

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
MAY 16, 2002
10:00 AM – 12 NOON**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

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

- I. CITIZEN'S COMMENTS**
- II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**
- Items of Interest
- III. CONSENT AGENDA**
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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.

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

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in EPC Special Meeting for the election of chairman and vice chairman, scheduled for Tuesday, November 20, 2001, at 4:10 p.m., in the Boardroom, County Center, Tampa Florida.

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

Commissioner Storms called the meeting to order at 4:10 p.m. Ms. Charlotte Emrick, Aide to Chairman Frank, called for nominations for EPC chairman. Commissioner Hart nominated Commissioner Easterling. Commissioner Norman nominated Commissioner Storms. Commissioner Scott nominated Commissioner Platt. The motion for chairman carried five to two in favor of Commissioner Storms; Commissioner Easterling voted for Commissioner Easterling; Commissioner Platt voted for Commissioner Platt.

Ms. Emrick called for nominations for vice chairman. Commissioner Hart nominated Commissioner Easterling. Commissioner Scott nominated Commissioner Platt. Ms. Emrick called for additional nominees; there being none, the motion for vice chairman carried four to three in favor of Commissioner Platt; Commissioners Easterling, Hart, and Storms voted for Commissioner Easterling.

There being no further business, the meeting was adjourned at 4:25 p.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____
Deputy Clerk

ss

JANUARY 9, 2002 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, to consider Arbitrating Tampa Bay Water (TBW) Request for Time Extensions on Existing U.S. Army Corps of Engineers, Section 404, Dredge and Fill Nationwide Permits, scheduled for Wednesday, January 9, 2002, at 2:15 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Vice Chairman Jan Platt and Commissioners Stacey Easterling, Pat Frank, Chris Hart, Jim Norman, and Thomas Scott.

The following member was absent: Chairman Ronda Storms.

Vice Chairman Platt called the meeting to order at 2:25 p.m.

EPC General Counsel Richard Tschantz said EPC agreed with the Water Resource Team that time extensions did not warrant arbitration. The time extension would not create further environmental impacts. Attorney Tschantz recommended EPC not arbitrate the permits. **Commissioner Norman so moved, seconded by Commissioner Easterling, and carried six to zero.** (Chairman Storms was absent.)

There being no further business, the meeting was adjourned at 2:26 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

sw

JANUARY 17, 2002 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, January 17, 2002, at 10:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Vice Chairman Jan Platt and Commissioners Stacey Easterling (arrived at 10:10 a.m.), Pat Frank, Chris Hart, Jim Norman, and Thomas Scott (arrived at 10:06 a.m.).

The following member was absent: Chairman Ronda Storms (Growth Management and Environmental Permitting Conference).

Vice Chairman Platt called the meeting to order at 10:08 a.m., Commissioner Norman led in the pledge of allegiance to the flag, and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, requested to present a presentation of an award at the beginning of the meeting. **Commissioner Norman moved the changes, seconded by Commissioner Frank, and carried four to zero.** (Commissioners Easterling and Scott had not arrived; Chairman Storms was absent.)

CITIZENS'S COMMENTS

Mr. Philip Compton, 1430 East Park Circle, talked about the Reed property and a proposal to do shoreline restoration and stormwater filtration. He displayed photographs of the lower Hillsborough River and said stormwater pollution was a problem. Mr. Compton distributed photographs of citizens participating in an Earth Day clean up. He asked the EPC Board to consider funding the proposal, because the citizens wanted to see the Hillsborough River clean.

Ms. Marilyn Smith, County resident, spoke on the Tampa Electric Company (TECO) settlement and TECO not adhering to the Gannon Station natural gas conversion as issued in the lawsuit by the Environmental Protection Agency (EPA).

THURSDAY, JANUARY 17, 2002 - DRAFT MINUTES

Dr. Garrity said a written report would be provided to EPC Board members, but he would give a verbal report on the TECO settlement. The agreement with the EPA specified a date to shut off the existing burners at Gannon Station and a different date for the conversion of the natural gas fire burners. TECO would be complying with the agreement by shutting down the existing boilers; would delay the conversion of natural gas fire burners; but, in the interim would not be able to produce full power. Mr. Jerry Campbell, Director, Air Management Division, EPC, said coal burning would cease as stated in the agreement on December 31, 2004. TECO decided to delay putting some of the gas fire units online for one year; for business reasons, not all of the gas fire units would be online. There were six units total, three of which would be online by December 31, 2004.

Responding to Commissioner Frank, Mr. Campbell said the bayside station would be renamed; the gas fire units scheduled to come online in 2003 and 2004 would be referred to as the bayside units, which would be on the Gannon property. He answered queries of EPC Board members.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

CEAC chairman, Mr. David Forziano, reported Mr. Don De Pra would no longer serve on the CEAC and recognized his service for the past five years. Mr. Darrell Howton, EPC staff, would provide an overview on the National Research Council regarding wetland mitigation. Mr. Forziano said a committee was appointed to select a new chairman and vice chairman for the CEAC, and the recommendations would be made at the next meeting in February 2002.

CONSENT AGENDA

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

Commissioner Norman moved the Consent Agenda, seconded by Commissioner Scott, and carried six to zero. (Chairman Storms was absent.)

THURSDAY, JANUARY 17, 2002 - DRAFT MINUTES

PRESENTATION

Consider Requests for Pollution Recovery Funds and Gardinier Settlement Trust Funds - Mr. Howton said applications were mailed out regarding a public notification soliciting applications for environmental projects that would provide environmental education, remediation, mitigation, and restoration; the applications were received and taken to the legal staff for determining whether they met eligibility requirements of the two funds. Once that was determined, the applications were distributed to staff for review and to the Florida Department of Environmental Protection (DEP). Mr. Howton noted if one did not agree funds should be awarded for a project, no funds would be awarded. Upon the review of staff, a recommendation for projects to be funded was given to Dr. Garrity; Dr. Garrity made recommendations to the CEAC of the projects to be funded. The CEAC reviewed all the projects and made their own recommendations. Mr. Howton showed a chart, which outlined all the projects that had applications submitted, the monies requested, and the recommendations from CEAC, EPC, and the DEP. The top ten projects were provided, EPC Board members were asked to consider all projects as a group and provide action as a whole. Mr. Howton summarized the ten projects.

Mr. Howton and Mr. Christopher Dunn, Waste Management Division, EPC, answered inquiries of Commissioner Frank regarding the Westshore Canal area. Subject to Board discussion, **Commissioner Hart moved approval of EPC staff recommendation for project funding, seconded by Commissioner Frank, and carried six to zero.** (Chairman Storms was absent.)

LEGAL DEPARTMENT

Request Authority to Take Appropriate Legal Action Against Spinnaker Cove Condominium Association and Focus Bay Pointe, L.C. - EPC General Counsel Richard Tschantz explained action was needed to file legal action against Spinnaker Cove Condominium Association; Focus Bay Pointe, L.C.; and Bay Pointe Village Apartments, L.P. If a settlement could not be reached, it would be necessary to file a lawsuit to recover the costs and penalties for violations of State and EPC laws regarding failure to manage the wastewater collection and treatment system. The problem had been ongoing since July 1999 through February 2000. Attorney Tschantz said the wastewater collection and treatment system issue was resolved but not the costs and penalties. **Commissioner Easterling so moved, seconded by**

THURSDAY, JANUARY 17, 2002 - DRAFT MINUTES

Commissioner Scott. Responding to Commissioner Frank, Attorney Tschantz gave the locations for areas requiring legal action. **The motion carried six to zero.** (Chairman Storms was absent.)

AIR MANAGEMENT DIVISION

Authorize Executive Director to Execute Contract Amending Bay Regional Atmospheric Chemistry Experiment (BRACE) Contract with DEP - Mr. Campbell gave a background history on the BRACE program and requested the EPC Board to authorize Dr. Garrity to sign an amended contract with the State allowing EPC staff to continue to work with the Estuary program and the state of Florida on a BRACE study.

