

AGENDA ITEM COVER SHEET

Date: October 17, 2002

Agenda Item: Public Hearing, Proposed Amendment of Chapter 1-7, Rules of the Environmental Protection Commission of Hillsborough County, Waste Management.

Description Summary: At a Public Hearing, staff will present proposed amendments to Chapter 1-7 Rules of the EPC, the Waste Management Division. The proposed amendments will enhance the clarity and continuity of the rule through section renumbering and reorganization. The amendments will add definitions, for the purposes of Chapter 1-7, of "leachate" and "Recovered Screen Material". A provision has been added giving the Commission the ability to require environmental sampling on a case specific basis. Language has been added in the form a general prohibition, which will provide additional clarity. Financial Assurance requirements for sites and facilities requiring a Director's Authorization have been added. Specific design and operations requirements pertaining to the management of landfill gas, recovered and/or generated leachate, and recovered screen material have been added relating to old landfill development projects. Rule citations pertaining to those State regulations adopted by reference have been updated. New State rules have been adopted by reference, which will provide the Commission with a firm basis for obtaining Brownfields and Solid Waste Program delegation.

The Waste Management Division held a public workshop on September 4, 2002, wherein members of the affected public and regulated community were in attendance. Changes to the proposed rule were made based on the public comment. The proposed rule amendments were presented to the Citizen's Environmental Advisory Committee (CEAC) on September 9, 2002, with an additional update provided on October 7, 2002. The CEAC unanimously approved the proposed amendments.

Commission Action Requested: Consider and adopt the proposed amendments to Chapter 1-7, Rules of the

Environmental Protection Commission.

Commission Action Taken:

1 **RULES OF THE ENVIRONMENTAL PROTECTION COMMISSION**
2 **OF HILLSBOROUGH COUNTY**
3 **CHAPTER 1-7**
4 **WASTE MANAGEMENT RULE**

5
6 **Part I (Generally) General**

7 ~~1-7-00.10.100~~ **Intent**
8 ~~1-7-00.11.101~~ **Interpretation**
9 ~~1-7-01.20.102~~ **Definitions**
10 ~~1-7-01.21.103~~ **Reference Standards**
11 ~~1-7-01.22.104~~ **EPC Application Fees**
12 ~~1-7-01.23.105~~ **Confidential Information**

13 ~~1-7-01.30~~ **Prohibitions**
14 ~~1-7-01.31~~ **Approval of Alternate Procedures**

15 ~~1-7-01.32~~ **Director's Authorization**

16 ~~1-7.106~~ **Environmental Sampling**

17 **Part II (Specific Facilities or Materials) Solid Waste Management**

18 ~~1-7.200~~ **Prohibitions**

19 ~~1-7.201~~ **Alternate Procedures**

20 ~~1-7.202~~ **Director's Authorization**

21 ~~1-7-01.33.203~~ **Construction on Areas Impacted by Solid Waste Disposal or Excavation of Solid Waste**

22 ~~1-7-01.34.204~~ **Landfills**

23 ~~1-7-01.70.205~~ **Recovered Materials Recovery Processing Facilities and Waste Processing Facility**

24 ~~1-7-01.72~~ **Industrial Solid Waste**

25 ~~1-7-01.73.206~~ **Clean Debris and Construction and Demolition Debris**

26 ~~1-7-01.81~~ **Solid Waste Transfer Station**

27 ~~1-7-01.82~~ **Land Application of Domestic Waste Water Sludge**

28 ~~1-7-02.00.207~~ **Solid Waste Combustor Ash**

29 ~~1-7-09.00.208~~ **Composting Facilities**

30 ~~1-7-10.00~~ **Used Oil**

31 ~~1-7-11.00.209~~ **Waste Tires**

32 ~~1-7-12.00~~ **Biomedical and Biological Waste**

33 **Part III Hazardous Waste Management of (Small Quantity Generators)**

34 ~~1-7-30.001~~ **Declaration of Intent**

35 ~~1-7-30.020~~ **Definitions**

36 ~~1-7.300~~ **General Applicability**

37 ~~1-7-30.021.301~~ **References, Variances and Case by-Case Regulations**

38 ~~1-7-30.030.302~~ **Identification of Hazardous Waste**

39 ~~1-7-30.031.303~~ **Prohibitions**

40 ~~1-7-30.150~~ **General Applicability**

41 ~~1-7-30.160.304~~ **Generators of Hazardous Waste**

42 ~~1-7-30.171.305~~ **Transfer Facilities**

43 ~~1-7-30.180.306~~ **Hazardous Waste Treatment, Storage and Disposal Facilities**

44 ~~1-7-30.181.307~~ **Specific Hazardous Wastes and Types of Hazardous Waste Management Facilities**

45 ~~1-7-30.183.308~~ **Land Disposal Restrictions**

46 ~~1-7-30.185.309~~ **Standards for Universal Waste Management**

47 **Part IV Site Rehabilitation**

48 ~~1-7.400~~ **Brownfields**

49 ~~1-7.401~~ **Petroleum Cleanup**

50 ~~1-7.402~~ **Cleanup Standards**

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52

53 **Part I (Generally) General**

54
55 **1-7-00.10.100 Intent.**

56 (1) The Commission finds that the improper management, handling and disposal of solid waste, and hazardous
57 waste, as well as the improper management of recycled recovered materials generally and recyclable and
58 recoverable materials can result in or contribute to the pollution of the water, soil, property and air and that
59 reasonable regulation of recycled and recovered materials management and waste disposal practices will reduce
60 pollution, protect the public safety, health and welfare, and protect the environment of the County.

61 (2) Recognizing that proper disposal alternatives for solid and hazardous wastes are becoming limited, the
62 Commission also finds that waste minimization and reuse is necessary for the future protection of our environment.

63 (3) (2) It is the Commission's intent, in adopting this rule, to apply reasonable control and regulation over the
64 storage, collection, transportation, receiving in bulk, separation, processing, recycling, mining and disposal of solid
65 waste, hazardous waste, recycled and recovered recyclable and recoverable materials in order to protect the public
66 health, safety and welfare and the environment, and also to encourage the recycling of solid waste, recyclable and
67 recoverable materials which that would otherwise end in the waste stream be destined for disposal.

68 (4) (3) It is the Commission's intent to require a Director's Authorization for all solid waste management
69 facilities in Hillsborough County prior to the construction, operation, modification, or use of the facility to ensure
70 the proper location, design, management, operation and closure of such facilities so as to eliminate in order to reduce
71 or eliminate the risks of pollution.

72 (4) The Florida Legislature recognizes and requires in Sections 403.7225 and 403.7238, F.S., the need for
73 increased participation by local governments in ensuring that small quantity generators properly manage their
74 hazardous waste and that waste reduction opportunities are promoted and realized. Counties are encouraged to adopt
75 local ordinances to address compliance with and enforcement of the federal and state hazardous waste regulations
76 for small quantity generators. Therefore, the Commission adopts rules to specifically address the proper
77 management of hazardous wastes by small quantity generators and transfer facilities. Hillsborough County,
78 obligated by Section 403.7234, F.S., to implement the small quantity generator notification and verification program,
79 assigned its responsibility to the Commission by Interlocal Agreement [Document #93-1101] on June 18, 1993.

80 (5) Section 403.7225(12), F.S., authorizes imposition of an annual notification and verification surcharge on the
81 business or occupational license of any firm that is classified as a small quantity generator of hazardous waste. The
82 Commission has adopted such a fee in Section 1-6.03(6) of its rules, which is collected in part by agreement with the
83 Hillsborough County Tax Collector through the County's occupational license program.

84 (6) All hazardous waste standards and criteria, notification requirements and permit conditions adopted by the
85 Department in Chapter 62-730, F.A.C., shall be fully applicable and enforceable on all facilities handling hazardous
86 wastes in Hillsborough County. The Commission, however, intends to directly regulate under Part II of this rule,
87 only those facilities identified as small quantity generators and hazardous waste transfer facilities.

88
89 **1-7-00.11.101 Interpretation.**

90 (1) By adopting certain rules of the Department, the Commission intends that any provision therein requiring
91 permits, application for alternative procedures, notifications, or notices of general permit to the Department shall
92 be interpreted as requiring submission of such documents to the Commission for review and/or issuance of a
93 Director's Authorization under the provisions of this rule.

94 (2) In implementing any Department rule herein, the Commission will apply the Department's interpretations
95 of its regulations where consistent within the context of these rules, however, any action or position taken by the
96 Commission or its Director in conflict with a Department interpretation or policy applying such regulations will
97 not be invalidated on that basis alone unless the Department interpretation or policy was formally issued in
98 writing prior to the Commission's or the Director's action.

99
100 **1-7-01.20.102 Definitions.**

101 (1) For purposes of Part III of this rule, the definitions adopted or contained in Section 62-730.020, F.A.C., are
102 incorporated herein. Where a definition cannot be reconciled with definitions adopted in this Section, the definitions
103 in Section 62-730.020, F.A.C., shall prevail in application of Part III.

104 (2) The Commission also adopts for purposes of this rule chapter the definitions contained in Sections 62-

105 701.200, ~~62-702.200 and 62-709.200~~, F.A.C. and Section 403.703, F.S., except as may be otherwise defined in
106 Chapter 84-446, Laws of Florida. (2) In addition, the following definitions shall apply:

107 (a) "Director" means the Executive Director of the Environmental Protection Commission or his staff as
108 appropriate.

109 (b) "Director's Authorization" means:

110 1. The specific written approval of the Director, or

111 2. A Department solid waste permit or general permit, the notice or application or notification for which has
112 been reviewed by the Director's staff as provided in this rule, and for which the Director has not issued a written
113 Notice of Objection.

114 (c) "Department" means the Florida Department of and Environmental Regulation its successor agency, the
115 Florida Department of Environmental Protection.

116 (d) "Leachate" is defined pursuant to Section 62-701.200(66), F.A.C. For the purpose of this rule, leachate shall
117 also include groundwater removed or recovered from solid waste disposal areas for the purpose of dewatering,
118 surface water or storm water that has come in contact with excavated and/or in-situ solid waste, and liquids that may
119 drain or otherwise be expressed from staged or excavated solid waste, separated or co-mingled soils, and RSM.

120 (d) (e) "SWFWMD" or District means the Southwest Florida Water Management District.

121 (e) (f) "Solid Waste Management Facility" as defined by Section 62-701.200(73)(118), F.A.C., and includes the
122 following: any solid waste disposal area, dump site, landfill, volume reduction plant (incinerator, pulverizer,
123 compactor, shredding and baling plant), composting facility, waste recycling or disposal operation site or facility,
124 materials recovery facility, transfer station, recovered materials processing facility, waste processing facility, or
125 other facility or operation the purpose of which is resource recovery or the disposal, recycling, processing, or storage
126 of solid waste or recovered materials.

127 (f) (g) "Notice of Objection;" where not otherwise provided by this rule, means a specific written document or
128 letter signed by the Executive Director and directed to the Department with copy(ies) provided to the applicant,
129 which states an objection to the basis or criteria for a proposed permit.

130 (h) "Recovered Screen Material (RSM)" means the fines and/or soils fraction of the material generated through
131 the screening or processing of excavated solid waste or construction and demolition debris.

132 133 **1-7-01.21.103 Reference Standards.**

134 Standard reference documents used in implementing these rules shall be those listed in Section 62-701.210,
135 F.A.C.

136 137 **1-7-01.22.104 EPC Application Fees.**

138 Applicable application fees for a Director's Authorization or other review required under pursuant to this rule
139 shall be as provided in Chapter 1-6, Rules of the Commission. Unless provided otherwise, fees required by
140 regulations adopted by reference in this rule; are separate and shall be paid directly to the Department.

141 142 **1-7-01.23.105 Confidential Information.**

143 Confidential trade secrets shall be kept confidential pursuant to Sections 403.73 and Section 403.111, F.S.

144 145 **1-7.106 Environmental Sampling.**

146 Any person who may be responsible for ~~In the event that the Commission obtains evidence that the~~
147 ~~provisions of this or other Commission rules may have been violated through the emission or discharge of~~
148 ~~pollutants to air, surface water, ground water, or soil, may be required by the Director may require those persons~~
149 ~~determined to be responsible for the emission or discharge to conduct, at their expense, tests which will identify~~
150 ~~and quantify the emission or discharge and to provide the results of such tests to the Commission.~~

151 152 **Part II Solid Waste Management.**

153 154 **1-7-01.30.200 Prohibitions.**

155 (1) The prohibitions of Section 62-701.300, F.A.C., are specifically adopted by reference.

156 (2) It is unlawful for any person in Hillsborough County to store, process, manage or dispose of solid waste or

157 ~~recovered materials except as provided for in Section 1-7.202.~~

158 ~~(2)(3) No person shall conduct the activities listed in Section 1-7-01.32.202 in Hillsborough County without a~~
159 ~~Director's Authorization. A valid Department permit issued specifically for a listed activity, which was reviewed by~~
160 ~~the Director's staff and for which the Director has not issued a Notice of Objection, shall constitute a Director's~~
161 ~~Authorization.~~

162 ~~(3)(4) No person shall fail to comply with the requirements and conditions contained in a Director's~~
163 ~~Authorization or Department permit pursuant to this rule.~~

164
165 **1-7-01.31.201 Approval of Alternate Procedures.**

166 The provisions of Section 62-701.310(1), (2), (4), (5) and (7), F.A.C., are adopted by reference. A Director's
167 Authorization shall be required for alternate procedures or requirements. Requests for alternate procedures shall be
168 accompanied by the appropriate EPC application fee pursuant to Chapter 1-6, Rules of the Commission.

