

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
SEPTEMBER 19, 2002
10:00 AM – 12 NOON
AGENDA**

INVOCATION AND PLEDGE OF ALLEGIANCE

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

- I. CITIZEN'S COMMENTS**
- II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**
- Items of Interest
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- Public Hearing to Consider Amendments to Chapter 1-3 (Air Pollution Rule) 2
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Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

AGENDA ITEM COVER SHEET

Date: September 19, 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 Section 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 1-3.52 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 requires the use of a carbon injection system, combustion practices, and operation and maintenance to control mercury and dioxin/furan emissions from these facilities.

The Air Management Division has held three technical workshops with affected sources and presented the proposed rule amendments to the Citizen's Environmental Advisory Committee on September 9, 2002 for their consideration. The CEAC unanimously approved the proposed amendments without any changes.

Commission Action Recommended: Consider and approve the amendments to Chapter 1-3, Rules of the Commission.

Commission Action Taken:

1 **RULES OF THE**
2 **ENVIRONMENTAL PROTECTION**
3 **COMMISSION**
4 **OF HILLSBOROUGH COUNTY**
5
6 **CHAPTER 1-3**
7 **STATIONARY AIR POLLUTION**
8 **SOURCES AND AMBIENT AIR QUALITY**
9 **STANDARDS**
10
11 **PART 1**
12 1-3.10 Statement of Intent
13 1-3.11 Declarations of Legislative
14 Findings
15 1-3.12 Definitions
16
17 **PART 2**
18 1-3.20 Circumvention Prohibited
19 1-3.21 Permits Required
20 1-3.22 Prohibitions
21 1-3.23 Necessary Precautions
22 1-3.24 Public Notification
23 1-3.25 Excess Emissions
24
25 **PART 3**
26 1-3.30 Ambient Air Quality Standards
27 ~~1-3.31~~ (Reserved)
28 ~~1-3.32~~1 Designation of Air Pollution
29 Status of Area
30
31 ~~PART 4~~ (Reserved)
32
33 **PART 54**
34 1-3.5040 New Source Review
35
36 **PART 65**
37 1-3.6050 Emission Limiting and
38 Performance Standards
39 1-3.6151 Particulate Emissions
40 1-3.6252 Visible Emissions
41 1-3.6353 Specific Source Emissions
42
43 **PART 76**
44 1-3.7060 Source Sampling and
45 Monitoring
46
47 ~~PART 8~~ (Reserved)
48
49

50
51
52 **PART 1**
53 **1-3.10 STATEMENT OF INTENT**
54 1. The Commission promulgates this rule
55 for the purpose of implementing the intent of the
56 Florida Legislature as declared in Chapter 84-
57 446, Laws of Florida, as amended or recodified
58 (Act), to insure the atmospheric purity and
59 freedom of the air of Hillsborough County from
60 contaminants or synergistic agents injurious to
61 human, plant, or animal life, which
62 unreasonably interfere with comfortable
63 enjoyment of life or property or the conduct of
64 business. In so doing, the Commission
65 recognizes that the Florida Department of
66 Environmental Protection has environmental
67 regulatory and enforcement authority pursuant
68 to Chapter 403, Florida Statutes, and that the
69 ~~remedies of the Department under that chapter~~
70 ~~are available to the Commission as an approved~~
71 ~~local program pursuant to Chapter 403.182, F.S.~~
72 It is the intent of the Commission to require
73 compliance with the Department's permitting
74 rules and emission limits in Hillsborough
75 County, except as may be otherwise provided
76 herein, so as to further the policies of preventing
77 significant deterioration, protecting air quality
78 existing at the time the Department adopted its
79 standards, and of upgrading or enhancing air
80 quality. Where a new or increased source of air
81 pollution poses a possibility of degrading
82 existing high air quality or ambient air quality
83 established by this rule, the Director shall not
84 recommend issuance of a Department permit for
85 such source or proposed source until he has
86 received reasonable assurance that such source,
87 construction or development will not violate this
88 rule.
89 2. Standards and provisions of the
90 Department, as here adopted, are incorporated in
91 the form existing on the date of adoption of this
92 rule or relevant amendment. ~~When Commission~~
93 ~~rules are more stringent or restrictive than~~
94 ~~Department rules, the Commission rules shall~~
95 ~~apply.~~
96 3. Department rules, as adopted herein and
97 incorporated by reference, shall be interpreted
98 consistently with official Department policy.
99 For purposes of this rule, official Department

1 policy shall include written policy statements
2 signed by the Secretary of the Department or
3 his/her designee. Other documented
4 representations of Department policy may be
5 used in support of a policy interpretation, but
6 shall not themselves be official policy.

7 **1-3.11 DECLARATION OF LEGISLATIVE**
8 **FINDINGS**

9 The Commission hereby finds that
10 emissions into the atmosphere of Hillsborough
11 County in excess of, or contributing to an
12 exceedance of, the standards hereinafter
13 provided may reasonably be expected to cause
14 air pollution prohibited by Section 17 of the
15 Act. The Commission also finds that emissions,
16 while in compliance with source specific
17 emission limiting standards, may at times
18 constitute nuisances as defined by Section 3(8)
19 and prohibited by Section 16 of the Act.

20
21 **1-3.12 DEFINITIONS**

22 1. Definitions contained in the Act, apply
23 to this rule.

24 2. With the exception of the definitions for
25 "Air Pollution," and "Particulate Matter,"
26 definitions contained in Section 62-210.200,
27 F.A.C., shall, to the extent applicable apply to
28 this rule.

29 3. The following specific definitions shall
30 apply to this rule:

31 (a) "Director" shall mean the Director
32 of the Commission or his authorized agent.

33 (b) "Objectionable odor" shall mean
34 any odor present in the outdoor atmosphere
35 which by itself or in combination with other
36 odors, is or may be harmful or injurious to
37 human health or welfare, or which creates a
38 nuisance as defined by the Act.

39 (c) "Stationary source" shall mean any
40 building, structure, equipment, facility, or
41 installation which emits or may emit an air
42 pollutant and exists at or is designed to be
43 operated as a unit at a fixed location, although
44 parts of the source may move while the source is
45 in operation.

46 (e) (d) "Vapor-tight gasoline tank truck"
47 shall mean a gasoline tank truck, which has
48 demonstrated within the 12 preceding months
49 that its product delivery tank will sustain a
50 pressure change of not more than 750 pascals

51 (75mm of water) within 5 minutes after it is
52 pressurized to 4500 pascals (450mm of water).
53 This capability is to be demonstrated using the
54 pressure test procedure specified in EPA
55 Reference Method 27.

56
57 **PART 2**

58 **1-3.20 CIRCUMVENTION PROHIBITED**

59 No person shall circumvent any air
60 pollution control device, or allow the emission
61 of air pollutants without the applicable air
62 pollution control device operating properly.

