit Apps. (\$50 or \$150 as applicable)	34
2.	Wastewater Treatment Plants (FDEP)	14
3.	FDEP Wetland Resource Apps.	0
4.	FDEP Grandfathered Delineation	0
5.	SWFWMD Wetland Resource Apps.	0

TOTALS

6.	Army Corps of Engineers	0
7.	Interagency Clearinghouse Reviews	0
8.	DRI Annual Report	0
C. Hills. County/ Municipality Permit Application Reviews		
1.	Land Alteration/Landscaping (\$100)	1
2.	Land Excavation (\$785 or \$650 as applicable)	0
3.	Phosphate Mining	
	a. Unit Review/Reclamation (\$760)	0
	b. Annual Review/Inspection (\$375)	0
4.	Rezoning	
	a. Reviews (\$85)	22
	b. Hearings	0
	c. Hearing Prep (hours)	0
5.	Site Development/Commercial (\$360)	
	a. Preliminary	7
	b. Construction	16
6.	Subdivision	
	a. Preliminary Plat (\$140)	6
	b. Master Plan (\$550)	1
	c. Construction Plans (\$250)	15
	d. Final Plat (\$90)	5
	e. Waiver of Regulations (\$100)	0
	f. Platted, No-Improvements (\$100)	3
	g. Minor - Certified Parcel (\$100)	1

TOTALS

7.	As-Builts (\$255)	8
8.	Miscellaneous Reviews (no fees)	
	a. Wetland Setback Encroachment	0
	b. Easement /Vacating	3
	c. NRCS Review	0
9.	Preapplications (no fees)	
	a. Review preparation (hours)	9
	b. Meetings/Reports	4
10.	Development Review Committee (no fees)	
	a. Review preparation (hours)	4.75
	b. Meetings	3.5
D. Other Activities		
1.	Unscheduled meetings with members of the public (walk-ins)	61
2.	Other Meetings	87
3.	Telephone conferences	773
4.	Presentations	0
5.	Correspondence	172
6.	Correspondence Review (hours)	36.75
7.	Special Projects (hours)	75
8.	On-site visits	106
9.	Appeals (hours)	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	5
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	61
b. Legal	3
c. Inactive	28
2. Number of "Notice of Intent to Initiate Enforcement"	2
3. Number of Citations Issued	0
4. Number of "Emergency Order of the Director"	0
5. Number of Consent Orders Signed	3
C. CASES CLOSED	
1. Administrative / Civil Cases Closed	3
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	0
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$4,250.00
E. ENFORCEMENT COSTS COLLECTED	\$1,136.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	20
2. Return Inspections	47
3. Closed	34
B. WARNING NOTICES	
1. Issued	3
2. Return Inspections	54
3. Closed	20
C. MITIGATION	
1. Compliance/Monitoring Reviews	18
2. Compliance Inspections	9
D. OTHER ACTIVITIES	
1. Case Meetings	3
2. Other Meetings	19
3. Telephone Calls	249
4. File Reviews	10
5. Cases Referred to Enforcement Coordinator	5
6. Letters	62

ADMINISTRATIVE / TECHNICAL SECTIONS

A. SOIL SCIENTIST

1. Case Reviews	4
2. Field Soil Investigations	6
3. Reports or Notes of Soil Investigations	6
4. Special Projects	
-Central System Wellfield Phase I Mitigation	
-Northern Tampa Bay Phase II Investigation program (SWFWMD)	

B. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	2
2. Telephone Assistance	430
3. Letters	203
4. Incoming Projects	98
5. Additional Info / Additional Footage	8/11
6. Resubmittals / Revisions	15/5
7. Surveys / Data Entry	19/566

