

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
JULY 12, 2001
9 – 10:30 AM**

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. **CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**

- III. **CONSENT AGENDA**
 - A. Approval of Minutes: None
 - B. Monthly Activity Reports 1
 - C. Legal Department Monthly Report 31
 - D. Pollution Recovery Trust Fund 36
 - E. Gardinier Settlement Trust Fund 37
 - F. CMAQ Letter 38
 - G. Quarterly Update Super Fund Sites 40
 - H. Green Swamp Restoration 43

- IV. **SPECIAL PRESENTATION**
 - CCA Treated Lumber

- V. **LEGAL DEPARTMENT**
 - A. Special Counsel Agreement – Cone Ranch 44
 - B. Request for Authority to Take Appropriate Legal Action Against:
 - 1. Daniels Standard 49
 - 2. Nutmeg, LLC c/o Roundhill Capital 50

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

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
MAY

A.	Public Outreach/Education Assistance:	
1.	Phone Calls:	<u>242</u>
2.	Literature Distributed:	<u>6246</u>
3.	Presentations:	<u>31</u>
4.	Media Contacts:	<u>6</u>
5.	Internet:	<u>76</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	<u>7</u>
b.	Construction:	<u>7</u>
c.	Amendments:	<u>0</u>
d.	Transfers/Extensions:	<u>1</u>
e.	General:	<u>1</u>
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 :	<u>0</u>
b.	Construction ¹ :	<u>3</u>
c.	Amendments ¹ :	<u>0</u>
d.	Transfers/Extensions ¹ :	<u>3</u>
e.	Title V Operating ² :	<u>108</u>
f.	Permit Determinations ² :	<u>7</u>
g.	General:	<u>0</u>
3.	Intent to Deny Permit Issued:	<u>0</u>
C.	Administrative Enforcement	
1.	New cases received:	<u>1</u>
2.	On-going administrative cases:	
a.	Pending:	<u>3</u>
b.	Active:	<u>8</u>
c.	Legal:	<u>3</u>
d.	Tracking compliance (Administrative):	<u>21</u>
e.	Inactive/Referred cases:	<u>1</u>
	Total	<u>36</u>
3.	NOIs issued:	<u>3</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>4</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$20,100</u>
7.	Cases Closed:	<u>5</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>9</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>2</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>28</u>
E.	Open Burning Permits Issued:	<u>0</u>
F.	Number of Division of Forestry Permits Monitored:	<u>0</u>
G.	Total Citizen Complaints Received:	<u>44</u>
H.	Total Citizen Complaints Closed:	<u>56</u>
I.	Noise Sources Monitored:	<u>3</u>
J.	Air Program's Input to Development Regional Impacts:	<u>0</u>
K.	Test Reports Reviewed:	<u>23</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>22</u>
2.	Warning Notices Resolved:	<u>24</u>
3.	Advisory Letters Issued:	<u>4</u>
M.	AOR's Reviewed:	<u>61</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>10</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
MAY

	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>\$3,800.00</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>\$5,240.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ 80.00</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ 480.00</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$ <u>1,725.00</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> 290.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$ <u> 600.00</u>
8. Open burning authorization	<u>\$ -0-</u>
9. Enforcement Costs	<u>\$ -0-</u>

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
JUNE

A.	Public Outreach/Education Assistance:	
1.	Phone Calls:	<u>233</u>
2.	Literature Distributed:	<u>6</u>
3.	Presentations:	<u>2</u>
4.	Media Contacts:	<u>2</u>
5.	Internet:	<u>68</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	<u>11</u>
b.	Construction:	<u>6</u>
c.	Amendments:	<u>0</u>
d.	Transfers/Extensions:	<u>1</u>
e.	General:	<u>0</u>
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 :	<u>5</u>
b.	Construction ¹ :	<u>2</u>
c.	Amendments ¹ :	<u>0</u>
d.	Transfers/Extensions ¹ :	<u>1</u>
e.	Title V Operating ² :	<u>17</u>
f.	Permit Determinations ² :	<u>0</u>
g.	General:	<u>0</u>
3.	Intent to Deny Permit Issued:	<u>0</u>
C.	Administrative Enforcement	
1.	New cases received:	<u>6</u>
2.	On-going administrative cases:	
a.	Pending:	<u>7</u>
b.	Active:	<u>9</u>
c.	Legal:	<u>3</u>
d.	Tracking compliance (Administrative):	<u>22</u>
e.	Inactive/Referred cases:	<u>1</u>
	Total	<u>42</u>
3.	NOIs issued:	<u>0</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>1</u>
6.	Contributions to the Pollution Recovery Fund: \$	<u>5,690</u>
7.	Cases Closed:	<u>1</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>9</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>13</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>40</u>
E.	Open Burning Permits Issued:	<u>8</u>
F.	Number of Division of Forestry Permits Monitored:	<u>278</u>
G.	Total Citizen Complaints Received:	<u>60</u>
H.	Total Citizen Complaints Closed:	<u>56</u>
I.	Noise Sources Monitored:	<u>3</u>
J.	Air Program's Input to Development Regional Impacts:	<u>3</u>
K.	Test Reports Reviewed:	<u>48</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>15</u>
2.	Warning Notices Resolved:	<u>29</u>
3.	Advisory Letters Issued:	<u>7</u>
M.	AOR's Reviewed:	<u>106</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>10</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
JUNE

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ <u> -0-</u>
(b) all others	\$ <u> -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ <u> -0-</u>
(b) class A2 facility - 5 year permit	\$ <u> -0-</u>
(c) class A1 facility - 5 year permit	\$ <u> -0-</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$1,240.00</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>\$5,600.00</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	\$2,700.00
(b) for structure greater than 50,000 sq ft	\$ <u> -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$ <u> 435.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$ <u> 600.00</u>
8. Open burning authorization	<u>\$3,400.00</u>
9. Enforcement Costs	<u>\$ 657.37</u>

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



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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: June 12, 2001

TO: Tom Koulianos, Director of Finance and Administration

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

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

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	7
2. On-going administrative cases	110
a. Pending	23
b. Active	37
c. Legal	12
d. Tracking Compliance (Administrative)	20
e. Inactive/Referred cases	18
3. NOI's issued	0
4. Citations issued	0
5. Settlement Documents Signed	5
6. Civil Contributions to the Pollution Recovery Fund	\$44,105
7. Enforcement Costs collected	\$5,501
9. Cases Closed	7



B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	49/55
2. EPC Authorization for Facilities NOT requiring DEP permit	1
3. Other Permits and Reports	
a. County Permits	0
b. Reports	47/53
4. Inspections (Total)	199
a. Complaints	55
b. Compliance/Reinspections	9
c. Facility Compliance	0
d. Small Quantity Generator	135
5. Enforcement	
a. Complaints Received/Closed	55/38
b. Warning Notices Issued/Closed	4/2
c. Compliance letters	—26
d. Letters of Agreement	1
e. DEP Referrals	0
6. Pamphlets, Rules and Material Distributed	298

