

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
SEPTEMBER

A.	Public Outreach/Education Assistance:	
	1. Phone Calls:	<u>249</u>
	2. Literature Distributed:	<u>256</u>
	3. Presentations:	<u>1</u>
	4. Media Contacts:	<u>6</u>
	5. Internet:	<u>61</u>
B.	Industrial Air Pollution Permitting	
	1. Permit Applications Received (Counted by Number of Fees Received):	
	a. Operating:	<u>3</u>
	b. Construction:	<u>2</u>
	c. Amendments:	<u>0</u>
	d. Transfers/Extensions:	<u>2</u>
	e. General:	<u>3</u>
	2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):	
	a. Operating ¹ :	<u>3</u>
	b. Construction ¹ :	<u>4</u>
	c. Amendments ¹ :	<u>1</u>
	d. Transfers/Extensions ¹ :	<u>2</u>
	e. Title V Operating ² :	<u>3</u>
	f. Permit Determinations ² :	<u>0</u>
	g. General:	<u>1</u>
	3. Intent to Deny Permit Issued:	<u>0</u>
C.	Administrative Enforcement	
	1. New cases received:	<u>0</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>22</u>
	e. Inactive/Referred cases:	<u>39</u>
	Total	<u>78</u>
	3. NOIs issued:	<u>0</u>
	4. Citations issued:	<u>0</u>
	5. Consent Orders Signed:	<u>0</u>
	6. Contributions to the Pollution Recovery Fund: \$	<u>-0-</u>
	7. Cases Closed:	<u>2</u>

D.	Inspections:	
	1. Industrial Facilities:	<u>6</u>
	2. Air Toxics Facilities:	
	a. Asbestos Emitters	<u>0</u>
	b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>11</u>
	c. Major Sources	<u>0</u>
	3. Asbestos Demolition/Renovation Projects:	<u>26</u>
E.	Open Burning Permits Issued:	<u>6</u>
F.	Number of Division of Forestry Permits Monitored:	<u>199</u>
G.	Total Citizen Complaints Received:	<u>31</u>
H.	Total Citizen Complaints Closed:	<u>42</u>
I.	Noise Sources Monitored:	<u>1</u>
J.	Air Program's Input to Development Regional Impacts:	<u>10</u>
K.	Test Reports Reviewed:	<u>2</u>
L.	Compliance:	
	1. Warning Notices Issued:	<u>7</u>
	2. Warning Notices Resolved:	<u>8</u>
	3. Advisory Letters Issued:	<u>1</u>
M.	AOR's Reviewed:	<u>56</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>5</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
SEPTEMBER

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
New Source Review or Prevention of Significant Deterioration sources	\$ <u> -0-</u>
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> 440.00</u>
Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$ <u> 640.00</u>
Delegated General Permit (20% is forwarded to DEP and not included here)	\$ <u> 240.00</u>
4. Non-delegated permit revision for an air pollution source	\$ <u> -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	\$ <u> -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$ <u>1,265.00</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> 145.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$ <u> 600.00</u>
8. Open burning authorization	\$ <u>2,550.00</u>
9. Enforcement Costs	\$ <u> -0-</u>

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

SEPTEMBER, 2001

A. ENFORCEMENT

1. New Enforcement Cases Received:	0
2. Enforcement Cases Closed:	1
3. Enforcement Cases Outstanding:	19
4. Enforcement Documents Issued:	1
5. Warning Notices:	4
a. Issued:	2
b. Resolved:	2
6. Recovered costs to the General Fund:	\$ 381
7. Contributions to the Pollution Recovery Fund:	\$1,333

Case Name	Violation	Amount
a. Shady Shores MHP	Effluent discharge/Improper operation/Failure to maintain	\$ 750.00
b. Hughes Hard Chrome	Industrial Wastewater Discharge	\$ 333.33
c. North Branch Railroad Credit Union	Placement of C/S in service without acceptance letter	\$ 300.00

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	15
a. Facility Permit:	1
(i) Types I and II	0
(ii) Type III	1
b. Collection Systems-General:	9
c. Collection Systems-Dry Line/Wet Line:	5
d. Residuals Disposal:	0
2. Permit Applications Approved:	24
a. Facility Permit:	5
b. Collection Systems-General:	11
c. Collection Systems-Dry Line/Wet Line:	8
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	1
a. Facility Permit:	1
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated) Recommended for Approval:	1
5. Permits Withdrawn:	0
6. Permit Applications Outstanding:	33
a. Facility Permit:	25
b. Collection Systems-General:	5

c. Collection Systems-Dry Line/Wet Line:	<u>3</u>
d. Residuals Disposal:	
C. INSPECTIONS - DOMESTIC	<u>80</u>
1. Compliance Evaluation:	<u>16</u>
a. Inspection (CEI):	<u>1</u>
b. Sampling inspection (CSI):	<u>4</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>1</u>
2. Reconnaissance:	<u>25</u>
a. Inspection (RI):	<u>14</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>11</u>
d. Enforcement Inspection (ERI):	<u>0</u>
3. Special:	<u>39</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>32</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>1</u>
a. Facility Permit:	
(i) Types I and II	
(ii) Type III with groundwater monitoring	
(iii) Type III w/o groundwater monitoring	
b. General Permit:	0
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>3</u>
3. Permit Applications Outstanding:	<u>25</u>
a. Facility Permits:	<u>25</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	<u>14</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>
2. Reconnaissance:	<u>13</u>
a. Inspection (RI):	<u>11</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>2</u>

F	CITIZEN COMPLAINTS	
1.	Domestic:	<u>9</u>
	a. Received:	<u>5</u>
	b. Closed:	<u>4</u>
2.	Industrial:	<u>13</u>
	a. Received:	<u>6</u>
	b. Closed:	<u>7</u>
3.	Water Pollution:	<u>6</u>
	a. Received:	
	b. Closed:	
G.	RECORD REVIEWS	
1.	Permitting:	<u>4</u>
2.	Enforcement:	<u>2</u>
H.	ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1.	Air Division:	<u>77</u>
2.	Waste Division:	<u>2</u>
3.	Water Division:	<u>174</u>
4.	Wetlands Division:	<u>0</u>
I.	SPECIAL PROJECT REVIEWS	
1.	DRI's:	<u>1</u>
2.	Permitting:	<u>0</u>
3.	Enforcement:	<u>0</u>
4.	Other:	<u>0</u>
J.	WATER QUALITY MONITORING SPECIAL PROJECTS	
1.	Data Review	<u>0</u>
2.	Special Sampling	<u>0</u>
3.	Biomonitoring/Toxicity Reviews (DW)	<u>4</u>
4.	Biomonitoring/Toxicity Reviews (IW)	<u>1</u>
5.	Other	<u>0</u>
K.	TAMPA PORT AUTHORITY/DEP DREDGE & FILL	<u>19</u>

