



APRIL 19, 2001 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, April 19, 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, Jim Norman, Jan Platt, and Thomas Scott.

The following member was absent: Commissioner Chris Hart.

Chairman Storms called the meeting to order at 11:15 a.m.

Dr. Rick Garrity, EPC Executive Director, reviewed portions of the agenda that could be delayed to the end of the meeting or next month.

CITIZEN COMMENTS

Ms. Marilyn Smith, County resident, commented on Tampa Bay Water (TBW), the Planning Commission, and the Department of Environmental Protection (DEP) desalination hearings.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Mr. David Forziano, CEAC chairman, thanked Mr. Larry Padgett for many years of service as CEAC chairman. Mr. Forziano reviewed issues discussed by CEAC, which included the Governor's draft State drought action plan, land and water linkage initiative, and Southwest Florida Water Management District (SWFWMD) emergency water shortage order. CEAC recommended two alternatives be explored by EPC: (1) utilization of excess water from the Howard Currin plant and (2) exploration of using Lake Tarpon water for irrigation. CEAC supported action taken by the Board of County Commissioners (BOCC) on April 4, 2001, opposing the Everglades restoration program legislation. Commissioner Platt congratulated Mr. Forziano for making recommendations and asked that future recommendations be presented in writing. Commissioner Platt suggested EPC take a position on preservation 2000 funds and to follow-up on the two water shortage options.

At the request of Commissioner Frank, Dr. Garrity gave a brief summary on what would need to be done to make the Howard Curren plant water drinkable; however, a proposed project had been scraped by TBW, due to lack of support. After further discussion, Commissioner Frank, as the BOCC representative on TBW, felt the city of Tampa should sell the County the reclaimed water or convince TBW to reconsider the vote on the Howard Curren plant issue. Chairman Storms suggested a motion to address the issue at another time to take official position on both CEAC recommendations. Commissioner Frank moved that Tampa water resource recovery program and Lake Tarpon diversion project be brought back to the next EPC Board meeting. Commissioner Platt seconded

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the motion, which carried five to zero. (Commissioner Hart was absent; Commissioner Scott was out of the room.)

Commissioner Platt moved to authorize the Chairman to send a letter opposing the diversion of money from the preservation 2000 fund similar to the one sent by the BOCC Chairman. Commissioner Norman seconded the motion, which carried five to zero. (Commissioner Hart was absent; Commissioner Scott was out of the room.)

SPECIAL PRESENTATIONS

Commissioner Platt presented a plaque to Mr. Larry Padgett for service on CEAC.

Proclamation - Clean Air Month - Mr. Jerry Campbell, EPC Air Management Division staff, asked the EPC Board to declare May 2001 as Clean Air Month, which would help staff get information to the public about air quality. Commissioner Frank moved to declare May Clean Air Month, seconded by Commissioner Easterling, and carried six to zero. (Commissioner Hart was absent.)

Commissioner Frank presented Clean Air Month proclamations to Ms. Jennifer Rosage and Ms. Tiffany Gengler, American Lung Association; Ms. Gayle Mohr and Mr. Lewis Russo, Hillsborough County School Enrichment Resource Volunteers in Education (SERVE) program; and Ms. Barbara Motte, EPC staff.

Earth Day - EPC Director of Public and Intergovernmental Affairs Sara Fotopulos advised Earth Day 2001 was Sunday, April 22, 2001, on the river. Friends of the River and the Greenways task force had joined forces to coordinate the event, with over 60 agency and vendor booths at Lowry Park.

Report on Mad Cow and Foot-and-Mouth Diseases - Mr. Marvin Blount, EPC Air Management Division, introduced Mr. Carl Davis, director of operations, agriculture quarantine inspection service, United States Department of Agriculture (USDA), who would present the report. Mr. Davis said the purpose of the agency was to protect the agricultural resources of the United States. There was nothing new to report; however, due to public awareness, efforts had been intensified locally, which included airports and seaports. Mr. Davis showed videotape on foot-and-mouth disease. Responding to Chairman Storms, Mr. Davis said if a disease outbreak occurred in the United States, the USDA would quarantine the area within a 16-mile radius and kill every potential carrier within that area.

Chairman Storms raised a question that there was a probability that the foot-and-mouth disease would come to the United States. Mr. Davis said the disease

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had not been in the U.S. since 1929 and restrictive measures were taken to prevent an outbreak. Ms. Brenda Gohagen, director, public information and community relations, Aviation Authority, reported the Aviation Authority was supporting USDA with the awareness campaign by checking 100 percent of passengers arriving from the United Kingdom. Responding to Commissioner Frank, Mr. Davis said that discussions were ongoing regarding the use a disinfectant mat to help control the disease; however, shoes in luggage was of concern as well. Responding to Chairman Storms and Commissioner Easterling regarding animals at Busch Gardens, Mr. Stephen Gran, Economic Development Department, said Busch Gardens had no public access to affected animals and were using disinfectant mats. Commissioner Frank asked the BOCC representative on the Aviation Authority to present the issue at the next Aviation Authority meeting. Chairman Storms suggested EPC needed to prepare for an outbreak. Dr. Garrity responded staff could meet with the Solid Waste Department and DEP to start planning.

Report on Chromated Copper Arsenate and Update on Dairy Regulations - Deferred.

CONSENT AGENDA

- A. Approval of Minutes: None
- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Trust Fund
- E. Gardinier Settlement Trust Fund
- F. Quarterly Status Report - Superfund Sites

Commissioner Platt moved approval, seconded by Commissioner Scott, and carried six to zero. (Commissioner Hart was absent.)

EXECUTIVE DIRECTOR'S REPORT

Interim Report - Goals and Objectives - Deferred.

Fiscal Years 2002 and 2003 Budget Submittal Summary - Chairman Storms advised some EPC members had to leave and suggested scheduling the budget issue following the land use meeting. Commissioner Platt so moved, seconded by Commissioner Scott, and carried six to zero. (Commissioner Hart was absent.)

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LEGAL DEPARTMENT

Update - Mulberry Phosphate - Deferred.

Request for Authority to Take Appropriate Legal Action Against Tampa Bay Organics - EPC General Counsel Richard Tschantz reported there had been numerous complaints against Tampa Bay Organics, wood recycling facility, for dust and odor problems. Four warning notices had been issued and corrective action had not been sustained, and the air use permit application had not been submitted. Attorney Tschantz requested authorization to bring appropriate legal action against Tampa Bay Organics in circuit court. Commissioner Norman so moved; seconded by Commissioner Scott, and carried six to zero. (Commissioner Hart was absent.)

Chairman Storms congratulated Dr. Garrity on being selected an institute scholar by the Public Health Leadership Institute, and commented on an article on the artificial reef program managed by Mr. Tom Ash, EPC staff.

There being no further business, the meeting was adjourned at 12 noon.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
RICHARD AKE, CLERK

By: \_\_\_\_\_  
Deputy Clerk

gml

MAY 2, 2001 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -  
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider Arbitration of Tampa Bay Water's (TBW) submittal to the Southwest Florida Water Management District (SWFWMD) of a Modification to Environmental Resource Permit No. 4312345.01 for the Cosme Transmission Main and an Application for a Noticed General Environmental Resource Permit for the Chloramines Implementation Project at the Northwest Hillsborough Wellfield Well No. 7, scheduled for Wednesday, May 2, 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 2:15 p.m.

Attorney Kristen Bennett, EPC Assistant Counsel, presented the TBW permit applications, as received by the Board of County Commissioners (BOCC), and recommended EPC adopt the BOCC record on those issues into the EPC record. Commissioner Hart so moved, seconded by Commissioner Frank, and carried seven to zero.

Attorney Bennett presented staff recommendation to concur with the BOCC not to arbitrate TBW's submittal to SWFWMD of an application for a noticed general environmental resource permit for the chloramines implementation project at the Northwest Hillsborough wellfield well No. 7. Commissioner Frank moved staff recommendation, seconded by Commissioner Hart, and carried seven to zero.

Attorney Bennett presented staff recommendation to concur with the BOCC not to arbitrate TBW's submittal to SWFWMD of a modification to environmental resource permit No. 4312345.01 for the Cosme transmission main. Commissioner Scott moved staff recommendation, seconded by Commissioner Hart, and carried seven to zero.

OFF-THE-AGENDA ITEM - CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS

Chairman Storms reported the Metropolitan Planning Organization (MPO) approved the allocation of \$5 million in CMAQ funds. MPO action surpassed the process by which CMAQ funds were to be allocated for pollution and improvement of air quality. Chairman Storms expressed concern that there was no record the allocation met technical review. She asked EPC to consider action to send notice to the CMAQ supervisor to look at that issue.

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Commissioner Norman asked EPC members who served on the MPO Board if the process had been violated. Commissioner Platt had been assured that nothing strange or unusual occurred. She understood the EPC technical staff had opposed funding through CMAQ for the streetcar project from the beginning. The technical committee had approved funding over the objections of EPC, and the citizens committee had approved funding. The County attorney had said there was nothing illegal or improper about the MPO action. Commissioner Norman opined the expenditure of CMAQ funds seemed inappropriate for land acquisition.

Commissioner Frank said the same issue had arisen two years ago when CMAQ funds were being allocated, and EPC had recommendations about the appropriate use of those funds. Some proposals were inconsistent with the intent for CMAQ funds. The response at that time had been that it was too late in the cycle to change; however, the MPO would do business differently in the future, look at EPC recommendations, and increase the quality of air with the expenditure of funds.

Mr. Jerry Campbell, Director, EPC Air Management Division, felt the process had not been followed. He explained EPC had challenged some projects recommended for CMAQ funds two years ago. An agreement was made to set up a formal process and review all applications at one time, rated against one another for the air quality benefit, and that information would be presented to the MPO to approve projects. Technical committee recommendations did not bind the MPO. In the subject case, HARTline asked for \$5 million to fund a project. That project was not compared against other projects. Information about air quality benefits was presented to the EPC after the fact. Commissioner Easterling noted over 75 percent of funding available for 33 projects was approved for one project. EPC had been denied a 30-day extension to review the technical report.

Commissioner Scott had been informed the process was not violated, the project was being continued, and EPC had objected to the project from the beginning even after other committees had approved the recommendation. The MPO had the final decision. The \$5 million allocation would go to the streetcar project, which qualified for CMAQ funds. Commissioner Platt said the issue was an off-the-agenda item; all interested parties were not present. For fairness and openness, Commissioner Platt suggested scheduling the item for an EPC regular meeting.

Commissioner Norman opined money was being maneuvered to cover a shortfall. He asked if the EPC had authority to ask or challenge whether funds were properly allocated. Attorney Richard Tschantz, EPC General Counsel, said the project appeared to qualify, because one definition was for capital costs for transit projects used to provide inner city passenger service. The local issue was the policy agreement to rank projects. Chairman Storms thought the

question was whether EPC had an avenue to ask the federal agency whether the process was appropriate and if EPC would be responsible if it did not address the issue. Mr. Reginald Sanford, EPC staff, said EPC could express its concern about process to the Federal Highway Department.

Commissioner Frank had been in the meeting when the MPO promised EPC would be consulted for priorities, because EPC monitored air quality. Therefore, she felt the EPC should ask its members on the MPO board to reconsider that vote and ask the process to be followed.

Ms. Diana Carsy, Director of Planning, HARTline, explained HARTline submitted a CMAQ analysis with the project application in March 2001. The CMAQ analysis information HARTline used was incorrect and was revised, which did not reach the reviewing groups until late the prior week. The process used for requesting \$5 million was based on the project being started and entering the funding stream at a different time, as other projects had done over the years. Projects in the pipeline when the process was written would continue to be outside those guidelines, because they had already been prioritized and put into the program.

Commissioner Scott said the MPO could reprioritize or recommend any funding source for projects. EPC's function was to make a recommendation to the MPO. He felt the issue was for the MPO to decide. If the issue needed to be discussed further, Commissioner Scott moved to have the MPO and all the authorities at a future meeting. (The motion died for lack of a second.) He felt the MPO had legal authority to move the project forward. Assistant County Attorney Julia Mandell, who was present at the MPO meeting on May 1, 2001, explained the EPC had been involved in the original policy meeting, but the idea of having the EPC involved was an internal policy decision, not a written policy.

Commissioner Frank said four EPC members served on the MPO, two of which had taken a different position about the procedure, the understanding with the MPO, and what should be done to recognize the importance of EPC having a substantial influence upon the MPO's prioritization to allocate CMAQ funds. Commissioner Frank moved to state the MPO acted without adequate consideration for EPC's priority for the delegation of CMAQ funds and ask the MPO to reconsider its position, and the representatives on the MPO board be directed accordingly. Commissioner Platt had not seen the policy of two years ago that Commissioner Frank had discussed, and the County attorney had said the allocation was proper. Commissioner Hart seconded the motion for discussion. (The motion was not voted on.)

Following discussion about the project and the process, Commissioner Norman felt it was appropriate to let the MPO know EPC challenged the process. Breaking the rules and process to raid a fund, because a project was half



completed, was inappropriate. Commissioner Norman supported letting the MPO know the EPC's discomfort about the process. Chairman Storms said that was different from the motion on the floor, and she thought a motion expressing the EPC's displeasure was appropriate. Commissioner Norman made that motion to try to get the MPO to reconsider, seconded by Commissioner Frank. Commissioner Norman clarified the motion was to ask the MPO to reconsider its position on the process to give EPC time to measure; he felt the EPC had the right to ask the MPO to reconsider. The motion carried four to three; Commissioners Hart, Platt, and Scott voted no.