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	82
b. Installation	10
c. Closure	7
d. Compliance Re-Inspections	28
2. Installation Plans Received/Reviewed	13/15
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	3/3
b. Closure Reports Received/Reviewed	6/4
4. Enforcement	
a. Non-compliance Letters Issued/Closed	57/47
b. Warning Notices Issued/Closed	12/12
c. Cases referred to Enforcement	6
d. Complaints Received/Investigated	0
e. Complaints Referred	0
5. Discharge Reporting Forms Received	2
6. Incident Notification Forms Received/Closed	3
7. Cleanup Notification Letters Issued	3
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	15
2. Reports Received/Reviewed	75/90
a. Site Assessment	35/43
b. Source Removal	5/3
c. Remedial Action Plans (RAP's)	11/6
d. Site Rehabilitation Completion Order/ No Further Action Order	2/9
e. Others	22/29
3. State Cleanup	
a. Active Sites	7
b. Funds Dispersed	\$0

E. RECORD REVIEWS

50

F. PUBLIC INFORMATION PROJECTS

K. Boatwright, presenter – Federal Prosecutors “Basic Environmental Crimes Seminar.

K. Boatwright, presenter – FDEP SW District SQG Quarterly.

COMMISSION

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



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1410 N. 21ST STREET • TAMPA, FLORIDA 33605

EXECUTIVE DIRECTOR

RICHARD D. GARRITY, Ph.D.

MEMORANDUM

DATE: July 5, 2001

TO: Tom Koulianos, Director of Finance and Administration

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

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

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	6
2. On-going administrative cases	106
a. Pending	23
b. Active	37
c. Legal	11
d. Tracking Compliance (Administrative)	18
e. Inactive/Referred cases	17
3. NOI's issued	1
4. Citations issued	0
5. Settlement Documents Signed	3
6. Civil Contributions to the Pollution Recovery Fund	\$5,300
7. Enforcement Costs collected	\$1,753
9. Cases Closed	7

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	47/50
2. EPC Authorization for Facilities NOT requiring DEP permit	0
3. Other Permits and Reports	
a. County Permits	0
b. Reports	46/50
4. Inspections (Total)	240
a. Complaints	56
b. Compliance/Reinspections	15
c. Facility Compliance	12
d. Small Quantity Generator	157
5. Enforcement	
a. Complaints Received/Closed	41/51
b. Warning Notices Issued/Closed	0/4
c. Compliance letters	13
d. Letters of Agreement	0
e. DEP Referrals	0
6. Pamphlets, Rules and Material Distributed	297

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	97
b. Installation	19
c. Closure	14
d. Compliance Re-Inspections	27
2. Installation Plans Received/Reviewed	6/6
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	8/8
b. Closure Reports Received/Reviewed	2/4
4. Enforcement	
a. Non-compliance Letters Issued/Closed	58/32
b. Warning Notices Issued/Closed	10/10
c. Cases referred to Enforcement	2
d. Complaints Received/Investigated	1 / 2
e. Complaints Referred	2
5. Discharge Reporting Forms Received	0
6. Incident Notification Forms Received/Closed	1 / 2
7. Cleanup Notification Letters Issued	1
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	16
2. Reports Received/Reviewed	47/48
a. Site Assessment	19/23
b. Source Removal	4/5
c. Remedial Action Plans (RAP's)	7/3
d. Site Rehabilitation Completion Order/ No Further Action Order	0/0
e. Others	17/17
3. State Cleanup	
a. Active Sites	7
b. Funds Dispersed	\$31,225.46

E. RECORD REVIEWS

48

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

MAY, 2001

A. ENFORCEMENT

1. New Enforcement Cases Received:	1
2. Enforcement Cases Closed:	3
3. Enforcement Cases Outstanding:	46
4. Enforcement Documents Issued:	2
5. Warning Notices:	13
a. Issued:	4
b. Resolved:	9
6. Recovered costs to the General Fund:	\$ 100.00
7. Contributions to the Pollution Recovery Fund:	\$5983.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Windemere Utility	Improper operation/failure to maintain perc pond	\$ 750.00
b. CM-GL Fannon	Leaching, violation of permit conditions, improper operation	\$4,900.00
c. Hughes Hard Chrome	Industrial Wastewater discharge	\$ 333.33

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	37
a. Facility Permit:	10
(i) Types I and II	3
(ii) Type III	7
b. Collection Systems-General:	17
c. Collection Systems-Dry Line/Wet Line:	10
d. Residuals Disposal:	0
2. Permit Applications Approved:	32
a. Facility Permit:	11
b. Collection Systems-General:	13
c. Collection Systems-Dry Line/Wet Line:	8
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated) Recommended for Approval:	1
5. Permits Withdrawn:	0
6. Permit Applications Outstanding:	34
a. Facility Permit:	20
b. Collection Systems-General:	10

c. Collection Systems-Dry Line/Wet Line:	<u>4</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	<u>81</u>
1. Compliance Evaluation:	<u>20</u>
a. Inspection (CEI):	<u>1</u>
b. Sampling inspection (CSI):	<u>19</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	<u>22</u>
a. Inspection (RI):	<u>19</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>3</u>
d. Enforcement Inspection (ERI):	<u>0</u>
3. Special:	<u>41</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>6</u>
d. Post Construction Inspection (XCI):	<u>35</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>1</u>
a. Facility Permit:	<u>1</u>
(i) Types I and II	<u>1</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>0</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>2</u>
3. Permit Applications Outstanding:	<u>26</u>
a. Facility Permits:	<u>26</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	<u>19</u>
1. Compliance Evaluation:	<u>5</u>
a. Inspection (CEI):	<u>5</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>14</u>
a. Inspection (RI):	<u>10</u>
b. Sample inspection (SRI):	<u>1</u>
c. Complaint Inspection (CRI):	<u>3</u>

F. CITIZEN COMPLAINTS

1. Domestic:	<u>11</u>
a. Received:	<u>6</u>
b. Closed:	<u>5</u>
2. Industrial:	<u>10</u>
a. Received:	<u>3</u>
b. Closed:	<u>7</u>
3. Water Pollution:	<u>3</u>
a. Received:	<u>3</u>
b. Closed:	<u>0</u>