AR09.01

COMMISSION

PAT FRANK
CHRIS HART
JIM NORMAN
JAN PLATT
THOMAS SCOTT
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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

MEMORANDUM

DATE: October 5, 2001
TO: Tom Koulianos, Director of Finance and Administration
FROM: *JH* Joyce H. Moore, Executive Secretary, Waste Management Division
through *HAB* Hooshang Boostani, Director of Waste Management
SUBJECT: **WASTE MANAGEMENT'S SEPTEMBER 2001
AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	2
2. On-going administrative cases	117
a. Pending	30
b. Active	40
c. Legal	11
d. Tracking Compliance (Administrative)	19
e. Inactive/Referred cases	17
3. NOI's issued	0
4. Citations issued	0
5. Consent Orders Signed	0
6. Civil Contributions to the Pollution Recovery Fund	\$600
7. Enforcement Costs collected	0
9. Cases Closed	0

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	52/38
2. EPC Authorization for Facilities NOT requiring DEP permit	1
3. Other Permits and Reports	
a. County Permits	10/9
b. Reports	40/28
4. Inspections (Total)	237
a. Complaints	50
b. Compliance/Reinspections	11
c. Facility Compliance	17
d. Small Quantity Generator	159
5. Enforcement	
a. Complaints Received/Closed	42/51
b. Warning Notices Issued/Closed	6/4
c. Compliance letters	20
d. Letters of Agreement	0
e. DEP Referrals	0
6. Pamphlets, Rules and Material Distributed	457

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	91
b. Installation	15
c. Closure	2
d. Compliance Re-Inspections	27
2. Installation Plans Received/Reviewed	2/1
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	1/1
b. Closure Reports Received/Reviewed	5/1
4. Enforcement	
a. Non-compliance Letters Issued/Closed	60/36
b. Warning Notices Issued/Closed	14/6
c. Cases referred to Enforcement	1
d. Complaints Received/Investigated	1/1
e. Complaints Referred	0
5. Discharge Reporting Forms Received	0
6. Incident Notification Forms Received	4
7. Cleanup Notification Letters Issued	1
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	7
2. Reports Received/Reviewed	45/48
a. Site Assessment	22/12
b. Source Removal	4/5
c. Remedial Action Plans (RAP's)	5/4
d. Site Rehabilitation Completion Order/ No Further Action Order	1/4
e. Others	13/23
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS

41

Totals

A. EPC WETLANDS REVIEWS	
1 Wetland Delineations	
a. Wetland Delineations (\$120.00)	29
b. Wetland Delineation Dispute	1
c. Wetland Line Survey Reviews	40
d. Additional Footage Fees	1571.72
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	
a. Nuisance Vegetation	4
b. Other	7
3. Impact / Mitigation Proposal (\$775)	7
4. Mitigation Agreements Recorded	2
5. FDOT Reviews	0
B. EPC DELEGATION / REVIEWS FROM STATE / REGIONAL / FEDERAL AUTHORITIES	
1 Tampa Port Authority Permit Applications (\$50. Or \$150. as applicable)	31
2. Wastewater Treatment Plants (FDEP)	11
3. FDEP Wetland Resource Applications	0
4. FDEP Grandfathered Delineations	0
5. SWFWMD Wetland Resource Applications	0

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

C. HILLSBOROUGH COUNTY / MUNICIPALITY
 PERMIT APPLICATION REVIEWS

1 Land Alteration / Landscaping (\$100)	
a. LAL (SFD)	0
b. LAL (Other)	1
2 Land Excavation (\$785 or \$650 as applicable)	0
3. Phosphate Mining	
a. Unit Review / Reclamation (\$760)	2
b. Annual Review / Inspection (\$375)	0
c. Master Plan	0
4. Rezoning	
a. Reviews (\$85)	15
b. Hearings	1
c. Hearing Preparation (hours)	0
5. Site Development (\$360)	
a. Preliminary	8
b. Construction	20
6. Subdivision	
a. Preliminary Plat (\$140)	4
b. Master Plan (\$550)	2
c. Construction Plans (\$250.00)	17
d. Final Plat (\$90)	8
e. Waiver of Regulations (\$100)	0
f. Platted - No-Improvements (\$100)	14
g. Minor - Certified Parcel (\$100)	7

7. As-Builts (\$255)	8
8. Miscellaneous Reviews (no fees)	
a. Wetland Setback Encroachment	0
b. Easement / Vacating	2
c. NRCS Review	0
9. Pre-Applications (no fees)	
a. Review Preparations (hours)	13.5
b. Meetings	0
<u>10. Development Review Committee (no fees)</u>	
a. Review Preparation (hours)	4
b. Meetings	0

D. OTHER ACTIVITIES

1. Unscheduled meetings with members of the public (walk-ins)	34
2. Other Meetings	71
3. Telephone Conferences	
4. Presentations	0
5. Correspondence	
6. Correspondence Review (hours)	26
7. Special Projects (hours)	47
8. On-site visits	57
9. Appeals (hours)	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	0
B. ACTIVITIES	
1 Ongoing Cases	
a. Active	76
b. Legal	3
c. Inactive	14
2. Number of "Notice of Intent to Initiate Enforcement"	1
3. Number of Citations Issued	1
4. Number of "Emergency Order of the Director"	0
5. Number of Consent Orders Signed	3
C. CASES CLOSED	
1 Administrative / Civil Cases Closed	0
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	0
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$4,375.00
E. ENFORCEMENT COSTS COLLECTED	\$981.96

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	34
2. Return Inspections	57
3. Closed	46
B. WARNING NOTICES	
1. Issued	15
2. Return Inspections	96
3. Closed	26
C. MITIGATION	
1. Compliance/Monitoring Reviews	19
2. Compliance Inspections	13
D. OTHER ACTIVITIES	
1. Case Meetings	7
2. Other Meetings	36
3. Telephone Calls	255
4. File Reviews	31
5. Cases Referred to Enforcement Coordinator	1
6. Letters	69
7. Erosion Control Sites Canvassed	1
8. MAIW Reviews	11

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. SOIL SCIENTIST

1. Case Reviews (Soils)	1
2. Field Soil Investigations	1
3. Reports or Notes of Soil Investigations	1
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)	
-Central System Wellfield Phase I Mitigation (for HCWRT)	
-Statewide Uniform Wetland Mitigation Assessment Method (for EPC)	

B. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	10
2. Telephone Assistance	601
3. Letters	195
4. Incoming Projects	96
5. Additional Info / Additional Footage	11/14
6. Resubmittals / Revisions	12/5
7. Surveys / Data Entry	30/408
8. Aerial Reviews / Inquiries	25/113