63
64
65 **1-3.21 PERMITS REQUIRED**

66 1. No air pollution source may be
67 constructed, modified or operated in
68 Hillsborough County without a valid permit as
69 may be required by the Department pursuant to
70 Chapters 62-210, 212, 213 and 214, F.A.C.,
71 Chapter 62-417, F.A.C., or as may be otherwise
72 required by this rule.

73 2. Application for or renewal of a
74 Department permit, or copy where appropriate,
75 shall be submitted to the Director for his review,
76 pursuant to Department and Commission
77 requirements and recommendation according to
78 this rule. Reasonable assurances shall be
79 provided that all Department and Commission
80 standards have or will be met by the applicant or
81 the activity sought to be permitted. Activities
82 under Citation at the time of application shall
83 have the Citation resolved prior to the Director
84 recommending approval of an application
85 involving the same activity.

86 3. No air pollution source may be
87 constructed, modified or operated in
88 Hillsborough County in violation of any
89 conditions specified on the permit, whether
90 issued by the Commission or by the Department,
91 or certification authorizing the activity or as
92 may be incorporated by reference within the
93 conditions of the permit authorizing the activity.
94 Violation of any such permit or certification
95 condition is a violation of this rule.

96
97 **1-3.22 PROHIBITIONS**

98 1. No person may build, erect, construct,
99 or implant any new source or operate, modify or
100 re-build an existing source, or by any other

1 means release or take action which would result
2 in the release of air pollutants into the
3 atmosphere of the County which will result in or
4 contribute to, ambient air concentrations greater
5 than ambient air quality standards as defined in
6 this rule.

7 2. No person shall cause, let, permit, suffer
8 or allow the discharge into the atmosphere of
9 any pollutant from any source or activity in
10 excess of emission standards herein established.

11 3. No person shall cause, let, permit, suffer
12 or allow the discharge into the atmosphere of
13 any pollutant from any source or activity that
14 causes or tends to cause or to contribute to an
15 objectionable odor.

16

17 **1-3.23 NECESSARY PRECAUTIONS**

18 No person shall store, pump, handle,
19 process, load, unload or use in any process or
20 installation volatile organic compounds or
21 organic solvents without applying known and
22 existing vapor emission control devices or
23 systems as may be necessary.

24

25 **1-3.24 PUBLIC NOTIFICATION**

26 1. Construction and Operating Permits.

27 (a) Pursuant to Chapter 62-110.106
28 F.A.C., a Notice of ~~Application and Notice of~~
29 Proposed Agency Action ~~on an application~~ for
30 ~~an any~~ air pollution permit may require public
31 notice in a newspaper of general circulation by
32 the applicant at the applicant's expense. In such
33 instance, the notice must be published in a
34 newspaper that meets the requirements of
35 50.011 and 50.031, F.S. Any Notice of
36 Application shall be in addition to any public
37 notice required under Chapter 62-110.106(7),
38 F.A.C. ~~In such instance, the notice must be~~
39 ~~published in a newspaper that meets the~~
40 ~~definition described in 50.011 F.S.~~

41 2. (b) Applicants shall give written notice
42 to each Neighborhood Organization registered
43 with the EPC ~~that~~ which lies within one mile of
44 any proposed activity under consideration for a
45 construction permit. At the Director's
46 discretion, applicants may be directed to provide
47 the same written notice to Neighborhood
48 Organizations further than one mile from the
49 proposed activity ~~and/or~~ for activities to be
50 covered by ~~an operation~~ a construction permit.

51 Applicants shall, at the Director's discretion,
52 give written notice to each Neighborhood
53 Organization registered with the EPC which lies
54 within one mile of any proposed activity under
55 consideration for an operation permit. Also, at
56 the Director's discretion, applicants may be
57 directed to provide the same written notice to
58 Neighborhood Organizations further than one
59 mile from the proposed activity for activities to
60 be covered by an operation permit. The EPC
61 will provide the applicant with the affected
62 Neighborhood Organization list, and within 10
63 days of receipt of this list, the applicant will
64 provide the EPC written evidence that the
65 Neighborhood Organizations were notified. The
66 notice to the Neighborhood Organizations shall
67 include a description of the air emission source,
68 the nature of the air emissions, the proposed
69 startup date and the name of a contact person at
70 the EPC for further information.

71 3 (c) Applicants shall post a sign at the
72 location of any proposed activity under
73 consideration for a construction permit. At the
74 Director's discretion, applicants may be directed
75 to post the same sign for activities to be covered
76 by an operation permit. The EPC will provide
77 the applicant with the sign. It must be posted
78 conspicuously on the property, so as to be
79 readily viewable from the busiest adjacent
80 public roadway. The applicant must pick up and
81 post the sign within 15 days of submitting an
82 application, and leave it posted on-site for no
83 less than 30 days.

84 2. General and Relocatable Permits.

85 Applicants who intend to use an air general
86 permit in Hillsborough County, or move a
87 facility classified as a relocatable facility to a
88 location in Hillsborough County for the first
89 time at that location, shall post a sign at the
90 facility. The EPC will provide the facility with
91 a sign. It must be posted conspicuously on the
92 property so as to be readily viewable from the
93 busiest adjacent public roadway. The facility
94 must pick up and post the sign within 5 days of
95 submitting notification to EPC, and the sign
96 must remain posted for 30 days, or for the
97 duration of the operation if it is less than 30
98 days.

99

100 **1-3.25 EXCESS EMISSIONS**

1 1. Excess emissions specifically allowed
2 by Chapter 62-210, F.A.C., shall not be
3 violations of this rule unless they are determined
4 to be nuisances. The Director may request
5 written verification that any such emissions fall
6 within the designated conditions.

7 2. Excess emissions which are caused
8 entirely or in part by poor maintenance, poor
9 operation, or any other equipment or process
10 failure which may be reasonably prevented
11 during start-up, shut down, or malfunction, are
12 prohibited.

13
14 **PART 3**
15 **1-3.30 AMBIENT AIR QUALITY**
16 **STANDARDS**

17 1. Standards established in Chapter 62-
18 204, F.A.C., are adopted and hereby
19 incorporated by reference.

20 2. Sampling and analysis of contaminants
21 in this section shall be performed in accordance
22 with the State of Florida Department of
23 Environmental Protection "State-Wide Quality
24 Assurance Plan, January 1985".

25
26 ~~1-3.31 (Reserved)~~

27
28 **1-3.3231 DESIGNATION OF AIR**
29 **POLLUTION STATUS OF AREA**

30 Designations of Hillsborough County
31 pursuant to Chapter 62-204, F.A.C. regarding
32 the ambient standards of Section 1-3.30 above
33 and Prevention of Significant Deterioration
34 areas, are hereby adopted by reference.

35
36 ~~PART 4 (Reserved)~~

37
38 **PART 54**
39 **1-3.5040 NEW SOURCE REVIEW**

40 Provisions contained in Chapter 62-212,
41 F.A.C., pertinent to Hillsborough County, are
42 adopted and hereby incorporated by reference.

