

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
MAY 17, 2001
9 AM – 12 NOON**

BUDGET WORKSHOP (9AM – 10AM)

- A. Interim Report on Goals & Objectives 1
- B. Budget Presentation

AGENDA

INVOCATION 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. **SPECIAL PRESENTATIONS**
 - Clean Air Month Essay Awards
- III. **CONSENT AGENDA**
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 - B. Request for Authority to Take Appropriate Legal Action Against:
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 - 2. Carl Will 49

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

Visit our website at www.epchc.org

Environmental Protection Commission
of
Hillsborough County

INTERIM REPORT

Of Agency Goals and Objectives
Accomplishments
in the first 6 months
of FY 2000-2001

Richard Garrity, PhD
Executive Director
April 19, 2001

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Introduction

The Environmental Protection Commission was created in 1967 by special act of the Florida Legislature. Its mission is to ensure the health, safety and welfare of the citizens and visitors of Hillsborough County, and of plant and animal life, by providing and implementing standards that protect the purity and freedom of air, soils, and waters from contaminants, and the freedom of communities from excessive and unnecessary noise.

One of the first tasks of Dr. Richard Garrity when he accepted the position of Executive Director, was to develop new Goals and Objectives for the agency. Five Goals were adopted, each with five or six Objectives. Internally, each objective was given numerous target actions and milestones for achievement. Although some of the goals and objectives can not be accomplished in a one year time frame, agency division directors and staff have been working diligently to achieve as much as possible.

A final annual report of accomplishments for FY 2000-2001 will be submitted in October 2001.

Interim List of Accomplishments – April 2001

Goal 1 Regulatory Effectiveness

- ❖ To maximize the effectiveness of agency programs in protecting the environment, we have performed a comprehensive review of all activities and ranked them according to their effectiveness and efficiency from a resource perspective. Our next task will be to streamline those activities identified as inefficient and to reallocate resources where possible.
- ❖ In concert with Pinellas County, EPC applied for and obtained a federal grant to monitor atmospheric deposition of nitrogen and other toxic contaminants to Tampa Bay. Monitoring equipment has been set up and is running at the Gandy site, with two additional sites to be available shortly, now that EPC has signed a contract with the State providing for a part-time employee. EPC has also requested that local major sources provide NOx emissions data for inventory purposes.
- ❖ Benthic and bottom sediment sampling pursuant to 2000 HIMP has been completed and analysis for contaminants is proceeding.
- ❖ EPC updated its pollution prevention (P2) strategy with EPA and has proceeded to develop a staff training program for multimedia inspections of shipyards. EPC's in-house P2 committee will hold its first meeting on April 27 to begin the process of identifying regulatory and non-regulatory incentives for small sources, and to develop an agency-wide P2 strategy. EPC's Waste division has met with 475 facilities since October 2000, providing them with information and instruction on how to minimize pollution, and is working with the County to develop an MOU that will provide a staff person to coordinate EPC's program with the County's NPDES permit requirements and Brownfield efforts.
- ❖ To address the increased workload under DEP's contract for remediation of petroleum contamination, EPC has filled two vacant professional engineer and geologist positions, hired a hydrologist and is interviewing another hydrologist. In concert with DEP, two sites have been approved to use innovative technology (bioremediation and peroxide injection), and discussions are pending on several sites using a pay-for-performance process that will reduce regulatory oversight requirements. EPC maintains a strong field presence with a full time Specialist II, and has conducted 143 site visits since October.
- ❖ Applications for the Pollution Recovery Fund were reviewed by staff, CEAC and submitted to the Board for approval. In an effort to ensure a maximum benefit to the environment, two projects were held back for reexamination and were adjusted and approved accordingly. For subsequent review cycles, EPC has designated a specific agency employee to maintain responsibility for the process.

Goal 2 Regulatory Efficiency

- ❖ We have facilitated interdivisional and staff coordination through Internet and GroupWise email systems. Weekly senior staff meetings have been refocused to encourage information sharing and identification of current issues that may require participation of two or more divisions.
- ❖ The Wetlands division is currently working to clarify the wetland impact assessment and approval process by developing standardized Director's Authorizations for docks and boardwalks that fall below certain thresholds and for the review of certain SWIM projects for habitat restoration.
- ❖ We have installed a new phone system that facilitates direct public access and messaging to individual staff members, and also provides brief agency service messages to those on hold. We have adopted an electronic referral system patterned after the Administrators, to track Commissioner requests from receipt and through assignment to response. The public is now able to email their questions directly to the agency and agency staff.
- ❖ EPC is in the process of establishing a new office for Public and Intergovernmental Affairs, with two full time staff, specifically to improve agency communication so that our services can be more responsive in addressing the public's environmental questions and concerns.
- ❖ Division directors monitor permit application-processing times through a monthly report generated from the DEP tracking system and an in-house database.
- ❖ In February we initiated a 6-month fee study of all services and permits processed through EPC to ensure adequate cost recovery, including appropriate consideration regarding project size, complexity, duration and extraordinary conditions.
- ❖ To ensure maximum efficiency through coordination of division budgets, we have held several in-house workshops to review program goals and needs for maintenance and enhancement. We are also attending County budget training sessions and attempting to comply with County policy.
- ❖ We have improved and streamlined our data handling systems by upgrading the capabilities of our desktop PCs and converting to Office 2000. We have submitted requisitions for a main network server and are discussing specifications with Compaq and Dell for additional server requirements. We are on schedule for developing electronic databases for each division that will be compatible with GIS, and have completed the Small Quantity Generator program and are beginning the Tanks program.
- ❖ We have initiated a financial Contracts and Grants Audit Review Committee to review all contracts and grants for compliance with the granting agency.

Goal 3 Better Coordination/Delegation with our Regulatory Partners

- ❖ In January and February we had senior staff level meetings with senior management of the DEP Southwest District, and with SWFWMD, to discuss ways to improve coordination in our several related regulatory programs and improve service to the public. In both cases, we agreed that such meetings should occur several times each year.
- ❖ EPC Wetlands staff coordinated a training session with DEP and SWFWMD on wetland delineations in January and is currently reviewing our existing MOU with SWFWMD to clarify and augment the process for accepting each others delineations, establishing a method for EPC to demonstrate ability to set hydroperiods, and coordinating mitigation compliance.
- ❖ In December we amended our noise rule to compliment the new City of Tampa Ordinance and clarify the applicable standards. We have drafted an MOU to set out with greater specificity responsibilities in protecting the citizens from noise pollution.
- ❖ EPC Wetlands staff has been working very closely with the County WRT and SWFWMD in developing the MFL methodology, particularly for category III lakes in Northern Tampa Bay, and expect to comment on the proposed MFL rule when it is published in April. We are also working closely with the WRT in reviewing all TBW water supply projects for compliance with resource protection goals.
- ❖ In late October we met with the Department of Agriculture, DEP and water management districts to identify existing and planned Best Management Practices (BMP) that would fall under the Florida Right to Farm preemption. Since then we have been working with the Florida Association of Counties and monitoring discussions for development of BMPs statewide. From time to time DEP provides us with drafts of rules under consideration for our comment.
- ❖ The 2000 revision of the Area Contingency Plan for Oil Hazardous Substance Spill response has been submitted to FMRI for digitization. A CD, including software for interacting between the disk and links, was completed and presented it to the Tampa Port Spillage Committee and distributed to various users.
- ❖ EPC has assigned a specific staff person and alternate to attend meetings and participate with the County's Eastlake/Orient Park Brownfield Pilot Project Council. We met with the County most recently on February 20 to discuss an MOU to address the environmental components of developing, approving and monitoring a Brownfield remediation project. We hope to resolve some difficult new issues at another meeting on April 4 so that we can move forward with an MOU with the County.
- ❖ EPC attends City of Tampa Council meetings when a Brownfield issue is on the agenda – Hookers point having been recently designated as a Brownfield. EPC is also in the process of evaluating the application for delegation of the Brownfield program from DEP.

