

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
JANUARY 17, 2002
10 A.M. – 12 NOON**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

**APPROVAL OF CHANGES TO THE AGENDA AND REMOVAL OF CONSENT
AGENDA ITEMS WITH QUESTIONS, AS REQUESTED BY BOARD MEMBERS**

- I. CITIZEN'S COMMENTS**
- II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**
- Items of Interest
- III. CONSENT AGENDA**
- A. Approval of Minutes: None
- B. Monthly Activity Reports 2
- C. Legal Department Monthly Report 23
- D. Pollution Recovery Trust Fund 31
- E. Gardinier Settlement Trust Fund 32
- F. Quarterly Update – Superfund Sites 33
- IV. PRESENTATION**
- Consider Requests for Pollution Recovery Funds and Gardinier
Settlement Trust Funds 36
- V. LEGAL DEPARTMENT**
- Request Authority to Take Appropriate Legal Action Against:
Spinnaker Cove Condominium Association and Focus
Bay Pointe, L.C. 46
- VI. AIR MANAGEMENT DIVISION**
- Authorize Executive Director to Execute Contract Amending
Bay Regional Atmospheric Chemistry Experiment (BRACE)
Contract with DEP 48
- VII. EXECUTIVE DIRECTOR'S REPORT**

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

Visit our website at www.epchc.org

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
NOVEMBER

A.	Public Outreach/Education Assistance:	
1.	Phone Calls:	<u>231</u>
2.	Literature Distributed:	<u>21</u>
3.	Presentations:	<u>10</u>
4.	Media Contacts:	<u>3</u>
5.	Internet:	<u>62</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	<u>0</u>
b.	Construction:	<u>1</u>
c.	Amendments:	<u>0</u>
d.	Transfers/Extensions:	<u>3</u>
e.	General:	<u>1</u>
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):	
a.	Operating ¹ :	<u>6</u>
b.	Construction ¹ :	<u>16</u>
c.	Amendments ¹ :	<u>0</u>
d.	Transfers/Extensions ¹ :	<u>4</u>
e.	Title V Operating ² :	<u>7</u>
f.	Permit Determinations ² :	<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>2</u>
2.	On-going administrative cases:	
a.	Pending:	<u>5</u>
b.	Active:	<u>7</u>
c.	Legal:	<u>3</u>
d.	Tracking compliance (Administrative):	<u>22</u>
e.	Inactive/Referred cases:	<u>1</u>
	Total	<u>38</u>
3.	NOIs issued:	<u>0</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>1</u>
6.	Contributions to the Pollution Recovery Fund: \$	<u>0</u>
7.	Cases Closed:	<u>1</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>3</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>32</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>32</u>
E.	Open Burning Permits Issued:	<u>6</u>
F.	Number of Division of Forestry Permits Monitored:	<u>293</u>
G.	Total Citizen Complaints Received:	<u>60</u>
H.	Total Citizen Complaints Closed:	<u>45</u>
I.	Noise Sources Monitored:	<u>3</u>
J.	Air Program's Input to Development Regional Impacts:	<u>2</u>
K.	Test Reports Reviewed:	<u>12</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>23</u>
2.	Warning Notices Resolved:	<u>6</u>
3.	Advisory Letters Issued:	<u>5</u>
M.	AOR's Reviewed:	<u>0</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>4</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
NOVEMBER

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -0-
(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	\$ -0-
(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>\$ 840.00</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>\$ 80.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ 80.00</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -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	\$4,140.00
(b) for structure greater than 50,000 sq ft	<u>\$ -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ 145.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 400.00</u>
8. Open burning authorization	<u>\$2,550.00</u>
9. Enforcement Costs	<u>\$ 366.74</u>

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
DECEMBER

A. Public Outreach/Education Assistance:		
1. Phone Calls:		174
2. Literature Distributed:		12
3. Presentations:		0
4. Media Contacts:		0
5. Internet:		59
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		8
b. Construction:		1
c. Amendments:		0
d. Transfers/Extensions:		1
e. General:		4
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 :		5
b. Construction ¹ :		6
c. Amendments ¹ :		0
d. Transfers/Extensions ¹ :		2
e. Title V Operating ² :		47
f. Permit Determinations ² :		0
g. General:		2
3. Intent to Deny Permit Issued:		0
C. Administrative Enforcement		
1. New cases received:		
		0
2. On-going administrative cases:		
a. Pending:		5
b. Active:		7
c. Legal:		3
d. Tracking compliance (Administrative):		17
e. Inactive/Referred cases:		0
	Total	32
3. NOIs issued:		0
4. Citations issued:		0
5. Consent Orders Signed:		0
6. Contributions to the Pollution Recovery Fund: \$		1,300.00
7. Cases Closed:		5

D.	Inspections:	
	1. Industrial Facilities:	<u>4</u>
	2. Air Toxics Facilities:	
	a. Asbestos Emitters	<u>0</u>
	b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>13</u>
	c. Major Sources	<u>0</u>
	3. Asbestos Demolition/Renovation Projects:	<u>47</u>
E.	Open Burning Permits Issued:	<u>5</u>
F.	Number of Division of Forestry Permits Monitored:	<u>219</u>
G.	Total Citizen Complaints Received:	<u>59</u>
H.	Total Citizen Complaints Closed:	<u>49</u>
I.	Noise Sources Monitored:	<u>1</u>
J.	Air Program's Input to Development Regional Impacts:	<u>5</u>
K.	Test Reports Reviewed:	<u>12</u>
L.	Compliance:	
	1. Warning Notices Issued:	<u>12</u>
	2. Warning Notices Resolved:	<u>8</u>
	3. Advisory Letters Issued:	<u>6</u>
M.	AOR's Reviewed:	<u>0</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>4</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
DECEMBER

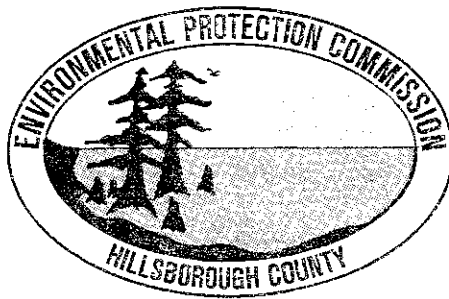
	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ <u>-0-</u>
(b) all others	\$ <u>-0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ <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>840.00</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>6,200.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	\$ <u>320.00</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>1,495.00</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>870.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$ <u>400.00</u>
8. Open burning authorization	\$ <u>2,125.00</u>
9. Enforcement Costs	\$ <u>309.94</u>

COMMISSION

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

EXECUTIVE DIRECTOR

RICHARD D. GARRITY, Ph.D.



ADMINISTRATIVE OFFICES,
LEGAL & WATER MANAGEMENT DIVISION
THE ROGER P. STEWART ENVIRONMENTAL CENTER
1900 - 9TH AVENUE • TAMPA, FLORIDA 33605
PHONE (813) 272-5960 • FAX (813) 272-5157

AIR MANAGEMENT DIVISION
FAX (813) 272-5605

WASTE MANAGEMENT DIVISION
FAX (813) 276-2256

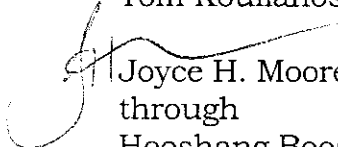
WETLANDS MANAGEMENT DIVISION
FAX (813) 272-7144

1410 N. 21ST STREET • TAMPA, FLORIDA 33605

M E M O R A N D U M

DATE: January 9, 2002

TO: Tom Koulianos, Director of Finance and Administration

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

**SUBJECT: WASTE MANAGEMENT'S NOVEMBER & DECEMBER
2001 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

	NOVEMBER	DECEMBER
1. New cases received	5	0
2. On-going administrative cases	108	109
a. Pending	20	20
b. Active	49	50
c. Legal	9	9
d. Tracking Compliance (Administrative)	21	21
e. Inactive/Referred cases	9	9
3. NOI's issued	7	11
4. Citations issued	0	0
5. Settlement Documents Signed	3	7
6. Civil Contributions to the Pollution Recovery Fund	0	\$6,900
7. Enforcement Costs collected	0	\$1,199
9. Cases Closed	13	5

B. SOLID AND HAZARDOUS WASTE

	NOVEMBER	DECEMBER
1. Permits (received/reviewed)	38/46	40/32
2. EPC Authorization for Facilities NOT requiring DEP permit	1	1
3. Other Permits and Reports		
a. County Permits	0	0
b. Reports	37/46	39/30
4. Inspections (Total)	302	1,202
a. Complaints	49	25
b. Compliance/Reinspections	17	11
c. Facility Compliance	23	34
d. Small Quantity Generator	213	1,132
5. Enforcement		
a. Complaints Received/Closed	43/40	28/23
b. Warning Notices Issued/Closed	1/3	2/4
c. Compliance letters	19	3
d. Letters of Agreement	0	0
e. DEP Referrals	2	5
6. Pamphlets, Rules and Material Distributed	298	24

C. STORAGE TANK COMPLIANCE

	NOVEMBER	DECEMBER
1. Inspections		
a. Compliance	114	64
b. Installation	31	19
c. Closure	7	10
d. Compliance Re-Inspections	34	31
2. Installation Plans Received/Reviewed	3 /4	9/4
3. Closure Plans & Reports		
a. Closure Plans Received/ Reviewed	2/3	4/4
b. Closure Reports Received/Reviewed	3/9	3/3
4. Enforcement		
a. Non-compliance Letters Issued/Closed	69/49	38/46
b. Warning Notices Issued/Closed	12/14	0/4
c. Cases referred to Enforcement	6	0
d. Complaints Received/Investigated	1/1	1/1
e. Complaints Referred	0	0
5. Discharge Reporting Forms Received	1	1
6. Incident Notification Forms Received	8	1
7. Cleanup Notification Letters Issued	4	0
8. Public Assistance	200+	200+