Mr. Campbell said researchers were doing a study involving determining how much nitrogen was in the air, how much would get into the water of Tampa Bay, and what problems that might create; the study would be completed in four years. Additional moneys were provided by the State, which would enable a second site to be established at Simmons Park, referred to as a superfund site. A third site would be set up at Sydney and a research lab as part of the wastewater treatment plant by May 1, 2002. Mr. Campbell showed a computer enhancement slide of the site. He requested the EPC Board to authorize Dr. Garrity to sign an amendment with the state of Florida allowing additional funding through the fiscal year of June 30, 2002. The funding would allow the hiring of two, full-time positions with limited duration. EPC currently had one in-house, part-time position. **Commissioner Scott moved staff recommendations, seconded by Commissioner Norman.** Mr. Tom Tamanini, EPC staff, responded to Vice Chairman Platt, regarding studying the effects of nitrogen on the Bay and the impact of the discharging of nitrogen relative to Piney Point and responded to Commissioner Frank regarding determining the areas to place the studies. **The motion carried six to zero.** (Chairman Storms was absent.)

EXECUTIVE DIRECTOR'S REPORT

Dr. Garrity reported the Air Management Division applied for a grant from the United States Environmental Protection Agency (EPA) to purchase a hybrid vehicle. The vehicle was designed to use both electric and gasoline engines. He explained how the vehicle operated and its special features. Dr. Garrity compared the cost of fuel for the hybrid vehicle with fuel for a Ford Taurus vehicle and compared the cost to purchase both

THURSDAY, JANUARY 17, 2002 - DRAFT MINUTES

vehicles. The hybrid vehicle was maintained by Fleet Management. County Administrator Daniel A. Kleman was interested in purchasing hybrid vehicles, and Dr. Garrity said the EPC would purchase more vehicles as well. He invited the EPC Board members and their aides to the EPC building for a test drive of the vehicle. Commissioner Platt suggested Dr. Garrity do a press release and invite television stations.

There being no further business, the meeting was adjourned at 10:50 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

ss

FEBRUARY 13, 2002 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, to consider Sending an EPC Representative to the Hillsborough River Basin Board Meeting in Support of a Comprehensive Study for the Hillsborough River, scheduled for Wednesday, February 13, at 4:12 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Ronda Storms and Commissioners Stacey Easterling, Pat Frank, Chris Hart, Jim Norman, and Jan Platt.

The following member was absent: Commissioner Tom Scott (schedule conflict).

Chairman Storms called the meeting to order at 4:12 p.m.

In response to Chairman Storms, Attorney Rick Muratti, EPC, confirmed the EPC could convene since notice had been sent for the Board of County Commissioners (BOCC) workshop meeting. **As discussed by the BOCC earlier in the February 13, 2002, workshop meeting, Commissioner Norman moved staff and director recommendations, seconded by Commissioner Hart, and carried six to zero.** (Commissioner Scott was absent.)

There being no further business, the meeting was adjourned at 4:13 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

lm

FEBRUARY 21, 2002 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider Arbitration of Tampa Bay Water's (TBW) Proposed Modification of the Optimized Regional Operations Plan to Implement the Brandon Urban Dispersed Wells Control Points, scheduled for Wednesday, February 21, 2002, at 2:15 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Storms called the meeting to order at 2:24 p.m.

Attorney Rick Muratti, EPC, said EPC conducted an independent review and concurred with the Water Resource Team not to arbitrate the proposed modification. **Commissioner Norman moved staff recommendation, seconded by Commissioner Frank, and carried seven to zero.**

As requested by Commissioner Hart, Dr. Rick Garrity, EPC Executive Director, reported on the pipeline issue regarding a dairy and TBW. In reply to Chairman Storms, Dr. Garrity reported on the Hillsborough River Basin Board meeting in which the basin board voted not to fund the study project. Approximately \$1.3 million was available from the Army Corps of Engineers (Corps). EPC staff felt the study could be fine-tuned with the various studies occurring in the Hillsborough River basin by Southwest Florida Water Management District, the County, EPC, and the city of Tampa, and then go to the Corps as multiparty constituents with a more streamlined scope of study.

Chairman Frank wanted to know how many members of the Hillsborough River Basin Board lived in the area for which they had responsibility for oversight. EPC General Counsel Richard Tschantz thought the residency requirement was for the County, not the basin. However, he would research and provide to the Board a membership list and requirements for appointment to the basin board.

WEDNESDAY, FEBRUARY 21, 2002 - DRAFT MINUTES

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

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

sw

FEBRUARY 26, 2002 - ENVIRONMENTAL PROTECTION COMMISSION EMERGENCY MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Emergency Meeting, to consider EPC General Counsel Richard Tschantz's request that EPC staff comment on legislation in Tallahassee on the behalf of the EPC Board, scheduled for Wednesday, February 26, at 2:51 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Storms called the meeting to order at 2:51 p.m.

Chairman Storms relayed to Board members that Attorney Tschantz requested the EPC Board to allow staff to comment on potential legislation that was out of committee or before the legislature in Tallahassee. In response to Commissioner Frank, Chairman Storms stated EPC staff was asking for narrow authority, in keeping with previously articulated policies of the EPC. **Commissioner Norman so moved, seconded by Commissioner Easterling, and carried seven to zero.**

There being no further business, the meeting was adjourned at 2:53 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

lm

MARCH 21, 2002 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, March 21, 2002, at 9:30 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Ronda Storms and Commissioners Stacey Easterling (arrived at 9:42 a.m.), Pat Frank, Chris Hart (arrived at 9:45 a.m.), Jim Norman, Jan Platt, and Thomas Scott.

Chairman Storms called the meeting to order at 9:40 a.m. Commissioner Scott led in the pledge of allegiance to the flag and gave the invocation.

SPECIAL PRESENTATION

Ms. Nancy Marsh, supervisor of secondary science, Hillsborough County School Board, presented an award to Dr. Richard Garrity, EPC Executive Director, on behalf of the Hillsborough Regional Science and Engineering Fair for his support.

CITIZENS' COMMENTS - NONE

CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Items of Interest - CEAC Chairman, Mr. David Forziano, reported Mr. Daniel Alberti was appointed to the CEAC. The CEAC was formulating ideas from issues that would be addressed for the upcoming year, and citizens who wanted their concerns placed on the agenda should contact Mr. Forziano. Mr. Forziano thanked Mr. Anthony D'Aquila, EPC Wetlands Division, for arranging a field trip for CEAC members on April 1, 2002, to review the tailwater recovery pond, Tampa Bay Water's desalination plant, and the Alafia River intake. Mr. Forziano said at the CEAC elections, he was elected chairman and Ms. Gaye Townsend was elected vice chairman for 2003.

Presentation Outgoing Member - Don Depra - Chairman Storms presented a plaque to Mr. Don Depra for his service on the CEAC from 1995 through 2001. She announced Ms. Carol Keye, EPC staff, passed away on March 4, 2002; she had worked with the EPC since 1981.

THURSDAY, MARCH 21, 2002 - DRAFT MINUTES

CONSENT AGENDA

- A. Approval of Minutes October 18, November 7, and November 15, 2001.
- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Trust Fund
- E. Gardinier Settlement Trust Fund
- F. Quarterly Update - Superfund Sites
- G. Approve Muck Pond Road Upland Preservation Mitigation
- H. Approve Apollo Beach Restoration Contract
- I. Status Report Dr. Martin Luther King Jr. (MLK) Village

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

PRESENTATION

Graphic Information System (GIS) Presentation EPC/Tampa Bay Engineering (TBE)/University of South Florida (USF) - Mr. Darrell Howton, Director, EPC Wetlands Management Division, said staff would team with TBE and USF to pursue grants to fund the GIS program. Mr. Rick Bowers, project manager, TBE, gave a powerpoint presentation and described the GIS project. Dr. Garrity requested the EPC Chairman send a letter of support to the granting agencies, and approve staff pursuing the project and partnership with TBE and USF. Commissioner Frank moved approval of EPC moving forward with the project, seconded by Commissioner Hart. Commissioner Norman suggested the motion include involving the County administration regarding the funding; Commissioner Frank agreed. Responding to Commissioner Platt, Dr. Garrity and Dr. Robert Carnahan, associate dean for research, College of Engineering, USF, explained how the partnerships were selected, and Dr. Garrity explained the future financial obligations. Following discussion, the motion carried seven to zero.