Goal 4 Partnering with Regulated Facilities or Industry for Better Compliance

- ❖ We met with the County Attorney's office in January to discuss a draft MOU that would clarify how EPC's regulatory activities assist the County in monitoring and controlling illicit stormwater connections to the stormwater system as required by their NPDES permit. We hope to receive a new draft from the County by April 17 that will include funding for a P2 position, an understanding of P2 responsibilities, and an agreement that EPC will provide laboratory analytical services at cost to the County.
- ❖ EPC has designated a specific staff person to be responsible for coordinating with the agricultural community and attending meetings such as the Agricultural Economic Development Council, and providing assistance in resolving agriculture's concerns regarding environmental compliance issues.
- ❖ EPC held two workshops to address the open burning ban during the current draught and its effect on the agricultural community, and included an article in the latest Newsletter regarding the unanticipated impact of fire suppression on wetland destruction.
- ❖ EPC staff attended a January workshop organized by a local ship repair facility, and has scheduled the first of two agency workshops to identify ways to minimize ship repair facilities on the environment.
- ❖ EPC's Waste division is working closely with DOT as it implements its Director's Authorization for the ongoing 22nd Street alignment. The hope is to identify the best way to handle unanticipated contamination issues so that we can avoid permitting conflicts, and to develop a template Director's Authorization for future large roadway projects. So far, the process is working smoothly.

Goal 5 Public Outreach and Education

- ❖ We have developed a comprehensive plan to provide the public and our policy makers with information about the status of our environment in Hillsborough County. To keep the public informed of various environmental issues and topics of interest, including trend issues raised in our annual air and water reports, EPC staff provide segments during televised EPC meetings on substantive issues; provide articles in our quarterly Newsletter; and issue as appropriate press notices and releases. The Newsletter and Press Releases are included on our website. At the end of the fiscal year, we will prepare an annual report summarizing the issues and accomplishments of the previous year and discussing activities that should be included in our goals for the next year.
- ❖ EPC intends, as resources permit, to participate in civic events to promote awareness of environmental issues. Since October we have participated in the USF Water Forum, the USF Engineering Exposition, the Hillsborough County Science Fair, the Plant City Strawberry Festival, the Apollo Beach Manatee Arts Festival, and the Town & Country

Town Hall, and made several presentation to students and other groups like the UF Agricultural Council. We are working with the HRGTF in organizing for Earth Day, have many projects scheduled for May - Clean Air Month, and have submitted 3 posters to the UF Natural Resources Forum: Watershed Management in June.

- ❖ We issued a press release on Roger Stewart's Merit Award from EPA, two releases on the brush fires of Polk County, a release on a lead paint complaint, the appointment of EPC's Agricultural Liaison, the approval of the sulfur handling facility, and the contract with DEP for the BRACE for atmospheric deposition monitoring. To assist staff in identifying future information that would be of interest to the public, and to establish a process for gathering and reviewing the information to ensure its appropriateness for publication, we prepared and distributed an outline of the types of information different staff functions might address.
- ❖ We have established an internal committee which meets monthly to review the status of our website and determine appropriate improvements that will insure it is informative, helpful to the user, and interactive. Our website is scheduled for an upgrade with a new server, at which time it will be redesigned to allow inclusion of current data base information and facilitate electronic submissions. Recently we have included EPC meeting agendas and complete agenda backup on the web. CEAC meeting agendas and backup are next.
- ❖ We are continually including links to related entity websites, such as the BOCC, DEP, EPA, the Port, etc. and have drafted a preliminary policy regarding appropriate links to insure compatibility with agency mission.
- ❖ In an effort to insure that our local policy makers were familiar with the regulatory activities of EPC, we offered an Environmental Tour in December, taking participants to various demonstration sites. We tried to provide background information on issues that we felt were adequately addressed and those we anticipated coming up during the legislative session.
- ❖ To prepare for the 2001 legislative session, we created an internal tracking list of issues and potential bills, including various positions expressed by Hillsborough County, the Florida Association of Counties and the National Association, the Florida Local Environmental Resource Agencies, the League of Women Voters, and others. The Executive Director met with several of our local legislators to seek their input regarding anticipated concerns, and to offer our technical services on environmental issues. We have coordinated with the County Legislative Office to keep each other informed as debates proceed.
- ❖ We attend as resources allow other meetings, which provide forums for citizen and industry to discuss their concerns. Specific staff persons have been assigned to cover meetings such as the Agency on Bay Management, the AEDC, various Tampa Chamber committees, MacDill Rehabilitation Board meetings, Keep Hillsborough Beautiful.

- ❖ We included CEAC in our Environmental Tour to increase their understanding of EPC's activities. We have worked with them to respond to their issues – such as the sulfur handling facility and the resulting concern about cumulative degradation. The Executive Director has committed to working closely with CEAC. In December we solicited various comments from CEAC regarding their perception of EPC's strengths and weaknesses, and provided a summary report back to them for their consideration. At the last CEAC meeting, staff provided an overview of our enforcement process so that they might identify areas that they would like to better understand and perhaps provide comment on.

- ❖ We currently monitor the BOCC agenda and attend when issues relate to environmental concerns. We provide EPC agendas and backup material on the website for anyone to keep informed about EPC activities.

List of Goals and Objectives 2000-2001

Goal 1 Regulatory Effectiveness

- Ensure effectiveness of regulatory programs
- Implement projects and Action Plan through BRACE and the CCMP designed to monitor atmospheric deposition of nitrogen and other introduction of toxic contaminants to Tampa Bay
- Focus potential pollution sources on pollution prevention (P2)
- Redouble efforts to achieve remediation of petroleum contaminated sites (including those contaminated with MTBE)
- Evaluate the uses of the Pollution Recovery Fund to maximize environmental benefit

Goal 2 Regulatory Efficiency

- Facilitate sharing of information and expertise, and coordinating current activities between EPC divisions
- 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
- Improve responsiveness to public inquiries, and Administrative and Commissioner referrals
- Streamline procedures to meet new DEP policy guidelines and decrease existing backlogs
- Ensure appropriate recovery of regulatory costs in regulatory services
- Streamline and improve data handling systems

Goal 3 Better Coordination/Delegation with our Regulatory Partners

- Improve coordination with DEP and its various programs, and work with other agencies 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
- Coordinate with the County Water Resources Team in promoting resource sensitive water projects
- 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
- Work with Coast Guard and DEP emergency Response to plan strategies to prevent and abate oil spill incidents
- Work with Hillsborough County, DEP and municipalities to encourage redevelopment of perceived contaminated properties (Brownfields)

Goal 4 Partnering with Regulated Facilities or Industry for Better Compliance

- Assist County and Cities in monitoring and controlling illicit stormwater connections to their stormwater systems
- 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
- Partner with ship repair facilities to encourage minimizing these operations' impact on the local environment
- Work with DOT to resolve permitting conflicts

Goal 5 Outreach and Public Education and Training

- **Keep the public and policy makers informed about ambient surface water quality, air quality and known waste sites in Hillsborough County and Tampa Bay.**
- **Develop contacts and a coordinated process for sharing information with the media**
- **Develop the EPC web-site to become more informative, helpful and interactive**
- **Identify environmental concerns before each legislative session and provide technical and administrative information to assist the EPC and the Legislative Delegation**
- **Participate and assist various local organizations that serve as forums for citizen and industry discussion**
- **Work with CEAC to identify issues relevant to EPC effectiveness in addressing citizen concerns**
- **Ensure that municipal and County administrations are informed of pending environmental concerns, issues, and regulations**

FEBRUARY 7, 2001 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, scheduled for Wednesday, February 7, 2001, at 5:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Storms called the meeting to order at 5:00 p.m. and entertained a motion to continue the meeting to February 21, 2001, immediately following the 11:15 a.m. item of the regular Board meeting. **Commissioner Platt so moved, seconded by Commissioner Frank, and carried five to zero.** (Commissioners Norman and Scott were out of the room.)

There being no further business, the meeting was adjourned at 5:01 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

pgs

FEBRUARY 21, 2001 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider Tampa Bay Water's (TBW) submittal of the environmental resource permit application and Section 404 dredge and fill permit application for the Brandon/South-Central connection project, scheduled for Wednesday, February 21, 2001, at 11:30 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Ronda Storms and Commissioners Stacey Easterling, Pat Frank, Chris Hart, Jim Norman, and Jan Platt.

The following member was absent: Commissioner Thomas Scott.