D. STORAGE TANK CLEANUP

	NOVEMBER	DECEMBER
1. Inspections	19	21
2. Reports Received/Reviewed	59/64	70/77
a. Site Assessment	30/22	26/30
b. Source Removal	4/3	6/6
c. Remedial Action Plans (RAP's)	4/5	9/10
d. Site Rehabilitation Completion Order/ No Further Action Order	5/6	3 /4
e. Others	16/28	26/27
3. State Cleanup		
a. Active Sites	NO LONGER ADMINISTERED	
b. Funds Dispersed		

E. RECORD REVIEWS

NOVEMBER DECEMBER
 50 30

F. PUBLIC INFORMATION PROJECTS

K. Boatwright, G. Javier, J. Lopez, S. McGinnis performed presentations to 6 classes for the Great American Teach In.

P. Schipfer presented at the Florida Brownfields Conference.

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

NOVEMBER, 2001

A. ENFORCEMENT

1. New Enforcement Cases Received:	0	
2. Enforcement Cases Closed:	2	
3. Enforcement Cases Outstanding:	21	
4. Enforcement Documents Issued:	3	
5. Warning Notices:	7	
a. Issued:	5	
b. Resolved:	2	
6. Recovered costs to the General Fund:	\$3549.00	
7. Contributions to the Pollution Recovery Fund:	\$9682.33	

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Hughes Hard Chrome	Industrial Wastewater Discharge	\$ 333.33
b. East Bay Raceway	Failure to Submit Application Prior to Expiration of Permit	\$2,999.00
c. Shady Shores MHP	Effluent Discharges, Improper Operation, Violation of Permit Conditions, Failure to Maintain Perc Ponds	\$ 750.00
d. McIntosh Utilities	DW Effluent Discharges	\$5,600.00

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	40	
a. Facility Permit:	5	
(i) Types I and II	2	
(ii) Type III	3	
b. Collection Systems-General:	22	
c. Collection Systems-Dry Line/Wet Line:	13	
d. Residuals Disposal:	0	
2. Permit Applications Approved:	29	
a. Facility Permit:	5	
b. Collection Systems-General:	16	
c. Collection Systems-Dry Line/Wet Line:	8	
d. Residuals Disposal:	0	
3. Permit Applications Recommended for Disapproval:	0	
a. Facility Permit:	0	
b. Collection Systems-General:	0	
c. Collection Systems-Dry Line/Wet Line:	0	
d. Residuals Disposal:	0	
4. Permit Applications (Non-Delegated) Recommended for Approval:	0	
5. Permits Withdrawn:	0	

6. Permit Applications Outstanding:	46
a. Facility Permit:	<u>25</u>
b. Collection Systems-General:	<u>14</u>
c. Collection Systems-Dry Line/Wet Line:	<u>7</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	<u>66</u>
1. Compliance Evaluation:	<u>2</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>1</u>
2. Reconnaissance:	<u>36</u>
a. Inspection (RI):	<u>23</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>12</u>
d. Enforcement Inspection (ERI):	<u>1</u>
3. Special:	<u>28</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>6</u>
d. Post Construction Inspection (XCI):	<u>22</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>0</u>
a. Facility Permit:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>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>0</u>
3. Permit Applications Outstanding:	<u>26</u>
a. Facility Permits:	<u>26</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	<u>20</u>
1. Compliance Evaluation:	<u>7</u>
a. Inspection (CEI):	<u>6</u>
b. Sampling Inspection (CSI):	<u>0</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>1</u>
2. Reconnaissance:	<u>13</u>
a. Inspection (RI):	<u>7</u>

b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>6</u>
F. CITIZEN COMPLAINTS	
1. Domestic:	
a. Received:	<u>17</u>
b. Closed:	<u>9</u>
	<u>8</u>
2. Industrial:	
a. Received:	<u>8</u>
b. Closed:	<u>4</u>
	<u>4</u>
3. Water Pollution:	
a. Received:	<u>6</u>
b. Closed:	<u>3</u>
	<u>3</u>
G. RECORD REVIEWS	
1. Permitting:	<u>4</u>
2. Enforcement:	<u>1</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1. Air Division:	<u>187</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>124</u>
4. Wetlands Division:	<u>0</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>5</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>0</u>
4. Other:	<u>0</u>
J. WATER QUALITY MONITORING SPECIAL PROJECTS	
1. Data Review	<u>0</u>
2. Special Sampling	<u>0</u>
3. Biomonitoring/Toxicity Reviews (DW)	<u>1</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>2</u>
5. Other	<u>0</u>
K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL	<u>26</u>

AR11.01

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

December, 2001

A. ENFORCEMENT

1. New Enforcement Cases Received:	3	
2. Enforcement Cases Closed:	3	
3. Enforcement Cases Outstanding:	21	
4. Enforcement Documents Issued:	3	
5. Warning Notices:	14	
a. Issued:	7	
b. Resolved:	7	
6. Recovered costs to the General Fund:	\$1,170	
7. Contributions to the Pollution Recovery Fund:	\$5,300	
<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Coca-Cola Bottling Co.	Unpermitted Discharge	\$5,300

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	18
a. Facility Permit:	2
(i) Types I and II	0
(ii) Type III	2
b. Collection Systems-General:	11
c. Collection Systems-Dry Line/Wet Line:	5
d. Residuals Disposal:	0
2. Permit Applications Approved:	37
a. Facility Permit:	7
b. Collection Systems-General:	18
c. Collection Systems-Dry Line/Wet Line:	12
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated) Recommended for Approval:	1
5. Permits Withdrawn:	0
6. Permit Applications Outstanding:	26
a. Facility Permit:	19
b. Collection Systems-General:	7
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0

C. INSPECTIONS - DOMESTIC	<u>77</u>
1. Compliance Evaluation:	<u>3</u>
a. Inspection (CEI):	<u>0</u>
b. Sampling inspection (CSI):	<u>0</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>3</u>
2. Reconnaissance:	<u>45</u>
a. Inspection (RI):	<u>22</u>
b. Sample Inspection (SRI):	<u>1</u>
c. Complaint Inspection (CRI):	<u>22</u>
d. Enforcement Inspection (ERI):	<u>0</u>
3. Special:	<u>29</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>6</u>
d. Post Construction Inspection (XCI):	<u>23</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>3</u>
a. Facility Permit:	<u>3</u>
(i) Types I and II	<u>3</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>0</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>1</u>
3. Permit Applications Outstanding:	<u>28</u>
a. Facility Permits:	<u>28</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	<u>26</u>
1. Compliance Evaluation:	<u>11</u>
a. Inspection (CEI):	<u>9</u>
b. Sampling Inspection (CSI):	<u>1</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>1</u>
2. Reconnaissance:	<u>15</u>
a. Inspection (RI):	<u>10</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>5</u>

F. CITIZEN COMPLAINTS		
1. Domestic:		
a. Received:		<u>15</u>
b. Closed:		<u>6</u>
		<u>9</u>
2. Industrial:		
a. Received:		<u>2</u>
b. Closed:		<u>1</u>
		<u>1</u>
3. Water Pollution:		
a. Received:		<u>0</u>
b. Closed:		<u>0</u>
		<u>0</u>
G. RECORD REVIEWS		
1. Permitting:		<u>2</u>
2. Enforcement:		<u>1</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:		
1. Air Division:		<u>90</u>
2. Waste Division:		<u>0</u>
3. Water Division:		<u>141</u>
4. Wetlands Division:		<u>0</u>
I. SPECIAL PROJECT REVIEWS		
1. DRI's:		<u>3</u>
2. Permitting:		<u>0</u>
3. Enforcement:		<u>0</u>
4. Other:		<u>0</u>
J. WATER QUALITY MONITORING SPECIAL PROJECTS		
1. Data Review		<u>0</u>
2. Special Sampling		<u>0</u>
3. Biomonitoring/Toxicity Reviews (DW)		<u>3</u>
4. Biomonitoring/Toxicity Reviews (IW)		<u>4</u>
5. Other		<u>0</u>
K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL		<u>33</u>

AR12.01

Totals

A. EPC WETLANDS REVIEWS

1. Wetland Delineations	
a. Wetland Delineations (\$120.00)	23
b. Wetland Delineation Dispute	2
c. Wetland Line Survey Reviews	36
d. Additional Footage Fees	726.18
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	
a. Nuisance Vegetation	7
b. Other	14
3. Impact / Mitigation Proposal (\$775)	6
4. Mitigation Agreements Recorded	1
5. FDOT Reviews	0

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

1. Tampa Port Authority Permit Applications (\$50. Or \$150. as applicable)	24
2. Wastewater Treatment Plants (FDEP)	17
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) 1
 - b. LAL (Other) 0
- 2. Land Excavation (\$785 or \$650 as applicable) 0
- 3. Phosphate Mining
 - a. Unit Review / Reclamation (\$760) 3
 - b. Annual Review / Inspection (\$375) 0
 - c. Master Plan 1
- 4. Rezoning
 - a. Reviews (\$85) 24
 - b. Hearings 1
 - c. Hearing Preparation (hours) 0
- 5. Site Development (\$360)
 - a. Preliminary 12
 - b. Construction 26
- 6. Subdivision
 - a. Preliminary Plat (\$140) 6
 - b. Master Plan (\$550) 0
 - c. Construction Plans (\$250.00) 17
 - d. Final Plat (\$90) 13
 - e. Waiver of Regulations (\$100) 0
 - f. Platted - No-Improvements (\$100) 14
 - g. Minor - Certified Parcel (\$100) 15

