

**SPECIAL
ENVIRONMENTAL
PROTECTION
COMMISSION**

8/7/02



Agenda Item Cover Sheet

Agenda Item N^o. 0-1

Meeting Date August 7, 2002

Consent Section Regular Section Public Hearing

Subject: Tampa Bay Water's Application for an Environmental Resource Permit Modification for the Cosme Transmission Main Project			
Department Name: Water Resource Team, Community Services Team			
Contact Person: Bart Weiss, Administrator		Contact Phone: 301-7256	
Sign-Off Approvals			
	7-25-02		7-26-02
<small>Assistant County Administrator</small>	<small>Date</small>	<small>Department Director</small>	<small>Date</small>
	7-26-02		7-26-02
<small>Management and Budget - Approved as to Financial Impact Accuracy</small>	<small>Date</small>	<small>County Attorney - Approved as to Legal Sufficiency</small>	<small>Date</small>

Staff's Recommended Board Motion:

Direct staff not to arbitrate Tampa Bay Water's application for an Environmental Resource Permit (ERP) Modification for the Cosme Transmission Main Project.

Financial Impact Statement:

No financial impact is expected from this item.

Background:

In accordance with the County's policy on public hearings on Tampa Bay Water's Primary Environmental Permits, the following agenda item requires a public hearing because it involves a vote whether or not to arbitrate a modification of a Primary Environmental Permit.

The Cosme Transmission Main Project is the construction of a pipeline connecting the 84-inch transmission pipeline in Pasco County with the Cosme Odessa Water Treatment Plant. The Environmental Resource Permit (ERP) for the project was issued and construction on the pipeline has begun.

As construction commenced, a survey line for the pipeline easement was established incorrectly in several areas of the route. As the contractor cleared for the pipeline, additional wetland impacts from those allowed in the original ERP occurred. These impacts totaled an additional area of 0.29-acres. These impacts occurred on wetlands known as CS-3 and CS-5.

The Southwest Florida Water Management District (District) is requiring a permit modification of the ERP because the impacts occurred outside the project area outlined in the original permit. Impacts to wetland CS-5 included a number of mature cypress trees that according to District staff must be replaced by spaded mature trees. It is the opinion of Water Resource Team staff that the proposed permit modification meets all applicable rule criteria for permit modification issuance and adequately addresses the earlier permit deviations.

Hillsborough County EPC is involved in enforcement action against TBW. They will be coordinating with the District to ensure that adequate environmental restoration occurs and there is consistency in the ultimate outcome. EPC continues to coordinate with the HC Water Resource Team (HCWRT).

Under Governance, this ERP modification is considered a Primary Environmental Permit that could be arbitrated by Hillsborough County. It is the consensus of the HCWRT that the County not arbitrate this modification, because the proposed modification meets applicable District rule criteria and Hillsborough County's EPC is also addressing this item through its enforcement procedures. Also, the HCWRT will continue to monitor the District's efforts to resolve this issue.

List Attachments:



Agenda Item Cover Sheet

Agenda Item N^o D-2


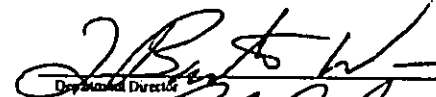


Meeting Date August 7, 2002

Consent Section Regular Section Public Hearing

Subject: Tampa Bay Water's proposed revision to the Optimized Regional Operations Plan to implement a new control point monitor well for the Morris Bridge Wellfield

Department Name: Water Resource Team, Community Services Team

Contact Person: Bart Weiss, Administrator Contact Phone: 301-7256

Sign-Off Approvals	
 Assistant County Administrator	 Department Director
7-25-02 Date	7-26-02 Date
 Management and Budget - Approved as to Financial Impact Accuracy	 County Attorney - Approved as to Legal Sufficiency
7-26-02 Date	7-26-02 Date

Staff's Recommended Board Motion:

Direct staff not to arbitrate Tampa Bay Water's proposed revision to the Optimized Regional Operations Plan to implement a new control point monitor well for the Morris Bridge Wellfield.

Financial Impact Statement:

No financial impact expected from this item.