G. RECORD REVIEWS

1. Permitting:	<u>5</u>
2. Enforcement:	<u>0</u>

H. ENVIRONMENTAL SAMPLES ANALYSED FOR:

1. Air Division:	<u>92</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>153</u>
4. Wetlands Division:	<u>0</u>

I. SPECIAL PROJECT REVIEWS

1. DRI's:	<u>1</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>0</u>
4. Other:	<u>0</u>

J. WATER QUALITY MONITORING SPECIAL PROJECTS

1. Data Review	<u>0</u>
2. Special Sampling	<u>0</u>
3. Biomonitoring/Toxicity Reviews (DW)	<u>2</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>0</u>
5. Other	<u>5</u>

K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL

69

AR05.01

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

JUNE, 2001

A. ENFORCEMENT

1. New Enforcement Cases Received:	2
2. Enforcement Cases Closed:	5
3. Enforcement Cases Outstanding:	18
4. Enforcement Documents Issued:	5
5. Warning Notices:	13
a. Issued:	7
b. Resolved:	6
6. Recovered costs to the General Fund:	\$2,463.52
7. Contributions to the Pollution Recovery Fund:	\$8,033.33

Case Name	Violation	Amount
a. Kingsway Plaza	Improper operation/ Failure to maintain	\$3,000.00
b. Shady Shores MHP	Effluent discharge/Improper operation/Failure to maintain	\$ 750.00
c. Windemere Utility	Improper operation/ Failure to maintain	\$ 750.00
d. Racetrac Petroleum	Placement of C/S in service w/o approval/Improper operation/ Failure to maintain	\$2,900.00
e. Bremen Apartments	Failure to comply	\$ 300.00
f. Hughes Hard Chrome	Industrial waste discharge	\$ 333.33

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	18
a. Facility Permit:	6
(i) Types I and II	1
(ii) Type III	5
b. Collection Systems-General:	5
c. Collection Systems-Dry Line/Wet Line:	7
d. Residuals Disposal:	0
2. Permit Applications Approved:	27
a. Facility Permit:	7
b. Collection Systems-General:	14
c. Collection Systems-Dry Line/Wet Line:	6
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated) Recommended for Approval:	0

5. Permits Withdrawn:	<u>0</u>
6. Permit Applications Outstanding:	<u>26</u>
a. Facility Permit:	<u>20</u>
b. Collection Systems-General:	<u>1</u>
c. Collection Systems-Dry Line/Wet Line:	<u>5</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	<u>81</u>
1. Compliance Evaluation:	<u>13</u>
a. Inspection (CEI):	<u>0</u>
b. Sampling inspection (CSI):	<u>10</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>3</u>
2. Reconnaissance:	<u>43</u>
a. Inspection (RI):	<u>24</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>19</u>
d. Enforcement Inspection (ERI):	<u>0</u>
3. Special:	<u>25</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>5</u>
d. Post Construction Inspection (XCI):	<u>20</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>2</u>
a. Facility Permit:	<u>0</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>1</u>
3. Permit Applications Outstanding:	<u>27</u>
a. Facility Permits:	<u>27</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	<u>24</u>
1. Compliance Evaluation:	<u>7</u>
a. Inspection (CEI):	<u>7</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>7</u>
b. Sample inspection (SRI):	<u>1</u>
c. Complaint Inspection (CRI):	<u>9</u>
F. CITIZEN COMPLAINTS	
1. Domestic:	<u>9</u>
a. Received:	<u>5</u>
b. Closed:	<u>4</u>
2. Industrial:	<u>10</u>
a. Received:	<u>5</u>
b. Closed:	<u>5</u>
3. Water Pollution:	<u>17</u>
a. Received:	<u>9</u>
b. Closed:	<u>8</u>
G. RECORD REVIEWS	
1. Permitting:	<u>3</u>
2. Enforcement:	<u>0</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1. Air Division:	<u>86</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>171</u>
4. Wetlands Division:	<u>0</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>1</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>0</u>
4. Other:	<u>0</u>
J. WATER QUALITY MONITORING SPECIAL PROJECTS	
1. Data Review	<u>0</u>
2. Special Sampling	<u>0</u>
3. Biomonitoring/Toxicity Reviews (DW)	<u>1</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>2</u>
5. Other	<u>0</u>
K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL	<u>33</u>

Totals

A. EPC WETLANDS REVIEWS

1. Wetland Delineations	
a. Wetland Delineations (\$120.00)	42
b. Wetland Delineation Dispute	0
c. Wetland Line Survey Reviews	28
d. Additional Footage Fees	1640.24
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	
a. Nuisance Vegetation	3
b. Other	7
3. Impact / Mitigation Proposal (\$775)	2
4. Mitigation Agreements Recorded	0
5. FDOT Reviews	2

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

1. Tampa Port Authority Permit Applications (\$50. Or \$150. as applicable)	35
2. Wastewater Treatment Plants (FDEP)	21
3. FDEP Wetland Resource Applications	0
4. FDEP Grandfathered Delineations	0
5. SWFWMD Wetland Resource Applications	2

- 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) 5
- 2. Land Excavation (\$785 or \$650 as applicable) 3
- 3. Phosphate Mining
 - a. Unit Review / Reclamation (\$760) 1
 - b. Annual Review / Inspection (\$375) 0
 - c. Master Plan 0
- 4. Rezoning
 - a. Reviews (\$85) 34
 - b. Hearings 1
 - c. Hearing Preparation (hours) 0
- 5. Site Development (\$360)
 - a. Preliminary 10
 - b. Construction 26
- 6. Subdivision
 - a. Preliminary Plat (\$140) 4
 - b. Master Plan (\$550) 0
 - c. Construction Plans (\$250.00) 21
 - d. Final Plat (\$90) 15
 - e. Waiver of Regulations (\$100) 0
 - f. Platted - No-Improvements (\$100) 12
 - g. Minor - Certified Parcel (\$100) 19

7. As-Builts (\$255)	7
8. Miscellaneous Reviews (no fees)	
a. Wetland Setback Encroachment	0
b. Easement / Vacating	0
c. NRCS Review	0
9. Pre-Applications (no fees)	
a. Review Preparations (hours)	14
b. Meetings	2
10. Development Review Committee (no fees)	
a. Review Preparation (hours)	6
b. Meetings	1

D. OTHER ACTIVITIES

1. Unscheduled meetings with members of the public (walk-ins)	61
2. Other Meetings	81
3. Telephone Conferences	627
4. Presentations	0
5. Correspondence	254
6. Correspondence Review (hours)	49
7. Special Projects (hours)	7
8. On-site visits	83
9. Appeals (hours)	2