7. As-Builts (\$255)	5
8. Miscellaneous Reviews (no fees)	
a. Wetland Setback Encroachment	0
b. Easement / Vacating	1
c. NRCS Review	0
9. Pre-Applications (no fees)	
a. Review Preparations (hours)	12
b. Meetings	1
10. Development Review Committee (no fees)	
a. Review Preparation (hours)	4
b. Meetings	0

D. OTHER ACTIVITIES

1. Unscheduled meetings with members of the public (walk-ins)	59
2. Other Meetings	87
3. Telephone Conferences	542
4. Presentations	0
5. Correspondence	229
6. Correspondence Review (hours)	24
7. Special Projects (hours)	60.3
8. On-site visits	72
9. Appeals (hours)	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	1
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	70
b. Legal	4
c. Inactive	17
2. Number of "Notice of Intent to Initiate Enforcement"	2
3. Number of Citations Issued	0
4. Number of "Emergency Order of the Director"	0
5. Number of Consent Orders Signed	1
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	\$1,375.00
E. ENFORCEMENT COSTS COLLECTED	\$358.98

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	31
2. Return Inspections	37
3. Closed	41
B. WARNING NOTICES	
1. Issued	15
2. Return Inspections	63
3. Closed	8
C. MITIGATION	
1. Compliance/Monitoring Reviews	12
2. Compliance Inspections	14
D. OTHER ACTIVITIES	
1. Case Meetings	1
2. Other Meetings	12
3. Telephone Calls	238
4. File Reviews	34
5. Cases Referred to Enforcement Coordinator	1
6. Letters	47

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	6
2. Telephone Assistance	680
3. Letters	213
4. Incoming Projects	183
5. Additional Info / Additional Footage	17 / 10
6. Resubmittals / Revisions	26 / 12
7. Surveys / Data Entry	30 / 510
8. Aerial Reviews / Inquiries	36 / 137

B. ENGINEERING STAFF

1. Meetings	36
2. Reviews	59
3. Field Visits	5

EPC LEGAL DEPARTMENT MONTHLY REPORT
January 15, 2002

A. ADMINISTRATIVE CASES

NEW CASES | 0 |

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 [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)

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 Appellate Court denied Freeport's allegation of a conflict of interest and the case is now moving forward at the permit appeal level. The final hearing is currently scheduled for May 13th - 24th. (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 was held on November 9, 2001. The EPC has sent discovery (questions) to the opposing side in preparation of the final hearing. The parties attended mediation on December 18, 2001. The Final Hearing is currently scheduled for February 8, 2002. (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 EPC has asked the hearing officer to consolidate the two cases. The parties attended mediation on November 5, 2001 and November 27, 2001. Discovery is ongoing in the case. The final hearing in the matter is currently being rescheduled. (AZ)

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. The final hearing in this matter has been set for February 28, 2002. (AZ)

RESOLVED CASES | 0 |

B. CIVIL CASES

NEW CASES | 1 |

Presto Food Store, Inc. v. EPC, et al. [LPRE02-001] In foreclosing a mortgage on a UST facility, Plaintiff named EPC as a Defendant because of our recorded judgment against the owner/operator. (*EPC case against Jaymin Patel*). (AZ)

EXISTING CASES | 10 |

Holley, Raymond, et al. [LHOL94-161]: Suit was filed in 1994 to compel proper closure for an abandoned underground storage tank (UST) and to obtain civil penalties and costs. The Defendants defaulted but obtained a judicial stay by filing bankruptcy. The bankruptcy case closed in April 1998 and EPC renewed its previously filed Motion for Judgment after Default. EPC filed an Amended Motion for Judgment after Default with a supporting affidavit on costs and scheduled a hearing. On July 25, 2000 the Court entered a Default Final Judgment requiring the Defendant to properly close the USTs, pay costs of \$1,240.87, and required payment of \$22,100 in penalties if the order for injunctive relief is not complied with. The Defendants have not complied with the judgment EPC 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 judge issued an order in November 2001 finding the Defendants financially unable to comply with the judgment and allowed the EPC site access to correct the violations. The costs would be taxed and added to the final judgment and

would operate as a lien on the property. The EPC is preparing to seek funds from PRF to finish the work. (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 conducted a damage assessment and evaluation of appropriate restoration and currently several mitigation projects in both Hillsborough and Polk counties are being reviewed. Mulberry filed for Chapter 11 Bankruptcy in February 2001 and was converted to Chapter 7 on August 15, 2001. It is unlikely any agency will recover civil penalties. Mulberry's insurance coverage may be available for restoration and costs. The Federal Government and FDEP filed a joint complaint in Federal Court on April 6, 2001. On December 6, 2001 the EPC filed a judicial lawsuit in the matter to obtain damages and recover the costs of assessment. On December 20, 2001, the Trustee for Mulberry filed a Suggestion of Bankruptcy in the Circuit Court attempting to stay EPC's lawsuit. (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 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 was 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 responded 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 [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 meet. The EPC filed suit for injunctive relief and penalties and costs on March 8, 2001. The Defendant was served with a summons and copy of the complaint on May 21, 2001. 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)

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. The final trial date for entry of the default judgment is scheduled for February 1, 2002. (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. The parties are in negotiations to resolve the violations. (AZ)

RESOLVED CASES [1]

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 had until September 15, 2001 to respond to the complaint. The parties negotiated a Consent Final Judgment which was entered by the court on December 18, 2001. The matter is now closed. (AZ)

EPC LEGAL DEPARTMENT MONTHLY REPORT
December 15, 2001

A. ADMINISTRATIVE CASES

NEW CASES [0]

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 [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)

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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 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)

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)

RESOLVED CASES | 1 |

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 brought the amendments to the October, 2001 TBW Board meeting for approval to submit the amendments to FDEP and the amendment was approved. On November 7, 2001 in a joint BOCC/EPC meeting, the Board approved staff's recommendation not to arbitrate the amendments. (RT)

B. CIVIL CASES

NEW CASES | 0 |

EXISTING CASES | 11 |

Holley, Raymond, et al. [LHOI94-161]: 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 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 judge issued an order in November 2001 finding the Defendants financially unable to comply with the judgment and allowed the EPC site access to correct the violations. The costs would be taxed and added to the final judgment and would operate as a lien on the property. The EPC is preparing to seek funds from PRF to finish the work. (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 conducted a damage assessment and evaluation of appropriate restoration and currently several mitigation projects in both Hillsborough and Polk counties are being reviewed. Mulberry filed for Chapter 11 Bankruptcy in February 2001 and was converted to Chapter 7 on August 15, 2001. It is unlikely any agency will recover civil penalties. Mulberry's insurance coverage may be available for restoration and costs. The Federal Government and FDEP filed a joint complaint in Federal Court on April 6, 2001. On December 6, 2001 the EPC filed a judicial lawsuit in the matter to obtain damages and recover the costs of assessment. (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 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 was 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 responded 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 [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. The EPC filed suit for injunctive relief and penalties and costs on March 8, 2001. The Defendant was served with a summons and copy of the complaint on May 21, 2001. 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)

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. The final trial date for entry of the default judgment is scheduled for February 1, 2002. (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 had until September 15, 2001 to respond to the complaint. The parties negotiated a Consent Final Judgment in the case and have submitted it to the Court for execution. (AZ)

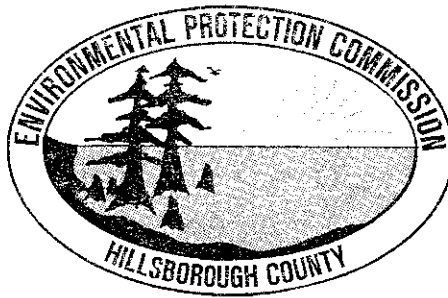
Tampa Bay Organics [LTBO01-015]: Authority was requested and received by the EPC on April 19, 2001 to initiate judicial enforcement with respect to failure to comply with a Director's Authorization and failure to obtain an air pollution source permit for the operation of a wood and yard waste recycling 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. The parties are in negotiations to resolve the violations. (AZ)

RESOLVED CASES | 0 |

COMMISSION

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



ADMINISTRATIVE OFFICES,
LEGAL & WATER MANAGEMENT DIVISION
THE ROGER P. STEWART ENVIRONMENTAL CENTER
1900 - 9TH AVENUE • TAMPA, FLORIDA 33605
PHONE (813) 272-5960 • FAX (813) 272-5157

AIR MANAGEMENT DIVISION
FAX (813) 272-5605

WASTE MANAGEMENT DIVISION
FAX (813) 276-2256

WETLANDS MANAGEMENT DIVISION
FAX (813) 272-7144

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 DECEMBER 31, 2001

Fund Balance as of 10/01/01		\$1,337,989
Interest Accrued	FY02	12,610
Deposits	FY02	55,968
Disbursements	FY02	20,359

Fund Balance		\$1,386,208
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Encumbrances Against Fund Balance:

Art. Reef FY02	81,211
(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	625,632
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Minimum Balance	120,000 *
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Fund Balance Available December 31, 2001	\$ 640,576
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*\$20,000 to be used for City of Tampa Parks Department

COMMISSION

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THOMAS SCOTT
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ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
AS OF DECEMBER 31, 2001

Fund Balance as of 10/01/01	\$1,423,826
Interest Accrued FY02	12,284
Disbursements FY02	- 0-
 Fund Balance	 \$1,436,110

Encumbrances Against Fund Balance:

SP462 Port Redwing	300,000	
Sp464 Davis Tract	166,086	
SP602 Apollo Beachhabitat Restoration	100,000	
SP597 Fantasy Island Restoration	50,000	
SP591 Mechanical Seagrass Planting	31,304	
Marsh Creek/Ruskin Inlet	47,500	
Desoto Park Shoreline	150,000	
 Total of Encumbrances	 	 844,890
 Fund Balance Available December 31, 2001	 	 \$ 591,220

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MEMORANDUM

DATE: December 3, 2001

TO: EPC of Hillsborough County Board Members

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

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

This memorandum serves as the quarterly status report concerning the United States Environmental Protection Agency's (USEPA) identified National Priorities List (NPL) sites that are located in Hillsborough County. The NPL sites are also known as Superfund sites. The previous annual status memorandum was submitted to you on September 6, 2001.