Chairman Storms called the meeting to order at 11:30 a.m. Assistant County Attorney Ed Helvenston, Commissioner Platt, and Chief Assistant County Attorney James Porter, clarified the motion made during the February 21, 2001, Board of County Commissioners' meeting regarding the dredge and fill permit applications. Chairman Storms requested the same clarification be made when that meeting resumed.

Mr. Tony D'Aquila, Wetlands Management Division, EPC staff, said EPC was in complete agreement with the recommendation from the County Water Resource Team not to arbitrate. EPC staff recommended not to arbitrate the permit applications, dependent upon the specific conditions represented in the slides he presented, specifically the sentence stating whereas the permit applications in the form currently recommended by the TBW staff. Pending questions, Mr. D'Aquila requested a motion to approve staff recommendation. **Commissioner Norman moved staff recommendation. Commissioner Frank seconded the motion, which carried six to zero.** (Commissioner Scott was absent.)

There being no further business, the meeting was adjourned at 11:34 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____

Deputy Clerk

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MARCH 15, 2001 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, March 15, 2001, at 10:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Storms called the meeting to order at 10:03 a.m. Commissioner Scott led in the pledge of allegiance to the flag and gave the invocation.

CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Mr. Larry Padgett, chairman, CEAC, noted that was his last time before the EPC Board as chairman of CEAC, due to health reasons; he had enjoyed serving as chairman. Mr. Padgett outlined the issues CEAC had been reviewing; gave an update on CEAC member Annie Sutton, who had been involved in a car accident; and introduced new CEAC chairman David Forziano and vice chairman Don Dupre. Commissioner Frank thanked Mr. Padgett for the work he had done with CEAC and the community. Commissioner Hart presented a plaque to Mr. Thomas Mann in recognition of his contribution and service to CEAC since February 1996.

CONSENT AGENDA

- A. Approval of Minutes: December 6, and 19, 2000, and January 9 and 18, 2001
- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Trust Fund
- E. Gardinier Settlement Trust Fund

Commissioner Scott moved approval of the Consent Agenda, seconded by Commissioner Hart, and carried seven to zero.

EXECUTIVE DIRECTOR'S REPORT

Dr. Rick Garrity, EPC Executive Director, introduced the new agricultural outreach coordinator, Mr. Marvin Blount, who addressed the EPC Board on his new role; commented on the EPC website; and introduced Ms. Elaine Deleeuw, EPC webmaster. Ms. Deleeuw gave a demonstration of the website, gave an update on EPC's involvement in the Strawberry Festival parade, noted staff would present an interim report on the EPC goals and objectives at the next EPC meeting, and

THURSDAY, MARCH 15, 2001 - DRAFT MINUTES

reported on upcoming quarterly meetings with Southwest Florida Water Management District (SWFWMD) and the Department of Environmental Protection (DEP) on issues of interest to both agencies. Dr. Garrity reported that two weeks previously, Mr. David Warner, Warner Environmental Management, had created an EPC workshop designed to highlight benefits of providing public service in protecting the environment and to encourage excellence in performance from public servants.

SPECIAL STAFF PRESENTATIONS

Small Quantity Generator (SQG) Program - Ms. Kelley Boatwright, EPC Waste Management Division, gave the history of the SQG program. Based on the reasons for starting the SQG program, the EPC had decided to partner with the Hillsborough County Occupational Licensing Department, Tax Collector's Office, to collect the fee--the legislation allowed for a hazardous waste surcharge to be assessed to each business that was a potential generator of hazardous waste. Ms. Boatwright mentioned an educational brochure, which listed the legal responsibilities, alternative recycling options--easier ways to comply with the rules, et cetera. EPC had also partnered with the Hillsborough County Solid Waste Department; they had agreed to share in the cost of printing the brochure, which included information on the dumpster ordinance. During its inspections, EPC would look at what waste streams were being disposed in dumpsters, what was going into the landfill and incinerator, and advise businesses of what could and could not be done. Some types of businesses inspected were drum recyclers, paint contractors, auto repair, and drycleaners. The program required the EPC to inspect 20 percent of the assessment roll; currently 12,500 businesses in the County were potential generators. Approximately 1,800 onsite inspections and a quality control check of the database were done annually. According to the Occupational Licensing Department, about 20 percent of businesses were in and out of business within a year. Ms. Boatwright talked about ways the EPC was able to achieve its onsite inspections. The program was based on an educational focus to help businesses understand the rules, why compliance was necessary, and how to correct problems. EPC had partnered with DEP, which formalized the SQG program and required corrective actions, including adopting State hazardous waste rules and pollution prevention.

Responding to Chairman Storms, Ms. Boatwright explained the State could not delegate federal rules. Mr. Hooshang Boostani, Director, EPC Waste Management Division, explained the legislation directed DEP to have local programs--local governments--do the work. Ms. Boatwright said EPC had also worked with Public Works Department stormwater staff, Sheriff's Office environmental unit, DEP

THURSDAY, MARCH 15, 2001 - DRAFT MINUTES

criminal strike force, Federal Bureau of Investigation, and Department of Justice.

Consider Requests for Pollution Recovery Funds: (1) Alafia River Shoreline Restoration and (2) Rivercrest Park Restoration

Ms. Leslie Campbell, EPC staff, recalled the EPC Board had found problems with the two projects when presented several months previously. Staff had continued to work on the projects to achieve agreement. She presented a joint staff and CEAC recommendation on each project with conditions and requested EPC Board approval for the projects to go forward. Ms. Campbell responded to questions by Commissioner Platt regarding the Rivercrest Park restoration. **Commissioner Platt moved approval, seconded by Commissioner Norman, and carried six to zero.** (Commissioner Norman was out of the room.)

AIR MANAGEMENT DIVISION

Approve Brace Study Contract and Authorize Executive Director to Execute Contract - Dr. Garrity said the item was an increase in the contract with DEP for the air study that looked at atmospheric deposition and its effects on water quality in the bay. Mr. Leroy Shelton, EPC staff, said the project was a cooperative effort between DEP, University of South Florida, Tampa Bay Estuary Program, and EPC and was funded by a State grant. Mr. Shelton requested authorization to accept the \$166,000 grant, authorize the Executive Director to sign the contract, and to fill an unfunded, existing part-time position. County funds were not required. **Commissioner Frank moved approval of the authorization for the contract and the employment of the part-time specialist for the life of the contract. The motion was seconded by Commissioner Scott, and carried six to zero.** (Commissioner Norman was out of the room.)

COMMISSIONERS' REQUEST

Mulberry Phosphate Update - EPC General Counsel Richard Tschantz reported the breach in the phosphate gypsum stack wall--spill--had occurred in December 1997. Responding to Chairman Storms, Attorney Tschantz said there was a certain probability that another spill could occur again. Chairman Storms asked that Attorney Tschantz provide the mathematical probability of another spill. Continuing the presentation, Attorney Tschantz noted that five months following the spill a memorandum of understanding was signed between all agencies that would be involved that had concurrent jurisdiction in that kind of catastrophe as follows: National Oceanic and Atmospheric Administration,

THURSDAY, MARCH 15, 2001 - DRAFT MINUTES

U.S. Department of the Interior, U.S. Fish and Wildlife Service, DEP, EPC, and Polk County Natural Resources Division. The agreement was to recognize each entity's concurrent jurisdiction, go forward with an efficient damage assessment, streamline correspondence and discussions with Mulberry Phosphate, and streamline settlement discussions. Attorney Tschantz reported on the statute of limitations, which was different for federal claims than for State claims; Mulberry Phosphate bankruptcy issues; status of the settlement discussions; estuarine and freshwater restoration projects; lawsuits situation; current operating situation; existing safeguards; and recommended safeguards.

Attorney Tschantz used slides to point out flaws in the DEP financial responsibilities rule 62-673.640, and implementation of the rule. DEP was in the process of revising the rule, and EPC would be involved in that process. A bill had been filed in the House and Senate to authorize an emergency fund funded from the phosphate industry taxes for emergency abatement procedures and closures. Commissioner Frank opined use of the phosphate severance tax could mean potential reclamation of lands could be put on hold to subsidize an emergency. Attorney Tschantz agreed to follow the bill and give an update to the EPC Board. Commissioner Frank opposed issuing an operating permit to Mulberry Phosphate in the future until any obligations were repaid.