169
170 **1-7-01.32.202 Director's Authorization.**

171 (1) The following activities in Hillsborough County shall require a Director's Authorization:

172 (a) ~~tThe construction, operation or use of a solid waste management facility in Hillsborough County as required~~
173 ~~by requiring a permit or general permit pursuant to Chapter 62-701, F.A.C.;~~

174 (b) ~~tThe construction, operation or use of any alternate procedures or requirements as provided in 1-7-01.31.201;~~

175 (c) ~~tThe excavation of solid waste, the modification or development of a solid waste filled area, or the construction~~
176 ~~of buildings, structures or facilities, utility lines or pipes, parking lots areas or paved surfaces; on or through areas filled~~
177 ~~with solid waste or areas otherwise impacted by solid waste disposal; and~~

178 (d) ~~tThe construction, operation or implementation of any solid waste management facility or recovered~~
179 ~~materials processing facility or activity otherwise exempted from DEP Department regulation by pursuant to~~
180 ~~Sections 62-701.220 and 62-701.320, F.A.C.~~

181 (2) ~~Except for the activities identified in sections 62-701.320(2)(a), (2)(b)3, and (2)(c), F.A.C., tThe specific~~
182 ~~activities listed in Section 62-701.320(2), F.A.C., are hereby granted a Director's Authorization except for those~~
183 ~~activities identified in Sections 62-701.320(2)(a), 62-701.320(2)(b)3, and 62-701.320(2)(c), F.A.C. to conduct said~~
184 ~~activity upon the conditions contained therein:~~

185 (3) ~~A permit or general permit granted by the Department under pursuant to sections Chapters 62-701.801, 62-~~
186 ~~709.800, 62-710.803, 62-711.801, 62-712.800 62-701, F.A.C. 62-709, and 62-711, F.A.C., shall be constitute a~~
187 ~~valid Director's Authorization as long as provided the notice application or notification has been submitted to the~~
188 ~~Director, the or application notification has been reviewed according to Department criteria, and no nNotice of~~
189 ~~oObjection has been issued. Compliance with Tthe specific application requirements outlined in of subsection (4)~~
190 ~~below Section 1-7.202(4) below may be necessary only if the Director has issued an a Notice of oObjection.~~

191 (4) All applications for a Director's Authorization submitted pursuant to under this rule shall include the
192 following; along with the appropriate EPC fee:

193 (a) ~~The appropriate application fee as established in Section 1-6.03, Rules of the Environmental Protection~~
194 ~~Commission.~~

195 (b) ~~A Copy of the complete Department permit application or general permit notification where applicable, as~~
196 ~~required by sSections 62-701.320 or 62-701.330, F.A.C., including copies of all appendices, plans, and drawings.~~

197 (b)(c) ~~If the property owner is different from the applicant, Eevidence of authorization to use the property for~~
198 ~~the proposed facility. if the property owner is different from the applicant.~~

199 (c) ~~A site plan signed, sealed and dated by a State of Florida registered professional engineer, of a scale no~~
200 ~~greater than one inch equals two hundred feet (1"=200'), to include notation of:~~

201 1. Project location and identification of all structures, roadways and other operational appurtenances;

202 2. Proposed disposal, handling, storage and processing areas;

203 3. Total acreage of the site;

204 4. Access control features and any other relevant physical features such as water bodies, wetlands, and areas
205 subject to frequent and periodic flooding; and

206 5. Identification of all potable water wells on or within five hundred feet (500') of the site boundary.

207 (d) ~~A boundary survey and legal description of the property from the county tax assessor's office.~~

208 (e) ~~A signed and sealed general closure plan for the site, to include:~~

209 1. ~~Cross section details of any disposal areas with final cover depths and site contours;~~
210 2. ~~Revegetation plan details; and~~
211 3. ~~A schedule for the removal and proper disposal of excess wastes and recovered materials.~~
212 4. ~~An assessment of the anticipated cost of closure and the applicant's financial ability to effect proper~~
213 ~~closure. Ninety days prior to the facility's closure, a plan must be submitted which will detail the operator's~~
214 ~~intentions for the evaluation of the site's environmental condition and explain intended remedies. Any drawings in~~
215 ~~support of these requirements must be signed, sealed and dated by a professional engineer registered in the State of~~
216 ~~Florida.~~

217 (f) ~~A copy of any SWFWMD permit for the control of stormwater or documentation that no permit is required;~~
218 ~~and if a SWFWMD permit is not required, plans including topography and stormwater control devices in accordance~~
219 ~~with Chapter 62-25, F.A.C. These plans must be signed, sealed and dated by a professional engineer.~~

220 (g) ~~A description of the general operating plan for the proposed facility, including equipment to be used and~~
221 ~~number of personnel.~~

222 (d) ~~Verification that the siting of the facility will not violate local zoning or land use ordinances.~~

223 (e) ~~A professionally certified boundary survey, legal description of the property and, property folio number or~~
224 ~~property identification number on file with the County Property Appraiser's Office.~~

225 (f) ~~A regional map or plan illustrating the project location in relation to surrounding land use.~~

226 (g) ~~A current vicinity map or aerial photograph taken within one year preceding the application.~~

227 (h) ~~A description of the general operating plan for the proposed facility, including equipment to be used and~~
228 ~~number of personnel.~~

229 (i) ~~A Detailed site plans of a scale no greater than one inch equals two hundred feet. The site plans must be~~
230 ~~signed, sealed and dated by a professional engineer registered in the State of Florida and must include notation of:~~

231 1. ~~Project location and identification of all structures, roadways and other operational appurtenances;~~

232 2. ~~Proposed disposal, handling, storage and processing areas;~~

233 3. ~~Total acreage of the site;~~

234 4. ~~Access control features and any other relevant physical features such as water bodies, wetlands, and areas~~
235 ~~subject to frequent or periodic flooding; and~~

236 5. ~~Identification of all potable water wells on or within five hundred feet of the site boundary.~~

237 (j) ~~A copy of any SWFWMD permit for the control of storm water or documentation that no permit is required.~~
238 ~~In the event that a SWFWMD permit is not required, plans including site topography and storm water control~~
239 ~~devices in accordance with Chapter 62-25, F.A.C., shall be provided. All plans and calculations must be signed,~~
240 ~~sealed and dated by a professional engineer registered in the State of Florida. Storm water shall not be impounded or~~
241 ~~otherwise accumulated atop areas impacted by solid waste disposal or in areas where RSM has been utilized as fill~~
242 ~~without Commission approved engineering controls.~~

243 (k) ~~A signed and sealed general closure plan or site completion plan to include:~~

244 1. ~~Cross section details of any disposal areas and RSM reuse areas with final cover depths and site contours;~~

245 2. ~~Revegetation plan details; and~~

246 3. ~~A schedule for the removal and proper disposal of excess solid waste, hazardous waste, and recovered~~
247 ~~materials.~~

248 (l) ~~Financial Assurance. The owner or operator of a site or facility requiring a Director's Authorization pursuant~~
249 ~~to Section 1-7.202(1)(c) and Section 1-7.202(1)(d) shall provide the Commission with proof of financial assurance~~
250 ~~in compliance with the following:~~

251 1. ~~The financial assurance mechanism shall be issued in favor of Hillsborough County in the amount of the~~
252 ~~closing costs for the site or facility.~~

253 2. ~~Proof of financial assurance may consist of one or more of the following instruments: performance bond;~~
254 ~~irrevocable letter of credit; deposit of cash or cash equivalent into an escrow account or; guarantee bond.~~

255 3. ~~Proof of financial assurance along with an assessment of the anticipated cost of closure of the site or~~
256 ~~facility shall be submitted to the Commission as part of the Application for Director's Authorization. The~~
257 ~~Commission will accept a suitable financial assurance mechanism held by another regulatory agency upon assurance~~
258 ~~that the funds are available to the Commission.~~

259 4. ~~The requirement to provide proof of financial assurance for sites regulated pursuant to Section 1-~~
260 ~~7.202(1)(c) may be waived if reasonable assurance can be provided by the applicant which demonstrate that the~~

261 applicant has the ability to effect proper site closure and that the site will be properly closed even in the event that
262 the proposed development activities are not, for unforeseen reasons, completed in their entirety.

263 5. For sites or facilities regulated pursuant to Sections 1-7.202(1)(c) and 1-7.202(1)(d) which are owned or
264 otherwise under the control of a local government, the requirement to provide financial assurance may be waived
265 provided that verification, signed by or attested to by the highest ranking local government official, may be provided
266 which assures that the local government has the financial resources and ability to effect proper site closure and that
267 the site will be properly closed.

268 (5) EPC The Commission will accept submissions on the forms required by Section 62-701.900, F.A.C. For
269 activities requiring submission under pursuant to Section 1-7-01.32(4).202 (1)(c) and Section 1-7.202(1)(d), an
270 application form may be obtained from the Commission.

271 (6) Pursuant to the existing Operating Agreement between the Department and the Commission, the
272 Commission shall comment to the Department as to completeness on all applications and notifications within
273 Hillsborough County requiring a Department permit or general permit as required therein. Recommendation for
274 issuance or denial, based upon reasonable assurance that the facility will meet Department criteria and standards,
275 shall be submitted to the Department as described in the Operating Agreement or Chapter 120, F.S.

276 (7) The requirements and standards for review of applications for a Director's Authorization shall be those
277 contained in Section 62-701.320, F.A.C., this rule, and any other EPC Commission or Department rule specifically
278 providing conditions, standards, or criteria for the type of activity seeking authorization.

279

280 **PART II (Specific Facilities or Materials)**

281

282 **1-7-01.33.203 Construction on Areas Impacted by Solid Waste Disposal or Excavation of Solid Waste** 283 **Disposal Areas.**

284 (†) Applications pursuant to Section 1-7-01.32(1)(c) above, 202(1)(c) will be reviewed, approved or
285 disapproved denied based upon the written conclusions and recommendations of appropriately certified
286 professionals according to the following:

287 (1) Detailed site plans in compliance with Section 1-7.202(4)(i) which of a scale no greater than one inch equals
288 two hundred feet with appropriate cross section details. Site plans shall be signed, sealed and dated by a
289 professional engineer registered in the State of Florida. Site plans shall clearly illustrate and delineate the
290 following:

291 (a) Site boundary locations and site access control features;

292 (b)(a) Horizontal and vertical extent of solid waste fill;

293 (c)(b) All proposed buildings, structures, utility lines or pipes, parking areas, paved or impervious surfaces,
294 and storm water impoundment and conveyance structures;

295 (d)(c) Solid waste excavation locations, locations where construction will occur atop solid waste fill and
296 where solid waste will be left in place;

297 (e)(d) Horizontal and vertical extent of areas where RSM will be used as fill;

298 (f)(e) Excavated solid waste handling, temporary storage, and processing areas;

299 (g) Water bodies, wetlands, areas subject to frequent and periodic flooding, and any potable water wells on or
300 within five hundred feet of the site boundary.

301 (2) A geotechnical investigation and foundation analysis in accordance with the Florida Building Code and
302 applicable industry standards must be submitted. performed and In addition, appropriate building safeguards must
303 be addressed in order to protect proposed structures that may be constructed on or through solid waste filled areas.
304 The geotechnical investigation must be performed under the supervision of The investigations, analyses and reports
305 required by this Section shall be certified by an experienced professional engineer registered in the State of Florida.

306 (3) The applicant must comply with all local, state and federal building codes in order to ensure that proposed
307 structures will not be damaged by potential landfill subsidence.

308 (a)(4) A Preliminary Site Contamination Assessment Plan and Site Assessment Report must be submitted
309 performed as appropriate to the proposed project, and submitted to demonstrate existing and potential
310 contamination of air, water, soil and groundwater from the solid waste filled areas of the site. Preliminary site
311 contamination assessments activities must be conducted under the guidance of an experienced professional geologist
312 or professional engineer or professional geologist registered in the State of Florida.

313 (b)(5) Landfill-generated gases (LFG) shall be investigated and monitored at all sites requiring a Director's
314 Authorization pursuant to Section 1-7.202(1)(c). before and after the proposed excavation should be analyzed and
315 monitored for explosive limits and health-related effects by an experienced industrial hygienist, health professional,
316 or professional engineer. LFG mitigation systems and LFG monitoring plans shall be designed, installed, and
317 implemented under the supervision of an experienced professional engineer registered in the State of Florida. LFG
318 control systems shall be designed to meet the requirements of Section 62-701.530(1)(a)1, (1)(a)2, and (1)(a)3,
319 F.A.C., and the standards defined under Section 257.3-8, Title 40 of the Code of Federal Regulations. LFG flare
320 units and/or LFG extraction units may require permitting through the Commission's Air Management Division if
321 such a device is deemed necessary.

322 1. Mitigation of harmful levels of landfill-generated gases should be addressed:

323 2. Explosive landfill gas control and explosive gas monitoring systems must be designed and installed under
324 the supervision of an experienced professional engineer, who must also prepare and provide a gas control system
325 operation plan. The gas control system should meet the Department's requirements for performance and design
326 standards. Additionally, explosive gases should be controlled in order to meet standards defined under Section
327 257.3-8 of Title 40 of the Code of Federal Regulations. A methane flare unit may require obtaining a permit from
328 the EPC Air Management Division if such a device is deemed to be necessary.

329 (c) Provisions for the handling and proper disposal of excavated materials must be addressed:

330 (d) Following completion of the activity, appropriate areas must be graded and sloped in order to prevent the
331 impoundment of stormwater on solid waste-filled areas. These activities must be conducted under the guidance of
332 an experienced professional engineer.

333 (e) A geotechnical investigation and appropriate building safeguards should be required in order to address the
334 placement of proposed structures on or through solid waste filled areas. The geotechnical investigation should be
335 performed under the supervision of an experienced professional engineer. The applicant must comply with all local,
336 State building codes in order to ensure that proposed structures will not be damaged by potential landfill subsidence.

337 (f) The applicant should comply with all other applicable local, State, and federal codes:

338 (a) LFG shall be monitored prior and subsequent to any excavation or development activity. Data generated
339 through the monitoring of LFG prior to excavation or development activities may be submitted as part of the Site
340 Assessment Report required pursuant to Section 1-7.203(4).

341 (b) All structures and enclosed spaces constructed atop or adjacent to areas where solid waste has been left in
342 place or where RSM has been utilized as fill, will require protection through the installation design,
343 implementation and operation of a LFG mitigation system.

344 (c) The design of LFG mitigation systems must provide for the effective collection and venting of LFG that
345 may accumulate beneath structure slabs, foundations, impervious surfaces and within structures.

