

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
AUGUST 15, 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**
 - A. Items of Interest
- III. CONSENT AGENDA**
 - A. Approval of Minutes: June 20, 2002 2
 - B. Monthly Activity Reports 7
 - C. Legal Department Monthly Report 31
 - D. Pollution Recovery Trust Fund 40
 - E. Gardinier Settlement Trust Fund 41
- IV. EXECUTIVE DIRECTOR**
 - Presentation of Agricultural Packet 42
- V. LEGAL DEPARTMENT**
 - A. Request Authority to Schedule Public Hearing to Amend
 Chapter 1-3, Air Pollution Rule 43
 - B. Request Authority to Schedule Public Hearing to Amend
 Chapter 1-7, Waste Management Rule 45
 - C. Request Authority to Take Appropriate Legal Action Against:
 H.B. Walker, Inc. 46
- VI. WATER MANAGEMENT DIVISION**
 - Total Maximum Daily Loads Informational Report 47
- VII. WASTE MANAGEMENT DIVISION**
 - Proclamation for "Pollution Prevention Week" 56
- VIII. WETLANDS MANAGEMENT DIVISION**
 - Traditional Neighborhood Developments (Comm. Storms) 57

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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JUNE 20, 2002 - ENVIRONMENTAL PROTECTION COMMISSION MEETING

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, June 20, 2002, at 10:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

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

CONSENT AGENDA

- A. Approval of Minutes: May 16, 2002.
- B. Monthly Activity Reports.
- C. Legal Department Monthly Report.
- D. Pollution Recovery Trust Fund.
- E. Gardinier Settlement Trust Fund.
- F. Quarterly Status Report - Superfund Sites.

Commissioner Scott moved the Consent Agenda, seconded by Commissioner Platt. (The motion was not voted on.) Chairman Storms suggested hearing citizens' comments before voting on the motion. (Resumed later in the meeting.)

Dr. Richard Garrity, EPC Executive Director, said a resolution for the principles for a multipollutant strategy for power plants would be heard under the Air Management Division item, for EPC's approval. **Commissioner Scott moved the changes to the agenda, seconded by Commissioner Platt, and carried seven to zero.**

CITIZENS' COMMENT

Mr. Dean Chambers, County resident, spoke to the potential impact of atrazine and recommended the County test the water for atrazine. Ms. Marilyn Smith, Post Office Box 66, Sydney, spoke on the Environmental Protection Agency (EPA) and the lowering of standards for air quality.

OFF-THE-AGENDA ITEM

THURSDAY, JUNE 20, 2002

Commissioner Norman recognized Mr. Jerry Campbell, Director, Air Management Division, EPC, for service as head soccer team coach, for boys under the age of 14 who won the 2002 State cup title.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Items of Interest - Mr. David Forziano, CEAC chairman, reviewed CEAC recommendations as presented in backup material. The first recommendation involved development of a unified wetland mitigation methodology. Dr. Garrity said EPC staff had agreed with the recommendation. **Commissioner Platt moved to concur with the recommendation, seconded by Commissioner Hart, and carried seven to zero.** The second recommendation regarded the Everglades restoration bill. Commissioner Frank said that section of the bill had required citizens who wanted to challenge adverse effects on the environment to be established in the jurisdiction where development might occur. **Commissioner Frank moved that since the bill had been passed, the EPC write the governor and ask him to use his position as governor to initiate legislation to correct the incorporation of that element in the everglades bill by urging the legislature next year to take it out. The motion was seconded by Commissioner Platt.**

Noting backup information was not available, Commissioner Hart would support the issue if the issue was referred to staff and the CEAC; he requested backup information be provided at the next EPC meeting. Mr. Forziano agreed. Commissioner Frank said CEAC had taken a position, which was why the bill had been opposed. Commissioner Scott understood the motion would affirm the Board of County Commissioners (BOCC) and CEAC had taken a position. Commissioner Hart made a substitution motion that the item be referred to the EPC Executive Director and the CEAC to report with backup information on the bill, references to the procedures, and the 120 proceedings that had been addressed with a recommendation from the EPC Executive Director to EPC. The motion died for lack of a second. Following discussion, **the motion carried six to one; Commissioner Hart voted no.**

Recognition of Service - Commissioner Hart presented a plaque to Mr. Roy Davis, for service on the CEAC, from February 1995 through May 2002.

CONSENT AGENDA - RESUMED

THURSDAY, JUNE 20, 2002

- A. Approval of Minutes: May 16, 2002.
- B. Monthly Activity Reports.
- C. Legal Department Monthly Report.
- D. Pollution Recovery Trust Fund.
- E. Gardinier Settlement Trust Fund.
- F. Quarterly Status Report - Superfund Sites.

Chairman Storms called for a motion to approve the Consent Agenda. **Commissioner Scott so moved, seconded by Commissioner Platt, and carried five to zero.** (Commissioners Frank and Hart were out of the room.)

SPECIAL PRESENTATIONS

EPC Website - Ms. Elaine Deleeuw, EPC webmaster, gave a presentation on the new EPC website. Regarding prior EPC action, Chairman Storms questioned if the name of the new EPC building would be the Roger P. Stewart Environmental Center and asked to research and protect that, in case the Board needed to make a motion. **Commissioner Platt made that motion to make sure that was the case, seconded by Commissioner Scott. The motion carried six to zero.** (Commissioner Hart was out of the room.) **Commissioner Platt moved that staff inform the County Administrator the building was being purchased for EPC, and that EPC would be given first priority for the office spaces that EPC needed, seconded by Commissioner Easterling, and carried six to zero.** (Commissioner Hart was out of the room.)

Report on Atrazine - Mr. Tom Cardinale, EPC staff, gave a presentation and technical briefing on atrazine, which included the regulatory history, use profile, and residential/industry/recreational uses. He noted atrazine was a cancer-causing agent and addressed concerns of water systems, food residue, and lethal and sublethal effects.

LEGAL DEPARTMENT

Request Authority to Take Appropriate Legal Action Against Abe Vaknin doing business as Goods Car Wash - EPC General Counsel Richard Tschantz reviewed the recommendation as presented in backup material. **Commissioner Norman moved approval, seconded by Commissioner Scott, and carried five to zero.** (Commissioners Hart and Platt were out of the room.)

THURSDAY, JUNE 20, 2002

AIR MANAGEMENT DIVISION

Voluntary Diesel Retrofit Program - Mr. Campbell introduced the item. Using photographs, Mr. Reginald Sanford, EPC staff, reviewed the program as presented in backup material. Messrs. Campbell and Sanford answered queries of the EPC Board.

Resolution regarding Principals for a Multipollutant Strategy for Power Plants - Mr. Campbell cautioned the EPC that EPA proposals would not have an affect on the agreements with Tampa Electric Company (TECO); however, power plants in surrounding counties could be effected. Mr. Paul Cooper, EPC staff, gave the history of the Clean Air Act that regulated power plants. He reviewed the principles embodied in the resolution, which were supported by EPC staff and recommended adoption. **Commissioner Platt moved approval, seconded by Commissioner Frank, and carried six to zero.** (Commissioner Scott was out of the room.)