C. ENGINEERING STAFF

1. Meetings	36
2. Reviews	44
3. Telephone Inquiries	1
4. Field Visits	2

EPC LEGAL DEPARTMENT MONTHLY REPORT
October 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 October, 2001 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. (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 postponed. 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. Limited discovery has been sent by the EPC. A Pre-hearing conference is currently scheduled for October 23, 2001. (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. A Pre-hearing conference is currently scheduled for November 9, 2001. (AZ)

Sapp, Richard [LSAP01-016] & [LSAP01-033]: 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 EPC also issued a citation and order to correct regarding alleged wetland violations currently on the property. The citation was appealed and a new case was opened and referred to the Hearing Officer. The parties must attend mediation by November 1, 2001. The final hearing in the matter is currently scheduled for December 11 and 12, 2001. (AZ)

RESOLVED CASES 0

B. CIVIL CASES

NEW CASES [1]

Slusmeyer, Boyce [LSLU01-029]: Authority was requested and received by the EPC on September 20, 2001 to initiate judicial enforcement with respect to failure to comply with a Executive Director's Citation and Order to Correct Violation for the failure to initiate a cleanup of a contaminated property. The Defendant failed to appeal the Citation which became a Final Order for the agency on September 18, 2001. The EPC is currently drafting a civil complaint to obtain corrective actions. (AZ)

EXISTING CASES 11

Holley, Raymond, et al. [LHOL94-161]: Suit was filed in 1994 to compel proper closure for an abandoned underground storage tank (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. 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. A Default has been entered in the case in favor of the EPC for the Defendant's failure to respond to the complaint. The Defendant is currently trying to have the default removed. (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. The EPC is currently waiting for resolution of the case so as to collect the remaining amounts for payment of EPC's lien. (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 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)

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)

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)

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 asked the court to enter a default in the case for failure to respond to the complaint. (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)

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)

RESOLVED CASES [1]

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. The court entered a Default Judgment against the Defendant on September 12, 2001 awarding the EPC \$120,000.00 in penalties and \$549.00 in administrative costs. The matter has now been closed. (AZ)

COMMISSION

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



ADMINISTRATIVE OFFICES,
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WETLANDS MANAGEMENT DIVISION
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1410 N. 21ST STREET • TAMPA, FLORIDA 33605

EXECUTIVE DIRECTOR

RICHARD D. GARRITY, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF SEPTEMBER 30, 2001

Fund Balance as of 10/01/00	\$1,131,516
Interest Accrued FY01	81,357
Deposits FY01	245,524
Disbursements FY01	120,408
 Fund Balance	 \$1,337,989
Encumbrances Against Fund Balance:	
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	28,971
(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	 645,991
 Minimum Balance	 100,000
 Fund Balance Available September 30, 2001	 \$ 591,998



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ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
AS OF SEPTEMBER 30, 2001

Fund Balance as of 10/01/00	\$1,653,820
Interest Accrued FY01	99,878
Disbursements FY01	329,872
<u>Fund Balance</u>	<u>\$1,423,826</u>

Encumbrances Against Fund Balance

Sp462 Port Redwing	300,000	
Sp463 Oakview Utilities	50,000	
Sp464 Davis Tract	166,086	
SP602 Apollo Beachhabitat 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		<u>894,890</u>
 Fund Balance Available September 30, 2001		<u>\$528,936</u>

Environmental Protection Commission
of
Hillsborough County

FIRST ANNUAL REPORT
on
Agency Goals and Objectives
FY 2000-2001

Richard Garrity, PhD
Executive Director
October 18, 2001

Index

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Introduction

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

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

This first Annual Report of accomplishments for FY 2000-2001 is submitted to summarize activities over the past year on the Goals and Objectives and to recommend continued attention to selected Goals and Objectives for the year ahead. This is a follow up to the interim report presented to the Board this past May.

Final List of Accomplishments – October 2001

Goal 1 Regulatory Effectiveness

- ❖ To maximize the effectiveness of agency programs in protecting the environment, we have performed a comprehensive review of all activities and ranked them according to their effectiveness and efficiency from a resource perspective. This, in part, allowed the Agency to achieve increased efficiency in staffing and take on new tasks without compromising our ability to carryout our mission. We have begun to streamline those activities identified as inefficient and to reallocate resources internally where possible. Work in this area continues.
- ❖ EPC updated its pollution prevention (P2) strategy with EPA and has proceeded to train staff for multimedia inspections of shipyards. EPC's in-house P2 committee held its first meeting in April of this year to begin the process of identifying regulatory and non-regulatory incentives for small sources, and to develop an agency-wide P2 strategy. P2 information is routinely distributed to businesses and EPC's Waste division has met with 475 facilities since October 2000, providing them with information and instruction on how to minimize pollution. We are also working with the County to develop an MOU that will provide a staff person to coordinate EPC's program with the County's NPDES permit requirements and Brownfield efforts. In addition, Wetlands division provided erosion and turbidity training to earthwork contractors.
- ❖ EPC has contracted with DEP to assist USF in the Bay Region Atmospheric Chemistry Experiment (BRACE). The study is to look at the chemistry of the nitrogen cycle in the Tampa Bay area and how it affects our environment. The first of 3 monitoring sites is now running and the other 2 are under construction.
- ❖ Along with Manatee and Pinellas counties, EPC has completed the 2000 and 2001 Baywide and HIMP Benthic and bottom sediment sampling. 2000 HIMP and 2000/2001 Big Bend Benthic samples have been analyzed for taxonomic composition and analysis of 1998 and 1999 Baywide samples should be complete by December 2001. Eight Benthic Evaluation Reports have been completed with the remaining three to be completed by the end of the year.
- ❖ In concert with Pinellas County, EPC applied for and obtained a federal grant to monitor air toxic contaminants. Monitoring equipment has been set up and is running at six sites, over the two counties.
- ❖ To address the increased workload under DEP's contract for remediation of petroleum contamination, EPC has filled two vacant professional engineer and geologist positions, hired a hydrologist and is interviewing another hydrologist. In concert with DEP, two sites have been approved to use innovative technology (bioremediation and peroxide injection), and one site has been approved and discussions are pending on several sites using a pay-for-performance process that will reduce regulatory oversight requirements. EPC maintains a strong field presence with a full time Specialist II, and has conducted 249 site visits since October 2000. The new State contract was signed 06/01.

- ❖ Procedures for management of Pollution Recovery Fund (PRF) and Gardiner Settlement Trust Fund (GSTF) were revised. Both funds will be managed with improved efficiency, accountability, and will be results-oriented.