346 (d) A routine LFG monitoring schedule shall be developed and implemented. LFG monitoring data shall be
347 collected through the monitoring of Commission approved mitigation systems, exterior LFG monitoring wells,
348 and/or monitoring points, and interior monitoring devices. LFG monitoring data shall be submitted to the
349 Commission in accordance with an approved reporting schedule.

350 (6) Leachate generated at all sites requiring a Director's Authorization pursuant to Section 1-7.202(1)(c) shall
351 be managed in accordance with the following:

352 (a) The off-site discharge of leachate is prohibited unless in accordance with a National Pollutant Discharge
353 Elimination System (NPDES) permit.

354 (b) Leachate may be re-infiltrated only into areas up gradient of solid waste impacted areas and within areas
355 previously impacted by solid waste disposal. Leachate re-infiltration shall not exacerbate, expand or otherwise
356 contribute to or increase groundwater contamination or groundwater impacts.

357 (c) Leachate may require treatment prior to re-infiltration. The levels of treatment required will be determined
358 based upon site specific conditions and proposals.

359 (7) RSM proposed for onsite reuse and excavated solid waste shall be characterized, managed, reused and
360 disposed in accordance with the following:

361 (a) Characterization, through laboratory analyses, of RSM proposed for onsite reuse is required.

362 (b) Analytical data from the in-situ sampling of solid waste and/or soil matrices may not be used to support a
363 reuse proposal in lieu of data generated from the analysis of RSM.

364 (c) RSM generated from solid waste which has been excavated from areas that can be conclusively shown to be

365 filled solely with construction and demolition debris must, at a minimum, be analyzed for the laboratory parameters
366 listed in Section 62-701.730(4)(b)4, F.A.C.

367 (d) RSM generated from solid waste which has been excavated from areas filled with solid waste other than
368 construction and demolition debris, or from areas that do not otherwise meet the criteria outlined in Section 1-
369 7.203(7)(c), must be analyzed for the parameters listed in Section 62-701.510(8)(d), F.A.C.

370 (e) The minimum sampling frequencies at which both discrete and composite RSM samples will be obtained
371 shall be in accordance with Section 62-713.510(4)(b), F.A.C. Each composite sample shall be comprised of four
372 randomly selected sub-samples in accordance with Section 62-713.510(6)(a)2, F.A.C.

373 (f) The onsite reuse of RSM exhibiting hazardous waste characteristics is prohibited.

374 (g) RSM found not to exceed leachability based Soil Cleanup Target Levels, as established in Chapter 62-
375 777, F.A.C., Table II, may be reused onsite in accordance with the following:

376 1. RSM shall be placed no less than six inches above the seasonal high water ground water elevation.

377 2. Direct human exposure of RSM shall be prevented through the design and implementation of approved
378 site specific engineering controls.

379 3. Reuse of RSM found to exceed Residential use based Soil Cleanup Target Levels, as established in
380 Chapter 62-777, F.A.C., Table II, shall require the recording of an institutional control in the form of a restrictive
381 covenant deed restriction in the public property record(s).

382 (h) The onsite reuse of RSM found to exceed leachability based Soil Cleanup Target Levels, as established in
383 Chapter 62-777, F.A.C., Table II, is prohibited unless the requirements of Sections 1-7.203(7)(g)1, 1-7.203(7)(g)2
384 and 1-7.203(7)(g)3 are met and:

385 1. The reuse proposal includes the recording of an institutional control in the form of a deed restriction in
386 the public property record(s) and,

387 2. The reuse proposal is in accordance with a Remedial Action Plan approved by the Commission.
388 Remedial Actions Plans may also require approval by the Department.

389 (i) The locations, dimensions, configurations and elevations of all RSM reuse areas must be documented on as-
390 built site plans or site diagrams.

391 (j) Unprocessed/un-separated, non-hazardous solid waste excavated from solid waste disposal areas and non-
392 hazardous RSM requiring disposal shall be disposed at a Class I solid waste disposal facility permitted by the
393 Department. Disposal of excavated solid waste at a Department permitted Class III disposal facility may be approved
394 by the Commission with appropriate analytical testing, as determined by the Commission, and on a case specific
395 basis.

396 (k) Excavated solid waste which has been processed/separated shall be disposed at an appropriately permitted
397 solid waste disposal facility or permitted hazardous waste disposal facility.

398 **1-7-01-34,204 Landfills.**

399 (1) Landfills in Hillsborough County shall comply with the standards and criteria contained in Section 62-
400 701.340, F.A.C.

401 (2) Landfills shall at a minimum comply with the standards and criteria contained in Sections 62-701.400, 62-
402 701.410, ~~62-701.420~~ and 62-701.430, F.A.C.

403 (3)(a) Operational standards and requirements shall be in compliance with Section 62-701.500, F.A.C., and
404 monitoring requirements shall be consistent with Section 62-701.510, F.A.C.

405 (b)(4) Landfill operators shall be appropriately trained in accordance with Section 62-701.320(15), F.A.C., or and
406 qualified as otherwise required by law.

407 (4)(5) Special waste handling at landfills in Hillsborough County shall conform to the standards and criteria
408 contained in Section 62-701.520, F.A.C.

409 (5)(6) Landfills in Hillsborough County shall be subject to the closure and long term care procedures, criteria
410 and standards contained in Sections 62-701.600, 62-701.610, and 62-701.620 and ~~62-701.640~~, F.A.C.

411 **1-7-01-70,205 Recovered Materials Recovery Processing Facilities and Waste Processing Facilities.**

412 (1) Any person proposing to operate, maintain, construct, expand or modify a recovered materials processing
413 facility or recycling facility in Hillsborough County solid waste management facility not specifically requiring
414 permitting pursuant to Department rule shall submit to the Environmental Director an application for said operation
415
416

417 pursuant to Section ~~1-7-01.32.202(1)(d)~~ prior to implementation.

418 (2) Solid waste management facilities which are ~~materials recovery waste processing~~ facilities shall comply with
419 the criteria and standards contained in Section ~~62-701.700 62-701.710~~, F.A.C.

420
421 **~~1-7-01.72 Industrial Solid Waste~~**

422 Solid waste management facilities that accept primarily industrial wastes other than construction and demolition
423 debris, shall comply with the standards and criteria of Section ~~62-701.720~~ F.A.C.

424
425 **~~1-7-01.73.206 Clean Debris and Construction & and Demolition Debris.~~**

426 (1) Clean debris may be used as ~~allowed by fill in accordance with~~ Section 62-701.730~~(1)(15)~~, F.A.C. ~~and its~~
427 ~~use is~~ The use of clean debris as fill is hereby granted a Director's Authorization as long as provided its placement
428 complies with applicable EPC wetland requirements and County does not constitute violations of other Commission
429 rules or Hillsborough County land development regulations ordinances.

430 (2) Construction and demolition debris may only be disposed of in Hillsborough County at an appropriately
431 permitted disposal facility ~~permitted in accordance with~~ according to the criteria and requirements of Section ~~62-~~
432 ~~701.730(2), (4), and (7)~~ 62-701.730, F.A.C.

433
434 **~~1-7-01.81 SOLID WASTE TRANSFER STATION~~**

435 Any person wishing to utilize the Department general permit for a waste transfer station shall submit to the
436 Director a complete copy of the notice as required by Section ~~62-701.801~~ F.A.C.

437
438 **~~1-7-01.82 LAND APPLICATION OF DOMESTIC WASTEWATER SLUDGE~~**

439 The Director hereby gives notice of objection to any Department general permit for land application of grade H
440 domestic wastewater treatment sludge pursuant to Section ~~62-701.802~~ F.A.C., and requires therefor a complete
441 application pursuant to Section ~~7-01.32(4)~~ above, with specific written authorization from the Director.

442
443 **~~1-7-02.00.207 Solid Waste Combuster Ash.~~**

444 The management of ~~solid waste combuster~~ ash residue shall comply with the criteria and requirements of
445 Chapter ~~62-702~~, F.A.C.

446
447 **~~1-7-09.00.208 Composting Facilities and Yard Trash Processing Facilities.~~**

448 (1) Solid waste management facilities which use composting technology to process ~~solid wastes other than yard~~
449 ~~trash and clean wood~~ shall comply with the provisions, prohibitions and standards of Chapter ~~62-709~~, F.A.C. ~~except~~
450 as it may apply to the processing of yard trash. The applicable criteria and requirements for the processing of yard
451 trash into other usable materials, such as compost and mulch, is regulated under Section ~~7-01.70~~ of this rule.

452 (2) ~~Solid waste management facilities which process yard trash and/or clean wood into other usable materials,~~
453 ~~such as compost, mulch, soil amendment(s) or top soil are considered yard trash processing facilities and are~~
454 ~~regulated pursuant to Section 1-7.205(1). Yard trash processing facilities shall, at a minimum, comply with the~~
455 ~~provisions, prohibitions, and standards of Section 62-709.320, F.A.C.~~

456
457 **~~1-7-10.00 USED OIL~~**

458 (1) The collection, transport, storage, recycling, use and disposal of used oil and oily wastes shall comply with the
459 criteria, prohibitions, procedures and standards contained in Chapter ~~62-710~~, F.A.C.

460
461 **~~1-7-11.00.209 Waste Tires.~~**

462 The collection, transport, processing and disposal of waste tires shall comply with the criteria, prohibitions,
463 procedures and standards contained in Chapter ~~62-711~~, F.A.C.

464
465 **~~1-7-12.00 BIOMEDICAL AND BIOLOGICAL WASTE~~**

466 The transport, storage, treatment and disposal off-site of biohazardous and biological wastes shall comply with
467 the criteria, prohibitions, procedures and standards contained in Chapter ~~62-712~~, F.A.C.

468

469 **Part III Hazardous Waste Management of (Small Quantity Generators)**
470

471 **~~1-7-30.001~~ DECLARATION AND INTENT**

472 (1) ~~The Florida Legislature recognizes and requires in Sections 403.7225 and 403.7238 F.S., the need for~~
473 ~~increased participation by local governments in ensuring that small quantity generators properly manage their~~
474 ~~hazardous waste and that waste reduction opportunities are promoted and realized. Counties are encouraged to~~
475 ~~adopt local ordinances to address compliance with and enforcement of the federal and state hazardous waste~~
476 ~~regulations for small quantity generators. Therefore, in this part of Chapter 1-7, the Commission adopts rules to~~
477 ~~specifically address the proper management of hazardous wastes by small quantity generators and transfer facilities.~~

478 (2) ~~Hillsborough County, obligated by Section 403.7234 F.S. to implement the small quantity generator~~
479 ~~notification and verification program, assigned its responsibility to the Commission by Interlocal Agreement~~
480 ~~[Document #93-1101] on June 18, 1993.~~

481 (3) ~~Section 403.7225(12), F.S., authorizes imposition of an annual notification and verification surcharge on the~~
482 ~~business or occupational license of any firm that is classified as a small quantity generator of hazardous waste. The~~
483 ~~Commission has adopted such a fee in Section 1-6.03(6) of its rules, which is collected in part by agreement with the~~
484 ~~tax collector through the County's occupational license program.~~

485 (4) ~~It is the Commission's intent that all hazardous waste standards and criteria, notification requirements and~~
486 ~~permit conditions adopted by the Department in Chapter 62-730 F.A.C. shall be fully applicable and enforceable on~~
487 ~~all facilities handling hazardous wastes in Hillsborough County. The Commission however, intends to directly~~
488 ~~regulate under part III of this rule, only those facilities identified as small quantity generators and hazardous waste~~
489 ~~transfer facilities.~~

490
491 **~~1-7-30.020~~ DEFINITIONS**

492 For purposes of part III of this rule, the definitions adopted or contained in Section 62-730.020 F.A.C. shall
493 apply. Where said definitions cannot be reconciled with definitions adopted in Section 7-01.01 of this rule, the
494 definitions in Section 62-730.020 F.A.C. shall prevail in application of this part.
495

496 **~~1-7-30.001.300~~ General Applicability.**

497 ~~The provisions of Section 62-730.150, F.A.C. are adopted as specified therein, except that generators,~~
498 ~~transporters, or persons who own or operate a facility which treats, stores, or disposes of hazardous waste are not~~
499 ~~required to submit EPA Form 8700-12 to the Commission.~~
500

501 **~~1-7-30.021.301~~ REFERENCES, VARIANCES AND CASE-BY-CASE REGULATIONS**

502 The Commission adopts by reference Section 62-730.021(1), F.A.C.
503

504 **~~1-7-30.030.302~~ IDENTIFICATION OF HAZARDOUS WASTE**

505 The Commission adopts the criteria and standards referenced by Section 62-730.030 F.A.C. for identifying
506 hazardous waste and conditionally exempt small quantity generator requirements.
507

508 **~~1-7-30.031.303~~ PROHIBITIONS**

509 (1) No person shall discharge, cause or permit the discharge, of hazardous waste to the soils, air, surface water, or
510 ground water in Hillsborough County, unless the discharge is in compliance with federal, state, and local
511 regulations.

512 (2) No person shall discharge, cause or permit the discharge, of hazardous waste to a septic tank, oil/water
513 separator, or other system of waste management which is designed to discharge into soils, air, surface water, or
514 ground water, unless the discharge is in compliance with federal, state, and local regulations.

515 (3) No person shall manage hazardous waste in violation of any federal, state, or local regulations.