WASTE MANAGEMENT DIVISION

Resolution to Pursue Delegation of Brownfields Program From the Florida Department of Environmental Protection (FDEP) - Mr. Hooshang Boostani, Director, Waste Management Division, EPC, presented the resolution that authorized Dr. Garrity to pursue delegation of the Brownsfield program from FDEP. **Commissioner Platt so moved, seconded by Commissioner Easterling, and carried six to zero.** (Commissioner Scott was out of the room.)

WETLANDS MANAGEMENT DIVISION

Use of Phosphate Severance Tax Funds for Mining Review Positions - Dr. Garrity introduced the item. Using a slide presentation, Ms. Jadell Kerr, EPC staff, reviewed the request, which involved additional staffing within EPC to handle the enormous workload associated with the phosphate mining industry, as presented in backup material. **Commissioner Norman moved staff recommendation, seconded by Commissioner Hart. The motion carried six to zero.** (Commissioner Scott was out of the room.)

EXECUTIVE DIRECTOR'S REPORT

THURSDAY, JUNE 20, 2002

Dr. Garrity said the phosphate severance tax funds for mining review positions should be flagged at the evening workshop. The information packet on agriculture would be introduced at the next EPC meeting; staff had been working on the annual report and would brief EPC members. The update on goals and objectives would be presented in September 2002.

NEWS BUSINESS

Chairman Storms commented on three letters that thanked staff for assistance.

CEAC - RESUMED

Commissioner Frank circulated a copy of a letter that had been sent to Governor Jeb Bush asking for the veto of House Bill 813.

Regarding discussion of CEAC's opposition to the Everglades restoration bill, Commissioner Frank noted there was opposition to the provision that was incorporated in the preservation bill, which was consistent to the position taken by EPC.

There being no further business, the meeting was adjourned at 11:27 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____
Deputy Clerk

ss

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
JUNE

A. Public Outreach/Education Assistance:		
1. Phone Calls:		265
2. Literature Distributed:		17
3. Presentations:		3
4. Media Contacts:		5
5. Internet:		67
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		2
b. Construction:		1
c. Amendments:		0
d. Transfers/Extensions:		3
e. General:		0
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		5
b. Construction ¹ :		5
c. Amendments ¹ :		0
d. Transfers/Extensions ¹ :		5
e. Title V Operating ² :		2
f. Permit Determinations ² :		3
g. General:		0
3. Intent to Deny Permit Issued:		0
C. Administrative Enforcement		
1. New cases received:		
		1
2. On-going administrative cases:		
a. Pending:		2
b. Active:		10
c. Legal:		3
d. Tracking compliance (Administrative):		10
e. Inactive/Referred cases:		0
	Total	25
3. NOIs issued:		3
4. Citations issued:		0
5. Consent Orders Signed:		0
6. Contributions to the Pollution Recovery Fund: \$		-0-
7. Cases Closed:		3

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>9</u>
	c. Major Sources	<u>0</u>
	3. Asbestos Demolition/Renovation Projects:	<u>52</u>
E.	Open Burning Permits Issued:	<u>7</u>
F.	Number of Division of Forestry Permits Monitored:	<u>303</u>
G.	Total Citizen Complaints Received:	<u>53</u>
H.	Total Citizen Complaints Closed:	<u>54</u>
I.	Noise Sources Monitored:	<u>6</u>
J.	Air Program's Input to Development Regional Impacts:	<u>3</u>
K.	Test Reports Reviewed:	<u>6</u>
L.	Compliance:	
	1. Warning Notices Issued:	<u>19</u>
	2. Warning Notices Resolved:	<u>22</u>
	3. Advisory Letters Issued:	<u>8</u>
M.	AOR's Reviewed:	<u>10</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>2</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
JUNE

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ <u> -0-</u>
(b) all others	\$ <u> -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ <u> -0-</u>
(b) class A2 facility - 5 year permit	\$ <u> -0-</u>
(c) class A1 facility - 5 year permit	\$ <u> -0-</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$ <u>1,720.00</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> 400.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	\$ <u> -0-</u>
4. Non-delegated permit revision for an air pollution source	\$ <u> -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	\$ <u> -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$ <u> 690.00</u>
(b) for structure greater than 50,000 sq ft	\$ <u> -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$ <u> 580.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$ <u> 400.00</u>
8. Open burning authorization	\$ <u>2,975.00</u>
9. Enforcement Costs	\$ <u> -0-</u>

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
JULY

A. Public Outreach/Education Assistance:		
1. Phone Calls:		<u>270</u>
2. Literature Distributed:		<u>6</u>
3. Presentations:		<u>7</u>
4. Media Contacts:		<u>3</u>
5. Internet:		<u>72</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>5</u>
b. Construction:		<u>1</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>0</u>
e. General:		<u>0</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		<u>1</u>
b. Construction ¹ :		<u>5</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>0</u>
e. Title V Operating ² :		<u>33</u>
f. Permit Determinations ² :		<u>4</u>
g. General:		<u>0</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		
		<u>4</u>
2. On-going administrative cases:		
a. Pending:		<u>5</u>
b. Active:		<u>10</u>
c. Legal:		<u>3</u>
d. Tracking compliance (Administrative):		<u>11</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>29</u>
3. NOIs issued:		<u>1</u>
4. Citations issued:		<u>0</u>
5. Consent Orders Signed:		<u>1</u>
6. Contributions to the Pollution Recovery Fund:		<u>\$ 2,000.00</u>
7. Cases Closed:		<u>0</u>

D.	Inspections:	
	1. Industrial Facilities:	<u>6</u>
	2. Air Toxics Facilities:	
	a. Asbestos Emitters	<u>0</u>
	b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>17</u>
	c. Major Sources	<u>0</u>
	3. Asbestos Demolition/Renovation Projects:	<u>34</u>
E.	Open Burning Permits Issued:	<u>7</u>
F.	Number of Division of Forestry Permits Monitored:	<u>316</u>
G.	Total Citizen Complaints Received:	<u>37</u>
H.	Total Citizen Complaints Closed:	<u>40</u>
I.	Noise Sources Monitored:	<u>2</u>
J.	Air Program's Input to Development Regional Impacts:	<u>7</u>
K.	Test Reports Reviewed:	<u>11</u>
L.	Compliance:	
	1. Warning Notices Issued:	<u>19</u>
	2. Warning Notices Resolved:	<u>12</u>
	3. Advisory Letters Issued:	<u>4</u>
M.	AOR's Reviewed:	<u>15</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>3</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
JULY

	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>\$ -0-</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>\$3,200.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ -0-</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$4,830.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$ -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ 725.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$1,600.00</u>
8. Open burning authorization	<u>\$2,975.00</u>
9. Enforcement Costs	<u>\$ -0-</u>

Totals

A. EPC WETLANDS REVIEWS

1. Wetland Delineations	
a. Wetland Delineations (\$120.00)	33
b. Wetland Delineation Dispute	3
c. Wetland Line Survey Reviews	30
d. Additional Footage Fees	\$1385.19
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	
a. Nuisance Vegetation	5
b. Other	11
3. Impact / Mitigation Proposal (\$775)	3
4. Mitigation Agreements Recorded	0
5. FDOT Reviews	1

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

1. Tampa Port Authority Permit Applications (\$50. Or \$150. as applicable)	25
2. Wastewater Treatment Plants (FDEP)	10
3. FDEP Wetland Resource Applications	0
4. FDEP Grandfathered Delineations	0
5. SWFWMD Wetland Resource Applications	0