LEGAL DEPARTMENT

Discussion - Walton County Resolution - EPC General Counsel Richard Tschantz said a letter was prepared by Messrs. Bernardo Garcia, Director, Public Works Department, and Bob Gordon, Engineering Division, Public

Works Department, regarding the resolution. Staff was in support of the letter and no further action was needed.

Request Authority to Take Appropriate Legal Action Against: (1) Constanin Artzibushev and Howard Kleinatland; (2) Yousef and Randa Nsheiwat, doing business as Durant Food Store; and (3) Gandy Coastal - Attorney Tschantz requested the EPC's approval to file litigation and seek settlement authority for the three cases. EPC was seeking corrective action and penalties through Circuit Court. **Commissioner Easterling moved staff recommendation, seconded by Commissioner Platt, and carried seven to zero.**

ADMINISTRATION

Ratify Interlocal Agreement With Hillsborough County - Mr. Tom Koulianos, EPC Director of Finance and Administration, said a County audit recommended the County enter into interlocal agreements with the agency for which it provided administration benefits. He requested EPC ratify the agreement, authorize the executive director to review the agreement with legal counsel, and sign the agreement. **Commissioner Platt moved to ratify. The motion was duly seconded and carried seven to zero.**

Update - Ybor City Waste Disposal Assessment - Mr. Koulianos said County properties had been removed from the proposed assessment. Responding to Commissioner Norman, Mr. Koulianos said public hearings would be held in August 2002 to establish the ordinance; EPC would not be included in the Ybor City Waste disposal assessment area.

Discuss Fleet Requirements - Lease Four Vehicles, Waste Management Division-Three, Air Management Division-One - Mr. Koulianos said the issue could be resolved without EPC action and withdrew the item.

OFF-THE-AGENDA ITEM - FLORIDA GAS TRANSMISSION COMPANY

Commissioner Norman said citizens had expressed concern about Florida Gas Transmission Company wanting to build a plant with a compressor station on State Highway 579. EPC staff had recommended approval. The community had not received notice that activity would occur, only the residents that were within 1,000 square feet were noticed. The residents had numerous issues, which included damage to the lake, recreation, and the economy. About 61 tons of carbon monoxide would be emitted annually. The citizens

THURSDAY, MARCH 21, 2002 - DRAFT MINUTES

had until March 26, 2002, to file a notice for participation. Commissioner Platt said EPC did not involve itself in permitting; that was a staff function. Attorney Tschantz said EPC had made a recommendation of approval to the Florida Department of Environmental Protection (DEP) and explained the permit process. Commissioner Frank agreed with Commissioner Platt's concern.

Mr. Jerry Campbell, EPC staff, explained DEP decided to issue permits, because the gas transmission lines were concurrent from Pensacola through Palm Beach County; he explained the notice procedure. He suggested EPC staff and people who had knowledge in the zoning process investigate previous approvals regarding the pipeline when it was installed eight years ago, and set up a community meeting to explain to the citizens their rights, and let citizens speak to the issue. Commissioner Platt disagreed with the suggestion and opined that EPC would be subject to legal challenge if it interjected itself into the permitting process. **Commissioner Platt moved to receive and file the information, seconded by Commissioner Frank.** Commissioner Norman urged Board members to listen to staff, because normal issuance of a permit was 90 days; the permit was issued within 30 days. Commissioner Scott asked if Mr. Campbell's suggestions could be accomplished without Board action; Dr. Garrity responded in the affirmative. Responding to Commissioner Frank, Dr. Garrity said the technical review had been completed and was found acceptable. EPC could help the citizens contact DEP, which issued the permit, and DEP could tell the citizens how to file a petition. Chairman Storms did not want the Board to intervene but supported directing the citizens to the permitting agency.

Attorney Tschantz said EPC did not issue the permit; DEP should speak to the issue. He recommended pointing the citizens in the right direction. Dr. Garrity reported he had been informed by Mr. Campbell that citizens were talking with DEP, technical staff, and general counsel's office. **The motion carried six to one; Commissioner Norman voted no.**

EXECUTIVE DIRECTOR'S REPORT

Discussion - Toxic Sediments in Port Channels - Dr. Garrity highlighted the item detailed in agenda material. Mr. Tom Cardinale, EPC Water Management Division, gave a presentation and showed photographs illustrating what Channel 8 News reported in a news segment related to

THURSDAY, MARCH 21, 2002 - DRAFT MINUTES

toxic sediments. Mr. Cardinale answered inquiries of Commissioner Easterling regarding toxic paints and international regulations. Mr. Steve Grabe, EPC Water Management Division, gave the status of sediments in Tampa Bay, identified the problem areas, and gave the sources of contamination.

CITIZENS' COMMENTS - RESUMED

Upon the consensus of the Board, Ms. Marilyn Smith, County citizen, commented about air quality problems and the damage caused by power plants.

There being no further business, the meeting was adjourned at 11:02 a.m.

READ AND APPROVED _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____
Deputy Clerk

ss

APRIL 3, 2002 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider Arbitration of Tampa Bay Water's (TBW) Optimized Regional Operations Plan Annual Update For 2002, scheduled for Wednesday, April 3, 2002, at 2:30 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Storms called the meeting to order at 2:32 p.m.

Attorney Rick Muratti, EPC Legal Department, said EPC had performed an independent review and, based upon its findings, recommended not to arbitrate the matter. **Commissioner Norman moved to concur with staff, seconded by Commissioner Frank, and carried seven to zero.**

There being no further business, the meeting was adjourned at 2:33 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

SW

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
APRIL

A. Public Outreach/Education Assistance:		
1. Phone Calls:		<u>333</u>
2. Literature Distributed:		<u>33</u>
3. Presentations:		<u>6</u>
4. Media Contacts:		<u>3</u>
5. Internet:		<u>76</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>6</u>
b. Construction:		<u>2</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>0</u>
e. General:		<u>3</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		<u>4</u>
b. Construction ¹ :		<u>6</u>
c. Amendments ¹ :		<u>1</u>
d. Transfers/Extensions ¹ :		<u>1</u>
e. Title V Operating ² :		<u>9</u>
f. Permit Determinations ² :		<u>0</u>
g. General:		<u>1</u>
3. Intent to Deny Permit Issued:		<u>1</u>
C. Administrative Enforcement		
1. New cases received:		
		<u>1</u>
2. On-going administrative cases:		
a. Pending:		<u>4</u>
b. Active:		<u>6</u>
c. Legal:		<u>3</u>
d. Tracking compliance (Administrative):		<u>17</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>30</u>
3. NOIs issued:		<u>2</u>
4. Citations issued:		<u>0</u>
5. Consent Orders Signed:		<u>0</u>
6. Contributions to the Pollution Recovery Fund: \$ 3,500.00		
7. Cases Closed:		<u>1</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>11</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>18</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>35</u>
E.	Open Burning Permits Issued:	<u>8</u>
F.	Number of Division of Forestry Permits Monitored:	<u>412</u>
G.	Total Citizen Complaints Received:	<u>69</u>
H.	Total Citizen Complaints Closed:	<u>80</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>14</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>29</u>
2.	Warning Notices Resolved:	<u>14</u>
3.	Advisory Letters Issued:	<u>11</u>
M.	AOR's Reviewed:	<u>8</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>6</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
APRIL

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -0-
(b) all others	<u>\$ -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ -0-
(b) class A2 facility - 5 year permit	<u>\$ -0-</u>
(c) class A1 facility - 5 year permit	<u>\$ -0-</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$ 800.00</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>\$4,000.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ 240.00</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$2,990.00
(b) for structure greater than 50,000 sq ft	<u>\$ -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ 145.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 455.00</u>
8. Open burning authorization	<u>\$3,400.00</u>
9. Enforcement Costs	<u>\$ -0-</u>