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	2
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	3
C. CASES CLOSED	
1. Administrative / Civil Cases Closed	2
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	0
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$900.00
E. ENFORCEMENT COSTS COLLECTED	\$280.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	46
2. Return Inspections	69
3. Closed	73
B. WARNING NOTICES	
1. Issued	18
2. Return Inspections	121
3. Closed	20
C. MITIGATION	
1. Compliance/Monitoring Reviews	22
2. Compliance Inspections	19
D. OTHER ACTIVITIES	
1. Case Meetings	3
2. Other Meetings	24
3. Telephone Calls	395
4. File Reviews	26
5. Letters	89
6. Cases Referred to Enforcement Coordinator	3
7. Erosion Control Inspections	8
8. Miscellaneous Activities in Wetlands Reviews	6

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. SOIL SCIENTIST

1. Case Reviews (Soils)	8
2. Field Soil Investigations	11
3. Reports or Notes of Soil Investigations	11
4. Special Projects	
- Minimum Flow and Level (SWFWMD)	
- Northern Tampa Bay Phase II Investigation Program (SWFWMD)	
- A poster presentation at the Natural Resources Forum (Univ. of Florida)	

B. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	3
2. Telephone Assistance	790
3. Letters	211
4. Incoming Projects	166
5. Additional Info / Additional Footage	12 / 9
6. Resubmittals / Revisions	19 / 11
7. Surveys / Data Entry	26 / 620
8. Aerial Reviews / Inquiries	40 / 184

C. ENGINEERING STAFF

1. Meetings	44
2. Reviews	52
4. Telephone Inquiries	1
5. Field Visits	3

Totals

A. EPC WETLANDS REVIEWS

1. Wetland Delineations	
a. Wetland Delineations (\$120.00)	40
b. Wetland Delineation Dispute	2
c. Wetland Line Survey Reviews	51
d. Additional Footage Fees	1254.33
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	
a. Nuisance Vegetation	5
b. Other	2
3. Impact / Mitigation Proposal (\$775)	4
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)	40
2. Wastewater Treatment Plants (FDEP)	16
3. FDEP Wetland Resource Applications	0
4. FDEP Grandfathered Delineations	0
5. SWFWMD Wetland Resource Applications	0

- 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) 2
- 2. Land Excavation (\$785 or \$650 as applicable) 0
- 3. Phosphate Mining
 - a. Unit Review / Reclamation (\$760) 3
 - b. Annual Review / Inspection (\$375) 0
 - c. Master Plan 0
- 4. Rezoning
 - a. Reviews (\$85) 31
 - b. Hearings 1
 - c. Hearing Preparation (hours) 0
- 5. Site Development (\$360)
 - a. Preliminary 11
 - b. Construction 13
- 6. Subdivision
 - a. Preliminary Plat (\$140) 8
 - b. Master Plan (\$550) 0
 - c. Construction Plans (\$250.00) 8
 - d. Final Plat (\$90) 15
 - e. Waiver of Regulations (\$100) 0
 - f. Platted - No-Improvements (\$100) 9
 - g. Minor - Certified Parcel (\$100) 15

7. As-Builts (\$255)	8
8. Miscellaneous Reviews (no fees)	
a. Wetland Setback Encroachment	1
b. Easement / Vacating	5
c. NRCS Review	0
9. Pre-Applications (no fees)	
a. Review Preparations (hours)	24
b. Meetings	5
10. Development Review Committee (no fees)	
a. Review Preparation (hours)	4.5
b. Meetings	1
 D. OTHER ACTIVITIES	
1. Unscheduled meetings with members of the public (walk-ins)	37
2. Other Meetings	84
3. Telephone Conferences	512
4. Presentations	1
5. Correspondence	250
6. Correspondence Review (hours)	30
7. Special Projects (hours)	41
8. On-site visits	76
9. Appeals (hours)	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	3
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	72
b. Legal	3
c. Inactive	20
2. Number of "Notice of Intent to Initiate Enforcement"	1
3. Number of Citations Issued	1
4. Number of "Emergency Order of the Director"	0
5. Number of Consent Orders Signed	2
C. CASES CLOSED	
1. Administrative / Civil Cases Closed	1
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	0
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$20,658.00
E. ENFORCEMENT COSTS COLLECTED	\$2,662.98

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	40
2. Return Inspections	62
3. Closed	54
B. WARNING NOTICES	
1. Issued	20
2. Return Inspections	80
3. Closed	17
C. MITIGATION	
1. Compliance/Monitoring Reviews	17
2. Compliance Inspections	7
D. OTHER ACTIVITIES	
1. Case Meetings	7
2. Other Meetings	17
3. Telephone Calls	340
4. File Reviews	11
5. Cases Referred to Enforcement Coordinator	2
6. Letters	51
7. Erosion Control Inspections	5
8. Miscellaneous Activities in Wetlands Reviews	13

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. SOIL SCIENTIST

1. Case Reviews (Soils)	4
2. Field Soil Investigations	7
3. Reports or Notes of Soil Investigations	7
4. Special Projects	
- Minimum Flow and Level for (HCWRT)	
- Northern Tampa Bay Phase II Investigation program for (HCWRT)	
- A poster presentation at the Natural Resources Forum for (EPC)	
- Tampa Bay/Anclote River Comprehensive Watershed Management for (HCWRT)	
- Cone Ranch Wellfield, Dispersed Well, and Pipeline Project for (HCWRT)	
- Statewide Uniform Wetland Mitigation Assessment Method for (EPC)	

B. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	4
2. Telephone Assistance	532
3. Letters	201
4. Incoming Projects	106
5. Additional Info / Additional Footage	2 / 12
6. Resubmittals / Revisions	17 / 7
7. Surveys / Data Entry	27 / 455
8. Aerial Reviews / Inquiries	106 / 60

C. ENGINEERING STAFF

1. Meetings	38
2. Reviews	46

EPC LEGAL DEPARTMENT MONTHLY REPORT

July 12, 2001

A. ADMINISTRATIVE CASES

NEW CASES [0]

EXISTING CASES [12]

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. Settlement discussions have not been successful. A civil complaint was filed on June 29, 2001. Four counts were raised in the complaint: failure to comply with the director's authorization for operation of the facility, failure to obtain an air pollution source permit, failure to comply with various provisions of Chapter 1-3 and a nuisance claim for objectionable odor and dust. (KKB)

Tampa Bay Regional Reservoir [LRES00-014]: On May 15, 2001, the arbitration panel issued the final order in the arbitration proceedings. The EPC successfully argued the deficiencies in TBW's proposed monitoring and management plan. As a result of the arbitration award, TBW is required to amend its permit application to address the enumerated deficiencies, including the collection of baseline data. TBW must address the impacts of potential leakage from the reservoir to the surrounding natural systems as well as to the septic fields and wells of the homes located on Wendel Avenue. TBW staff intends to bring the amendment to the September TBW Board meeting for approval to submit the amendments to FDEP. This vote will provide another arbitration opportunity should EPC and TBW not be able to resolve all issues pertaining to the amendment. The EPC, Hillsborough County Water Resource Team and TBW staff has been meeting regularly in an attempt to work through the remaining issues. (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. The motion to stay (delay) the

proceedings was denied and the petitioner requested the appellate court stop the lower court proceedings pending resolution of the appeal. The hearing date has been rescheduled for September 24, 2001 through October 5, 2001. Discovery is ongoing in the case. (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. On June 20, 2001, a third Order was granted providing an additional 60 days in which to file a petition in the matter. (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)