Commissioner Platt asked that Attorney Tschantz document how phosphate tax funds had been spent in the County over the past ten years. Attorney Tschantz agreed to present an update at the next EPC meeting. **Commissioner Platt moved that the EPC Board go on record as supporting strengthening DEP rule 62-673.640, the financial responsibility rule. Commissioner Hart seconded the motion.** Responding to Chairman Storms, Attorney Tschantz explained the language change was administrative and not legislative. Chairman Storms suggested an analysis be made of other environmental projects, such as Tampa Bay Water and the desalination plant. **Commissioner Platt added to the motion that the Board of County Commissioners (BOCC) be requested to take similar action.** Dr. Garrity suggested drafting a letter to DEP Secretary for the Chairman to sign. Commissioner Platt said that was the intent of the motion. **The motion carried six to zero.** (Commissioner Scott was out of the room.)

Attorney Tschantz advised Commissioner Frank a maximum of \$10 million could be transferred from the land reclamation trust fund. Commissioner Frank responded that the proposed use did not meet the guidelines for which that money was collected.

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Lead Paint Removal - Mr. Jerry Campbell, EPC Air Management Division, reported that a water tower was being repainted in South Tampa and EPC had responded to complaints. No problems were found and the Health Department was available to address any health concerns. The city of Tampa assured EPC that the paint being removed from the tower was not lead-based paint; however, as a safety precaution, the project had been treated as if it had been lead-based.

LEGAL DEPARTMENT

Discuss Recent Supreme Court Decisions - Attorney Tschantz reported the Supreme Court, on February 27, 2001, unanimously upheld the Environmental Protection Agency's (EPA) ability to toughen the air emissions standards. In 1997 EPA had toughened the ground-level ozone and particulate matter standards. EPA had lost in two lower courts, but the Supreme Court decision was significant for EPA. It could be two years before implementation occurred on the new standards.

EMERGENCY WATER ISSUE

Attorney Tschantz presented the draft SWFWMD emergency executive director order, which would be presented to the Tampa Bay Water board on March 19, 2001, and to SWFWMD on March 20, 2001. Commissioner Hart commented that the BOCC had taken action on March 14, 2001, and had agreed that EPC should also send a letter. Attorney Tschantz said the order had been reviewed from the natural resource aspects and would help in the ultimate protection of the groundwater resources. He recommended EPC take a positive position on the order. **Commissioner Hart moved to send a letter under the Chairman's signature to the executive director or chairman of SWFWMD, indicating the position of the environmental staff and concurrence by the EPC Board. Commissioner Norman seconded the motion.** Discussion ensued regarding wording for the letter and that the letter would not conflict with the BOCC position. Chairman Storms clarified the motion, **which carried six to zero.** (Commissioner Scott was out of the room.)

Regarding the Supreme Court ruling on air emissions standards, Commissioner Easterling reported the American Lung Association was sponsoring a walk with animals for asthma on May 5, 2001, at Busch Gardens.

Commissioner Frank said the media had reported on the use of chromated copper arsenate (CCA) to treat wood used in playgrounds, and she asked for a staff report. Commissioner Frank wanted assurance that County playgrounds were safe. Dr. Garrity reported that wood was treated for resistance to rot and

THURSDAY, MARCH 15, 2001 - DRAFT MINUTES

termites. Mr. Andy Schipfer, EPC Waste Management Division, was not prepared to report on the safety of the playgrounds; he would look into the issues of CCA exposure limits, disposal, and safety and give a detailed presentation next month.

Chairman Storms asked for a report on the foot-and-mouth disease threat at the next meeting and suggested staff prepare a memorandum in the interim.

There being no further business, the meeting was adjourned at 11:35 a.m.

READ AND APPROVE: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

gml

MARCH 21, 2001 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, met in Special Meeting to consider Tampa Bay Water's (TBW) submittal to the Southwest Florida Water Management District (SWFWMD) of environmental resource permit letter modification to MSSW permits No. 408912 and 4013387 for the chloramines implementation project at the Lake Bridge water treatment plant and the Morris Bridge booster pumping station, and modification to environmental resource permit No. 43020432.00 for the South-Central Hillsborough intertie pipeline, scheduled for Wednesday, March 21, 2001, at 2:15 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Storms called the meeting to order at 2:33 p.m.

EPC General Counsel Richard Tschantz said EPC staff concurred with the recommendation of the Water Resource Team not to arbitrate the three items and further recommended that submittal of the two environmental resource permits for the Morris Bridge booster pump station and the Lake Bridge water treatment plant be approved as modifications without arbitration. Commissioner Scott moved staff recommendation. Commissioner Frank seconded the motion, which carried seven to zero.

There being no further business, the meeting was adjourned at 2:34 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

fw

APRIL 4, 2001 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING - DRAFT
MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider arbitrating Tampa Bay Water's submittal of a water use permit application for the construction phase dewatering at the proposed regional reservoir site and submittal to the Southwest Florida Water Management District (SWFWMD) of the optimized regional operations plan (OROP) annual report, scheduled for Wednesday, April 4, 2001, at 2:15 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Vice Chairman Jan Platt and Commissioners Stacey Easterling, Chris Hart, Pat Frank, and Thomas Scott.

The following members were absent: Chairman Ronda Storms (illness) and Commissioner Jim Norman.

Vice Chairman Platt called the meeting to order at 4:29 p.m.

EPC General Counsel Richard Tschantz said EPC staff had taken an independent look at the OROP annual report and the construction phase dewatering water use permit for the reservoir. Staff was satisfied that those submittals could be made to SWFWMD without the need for arbitration, which was staff recommendation. **Commissioner Scott moved staff recommendation, seconded by Commissioner Hart.** In reply to Vice Chairman Platt, Attorney Tschantz said staff was satisfied the projects could go forward without potential negative impacts. **The motion carried five to zero.** (Chairman Storms and Commissioner Norman were absent.)

There being no further business, the meeting was adjourned at 4:31 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

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MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
APRIL

A. Public Outreach/Education Assistance:		
1. Phone Calls:		___329
2. Literature Distributed:		___31
3. Presentations:		___6
4. Media Contacts:		___14
5. Internet:		___70
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		___6
b. Construction:		___1
c. Amendments:		___0
d. Transfers/Extensions:		___2
e. General:		___0
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 :		___3
b. Construction ¹ :		___4
c. Amendments ¹ :		___0
d. Transfers/Extensions ¹ :		___0
e. Title V Operating ² :		___115
f. Permit Determinations ² :		___6
g. General:		___2
3. Intent to Deny Permit Issued:		___1
C. Administrative Enforcement		
1. New cases received: ___0		
2. On-going administrative cases:		
a. Pending:		___5
b. Active:		___8
c. Legal:		___3
d. Tracking compliance (Administrative):		___23
e. Inactive/Referred cases:		___1
	Total	___40
3. NOIs issued:		___3
4. Citations issued:		___0
5. Consent Orders Signed:		___0
6. Contributions to the Pollution Recovery Fund:		\$ 3,908.00
7. Cases Closed:		___1

D.	Inspections:	
1.	Industrial Facilities:	<u>13</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>5</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>39</u>
E.	Open Burning Permits Issued:	<u>0</u>
F.	Number of Division of Forestry Permits Monitored:	<u>64</u>
G.	Total Citizen Complaints Received:	<u>61</u>
H.	Total Citizen Complaints Closed:	<u>50</u>
I.	Noise Sources Monitored:	<u>2</u>
J.	Air Program's Input to Development Regional Impacts:	<u>3</u>
K.	Test Reports Reviewed:	<u>45</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>23</u>
2.	Warning Notices Resolved:	<u>18</u>
3.	Advisory Letters Issued:	<u>5</u>
M.	AOR's Reviewed:	<u>36</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>7</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
APRIL

	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> 600.00</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>4,280.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	\$ <u> -0-</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>2,990.00</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> 580.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$ <u> 200.00</u>
8. Open burning authorization	\$ <u> -0-</u>
9. Enforcement Costs	\$ <u> -0-</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: May 10, 2001

TO: Tom Koulianos, Director of Finance and Administration

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

SUBJECT: **WASTE MANAGEMENT'S APRIL 2001 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	3
2. On-going administrative cases	113
a. Pending	18
b. Active	47
c. Legal	13
d. Tracking Compliance (Administrative)	16
e. Inactive/Referred cases	19
3. NOI's issued	0
4. Citations issued	0
5. Settlement Documents Signed	3
6. Civil Contributions to the Pollution Recovery Fund	\$1,950
7. Enforcement Costs collected	\$1,327
9. Cases Closed	2



