

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
FEBRUARY 20, 2003
10 AM – 12 NOON**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

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

I. CITIZEN'S COMMENTS

II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE

- A. Report from the Chairman
- B. Recognition of Service to CEAC:
 - Gaye Townsend (Comm. Norman)
 - David Forziano (Comm. Storms)

III. CONSENT AGENDA

- A. Approval of Minutes: October 16, 17, 22, November 7,
December 5, 2002 & January 8, 2003 2
- B. Monthly Activity Reports 15
- C. Legal Department Monthly Report 30
- D. Pollution Recovery Trust Fund 34
- E. Gardinier Settlement Trust Fund 35
- F. Request Authority to Take Appropriate Legal Action Against:
HJEM Enterprises, Inc. 36

IV. EXECUTIVE DIRECTOR

- A. Piney Point Update
- B. Discussion – City of Tampa Stormwater Fee
- C. Introduction – Gerold Morrison, Ph.D., Director ERM Division

V. LEGAL DEPARTMENT

- A. Litigation Policy – Commissioner Discussion with Litigants 37
- B. Review and Approve Pollution Recovery Fund and Gardinier
Settlement Fund Projects 39
- C. Discussion of State Budget Cuts and Environmental Trust Funds 48

VI. COMMISSIONER'S REQUESTS

- A. Desalination Monitoring and Reporting (Comm. Castor) 49
- B. Discussion – Roger P. Stewart Center - Sabal Park (Comm. Storms) 50

Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

Visit our website at www.epchc.org

OCTOBER 17, 2002 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, October 17, 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, Chris Hart (arrived at 10:34 a.m.), Jim Norman, and Jan Platt.

The following members were absent: Commissioners Stacey Easterling (schedule conflict) and Thomas Scott (schedule conflict).

Chairman Storms called the meeting to order at 10:09 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

CITIZENS COMMENTS

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

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Responding to Chairman Storms, EPC General Counsel Richard Tschantz relayed the CEAC had reviewed and unanimously endorsed changes to the Chapter 1-7 Waste Rule.

PUBLIC HEARING

Public Hearing to Consider Amendments to Chapter 1-7 Waste Rule - Attorney Tschantz offered introductory comments regarding the proposed changes, as presented in background material. Mr. Ronald Cope, EPC Waste Management Division, utilized an overhead presentation to review the proposed changes. The changes included reorganization, clarification of prohibitions, expansion of definitions, addition of an environmental sampling provision, expansion of requirements for obtaining director authorization, addition of financial assurance requirements, and design and operation requirements for excavation of old landfill sites. The changes established consistency with adopted Florida Department of Environmental Protection (FDEP) regulations. Mr. Cope explained Part 4, site rehabilitation, had been created in regard to FDEP program delegation in the areas of Brownfields, petroleum cleanup, and solid waste.

In response to Commissioner Platt, Mr. Cope perceived the changes made the rule stronger. Chairman Storms called for public comment; there was no response. **Commissioner Frank moved that the EPC approve the rule change, seconded by Commissioner Platt, and carried four to zero.** (Commissioner Hart had not arrived; Commissioners Easterling and Scott were absent.) Attorney Tschantz stated the document had scrivener's errors that would be corrected.

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Commissioner Frank amended the motion to allow the EPC to amend the rule changes to accord the scrivener's errors that were necessary to correct, seconded by Commissioner Platt, and carried four to zero. (Commissioner Hart had not arrived; Commissioners Easterling and Scott were absent.)

CONSENT AGENDA

- A. Approval of Minutes: September 19, 2002
- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Trust Fund
- E. Gardinier Settlement Trust Fund
- F. Ratify Execution of Title V Air Contract by Executive Director

Commissioner Platt moved approval, seconded by Commissioner Frank, and carried four to zero. (Commissioner Hart had not arrived; Commissioners Easterling and Scott were absent.)

