



JULY 12, 2001 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular meeting, scheduled for Thursday, July 12, 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, Pat Frank, Jim Norman, and Thomas Scott (arrived at 10:20 a.m., Aviation Authority meeting).

The following members were absent: Commissioners Chris Hart and Jan Platt, (Agency on Bay Management meeting.)

Chairman Storms called the meeting to order at 9:37 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, requested adding a brief budget update following the Consent Agenda.

**Commissioner Norman moved the changes, seconded by Commissioner Easterling, and carried four to zero.** (Commissioner Scott had not arrived; Commissioners Hart and Platt were absent.)

CITIZENS' COMMENTS

Ms. Marilyn Smith, County resident, talked about the impact trees being mulched had on people with breathing problems or allergies, the acid water issue in Mulberry, and not cutting the EPC budget.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

EPC General Counsel Richard Tschantz reported at the last meeting CEAC began discussion on the EPC wetland rule, specifically the issue of agricultural tail water recovery ponds and how EPC treated the ponds. Southwest Florida Water Management District (SWFWMD) and the agricultural community would address CEAC at future meetings. CEAC also discussed the upcoming round of Pollution Recovery Fund projects and the Gardinier Settlement Trust Fund projects.

CONSENT AGENDA

- A. Approval of Minutes: None
- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Trust Fund

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- E. Gardinier Settlement Trust Fund
- F. Congestion Mitigation and Air Quality Improvement (CMAQ) Letter
- G. Quarterly Update Super Fund Sites
- H. Green Swamp Restoration

Commissioner Frank moved to approve the Consent Agenda, seconded by Commissioner Easterling, and carried four to zero. (Commissioner Scott had not arrived; Commissioners Hart and Platt were absent.)

EPC BUDGET DISCUSSION

Dr. Garrity reviewed the memorandum distributed to EPC members and clarified some issues that were addressed at the previous budget workshop. Even though EPC had a vision for enhanced public information, Dr. Garrity reported that Attorney Sara Fotopulos, Director, Public and Intergovernmental Affairs, would be leaving EPC effective September 30, 2001. He emphasized the excellent work Attorney Fotopulos had done for EPC for the past 20 years. Chairman Storms concurred.

SPECIAL PRESENTATION

Chromated Copper Arsenate (CCA) Treated Lumber - Mr. Paul Schipfer, Environmental Manager, EPC Waste Management Division, gave a power point presentation on CCA treated lumber citing concerns on what was CCA lumber, causes for concern, were County parks safe using CCA lumber, and what actions should be taken by the EPC Board. CCA lumber was wood preserved against insect and fungal attack and the most common wood preservation used in the United States. Causes for concern included CCA wood leached arsenic into underlying soils, discarded CCA wood was difficult to discern from other wood debris, and low doses of arsenic was known to be human carcinogen. Mr. Schipfer reviewed the Florida regulatory and cleanup criteria for arsenic and standards of other states.

Responding to Chairman Storms regarding using what was effective, Mr. Schipfer said other processes equally as effective as arsenic were used in other countries. One Florida plant had switched to high doses of copper rather than arsenic, which was approved. Regarding whether soils at County parks was safe, tests of boardwalks and decks showed the average concentration under eight of the nine decks tested exceeded the industrial Florida soil clean up target levels (SCTL) and 62 of the 65 individual soil samples exceeded the industrial Florida SCTL.

EPC recommendations included testing soil and closing playground areas where high contaminant levels were suspect, segregating areas of concern, displaying signage where appropriate, replacing CCA treated picnic tabletops immediately, and removing/replacing soil from suspect areas.

LEGAL DEPARTMENT

Special Counsel Agreement - Cone Ranch - Attorney Tschantz requested authority to enter into a contract agreement for special counsel services with Attorney Patrick B. Courtney, Esquire, to represent EPC in litigation regarding Tampa Bay Water's (TBW) Cone Ranch wellfield application. A draft copy of the application had been received. Commissioner Frank supported staff recommendation to hire Attorney Courtney, who had been involved in the issue from the beginning. **Commissioner Frank moved to adopt that recommendation.** In response to Commissioner Norman, Attorney Tschantz said funding would come from the Water Resource Team budget. **The motion was seconded by Commissioner Easterling and carried four to zero.** (Commissioner Scott had not arrived; Commissioners Hart and Platt were absent.)

Request Authority to Take Appropriate Legal Action Against Daniels Standard and Nutmeg, LLC in care of Roundhill Capital - Attorney Tschantz said action was needed against Daniels Standard, a former service station, for failure to close two underground storage tanks that had been dormant for some time. A citation was issued in September 1999, and EPC needed to file suit to enforce the citation.

Attorney Tschantz reported the former Star Service station had been closed since 1988; the current owners were Nutmeg, LLC and Roundhill Capital. He requested authority to file suit to have the current owners close three storage tanks on the property that were not properly closed. **Commissioner Norman moved staff recommendations, seconded by Commissioner Easterling, and carried four to zero.** (Commissioner Scott had not arrived; Commissioners Hart and Platt were absent.)

Chairman Storms read two letters acknowledging the excellent job Attorney Tschantz and EPC were doing. Chairman Storms reported pollution recovery funds created by legislature were available to be used for projects that would restore polluted areas of the County to their previous condition.

In response to Commissioner Easterling, Mr. Hooshang Boostani, Director, EPC Waste Management Division, stated there was a requirement for stormwater management for the newer gas stations; however, older gas stations were exempt from stormwater runoff. He would research the issue further.