Goal 2 Regulatory Efficiency

- ❖ We have facilitated interdivisional and staff coordination through improved Internet and GroupWise email systems. Weekly senior staff meetings have been refocused to encourage information sharing and identification of current issues that may require participation of two or more divisions. This is accomplished, in part, by recording minutes of the meetings and e-mailing them to agency personnel.
- ❖ The Wetlands division is currently working to clarify the wetland impact assessment and approval process by developing standardized Director's Authorizations for docks and boardwalks that fall below certain thresholds and for the review of certain SWIM projects for habitat restoration.
- ❖ We have installed a new phone system that facilitates direct public access and messaging to individual staff members, and also provides brief agency service messages to those on hold. This allowed the Agency to convert a secretarial position to a technical one, thus filling a need without requesting additional personnel.
- ❖ We have adopted an electronic referral system patterned after the Administrators, to track Commissioner requests. The public is now able to email their questions directly to the agency and agency staff.
- ❖ EPC emphasized its commitment to public outreach and assigned full-time staff to that end. The EPC realigning agency communication functions so that our services can continue to be responsive in addressing the public's concerns.
- ❖ Several Divisions monitor permit application-processing times through a monthly report generated from the DEP tracking system and an in-house database. Other Divisions will implement a similar tracking system by the end of 2002. To improve enforcement efficiency the Water Division also generates a number of other permitting, compliance and enforcement reports that are reviewed quarterly by the division director to develop enforcement action plans.
- ❖ A fee study of all services and permits processed is underway to ensure adequate cost recovery, for EPC services.
- ❖ Used budget development process to look for more efficient ways to run the Agency with less general revenue dollars. Will look to contract out some MIS and public information work.
- ❖ We have improved and streamlined our data handling systems by upgrading the capabilities of our desktop PCs and converting to Office 2000. We have submitted requisitions for a main network server and are discussing specifications with Compaq and Dell for additional server requirements. We are on schedule for developing electronic

databases for each division that will be compatible with GIS, and have completed the Small Quantity Generator and Solid & Hazardous Waste programs.

- ❖ We have initiated a financial Contracts and Grants Audit Review Committee to review all contracts and grants for compliance with the granting agency. They have completed their review of the many contracts in Waste Management.

Goal 3 Better Coordination/Delegation with our Regulatory Partners

- ❖ In the past 12 months, we had senior staff level meetings with senior management of the DEP Southwest District, with SWFWMD and with other local environmental programs, to discuss ways to improve communication and coordination in several related regulatory programs. We are working to improve service to the public and enhance our efficiency. In all cases, we agreed that such meetings should occur several times each year and may add the Port Authority and the Health Department.
- ❖ EPC Wetlands staff coordinated a training session with DEP and SWFWMD on wetland delineations in January and is continuing in its review of our existing MOU with SWFWMD to clarify and augment the process for accepting each others delineations, to establish a method for EPC to demonstrate its ability to set hydroperiods, and further coordinate mitigation compliance.
- ❖ EPC initiated negotiations with DEP to seek full delegation of the Environmental Resources Permitting program.
- ❖ In December 2000, we amended our noise rule to compliment the new City of Tampa Ordinance and clarify the applicable standards. We have entered an MOU to set out with greater specificity responsibilities in protecting the citizens from noise pollution.
- ❖ EPC Wetlands staff has been working very closely with the County WRT and SWFWMD in developing the MFL methodology, particularly for category III lakes in Northern Tampa Bay. This close coordination resulted in the consideration of soils indicators in the most current rule draft. We are also working closely with the WRT in reviewing all TBW water supply projects for compliance with resource protection goals.
- ❖ Last October we met with the Department of Agriculture, DEP and water management districts to identify existing and planned Best Management Practices (BMP) that would fall under the Florida Right to Farm preemption. Since then we have reviewed and evaluated existing Agricultural BMPs for impact to Hillsborough County. New Ag BMPs are being developed for row crops, field crops, nurseries and other Ag activities. As these BMPs become available we will monitor their progress and continue to work with DACS and the county Ag office to determine if any further action by EPC is necessary.
- ❖ The 2000 revision of the Area Contingency Plan for Oil Hazardous Substance Spill response was digitized by FMRI late last year. In January, a CD of the contingency plan, including software for interacting between the disk and links was presented to the Tampa Port Spillage Committee and distributed to various users. A report on all relevant oil spill related issues and projects during the last year and all Area Contingency Plan updates was

presented to EPC executive staff in August 2001 and will be placed on the agenda for the EPC Board in the near future.

- ❖ EPC has assigned a specific staff person and alternate to attend meetings and participate with the County's Eastlake/Orient Park Brownfield Pilot Project Council. A Brownfields MOU with the County has been drafted and is currently under review by the USEPA. Upon approval the MOU will be presented to the EPC Board.
- ❖ EPC attends City of Tampa Council meetings when a Brownfield issue is on the agenda – Hookers point having been recently designated as a Brownfield. A draft EPC/FDEP Brownfields delegation agreement has been prepared and is currently under review.
- ❖ EPC actively participated in statutory development by the legislature during the 2001 session. We reviewed proposed bills on the environment and worked with County lobbyist to communicate our concerns.

Goal 4 Partnering with Regulated Facilities or Industry for Better Compliance

- ❖ In January we started negotiating an MOU with the County that would clarify the work that EPC would perform to assist them in monitoring and controlling illicit stormwater connections to County stormwater system as required by their NPDES permit. The MOU was approved by the EPC in June and includes funding for a P2 position, an understanding of P2 responsibilities, and an agreement that EPC will provide laboratory analytical services at cost to the County. The Final MOU and a formal billing process for stormwater analytical services is expected to be approved by the BOCC and in effect by the end of the year.
- ❖ In February EPC designated a specific staff person to serve as the Agency's Agricultural liaison and be responsible for coordinating with the agricultural community and attending meetings such as the Agricultural Economic Development Council, and providing assistance in resolving agriculture's concerns regarding environmental compliance issues. This effort has proven to be effective in partnering with the Agricultural community and will continue.
- ❖ During the last six months we have better defined Agricultural activities in the County and have reviewed and evaluated applicable existing Agricultural BMPs for impact to the environment. New Ag BMPs are being developed for row crops, field crops, nurseries and other Ag activities. As these BMPs become available we will monitor their progress and continue to work with DACS and the county Ag office to determine if any further action by EPC is necessary.
- ❖ In February we initiated the 2001 Dairy Survey Inspection Program. The inspection program was completed in June and Dairies with discharge potential were re-inspected in August. A Draft 2001 Dairy Survey Report is currently under review.
- ❖ EPC staff attended a January workshop organized by a local ship repair facility, and has held the first of two agency workshops to identify ways to minimize ship repair facilities impact on the environment. Unannounced multi-media inspections are on-going.

- ❖ Partnering with the FDOT to help resolve permitting conflicts has improved significantly over this past year. We have worked closely with the FDOT as it implements its Director's Authorization for the 22nd Street alignment. The FDOT 22nd Street Realignment Authorization was issued on June 15, 2001. During the authorization process, numerous meetings were held with FDOT staff. The authorization process was explained and illustrated and the FDOT is aware of procedures, timelines and expectations. In addition we have also worked with the FDOT to develop a MOU addressing the wetland permit review process and establish procedures to coordinate and facilitate the environmental review process with road development process. The Draft MOU was submitted to EPC for review in August.