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. The applicant requested an additional extension of time to file a petition in the matter. An Order was granted on June 21, 2001 providing an additional 60 days in which to file a petition in the case. (AZ)

Taylor Woodrow Communities (Waterchase) [LWAT01-012]: 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 has been referred to a Hearing Officer for an Administrative Hearing. The parties are currently in settlement negotiations. (AZ)

SOBAC v. EPC, DEP & Hanson Pipe [LSOB01-014]: A petition for a formal administrative hearing was filed by Save Our Bays, Air, and Canals, Inc. (SOBAC) on May 22, 2001 challenging an EPC air construction permit to Hanson Pipe and Products, Inc. (Hanson Pipe) to construct a concrete batch plant. The notice of intended agency action was originally published on March 2, 2001 and provided 14 days to file a petition challenging the proposed permit. An Order Dismissing the Petition With Leave to Amend was entered on May 25, 2001 based on the petition was not timely filed. The petitioner was provided 15 days to file an amended petition to show why it was timely filed. The petitioner submitted an amended petition but failed to adequately explain why the original petition was timely filed. The EPC entered an order of dismissal with prejudice for failure to timely file the petition. The petitioner has 30 days in which to appeal the dismissal with prejudice. (AZ)

RESOLVED CASES | 0 |

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. 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. The EPC has agreed to convey its judgment lien on the property to HJEM, Inc. in consideration for payment of \$7,500.00. This should remove the EPC from the pending foreclosure case and allow the EPC to recover a reasonable portion of its judgment lien entered against the prior owner of the property. (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. 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 owner failed to close and remove the underground storage tanks after another one of her properties was sold. The EPC filed suit for injunctive relief and penalties and costs on March 8, 2001. The EPC is awaiting a response. The Defendant was served with a summons and copy of the complaint on May 21, 2001. Defendant has twenty days to respond or a default may be entered against her. The Defendant has failed to respond to the complaint and the EPC is asking the court for a default. (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. On June 11, 2001 the EPC asked the court to enter a default for the Defendant's failure to timely respond 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)

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. No response was timely received and on May 16, 2001 the EPC asked the court for a default to be entered against the Defendant. The Defendant agreed to entry of a Consent Final Judgment (settlement) wherein the USTs will be closed in accordance with state law and the Defendant will pay penalties of \$6,000.00 and costs of \$1,270.00. The judgment has been sent for the judge's execution and upon his acceptance and signature the matter will be closed. (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. The Defendant was served in Tennessee with the EPC's complaint on May 2, 2001. On June 6, 2001 the EPC asked the court for a default to be entered in its favor for the defendant's failure to respond. On June 19, 2001 the court entered a default in favor of the EPC. The EPC is currently drafting a motion for judgment on the default. (AZ)

Himes Investment, Inc. and Albert Docobo [LHIM01-004]: The EPC granted authority in May to take appropriate legal action with respect to the Respondents for excavating within a landfill without an EPC Executive Director's Authorization. A citation was issued to the Respondents on May 17, 2001. Another demand letter with an offer of settlement was sent out on June 18, 2001. The EPC is awaiting a response. (AZ)

RESOLVED CASES [0]

COMMISSION

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

EXECUTIVE DIRECTOR

RICHARD D. GARRITY, Ph.D.



ADMINISTRATIVE OFFICES,
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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
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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
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Minimum Balance		100,000
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Fund Balance Available May 01, 2001		\$ 191,399
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E-Mail: epcinfo@epchc.org



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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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EXECUTIVE DIRECTOR

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Rick T.
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1410 N. 21ST STREET • TAMPA, FLORIDA 33605

June 27, 2001

Jerry Franklin, Regional Administrator
Federal Transit Administration
Atlanta Federal Center
Suite 17T50
Atlanta, GA 30303

Re: Congestion Mitigation and Air Quality Improvement (CMAQ) Program Funding
Decision

Dear Mr. Franklin:

On May 1, 2001, the Hillsborough County Metropolitan Planning Organization (MPO) Board approved the expenditure of \$5,000,000 from CMAQ program funding for the Southern Transportation Plaza. The local transit authority applied for the money on short notice to provide for the purchase of property and for construction funds for a streetcar terminal. The streetcar itself will run between the area's convention hotel and an entertainment district. The MPO Board approved the transit authority's request over the objection of the Hillsborough County Environmental Protection Commission (EPC) staff, serving as the local air quality agency. EPC staff objected because the project was approved for funding without the agreed upon "air quality impact analysis" by EPC and without the usual competitive ranking process. The EPC Board has taken up this matter and authorized me to send this correspondence.

A local process was developed with the MPO staff two years ago to establish a review procedure for proposals competing for CMAQ funding. The local process was developed in part to follow the Federal Guidelines established for the CMAQ Program. (FHWA-99-4317 Transportation Equity Act for the 21st Century; Final Guidance for the Congestion Mitigation and Air Quality Improvement Program). The MPO Board approved this Southern Transportation Plaza project outside of the established local process. After the fact, EPC was advised that the Southern Transportation Plaza was viewed as a "continuing project" that had previously received CMAQ funding. The project, therefore, did not receive an air quality impact analysis nor did it compete with other proposed projects for CMAQ funding.

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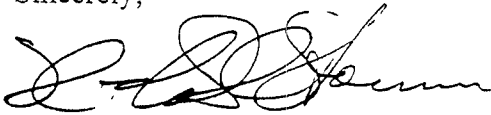
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Please review the proposed Southern Transportation Plaza project submitted by the Hillsborough County Metropolitan Planning Organization. Advise us whether it is eligible under federal guidelines for CMAQ funding without receiving an air quality impact analysis by Hillsborough County EPC, the local air quality agency, prior to the MPO Board voting on it. In your return correspondence please also advise what authority the federal guidelines have over the local approval process for projects proposed for CMAQ funds.

Thank you for your attention to this matter.