Commissioner Frank asked for EPC staff to report at a future meeting on the wetlands situation. She referenced a newspaper article regarding a national study on the destruction of wetlands, the large percentage that was disappearing, and the negative effect it had. Chairman Storms agreed to schedule the topic for a future meeting.

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

READ AND APPROVE: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
RICHARD AKE, CLERK

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

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AUGUST 1, 2001 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -  
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, to consider Arbitrating Tampa Bay Water's (TBW) Joint Application for an Environmental Resource Permit (ERP) and the Army Corps of Engineers' Permit for the Eastshore Commerce Park and Columbus Drive Access, scheduled for Wednesday, August 1, 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, Jim Norman, Jan Platt, and Thomas Scott.

The following member was absent: Commissioner Chris Hart.

Chairman Storms called the meeting to order at 2:52 p.m.

EPC General Counsel Richard Tschantz said EPC and the Water Resource Team had reviewed the project and met with TBW. EPC agreed with the recommendation not to arbitrate. As requested by Chairman Storms, Attorney Tschantz described the project. **Commissioner Norman moved staff recommendation, seconded by Commissioner Scott, and carried six to zero.** (Commissioner Hart was absent.)

There being no further business, the meeting was adjourned at 2:54 p.m.

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

ATTEST:  
RICHARD AKE, CLERK

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

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SEPTEMBER 20, 2001 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, September 20, 2001, at 2:00 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 2:10 p.m.

CONSENT AGENDA

- A. Approval of Minutes: April 19; May 2 and 17; and June 6, 12, 20 and 21, 2001
- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Trust Fund
- E. Gardinier Settlement Trust Fund
- F. Authorize Executive Director to Execute Department of Environmental Protection (DEP) Contracts
- G. Report Submittals (no board action required)
  - 1. Lake Grady Geological Study
  - 2. Success of Mitigation Projects in Hillsborough County
  - 3. Fairgrounds Racing Report

Commissioner Norman moved approval of the agenda and Consent Agenda, seconded by Commissioner Easterling, and carried five to zero. (Commissioners Hart and Scott were out of the room.)

CITIZEN COMMENTS

Ms. Marilyn Smith, County citizen, said Attorney Sara Fotopulos, EPC Director of Public and Intergovernmental Affairs, would be missed.

Mr. Clarence Townes, County citizen, addressing old landfill issue/Dr. Martin Luther King, Jr. (MLK) Village report, suggested asking the Attorney General to appoint a federal grand jury to look into the issue; one resident had developed cancer. Housing and Urban Development (HUD) funds had been used to put families on the site.

LEGAL DEPARTMENT

Request for Authority to Take Appropriate Legal Action Against Boyce E. Slusmeyer - EPC General Counsel Richard Tschantz said the EPC had filed a lawsuit in 1994 to get storage tanks removed from Slusmeyer Tire City in

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Seffner. After six years the tanks had been removed, but EPC had been unable to get Mr. Slusmeyer to initiate a site assessment for the cleanup of the petroleum product on the site. Additionally, Mr. Slusmeyer had failed to answer a citation issued against him. Attorney Tschantz requested authority to file appropriate legal action. **Commissioner Norman so moved, seconded by Commissioner Frank, and carried seven to zero.**

WASTE MANAGEMENT DIVISION

Report - Old Landfill Issue/MLK Village - Mr. Ronald Cope, EPC Waste Management Division, used a map to show the possible landfill area under MLK Village. Mr. Cope said Mr. Townes had notified EPC staff on July 20, 2001, of the potential existence of a historic city of Tampa (City) solid waste disposal site; prior to that date neither EPC nor the DEP had any information related to the site. The City and EPC maintained a list of 49 old City landfills; the MLK site was not on the list.

EPC staff had met with Mr. Townes and members of the community. EPC, DEP, Florida Department of Health, Hillsborough County Environmental Health Services Unit, and the City had been in contact throughout the investigation. In the interest of public safety and health, the City was conducting a landfill gas survey in the community; access had been denied to some of the homes.

Mr. Cope showed photographs of the neighborhood. Mr. Townes had observed elevation changes from street level to foundation level on the properties, which were being investigated. In response to Commissioner Scott, Mr. Cope said the EPC maintained a list of 151 old landfills in Hillsborough County, 49 of those were within the City limits; if the site had been an operated disposal site, the County did not have record of it. Staff had reviewed aerial photographs and there had been activity in the area, but disturbed ground did not conclude a landfill. Through the process of investigation, Mr. Cope stated staff needed to confirm whether the site was an organized disposal site or a random neighborhood dump. During the development of new homes, it was common for waste material to be disposed on site, as State rule exempted that from permitting requirements.

Chairman Storms asked if the City had actual or constructive knowledge of the site. Mr. Cope was working with the City's office of environmental coordination to gather information; he could not confirm if the City had been unaware.

In response to Commissioner Platt, Mr. Cope said the DEP had contacted HUD and were waiting for the results of local investigations to determine what the course of action would be; the EPC had not done borings. Mr. Hooshang Boostani, Director, EPC Waste Management Division, said the City was on



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official notice to investigate and officially respond to the allegation. EPC would be involved if it was an old landfill and a director's authorization needed to be applied for, but the scope went far beyond director's authorization. There were many other allegations. EPC would report to the EPC Board when more information was received. Lawyers for the residents had contacted Mr. Boostani and requested all inquiries to go through them. In response to Commissioner Norman, Mr. Boostani said aerial photographs were not conclusive, and the EPC was waiting for the City's sampling; if not received, the EPC would ask for funding from the pollution recovery fund to gather the information. **Commissioner Frank made a motion to refer the matter to the State Attorney's Office or the United States Attorney's Office, whichever was appropriate, based upon the recommendation of EPC counsel.** Attorney Tschantz said both entities would be involved. **Commissioner Scott seconded the motion, which carried six to zero.** (Commissioner Easterling was out of the room.)