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

C. HILLSBOROUGH COUNTY / MUNICIPALITY
 PERMIT APPLICATION REVIEWS

1. Land Alteration / Landscaping (\$100)	
a. LAL (SFD)	0
b. LAL (Other)	3
2. Land Excavation (\$785 or \$650 as applicable)	0
3. Phosphate Mining	
a. Unit Review / Reclamation (\$760)	0
b. Annual Review / Inspection (\$375)	0
c. Master Plan	0
4. Rezoning	
a. Reviews (\$85)	16
b. Hearings	3
c. Hearing Preparation (hours)	2
5. Site Development (\$360)	
a. Preliminary	11
b. Construction	25
6. Subdivision	
a. Preliminary Plat (\$140)	6
b. Master Plan (\$550)	0
c. Construction Plans (\$250.00)	24
d. Final Plat (\$90)	8
e. Waiver of Regulations (\$100)	1
f. Platted - No-Improvements (\$100)	11
g. Minor - Certified Parcel (\$100)	8

7. As-Builts (\$255)	2
8. Miscellaneous Reviews (no fees)	
a. Wetland Setback Encroachment	0
b. Easement / Vacating	0
c. NRCS Review	0
9. Pre-Applications (no fees)	
a. Review Preparations (hours)	4.5
b. Meetings	0
10. Development Review Committee (no fees)	
a. Review Preparation (hours)	3
b. Meetings	0

D. OTHER ACTIVITIES

1. Unscheduled meetings with members of the public (walk-ins)	53
2. Other Meetings	83
3. Telephone Conferences	512
4. Presentations	1
5. Correspondence	234
6. Correspondence Review (hours)	34
7. Special Projects (hours)	51
8. On-site visits	69
9. Appeals (hours)	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	3
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	72
b. Legal	4
c. Inactive	8
2. Number of "Notice of Intent to Initiate Enforcement"	1
3. Number of Citations Issued	0
4. Number of "Emergency Order of the Director"	0
5. Number of Consent Orders Signed	2
C. CASES CLOSED	
1. Administrative / Civil Cases Closed	4
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	0
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$875.00
E. ENFORCEMENT COSTS COLLECTED	\$951.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	44
2. Return Inspections	61
3. Closed	48
B. WARNING NOTICES	
1. Issued	16
2. Return Inspections	72
3. Closed	19
C. MITIGATION	
1. Compliance/Monitoring Reviews	43
2. Compliance Inspections	46
D. OTHER ACTIVITIES	
1. Case Meetings	3
2. Other Meetings	22
3. Telephone Calls	449
4. File Reviews	8
5. Cases Referred to Enforcement Coordinator	1
6. Letters	87
7. Erosion Control Sites Canvassed	71
8. MAIW Reviews	8

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	9
2. Telephone Assistance	682
3. Letters	178
4. Incoming Projects	117
5. Additional Info / Additional Footage	16 / 13
6. Resubmittals / Revisions	19 / 10
7. Surveys / Data Entry	23 / 386

B. ENGINEERING STAFF

1. Meetings	50
2. Reviews	25
3. Field Visits	1

Totals

A. EPC WETLANDS REVIEWS

1. Wetland Delineations	
a. Wetland Delineations (\$120.00)	37
b. Wetland Delineation Dispute	1
c. Wetland Line Survey Reviews	45
d. Additional Footage Fees	1838.1
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	
a. Nuisance Vegetation, Docks, etc.	23
3. Impact / Mitigation Proposal (\$775)	23
4. Mitigation Agreements Recorded	6
5. FDOT Reviews	0

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

1. Tampa Port Authority Permit Applications (\$50. Or \$150. as applicable)	60
2. Wastewater Treatment Plants (FDEP)	7
3. FDEP Wetland Resource Applications	0
4. FDEP Grandfathered Delineations	0
5. SWFWMD Wetland Resource Applications	0

- 6. Army Corps of Engineers 0
- 7. Interagency Clearinghouse Reviews 0
- 8. DRI Annual Report 4

C. HILLSBOROUGH COUNTY / MUNICIPALITY
 PERMIT APPLICATION REVIEWS

- 1. Land Alteration / Landscaping (\$100)
 - a. LAL (SFD) 2
 - b. LAL (Other) 0
- 2. Land Excavation (\$785 or \$650 as applicable) 6
- 3. Phosphate Mining
 - a. Unit Review / Reclamation (\$760) 1
 - b. Annual Review / Inspection (\$375) 1
 - c. Master Plan 0
- 4. Rezoning
 - a. Reviews (\$85) 32
 - b. Hearings 2
 - c. Hearing Preparation (hours) 3
- 5. Site Development (\$360)
 - a. Preliminary 7
 - b. Construction 34
- 6. Subdivision
 - a. Preliminary Plat (\$140) 11
 - b. Master Plan (\$550) 0
 - c. Construction Plans (\$250.00) 14
 - d. Final Plat (\$90) 16
 - e. Waiver of Regulations (\$100) 0
 - f. Platted - No-Improvements (\$100) 9
 - g. Minor - Certified Parcel (\$100) 11

7. As-Builts (\$255)	5
8. Miscellaneous Reviews (no fees)	
a. Wetland Setback Encroachment	0
b. Easement / Vacating	3
c. NRCS Review	0
9. Pre-Applications (no fees)	
a. Review Preparations (hours)	48
b. Meetings	0
10. Development Review Committee (no fees)	
a. Review Preparation (hours)	15
b. Meetings	0

D. OTHER ACTIVITIES

1. Unscheduled meetings with members of the public (walk-ins)	97
2. Other Meetings	92
3. Telephone Conferences	878
4. Presentations	0
5. Correspondence	621
6. Correspondence Review (hours)	35
7. Special Projects (hours)	4
8. On-site visits	54
9. Appeals (hours)	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	4
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	75
b. Legal	4
c. Inactive	8
2. Number of "Notice of Intent to Initiate Enforcement"	5
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	\$1,125.00
E. ENFORCEMENT COSTS COLLECTED	\$466.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	34
2. Return Inspections	69
3. Closed	70
B. WARNING NOTICES	
1. Issued	43
2. Return Inspections	71
3. Closed	22
C. MITIGATION	
1. Compliance/Monitoring Reviews	25
2. Compliance Inspections	45
D. OTHER ACTIVITIES	
1. Case Meetings	7
2. Other Meetings	26
3. Telephone Calls	501
4. File Reviews	12
5. Cases Referred to Enforcement Coordinator	6
6. Letters	82
7. Erosion Control Sites Canvassed	87
8. MAIW Reviews	15

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	5
2. Telephone Assistance	537
3. Letters	229
4. Incoming Projects	138
5. Additional Info / Additional Footage	23 / 11
6. Resubmittals / Revisions	19 / 18
7. Surveys / Data Entry	22 / 432
8. Aerial Reviews / Inquiries	11 / 13

B. ENGINEERING STAFF

1. Meetings	29
2. Reviews	32
3. Training	1
4. Field Investigations	2

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.