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

MARCH, 2002

A. ENFORCEMENT

1. New Enforcement Cases Received:	<u>3</u>	
2. Enforcement Cases Closed:	<u>0</u>	
3. Enforcement Cases Outstanding:	<u>15</u>	
4. Enforcement Documents Issued:	<u>2</u>	
5. Warning Notices:	<u>21</u>	
a. Issued:	<u>10</u>	
b. Resolved:	<u>11</u>	
6. Recovered costs to the General Fund:	\$3,732.00	
7. Contributions to the Pollution Recovery Fund:	<u>\$9,000.00</u>	

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
A. Riverlawn MH & RV Park	Improper Operation/Failure to Maintain; Violation of Permit Conditions; Unpermitted Discharge	\$3,500.00
B. Windemere Utility WWTP	Improper Operation/Failure to Maintain; Failure to Maintain Perc Ponds	\$3,500.00
C. Little Manatee Isles MHP	Improper Operation/Failure to Maintain; Unpermitted Discharge	\$2,000.00

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	<u>26</u>	
a. Facility Permit:	<u>5</u>	
(i) Types I and II	<u>0</u>	
(ii) Type III	<u>4</u>	
b. Collection Systems-General:	<u>17</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>4</u>	
d. Residuals Disposal:	<u>0</u>	
2. Permit Applications Approved:	<u>25</u>	
a. Facility Permit:	<u>4</u>	
b. Collection Systems-General:	<u>14</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>7</u>	
d. Residuals Disposal:	<u>0</u>	
3. Permit Applications Recommended for Disapproval:	<u>0</u>	
a. Facility Permit:	<u>0</u>	
b. Collection Systems-General:	<u>0</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>0</u>	
d. Residuals Disposal:	<u>0</u>	
4. Permit Applications (Non-Delegated) Recommended for Approval:	<u>0</u>	
5. Permits Withdrawn:	<u>0</u>	
6. Permit Applications Outstanding:	<u>44</u>	
a. Facility Permit:	<u>26</u>	
b. Collection Systems-General:	<u>17</u>	

c. Collection Systems-Dry Line/Wet Line:	<u>1</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	<u>93</u>
1. Compliance Evaluation:	<u>17</u>
a. Inspection (CEI):	<u>6</u>
b. Sampling inspection (CSI):	<u>8</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>3</u>
2. Reconnaissance:	<u>49</u>
a. Inspection (RI):	<u>18</u>
b. Sample Inspection (SRI):	<u>3</u>
c. Complaint Inspection (CRI):	<u>25</u>
d. Enforcement Inspection (ERI):	<u>3</u>
3. Special:	<u>27</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>7</u>
d. Post Construction Inspection (XCI):	<u>20</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>4</u>
a. Facility Permit:	<u>3</u>
(i) Types I and II	<u>3</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>1</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>2</u>
3. Permit Applications Outstanding:	<u>29</u>
a. Facility Permits:	<u>28</u>
b. General Permits:	<u>1</u>
E. INSPECTIONS - INDUSTRIAL	<u>25</u>
1. Compliance Evaluation:	<u>6</u>
a. Inspection (CEI):	<u>6</u>
b. Sampling Inspection (CSI):	<u>0</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	<u>19</u>
a. Inspection (RI):	<u>15</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>4</u>

F. CITIZEN COMPLAINTS

1. Domestic:	<u>30</u>
a. Received:	<u>15</u>
b. Closed:	<u>15</u>
2. Industrial:	<u>4</u>
a. Received:	<u>1</u>
b. Closed:	<u>3</u>
3. Water Pollution:	<u>6</u>
a. Received:	<u>4</u>
b. Closed:	<u>2</u>

G. RECORD REVIEWS

1. Permitting:	<u>6</u>
2. Enforcement:	<u>1</u>

H. ENVIRONMENTAL SAMPLES ANALYSED FOR:

1. Air Division:	<u>77</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>200</u>
4. Wetlands Division:	<u>0</u>

I. SPECIAL PROJECT REVIEWS

1. DRI's:	<u>2</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>0</u>
4. Other:	<u>0</u>

J. WATER QUALITY MONITORING SPECIAL PROJECTS

1. Data Review	<u>0</u>
2. Special Sampling	<u>0</u>
3. Biomonitoring/Toxicity Reviews (DW)	<u>4</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>0</u>
5. Other	<u>0</u>

K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL

17

AR03.02

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

APRIL, 2002

A. ENFORCEMENT

1. New Enforcement Cases Received:	6
2. Enforcement Cases Closed:	3
3. Enforcement Cases Outstanding:	43
4. Enforcement Documents Issued:	1
5. Warning Notices:	24
a. Issued:	13
b. Resolved:	11
6. Recovered costs to the General Fund:	\$ 2,182
7. Contributions to the Pollution Recovery Fund:	\$ 17,000

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Windemere Utility WWTP	Improper Operation/Failure to Maintain; Failure to Maintain Perc Ponds	\$ 1,000
b. Lakeshore Villas	WWTP Disposal Problems; Failure to Meet Effluent Limits	\$ 5,000
c. Spinnaker Cove	Improper Operation/Failure to Maintain; Discharging Raw Sewage	\$10,000
d. Hess/Jiffy Lube	Construction Without a Permit; Placement of C/S in Service Without Acceptance Letter	\$ 1,000

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	19
a. Facility Permit:	2
(i) Types I and II	1
(ii) Type III	1
b. Collection Systems-General:	10
c. Collection Systems-Dry Line/Wet Line:	7
d. Residuals Disposal:	0
2. Permit Applications Approved:	32
a. Facility Permit:	6
b. Collection Systems-General:	17
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:	1

5. Permits Withdrawn:	<u>0</u>
6. Permit Applications Outstanding:	<u>31</u>
a. Facility Permit:	<u>21</u>
b. Collection Systems-General:	<u>10</u>
c. Collection Systems-Dry Line/Wet Line:	<u>0</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	<u>97</u>
1. Compliance Evaluation:	<u>20</u>
a. Inspection (CEI):	<u>6</u>
b. Sampling inspection (CSI):	<u>9</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>5</u>
2. Reconnaissance:	<u>44</u>
a. Inspection (RI):	<u>22</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>20</u>
d. Enforcement Inspection (ERI):	<u>2</u>
3. Special:	<u>33</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>9</u>
d. Post Construction Inspection (XCI):	<u>24</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>3</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>1</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>2</u>
3. Permit Applications Outstanding:	<u>29</u>
a. Facility Permits:	<u>28</u>
b. General Permits:	<u>1</u>
E. INSPECTIONS - INDUSTRIAL	<u>18</u>
1. Compliance Evaluation:	<u>8</u>
a. Inspection (CEI):	<u>8</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>10</u>
a. Inspection (RI):	<u>3</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>7</u>
F. CITIZEN COMPLAINTS	
1. Domestic:	<u>18</u>
a. Received:	<u>9</u>
b. Closed:	<u>9</u>
2. Industrial:	<u>4</u>
a. Received:	<u>4</u>
b. Closed:	<u>0</u>
3. Water Pollution:	<u>0</u>
a. Received:	<u>0</u>
b. Closed:	<u>0</u>
G. RECORD REVIEWS	
1. Permitting:	<u>4</u>
2. Enforcement:	<u>2</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1. Air Division:	<u>94</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>164</u>
4. Wetlands Division:	<u>0</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>2</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>36</u>

Totals

A. EPC WETLANDS REVIEWS

1. Wetland Delineations	
a. Wetland Delineations (\$120.00)	49
b. Wetland Delineation Dispute	0
c. Wetland Line Survey Reviews	52
d. Additional Footage Fees	1069.7
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	40
3. Impact / Mitigation Proposal (\$775)	17
4. Mitigation Agreements Recorded	1
5. FDOT Reviews	1