516 (4) No person subject to inspection pursuant to Section 403.7234 F.S. shall fail to pay the small quantity
517 generator notification/verification fee required pursuant to Section 1-6.03(6) of the Commission's rules upon written
518 notification that they are classified as a potential small quantity generator of hazardous wastes.
519

520 **~~1-7-30.001.300~~ General Applicability:**

521 The provisions of Section 62-730.150, F.A.C. are adopted as specified therein, except that generators,
522 transporters, or persons who own or operate a facility which treats, stores, or disposes of hazardous waste are not
523 required to submit EPA Form 8700-12 to the Commission.
524

525 **1-7-30.160.304 Generators of Hazardous Waste.**

526 All generators of hazardous waste in Hillsborough County shall comply with the standards and criteria required
527 by subSections 62-730.160(1), (3), (4), (6) and (7), F.A.C.
528

529 **1-7-30.171.305 Transfer Facilities.**

530 All transfer facilities in Hillsborough County shall comply with the standards and requirements contained in
531 Section 62-730.171, F.A.C. except for subsection (1), and a copy of each record, report and plan required therein
532 shall be submitted to the Commission within the time frames provided.
533

534 **1-7-30.180.306 Hazardous Waste Treatment, Storage and Disposal Facilities.**

535 Owners and operators of hazardous waste treatment, storage and disposal facilities in Hillsborough County shall
536 comply with subsection 62-730.180(2), F.A.C.
537

538 **1-7-30.181.307 Specific Hazardous Wastes and Types of Hazardous Waste Management Facilities.**

539 The application of recycled materials to land, the recovery of precious metals, reclamation of lead acid batteries,
540 the burning of hazardous wastes in furnaces, and the posting of warning signs at suspected or confirmed
541 contaminated sites shall comply with the standards in Section 62-730.181, F.A.C.
542

543 **1-7-30.183.308 Land Disposal Restrictions for Hazardous Waste.**

544 All land disposal of hazardous waste shall comply with the restrictions and record keeping requirements of
545 Section 62-730.183, F.A.C.
546

547 **1-7-30.185.309 Standards for Universal Waste Management.**

548 The management of universal wastes shall comply with the criteria and requirements of Section 62-730.185,
549 F.A.C.
550

551 **Part IV Site Rehabilitation.**

552
553 **1-7.400 Brownfields.**

554 As pertains to proposals for Brownfields Site Rehabilitation, Chapter 62-785, F.A.C., is hereby adopted by
555 reference except for Section 62-785.650.
556

557 **1-7.401 Petroleum Cleanup.**

558 As pertains to petroleum contaminated sites, Chapter 62-770, F.A.C., is hereby adopted by reference except for
559 Section 62-770.650 and Section 62-770.890.
560

561 **1-7.402 Cleanup Standards.**

562 As pertains to the standards and criteria for contaminated site cleanup, Chapter 62-777, F.A.C., is hereby
563 adopted by reference in its entirety.
564

565 Adopted 8/10/78

566 Amended 12/21/95, xx/xx/02

**RULES OF THE ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-7
WASTE MANAGEMENT**

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Part I General

1-7.100 Intent.

(1) The Commission finds that the improper management, handling and disposal of solid waste, hazardous waste, and recyclable and recoverable materials can result in or contribute to the pollution of water, soil,

(2) It is the Commission's intent, in adopting this rule, to apply reasonable control and regulation over the storage, collection, transportation, receiving in bulk, separation, processing, recycling, mining and disposal of solid waste, hazardous waste, recyclable and recoverable materials in order to protect the public health, safety and welfare and the environment, and to encourage the recycling of solid waste, recyclable and recoverable materials that would otherwise

be destined for disposal.

(3) It is the Commission's intent to require a Director's Authorization for all solid waste management facilities in Hillsborough County prior to the construction, operation, modification, or use of the facility to ensure the proper location, design, management, operation and closure of such facilities in order to reduce or eliminate the risks of pollution.

(4) The Florida Legislature recognizes and requires in Sections 403.7225 and 403.7238, F.S., the need for increased participation by local governments in ensuring that small quantity generators properly manage their hazardous waste and that waste reduction opportunities are promoted and realized. Counties are encouraged to adopt local ordinances to address compliance with and enforcement of the federal and state hazardous waste regulations for small quantity generators. Therefore, the Commission adopts rules to specifically address the proper management of hazardous wastes by small quantity generators and transfer facilities. Hillsborough County, obligated by Section 403.7234, F.S., to implement the small quantity generator notification and verification program, assigned its responsibility to the Commission by Interlocal Agreement [Document #93-1101] on June 18, 1993.

(5) Section 403.7225(12), F.S., authorizes imposition of an annual notification and verification surcharge on the business or occupational license of any firm that is classified as a small quantity generator of hazardous waste. The Commission has adopted such a fee in Section 1-6.03(6) of its rules, which is collected in part by agreement with the Hillsborough County Tax Collector through the County's occupational license program.

(6) All hazardous waste standards and criteria, notification requirements and permit conditions adopted by the Department in Chapter 62-730, F.A.C., shall be fully applicable and enforceable on all facilities handling hazardous wastes in Hillsborough County. The Commission, however, intends to directly regulate under Part II of this rule, only those facilities identified as small quantity generators and hazardous waste transfer facilities.

1-7.101 Interpretation.

(1) By adopting certain rules of the Department, the Commission intends that any provision therein requiring permits, application for alternative procedures, notifications, or notices of general permit to the Department shall be interpreted as requiring submission of such documents to the Commission for review and/or issuance of a Director's Authorization under the provisions of this rule.

(2) In implementing any Department rule herein, the Commission will apply the Department's interpretations of its regulations where consistent within the context of these rules, however, any action or position taken by the Commission or its Director in conflict with a Department interpretation or policy applying such regulations will not be invalidated on that basis alone unless the Department interpretation or policy was formally issued in writing prior to the Commission's or the Director's action.

1-7.102 Definitions.

(1) For purposes of Part III of this rule, the definitions adopted or contained in Section 62-730.020, F.A.C., are incorporated herein. Where a definition cannot be reconciled with definitions adopted in this Section, the definitions in Section 62-730.020, F.A.C., shall prevail in application of Part III.

(2) The Commission also adopts for purposes of this rule the definitions contained in Sections 62-701.200, F.A.C. and Section 403.703, F.S., except as may be otherwise defined in Chapter 84-446, Laws of Florida. In addition, the following definitions shall apply:

(a) "Director" means the Executive Director of the Environmental Protection Commission or his staff as appropriate.

(b) "Director's Authorization" means:

1. The specific written approval of the Director, or

2. A Department solid waste permit or general permit, the application or notification for which has been reviewed by the Director's staff as provided in this rule, and for which the Director has not issued a written Notice of Objection.

(c) "Department" means the Florida Department of Environmental Protection.

(d) "Leachate" is defined pursuant to Section 62-701.200(66), F.A.C. For the purpose of this rule, leachate shall also include groundwater removed or recovered from solid waste disposal areas for the purpose of dewatering, surface water or storm water that has come in contact with excavated and/or in-situ solid waste, and liquids that may drain or otherwise be expressed from staged or excavated solid waste, separated or co-mingled soils, and RSM.

(e) "SWFWMD" or District means the Southwest Florida Water Management District.

(f) "Solid Waste Management Facility" as defined by Section 62-701.200(118), F.A.C., and includes any solid waste disposal area, dump site, landfill, volume reduction plant (incinerator, pulverizer, compactor, shredding and baling plant), composting facility, waste recycling or disposal site or facility, recovered materials processing facility, waste processing facility, or other facility or operation the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste or recovered materials.

(g) "Notice of Objection" means a specific written document or letter signed by the Director and directed to the Department with copy(ies) provided to the applicant, which states an objection to the basis or criteria for a proposed permit.

(h) "Recovered Screen Material (RSM)" means the fines and/or soils fraction of the material generated through the screening or processing of excavated solid waste or construction and demolition debris.

1-7.103 Reference Standards.

Standard reference documents used in implementing these rules shall be those listed in Section 62-701.210, F.A.C.

1-7.104 Application Fees.

Applicable application fees for a Director's Authorization or other review required pursuant to this rule shall be as provided in Chapter 1-6, Rules of the Commission. Unless provided otherwise, fees required by regulations adopted by reference in this rule; are separate and shall be paid directly to the Department.

1-7.105 Confidential Information.

Confidential trade secrets shall be kept confidential pursuant to Sections 403.73 and Section 403.111, F.S.

1-7.106 Environmental Sampling.

Any person who may be responsible for the emission or discharge of pollutants to air, surface water, ground water, or soil, may be required by the Director to conduct, at their expense, tests which will identify and quantify the emission or discharge and to provide the results of such tests to the Commission.

Part II Solid Waste Management.

1-7.200 Prohibitions.

(1) The prohibitions of Section 62-701.300, F.A.C., are specifically adopted by reference.

(2) It is unlawful for any person in Hillsborough County to store, process, manage or dispose of solid waste or recovered materials except as provided for in Section 1-7.202.

(3) No person shall conduct the activities listed in Section 1-7.202 without a Director's Authorization.

(4) No person shall fail to comply with the requirements and conditions contained in a Director's Authorization or Department permit pursuant to this rule.

1-7.201 Alternate Procedures.

The provisions of Section 62-701.310(1), (2), (4), (5) and (7), F.A.C., are adopted by reference. A Director's Authorization shall be required for alternate procedures or requirements. Requests for alternate procedures shall be accompanied by the appropriate application fee pursuant to Chapter 1-6, Rules of the Commission.

1-7.202 Director's Authorization.

(1) The following activities in Hillsborough County shall require a Director's Authorization:

(a) The construction, operation or use of a solid waste management facility requiring a permit or general permit pursuant to Chapter 62-701, F.A.C.;

(b) The construction, operation or use of any alternate procedures or requirements as provided in 1-7.201;

(c) The excavation of solid waste, the modification or development of a solid waste filled area, or the construction of buildings, structures or facilities, utility lines or pipes, parking areas or paved surfaces; on or through areas filled with solid waste or areas otherwise impacted by solid waste disposal; and

(d) The construction, operation or implementation of any solid waste management facility or recovered materials processing facility or activity otherwise exempt from Department regulation pursuant to Sections 62-701.220 and 62-701.320, F.A.C.

(2) The specific activities listed in Section 62-701.320(2), F.A.C., are hereby granted a Director's Authorization except for those activities identified in Sections 62-701.320(2)(a), 62-701.320(2)(b)3, and 62-701.320(2)(c), F.A.C.

(3) A permit or general permit granted by the Department pursuant to Chapters 62-701, 62-709, and 62-711, F.A.C., shall constitute a valid Director's Authorization provided the application or notification has been submitted to the Director, the or application notification has been reviewed according to Department criteria, and no Notice of Objection has been issued. Compliance with the application requirements outlined in Section 1-7.202(4) may be necessary only if the Director has issued a Notice of Objection.

(4) All applications for a Director's Authorization submitted pursuant to this rule shall include the following:

(a) The appropriate application fee as established in Section 1-6.03, Rules of the Environmental Protection Commission.

(b) A copy of the complete Department permit application or general permit notification where applicable, as required by Sections 62-701.320 or 62-701.330, F.A.C., including copies of all appendices, plans, and drawings.

(c) If the property owner is different from the applicant, evidence of authorization to use the property for the proposed facility.

(d) Verification that the siting of the facility will not violate local zoning or land use ordinances.

(e) A professionally certified boundary survey, legal description of the property and, property folio number or property identification number on file with the County Property Appraiser's Office.

(f) A regional map or plan illustrating the project location in relation to surrounding land use.

(g) A current vicinity map or aerial photograph taken within one year preceding the application.

(h) A description of the general operating plan for the proposed facility, including equipment to be used and number of personnel.

(i) Detailed site plans of a scale no greater than one inch equals two hundred feet. The site plans must be signed, sealed and dated by a professional engineer registered in the State of Florida and must include notation of:

1. Project location and identification of all structures, roadways and other operational appurtenances;
2. Proposed disposal, handling, storage and processing areas;
3. Total acreage of the site;
4. Access control features and any other relevant physical features such as water bodies, wetlands, and areas subject to frequent or periodic flooding; and
5. Identification of all potable water wells on or within five hundred feet of the site boundary.

(j) A copy of any SWFWMD permit for the control of storm water or documentation that no permit is required. In the event that a SWFWMD permit is not required, plans including site topography and storm water control devices in accordance with Chapter 62-25, F.A.C., shall be provided. All plans and calculations must be signed, sealed and dated by a professional engineer registered in the State of Florida. Storm water shall not be impounded or otherwise accumulated atop areas impacted by solid waste disposal or in areas where RSM has been utilized as fill without Commission approved engineering controls.

(k) A signed and sealed general closure plan or site completion plan to include:

1. Cross section details of any disposal areas with final cover depths and site contours;
2. Revegetation plan details; and
3. A schedule for the removal and proper disposal of excess solid waste, hazardous waste, and recovered materials.

(l) Financial Assurance. The owner or operator of a site or facility requiring a Director's Authorization pursuant to Section 1-7.202(1)(c) and Section 1-7.202(1)(d) shall provide the Commission with proof of financial assurance in compliance with the following:

1. The financial assurance mechanism shall be issued in favor of Hillsborough County in the amount of the closing costs for the site or facility.
2. Proof of financial assurance may consist of one or more of the following instruments: performance bond; irrevocable letter of credit; deposit of cash or cash equivalent into an escrow account or; guarantee bond.
3. Proof of financial assurance along with an assessment of the anticipated cost of closure of the site or facility shall be submitted to the Commission as part of the Application for Director's Authorization. The Commission will accept a suitable financial assurance mechanism held by another regulatory agency upon assurance that the funds are available to the Commission.
4. The requirement to provide proof of financial assurance for sites regulated pursuant to Section 1-

7.202(1)(c) may be waived if reasonable assurance can be provided by the applicant which demonstrate that the applicant has the ability to effect proper site closure and that the site will be properly closed even in the event that the proposed development activities are not, for unforeseen reasons, completed in their entirety.

5. For sites or facilities regulated pursuant to Sections 1-7.202(1)(c) and 1-7.202(1)(d) which are owned or otherwise under the control of a local government, the requirement to provide financial assurance may be waived provided that verification, signed by or attested to by the highest ranking local government official, may be provided which assures that the local government has the financial resources and ability to effect proper site closure and that the site will be properly closed.

(5) The Commission will accept submissions on the forms required by Section 62-701.900, F.A.C. For activities requiring submission pursuant to Section 1-7.202 (1)(c) and Section 1-7.202(1)(d), an application form may be obtained from the Commission.

(6) Pursuant to the existing Operating Agreement between the Department and the Commission, the Commission shall comment to the Department as to completeness on all applications and notifications within Hillsborough County requiring a Department permit or general permit as required therein. Recommendation for issuance or denial, based upon reasonable assurance that the facility will meet Department criteria and standards, shall be submitted to the Department as described in the Operating Agreement or Chapter 120, F.S.