M E M O R A N D U M

DATE: August 6, 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 JUNE & JULY 2002
 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

	JUNE	JULY
1. New cases received	10	2
2. On-going administrative cases	93	93
a. Pending	18	13
b. Active	47	53
c. Legal	10	9
d. Tracking Compliance (Administrative)	18	18
e. Inactive/Referred cases	0	0
3. NOI's issued	8	4
4. Citations issued	2	6
5. Settlement Documents Signed	2	0
6. Civil Contributions to the Pollution Recovery Fund	\$4,388	\$400
7. Enforcement Costs collected	\$1,476	\$0
9. Cases Closed	2	3

B. SOLID AND HAZARDOUS WASTE

	JUNE	JULY
1. Permits (received/reviewed)	46/48	64/52
2. EPC Authorization for Facilities NOT requiring DEP permit	1/ 2	3/1
3. Other Permits and Reports		
a. County Permits	1/ 2	6/4
b. Reports	44/43	54/46
4. Inspections (Total)	194	211
a. Complaints	51	44
b. Compliance/Reinspections	21	26
c. Facility Compliance	29	25
d. Small Quantity Generator	93	26
5. Enforcement		
a. Complaints Received/Closed	42/52	31/32
b. Warning Notices Issued/Closed	9/0	9/2
c. Compliance letters	36	24
d. Letters of Agreement	0	0
e. DEP Referrals	9	1
6. Pamphlets, Rules and Material Distributed	514	248

C. STORAGE TANK COMPLIANCE

	JUNE	JULY
1. Inspections		
a. Compliance	93	72
b. Installation	26	13
c. Closure	7	5
d. Compliance Re-Inspections	56	33
2. Installation Plans Received/Reviewed	9/7	9/6
3. Closure Plans & Reports		
a. Closure Plans Received/ Reviewed	7/3	3/6
b. Closure Reports Received/Reviewed	7/3	3/7
4. Enforcement		
a. Non-compliance Letters Issued/Closed	75/63	42/66
b. Warning Notices Issued/Closed	18/16	13/19
c. Cases referred to Enforcement	6	2
d. Complaints Received/Investigated	0/0	0/0
e. Complaints Referred	0	0
5. Discharge Reporting Forms Received	5	2
6. Incident Notification Forms Received	10	13
7. Cleanup Notification Letters Issued	1	4
8. Public Assistance	200+	200+

D. STORAGE TANK CLEANUP

	JUNE	JULY
1. Inspections	11	17
2. Reports Received/Reviewed	63/76	96/71
a. Site Assessment	21/25	38/18
b. Source Removal	3/7	6/1
c. Remedial Action Plans (RAP's)	7/8	5/4
d. Site Rehabilitation Completion Order/ No Further Action Order	1/ 2	3/3
e. Others	31/34	44/45
3. State Cleanup		
a. Active Sites	NO LONGER ADMINISTERED	
b. Funds Dispersed		

E. RECORD REVIEWS

30 - June

29 - July

F. PUBLIC INFORMATION PROJECTS

JUNE

K. Boatwright, County-Wide Customer Service Program

K. Boatwright, METRA

M. Bristow, METRA

G. Javier, METRA

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

JUNE, 2002

A. ENFORCEMENT

1. New Enforcement Cases Received:	<u>1</u>	
2. Enforcement Cases Closed:	<u>3</u>	
3. Enforcement Cases Outstanding:	<u>18</u>	
4. Enforcement Documents Issued:	<u>5</u>	
5. Warning Notices:	<u>4</u>	
a. Issued:	<u>4</u>	
b. Resolved:	<u>0</u>	
6. Recovered costs to the General Fund:	\$ <u>893.00</u>	
7. Contributions to the Pollution Recovery Fund:	\$ <u>6,500.00</u>	

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Tampa Bay Pipeline	Groundwater	\$5,000.00
b. U-Haul Storage	Placement of a col. sys. in service w/o acceptance	\$ 500.00
c. Bay Hills Village Condo Assoc.	Expired Permit/Odor problems	\$1,000.00

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	<u>23</u>	
a. Facility Permit:	<u>4</u>	
(i) Types I and II	<u>1</u>	
(ii) Type III	<u>3</u>	
b. Collection Systems-General:	<u>14</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>5</u>	
d. Residuals Disposal:	<u>0</u>	
2. Permit Applications Approved:	<u>23</u>	
a. Facility Permit:	<u>5</u>	
b. Collection Systems-General:	<u>11</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>43</u>
a. Facility Permit:	<u>21</u>
b. Collection Systems-General:	<u>21</u>
c. Collection Systems-Dry Line/Wet Line:	<u>1</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	103
1. Compliance Evaluation:	<u>13</u>
a. Inspection (CEI):	<u>2</u>
b. Sampling inspection (CSI):	<u>9</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>2</u>
2. Reconnaissance:	<u>53</u>
a. Inspection (RI):	<u>37</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>10</u>
d. Enforcement Inspection (ERI):	<u>6</u>
3. Special:	<u>37</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>4</u>
d. Post Construction Inspection (XCI):	<u>33</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>1</u>
a. Facility Permit:	<u>1</u>
(i) Types I and II	<u>1</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>0</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>1</u>
3. Permit Applications Outstanding:	<u>28</u>
a. Facility Permits:	<u>28</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	23
1. Compliance Evaluation:	<u>12</u>
a. Inspection (CEI):	<u>11</u>
b. Sampling Inspection (CSI):	<u>1</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>

2. Reconnaissance:	<u>11</u>
a. Inspection (RI):	<u>8</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>3</u>
F. CITIZEN COMPLAINTS	
1. Domestic:	<u>20</u>
a. Received:	<u>13</u>
b. Closed:	<u>7</u>
2. Industrial:	<u>8</u>
a. Received:	<u>2</u>
b. Closed:	<u>6</u>
3. Water Pollution:	<u>2</u>
a. Received:	<u>2</u>
b. Closed:	<u>0</u>
G. RECORD REVIEWS	
1. Permitting:	<u>3</u>
2. Enforcement:	<u>0</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1. Air Division:	<u>179</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>182</u>
4. Wetlands Division:	<u>0</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>3</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>0</u>
4. Other:	<u>0</u>
J. WATER QUALITY MONITORING SPECIAL PROJECTS	
1. Data Review	<u>0</u>
2. Special Sampling	<u>0</u>
3. Biomonitoring/Toxicity Reviews (DW)	<u>1</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>0</u>
5. Other	<u>0</u>
K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL	<u>36</u>

EPC LEGAL DEPARTMENT MONTHLY REPORT
July 15, 2002

A. ADMINISTRATIVE CASES

NEW CASES [2]

CSX Transportation v. EPC [LCSX02-018] EPC issued a Citation of Violation and Order to Correct on May 3, 2002. CSX spilled 150 gallons of diesel fuel on railroad tracks and adjacent soil in Plant City, therefore the EPC seeks corrective measures and penalties. CSX challenged the Citation, but appears willing to settle that matter, thus the case is in abeyance. (RM)

Northview Hills Civic Assoc. v. Bonsal American and EPC [LNOR02-022] EPC issued a permit modification to Bonsal American to allow them to process additional rock and sand through their Kiln Dryer. Petitioner Northview Hills Civic Association was concerned with the additional natural gas use to support the process. Petitioner filed an insufficient challenge of the permit modification; the EPC dismissed it and provided leave to amend. Petitioner notified the EPC on July 1, 2002, that it was withdrawing the petition. The matter is resolved. (RM)

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)

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. Mr. Stone filed a Notice of Appeal and a Request for Relief to Determine Estoppel 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 EPC's motion has been withdrawn and a request has been made to set the final hearing date on the estoppel case. 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)