43
44 **PART 65**
45 **1-3.6050 EMISSION LIMITING AND**
46 **PERFORMANCE STANDARDS**

47 Provisions contained in Chapters 62-204
48 and 62-296, F.A.C., pertinent to Hillsborough
49 County, are adopted and hereby incorporated by
50 reference, except for Sections 62-296.320(4)(b)

51 2. and 62-296.513(1)(c), F.A.C., and except as
52 may be modified herein.

53
54 **1-3.6151 PARTICULATE**
55 **EMISSIONS**

56 The particulate emission limits under
57 RACT in Sections 62-296.700 through 62-
58 296.712, F.A.C., shall apply to all new and
59 existing emission units. In situations where the
60 particulate emission limits under RACT,
61 pursuant to Section 62-296.700, F.A.C., are less
62 restrictive than process weight limits pursuant to
63 Section 62-296.320, F.A.C., process weight
64 limits shall apply, except as provided in Section
65 62-296.700(3), F.A.C.

66
67 **1-3.6252 VISIBLE EMISSIONS**

68 1. Visible emissions in Hillsborough
69 County from a single source or combination of
70 sources sharing a common discharge point shall
71 not have an opacity equal to or greater than 20%
72 except as otherwise specifically provided in
73 these rules. The ability to comply with all other
74 standards does not relieve a source from this
75 20% opacity standard.

76 ~~2. A 5% opacity standard shall apply in
77 Hillsborough County to the following types of
78 stationary sources: loading or unloading of
79 materials to or from containers such as railcars,
80 trucks, ships, storage structures and stockpiles,
81 permanent conveyor systems, storage of
82 materials in structures such as silos or enclosed
83 bins, which have a storage capacity of fifty
84 cubic yards or more, crushing, grinding, sizing
85 and screening operations, and static drop
86 transfer points. The deadline for compliance
87 with this standard shall be within 180 days of
88 the effective date of this rule for existing
89 sources, and on the effective date of the rule for
90 new sources.~~

91 ~~(a) Sources exempt from this standard
92 are;~~

93 ~~(1) Emissions of particulate matter
94 from open stockpiles of materials, vehicular
95 traffic and other emissions from roads and plant
96 grounds;~~

97 ~~(2) Construction and road
98 maintenance activities;~~

1 (3) Sulfur storage and handling
2 facilities covered by Department Rule 62-
3 296.411 F.A.C.;

4 (4) Sources with specific RACT
5 emission limiting standards greater than 5% as
6 set forth in Department Rule 62-296.711(2)(c),
7 F.A.C.;

8 (5) When material is being
9 discharged to the hold of a ship from a conveyor
10 system, an opacity of 10% will be allowed when
11 the conveyor and/or hatch covering is moved;
12 and

13 (6) Facilities for grinding and
14 screening of vegetation and yard waste
15 material.

16 3. Annual visible emissions tests, conducted
17 in accordance with EPA Method 9, shall be
18 required of the permitted sources subject to the
19 standards in this section or subject to Rule 62-
20 296.320(4)(b) I, F.A.C.

21
22 **1-3.6353 SPECIFIC SOURCE**
23 **EMISSIONS**

24 1. Emissions for the following specific
25 sources shall have the following limits in
26 Hillsborough County regardless of provisions
27 otherwise contained in this rule or in Chapters
28 62-204 through 62-297 F.A.C., unless the
29 provisions of Chapters 62-204 through 62-297,
30 F.A.C., are more stringent.

31 (a) Sulfuric acid plants or plant sections
32 manufacturing sulfuric acid - 10% opacity
33 except for a 30 minute period during plant start-
34 up, with opacity for such period allowed up to
35 40%.

36 (b) Nitric acid plants producing weak
37 nitric acid (50 to 70%) by pressure or
38 atmospheric pressure process - no visible
39 emissions (5% opacity).

40 (c) Existing fossil fuel steam generators
41 - sulfur dioxide emissions from liquid fuel shall
42 be limited to 1.1 pounds per million BTU heat
43 input.

44 (d) Fossil fuel steam generators - visible
45 emissions are limited to 20% opacity except for
46 either one six-minute period per hour during
47 which opacity shall not exceed 27 percent, or
48 one two minute period per hour during which
49 opacity shall not exceed 40 percent. The option

50 selected shall be specified in the emission unit's
51 construction and operation permits.

52 (e) Bulk gasoline terminals - loading of
53 liquid product into gasoline tank trucks shall be
54 limited to vapor-tight gasoline tank trucks.

55 (f) Municipal Waste Incinerators
56 mercury and dioxin/furan emissions shall be
57 controlled by combustion practices, operation
58 and maintenance and operation of a carbon
59 injection system. An alternative would be to
60 install a continuous emission monitor for the
61 pollutant mercury and adjust the carbon feed
62 rate accordingly. This continuous emission
63 monitor shall be installed and operated in
64 accordance with a promulgated USEPA
65 Performance Specification. Any such alternative
66 must be approved by the Executive Director
67 prior to implementation.

68 The need to retain this requirement shall
69 be reviewed by EPC and affected facilities five
70 years from the effective date of this rule.

71
72 **PART 76**
73 **1-3.7060 SOURCE SAMPLING AND**
74 **MONITORING**

75 Source sampling and monitoring shall
76 be performed in compliance with Department
77 and EPA requirements so as to determine as
78 accurately as possible actual operational
79 emissions.

80
81 **PART 8 (Reserved)**

82
83
84 Adopted 02/26/86
85 Amended 08/07/86
86 Amended 09/14/88
87 Amended 06/25/98
88 Amended 08/19/99
89 Amended 10/19/00

90
91
92 **Draft #12: 08/28/02**

JUNE 25, 2002 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, to discuss Tampa Bay Water's Application for a Letter of Modification of The Eagles Wells Water Use Permit, scheduled for June 25, 2002, at 4:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Storms called the meeting to order at 5:03 p.m.

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

There being no further business, the meeting was adjourned at 5:04 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

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AUGUST 7, 2002 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING - DRAFT
MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, to discuss Arbitration of Tampa Bay Water's (TBW) Application for an Environmental Resource Permit for the Cosme Transmission Main Project and the Proposed Revision to the Optimized Regional Operations Plan to Implement a New Control Point Monitor Well for the Morris Bridge Wellfield, scheduled for August 7, 2002, at 2:15 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Storms called the meeting to order at 2:03 p.m.