SCHUYLKILL METALS CORPORATION SITE

Deletion of this site from the NPL occurred on August 22, 2001.

SYDNEY MINE SLUDGE POND SITE

The USEPA Remedial Project Manager left a voice mail message for EPC staff. He states that the additional monitoring wells have been installed to monitor the groundwater contaminant plume. He thinks that the sampling of these wells will be performed in the near future.

ALARIC AREA GROUND WATER PLUME

The USEPA Remedial Project Manager had not responded to EPC staff's e-mail and voice mail inquiries by the time of the finalization of this memorandum. However, the USEPA Region 4's October 2001 fact sheet for the site provides summaries of remedial alternatives for contaminated soil and groundwater at the site. The USEPA's preferred remedial alternative for the contaminated soil is in-situ chemical oxidation. The USEPA's preferred remedial alternative for the contaminated groundwater is groundwater extraction, treatment, and discharge. The public comment period for the USEPA's interim action Proposed Plan is from October 22 to December 21, 2001.

HELENA CHEMICAL COMPANY SITE

The USEPA Remedial Project Manager had not responded to EPC staff's e-mail and voice mail inquiries by the time of the finalization of this memorandum. As a re-

www.epchc.org

E-Mail: epcinfo@epchc.org -33-

statement from the June 28, 2001 quarterly status memorandum, the USEPA Remedial Project Manager stated that the soil cleanup is complete. He also stated, "Groundwater cleanup design will begin once the remedy for [the] Alaric [Area Ground Water Plume NPL site] is selected.

STAUFFER CHEMICAL COMPANY SITE

The USEPA Remedial Project Manager had not responded to EPC staff's e-mail and voice mail inquiries by the time of the finalization of this memorandum. As a re-statement from the June 28, 2001 quarterly status memorandum, the USEPA Remedial Project Manager reported that soil and groundwater remediation is on going. He stated that the contaminated soil is being bioremediated.

NORMANDY PARK APARTMENTS SITE

The USEPA Remedial Project Manager has provided EPC staff with a facsimile of a November 13, 2001 letter from Gulf Coast Recycling, Inc., to the USEPA. Gulf Coast Recycling, Inc., states that it "has completed the excavation of contaminated soils" at the site. Gulf Coast Recycling, Inc., goes on to state, "QORE Property Sciences [the consultant/contractor] has already drafted several sections of the Remedial Action Report. The report will be submitted to the [US]EPA and the FDEP [Florida Department of Environmental Protection] during the last week of November [2001]." The USEPA Remedial Project Manager previously stated that the only activities at the site will be regular groundwater monitoring upon completion of the remedial action.

SOUTHERN SOLVENTS, INC. SITE

The USEPA Remedial Project Manager left a voice mail message for EPC staff. He states that the site is in the Remedial Design (RD) phase and that the USEPA has commented on the basis of the RD report. He also states that the USEPA is debating whether a pilot scale study is necessary for the next phase of the RD.

MRI CORPORATION SITE

The USEPA Remedial Project Manager e-mailed EPC staff and reports that a Consent Decree has been negotiated with the potential responsible parties (PRPs). She states that the USEPA's attorney and the U.S. Department of Justice (DOJ) are hoping that the Consent Decree gets lodged before Christmas 2001. After that, there will be a 30-day public comment period. She states that sampling for the Investigation of Extent of Contamination will not be implemented until the Consent Decree is entered.

The USEPA Remedial Project Manager also states that the USEPA met with Tampa Bay Water, "who is planning to construct a road in a portion of land that has been affected with off-site migration." She states, "We [the USEPA] might be in discussions on how to enter into an agreement with them [Tampa Bay Water] to conduct further characterization of the property and Work Plan to conduct soil removal and disposal prior to the construction of the road." She further states, "Tampa Bay Water is under [a] deadline to finish construction of the road by May 2002, which tells that time is a concern for [the] [US]EPA. Specially [sic] when, at our [the USEPA's] request, we [the USEPA] received

the first Draft proposal from Tampa Bay Water on November 26, 2001.” She goes on to state, “Unfortunately, the proposal offers very little information regarding soil characterization or construction diagrams.”

PEAK OIL/BAY DRUMS SITE

The former USEPA Remedial Project Manager verbally informed EPC staff that the remedial action for the soil stabilization is complete. She stated that the potential responsible parties (PRPs) are performing an evaluation for the Remedial Design (RD) for the groundwater.

REEVES SOUTHEASTERN CORPORATION SITE

The USEPA Remedial Project Manager had not responded to EPC staff’s e-mail and voice mail inquiries by the time of the finalization of this memorandum. As a re-statement from the June 28, 2001 quarterly status memorandum, the USEPA Remedial Project Manager stated: “Reeves was recently sold to a company called Master Halco. All Superfund liability will be handled by a trust set up before the sale, which has been funded by Reeves with sufficient money to cover all anticipated work. Master Halco accepts no liability for past contamination. The trust will be managed by an attorney, and all work will be performed by the consulting firm, Levine-Fricke.” He also stated that there has not been much cleanup progress since the last update due to the company being sold. However, he met with Levine-Fricke on the week of June 18, 2001, and he expected that “things will move more quickly with the new arrangement.”

TAYLOR ROAD LANDFILL SITE

The USEPA Remedial Project Manager e-mailed EPC staff and reports that basically “nothing significant has changed” since the last quarterly status update. He states, “We are still proceeding with Monitor Natural Attenuation and Quarterly Sampling events on the [compliance] ring [of monitoring wells] and interior [monitoring] wells.”

In its October 16, 2001 analytical data report to the USEPA, the Hillsborough County Solid Waste Management Department (SWMD) concludes that natural attenuation processes are continuing in the groundwater at the site. The Hillsborough County SWMD states, “The SWMD believes that the current position of the compliance ring of groundwater monitoring wells has fully enclosed the area of groundwater contamination exceeding the PDWS [primary drinking water standards] at the TRLFSS [Taylor Road Landfill Superfund Site], as required by the 1995 Record [of] Decision and [the] 2000 Explanation of Significant Difference.”

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

RDG/cjh

AGENDA ITEM SUMMARY SHEET

Date: January 17, 2002

Agenda Item: Final EPC Staff and CEAC Recommendations Concerning 2001 Project Requests for Funding from Pollution Recovery Fund (PRF) and Gardinier Settlement Trust Fund (GSTF)

Description/Summary:

EPC legal and technical staff has completed its review of requests for project funding from the PRF and the GSTF. Staff recommendations were presented to the CEAC on November 5, 2001. The CEAC held a workshop on December 3, 2001, with follow-up discussions held on January 7, 2002. The attached back-up information includes a short narrative on each project submitted, with staff and CEAC recommendations; a general Hillsborough County map with locations of recommended projects; and a table summarizing the projects, recommended actions, and funding status. EPC Staff and Mr. Dave Forziano, Chairman of the CEAC, will be in attendance at the EPC Board meeting, and prepared to make a joint presentation on these projects, or respond to questions from the Board.

Board Action Recommended: Approve EPC Staff Recommendations for Project Funding.

Final Staff and CEAC Recommendations
For
**2001 PROJECT REQUESTS FOR POLLUTION RECOVERY FUND AND GARDINIER
SETTLEMENT TRUST FUND**

1. ***AIRWISE***
APPLICANT: AMERICAN LUNG ASSOCIATION

This is an educational project designed for use in seventh grade science classes. It is a supplement to the regular curriculum and is intended to help students learn about air quality, the relationships between air pollution and respiratory health, and the role youth can play in protecting the environment.

PRF Request: \$10,000

Project Manager: Debra Noel
Phone: 962-4448

Staff Recommendations: Recommend approval, with conditions.

This is the sixth consecutive year that ALA has requested and received PRF funding.

Recommended conditions which should be required if the project is approved:

1. ALA must obtain a written summary from the School Board detailing their evaluation of AirWise's effectiveness in the middle school, and their efforts to include AirWise's full funding in their next budget. Summary will be sent to Manfred Liebner, c/o EPC Wetlands Division by June 1, 2002.
2. ALA will offer training to the teachers and EPC staff will be invited to participate in the teachers' workshop as a presenter. If the workshop is not held, EPC staff will be notified in writing by the ALA, and an explanation of the circumstances will be provided.
3. ALA staff must request that EPC staff be invited to observe a few of the AirWise programs being taught in the classroom. Said request shall be in writing and directed to the School Board with copies to EPC staff.

CEAC Recommendation: Concur with staff conditions. In addition, members indicated desire to participate with EPC staff in review of future AirWise packets prior to CEAC approval.

2. **REED STORMWATER TREATMENT PROJECT**
APPLICANT: SWFWMD

This proposal by the Southwest Florida Water Management District (SWFWMD) is located along the lower Hillsborough River. The project has two components, a habitat restoration component that will be funded by SWFWMD, and the stormwater component for which the District is requesting funds. That project proposes to treat stormwater from approximately 95 acres of urban developed land, which drains directly into the Hillsborough River via Mills Creek on the Reed property. This project would install a Continuous Deflection Separation (CDS) vortex unit at the culvert at the end of Mills Creek. Studies have indicated a 52% removal efficiency of Total Suspended Solids (TSS) and 31% removal efficiency for phosphorous. It would also remove oils and grease, and large and debris. The proposed CDS model handles up to 26 cubic feet per second (cfs). District crews will construct the shoreline restoration and creek bank stabilization.