B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	59/46
2. EPC Authorization for Facilities NOT requiring DEP permit	0
3. Other Permits and Reports	
a. County Permits	0
b. Reports	59/45
4. Inspections (Total)	244
a. Complaints	53
b. Compliance/Reinspections	32
c. Facility Compliance	20
d. Small Quantity Generator	139
5. Enforcement	
a. Complaints Received/Closed	40/50
b. Warning Notices Issued/Closed	2/5
c. Compliance letters	31
d. Letters of Agreement	1
e. DEP Referrals	0
6. Pamphlets, Rules and Material Distributed	331

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	109
b. Installation	10
c. Closure	5
d. Compliance Re-Inspections	28
2. Installation Plans Received/Reviewed	9/6
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	0
b. Closure Reports Received/Reviewed	3/2
4. Enforcement	
a. Non-compliance Letters Issued/Closed	75/7
b. Warning Notices Issued/Closed	12/3
c. Cases referred to Enforcement	2
d. Complaints Received/Investigated	2/2
e. Complaints Referred	0
5. Discharge Reporting Forms Received	1
6. Incident Notification Forms Received/Closed	9/1
7. Cleanup Notification Letters Issued	2
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	28
2. Reports Received/Reviewed	78/60
a. Site Assessment	45/27
b. Source Removal	2/3
c. Remedial Action Plans (RAP's)	5/5
d. Site Rehabilitation Completion Order/ No Further Action Order	1/5
e. Others	25/20
3. State Cleanup	
a. Active Sites	7
b. Funds Dispersed	\$24,753.35

E. RECORD REVIEWS

51

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

APRIL, 2001

A. ENFORCEMENT

1. New Enforcement Cases Received:	<u>1</u>	
2. Enforcement Cases Closed:	<u>3</u>	
3. Enforcement Cases Outstanding:	<u>47</u>	
4. Enforcement Documents Issued:	<u>1</u>	
5. Warning Notices:	<u>6</u>	
a. Issued:	<u>4</u>	
b. Resolved:	<u>2</u>	
6. Recovered costs to the General Fund:	\$ <u>663.66</u>	
7. Contributions to the Pollution Recovery Fund:	<u>\$2,733.33</u>	

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Windemere Utility	Improper operation/failure to maintain perc pond	\$750.00
b. Gates of Westshore	Placement of collection sys. in service without acceptance letter	\$300.00
c. Mobley Park Apts.	Placement of collection sys. in service without acceptance letter	\$300.00
d. Shady Shores MHP	Improper operation	\$750.00
e. Gandy Townhouses	Placement of collection sys. in service without acceptance letter, modification w/o permit	\$300.00
f. Hughes Hard Chrome	Industrial Wastewater discharge	\$333.33

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	<u>18</u>	
a. Facility Permit:	<u>2</u>	
(i) Types I and II	<u>0</u>	
(ii) Type III	<u>2</u>	
b. Collection Systems-General:	<u>12</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>4</u>	
d. Residuals Disposal:	<u>0</u>	
2. Permit Applications Approved:	<u>23</u>	
a. Facility Permit:	<u>5</u>	
b. Collection Systems-General:	<u>11</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>7</u>	
d. Residuals Disposal:	<u>0</u>	
3. Permit Applications Recommended for Disapproval:	<u>0</u>	
a. Facility Permit:	<u>0</u>	
b. Collection Systems-General:	<u>0</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>0</u>	
d. Residuals Disposal:	<u>0</u>	
4. Permit Applications (Non-Delegated)	<u>0</u>	
Recommended for Approval:	<u>0</u>	

5. Permits Withdrawn:	<u>0</u>
6. Permit Applications Outstanding:	<u>30</u>
a. Facility Permit:	<u>22</u>
b. Collection Systems-General:	<u>6</u>
c. Collection Systems-Dry Line/Wet Line:	<u>2</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	<u>102</u>
1. Compliance Evaluation:	<u>10</u>
a. Inspection (CEI):	<u>0</u>
b. Sampling inspection (CSI):	<u>9</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>1</u>
2. Reconnaissance:	<u>57</u>
a. Inspection (RI):	<u>25</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>31</u>
d. Enforcement Inspection (ERI):	<u>1</u>
3. Special:	<u>35</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>9</u>
d. Post Construction Inspection (XCI):	<u>26</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>2</u>
3. Permit Applications Outstanding:	<u>27</u>
a. Facility Permits:	<u>27</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	<u>28</u>
1. Compliance Evaluation:	<u>11</u>
a. Inspection (CEI):	<u>11</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>17</u>
a. Inspection (RI):	<u>8</u>
b. Sample inspection (SRI):	<u>1</u>
c. Complaint Inspection (CRI):	<u>8</u>
F. CITIZEN COMPLAINTS	
1. Domestic:	<u>13</u>
a. Received:	<u>8</u>
b. Closed:	<u>5</u>
2. Industrial:	<u>14</u>
a. Received:	<u>7</u>
b. Closed:	<u>7</u>
3. Water Pollution:	<u>5</u>
a. Received:	<u>4</u>
b. Closed:	<u>1</u>
G. RECORD REVIEWS	
1. Permitting:	<u>3</u>
2. Enforcement:	<u>0</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1. Air Division:	<u>80</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>146</u>
4. Wetlands Division:	<u>2</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>3</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>0</u>
5. Other	<u>0</u>
K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL	<u>20</u>

ASSESSMENT SECTION	TOTALS
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A. EPC WETLANDS REVIEWS

1. Wetland Delineations	
a. Wetland Delineations (\$120.00)	54
b. Wetland Delineation Dispute	1
c. Wetland Line Survey Reviews	36
d. Additional Footage Fees	\$1,289.45
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	
a. Nuisance Vegetation	3
b. Other	13
3. Impact / Mitigation Proposal (\$775)	6
4. Mitigation Agreements Recorded	0
5. FDOT Reviews	0

B. EPC DELEGATION / REVIEWS FROM
 STATE / REGIONAL / FEDERAL AUTHORITIES

1. Tampa Port Authority Permit Applications (\$50. Or \$150. as applicable)	68
2. Wastewater Treatment Plants (FDEP)	17
3. FDEP Wetland Resource Applications	3
4. FDEP Grandfathered Delineations	0
5. SWFWMD Wetland Resource Applications	3

EPC Wetlands Management Division
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- 6. Army Corps of Engineers 0
- 7. Interagency Clearinghouse Reviews 0
- 8. DRI Annual Report 2

C. HILLSBOROUGH COUNTY / MUNICIPALITY
 PERMIT APPLICATION REVIEWS

- 1. Land Alteration / Landscaping (\$100)
 - a. LAL (SFD) 0
 - b. LAL (Other) 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
 - c. Master Plan 0
- 4. Rezoning
 - a. Reviews (\$85) 30
 - b. Hearings 0
 - c. Hearing Preparation (hours) 4
- 5. Site Development (\$360)
 - a. Preliminary 10
 - b. Construction 26
- 6. Subdivision
 - a. Preliminary Plat (\$140) 10
 - b. Master Plan (\$550) 0
 - c. Construction Plans (\$250.00) 13
 - d. Final Plat (\$90) 5
 - e. Waiver of Regulations (\$100) 0
 - f. Platted - No-Improvements (\$100) 8
 - g. Minor - Certified Parcel (\$100) 8

EPC Wetlands Management Division
Agenda Backup For April 2001
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7. As-Builts (\$255)	4
8. Miscellaneous Reviews (no fees)	
a. Wetland Setback Encroachment	0
b. Easement / Vacating	6
b. NRCS Review	0
9. Pre-Applications (no fees)	
a. Review Preparations (hours)	24
b. Meetings	0
10. Development Review Committee (no fees)	
a. Review Preparation (hours)	4
b. Meetings	1