McCann, Don [LMCN02-020]: On June 6, 2002 the EPC received an appeal of a wetland delineation on a property from an adjacent landowner. The appeal will be consolidated with the below EPC Case No.: LCUR02-021. The appeals are being reviewed for sufficiency under the rules. (AZ)

Curtis, Greg and Vickie [LCUR02-021]: On June 6, 2002 the EPC received an appeal of a wetland delineation on a property from an adjacent landowner. The appeal will be consolidated with the above EPC Case No.: LMCN02-020. The appeals are being reviewed for sufficiency under the rules. (AZ)

RESOLVED CASES [1]

Yerrid, Steven [LSAN02-002]: EPC received an appeal of a wetland delineation on a property from an adjacent landowner. The appeal was dismissed without prejudice to re-file an amended appeal because it was insufficient. An amended appeal was received on February 15, 2002. 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 have negotiated a proposed settlement and the appellant has dismissed its appeal. The case has been closed. (AZ)

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [11]

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 is 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. The Commission approved a settlement through the related Federal District Court case on May 16, 2002. EPC filed a motion to Intervene in the Federal Court action on June 14, 2002 in order to participate in the Consent Decree, which results in a recovery of Restoration and Investigative costs of \$4.65 million. EPC was accepted into the Federal action on June 20, 2002. Once the Consent Decree is accepted by the Court, EPC will dismiss its State court action. (RT)

672 Recovery, Inc. and Richard L. Hain, Sr. [LREC97-155]: EPC provided authority in March 1999 to compel compliance with EPC rules requiring a Director's Authorization for operation of a wood waste processing facility. 672 Recovery, Inc. recently sold the operation and no longer operates the facility. The current owner is operating the facility in compliance with a permit issued by DEP. EPC is still seeking to recover penalties and costs from 672 Recovery, Inc. and staff is reviewing the file to determine the proper amounts. On February 22, 2001 the EPC filed suit against 672 Recovery, Inc. and Richard Hain for past violations. A summons has been issued and the Defendants were formally served with the complaint on July 9, 2001. 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. The EPC sent discovery requests to the Defendants and included another offer to settle the matter. The EPC is awaiting a response to the discovery and offer. On July 10, 2002 the EPC filed a Motion to Compel the Defendant to respond to the EPC's discovery requests. (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. 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)

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), or to take the USTs out of service, and to obtain civil penalties and costs. The property was recently sold and the new owners brought the facility into compliance. The EPC is seeking penalties and costs against the previous owners for the period of time the facility was not in compliance. (AZ)

RESOLVED CASES [5]

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, on and off-site. Because the EPC has a recorded interest on some of these parcels, FGT is required to include us in the proceeding. The EPC has defended its mitigation agreements to ensure that the original lands to be protected will remain intact. The case on this specific parcel (RHB-115.000) involves pipeline easement acquisition near a wetland subject to a mitigation agreement TBW agreed to for construction of the South Central Hillsborough Intertie, Contract 1. The project does not appear to touch the wetland of concern. The parties reached a settlement and the EPC was paid fees and costs. (RM)

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. The EPC has defended its mitigation agreements to ensure that the original lands to be protected will remain intact. The parties reached a settlement and the EPC was paid fees and costs. (RM)

Florida Gas Transmission v. Robert Lynch, Bishop of the Diocese of St. Petersburg, et al. [LFGT02-017] See the below description of the Florida Gas Transmission (FGT) eminent domain proceeding in a related case. The case on these specific parcels (RHB-110.000-AR and RHB-114.000-AR) involves the taking by FGT of 2 access roads to access gas pipeline easements on or near wetlands that the EPC has a mitigation agreements with Tampa Triangle Partners, Ltd. for construction of the Crescent Phase 1 project and Tampa Bay Water for the South Central Hillsborough Intertie Contract 1. Defendant EPC was dropped from the case because no interest of the EPC's was proposed to be acquired. (RM)

Starlite Mobile Home Park / Orange Rose L.L.C. [LORA02-015]: Authority was requested and received by the EPC on May 16, 2002 to initiate judicial enforcement to obtain compliance for operations at a wastewater treatment facility serving a mobile home park. The parties on June 18, 2002 negotiated a Consent Final Judgment for compliance requirements and for payment of immediate penalties of \$20,000.00 and potential additional penalties of \$35,200.00 and administrative costs of \$1680.00. The Consent Final Judgment was entered by the court on June 21, 2002 and the case has been closed. (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. A citation was entered against the responsible party on June 7, 2002 and the respondent has a deadline of July 1, 2002 to respond. On July 11, 2002 the Respondent entered into a Consent Order and the case has been closed. (AZ)

EPC LEGAL DEPARTMENT MONTHLY REPORT

August 15, 2002

A. ADMINISTRATIVE CASES

NEW CASES [2]

Country Haven on Bullfrog Creek HOA [LCOH02-024]: EPC issued a permit denial to the Country Haven on Bullfrog Creek Home Owners Association (HOA) due to failure to provide proof of financial responsibility to comply with domestic wastewater laws and rules in the operation of their .015 mgd domestic wastewater treatment plant. The HOA challenged the denial and the matter is in abeyance to allow time to negotiate the permitting issues. (RM)

Brandon Sherwood Forests Associates, L.P. [LBSF02-025]: EPC issued a permit denial to Brandon Sherwood Forests Associates due to failure to provide reasonable assurance of the adequacy of wastewater treatment and failure to provide proof of financial responsibility to comply with domestic wastewater laws and rules in the operation of the Grand Oaks (.020 mgd) domestic wastewater treatment plant. The Associates requested an extension of time to file a petition to challenge the denial, and the extension was granted to allow time for negotiations to resolve the permitting issues. (RM)

EXISTING CASES [9]

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)

Stone, Sam [LSTO01-020 & LSTO01-028]: 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. Mr. Stone filed a Notice of Appeal and a Request for Relief to Determine Estoppel 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 EPC's motion has been withdrawn. The final hearing on the estoppel case will be heard on September 6, 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)

McCann, Don [LMCN02-020]: On June 6, 2002 the EPC received an appeal of a wetland delineation on a property from an adjacent landowner. The appeal will be consolidated with the below EPC Case No.: LCUR02-021. The appeals have been referred to a Hearing Officer and a Motion to Dismiss the appeals for lack of standing has been filed by the EPC. The matter will be heard on August 26, 2002. (AZ)

Curtis, Greg and Vickie [LCUR02-021]: On June 6, 2002 the EPC received an appeal of a wetland delineation on a property from an adjacent landowner. The appeal has been consolidated with the above EPC Case No.: LMCN02-020. (See above case). (AZ)

CSX Transportation v. EPC [LCSX02-018] EPC issued a Citation of Violation and Order to Correct on May 3, 2002. CSX spilled 150 gallons of diesel fuel on railroad tracks and adjacent soil in Plant City, therefore the EPC seeks corrective measures and penalties. CSX challenged the Citation, but appears willing to settle that matter, thus the case is in abeyance. (RM)

RESOLVED CASES [1]

Northview Hills Civic Assoc. v. Bonsal American and EPC [LNOR02-022] EPC issued a permit modification to Bonsal American to allow them to process additional rock and sand through their Kiln Dryer. Petitioner Northview Hills Civic Association was concerned with the additional natural gas use to support the process. Petitioner filed an insufficient challenge of the permit modification; the EPC dismissed it and provided leave to amend. Petitioner notified the EPC on July 1, 2002, that it was withdrawing the petition. The matter is resolved. (RM)