PRF Request: \$130,000
Total Cost: \$500,000 over 4 years.

Project Manager: XinJian Chen
Phone: 985-7481 Ext. 2215

Staff Recommendations: Approve funding \$130,000 for the CDS vortex unit, to include installation.

Recommendation Conditions: The EPC staff must review all proposed construction plan designs and monitoring and maintenance reports for the success of the habitat restoration component and proposed "scrubber" pond on the remaining Reed property.

CEAC Recommendation: Disagreed with staff recommendation and disapproved funding. They expressed concerns about disposal of waste collected by the CDS unit, appropriateness of funding with PRF monies, and performance of CDS technology.

3. **EXOTIC PLANT REMOVAL**
APPLICANT: H.C. RESOURCE MANAGEMENT

To remove exotic invasive plants found on natural preserve land acquired through the County's Environmental Land Acquisition and Protection Program (ELAPP). The 80-acre project is located on the Dickman parcel on the east side of Interstate 75, in the Little Manatee River watershed.

GSTF Request: \$50,000
Total Cost: \$56,506

Project Manager: Bridget Kelly
Phone: 671-7754

Staff Recommendations: This project should be approved for funding.

Recommended conditions: That ELAPP seeks the cooperation of the Florida Department of Transportation (FDOT) to concurrently remove exotics within the median and R-O-W of the segment of Interstate 75 adjacent to the Preserve. That ELAPP strictly adheres to a follow-up exotic nuisance control program for the site. That a long-term management plan be provided to the EPC and the DEP for review and approval. That the area is replanted with native vegetation and a plan to do this be provided as part of this project. EPC staff suggests that the applicant may wish to apply for PRF funds next year to assist funding of the replanting portion of the project.

CEAC Recommendation: Concur with staff recommendation.

4. **APOLLO BEACH RESTORATION**
APPLICANT: H.C. RESOURCE MANAGEMENT (ELAPP)

Located at the Apollo Beach ELAPP site, located on the northern tip of the Apollo Beach peninsula. This project will help restore the site to a mosaic of native upland and wetland habitats, thus maximizing the ecological diversity of the site.

GSTF Request: \$35,000
Total Cost: \$1,650,000

Project Manager: Bridget Kelly
Phone: 671-7754

Staff Recommendations: The project should be funded. It will complement the SWIM project adjacent to the park site, and will decrease exotic vegetation recruitment. The project has high benefits for the establishment of native vegetation and for improving the water quality in the area.

CEAC Recommendation: Concur with staff recommendation to fund.

5. **TAMPA BAY SCALLOP RESTORATION**
APPLICANT: FLORIDA MARINE RESEARCH INSTITUTE

Proposal to reconstruct Tampa Bay scallop populations in areas that once supported large numbers of scallops in multiple areas along both shores of the Tampa Bay.

GSTF Request: \$127,900
Total Cost: \$157,806

Project Manager: William Arnold
Phone: 727-896-8626

Staff Recommendations: Approve funding. The project may restore an important ecological component and could serve as a good indicator of water quality and all of the other efforts to clean up Tampa Bay. Funding should be targeted on restoration efforts not research.

CEAC Recommendation: Recommend approval.

6. **CYPRESS POINT BEACH RESTORATION**
APPLICANT: CITY OF TAMPA, PARKS DEPT.

To restore beach and shoreline, and enhance wetland habitat along the shoreline of Old Tampa Bay. This would prevent continued erosion, and help prevent an identified landfill from leaching into and contaminating Old Tampa Bay.

GSTF Request: \$100,000
Total Cost: \$133,000

Project Manager: Tom Johnston
Phone: 231-1331

Staff Recommendations: The project does not meet the geographical criteria to qualify for GSTF funds. However, staff considers this project significant, and recommends that PRF be used. Additionally, all design and construction plans must be reviewed and approved by EPC staff.

CEAC Recommendation: Approve PRF funding.

7. **MANATEE PROTECTION AREAS**
APPLICANT: H.C. DEPT. OF PUBLIC SAFETY

The objective of this project is to establish year-round manatee protection areas along the eastern shoreline of Tampa Bay (out to a six-foot depth) from the Alafia River, south to the northern boundary of the Harbor Bay Manatee Protection Area.

GSTF Request: \$40,147
Total Cost: \$40,147

Project Manager: Charles Coleman
Phone: 272-6408

Staff Recommendations: Since Hillsborough County BOCC approved the Manatee Protection Ordinance, staff agrees that funding is appropriate for the installation of pilings and signs to mark the zones.

CEAC Recommended: Concurs with staff for funding.

8. **CITY OF TAMPA (COT) STORMWATER IMPROVEMENTS**
APPLICANT: CITY OF TAMPA

COT wants to install filtration devices at the Neptune Way Canal, Spring Lake Bayou and Lambright/Epps Park to improve the stormwater system. The filtration devices would treat approximately 57 acres and remove about 1500 pounds of suspended solids per year from Tampa Bay and the Hillsborough River.

PRF & GSTF Request: \$297,049
Total Cost: \$297,049

Project Manager: Brad Baird
Phone: 274-8075

Staff Recommendations: Recommend approval of \$37,800 from PRF, and \$21,000 from GSTF for a portion of the project, specifically the Epps Park outfall that flows into the lower Hillsborough River. Recommend that three CDS vortex filtration devices be installed at Epps Park. The reason for this is that the lower Hillsborough River has been identified to have higher levels of pollution than the other areas, and it would consolidate pollution removal from a specific geographic area. Design and engineering costs at Epps Park should be built in as in-kind matching funds. We would also suggest some water quality monitoring.

Staff did not agree to fund the City proposed pilot project of installing filtration devices at select existing stormwater outfalls in the Westshore area. EPC would require the submittal of a master stormwater improvement plan for the Westshore area, showing how the City intends to implement water quality improvement measures in the future.

(Note: This project is basically of the same design and technology as the SWFWMD Reed project located upstream.)

CEAC Recommendation: Agreed with staff to fund the project at Epps Park.

9. **MANATEES AND SEAGRASS PROTECTION**
APPLICANT: COCKROACH BAY USERS GROUP

The project is aimed at educating boaters on safe boating practices, which will protect and benefit manatees and sea grasses in eastern Tampa Bay. The area extending from south E.G. Simmons Park to the Hillsborough/Manatee County Line out to the 6-foot depth contour and including the waters within the the Little Manatee River east to U.S. Highway 41.

PRF & GSTF Request: \$192,969

Project Manager: Edward Benus

Phone: 272-6408

Total Cost: \$234,989 (over 5 years)

Staff Recommendations: Fund this project without a paid coordinator, thereby reducing the project request by \$165,769 and yielding a funding total of \$27,200. In addition, funds should only be for boater kits, brochures/ literature, and other educational materials.

CEAC Recommendation: Concurred with staff to fund \$27,200.

10. **RIVERVIEW CIVIC CENTER**
APPLICANT: H.C. PARKS AND RECREATION

This project was originally approved by the Commission in January 1997. The contract and subsequent extensions all expired before any work was accomplished or funds used. It was agreed by all parties that this is a very worthwhile environmental project, and that an application should be resubmitted.

This application addresses Alafia River shoreline stabilization in conjunction with native vegetation plantings at the Riverview Civic Center to prevent bank erosion along approximately 600 feet of river. The high visibility of this project will serve to educate local property owners and visitors of the necessity of alternatives to hardened shorelines (seawalls).

PRF Request:\$40,000 & GSTF Request:\$150,000

Project Manager: Peter Fowler

Total Cost: \$200,000

Phone: 975-2160

Staff Recommendations: Recommend approval of the project. This is a good demonstration project in a highly visible area. The project will not only enhance the river shoreline and structural safety of the Riverview Civic Center, but will also model more natural alternatives and environmentally sound designs to reduce erosion of riverbanks. Funding for this project should be used for actual shoreline stabilization work and plantings.

FDEP Recommendations: Concur that this a good project. Concerned about the cost of this project and request examining ways to reduce the cost to the trust fund. Questions the cost of some of the budgeted items. Prefer to see at least the construction and planting funded and then examines funding sources to complete the project. **Approve \$120,000 from GSTF.**

CEAC Recommendation: Concur with staff recommendation to fund.

2001 PROJECT FUNDING DENIED

1. **OYSTER REEF DESIGNS - DENIED**
APPLICANT: OYSTER REEF DESIGNS, INC.

This proposal is for a comparative study of spawning oysters from different tributaries in Tampa Bay, to determine if oysters spawn differently when placed in the same water quality environment.

GSTF Request: \$2,500
Total Cost: \$2,500

Project Manager: Gus Muench
Phone: 645-6063

Staff Recommendations: No funds. The project does not restore or solve any obvious pollution problem. The project is pure research.

FDEP Recommendations: Inconsistent with criteria/guidelines for GSTF—pure research.

2. **CARROLLWOOD VILLAGE BRAZILIAN PEPPERS – DENIED**
APPLICANT: HOMEOWNERS ASSOCIATION

Project seeks to remove approximately 50 large Brazilian pepper trees located on Homeowner Association common land and to replace them with native species trees.

PRF & GSTF Request: \$15,400
Total Cost: \$115,400

Project Manager: John Miley
Phone: 962-0214

Staff Recommendations: EPC Legal Department evaluation: This project is on private property. The applicant has not demonstrated that the project is in the public interest and will not result in private financial benefit.
Recommend that this project not be further reviewed.