Background:

In accordance with the County's policy on public hearings on Tampa Bay Water Primary Environmental Permits, the following agenda item requires a public hearing because it involves a vote whether or not to arbitrate a permit modification of a Primary Environmental Permit.

The Optimized Regional Operations Plan is designed to determine the best distribution of pumping from the eleven consolidated permit wellfields to meet member governments' water demands. The plan produces a new distribution of pumping every two weeks, based on water level data at 32 control point wells and wetlands distributed throughout the eleven-wellfield area. Consolidated Permit conditions require monitoring of wetlands, springs, and streams through an Environmental Monitoring Plan (EMP). Twice yearly, Tampa Bay Water produces a report providing results of the EMP. One part of the EMP report lists wetland features that are being unusually impacted by wellfield pumping. If a wetland appears on this list twice, the EMP requires Tampa Bay Water to "refer" the wetland to the operations plan to try to change pumping to allow the wetland to improve.

In the most recent EMP report, one wetland at the Morris Bridge Wellfield was referred to the OROP for the second time. After reviewing the distribution of pumping at the wellfield, the OROP Technical Advisory Committee has suggested adding a new control point to try and shift pumping away from the impacted wetland. A suitable shallow well was identified and the appropriate target water level was determined for the well from historical water levels.

At their July 22, 2002 meeting, the Tampa Bay Water Board approved the modification of the OROP to include the new well as a control point. The Water Resource Team believes that this modification to the OROP will improve environmental conditions in the Morris Bridge wellfield and recommends that the Board of County Commissioners not elect to arbitrate this modification of the OROP.

List Attachments:

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

AGENDA ITEM COVER SHEET

DATE: August 7, 2002

TO: Environmental Protection Commissioners

FROM: Darrell Howton, Director, Wetlands Management Division

SUBJECT: Request for Authority to take appropriate legal action and for settlement authority regarding Thomas Frederick

BACKGROUND: Mr. Thomas Frederick owns property located at 10705 Lake Alice Cove, Odessa. Within the property are areas of wetlands under the jurisdiction of the Environmental Protection Commission. Chapter 1-11, Wetlands, Rules of the EPC, prohibits impacts to wetland without the authorization of the EPC Executive Director. On November 20, 2000, Mr. Frederick was issued Warning Notice #20386 on-site for violations of Miscellaneous Activities in Wetlands Authorization and conducted clearing of wetland vegetation associated with Lake Alice without the authorization of the Executive Director.

On January 18, 2001, A Notification of Case transfer to Enforcement Letter was sent to Mr. Frederick. On March 8, 2001, Mr. Frederick entered into a Consent Order with EPC to resolve the violations. However, inspection on April 23, 2001, in response to a citizen complaint, revealed a portion of the wetland area had been impacted in violation of the Consent Order and EPC rules. Warning Notice #20607 was issued on-site. On April 30, 2001, inspection in response to a complaint revealed further wetland vegetation clearing by use of heavy machinery. On June 29, 2001, inspection in response to a citizen complaint revealed wetland vegetation was cleared via herbicide use. On August 23, 2001, Mr. Frederick met with EPC staff in an attempt to amicably resolve the matter. On September 13, 2001, EPC staff issued a permit for nuisance plant control. On July 24, 2002 inspection in response to a citizen complaint revealed that heavy machinery clearing wetland vegetation and placing fill dirt in wetlands in violation of the previously issued permit. The operator was instructed to cease activity in the wetlands and was issued Warning Notice #30296. On July 30, 2002, staff again inspected the site in response to a citizen complaint and observed additional filling activity in wetlands. Warning Notice #30309 was issued.

The activities referenced above were not included in an EPC authorization, and therefore were without the authorization of the EPC Executive Director.

Continued discussions have not led to resolution of the matter. Mr. Frederick has violated Chapter 1-11, Rules of the EPC, and Section 17 of the Hillsborough County Environmental Protection Act by clearing and filling wetlands without the appropriate authorization. RECOMMENDATION: Grant authority to pursue appropriate legal action and take appropriate settlement.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

MEETING

DATE: _____

DIAGRAM (IF APPROPRIATE)