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [10]

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. 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. The EPC sent discovery requests to the Defendants and included another offer to settle the matter. The EPC is awaiting a response to the discovery and offer. On July 10, 2002 the EPC filed a Motion to Compel the Defendant to respond to the EPC's discovery requests. (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 [LMAY99-003]: 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. The Defendant has become eligible for state assistance to cleanup any contamination on the property. The parties are attempting to negotiate a sale of the property and have the buyers perform the corrective actions. (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. 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)

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), or to take the USTs out of service, and to obtain civil penalties and costs. The property was recently sold and the new owners brought the facility into compliance. The EPC is seeking penalties and costs against the previous owners for the period of time the facility was not in compliance. (AZ)

RESOLVED CASES [1]

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 is 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. The Commission approved a settlement through the related Federal District Court case on May 16, 2002. EPC filed a motion to Intervene in the Federal Court action on June 14, 2002 in order to participate in the Consent Decree, which results in a recovery of Restoration and Investigative costs of \$4.65 million. EPC was accepted into the Federal action on June 20, 2002. On July 31, 2002 the Federal District Court Judge approved the entry of the Consent Decree. Investigative costs totaling just over \$1,000,000 are due to be distributed to the parties within 30 days. The balance of \$3.6 million in restoration costs will be paid over five years. EPC will dismiss its State Court action and close the file. A committee will set up to oversee restoration activities. (RT)

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



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 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 JULY 29, 2002

Fund Balance as of 10/01/01		\$1,337,989
Interest Accrued	FY02	32,344
Deposits	FY02	288,919
Disbursements	FY02	155,756

Fund Balance \$1,503,496

Encumbrances Against Fund Balance:

Art. Reef FY02	16,177
(66) Asbestos Abatement	4,486
(73) Balm Road Scrub	300,000
(81) Oil Boom/Tampa Baywatch	9,241
(84) a Cockroach Bay Turtle Grass	2,384
(84) b Cockroach Bay Aerial Photos	16,188
(90) Upper Tampa Bay Trail	71,339
(91) Alafia River Basin	36,000
(92) Brazilian Pepper	26,717
(93) Rivercrest Park	15,000
(94) American Lung/Airwise	- 0 -
(95) COT Stormwater Improvement	37,800
(96) H. C. Parks/Riverview Civic	40,000
(97) COT Parks Dept/Cypress Point	100,000

Total Encumbrances 675,332

Minimum Balance 120,000 *

Fund Balance Available July 29, 2002 \$ 708,164

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



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ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF JULY 29, 2002

Fund Balance as of 10/01/01	\$1,423,826
Interest Accrued FY02	30,086
Disbursements FY02	220,757
 Fund Balance	 \$1,233,155

Encumbrances Against Fund Balance:

SP462 Port Redwing	300,000
Sp464 Davis Tract	-0-
SP591 Mechanical Seagrass Planting	25,000
SP597 Fantasy Island Restoration	1,633
SP602 Apollo Beachhabitat Restoration	100,000
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
Tampa Bay Scallop Restoration	127,900
COT Stormwater Improvements	21,000
Manatee Protection Areas	40,147
Manatee & Seagrass Protection	27,200
Riverview Civic Center	120,000

Total of Encumbrances	1,045,380
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Fund Balance Available July 29, 2002	\$ 187,775
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AGENDA ITEM COVER SHEET

Date: August 15, 2002

Agenda Item: New Agricultural Information Packet

Description/Summary:

A brief presentation will be given introducing EPC's newly published Agricultural Packet. In a continuing effort to respond to the needs of the community, staff of the EPC has developed an information packet designed to give guidance on the myriad of considerations of farming in Hillsborough County. The packet emphasizes the need to balance the benefits of agriculture with its environmental impact. The packet outlines how to handle various agricultural activities and stay within the environmental rules. It is organized by medium (Air, Water, Wetland and Waste) with easy to understand guidance applicable to the farming community.

This project has been identified as a priority in the Agency's 2001 Goals and Objectives, and the staff of the EPC is pleased to present the Board with this accomplishment.

Commission Action Recommended:

None. Accept the briefing

AGENDA ITEM COVER SHEET

Date: August 15, 2002

Agenda Item: Request for Public Hearing on Chapter 1-3 Air Pollution Rule Amendments

Description Summary: The proposed amendment will ensure State rules adopted by reference in Chapter 1-3 are up to date. It will clarify language under Sections 1-3.10 and 1-3.21 regarding the regulatory authority of the Commission. It adds a definition for "Stationary Source". It adds language under Section 1-3.24 to clarify public notification regarding application for any air pollution permit. It adds language under Section 1-3.52 to make a 5% opacity standard applicable to certain types of stationary sources and to require annual visible emissions tests of permitted sources subject to EPC and DEP rules. It adds language under Section 1-3.53 to clarify that "no visible emissions" equals 5% opacity. It adds a new paragraph (f) under Section 1-3.53 titled "Municipal Waste Incinerators", that addresses the carbon feed rate for the pollutant mercury emitted from these facilities.

The Air Management Division has already held two technical workshops with affected sources and has a third workshop tentatively scheduled for the last week of August. It is the intent of the Air Management Division staff to present the proposed rule amendments to the Citizen's Environmental Advisory Committee in September for their consideration.

Commission Action Recommended: Approve request to hold public hearing on Chapter 1-3 rule amendments at the next EPC meeting scheduled for September 19, 2002.

Commission Action Taken:

**PROPOSED CHAPTER 1-3
AIR POLLUTION RULE AMENDMENTS**

- **Adopt portion of DEP rules by reference.**
- **Make technical changes and clarifications to rule language.**
- **Clarify public notification for construction/operating permits and add notice requirements for general/relocatable permits.**
- **Set “no visible emissions” standard for certain industry types.**
- **Tighten operating practices for municipal waste facilities.**

AGENDA ITEM COVER SHEET

Date: August 8, 2002

AGENDA ITEM: REQUEST FOR PERMISSION TO HOLD PUBLIC HEARING. REVISION OF CHAPTER 1-7, RULES OF THE ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY, WASTE MANAGEMENT RULE.

I. Description/Summary:

The Environmental Protection Commission's Waste Management Rule, Chapter 1-7, is being revised in order to accomplish the following:

1. To enhance organization and continuity thereby establishing a more user friendly regulation.
2. To establish congruence with the current versions of Chapter 62-701, Florida Administrative Code (F.A.C.), Solid Waste Management Facilities Rule; Chapter 62-702, F.A.C., Solid Waste Combustion Ash Rule; Chapter 62-709, F.A.C., Compost Rule; Chapter 62-711, F.A.C., Waste Tire Rule, and Chapter 62-730, F.A.C., Hazardous Waste Management Rule, through the re-adoption of those State regulations in their entirety or in part.
3. To establish a sound basis toward the EPC's obtaining full Solid Waste Program delegation from the Department.
4. To expand and clarify the requirements to obtain a Director's Authorization.
5. To finalize the Department's requirements toward the EPC's obtaining delegation of the Brownfields Program in Hillsborough County and Cleanup Enforcement Contracting responsibilities through the adoption of portions of Chapter 62-770, F.A.C., Petroleum Cleanup Rule; Chapter 62-785, F.A.C., Brownfields Rule; and Chapter 62-777, F.A.C., Site Cleanup Standards.