SPECIAL AWARDS CEREMONY

Chairman Storms said the distributed thermometers were mercury-free to prevent mercury pollution in recognition of Florida Pollution Prevention Week.

In honor of Attorney Fotopulos, Commissioner Frank presented a proclamation for her faithful service to the EPC and recognized her on behalf of the Board of County Commissioners for her significant contributions to the County. On behalf of the EPC Board, Commissioner Platt commended Attorney Fotopulos on her professional and ethical manner and presented her with a plaque and an autographed book of Clyde Butcher's photographs, Nature's Places of Spiritual Sanctuary. Mr. David Forziano, Citizens Environmental Advisory Committee (CEAC) chairman, thanked Attorney Fotopulos for two decades of dedicated service, excellent advice, and counsel to CEAC and presented her with a proclamation. Attorney Thomas Fotopulos offered comments on the occasion of his wife's retirement. Attorney Fotopulos said it had been an honor to participate for 20 years in the development of an agency created to serve the local citizens. She thanked everyone for the tribute.

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There being no further business, the meeting was adjourned at 2:45 p.m.

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

ATTEST:  
RICHARD AKE, CLERK

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

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MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION  
OCTOBER

A.	Public Outreach/Education Assistance:	
1.	Phone Calls:	<u>304</u>
2.	Literature Distributed:	<u>8</u>
3.	Presentations:	<u>4</u>
4.	Media Contacts:	<u>5</u>
5.	Internet:	<u>75</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	<u>7</u>
b.	Construction:	<u>5</u>
c.	Amendments:	<u>0</u>
d.	Transfers/Extensions:	<u>1</u>
e.	General:	<u>2</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>2</u>
b.	Construction <sup>1</sup> :	<u>1</u>
c.	Amendments <sup>1</sup> :	<u>3</u>
d.	Transfers/Extensions <sup>1</sup> :	<u>2</u>
e.	Title V Operating <sup>2</sup> :	<u>8</u>
f.	Permit Determinations <sup>2</sup> :	<u>3</u>
g.	General:	<u>3</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>8</u>
c.	Legal:	<u>3</u>
d.	Tracking compliance (Administrative):	<u>22</u>
e.	Inactive/Referred cases:	<u>1</u>
	Total	<u>37</u>
3.	NOIs issued:	<u>0</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>3</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$17,875.00</u>
7.	Cases Closed:	<u>3</u>

D.	Inspections:	
	1. Industrial Facilities:	<u>1</u>
	2. Air Toxics Facilities:	
	a. Asbestos Emitters	<u>0</u>
	b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>4</u>
	c. Major Sources	<u>0</u>
	3. Asbestos Demolition/Renovation Projects:	<u>33</u>
E.	Open Burning Permits Issued:	<u>7</u>
F.	Number of Division of Forestry Permits Monitored:	<u>372</u>
G.	Total Citizen Complaints Received:	<u>59</u>
H.	Total Citizen Complaints Closed:	<u>54</u>
I.	Noise Sources Monitored:	<u>4</u>
J.	Air Program's Input to Development Regional Impacts:	<u>5</u>
K.	Test Reports Reviewed:	<u>59</u>
L.	Compliance:	
	1. Warning Notices Issued:	<u>12</u>
	2. Warning Notices Resolved:	<u>11</u>
	3. Advisory Letters Issued:	<u>12</u>
M.	AOR's Reviewed:	<u>43</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>9</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION  
OCTOBER

	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>6,440.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	\$ <u>  160.00</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>  430.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$ <u>  435.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$ <u>  600.00</u>
8. Open burning authorization	\$ <u>2,975.00</u>
9. Enforcement Costs	\$ <u>  554.00</u>

**ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

**October, 2001**

**A. ENFORCEMENT**

1. New Enforcement Cases Received:	<u>2</u>	
2. Enforcement Cases Closed:	<u>0</u>	
3. Enforcement Cases Outstanding:	<u>21</u>	
4. Enforcement Documents Issued:	<u>3</u>	
5. Warning Notices:	<u>14</u>	
a. Issued:	<u>6</u>	
b. Resolved:	<u>8</u>	
6. Recovered costs to the General Fund:	\$ 200.00	
7. Contributions to the Pollution Recovery Fund:	\$1,083.00	

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Shady Shores	Improper Operation/Failure to Maintain/Violation of Permit Conditions	\$750.00
b. Hughes Hard Chrome	Violation of Permit Conditions	\$333.33

**B. PERMITTING - DOMESTIC**

1. Permit Applications Received:	<u>27</u>	
a. Facility Permit:	<u>7</u>	
(i) Types I and II	<u>1</u>	
(ii) Type III	<u>6</u>	
b. Collection Systems-General:	<u>15</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>5</u>	
d. Residuals Disposal:	<u>0</u>	
2. Permit Applications Approved:	<u>25</u>	
a. Facility Permit:	<u>7</u>	
b. Collection Systems-General:	<u>12</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>6</u>	
d. Residuals Disposal:	<u>0</u>	
3. Permit Applications Recommended for Disapproval:	<u>0</u>	
a. Facility Permit:	<u>0</u>	
b. Collection Systems-General:	<u>0</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>0</u>	
d. Residuals Disposal:	<u>0</u>	
4. Permit Applications (Non-Delegated) Recommended for Approval:	<u>0</u>	
5. Permits Withdrawn:	<u>0</u>	