D. OTHER ACTIVITIES

1. Unscheduled meetings with members of the public (walk-ins)	44
2. Other Meetings	74
3. Telephone Conferences	669
4. Presentations	3
5. Correspondence	195
6. Correspondence Review (hours)	37
7. Special Projects (hours)	96
8. On-site visits	91
9. Appeals (hours)	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	3
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	70
b. Legal	3
c. Inactive	20
2. Number of "Notice of Intent to Initiate Enforcement"	1
3. Number of Citations Issued	0
4. Number of "Emergency Order of the Director"	0
5. Number of Consent Orders Signed	4
C. CASES CLOSED	
1. Administrative / Civil Cases Closed	3
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	0
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$450.00
E. ENFORCEMENT COSTS COLLECTED	\$0.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	49
2. Return Inspections	68
3. Closed	73
 B. WARNING NOTICES	
1. Issued	28
2. Return Inspections	139
3. Closed	14
 C. MITIGATION	
1. Compliance/Monitoring Reviews	12
2. Compliance Inspections	20
 D. OTHER ACTIVITIES	
1. Case Meetings	3
2. Other Meetings	20
3. Telephone Calls	378
4. File Reviews	12
5. Cases Referred to Enforcement Coordinator	2
6. Letters	76

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. SOIL SCIENTIST

1. Case Reviews (Soils)	8
2. Field Soil Investigations	9
3. Reports or Notes of Soil Investigations	9
4. Special Projects	
- Minimum Flow and Level (SWFWMD)	
- Northern Tampa Bay Phase II Investigation program (SWFWMD)	
- Tampa Bay / Anclote River Comprehensive Watershed Management (SWFWMD)	
- A poster presentation at the Natural Resources Forum (Univ. of Florida)	
- Consultant Selection Committee for Wetland Mitigation - Sys. Conf. II (TBW)	

B. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	13
2. Telephone Assistance	678
3. Letters	231
4. Incoming Projects	140
5. Additional Info / Additional Footage	24 / 14
6. Resubmittals / Revisions	17 / 9
7. Surveys / Data Entry	33 / 642
8. Aerial Reviews / Inquiries	33 / 167

C. ENGINEERING STAFF

1. Meetings	32
2. Reviews	42
3. Telephone Inquiries	1
4. Field Visits	4

EPC LEGAL DEPARTMENT MONTHLY REPORT

May 9, 2001

A. ADMINISTRATIVE CASES

NEW CASES [2]

GATX Terminals Corporation [LGAT01-011]: On April 20, 2001, an applicant for a permit, GATX Terminals Corporation, requested additional time in which to file a petition for administrative hearing on a Notice of Intent to Issue an air construction permit. An Order was granted on April 24, 2001 providing the applicant an additional 60 days in which to file a petition in the matter. (AZ)

Taylor Woodrow Communities (Waterchase) [LGAT01-012]: On May 4, 2001, an applicant for an Executive Director's Authorization for wetland impacts filed a Notice of Appeal regarding the Executive Director's denial of the application. The Appeal will be referred to a Hearing Officer for an Administrative Hearing. (AZ)

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)

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)

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 and yard waste 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. Numerous meetings have been held with Tampa Bay Organics and its attorney. Staff from the Waste Management Division recently visited the site and has raised additional concerns. Request for Authority to initiate appropriate legal action is being sought at this month's Board meeting. Contact has been made with the City of Tampa City Attorney's office and with the City of Tampa Fire Marshall's office to explore options on a coordinated effort on enforcement at the site. Request for Authority granted in April. Meeting with the City of Tampa Solid Waste Department, City Attorney's Office and Fire Marshall's Office held to discuss joint enforcement. City is supportive of EP C's actions but will not proceed with separate enforcement. Meeting between the parties held on May 9, 2001. Complaint prepared to be filed in circuit court. (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. Arbitration proceedings were held March 16 - April 9, 2001. A final order from the arbitration panel must be issued by May 16, 2001. FDEP sent TBW a second Request for Additional Information and held a meeting with TBW to discuss the outstanding issues. EPC staff attended this meeting. USEPA expects to hold public hearing on the draft

Environmental Impact Statement in July 2001. (KKB)

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. On February 5, 2001 Petitioner Freeport filed a motion to disqualify the attorneys for Big Bend based on a conflict of interest. The motion to disqualify was denied on March 26, 2001. Discovery and hearing preparation is ongoing. The petitioner FMD appealed the order denying the disqualification and requested the administrative court stay / delay the proceedings until resolution of the appeal. (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)

Convergent Label Technology, Inc. [LCLT01-006]: On February 14, 2001, an applicant for a permit, Convergent Label Technology, Inc., requested additional time in which to file a petition for administrative hearing on a Notice of Permit Issuance for an air permit. An Order was granted on February 14, 2001 providing the applicant an additional 60 days in which to file a petition in the matter. Another Order granting an extension of time was issued in this matter to allow the applicant until June 15, 2001 to file a petition on this proposed agency action. (AZ)

Ugenti, Angelo, Sr. - Hillsborough County Recycling & Recovery, Inc.: [LUGE01-003]: On February 5, 2001 the applicant for a yard and wood waste processing facility requested additional time in which to respond with additional information on a Notice of Denial of Application for Director's Authorization. An Order was granted on February 9, 2001 providing the applicant an additional 75 days to respond or file a written appeal of the denial. A second order was granted allowing an additional 60 days to respond or appeal the proposed agency action. (AZ)

RESOLVED CASES [3]

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 negotiated a P2 pollution prevention plan in lieu of penalties. EPC staff is currently calculating penalties and costs for inserting into the consent order. The EPC staff accepted the proposed pollution prevention plan to offset the penalties. The EPC staff received a signed Settlement Letter from the Respondents with payment of administrative costs and the case has been closed await a formal withdrawal of the appeal. (AZ)

City of Tampa: [LCOT01-005]: On February 13, 2001 the City of Tampa requested additional time in which to respond with additional information on a Notice of Denial of Application for Director's Authorization. The Director's Authorization concerned the operation of a landfill by the city. An Order was granted on February 14, 2001 providing the applicant an additional 75 days to respond or file a written appeal of the denial. The Director's Authorization was issued in mid-April and the matter is closed. (AZ)

Environmental Protection Commission and Hillsborough County v. Tampa Bay Water SWFWMD issued an emergency order allowing TBW to continue supplying the City of Tampa with water. While TBW continues to exceed the 158 mgd cap on the consolidated permit, SWFWMD will not pursue additional enforcement. The EPC's and Hillsborough County's requests for arbitration were withdrawn when SWFWMD issued the emergency order. SWFWMD extended the emergency order at its April 2001 Board meeting. TBW is no longer seeking a permanent modification of the consolidated permit. (KKB)

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [11]

Holley, Raymond, et al. [LHOL94-161]: Suit was filed in 1994 to compel proper closure for an abandoned underground storage tank (UST) 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. 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. One of the Defendants attempted to sell an investment property and was precluded because of the EPC lien on the property. Defendant has attempted to contact EPC regarding resolving the violations and satisfying the lien. EPC is seeking to compel compliance by moving for contempt for the failure to comply with the Final Judgment. On April 24, 2001 the court found the Defendants in civil contempt for failure to remove the UST's on the property. The court provided an additional 180 days to respond or the Defendants will be found in criminal contempt of court. Negotiations continue. (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 continues to work 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. Mulberry filed for Chapter 11 Bankruptcy in February 2001. It is unlikely any agency will recover civil penalties or costs of enforcement. Mulberry's insurance coverage may be available for restoration. The Federal Government and FDEP filed a joint complaint in Federal Court on April 6, 2001. EPC staff is monitoring the Bankruptcy proceedings to determine the appropriate date to file its action. (RT)

672 Recovery, Inc. and Richard L. Hain, Sr. [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. 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. A letter was sent to the respondent requesting a settlement or the EPC will commence a lawsuit to recover penalties and costs for the past violations. On February 22, 2001 the EPC filed suit against 672 Recovery, Inc. and Richard Hain for past violations. A waiver of service letter was sent out on February 23, 2001 to the attorney for the Defendants requesting that the Defendants waive formal service of the complaint. A summons has been issued and the EPC is actively trying to serve the Defendants. (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 30, 2001. The hearing on the Plaintiff's Motion for Summary Judgment has been postponed. The attorney for the property owner HJEM, Inc. has contacted the EPC regarding purchasing the EPC's interest in the property and settling the matter. (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 would be set-aside in escrow to cover the expense of closing the UST's at the site. The property owner failed to close and remove the underground storage tanks after the property sale. The EPC filed suit for injunctive relief and penalties and costs on March 8, 2001. The EPC is awaiting a response. (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. A case management conference was set for April 2, 2001. The EPC has asked the court to enter a default judgment in the case for failure to timely respond to the judicial complaint. The hearing is set for April 19, 2001 court on April 20, 2001 granted Tampa Scrap thirty additional days to respond to the complaint. Tampa Scrap's attorneys withdrew from the case and the Defendant may allow a default judgment to be entered against it in the case. (AZ)