Commissioner Hart felt the EPC should move forward to be sure there was an established policy and that the MPO should follow that policy. Chairman Storms asked if Commissioner Hart wanted to make a motion to establish a policy at the next EPC meeting. Commissioner Hart moved to bring that back for the EPC but to also convey that to the MPO and the BOCC, seconded by Commissioner Norman. If a policy needed to be developed, Commissioner Scott said the EPC members who served on the MPO should make that recommendation to the MPO, and let the MPO policy committee move forward. Dr. Rick Garrity, Executive Director, EPC, said EPC staff could meet with the MPO to clarify the existing agreement and put that in a memorandum of understanding for EPC. The motion carried seven to zero.

There being no further business, the meeting was adjourned at 3:19 p.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
RICHARD AKE, CLERK

By: \_\_\_\_\_  
Deputy Clerk

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MAY 17, 2001 - ENVIRONMENTAL PROTECTION COMMISSION WORKSHOP - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Budget Workshop, scheduled for Thursday, May 17, 2001, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Ronda Storms and Commissioners Stacey Easterling (arrived at 9:16 a.m.), Pat Frank, Chris Hart, Jim Norman, Jan Platt (arrived at 9:09 a.m.), and Thomas Scott.

Chairman Storms called the meeting to order at 9:08 a.m. Commissioner Scott led in the pledge of allegiance to the flag and gave the invocation.

Chairman Storms congratulated EPC, in partnership with the Pinellas County department of environmental management, for being awarded a \$99,000 grant from the Environmental Protection Agency.

Dr. Rick Garrity, EPC Executive Director, presented the interim report on EPC's accomplishments, from October 2000 through March 2001, regarding goals and objectives. A final report would be presented in October 2001. An internal review of regulatory activities had been completed to assess effectiveness and efficiency. EPC was coordinating with the Department of Environmental Protection, Southwest Florida Water Management District (SWFWMD), the agricultural community, et cetera. Dr. Garrity reviewed EPC's efforts in partnering with regulated facilities and industries and in public education and training.

Chairman Storms asked if staff could work to develop collegial standards with SWFWMD on wetland rules. Commissioner Platt noted that was controversial; County rules were stronger than SWFWMD rules. Chairman Storms understood the issue was in the competency of SWFWMD staff. She did not want County rules weakened.

Dr. Garrity reviewed the budget submittal report for fiscal years (FY) 2002 and 2003, which was included in backup material, noting the budget related to EPC's goals and objectives. The foundation budget included 169 full-time and 6 temporary staff positions, which accounted for 85 percent of the budget. Dr. Garrity and Mr. Tom Koulianos, Director, EPC Finance and Administration, responded to questions from EPC Board members regarding fees, staff positions, pass-throughs, et cetera.

Commissioner Norman asked for a chart showing comparisons and ranking counties in regard to per capita investments. Dr. Garrity agreed to provide that information, stating the County compared favorably to similar counties. Mr. Koulianos and Commissioner Platt commented on items unique to each county that made comparisons difficult, such as Hillsborough County's Water Resource Team. Commissioner Norman wanted comparisons of similar items. Regarding the budget figures on page 2 of the report, Commissioner Norman requested a year-to-date

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breakdown of services and related costs, a list of what was included in the projected \$1.2 million increase to EPC's general fund between FYs 2001 and 2003, and a list of grant services and contracts that would be reduced. He particularly wanted to know if there was a relationship between the reduction in contracts and grants to the \$1.2 million general fund increase; was the County paying staff to work on projects that were no longer funded. Mr. Koulianos and Mr. Hooshang Boostani, Director, EPC Waste Management Division, commented on contracts. Dr. Garrity agreed to give a written report on the items Commissioner Norman requested.

Dr. Garrity reviewed the cost of enhancements EPC needed to purchase, such as computers, laboratory equipment, et cetera; the breakdown of revenue sources and expenditures for each year; and reductions in service delivery if the budget was reduced 5 or 10 percent. A reduction of about \$100,000 was recommended from general funds that would not affect service delivery.

Chairman Storms said copies of the petition regarding the EPC budget from Ms. Lynn McGarvey, Tampa Bay Group of the Sierra Club, had previously been sent to EPC Board members. In answer to Commissioner Frank, Dr. Garrity explained the proposed 5 and 10 percent budget reductions were from general funds, which affected the EPC divisions pertaining to wetlands, water, and administration more than divisions that were funded heavily from contracts and grants. He responded to comments from a letter Commissioner Frank read from a citizen who charged that the County was allowing harmful discharges into the bay. Dr. Garrity clarified the FY 2002 continuation EPC budget was approximately \$12.9 million, including the enhancements, with no reductions. The County Administrator would present his recommended EPC budget to the Board of County Commissioners (BOCC). Commissioner Scott thought the continuation budget was appropriate and so moved. Commissioner Platt seconded the motion with the enhancements; Commissioner Scott concurred.

Commissioner Norman wanted to see the additional information before making a decision. Commissioner Hart had previously requested a five-year budget comparison. He asked if the agencies requesting EPC laboratory services were paying for those services. Regarding the 5 and 10 percent reductions, Commissioner Hart said a list of items not considered should be submitted, so EPC Board members could make a judgment. Therefore, he did not want to vote that day. Following discussion and clarifications of the motion, budget process, timing concerns, and possible dates for another EPC meeting, Chairman Storms said the motion would forward the EPC budget to the BOCC; the EPC Board would address the issues at another EPC meeting; EPC staff would submit the information requested by EPC Board members. Commissioner Frank asked that the motion include transferring the \$100,000; Commissioner Scott concurred. The motion carried seven to zero.

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There being no further business, the meeting was adjourned at 10:25 a.m.

READ AND APPROVED: \_\_\_\_\_

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: \_\_\_\_\_

Deputy Clerk

jp.

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, May 17, 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 10:35 a.m.

Dr. Rick Garrity, EPC Executive Director, said there were two additions to the agenda: Citizens Environmental Advisory Committee (CEAC) report and a report on arsenic treated lumber.

#### CITIZENS' COMMENTS

Ms. Marilyn Smith, County resident, did not think the EPC budget should be cut. She was angry with the Metropolitan Planning Organization (MPO) and HARTline regarding the use of public money and air quality issues. Ms. Lynn McGarvey, 13610 Diamond Head Way, commented on petitions she had submitted to increase the EPC budget, funding for agricultural and school outreach programs, increases in population, Brownfields redevelopment, EPC fee review, et cetera. Ms. Joyce Smith, 7201 Daiquiri Lane, supported the EPC budget with the requested enhancements and said the tourist industry, which was connected to the environment, should be protected.

#### CEAC

CEAC Chairman David Forziano reviewed the CEAC monthly report, and submitted a letter supporting approval of the proposed EPC budget for fiscal year 2001, as recommended by Dr. Garrity, without reductions or amendments.

#### SPECIAL PRESENTATIONS

Clean Air Month essay awards were presented to the following middle school students: Jack Scholl, Danielle Depriest, Greg Horn, Corey Barrington, Christin Mulkee, Kyle Vaughn, Samantha Swanhart, and Yvanna Gonzalez.

Certificates were presented to the following students for science projects relating to Clean Air Month, which were on display in the lobby of the Frederick B. Karl County Center: Kyle Vaughn, Samantha Swanhart, and Yvanna Gonzalez.

#### CONSENT AGENDA

A. Approval of Minutes: February 7, 21, March 15, 21, and April 4, 2001

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- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Trust Fund
- E. Gardinier Settlement Trust Fund
- F. Tampa Water Resource Recovery Project (TWRRP)
- G. Lake Tarpon Irrigation Update
- H. Foot and Mouth Disease Update

Commissioner Scott moved the Consent Agenda, seconded by Commissioner Platt, and carried seven to zero.

AIR MANAGEMENT DIVISION

Congestion Mitigation and Air Quality Improvement Program (CMAQ) - EPC General Counsel Richard Tschantz reported local projects funded by CMAQ were required to go through a flowchart process, which had been established two years ago and followed federal guidelines. Participating agencies had verbally agreed to the flowchart process but had not made a binding agreement. HARTline's streetcar project had not gone through two levels of the flowchart process review, one of which was the EPC technical air quality impact analysis. The flowchart process did not address the inclusion of continuing projects--those that had previously received CMAQ funding. HARTline held the position that because the streetcar project had previously received CMAQ funding, it did not need to go through the process.

Chairman Storms asked if the streetcar project had been analyzed for air quality prior to CMAQ funding. Mr. Reginald Sanford, EPC staff, explained the operations and maintenance portions of the project had been evaluated by MPO staff and had received funding. The new request needed a separate evaluation. Commissioner Frank stated the project had not been analyzed for air quality. Commissioner Scott understood, from the MPO policy meeting, that because the project was not new, HARTline had followed the correct process. Commissioner Frank, who had participated in the MPO two years ago, said an agreement had been reached to accept projects on that year's list; however, the next list would be evaluated; there had been no distinction between existing and new projects. The assumption was that every project would undergo the new standard.

Commissioner Hart understood all projects would go through the flowchart process. EPC had the regulatory function and responsibility to enforce standards, not the MPO. Regarding the \$5 million in CMAQ funding the MPO recently approved for the HARTline streetcar project, Commissioner Hart was concerned that the Board of County Commissioners had not been informed that those CMAQ funds were available for transportation projects. He felt there was no benefit in addressing the MPO board. The EPC Board should consider EPC's role vis-à-vis federal requirements and any coordination or

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communication needed in that area. Chairman Storms requested the closed-captioned recitation from the meeting that occurred two years ago.

Attorney Tschantz agreed with the County Attorney's Office that HARTline had not acted illegally in bypassing the review flowchart process; however, EPC staff felt it was not fair that other projects in competition for federal dollars had to go through the air quality analysis. Federal guidelines asked that CMAQ-approved projects document tangible reductions in air emissions, and that the local air quality agency make that analysis. However, the guidelines were flexible and were not considered law. Attorney Tschantz said a letter had been sent to the MPO requesting the issue be reconsidered at the next MPO meeting. Staff would begin meeting with involved agencies to formalize the flowchart process into a memorandum of understanding, making it clear and binding that continuing projects were not exempt from the flowchart process.

Attorney Tschantz said a letter could be sent to the federal Highway Administration, federal Transit Authority, and the Environmental Protection Agency requesting the project be returned for the air quality impact analysis. Discussion of that action and its implications followed. Commissioner Frank moved to wait to see the MPO action; however, if it was not possible for EPC to convene quickly following that action, EPC would authorize the Chairman to direct a letter to the appropriate authorities, asking that if the MPO did not revisit the subject and involve EPC and EPC's evaluation of the project versus the others on air quality, that the federal people make that request of the MPO. The motion was seconded by Commissioner Hart. Commissioner Platt would not support the motion, since the flowchart process was silent on the issue. After further discussion, the motion carried five to two; Commissioners Platt and Scott voted no. Discussion continued on the issues. Commissioner Norman left the meeting at 11:30 a.m.

Ms. Diana Carsy, HARTline, reported projects submitted for CMAQ funding were reviewed for air quality impacts. The source of funding targeted the types of projects HARTline was doing in downtown Tampa. HARTline believed those projects would perform well in evaluations. Commissioner Frank asked if the projects were prioritized by air quality standards in terms of EPC's reaction. Ms. Carsy said the projects were prioritized based on impact on air particulates. The process established two years ago had not been in place when the first CMAQ projects began, but impacts to air quality had always been part of project submission. Commissioner Frank concurred; however, she pointed out projects rated highest in terms of air quality should be funded first.

Mr. Sanford said the current portion of the streetcar project was new, had not received prior CMAQ funding, and had not competed against projects for that funding. The streetcar project had not been prioritized. Commissioners Hart and Scott left the meeting at 11:35 a.m.

LEGAL DEPARTMENT

Mulberry Phosphate, Incorporated, Update - Attorney Tschantz reported the federal government and Florida Department of Environmental Protection (DEP) had filed in federal court under the Clean Water Act against Mulberry Phosphate. In regard to State circuit court action in Manatee and Polk Counties, someone had been appointed to enter into contracts to control water balance; remove processed water off the sites; and observe the stack for danger to determine if the stack should be closed. Legislation had passed that would provide opportunities for DEP to have future money from the nonmandatory land reclamation fund for reclamation and to abate imminent hazards; the amount was raised from \$30 to \$50 million. The legislation gave additional power to DEP and established a fund to which companies without bonds or letters of credit would pay \$75,000 per stack per year for five years. By January 2002 DEP had to revise the financial responsibility rule. DEP was given \$16 million for fiscal year 2001-2002 to carry out the purposes of the legislation. In answer to Commissioner Frank, Dr. Garrity and Attorney Tschantz verified the State would pay for monitoring the closing and cleanup of the Mulberry Phosphate site, which would take two to three years. (Resumed later in the meeting.)

Request Authority to Take Appropriate Legal Action Against Himes Investment, Incorporated - Attorney Tschantz explained action was needed to get Himes Investment and Mr. Albert Docobo, president, Docobo Corporation, to come into compliance with permitting regarding the excavation of a landfill. Commissioner Platt so moved, seconded by Commissioner Frank, and carried four to zero. (Commissioners Hart, Norman, and Scott had left the meeting.)

Request Authority to Take Appropriate Legal Action Against Carl Will - Attorney Tschantz said action was needed regarding the construction of a seawall and improper dock additions. A settlement should be reached in a few days. He requested authority to proceed if negotiations failed. Commissioner Frank moved that the authority be granted if the settlement fell through, seconded by Commissioner Platt, and carried four to zero. (Commissioners Hart, Norman, and Scott had left the meeting.)