Goal 5 Public Outreach and Education

- ❖ EPC continues, as resources permit, to participate in civic events to promote awareness of environmental issues. Since October we have participated in the USF Water Forum, the USF Engineering Exposition, the Hillsborough County Science Fair, the Plant City Strawberry Festival, the Apollo Beach Manatee Arts Festival, and the Town & Country Town Hall, Earth Day, Clean Air Month, and the UF Natural Resources Forum. We have also made several presentations to students groups.
- ❖ We issued numerous press releases during the last year: Roger Stewart's Merit Award from EPA, the local brush fires, a high profile lead paint abatement project, the appointment of EPC's Agricultural Liaison, the approval of the sulfur handling facility, and the contract with DEP for the BRACE for atmospheric deposition monitoring and several air quality advisories.
- ❖ We have included EPC meeting agendas and complete agenda backup on the web. CEAC meeting agendas and backup are next.
- ❖ In an effort to insure that our local policy makers were familiar with the regulatory activities of EPC, we offered an Environmental Tour in December, taking participants to various demonstration sites. We tried to provide background information on issues that we felt were adequately addressed and those we anticipated coming up during the legislative session.
- ❖ We attend as resources allow other meetings, which provide forums for citizen and industry to discuss their concerns. Specific staff persons have been assigned to cover meetings such as the Agency on Bay Management, the AEDC, various Tampa Chamber committees, MacDill Rehabilitation Board meetings, Keep Hillsborough Beautiful and the Tampa Bay Estuary Program. Staff also actively supports the Citizens Environmental Advisory Committee through technical and administrative support.

List of Goals and Objectives 2000-2001

Goal 1 Regulatory Effectiveness

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

Goal 2 Regulatory Efficiency

- Facilitate sharing of information and expertise, and coordinating current activities between EPC divisions
- Clarify and coordinate EPC's wetland impact assessment and approval process with the County development and zoning review and with the Planning Commission's future land use process
Improve responsiveness to public inquiries, and Administrative and Commissioner referrals
- Streamline procedures to meet new DEP policy guidelines and decrease existing backlogs on permitting programs.
Ensure appropriate recovery of regulatory costs in regulatory services
Streamline and improve data handling systems

Goal 3 Better Coordination/Delegation with our Regulatory Partners

Improve coordination with DEP and its various programs, and work with other agencies to develop memorandums of understanding, contract or delegation of appropriate programs to achieve better service to the public, and regulatory efficiency and better allocation of limited public resources

Coordinate with the County Water Resources Team in promoting resource sensitive water projects

- Work with the Department of Agriculture, DEP and water management districts to identify and amend as appropriate existing and proposed Best Management Practices under the Florida Right to Farm Act
- Work with Coast Guard and DEP emergency Response to plan strategies to prevent and abate oil spill incidents
- Work with Hillsborough County, DEP and municipalities to encourage redevelopment of perceived contaminated properties (Brownfields)

Goal 4 Partnering with Regulated Facilities or Industry for Better Compliance

Assist County and Cities in monitoring and controlling illicit stormwater connections to their stormwater systems

- Develop a regular contact with the agricultural community to identify applicable BMPs, complete the evaluation of the EPC Dairy Pilot Project, and to work on programs that minimize agriculture's concerns regarding environmental compliance

Partner with ship repair facilities to encourage minimizing these operations' impact on the local environment

Work with DOT to resolve permitting conflicts

Goal 5 Outreach and Public Education and Training

- Keep the public and policy makers informed about environmental issues in Hillsborough County and Tampa Bay.
- Develop contacts and a coordinated process for sharing information with the media
- Develop the EPC web-site to become more informative, helpful and interactive
- Identify environmental concerns before each legislative session and provide technical and administrative information to assist the EPC and the Legislative Delegation
- Participate and assist various local organizations that serve as forums for citizen and industry discussion

AGENDA ITEM COVER SHEET

Date: October 18, 2001

Agenda Item: Discussion of Local Bill 1, a bill amending Chapter 84-446, Laws of Florida proposed by Representative Rob Wallace.

Description/Summary:

This bill and its interpretation of the EPC Special Act removes the ability of the EPC to settle cases with Consent Agreement or Settlements except for those that fall within the prohibitions outlined in the bill. This will result in the EPC having to file lawsuits to accomplish higher penalties than those allowed in the bill. The bill penalty prohibitions include:

Limits of \$5,000 per violation per year

No cost recovery on monitoring necessary for restoration on mitigation projects.

- Maximum penalties of \$25.00 for non-reporting
- Complete prohibition on stipulated penalties
- Reduction on the percent of PRF money allowed for the Artificial Reef Program

One of the most serious results of bill passage could be the loss of delegation from the state to the EPC for Air and Water Regulatory Programs. The state requires delegated programs to have penalty authority at least as stringent as the state and to have no conflict with the provisions of Chapter 403, F.S. The proposed bill will result in both.

A complete bill analysis written by the EPC General Counsel is included in the back up package.

Commission Action Recommended:

Request by staff for the EPC Board to forward correspondence to the local Legislative Delegation in full opposition to the bill.

Memorandum

Date: October 8, 2001

To: Commissioner Ronda Storms

CC: All Commissioners

From: Rick Tschantz, General Counsel

Subject: Proposed bill amending Ch 84-446, Laws of Florida – Rep. Wallace

As you requested the following is our analysis of Rep. Wallace's proposed legislation amending EPC's enabling Act, Ch. 84-446, Laws of Florida (EPC Act).

1. Section 19 (2) of the EPC Act is amended to allow the Commission to assess "administrative penalties as provided by this act and the rules promulgated under this act."

Analysis:

The EPC has never had the authority to assess administrative penalties. This amendment grants that authority but then severely limits the maximum penalty amounts as well as the types of violations subject to penalty. Actually, I believe the bill's author thought the agency already operated under an administrative penalty format and therefore the bill's intent is to limit how we already conduct business. At any rate, the bill language muddies our present authority and severely limits any new authority. EPC has accepted contractual or lawful delegation of State permitting and enforcement authority in its Water Management, Air and Waste Management Divisions. A large amount of EPC's funding is derived from State contractual or delegated programs thus reducing EPC's reliance on the County's General Fund. Many of these programs are dependent upon EPC's authority being no less stringent or not in conflict with the provisions of Ch. 403, F.S. The proposed amendment is in direct conflict with the recent Environmental Litigation Reform Act in Ch. 403.121, F.S. Passage of the proposed amendment would seriously jeopardize the continuation of EPC's delegated and contractual programs.

