

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
MARCH 21, 2002
9:30 – 11:30 AM**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

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

| | | |
|-------------|---|----|
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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.

OCTOBER 18, 2001 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, October 18, 2001, at 10:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Ronda Storms and Commissioners Stacey Easterling, Pat Frank (arrived at 10:09 a.m.), Chris Hart, Jim Norman, Jan Platt, and Thomas Scott (arrived at 10:15 a.m.).

Chairman Storms called the meeting to order at 10:06 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, requested adding an awards presentation before Citizen's Comments, and approval to send a letter to the Southwest Florida Water Management District (SWFWMD) regarding minimum flows and levels (MFLs), to be presented with Legal Department issues. Commissioner Platt so moved the changes, seconded by Commissioner Norman, and carried five to zero. (Commissioners Frank and Scott had not arrived.)

Chairman Storms presented a plaque to Mr. Anthony D'Aquila, EPC staff, for dedicated service to Hillsborough County.

CITIZENS' COMMENTS

The following people spoke in opposition to Local Bill 01: Ms. Lynn McGarvey, 13610 Diamond Head Drive, Ms. Denise Layne, 2504 Ayers Hill Court, Mr. J. Worth Williams, 641 South Riverhills Drive, Ms. Mimi Osiason, 4329 West Waters, and Ms. Gaye Townsend, 19905 Long Leaf Drive, citing concerns related to enforcing Florida Statutes, pollution recovery fund, wellhead protection ordinances, and wetland issues.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

CEAC Chairman, Mr. David Forziano, reported at the last meeting CEAC discussed topics on EPC goals and objectives, Tampa Bay clean air partnership initiative, proposed legislation Local Bill 01, and the continuation of tail water recovery ponds.

CONSENT AGENDA

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

THURSDAY, OCTOBER 18, 2001 - DRAFT MINUTES

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

EXECUTIVE DIRECTOR'S REPORT

Annual Report - Goals and Objectives - Dr. Garrity gave a powerpoint presentation on the following five goals and objectives for fiscal year (FY) 2000-2001: (1) regulatory effectiveness, (2) regulatory efficiency, (3) better coordination/delegation with regulatory partners, (4) partnering with regulated facilities or industry for better compliance, and (5) outreach and public education, and training. Dr. Garrity indicated the goals showed what could be achieved and future challenges for EPC. To maximize the effectiveness of agency programs in protecting the environment, a comprehensive review of all activities was performed and ranked according to their effectiveness and efficiency from a resource perspective. Commissioner Storms suggested staff provide a study showing a steady decline and to chart where the EPC was headed as new industries were added.

ADMINISTRATION

Discussion - Executive Director's Evaluation Process - Ms. Sharon Wall, Director, Human Resources Department, reported on the evaluation process and suggested each EPC member rank each category on the evaluation; Ms. Wall would compile the information for discussion at the next meeting.

LEGAL DEPARTMENT

Letter to SWFWMD regarding MFLs - EPC General Counsel Richard Tschantz requested EPC members to approve a letter to SWFWMD regarding the priorities setting for MFLs. Commissioner Scott moved staff recommendation, seconded by Commissioner Norman, and carried seven to zero.

Local Bill Discussion - Attorney Tschantz gave a powerpoint presentation on Local Bill 01 and how it affected EPC taking judicial action. The proposed bill opened the special act for amendment, focusing on the enforcement process and how the EPC recovered civil penalties. Attorney Tschantz reported on the enforcement program stating ways the EPC could obtain civil penalties in an enforcement case, which was through judicial action, filing a lawsuit, or a voluntary settlement agreement. The EPC did not have the authority to assess an administrative penalty amount. Attorney Tschantz explained the voluntary settlement process and how the proposed local bill would affect how cases would be settled, noting under the proposed amendment, current authority was \$5,000 per day, per violation. The administrative penalty process being created would allow the EPC a new

THURSDAY, OCTOBER 18, 2001 - DRAFT MINUTES

power. However, the prohibitions and restrictions added to that power took away the benefits. Attorney Tschantz discussed the prohibitions and limitations in conjunction with the penalty process.

Commissioner Norman felt that discussing the bill without State Representative Rob Wallace in attendance was inappropriate. Chairman Frank explained the local bill process regarding input from State Representatives. Following discussion, Commissioner Hart moved to oppose the proposed Local Bill 01, seconded by Commissioner Platt. Commissioner Storms supported the motion and suggested EPC members listen to critics regarding issues. Commissioner Hart clarified the motion was to communicate EPC's position to and let Representative Wallace know EPC members would be available to listen to him at any of the future meetings identified. Commissioner Norman supported the motion, because he felt everything had been done to communicate with Representative Wallace regarding the bill. Chairman Frank said if the EPC took action on the proposed bill, the Board of County Commissioners (BOCC) would convene to take a position as well. The motion carried seven to zero.

There being no further business, the meeting was adjourned at 11:21 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____
Deputy Clerk

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NOVEMBER 7, 2001 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, to consider Tampa Bay Water (TBW) permit applications, scheduled for Wednesday, November 7, 2001, at 2:20 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Ronda Storms and Commissioners Pat Frank, Chris Hart, Jan Platt, and Thomas Scott.

The following members were absent: Commissioners Stacey Easterling and Jim Norman.

Chairman Storms called the meeting to order at 4:00 p.m.

EPC General Counsel Richard Tschantz said there was no requirement for a public hearing by the EPC; therefore, EPC staff recommended the EPC not arbitrate the following three Tampa Bay Water permit applications: the adjustments to the facility quantity table, the Tampa Bay regional reservoir, and the chloramines implementation project at the Section 21 wellfield. **Commissioner Hart so moved, seconded by Commissioner Scott.** Commissioner Platt asked that the Clerk of the Circuit Court's Office reflect Board members votes to align with votes taken in the regular Board meeting on November 7, 2001, to indicate she would vote no on the facility quantity table and Chairman Storms would vote no on the Tampa Bay regional reservoir; Chairman Storms concurred. **The motion carried five to zero.** (Commissioners Easterling and Norman were absent.)

There being no further business, the meeting was adjourned at 4:03 p.m.

READ

AND

APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____
Deputy Clerk

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NOVEMBER 15, 2001 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular meeting, scheduled for Thursday, November 15, 2001, at 10:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Ronda Storms and Commissioners Stacey Easterling (arrived at 10:10 a.m.), Pat Frank, Chris Hart, Jan Platt (arrived at 10:07 a.m.), and Thomas Scott.

The following member was absent: Commissioner Jim Norman.

Chairman Storms called the meeting to order at 10:05 a.m. Commissioner Scott led in the pledge of allegiance to the flag and gave the invocation.

CONSENT AGENDA

- A. Approval of Minutes: July 12, August 1, and September 20, 2001
- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Trust Fund
- E. Gardinier Settlement Trust Fund

Commissioner Hart made a motion to recommend approval of the consent agenda, seconded by Commissioner Scott, and carried five to zero. (Commissioner Easterling had not arrived; Commissioner Norman was absent.)

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Mr. David Forziano, chairman, CEAC, reported the committee had voted on the applicants for the Pollution Recovery Trust Fund and the Gardinier Settlement Trust Fund. The CEAC would bring recommendations to the next EPC meeting, in conjunction with EPC staff recommendations.

Mr. Forziano said State Representative Rob Wallace had presented proposed legislation to CEAC, and CEAC had voted seven to five to oppose the bill. Those opposed were concerned of the risk of further weakening environmental regulations, and those in favor perceived there were good elements that could be strengthened.

Mr. Forziano said CEAC had participated in several discussions and presentations regarding the issue of agricultural tail water recovery ponds and how EPC treated the ponds. CEAC voted to accept the recommendation of Dr. Rick Garrity, EPC Executive Director, and allow staff and Dr. Garrity four months to see if the issues could be resolved with further discussions with the agricultural community.

COMMISSION ACTION

Review Compilation of Executive Director's Evaluation Reports - Ms. Sharon Wall, Director, Human Resources Department, noted she had not received written evaluations from Commissioners Easterling or Storms. Noting she had not received the form, Commissioner Easterling requested to fill the evaluation

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out during the meeting. Ms. Wall presented the Board with the results of the completed evaluations. The summary assessment was an average of 4.29, and the accomplishment of goals was an average of 4.26, both on a scale of one to five.

Discussion of Budgeted Compensation Increase - Mr. Tom Koulianos, Director, Finance and Administration, EPC, stated the EPC budget for fiscal year 2002 included a 3.5 percent increase for the executive director upon receipt of a satisfactory evaluation, effective October 1, 2001, and requested approval. Commissioner Platt so moved, which was seconded by Commissioner Hart. Having met with Dr. Garrity to discuss her evaluation of his performance, Chairman Storms supported the motion. The motion carried six to zero. (Commissioner Norman was absent.)

WASTE MANAGEMENT DIVISION

Update of Martin Luther King (MLK) Village Subdivision - EPC General Counsel Richard Tschantz said that Mr. Clarence Townes was upset about the letter regarding the construed threat to Mr. Ronald Cope, EPC Waste Management Division. Attorney Tschantz clarified that the letter did not say Mr. Townes was restricted from contacting EPC employees or the EPC office but rather he could not have further contact with Mr. Cope. Mr. Townes was advised to have contact with Mr. Cope's supervisor, Mr. Paul Schipfer, EPC Waste Management Division.

Mr. Schipfer gave the update of the MLK site. As instructed, staff had forwarded the case to the State Attorney's and the United States Attorney's Offices. The local State Attorney's Office had assigned the case to an Assistant State Attorney. The U.S. Attorney's Office had referred the matter to the Federal Bureau of Investigation. The state of Florida site investigation section would start testing January 2002.

Mr. Schipfer said the city of Tampa (City) had interviewed eight employees who were past or present employees with knowledge of the time of the alleged landfill. According to the interviews, staff had not been able to substantiate that the City did any filling at the property. Accordingly, the City did not want to take responsibility to conduct further investigation; however, the City would finish the methane testing. Methane testing had been conducted at three homes; none was found. The City was waiting on approval from the other homeowners to conduct testing.

The Health Department had been contacted and was provided with all of the information. The Health Department director said there was not enough evidence to warrant investigation and would not investigate unless the site investigation section from Tallahassee pulled up more data.

Commissioner Scott said EPC was taking appropriate action and asked if information had been sent to Mr. Townes and residents. Mr. Schipfer confirmed the community had been kept informed. In response to Commissioner Frank, Mr.

THURSDAY, NOVEMBER 15, 2001

Schipfer said there were 21 homes in the village, and the three tested homes would not be representative of the area. Until further testing was allowed, a conclusion could not be made.

EXECUTIVE DIRECTOR'S REPORT

Dr. Garrity reported that staff had met with Representative Wallace regarding Local Bill 1. Attorney Tschantz said Representative Wallace and staff had worked through changes to the bill, as was provided in backup material. There was still one major point the EPC opposed. The language on page 12, subsection 4, said that the EPC could develop an administrative penalty system for nondelegated programs and report to the legislature by October 1, 2002. Staff proposed the language change that the EPC could develop an administrative penalty system for nondelegated programs, period; Attorney Tschantz said that would give EPC the statutory authority to put a nondelegated penalty system into rule. Commissioner Frank concurred and remarked that the rule could also be reviewed and amended locally.