(7) The requirements and standards for review of applications for a Director's Authorization shall be those contained in Section 62-701.320, F.A.C., this rule, and any other Commission or Department rule specifically providing conditions, standards, or criteria for the type of activity seeking authorization.

1-7.203 Construction on Areas Impacted by Solid Waste Disposal or Excavation of Solid Waste Disposal Areas.

Applications pursuant to Section 1-7.202(1)(c) will be reviewed, approved or denied based upon the written conclusions and recommendations of appropriately certified professionals according to the following:

(1) Detailed site plans in compliance with Section 1-7.202(4)(i) which clearly illustrate and delineate the following:

(a) Horizontal and vertical extent of solid waste fill;

(b) All proposed buildings, structures, utility lines or pipes, parking areas, paved or impervious surfaces, and storm water impoundment and conveyance structures;

(c) Solid waste excavation locations, locations where construction will occur atop solid waste fill and where solid waste will be left in place;

(d) Horizontal and vertical extent of areas where RSM will be used as fill;

(e) Excavated solid waste handling, temporary storage, and processing areas;

(2) A geotechnical investigation and foundation analysis in accordance with the Florida Building Code and applicable industry standards must be submitted. In addition, appropriate building safeguards must be addressed in order to protect proposed structures that may be constructed on or through solid waste filled areas. The investigations, analyses and reports required by this Section shall be certified by an experienced professional engineer registered in the State of Florida.

(3) The applicant must comply with all local, state and federal building codes in order to ensure that proposed structures will not be damaged by potential landfill subsidence.

(4) A Preliminary Site Assessment Plan and Site Assessment Report must be submitted appropriate to the proposed project, to demonstrate existing and potential contamination of air, water, soil and groundwater from the solid waste filled areas of the site. Preliminary site assessments activities must be conducted under the guidance of an experienced professional geologist or professional engineer registered in the State of Florida.

(5) Landfill-generated gas (LFG) shall be investigated and monitored at all sites requiring a Director's Authorization pursuant to Section 1-7.202(1)(c). LFG mitigation systems and LFG monitoring plans shall be designed, installed, and implemented under the supervision of an experienced professional engineer registered in the State of Florida. LFG control systems shall be designed to meet the requirements of Section 62-701.530(1)(a)1, (1)(a)2, and (1)(a)3, F.A.C., and the standards defined under Section 257.3-8, Title 40 of the Code of Federal Regulations. LFG flare units and/or LFG extraction units may require permitting through the Commission's Air Management Division if such a device is deemed necessary.

(a) LFG shall be monitored prior and subsequent to any excavation or development activity. Data generated through the monitoring of LFG prior to excavation or development activities may be submitted as part of the Site Assessment Report required pursuant to Section 1-7.203(4).

(b) All structures and enclosed spaces constructed atop or adjacent to areas where solid waste has been left in place or where RSM has been utilized as fill, will require protection through the design, implementation and operation of a LFG mitigation system.

(c) The design of LFG mitigation systems must provide for the effective collection and venting of LFG that may accumulate beneath structure slabs, foundations, impervious surfaces and within structures.

(d) A routine LFG monitoring schedule shall be developed and implemented. LFG monitoring data shall be collected through the monitoring of Commission approved mitigation systems, exterior LFG monitoring wells, and/or monitoring points, and interior monitoring devices. LFG monitoring data shall be submitted to the Commission in accordance with an approved reporting schedule.

(6) Leachate generated at all sites requiring a Director's Authorization pursuant to Section 1-7.202(1)(c) shall be managed in accordance with the following:

(a) The off-site discharge of leachate is prohibited unless in accordance with a National Pollutant Discharge Elimination System (NPDES) permit.

(b) Leachate may be re-infiltrated only into areas up gradient of solid waste impacted areas and within areas previously impacted by solid waste disposal. Leachate re-infiltration shall not exacerbate, expand or otherwise contribute to or increase groundwater contamination or groundwater impacts.

(c) Leachate may require treatment prior to re-infiltration. The levels of treatment required will be determined based upon site specific conditions and proposals.

(7) RSM proposed for onsite reuse and excavated solid waste shall be characterized, managed, reused and disposed in accordance with the following:

(a) Characterization, through laboratory analyses, of RSM proposed for onsite reuse is required.

(b) Analytical data from the in-situ sampling of solid waste and/or soil matrices may not be used to support a reuse proposal in lieu of data generated from the analysis of RSM.

(c) RSM generated from solid waste which has been excavated from areas that can be conclusively shown to be filled solely with construction and demolition debris must, at a minimum, be analyzed for the laboratory parameters listed in Section 62-701.730(4)(b)4, F.A.C.

(d) RSM generated from solid waste which has been excavated from areas filled with solid waste other than construction and demolition debris, or from areas that do not otherwise meet the criteria outlined in Section 1-7.203(7)(c), must be analyzed for the parameters listed in Section 62-701.510(8)(d), F.A.C.

(e) The minimum sampling frequencies at which both discrete and composite RSM samples will be obtained shall be in accordance with Section 62-713.510(4)(b), F.A.C. Each composite sample shall be comprised of four randomly selected sub-samples in accordance with Section 62-713.510(6)(a)2, F.A.C.

(f) The onsite reuse of RSM exhibiting hazardous waste characteristics is prohibited.

(g) RSM found not to exceed leachability based Soil Cleanup Target Levels, as established in Chapter 62-777, F.A.C., Table II, may be reused onsite in accordance with the following:

1. RSM shall be placed no less than six inches above the seasonal high water ground water elevation.

2. Direct human exposure of RSM shall be prevented through the design and implementation of approved site specific engineering controls.

3. Reuse of RSM found to exceed Residential use based Soil Cleanup Target Levels, as established in Chapter 62-777, F.A.C., Table II, shall require the recording of an institutional control in the form of a restrictive covenant in the public property record(s).

(h) The onsite reuse of RSM found to exceed leachability based Soil Cleanup Target Levels, as established in Chapter 62-777, F.A.C., Table II, is prohibited unless the requirements of Sections 1-7.203(7)(g)1, 1-7.203(7)(g)2 and 1-7.203(7)(g)3 are met and:

1. The reuse proposal includes the recording of an institutional control in the form of a deed restriction in the public property record(s) and,

2. The reuse proposal is in accordance with a Remedial Action Plan approved by the Commission. Remedial Actions Plans may also require approval by the Department.

(i) The locations, dimensions, configurations and elevations of all RSM reuse areas must be documented on as-built site plans or site diagrams.

(j) Unprocessed/un-separated, non-hazardous solid waste excavated from solid waste disposal areas and non-hazardous RSM requiring disposal shall be disposed at a Class I solid waste disposal facility permitted by the Department. Disposal of excavated solid waste at a Department permitted Class III disposal facility may be approved

by the Commission with appropriate analytical testing, as determined by the Commission, and on a case specific basis.

(k) Excavated solid waste which has been processed/separated shall be disposed at an appropriately permitted solid waste disposal facility or permitted hazardous waste disposal facility.

1-7.204 Landfills.

(1) Landfills in Hillsborough County shall comply with the standards and criteria contained in Section 62-701.340, F.A.C.

(2) Landfills shall at a minimum comply with the standards and criteria contained in Sections 62-701.400, 62-701.410, and 62-701.430, F.A.C.

(3) Operational standards and requirements shall be in compliance with Section 62-701.500, F.A.C., and monitoring requirements shall be consistent with Section 62-701.510, F.A.C.

(4) Landfill operators shall be appropriately trained in accordance with Section 62-701.320(15), F.A.C., or as otherwise required by law.

(5) Special waste handling at landfills shall conform to the standards and criteria contained in Section 62-701.520, F.A.C.

(6) Landfills shall be subject to the closure and long term care procedures, criteria and standards contained in Sections 62-701.600, 62-701.610, and 62-701.620, F.A.C.

1-7.205 Recovered Materials Processing Facilities and Waste Processing Facilities.

(1) Any person proposing to operate, maintain, construct, expand or modify a recovered materials processing facility or solid waste management facility not specifically requiring permitting pursuant to Department rule shall submit to the Director an application for said operation pursuant to Section 1-7.202(1)(d) prior to implementation.

(2) Solid waste management facilities which are waste processing facilities shall comply with the criteria and standards contained in Section 62-701.710, F.A.C.

1-7.206 Clean Debris and Construction & Demolition Debris.

(1) Clean debris may be used as fill in accordance with Section 62-701.730(15), F.A.C. The use of clean debris as fill is hereby granted a Director's Authorization provided its placement does not constitute violations of other Commission rules or Hillsborough County land development ordinances.

(2) Construction and demolition debris may only be disposed at an appropriate disposal facility permitted in accordance with the criteria and requirements of Section 62-701.730, F.A.C.

1-7.207 Solid Waste Combuster Ash.

The management of solid waste combuster ash residue shall comply with the criteria and requirements of Chapter 62-702, F.A.C.

1-7.208 Composting Facilities and Yard Trash Processing Facilities.

(1) Solid waste management facilities which use composting technology to process solid wastes other than yard trash and clean wood shall comply with the provisions, prohibitions and standards of Chapter 62-709, F.A.C.

(2) Solid waste management facilities which process yard trash and/or clean wood into other usable materials, such as compost, mulch, soil amendment(s) or top soil are considered yard trash processing facilities and are regulated pursuant to Section 1-7.205(1). Yard trash processing facilities shall, at a minimum, comply with the provisions, prohibitions, and standards of Section 62-709.320, F.A.C.

1-7.209 Waste Tires.

The collection, transport, processing and disposal of waste tires shall comply with the criteria, prohibitions, procedures and standards contained in Chapter 62-711, F.A.C.

Part III Hazardous Waste Management (Small Quantity Generators)

1-7.301 References, Variances and Case-By-Case Regulations

The Commission adopts by reference Section 62-730.021(1), F.A.C.

1-7.302 Identification of Hazardous Waste

The Commission adopts the criteria and standards referenced by Section 62-730.030 F.A.C. for identifying hazardous waste and conditionally exempt small quantity generator requirements.

1-7.303 Prohibitions

(1) No person shall discharge, cause or permit the discharge, of hazardous waste to the soils, air, surface water, or ground water in Hillsborough County, unless the discharge is in compliance with federal, state, and local regulations.

(2) No person shall discharge, cause or permit the discharge, of hazardous waste to a septic tank, oil/water separator, or other system of waste management which is designed to discharge into soils, air, surface water, or ground water, unless the discharge is in compliance with federal, state, and local regulations.

(3) No person shall manage hazardous waste in violation of any federal, state, or local regulations.

(4) No person subject to inspection pursuant to Section 403.7234 F.S. shall fail to pay the small quantity generator notification/verification fee required pursuant to Section 1-6.03(6) of the Commission's rules upon written notification that they are classified as a potential small quantity generator of hazardous wastes.

1-7.304 Generators of Hazardous Waste.

All generators of hazardous waste in Hillsborough County shall comply with the standards and criteria required by Sections 62-730.160(1), (3), (4), (6) and (7), F.A.C.

1-7.305 Transfer Facilities.

All transfer facilities in Hillsborough County shall comply with the standards and requirements contained in Section 62-730.171, F.A.C. except for subsection (1), and a copy of each record, report and plan required therein shall be submitted to the Commission within the time frames provided.

1-7.306 Hazardous Waste Treatment, Storage and Disposal Facilities.

Owners and operators of hazardous waste treatment, storage and disposal facilities in Hillsborough County shall comply with subsection 62-730.180(2), F.A.C.

1-7.307 Specific Hazardous Wastes and Types of Hazardous Waste Management Facilities.

The application of recycled materials to land, the recovery of precious metals, reclamation of lead acid batteries, the burning of hazardous wastes in furnaces, and the posting of warning signs at suspected or confirmed contaminated sites shall comply with the standards in Section 62-730.181, F.A.C.

1-7.308 Land Disposal Restrictions for Hazardous Waste.

All land disposal of hazardous waste shall comply with the restrictions and record keeping requirements of Section 62-730.183, F.A.C.

1-7.309 Standards for Universal Waste Management.

The management of universal wastes shall comply with the criteria and requirements of Section 62-730.185, F.A.C.

Part IV Site Rehabilitation.

1-7.400 Brownfields.

As pertains to proposals for Brownfields Site Rehabilitation, Chapter 62-785, F.A.C., is hereby adopted by reference except for Section 62-785.650.

1-7.401 Petroleum Cleanup.

As pertains to petroleum contaminated sites, Chapter 62-770, F.A.C., is hereby adopted by reference except for Section 62-770.650 and Section 62-770.890.

1-7.402 Cleanup Standards.

As pertains to the standards and criteria for contaminated site cleanup, Chapter 62-777, F.A.C., is hereby adopted by reference in its entirety.

Adopted 8/10/78
Amended 12/21/95, 10/17/02

SEPTEMBER 19, 2002 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, September 19, 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 Pat Frank, Jim Norman, Jan Platt, and Thomas Scott.

The following members were absent: Commissioners Stacey Easterling (prior commitment) and Chris Hart (schedule conflict).

Chairman Storms called the meeting to order at 10:11 a.m. Commissioner Scott 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 - Mr. David Forziano, CEAC chairman, reviewed the CEAC recommendation regarding the public hearing to consider amendments to Chapter 1-3, Air Pollution Rule. The CEAC had reviewed the proposed amendments and opined the changes would add clarification and recommended approval.

PUBLIC HEARING

Consider Amendments to Chapter 1-3, Air Pollution Rule - Dr. Richard Garrity, EPC Executive Director, offered introductory comments. Chairman Storms suggested hearing the presentation before taking public comment. EPC General Counsel Richard Tschantz explained that would be acceptable as long as the public hearing was officially open. Mr. Jerry Campbell, Director, EPC Air Management Division, explained the Board was empowered to set standards to protect air quality, which should be as restrictive as any applicable State or federal standard. Mr. Campbell explained the purpose of the Air Management Division and its governing rules. Ms. Kay Strother, EPC staff, reviewed the proposed amendments, as presented in background material. In response to Commissioner Platt, Ms. Strother stated the amendments would strengthen the current rule, and staff recommended approval. Chairman Storms called for public comment; there was no response. **Commissioner Scott moved staff recommendation, seconded by Commissioner Frank, and carried five to zero.** (Commissioners Easterling and Hart were absent.)