In order to complete the process of adoption of the revised Chapter 1-7, staff is currently scheduling a public workshop in order to present the proposed revisions to the general public and the regulated community. The tentative date for the public workshop is August 30, 2002, to be held at Hillsborough Community College, Brandon campus.

The revised rule is proposed to be presented to the CEAC on September 9, 2002, and is to be brought before the EPC Board during at the September Board meeting. An accurate line/strike version of the proposed rule along with all necessary backup information will be presented to the public, the CEAC, and the EPC Board at the described times.

II. Commission Action Requested:

Provide approval to hold a public hearing as outlined above during the September EPC Board meeting.

AGENDA ITEM COVER SHEET

Date: August 6, 2002

Agenda Item: Request for Authority to Take Appropriate Legal Action
And for Settlement Authority regarding H. B. Walker, Inc.

Description/Summary:

On April 5, 2002, EPC staff observed the demolition in-progress of a Steak-n-Shake restaurant located at 2315 S. Dale Mabry. A subsequent investigation revealed that the demolition was occurring without the proper asbestos notification, which is a violation of 40 CFR 61.145, National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules.

The responsible parties in the initial enforcement action included Bob Rayburn Construction, Steak-n-Shake Operations and H. B. Walker, Inc. Bob Rayburn Construction and Steak-n-Shake Operations have tentatively agreed to settle the matter through a Consent Order. H. B. Walker, Inc. has not agreed to join in the settlement. In 2001, H. B. Walker, Inc. was issued a warning notice for a similar violation.

Commission Action Recommended:

Grant authority to take appropriate legal action and settlement authority against H. B. Walker, Inc.

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Executive Director
Richard D. Garrity, Ph.D.

AGENDA ITEM COVER SHEET

Date: August 15, 2002

Subject: Total Maximum Daily Loads Informational Report

Description/Summary:

The Florida Department of Environmental Protection (DEP) Division of Water Resource Management is working on a comprehensive approach to protecting Florida water quality involving basin-wide assessments and the application of a full range of regulatory and non-regulatory strategies to reduce water pollution. The Total Maximum Daily Load (TMDL) program is the heart of this comprehensive approach. Present wastewater regulation and permitting mainly focuses on point source discharges (e.g. discharge from a facility's pipe), while TMDLs will focus on point source and nonpoint sources of pollution to our waters. TMDLs describe the amount of each pollutant a water body can receive without violating standards, and are characterized as the sum of wasteload allocations, load allocations, and a margin of safety to account for uncertainties. Wasteload allocations are pollutant loads attributable to existing and future point sources, such as discharges from industry and sewage facilities. Load allocations are pollutant loads attributable to existing and future nonpoint sources and natural background. Nonpoint sources include runoff from farms, forests, urban areas, and natural sources, such as decaying organic matter and nutrients in soil.

Section 303(d) of the federal Clean Water Act (CWA) requires states to submit lists of surface waters that do not meet applicable water quality standards (impaired waters) after implementation of technology-based effluent limitations, and to establish Total Maximum Daily Loads for these waters on a prioritized schedule. TMDLs establish the maximum amount of a pollutant (e.g. copper, nitrogen, etc.) that a water body can assimilate without causing exceedances of water quality standards. As such, the EPA and DEP assert that development of TMDLs is an important step toward restoring our waters to their designated uses.

Implementing TMDLs involves the use of any combination of regulatory, non-regulatory, or incentive-based actions that attain the necessary reduction in pollutant



loading. Non-regulatory or incentive-based actions may include development and implementation of Best Management Practices (BMPs), pollution prevention activities, and habitat preservation or restoration. Regulatory actions may include issuance or revision of wastewater, stormwater, or environmental resource permits to include permit conditions consistent with the TMDL. These permit conditions may be numeric effluent limitations or, for technology-based programs, requirements to use a combination of structural and non-structural BMPs needed to achieve the necessary pollutant load reduction.

In furtherance of the federal mandate, the DEP has established an Impaired Waters Rule, Chapter 62-303, F.A.C. and a draft verified list of impaired waters (a.k.a. 303(d) list) that will be finalized on August 30, 2002. The list continues to go through a series of public hearings and comment periods. It is important to note that the DEP is taking a phased approach of all the state waters. Thus, this first list of verified impaired waters only involves Group 1 waters, which includes St. Marks/Ochlockonee, Suwannee River, Tampa Bay (and its lesser tributaries), Ocklawaha River, Lake Okeechobee, and the Everglades West Coast Basin. Next year the DEP will analyze and list, among others, portions of the Alafia and Hillsborough Rivers as part of their Group 2 review. Once a list is finalized, the specific TMDLs and all the regulatory or non-regulatory approaches to restore those impaired waters can be implemented.

The EPC staff is following the process closely and has attended public meetings and commented on the lists.

Commission Action Recommended:

No action necessary.



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Total Maximum Daily Loads

Status of Florida's TMDLs

The Florida DEP will develop TMDLs for waters that are determined to be impaired based on the process set forth in [chapter 99-223, Laws of Florida](#), which was passed by the 1999 Florida Legislature and signed by the Governor. This page provides summaries of the TMDLs that were prepared and submitted to the Environmental Protection Agency before passage of the new law, but which must be reconsidered in light of that law. As TMDLs are developed, this page will be updated.

Lake Okeechobee - TMDLs for Total Phosphoru

- Water quality issues: Elevated nutrient and chlorophyll a levels, imbalance in natural populations of flora and fauna
- Scope/size: The TMDL encompasses all of Lake Okeechobee.

Halifax River - TMDLs for dissolved oxygen and nutrients.

- Water quality issues: Violations of dissolved oxygen criteria, elevated nutrient and chlorophyll a levels, and depressed invertebrate populations. Also an evaluation of the impact on the river is needed due to anticipated increases in wastewater discharge volume.
- Scope/size: The TMDLs encompass the Halifax River and its tributaries.

Lake Thonotosassa - TMDLs for total nitrogen and total phosphorus.

- Water quality issues: Nutrients (total nitrogen and total phosphorus), imbalance in natural populations of aquatic flora

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and fauna.

- **Scope/size:** The TMDLs encompass 50 square miles of the lake located in Hillsborough county.

Last Updated:
05/09/02

Manatee River - TMDLs for dissolved oxygen (DO) and nutrients.

- **Water quality issues:** Significant non-point source loadings were impacting the downstream water quality resulting in non-attainment of the DO standard. Development needs resulted in requests for waste load allocations.
- **Scope/size:** Manatee River Basin, 345 square miles.

Tampa Bay - TMDLs for nitrogen.

- **Water quality issues:** Nutrients (specifically, nitrogen) causing an imbalance in natural populations of aquatic flora or fauna.
- **Scope/size:** The TMDLs encompass 400 square miles of the water body adjacent to the City of Tampa.