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

1. Tampa Port Authority Permit Applications (\$50. Or \$150. as applicable)	47
2. Wastewater Treatment Plants (FDEP)	8
3. FDEP Wetland Resource Applications	1
4. FDEP Grandfathered Delineations	0
5. SWFWMD Wetland Resource Applications	0

- 6. Army Corps of Engineers 1
- 7. Interagency Clearinghouse Reviews 0
- 8. DRI Annual Report 2

C. HILLSBOROUGH COUNTY / MUNICIPALITY
 PERMIT APPLICATION REVIEWS

- 1. Land Alteration / Landscaping (\$100)
 - a. LAL (SFD) 0
 - b. LAL (Other) 4
- 2. Land Excavation (\$785 or \$650 as applicable) 0
- 3. Phosphate Mining
 - a. Unit Review / Reclamation (\$760) 0
 - b. Annual Review / Inspection (\$375) 2
 - c. Master Plan 0
- 4. Rezoning
 - a. Reviews (\$85) 47
 - b. Hearings 0
 - c. Hearing Preparation (hours) 0
- 5. Site Development (\$360)
 - a. Preliminary 18
 - b. Construction 32
- 6. Subdivision
 - a. Preliminary Plat (\$140) 7
 - b. Master Plan (\$550) 0
 - c. Construction Plans (\$250.00) 16
 - d. Final Plat (\$90) 9
 - e. Waiver of Regulations (\$100) 0
 - f. Platted - No-Improvements (\$100) 6
 - g. Minor - Certified Parcel (\$100) 7

7. As-Builts (\$255)	5
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)	10
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)	46
2. Other Meetings	82
3. Telephone Conferences	594
4. Presentations	1
5. Correspondence	433
6. Correspondence Review (hours)	40
7. Special Projects (hours)	21
8. On-site visits	82
9. Appeals (hours)	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	4
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	73
b. Legal	6
c. Inactive	9
2. Number of "Notice of Intent to Initiate Enforcement"	4
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	2
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	1
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$2,935.00
E. ENFORCEMENT COSTS COLLECTED	\$676.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	35
2. Return Inspections	73
3. Closed	60
B. WARNING NOTICES	
1. Issued	37
2. Return Inspections	67
3. Closed	17
C. MITIGATION	
1. Compliance/Monitoring Reviews	24
2. Compliance Inspections	26
D. OTHER ACTIVITIES	
1. Case Meetings	1
2. Other Meetings	16
3. Telephone Calls	500
4. File Reviews	20
5. Cases Referred to Enforcement Coordinator	2
6. Letters	71
7. Erosion Control Inspections	86
8. Miscellaneous Activities in Wetland Reviews	10

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	3
2. Telephone Assistance	563
3. Letters	271
4. Incoming Projects	186
5. Additional Info / Additional Footage	14 / 18
6. Resubmittals / Revisions	18 / 3
7. Surveys / Data Entry	30 / 446
8. Aerial Reviews / Inquiries	30 / 202

B. ENGINEERING STAFF

1. Meetings	50
2. Reviews	50
3. Field Visits	6

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: April 5, 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 MARCH 2002
AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	1
2. On-going administrative cases	92
a. Pending	25
b. Active	40
c. Legal	10
d. Tracking Compliance (Administrative)	16
e. Inactive/Referred cases	1
3. NOI's issued	1
4. Citations issued	0
5. Settlement Documents Signed	1
6. Civil Contributions to the Pollution Recovery Fund	\$19,630
7. Enforcement Costs collected	\$4,260
9. Cases Closed	12

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	46/51
2. EPC Authorization for Facilities NOT requiring DEP permit	3/3
3. Other Permits and Reports	
a. County Permits	0
b. Reports	43/46
4. Inspections (Total)	220
a. Complaints	38
b. Compliance/Reinspections	38
c. Facility Compliance	38
d. Small Quantity Generator	144
5. Enforcement	
a. Complaints Received/Closed	35
b. Warning Notices Issued/Closed	35/34
c. Compliance letters	24
d. Letters of Agreement	0
e. DEP Referrals	0
6. Pamphlets, Rules and Material Distributed	313

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	57
b. Installation	19
c. Closure	5
d. Compliance Re-Inspections	38
2. Installation Plans Received/Reviewed	7/5
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	6/2
b. Closure Reports Received/Reviewed	2/5
4. Enforcement	
a. Non-compliance Letters Issued/Closed	44/45
b. Warning Notices Issued/Closed	29/10
c. Cases referred to Enforcement	0
d. Complaints Received/Investigated	1/0
e. Complaints Referred	1
5. Discharge Reporting Forms Received	2
6. Incident Notification Forms Received	2
7. Cleanup Notification Letters Issued	2
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	35
2. Reports Received/Reviewed	63/53
a. Site Assessment	23/19
b. Source Removal	2/3
c. Remedial Action Plans (RAP's)	4/1
d. Site Rehabilitation Completion Order/ No Further Action Order	3/2
e. Others	31/28
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS

40

COMMISSION

PAT FRANK
CHRIS HART
JIM NORMAN
JAN PLATT
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EXECUTIVE DIRECTOR

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WETLANDS MANAGEMENT DIVISION
FAX (813) 272-7144

1410 N. 21ST STREET • TAMPA, FLORIDA 33605

MEMORANDUM

DATE: May 8, 2002
TO: Tom Koulianos, Director of Finance and Administration
FROM: Joyce H. Moore, Executive Secretary, Waste Management Division through
Hooshang Boostani, Director of Waste Management
SUBJECT: **WASTE MANAGEMENT'S APRIL 2002
AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	2
2. On-going administrative cases	86
a. Pending	14
b. Active	42
c. Legal	11
d. Tracking Compliance (Administrative)	18
e. Inactive/Referred cases	1
3. NOI's issued	11
4. Citations issued	1
5. Settlement Documents Signed	9
6. Civil Contributions to the Pollution Recovery Fund	\$10,800
7. Enforcement Costs collected	\$2,829
9. Cases Closed	7

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	50/40
2. EPC Authorization for Facilities NOT requiring DEP permit	2/2
3. Other Permits and Reports	
a. County Permits	0
b. Reports	46/37
4. Inspections (Total)	231
a. Complaints	42
b. Compliance/Reinspections	25
c. Facility Compliance	43
d. Small Quantity Generator	121
5. Enforcement	
a. Complaints Received/Closed	41/53
b. Warning Notices Issued/Closed	3/7
c. Compliance letters	18
d. Letters of Agreement	1
e. DEP Referrals	5
6. Pamphlets, Rules and Material Distributed	271

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	84
b. Installation	16
c. Closure	8
d. Compliance Re-Inspections	51
2. Installation Plans Received/Reviewed	11/13
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	5/6
b. Closure Reports Received/Reviewed	10/11
4. Enforcement	
a. Non-compliance Letters Issued/Closed	49/68
b. Warning Notices Issued/Closed	10/17
c. Cases referred to Enforcement	2
d. Complaints Received/Investigated	1/1
e. Complaints Referred	1
5. Discharge Reporting Forms Received	2
6. Incident Notification Forms Received	8
7. Cleanup Notification Letters Issued	5
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	31
2. Reports Received/Reviewed	96/62
a. Site Assessment	29/15
b. Source Removal	11/5
c. Remedial Action Plans (RAP's)	4/7
d. Site Rehabilitation Completion Order/ No Further Action Order	4/4
e. Others	48/31
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS

34

EPC LEGAL DEPARTMENT MONTHLY REPORT
April 18, 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 was scheduled for late March. The pre-hearing conference has been moved based on an offer of settlement. The parties are currently negotiating a proposed settlement. (AZ)

RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [6]

Big Red's Garage, et al. [LBRG02-012]: Authority to take appropriate action against responsible parties to obtain a Site Assessment for contamination on a property was requested and received by the EPC on March 21, 2002. The parties are currently in negotiations regarding resolving the matter. (AZ)

Durant Food Store, et al. [LDUR02-011]: Authority was requested and received by the EPC on March 21, 2002 to initiate judicial enforcement to close and remove abandoned underground storage tank systems (USTs) and to obtain civil penalties and costs. (AZ)