REPORT ON ARSENIC TREATED LUMBER

Dr. Garrity would report on the issue at the next EPC meeting.

Mulberry Phosphate, Incorporated, Update - RESUMED - Commissioner Platt requested a written report on why there had been a delay in reaching a settlement while Mulberry Phosphate was in operation.



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There being no further business, the meeting was adjourned at 11:44 a.m.

READ AND APPROVED: \_\_\_\_\_

CHAIRMAN

ATTEST:  
RICHARD AKE, CLERK

By: \_\_\_\_\_  
Deputy Clerk

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The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, scheduled for Wednesday, June 6, 2001, at 1:30 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 (arrived at 1:43 p.m.), and Thomas Scott (arrived at 1:44 p.m.).

Chairman Storms called the meeting to order at 1:39 p.m.

EPC General Counsel Richard Tschantz said the Metropolitan Planning Organization (MPO) approved the terminal for the streetcar project at its June 5, 2001, meeting. At that meeting, the MPO staff presented a second process for continuing projects in which staff evaluated streetcar projects. The MPO asked the EPC to consider not sending a letter to federal agencies, because the process was proper, and the project was not a new project in the process established two years ago. The other issue was how to proceed for clarification, whether to pursue the prior vote for a memorandum of understanding or to do that with an exchange of correspondence.

Commissioner Easterling said the motion made by Commissioner Frank at the last EPC meeting was if the MPO refused to revisit the issue, the EPC would send a letter to the federal government stating EPC's grounds for disapproval or disagreement. The MPO did not revisit the issue. Commissioner Easterling had suggested EPC discuss the issue on June 6, 2001. MPO staff made a presentation on how projects were identified for congestion, mitigation, and air quality (CMAQ) funding and how those projects were analyzed. The MPO categorized projects as new and old. Those categories dictated the protocol and procedure for CMAQ funding. The MPO said the project was an old, ongoing project. Commissioner Easterling said that brought up other issues, because there was no understanding as to how projects were handled. Neither the EPC nor the MPO members understood there were two different categories for new and old projects. The MPO dismissed a suggestion for a memorandum of understanding. Commissioner Easterling did not want to let the particular project slide without going to the federal government.

Commissioner Norman received confirmation from Attorney Tschantz that EPC was unaware of another process. Staff thought all projects, continued projects and new projects, would be under the process developed two years ago. Clarification was needed as to whether prior projects that received CMAQ funding did not have to undergo an evaluation and air quality analysis and rankings with other projects.

Commissioner Frank had listened to audiotapes from the MPO meeting two years ago and found no distinction between new and old projects. The argument made

WEDNESDAY, JUNE 6, 2001 - DRAFT MINUTES

two years ago was that the objection of EPC was too late for that particular year. The understanding was from then forward, EPC would evaluate all CMAQ funding. Perhaps the project was on a list somewhere, and maybe money was put into planning for the project. However, circumstance had changed, because HARTline made a bad decision that increased the price for the property and was in a position where it had to purchase high-priced land, because of a court case. To justify how HARTline would get those funds through CMAQ was inappropriate, when that was not the understanding two years ago. Commissioner Frank made a motion that EPC stay the course.

Commissioner Platt understood CMAQ moneys funded the streetcar project in the past. The purpose of CMAQ moneys was to keep cars off the road, which was why those funds could not be used for roads. The land HARTline originally considered would have put the streetcar terminal at a different end. HARTline was purchasing land immediately across from the convention center and the Marriott Hotel, which was more convenient and would have many more uses. The cost of land was higher because of a jury decision. The process the MPO followed was consistent, from what Commissioner Platt had been told, with the process that had been followed since 1994 for enhancements to an originally funded project under CMAQ.

Following discussion, Commissioner Norman asked if the city of Tampa could fund the additional \$5 million from its revenue and not lose the project. Attorney Tschantz said that could happen. Commissioner Norman said the EPC was not stopping the project, it was saying the process should have been followed. Commissioner Norman seconded the motion.

Commissioner Scott thought the issue had been resolved in the MPO meeting on June 5, 2001. The issue was a memorandum of understanding between MPO and EPC staffs. He suggested staff work out that issue and develop the memorandum of understanding. Commissioner Hart felt the issue should be resolved locally, whether that would be through a memorandum of understanding or an MPO written policy in which the parties involved agreed.

Mr. Rich Glorioso, chairman, MPO, gave an overview of how Commissioner Frank had gotten EPC more involved in developing a process to determine air quality and dollar costs per tonnage, et cetera, and provided input for the MPO to make decisions. That process was implemented two years ago, used last year, and used again this year. The first step of that process was an evaluation by a member of the MPO Board, Florida Department of Transportation (FDOT), EPC, and the Department of Environmental Protection (DEP). Those boards looked at and rated projects by tonnage. The list of projects that just recently came to the MPO were five years away. The policy established in 1994 provided four choices for a sponsoring organization of a project that ran out of dollars and needed additional funding. The sponsoring organization could look within its own funds for additional dollars; scale down the project within the dollars

available; return to the MPO and request funding; or cancel the project. HARTline chose to return to the MPO and request additional funding. Additional funding was approved for next year. The streetcar project was a continuing project, because it was already approved. EPC's input into the decision-making process was an advisory role. The EPC provided information on tonnage and costs, but was accustomed to dealing with fixed location sites. A transportation project to save a little pollution cost tremendous amounts of money. The funds were for congestion mitigation and air quality, to improve congestion. Mr. Glorioso opined the process belonged to the MPO. He did not object to having a letter explain the MPO processes and how those were used.

Chairman Frank reiterated there were no comments on the audiotape to distinguish new projects from old projects, except for the comments made that no intervention could be done in the year in which the MPO was discussing whether to have EPC's evaluation of the CMAQ funds as a top consideration in that year. In reply to Chairman Frank, Mr. Glorioso said two years ago the MPO was working on transportation improvement plan inputs, which were MPO new projects for five years away. EPC, which was part of the technical advisory group, opposed the project; the technical advisory committee approved the project. Chairman Frank said those were CMAQ funds, for which EPC was responsible. Mr. Glorioso pointed out EPC had an advisory role to the MPO.

Mr. Glorioso responded to questions by Commissioner Platt about federal agencies approving the project over the objections of EPC. He listed the entities represented on the MPO. Two of 11 MPO members voted in opposition to the project. The MPO attorney, who was also an assistant County attorney, opined the process followed for funding was appropriate.

In reply to Commissioner Norman, Mr. Glorioso said CMAQ funds were for the entire project, not individual items. Commissioner Norman did not know CMAQ funds could be used anywhere in the project. He felt HARTline lost a lawsuit; therefore, the funds were to cover a shortfall. The CMAQ fund was not set up for that situation.

Mr. Glorioso explained the MPO intent was to put the June 5, 2001, MPO briefing in document form so everyone would understand the two processes for funding shortfalls and new projects. Commissioner Hart felt timelines would be helpful whether there was a memorandum of understanding or policy.

Chairman Storms felt strongly that if the EPC was tasked with the duty of monitoring and protecting air quality, its opinions should be given greater weight than opinions of others, and that the original agreement had been dishonored. Chairman Storms did not think the letter, which she read, dated September 26, 1994, to Mr. William J. McDaniel, Jr., referenced a process or understanding of an ongoing funding policy. The letter did not support ongoing funding prioritization, except as it pertained to one particular year.

If that argued for extended extrapolation--as long as you have it in the process, it was in the pipeline, you start it, it always qualified--that meant a project could begin at \$500 and go up to a \$37 million project without ever being evaluated again. Chairman Storms would not support that policy.

Commissioner Hart would not support the motion. The issue had been addressed locally. Mr. Glorioso had said he would take the process and procedures outlined in the MPO meeting on June 5, 2001, and adapt that to an MPO policy. Commissioner Hart thought that going forward with Mr. Glorioso's intent for an MPO policy would solve the problem. The motion carried four to three; Commissioners Hart, Platt, and Scott voted no.

There being no further business, the meeting was adjourned at 2:31 p.m.

READ AND APPROVED: \_\_\_\_\_

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: \_\_\_\_\_

Deputy Clerk

sw

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Budget Workshop, scheduled for Tuesday, June 12, 2001, at 3:00 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 4:45 p.m.

Dr. Rick Garrity, EPC Executive Director, distributed backup information and offered to review the material or continue the workshop to the next scheduled EPC meeting. **Commissioner Scott moved to continue.** Commissioner Platt would not support the continuance; she would be unable to attend on that date. **The motion was seconded by Commissioner Norman and carried six to one;** Commissioner Platt voted no.

There being no further business, the meeting was adjourned at 4:49 p.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
RICHARD AKE, CLERK

By: \_\_\_\_\_  
Deputy Clerk

jp

JUNE 20, 2001 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -  
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, scheduled for Wednesday, June 20, 2001, at 1:30 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Ronda Storms and Commissioners Pat Frank, Chris Hart, Jim Norman, and Thomas Scott (arrived at 1:41 p.m.).

The following members were absent: Commissioners Stacey Easterling and Jan Platt.

Chairman Storms called the meeting to order at 1:39 p.m.

MEMORANDUM OF UNDERSTANDING (MOU) WITH HILLSBOROUGH COUNTY

Mr. Hooshang Boostani, Director, EPC Waste Management Division, said the MOU would allow EPC to inspect stormwater discharges within unincorporated Hillsborough County in support of Hillsborough County's national pollution discharge elimination system program and provide funding for a full-time position. Legal and technical staff had reviewed the MOU and recommended approval. Commissioner Norman moved staff recommendation, seconded by Commissioner Frank, and carried four to zero. (Commissioner Scott had not arrived; Commissioners Easterling and Platt were absent.)

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) CONTRACTS

Mr. Boostani requested approval of FDEP contract GC627, which would provide funding for EPC to implement the cleanup contract on behalf of FDEP for the next four years. Chairman Frank moved to approve the contract, seconded by Commissioner Norman, and carried five to zero. (Commissioners Easterling and Platt were absent.)

Mr. Boostani requested approval of FDEP contract GC513, which would implement a compliance program in the petroleum area. Commissioner Frank moved to approve the contract with FDEP for the petroleum cleanup, seconded by Commissioner Hart, and carried five to zero. (Commissioners Easterling and Platt were absent.)

There being no further business, the meeting was adjourned at 1:42 p.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
RICHARD AKE, CLERK

By: \_\_\_\_\_  
Deputy Clerk

SW



JUNE 21, 2001 - ENVIRONMENTAL PROTECTION COMMISSION WORKSHOP - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Budget Workshop, scheduled for Thursday, June 21, 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 (arrived at 10:13 a.m.), Pat Frank, Chris Hart, Jim Norman, and Thomas Scott (Hope VI groundbreaking; arrived at 11:30 a.m.).

The following member was absent: Jan Platt (sustainable development conference).

Chairman Storms called the meeting to order at 10:12 a.m. Commissioner Norman led in the pledge of allegiance to the flag and gave the invocation.

Dr. Rick Garrity, EPC Executive Director, presented an updated handout and said the purpose of the workshop was to address questions from the previous workshop and review the County Administrator's recommended EPC budget.

Authorized Staffing Level - Dr. Garrity reviewed the funded positions and said unfunded vacant positions would be eliminated. Dr. Garrity responded to Commissioner Norman that there were 12 vacant funded positions included in the 169 authorized positions. Commissioner Norman asked if the money earmarked for those positions would be returned to the County. Dr. Garrity and Ms. Lorraine Castillo, EPC staff, responded that any excess money would be returned to the General Fund at the end of the fiscal year. Dr. Garrity noted one vacant unfunded position--Environmental Specialist II--would be funded through the stormwater program to help with the permit program.

Water Resource Team (WRT) Positions - Dr. Garrity used a chart to review the eight funded and filled WRT positions. Addressing the EPC monitoring program, Commissioner Hart asked how many monitoring organizations were doing the same monitoring as EPC. Responding to Chairman Storms, Dr. Garrity said the source of funding for the WRT positions was a special category of the General Fund.

Laboratory Cost Analysis - Dr. Garrity explained over 90 percent of the laboratory work was for EPC's purposes--water and air quality sampling. The Environmental Protection Agency (EPA) and the Department of Environmental Protection (DEP) reimbursed some of the costs associated with air monitoring. Outside contract analyses was 7 percent and pro bono samples was 1 percent. A staff goal was to further analyze laboratory costs to determine other ways for the laboratory to operate at an enterprise funding level.

Commissioner Norman was concerned with EPC providing testing without billing. Mr. Chris Dunn, Director, EPC Water Division, explained free samples were done for County government, DEP, Southwest Florida Water Management District, individuals, et cetera, and totaled less than 1 percent. Commissioner Hart asked for the dollar amount the 1 percent represented. Dr. Garrity said one example was sampling for Lake Grady, where EPC sampled homes and wells, and EPC did not bill anyone for that sampling. Commissioner Norman referenced

THURSDAY, JUNE 21, 2001 - DRAFT MINUTES

information provided by County staff that EPC did not receive full-cost recovery, as overhead costs were not included in fees. Dr. Garrity agreed to look at that as well as water sampled in other counties.

Historical Budget Data - Dr. Garrity reviewed the data for fiscal years (FY) 1999 through 2003.