2. Section 5 (1) (b) (1) of the EPC Act is amended to allow for administrative penalties for “actual discharges of pollution” or “documented damage to the environment”. It further sets penalties at “\$25 per pound and, for hazardous pollution, up to \$50 per pound”.

Analysis:

This provision, while not only severely limiting existing penalty authority, makes the generalization that environmental degradation can be expressed in terms of “pounds of pollutant” emitted. That is not the case. An actual Air Division case will be illustrative. This case involved a compliance test failure resulting in lead emissions 48% above the federal and state standard. Our penalty guidelines (developed and refined through more than 15 years of experience) resulted in a settlement amount of \$28,875 for 30 days of violation. Using the proposed administrative penalty amount of \$25 per pound of excess emissions to the environment, the penalty would be only \$3,000 (assuming a multi-day penalty is available which is not addressed in the bill). Under this scenario, it may be more economical for a company to pay for the pollution rather than purchase the necessary equipment to comply with federal and state standards.

~~_____ In addition, many pollutants cannot be measured by per pound calculations. The dollar per pound penalty does not readily apply to visible emissions because there is no exact correlation between pounds per hour of particulate emissions and visible emissions. Moreover, this method of measurement does not properly account for the actual harm caused by excess emissions of pollutants such as dioxins and mercury, which are not traditionally emitted in large quantities but have a significant environmental impact.~~

3. Section 5 (3) (a) through (f) of the EPC Act is amended to prohibit the Commission from assessing certain penalties and costs.

Analysis:

The commission is prohibited from

- (a) recovering costs for monitoring repair, restoration, or mitigation projects.

This provision would preclude EPC staff from recovering the costs of monitoring corrective action in settlements agreed to by both parties. The staff would still be required to expend its time inspecting the restoration activities of the party responsible for violating the environmental regulations. Such a requirement would shift the cost of monitoring from the responsible party to the taxpayer. Currently, all costs collected through such agreements are returned to the County’s general fund and not to EPC. There is no incentive for Staff to unnecessarily inspect to “generate income”.

(b) imposing administrative penalties in excess of \$5,000 for any alleged violator in one location in any 12-month period.

This provision is self-explanatory and unacceptable. EPC's current authority is \$5,000 per incident, per day. Regional and state authority extends to \$10,000 per day, per incident and federal authority is higher. The proposed amendment would be among the most lenient in the country. Such a limit would jeopardize EPC's state and federal delegated authority, remove economic incentive for compliance and fail to adequately protect the Hillsborough County environment. The proposal makes no distinction between the cap's applicability to EPC's new administrative assessment authority and its applicability to circuit court civil actions. As an example, under the amendment, a \$5,000 limit of liability would be placed on any catastrophic event such as a phosphoric acid or other chemical spill into waters of the county.

(c) assessing administrative penalties for record keeping and reporting violations in excess of \$25 per event.

Reports and record keeping are critical compliance and pollution control procedures. Programs such as stationary source air permits, hazardous and toxic air pollution control, mobile source control programs, asbestos control and abatement, underground tanks and others rely on reporting requirements. EPC staff would be essentially unable to monitor permit conditions without such requirements. A \$25 payment upon acceptance of a permit would eliminate reporting and record keeping requirements and render compliance and enforcement efforts ineffectual.

(d) seeking stipulated penalties in any settlement agreement

Stipulated penalties in voluntary settlements have been an effective enforcement tool in Hillsborough County for over 15 years. A responsible party agrees to perform certain corrective actions within a certain timeframe or under certain conditions and if these are not achieved the party agrees to pay a previously negotiated amount. In consideration of entering into stipulated penalties the agency will often reduce actual penalties paid to the agency, and as such, the settlement will often keep the actual penalty lower and provide certainty for both parties. Stipulated penalties also save both parties the time and expense of further court action and thus save additional expenses for the taxpayers. The only matter at issue is whether or not there is a violation of the condition imposing the stipulated penalties thus the matters can be resolved much more efficiently than without stipulated penalties. Note, by definition, stipulated penalties are only applied when the responsible party agrees to the condition.

(e) assessing administrative penalties for permitted discharges

The purpose of this amendment is not immediately clear. If a discharge is permitted, then by definition it is not a case of excessive emissions. This provision may be meant to achieve relief from “nuisance” violations. It is conceivable that a source may be within the “allowable” range of emissions under its permit, yet due to unforeseen circumstances, create a nuisance resulting in a violation. Examples may be a cattle feed lot permeated with rainfall or a permitted open burn of landscape debris. If this is in fact the intent of this amendment, it should be noted that every county or environmental agency has some penalty provision for nuisance in its enabling legislation. However, because of the vagueness of the language the bill could also be interpreted to mean that if there is a permitted discharge and there are violations of the permit conditions that there is still no penalty.

If the intent is to limit penalties only for the amount of pollution discharge beyond permitted limits, such is already the authority and practice of EPC.

(f) using moneys from the pollution recovery fund for charitable purposes or otherwise fund projects for corporations not for profit.

The granting of pollution recovery funds (PRF) is an open process. The proposed amendment is one of several that seek to restrict the Commission’s discretionary use of the PRF. Such a restriction would preclude the use of pollution recovery funds from such organizations as the Sierra Club, Audubon, Future Farmers of America, Boy/Girl Scouts, 4H, American Lung Association and C-BUG to name a few. The proposal has the undesirable result of restricting PRF money to government and for-profit corporations.

4. Section 5 (2) (b) including improperly lettered subparagraphs (a) through (d) is further amended to restrict the Commission’s use of PRF money and add a specific new use of the fund for environmental crime victims. This section also reduces the available PRF contribution to the Artificial Reef Program from “up to 50 percent” to 10 percent.

Analysis:

This amendment proposes changes to the EPC Act’s priority listing of acceptable PRF uses, removes language allowing the Commission’s discretion in awarding funds and adds a specific listing for reimbursement for victims of environmental crimes. While staff has no specific opinion as to the use of PRF money for the victims of environmental crimes, the amendment makes no mention of whether or not a conviction is necessary in order to qualify. Many environmental violations have the potential for criminal liability but few are prosecuted to conviction. It should be noted however that there are legal issues involved with the use of public funds for the benefit of a private landowner and the PRF process has previously not granted such direct uses.

The amendment strikes the language indicating that, . . . any moneys “remaining in the fund shall then be used by the Commission as it sees fit . . .” Staff believes the existing process of a CEAC recommendation, staff technical review and recommendation and final vote by the Commission with public comment, is a fair process that needs no revision. Any attempt to rigidly constrain the built-in flexibility will stifle innovative projects and limit creativity.

Finally, this section reduces the amount of the PRF that can be used toward the Commission’s Artificial Reef Program from “up to 50 percent of the annually collected funds” to 10 percent. Such an amendment would either necessitate more ad valorem funds be used to underwrite the cost of the program or severely scale back or eliminate the program.