Attorney Rick Muratti, EPC Legal Department, said staff concurred with Water Resource Team recommendations not to arbitrate the two items before the EPC. The EPC had been in negotiations with TBW regarding Cosme and would be pursuing enforcement. Responding to Chairman Frank, Attorney Muratti and Mr. Darrell Howton, Director, Wetlands Management Division, EPC, discussed transplanting and replacement of cypress trees along the Cosme line and penalties for impacts. **Commissioner Norman moved staff recommendation, seconded by Commissioner Frank, and carried seven to zero.**

OFF-THE-AGENDA ITEM

Attorney Andrew Zodrow, EPC legal staff, requested authority to take legal action against Mr. Thomas Frederick regarding wetland violations on Lake Alice in Odessa. Discussion ensued regarding background material, sunshine law, and immediacy of the issue. In response to Commissioner Norman, Attorney Zodrow confirmed that Mr. Frederick had not been noticed. Responding to Chairman Storms, Attorney Zodrow discussed the wetland impacts. Following discussion, Chairman Storms suggesting continuing the item. **Commissioner Hart moved that the Board set a special meeting for 6:00 p.m., August 8, 2002, in the boardroom, seconded by Commissioner Platt.** Responding to Commissioner Norman, Attorney Zodrow discussed the proposed arbitration. Commissioner Hart requested notice to the affected party; Attorney Zodrow agreed. **The motion carried six to zero.** (Commissioner Scott was out of the room.) Regarding public notice, Commissioner Frank commented on background material and EPC recommendations provided to the Board.

WEDNESDAY, AUGUST 7, 2002 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 2:16 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

lm

AUGUST 8, 2002 - ENVIRONMENTAL PROTECTION COMMISSION EMERGENCY MEETING - DRAFT
MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Emergency Meeting, to consider the request for authority to take appropriate legal action and for settlement authority regarding Mr. Thomas Frederick, scheduled for August 8, 2002, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

The following member was absent: Commissioner Jan Platt (prior commitment).

Chairman Storms called the meeting to order at 6:15 p.m.

Chairman Storms stated backup material had been hand-delivered to staff. The discussion regarding the need to have hearings on EPC issues requiring enforcement action would be set for the next EPC agenda.

Attorney Andrew Zodrow, EPC Legal Department, explained the nature of the request. At the request of Commissioner Norman, EPC staff had attempted to contact Mr. Frederick. Mr. Frederick phoned and stated he was out of town and would be unable to attend the meeting. The matter had been brought to the attention of EPC staff due to numerous citizen complaints. EPC staff visited the site and witnessed over an acre of wetland vegetation had been cleared. Several warnings and a consent order had been issued. Because of the past history and violation of the consent order, settlement through the court system was desired. The EPC requested authority to take appropriate legal action. **Commissioner Frank moved to authorize EPC to take whatever action necessary, seconded by Commissioner Easterling, and carried six to zero.** (Commissioner Platt was absent.)

There being no further business, the meeting was adjourned at 6:22 p.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____
Deputy Clerk

kar

AUGUST 15, 2002 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular meeting, scheduled for Thursday, August 15, 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 (arrived at 10:07 a.m.), Pat Frank, Chris Hart (arrived at 10:43 a.m., schedule conflict), Jim Norman, and Jan Platt.

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

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

CITIZENS COMMENTS

Chairman Storms called for public comment; there was no response.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Items of Interest - Ms. Gayle Townsend, CEAC, representing Mr. David Forziano, CEAC Chairman, reviewed two recommendations from CEAC. The first was for the EPC to send a letter to President George W. Bush, Florida senators, and local congressmen requesting that the federal government reinstate funding for the superfund for existing and future superfund sites. Secondly, CEAC supported the formation of a Water Conservation Technical Advisory Committee (WC-TAC) and recommended that the CEAC be allowed to appoint one member to serve on the WC-TAC. **Commissioner Frank moved that the EPC agree with CEAC recommendation that a letter be sent to the appropriate authorities, the President of the United States, and members of congress, asking for reauthorization and funds to fund superfund projects. The motion was seconded by Commissioner Easterling and carried five to zero.** (Commissioner Hart had not arrived; Commissioner Scott was absent.) (Revisited later in the meeting.)

CONSENT AGENDA

- A. Approval of Minutes: June 20, 2002
- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Trust Fund
- E. Gardinier Settlement Trust Fund

THURSDAY, AUGUST 15, 2002- DRAFT MINUTES

Commissioner Norman moved the Consent Agenda items, seconded by Commissioner Easterling, and carried five to zero. (Commissioner Hart had not arrived; Commissioner Scott was absent.)

EXECUTIVE DIRECTOR

Presentation of Agricultural Packet - Dr. Richard Garrity, EPC Executive Director, offered introductory comments. Mr. Marvin Blount, EPC Agricultural Liaison, reviewed the informational packet as presented in background material. The packet would be provided to farms and available to the public at community events and on the Web site. Mr. Blount acknowledged EPC staff, CEAC, Hillsborough County Cooperative Extension Service, Department of Environmental Protection (DEP), and Agriculture Economic Development Council.

Mr. Stephen Gran, Economic Development Department staff, offered comments and perceived the packet would improve communication between the agriculture community and the EPC. Mr. Hugh Gramling, vice chairman, Agriculture Economic Development Council, and executive director, Tampa Bay Wholesale Growers, offered comments of support for environmental heritage and the agricultural industry. Responding to Chairman Frank, Dr. Garrity said the packet had been designed in-house, and inserts could be added as issues arose. In response to Commissioner Norman, Mr. Gran confirmed representatives from the Hillsborough County Farm Bureau had participated in the development of the packet.

LEGAL DEPARTMENT

Request Authority to Schedule Public Hearing to Amend Chapter 1-3, Air Pollution Rule - EPC General Counsel Richard Tschantz utilized an overhead presentation to review the changes of the DEP rules, as presented in background material. Technical workshops were conducted, and the draft would be presented to CEAC before the public hearing. Staff recommended that a public hearing for Chapter 1-3 proposed rule amendments be held in either September or October 2002. **Commissioner Norman so moved, seconded by Commissioner Easterling, and carried five to zero.** (Commissioner Hart had not arrived; Commissioner Scott was absent.)

Request Authority to Schedule Public Hearing to Amend Chapter 1-7, Waste Management Rule - Attorney Tschantz discussed DEP rule revisions, anticipated technical workshops, and CEAC meeting. Staff recommended setting a public hearing in October 2002. Attorney Tschantz utilized an overhead presentation to review the changes, as presented in background material. He noted that the technical workshop would be held at the new EPC building at Sabal Park. **Commissioner Frank moved to set an EPC hearing in October 2002 for Rule 1-7,**

THURSDAY, AUGUST 15, 2002- DRAFT MINUTES

seconded by Commissioner Easterling, and carried five to zero. (Commissioner Hart had not arrived; Commissioner Scott was absent.)

Request Authority to Take Appropriate Legal Action Against H. B. Walker Incorporated - Attorney Tschantz explained there had been improper asbestos noticing for a demolition and requested authority to file appropriate legal proceedings against H. B. Walker Incorporated. **Commissioner Platt so moved, seconded by Commissioner Frank.** Responding to Commissioner Norman, Attorney Tschantz discussed noticing H. B. Walker Incorporated and said they had been advised of legal action if a settlement agreement could not be reached. Discussion followed regarding noticing the public, Board action, and setting the issue for discussion. Responding to Chairman Frank, Attorney Tschantz explained the course of action was a monetary settlement; two of the three parties involved had settled. **The motion carried four to one; Commissioner Norman voted no.** (Commissioner Hart had not arrived; Commissioner Scott was absent.)