Per Capita Comparison to Other Counties - Attorney Sara Fotopulos, EPC Director of Public and Intergovernmental Affairs, explained problems encountered with comparing EPC activities and costs with other counties. All environmental programs in the State were different and the programs covered varied from County to County. Attorney Fotopulos agreed to provide information to the Board of County Commissioners (BOCC) at the budget meeting on July 10, 2001. Commissioner Hart asked for the land or geographic area to be included in the comparison report. Commissioner Norman had done some research in population and landmass. Orange, Duval, and Hillsborough Counties were close matches in landmass. EPC had one employee per 7.7 miles; Duval and Orange Counties had one employee per 17 miles. He asked for an explanation why that difference was so great.

Chairman Storms asked for a comparison of employee qualifications and salaries. She had a problem countywide with the BOCC approving salary increases and then requiring a reduction to budgets. She said EPC salaries had been perceived as top heavy; however, an analysis was needed. Dr. Garrity agreed to provide that information. Commissioner Norman suggested including positions, pay ranges, and individual salaries.

Commissioner Frank agreed that each agency/department needed to be reviewed to ensure taxpayers were protected; however, the EPC stood apart from other agencies, because Hillsborough County had an obligation to protect the environment and community as a top priority. Commissioner Norman wanted to know what the County was getting for the investment of two to three times that of other counties. Dr. Garrity said an EPC goal was to analyze staff resources. Commissioner Hart suggested Mr. Eric Johnson, Director, Management and Budget Department, and his staff work with EPC staff in obtaining the information.

DEP Pass-through Funds/Petroleum Cleanup Contract - Dr. Garrity explained the County no longer handled the \$800,000 pass-through cost, which had changed during the current fiscal year. DEP had increased the amount paid to the County to review reports, manage cleanup projects, and recommend whether consultants should be paid. DEP now handled consultant payments. Responding to Commissioner Norman, Mr. Hooshang Boostani, Director, EPC Waste Management Division, said one-third of his salary was charged to that program. He reviewed the change in the contract, which related to the pass-through funds. The scope of work increased almost 50 percent, and the employees would continue to do the same kind of work--review projects, approve cleanups, and review invoices. Commissioner Norman asked if there was a deficit in any of

THURSDAY, JUNE 21, 2001 - DRAFT MINUTES

the transactions. Mr. Boostani responded no and said the new positions were paid for by DEP.

County Administrator's Recommended EPC Budget - Dr. Garrity said EPC staff was working proactively with Mr. Johnson on the budget to compare needs and come to a consensus. He compared EPC's requested budget with the Administrator's recommended budget for FY 2002 and 2003, which eliminated all requested enhancements, plus a 5.4 percent reduction in the FY 2002 continuation budget. Dr. Garrity reviewed possible ways to address the reductions in the continuation budget.

Responding to Commissioner Storms, Dr. Garrity explained new job descriptions had been created, but any new positions had been brought to the Board. The biggest increase was an increase in the Waste Management Division, because of the increase in the DEP grant. Commissioner Norman cited information received from the County Administrator's Office regarding two positions filled for public and intergovernmental affairs that were funded for other purposes.

Chairman Storms said the comparison of jurisdictions should not take six weeks. She opined the public affairs position was not benefiting the environment and could be cut. Responding to Commissioner Norman, Dr. Garrity said the position had been moved from the Waste Management Division so a new position would not have to be requested. Commissioner Norman said the vacant positions were funded for specific functions and moving them around did not help the environment.

Dr. Garrity said some of the requested enhancements were important to the future of EPC; however, some items could be moved from FY 2002 to FY 2003. Chairman Storms supported items that directly related to a cost benefit from protecting the environment. Commissioner Frank asked which enhancement requests related to monitoring. Dr. Garrity and Mr. Dunn explained laboratory equipment that needed to be replaced included a nutrient analyzer, which accounted for 39 percent of the laboratory workload, and water monitoring equipment. Responding to Commissioner Frank, Mr. Dunn and Ms. Castillo noted EPC did not have a reserve fund for capital equipment. Discussion followed regarding the option of using Community Investment Tax money for EPC capital equipment.

Dr. Garrity said reducing staff by two positions would address the tag fee problems. Mr. Jerry Campbell, Director, EPC Air Management Division, explained that 75 cents of each license tag renewal was returned to the local air program. Because the tag fee budget had a deficit, a reduction in staff was mandated.

Staff Budget Recommendations - Dr. Garrity noted staff would continue working on the \$98,722 difference between EPC's requested budget and the Administrator's recommended budget.

THURSDAY, JUNE 21, 2001 - DRAFT MINUTES

Commissioner Hart suggested the requested information on monitoring agencies be prepared for the budget meeting on July 10, 2001.

There being no further business, the meeting was adjourned at 11:33 a.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
RICHARD AKE, CLERK

By: \_\_\_\_\_  
Deputy Clerk

gml

MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION  
JULY

A.	Public Outreach/Education Assistance:	
1.	Phone Calls:	<u>170</u>
2.	Literature Distributed:	<u>7</u>
3.	Presentations:	<u>1</u>
4.	Media Contacts:	<u>3</u>
5.	Internet:	<u>68</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	<u>0</u>
b.	Construction:	<u>4</u>
c.	Amendments:	<u>0</u>
d.	Transfers/Extensions:	<u>0</u>
e.	General:	<u>1</u>
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ( <sup>1</sup> Counted by Number of Fees Collected) - ( <sup>2</sup> Counted by Number of Emission Units affected by the Review):	
a.	Operating <sup>1</sup> :	<u>3</u>
b.	Construction <sup>1</sup> :	<u>3</u>
c.	Amendments <sup>1</sup> :	<u>1</u>
d.	Transfers/Extensions <sup>1</sup> :	<u>0</u>
e.	Title V Operating <sup>2</sup> :	<u>58</u>
f.	Permit Determinations <sup>2</sup> :	<u>2</u>
g.	General:	<u>1</u>
3.	Intent to Deny Permit Issued:	<u>0</u>
C.	Administrative Enforcement	
1.	New cases received:	<u>3</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>21</u>
e.	Inactive/Referred cases:	<u>1</u>
	Total	<u>41</u>
3.	NOIs issued:	<u>3</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>2</u>
6.	Contributions to the Pollution Recovery Fund: \$ 1,200.00	
7.	Cases Closed:	<u>2</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>10</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>1</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>17</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>31</u>
E.	Open Burning Permits Issued:	<u>6</u>
F.	Number of Division of Forestry Permits Monitored:	<u>501</u>
G.	Total Citizen Complaints Received:	<u>42</u>
H.	Total Citizen Complaints Closed:	<u>44</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>29</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>2</u>
2.	Warning Notices Resolved:	<u>8</u>
3.	Advisory Letters Issued:	<u>7</u>
M.	AOR's Reviewed:	<u>31</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>3</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION  
JULY

	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>1,000.00</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>          -0-</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>   960.00</u>
5. Non-delegated permit transfer of ownership, name change or extension	\$ <u>          -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$ <u>2,300.00</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>   400.00</u>
8. Open burning authorization	\$ <u>2,550.00</u>
9. Enforcement Costs	\$ <u>1,040.57</u>

MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION  
AUGUST

A. Public Outreach/Education Assistance:		
1. Phone Calls:		<u>270</u>
2. Literature Distributed:		<u>46</u>
3. Presentations:		<u>1</u>
4. Media Contacts:		<u>11</u>
5. Internet:		<u>70</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>6</u>
b. Construction:		<u>1</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>2</u>
e. General:		<u>1</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ( <sup>1</sup> Counted by Number of Fees Collected) - ( <sup>2</sup> Counted by Number of Emission Units affected by the Review):		
a. Operating <sup>1</sup> :		<u>10</u>
b. Construction <sup>1</sup> :		<u>0</u>
c. Amendments <sup>1</sup> :		<u>1</u>
d. Transfers/Extensions <sup>1</sup> :		<u>2</u>
e. Title V Operating <sup>2</sup> :		<u>74</u>
f. Permit Determinations <sup>2</sup> :		<u>9</u>
g. General:		<u>2</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>11</u>
c. Legal:		<u>3</u>
d. Tracking compliance (Administrative):		<u>24</u>
e. Inactive/Referred cases:		<u>1</u>
	Total	<u>42</u>
3. NOIs issued:		<u>5</u>
4. Citations issued:		<u>0</u>
5. Consent Orders Signed:		<u>2</u>
6. Contributions to the Pollution Recovery Fund:		<u>\$2,800.00</u>
7. Cases Closed:		<u>0</u>



D.	Inspections:	
1.	Industrial Facilities:	<u>15</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>8</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>41</u>
E.	Open Burning Permits Issued:	<u>8</u>
F.	Number of Division of Forestry Permits Monitored:	<u>350</u>
G.	Total Citizen Complaints Received:	<u>28</u>
H.	Total Citizen Complaints Closed:	<u>21</u>
I.	Noise Sources Monitored:	<u>2</u>
J.	Air Program's Input to Development Regional Impacts:	<u>5</u>
K.	Test Reports Reviewed:	<u>26</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>6</u>
2.	Warning Notices Resolved:	<u>4</u>
3.	Advisory Letters Issued:	<u>1</u>
M.	AOR's Reviewed:	<u>46</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>9</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION  
AUGUST

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ <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)	\$1,640.00
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$4,640.00
(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>          -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	\$1,610.00
(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>      145.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$ <u>          -0-</u>
8. Open burning authorization	\$3,400.00
9. Enforcement Costs	\$ <u>      640.88</u>

**ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

**AUGUST, 2001**

**A. ENFORCEMENT**

1. New Enforcement Cases Received:	6
2. Enforcement Cases Closed:	3
3. Enforcement Cases Outstanding:	21
4. Enforcement Documents Issued:	5
5. Warning Notices:	19
a. Issued:	7
b. Resolved:	12
6. Recovered costs to the General Fund:	\$2259.00
7. Contributions to the Pollution Recovery Fund:	\$9083.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Circle K	Unpermitted Discharge	\$4,800.00
b. 7-Eleven	Unpermitted Discharge	\$2,000.00
c. Livingston MHP	Disposal Problems/Violation of permit conditions	\$ 900.00
d. Shady Shores MHP	Effluent discharge/Improper operation/Failure to maintain	\$ 750.00
e. Hughes Hard Chrome	Industrial Wastewater Discharge	\$ 333.33
f. ISF Softball Complex	Placement into service w/o acceptance letter	\$ 300.00

**B. PERMITTING - DOMESTIC**

1. Permit Applications Received:	33
a. Facility Permit:	7
(i) Types I and II	1
(ii) Type III	6
b. Collection Systems-General:	14
c. Collection Systems-Dry Line/Wet Line:	12
d. Residuals Disposal:	0
2. Permit Applications Approved:	15
a. Facility Permit:	1
b. Collection Systems-General:	7
c. Collection Systems-Dry Line/Wet Line:	7
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0 =
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0 :
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated) Recommended for Approval:	0
5. Permits Withdrawn:	0

6. Permit Applications Outstanding:	<u>43</u>
a. Facility Permit:	<u>30</u>
b. Collection Systems-General:	<u>7</u>
c. Collection Systems-Dry Line/Wet Line:	<u>6</u>
d. Residuals Disposal:	<u>0</u>
<b>C. INSPECTIONS - DOMESTIC</b>	<u>91</u>
1. Compliance Evaluation:	<u>12</u>
a. Inspection (CEI):	<u>2</u>
b. Sampling inspection (CSI):	<u>10</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	<u>39</u>
a. Inspection (RI):	<u>10</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>28</u>
d. Enforcement Inspection (ERI):	<u>1</u>
3. Special:	<u>40</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>7</u>
d. Post Construction Inspection (XCI):	<u>33</u>
<b>D. PERMITTING - INDUSTRIAL</b>	
1. Permit Applications Received:	<u>0</u>
a. Facility Permit:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>2</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>25</u>
b. General Permits:	<u>2</u>
<b>E. INSPECTIONS - INDUSTRIAL</b>	<u>16</u>
1. Compliance Evaluation:	<u>1</u>
a. Inspection (CEI):	<u>1</u>
b. Sampling Inspection (CSI):	<u>0</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>

COMMISSION

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



ADMINISTRATIVE OFFICES,  
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WASTE MANAGEMENT DIVISION  
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WETLANDS MANAGEMENT DIVISION  
FAX (813) 272-7144

1410 N. 21ST STREET • TAMPA, FLORIDA 33605

EXECUTIVE DIRECTOR

RICHARD D. GARRITY, Ph.D.