5. Section 5 (2) (improperly numbered) requires the Commission to review and authorize any proposed penalty demand and subsequent settlement exceeding \$1,000. Section 18 (2) (b) requires a hearing by the Commission “Prior to a demand being made or a settlement offer is made.”

Analysis:

Reading these two proposed amendments together creates a conflict. If Section 18 is complied with, Section 5 is meaningless.

Looking beyond the conflict to the merits of the Section 5 amendment, and taking EPC’s Air Division as an example, there were 108 enforcement cases in the Air Division alone over the last 5 years. Of those, eleven cases had penalty amounts under \$1,000, eighteen cases were settled by penalty amounts over \$5,000. The bulk of all settled cases lie between that range.

**HILLSBOROUGH COUNTY LEGISLATIVE DELEGATION
EXPLANATORY MEMORANDUM
PROPOSED LOCAL LEGISLATION**

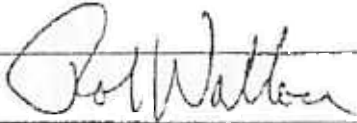
01

Attach a copy of Explanatory Memorandum and Economic Impact Statement form to the face of your local bill, then run and submit 50 copies, including the forms with original signatures.

I. Authority/Individual Submitting Proposed Legislation:

- A. Name of Applicant: Rep. Rob Wallace
- B. Contact: Candace G. Hundley
- C. Address: P.O. Box 1110, Tampa, FL 33601
- D. Telephone: 813-272-5865 (SC: 543)
- E. Bill Prepared by/Telephone: Candace G. Hundley, 813-272-5865 (SC: 543)

II. Signature of Delegation Member Sponsoring Proposal:

Senator: _____ District No. _____
 OR
 Representative:  District No. 47
 Representative Rob Wallace

III. Brief Description of Proposed Legislation (Abbreviated title):

Environmental Protection Commission: assessment and review of administrative penalties; use of pollution recovery fund; prohibited activities

IV. Statement of Purpose/Need for Proposed Legislation:

To insure uniform application by the commission of administrative penalties prior to settlement offer, demand, or assessment; to amend the uses of the pollution recovery fund.

The commission was created by special act and a special act is required to amend same.

V. Economic Impact: Complete the attached Standard Form, House Committee on Community Affairs Economic Impact Statement.

Each authority or individual whose bill is accepted for filing by the members of the Hillsborough County Legislative Delegation must also provide two certified affidavits showing proof of publication of the title thereof in a newspaper of general circulation one time only in the county or counties where the matter to be affected shall be situated at least 30 days before introduction of the proposed law.

House Committee on Community Affairs
2002 ECONOMIC IMPACT STATEMENT

House policy requires that economic impact statements for local bills be prepared at the LOCAL LEVEL. This form should be used for such purposes. It is the policy of the House Community Affairs Committee that no bill will be considered by the Committee without an original Economic Impact Statement. This form must be completed whether or not there is an economic impact.

BILL#: _____
SPONSOR (S): Representative Rob Wallace
RELATING TO: Hillsborough County Environmental Protection Commission
(Indicate Area Affected (City, County, Special District) and Subject)

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT: FY 01-02 FY02-03
Expenditures: Cost of enactment of local bill and of rules.

II. ANTICIPATED SOURCE(S) OF FUNDING: FY 01-02 FY 02-03
Federal: N/A
State:
Local:

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES: FY 01-02 FY 02-03
Revenues: Unknown

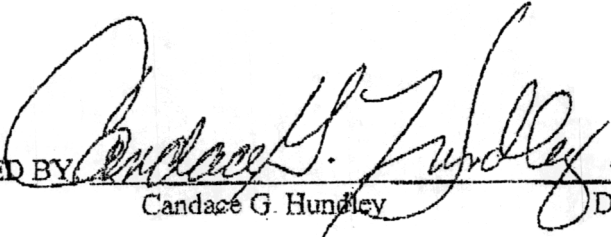
IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:
Advantages: Establishes a procedure by which administrative penalties are applied in a uniform manner and provides assistance in restoration to victims of environmental crimes. Prohibits certain activities by the Environmental Protection Commission. Serves to eliminate a heavy handed approach by the commission in assessing penalties and monitoring correction of restoration or mitigation projects.
Disadvantages: None known

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR
EMPLOYMENT:

None known

VI. DATA AND METHOD USED IN MAKING ESTIMATES (INCLUDING SOURCE[S]
OF DATA):

N/A

PREPARED BY:  9/27/01
Candace G. Hundley Date

TITLE: Director

REPRESENTING: Hillsborough County Legislative Delegation

PHONE: (813)272-5865 (SC: 543)

2

A bill to be entitled

4

An act relating to the Hillsborough County

5

Environmental Protection Commission; amending

6

chapter 84-446, Laws of Florida, as amended;

7

making technical changes as required; adding

8

powers relating to administrative penalties;

9

clarifying the procedures required

10

in assessing such penalties; prohibiting the

11

commission from certain activities; amending

12

the use of funds in the pollution recovery fund;

13

providing an effective date.

14

Be It Enacted by the Legislature of the State of Florida:

16

17

Section 1. Section 5 of chapter 84-446, Laws of Florida, is

18

amended to read and a new subsections (2) and (3) are added to

19

read:

20

Section 5. Environmental protection commission; ~~duties and~~

21

~~powers; prohibitions.~~--

22

(1) The commission has shall have the power to: following

23

~~duties, functions, powers, and responsibilities.~~

24

(a) (1). To implement and enforce the provisions of this

25

act.

26

(b) 1. (2) To adopt, revise and amend from time to time

27

appropriate rules and ~~regulations~~ reasonably necessary for the

28

implementation and effective enforcement, administration and

29

interpretation of the provisions of this act and to provide for

30

the effective and continuing control and regulation of air,

31

water and noise pollution in the county within the framework of

32

this act, and to provide for appropriate fees to be charged by

1 the commission for the services rendered under the provisions of
2 this act. Said rules must include, in detail in order to insure
3 uniform application, administrative penalties for violations
4 relating to actual discharges of pollution into the environment
5 or documented damage to the environment. Notwithstanding any
6 other provision of general law, the administrative penalties for
7 pollution may be assessed up to \$25 per pound and, for hazardous
8 pollution, up to \$50 per pound.

9 2. No such rules or regulations shall be adopted or become
10 effective, including amendments, until after a public hearing
11 has been held by the commission pursuant to notice published in
12 a newspaper of general circulation in the county at least 10
13 days prior to the hearing, and then until the rules and
14 regulations have been filed with the Clerk of the Circuit Court
15 for Hillsborough County pursuant to law.

16 (c) ~~(3)~~ To make continuing studies and periodic reports
17 and recommendations for the improvement of air, water and noise
18 in the county, and to work in cooperation with the Florida
19 Department of Environmental Protection Regulation and other
20 appropriate agencies and groups interested in the field of air,
21 water and noise pollution.