THURSDAY, SEPTEMBER 19, 2002 - DRAFT MINUTES

CONSENT AGENDA

- A. Approval of Minutes: June 25, 2002; August 7, 2002; August 8, 2002; and August 15, 2002
- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Trust Fund
- E. Gardinier Settlement Trust Fund

Commissioner Norman moved the Consent Agenda items, seconded by Commissioner Platt, and carried five to zero. (Commissioners Easterling and Hart were absent.)

EXECUTIVE DIRECTOR'S REPORT

Agency Goals and Objectives - Dr. Garrity reviewed an overhead presentation on the progress of the agency's goals and objectives, as presented in background material. He reviewed statistical information pertaining to the number of authorized projects, site inspections, complaint investigations, and measurements taken in the monitoring program. At the request of Commissioner Frank, Dr. Garrity stated the EPC Web site name for the audience. Commissioner Frank commended the previous Board for appropriating funds to accelerate the stormwater program. Commissioner Platt explained those funds came from the stormwater fee, and she hoped the city of Tampa (City) would adopt a similar fee. Dr. Garrity stated the City was intensely studying the issue and thanked EPC staff for their hard work.

COMMISSION ACTION

Evaluation of the Executive Director - Ms. Sharon Wall, Director, Human Resources Department, submitted and reviewed a summary of Dr. Garrity's evaluation. Chairman Storms had requested that Mr. Tom Koulianos, EPC Director of Finance and Administration, provide a recommendation on compensation. Mr. Koulianos had submitted a written recommendation of a 3.5 percent increase. Commissioner Frank moved to give Dr. Garrity a 3.5 percent increase, which would be the maximum, based upon the excellent evaluation received, seconded by Commissioner Platt. Commissioner Scott suggested extending Dr. Garrity's contract for two years. Commissioner Frank amended the motion to include that, seconded by Commissioner Platt, and carried five to zero. (Commissioners Easterling and Hart were

THURSDAY, SEPTEMBER 19, 2002 - DRAFT MINUTES

absent.) In response to Ms. Wall, Mr. Koulianos explained a market equity increase was included in the contract. (Resumed later in the meeting.)

AIR MANAGEMENT DIVISION

Tampa Asthmatic Children's Study - Mr. Campbell stated the Environmental Protection Agency (EPA) was performing a study on increased asthma in children. Ms. Kelly Leovic, recruitment specialist, EPA, reviewed the EPA study, as presented in background material. Board members viewed monitoring devices, which would be used in the study. Commissioner Platt questioned the practicality of using the equipment on small children. Ms. Leovic stated a number of studies had been successfully completed with small children and opined that study would be successful as well. Chairman Storms thanked Ms. Leovic and pointed out that the study results may be skewed toward an upper socioeconomic level due to study requirements and the area chosen for the study.

LEGAL MANAGEMENT DIVISION

Discussion Regarding Public Noticing - Requests for Authority to File Suit - Attorney Tschantz explained the current practice was to inform parties that the EPC would be requesting authority to take legal action at the next regularly scheduled Board meeting, which was not an invitation to speak at the meeting. Attorney Tschantz suggested the Board not debate facts with the parties; to do so could be harmful to the County's case. Attorney Tschantz stated that Commissioner Norman had requested the EPC notify the parties of the date and time the item would appear before the Board.

Commissioner Norman said he did not want to invite the parties to speak, but the parties should be notified of the date and time the issue would be discussed. Opining that the policy should remain the same, Commissioner Platt moved to receive the report and keep the process as it had always been, seconded by Commissioner Frank. (The motion was not voted on.) Commissioner Norman made a substitute motion that the parties be noticed that their property would be affected, and notice be given to strictly to be in the audience to hear any action the board would take.

In response to Commissioner Scott, Attorney Tschantz said a letter was sent stating that authority had been obtained to take legal action, and the parties were given a time frame in which to respond. Commissioner Scott questioned if the policy needed to be changed to simply add the date and time. Attorney Tschantz explained to Commissioner Frank that the majority of the parties were in contact with the EPC. Commissioner Frank

THURSDAY, SEPTEMBER 19, 2002 - DRAFT MINUTES

saw no reason to change the current policy. In response to Chairman Storms, Attorney Tschantz stated a date was not given in the letter due to the desire to not appear as an invitation to speak. Chairman Storms questioned the difference between the EPC noticing policy and the County Attorney's policy. Attorney Tschantz was unsure of the County Attorney policy. Commissioner Scott seconded the substitute motion with the understanding that the motion was to add a date to the letter already sent by EPC. (The motion was not voted on.) Commissioner Platt moved to continue the item to find out exactly what the County Attorney did in those situations. Chairman Storms asked Commissioner Platt to withdraw her original motion before making a new motion. **Commissioner Frank moved to continue the item, seconded by Commissioner Platt. The motion carried four to one; Commissioner Norman voted no.** (Commissioners Easterling and Hart were absent.)

WETLANDS MANAGEMENT DIVISION

Discussion of Wetland Impacts and the EPC Zoning Process (from the July 30, 2002, Land Use Meeting) - Ms. Jadell Kerr, EPC staff, stated there were several questions posed at the July 30, 2002, land use meeting regarding EPC's participation in the zoning process. Chairman Storms questioned the length of the presentation. She stated Commissioner Scott had left the meeting, and Commissioner Platt needed to leave soon. **Commissioner Platt moved to continue the item to the next EPC meeting, seconded by Commissioner Norman, and carried four to zero.** (Commissioner Scott had left the meeting; Commissioners Easterling and Hart were absent.)

COMMISSIONER REQUEST

Discussion of Rule Amendment Regarding Permit Issuance to Applicants Under Pending Enforcement Sanctions (Commissioner Frank) - Commissioner Frank explained the issue had come to her attention at a Tampa Port Authority meeting. She said the issue regarded a citizen who had leased land at the Port, polluted the land, went bankrupt, and then left the Port with a large bill for clean up. Meanwhile, the citizen had established a similar company in the County. According to the rule as it stood, EPC could not deny the issuance of a permit based on the pending enforcement. Commissioner Frank opined the rule needed to be tightened to stop such a situation from occurring in the future. Chairman Storms questioned if Commissioner Frank was making a motion to refer the issue to staff for a recommendation. **Commissioner Frank answered in the affirmative, Commissioner Platt seconded the motion.** Attorney Tschantz stated he was

THURSDAY, SEPTEMBER 19, 2002 - DRAFT MINUTES

prepared to discuss the issue. Chairman Storms asked that a written report be provided. Attorney Tschantz suggested EPC look into strengthening their own rules and wished to see how the State had proceeded with similar proposed changes. **The motion carried four to zero.** (Commissioner Scott had left the meeting; Commissioners Easterling and Hart were absent.)

Evaluation of the Executive Director - RESUMED - Chairman Storms clarified a motion was needed for Dr. Garrity's salary increase to be effective October 1, 2002. **Commissioner Frank so moved, seconded by Commissioner Platt, and carried four to zero.** (Commissioner Scott had left the meeting; Commissioners Easterling and Hart were absent.)

There being no further business, the meeting was adjourned at 11:39 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____
Deputy Clerk

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MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
SEPTEMBER

A.	Public Outreach/Education Assistance:	
1.	Phone Calls:	<u>308</u>
2.	Literature Distributed:	<u>100</u>
3.	Presentations:	<u>5</u>
4.	Media Contacts:	<u>1</u>
5.	Internet:	<u>55</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	<u>5</u>
b.	Construction:	<u>3</u>
c.	Amendments:	<u>1</u>
d.	Transfers/Extensions:	<u>3</u>
e.	General:	<u>0</u>
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):	
a.	Operating ¹ :	<u>3</u>
b.	Construction ¹ :	<u>3</u>
c.	Amendments ¹ :	<u>1</u>
d.	Transfers/Extensions ¹ :	<u>3</u>
e.	Title V Operating ² :	<u>20</u>
f.	Permit Determinations ² :	<u>1</u>
g.	General:	<u>1</u>
3.	Intent to Deny Permit Issued:	<u>0</u>
C.	Administrative Enforcement	
1.	New cases received:	<u>6</u>
2.	On-going administrative cases:	
a.	Pending:	<u>8</u>
b.	Active:	<u>13</u>
c.	Legal:	<u>4</u>
d.	Tracking compliance (Administrative):	<u>13</u>
e.	Inactive/Referred cases:	<u>0</u>
	Total	<u>38</u>
3.	NOIs issued:	<u>4</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>3</u>
6.	Contributions to the Pollution Recovery Fund: <u>\$3,375.00</u>	
7.	Cases Closed:	<u>0</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>20</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>18</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>43</u>
E.	Open Burning Permits Issued:	<u>7</u>
F.	Number of Division of Forestry Permits Monitored:	<u>187</u>
G.	Total Citizen Complaints Received:	<u>44</u>
H.	Total Citizen Complaints Closed:	<u>46</u>
I.	Noise Sources Monitored:	<u>8</u>
J.	Air Program's Input to Development Regional Impacts:	<u>2</u>
K.	Test Reports Reviewed:	<u>5</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>12</u>
2.	Warning Notices Resolved:	<u>23</u>
3.	Advisory Letters Issued:	<u>4</u>
M.	AOR's Reviewed:	<u>7</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>7</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -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>\$4,280.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$4,280.00</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	\$2,530.00
(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>\$ 290.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 800.00</u>
8. Open burning authorization	<u>\$2,975.00</u>
9. Enforcement Costs	<u>\$1,099.00</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: October 9, 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 SEPTEMBER 2002
 AGENDA INFORMATION

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	7
2. On-going administrative cases	93
a. Pending	16
b. Active	53
c. Legal	8
d. Tracking Compliance (Administrative)	16
e. Inactive/Referred cases	0
3. NOI's issued	0
4. Citations issued	5
5. Settlement Documents Signed	3
6. Civil Contributions to the Pollution Recovery Fund	\$6,250
7. Enforcement Costs collected	\$1,668
9. Cases Closed	6

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	38/39
2. EPC Authorization for Facilities NOT requiring DEP permit	1/1
3. Other Permits and Reports	
a. County Permits	2/1
b. Reports	34/37
4. Inspections (Total)	216
a. Complaints	31
b. Compliance/Reinspections	36
c. Facility Compliance	22
d. Small Quantity Generator	127
5. Enforcement	
a. Complaints Received/Closed	26/34
b. Warning Notices Issued/Closed	0/5
c. Compliance letters	3
d. Letters of Agreement	0
e. DEP Referrals	0
6. Pamphlets, Rules and Material Distributed	276

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	90
b. Installation	19
c. Closure	9
d. Compliance Re-Inspections	28
2. Installation Plans Received/Reviewed	6/3
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	3/3
b. Closure Reports Received/Reviewed	4/3
4. Enforcement	
a. Non-compliance Letters Issued/Closed	28/34
b. Warning Notices Issued/Closed	9/5
c. Cases referred to Enforcement	7
d. Complaints Received/Investigated	1/1
e. Complaints Referred	0
5. Discharge Reporting Forms Received	1
6. Incident Notification Forms Received	17
7. Cleanup Notification Letters Issued	1
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	10
2. Reports Received/Reviewed	102/116
a. Site Assessment	45/35
b. Source Removal	6/4
c. Remedial Action Plans (RAP's)	8/15
d. Site Rehabilitation Completion Order/ No Further Action Order	4/4
e. Others	39/58
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS

31

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

SEPTEMBER, 2002

A. ENFORCEMENT

1. New Enforcement Cases Received:	<u>5</u>	
2. Enforcement Cases Closed:	<u>5</u>	
3. Enforcement Cases Outstanding:	<u>22</u>	
4. Enforcement Documents Issued:	<u>6</u>	
5. Warning Notices:	<u>25</u>	
a. Issued:	<u>11</u>	
b. Resolved:	<u>14</u>	
6. Recovered costs to the General Fund:		\$ <u>1,555.67</u>
7. Contributions to the Pollution Recovery Fund:		\$ <u>2,200.00</u>

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Brandon Crossroads	Construction without a permit	\$1,000.00
b. Concessions, Inc.	Placement of C/S in service without acceptance letter	\$ 300.00
c. Country Haven on	Expired permit; Operation without a permit	\$ 400.00
d. Pointe at Tampa Palms	Placement of C/S in service without a permit	\$ 500.00

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	<u>26</u>	
a. Facility Permit:	<u>12</u>	
(i) Types I and II	<u>0</u>	
(ii) Type III	<u>12</u>	
b. Collection Systems-General:	<u>11</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>3</u>	
d. Residuals Disposal:	<u>0</u>	
2. Permit Applications Approved:	<u>26</u>	
a. Facility Permit:	<u>4</u>	
b. Collection Systems-General:	<u>12</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>10</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>40</u>
a. Facility Permit:	<u>25</u>
b. Collection Systems-General:	<u>7</u>
c. Collection Systems-Dry Line/Wet Line:	<u>8</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	<u>81</u>
1. Compliance Evaluation:	<u>7</u>
a. Inspection (CEI):	<u>0</u>
b. Sampling inspection (CSI):	<u>4</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>3</u>
2. Reconnaissance:	<u>48</u>
a. Inspection (RI):	<u>21</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>26</u>
d. Enforcement Inspection (ERI):	<u>1</u>
3. Special:	<u>26</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>1</u>
c. Preconstruction Inspection (PCI):	<u>8</u>
d. Post Construction Inspection (XCI):	<u>17</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>5</u>
a. Facility Permit:	<u>3</u>
(i) Types I and II	<u>3</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>2</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>2</u>
3. Permit Applications Outstanding:	<u>31</u>
a. Facility Permits:	<u>31</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	<u>22</u>
1. Compliance Evaluation:	<u>6</u>
a. Inspection (CEI):	<u>6</u>
b. Sampling Inspection (CSI):	<u>0</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>