6. Permit Applications Outstanding:	<u>35</u>
a. Facility Permit:	<u>25</u>
b. Collection Systems-General:	<u>8</u>
c. Collection Systems-Dry Line/Wet Line:	<u>2</u>
d. Residuals Disposal:	<u>0</u>
<b>C. INSPECTIONS - DOMESTIC</b>	<u>80</u>
1. Compliance Evaluation:	<u>4</u>
a. Inspection (CEI):	<u>1</u>
b. Sampling inspection (CSI):	<u>1</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>2</u>
2. Reconnaissance:	<u>51</u>
a. Inspection (RI):	<u>31</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>19</u>
d. Enforcement Inspection (ERI):	<u>1</u>
3. Special:	<u>25</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>5</u>
d. Post Construction Inspection (XCI):	<u>20</u>
<b>D. PERMITTING - INDUSTRIAL</b>	
1. Permit Applications Received:	<u>2</u>
a. Facility Permit:	<u>2</u>
(i) Types I and II	<u>2</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>0</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>2</u>
3. Permit Applications Outstanding:	<u>26</u>
a. Facility Permits:	<u>26</u>
b. General Permits:	<u>0</u>
<b>E. INSPECTIONS - INDUSTRIAL</b>	<u>13</u>
1. Compliance Evaluation:	<u>2</u>
a. Inspection (CEI):	<u>2</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>11</u>
a. Inspection (RI):	<u>5</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>6</u>
<b>F. CITIZEN COMPLAINTS</b>	
1. Domestic:	<u>17</u>
a. Received:	<u>4</u>
b. Closed:	<u>13</u>
2. Industrial:	<u>7</u>
a. Received:	<u>3</u>
b. Closed:	<u>4</u>
3. Water Pollution:	<u>19</u>
a. Received:	<u>7</u>
b. Closed:	<u>12</u>
<b>G. RECORD REVIEWS</b>	
1. Permitting:	<u>2</u>
2. Enforcement:	<u>0</u>
<b>H. ENVIRONMENTAL SAMPLES ANALYSED FOR:</b>	
1. Air Division:	<u>225</u>
2. Waste Division:	<u>2</u>
3. Water Division:	<u>147</u>
4. Wetlands Division:	<u>0</u>
<b>I. SPECIAL PROJECT REVIEWS</b>	
1. DRI's:	<u>1</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>0</u>
4. Other: Pollution recovery and Gardinier Trust Fund Appl.	<u>5</u>
<b>J. WATER QUALITY MONITORING SPECIAL PROJECTS</b>	
1. Data Review	<u>0</u>
2. Special Sampling	<u>0</u>
3. Biomonitoring/Toxicity Reviews (DW)	<u>8</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>0</u>
5. Other	<u>0</u>
<b>K. TAMPA PORT AUTHORITY/DEP DREDGE &amp; FILL</b>	<u>25</u>

AR10.01



Totals

A. EPC WETLANDS REVIEWS

1. Wetland Delineations	
a. Wetland Delineations (\$120.00)	49
b. Wetland Delineation Dispute	2
c. Wetland Line Survey Reviews	51
d. Additional Footage Fees	1943.87
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	
a. Nuisance Vegetation	2
b. Other	10
3. Impact / Mitigation Proposal (\$775)	8
4. Mitigation Agreements Recorded	0
5. FDOT Reviews	1

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

1. Tampa Port Authority Permit Applications (\$50. Or \$150. as applicable)	40
2. Wastewater Treatment Plants (FDEP)	4
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	1

C. HILLSBOROUGH COUNTY / MUNICIPALITY  
 PERMIT APPLICATION REVIEWS

1. Land Alteration / Landscaping (\$100)	
a. LAL (SFD)	0
b. LAL (Other)	4
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)	26
b. Hearings	1
c. Hearing Preparation (hours)	0
5. Site Development (\$360)	
a. Preliminary	16
b. Construction	27
6. Subdivision	
a. Preliminary Plat (\$140)	11
b. Master Plan (\$550)	0
c. Construction Plans (\$250.00)	16
d. Final Plat (\$90)	18
e. Waiver of Regulations (\$100)	0
f. Platted - No-Improvements (\$100)	20
g. Minor - Certified Parcel (\$100)	15

7. As-Builts (\$255)	12
8. Miscellaneous Reviews (no fees)	
a. Wetland Setback Encroachment	1
b. Easement / Vacating	0
c. NRCS Review	0
9. Pre-Applications (no fees)	
a. Review Preparations (hours)	14
b. Meetings	0
10. Development Review Committee (no fees)	
a. Review Preparation (hours)	5
b. Meetings	0