General Auto & Millennium Fuel of Tampa, Inc., et al. [LGEN02-006]: Authority was requested and received by the EPC on March 21, 2002 to initiate judicial enforcement for unresolved violation regarding underground storage tank systems (USTs) and to obtain civil penalties and costs. (AZ)

Florida Gas Transmission v. Hillsborough County, et al. [LFGT02-007] Florida Gas Transmission (FGT) is a public utility corporation that has the power of eminent domain pursuant to U.S. (Natural Gas Act) and State laws. FGT is exercising its power of eminent domain by filing three petitions in eminent domain against various parties, including the EPC, for various parcels of property in Hillsborough County in order to acquire land and easements to develop a natural gas pipeline called the Bayside Project. The natural gas is for public supply for domestic and industrial purposes. It is a 13.8 mile long and 26" wide pipeline between FGT's West Leg pipeline in eastern Hillsborough County to the TECO Gannon Station in Tampa. On some of the properties FGT seeks to acquire, the EPC has mitigation agreements recorded in the public record. These mitigation agreements provide for the mitigation of wetland impacts by requiring certain wetland creation or protection. Because the EPC has a recorded interest on some of these parcels, FGT is required to include us in the proceeding. The EPC will defend its mitigation agreements to ensure that the original lands to be protected will remain in tact or be replaced. This specific parcel (RHB-115.000) may impact the mitigation agreement TBW agreed to for construction of the South Central Hillsborough Intertie, Contract 1. (RM)

Florida Gas Transmission v. Hillsborough County Aviation Authority, et al. [LFGT02-008] Florida Gas Transmission (FGT) is a public utility corporation that has the power of eminent domain pursuant to U.S. (Natural Gas Act) and State laws. FGT is exercising its power of eminent domain by filing three petitions in eminent domain against various parties, including the EPC, for various parcels of property in Hillsborough County in order to acquire land and easements to develop a natural gas pipeline called the Bayside Project. The natural gas is for public supply for domestic and industrial purposes. It is a 13.8 mile long and 26" wide pipeline between FGT's West Leg pipeline in eastern Hillsborough County to the TECO Gannon Station in Tampa. On some of the properties FGT seeks to acquire, the EPC has mitigation agreements recorded in the public record. These mitigation agreements provide for the mitigation of wetland impacts by requiring certain wetland creation or protection. Because the EPC has a recorded interest on some of these parcels, FGT is required to include us in the proceeding. The EPC will defend its mitigation agreements to ensure that the original lands to be protected will remain in tact or be replaced. This specific parcel (RHB-114.000) may impact the mitigation agreement TBW agreed to for construction of the South Central Hillsborough Intertie, Contract 1. (RM)

Florida Gas Transmission v. Progressive Casualty Insurance et al. [LFGT02-009] Florida Gas Transmission (FGT) is a public utility corporation that has the power of eminent domain pursuant to U.S. (Natural Gas Act) and State laws. FGT is exercising its power of eminent domain by filing three petitions in eminent domain against various parties, including the EPC, for various parcels of property in Hillsborough County in order to acquire land

and easements to develop a natural gas pipeline called the Bayside Project. The natural gas is for public supply for domestic and industrial purposes. It is a 13.8 mile long and 26" wide pipeline between FGT's West Leg pipeline in eastern Hillsborough County to the TECO Gannon Station in Tampa. On some of the properties FGT seeks to acquire, the EPC has mitigation agreements recorded in the public record. These mitigation agreements provide for the mitigation of wetland impacts by requiring certain wetland creation or protection. Because the EPC has a recorded interest on some of these parcels, FGT is required to include us in the proceeding. The EPC will defend its mitigation agreements to ensure that the original lands to be protected will remain in tact or be replaced. This specific parcel (RHB-110.000) may impact the mitigation agreement Tampa Triangle Partners, Ltd. agreed to for construction of the Crescent Phase 1 project. (RM)

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. Settlement discussions are ongoing. (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. The case is moving forward at the litigation level. (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. On April 12, 2002 Ms. Maynard applied for state assistance for cleanup of any contamination at the site. (AZ)

Integrated Health Services [LIHSF00-005]: IHS, a Delaware corporation, filed for bankruptcy and noticed EPC as a potential creditor. IHS is a holding company that acquired a local nursing home, which operation includes a domestic wastewater treatment plant that is not in compliance. The Debtor filed a motion requesting that utility companies be required to continue service to the Debtors so that their residents can continue without relocation. (RT)

Nutmeg LLC C/O Roundhill Capital [LNUT01-021]: Authority was requested and received by the EPC on July 12, 2001 to initiate judicial enforcement to close and remove abandoned underground storage tank systems (USTs) and to obtain civil penalties and costs. A judicial complaint was filed on July 31, 2001. The EPC asked the court to enter a default in the case for failure to respond to the complaint. An Order of Default was entered in favor of the EPC on September 25, 2001. The EPC is preparing to have a Default Final Judgment entered in its favor. The final non-jury trial in the case is currently set for April 30, 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)

Spinnaker Cove [LSP102-003]: Authority to take appropriate action against responsible parties concerning domestic wastewater discharge violations was granted January 2002. The parties are currently in negotiations regarding resolving the matter. (AZ)

RESOLVED CASES [1]

Presto Food Store, Inc. v. EPC, et al. [LPRE02-001] In foreclosing a mortgage on a UST facility, Plaintiff named EPC as a Defendant because of our recorded judgment against the owner/operator. The debtor has satisfied all of the requirements in the Consent Order and the matter will be closed. (*EPC case against Jaymin Patel*). (AZ)

EPC LEGAL DEPARTMENT MONTHLY REPORT
May 16, 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. The hearing on the motion is currently set for May 24, 2002. 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 was scheduled for late March. The pre-hearing conference has been moved based on an offer of settlement. The parties are currently negotiating a proposed settlement. (AZ)

RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [15]

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)

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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. The case is moving forward at the litigation level. (AZ)

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resolve this case. In addition to prohibiting Mr. Cone from conducting night time operation of heavy duty rock hauling, the Settlement Letter provided for payment of \$1,074.00 as reimbursement for costs and expenses associated with the investigation and resolution of this matter. To date, Mr. Cone has not paid the agreed upon amount. Options for collection of the agreed upon amount are being investigated. (RT)

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Georgia Maynard [LMAYZ99-003]: Authority to take appropriate action against Ms. Maynard as owner and operator of an underground storage tank facility was granted August 1999. A prior Consent Order required certain actions be taken to bring the facility into compliance including the proper closure of out-of-compliance tank systems. The requirements of the agreement have not been met. 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. On April 12, 2002 Ms. Maynard applied for state assistance for cleanup of any contamination at the site. (AZ)

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Nutmeg LLC C/O Roundhill Capital [LNUT01-021]: Authority was requested and received by the EPC on July 12, 2001 to initiate judicial enforcement to close and remove abandoned underground storage tank systems (USTs) and to obtain civil penalties and costs. A judicial complaint was filed on July 31, 2001. The 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. On April 30, 2002 the circuit court awarded the EPC \$43,000.00 in penalties and \$764.00 in administrative costs for the failure to properly close the abandoned USTs on the property. In addition, the court awarded the EPC injunctive relief requiring the USTs to be closed by a set deadline and provided the opportunity to the EPC to do the work and be reimbursed by an additional lien on the property, in the event the Defendant does not comply with the judgment. The EPC is currently waiting for compliance with the judgment. (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)

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Florida Gas Transmission v. Progressive Casualty Insurance et al. [LFGT02-009] See the aforementioned description of the Florida Gas Transmission (FGT) eminent domain proceeding. The case on this specific parcel (RHB-110.000) involves the taking of a pipeline easement on or near a wetland that the EPC has a mitigation agreement with Tampa Triangle Partners, Ltd. for construction of the Crescent Phase 1 project. (RM)

RESOLVED CASES [2]