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 (UST) regulations was appealed and then settled in a negotiated Consent Order. However, the conditions of the Consent Order were not timely have not been implemented and the site remained 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 entered into a contract with a consultant for removal of the underground storage tanks and resolving all non-compliance issues. A closure report was submitted to the EPC on March 23, 2001 and the site currently is in compliance. The only issue remaining should be finalizing the UST closure and collecting administrative costs for the past violations. The Respondent has orally agreed to pay EPC its administrative costs of \$1,200.00. (AZ)

Dip Mini Mart [LPAT01-001]: 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. A letter offering a waiver of service of process was sent on January 12, 2001. The Defendant accepted the waiver of service of process and the Defendant had until March 23, 2001 to respond to the judicial complaint. An extension of time was provided to the Defendant until April 6, 2001 to respond to the complaint or the EPC will move for a default judgment. (AZ)

Holbrooks, Tony – Bugs-R-Us, Inc. [LHOL01-004]: The EPC granted authority to file suit to recover past penalties and costs for a violation concerning the use of an Underground Storage Tank on the Respondents property. Several demand letters have been sent and a deadline for settlement was set for February 20, 2001. On February 22, 2001 the EPC filed suit in County Court against Tony Holbrooks for past violations. A waiver of service letter was sent out on February 23, 2001 to the Defendant requesting he waive formal service of the complaint. On March 26, 2001 a copy of the complaint and summons was sent to a process server in Nashville Tennessee for service of the complaint on Mr. Holbrooks. The Defendant was served in Tennessee with the EPC's complaint on May 2, 2001. (AZ)

RESOLVED CASES [2]

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 and removal of the underground storage tanks. In addition, the judgment provided for penalties of \$2,840.00 and costs of \$855.72. The underground storage tanks were removed from the site on October 6, 2000 and a proper closure report was submitted on December 22, 2000. All current violations with respect to the court case have been resolved. However, 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 contained in the judgment entered against the Defendant. The final judgment and order of contempt act as a lien on all properties in Hillsborough County and the EPC should be paid its penalties and costs with interest upon any sale of property belonging to the Defendant. The disposition will be monitored. (AZ)

Coniglio, George N. Sr. [LCON01-002]: Suit was filed in February 2001 to compel the owner and operator of an unauthorized yard and wood waste processing facility to obtain the necessary EPC Director Authorizations and to recover penalties and costs for past violations. The judicial complaint and summons was served on him on March 6, 2001. The Defendant has signed a Consent Final Judgment whereby he agrees to get the facility into compliance and will pay to the EPC \$30,000 in penalties and \$1,700 for its administrative costs. The judge has executed the Judgment, the penalties and costs have been paid and the case is closed. (AZ)

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

Fund Balance as of 10/01/00		\$1,131,516
Interest Accrued	FY01	49,095
Deposits	FY01	104,989
Disbursements	FY01	95,143

Fund Balance \$1,190,457

Encumbrances Against Fund Balance:

(57a)	Cypress Head Swamp	8,967
(14)	Wetland Surveys	1,781
	Seagrass Study/Sheriff	27,500
	Art. Reef FY01	35,441
(53)	Clayton Lake	6,007
(54)	Mosi Restoration	963
(56)	Oakview Utilities	74,925
(55)	Riverview Civic Center	39,525
(61)	Thalasssea Study	10,764
(64)	Hughes Hard Chrome	3,373
(66)	Asbestos Abatement	5,000
(72)	Brooker Creek	1,266
(75)	Adopt A Pond	50,000
(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
(92)	Brazilian Pepper	26,717
(91)	Alafia River Basin	36,000
(93)	Rivercrest Park	15,000

Total of Encumbrances 899,058

Minimum Balance 100,000

Fund Balance Available May 01, 2001 \$ 191,399

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

Fund Balance as of 10/01/00	\$1,653,820
Interest Accrued FY 01	66,314
Disbursements FY 01	221,731
 Fund Balance	 \$1,498,403

Encumbrances Against Fund Balance:

Alafia River, Add. (SWIM/DEP)	8,948	
Cockroach Bay Exotic Con. (HCC)	8,618	
Alafia River/Wolf Branch	105,185	
Ballast Point Seawall Phase II	25,000	
Audubon Society Riverview CC	50,000	
Oakview Utilities	50,000	
Port Redwing	300,000	
Davis Tract	167,630	
Apollo Beachhabitat Restoration	100,000	
Fantasy Island Restoration	50,000	
Mechanical Seagrass Planting	31,304	
Marsh Creek/Ruskin	47,500	
Desoto Park Shoreline	150,000	
 Total of Encumbrances		 \$1,094,185

Fund Balance Available May 01, 2001	\$ 404,218
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AGENDA ITEM COVER SHEET
ITEM III. G.

DATE: **May 17, 2001**

AGENDA ITEM: **TAMPA WATER RESOURCE RECOVERY PROJECT**
 TWRRP (UPDATE)

BACKGROUND/SUMMARY:

1997- In 1997 the City of Tampa with support from the Southwest Florida Water Management District and Tampa Bay Water proposed TWRRP-a new reclaimed water project. The proposed project uses high-quality reclaimed water generated by the Howard F. Curren Advanced Wastewater Treatment Plant and treats the reclaimed water through a separate supplemental treatment process, constructs a pipeline to transport the purified water to the Tampa Bypass Canal to blend with surface water and withdraws the blended water from a different point in the canal for treatment by a regional drinking water treatment facility.

1997-1999 For two years the TWRRP project went through FDEP's Ecosystem Management Team Permitting Process that concluded with the belief that "reasonable assurances" were provided to indicate that the project would not adversely impact water quality or public health and would comply with all existing rules and regulations. All agencies involved in this process were in agreement with that conclusion.

January 22, 1999- FDEP issued a Notice of Intent to Issue Permit for TWRRP.

February 8, 1999- A petition was filed for an administrative hearing in an attempt to stop the project. The petition questioned the project's safety and said the region has other less risky options like desalination and taking water from the Hillsborough and Alafia Rivers during rainy months.

March 15, 1999- Tampa Bay Water Board voted not to proceed with TWRRP.

March 18, 1999- City of Tampa sent a letter to FDEP withdrawing the TWRRP application for a permit.

Current Status/TWRRP- The City of Tampa has no plans to proceed with this project at this time. If this project was resubmitted in the future a new permit application would be required, the project would go through a new review and evaluation process and the project would be required to meet all rules and regulations at the time of application submittal. Public Acceptance and the "Yuck Factor" are still primary concerns.

COMMISSIONER ACTION REQUESTED:

This agenda item is for informational purposes only and no board action is requested.

AGENDA ITEM COVER SHEET

Date: 17 May 2001

Agenda Item: Lake Tarpon as a Source of Irrigation Water

Description/Summary:

At the 2 April 2001 Citizens Environmental Advisory Committee (CEAC) meeting, CEAC members questioned the feasibility of using Lake Tarpon, Pinellas County, to augment reuse water for irrigation. This question was presented to the Environmental Protection Commission at the 19 April 2001 board meeting and assigned to staff to investigate.

Lake Tarpon is located in north-central Pinellas County and is connected to Old Tampa Bay near the town of Safety Harbor by way of an approximately 3.2 mile long manmade canal. The lake is 2,500 acres in size with an average depth of 7.3 feet and contains approximately 19,155 acre-feet (roughly 6 billion gallons) of water. Using Lake Tarpon as a water supply source was mentioned in the Southwest Florida Water Management District's (SWFWMD) July 2000 draft Regional Water Supply Plan. In that document the lake appeared on a "long list" where it was identified as one of 63 different surface/stormwater options. The annual average yield for this source of water was estimated at 3.7 million gallons per day. According to the plan, this source of water could go to a wastewater reuse system where it could (1) be used (most likely injected) to form a barrier against saltwater intrusion along the coast or (2) it go directly to potable use. Ultimately, the "long list" of projects was culled to a "short list" of 16 projects and the Lake Tarpon project was not on the list.