D. OTHER ACTIVITIES

1. Unscheduled meetings with members of the public (walk-ins)	52
2. Other Meetings	111
3. Telephone Conferences	605
4. Presentations	0
5. Correspondence	278
6. Correspondence Review (hours)	28
7. Special Projects (hours)	92
8. On-site visits	71
9. Appeals (hours)	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	4
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	69
b. Legal	4
c. Inactive	17
2. Number of "Notice of Intent to Initiate Enforcement"	3
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	7
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	1
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$20,675.00
E. ENFORCEMENT COSTS COLLECTED	\$1,447.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	28
2. Return Inspections	55
3. Closed	52
B. WARNING NOTICES	
1. Issued	33
2. Return Inspections	91
3. Closed	26
C. MITIGATION	
1. Compliance/Monitoring Reviews	15
2. Compliance Inspections	15
D. OTHER ACTIVITIES	
1. Case Meetings	10
2. Other Meetings	29
3. Telephone Calls	402
4. File Reviews	41
5. Cases Referred to Enforcement Coordinator	3
6. Letters	56
7. Erosion Control Sites Canvassed	3
8. MAIW Reviews	12

ADMINISTRATIVE / TECHNICAL SECTIONS                      TOTALS

B. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	5
2. Telephone Assistance	685
3. Letters	213
4. Incoming Projects	172
5. Additional Info / Additional Footage	13 / 17
6. Resubmittals / Revisions	32 / 12
7. Surveys / Data Entry	41 / 542
8. Aerial Reviews / Inquiries	30 / 112

C. ENGINEERING STAFF

1. Meetings	38
2. Reviews	43
3. Telephone Inquiries	1
4. Field Visits	9
5. Conference(s)	2
- Water Conference (Gainesville)	
- Floodplain Conference (Tampa)	

**EPC LEGAL DEPARTMENT MONTHLY REPORT**  
**November 15, 2001**

**A. ADMINISTRATIVE CASES**

**NEW CASES | 1 |**

**Brandon Swimming and Tennis Club, Inc.** [LBRA01-032]: On October 22, 2001, the EPC received a Petition for Administrative Hearing, pursuant to Chapter 120, Florida Statutes, on a Notice of Violation issued to a corporation operating a wastewater treatment facility. The matter has been referred to the Division of Administrative Hearings and an Administrative Law Judge has been assigned. The parties are currently in negotiations to enter into a Consent Order to resolve the case. (AZ)

**EXISTING CASES | 11 |**

**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** [L.DOTF00-008]: 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. The Appellate Court denied Freeport's allegation of a conflict of interest and the case is now moving forward at the permit appeal level. (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)

**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. 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 was heard on October 23, 2001 regarding the status of the case. The parties are moving forward with resolving the estoppel case. (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. The EPC has sent discovery (questions) to the opposing side in preparation of the final hearing. (AZ)

**Sapp, Richard** [L.SAP01-016] & [L.SAP01-033]: 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 EPC has asked the hearing officer to consolidate the two cases. The parties attended mediation on November 5, 2001 and will continue the mediation on November 27, 2001. Discovery is ongoing in the case. The final hearing in the matter is currently being rescheduled and will not occur before the end of the year. (AZ)

## **RESOLVED CASES [ 1 ]**

**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. A new Intent to Issue was provided to the applicant in October and the matter was closed. (AZ)



## B. CIVIL CASES

NEW CASES | 0 |

EXISTING CASES | 11 |

**Holley, Raymond, et al.** [LHOL94-161]: Suit was filed in 1994 to compel proper closure for an abandoned underground storage tank (UST) and to obtain civil penalties and costs. The Defendants defaulted but obtained a judicial stay by filing bankruptcy. The bankruptcy case closed in April 1998 and EPC renewed its previously filed Motion for Judgment after Default. EPC filed an Amended Motion for Judgment after Default with a supporting affidavit on costs and scheduled a hearing. On July 25, 2000 the Court entered a Default Final Judgment requiring the Defendant to properly close the USTs, pay costs of \$1,240.87, and required payment of \$22,100 in penalties if the order for injunctive relief is not complied with. The Defendants have not complied with the judgment. 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 may be found in criminal contempt of court. Negotiations continue. (AZ)

**Mulberry Phosphate** [LMUL98-166]: 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 Defendants' failure to respond to the complaint. The Default was lifted in the case and the EPC must respond to the Defendants' affirmative defenses. (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** [L.MAYZ99-003]: 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** [LHHSF00-005]: 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)

**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 asked the court to enter a default in the case for failure to respond to the complaint. An Order of Default was entered in favor of the EPC on September 25, 2001. The EPC is preparing to have a Default Final Judgment entered in its favor. (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 parties are currently negotiating a Consent Final Judgment in the case. (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)

**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)

**RESOLVED CASES | 1 |**

**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 received a signed settlement letter and the case was 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 NOVEMBER 01, 2001

Fund Balance as of 10/01/01		\$1,337,989
Interest Accrued	FY02	1,000
Deposits	FY02	40,873
Disbursements	FY02	1,674

Fund Balance \$1,378,188

Encumbrances Against Fund Balance:

Art. Reef FY02	99,896	
(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		644,317

Minimum Balance 100,000

Fund Balance Available November 01, 2001 \$ 633,871

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

Fund Balance as of 10/01/01	\$1,423,826
Interest Accrued FY02	- 0 -
Disbursements FY02	- 0 -
 Fund Balance	 \$1,423,826

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		894,890
 Fund Balance Available November 01, 2001		\$528,936

AGENDA ITEM COVER SHEET

**Date:** November 8, 2001

**Agenda Item:** MLK Village Subdivision. Update Since September 20, 2001 EPC Board Meeting

**Description/Summary:**

Since the EPC Board's September 20, 2001, meeting, staff has continued to gather information pertaining to the MLK Village matter and have remained in regular contact with the involved parties and agencies.