3. **ENVIRONMENTAL JOURNAL FOR TAMPA BAY - DENIED**
APPLICANT: TAMPA BAY REGIONAL PLANNING COUNCIL

To produce a quarterly environmental journal for the Tampa Bay Region, focusing on issues, programs and activities involving the Bay Area Estuary, its watershed, and the region's environmental resources.

GSTF Request: \$5,000
Total Cost: \$90,000

Project Manager: Suzanne Cooper
Phone: 727-570-5151, Ext. 240

Staff Recommendation: Funding is not recommended. The project does not meet the criteria for use of GSTF funding.

POLLUTION RECOVERY FUND

Number	Project Name	Funds Requested (Y/N & Amt)	EPC (Y/N & Amt)	CEAC (Y/N & Amt)	EPC Board		Contract Expiration Date	Status
					Decision Date	Funds Approved		
	Debra Noel - American Lung Air Wise	\$10,000	\$10,000	Yes \$10,000				
	Xinjian Chen - SWIM Program Reed Stormwater Treatment	\$170,000	\$130,000	NO				
	Erwin Saviet	\$15,400	NO	NO				
	Carrollwood Brazilian Peppers	\$297,049	\$37,800	Yes \$37,800				
	Brad Baird - COT Sewers	\$40,000	\$40,000	Yes \$40,000				
	C of T Stormwater Improvement	\$100,000	\$100,000	Yes \$100,000				
	Peter Fowler - H.C. Parks Dept. Riverview Civic Center							
	Tom Johnston - COT Parks Dept. Cypress Point Beach Restoration							
	Total	\$632,449	\$317,800	\$187,800				

TOTAL PRF FUNDS Available for Disbursement: \$640,576

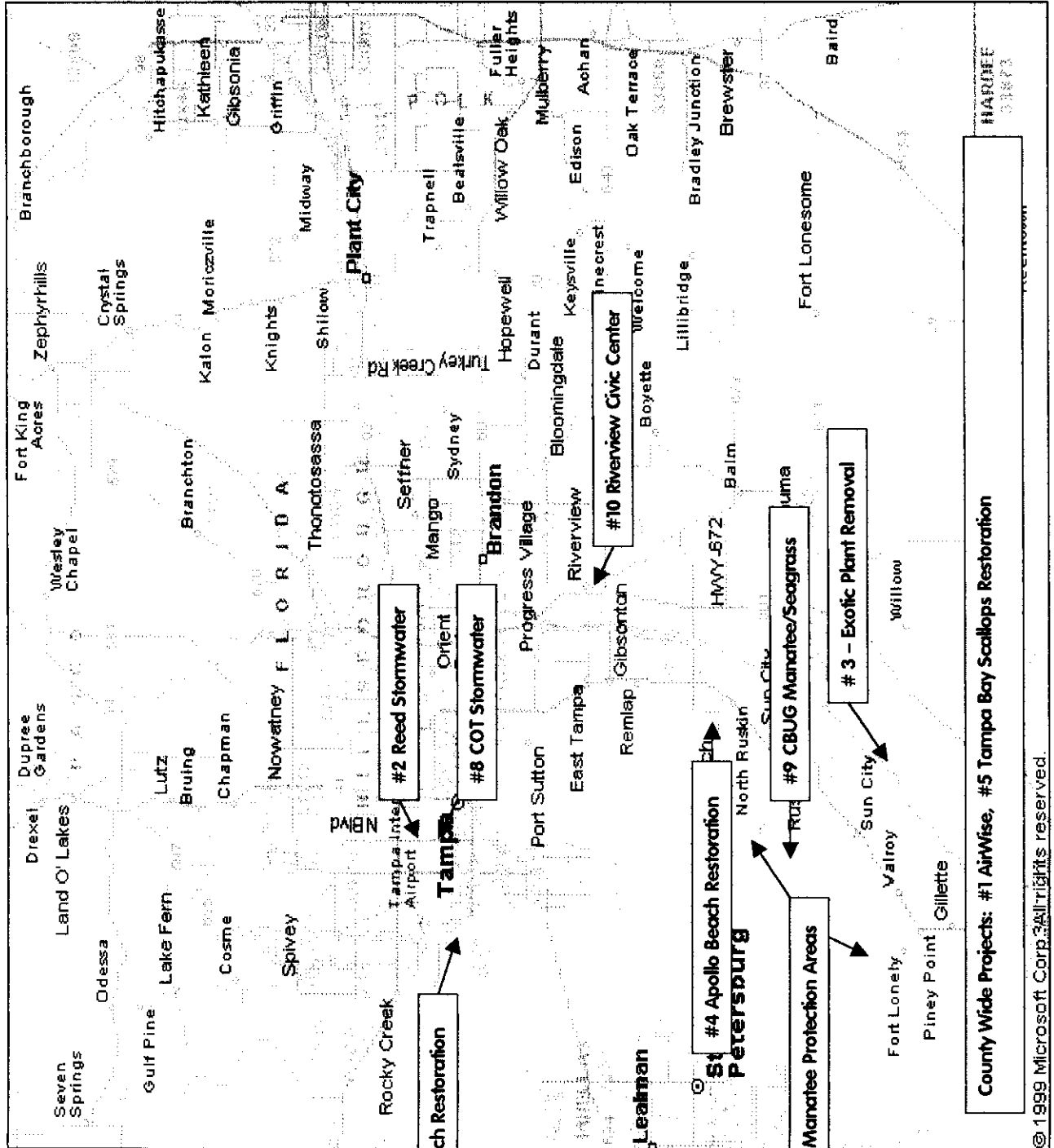
NOTE: \$120,000 is withheld and is NOT included.

GARDINIER TRUST FUND

Contract	Project Name	Funds Requested (Y/N & Amt)	EPC/DEP (Y/N & Amt)	CEAC (Y/N & Amt)	EPC Board		Contract Expiration Date	Status
					Decision Date	Funds Approved		
	Gus Muench	\$2,500	NO	NO				
	Oyster Reef Designs	\$5,000	NO	NO				
	Suzanne Cooper	\$50,000	\$50,000	Yes \$50,000				
	Environmental Journal for T.B.	\$65,000	\$35,000	Yes \$35,000				
	Bridget Kelly - H.C. Resources Mmt. Exotic Plant Removal	\$127,900	\$127,900	Yes \$127,900				
	Bridget Kelly - H.C. Resources Mmt. Apollo Beach Restoration	\$297,049	\$21,000	Yes \$21,000				
	William Arnold - FL Marine Inst. Tampa Bay Scallop Restoration	\$40,147	\$40,147	YES \$40,147				
	Brad Baird - COT Sewers	\$192,969	\$27,200	Yes \$27,200				
	C of T Stormwater Improvements	\$150,000	\$120,000	ES \$120,000				
	Chuck Coleman - H.C. Public Safety Manatee Protection Areas							
	Ed Benus - Cockroach Bay Users. Manatee & Seagrass Protection							
	Peter Fowler - H.C. Parks Dept. Riverview Civic Center							
	Total	\$930,565	\$421,247	\$421,247				

TOTAL GSTF FUNDS Available for Disbursement: \$591,220

Generalized Project Location Map



County Wide Projects: #1 AirWise, #5 Tampa Bay Scallops Restoration

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**Environmental Protection Commission
Of Hillsborough County**

Agenda Item Cover Sheet

Date: January 15, 2002

To: **Environmental Protection Commissioners**

Through: Richard D. Garrity, Ph.D., Executive Director
Christopher A. Dunn, P.E., Director, Water Management Division
Richard Tschantz, General Counsel

From: Michael Newman, Sr. Enforcement Specialist

Subject: **Spinnaker Cove Condominium Association and Focus Bay Pointe, L.C., and its subsidiaries FCI of Florida and Baypointe Village Apartments, L.P.**

Recommendation: Grant authority to take necessary legal action against Spinnaker Cove Condominium Association and Focus Bay Pointe, L.C., and its subsidiaries FCI of Florida and Baypointe Village Apartments, L.P.

Background: The site is located at the north end of 4344 Harbor House Drive, Tampa.

The EPC has contracted with the Florida Department of Environmental Protection (DEP) to administer the domestic wastewater program in Hillsborough County. An EPC complaint investigation on July 19, 1999 revealed sewage discharging onto the ground from a wastewater collection/transmission system cleanout adjacent to and serving Spinnaker Cove Condominium's 4344 Outrigger Lane building. Although Spinnaker Cove's representatives investigated the problem and hired appropriate personnel, the discharge continued through July 28, 1999. The following additional wastewater violations at the site continued through February 2000:

62-604.130(1), F.A.C. - prohibits the release or disposal of excreta, sewage, or other wastewaters or residuals without providing proper treatment approved by the Department / EPC or otherwise violating provisions this rule of other rules of the Florida Administrative Code.

62-604.500(2), F.A.C. - all collection/transmission systems shall be operated and maintained so as to provide uninterrupted service as required by this rule.

62-604.500(3), F.A.C. - all equipment necessary for the collection/transmission of domestic wastewater, including equipment provided pursuant to Rule 62-604.400(2), F.A.C., shall be maintained so as to function as intended.

Spinnaker Cove Condominium Association and Focus Bay Pointe, L.C., and its subsidiaries FCI of Florida and Baypointe Village Apartments, L.P. have violated the referenced EPC and State DEP rules and regulations regarding the wastewater collection/transmission system in Hillsborough County. The EPC staff has attempted to negotiate resolving the outstanding violations but have been unsuccessful. Since the responsible parties have not responded to EPC staff efforts to resolve this matter, EPC staff recommends the initiation of appropriate legal action for enforcement.