Subsequent to the above analysis and culling process, Lake Tarpon has received more attention. At a 28 March 2001 meeting of the Tampa Bay Water "Planning Advisory Committee", Lake Tarpon was listed as one of 83 candidate projects that are referenced to the 8 July 1994 Westcoast Regional Water Supply Authority's Water Resource Development Plan. Finally, while not confirmed, Lake Tarpon "excess" water was linked to an Aquifer Storage and Recovery project in Pinellas County.

Commissioner Action Requested:

This agenda item is for informational purposes only and no board action is being requested.

AGENDA ITEM COVER SHEET

Date: 17 May 2001
Agenda Item: Foot and Mouth Disposal Plan

Description/Summary:

Staff with the EPC's Waste Management Division is currently gathering information from various State and local agencies and offices related to the issue of Foot and Mouth Disease (FMD). Goal is to obtain information related to destroyed animal disposal contingencies that may have been developed, and to possibly develop a disposal contingency plan for use in Hillsborough County.

Staff has been in contact with representatives of several agencies in order to determine the status of a contingency plan. Representatives with the Florida Department of Environmental Protection's (FDEP) Southwest District Office were contacted initially as well as FDEP Bureau of Waste Management administrative staff in Tallahassee. Through these contacts it was learned that, at this time, no formal disposal contingency exists. The plan remains in the developmental phase.

At the State level and from an environmental perspective, the FDEP's Bureau of Emergency Response is the FDEP division spear-heading the development of the contingency and is working in conjunction with the Florida Department of Agriculture and Consumer Affairs (DACS). The DACS, in turn, is taking guidance from the United States Department of Agriculture (USDA) in the development of the contingency.

EPC staff has recently been in conversation with representatives of each of the key agencies and has been informed that, to date, no disposal contingency has been developed and that this topic is only now being brought up for discussion. The first meeting of the State Emergency Coordinating Officers was held on March 21, 2001, in Tallahassee where the identification of involved agencies and individuals was the primary focus. A second meeting is scheduled for May 11, 2001, where more specific issues will be part of the agenda.

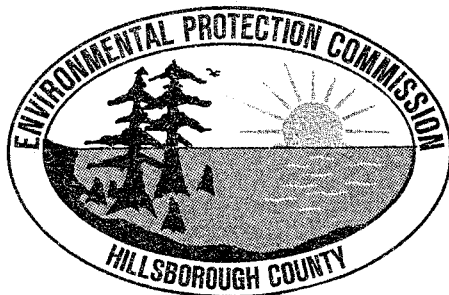
The EPC is currently attempting to coordinate a meeting at the local level in order to discuss the matter and to gather more detailed information. Agencies that have been contacted, informed of the local concerns and urged to take part in the meeting include the FDEP's Southwest District, the Hillsborough County Solid Waste Management Department, and the DACS. Agencies that are still to be contacted include the USDA and the Hillsborough County Emergency Operations Center. It is hoped that the meeting can be scheduled for the week of May 14, 2001, and that representatives from each of the agencies named will be in attendance.

Commissioner Action Requested:

This is a status update and no action is recommended at this time.

COMMISSION

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EXECUTIVE DIRECTOR

RICHARD D. GARRITY, Ph.D.

May 10, 2001

Commissioner Richard Glorioso, Chairman
Hillsborough County
Metropolitan Planning Organization
601 E. Kennedy Avenue, 18th Floor
Tampa, FL 33601-1110

Subject: Congestion Mitigation and Air Quality Improvement Program (CMAQ)
Southern Transportation Plaza funding decision – May 1, 2001

Dear Commissioner Glorioso:

The purpose of this correspondence is to request that the Metropolitan Planning Organization (MPO) Board reconsider a decision made at its meeting on May 1, 2001. At that meeting, the MPO Board approved a HART Line request of \$5,000,000 from CMAQ funding for the Southern Transportation Plaza appearing as agenda item IV. D. 1.

It is the understanding of the Environmental Protection Commission (EPC) that its staff, serving on the MPO's Technical Advisory Committee, was not allowed the previously agreed to "air quality impact analysis" for the project, prior to the MPO Board's vote. As a result, the MPO Board approved the project outside of the usual ranking process and without any technical review by the local air quality agency. We understand that there is an opinion by the MPO that the project in question is an "ongoing" project and not a "new" project and therefore exempt from the air quality impact analysis review. It is the opinion of this Commission that any project of this magnitude (\$5,000,000) should be subject to this review to be certain public monies are spent as wisely as possible.

At a special meeting of the EPC on May 2, 2001, a majority of the Commission voted to request that the MPO Board place this matter on its next regularly scheduled agenda for vote of reconsideration. It is the majority opinion of the EPC that the established process be followed and that its Air Division staff be allowed 30 days to review and rank the project's air quality impact. Once the MPO Board has had the

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Commissioner Richard Glorioso

Page 2

opportunity to consider the technical staff's recommendation, it could then make a more informed decision regarding the appropriateness of CMAQ funding for the project.

The Environmental Protection Commission fully recognizes the MPO's responsibility to recommend allocation of the federal CMAQ Program funding to the Federal Highway Authority, the Federal Transit Authority and the United States Environmental Protection Agency. The Commission requests however, that the MPO Board use all available local technical resources and follow the established local process in selecting and ranking competing projects.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronda R. Storms", written in a cursive style.

Ronda R. Storms
Chair

cc: Dr. Richard Garrity, Executive Director, EPC
Lucilla L. Ayer, Executive Director, MPO
MPO Board Members

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

AGENDA ITEM COVER SHEET

DATE: May 9, 2001

TO: Environmental Protection Commission Board

FROM: Brenda Fonda, Enforcement Coordinator, Waste Management Division

SUBJECT: Request for Authority to Take Legal Action regarding Himes Investment, Inc. and Albert Docobo

RECOMMENDATION: Grant authority to pursue appropriate legal action

BACKGROUND:

On November 2, 1998, EPC staff issued Warning Notice #18419 to Albert Docobo, President of the Docobo Corporation (Respondent Docobo) for the excavation of an old landfill, without the required Director's Authorization, in violation of Chapter 1-7-01.32, Rules of the EPC. The property is owned by Himes Investment, Inc. and is located at 8624 N. Himes Avenue (folio# 24149.7000), Tampa, Florida. The unauthorized activities continued for a period of time and remain unresolved.

Mr. Docobo has violated Chapter 1-7, Rules of the Commission, and Section 17 of the Hillsborough County Environmental Protection Act by improperly excavating the landfill without the proper authorization. Since Mr. Docobo has not adequately 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: _____
DIAGRAM (IF APPROPRIATE)

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

AGENDA ITEM COVER SHEET

DATE: May 9, 2001

TO: Environmental Protection Commissioners

FROM: Darrell Howton, Director, Wetlands Management Division

SUBJECT: Request for Authority to Take Legal Action regarding Carl Will

RECOMMENDATION: Grant authority to pursue appropriate legal action

BACKGROUND: Mr. Carl Will owns residential property located at 10408 Carroll Cove Place, Tampa. On December 31, 1997, he was issued Warning Notice #16728 for clearing wetland vegetation associated with Lake Carroll without the consent of the Executive Director.

Mr. Will received authorization of the Executive Director by letter dated March 7, 2000 for certain activities within wetlands, subject to conditions. However, inspection on March 20, 2000, in response to a complaint, revealed a failure to follow permit conditions regarding boat dock additions and failure to replant the wetland conservation area. Warning Notice #22376 was issued by certified mail for this violation.

On May 11, 2000, Commission staff investigated a citizen complaint at the property and determined wetlands had been cleared and filled i.e., a vertical seawall was constructed and backfill placed. These activities were not included in the March 7, 2000 authorization, and therefore were without the authorization of the Commission's Executive Director.

Mr. Will has violated Chapter 1-11, Rules of the Commission, and Section 17 of the Hillsborough County Environmental Protection Act by clearing and filling wetlands. Since Mr. Will does not agree with 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: _____

DIAGRAM (IF APPROPRIATE)