**For more information, send e-mail to Jan Mandrup-Poulsen
(Jan.Mandrup-Poulsen@dep.state.fl.us)**

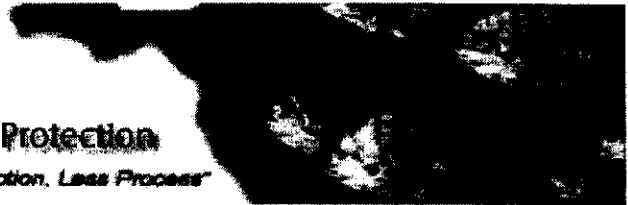
Total Maximum Daily Load Program
2600 Blair Stone Road Mail Station 3555, Tallahassee, FL, 32399-
2400
Phone-(850) 488-0780, Fax-(850) 488-4358



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Total Maximum Daily Loads

TMDL Development Cycle

The Watershed Management Program (WMP) is based on a five-phase cycle that rotates through Florida's basins every five years. Objectives and specific tasks in each phase of the cycle are as follows:

- [Phase 1 - Initial Basin Assessment](#)
- [Phase 2 - Coordinated Monitoring](#)
- [Phase 3 - Data Analysis and TMDL Development](#)
- [Phase 4 - Basin Management Plan Development](#)
- [Phase 5 - Begin Implementation of Basin Management Plan](#)
- [Linkage to TMDL Implementation](#)

The development cycle outlined below will take place within the context of [chapter 99-223, Laws of Florida](#), which details a specific process for listing impaired waters, determining which waters will be subjected to Total Maximum Daily Loads calculations, adopting by rule those TMDL calculations and associated allocations of pollutant loadings, and implementing the management strategies designed to reduce the loadings and enable the water body to meet water quality standards.

Phase 1: Initial Basin Assessment

Objectives: Establish the general ecological health of the basin, identify waterbodies requiring restoration, protection, and/or TMDL development, identify sources of pollution, develop a coordinated monitoring plan, and develop consensus-based water resource protection and restoration goals.

Specific tasks include:

- identify and coordinate with local, state, and federal stakeholders

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Last Updated:
09/25/01

- (public and private) to assist in data collection, basin assessment, and development of a coordinated plan of action for completing the assessment
- characterize each basin, including climate, geology, hydrology (surface and ground water), water budget, biology (bioassessments), land use, population, and known sources of pollution (point and nonpoint)
 - inventory and evaluate existing data (within and outside DEP) to characterize basin conditions; use STORET data and 305(b) methodology to generally assess major water bodies and overall basin water quality, including ground water basin evaluation and biology (HUC and watershed level assessment); and evaluate other existing data in the context of identified problem watersheds
 - provide a detailed description of water resource issues for the basin; identify candidate waters for TMDL development, restoration and/or preservation; characterize point sources and nonpoint sources of pollution; identify specific parameters of concern (biological/chemical), including summary statistics and temporal variability, as available; and characterize watershed vulnerability
 - summarize existing and planned management activities (local, state, and federal) to address identified water resource issues, concentrating on water quality management
 - conduct field reconnaissance to identify potential sources of pollution and ground truth land use data
 - identify information needs, develop monitoring goals (establish questions to be answered), identify monitoring methodologies and resources required, and develop plan of study for coordinated monitoring within the basin
 - the monitoring plan will address design (location of sampling stations, indicators to be measured, and frequency of sampling), data management, and reporting
 - summarize water quality management goals for the basin and identify management activities that should be initiated in the short term, produce and distribute basin assessment report for public review, comment, and consensus building among all stakeholders
 - assess effectiveness of point source controls, Best Management Practices (BMPs), and TMDLs

Phase 2: Coordinated Monitoring

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Objectives: Supplement existing data to further characterize basin conditions, investigate areas with identified or potential water quality problems, evaluate the effectiveness of management actions, and

collect data for TMDL development.

Specific tasks include:

- conduct monitoring as established in a plan of study and as otherwise may be required in waters requiring TMDL development, restoration or preservation
 - monitoring will include intensive surveys in 303(d) listed waters, bioreconnaissance studies (biorecons), VISA evaluations (intensive ground water surveys), and parameter specific studies, and will focus on both point and nonpoint sources of pollution

Phase 3: Data Analysis and TMDL Development

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Objectives: Document the water quality data collected in phase 2, noting any changes in the conclusions of the initial basin assessment; provide a more detailed assessment of major pollutant sources, including the quantification of nonpoint source loadings; and conduct and document TMDLs, as needed.

Specific tasks include:

- summarize available flow data, providing statistics on worst case conditions and noting differences in flow from long term averages
- summarize water quality data from targeted monitoring stations, noting seasonal variation, differences in water quality within the basin, compliance with water quality criteria, and overall ranking of water quality
- summarize results of intensive surveys, noting any spatial and temporal trends and compliance with water quality criteria
- summarize results of biorecons, perhaps in the form of [Ecosummaries](#)
- summarize results and conclusions of any special studies
- inventory and quantify major pollutant sources, including determination of nonpoint source pollutant loadings of key parameters
- conduct modeling to determine assimilative capacity, establish TMDLs, and evaluate main management alternatives

Phase 4: Basin Management Plan Development

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Objectives: Work with local stakeholders to develop a Basin Management Plan to specify how established goals will be achieved by recommending management activities, establishing who is responsible

for implementation, establishing a schedule for implementation, and noting how the effectiveness of the plan will be assessed. While the plan will focus on implementation of TMDLs developed in the basin, it will also address more general watershed goals.

Specific tasks include:

- coordinate with DEP staff in other program areas along with local stakeholders to draft a Basin Management Plan
- identify appropriate regulatory and voluntary programs that can address water quality problems and implement TMDLs
- conduct at least one public workshop to discuss the draft Basin Management Plan
- adopt the Basin Management Plan

Phase 5: Begin Implementation of Basin Management Plan

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Objectives: Begin implementation of the Basin Management Plan and associated water resource protection and restoration efforts, including development and implementation of BMPs, habitat protection and restoration activities, environmental infrastructure improvements, and issuance of permits.

Specific tasks include:

- renew or issue wastewater permits in the basin with new effluent limits, as required
- develop and implement appropriate BMPs (agricultural/stormwater)
- initiate rulemaking or legislative action as may be required

This five-phase cycle is iterative. One of the key components of the basin management approach is that the effectiveness of management activities will be monitored in successive cycles. Monitoring conducted in Phase 2 of the subsequent cycles will be targeted at evaluating whether water quality objectives are being met and waters are no longer impaired.

Linkage to TMDL implementation

Total Maximum Daily Loads are key components of the Watershed Management Program. The five-year cycle provides the structure for focusing resources on specific basins, identifying impaired waters, conducting targeted monitoring that will provide the data needed for model calibration and verification, and developing TMDLs for impaired waters. Basin Management Plans are a critical product of the

Watershed Management Program because they provide the roadmap for implementation of the TMDLs, and will serve as basin-specific, consensus driven implementation plans.

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AGENDA ITEM COVER SHEET

Date: August 15, 2002

Agenda Item: Pollution Prevention Week Proclamation

Description/Summary:

The Environmental Protection Commission of Hillsborough County in conjunction with the Hillsborough County Storm Water Section of the Public Works Department respectfully requests that the EPC Board proclaim the week of September 16-22, 2002 as Pollution Prevention (P2) Week. The theme for P2 Week 2002 is "Begin Now", designed to encourage the community to make choices that celebrate and promote pollution prevention efforts in Hillsborough County.

Commission Action Recommended:

Present staff of the EPC and Public Works Department with P2 Proclamations.