C. ENGINEERING STAFF

1. Meetings	26
2. Reviews	37
3. Aerial Reviews	0
4. Telephone Inquiries	0
5. Field Investigations	7

EPC LEGAL DEPARTMENT MONTHLY REPORT
January 10, 2001

A. ADMINISTRATIVE CASES

NEW CASES | 3 |

Freeport-McMoran v. EPC, DEP & Big Bend Transfer [LFRE00-017]: A petition for a formal administrative hearing was filed by Freeport-McMoran Development, L.L.C. (Freeport) on December 5, 2000 challenging the EPC's Intent to Issue a construction permit for a proposed solid sulfur storage, processing and melting facility owned by Big Bend Transfer Co., L.L.C. The petition was referred to the Division of Administrative Hearings on December 12, 2000 with a Motion to Consolidate with the SOBAC case listed below. The case was consolidated with the SOBAC case below. (AZ & RT)

SOBAC v. EPC, DEP & Big Bend Transfer [LSOB00-018]: A petition for a formal administrative hearing was filed by Save Our Bays, Air, and Canals, Inc. (SOBAC) on December 5, 2000 challenging the EPC's Intent to Issue a construction permit for a proposed solid sulfur storage, processing and melting facility owned by Big Bend Transfer Co., L.L.C. The petition was referred to the Division of Administrative Hearings on December 12, 2000 with a Motion to Consolidate with the Freeport case listed above. On December 19, 2000 SOBAC filed an amended petition. The administrative Law Judge accepted the amended petition and the matter was consolidated with the above case. (AZ & RT)

SOBAC v. EPC, DEP & Hanson Pipe [LHAN00-019]: A petition for a formal administrative hearing was filed by Save Our Bays, Air, and Canals, Inc. (SOBAC) on December 5, 2000 challenging the noticed general permit to Hanson Pipe and Products, Inc. (Hanson Pipe) to construct a concrete batch plant. The petition was reviewed for sufficiency and was found insufficient. An Order Dismissing the Petition with leave to amend was entered on December 12, 2000. The petitioner was provided 15 days to file and amended petition. On December 18, 2000 the EPC provided Notice of Permit Denial to Hanson Pipe to operate with a general permit. The EPC received a Motion for Leave to File an Amended Petition on January 3, 2001. The motion and Amended Petition were dismissed as untimely. In addition, because a petition was not received from the applicant after the general permit was denied the matter became moot and the case was resolved. (AZ)

EXISTING CASES | 8 |

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 1999 to abate the proceeding 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 almost all non-compliance issues. On October 17, 2000 a Settlement Letter was sent to the City of Tampa regarding reimbursement of EPC's administrative costs in the matter. The City of Tampa has orally agreed to settle the matter. On December 22, 2000 the City of Tampa accepted the proposed Settlement Letter in writing and sent a check for EPC's expenses and costs in handling the matter. (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. The USTs have been emptied of product. The landowner has submitted a closure report of the UST system. The closure inspection has determined that no further assessment of the former UST is required and the facility is currently in compliance. On October 17, 2000 a Settlement Letter was sent to the property owner, Presto Food Stores, Inc. regarding reimbursement of EPC's administrative costs. The EPC has waived penalties against the property owner and is seeking penalties against the tank owner and operator, Gazi Haque instead. On November 16, 2000 a Settlement Letter was executed between the EPC and the property owner. A check for \$672.53 was received for re-imbursement of EPC's costs in obtaining compliance. Presto Food Stores, Inc. has voluntarily dismissed its appeal and the appeal matter has been closed. All matters have been resolved with Presto Food Stores, Inc. EPC enforcement is currently seeking to recover penalties from the tank owner and operator Gazi Haque. On October 26, 2000 a proposed Settlement Letter was sent to the tank owner and operator Gazi Haque. No response has been received from Mr. Haque. (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. (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. A draft consent order was sent to TBO November 15, 2000. (KKB)

Tampa Bay Regional Reservoir [LRES00-014]: On October 16, 2000 Hillsborough County EPC and Hillsborough County filed notice for binding arbitration regarding Tampa Bay Water's Environmental Resource Permit application to the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers section 404 permit application on the Tampa Bay Regional Reservoir. EPC asserts that reasonable assurances have not been provided that the application meets all applicable agency rules, policies and statutes. Written discovery (interrogatories and requests for production) have been filed. Depositions are ongoing. (KKB)