**MEMORANDUM**

**DATE:** September 11, 2001

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

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

**SUBJECT:** **WASTE MANAGEMENT'S JULY & AUGUST 2001 AGENDA INFORMATION**

**A. ADMINISTRATIVE ENFORCEMENT**

	<b>JULY</b>	<b>AUGUST</b>
1. New cases received	4	2
2. On-going administrative cases	115	115
a. Pending	28	28
b. Active	40	40
c. Legal	11	11
d. Tracking Compliance (Administrative)	19	19
e. Inactive/Referred cases	17	17
3. NOI's issued	2	2
4. Citations issued	4	0
5. Consent Orders Signed	1	1
6. Civil Contributions to the Pollution Recovery Fund	\$1,200	\$2,000
7. Enforcement Costs collected	\$1,870	\$796
9. Cases Closed	1	2

**B. SOLID AND HAZARDOUS WASTE**

	<b>JULY</b>	<b>AUGUST</b>
1. Permits (received/reviewed)	46/51	48/54
2. EPC Authorization for Facilities NOT requiring DEP permit	0	1
3. Other Permits and Reports		
a. County Permits	1/1	2/2
b. Reports	43/49	43/49
4. Inspections (Total)	183	222
a. Complaints	41	38
b. Compliance/Reinspections	8	13
c. Facility Compliance	19	23
d. Small Quantity Generator	134	171
5. Enforcement		
a. Complaints Received/Closed	38/44	38/27
b. Warning Notices Issued/Closed	8/2	4/2
c. Compliance letters	37	43
d. Letters of Agreement	0	0
e. DEP Referrals	0	0
6. Pamphlets, Rules and Material Distributed	135	476

**C. STORAGE TANK COMPLIANCE**

	<b>JULY</b>	<b>AUGUST</b>
1. Inspections		
a. Compliance	77	143
b. Installation	21	20
c. Closure	8	12
d. Compliance Re-Inspections	13	33
2. Installation Plans Received/Reviewed	9/12	3 /4
3. Closure Plans & Reports		
a. Closure Plans Received/ Reviewed	2/2	5/5
b. Closure Reports Received/Reviewed	3/1	2/3
4. Enforcement		
a. Non-compliance Letters Issued/Closed	52/30	96/41
b. Warning Notices Issued/Closed	7/7	5/0
c. Cases referred to Enforcement	2	2
d. Complaints Received/Investigated	0	2/2
e. Complaints Referred	0	0
5. Discharge Reporting Forms Received	3	3
6. Incident Notification Forms Received	15	4
7. Cleanup Notification Letters Issued	2	2
8. Public Assistance	200+	200+

**D. STORAGE TANK CLEANUP**

	<b>JULY</b>	<b>AUGUST</b>
1. Inspections	15	10
2. Reports Received/Reviewed	68/102	69/78
a. Site Assessment	27/58	29/33
b. Source Removal	9/5	5/13
c. Remedial Action Plans (RAP's)	6/12	7/7
d. Site Rehabilitation Completion Order/ No Further Action Order	3/2	4/4
e. Others	23/25	24/21
3. State Cleanup		
a. Active Sites	<b>NO LONGER</b>	
b. Funds Dispersed	<b>ADMINISTERED</b>	

**E. RECORD REVIEWS**

<b>JULY</b>	<b>AUGUST</b>
34	60

Totals

A. EPC WETLANDS REVIEWS

1. Wetland Delineations	
a. Wetland Delineations (\$120.00)	35
b. Wetland Delineation Dispute	2
c. Wetland Line Survey Reviews	34
d. Additional Footage Fees	777.78
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	
a. Nuisance Vegetation	5
b. Other	5
3. Impact / Mitigation Proposal (\$775)	6
4. Mitigation Agreements Recorded	3
5. FDOT Reviews	1

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

1. Tampa Port Authority Permit Applications (\$50. Or \$150. as applicable)	8
2. Wastewater Treatment Plants (FDEP)	12
3. FDEP Wetland Resource Applications	0
4. FDEP Grandfathered Delineations	0
5. SWFWMD Wetland Resource Applications	0



EPC Wetlands Management Division  
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- 6. Army Corps of Engineers 0
- 7. Interagency Clearinghouse Reviews 0
- 8. DRI Annual Report 3

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) 1
  - b. Annual Review / Inspection (\$375) 0
  - c. Master Plan 1
- 4. Rezoning
  - a. Reviews (\$85) 18
  - b. Hearings 0
  - c. Hearing Preparation (hours) 0
- 5. Site Development (\$360)
  - a. Preliminary 9
  - b. Construction 18
- 6. Subdivision
  - a. Preliminary Plat (\$140) 6
  - b. Master Plan (\$550) 0
  - c. Construction Plans (\$250.00) 8
  - d. Final Plat (\$90) 6
  - e. Waiver of Regulations (\$100) 0
  - f. Platted - No-Improvements (\$100) 6
  - g. Minor - Certified Parcel (\$100) 17

EPC Wetlands Management Division  
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7. As-Builts (\$255)	3
8. Miscellaneous Reviews (no fees)	
a. Wetland Setback Encroachment	3
b. Easement / Vacating	5
c. NRCS Review	0
9. Pre-Applications (no fees)	
a. Review Preparations (hours)	11.5
b. Meetings	0
10. Development Review Committee (no fees)	
a. Review Preparation (hours)	6
b. Meetings	0

D. OTHER ACTIVITIES

1. Unscheduled meetings with members of the public (walk-ins)	51
2. Other Meetings	76
3. Telephone Conferences	494
4. Presentations	2
5. Correspondence	194
6. Correspondence Review (hours)	30
7. Special Projects (hours)	20
8. On-site visits	73
9. Appeals (hours)	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	5
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	69
b. Legal	4
c. Inactive	20
2. Number of "Notice of Intent to Initiate Enforcement"	5
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	4
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	1
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$3,400.00
E. ENFORCEMENT COSTS COLLECTED	\$684.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	50
2. Return Inspections	58
3. Closed	58
B. WARNING NOTICES	
1. Issued	20
2. Return Inspections	89
3. Closed	33
C. MITIGATION	
1. Compliance/Monitoring Reviews	31
2. Compliance Inspections	15
D. OTHER ACTIVITIES	
1. Case Meetings	7
2. Other Meetings	28
3. Telephone Calls	285
4. File Reviews	12
5. Cases Referred to Enforcement Coordinator	6
6. Letters	45
7. Erosion Control Inspections	7
8. Miscellaneous Activities in Wetlands Review	12

ADMINISTRATIVE / TECHNICAL SECTIONS                      TOTALS

A. SOIL SCIENTIST

1. Case Reviews (Soils)	8
2. Field Soil Investigations	10
3. Reports or Notes of Soil Investigations	10
4. Special Projects	
-Minimum Flow and Level (for HCWRT)	
-Northern Tampa Bay Phase II Investigations program (for HCWRT)	
-Tampa Bay/Anclote River Comprehensive) Watershed Mgmt (for HCWRT)	
-Cone Ranch Wellfield, Dispersed Well, and Pipeline Project (for HCWRT)	

B. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	4
2. Telephone Assistance	687
3. Letters	183
4. Incoming Projects	139
5. Additional Info / Additional Footage	13/16
6. Resubmittals / Revisions	25/7
7. Surveys / Data Entry	25/569
8. Aerial Reviews / Inquiries	31/131

C. ENGINEERING STAFF

1. Meetings	20
2. Reviews	36
3. Field Visits	9

Totals

A. EPC WETLANDS REVIEWS

1. Wetland Delineations	
a. Wetland Delineations (\$120.00)	43
b. Wetland Delineation Dispute	1
c. Wetland Line Survey Reviews	35
d. Additional Footage Fees	1732.21
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	
a. Nuisance Vegetation	4
b. Other	11
3. Impact / Mitigation Proposal (\$775)	6
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)	46
2. Wastewater Treatment Plants (FDEP)	3
3. FDEP Wetland Resource Applications	0
4. FDEP Grandfathered Delineations	0
5. SWFWMD Wetland Resource Applications	1

- 6. Army Corps of Engineers 0
- 7. Interagency Clearinghouse Reviews 0
- 8. DRI Annual Report 6

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) 2
  - b. Annual Review / Inspection (\$375) 0
  - c. Master Plan 0
- 4. Rezoning
  - a. Reviews (\$85) 36
  - b. Hearings 0
  - c. Hearing Preparation (hours) 0
- 5. Site Development (\$360)
  - a. Preliminary 12
  - b. Construction 15
- 6. Subdivision
  - a. Preliminary Plat (\$140) 8
  - b. Master Plan (\$550) 0
  - c. Construction Plans (\$250.00) 20
  - d. Final Plat (\$90) 11
  - e. Waiver of Regulations (\$100) 0
  - f. Platted - No-Improvements (\$100) 10
  - g. Minor - Certified Parcel (\$100) 9

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7. As-Builts (\$255)	4
8. Miscellaneous Reviews (no fees)	
a. Wetland Setback Encroachment	0
b. Easement / Vacating	2
c. NRCS Review	1
9. Pre-Applications (no fees)	
a. Review Preparations (hours)	11
b. Meetings	0
10. Development Review Committee (no fees)	
a. Review Preparation (hours)	0
b. Meetings	0

D. OTHER ACTIVITIES

1. Unscheduled meetings with members of the public (walk-ins)	46
2. Other Meetings	93
3. Telephone Conferences	670
4. Presentations	0
5. Correspondence	266
6. Correspondence Review (hours)	36
7. Special Projects (hours)	47
8. On-site visits	69
9. Appeals (hours)	0



ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	6
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	75
b. Legal	3
c. Inactive	15
2. Number of "Notice of Intent to Initiate Enforcement"	5
3. Number of Citations Issued	0
4. Number of "Emergency Order of the Director"	0
5. Number of Consent Orders Signed	2
C. CASES CLOSED	
1. Administrative / Civil Cases Closed	5
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	1
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$400.00
E. ENFORCEMENT COSTS COLLECTED	\$883.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	37
2. Return Inspections	63
3. Closed	52
B. WARNING NOTICES	
1. Issued	28
2. Return Inspections	94
3. Closed	17
C. MITIGATION	
1. Compliance/Monitoring Reviews	29
2. Compliance Inspections	15
D. OTHER ACTIVITIES	
1. Case Meetings	4
2. Other Meetings	22
3. Telephone Calls	331
4. File Reviews	13
5. Cases Referred to Enforcement Coordinator	2
6. Letters	66
7. Erosion Control Sites Canvassed	6
8. MAIW Reviews	12

ADMINISTRATIVE / TECHNICAL SECTIONS                      TOTALS

A. SOIL SCIENTIST

1. Case Reviews (Soils)	5
2. Field Soil Investigations	5
3. Reports or Notes of Soil Investigations	5
4. Special Projects	
- Minimum Flow and Level for (HCWRT)	
- Northern Tampa Bay Phase II Investigation program for (HCWRT)	
- Tampa Bay/Anclote River Comprehensive Watershed Management for (HCWRT)	
- Code Ranch Wellfield, Dispersed Well, and Pipeline Project for (HCWRT)	

B. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	10
2. Telephone Assistance	669
3. Letters	270
4. Incoming Projects	184
5. Additional Info / Additional Footage	14 / 17
6. Resubmittals / Revisions	19 / 12
7. Surveys / Data Entry	33 / 583
8. Aerial Reviews / Inquiries	33 / 166

C. ENGINEERING STAFF

1. Meetings	31
2. Reviews	56
3. Field Investigations	3

**EPC LEGAL DEPARTMENT MONTHLY REPORT**  
**August 12, 2001**

**A. ADMINISTRATIVE CASES**

**NEW CASES** [ 3 ]

**Stone, Sam** [LSTO01-020]: On June 18, 2001 the EPC entered a citation against an individual for unauthorized impacts to wetlands. The appellant has filed a request for extension of time to file a Notice of Appeal of the citation. The deadline for filing the appeal is August 25, 2001. The parties are currently in negotiations. (AZ)

**Windemere Utilities** [LWIN01-019]: On July 6, 2001, the EPC received a Notice of Appeal of a demand letter sent by the EPC Executive Director requiring the Appellant to pay stipulated penalties agreed to in Consent Order entered against the Appellant in an earlier case. The parties are in negotiations prior to the matter being referred to a Hearing Officer. (AZ)

**Sapp, Richard** [LSAP01-016]: On July 9, 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. Limited discovery has already been sent by the EPC in the case. The parties are currently in settlement negotiations. (AZ)

**EXISTING CASES** [ 10 ]

**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. (RT)

**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. Tampa Bay Organics filed a waiver of service of process allowing for additional time to answer the complaint. (RT)

**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. Pursuant to Chapter 682, Florida Statutes, EPC filed to confirm the arbitration award in Pinellas County Circuit Court (venue for TBW issues). Confirmation of the arbitration award is a procedural matter and is necessary for enforcement of the award in the event TBW fails to comply with the terms of the award. EPC and TBW have agreed to extend the time for TBW to respond to the filing until the end of September. (RT)

**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. The appellate court has granted the motion to delay the underlying case pending resolution of the matter of Holland & Knight's conflict of interest in representing the applicant. (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) 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 Administrative Law Judge consolidated the SOBAC petition 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)

**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)

## **RESOLVED CASES [ 2 ]**

**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. No response was timely provided and the Notice of Denial became final agency action. EPC staff are continuing to work with the applicant to obtain EPC approval for the activity. (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. No appeal was filed and the matter has been closed. (AZ)

## B. CIVIL CASES

### NEW CASES [ 2 ]

**Nutmeg LLC C/O Roundhill Capital** [LNUT01-021]: Authority was requested and received by the EPC on July 12, 2001 to initiate judicial enforcement to close and remove abandoned underground storage tank systems (USTs) and to obtain civil penalties and costs. A judicial complaint was filed on July 31, 2001. The EPC is awaiting a response. (AZ)

**Daniels Standard** [LDAN01-022]: Authority was requested and received by the EPC on July 12, 2001 to initiate judicial enforcement to close and remove abandoned underground storage tank systems (USTs) and to obtain civil penalties and costs. A judicial complaint was filed on July 24, 2001. The EPC is awaiting a response. (AZ)

### EXISTING CASES [ 10 ]

**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. 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 Defendants were formally served with the complaint on July 9, 2001. The EPC is awaiting a response. (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. (RT)

**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 on July 9, 2001 the clerk entered a default against the Defendant. The Legal Department has requested that the court now enter a Default Judgment against the Defendant. The hearing is currently set for August 28, 2001. (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. 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 was set for April 19, 2001 and the 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. The hearing on the Default and Judgment is currently set for September 12,

2001. (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)

**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 filed a motion for judgment on the default on July 5, 2001. (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 [ 1 ]**

**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 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 was closed. (AZ)