EPC staff has, at the instruction of the Board, forwarded written referrals to both the Hillsborough State Attorney's Office and the Office of the United States Attorney. The Hillsborough State Attorney's Office has acknowledged receipt of staff's referral and indicated that the matter has been referred to the Federal Bureau of Investigations. The United States Attorney's Office has also acknowledged receipt of the referral and has indicated that the matter has been transferred to the Assistant U.S. Attorney having local jurisdiction.

Based on currently available information, the City of Tampa has determined that the allegations of its responsibility in this matter are unsubstantiated. The City has determined that further investigation into the matter is not warranted at this time. They have, however, committed to the completion of the landfill gas assessment that was initiated in early September, 2001, but remains incomplete.

The Hillsborough County's Environmental Health Unit (EHU) has also determined that further investigation is not warranted. This determination is based on their assessment that no public health related impacts are evident.

At the EPC's request, the Florida Department of Environmental Protection's Waste Cleanup Section has forwarded a written request to their Site Investigation Section (SIS) in Tallahassee. The request asks that the SIS provide assistance in conducting an on-site investigation and testing in the MLK Village area. Staff has contacted SIS personnel directly and it appears that their on-site investigation of the matter will be initiated within the coming weeks.

**Commission Action Requested:**

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

AGENDA ITEM COVER SHEET

**Date:** November 15, 2001

**Agenda Item:** Brief staff update on local air quality trends.

**Description/Summary:**

The EPC staff monitors air quality continuous at some twenty different locations around the County. This air quality data is converted to a simplified index and reported to the public. That index is called the Air Quality Index and the real-time index can be obtained by calling 273-3686.

Part of the Air Quality Index program is to warn the public when air quality reaches unhealthy levels. The number of unhealthy air quality days over the past decade, and emissions from the largest industrial sources have been recorded and are to be presented.

**Commission Action Recommended:**

Receive the update – no action required.

COMMISSION

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MEMORANDUM

DATE: November 15, 2001  
TO: Commissioner Ronda Storms  
FROM: Rick Garrity   
SUBJECT: Unhealthy Air Quality Days

This is in response to your comment at the conclusion of my Goals and Objectives Report at last month's EPC meeting. You recall I ended the presentation with a slide showing several indicators of how the environment has been doing in the last year or so. Included in the indicators was the statement that the number of unhealthy air quality days in Tampa, over the past two years, had dropped by fifty percent from the 1998-1999 timeframe. I believe you asked if we could compare that to some of our regulatory activities.

For your review, we have attached a table (Attachment 1) listing the number of unhealthy air quality days we measured for the Tampa Area over the past decade. The numbers are somewhat skewed by the EPA's tougher ozone standard, which we started using for declaring unhealthy days in 1998. This would account for some of the higher figures in the last five years. Despite using this tougher standard, we have seen a significant drop in unhealthy days over the past two years.

We would attribute this improvement in air quality to tighter controls on industry, cleaner automobiles, and some favorable meteorology. Obviously we do not control the latter, but weather has a big role in the development of an unhealthy air quality day. Dry and calm tropical weather is an essential factor in our high ozone days, while winter days with persistent high winds have lead to some problems with the traditional smokestacks fumigating downwind areas.

Our regulatory activities, such as permitting and inspecting, are aimed at reducing emissions, so that even on those unfavorable meteorological days, the air remains healthy. Tougher permits and more thorough inspections at the local power plants and the government-owned garbage burners, has resulted in significant emission reductions. Attachment 2 shows the downward emission trend for just these facilities. Attachment 3 is the same type of information, except it is

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[www.epchc.org](http://www.epchc.org)

E-Mail: [epcinfo@epchc.org](mailto:epcinfo@epchc.org)