Commissioner Hart suggested the EPC develop the system and report to the State for consistency purposes. Commissioner Platt suggested that the EPC could inform the Legislative Delegation (Delegation) when the EPC approved the rule. Chairman Storms would support a motion that would include reaffirming the EPC position unless the language was stricken, and she would support reporting to the Delegation. Commissioner Platt moved that EPC oppose the bill unless the language was stricken, and inform the Delegation verbally that EPC would be glad to go to them at such time as EPC approved. Commissioner Scott noted that if the legislature did not agree to the language, the original opposition would stand; Attorney Tschantz agreed. Commissioner Easterling suggested the motion include the specific page for clarity. Commissioner Platt stated the motion was that the present position continued to stand, that the EPC ask that "and report to the legislature by October 1, 2002" be stricken from section 4, page 12, and that the EPC verbally inform the Delegation that at such time the EPC approved the system, EPC would report to them. The motion was seconded by Commissioner Scott. Commissioner Frank suggested including the staff recommendation, which was to strike the word "proposed" and say "an administrative penalty system for nondelegated programs," period. Commissioner Platt concurred.

Commissioner Hart suggested to include the language that the EPC develop an administrative penalty system consistent with Florida statutes for nondelegated programs, and inform the legislature when the actions were completed. Attorney Tschantz said the system proposed by staff would be consistent with what had been done before and with the Department of Environmental Protection (DEP). Dr. Garrity said delegated program wording went back to Florida Statutes 403.121, and nondelegated was a local issue with local regulations.

THURSDAY, NOVEMBER 15, 2001

In response to Chairman Storms, Commissioner Platt restated the motion, which was to concur with the language that was recommended by the EPC Attorney for Section 4, Page 12, to strike "proposed" and "and report to the legislature by October 1, 2002," and that the EPC Chairman be asked to send a letter to the Delegation at such time as EPC had put those rules into effect. The motion was seconded by Commissioner Scott and carried six to zero. (Commissioner Norman was absent.)

Dr. Garrity said the EPC wanted to consolidate into one building. EPC offices were located in the Roger Stewart Environmental Center, 15,000 square feet, and the Lozano Building, 25,000 square feet, in Ybor City. County Administrator Daniel A. Kleman and Mr. Mike Kelly, Real Estate Department, had been helping with informal discussions and canvassing of the area. Commissioner Platt noted that a previous Board had taken action that the EPC headquarters should remain in Ybor City. Discussion ensued regarding changes in rental rates, property values, location, consolidation, and funding issues.

SPECIAL PRESENTATIONS

Area Contingency Plan Update - Mr. Eric Lesnett, EPC oil spill coordinator, said the area contingency plan had taken ten years to complete. He supplied the EPC board with copies on compact disc (CD). Mr. Doug Wilder, Florida Marine Research Institute (FMRI), gave a power point presentation to demonstrate the CD. Mr. Wilder said the DEP and the United States Coast Guard had commissioned FMRI to convert the Coast Guard's spill response document onto a CD for easier reading. The Coast Guard had divided the State into four port areas; the Tampa area included most of the west coast of Florida.

The purpose of the contingency plan was to document spill response agents, what would be done, and where equipment was located. The CD included phone numbers to contact people for spill response, inlet protection strategies plan, computer programs that were used for oil spill response, geographic information systems environmental and map data, web links, Coast Guard forms, and port and berth information. Mr. Wilder stated an interactive website was available.

Storage Tank Program - Dr. Garrity requested that the presentation be deferred to next month; Chairman Storms concurred.

Air Quality Trends - Mr. Jerry Campbell, Director, Air Management Division, EPC, gave a presentation on air quality trends. Mr. Campbell circulated charts on air pollution and noted the percentage of unhealthy air quality days had declined since 1999. Mr. Campbell explained that an unhealthy air quality day resulted from a combination of emissions and unfavorable meteorology. Two types of weather would promote an unhealthy air quality day: (1) a high ozone day, warm and dry, or (2) a cold front with strong persistent winds that would set off the monitor. The emissions from Tampa

THURSDAY, NOVEMBER 15, 2001

Electric Company (TECO) Gannon, TECO Big Bend, County Resource Recovery, and the City's McKay Bay had been reduced by 100,000 tons over the past decade, which was a result of the money spent on cleanup and tougher standards in new permits. Mr. Campbell reported the 38 major facilities in the County followed the trend and had consistently reduced emissions.

The goal was to reduce emissions to the extent that even with unfavorable meteorology, there would not be an unhealthy air quality day. Mr. Campbell distributed the agencies annual air quality report, which provided details, emission trends, and air quality trends for the area. The report had been distributed to elected officials, government agencies, planning agencies, and civic associations and was taken to public outreach events.

In response to Commissioner Frank regarding the distinction between public and private facilities, Mr. Campbell said TECO's two facilities produced the majority of emissions. The scrubbers at TECO's Big Bend station had resulted in a tremendous reduction of acid gases. The Gannon facility was going to be converted to natural gas in the year 2004. The year 2010 was the final compliance date for the Big Bend station. In response to Commissioner Frank, Mr. Campbell clarified that the State had asked for a final compliance date of 2010, but the Environmental Protection Agency, with input from the EPC, requested interim deadlines.

Commissioner Easterling noted the Sierra Club had produced a national air pollution report. Mr. Campbell said the EPC would look at the report for comparison and give the EPC board an analysis. In response to Commissioner Platt, Mr. Campbell said air quality tests were taken at each facility and 15 to 20 other locations throughout the County. Commissioner Storms concurred there were a variety of factors outside of the County that affected air quality.

Chairman Storms read a citizen's letter praising Ms. Debbie Sinko for her professionalism in her role as enforcement coordinator for the EPC and extended congratulations to Commissioner Platt for being honored as environmental leader of the year, with the Black Bear Award from the Sierra Club.

There being no further business, the meeting was adjourned at 11:21 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____

THURSDAY, NOVEMBER 15, 2001

Deputy Clerk

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MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
JANUARY

| | | |
|----|---|-----------------|
| A. | Public Outreach/Education Assistance: | |
| 1. | Phone Calls: | <u>280</u> |
| 2. | Literature Distributed: | <u>5</u> |
| 3. | Presentations: | <u>0</u> |
| 4. | Media Contacts: | <u>2</u> |
| 5. | Internet: | <u>68</u> |
| B. | Industrial Air Pollution Permitting | |
| 1. | Permit Applications Received (Counted by Number of Fees Received): | |
| a. | Operating: | <u>5</u> |
| b. | Construction: | <u>5</u> |
| c. | Amendments: | <u>0</u> |
| d. | Transfers/Extensions: | <u>3</u> |
| e. | General: | <u>0</u> |
| 2. | Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review): | |
| a. | Operating ¹ : | <u>4</u> |
| b. | Construction ¹ : | <u>7</u> |
| c. | Amendments ¹ : | <u>0</u> |
| d. | Transfers/Extensions ¹ : | <u>2</u> |
| e. | Title V Operating ² : | <u>38</u> |
| f. | Permit Determinations ² : | <u>0</u> |
| g. | General: | <u>3</u> |
| 3. | Intent to Deny Permit Issued: | <u>0</u> |
| C. | Administrative Enforcement | |
| 1. | New cases received: | <u>3</u> |
| 2. | On-going administrative cases: | |
| a. | Pending: | <u>6</u> |
| b. | Active: | <u>6</u> |
| c. | Legal: | <u>3</u> |
| d. | Tracking compliance (Administrative): | <u>18</u> |
| e. | Inactive/Referred cases: | <u>0</u> |
| | Total | <u>34</u> |
| 3. | NOIs issued: | <u>2</u> |
| 4. | Citations issued: | <u>0</u> |
| 5. | Consent Orders Signed: | <u>3</u> |
| 6. | Contributions to the Pollution Recovery Fund: | <u>\$13,150</u> |
| 7. | Cases Closed: | <u>1</u> |

| | | |
|----|--|------------|
| D. | Inspections: | |
| | 1. Industrial Facilities: | <u>7</u> |
| | 2. Air Toxics Facilities: | |
| | a. Asbestos Emitters | |
| | b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...) | <u>14</u> |
| | c. Major Sources | <u>1</u> |
| | 3. Asbestos Demolition/Renovation Projects: | <u>40</u> |
| E. | Open Burning Permits Issued: | <u>12</u> |
| F. | Number of Division of Forestry Permits Monitored: | <u>357</u> |
| G. | Total Citizen Complaints Received: | <u>71</u> |
| H. | Total Citizen Complaints Closed: | <u>1</u> |
| I. | Noise Sources Monitored: | <u>8</u> |
| J. | Air Program's Input to Development Regional Impacts: | <u>2</u> |
| K. | Test Reports Reviewed: | <u>81</u> |
| L. | Compliance: | |
| | 1. Warning Notices Issued: | <u>8</u> |
| | 2. Warning Notices Resolved: | <u>5</u> |
| | 3. Advisory Letters Issued: | <u>10</u> |
| M. | AOR's Reviewed: | <u>0</u> |
| N. | Permits Reviewed for NESHAP Applicability: | <u>4</u> |

FEES COLLECTED FOR AIR MANAGEMENT DIVISION

| | Total Revenue |
|---|------------------|
| 1. Non-delegated construction permit for an air pollution source | |
| (a) New Source Review or Prevention of Significant Deterioration sources | \$ <u>480</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) | \$3,480 |
| (b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here) | \$3,640 |
| (c) Delegated General Permit (20% is forwarded to DEP and not included here) | \$0.00 |
| 4. Non-delegated permit revision for an air pollution source | \$0.00 |
| 5. Non-delegated permit transfer of ownership, name change or extension | \$0.00 |
| 6. Notification for commercial demolition | |
| (a) for structure less than 50,000 sq ft | \$2,990 |
| (b) for structure greater than 50,000 sq ft | \$0.00 |
| 7. Notification for asbestos abatement | |
| (a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos | \$290 |
| (b) renovation greater than 1000 linear feet or 1000 sq ft | \$0.00 |
| 8. Open burning authorization | \$5,100 |
| 9. Enforcement Costs | \$384.94 |

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
FEBRUARY

| | | |
|----|---|----------|
| A. | Public Outreach/Education Assistance: | |
| 1. | Phone Calls: | 331 |
| 2. | Literature Distributed: | 63 |
| 3. | Presentations: | 5 |
| 4. | Media Contacts: | 9 |
| 5. | Internet: | 64 |
| B. | Industrial Air Pollution Permitting | |
| 1. | Permit Applications Received (Counted by Number of Fees Received): | |
| a. | Operating: | 3 |
| b. | Construction: | 2 |
| c. | Amendments: | 0 |
| d. | Transfers/Extensions: | 5 |
| e. | General: | 2 |
| 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 : | 2 |
| b. | Construction ¹ : | 3 |
| c. | Amendments ¹ : | 1 |
| d. | Transfers/Extensions ¹ : | 9 |
| e. | Title V Operating ² : | 16 |
| f. | Permit Determinations ² : | 1 |
| g. | General: | 0 |
| 3. | Intent to Deny Permit Issued: | 0 |
| C. | Administrative Enforcement | |
| 1. | New cases received: | 1 |
| 2. | On-going administrative cases: | |
| a. | Pending: | 4 |
| b. | Active: | 5 |
| c. | Legal: | 3 |
| d. | Tracking compliance (Administrative): | 19 |
| e. | Inactive/Referred cases: | 0 |
| | Total | 31 |
| 3. | NOIs issued: | 2 |
| 4. | Citations issued: | 0 |
| 5. | Consent Orders Signed: | 3 |
| 6. | Contributions to the Pollution Recovery Fund: \$ | 3,450.00 |
| 7. | Cases Closed: | 3 |