Action Taken By The Commission

Approved Disapproved Continued/deferred until _____

Other: _____

Special Instructions: _____

By: _____

Meeting Date: _____

AGENDA ITEM COVER SHEET

Date: January 17, 2002

Agenda Item: Bay Regional Atmospheric Chemistry Experiment (BRACE) Contract
Amendment

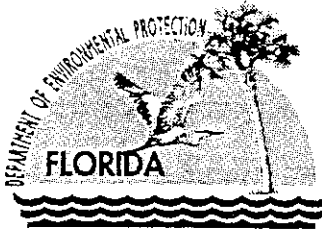
Description Summary:

BRACE is a follow-on to the Tampa Bay Estuary Program's (TBEP) atmospheric deposition study and will be funded by the State and TECO settlement for four years. The study is a cooperative effort between FDEP, USF, TBEP, and EPC, to determine how much regional air pollution emissions contribute to the nitrogen in Tampa Bay. Since the initial BRACE contract was signed in March of 2001, the proposed level of effort required of EPC has increased significantly. The attached contract amendment confirms FDEP's agreement to fund this proposed increased level of effort.

The contract amendment increases the total value of the contract from \$166,760 to \$550,000 over four years and includes funding for two new positions to assist with the additional air monitoring workload. EPC proposes to meet the contract requirements by hiring two Environmental Specialists for the life of the contract. The positions will be terminated upon the contract's conclusion or when the funding runs out (whichever occurs first).

Commission Action Recommended: Grant authority for the Executive Director to sign the BRACE contract amendment and to fill the two additional positions.

Commission Action Taken:



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

January 2, 2002

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

RECEIVED

JAN 03 2002

EPC of HC
AIR MANAGEMENT

Dear Mr. Campbell,

Enclosed please find two copies of Amendment 1 to DEP Contract AQ-162 with your department for field and technical support for the BRACE project. This amendment adds funds for the increased level of effort and support needed for the coming intensive phase of the project. Please have the appropriate person in your organization sign both copies of the agreement, keep one original for your files and return the other original to me. The amendment has been executed for the department and takes effect when signed by EPCHC.

We greatly appreciate your collaboration with us on this project as it offers the potential to clarify the important questions about the sources of biologically active nitrogen impinging on the Tampa Bay. Without the capable assistance of your staff, particularly Tom Tamanini and his people, the project would be much more difficult.

If you have questions regarding this matter, please call me at (850) 921-0884. I look forward to working with Leroy, Tom and you on this project.

Sincerely,

Thomas D. Atkeson, Ph.D.
Mercury Coordinator
Resource Assessment and Management

Enclosures (2)

DEP CONTRACT NO. AQ162
AMENDMENT NO. 1

THIS CONTRACT as entered into on the 19th day of March, 2001, between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION (hereinafter referred to as the "Contractor") is hereby amended as follows:

-- Item 4 is hereby deleted in its entirety and replaced with the following:

- A. As consideration for the services rendered by the Contractor under the terms of this Contract, the Department shall pay the Contractor on a combination fee schedule/cost reimbursement basis. The Contractor shall be compensated on a fee schedule basis for Phase I services at the monthly rates as identified in Attachment A. The Contractor shall be compensated on a cost reimbursement basis for Phase II services as identified in Attachment A.
- B. It is hereby understood and agreed that the compensation amount of this Contract shall not exceed \$550,000 for the forty (40) month term of this Contract. The authorized funding increment level (including an increase of \$77,277, which is added by execution of this Amendment) for the period of March 19, 2001 through June 30, 2002 is set at \$138,447. Maximum compensation amounts for Phase I and Phase II services are identified in Attachment A. Based upon continued satisfactory performance by the Contractor and annual appropriations by the Legislature, the Department reserves the right to provide increments of funding on an "as needed" basis. The Contractor shall be notified, by certified letter from the Director or Assistant Director of the Division of Resource Assessment and Management, of any additional funding increments.
- C. In no event shall the Contractor continue to perform services once the authorized funding increment of the Contract has been reached. It is understood and agreed that the Contractor shall not commence work on any project that will exceed the balance of the current funding increment amount until notice is received by the Contractor of an increase in funding.
- D. All bills for amounts due under this Contract shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof. All travel and incidental expenses are included in the fee schedule amount for Phase I services.
- E. The State Comptroller requires detailed supporting documentation of all costs under a cost reimbursement agreement. In accordance with the Comptroller's Contract Payment Requirements, (attached hereto and made a part hereof as Attachment C), the Contractor shall comply with the minimum requirements set forth therein. Invoices shall be accompanied by supporting documentation and other requirements as follows:
 - 1. Salaries/Wages - List personnel involved, salary rates and hours/time spent on project.

2. i. Overhead/Indirect/General and Administrative Costs - All multipliers used (i.e. fringe benefits, overhead, and/or general and administrative rates) shall be supported by audit. If the Department determines that multipliers charged by the Contractor exceeded the rates supported by audit, the Contractor shall be required to reimburse such funds to the Department within thirty (30) days of written notification. Interest on the excessive charges shall be calculated based on the prevailing rate used by the State Board of Administration.
- ii. Fringe Benefits - Shall be calculated at the rate of 44.38% of total salaries.
3. Contractual (Subcontractors) - Reimbursement requests for payments to subcontractors must be substantiated by copies of invoices with backup documentation identical to that required from the Contractor. Subcontracts which involve payments for direct salaries shall clearly identify the personnel involved, salary rate per hour, and hours/time spent on the project. All multipliers used (i.e. fringe benefits, overhead, and/or general and administrative rates) shall be supported by audit. If the Department determines that multipliers charged by any subcontractor exceeded the rates supported by audit, the Contractor shall be required to reimburse such funds to the Department within thirty (30) days of written notification. Interest on the excessive charges shall be calculated based on the prevailing rate used by the State Board of Administration. Invoices for reimbursement of fixed price subcontracts approved by the Department shall be documented by copies of the paid invoices.
4. Travel - Travel expenses and per diem for Phase II services must be documented by a State of Florida Travel Voucher with appropriate receipts. Reimbursement will be made in accordance with Section 112.061, Florida Statutes.
5. Equipment - (Capital outlay \$1,000 or more in value) - Reimbursement for the purchase of equipment is subject to specific approval of the Department. Include copies of invoices or receipts to document purchases, and a properly completed Property Reporting Form (Attachment B).
6. Rental/Lease of Equipment - Include copies of invoices or receipts to document charges.
7. Other Expenses - e.g., Materials, supplies, phone, reproduction, mailing, must be documented by itemizing and including copies of receipts or invoices.

-- Attachment A, Scope of Services, is hereby deleted in its entirety and replaced with Attachment A-1, Revised Scope of Services, attached hereto and made a part hereof. All references in the Contract to Attachment A shall hereinafter refer to Attachment A-1.

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

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

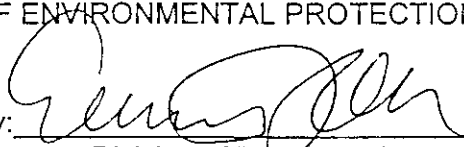
HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____


*Title: _____

Date: _____

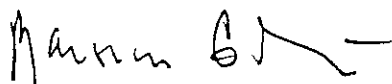
By:  _____

Director, Division of Resource Assessment and Management or designee

Date: 1-2-02

 _____
DEP Contracts Administrator

APPROVED as to form and legality:

 _____
DEP Attorney

** If someone other than the Chairman signs this Amendment, a copy of the resolution, statement, or other document authorizing that person to sign the Amendment on behalf of the County must accompany the Amendment.*

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

Specify Type	Letter/ Number	Description
Attachment	A-1	Revised Scope of Services (4 Pages)
Attachment	C	Comptroller Contract Payment Requirements (1 Page)

ATTACHMENT A-1
REVISED
SCOPE OF SERVICES

FIELD TECHNICAL SUPPORT FOR

Bay Regional Atmospheric Chemistry Experiment (BRACE)

In collaboration with the Tampa Bay National Estuary Program (TBNEP, now TBEP), Environmental Protection Commission of Hillsborough County (EPCHC) has been actively engaged in the *Tampa Bay Atmospheric Deposition Study* (TBADS) since its inception in the early 1990's. TBADS identified atmospheric deposition of biologically active forms of nitrogen as a significant contributor to the nitrogen budget of Tampa Bay, but further, more intensive, work is required to refine the TBADS estimates, reduce uncertainties, apportion sources, and inform policies regarding potential control strategies. DEP has become partners with TBEP to accomplish these further goals through a successor to TBADS, called the *Bay Regional Atmospheric Chemistry Experiment* (BRACE). The purpose of this contract amendment is to secure additional involvement, services and support of the EPCHC Air Monitoring Section in establishing or enlarging, maintaining and operating three atmospheric monitoring sites and equipment to acquire the data needed to achieve the BRACE objectives.

Specific Contractor Responsibilities:

A. Phase 1 - Original Contract Requirements (Fee Schedule)

1. The Contractor will operate ambient air quality monitoring equipment in Hillsborough County at the Gandy Bridge Monitoring Site, Tampa, Fla. and at other sites in accordance with protocols specified by DEP or EPA. This station will consist of the following instrumentation:
 - a. Sequential Dichotomous Fine-Particle Samplers - Two Rupprecht and Patashnick Co. model 2025 dichotomous samplers collecting fine and coarse particulate matter daily, one using quartz filters and the other Teflon. Filters will be supplied, prepared and packaged by the DEP Central Laboratory, shipped using similar protocols to the PM2.5 program, and returned to DEP for mass determination and subsequent analysis.
 - b. Automated Sequential Rain sampler - Daily event precipitation collection for trace element and mercury analyses. The collector to be provided is based on the UM-modifications to the MIC-B collector, further modified to collect up to 8 samples without operator intervention. Samples analysis will be through contract with the University of Michigan Air Quality Laboratory. Sampling apparatus and analyses will be provided by UMAQL.
 - c. NADP AirMon site – For nationally consistent collection and analysis of precipitation acidity and nutrients, continue operation of daily event precipitation in the Aerochem Metrics collector at the Gandy Bridge site.
 - d. High-volume sampler - Collection of one sample per week on polyurethane foam (PUF)/quartz filters for analysis of semi-volatile organic compounds. Sampling materials will be provided to the Hillsborough Co. EPC by the DEP laboratory and returned to DEP for chemical analysis.