EXECUTIVE DIRECTOR

Review of Agency Organizational Changes - Dr. Richard Garrity, EPC Executive Director, distributed the organizational chart and utilized an overhead presentation to review the changes. The new Environmental Resource Management Division would collect and analyze data, produce reports, and make recommendations. In response to Chairman Storms, Dr. Garrity confirmed the Environmental Resource Management Division would provide support to other EPC divisions, County departments, and other agencies. Dr. Garrity reviewed groups under the Environmental Resource Management Division whose functions included studies on water supply, watershed management issues, benthic studies, water quality monitoring, artificial reef and habitat restoration, and a Geographic Information System (GIS) program. Dr. Garrity discussed changes to the domestic permitting, industrial permitting, and compliance programs under the Water Management Division. A special projects engineer was available to work on various projects, such as total maximum daily loads (TMDL) studies. The Wetlands Management Division had been organized to devote all resources to wetlands protection.

WETLANDS MANAGEMENT DIVISION

Discussion of Wetland Impacts and the EPC Zoning Process - Ms. Jadell Kerr, Interim Director, EPC Wetlands Management Division, explained EPC role

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regarding wetlands, zoning, and off-site mitigation. The EPC apprised developers of environmental constraints. Because development was conceptual, developers did not spend money up front to delineate wetlands. EPC staff would make assessments of the general location and size of wetlands and the potential impacts of development. If the EPC recommended denial, the Planning and Growth Management Department (PGMD) worked with EPC to minimize issues before the plan was presented to the zoning hearing master. Ms. Kerr reviewed the standard EPC condition that had been developed for approval of zoning.

Chairman Storms emphasized EPC position on mitigation. In response to Commissioner Platt, Ms. Kerr discussed the EPC zoning condition and noted that off-site mitigation was less than 5 percent of total mitigation projects. On-site mitigation was utilized and possibly combined with upland preservation or off-site mitigation. In response to Commissioner Frank, Ms. Kerr discussed Florida Department of Transportation roadway plans, EPC approval of wetland impacts, mitigation proposals, and Southwest Florida Water Management District. Dr. Garrity discussed public road projects, public funds, minimizing impacts, and mitigation projects.

In response to Commissioner Frank, Ms. Kerr and Dr. Garrity discussed overlap services provided by PGMD. In response to Chairman Storms, Dr. Garrity agreed the issue needed clarification, and he would bring the item to the EPC Board for discussion. In answer to a question previously posed by Commissioner Frank, Ms. Kerr reported the net gain of wetlands.

Discussion of Hardee County Phosphate Resolution - Chairman Storms stated the issue had been concluded.

LEGAL DEPARTMENT

Discussion Regarding Public Noticing - Requests for Authority to File Suit - Pursuant to EPC Board direction, Attorney Tschantz had discussed the issue of noticing for lawsuits with the County Attorney's Office. The County Attorney's Office did not have a specific policy. Attorney Tschantz distributed a proposed letter for noticing parties regarding pending lawsuits. Noting the possibility of public comment on lawsuits, he cautioned EPC Board members regarding commenting on a case.

Chairman Storms left the room; Vice Chairman Platt assumed the chair. Mr. Robert M. Thomas, representing Two Rivers Ranch Incorporated, Hickory Hills Land Company, Crystal Springs Reserve, and Bob Thomas Revocable Trust, discussed concerns with lack of notification; actions taken by EPC, Board of County Commissioners, and Hillsborough River Basin Board; violations; and

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private property rights. He stated the actions had not involved lawsuits. Voicing support for public notice, Commissioner Norman moved that the EPC follow the advice of counsel and accept the recommendation of the letter, seconded by Commissioner Hart.

Vice Chairman Platt clarified the letter applied only to lawsuits. Following discussion, Commissioner Frank wanted to amend the motion with a sunset of one year. Commissioner Norman would accept a mandatory review in one year. Commissioner Hart supported a mandatory review and modification; Commissioner Frank agreed. Commissioner Norman made that part of the motion. Commissioner Norman further suggested having a set policy for notice on any action taken against property. Vice Chairman Platt voiced concerns that parties might lobby EPC Board members regarding lawsuits. Attorney Tschantz agreed and cautioned EPC Board members regarding deposition for testimony.