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| D. | Inspections: | |
| | 1. Industrial Facilities: | <u>2</u> |
| | 2. Air Toxics Facilities: | |
| | a. Asbestos Emitters | <u>0</u> |
| | b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...) | <u>9</u> |
| | c. Major Sources | <u>0</u> |
| | 3. Asbestos Demolition/Renovation Projects: | <u>25</u> |
| E. | Open Burning Permits Issued: | <u>6</u> |
| F. | Number of Division of Forestry Permits Monitored: | <u>194</u> |
| G. | Total Citizen Complaints Received: | <u>66</u> |
| H. | Total Citizen Complaints Closed: | <u>61</u> |
| I. | Noise Sources Monitored: | <u>12</u> |
| J. | Air Program's Input to Development Regional Impacts: | <u>0</u> |
| K. | Test Reports Reviewed: | <u>94</u> |
| L. | Compliance: | |
| | 1. Warning Notices Issued: | <u>14</u> |
| | 2. Warning Notices Resolved: | <u>15</u> |
| | 3. Advisory Letters Issued: | <u>8</u> |
| M. | AOR's Reviewed: | <u>0</u> |
| N. | Permits Reviewed for NESHP Applicability: | <u>4</u> |

FEES COLLECTED FOR AIR MANAGEMENT DIVISION

| | Total Revenue |
|---|-------------------------|
| 1. Non-delegated construction permit for an air pollution source | |
| (a) New Source Review or Prevention of Significant Deterioration sources | \$ <u> -0-</u> |
| (b) all others | \$ <u> -0-</u> |
| 2. Non-delegated operation permit for an air pollution source | |
| (a) class B or smaller facility - 5 year permit | \$ <u> -0-</u> |
| (b) class A2 facility - 5 year permit | \$ <u> -0-</u> |
| (c) class A1 facility - 5 year permit | \$ <u> -0-</u> |
| 3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here) | \$ <u>1,400.00</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> 800.00</u> |
| (c) Delegated General Permit (20% is forwarded to DEP and not included here) | \$ <u> 160.00</u> |
| 4. Non-delegated permit revision for an air pollution source | \$ <u> -0-</u> |
| 5. Non-delegated permit transfer of ownership, name change or extension | \$ <u> -0-</u> |
| 6. Notification for commercial demolition | |
| (a) for structure less than 50,000 sq ft | \$ <u> 460.00</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> 580.00</u> |
| (b) renovation greater than 1000 linear feet or 1000 sq ft | \$ <u> -0-</u> |
| 8. Open burning authorization | \$ <u>2,550.00</u> |
| 9. Enforcement Costs | \$ <u>1,052.52</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

MEMORANDUM

DATE: February 7, 2002
TO: Tom Koulianos, Director of Finance and Administration
FROM: *JH* Joyce H. Moore, Executive Secretary, Waste Management Division
through *HB* Hooshang Boostani, Director of Waste Management
SUBJECT: **WASTE MANAGEMENT'S JANUARY 2002
AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

| | |
|---|------|
| 1. New cases received | 10 |
| 2. On-going administrative cases | 106 |
| a. Pending | 22 |
| b. Active | 53 |
| c. Legal | 9 |
| d. Tracking Compliance (Administrative) | 17 |
| e. Inactive/Referred cases | 5 |
| 3. NOI's issued | 8 |
| 4. Citations issued | 0 |
| 5. Settlement Documents Signed | 2 |
| 6. Civil Contributions to the Pollution Recovery Fund | 8100 |
| 7. Enforcement Costs collected | 2689 |
| 9. Cases Closed | 13 |

B. SOLID AND HAZARDOUS WASTE

| | |
|--|-------|
| 1. Permits (received/reviewed) | 63/62 |
| 2. EPC Authorization for Facilities NOT requiring DEP permit | 1 |
| 3. Other Permits and Reports | |
| a. County Permits | 0 |
| b. Reports | 62/61 |
| 4. Inspections (Total) | 754 |
| a. Complaints | 43 |
| b. Compliance/Reinspections | 14 |
| c. Facility Compliance | 26 |
| d. Small Quantity Generator | 671 |
| 5. Enforcement | |
| a. Complaints Received/Closed | 40/40 |
| b. Warning Notices Issued/Closed | 6/8 |
| c. Compliance letters | 32 |
| d. Letters of Agreement | 0 |
| e. DEP Referrals | 4 |
| 6. Pamphlets, Rules and Material Distributed | 189 |

C. STORAGE TANK COMPLIANCE

| | |
|---|-------|
| 1. Inspections | |
| a. Compliance | 110 |
| b. Installation | 26 |
| c. Closure | 7 |
| d. Compliance Re-Inspections | 33 |
| 2. Installation Plans Received/Reviewed | 2/3 |
| 3. Closure Plans & Reports | |
| a. Closure Plans Received/ Reviewed | 4/4 |
| b. Closure Reports Received/Reviewed | 5/1 |
| 4. Enforcement | |
| a. Non-compliance Letters Issued/Closed | 66/54 |
| b. Warning Notices Issued/Closed | 11/12 |
| c. Cases referred to Enforcement | 9 |
| d. Complaints Received/Investigated | 0 |
| e. Complaints Referred | 0 |
| 5. Discharge Reporting Forms Received | 4 |
| 6. Incident Notification Forms Received | 4 |
| 7. Cleanup Notification Letters Issued | 2 |
| 8. Public Assistance | 200+ |

D. STORAGE TANK CLEANUP

| | |
|---|---------------------------|
| 1. Inspections | 29 |
| 2. Reports Received/Reviewed | 71/73 |
| a. Site Assessment | 22/31 |
| b. Source Removal | 2/4 |
| c. Remedial Action Plans (RAP's) | 11/12 |
| d. Site Rehabilitation Completion Order/ No Further Action Order | 5/2 |
| e. Others | 31/24 |
| 3. State Cleanup | |
| a. Active Sites | NO LONGER ADMINISTERED |
| b. Funds Dispersed | |

E. RECORD REVIEWS

36

COMMISSION

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

EXECUTIVE DIRECTOR
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FAX (813) 276-2256

WETLANDS MANAGEMENT DIVISION
FAX (813) 272-7144

1410 N. 21ST STREET • TAMPA, FLORIDA 33605

MEMORANDUM

DATE: March 13, 2002
TO: Tom Koulianos, Director of Finance and Administration
FROM: Joyce H. Moore, Executive Secretary, Waste Management Division
through
Hoodrang Boostani, Director of Waste Management
SUBJECT: **WASTE MANAGEMENT'S FEBRUARY 2002
AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

| | |
|---|----------|
| 1. New cases received | 2 |
| 2. On-going administrative cases | 96 |
| a. Pending | 24 |
| b. Active | 45 |
| c. Legal | 8 |
| d. Tracking Compliance (Administrative) | 17 |
| e. Inactive/Referred cases | 2 |
| 3. NOI's issued | 1 |
| 4. Citations issued | 0 |
| 5. Settlement Documents Signed | 5 |
| 6. Civil Contributions to the Pollution Recovery Fund | \$14,840 |
| 7. Enforcement Costs collected | \$944 |
| 9. Cases Closed | 4 |

B. SOLID AND HAZARDOUS WASTE

| | |
|--|-------|
| 1. Permits (received/reviewed) | 54/39 |
| 2. EPC Authorization for Facilities NOT requiring DEP permit | 2/1 |
| 3. Other Permits and Reports | |
| a. County Permits | 0 |
| b. Reports | 48/38 |
| 4. Inspections (Total) | 245 |
| a. Complaints | 37 |
| b. Compliance/Reinspections | 25 |
| c. Facility Compliance | 44 |
| d. Small Quantity Generator | 139 |
| 5. Enforcement | |
| a. Complaints Received/Closed | 36/43 |
| b. Warning Notices Issued/Closed | 7/11 |
| c. Compliance letters | 40 |
| d. Letters of Agreement | 0 |
| e. DEP Referrals | 4 |
| 6. Pamphlets, Rules and Material Distributed | 301 |

C. STORAGE TANK COMPLIANCE

| | |
|---|-------|
| 1. Inspections | |
| a. Compliance | 104 |
| b. Installation | 23 |
| c. Closure | 7 |
| d. Compliance Re-Inspections | 31 |
| 2. Installation Plans Received/Reviewed | 6/4 |
| 3. Closure Plans & Reports | |
| a. Closure Plans Received/ Reviewed | 4/4 |
| b. Closure Reports Received/Reviewed | 5/1 |
| 4. Enforcement | |
| a. Non-compliance Letters Issued/Closed | 83/50 |
| b. Warning Notices Issued/Closed | 19/6 |
| c. Cases referred to Enforcement | 0 |
| d. Complaints Received/Investigated | 1/1 |
| e. Complaints Referred | 0 |
| 5. Discharge Reporting Forms Received | 1 |
| 6. Incident Notification Forms Received | 3 |
| 7. Cleanup Notification Letters Issued | 0 |
| 8. Public Assistance | 200+ |

D. STORAGE TANK CLEANUP

| | |
|---|---------------------------|
| 1. Inspections | 39 |
| 2. Reports Received/Reviewed | 55/77 |
| a. Site Assessment | 16/31 |
| b. Source Removal | 5/2 |
| c. Remedial Action Plans (RAP's) | 8/7 |
| d. Site Rehabilitation Completion Order/ No Further Action Order | 2/4 |
| e. Others | 24/33 |
| 3. State Cleanup | |
| a. Active Sites | NO LONGER ADMINISTERED |
| b. Funds Dispersed | |

E. RECORD REVIEWS

42

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

JANUARY, 2002

A. ENFORCEMENT

| | | |
|--|-------------------|--|
| 1. New Enforcement Cases Received: | <u>3</u> | |
| 2. Enforcement Cases Closed: | <u>4</u> | |
| 3. Enforcement Cases Outstanding: | <u>14</u> | |
| 4. Enforcement Documents Issued: | <u>1</u> | |
| 5. Warning Notices: | <u>9</u> | |
| a. Issued: | <u>3</u> | |
| b. Resolved: | <u>6</u> | |
| 6. Recovered costs to the General Fund: | \$1,292.00 | |
| 7. Contributions to the Pollution Recovery Fund: | <u>\$5,405.52</u> | |

| <u>Case Name</u> | <u>Violation</u> | <u>Amount</u> |
|--------------------------|--|---------------|
| a. Tampa Livestock Dist. | Improper Operation | \$3,205.52 |
| b. Tampa South RV Resort | Failure to Meet Effluent Limits; Improper Operation; Unpermitted Discharge | \$1,200.00 |
| c. Taub Townhomes | Construction w/out a Permit | \$1,000.00 |