2. Reconnaissance:	
a. Inspection (RI):	<u>16</u>
b. Sample inspection (SRI):	<u>6</u>
c. Complaint Inspection (CRI):	<u>0</u>
	<u>10</u>
F. CITIZEN COMPLAINTS	
1. Domestic:	
a. Received:	<u>14</u>
b. Closed:	<u>6</u>
	<u>8</u>
2. Industrial:	
a. Received:	<u>14</u>
b. Closed:	<u>7</u>
	<u>7</u>
3. Water Pollution:	
a. Received:	<u>6</u>
b. Closed:	<u>2</u>
	<u>4</u>
G. RECORD REVIEWS	
1. Permitting:	<u>3</u>
2. Enforcement:	<u>2</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1. Air Division:	<u>111</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>370</u>
4. Wetlands Division:	<u>0</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>2</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>0</u>
4. Other:	<u>1</u>
J. WATER QUALITY MONITORING SPECIAL PROJECTS	
1. Data Review	<u>0</u>
2. Special Sampling	<u>0</u>
3. Biomonitoring/Toxicity Reviews (DW)	<u>4</u>
4. Biomonitoring/Toxicity Reviews (IW)	<u>0</u>
5. Other	<u>0</u>
K. TAMPA PORT AUTHORITY/DEP DREDGE & FILL	<u>39</u>

Totals

A. EPC WETLANDS REVIEWS

1. Wetland Delineations	
a. Wetland Delineations (\$120.00)	35
b. Wetland Delineation Dispute	1
c. Wetland Line Survey Reviews	47
d. Additional Footage Fees	1539.72
2. Misc Activities in Wetland (\$0 or \$100 as applicable)	
a. Nuisance Vegetation/ docks etc.	37
3. Impact / Mitigation Proposal (\$775)	15
4. Mitigation Agreements Recorded	2
5. FDOT Reviews	0

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

1. Tampa Port Authority Permit Applications (\$50. Or \$150. as applicable)	40
2. Wastewater Treatment Plants (FDEP)	5
3. FDEP Wetland Resource Applications	1
4. FDEP Grandfathered Delineations	0
5. SWFWMD Wetland Resource Applications	0

EPC Wetlands Management Division
 Agenda Backup September 2002
 Page 2

- 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) 1
 - b. LAL (Other) 2
- 2. Land Excavation (\$785 or \$650 as applicable) 1
- 3. Phosphate Mining
 - a. Unit Review / Reclamation (\$760) 1
 - b. Annual Review / Inspection (\$375) 0
 - c. Master Plan 0
- 4. Rezoning
 - a. Reviews (\$85) 26
 - b. Hearings 6
 - c. Hearing Preparation (hours) 2
- 5. Site Development (\$360)
 - a. Preliminary 12
 - b. Construction 30
- 6. Subdivision
 - a. Preliminary Plat (\$140) 13
 - b. Master Plan (\$550) 0
 - c. Construction Plans (\$250.00) 27
 - d. Final Plat (\$90) 18
 - e. Waiver of Regulations (\$100) 0
 - f. Platted - No-Improvements (\$100) 13
 - g. Minor - Certified Parcel (\$100) 9

EPC Wetlands Management Division
 Agenda Backup September 2002
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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	50
b. Meetings	0
10. Development Review Committee (no fees)	
a. Review Preparation (hours)	4
b. Meetings	0

D. OTHER ACTIVITIES

1. Unscheduled meetings with members of the public (walk-ins)	87
2. Other Meetings	89
3. Telephone Conferences	738
4. Presentations	1
5. Correspondence	295
6. Correspondence Review (hours)	36
7. Special Projects (hours)	25
8. On-site visits	122
9. Appeals (hours)	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	7
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	78
b. Legal	3
c. Inactive	7
2. Number of "Notice of Intent to Initiate Enforcement"	2
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	\$15,125.00
E. ENFORCEMENT COSTS COLLECTED	\$1,433.40

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	22
2. Return Inspections	49
3. Closed	51
B. WARNING NOTICES	
1. Issued	27
2. Return Inspections	63
3. Closed	24
C. MITIGATION	
1. Compliance/Monitoring Reviews	20
2. Compliance Inspections	27
D. OTHER ACTIVITIES	
1. Case Meetings	3
2. Other Meetings	23
3. Telephone Calls	412
4. File Reviews	12
5. Cases Referred to Enforcement Coordinator	11
6. Letters	45
7. Erosion Control Sites Canvassed	85
8. MAIWS Reviews	7

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	7
2. Telephone Assistance	773
3. Letters	181
4. Incoming Projects	156
5. Additional Info / Additional Footage	10 / 10
6. Resubmittals / Revisions	20 / 8
7. Surveys / Data Entry	31 / 532
8. Aerial Reviews / Inquiries	10 / 30

B. ENGINEERING STAFF

1. Meetings	29
2. Reviews	35
3. Field Investigations	3
4. Dam Safety Conference	1

EPC LEGAL DEPARTMENT MONTHLY REPORT
October 9, 2002

A. ADMINISTRATIVE CASES

NEW CASES [0]

EXISTING CASES [12]

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. The parties have reached a settlement in terms, and a final settlement has been drafted. (RM)

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 & LSTQ01-028]: 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)

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 rescheduled for October 11, 2002. (AZ)

RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [9]

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)

Oqsem 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 Oqsem*). 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)

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. On August 16, 2002 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)

RESOLVED CASES [3]

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 entered into a settlement agreement on September 20, 2002 and resolved the case. (AZ)

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. 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 sought to recover penalties and costs from 672 Recovery, Inc. 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. On September 23, 2002, the Defendants and EPC entered into a settlement agreement for payment of penalties and costs. The EPC dismissed the case and the matter is resolved. (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 sought penalties and costs against the previous owners for the period of time the facility was not in compliance. After researching the financial status of the previous owners and information related to the past violations the Legal Department determined not to pursue further legal action and the matter was closed. (AZ)

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



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Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 POLLUTION RECOVERY TRUST FUND
 AS OF SEPTEMBER 31, 2002

Fund Balance as of 10/01/01		\$1,337,989
Interest Accrued	FY02	50,571
Deposits	FY02	342,411
Disbursements	FY02	181,174
Fund Balance		\$1,549,797
Encumbrances Against Fund Balance:		
Art. Reef FY02	- 0 -	
(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		647,530
Minimum Balance		120,000 *
Fund Balance Available September 31, 2002		\$ 782,267

*\$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 SEPTEMBER 31, 2002

Fund Balance as of 10/01/01	\$1,423,826
Interest Accrued FY02	44,721
Disbursements FY02	220,757
 Fund Balance	 \$1,247,790

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 Mnt/Exotic Plant Removal	50,000
H.C. Resource Mnt/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 September 31, 2002	\$ 202,410
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AGENDA ITEM COVER SHEET

Date: October 17, 2002

Agenda Item: Renewal of State Air Contracts

Description Summary:

Each year since 1993 the EPC has entered into contracts with the Florida Department of Environmental Protection (DEP) for reimbursement of costs to regulate major sources of air pollution and monitor the air quality. This year the DEP is offering \$343,150 under Contract No. AQ176 to cover air monitoring, and \$721,376 under Contract No. AQ178 for major source permitting and compliance. Both contracts are reimbursement contracts where the State is invoiced after-the-fact on a quarterly basis.

Commission Action Recommended:

Authorize Executive Director to execute both contracts retroactive to the dates on the documents (October 1 and October 5, 2002).

Commission Action Taken:

DEP CONTRACT NO. AQ178
AMENDMENT NO. 1

THIS AGREEMENT as entered into on the 28th day of September, 2001, between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and the ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY (hereinafter referred to as the "Contractor") is hereby amended as follows:

- In accordance with Paragraph 6, which allows for the inclusion of additional services and funding for each additional year of the Agreement, the maximum compensation amount of the Agreement is hereby increased from \$721,376 to \$1,442,752 (an increase of \$721,376) to provide funding for the Second Service Period which shall begin upon execution of Amendment No. 1 or October 1, 2002 (whichever is later) and end September 30, 2003.
- Paragraph 16, the second sentence is hereby modified to read as follows:

The Department, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for five (5) years following Agreement completion.
- Attachment A-1, Scope of Services – Second Service Period is hereby added to the Agreement. All references in the Agreement to Attachment A are hereby revised to read Attachments A and A-1, as appropriate.
- Attachment C, Part V: RECORD RETENTION, the first sentence is hereby modified to change the retention period for records from three years to five years.

In all other respects, the Agreement of which this is an Amendment and attachments relative thereto, shall remain in full force and effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed the day and year last written below.

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH COUNTY

STATE FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: [Signature]
Title: _____

By: _____
Director, Division of Air Resource
Management or designee

Date: 02/3/02

Date: _____

1410 North 21 Street
Tampa, Florida 33605

[Signature]
DEP Contract Manager

[Signature]
DEP Contracts Administrator

Approved as to form and legality:

[Signature]
DEP Attorney

List of attachments included as part of this Amendment:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A-1	Scope of Services - Second Service Period (2 Pages)

ATTACHMENT A**SCOPE OF SERVICES - SECOND SERVICE PERIOD**

Service Period: Execution of Amendment No. 1 or October 1, 2002 (whichever is later) - September 30, 2003

Specific Contractor Responsibilities:

The Contractor will perform work on the Title V program, and implement the compliance and enforcement aspects of the area source general permitting program, which shall consist of the following elements to the extent that they are reasonably related to the regulation of major stationary and area sources, and to the extent that they are in accordance with the existing General Operating Agreement, Section 403.061, Florida Statutes, and, if applicable, a Specific Operating Agreement.

1. Review and act upon air operating permit applications for Title V sources consistent with the time requirements set by Chapter 62-213, F.A.C.
2. Implement and enforce the terms of any such operating permit. Assume the enforcement lead for violations of federal and state air pollution regulations within the county. The Title V annual emissions fees may be used to pay for costs associated with an enforcement action prior to filing of an administrative or judicial complaint or order. Enter the compliance assurance data for Title V sources in the Air Resources Management System (ARMS) by the 10th of the following month.
3. Conduct compliance assurance activities in conformance with EPA guidance. This will include a full compliance evaluation of every Title V source on a biennial basis. The Title V annual emissions fees may be used to pay for the development and implementation of electronic hardware and software such as EASIR.
4. Prepare, or assist the Department in preparation of, generally applicable regulations or guidance.
5. Perform modeling, analyses and demonstrations for Title V sources.
6. Prepare inventories of pollutant emissions from Title V sources.
7. Distribute information and identify the Department's Division of Air Resources Management as the point contact for Small Business Assistance Program.
8. Account for expenditures in such a way as to enable an audit to ascertain whether the Title V annual emissions fees are used solely to support reasonable direct and indirect costs of the Title V permit program. The first audit shall be performed two (2) years after the USEPA has given full approval to the Department's program; however, an audit may be done at an earlier time. The Contractor shall maintain a cost accumulator system to account for cost by program components such as permitting and compliance.
9. The local program is prohibited from collecting additional fees attributable to such services it performs in the implementation of the Title V program.
10. Title V sources are to submit annual emissions fees and forms directly to the Department's Tallahassee office. The Department shall provide a copy of the completed fee forms to the Contractor if requested.
11. Perform all work related to this program in accordance with guidance issued by the Department's Division of Air Resources Management.
12. Coordinate with the Department in identifying Title V sources and making preliminary determinations of Title V source applicability.

13. Provide at least one (1) FTE of effort responsible for the review and data entry into ARMS of the inventory portion of permit application data and Annual Operating Reports. This includes quality control of the EARS-to-ARMS upload process or such other electronic uploads to the current department database that may be in effect at the time and providing technical assistance and training to other staff on ARMS usage.
14. The Contractor shall provide for the implementation and monitoring of Section 62-213.300, F.A.C., Title V General Permits, and shall respond to all complaints and requests for technical assistance concerning the program. The Contractor shall coordinate program activities with the Department and shall comply with the following procedural directives and policies established or provided by Department Headquarters' staff:
- (a) The Contractor shall during the service period for this Agreement: (1) conduct a compliance inspection of each facility in the county operating with a Title V general permit, (2) conduct follow-up inspections to ensure compliance issues are appropriately resolved, (3) conduct a compliance inspection of any unpermitted facility in the county brought to the attention of the Contractor by the Department or other agency or individual, and (4) conduct, during the normal course of business required in the county under this Agreement and as resources permit, a search for unpermitted facilities and perform a compliance inspection of any such facility. During compliance inspections for each facility, the inspector will obtain all appropriate information to assure the notification and facility information is accurate and appropriately certified by the responsible official. The inspector shall complete the Department approved Compliance Inspection Checklists during each inspection and comply with the corresponding Compliance Inspection Checklist Instruction Sheets.
 - (b) Upon completion of each compliance inspection, the Contractor's compliance inspector shall: (1) complete the Department approved Inspection Summary Report outlining the results of the inspection and shall leave a copy with the facility's responsible official, (2) be responsible for the data entry of inspection results and Annual Compliance Certification Forms/Statements of Compliance into the Area Source General Permit (ASGP) program database, (3) be responsible for the data entry of violations into ARMS, and (4) notify the Department's Title V General Permit office in writing or by e-mail of a facility change in the active/inactive status based on the inspection results.
 - (c) The Department's Title V General Permit office shall be responsible for: (1) maintaining the active/inactive facility status in ARMS, (2) annual emission fee invoicing and fee data input in ARMS, (3) Title V area source permit renewals, and (4) entry of initial notification information into ARMS and ASGP.
 - (d) The Contractor shall comply with the Department's Guidelines For Characterizing Violations. In accordance with the guidelines, the Contractor shall submit to the Title V General Permitting Office no later than the 20th of the following month, compliance plans and associated milestone updates received during the month from each facility in the county, where applicable.