Sincerely,



Ronda R. Storms
Chair

cc: EPC Commissioners
MPO Board members
Dr. Richard Garrity, Executive Director, EPC
Lucy Ayers, Executive Director, MPO
Winston Smith, Director, Air, Pesticides and Toxics Mgt. Div., U.S. EPA
Lynorae Benjamin, Engineer, Air, Pesticides and Toxics Mgt. Div., U.S. EPA
Jim St. John, Administrator, U.S. DOT, Federal Highway Administration

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MEMORANDUM

DATE: June 28, 2001

TO: EPC of Hillsborough County Board Members

FROM: Richard D. Garrity, Ph.D., Executive Director, EPC

SUBJECT: QUARTERLY STATUS REPORT ON NATIONAL PRIORITIES LIST SITES IN HILLSBOROUGH COUNTY

This memorandum serves as the quarterly status report concerning the United States Environmental Protection Agency's (USEPA) identified National Priorities List (NPL) sites that are located in Hillsborough County. The NPL sites are also known as Superfund sites. The previous status memorandum was submitted to you on March 28, 2001.

SCHUYLKILL METALS CORPORATION SITE

The USEPA Remedial Project Manager had not responded to EPC staff's inquiry by the time of the finalization of this memorandum. However, in Volume 66 Number 113 of the Federal Register, the USEPA announces: "EPA [Environmental Protection Agency], with concurrence of FDEP [Florida Department of Environmental Protection], has determined that all appropriate actions at the Schuylkill Metals Corporation Site have been completed, and no further remedial action is necessary. Therefore, EPA is proposing deletion of the Site from the NPL." The USEPA states, "Comments concerning this Site may be submitted [to the USEPA] on or before July 12, 2001."

SYDNEY MINE SLUDGE POND SITE


The USEPA Remedial Project Manager (the same manager for the Schuylkill Metals Corporation NPL site above) had not responded to EPC staff's inquiry by the time of the finalization of this memorandum. As a re-statement from the March 28, 2001 memorandum, the USEPA Remedial Project Manager previously stated that the potential responsible parties (PRPs) are supposed to provide him with some information on the abandonment of certain wells and the installation of some key monitoring wells. He indicated that the USEPA and the FDEP have been researching some sort of notification

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methods in the event that the property gets sold and subdivided. He stated that the notice will indicate that volatile organic compounds (VOCs) "are likely to be in the area for decades." The USEPA Remedial Project Manager reported that, as a result of the natural attenuation fieldwork, the USEPA and the PRPs "have a much better handle on the location and concentrations of the worst part of the plume."

ALARIC AREA GROUND WATER PLUME

The USEPA Remedial Project Manager reports that the Remedial Investigation/Feasibility Study (RI/FS) has been completed. He further states, "A Proposed Plan for cleanup has been drafted and should be published in August [2001]."

HELENA CHEMICAL COMPANY SITE

The USEPA Remedial Project Manager reports that the soil cleanup is complete. He further states, "Groundwater cleanup design will begin once the remedy for [the] Alaric [Area Ground Water Plume NPL site] is selected."

STAUFFER CHEMICAL COMPANY SITE

The USEPA Remedial Project Manager reports that soil and groundwater remediation is on going. The contaminated soil is being bioremediated.

NORMANDY PARK APARTMENTS SITE

The USEPA Remedial Project Manager reports: "Gulf Coast Recycling began conducting the remedial action at the Normandy Park Apartments site on March 2001. The remedial action is scheduled to be completed around the end of June [2001]. Upon approval of their landscape plan by the City of Temple Terrace, the remediated areas will be sodded and some additional trees will be planted. EPA plans to conduct a pre-final inspection on July 11, 2001. Upon completion of the remedial action, the only activities at the Site will be regular groundwater monitoring."

SOUTHERN SOLVENTS, INC. SITE

The USEPA Remedial Project Manager reports: "We are still progressing with the RI/FS [Remedial Investigation/Feasibility Study] for operable unit two (Floridan aquifer) and the Remedial Design for operable unit one [soil and surficial aquifer]. Our contractor is currently working on an updated private well survey to identify any users who may be influencing the migration of the contaminants."

MRI CORPORATION SITE

The USEPA Remedial Project Manager states, "We are still finalizing negotiations with the PRPs [potential responsible parties] to perform the Remedial Design studies, Remedial Design and possible RI/FS [Remedial Investigation/Feasibility Study] for operable unit two [groundwater]."

PEAK OIL/BAY DRUMS SITE

The USEPA Remedial Project Manager reports: "The soils have been treated on the Peak Oil (OU1) [i.e., operable unit 1] and Bay Drum Site (OU3) [i.e., operable unit 3]. Both

sites have been capped and vegetated. Once the site grass seeds germinate with a minimum of 85% coverage, EPA will be approving the RAs [Remedial Actions] for OUI and OU3. The OU2 [i.e., operable unit 2] Areawide [sic] Groundwater Remedial Design will begin in the Fall of 2001. We still have another round of wetlands sampling to perform. However, due to the seasonal drought, the wetlands sampling activity is on hold."

REEVES SOUTHEASTERN CORPORATION SITE

The USEPA Remedial Project Manager reports: "Reeves was recently sold to a company called Master Halco. All Superfund liability will be handled by a trust set up before the sale, which has been funded by Reeves with sufficient money to cover all anticipated work. Master Halco accepts no liability for past contamination. The trust will be managed by an attorney, and all work will be performed by the consulting firm, Levine-Fricke." The USEPA Remedial Project Manager further states that there has not been much cleanup progress since the last update due to the company being sold. However, he met with Levine-Fricke on the week of June 18, 2001, and he expects that "things will move more quickly with the new arrangement."

TAYLOR ROAD LANDFILL SITE

The USEPA Remedial Project Manager reports that Mr. David Adams of the Hillsborough County Solid Waste Management Department (SWMD) has informed him that Hillsborough County is "still waiting well information data for last quarter."

In its March 9, 2001 analytical data report to the USEPA, the Hillsborough County SWMD concluded: "The vinyl chloride observed in the ring well, F-1A, is a concern to the SWMD. It has been determined that expansion of the [compliance monitoring well] ring is required in the vicinity of this well, and the SWMD is continuing efforts to obtain an access agreement from the owner of the Manning Trailer Park. A new ring well, C-10, shall be installed on the Manning Trailer Park property."

c: Hooshang Boostani, P.E., EPC
Paul A. Schipfer, P.E., EPC
Carl J. Heintz, P.G., EPC

RDG/cjh

C:\Superfund Quarterly June 2001

AGENDA ITEM COVER SHEET

Date: 12 July 2001

Agenda Item: Green Swamp Restoration Study

Description/Summary:

Over the past several years environmental groups, including the Withlacoochee River Ecosystem Management Initiative (WREMI), have helped identify and facilitate resolution of problems within the Hillsborough and Withlacoochee River watersheds in the Green Swamp. This input has led to an initial proposal for a co-funded federal study of the area by the U.S. Army Corps of Engineers (ACOE). The ACOE has completed a draft for the preliminary reconnaissance study for both rivers. This report will identify if there is a federal interest and role within the area of study. The report includes— information, as authorized by Congress, pertaining to a variety of parameters, including water supply, water conservation, environmental restoration and protection, and other problems related to the upper rivers. The two rivers have been placed in separate studies with separate funding amounts allocated to each.