- e. Automated Sequential Annual Denuder System – Daily (or twice-daily during intensives) collection of acid and basic gasses using annular denuder techniques.
 - f. Manual Annular Denuder System – To demonstrate comparability between the present manual ADS measurements and those to be made in the newer automated sampler, the two systems will be operated concurrently for a period of 6 months.
 - g. TECO Model 43-CTL – installation, setup, calibration and operation of high-sensitivity SO₂ monitor.
 - h. Standard Meteorological System consisting of wind speed & direction, temperature, humidity, rainfall occurrence and depth (tipping bucket gauge), solar radiation, leaf wetness and barometric pressure.
 - i. OPSIS Differential Optical Absorption Spectrometer (DOAS) – Siting, installation, calibration and operation of long-path UV monitoring system.
 - j. Method development and/or validation, and other special studies as required to complete the full complement of BRACE field measurements.
2. Specific activities include: network design, management, equipment procurement, site setup; site management; equipment preparation, installation, operation, maintenance and calibration; reporting site data to the BRACE Program Manager, Dr. Noreen Poor, University of South Florida; receipt and shipment of samples, supplies and equipment; air monitoring contract management activities and administration; and ambient air statistical and descriptive data analysis work. All of these activities are to be charged to State Air Non-Title V Modules.
 3. The Contractor will assist DEP and Dr. Poor in development of equipment standard operating procedures; software development and testing; and production of quality assurance plans and project reports;
 4. The Contractor will provide the services, as needed, of an air monitoring specialist(s) with and electronic/mechanical background to operate, calibrate and maintain the ambient air monitoring site and equipment.
 5. Additional equipment items (costing \$1,000 or more) needed by the contractor must be authorized by the Department's Contract Manager, in writing, and budgetary provision made by contract amendment to provide funding for same. All Equipment (costing \$1,000 or more) shall be subject to Paragraph 26 of this Contract.
 6. The Contractor shall provide quarterly progress reports in conjunction with invoices, as required under Paragraph 6 of this Contract.
 7. The Contractor shall be compensated on a fee schedule basis for the service period of this Contract. Invoices shall be submitted and payments shall be made quarterly in the amounts based on the monthly rates given below:

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B Phase II - Additional Contract Requirements – Intensive Period. (Cost-Reimbursement)

During Phase II, essentially all of the instruments operated during the monitoring phase will be used, but some in different ways, at different frequencies, etc. Table 1 gives a tabular comparison of the Phase I vs. Phase II levels of activity of these instruments. The lower part of the table enumerates and describes the additional instruments/activities for Phase II. The greater numbers of instruments, increased frequency of operation, establishment of one new site (Sydney property), enlargement two sites, and other increased levels of activity justify the increased level of staffing and funding calculated in the attached combined budget that details each Phase of the project.

Table 1. Contract AQ162, Amendment 1. Comparison of original Fee Schedule tasks with additional Cost-Reimbursement tasks for Intensive Monitoring Phase.

	INSTRUMENTS	Monitoring Phase I - original		Intensive Phase II – 2002 to 2004	
		No. Instr.	Sampling Frequency	No. Instr.	Sampling Frequency
a. *	Dichotomous fine particle samplers	2	Every 6 th day	5	Daily
b.	Automated Sequential Rain sampler	1	Daily	2	Daily
c.	NADP Air Mon Site	1	Daily	1	Daily
d.	High-volume PUF/Filter	1	Every 6 th day	2	Daily
e.	Manual ADS	1	Every 6 th day	1	Twice daily
f.	Thermo Instruments	1	Continuous	2.	Continuous
g.	SO2	1		2	Continuous
h.	NO2	2		2	Continuous
i.	O3	3		3	Continuous
j.	CO	1		2	Continuous
k.	VOC's	1	Every 6 th day	3	Twice daily
l.	Enlarge existing sites	1		2	Gandy Bridge, Simmons Park
m.	Meteorological System	1	Continuous	3	Continuous
n.	Method Development	Various	Ongoing	Various	Ongoing
ADDITIONAL FOR INTENSIVE PHASE**					
A	Establish new Super Site @ Sydney property (Brandon)	N/A		1	Massive effort: fencing, power, 5 trailers, remote power & pedestals for OPSIS, etc.
B	OP SIS DOAS	N/A		2	Continuous
C	Over Water Met Site	N/A		1	Continuous
D	Photolytic NO2	N/A		2	Continuous
E	Automated ADS System	1	Brief periods	2	Twice daily
F	ARA NO2, NOx, NOy, NOz	N/A		2	Continuous
G	Particle Size Sampler	N/A			Daily
H	UMd Metals Analyzer	N/A		1	Hourly
I	TxTech Aldehydes, etc.	N/A		1	Continuous
J	EPA Mercury Trailer	N/A		1	Mercury, + various parameters
K	U Mia. VOC's	N/A		1	Continuous
L	Aircraft Support	N/A		30	Flights

* Tasks as denoted in the original Attachment A, Scope of Services of Contract AQ-162.

** Additional types of measurement employed during the intensive phases of the project and related support functions.

**BRACE Field Technical Support - Contract AQ162
Amendment 1**
Hillsborough County EPC Air Monitoring Section

Phase I - Monitoring Period – Fee Schedule

Category		FY01/02*	FY01/02*	FY02/03	FY 03/04
Salaries @	\$32,000	# Mo.		(12 mos.)	(6 mos)
Technician A		12	32,960	33,949	17,484
Fringe	44.38%		14,628	15,066	7,759
Expenses	Travel		500	500	500
	Subsubtotal		<u>48,088</u>	<u>49,515</u>	<u>25,743</u>

Monthly Rate	\$3,962	\$4,075	\$4,191	\$4,310
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Phase II - Intensive Period - Cost Reimbursement

Technician B		6	16,480	67,898	34,967	
Technician C		6	16,480	67,898	34,967	
Fringe	44.38%		14,628	60,266	31,037	
Temporary			0	0	0	
Equipment**			0	0	0	
Site Set Up			20,000	0	0	
Expenses	Misc. Supplies***		10,000	10,000	5,000	
	Travel****		500	500	500	
	Subsubtotal		<u>78,088</u>	<u>206,561</u>	<u>106,471</u>	
	Subtotal		<u>126,175</u>	<u>256,076</u>	<u>132,214</u>	514,466
	Less prior commitments		(48,898)			
	Additional Incr.		<u>77,277</u>			

- * Annual salary increments estimated at 3% per year, to be adjusted annually based on HCEPC policy.
- ** Evolving field requirements may necessitate HCEPC acquire and operate certain equipment
- *** Parts, maintenance, supply gasses, calibration gasses, repairs, and small devices costing <\$1000.
- **** Periodic BRACE planning, mgmt. & review meetings will be held in Tallahassee & HCEPC AMS staff will be needed

ATTACHMENT C

Comptroller Contract Payment Requirements Department of Banking and Finance, Bureau of Auditing Manual (10/07/97) *Cost Reimbursement Contracts*

Invoices for cost reimbursement contracts must be supported by an itemized listing of expenditures by category (salary, travel, expenses, etc.). Supporting documentation must be provided for each amount for which reimbursement is being claimed indicating that the item has been paid. Check numbers may be provided in lieu of copies of actual checks. Each piece of documentation should clearly reflect the dates of service. Only expenditures for categories in the approved contract budget should be reimbursed.

Listed below are examples of types of documentation representing the minimum requirements:

- (1) Salaries: A payroll register or similar documentation should be submitted. The payroll register should show gross salary charges, fringe benefits, other deductions and net pay. If an individual for whom reimbursement is being claimed is paid by the hour, a document reflecting the hours worked times the rate of pay will be acceptable.
- (2) Fringe Benefits: Fringe Benefits should be supported by invoices showing the amount paid on behalf of the employee (e.g., insurance premiums paid). If the contract specifically states that fringe benefits will be based on a specified percentage rather than the actual cost of fringe benefits, then the calculation for the fringe benefits amount must be shown.

Exception: Governmental entities are not required to provide check numbers or copies of checks for fringe benefits.
- (3) Travel: Reimbursement for travel must be in accordance with Section 112.061, Florida Statutes, which includes submission of the claim on the approved State travel voucher or electronic means.
- (4) Other direct costs: Reimbursement will be made based on paid invoices/receipts. If nonexpendable property is purchased using State funds, the contract should include a provision for the transfer of the property to the State when services are terminated. Documentation must be provided to show compliance with Department of Management Services Rule 60A-1.017, Florida Administrative Code, regarding the requirements for contracts which include services and that provide for the contractor to purchase tangible personal property as defined in Section 273.02, Florida Statutes, for subsequent transfer to the State.
- (5) In-house charges: Charges which may be of an internal nature (e.g., postage, copies, etc.) may be reimbursed on a usage log which shows the units times the rate being charged. The rates must be reasonable.
- (6) Indirect costs: If the contract specifies that indirect costs will be paid based on a specified rate, then the calculation should be shown.

Pursuant to 216.346, Florida Statutes, a contract between state agencies including any contract involving the State University system or the State Community College system, the agency receiving the contract or grant moneys shall charge no more than 5 percent of the total cost of the contract or grant for overhead or indirect cost or any other cost not required for the payment of direct costs.