Spinnaker Cove [LSPI02-003]: Authority to take appropriate action against responsible parties concerning domestic wastewater discharge violations was granted January 2002. The parties negotiated a settlement with penalties of \$10,000.00 and \$1000.00 for administrative costs in resolution of the matter. (AZ)

Florida Gas Transmission v. Hillsborough County Aviation Authority, et al. [LFGT02-008] See the aforementioned description of the first Florida Gas Transmission (FGT) eminent domain process. This specific parcel (RHB-114.000) involved a potential taking of an easement near a wetland that the EPC had a mitigation agreement with Tampa Bay Water for construction of the South Central Hillsborough Intertie, Contract 1. The pipeline did not impact the EPC's interest, thus the EPC was dropped from the case. (RM)

COMMISSION
 Stacy Easterling
 Pat Frank
 Chris Hart
 Jim Norman
 Jan Platt
 Thomas Scott
 Ronda Storms



Administrative Offices,
 Legal & Water Management Division
 The Roger P. Stewart Environmental Center
 1900 - 9th Ave. • Tampa, FL 33605
 Ph. (813) 272-5960 • Fax (813) 272-5157
 Air Management Fax 272-5605
 Waste Management Fax 276-2256
 Wetlands Management Fax 272-7144
 1410 N. 21st Street • Tampa, FL 33605

Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 POLLUTION RECOVERY TRUST FUND
 AS OF APRIL 30, 2002

Fund Balance as of 10/01/01		\$1,337,989
Interest Accrued	FY02	13,642
Deposits	FY02	216,988
Disbursements	FY02	87,722
Fund Balance		\$1,480,897
Encumbrances Against Fund Balance:		
Art. Reef FY02	41,145	
(66) Asbestos Abatement	5,000	
(73) Balm Road Scrub	300,000	
(81) Oil Boom/Tampa Baywatch	9,241	
(84) a Cockroach Bay Turtle Grass	28,971	
(84) b Cockroach Bay Aerial Photos	16,188	
(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		743,362
Minimum Balance		120,000 *
Fund Balance Available April 30, 2002		\$ 617,535

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

COMMISSION
 Stacy Easterling
 Pat Frank
 Chris Hart
 Jim Norman
 Jan Platt
 Thomas Scott
 Ronda Storms



Administrative Offices,
 Legal & Water Management Division
 The Roger P. Stewart Environmental Center
 1900 - 9th Ave. • Tampa, FL 33605
 Ph. (813) 272-5960 • Fax (813) 272-5157

Air Management Fax 272-5605
 Waste Management Fax 276-2256
 Wetlands Management Fax 272-7144
 1410 N. 21st Street • Tampa, FL 33605

Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF APRIL 30, 2002

Fund Balance as of 10/01/01	\$1,423,826
Interest Accrued FY02	14,287
Disbursements FY02	115,166
Fund Balance	\$1,322,947

Encumbrances Against Fund Balance:

SP462 Port Redwing	300,000
Sp464 Davis Tract	99,286
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. Public Safety/Manatee Protection Areas	40,147
CR. Bay Users Group/Seagrass Manatee Prot.	27,200
H. C. Parks/Riverview Civic Center	120,000
 Total of Encumbrances	 1,150,970

Fund Balance Available April 30, 2002	\$ 171,977
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AGENDA ITEM SUMMARY SHEET

Date: May 10, 2002

Agenda Item: Mulberry Phosphates, Inc. – Proposed Settlement

Description/Summary:

On December 7, 1997 approximately 50 million gallons of acidic process water was released from a phosphogypsum stack at Mulberry Phosphate, Inc.'s acid/fertilizer production facility in Mulberry, Polk County, Florida. The released process water flowed into the Alafia River and over the next week to 10 days, traversed approximately 35 miles of the Alafia River through Hillsborough County and into Tampa Bay. The spill caused the death of significant numbers of freshwater and estuarine fish as well as a significant number of shellfish. The release also caused injuries to freshwater benthic communities, oysters, mussels and the loss of vegetation and habitat.

EPC together with the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce, the U.S. Department of the Interior, acting through the U.S. Fish and Wildlife Service (DOI/USFWS), the Florida Department of Environmental Protection (FDEP) and Polk County, acted to investigate and assess the effects of the Mulberry Spill on natural resources through a jointly conducted natural resource damage assessment (NRDA), following the guidance for the conduct of such assessments under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) found at 43 C.F.R. Part 11. This process resulted in the development of a Final Damage Assessment and Restoration Plan (DARP) dated July 21, 2000. The DARP includes an assessment of the injuries and losses of natural resources caused by the spill, the planning necessary to identify the restoration actions needed and the damages required to compensate the public for those losses. This plan will be used to implement and oversee the restoration actions selected.

Mulberry Phosphates, Inc. filed for federal bankruptcy protection on February 8, 2001 under Chapter 11 of the Bankruptcy Code. On August 15, 2001 an order was entered converting the case to a Chapter 7 (Liquidation). On April 3, 2001, the Federal Trustees and the FDEP filed suit in Federal District Court seeking damages and costs from Mulberry hoping to recover through an environmental liability policy held by Mulberry's insurer, AIU Insurance Co. On December 6, 2001, EPC filed suit separately under its own authority in State court. Upon the filing of EPC's

suit, EPC joined in serious settlement discussions with the other governmental authorities, the insurance company and the Mulberry Trustee.

Details of the proposed settlement (Consent Decree) as well as an intergovernmental Memorandum of Agreement (MOA) to further guide the agencies' use of the funds post-settlement, will be presented at the meeting.

Board Action Recommendation: Grant authority to the Executive Director to sign the Consent Decree settling EPC's claim against Mulberry Phosphate, Inc. and to enter into the Memorandum of Agreement with the National Oceanic and Atmospheric Administration, the United States Department of the Interior and the Florida Department of Environmental Protection.

REC'D

APR 09 2002

ENV. PROT. COMM.
OF H.C.

**Environmental Protection Commission
Of Hillsborough County**

Agenda Item Cover Sheet

Date: April 10, 2002

To: Environmental Protection Commissioners

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

From: Michael Newman, Sr. Enforcement Specialist

Subject: Orange Rose, L.L.C., d/b/a Starlite Mobile Home Park

Recommendation: Grant authority to initiate appropriate legal action and settlement authority against Orange Rose, L.L.C.

Background: The wastewater treatment and disposal system is located at the Starlite Mobile Home Park at 5320 State Road 60, Dover (Facility).

The EPC is delegated by the Florida Department of Environmental Protection (DEP) to administer the domestic wastewater program in Hillsborough County. An EPC consent order executed on June 2, 2000 required that by June 2, 2002, Orange Rose (1) obtain permits and connect to a regional wastewater treatment facility and abandon the Facility, or (2) replace the effluent disposal system, or (3) close the mobile home park and Facility. If Orange Rose chose either option (1) or (2), it was to complete construction by March 2, 2002. If Orange Rose chose option (3), it was to notify sufficient numbers of park residents pursuant to Chapter 723.061, Florida Administrative Code, by June 2, 2001 and inform them of their obligation to vacate the park in order for Orange Rose to close the park and Facility by June 2, 2002. To date, Orange Rose has not initiated construction of either items (1) or (2), nor have they notified any park resident of their need to vacate the park by June 2, 2002.

Failure to comply with an Order of the Director (which includes consent orders) is a violation of Chapter 403.161, Florida Statutes, and Chapter 84-446, as amended, laws of Florida (EPC Act), Section 17. Orange Rose has violated the referenced EPC and State DEP rules and regulations regarding the consent order. The EPC staff has attempted to negotiate resolving the outstanding violations but have been unsuccessful. Since the responsible party has not responded adequately to EPC staff efforts to resolve this matter, EPC staff recommends the initiation of appropriate legal action for enforcement.