RESOLVED CASES | 1 |

Tampa Bay Shipbuilding & Repair v. EPC [LTAM00-015]: On November 1, 2000 a permittee, Tampa Bay Ship Building & Repair, filed a formal petition for administrative hearing pursuant to Chapter 120, F.S., challenging conditions placed in a FDEP delegated air pollution source permit. The parties negotiated revisions to the draft permit and the EPC agreed to re-issue the Intent to Issue with the revised draft permit. The Petitioner voluntarily withdrew the petition and the EPC Legal Department issued an Order Closing the File. (RT)

B. CIVIL CASES

NEW CASES | 1 |

Dip Mini Mart [LDIP00-020]: Authority was requested and received by the EPC on December 19, 2000 to initiate judicial enforcement to close and remove an abandoned underground storage tank system (USTs) and to obtain civil penalties and costs. Two separate demand letters have been sent to the attorney for the property owner. The attorney left a telephone message with EPC but no other correspondence has been received by the EPC. The judicial complaint was filed January 11, 2001. (AZ)

EXISTING CASES | 11 |

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. EPC staff met with Defendants regarding submitting an application for state assistance in the closure of the USTs on the property. If the Defendants obtain eligibility as indigent owners of abandoned USTs the only remaining issue will be seeking penalties and costs for the associated violations. (AZ)

Slusmeyer, Boyce [LSLU94-152]: Suit was filed in 1994 to compel proper closure for an abandoned underground storage tank and to obtain civil penalties and costs. In 1995 a judgment was entered by the court ordering the closure of the underground storage tanks and providing for penalties and costs. Defendant did not comply with the judgment. EPC asked the court to hold the Defendant in contempt for failure to remove the tanks. On April 27, 2000 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 was provided a brief additional amount of time to resolve all outstanding issues. The underground storage tanks were removed from the site on October 6, 2000 and a proper closure report should have been submitted by December 6, 2000. The EPC received the closure report on December 22, 2000. The closure report indicated there is soil contamination at the site. The Defendant now must initiate a petroleum contamination assessment. In addition to the required soil cleanup the EPC is attempting to recover its penalties and costs. (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. A settlement discussion was held November 28, 2000. Mulberry is analyzing the proposed projects and will propose their plan by February 1, 2001. (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. On October 13, 2000 a Settlement Letter was sent to the property owner regarding reimbursement of EPC's administrative costs and penalties. EPC has contacted the opposing party but has been advised that the facility owner is financially unable to make payments for settlement. The EPC is currently considering further enforcement options. (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)

Qasem 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. Discovery is ongoing. The hearing on the Motion for Summary Judgment is currently set for January 19, 2001. (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. The property will be sold at a foreclosure at the end of January. Ms. Maynard's attorney notified EPC that monies will be set aside in escrow to cover the expense of closing the UST's at the site. (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)

RESOLVED CASES | 3 |

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. On October 26, 2000 a Settlement Letter was sent to the property owner regarding reimbursement of EPC's administrative costs and other required actions. On December 12, 2000 the facility owner executed the Settlement Letter, paid the EPC its costs and installed new gauges on the USTs. The facility is currently in compliance and the matter has been resolved. (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 submitted his application for a permit on October 13, 2000. On December 18, 2000 the facility obtained an air permit and is currently in compliance with EPC rules. (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's deadline to respond to the lawsuit was October 27, 2000. The Defendant's answer to the EPC complaint was received on October 30, 2000. The parties entered into a Consent Final Judgment on December 11, 2000 to amicably resolve all issues in the case. The Defendant agreed to pay penalties of \$9,000.00 and costs of \$2,507.00 and agreed to significantly upgrade the plant. A permit was issued for the facility in conjunction with the execution of the Consent Final Judgment. The Facility is currently in compliance with EPC and DEP rules and statutes. (AZ)