The project needs approval by Congress and co-funding by a local agency (usually a water management district) and would entail numerous steps, beginning with a feasibility study. The actual restoration implementation could take many years and would not begin until the studies are completed. The EPCHC supports this initiative and will participate in the planning and design aspects of the studies as appropriate.

Commissioner Action Requested:

This is for information purposes only and no board action is being requested at this time.

AGREEMENT FOR SPECIAL COUNSEL SERVICES

THIS AGREEMENT is entered into in Hillsborough County, Florida on this _____ day of July, 2001 by and between the Environmental Protection Commission of Hillsborough County, an administrative agency created by Special Act of the Legislature, 1900 9th Avenue, Tampa, Florida 33605 (hereinafter referred to as the "EPC"), and Lansky & Courtney, P.L., 337 E. Robertson St., Brandon, Florida, 33511 (hereinafter referred to as the "Attorney").

WITNESSETH

WHEREAS, the EPC desires to engage the services of a law firm with respect to water law and litigation issues affecting the EPC; and

WHEREAS, it is in the best interests of the EPC to retain the services of a law firm that is experienced in negotiation, pre-trial, and trial practice to provide specialized legal services in that area; and

WHEREAS, the EPC desires to retain the Attorney to provide such services, as provided herein.

NOW, THEREFORE, in consideration of the foregoing premises, which shall be deemed an integral part of this Agreement, and of the mutual covenants and agreements set forth below, the EPC and the Attorney, intending to be legally bound, hereby agree as follows:

1. **SCOPE OF SERVICES.** The EPC hereby retains and employs the Attorney as its attorney to perform professional legal services with regard to water resource and supply litigation pertaining to the proposed Cone Ranch Well Field and Minimum Flows and Levels.

The Attorney agrees that Patrick B. Courtney, Esquire, will be the partner in charge of all matters arising under this Agreement. The Attorney may assign other attorney's in the firm to become involved with the representation, depending on the particular needs of the EPC, but Patrick B. Courtney will be the lawyer representing the EPC on a day-to-day basis.

2. **EPC'S DUTY.** The EPC shall make available to the Attorney upon request, all such existing EPC studies, reports and other available data and services of others pertinent to the Scope of Services under Section 1 of this Agreement that are necessary for the performance of the Attorney's services.
3. **TERM.** This Agreement shall take effect immediately upon its full and complete execution by the Environmental Protection Commission of Hillsborough County and the Attorney and shall continue until conclusion of the matters referenced in Section 1 above, unless earlier terminated pursuant to Section 9.

4. **COMPENSATION AND EXPENSES.** The EPC shall pay the Attorney as compensation for professional legal services performed pursuant to this Agreement the following:
- a. One Hundred dollars (\$100.00) per hour for attorney services,
 - b. Fifty dollars (\$50.00) per hour for paralegal services; and
 - c. All reasonable out-of-pocket expenses. The EPC shall reimburse the Attorney for all out-of-County traveling expenses (subject to the limitations of Section 112.061, Florida Statutes, as it may be amended), provided, the Attorney maintains appropriate documentation substantiating the expense, (ii) discloses such claim is true and correct as to every material matter, and (iii) honors a claim for refund by the County should such reimbursement be in excess of the statutory limit.
 - d. The Attorney may not exceed a total number of billable hours in any given month in excess of one hundred fifty (150) without prior approval of the General Counsel.
5. **PAYMENT OF FEES AND EXPENSES.** The fee for professional services and reimbursable expenses shall be submitted monthly by the Attorney to the EPC General Counsel, or its designee, for approval. Each invoice shall provide a detailed description of services performed and expenses incurred during the period covered by the invoice, together with supporting documentation.
6. **CONFLICTS OF INTEREST.** The Attorney accepts employment and agrees to perform in a professional manner all legal services necessary and proper for the protection of the interests of the EPC regarding the matter described in Section I of this Agreement. The Attorney represents that it presently does not represent any other clients which would conflict in any manner with the performance of the services required hereunder. During the term of this Agreement, the Attorney agrees it will not accept representation of another client to pursue interests that are adverse to the EPC's interests unless and until the Attorney has made full disclosure to the EPC of all the relevant facts, circumstances and implications of the Attorney's undertaking of the two representations and the EPC has consented to the Attorney's representation of the other client. The circumstances to be considered in determining whether a client of Attorney has interests adverse to the EPC shall include, but not be limited to: (i) whether there is a substantial relationship between any matter in which the Attorney is representing or has represented the EPC and the matter for the other client; (ii) whether the Attorney's representation of the other client will not implicate any confidential information the Attorney has received from the EPC; (iii) whether effective representation to the EPC and the discharge of the Attorney's professional responsibilities to the EPC will be prejudiced by the Attorney's representation of the other client; and (iv) whether the other client has also consented in writing based on the Attorney's full disclosure of the relevant facts, circumstances and implications of the Attorney's undertaking the two representations. The EPC agrees, however, that it will not restrict the Attorney from securing other clients whose interests are not adverse to the EPC. If the Attorney is required to decline employment or to withdraw from employment under the provisions of this Section, no partner or associate of the firm may accept such employment or continue such employment.

7. **DISCRIMINATION.** During the performance of this Agreement, the Attorney assures the EPC it is in compliance with Title VII of the 1964 Civil Rights Act, as amended, and the Florida Human Rights Act of 1997 and the Hillsborough County Affirmative Action Policies in that the Attorney does not, on the grounds of race, color, national origin religion, sex, age, handicap or marital status discriminate in any form or manner against said Attorney's employees or applicants for employment. The Attorney understands and agrees this Agreement is conditioned upon the veracity of this Statement of Assurances. Other applicable Federal and State laws, executive orders and regulations prohibiting the type of discrimination as herein above delineated are included by this reference thereto. This Statement of Assurances shall be interpreted to include Vietnam Era Veterans and handicapped persons within this protective range of applicability. In instances where the total payments to be made to the Attorney by the EPC under this Agreement amount to ten thousand dollars (\$10,000) or more, the Attorney agrees to abide by the provisions of Exhibit "A", the Hillsborough County Equal Opportunity Clause, attached hereto and made a part hereof.