Off-the-Agenda Item - Attorney Tschantz reviewed the final settlement of Mulberry Phosphate.

WATER MANAGEMENT DIVISION

Total Maximum Daily Loads (TMDL) Informational Report - Dr. Garrity offered introductory comments regarding newspaper articles addressing TMDLs and impaired waters list. Attorney Rick Muratti, EPC Legal Department, reviewed the TMDL report, as presented in background material, and highlighted the list of impaired waters, restoration of waters, and regulatory and nonregulatory approaches for implementation. The DEP had received comments from the EPC, and EPC water quality data was being used. EPC agreed with the Group 1 list of impaired waters and would continue to follow the process. Responding to Chairman Frank, Attorney Muratti discussed identification of nonpoint sources of pollution and costs. Dr. Garrity noted the DEP would be issuing national pollution discharge elimination system permits for nonpoint sources associated with stormwater.

WASTE MANAGEMENT DIVISION

Proclamation for Pollution Prevention Week - Mr. Hooshang Boostani, Director, EPC Waste Management Division, asked the EPC to proclaim the week of September 16-22, 2002, as Pollution Prevention Week, which was also proclaimed as National Pollution Prevention Week. Mr. Boostani recognized EPC and Public Works Department staff and discussed pollution prevention measures. **Commissioner Frank moved that the EPC declare National Pollution Week the week**

THURSDAY, AUGUST 15, 2002- DRAFT MINUTES

of September 16-22, 2002, seconded by Commissioner Hart, and carried six to zero. (Commissioner Scott was absent.) Mr. Boostani added that a pollution prevention strategy was being worked on and would be presented to the EPC Board. Chairman Storms read the proclamation.

WETLANDS MANAGEMENT DIVISION

Traditional Neighborhood Developments (TNDs) - Chairman Storms offered introductory comments regarding EPC position on wetlands management, off-site mitigation, and TNDs. Mr. Darrell Howton, Director, EPC Wetlands Management Division, reviewed concerns regarding impacts of TNDs on wetlands and lack of reference to protection of the environment in the TND section of the Land Development Code (LDC). Mr. Howton suggested a discussion for evaluation of wetlands, zonings, and variances at the September 2002 EPC meeting. He noted the standard EPC condition regarding zoning would apply. Responding to Commissioner Platt, Mr. Howton discussed support of TND zoning and addressing the language of TND zoning so that protection of the environment and wetlands was incorporated into development. Ms. Paula Harvey, Planning and Growth Management Department, discussed the LDC, protection of environmental resources, grid design of TND, and review of TND rezoning.

Responding to Chairman Frank, Mr. Howton and Ms. Jadell Kerr, EPC Wetlands Management Division, discussed EPC involvement with community plans. Discussion included Citrus Park and Brandon Main Street community-based plans, language suggested by EPC staff, and wetland management policy.

CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE - RESUMED

Chairman Storms noted the second CEAC recommendation that the CEAC appoint a member for the WC-TAC. **Commissioner Platt moved that the EPC refer that to the County Administrator for his consideration, seconded by Commissioner Easterling, and carried six to zero.** (Commissioner Scott was absent.)

OFF-THE-AGENDA ITEM

Chairman Storms reviewed letters of commendation received by the EPC.

THURSDAY, AUGUST 15, 2002- DRAFT MINUTES

There being no further business, the meeting was adjourned at 11:17 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

lm

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
AUGUST

A.	Public Outreach/Education Assistance:	
1.	Phone Calls:	<u>289</u>
2.	Literature Distributed:	<u>3</u>
3.	Presentations:	<u>1</u>
4.	Media Contacts:	<u>0</u>
5.	Internet:	<u>66</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	<u>6</u>
b.	Construction:	<u>2</u>
c.	Amendments:	<u>0</u>
d.	Transfers/Extensions:	<u>6</u>
e.	General:	<u>1</u>
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):	
a.	Operating ¹ :	<u>1</u>
b.	Construction ¹ :	<u>1</u>
c.	Amendments ¹ :	<u>0</u>
d.	Transfers/Extensions ¹ :	<u>3</u>
e.	Title V Operating ² :	<u>6</u>
f.	Permit Determinations ² :	<u>0</u>
g.	General:	<u>0</u>
3.	Intent to Deny Permit Issued:	<u>0</u>
C.	Administrative Enforcement	
1.	New cases received:	<u>3</u>
2.	On-going administrative cases:	
a.	Pending:	<u>6</u>
b.	Active:	<u>11</u>
c.	Legal:	<u>5</u>
d.	Tracking compliance (Administrative):	<u>12</u>
e.	Inactive/Referred cases:	<u>0</u>
	Total	<u>34</u>
3.	NOIs issued:	<u>2</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>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>15</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>280</u>
G.	Total Citizen Complaints Received:	<u>50</u>
H.	Total Citizen Complaints Closed:	<u>35</u>
I.	Noise Sources Monitored:	<u>1</u>
J.	Air Program's Input to Development Regional Impacts:	<u>11</u>
K.	Test Reports Reviewed:	<u>7</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>23</u>
2.	Warning Notices Resolved:	<u>15</u>
3.	Advisory Letters Issued:	<u>9</u>
M.	AOR's Reviewed:	<u>33</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>8</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
AUGUST

	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> 680.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$12,760.00
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	\$ <u> 80.00</u>
4. Non-delegated permit revision for an air pollution source	\$ <u> -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	\$ <u> -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$1,265.00
(b) for structure greater than 50,000 sq ft	\$ <u> -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$ <u> 175.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$1,400.00
8. Open burning authorization	\$2,975.00
9. Enforcement Costs	\$ <u> 494.82</u>

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.