Commissioner Ronda Storms  
Memorandum  
November 15, 2001  
Page 2

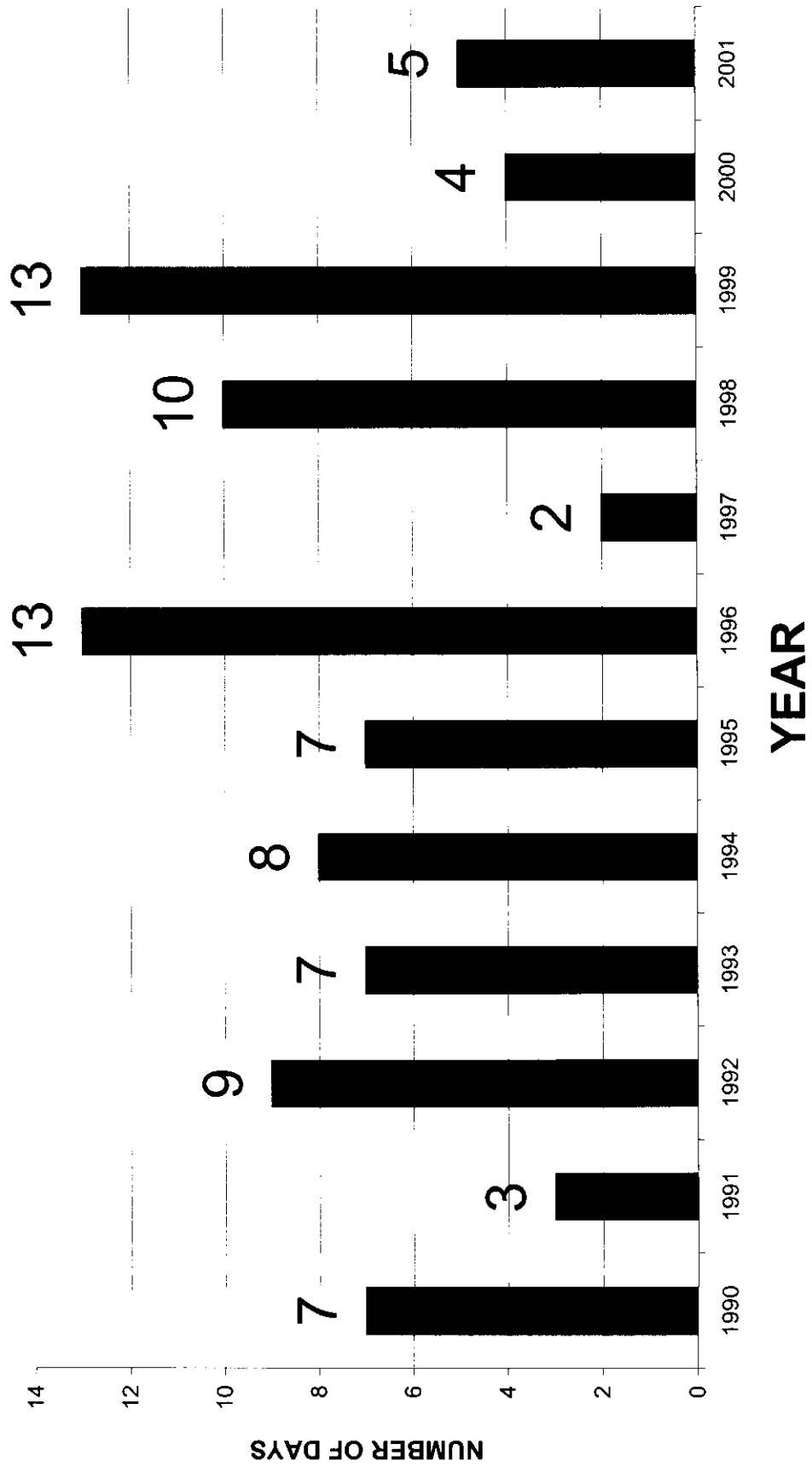
not limited to these four plants, but it includes the total emissions for the thirty-eight largest air pollution sources in the County. Again, the downward trend in emissions correlates with fewer unhealthy days. That is our continuing goal.

We intend to present this information in the Agency's next annual report. We feel this will increase the public's understanding of our goal, and thank you for your assistance in helping us focus our message. If you have any further suggestions or questions, please let me know.

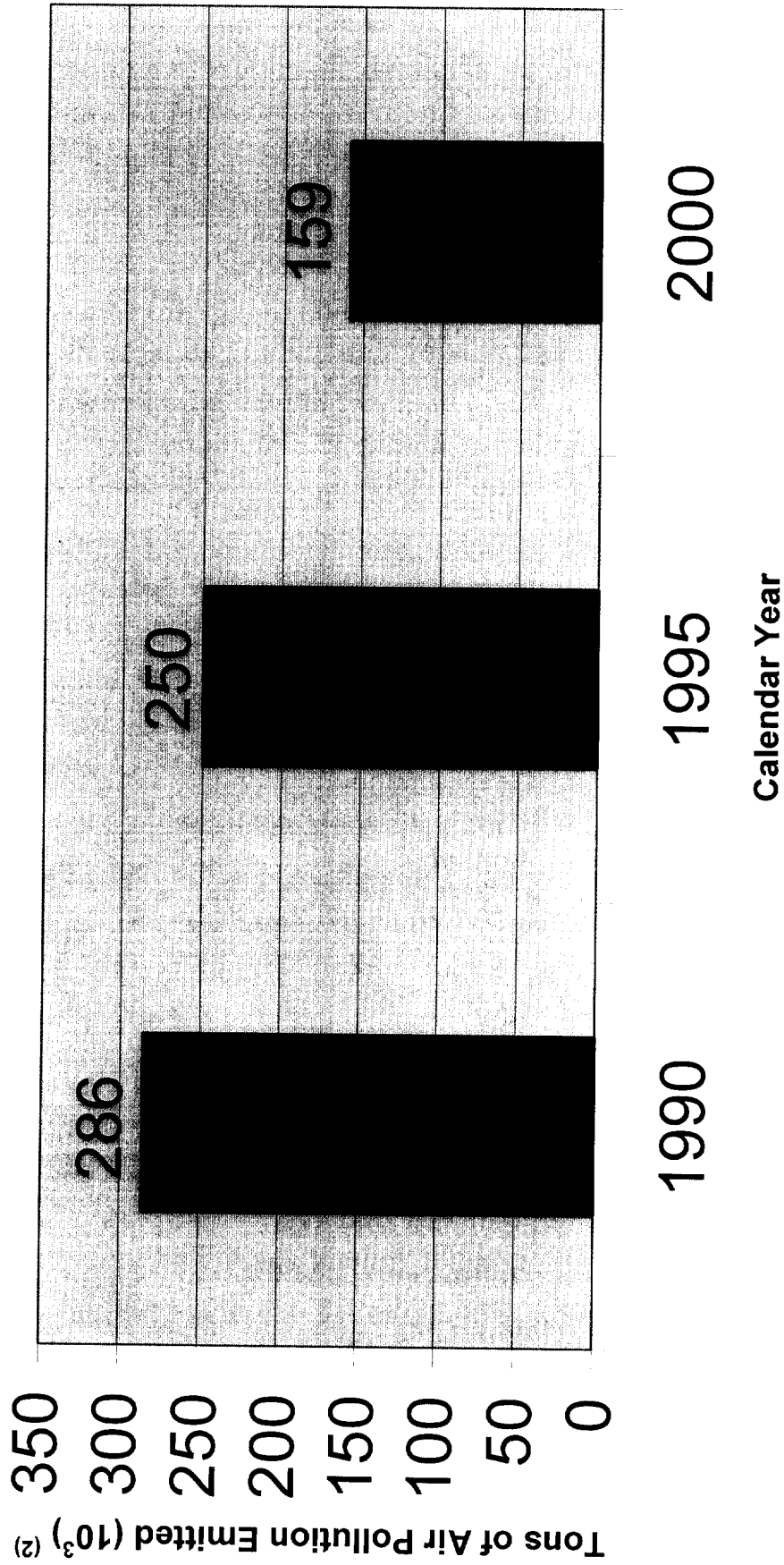
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Attachments