B. PERMITTING - DOMESTIC

| | | |
|---|-----------|--|
| 1. Permit Applications Received: | <u>36</u> | |
| a. Facility Permit: | <u>8</u> | |
| (i) Types I and II | <u>1</u> | |
| (ii) Type III | <u>7</u> | |
| b. Collection Systems-General: | <u>17</u> | |
| c. Collection Systems-Dry Line/Wet Line: | <u>11</u> | |
| d. Residuals Disposal: | <u>0</u> | |
| 2. Permit Applications Approved: | <u>28</u> | |
| a. Facility Permit: | <u>6</u> | |
| b. Collection Systems-General: | <u>13</u> | |
| c. Collection Systems-Dry Line/Wet Line: | <u>9</u> | |
| d. Residuals Disposal: | <u>0</u> | |
| 3. Permit Applications Recommended for Disapproval: | <u>0</u> | |
| a. Facility Permit: | <u>0</u> | |
| b. Collection Systems-General: | <u>0</u> | |
| c. Collection Systems-Dry Line/Wet Line: | <u>0</u> | |
| d. Residuals Disposal: | <u>0</u> | |
| 4. Permit Applications (Non-Delegated) Recommended for Approval: | <u>0</u> | |
| 5. Permits Withdrawn: | <u>0</u> | |

| | |
|---|-----------|
| 6. Permit Applications Outstanding: | 39 |
| a. Facility Permit: | <u>21</u> |
| b. Collection Systems-General: | <u>13</u> |
| c. Collection Systems-Dry Line/Wet Line: | <u>5</u> |
| d. Residuals Disposal: | <u>0</u> |
| C. INSPECTIONS - DOMESTIC | <u>95</u> |
| 1. Compliance Evaluation: | <u>11</u> |
| a. Inspection (CEI): | <u>1</u> |
| b. Sampling inspection (CSI): | <u>10</u> |
| c. Toxics Sampling Inspection (XSI): | <u>0</u> |
| d. Performance Audit Inspection (PAI): | <u>0</u> |
| 2. Reconnaissance: | <u>53</u> |
| a. Inspection (RI): | <u>33</u> |
| b. Sample Inspection (SRI): | <u>0</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>5</u> |
| d. Post Construction Inspection (XCI): | <u>24</u> |
| D. PERMITTING - INDUSTRIAL | |
| 1. Permit Applications Received: | <u>2</u> |
| a. Facility Permit: | <u>2</u> |
| (i) Types I and II | <u>2</u> |
| (ii) Type III with groundwater monitoring | <u>0</u> |
| (iii) Type III w/o groundwater monitoring | <u>0</u> |
| b. General Permit: | <u>0</u> |
| c. Preliminary Design Report: | <u>0</u> |
| (i) Types I and II | <u>0</u> |
| (ii) Type III with groundwater monitoring | <u>0</u> |
| (iii) Type III w/o groundwater monitoring | <u>0</u> |
| 2. Permits Recommended to DEP for Approval: | <u>4</u> |
| 3. Permit Applications Outstanding: | <u>26</u> |
| a. Facility Permits: | <u>26</u> |
| b. General Permits: | <u>0</u> |
| E. INSPECTIONS - INDUSTRIAL | <u>18</u> |
| 1. Compliance Evaluation: | <u>4</u> |
| a. Inspection (CEI): | <u>4</u> |
| b. Sampling Inspection (CSI): | <u>0</u> |
| c. Toxics Sampling Inspection (XSI): | <u>0</u> |
| d. Performance Audit Inspection (PAI): | <u>0</u> |

| | |
|--|------------|
| 2. Reconnaissance: | <u>14</u> |
| a. Inspection (RI): | <u>9</u> |
| b. Sample inspection (SRI): | <u>0</u> |
| c. Complaint Inspection (CRI): | <u>5</u> |
| F. CITIZEN COMPLAINTS | |
| 1. Domestic: | <u>30</u> |
| a. Received: | <u>10</u> |
| b. Closed: | <u>20</u> |
| 2. Industrial: | <u>6</u> |
| a. Received: | <u>3</u> |
| b. Closed: | <u>3</u> |
| 3. Water Pollution: | <u>9</u> |
| a. Received: | <u>4</u> |
| b. Closed: | <u>5</u> |
| G. RECORD REVIEWS | |
| 1. Permitting: | <u>2</u> |
| 2. Enforcement: | <u>0</u> |
| H. ENVIRONMENTAL SAMPLES ANALYSED FOR: | |
| 1. Air Division: | <u>137</u> |
| 2. Waste Division: | <u>0</u> |
| 3. Water Division: | <u>125</u> |
| 4. Wetlands Division: | <u>0</u> |
| I. SPECIAL PROJECT REVIEWS | |
| 1. DRI's: | <u>1</u> |
| 2. Permitting: | <u>0</u> |
| 3. Enforcement: | <u>0</u> |
| 4. Other: | <u>0</u> |
| J. WATER QUALITY MONITORING SPECIAL PROJECTS | |
| 1. Data Review | <u>0</u> |
| 2. Special Sampling | <u>0</u> |
| 3. Biomonitoring/Toxicity Reviews (DW) | <u>1</u> |
| 4. Biomonitoring/Toxicity Reviews (IW) | <u>0</u> |
| 5. Other | <u>0</u> |
| K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL | <u>27</u> |

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

FEBRUARY, 2002

A. ENFORCEMENT

| | |
|--|----------|
| 1. New Enforcement Cases Received: | 1 |
| 2. Enforcement Cases Closed: | 2 |
| 3. Enforcement Cases Outstanding: | 14 |
| 4. Enforcement Documents Issued: | 2 |
| 5. Warning Notices: | 14 |
| a. Issued: | 7 |
| b. Resolved: | 7 |
| 6. Recovered costs to the General Fund: | \$20,135 |
| 7. Contributions to the Pollution Recovery Fund: | \$37,238 |

| Case Name | Violation | Amount |
|-----------------------------------|--|----------|
| a. Riverside Club | Effluent Discharge, Improper Operation, Failure to Maintain, Violation of Permit Condition | \$ 5,000 |
| b. Circle K | Construction without Permit | \$ 1,000 |
| c. Wal Mart | Improper Operation, Failure to Maintain, Lift/Col. Sys. Overflow | \$ 3,900 |
| d. Harmony Ranch | Effluent Discharge | \$11,700 |
| e. Papa John's Pizza | Construction w/out Permit | \$ 1,000 |
| f. Crystal Springs Nursing Center | DW Effluent Discharge, Improper Operation, Failure to Maintain, Violation of Permit Conditions | \$14,638 |

B. PERMITTING - DOMESTIC

| | |
|--|----|
| 1. Permit Applications Received: | 21 |
| a. Facility Permit: | 6 |
| (i) Types I and II | 1 |
| (ii) Type III | 5 |
| b. Collection Systems-General: | 10 |
| c. Collection Systems-Dry Line/Wet Line: | 5 |
| d. Residuals Disposal: | 0 |
| 2. Permit Applications Approved: | 20 |
| a. Facility Permit: | 2 |
| b. Collection Systems-General: | 9 |
| c. Collection Systems-Dry Line/Wet Line: | 9 |
| d. Residuals Disposal: | 0 |
| 3. Permit Applications Recommended for Disapproval: | 0 |
| a. Facility Permit: | 0 |
| b. Collection Systems-General: | 0 |
| c. Collection Systems-Dry Line/Wet Line: | 0 |
| d. Residuals Disposal: | 0 |
| 4. Permit Applications (Non-Delegated) Recommended for Approval: | 0 |

| | |
|---|-----------|
| 5. Permits Withdrawn: | <u>0</u> |
| 6. Permit Applications Outstanding: | <u>40</u> |
| a. Facility Permit: | <u>25</u> |
| b. Collection Systems-General: | <u>14</u> |
| c. Collection Systems-Dry Line/Wet Line: | <u>1</u> |
| d. Residuals Disposal: | <u>0</u> |
| C. INSPECTIONS - DOMESTIC | <u>97</u> |
| 1. Compliance Evaluation: | <u>18</u> |
| a. Inspection (CEI): | <u>3</u> |
| b. Sampling inspection (CSI): | <u>12</u> |
| c. Toxics Sampling Inspection (XSI): | <u>0</u> |
| d. Performance Audit Inspection (PAI): | <u>3</u> |
| 2. Reconnaissance: | <u>57</u> |
| a. Inspection (RI): | <u>20</u> |
| b. Sample Inspection (SRI): | <u>4</u> |
| c. Complaint Inspection (CRI): | <u>30</u> |
| d. Enforcement Inspection (ERI): | <u>3</u> |
| 3. Special: | <u>22</u> |
| a. Diagnostic Inspection (DI): | <u>0</u> |
| b. Residual Site Inspection (RSI): | <u>0</u> |
| c. Preconstruction Inspection (PCI): | <u>4</u> |
| d. Post Construction Inspection (XCI): | <u>18</u> |
| D. PERMITTING - INDUSTRIAL | |
| 1. Permit Applications Received: | <u>2</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>2</u> |
| (i) Types I and II | <u>2</u> |
| (ii) Type III with groundwater monitoring | <u>0</u> |
| (iii) Type III w/o groundwater monitoring | <u>0</u> |
| 2. Permits Recommended to DEP for Approval: | <u>1</u> |
| 3. Permit Applications Outstanding: | <u>27</u> |
| a. Facility Permits: | <u>27</u> |
| b. General Permits: | <u>0</u> |
| E. INSPECTIONS - INDUSTRIAL | <u>23</u> |
| 1. Compliance Evaluation: | <u>12</u> |
| a. Inspection (CEI): | <u>11</u> |
| b. Sampling Inspection (CSI): | <u>1</u> |
| c. Toxics Sampling Inspection (XSI): | <u>0</u> |
| d. Performance Audit Inspection (PAI): | <u>0</u> |

| | |
|--|------------|
| 2. Reconnaissance: | <u>11</u> |
| a. Inspection (RI): | <u>3</u> |
| b. Sample inspection (SRI): | <u>0</u> |
| c. Complaint Inspection (CRI): | <u>8</u> |
| F. CITIZEN COMPLAINTS | |
| 1. Domestic: | <u>34</u> |
| a. Received: | <u>14</u> |
| b. Closed: | <u>20</u> |
| 2. Industrial: | <u>21</u> |
| a. Received: | <u>8</u> |
| b. Closed: | <u>13</u> |
| 3. Water Pollution: | <u>4</u> |
| a. Received: | <u>0</u> |
| b. Closed: | <u>4</u> |
| G. RECORD REVIEWS | |
| 1. Permitting: | <u>2</u> |
| 2. Enforcement: | <u>2</u> |
| H. ENVIRONMENTAL SAMPLES ANALYSED FOR: | |
| 1. Air Division: | <u>100</u> |
| 2. Waste Division: | <u>1</u> |
| 3. Water Division: | <u>114</u> |
| 4. Wetlands Division: | <u>0</u> |
| I. SPECIAL PROJECT REVIEWS | |
| 1. DRI's: | <u>1</u> |
| 2. Permitting: | <u>0</u> |
| 3. Enforcement: | <u>0</u> |
| 4. Other: | <u>0</u> |
| J. WATER QUALITY MONITORING SPECIAL PROJECTS | |
| 1. Data Review | <u>0</u> |
| 2. Special Sampling | <u>0</u> |
| 3. Biomonitoring/Toxicity Reviews (DW) | <u>0</u> |
| 4. Biomonitoring/Toxicity Reviews (IW) | <u>0</u> |
| 5. Other | <u>0</u> |
| K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL | <u>27</u> |

Totals

A. EPC WETLANDS REVIEWS

| | |
|---|---------|
| 1. Wetland Delineations | |
| a. Wetland Delineations (\$120.00) | 0 |
| b. Wetland Delineation Dispute | 3 |
| c. Wetland Line Survey Reviews | 41 |
| d. Additional Footage Fees | 1281.27 |
| 2. Misc Activities in Wetland (\$0 or \$100 as applicable) | |
| a. Nuisance Vegetation | 7 |
| b. Other | 10 |
| 3. Impact / Mitigation Proposal (\$775) | 5 |
| 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) | 38 |
| 2. Wastewater Treatment Plants (FDEP) | 6 |
| 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 | 9 |