MEMORANDUM

DATE: September 11, 2002

TO: Tom Koulianos, Director of Finance and Administration

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

SUBJECT: WASTE MANAGEMENT'S JUNE 2002 AGENDA INFORMATION

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	3
2. On-going administrative cases	95
a. Pending	15
b. Active	51
c. Legal	10
d. Tracking Compliance (Administrative)	19
e. Inactive/Referred cases	0
3. NOI's issued	0
4. Citations issued	2
5. Settlement Documents Signed	2
6. Civil Contributions to the Pollution Recovery Fund	\$3,100
7. Enforcement Costs collected	\$260
9. Cases Closed	1



B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	48/48
2. EPC Authorization for Facilities NOT requiring DEP permit	1/3
3. Other Permits and Reports	
a. County Permits	7/9
b. Reports	40/36
4. Inspections (Total)	226
a. Complaints	37
b. Compliance/Reinspections	20
c. Facility Compliance	19
d. Small Quantity Generator	150
5. Enforcement	
a. Complaints Received/Closed	35/30
b. Warning Notices Issued/Closed	2/5
c. Compliance letters	11
d. Letters of Agreement	1
e. DEP Referrals	3
6. Pamphlets, Rules and Material Distributed	328

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	122
b. Installation	10
c. Closure	7
d. Compliance Re-Inspections	28
2. Installation Plans Received/Reviewed	9/11
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	4/4
b. Closure Reports Received/Reviewed	4/9
4. Enforcement	
a. Non-compliance Letters Issued/Closed	61/50
b. Warning Notices Issued/Closed	4/11
c. Cases referred to Enforcement	2
d. Complaints Received/Investigated	1/1
e. Complaints Referred	0
5. Discharge Reporting Forms Received	1
6. Incident Notification Forms Received	10
7. Cleanup Notification Letters Issued	3
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	17
2. Reports Received/Reviewed	85/82
a. Site Assessment	35/38
b. Source Removal	7/7
c. Remedial Action Plans (RAP's)	6/3
d. Site Rehabilitation Completion Order/ No Further Action Order	3/1
e. Others	34/33
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS

41

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

AUGUST, 2002

A. ENFORCEMENT

1. New Enforcement Cases Received:	<u>5</u>	
2. Enforcement Cases Closed:	<u>2</u>	
3. Enforcement Cases Outstanding:	<u>22</u>	
4. Enforcement Documents Issued:	<u>6</u>	
5. Warning Notices:	<u>13</u>	
a. Issued:	<u>8</u>	
b. Resolved:	<u>5</u>	
6. Recovered costs to the General Fund:	\$ <u>530.00</u>	
7. Contributions to the Pollution Recovery Fund:	<u>\$8,000.00</u>	

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Middleton High School	Construction & operation w/out a permit; Placement of C/S in service w/out acceptance letter.	\$1,500.00
b. Hillel Student Center	Construction w/out a permit.	\$ 500.00
c. Strawberry Fields MHP	Improper operation/failure to maintain; Unpermitted discharge.	\$5,000.00
d. Oakside MHP	Expired permit; Operated w/out a permit.	\$1,000.00

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	<u>27</u>	
a. Facility Permit:	<u>5</u>	
(i) Types I and II	<u>2</u>	
(ii) Type III	<u>3</u>	
b. Collection Systems-General:	<u>10</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>12</u>	
d. Residuals Disposal:	<u>0</u>	
2. Permit Applications Approved:	<u>31</u>	
a. Facility Permit:	<u>7</u>	
b. Collection Systems-General:	<u>14</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>10</u>	
d. Residuals Disposal:	<u>0</u>	
3. Permit Applications Recommended for Disapproval:	<u>6</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>41</u>
a. Facility Permit:	<u>20</u>
b. Collection Systems-General:	<u>16</u>
c. Collection Systems-Dry Line/Wet Line:	<u>5</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	<u>22</u>
1. Compliance Evaluation:	<u>11</u>
a. Inspection (CEI):	<u>1</u>
b. Sampling inspection (CSI):	<u>9</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>1</u>
2. Reconnaissance:	<u>5</u>
a. Inspection (RI):	<u>10</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>23</u>
d. Enforcement Inspection (ERI):	<u>1</u>
3. Special:	<u>34</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>1</u>
c. Preconstruction Inspection (PCI):	<u>10</u>
d. Post Construction Inspection (XCI):	<u>23</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>3</u>
a. Facility Permit:	<u>2</u>
(i) Types I and II	<u>2</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>1</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>1</u>
3. Permit Applications Outstanding:	<u>28</u>
a. Facility Permits:	<u>28</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	<u>24</u>
1. Compliance Evaluation:	<u>8</u>
a. Inspection (CEI):	<u>7</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>16</u>
a. Inspection (RI):	<u>7</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>9</u>
F. CITIZEN COMPLAINTS	
1. Domestic:	<u>21</u>
a. Received:	<u>12</u>
b. Closed:	<u>9</u>
2. Industrial:	<u>10</u>
a. Received:	<u>5</u>
b. Closed:	<u>5</u>
3. Water Pollution:	<u>3</u>
a. Received:	<u>1</u>
b. Closed:	<u>2</u>
G. RECORD REVIEWS	
1. Permitting:	<u>2</u>
2. Enforcement:	<u>1</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1. Air Division:	<u>122</u>
2. Waste Division:	<u>1</u>
3. Water Division:	<u>147</u>
4. Wetlands Division:	<u>0</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>9</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>0</u>
4. Other:	<u>0</u>
J. WATER QUALITY MONITORING SPECIAL PROJECTS	
1. Data Review	<u>0</u>
2. Special Sampling	<u>0</u>
3. Biomonitoring/Toxicity Reviews (DW)	<u>0</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>0</u>
5. Other	<u>0</u>
K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL	<u>27</u>

Totals

A. EPC WETLANDS REVIEWS

1. Wetland Delineations	
a. Wetland Delineations (\$120.00)	43
b. Wetland Delineation Dispute	0
c. Wetland Line Survey Reviews	51
d. Additional Footage Fees	1305.33
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	
a. Nuisance Vegetation/ other	68
	0
3. Impact / Mitigation Proposal (\$775)	14
4. Mitigation Agreements Recorded	3
5. FDOT Reviews	0

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

1. Tampa Port Authority Permit Applications (\$50. Or \$150. as applicable)	32
2. Wastewater Treatment Plants (FDEP)	9
3. FDEP Wetland Resource Applications	2
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	10

C. HILLSBOROUGH COUNTY / MUNICIPALITY
 PERMIT APPLICATION REVIEWS

1. Land Alteration / Landscaping (\$100)	
a. LAL (SFD)	3
b. LAL (Other)	2
2. Land Excavation (\$785 or \$650 as applicable)	3
3. Phosphate Mining	
a. Unit Review / Reclamation (\$760)	4
b. Annual Review / Inspection (\$375)	0
c. Master Plan	0
4. Rezoning	
a. Reviews (\$85)	23
b. Hearings	0
c. Hearing Preparation (hours)	0
5. Site Development (\$360)	
a. Preliminary	5
b. Construction	29
6. Subdivision	
a. Preliminary Plat (\$140)	12
b. Master Plan (\$550)	0
c. Construction Plans (\$250.00)	12
d. Final Plat (\$90)	14
e. Waiver of Regulations (\$100)	0
f. Platted - No-Improvements (\$100)	11
g. Minor - Certified Parcel (\$100)	14

EPC Wetlands Management Division
Agenda Backup August 2002
Page 3

7. As-Builts (\$255)	0
8. Miscellaneous Reviews (no fees)	
a. Wetland Setback Encroachment	0
b. Easement / Vacating	1
c. NRCS Review	0
9. Pre-Applications (no fees)	
a. Review Preparations (hours)	24
b. Meetings	0
10. Development Review Committee (no fees)	
a. Review Preparation (hours)	0
b. Meetings	0