Action Taken By The Commission

Approved Disapproved Continued/deferred until _____

Other: _____

Special Instructions: _____

By: _____

Meeting Date: _____

(J:Enforcement\Starlite – Request for authority)

Agenda Item Cover Sheet

Date: May 16, 2002

Agenda Item: Clean Air Month

Description Summary:

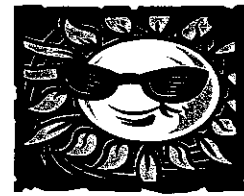
As per the EPC Board's proclamation, the month of May has been set aside as Clean Air Month in Hillsborough County. This is the EPC's local effort to be part of a national program to raise citizen's awareness of the importance of clean air, and to educate them to practice a more environmental friendly life style. This year's theme is "Minimize Open Burning" and staff is working closely with the Sheriff's office and the County Fire Department to accomplish that goal.

Today's brief informational presentation will highlight a couple of this year's Clean Air Month activities. It is to include the American Lung Association's Youth Environmental Awareness program as well as Hillsborough County school students who participated in a Clean Air Month photography contest.

Commission Action Recommended: No action required.



Calendar of Events Clean Air Month 2002



Ruskin Tomato & Heritage Festival – May 4th & 5th

Clean Air Month staffers will be hosting a booth at this weekend event. Don't forget to feast on Ruskin's famous tomato sandwich and fried green tomatoes!

Franklin Street Pedestrian Mall – Thursday, May 9th

At lunchtime, do your share to “spare the air” by walking over to Franklin Street Pedestrian mall for some more Clean Air Tips at this exciting event! The EPC will be joined by other environmental organizations including the Florida Department of Environmental Protection, the Bicycle Pedestrian Advisory Committee, the Hillsborough County Parks and Recreation Department. Our popular hybrid vehicle will also be on display!

Clean Air Month Display/Photography Exhibition – County Center- May 10th-17th

Visit us at the County Center and check out an environmental photography exhibit by local high school students. Learn more about what we all can do to help reduce air pollution.

Clean Air Month Photography Exhibition – MOSI – May 20th – May 31st

Our environmental photography exhibit will be on display on the second floor in the IMAX Lobby.

Jimmie B. Keel Public Library – June 1st- June 14th

Our photography exhibit is so popular that we have extended it through June. Included in this exhibit will also be a selection of environmental books and a special presentation to residents of North Hillsborough County.

Ongoing throughout Clean Air Month ...

- Radio Disney Public Service Announcements- Radio Disney has generously contributed a PSA on the environmental impacts of open burning. Throughout Clean Air Month, the PSA will be aired on AM 1380.
- Clean Air Pledge – The EPC is asking the public to become Clean Air Partners by pledging to help prevent pollution in our community. Log on to our website at www.epchc.org to make your pledge.
- Clean Air Month “Tip of the Day” – Check out a new Clean Air Tip each day on our Website and on Radio Disney AM 1380.
- Classroom Presentations - An army of EPC engineers, electronic technicians, environmental specialists, administrative assistants and managers head back to school to praise the merits of clean air!
- HTV22 - Hillsborough television is the County's 24 hour-cable television. Check local listings for “Air Currents” and learn more about our local air quality.

AGENDA ITEM COVER SHEET

Date: May 16, 2002

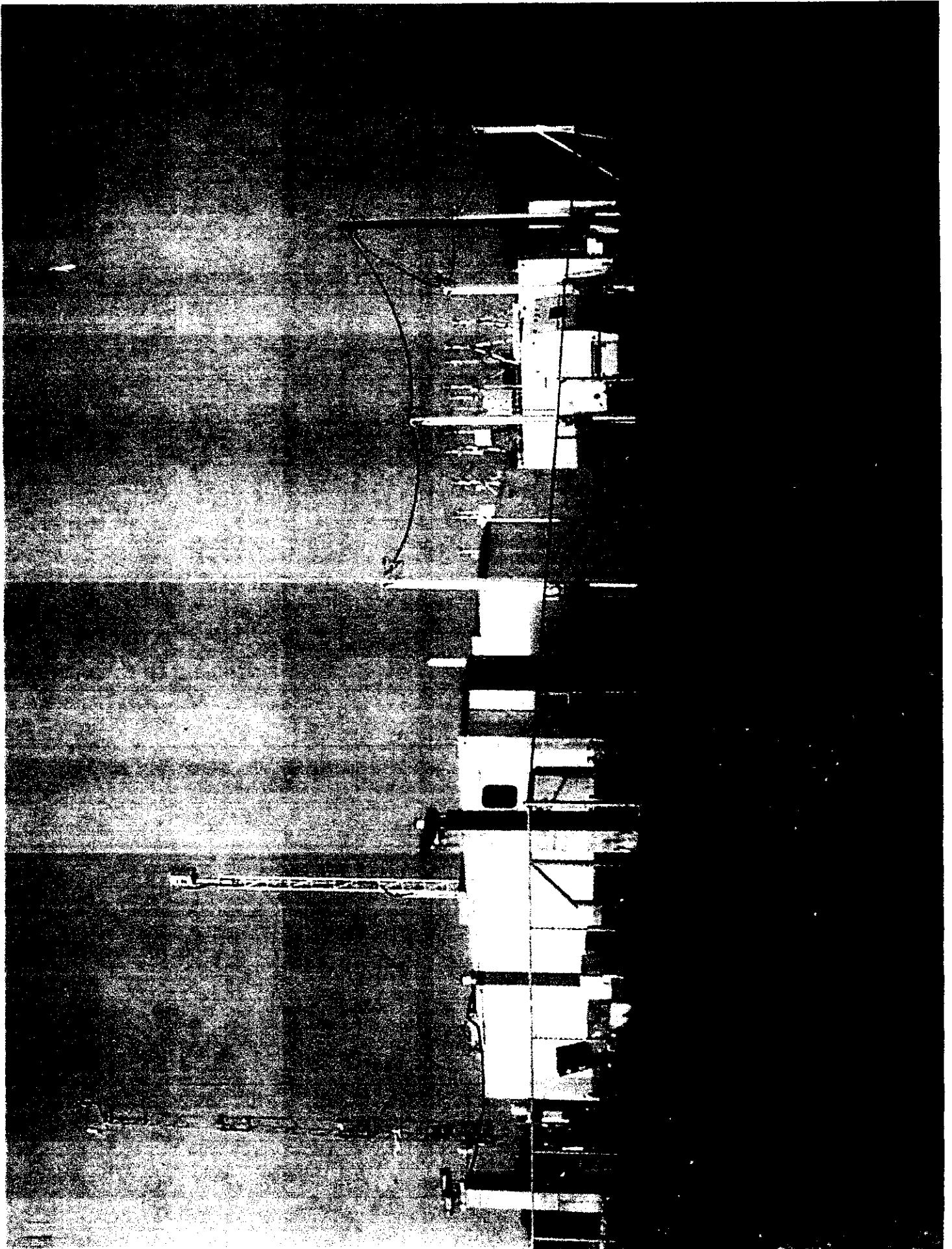
Agenda Item: Bay Regional Atmospheric Chemistry Experiment (BRACE)

Description Summary:

BRACE is a follow-on to the Tampa Bay Estuary Programs atmospheric deposition study. The study is a cooperative effort between FDEP, USF, EPC, EPA, and many others to determine how much regional air pollution emissions contribute to the nitrogen in Tampa Bay. BRACE will be funded by the State for four years, with EPC's portion of the funding primarily for the additional air monitoring requirements associated with BRACE at three sites around Tampa Bay. The one-month intensive monitoring period associated with BRACE commenced May 1, 2002, and EPC staff would like to make the County Commissioners aware of this large research project.

Commission Action Recommended: For information only.

Commission Action Taken:



Date: May 10, 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 assigned the project to their contracted consultant, PSI. PSI has completed its initial site visit, records review and submitted a work plan to FDEP. FDEP has approved the work plan. Letters requesting site access were mailed to the residents of the MLK Village and their attorney. The FDEP spoke with the resident's attorney regarding site access. The attorney was positive regarding the granting of site access. Upon FDEP's receipt of signed access agreements from the residents, PSI will initiate the field work for the MLK Village project.

Board Action Recommended:

No action recommended at this time.