ESTIMATED BUDGET

Salaries	\$414,599
Fringe Benefits	\$183,999
Travel	\$ 10,000
Expenses	\$ 47,199
Indirect	<u>\$ 65,579</u>
TOTAL	\$721,376

*Note: Fringe benefits calculated at the rate of 44.38% of salaries

DEP CONTRACT NO. AQ176
AMENDMENT NO. 1

THIS AGREEMENT as entered into on the 28th day of September, 2001, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and the HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION (hereinafter referred to as the "Contractor") is hereby amended as follows:

- In accordance with Paragraph 5, which allows for the inclusion of additional services and funding for each additional year of the Agreement, the maximum compensation amount of the Agreement is hereby increased from \$343,150 to \$686,300 (an increase of \$343,150) to provide funding for the Second Service Period which shall begin upon execution of Amendment No. 1 or October 1, 2002 (whichever is later) and end September 30, 2003.
- Paragraph 7, items B.1. and B.2. are hereby modified, respectively, to read as follows:
 1. Fringe Benefits – Shall be calculated at the rate of 44.0%.
 2. Indirect Cost – Shall be calculated at the rate of 8.8847% of direct labor plus fringe benefits, supplies, equipment, travel and miscellaneous expenses.
- Pursuant to Paragraph 10, which provides for two one-year renewal periods, the first renewal option is exercised and the completion date of the Agreement is hereby changed from September 30, 2002 to September 30, 2003.
- Paragraph 22, item A, the second sentence is hereby modified to read as follows:

The Department, the State, or other authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for five (5) years following Contract completion.
- Paragraph 28 is hereby modified to read as follows:
 - A. The Contractor shall not subcontract, assign, or transfer any work under this Agreement without the prior written consent of the Department's Project Manager. The Contractor agrees to be responsible for the fulfillment of all work elements included in any subcontract consented to by the Department and agrees to be responsible for the payment of all monies due under any subcontract. It is understood and agreed by the Contractor that the Department shall not be liable to any subcontractor for any expenses or liabilities incurred under the subcontract and that the Contractor shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.
 - B. The Department supports diversity in its procurement program and requests that all subcontracting opportunities afforded by this Agreement embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of minority owned businesses for consideration in subcontracting opportunities.
- Attachment A-1, Scope of Services – Second Service Period is hereby added to the Agreement. All references in the Agreement to Attachment A are hereby revised to read Attachments A and A-1, as appropriate.
- Attachment C, Special Audit Requirements, Part V: RECORD RETENTION, the first sentence is hereby modified to change the retention period for records from three years to five years.

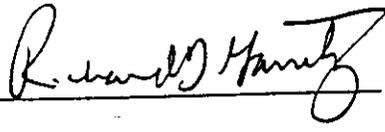
-- Attachment C, Special Audit Requirements, Page 5 of 5 is hereby deleted in its entirety and replaced with Page 5 (Revised) of 5, attached hereto and made a part of the Agreement.

In all other respects, the Agreement of which this is an Amendment and attachments relative thereto, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed the day and year last written below.

HILLSBOROUGH COUNTY
ENVIRONMENTAL PROTECTION
COMMISSION

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: 
Title:

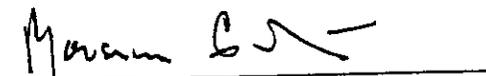
By: 
Director, Division of Air Resource
Management or designee

Date: 10-1-02

Date: Sept. 27, 2002


DEP Contracts Administrator

Approved as to form and legality:


DEP Attorney

List of attachments included as part of this Amendment:

<u>Specify Type</u>	<u>Letter/ Number</u>	<u>Description (include number of pages)</u>
Attachment	A-1	Scope of Services - Second Service Period (2 Pages)
Attachment	C	Page 5 (Revised) of 5 (1 Page)

ATTACHMENT A-1

SCOPE OF SERVICES – SECOND SERVICE PERIOD

Service Period: Execution of Amendment No. 1 or October 1, 2002 (whichever is later) through September 30, 2003

Specific Contractor Responsibilities:

1. The Contractor will operate an ambient air quality monitoring network within Hillsborough County which consists of certain monitors designated as State/Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS) for particulates (PM₁₀), lead, carbon monoxide, sulfur dioxide, ozone and nitrogen dioxide. The Contractor may also operate an air toxics monitoring program within Hillsborough County.
2. Specific activities associated with the network described in Paragraph 1 of this Attachment include: network design, management, equipment procurement, preparation, installation, operation, calibration, and maintenance requirements; reporting of data to the Department's central air quality database in accordance with Section 8 of this Agreement; production of equipment standard operating procedures; software development; production of required reports; air monitoring contract development and management; and ambient air statistical and descriptive data analysis work. The Contractor shall maintain a cost accumulator system to account for the monitoring program component.
3. The Contractor will calculate and provide to the public and media the Air Quality Index for Hillsborough County a minimum of 5 days each week according to 40 CFR, Part 58, Appendix G or other applicable EPA guidance.
4. The Contractor will attend the State Annual Air Program Meeting, the Annual EPA Air Monitoring Workshop, the biannual Florida Air Monitoring Advisory Committee Meeting, and upon request, any additional in-state meetings which deal with ambient air monitoring.
5. The Contractor will provide the full time services of an air monitoring specialist(s) with an electronic/mechanical background to operate, calibrate and maintain the ambient air monitoring network, including any electronic uploads to the current Department database as may be in effect at the time.
6. The Contractor shall be compensated on a cost reimbursement basis up to a maximum of \$343,150 for the second service period beginning upon execution of Amendment No. 1 or October 1, 2002 (whichever is later) through September 30, 2003.
7. The Contractor, upon Amendment execution and the purchase of authorized equipment under the terms of Paragraph 6 of the Agreement, shall submit an invoice(s) for up to a maximum of \$51,159. For the purpose of this Agreement the following equipment items (costing \$1,000.00 or more which are specifically required to support the operation of the ambient air quality monitoring network described in Paragraph 1 of this Attachment) are authorized for purchase:

2 TEI Model 146C Calibration Systems
1 Continuous PM₁₀/PM_{2.5} Sampler

- 1 Data Logger Memory Upgrade
- 2 ESC Model 8816 Data Logger Systems

Any additional equipment items (costing \$1,000.00 or more) needed by the Contractor must be authorized by the Department's Project Manager, in writing, prior to purchase. All equipment (costing \$1,000.00 or more) shall be subject to the terms of Paragraph 31 of this Agreement.

- 8. The Contractor, after deduction of the total cost of authorized equipment purchases, for months one (1) through nine (9) of the second service period, shall be compensated on a cost reimbursement basis for operating costs up to a maximum of \$25,549 per month. For the remainder of the second service period, the Contractor may submit invoices for reimbursable expenses up to the amount remaining after the first nine (9) months of the second service period but not to exceed \$25,549 per month. Reimbursement for operating costs shall be subject to the terms of Paragraphs 6 and 7 of this Agreement.

ESTIMATED BUDGET

Salaries	\$149,745
Fringe Benefits*	\$ 65,888
Equipment	\$ 51,159
Expenses	\$ 42,358
Travel	<u>\$ 6,000</u>
Subtotal	\$315,150
Overhead/Indirect**	<u>28,000</u>
TOTAL	\$343,150

* Fringe Benefits – Shall be calculated at the rate of 44.0% of direct labor.

** Indirect Cost – Shall be calculated at the rate of 8.8847% of direct labor plus fringe benefits, supplies, equipment, travel and miscellaneous expenses.

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EXHIBIT - 1

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:				
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:				
Federal Program Number	Federal Agency	CFDA	CFDA Title	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:						
State Program Number	Funding Source	State Fiscal Year	Catalog of State Financial Assistance Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Contract	Air Pollution Control Trust Fund	2001-2002	37042	Ambient Air Monitoring	\$343,150.00	030000
Amendment No. 1	Air Pollution Control Trust Fund	2002-2003	37042	Ambient Air Monitoring	\$343,150.00	030000

Total Award						\$686,300.00
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For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<http://aspe.os.dhhs.gov/cfda>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<http://sun6.dms.state.fl.us/fsaa/catalog.htm>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.

AGENDA ITEM COVER SHEET

Date: **October 17, 2002**

Agenda Item: **Continuation of discussion regarding Public Noticing -
Requests for authority to file suit**

Description/Summary: At the September 19, 2002 meeting of the Environmental Protection Commission, the Commission began a discussion of the issue of noticing parties whom staff is requesting authority to file law suits against in enforcement cases. The Commission asked the General Counsel to discuss the process that the County Attorney engages in and reschedule the issue for the October meeting. Staff will answer the question posed and continue to take Commission member's input on the issue.

AGENDA ITEM COVER SHEET

Date: October 9, 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.

AGENDA ITEM COVER SHEET

Date: October 9, 2002

Agenda Item: October 3, 2002 Hardee County Board of County Commissioners Meeting / Proposed Resolution 03-01 Regarding Phosphate Mining in Hardee County

Description/Summary:

On October 2, 2002 the staff of the Environmental Protection Commission obtained information that the Hardee County Board of County Commissioners was intending to open for public discussion their adoption of a resolution (Resolution 03-01) pertaining to future phosphate mining in Hardee County. Among other statements, the resolution included a proposal for Hardee County to pursue investigation of and actively lobby for placement of waste clays from phosphate mining within Hardee County into lands within Hillsborough and Polk Counties that were mined prior to initiation of mandatory reclamation. On October 3, 2002, EPC staff, along with staff from the Hillsborough County Planning and Growth Management Department attended that public meeting where the proposed resolution was discussed.

The Hardee County Commissioners indicated that the impetus for this resolution was to decrease waste clay disposal and to enrich future land use within Hardee County. Details regarding the amount of clays proposed, proposed locations, and transport of said clays were not available at the time of the meeting. However, it should be noted that there are several Development of Regional Impact (DRI) Development Orders currently in effect for Phosphate Mining in Hillsborough County. Possible conflicts with current DRI conditions and Mining and Reclamation Plans could exist, particularly those dealing with the methods and amount of clay disposal in Hillsborough County.

Action by Hardee County Commissioners was continued until their next regular meeting, scheduled for October 17, 2002, pending the re-crafting of language contained within the proposed resolution.

In addition, EPC staff have several concerns that should be brought to the table for discussion with Hardee County. Some of those concerns are indicated as follows:

- ♦ Current contribution of proposed locations toward groundwater recharge, wildlife habitat, and hydrology of adjacent systems.
- ♦ Potential issues related to transport of waste clays, including impacts to wetlands and other systems for transport corridors and the potential for clay slurry to enter wetlands and surface waters within the County should the lines breach

- ♦ Potential effects on the watershed of the Alafia and Little Manatee Rivers

Commission Action Recommended: This has been provided for informational purposes..

Attachment: proposed Resolution 03-01

**HARDEE COUNTY
RESOLUTION 03-01**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
HARDEE COUNTY, FLORIDA, SETTING FORTH HARDEE
COUNTY'S OFFICIAL POSITION ON GENERAL ISSUES
RELATED TO PHOSPHATE MINING WITHIN THE
COUNTY; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, during a regular Planning Session on September 13, 2002, the Hardee County Board of County Commissioners reviewed a proposed statement on phosphate mining which resulted in a vote for preparation of a Resolution incorporating the contents of said statement in Resolution format; and,

WHEREAS, Hardee County realizes phosphorous is necessary as a part of the world-wide food supply; and,

WHEREAS, Hardee County understands that phosphate mining and the support industries are a vital part of the economics of Polk and Hillsborough Counties; and,

WHEREAS, Hardee County understands the phosphate industry provides employment opportunities and short-term economic benefit to the citizens of Hardee County; and,

WHEREAS, Hardee County is concerned that phosphate mining and the storage and disposal of its waste by-products pose a potentially significant threat to the long-term economy, water resources, and the environment; and,

WHEREAS, Hardee County further recognizes there is significant acreage of un reclaimed, pre-mandatory, lands in Polk and Hillsborough Counties suitable for the placement of clay waste; and,

WHEREAS, Hardee County recognizes its economy has suffered in recent history; and,

WHEREAS, sand/clay mix is "experimental," the success of which remains to be fully determined; and,

WHEREAS, the following is in the best interest of the public health, safety and welfare of the citizens of Hardee County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HARDEE COUNTY, FLORIDA, that

1. Hardee County will continue to allow the extraction of phosphate ore providing the mining companies comply with all applicable laws, ordinances, rules, regulations, and comprehensive plans; and

2. Hardee County will cooperatively pursue the alignment of all affected interests, political and otherwise, to investigate the placement of clay disposal areas on un reclaimed lands in Polk and Hillsborough Counties, and to actively lobby for the same through requests to Polk and Hillsborough Counties; and

3. Hardee County will continue to evaluate sand/clay mix reclamation technique as "experimental," with no apparent long-term threat to the surface water supply, but realizing it cannot be allowed on an industry-wide scale, and that it remains under scrutiny into the near future; and

4. Hardee County will continue to actively encourage "land and lakes" reclamation, as well as the creation of reservoirs and aquifer recharge areas to assist in the solution to the long-term water supply issue; and

Post-It® Fax Note	7671	Date	10-2	# of pages	▶
To	Jadell Kewer	From	Rick Tschantz		
Co./Dept.		Co.			
Phone #		Phone #	863-773-6952		
Fax #		Fax #			

- 5. Hardee County will employ all stakeholders to solve the clay waste disposal problem and to develop new technologies for uses of clay; and
- 6. Hardee County will remain steadfast in its pursuit of economic diversity; and
- 7. Hardee County will remain steadfast in its protection and preservation of natural and man-made water resources for future generations of Hardee County citizens; and
- 8. Hardee County expects the industry to implement and utilize the best technology available in the mining and reclamation processes in order to provide for economic diversity and recovery as well as minimizing the impacts to the environment; and
- 9. Hardee County's position is subject to change based on changes in the law, new technologies, new information and data; and
- 10. If any portion of this resolution is for any reason held unconstitutional or otherwise invalid by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution; and
- 11. This resolution shall take effect immediately upon adoption.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2002.

HARDEE COUNTY
BOARD OF COUNTY COMMISSIONERS

WALTER B. OLLIFF, JR., CHAIRMAN

ATTEST:

B. HUGH BRADLEY
Ex Officio Clerk of the
County Commission

09/30/02 Draft