D. OTHER ACTIVITIES

1. Unscheduled meetings with members of the public (walk-ins)	92
2. Other Meetings	83
3. Telephone Conferences	601
4. Presentations	1
5. Correspondence	370
6. Correspondence Review (hours)	33
7. Special Projects (hours)	18
8. On-site visits	89
9. Appeals (hours)	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	8
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	76
b. Legal	3
c. Inactive	8
2. Number of "Notice of Intent to Initiate Enforcement"	3
3. Number of Citations Issued	0
4. Number of "Emergency Order of the Director"	0
5. Number of Consent Orders Signed	5
C. CASES CLOSED	
1. Administrative / Civil Cases Closed	6
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	0
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$12,925.00
E. ENFORCEMENT COSTS COLLECTED	\$1,942.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	19
2. Return Inspections	45
3. Closed	38
B. WARNING NOTICES	
1. Issued	23
2. Return Inspections	82
3. Closed	30
C. MITIGATION	
1. Compliance/Monitoring Reviews	35
2. Compliance Inspections	31
D. OTHER ACTIVITIES	
1. Case Meetings	9
2. Other Meetings	17
3. Telephone Calls	489
4. File Reviews	20
5. Cases Referred to Enforcement Coordinator	3
6. Letters	47
7. Erosion Control Sites Canvassed	72
8. MAIW Reviews	8

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	5
2. Telephone Assistance	666
3. Letters	215
4. Incoming Projects	149
5. Additional Info / Additional Footage	16 / 13
6. Resubmittals / Revisions	28 / 8
7. Surveys / Data Entry	26 / 534
8. Aerial Reviews / Inquiries	11 / 10

B. ENGINEERING STAFF

1. Meetings	41
2. Reviews	43
3. Field Investigations	6

EPC LEGAL DEPARTMENT MONTHLY REPORT
September 19, 2002

A. ADMINISTRATIVE CASES

NEW CASES [1]

R.L. Holley and Candace Holley Life Estate: [LHOL02-028]: Respondents filed a Notice of Appeal on August 15, 2002 challenging a Citation alleging improper handling of wastes and hazardous wastes. The matter has been assigned to a Hearing Officer and a pre-hearing conference has been set for September 16, 2002. (AZ)

EXISTING CASES [11]

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

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

DOT [LDOTF00-008]: DOT appealed a citation issued to them for failing to obtain a Director's Authorization prior to excavating solid waste from old landfills at two sites in Hillsborough County. Since DOT indicated that negotiations for settlement were underway, the appeal proceedings will be held in abeyance pending possible settlement. (RT)

Tampa Bay Organics [LTBOF00-007]: Tampa Bay Organics, a wood and yard waste recycling facility, filed a Notice of Appeal of EPC's citation for causing a dust nuisance and for operating an air pollution source without valid permits. The appeal is being held in abeyance pending settlement discussions. Settlement discussions have not been successful. A civil complaint was filed June 29, 2001. (*See related case under Civil Cases*). (RT)

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. 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 was heard on September 6, 2002. The parties are awaiting the decision of the Hearing Officer on the estoppel case and the matter will be remanded back to the EPC board for a Final Order. (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 as settlement discussions continue. (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 was heard on August 26, 2002. The parties are currently discussing a potential

settlement to the case prior to the Hearing Officer entering her decision on the Motion to Dismiss. (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)

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)

RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [2]

Louis and Jeanie Putney [LPUT01-007]: The Plaintiffs Louis and Jeanie Putney filed suit against the EPC alleging inverse condemnation by denying them authorization for impacts to wetlands on their property. The Plaintiffs filed suit against Hillsborough County in 2001 and on August 9, 2002 they amended their complaint to include the EPC. The EPC filed a Motion for More Definite Statement and/or Motion to Strike portions of the lawsuit. The matter will be set for hearing. (AZ)

Thomas T. Frederick [LFRE02-027]: Authority to take appropriate action against the responsible party for unauthorized impacts to EPC jurisdictional wetlands was requested and received by the EPC on August 8, 2002. The parties are currently in negotiations regarding resolving the matter. (AZ)

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. 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. On July 10, 2002 the EPC filed a Motion to Compel the Defendant to respond to the EPC's discovery requests. On August 8, 2002 the judge ordered that the Defendant respond to the EPC's discovery requests within 30 days. Discovery is proceeding. (AZ)

FDOT & Cone Constructors, Inc. [LCONB99-007]: (*See related case under Administrative Cases*) Authority granted in March 1999 to take appropriate legal action to enforce the agency's nuisance prohibition and Noise Rule violated during the construction of the Suncoast Parkway. On September 14, 2000, Mr. Cone signed a Settlement Letter to resolve this case. In addition to prohibiting Mr. Cone from conducting night time operation of heavy duty rock hauling, the Settlement Letter provided for payment of \$1,074.00 as reimbursement for costs and expenses associated with the investigation and resolution of this matter. To date, Mr. Cone has not paid the agreed upon amount. Options for collection of the agreed upon amount are being investigated. (RT)

Oasem J. v. EPC, et al. [LQAS98-161]: In foreclosing a mortgage on a UST facility, Plaintiff named EPC as a Defendant because of our recorded judgment against the former owner/operator, a relative of the current Plaintiff (*EPC case against Emad Qasem*). EPC has asserted the priority of our judgment lien. Defendant, property owner HJEM, Inc., filed a motion for summary judgment asserting the Plaintiff's mortgage was entered into fraudulently and that it has priority over all lien holders. EPC responded by asserting the priority of its judgment over the Defendant, HJEM, Inc.'s ownership of the property as the property was sold to HJEM, Inc. subject to EPC's judgment. The attorney for the property owner HJEM, Inc. has contacted the EPC regarding purchasing the EPC's interest in the property and settling the matter. The EPC has agreed to convey its judgment lien on the property to HJEM, Inc. in consideration for payment of \$7,500.00. This should remove the EPC from the pending foreclosure case and allow the EPC to recover a reasonable portion of its judgment lien entered against the prior owner of the property. The EPC is currently waiting for resolution of the case so as to collect the remaining amounts for payment of EPC's lien. (AZ)

Georgia Maynard [LMAYZ99-003]: Authority to take appropriate action against Ms. Maynard as owner and operator of an underground storage tank facility was granted August 1999. A prior Consent Order required certain actions be taken to bring the facility into compliance including the proper closure of out-of-compliance tank systems. The requirements of the agreement have not been met. The EPC filed suit for injunctive relief and penalties and costs on March 8, 2001. The Defendant was served with a summons and copy of the complaint on May 21, 2001. The Defendant has failed to respond to the complaint and on July 9, 2001 the court entered a default against the Defendant. The Legal Department has requested that the court enter a Default Judgment against the Defendant. On August 28, 2001 the court entered a Default Final Judgment in the case. The EPC is awaiting compliance with the court's order. 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)

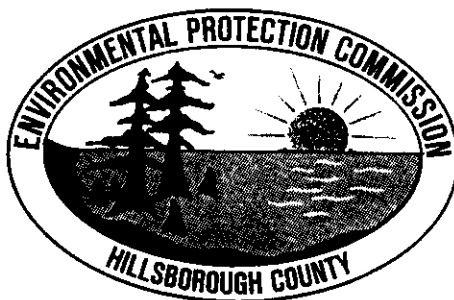
Slusmeyer, Boyce [LSLU01-029]: Authority was requested and received by the EPC on September 20, 2001 to initiate judicial enforcement with respect to failure to comply with a Executive Director's Citation and Order to Correct Violation for the failure to initiate a cleanup of a contaminated property. 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 [0]

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

Executive Director
 Richard D. Garrity, Ph.D.