8. **INDEMNIFICATION AND INSURANCE.** The Attorney agrees to protect, defend, indemnify and hold the County and its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character arising out of or due to any negligent act or omission of the Attorney, its employees, agents and subcontractors in connection with or arising directly or indirectly out of this Agreement and/or the performance hereof. Without limiting its liability under this Agreement, the Attorney shall procure and maintain during the life of this Agreement professional liability insurance in an amount of Three Hundred Thousand Dollars (\$300,000) per claim and in a minimum amount of Three Hundred Thousand Dollars (\$300,000) aggregate.

9. **TERMINATION.** The EPC or the Attorney may terminate this Agreement upon thirty (30) days advance written notice to the other party. In the event of termination, the Attorney agrees to transfer to the EPC any documents and other work product belonging to the EPC. In the event of termination, the Attorney shall immediately cease work hereunder and shall be compensated for billable hours of service rendered to the time of such termination and reimbursement for eligible and documented reimbursable expenses incurred prior to the date of termination, as approved by the EPC General Counsel or its designee.

10. **NOTICE.** Any notice required or permitted to be delivered hereunder shall be deemed to be properly made if addressed as follows and sent by United States certified mail, return receipt requested, or delivered in person with proof hereof.

To the Attorney:
Patrick B. Courtney
Lansky & Courtney, P.L.
337 E. Robertson St.
Brandon, Florida 33511

To the EPC:

Richard Tschantz
General Counsel
1900 9th Avenue
Tampa, Florida 33605

11. **MISCELLANEOUS**

- a. All communications between the EPC and the Attorney shall be deemed privileged and confidential attorney-client communications to the extent permitted by law;
- b. Nothing herein shall be construed to give any rights or benefits hereunder to anyone other than the EPC or the Attorney;
- c. The Attorney shall not sublet, assign, or transfer this Agreement or any work specifically set forth under this Agreement without the prior written consent of the EPC General Counsel or its designee;
- d. No changes or modifications of this Agreement shall be valid unless the same be in writing and signed by all parties hereto;
- e. It is understood that unusual and unforeseen circumstances could occur and that the EPC General Counsel may request the Attorney's services for matters outside the scope contemplated by this Agreement, in which case the EPC General Counsel will advise the Attorney of the same, and at such time the Attorney and the EPC General Counsel shall consider and mutually agree upon the nature and scope of such work, and such work, upon such mutual agreement, shall be billed based on the compensation formula set forth in Section 4;
- f. Venue for any action, litigation, or arbitration arising out of this Agreement shall be in Hillsborough County, Florida;
- g. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida;
- h. If any provision of this Agreement is found invalid or unenforceable by any court of competent jurisdiction, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this Agreement which shall continue in full force and effect, provided the rights and obligations of the parties contained herein are not materially prejudiced and that the intentions of the parties can continue to be effective;
- i. The EPC and the Attorney agree that each has played an equal part in the negotiation and drafting of this Agreement, and in the event any ambiguity should be asserted or

realized in the interpretation or construction of this Agreement, the result of such ambiguity shall be equally assumed and realized by both parties; and This Agreement may be executed in more than one counterpart, each of which shall be deemed an original.

IN WITNESS WHEREOF, the EPC and the Attorney have duly executed this Agreement on the day and year first above written,

ATTEST:
RICHARD AKE
Clerk of Circuit Court

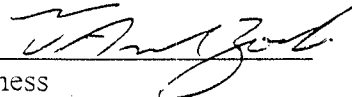
Environmental Protection Commission
of Hillsborough County

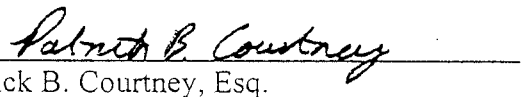
By: _____
Deputy Clerk

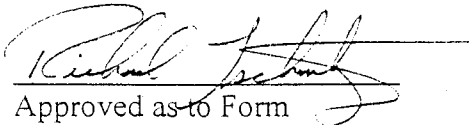
By: _____
Ronda R. Storms, Chair, EPC

ATTEST:

Lansky & Courtney, P.L.

By: 
Witness

By: 
Patrick B. Courtney, Esq.
Manager


Approved as to Form
EPC Legal Department

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

AGENDA ITEM COVER SHEET

DATE: July 12, 2001

TO: Environmental Protection Commissioners

FROM: Brenda Fonda, Enforcement Coordinator, Waste Management Division

SUBJECT: Request for Authority to Take Legal Action regarding Daniels Standard

RECOMMENDATION: Grant authority to pursue appropriate legal action

BACKGROUND:

Daniel's Standard is located at 1111 N. Wheeler St., Plant City. The property is owned by William Daniel, Jr. The Property and Facility include Underground Storage Tank (UST's) systems. On this property are two UST's which are unmaintained and have not been properly closed. The UST's are subject to Chapter 62-761, F.A.C. requirements to be upgraded, placed in "out of service" or properly closed in accordance with state law. None of the tanks systems have been retrofitted for future use, nor have they been properly closed.

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

Chapter 62-761, F.A.C. and Chapter 1-12, Rules of the Commission require that unmaintained or abandoned tanks be properly closed.

Daniel's Standard has violated Chapter 1-12, Rules of the Commission, and Section 17 of the Hillsborough County Environmental Protection Act by failing to properly retrofit or close the Underground Storage Tank systems at this facility. Since the property owner has not responded to EPC staff efforts to resolve this matter, staff recommends the initiation of appropriate legal action for enforcement.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

MEETING DATE: _____

DIAGRAM (IF APPROPRIATE)

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

AGENDA ITEM COVER SHEET

DATE: July 12, 2001

TO: Environmental Protection Commissioners

FROM: Brenda Fonda, Enforcement Coordinator, Waste Management Division

SUBJECT: Request for Authority to Take Legal Action regarding Nutmeg LLC
C/O - Roundhill Capital

RECOMMENDATION: Grant authority to pursue appropriate legal action

BACKGROUND:

Star Service and Petroleum is located at 4415 North 22nd Street, in Tampa. The property is owned by Nutmeg LLC. The Property and Facility include Underground Storage Tank (UST's) systems. On this property are three UST's which are unmaintained and have not been properly closed. The UST's are subject to Chapter 62-761, F.A.C. requirements to be upgraded, placed in "out of service" or properly closed in accordance with state law. None of the tanks have been retrofitted for future use, nor have they been properly closed.

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

Chapter 62-761, F.A.C. and Chapter 1-12, Rules of the Commission require that unmaintained or abandoned tanks be properly closed.

Nutmeg LLC has violated Chapter 1-12, Rules of the Commission, and Section 17 of the Hillsborough County Environmental Protection Act by improperly operating and failing to properly retrofit or close the Underground Storage Tank systems at this facility. Since the property owner has not responded to EPC staff efforts to resolve this matter, staff recommends the initiation of appropriate legal action for enforcement.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____