C. HILLSBOROUGH COUNTY / MUNICIPALITY
 PERMIT APPLICATION REVIEWS

| | |
|---|----|
| 1. Land Alteration / Landscaping (\$100) | |
| a. LAL (SFD) | 0 |
| b. LAL (Other) | 0 |
| 2. Land Excavation (\$785 or \$650 as applicable) | 0 |
| 3. Phosphate Mining | |
| a. Unit Review / Reclamation (\$760) | 2 |
| b. Annual Review / Inspection (\$375) | 0 |
| c. Master Plan | 0 |
| 4. Rezoning | |
| a. Reviews (\$85) | 42 |
| b. Hearings | 2 |
| c. Hearing Preparation (hours) | 0 |
| 5. Site Development (\$360) | |
| a. Preliminary | 9 |
| b. Construction | 27 |
| 6. Subdivision | |
| a. Preliminary Plat (\$140) | 7 |
| b. Master Plan (\$550) | 0 |
| c. Construction Plans (\$250.00) | 23 |
| d. Final Plat (\$90) | 9 |
| e. Waiver of Regulations (\$100) | 0 |
| f. Platted - No-Improvements (\$100) | 19 |
| g. Minor - Certified Parcel (\$100) | 12 |

| | |
|--|------|
| 7. As-Builts (\$255) | 5 |
| 8. Miscellaneous Reviews (no fees) | |
| a. Wetland Setback Encroachment | 0 |
| b. Easement / Vacating | 2 |
| c. NRCS Review | 0 |
| 9. Pre-Applications (no fees) | |
| a. Review Preparations (hours) | 16.5 |
| b. Meetings | 6 |
| 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) | 54 |
| 2. Other Meetings | 117 |
| 3. Telephone Conferences | 662 |
| 4. Presentations | 0 |
| 5. Correspondence | 250 |
| 6. Correspondence Review (hours) | 36 |
| 7. Special Projects (hours) | 40 |
| 8. On-site visits | 81 |
| 9. Appeals (hours) | 0 |

| ADMINISTRATIVE ENFORCEMENT | TOTALS |
|---|------------|
| A. NEW CASES RECEIVED | 1 |
| B. ACTIVITIES | |
| 1. Ongoing Cases | |
| a. Active | 69 |
| b. Legal | 5 |
| c. Inactive | 13 |
| 2. Number of "Notice of Intent to Initiate Enforcement" | 1 |
| 3. Number of Citations Issued | 0 |
| 4. Number of "Emergency Order of the Director" | 0 |
| 5. Number of Consent Orders Signed | 2 |
| C. CASES CLOSED | |
| 1. Administrative / Civil Cases Closed | 4 |
| 2. Criminal Cases Closed | 0 |
| 3. Cases Referred to Legal Dept. | 0 |
| D. CONTRIBUTIONS TO POLLUTION RECOVERY | \$2,150.00 |
| E. ENFORCEMENT COSTS COLLECTED | \$766.98 |

INVESTIGATIONS / COMPLIANCE SECTION

| A. COMPLAINTS | TOTALS |
|--|--------|
| 1. Received | 41 |
| 2. Return Inspections | 56 |
| 3. Closed | 49 |
| | |
| B. WARNING NOTICES | |
| 1. Issued | 6 |
| 2. Return Inspections | 67 |
| 3. Closed | 14 |
| | |
| C. MITIGATION | |
| 1. Compliance/Monitoring Reviews | 46 |
| 2. Compliance Inspections | 22 |
| | |
| D. OTHER ACTIVITIES | |
| 1. Case Meetings | 6 |
| 2. Other Meetings | 23 |
| 3. Telephone Calls | 418 |
| 4. File Reviews | 29 |
| 5. Cases Referred to Enforcement Coordinator | 2 |
| 6. Letters | 93 |
| 7. Erosion Control Inspections | 9 |
| 8. MAIW Reviews | 12 |

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. ADMINISTRATIVE SUPPORT STAFF

| | |
|---|----------|
| 1. File Reviews | 5 |
| 2. Telephone Assistance | 581 |
| 3. Letters | 245 |
| 4. Incoming Projects | 104 |
| 5. Additional Info / Additional Footage | 18 / 12 |
| 6. Resubmittals / Revisions | 30 / 8 |
| 7. Surveys / Data Entry | 27 / 320 |
| 8. Aerial Reviews / Inquiries | 55 / 156 |

B. ENGINEERING STAFF

| | |
|-------------------------|----|
| 1. Meetings | 65 |
| 2. Reviews | 53 |
| 3. Field Investigations | 5 |

Totals

A. EPC WETLANDS REVIEWS

| | |
|---|---------|
| 1. Wetland Delineations | |
| a. Wetland Delineations (\$120.00) | 53 |
| b. Wetland Delineation Dispute | 2 |
| c. Wetland Line Survey Reviews | 29 |
| d. Additional Footage Fees | 1507.48 |
| 2. Misc Activities in Wetland (\$0 or \$100 as applicable) | |
| a. Nuisance Vegetation | 4 |
| b. Other | 21 |
| 3. Impact / Mitigation Proposal (\$775) | 3 |
| 4. Mitigation Agreements Recorded | 3 |
| 5. FDOT Reviews | 0 |

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

| | |
|--|----|
| 1. Tampa Port Authority Permit Applications (\$50. Or \$150. as applicable) | 21 |
| 2. Wastewater Treatment Plants (FDEP) | 8 |
| 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 0

C. HILLSBOROUGH COUNTY / MUNICIPALITY
 PERMIT APPLICATION REVIEWS

- 1. Land Alteration / Landscaping (\$100)
 - a. LAL (SFD) 0
 - b. LAL (Other) 8
- 2. Land Excavation (\$785 or \$650 as applicable) 0
- 3. Phosphate Mining
 - a. Unit Review / Reclamation (\$760) 1
 - b. Annual Review / Inspection (\$375) 0
 - c. Master Plan 0
- 4. Rezoning
 - a. Reviews (\$85) 28
 - b. Hearings 3
 - c. Hearing Preparation (hours) 1
- 5. Site Development (\$360)
 - a. Preliminary 9
 - b. Construction 35
- 6. Subdivision
 - a. Preliminary Plat (\$140) 5
 - b. Master Plan (\$550) 0
 - c. Construction Plans (\$250.00) 10
 - d. Final Plat (\$90) 8
 - e. Waiver of Regulations (\$100) 0
 - f. Platted - No-Improvements (\$100) 10
 - g. Minor - Certified Parcel (\$100) 4

| | |
|--|---|
| 7. As-Builts (\$255) | 9 |
| 8. Miscellaneous Reviews (no fees) | |
| a. Wetland Setback Encroachment | 1 |
| b. Easement / Vacating | 0 |
| c. NRCS Review | 0 |
| 9. Pre-Applications (no fees) | |
| a. Review Preparations (hours) | 8 |
| b. Meetings | 0 |
| 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) | 67 |
| 2. Other Meetings | 94 |
| 3. Telephone Conferences | 583 |
| 4. Presentations | 0 |
| 5. Correspondence | 257 |
| 6. Correspondence Review (hours) | 35 |
| 7. Special Projects (hours) | 31 |
| 8. On-site visits | 87 |
| 9. Appeals (hours) | 4 |

| ADMINISTRATIVE ENFORCEMENT | TOTALS |
|---|------------|
| A. NEW CASES RECEIVED | 2 |
| B. ACTIVITIES | |
| 1. Ongoing Cases | |
| a. Active | 71 |
| b. Legal | 5 |
| c. Inactive | 9 |
| 2. Number of "Notice of Intent to Initiate Enforcement" | 1 |
| 3. Number of Citations Issued | 0 |
| 4. Number of "Emergency Order of the Director" | 0 |
| 5. Number of Consent Orders Signed | 2 |
| C. CASES CLOSED | |
| 1. Administrative / Civil Cases Closed | 4 |
| 2. Criminal Cases Closed | 0 |
| 3. Cases Referred to Legal Dept. | 0 |
| D. CONTRIBUTIONS TO POLLUTION RECOVERY | \$1,475.00 |
| E. ENFORCEMENT COSTS COLLECTED | \$468.00 |

INVESTIGATIONS / COMPLIANCE SECTION

| A. COMPLAINTS | TOTALS |
|--|--------|
| 1. Received | 33 |
| 2. Return Inspections | 61 |
| 3. Closed | 57 |
| | |
| B. WARNING NOTICES | |
| 1. Issued | 14 |
| 2. Return Inspections | 68 |
| 3. Closed | 10 |
| | |
| C. MITIGATION | |
| 1. Compliance/Monitoring Reviews | 22 |
| 2. Compliance Inspections | 17 |
| | |
| D. OTHER ACTIVITIES | |
| 1. Case Meetings | 2 |
| 2. Other Meetings | 21 |
| 3. Telephone Calls | 363 |
| 4. File Reviews | 27 |
| 5. Cases Referred to Enforcement Coordinator | 1 |
| 6. Letters | 76 |
| 7. Erosion Control Inspections | 4 |
| 8. MAIW Reviews | 11 |

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. ADMINISTRATIVE SUPPORT STAFF

| | |
|---|----------|
| 1. File Reviews | 9 |
| 2. Telephone Assistance | 566 |
| 3. Letters | 201 |
| 4. Incoming Projects | 143 |
| 5. Additional Info / Additional Footage | 19 / 11 |
| 6. Resubmittals / Revisions | 34 / 15 |
| 7. Surveys / Data Entry | 32 / 566 |
| 8. Aerial Reviews / Inquiries | 36 / 153 |

B. ENGINEERING STAFF

| | |
|-------------------------------|----|
| 1. Meetings | 46 |
| 2. Reviews | 56 |
| 3. Field Visits / Conferences | 3 |

EPC LEGAL DEPARTMENT MONTHLY REPORT
February 15, 2002

A. ADMINISTRATIVE CASES

NEW CASES | 1 |

Yerrid, Steven [LSAN02-002]: EPC received an appeal of a wetland delineation on a property from an adjacent landowner. The appeal was dismissed without prejudice to re-file an amended appeal because it was insufficient. An amended appeal was received on February 15, 2002. (AZ)

EXISTING CASES | 11 |

FIBA/Bridge Realty [LBRI95-162]: EPC issued a citation to the owner, Bridge Realty and former tenant FIBA Corp., for various unlawful waste management practices. It was ordered that a contamination assessment must be conducted, a report submitted and contaminated material appropriately handled. Bridge Realty and FIBA appealed. Bridge Realty initiated a limited assessment and staff requested additional information only a portion of which was delivered. However, an alternate remedial plan was approved and staff is reviewing the final report. (RT)

Cone Constructors, Inc. [LCONB99-006]: (*See related case under Civil Cases*). Citation for Noise Rule violations during the construction of the Suncoast Parkway was appealed. On September 14, 2000, Mr. Cone signed a Settlement Letter to resolve this case. In addition to prohibiting Mr. Cone from conducting night time operation of heavy duty rock hauling, the Settlement Letter provided for payment of \$1,074.00 as reimbursement for costs and expenses associated with the investigation and resolution of this matter. To date, Mr. Cone has not paid the agreed upon amount. Options for collection of the agreed upon amount are being investigated. (RT)

DOT [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. The EPC filed a motion for summary disposition to try to resolve the estoppel issue. Additional discovery will be necessary in the 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 March 11, 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. A Consent Order was entered by the parties on February 12, 2002 resolving the case. The matter will be closed soon at the Division of Administrative Hearings. (AZ)

RESOLVED CASES | 0 |

B. CIVIL CASES

NEW CASES | 0 |

EXISTING CASES | 11 |

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

Oasem 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. The EPC is asking the court on March 12, 2002 to award EPC contingent penalties and to amend the judgment to allow the EPC to do the work and get reimbursed for the costs. (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 pre-trial conference is currently set for March 27, 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)

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. The debtor has satisfied all of the requirements in the Consent Order and the matter will be closed. (*EPC case against Jaymin Patel*). (AZ)

RESOLVED CASES | 0 |

EPC LEGAL DEPARTMENT MONTHLY REPORT
March 12, 2002

A. ADMINISTRATIVE CASES

NEW CASES | 0 |

EXISTING CASES | 8 |

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)

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. The EPC filed a motion for summary disposition to try to resolve the estoppel issue. Additional discovery will be necessary in the case. (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)

Yerrid, Steven [LSAN02-002]: EPC received an appeal of a wetland delineation on a property from an adjacent landowner. The appeal was dismissed without prejudice to re-file an amended appeal because it was insufficient.