**EPC LEGAL DEPARTMENT MONTHLY REPORT**  
**September 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. (RT)

**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 June 29, 2001. (*See related case under Civil Cases*). (RT)

**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. Pursuant to Chapter 682, Florida Statutes, EPC filed to confirm the arbitration award in Pinellas County Circuit Court (venue for TBW issues). Confirmation of the arbitration award is a procedural matter and is necessary for enforcement of the award in the event TBW fails to comply with the terms of the award. EPC and TBW have agreed to extend the time for TBW to respond to the filing until the end of September. (RT)

**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. The appellate court has granted the motion to delay the underlying case pending resolution of the matter of Holland & Knight's conflict of interest in representing the applicant. (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) 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 Administrative Law Judge consolidated the SOBAC petition with the above case. (AZ & RT)

**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. On August 21, 2001 the EPC granted a third extension of time with a deadline for filing a petition on October 21, 2001. (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)

**Stone, Sam** [LSTO01-020]: On June 18, 2001 the EPC entered a citation against an individual for unauthorized impacts to wetlands. The appellant has filed a request for extension of time to file a Notice of Appeal of the citation. The deadline for filing the appeal is August 25, 2001. A Notice of Appeal and a Request for Relief to Determine Estoppel were filed by Mr. Stone August 27, 2001. The matters have been consolidated, and referred to a Hearing Officer. (AZ)

**Windemere Utilities** [LWIN01-019]: On July 6, 2001, the EPC received a Notice of Appeal of a demand letter sent by the EPC Executive Director requiring the Appellant to pay stipulated penalties agreed to in Consent Order entered against the Appellant in an earlier case. On August 22, 2001 a second appeal was filed challenging a separate Demand Letter on the same Consent Order. Both appeals have been consolidated and referred to a Hearing Officer. (AZ)

**Sapp, Richard** [LSAP01-016]: On July 9, 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. Limited discovery has been sent by the EPC in the case. The parties are currently in settlement negotiations. A case management conference is scheduled for September 10, 2001. (AZ)

## **RESOLVED CASES [ 1 ]**

**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. The permit has been issued and the matter has been closed. (AZ)

## B. CIVIL CASES

### NEW CASES [ 1 ]

**Tampa Bay Organics** [LTBO01-015]: Authority was requested and received by the EPC on April 19, 2001 to initiate judicial enforcement with respect to failure to comply with a Director's Authorization and failure to obtain an air pollution source permit for the operation of a wood and yard waste recycling facility. EPC filed a civil complaint on June 29, 2001. TBO filed a motion to dismiss on September 5, 2001 which is pending. (*See related case under Administrative Cases*). (RT)

### 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. 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 Defendants were formally served with the complaint on July 9, 2001. The Defendant's attorney has filed a Notice of Appearance in the case. No other response has been made and the EPC has filed a motion for Default to be entered for failing to respond. (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. (RT)

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**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 on July 9, 2001 the court entered a default against the Defendant. The Legal Department has requested that the court enter a Default Judgment against the Defendant. On August 28, 2001 the court entered a Default Final Judgment in the case. The EPC is awaiting compliance with the court's order. (AZ)

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**Nutmeg LLC C/O Roundhill Capital** [LNUT01-021]: Authority was requested and received by the EPC on July 12, 2001 to initiate judicial enforcement to close and remove abandoned underground storage tank systems (USTs) and to obtain civil penalties and costs. A judicial complaint was filed on July 31, 2001. The Defendant was served on August 27, 2001. The EPC is awaiting a response. (AZ)

**Daniels Standard** [LDAN01-022]: Authority was requested and received by the EPC on July 12, 2001 to initiate judicial enforcement to close and remove abandoned underground storage tank systems (USTs) and to obtain civil penalties and costs. A judicial complaint was filed on July 24, 2001. the Defendant has until September 15, 2001 to respond to the complaint. The EPC is awaiting a response. (AZ)

#### **RESOLVED CASES [ 1 ]**

**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 filed a motion for judgment on the default on July 5, 2001. On August 14, 2001 the court entered a Final Default Judgment against the Defendant and awarded the EPC \$5,900 in penalties and \$716.26 in administrative costs. The matter was then closed. (AZ)

COMMISSION

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

EXECUTIVE DIRECTOR

RICHARD D. GARRITY, Ph.D.



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WETLANDS MANAGEMENT DIVISION  
FAX (813) 272-7144

1410 N. 21ST STREET • TAMPA, FLORIDA 33605

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

Fund Balance as of 10/01/00		\$1,131,516
Interest Accrued	FY01	74,408
Deposits	FY01	239,216
Disbursements	FY01	113,891

Fund Balance \$1,331,249

Encumbrances Against Fund Balance:

Art. Reef	FY01	4,490
Art. Reef	FY02	101,570
(66) Asbestos Abatement		5,000
(73) Balm Road Scrub		300,000
(81) Oil Boom/Tampa Baywatch		26,806
(84) a Cockroach Bay Turtle Grass		34,000
(84) b Cockroach Bay Aerial Photos		25,920
(87) Charlie Walker		2,707
(90) Upper Tampa Bay Trail		77,300
(91) Alafia River Basin		36,000
(92) Brazilian Pepper		26,717
(93) Rivercrest Park		15,000

Total Encumbrances 655,510

Minimum Balance 100,000

Fund Balance Available September 01, 2001 575,739

COMMISSION

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

Fund Balance as of 10/01/00	\$1,653,820
Interest Accrued FY01	93,093
Disbursements FY01	328,460
 Fund Balance	 \$1,418,452

Encumbrances Against Fund Balance:

Sp462 Port Redwing	300,000	
Sp463 Oakview Utilities	50,000	
Sp464 Davis Tract	166,086	
SP602 Apollo Beachhabit Restoration	100,000	
Fantasy Island Restoration	50,000	
Mechanical Seagrass Planting	31,304	
Marsh Creek/Ruskin Inlet	47,500	
Desoto Park Shoreline	150,000	
 Total of Encumbrances		894,890

Fund Balance Available September 01, 2001	\$523,562
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AGENDA ITEM COVER SHEET

**Date:** September 20, 2001

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

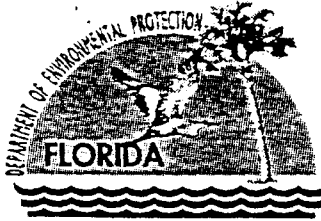
**Description/Summary:**

The Florida DEP has delegated permitting and most of its' air pollution control activities for Hillsborough County to the EPC. This delegation is formalized through Contracts between the agencies, and we are seeking authorization to have the Executive Director sign the two renewals. The Contracts cover reimbursement by DEP for costs incurred for personnel, equipment, computer equipment, training/travel, safety equipment, and etc. up to 1.064 million dollars for the fiscal year commencing October 1, 2001. By entering into these Contracts, the Board is assuring the continued coordination of air pollution regulation in this County.

**Commission Action Recommended:**

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





# Department of Environmental Protection

Jeb Bush  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

David B. Struhs  
Secretary

September 11, 2000

Mr. Jerry Campbell, P.E., Director  
Air Management Division  
Environmental Protection Commission of  
Hillsborough County  
1410 North 21st Street  
Tampa, Florida 33605

RECEIVED  
SEP 12 2000

RE: DEP Contract No. AQ127  
Amendment No. 4

EPC of HC  
AIR MANAGEMENT

Dear Jerry:

Enclosed are two original contract amendments for AQ127, Contract for Title V Funding. Please have both amendments signed by Hillsborough County's authorized representative and send one original back to me. Thank you for your cooperation in preparing this amendment, and if you have any questions, please call me at Suncom 291-9505.

Sincerely,

Patty Adams  
Project Manager  
Bureau of Air Regulation

/pa

Enclosures

"More Protection, Less Process"

Printed on recycled paper.

DEP CONTRACT NO. AQ127  
AMENDMENT NO. 4

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

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

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

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

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

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

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

-- Paragraph 36 is hereby amended as follows:

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

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

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

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

- Paragraph 1 is hereby revised to read as follows:

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

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

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

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

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

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

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

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

ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

By: Richard D. Hamby  
Title: \_\_\_\_\_  
  
Date: 9/23/00

By: Howard L. Rhodes  
Director, Division of Air Resources  
Management or designee  
  
Date: Sept. 11, 2000

Steven D. Grayson  
DEP Contracts Administrator

Approved as to form and legality:

Mark C. [Signature]  
DEP Attorney

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

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

ATTACHMENT F  
PAYMENT SCHEDULE

Contract Action	Service Period Covered	Service Period Amount		Cost Reimbursement Invoice Limitations <sup>2</sup>	Additional Invoice Reimbursement Data
		Authorized Equipment Purchase Amount <sup>1</sup>	Maximum Compensation Amount		
Original Contract	10/1/96-9/30/97	\$87,836.12	\$1,054,033.00	Invoices 1-11 \$87,836.12 each	Invoice 12 up to remaining balance for service period.
Amendment No. 1	10/1/97-9/30/98	\$63,080.00	\$1,119,277.00	Invoices 13-23 \$96,017.90 each	Invoice 24 up to remaining balance for service period.
Amendment No. 2	10/8/98-9/30/99	\$44,659.76	\$809,277.00	Invoices 25-35 \$73,570.63 each	Invoice 36 up to remaining balance for service period.
Amendment No. 3 First Renewal Period	10/1/99-9/30/00	\$53,740.00	\$809,267.00	Invoices 37-47 \$68,684.00 each	Invoice 48 up to remaining balance for service period.
Amendment No. 4 Second Renewal Period	Upon Execution of Amendment No. 4 or 10/1/00 (whichever is later) - 9/30/01	\$40,600.00	\$760,575.00	Invoices 49-59 \$65,452.00 each	Invoice 60 up to remaining balance for service period.
<b>TOTAL:</b>			<b>\$4,552,429.00</b>		

Notes:

<sup>1</sup> Equipment amount is included in the Maximum Compensation Amount for the service period.

<sup>2</sup> The monthly cost reimbursement invoice limitations include equipment purchases.

## ATTACHMENT G

### SPECIAL AUDIT REQUIREMENTS

The administration of funds awarded by the Department of Environmental Protection (*which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the contract/agreement*) to the recipient (*which may be referred to as the "Contractor", Grantee" or other name in the contract/agreement*) may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this section.

#### MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133, as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Comptroller or Auditor General.

#### AUDITS

##### **PART I: FEDERALLY FUNDED**

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the recipient expends \$300,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this agreement indicates Federal funds awarded through the Department of Environmental Protection by this agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal funds received from the Department of Environmental Protection. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1., the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$300,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$300,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal funds (i.e., the cost of such an audit must be paid from recipient funds obtained from other than Federal entities).
4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at <http://aspe.os.dhhs.gov/cfda>.

##### **PART II: STATE FUNDED**

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2)(1), Florida Statutes.

1. In the event that the recipient expends a total amount of State awards (i.e., State financial assistance provided to the recipient to carry out a State project) equal to or in excess of \$300,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Executive Office of the Governor and the Comptroller, and Chapter 10.600, Rules of the Auditor General. EXHIBIT 1 to this agreement indicates State funds awarded through the Department of Environmental Protection by this agreement. In determining the State awards expended in its fiscal year, the recipient shall consider all sources of State awards, including State funds received from the Department of Environmental Protection, except that State awards received by a nonstate entity for Federal program matching requirements shall be excluded from consideration.
2. In connection with the audit requirements addressed in Part II, paragraph 1, the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a reporting package as defined by Section 215.97(2)(d), Florida Statutes, and Chapter 10.600, Rules of the Auditor General.
3. If the recipient expends less than \$300,000 in State awards in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$300,000 in State awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from recipient funds obtained from other than State entities).
4. For information regarding the Florida Catalog of State Financial Assistance (CFSA), a recipient should access the website for the Governor's Office of Planning and Budget located at <http://www.eog.state.fl.us/> for assistance. In addition to the above website, the following websites may be accessed for information: Legislature's Website <http://www.leg.state.fl.us/>, Governor's Website <http://www.flgov.com/>, Department of Banking and Finance's Website <http://www.dbf.state.fl.us/>, and the Auditor General's Website <http://www.state.fl.us/audgen>.

### **PART III: OTHER AUDIT REQUIREMENTS**

*(NOTE: Pursuant to Section 215.97(7)(m), Florida Statutes, State agencies may conduct or arrange for audits of State awards that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State agency must arrange for funding the full cost of such additional audits. This part would be used to specify any additional audit requirements imposed by the State agency that are solely a matter of that State agency's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements).)*

### **PART IV: REPORT SUBMISSION**

1. Copies of audit reports for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:
  - A. The Department of Environmental Protection at each of the following addresses:

Ms. Patty Adams  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road, MS#5505  
Tallahassee, Florida 32399-2400

Audit Director  
Florida Department of Environmental Protection  
Office of Inspector General  
2600 Blair Stone Road, MS40  
Tallahassee, Florida 32399-2400

- B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse  
Bureau of the Census  
1201 East 10th Street  
Jeffersonville, IN 47132

- C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.
2. Pursuant to Section .320(f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320(c), OMB Circular A-133, as revised, and any management letters issued by the auditor, to the Department of Environmental Protection at each of the following addresses:

Ms. Patty Adams  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road, MS#5500  
Tallahassee, Florida 32399-2400

Audit Director  
Florida Department of Environmental Protection  
Office of Inspector General  
2600 Blair Stone Road, MS40  
Tallahassee, Florida 32399-2400

3. Copies of reporting packages required by PART II of this agreement shall be submitted by or on behalf of the recipient directly to each of the following:

- A. The Department of Environmental Protection at each of the following addresses:

Ms. Patty Adams  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road, MS#5500  
Tallahassee, Florida 32399-2400

Audit Director  
Florida Department of Environmental Protection  
Office of Inspector General  
2600 Blair Stone Road, MS40  
Tallahassee, Florida 32399-2400

- B. The Auditor General's Office at the following address:

State of Florida Auditor General  
Room 574, Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32302-1450

4. Copies of reports or management letters required by PART III of this agreement shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at each of the following addresses:



Ms. Patty Adams  
Florida Department of Environmental Protection  
Bureau of Air Regulation  
2600 Blair Stone Road, MS#5500  
Tallahassee, Florida 32399-2400

Audit Director  
Florida Department of Environmental Protection  
Office of Inspector General  
2600 Blair Stone Road, MS40  
Tallahassee, Florida 32399-2400

5. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapter 10.600, Rules of the Auditor General, as applicable.
6. Recipients, when submitting audit reports to the Department of Environmental Protection for audits done in accordance with OMB Circular A-133, Florida Statutes, and Chapter 10.600, Rules of the Auditor General, should indicate the date that the audit report was delivered to the recipient in correspondence accompanying the audit report.