22 (d) ~~(4)~~ To investigate air pollution, water pollution and
23 noise pollution control programs and activities in operation in
24 other areas and to make recommendations for the improvement of
25 the regulation, administration and enforcement of pollution
26 controls in the county; to publicize the importance of adequate
27 pollution controls, to hold public hearings, discussions, forum
28 and institutes, and arrange programs for the presentation of
29 information by experts in the field of air, water and noise
30 pollution, and to visit and study pollution control programs in
31 other areas, subject to budget limitations.

2 (e) (5) To issue subpoenas to compel the attendance of
3 witnesses at any hearing who may have information relevant to
4 any issue before the commission

5 (f) (5) To designate a hearing officer, who shall be a
6 member of The Florida Bar, to hear appeals from actions or
7 decision of the environmental director, and any matters relating
8 to this chapter which the commission may refer.

9 (2) The commission shall:

10 (a) review and authorize any proposed administrative
11 penalty demand and subsequent settlement exceeding \$1,000.

12 (b) use moneys from the pollution recovery fund ~~The fund~~
13 ~~moneys shall be disbursed first to pay all amounts necessary to~~
14 ~~restore or mitigate the respective polluted areas which were the~~
15 ~~subjects of the commission action when, where such restoration~~
16 ~~or mitigation was could not be obtained from the violator, and~~
17 ~~thereafter use any remaining moneys remaining in the fund shall~~
18 ~~then be used by the commission, as it sees fit, to:~~

19 (a) pay for any work needed to restore or mitigate areas
20 which require more money than the commission was able to obtain
21 by court action.

22 (b) ~~or otherwise~~ to restore or mitigate areas in which the
23 commission brought enforcement action but was unable to recover
24 any moneys from the alleged violators.

25 (c) ~~or to otherwise~~ enhance pollution control activities,
26 within the county.

27 (d) reimburse victims of environmental crimes for the costs
28 incurred in restoring the area affected to the condition it was
29 in before the crime was committed.

30 An amount up to 10 percent of the average annual balance of
31 the fund may be disbursed for monitoring past restoration or
mitigation. An amount of up to 10 ~~50~~ percent of the annually

collected funds may be disbursed to the commission's Artificial
2 Reef Fund.

3 (3) The commission is prohibited from:

4 (a) recovering costs for monitoring, repair, restoration,
5 or mitigation projects.

6 (b) imposing administrative penalties in excess of \$5,000
for any alleged violator in one location in any 12-month
period.

9 (c) assessing administrative penalties for record keeping
10 and reporting violations in excess of \$25 per event.

11 (d) seeking stipulated penalties in any settlement
12 agreement.

13 (e) assessing administrative penalties for permitted
14 discharges.

15 (f) using moneys from the pollution recovery fund for
16 charitable purposes or otherwise fund projects for corporations
17 not for profit.

18 Section 2. Paragraph (b) of subsection (2) of section 18
19 of chapter 84-446, Laws of Florida, is amended to read:

20 Section 18. Enforcement; procedure; remedies; proceedings
21 for jurisdiction.--The following remedies ~~are~~ shall be available
22 for violation of this chapter

23 (2) Administrative remedies:

24 (b) The environmental director may institute
25 administrative proceedings to establish liability and to recover
26 damages by written request to the commission, setting for the
27 provision of law, rule, regulation, permit, certification or
28 order alleged to be violated and a summary of the facts alleged
29 to constitute a violation thereof. The request shall be served
30 upon the alleged violator by personal service or certified mail
31 or by posting a copy in a conspicuous place on the premises of
the violation, and shall include a notice of the time and place

when the request will be heard by the commission. Prior to a demand being made or a settlement offer is made and after a hearing by the commission, the violator may be ordered by the
4 commission to pay a specified sum as damages for any injury to
5 the air, waters, or property, including animal, plant, or
6 aquatic life caused by any violation. Judgment upon the amount
7 of damages may be entered in any court having jurisdiction
8 ~~thereof~~ and may be enforced as any other judgment. Parties to
9 an administrative proceeding for damages are shall be afforded
10 all rights of discovery permitted by the Florida rules of civil
11 procedure, and appropriate orders may be issued to effectuate
12 the purposes of discovery.

13 Section 3. Subsection (2) of section 19 of chapter 84-
14 446, Laws of Florida, and subsection (5) of section 19 of
15 chapter 84-446, Laws of Florida, as amended by chapter 87-495,
16 Law of Florida, are amended to read:

17 Section 19.--Additional civil liability; assessment of
18 damages; joint and several liability; pollution recovery fund.--

19 (2) Upon the request of the environmental director or any
20 proper county officer or agency or the alleged violator, the
21 commission may consider and assess administrative penalties as
22 provided by this act and the rules promulgated under this act
23 ~~these damages~~. If the amount ~~se-~~ assessed is not paid within a
24 reasonable time as prescribed by the commission, the commission
25 may institute civil action in the appropriate court for a
26 judicial determination of liability and damages.

27 (5) There is ~~hereby~~ created a pollution recovery fund
28 ~~which is~~ to be supervised and used by the commission to restore
29 polluted areas of the county, ~~as defined by the commission,~~ to
30 the condition they were in before pollution occurred, to
31 mitigate the effects of pollution, or to otherwise enhance
32 pollution control activities within the county. The fund shall

1 consist of all moneys, excluding costs and expenses, recovered
2 by the commission or director in an action against any person
3 who has polluted or engaged in activity in violation of this act
4 or any activity tending to pollute the air, soil, or water of
5 the county. ~~The fund moneys shall be disbursed first to pay all~~
6 ~~amounts necessary to restore or mitigate the respective polluted~~
7 ~~areas which were the subjects of the commission action, where~~
8 ~~such restoration or mitigation could not be obtained from the~~
9 ~~violation. Any moneys remaining in the fund shall then be used~~
10 ~~by the commission, as it sees fit, to:~~

11 ~~(a) pay for any work needed to restore or mitigate areas~~
12 ~~which require more money than the commission was able to obtain~~
13 ~~by court action,~~

14 ~~(b) or otherwise to restore or mitigate areas in which the~~
15 ~~commission brought enforcement action but was unable to recover~~
16 ~~any moneys from the alleged violators,~~

17 ~~(c) or to otherwise enhance pollution control activities~~
18 ~~within the county.~~

19 ~~An amount up to 10 percent of the average annual balance of~~
20 ~~the fund may be disbursed for monitoring past restoration or~~
21 ~~mitigation. An amount of up to 50 percent of the annually~~
22 ~~collected funds may be disbursed to the commission's Artificial~~
23 ~~Reef Fund.~~

24 • Section 3. This act shall take effect October 1, 2002.
25
26
27