COMMISSION

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



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TELEPHONE (813) 272-5788

WETLANDS MANAGEMENT DIVISION
TELEPHONE (813) 272-7104

EXECUTIVE DIRECTOR
RICHARD D. GARRITY, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF JANUARY 01, 2001

Fund Balance as of 10/01/00		\$1,131,516
Interest Accrued	FY01	12,870
Deposits	FY01	35,269
Disbursements	FY01	11,751

Fund Balance \$1,167,904

Encumbrances Against Fund Balance:

(57a)	Cypress Head Swamp	8,967
(14)	Wetland Surveys	1,781
	Seagrass Study/Sheriff	27,500
	Art. Reef FY01	46,617
(53)	Clayton Lake	6,007
(54)	Mosi Restoration	963
(56)	Oakview Utilities	74,925
(55)	Riverview Civic Center	39,525
(61)	Thalasssea Study	13,245
(63)	McKay Bay	15,000
(64)	Hughes Hard Chrome	3,373
(66)	Asbestos Abatement	5,000
(72)	Brooker Creek	1,266
(75)	Adopt A Pond	50,000
(78)	River Crest Restoration	15,000
(79)	Epps Park Restoration	10,000
(68)	Lutz Nature Park	2,082
(73)	Balm Road Scrub	300,000
(81)	Tampa Baywatch	12,870
	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 871,625

Minimum Balance 100,000

Fund Balance Available January 01, 2001 \$196,279

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EXECUTIVE DIRECTOR
RICHARD D. GARRITY, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
AS OF JANUARY 01, 2001

Fund Balance as of 10/01/00	\$1,653,820
Interest Accrued FY01	18,600
Disbursements FY01	81,821
 Fund Balance	 \$1,590,599

Encumbrances Against Fund Balance:

Alafia River, Add. (SWIM/DEP)	8,948
Cockroach Bay Exotic Con. (HCC)	8,618
Alafia River/Wolf Branch	219,589
Ballast Point Seawall Phase II	25,000
Audubon Society Riverview CC	50,000
Oakview Utilities	50,000
Port Redwing	300,000
Davis Tract	175,851
Apollo Beachhabitat Restoration	100,000
Fantasy Island Restoration	50,000
Mechanical Seagrass Planting	50,000

Total of Encumbrances	\$1,038,006
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Fund Balance Available January 01, 2001	\$ 552,593
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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

AGENDA ITEM COVER SHEET

DATE: January 11, 2001

TO: Environmental Protection Commissioners

FROM: Brenda Fonda, Enforcement Coordinator, Waste Management Division

SUBJECT: Request for Authority to Take Legal Action regarding Tony Holbrooks and Mary Sutton.
"Bug's-R-Us" property

RECOMMENDATION: Grant authority to pursue appropriate legal action

BACKGROUND:

Bug's-R-Us is located at 7277 Nebraska Avenue, Tampa. At the time of the violations the property was owned by Ms. Mary Sutton and was leased and operated by Tony Holbrooks. The Property and Facility include Underground Storage Tank (UST's) systems. On August 31, 1998 EPC staff conducted a closure inspection. The inspection revealed that the operator failed to notice the EPC of the tank removal; failed to use a certified contractor for tank removal; and failed to perform a closure assessment. Although the violations have been resolved the EPC has not recovered penalties and costs for the past violations and the owner and operator failed to respond to any EPC correspondences.

EPC has contracted with the Florida Department of Environmental Protection (DEP) to administer the UST program in Hillsborough County. EPC also has independent authority under its enabling act, Chapter 84-446, Laws of Florida as amended, and has adopted by reference in EPC Rules Chapter 1-12, the UST rules of the DEP.

Since the parties have not responded to EPC staff efforts to resolve this matter, staff recommends the initiation of appropriate legal action for enforcement.

ACTION TAKEN BY THE COMMISSION

[] Approved [] Disapproved [] Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

MEETING

DATE: _____