Vice Chairman Platt suggested the letter of notice be carbon copied to EPC Board members; Commissioner Norman agreed. Commissioner Frank raised concerns regarding conversations prior to receipt of the letter; Attorney Tschantz concurred. Commissioner Frank suggested adopting a policy that legal issues could not be discussed with the public.

Vice Chairman Platt clarified the motion was to approve the letter, and Commissioner Frank clarified that included review at the end of one year, with staff recommendation; Commissioner Norman agreed. The motion carried four to zero. (Chairman Storms was out of the room; Commissioners Easterling and Scott were absent.)

Commissioner Hart discussed the standard office policy not to meet with parties in litigation, and suggested checking if EPC had a policy. Following discussion, Vice Chairman Platt called for a motion that staff craft a policy for review at the next EPC meeting. Commissioner Frank so moved, seconded by Commissioner Norman, and carried four to zero. (Chairman Storms was out of the room; Commissioners Easterling and Scott were absent.) Vice Chairman Platt confirmed EPC counsel would bring proposed language for a policy to the next EPC meeting. Chief Assistant County Attorney Jim Porter offered comments. Chairman Storms assumed the chair.

OCTOBER 16, 2002 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider Proposed Resolution 03-01 by the Hardee County Board of County Commissioners Setting Forth Official Positions Related to Phosphate Mining and Direct Any Further Actions to Be Taken by Staff in Response to Hardee County, scheduled for Wednesday, October 16, 2002, at 2:25 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Storms called the meeting to order at 3:16 p.m.

Commissioner Norman moved the identical action taken by the Board of County Commissioners (BOCC), seconded by Commissioner Scott. Ms. Jadell Kerr, Interim Director, EPC Wetlands Management Division, recommended EPC take the same action as the BOCC. The motion carried seven to zero.

There being no further business, the meeting was adjourned at 3:17 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

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THURSDAY, OCTOBER 17, 2002 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 11:08 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

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OCTOBER 22, 2002 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, scheduled for October 22, 2002, at 1:30 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

The following members were absent: Chairman Ronda Storms and Commissioner Norman.

Vice Chairman Platt called the meeting to order at 1:40 p.m.

Dr. Rick Garrity, EPC Executive Director, thanked the Board of County Commissioners for their support and presented a plaque to Commissioner Easterling in appreciation of her support and dedication to the citizens and environment of the County. Commissioner Easterling thanked EPC staff for their support in keeping the County beautiful.

There being no further business, the meeting was adjourned at 1:42 p.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____
Deputy Clerk

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

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, to consider Arbitration of Tampa Bay Water's (TBW) Application for an Environmental Resource Permit (ERP) for The Eagles Wells Transmission Main, scheduled for Thursday, November 7, 2002, at 2:10 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Storms called the meeting to order at 2:09 p.m.

Attorney Rick Muratti, EPC Legal Department, said EPC had reviewed the permit and recommended not to arbitrate the application as submitted. **Commissioner Norman moved approval, seconded by Commissioner Scott, and carried seven to zero.**

There being no further business, the meeting was adjourned at 2:10 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

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DECEMBER 5, 2002 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, December 5, 2002, at 2:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Kathy Castor, Pat Frank, Ken Hagan, Jim Norman, Thomas Scott (arrived at 2:11 p.m.), and Ronda Storms (arrived at 2:07 p.m.).

Chairman Platt called the meeting to order at 2:05 p.m.

CITIZENS' COMMENTS

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

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Mr. David Forziano, CEAC chairman, reported the CEAC had begun evaluating applications for Gardinier settlement trust funds and pollution recovery trust funds, and the committee would provide a recommendation upon completion. Chairman Platt requested Mr. Forziano convey thanks to all committee members.

PUBLIC HEARING

Issuance of Final Order - Mr. Sam Stone - At the request of Chairman Platt, EPC General Counsel Richard Tschantz outlined the procedures for the public hearing and reviewed background material. On December 4, 2002, counsel for Mr. Stone had filed a response to exceptions filed by EPC regarding the recommended final order; staff recommended consideration of the response. Attorney Tschantz explained procedure required the EPC Board to issue a final order that either affirmed, reversed, or modified the recommended final order. The BOCC could not take any action that conflicted with or nullified any EPC act or rule. In response to Commissioner Storms, Attorney Tschantz stated written notification of the public hearing had been sent to Mr. Stone and counsel on November 21, 2002; neither had responded.