An amended appeal was received on February 15, 2002. The matter has been referred to a Hearing Officer and a pre-hearing conference is being scheduled for late March. (AZ)

RESOLVED CASES | 4 |

Freeport-McMoran v. EPC, DEP & Big Bend Transfer [IFRE00-017]: 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. On February 26, 2002 Petitioner FMD filed a voluntary dismissal and the Division of Administrative Hearings relinquished jurisdiction to the EPC. On March 11, 2002 the EPC entered an Order closing the file and the case was closed. (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. On March 5, 2002 Petitioner SOBAC filed a voluntary dismissal and the Division of Administrative Hearings relinquished jurisdiction to the EPC. On March 11, 2002 the EPC entered an Order closing the file and the case was closed. (AZ & RT)

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 was scheduled for March 11, 2002. On March 8, 2002 the parties entered into a Consent Order wherein the matter was resolved with sufficient corrective actions in addition to penalties of \$7,500.00 and administrative costs of \$2,500. The case is now closed. (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. A Consent Order was entered by the parties on February 12, 2002 resolving the case. The matter was closed at the Division of Administrative Hearings. On February 20, 2002 the EPC entered an Order Closing File and the case was closed. (AZ)

B. CIVIL CASES

NEW CASES | 1 |

Spinnaker Cove [LSP02-003]: Authority to take appropriate action against responsible parties concerning domestic wastewater discharge violations was granted January 2002. (AZ)

EXISTING CASES | 11 |

Holley, Raymond, et al. [LHO194-161]: 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. Settlement discussions are ongoing. (RT)

672 Recovery, Inc. and Richard L. Hain, Sr. [LRFC97-155]: 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. On March 12, 2002 the EPC obtained an amended Final Judgment that awarded the EPC \$15,000 in penalties and allows the agency to complete the work through Pollution Recovery Fund (PRF) money and to assess these costs back to the Defendant. A submittal for PRF is being prepared to do the corrective actions. (AZ)

Integrated Health Services [IHSF00-005]: 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 [LNUF01-021]: 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 pre-trial conference is currently set for March 27, 2002. (AZ)

Tampa Bay Organics [TBO01-015]: 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 [SLU01-029]: 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)

Presto Food Store, Inc. v. EPC, et al. [LPRF02-001] In foreclosing a mortgage on a UST facility, Plaintiff named EPC as a Defendant because of our recorded judgment against the owner/operator. The debtor has satisfied all of the requirements in the Consent Order and the matter will be closed. (*EPC case against Jaymin Patel*). (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 FEBRUARY 28, 2002

| | | |
|-----------------------------|------|-------------|
| Fund Balance as of 10/01/01 | | \$1,337,989 |
| Interest Accrued | FY02 | 29,215 |
| Deposits | FY02 | 134,547 |
| Disbursements | FY02 | 63,100 |

| | | |
|--------------|--|-------------|
| Fund Balance | | \$1,438,651 |
|--------------|--|-------------|

Encumbrances Against Fund Balance:

| | |
|------------------------------------|---------|
| Art. Reef FY02 | 58,634 |
| (66) Asbestos Abatement | 5,000 |
| (73) Balm Road Scrub | 300,000 |
| (81) Oil Boom/Tampa Baywatch | 16,374 |
| (84) a Cockroach Bay Turtle Grass | 28,971 |
| (84) b Cockroach Bay Aerial Photos | 16,188 |
| (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 |
| (94) American Lung/Airwise | 10,000 |
| (95) COT Stormwater Improvement | 37,800 |
| (96) H. C. Parks/Riverview Civic | 40,000 |
| (97) COT Parks Dept/Cypress Point | 100,000 |

| | |
|--------------------|---------|
| Total Encumbrances | 770,691 |
|--------------------|---------|

| | |
|-----------------|-----------|
| Minimum Balance | 120,000 * |
|-----------------|-----------|

| | |
|--|------------|
| Fund Balance Available February 28, 2002 | \$ 547,960 |
|--|------------|

*\$20,000 to be used for City of Tampa Parks Department

www.epchc.org

-49-

E-Mail: epcinfo@epchc.org

COMMISSION

PAT FRANK
CHRIS HART
JIM NORMAN
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EXECUTIVE DIRECTOR

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1410 N. 21ST STREET • TAMPA, FLORIDA 33605

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
AS OF FEBRUARY 28, 2002

| | |
|-----------------------------|-----------------|
| Fund Balance as of 10/01/01 | \$1,423,826 |
| Interest Accrued FY02 | 28,156 |
| Disbursements FY02 | 63,244 |
| Fund Balance | \$1,451,982 |

Encumbrances Against Fund Balance:

| | |
|---|---------|
| SP462 Port Redwing | 300,000 |
| Sp464 Davis Tract | 151,208 |
| SP602 Apollo Beachhabitat Restoration | 100,000 |
| P597 Fantasy Island Restoration | 1,633 |
| SP591 Mechanical Seagrass Planting | 31,304 |
| Marsh Creek/Ruskin Inlet | 47,500 |
| SP604 Desoto Park Shoreline | 150,000 |
| H.C. Resource Mmt/Exotic Plant Removal | 50,000 |
| H.C. Resource Mmt/Apollo Beach Restoration | 35,000 |
| Fl. Marine Res. Inst/Tampa Bay Scallop Rest | 127,900 |
| COT Stormwater Improvements | 21,000 |
| H. C. PublicSafety/ManateeProtectionAreas | 40,147 |
| CR. Bay Users Group/SeagrassManateeProt | 27,200 |
| H. C. Parks/RiverviewCivicCenter | 120,000 |

| | |
|-----------------------|-----------|
| Total of Encumbrances | 1,202,892 |
|-----------------------|-----------|

| | |
|--|------------|
| Fund Balance Available February 28, 2002 | \$ 249,090 |
|--|------------|

COMMISSION

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

EXECUTIVE DIRECTOR

RICHARD D. GARRITY, Ph.D.



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MEMORANDUM

DATE: February 27, 2002

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 December 3, 2001.

SYDNEY MINE SLUDGE POND SITE

The USEPA Remedial Project Manager e-mailed EPC staff and reports that the "pump and treat system has been dismantled. The site is being monitored."

ALARIC AREA GROUND WATER PLUME

The USEPA Remedial Project Manager e-mailed EPC staff and reports that he is "working on the ROD [Record of Decision] for Alaric."

HELENA CHEMICAL COMPANY SITE

The USEPA Remedial Project Manager e-mailed EPC staff and reports, "We [i.e., the USEPA] hope to resume the groundwater RD [Remedial Design] for Helena in the next month."

STAUFFER CHEMICAL COMPANY SITE

The USEPA Remedial Project Manager e-mailed EPC staff and reports, "Stauffer is still in an O&M [operation and maintenance] mode."

NORMANDY PARK APARTMENTS SITE

The USEPA Remedial Project Manager e-mailed EPC staff and reports: "Gulf Coast Recycling (GCR) submitted their Remedial Action Construction Report on January 25, 2002. This report documents the activities that took place relating to the soil removal at the apartment complex. They have begun performing quarterly groundwater sampling.

This will be done for one year and less frequently afterward until the cleanup levels are met.”

SOUTHERN SOLVENTS, INC. SITE

The USEPA Remedial Project Manager e-mailed EPC staff and reports that the “draft Pre-final Design” for the Remedial Design (RD) for Operable Unit (OU) 1 (i.e., soil and surficial aquifer groundwater) is being reviewed by the USEPA. He states for OU 2 (i.e., the Floridan aquifer groundwater) “six Floridan [monitoring] wells will be installed next month. RI/FS [Remedial Investigation/Feasibility Study] is to be completed in the fall [2002].”

MRI 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 December 3, 2001 quarterly status memorandum, the USEPA Remedial Project Manager reported that a Consent Decree had been negotiated with the potential responsible parties (PRPs). She stated that the USEPA’s attorney and the U.S. Department of Justice (DOJ) were hoping that the Consent Decree gets lodged before Christmas 2001. After that, there would be a 30-day public comment period. She stated that sampling for the Investigation of Extent of Contamination would not be implemented until the Consent Decree is entered.

The USEPA Remedial Project Manager also stated 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 stated, “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 stated, “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 went on to state, “Unfortunately, the proposal offers very little information regarding soil characterization or construction diagrams.”

PEAK OIL/BAY DRUMS SITE

The USEPA Remedial Project Manager e-mailed EPC staff and reports, “The latest status report can be found on the [USEPA] Region 4 webpage.” The fact sheet on the USEPA webpage states the following: “The remedial action construction activities designed to address OU 1 [i.e., the Peak Oil source area] and OU 3 [i.e., the Bay Drum source area] were completed during the summer/fall of 2001. The Remedial Action Report for OU 1/OU 3 is currently under development/review. It is estimated that the remedial design for the area-wide impacted groundwater (OU 2) will begin in the Spring of 2002. As required in the ROD [Record of Decision], sampling of the Wetland (OU 4) occurred before construction activities at OU 1 and OU 3 began (i.e., pre-OU 1 and OU 3

construction sampling). Post-OU 1 and OU 3 construction sampling of the Wetland is set to occur again in 2002.”

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 December 3, 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: “The most recent results from the October 2001 sampling event indicate the VOC [volatile organic compounds] compounds are present in four of the fourteen compliance ring [monitoring] wells. The ring wells F-4A, F-15, 31-D, and 32-D had detectable levels of VOCs. Only [ring well] 31-D exceeded any of the applicable standards.”

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

RDG/cjh

I:\Superfund Quarterly February 2002

AGENDA ITEM SUMMARY SHEET

Date: March 21, 2002

Agenda Item: Final EPC staff recommendations concerning proposed Muck Pond Road Drainage Improvement Project and associated wetland impacts and mitigation.

Description/Summary:

EPC staff has completed its review of the proposal by Hillsborough County Stormwater Management Section to raise the elevation of a portion of Muck Pond Road to prevent flooding problems on the roadway. The proposed construction will result in permanent impacts to 0.54 acres of previously altered herbaceous wetlands. EPC staff has determined that the wetland impacts have been reduced to the greatest extent practicable and are unavoidable and necessary in order for the project to be completed. In order to compensate for the wetland impacts, Hillsborough County has offered to preserve and place a Conservation Easement over 1.08 acres of valuable non-forested uplands adjacent to floodplain wetlands along Flint Creek. EPC staff has inspected the proposed upland preservation area and determined that the area serves to augment the adjacent wetland system by providing habitat for wetland dependant wildlife.

Board Action Recommended: Approve EPC Staff Recommendation For Approval.