#### **PART V: RECORD RETENTION**

The recipient shall retain sufficient records demonstrating its compliance with the terms of this agreement for a period of 3 years from the date the audit report is issued, and shall allow the Department of Environmental Protection or its designee, access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection or its designee, upon request for a period of 3 years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

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**EXHIBIT – 1**

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Funds Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

State Funds Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Funds for Federal Programs:					
Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

State Funds Awarded to the Recipient Pursuant to this Agreement Consist of the Following Funds Subject of Section 215.97, F.S.:						
State Program Number	Funding Source	State Fiscal Year	Catalog of State Financial Assistance Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	Air Pollution Control Trust Fund	96-97	37043	Delegated Title V Air Pollution Control	\$1,054,033.00	030000
Amendment No. 1	Air Pollution Control Trust Fund	97-98	37043	Delegated Title V Air Pollution Control	\$1,119,227.00	030000
Amendment No. 2	Air Pollution Control Trust Fund	98-99	37043	Delegated Title V Air Pollution Control	\$809,277.00	030000
Amendment No. 3	Air Pollution Control Trust Fund	99-00	37043	Delegated Title V Air Pollution Control	\$809,267.00	030000
Amendment No. 4	Air Pollution Control Trust Fund	00-01	37043	Delegated Title V Air Pollution Control	\$760,575.00	030000

<b>Total Award</b>					<b>\$4,552,429.00</b>	
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For each program identified above, the recipient shall comply with the program requirements described in the Federal Catalog of Domestic Assistance (CFDA) [<http://aspe.os.dhhs.gov/cfda>] and/or the Florida Catalog of State Financial Assistance (CFSA) [<http://www.eog.state.fl.us/>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.

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DEPARTMENT OF MANAGEMENT  
SERVICES

4050 Esplanade Way • Tallahassee, Florida 32399-0950

JEP BUSH, GOVERNOR


TOM MCGUIRK, SECRETARY

February 5, 1999

Suite 335

MEMORANDUM NO.: 6 (98-99)

TO: State Agency Purchasing Directors,  
Chief Information Officers

FROM:  George C. Banks, CPPO  
Director, State Purchasing

SUBJECT: Year 2000 Compliance Warranty Clause

The Office of the Attorney General in conjunction with the Year 2000 Project Office and State Purchasing, has developed a comprehensive Year 2000 Compliance clause which includes a compliance warranty, remedy, and reseller's responsibility.

It is recommended that this Year 2000 Compliance language be included (in its entirety) in any procurement document and contract for information technology hardware, software, and services, and other "products" which are or contain software, firmware, microcode, or embedded chip technology.

It is not necessary to replace the Year 2000 language in existing procurement documents or contracts, but instead, utilize this new language in any new procurements and contracts. Also, for "products" or services bought from State contracts it is not necessary to include the Year 2000 language in the procurement document or contract, since vendors are already bound by the Year 2000 language in the State contract.

This Year 2000 Compliance language is available in SPURS.

YEAR 2000 COMPLIANCE WARRANTY

For purposes of this Year 2000 warranty, the term "Product" shall include software, firmware, microcode, hardware and embedded chip technology.

Vendor warrants that the Product is Year 2000 Compliant. All versions of the Product offered by the vendor and purchased by the State, for which Vendor is obligated to provide maintenance service are, and in the future, will be, Year 2000 Compliant. Year 2000 Compliant means the Product will include the ability to: consistently handle date information before, during, and after January 1, 2000, including accepting date input, providing date output, and processing dates; function before, during and after January 1, 2000, without the need for program changes caused by the advent of the new century; properly handle all date related information before and following Jan 1, 2001, including but not limited to accurate and reliable performance in processing date and date related data, including calculating, comparing and sequencing; properly process any and all date calculations before, on and after the leap year date of February 29, 2000 and store and provide output of date information in ways that are unambiguous as to century.

The duration of this warranty and the remedies available to the State for breach of this warranty shall be as defined in, and subject to, the terms and limitations of any general warranty provisions of this contract, provided that notwithstanding any provision to the contrary in such warranty provision(s), or in the absence of any such warranty provision(s), defects in the Product with regard to Year 2000 Compliance, if any, will be corrected by Vendor at Vendor's cost within a timeframe mutually agreed upon with the State. Vendor cannot be held responsible for errors resulting from devices or systems external to this contract which are permitted to directly access any database provided under this Agreement and overwrite Product date fields or from the users improper integration of non-Year 2000 Compliant systems. Nothing in this warranty shall be construed to limit any rights or remedies the State may otherwise have under this contract with respect to defects other than Year 2000 performance.

YEAR 2000 REMEDY CLAUSE

In the event of any decrease in product functionality related to time and date related codes and internal subroutines that impede the hardware or software programs from operating beyond the Millennium Date Change, Licensors and Vendors of Licensors products, agree to immediately make required corrections to restore hardware and software programs to the same level of functionality as warranted herein at no charge to the licensee, and without interruption to the ongoing business of the licensee, time being of the essence.

RESELLERS

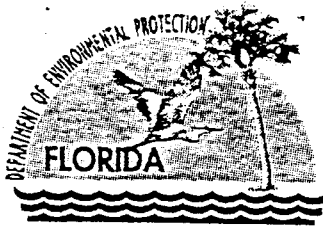
All products bid under this bid/contract will be Year 2000 compliant. Year 2000 Compliant means the Product will include the ability to: consistently handle date information before, during, and after January 1, 2000, including accepting date input, providing date output, and processing dates; function before, during and after January 1, 2000, without the need for program changes caused by the advent of the new century; properly handle all date related information before and following Jan 1, 2001, including but not limited to accurate and reliable performance in processing date and date related data, including calculating, comparing and sequencing; properly process any and all date calculations before, on and after the leap year date of February 29, 2000 and store and provide output of date information in ways that are unambiguous as to century. Resellers may provide a "pass through warranty" from the manufacturer/software developer, which meets all the warranty requirements by the State, and which shall include all other warranties provided by the manufacturer or software developer. Reseller shall be responsible for warranty assurance, assistance, enforcement and any other actions or remediation, required to satisfy warranty requirements.

Please contact Del Hicks at 487-0417. Suncom 277-0417, should you have questions or need additional information.

GCB/dgh

ATTACHMENT I  
Title V Permit Issuance Goal - Year 5

State of Florida Title V Permitting Effort														
Cumulative Totals as of June 30, 2000														
Permitting Office														
	Bureau of Air Regulating	Southwest District	Hillsborough County	Southeast District	Palm Beach County	Broward County	Dade County	South District	Central District	Northeast District	Duval County	Northwest District	TOTAL	
<b>Permit Application Logging</b>														
1	Total # of TV Applications Received	75	108	39	26	6	15	29	26	60	47	41	54	526
1a	# from 'existing' TV Sources	72	93	36	19	6	15	29	24	56	47	26	44	467
1b	# from 'new' TV Sources	3	15	4	7	0	0	0	2	3	4	3	7	48
2	Synthetic non-TV Permit Applications Received	1	20	10	3	0	20	21	0	5	6	15	40	141
3	Total # of TV Applications expect to process	71	87	30	18	6	15	23	24	58	38	27	44	441
3a	# from 'existing' TV Sources	70	73	30	18	6	15	23	24	58	38	27	37	419
3b	# from 'new' TV Sources	3	14				0						7	24
<b>Initial Completeness Reviews for 'existing' TV Sources</b>														
5	# 'existing' TV Sources 'timely & complete'	72	93	33	19	6	15	23	24	56	42	26	37	446
6	# 'existing' TV Sources not 'timely & complete'	0	0	2	0	0	0	0	1	0	0	0	0	3
<b>Detailed Completeness Reviews for 'existing' TV Sources</b>														
7	# Reported Non-compliance	0	0	5	0	0	1	0	0	0	1	0	2	9
8	# Did not Report Compliance Status	1	0	0	0	0	2	7	0	0	0	0	1	11
9	# Requests for Add'l Information	20	65	5	11	6	11	23	6	2	27	11	20	207
10	# Requests for Add'l Time to Respond	2	3	1	0	2	1	5	3	1	5	0	5	28
	# TV permits roughly drafted	68	73	31	17	6	14	21	24	58	39	27	41	419
<b>TV Permits Issued for 'existing' TV Sources</b>														
11	# DRAFT TV Permits Issued	70	73	30	18	6	15	21	23	58	39	27	37	417
	<b>% complete</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>91</b>	<b>96</b>	<b>100</b>	<b>103</b>	<b>100</b>	<b>100</b>	<b>100</b>
12	# PROPOSED TV Permits Issued	59	67	17	14	6	14	18	14	58	37	27	36	367
	<b>% complete</b>	<b>84</b>	<b>92</b>	<b>57</b>	<b>78</b>	<b>100</b>	<b>93</b>	<b>78</b>	<b>58</b>	<b>100</b>	<b>97</b>	<b>100</b>	<b>97</b>	<b>88</b>
13	# FINAL TV Permits Issued	55	64	15	11	6	14	18	12	58	35	23	34	345
	<b>% complete</b>	<b>79</b>	<b>67</b>	<b>50</b>	<b>61</b>	<b>100</b>	<b>93</b>	<b>78</b>	<b>50</b>	<b>100</b>	<b>92</b>	<b>85</b>	<b>92</b>	<b>82</b>
<b>'Existing' TV Sources</b>														
14	# Extension of Time to Request a Hearing	0	7	1	0	0	0	3	7	0	5	0	5	28
15	# Requests for Hearing	0	0	1	0	0	0	0	0	0	0	0	2	3
<b>Synthetic non-TV Permits Issued</b>														
16	# Synthetic non-TV Permits Issued	0	14	38	3	50	19	18	21	5	9	14	39	230
17	# of USEPA Objections (Vetoed)	19	1	0	0	0	0	0	0	0	0	0	1	21
<b>NOTES:</b>														
'existing' refers to those TV Sources required to submit applications in 1996														
USEPA goal is to issue permits to 'existing' TV sources.														



# Department of Environmental Protection

Jeb Bush  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

David B. Struhs  
Secretary

September 12, 2000

Mr. Jerry Campbell, Chief  
Air Management Division  
Hillsborough County Environmental  
Protection Commission  
1410 North 21 Street  
Tampa, Florida 33605

RECEIVED

SEP 13 2000

EPC of HC  
AIR MANAGEMENT

Dear Mr. Campbell:

I am pleased to provide you with two signature-ready copies of the amended Agreement between Hillsborough County and the Department for ambient air monitoring services. Since Mr. Howard Rhodes has already signed the agreements, please have both copies executed and return one to me for our files, the execution date will be the date signed by your office.

If you or your staff have questions or need additional information, please call me at 850/921-9566 or Suncom 291-9566.

Sincerely,

Dick Arbes, Administrator  
Ambient Monitoring Section  
Bureau of air Monitoring  
and Mobile Sources

DA/as

Enclosures

cc: Howard Rhodes  
Bill Thomas  
Dotty Diltz

"More Protection, Less Process"

Printed on recycled paper.

DEP CONTRACT NO. AQ147  
AMENDMENT NO. 2

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

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

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

NOW, THEREFORE, the parties hereto agree as follows:

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



- All references to the term "vehicle" shall be changed to "vehicles".

- The compensation amount of the Agreement is hereby increased from \$620,000 to \$980,000 (an increase of \$360,000).
- Attachment E, Special Audit Requirements, is hereby added to the Agreement.

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

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

HILLSBOROUGH COUNTY  
ENVIRONMENTAL PROTECTION  
COMMISSION

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

*Richard J. Hank*  
\_\_\_\_\_  
\_\_\_\_\_  
9/25/00

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

By: \_\_\_\_\_

Secretary or designee

Date: \_\_\_\_\_

*Howard K. Shuler*  
\_\_\_\_\_  
\_\_\_\_\_  
9/12/00

*Sueann D. Gray*  
\_\_\_\_\_  
DEP Contracts Administrator

Approved as to form and legality:

*Manu B. J.*  
\_\_\_\_\_  
DEP Attorney

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

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

## ATTACHMENT A-2

### SCOPE OF SERVICES – THIRD SERVICE PERIOD

Service Period: Execution of Amendment No. 2 or October 1, 2000 (whichever is later) through September 30, 2001.