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

Fund Balance as of 10/01/01	\$1,337,989
Interest Accrued FY02	38,927
Deposits FY02	309,244
Disbursements FY02	175,611
 Fund Balance	 \$1,510,549
Encumbrances Against Fund Balance:	
Art. Reef FY02	5,563
(66) Asbestos Abatement	4,486
(73) Balm Road Scrub	300,000
(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
(95) COT Stormwater Improvement	37,800
(96) H. C. Parks/Riverview Civic	40,000
(97) COT Parks Dept/Cypress Point	100,000
 Total Encumbrances	 653,093
Minimum Balance	120,000 *
Fund Balance Available August 30, 2002	\$ 737,456

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



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Executive Director
 Richard D. Garrity, Ph.D.

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

Fund Balance as of 10/01/01	\$1,423,826
Interest Accrued FY02	35,400
Disbursements FY02	220,757
Fund Balance	\$1,238,479

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

Fund Balance Available August 30, 2002	\$ 193,099
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AGENDA ITEM COVER SHEET

Date: September 19, 2002

Agenda Item: Tampa Asthmatic Children's Study

Description Summary:

The United States E.P.A. has selected Tampa as the host area for a pilot study on children and asthma. They will be conducting the 4-day study to learn more about how children with asthma are exposed to air pollution that may trigger the attacks. A representative from E.P.A. will give a short presentation on the study, including identifying the type of children they are seeking to participate. The EPA's intention is to conduct their study this fall. This period and our community were chosen to coincide with the EPC's intensive air monitoring effort associated with the Bay Regional Atmospheric Chemistry Experiment study. The data from the two studies will then be used to provide better information on pediatric asthma.

Commission Action Recommended: None. Information only.

Commission Action Taken:

AGENDA ITEM COVER SHEET

Date: September 19, 2002

Agenda Item: Discussion regarding Public Noticing - Requests for authority to file suit

Description/Summary: At the August 15, 2002 meeting of the Environmental Protection Commission, it was requested that staff return to the Commission's next regular meeting to discuss the issue of noticing parties whom staff is requesting authority to file law suits against in enforcement cases. The General Counsel will discuss the current process and take Commission member's input on the issue.

AGENDA ITEM COVER SHEET

Date: September 19, 2002

Agenda Item: Discussion of Wetland Impacts and the EPC Zoning Process

Description/Summary:

The Environmental Protection Commission of Hillsborough County (EPCHC) is a proponent of its involvement with the land development review process through PGMD. The reviews that EPCHC performs, play an important role in the avoidance or reduction of wetland impacts that may have otherwise been sought.

Rezoning petitions are typically the first opportunity for EPCHC staff to review development proposals on a particular property. Staff takes this opportunity to advise the owners/developers of the property's environmental constraints and the steps necessary to permit a project through the EPCHC. In most cases, developers want to ensure that they can obtain their desired zoning designation on a specific property before they expend large amounts of funds to delineate and survey wetlands and design development plans for their site. As a result, wetland limits are often only generally located, if at all, and the site plans are conceptual in nature.

As part of EPC staff's review of a rezoning petition, a site inspection is conducted to determine the presence of wetlands. If wetlands are present, the next step is to determine whether the wetland's sizes and locations are generally represented on the site plan. The staff then evaluates the proposed zoning or site plan with respect to potential wetland impacts. Staff looks at access into and throughout the site, building envelopes, lot size, stormwater pond locations and a variety of other parameters that may adversely impact wetlands. Appropriate comments are made which may include relocating an access point to avoid a wetland impact, a reduction in the density, or the relocation of stormwater ponds to avoid wetland impacts. Any wetland protection conditions that staff is authorized to impose on the development, are requested to become part of the final conditions of the zoning. Anytime that a rezoning site plan reflects wetland impacts, EPC staff advises the applicant that wetland impacts may not be approved as they are depicted and that the zoning designation and density will not serve to justify any proposed wetland impact(s). EPCHC staff reviews rezoning petitions and potential wetland impacts in accordance the applicant's right to obtain a reasonable use of their property pursuant to Chapter 1-11, Rules of the Commission. EPC rules do not ensure that an applicant will be able to obtain the maximum use allowed by his or her zoning designation. Applicants may also be advised that a reduction in the scope of the project or even a modification to the zoning may be required as a result of EPC staff's review of a wetland impact request.

With respect to wetland impact and mitigation, between the years of 1985 and 2001, the Wetlands Management staff has approved 4,872 acres of wetland impacts, of which 2,920 acres, 59.9%, are phosphate related. Compensation for those wetland impacts has been provided in the creation of 6,221 acres of wetland mitigation. Of that acreage, 3,505 acres, 56.3%, were created for phosphate-related impacts. The overall wetland impact-mitigation ratio average is 1 : 1.33.

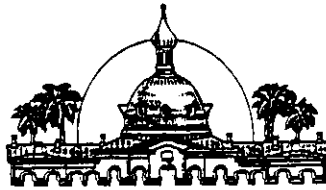
Commission Action Recommended: This has been provided for informational purposes only and no Commission action is recommended.

BOARD OF COUNTY COMMISSIONERS

Chairman
Pat Frank, District 7

Vice Chairman
Jim Norman, District 2

Stacey L. Easterling, District 1
Thomas Scott, District 3
Ronda Storms, District 4
Chris Hart, District 5
Jan K. Platt, District 6



Hillsborough County
Florida

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Web Site
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Daniel A. Kleman
County Administrator

REC'D
SEP 09 2002
ENV. PROT. COMM. OF H.C.

DATE: September 5, 2002
TO: Ronda Storms, Chair, EPC
FROM: Pat Frank, Commissioner *RF*
SUBJECT: Rule Changes

Please place on the EPC agenda a discussion on the drafting of a rule, which would prevent issuance of any permits to any individual or company that is currently under sanctions by the EPC.

I understand that the rules are currently being amended and this would therefore be appropriate to include in those changes.

PF/cl