Fort King Highway Greenways Trail - Note to File
Mitigation Site STR 2-28-20
May 17, 2001 (post-date)

Attendees: Bob Upcavage, EPC
Kelly Holland, HCPW

The purpose of the on-site investigation conducted on March 29, 2000 was to evaluate a proposed Hillsborough County upland mitigation area just north and east of the Hillsborough County Service Unit #5 that is located on Highway 301 North. The proposed mitigation area was to accommodate for proposed wetland impacts associated with Muck Pond Road upgrades and/or the Fort King Highway greenway (bicycle) trail.

Soil maps (Soil Survey of Hillsborough County, Florida. 1989.) indicate that the upland portions of the property to be underlain with Candler fine sand (#7), a soil usually associated with sandhill and scrubby flatwoods plant communities, Myakka fine sand (#29), associated with the typical pine flatwoods, and Tavares-Millhopper fine sands (#53), associated with dry to scrubby flatwoods. The wetland area is underlain with Chobee sandy loam, frequently flooded. This soil is associated with riverine floodplain areas, and depending on the frequency and duration of flooding, may be cypress and/or mixed hardwood swamps.

The proposed mitigation property is estimated to about two (2) acres total. A wetland delineation would have to be performed to determine the exact acreage. However, there are uplands south of the existing high-quality, cypress/mixed hardwood swamp. Although the uplands are anthropogenically disturbed i.e., fire suppression, minor dumping, previous clearing, grading, etc., and contain some invasive upland species such as *Vitis* sp., there is strong evidence of wetland-dependant (and other categories) wildlife utilization. Notably were turtle shell fragments believed to be of the family Kinosternidae, some of which are Florida endemics. Although not wetland-dependant, other species noted by observation or other evidence include: six-lined racerunners, bobcat, various snakes, burrows attributed to mammalian and/or reptilian excavation (no gopher tortoises were noted). Potential listed species may include: eastern indigo snake, gopher tortoise, and gopher frog.

The strongest feature in support of allowing this land to provide mitigation for wetland impacts, pursuant to Chapter 1-11.09(7) is the nearby absence of suitable nesting habitat for turtles, the absence of domestic animal predation, and the ability to protect and manage the area to benefit wetland-dependant wildlife that may otherwise be subjected to development expansion of the adjacent Hillsborough County Service Unit.

A cursory investigation of surrounding uplands by photointerpretation indicates that little of this proximal habitat may be available to the wetlands east of Highway 301 due to residential and agricultural practices. The only remaining tract of suitable uplands adjacent to the Flint Creek floodplain is currently under state control, but is adjacent to a proposed church development that has intentions of full site development.

AGENDA ITEM SUMMARY SHEET

Date: March 13, 2002

Agenda Item: Apollo Beach Restoration Contract

Description/Summary:

In May of 2001, the Hillsborough County Water Resource Team received a letter from the Florida Department of Environmental Protection (FDEP) confirming that \$450,000 had been earmarked in the Department's budget for the Apollo Beach Habitat Restoration Project. On December 12, 2001, the FDEP provided the WRT with a final FDEP signed contract for grant assistance on a cost reimbursement basis. At the January 9, 2002 BOCC meeting, the Board accepted and approved this contract and related agreement amendments with SWFWMD. The grant will be administered through the WRT and allows for subcontracting of the actual land restoration to SWFWMD, and subcontracting of the monitoring to the EPC. The grant funds are to be split equally between the SWFWMD and EPC.

The EPC will carryout an extensive 2-year surface water/Benthic and sediment quality study of the north Apollo Beach canal system, the embayment north of the canal system and the Tampa Electric Company (TECO) Big Bend facility thermal discharge area. Data from these sites may be used to evaluate water quality and/or ecological changes potentially related to the restoration, and will be a tremendous enhancement to the monitoring currently being done in the Apollo Beach area via the Hillsborough Independent Monitoring Program (HIMP) implemented by the WRT.

Board Action Recommendation: Authorize the Executive Director to enter into contract with WRT Administrator to implement the study and receive reimbursement for services per the grant application and related agreements.

Date: 13 March 2002

Agenda Item: MLK Village

The following is a status report on the Florida Department of Environmental Protection (FDEP) Study requested by the EPC for the MLK Village area.

Status:

In response to allegations that residential homes in the area of 26th Street and MLK Boulevard were constructed on top of an old landfill, the EPC requested that the Site Investigation Section of the FDEP, Tallahassee office, evaluate the subject area for the presence of an old un-permitted landfill. The Site Investigation Section accepted the referral and discussed the objectives of the study with the Mary Yeagan of the EPC. They have since assigned the project to their contracted consultant, PSI. PSI has initiated the project and has completed their initial site visit and records review. It is anticipated that PSI will have a work plan complete this week for the Site Investigation Section's review and approval. Upon approval, the actual field-work may be initiated. EPC will request a copy of the approved work plan and will provide additional updates to the Commission.

AGENDA ITEM SUMMARY SHEET

Date: March 12, 2002

Agenda Item: Grant from the National Science Foundation (NSF) for an Environmental Information System (EIS) for the EPC.

Description/Summary:

The University of South Florida College of Engineering, in conjunction with Tampa Bay Engineering (TBE) Group is seeking a Grant from the NSF to create a framework and demonstration application for an EIS for the EPC. The validation stage of the project will develop this system using the database of the Wetlands Management Division. Following validation with the Wetlands Division, the system will be expanded to include all EPC Divisions.

EPC Staff, Mr. Rick Bowers, Director, TBE Group and Dr. 's Perez and Carnahan from USF's College of Engineering, will be available to respond to questions from the Board.

Board Action Recommendation: Approve EPC Staff pursuit of the Grant from the NSF in partnership with USF.

Board of County Commissioners

WALTON COUNTY
P. O. BOX 1355
117 MONTGOMERY CIRCLE

Handwritten initials/signature

7/28
Dict T
Please to over
with Daniel
quickly



LANE REES, DISTRICT 1
HERMAN WALKER, DISTRICT 2
LARRY O. JONES, DISTRICT 3
GENE RYAN, DISTRICT 4
TIM PAULS, DISTRICT 5

MICHAEL O. UNDERWOOD
COUNTY ADMINISTRATOR
SHIRL WILLIAMS
ASSISTANT COUNTY ADMINISTRATOR
PHONE (850) 892-8155
(850) 892-8156
FAX (850) 692-8454

DEFUNIAK SPRINGS, FLORIDA 32435

FOR YOUR INFORMATION
COMMISSIONER
JAN PLATT

February 14, 2002

Dear County Commissioner:

Due to delays and additional expenses associated with obtaining permits for maintenance and updating roads and bridges within the county, our State Representative, Don Brown, has offered assistance by proposing an amendment to F.S. 403.813 (2). The amendment would exempt the county from permitting paving of certain roads and bridges.

The Walton County Board of County Commissioners has passed a resolution in support of Representative Brown's proposed amendment. The County Commission requests that your Board consider passing a similar resolution and sending it to the Governor and Florida Legislature.

A copy of the resolution and the proposed amendment are enclosed.

Thank you for your consideration.

Sincerely,

Shirl Williams

for Lane Rees
Chairman

REC'D

FEB 26 2002

ENV. PROT. COMM
OF H.C.

RESOLUTION ^{pc} ~~08~~ 10

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, SUPPORTING Representative Brown's Amendment amending section 402.313, Florida Statutes

WHEREAS, Walton County has one thousand one hundred fifty-eight (1,158) miles of road in its county road system to maintain and upgrade, and

WHEREAS, Walton County has two hundred ninety-nine (299) bridges, the most in the state of Florida, to maintain and upgrade, and

WHEREAS, Walton County has experienced a great deal of delay on projects while mitigating wetlands and obtaining permits from the Florida Department of Environmental Protection to maintain and upgrade the above mentioned roads and bridges, and

WHEREAS, Walton County has experienced additional expenses as a result of hiring engineers necessary to obtain said permits, and

WHEREAS, Representative Brown has recognized that the time and costs associated with said permits are unnecessary and burdensome, and obtaining these permits hinders Walton County's ability to protect the environment and provide for the health and welfare of its citizens,

NOW THEREFORE, BE IT RESOLVED that the Walton County Board of County Commissioners supports Representative Brown's proposed amendment that would exempt the county from permits for paving certain existing bridges and roads.

A copy of this resolution shall be made available to the Governor of the State of Florida, the Florida Legislature, Walton County, and all interested parties.

Adopted by the Walton County Board of County Commissioners in Session at DeFuniak Springs, Walton County, Florida on the 12th day of February 2002.

BOARD OF COUNTY COMMISSIONERS,
WALTON COUNTY, FLORIDA

Lane Rees
Lane Rees, Chairman

Herman L Walker
Herman Walker

Larry Jones
Larry Jones, Vice Chairman

Tim Pauls
Tim Pauls

Gene Ryan
Gene Ryan

ATTEST:
Martha Ingle
Martha Ingle, Clerk

CERTIFIED A TRUE COPY
Feb 13 2002
MARTHA INGLE
Clerk Circuit Court
Walton County Florida
BY Danielle
Deputy Clerk

MEMBER AMENDMENT

SEE BACK OF FORM FOR INSTRUCTIONS

If amendment is any part of other bills or bills.

Insert: Bill No(s)

Draft No(s)

HB

SB

Member Amendment No.

DO NOT USE FELT TIP PEN

FOR YOUR OWN PROTECTION, DO NOT USE PRINTED BILL OR REDUCED COPY OF BILL
GET FULL-SIZED COPY OF BILL DRAFT FROM DUPLICATING, 329 CAPITOL

Representative(s) Brown

(Please Print)

offered the following amendment:

Amendment On page , line

1 Delete: [nothing]

2 and insert:

3 Section __. Subsection (2) of Section 403.813, Florida Statutes,

4 is amended to read:

5 403.813 Permits issued at district centers; exceptions.--

6 (2) No permit under this chapter, chapter 373, chapter 61-691,

7 Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of

8 Florida, shall be required for activities associated with the following

9 types of projects; however, nothing in this subsection relieves an

10 applicant from any requirement to obtain permission to use or occupy

*Printed within
of worded*

*Proposed Changes are
underlined*

1 lands owned by the Board of Trustees of the Internal Improvement Trust
 2 Fund or any water management district in its governmental or proprietary
 3 capacity or from complying with applicable local pollution control
 4 programs authorized under this chapter or other requirements of county
 5 and municipal governments:

6 (l) The replacement, paving, or repair of existing open-trestle
 7 foot bridges and vehicular bridges that are 500 ~~100~~ feet or less in
 8 length and two lanes or less in width, provided that no more dredging or
 9 filling of submerged lands is performed other than that which is
 10 necessary to replace or repair pilings and that the structure to be
 11 replaced or repaired is the same length, the same configuration, and in
 12 the same location as the original bridge. No debris from the original
 13 bridge shall be allowed to remain in the waters of the state.

14 (m) The repair, paving, or repaving of existing impervious roads,
 15 including dirt roads provided the construction activity does not expand
 16 the width of the road to more than two lanes.

17 (n) (m) The installation of subaqueous transmission and
 18 distribution lines laid on, or embedded in, the bottoms of waters in the
 19 state, except in Class I and Class II waters and aquatic preserves,
 20 provided no dredging or filling is necessary.

21 (o) (m) The replacement or repair of subaqueous transmission and

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1 distribution lines laid on, or embedded in, the bottoms of waters of the
2 state.