# UNHEALTHY AQI DAYS



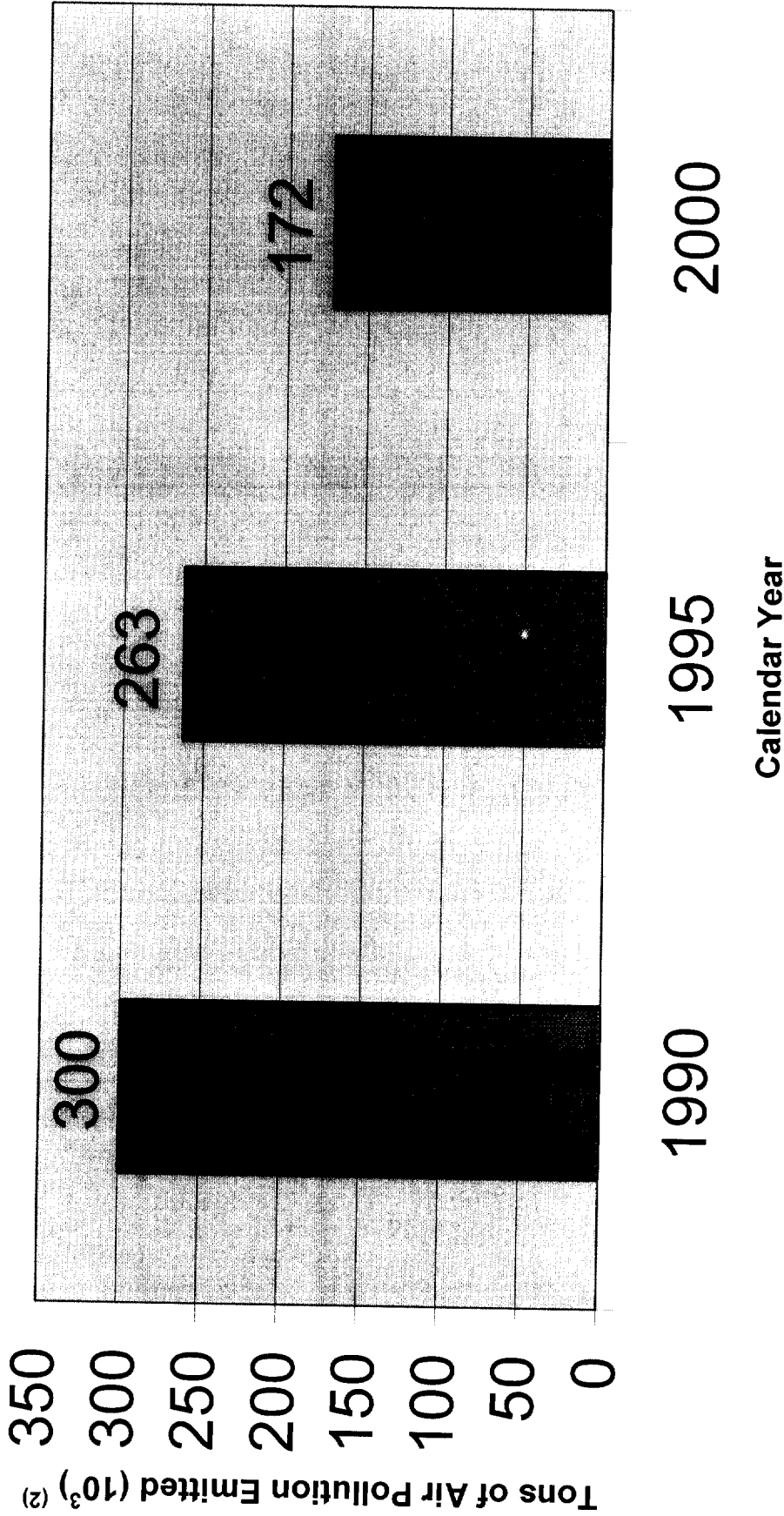
### Air Pollution Emissions for Select Tampa Facilities <sup>(1)</sup>



(1) Includes Tampa Electric's Gannon and Big Bend Stations; and the County's and the City's garbage burners.

(2) Includes acid gases, particulate matter and volatile organic compounds.

### Air Pollution Emissions for Major Facilities in Hillsborough County <sup>(1)</sup>



(1) Facilities with permitted emissions greater than 100 tons of a particular pollutant.

(2) Includes acid gases, particulate matter, and volatile organic compounds.