#### Specific Contractor Responsibilities:

1. The Contractor will operate an ambient air quality monitoring network within Hillsborough County which consists of certain monitors designated as State/Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS) for particulates (PM<sub>10</sub>), lead, carbon monoxide, sulfur dioxide, ozone and nitrogen dioxide.
2. Specific activities associated with the network described in Paragraph 1 of this Attachment include: -network design, management, equipment procurement, preparation, installation, operation, calibration, and maintenance requirements; reporting of data to the Department's central air quality database in accordance with Section 9 of this Agreement; production of equipment standard operating procedures; software development; production of required reports; air monitoring contract development and management; and ambient air statistical and descriptive data analysis work. All of these activities are to be charged to State Air Non-Title V Modules.
3. The Contractor will calculate and provide to the public and media the Air Quality Index for Hillsborough County a minimum of 5 days each week according to 40 CFR, Part 58, Appendix G or other applicable EPA guidance. A summary of these indices will be provided to the Department at the end of each calendar quarter.
4. The Contractor will attend the State Annual Air Meeting, the Annual EPA Air Monitoring Workshop, the biannual Florida Air Monitoring Advisory Committee Meeting, and upon request, any additional in-state meetings which deal with ambient air monitoring.
5. The Contractor will provide the full time services of an air monitoring specialist(s) with an electronic/mechanical background to operate, calibrate and maintain the ambient air monitoring network.
6. The Contractor shall be compensated on a cost reimbursement basis up to a maximum of \$360,000 for the third service period (Execution of Amendment No. 2 or October 1, 2000 (whichever is later) – September 30, 2001) of this Agreement.
7. The Contractor, upon execution of Amendment No. 2 and the purchase of authorized equipment under the terms of Paragraph 6 of this Agreement, shall submit an invoice(s) for up to a maximum of \$89,904. For purposes of this Agreement the following equipment items (costing \$1,000 or more which are specifically required to support the operation of the ambient air quality monitoring network described in Paragraph 1 of this Attachment) are authorized for purchase.

2 Ozone Primary Calibrators, 1 Continuous Particulate Analyzer, 2 Pickup Trucks, and 3 Model 8816 Data Logger systems.

Any additional equipment items (costing \$1,000 or more) needed by the Contractor must be authorized by the Department's Project manager, in writing, prior to purchase. All equipment (costing \$1,000 or more) shall be subject to the terms or Paragraph 35 of this agreement.

8. The Contractor, after deduction of the total cost of authorized equipment purchases, for months one (1) through nine (9) of the service period, shall be compensated on a cost reimbursement basis for operating costs up to a maximum of \$23,633 per month. For the remainder of the twelve month service period, the Contractor may submit invoices for reimbursable expenses up to the amount remaining after the first nine (9) months of this Agreement. Reimbursement for operating costs shall be subject to the terms of Paragraphs 6 and 7 of this Agreement.
9. The Contractor shall submit quarterly progress reports in conjunction with invoices, as required under Paragraph 6 of this Agreement.

**ESTIMATED BUDGET**

Salaries	\$149,444
Fringe Benefits	\$ 66,323
Other Salaries (OPS/Overtime)	\$ 12,000
Equipment	\$ 89,904
Expenses	\$ 6,102
Travel	<u>\$ 3,500</u>
<b>Subtotal</b>	<b>\$327,273</b>
Indirect	<u>\$ 32,727</u>
<b>TOTAL</b>	<b>\$360,000</b>

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## ATTACHMENT E

### SPECIAL AUDIT REQUIREMENTS

The administration of funds awarded by the Department of Environmental Protection (*which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the contract/agreement*) to the recipient (*which may be referred to as the "Contractor", Grantee" or other name in the contract/agreement*) may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this section.

#### MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133, as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Comptroller or Auditor General.

#### AUDITS

##### **PART I: FEDERALLY FUNDED**

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the recipient expends \$300,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this agreement indicates Federal funds awarded through the Department of Environmental Protection by this agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal funds received from the Department of Environmental Protection. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1., the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$300,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$300,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal funds (i.e., the cost of such an audit must be paid from recipient funds obtained from other than Federal entities).
4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at <http://aspe.os.dhhs.gov/cfda>.

##### **PART II: STATE FUNDED**

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2)(1), Florida Statutes.

1. In the event that the recipient expends a total amount of State awards (i.e., State financial assistance provided to the recipient to carry out a State project) equal to or in excess of \$300,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Executive Office of the Governor and the Comptroller, and Chapter 10.600, Rules of the Auditor General. EXHIBIT 1 to this agreement indicates State funds awarded through the Department of Environmental Protection by this agreement. In determining the State awards expended in its fiscal year, the recipient shall consider all sources of State awards, including State funds received from the Department of Environmental Protection, except that State awards received by a nonstate entity for Federal program matching requirements shall be excluded from consideration.
2. In connection with the audit requirements addressed in Part II, paragraph 1, the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a reporting package as defined by Section 215.97(2)(d), Florida Statutes, and Chapter 10.600, Rules of the Auditor General.
3. If the recipient expends less than \$300,000 in State awards in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$300,000 in State awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from non-State funds (i.e., the cost of such an audit must be paid from recipient funds obtained from other than State entities).
4. For information regarding the Florida Catalog of State Financial Assistance (CFSA), a recipient should access the website for the Governor's Office of Planning and Budget located at <http://www.eog.state.fl.us/> for assistance. In addition to the above website, the following websites may be accessed for information: Legislature's Website <http://www.leg.state.fl.us/>, Governor's Website <http://www.flgov.com/>, Department of Banking and Finance's Website <http://www.dbf.state.fl.us/>, and the Auditor General's Website <http://www.state.fl.us/audgen>.

### PART III: OTHER AUDIT REQUIREMENTS

*(NOTE: Pursuant to Section 215.97(7)(m), Florida Statutes, State agencies may conduct or arrange for audits of State awards that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State agency must arrange for funding the full cost of such additional audits. This part would be used to specify any additional audit requirements imposed by the State agency that are solely a matter of that State agency's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements).)*

### PART IV: REPORT SUBMISSION

1. Copies of audit reports for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:
  - A. The Department of Environmental Protection at each of the following addresses:

Dick Arbes  
Florida Department of Environmental Protection  
Division of Air Resources Management  
2600 Blair Stone Road, MS5510  
Tallahassee, Florida 32399-2400

Audit Director  
Florida Department of Environmental Protection  
Office of Inspector General  
2600 Blair Stone Road, MS40  
Tallahassee, Florida 32399-2400

- B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse  
Bureau of the Census  
1201 East 10th Street  
Jeffersonville, IN 47132

- C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. Pursuant to Section .320(f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320(c), OMB Circular A-133, as revised, and any management letters issued by the auditor, to the Department of Environmental Protection at each of the following addresses:

Dick Arbes  
Florida Department of Environmental Protection  
Division of Air Resources Management  
2600 Blair Stone Road, MS5510  
Tallahassee, Florida 32399-2400

Audit Director  
Florida Department of Environmental Protection  
Office of Inspector General  
2600 Blair Stone Road, MS40  
Tallahassee, Florida 32399-2400

3. Copies of reporting packages required by PART II of this agreement shall be submitted by or on behalf of the recipient directly to each of the following:

- A. The Department of Environmental Protection at each of the following addresses:

Dick Arbes  
Florida Department of Environmental Protection  
Division of Air Resources Management  
2600 Blair Stone Road, MS5510  
Tallahassee, Florida 32399-2400

Audit Director  
Florida Department of Environmental Protection  
Office of Inspector General  
2600 Blair Stone Road, MS40  
Tallahassee, Florida 32399-2400

- B. The Auditor General's Office at the following address:

State of Florida Auditor General  
Room 574, Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32302-1450

4. Copies of reports or management letters required by PART III of this agreement shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at each of the following addresses:

Dick Arbes  
Florida Department of Environmental Protection  
Division of Air Resources Management  
2600 Blair Stone Road, MS5510  
Tallahassee, Florida 32399-2400

Audit Director  
Florida Department of Environmental Protection  
Office of Inspector General  
2600 Blair Stone Road, MS40  
Tallahassee, Florida 32399-2400

5. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapter 10.600, Rules of the Auditor General, as applicable.
6. Recipients, when submitting audit reports to the Department of Environmental Protection for audits done in accordance with OMB Circular A-133, Florida Statutes, and Chapter 10.600, Rules of the Auditor General, should indicate the date that the audit report was delivered to the recipient in correspondence accompanying the audit report.

#### **PART V: RECORD RETENTION**

The recipient shall retain sufficient records demonstrating its compliance with the terms of this agreement for a period of 3 years from the date the audit report is issued, and shall allow the Department of Environmental Protection or its designee, access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection or its designee, upon request for a period of 3 years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

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**EXHIBIT - 1**

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Funds Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

State Funds Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Funds for Federal Programs:					
Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

State Funds Awarded to the Recipient Pursuant to this Agreement Consist of the Following Funds Subject of Section 215.97, F.S.:						
State Program Number	Funding Source	State Fiscal Year	Catalog of State Financial Assistance Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	Air Pollution Control Trust Fund	1998-1999	37042	Ambient Air Monitoring	\$310,000.00	030000
Amendment No. 1	Air Pollution Control Trust Fund	1999-2000	37042	Ambient Air Monitoring	\$310,000.00	030000
Amendment No. 2	Air Pollution Control Trust Fund	2000-2001	37042	Ambient Air Monitoring	\$360,000.00	030000

<b>Total Award</b>					<b>\$980,000.00</b>	
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For each program identified above, the recipient shall comply with the program requirements described in the Federal Catalog of Domestic Assistance (CFDA) [<http://aspe.os.dhhs.gov/cfda>] and/or the Florida Catalog of State Financial Assistance (CFSA) [<http://www.eog.state.fl.us/>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.



ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY

AGENDA ITEM COVER SHEET

DATE: September 10, 2001

TO: Environmental Protection Commissioners

FROM: Brenda Fonda, Enforcement Coordinator, Waste Management Division

SUBJECT: Request for Authority to Take Legal Action regarding Boyce E. Slusmeyer

RECOMMENDATION: Grant authority to pursue appropriate legal action

BACKGROUND:

Boyce E. Slusmeyer owns and operated a retail fuel facility known as Slusmeyer Tire City located at 11314 U.S. Highway 92 East, Seffner, Florida. The Property and Facility include Underground Storage Tank (UST's) systems. On October 10, 2000, eight USTs were removed from the property and, as required by Chapter 62-761, F.A.C., a Closure Assessment Report was submitted to EPC on December 22, 2000. The assessment indicated soil contamination.

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 62-770, F.A.C. and Section 12 of Chapter 84-446, Laws of Florida as amended, requires that initiation of a Site Assessment, to correct the contamination, be submitted to the EPC within 30 days of notice of contamination. Mr. Slusmeyer has failed to initiate the Site Assessment in violation of the rules. In addition, Mr. Slusmeyer has failed to submit a discharge Reporting Form (DRF) to the EPC in violation of Chapter 62-761, F.A.C. Furthermore, the EPC issued a Citation and Order to Correct on August 16, 2001. Mr. Slusmeyer failed to appeal the Order which became final on September 7, 2001.

Boyce Slusmeyer has violated Chapter 62-770, F.A.C., and Section 12 of the Hillsborough County Environmental Protection Act by failing to initiate the Site Assessment and to resolve the contamination problems on the property. 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)

AGENDA ITEM COVER SHEET

Date: 20 September 2001

Agenda Item: Lake Grady Geologic Study

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Description/Summary:

EPC has been asked to evaluate the Lake Grady Geologic Study. Based on the EPC's evaluation, the development of additional sinkholes is likely in the Lake Grady area and if that occurs, it is reasonable to expect recontamination of private wells. The only way to predict potential areas of sinkhole formation is through a hydro-geologic study.

However, without specific funding, the EPC can only do preliminary work, which will be of limited benefit. One must evaluate the cost benefit of studying the area verses providing a permanent source of potable water.

AGENDA ITEM COVER SHEET

Date: September 11, 2001

Agenda Item: Alleged Old Landfill Issue/ MLK Village Subdivision

Description /Summary:

On July 20, 2001, EPC staff were notified of citizen concerns pertaining to the possible existence of a historic, City of Tampa operated, solid waste disposal area within a recently developed portion of the MLK Village subdivision located to the south-east of the intersection of Martin Luther King, Jr., Blvd., and 26<sup>th</sup> Street, Tampa. Residents in the area allege the existence of the solid waste filled area beneath homes and residential properties constructed within the last five (5) to seven (7) years. Upon EPC's receipt of the information, an investigation was initiated. Communication was immediately established with representatives of the Florida Department of Environmental Protection, the City of Tampa, the Florida Department of Health, and the Hillsborough County Environmental Health Services Unit. Several meetings with involved agencies and entities, including concerned residents, have been held and staff have visited the neighborhood to inspect the area and to speak with residents on at least three occasions. The investigation is currently on-going.

Presently, and at the urging of the EPC, the City of Tampa has initiated an investigation into the possibility that this location had been used by the City as a waste disposal site. According to City staff, long-time and retired City employees have been interviewed. The information obtained through the interviews is yet to be submitted to the EPC. In addition, the City has initiated a neighborhood specific landfill gas survey in order to address any immediate health and/or safety concerns. Preliminary data indicates that landfill generated gas is not present. However, to date, City representatives have been denied access to many homes, which has complicated the investigation. Information is also being gathered with regard to historic property ownership and property control which may shed light on the past use of the site and those that may be responsible for any lingering conditions.

To date, no final means of resolution has been determined. Current investigative activities involve the gathering of information in order to determine the legitimacy of the allegations and to identify those parties responsible and involved. Frequent contact with the City of Tampa and the FDEP is maintained and all agencies involved continue to work together to develop an appropriate resolution.

Commission Action Requested:

Update provided for informational purposes only. No Board action is being requested at this time.