3 ~~(p)~~ The construction of private seawalls in wetlands or other
4 surface waters where such construction is between and adjoins at both
5 ends existing seawalls; follows a continuous and uniform seawall
6 construction line with the existing seawalls; is no more than 150 feet
7 in length; and does not violate existing water quality standards, impede
8 navigation, or affect flood control. However, in estuaries and lagoons
9 the construction of vertical seawalls is limited to the circumstances
10 and purposes stated in s. 373.414(5)(b)1.-4. This paragraph does not
11 affect the permitting requirements of chapter 161, and department rules
12 must clearly indicate that this exception does not constitute an
13 exception from the permitting requirements of chapter 161.

14 ~~(g)~~ The restoration of existing insect control impoundment
15 dikes which are less than 100 feet in length. Such impoundments shall be
16 connected to tidally influenced waters for 6 months each year beginning
17 September 1 and ending February 28 if feasible or operated in accordance
18 with an impoundment management plan approved by the department. A dike
19 restoration may involve no more dredging than is necessary to restore
20 the dike to its original design specifications. For the purposes of this
21 paragraph, restoration does not include maintenance of impoundment

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Citizen Services Division (850) 892-8539

1 dikes of operating insect control impoundments.

2 ~~(s)(1)~~ The construction, operation, or maintenance of stormwater
3 management facilities which are designed to serve single-family
4 residential projects, including duplexes, triplexes, and quadruplexes,
5 if they are less than 10 acres total land and have less than 2 acres of
6 impervious surface and if the facilities:

7 1. Comply with all regulations or ordinances applicable to
8 stormwater management and adopted by a city or county;

9 2. Are not part of a larger common plan of development or sale;
10 and

11 3. Discharge into a stormwater discharge facility exempted or
12 permitted by the department under this chapter which has sufficient
13 capacity and treatment capability as specified in this chapter and is
14 owned, maintained, or operated by a city, county, special district with
15 drainage responsibility, or water management district; however, this
16 exemption does not authorize discharge to a facility without the
17 facility owner's prior written consent.

18 ~~(s)(1)~~ The removal of aquatic plants, the removal of tussocks, the
19 associated replanting of indigenous aquatic plants, or the associated
20 removal from lakes of organic material when such planting or removal is

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1 performed and authorized by permit or exemption granted under s. 369.20
2 or s. 369.25, if:

3 1. Organic material that exists on the surface of natural mineral
4 soil shall be allowed to be removed to a depth of 3 feet or to the
5 natural mineral soils, whichever is less.

6 2. All organic material removal pursuant to this subsection shall
7 be deposited in an upland site in a manner that will prevent the
8 reintroduction of the material into waters in the state except when
9 spoil material is permitted to be used to create wildlife islands in
10 freshwater bodies of the state when a governmental entity is permitted
11 pursuant to this section to create such islands as a part of a
12 restoration or enhancement project.

13 3. All activities are performed in a manner consistent with state
14 water quality standards.

15 The department may not adopt implementing rules for this paragraph,
16 notwithstanding any other provision of law.

17 (3) The provisions of subsection (2) are superseded by general
18 permits established pursuant to ss. 371.118 and 403.914 which include
19 the same activities. Until such time as general permits are established,

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1 or should general permits be suspended or repealed, the exemptions under
2 subsection (2) shall remain or shall be reestablished in full force and
3 effect.

4 Section __. This act shall take effect upon becoming a law.

5

6 * * * * * T I T L E A M E N D M E N T * * * * *

7 And the title is amended as follows:

8 amending s. 403.813(2), F.S.; including provisions for road paving;

163036.1

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

AGENDA ITEM COVER SHEET

| | |
|---|--|
| DATE: | March 13, 2002 |
| TO: | Environmental Protection Commissioners |
| FROM: | Brenda Fonda, Enforcement Coordinator, Waste Management Division |
| SUBJECT: | Request for Authority to Take Legal Action regarding Constanin Artzibushev and Howard Kleinatland |
| RECOMMENDATION: | Request authorization to pursue appropriate legal action and settlement authority |
| BACKGROUND: | <p>Constanin Artzibushev owns real property, which includes several commercial buildings, at 8709 Gunn Highway. Howard Kleinatland, Sr., a lessee, owned and operated Big Red's Village Garage, an automotive shop for approximately 16 years, vacating same in about April 2000.</p> <p>During an inspection of Big Red's Village Garage, EPC staff observed that automotive parts were cleaned over a concrete sump/grate system that leads to an oil/water separator system that eventually discharges to a drainfield in violation of Chapters 1-5 and 1-7, Rules of the EPC. Discharging to this drainfield creates the potential for soil and groundwater contamination. The waste discharging to the soil and groundwater may cause or may reasonably expected to cause injury, detriment, or nuisance to any person or the public or may endanger the health or safety of any person or the public.</p> <p>Citations to Cease and Orders to Correct Violation ("Citation") were sent to Mr. Artzibushev and Mr. Kleinatland on July 2, 2001. The Citations were not appealed and a Final Order was signed on January 28, 2002.</p> <p>Mr. Artzibushev has submitted some information in response to the Citation, which is currently under review. However, the Citation required submittal of a Preliminary Contamination Assessment Report (PCAR) in accordance with the Preliminary Contamination Assessment Actions guidelines. To date, no PCAR has been received by EPC.</p> <p>EPC has enforcement authority under its enabling act, 84-446, Laws of Florida, as amended and has adopted by reference, in Chapter 1-7, Rules of the EPC, the hazardous waste standards and criteria adopted by the Department of Environmental Protection in Chapter 62-730, F.A.C.</p> |
| ACTION TAKEN BY THE COMMISSION | |
| [] Approved [] Disapproved [] Continued/Deferred Until _____ | |
| Other: _____ | |
| SPECIAL INSTRUCTIONS: _____ | |
| By: _____ | |
| MEETING DATE: _____ | |

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

AGENDA ITEM COVER SHEET

DATE: March 13, 2001

TO: Environmental Protection Commissioners

FROM: Sheila Luce, Enforcement, Waste Management Division

SUBJECT: Request for Authority to Take Legal Action regarding Yousef J. and Randa Y. Nsheiwat d/b/a Durant Food Store

RECOMMENDATION: Request authorization to pursue appropriate legal action and settlement authority.

BACKGROUND:

Yousef J. and Randa Y. Nsheiwat (Respondents) own and operate a retail gasoline/convenience store located at 7201 S. Turkey Creek Road. The facility includes two underground storage tank (UST) systems containing fuel / petroleum product. The facility is registered with the Florida Department of Environmental Protection (DEP).

EPC has contracted with the DEP to administer the UST program (which includes both underground and aboveground storage tank systems) in Hillsborough County. EPC also has independent authority under its enabling act, Chapter 84-446, Laws of Florida, as amended and has adopted by reference, in Chapter 1-12, Rules of the EPC, the UST rules of the DEP.

The facility was referred to the EPC Waste Management Division on April 5, 1995. A Citation was issued to the Respondents in 1995 regarding the unresolved violations. The Citation was not appealed. The Citation was issued for violations of failure to: monitor release detection; conduct and record inventory; provide proof of financial responsibility; and keep sumps free of debris. These violations are on-going. In addition, since the Citation was issued in 1995 there have been numerous additional violations of the UST rules. Respondents have not cooperated with EPC in resolving the violations.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

MEETING DATE: _____

DIAGRAM (IF APPROPRIATE)

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

AGENDA ITEM COVER SHEET

DATE: March 13, 2002
TO: Environmental Protection Commissioners
FROM: Brenda Fonda, Enforcement Coordinator, Waste Management Division
SUBJECT: Request for Authority to Take Legal Action regarding Gandy Coastal

RECOMMENDATION: Request authorization to pursue appropriate legal action and settlement authority

BACKGROUND:
Theodoros and Sophia Kefalas (Respondents) are the owners of the non-residential property located at 4101 Gandy Boulevard. Respondent Mr. Kefalas is the President/Director of General Auto Millennium Fuel of Tampa, Inc. (GAMFT). GAMFT owns and operates the retail gasoline and convenience store known as Gandy Coastal, which includes three underground storage tank (UST) systems and one aboveground storage tank system. The aboveground storage tank system has been taken out of service.

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

DEP rule Chapter 62-761, F.A.C. and Chapter 1-12, Rules of the EPC, require that tank systems are required to meet performance and operating standards or be properly closed. Respondents have violated these regulations by: failure to verify overfill protection is present and operational; failure to perform release detection; or properly close the storage tank systems. Respondents have not cooperated with EPC in resolving the violations.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____
Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

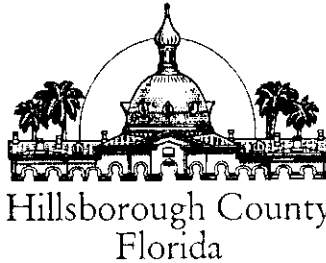
MEETING DATE: _____

BOARD OF COUNTY COMMISSIONERS

Chairman
Pat Frank, District 7

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Jim Norman, District 2

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P. O. Box 1110
Tampa, Florida 33601
(813) 272-5660

Web Site
www.hillsboroughcounty.org

Daniel A. Kleman
County Administrator

MEMORANDUM

DATE: February 28, 2002

TO: Richard Garrity, Ph.D., Executive Director
Environmental Protection Commission

FROM: Commissioner Ronda R. Storms, Chairman
Environmental Protection Commission

SUBJECT: Toxic Sediments in Port Channels

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OF H.C.

Dr. Garrity:

Thank you for your February 25, 2002 memorandum, copy attached, providing an update on toxic sediments in port channels. Please schedule this matter for discussion during the March 21, 2002 EPC Meeting.

If you have any comments or concerns regarding this request, please contact me.

RRS/sbb

cc: Environmental Protection Commission

Memorandum

Date: February 25, 2002
To: EPC Board
From: Richard Garrity, Executive Director
RE: Toxic Sediments in Port Channels

This week we expect one of our local T.V. stations to run a series of programs on the fact that local ship channels, including Ybor channel have bottom sediments that may test positive for toxic levels of various chemicals. According to the Tampa Bay Estuary Program (TBEP) the primary contaminants of concern in the Bay sediments are metals (chromium, copper, mercury, silver and metal), polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs) and pesticides.

This is not a new finding and in fact is an issue that has been identified in the TBEP Comprehensive Conservation and Management Plan (CCMP) for Tampa Bay. Both Hillsborough County and the Environmental Protection Commission are participants in the CCMP and have specific Action Plans to address issues raised in the CCMP.

To date, EPC's emphasis for this issue has been on reducing or eliminating discharges of such pollutants to the Bay so they do not end up in bottom sediments. Several significant achievements in this regard are: 1) our efforts to reduce emissions from the grit blasting and painting operations of local shipyards; 2) the cleanup of phosphate shipping terminals; and 3) our participation in cooperative studies with the University of South Florida to measure the effects of atmospheric deposition in Bay waters; and 4) our partnership with the County Stormwater Program to beef up Small Quantity Generator inspections and thus decrease pollutant discharges to stormwater drainage systems.

Eventually, the sediments themselves will have to be dealt with. We are very fortunate in this area having a group like the TBEP to help identify hot spots of contamination and set goals for managing contaminated areas. The partners in the TBEP, including EPC, are scheduled to adopt sediment quality targets this fall and then examine alternative methods for managing the highest priority areas. Protective measures could include removing the sediments by dredging (this at times is already occurring with normal maintenance of ship channels) and containing contaminated sediments with a layer of clean sediment if needed to prevent toxic compounds from leaching into the water column.

This memo is meant to be a brief update on the issue of toxic sediments. If the Board wishes, we can provide a more detailed briefing at an upcoming Board meeting.