Attorney Andrew Zodrow, EPC Legal Department, reported there were two issues within the recommended final order with which EPC took exception. The first exception requested addition of a finding that the estoppel expiration date of May 17, 2000, be included in the final order; Mr. Stone and counsel did not object. The second exception requested Paragraph 6 of the conclusions of law be deleted. EPC opined statements in that paragraph regarding whose responsibility it was to initiate delineation of wetlands were contrary to EPC rules. The recommended final order implied it was always the responsibility of EPC. EPC found other statements made within that paragraph regarding

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wetland delineation could cause confusion or set a bad precedence. Staff recommended adoption of the final order including the exceptions noted.

Chairman Platt asked if Mr. Stone, his attorney, or a representative was present; there was no response. Attorney Tschantz reviewed responses from Mr. Stone's attorney to the exceptions. Mr. Stone opined it was not necessary to include the additional finding, but he did not specifically object to the inclusion. In response to Commissioner Castor, Attorney Tschantz clarified the final order included the exceptions, and the parties objection to the second exception. Attorney Tschantz stated it was important to note the wording of EPC rules stated that upon the request of the property owner delineation would be done, and striking Paragraph 6 would not change the outcome of the case. Concurring with staff recommendation and stating there was nothing in the delineation of wetlands rule that provided any basis for Paragraph 6 of the conclusions of law, **Commissioner Castor moved the final administrative order that did strike that conclusion of law and incorporated the appropriate finding of fact, identified as the final administrative order.** The motion was seconded by Commissioner Storms and carried seven to zero.

CONSENT AGENDA

- A. Approval of Minutes: None
- B. Monthly Activity Reports
- C. Legal Department Monthly Report
- D. Pollution Recovery Trust Fund
- E. Gardinier Settlement Trust Fund
- F. Letter Report - Wetlands Review of Florida Department of Transportation Projects

Commissioner Norman moved the Consent Agenda, seconded by Commissioner Castor, and carried seven to zero.

EXECUTIVE DIRECTOR'S REPORT

Dr. Richard Garrity, EPC Executive Director, reported that EPC staff, Lieutenant Colonel Tom LaFountain and Lieutenant Tony D'Aquila, had been called to active duty. Chairman Platt suggested sending a card.

U.S. Environmental Protection Agency (EPA)/Florida Department of Environmental Protection (FDEP) Audit Report of Air Monitoring Program - Dr. Garrity reported on the EPC air monitoring program audit conducted by the EPA and

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FDEP. A summary audit was included in background material. The findings found EPC did an excellent job despite the additional workload.

Presentation - EPC 2001 Annual Report - Utilizing an overhead presentation, Dr. Garrity reviewed the 2001 annual report, as presented in background material. Chairman Platt noted an error in EPC board member phone numbers on the back of the report and thanked Dr. Garrity for an excellent report.

LEGAL DEPARTMENT

Litigation Policy - Commissioner Discussion With Litigants - Attorney Tschantz reviewed discussion from the October 2002 EPC meeting regarding notification of parties EPC had requested authority to take legal action against. The EPC had since adopted a policy to send written notification to litigants and to forward that letter to each member of the EPC Board. The EPC Board had requested a policy be drafted as to whether EPC Board members should have discussions with parties involved in those lawsuits. Presently no rule stated EPC Board members could not have conversations with the parties; however, EPC counsel had always advised against that. Commissioner Frank stated there could be a situation where an EPC Board member discussed the issue with parties prior to formal action. Attorney Tschantz said that was acceptable since action had not been taken. Commissioner Frank opined that there should be a requirement of disclosure that there was communication on the issue. Commissioner Norman asked if there was a restriction on discussing information with the media. Attorney Tschantz recommended against that. Chairman Platt suggested staff work on the issue further and bring back the revised policy.

WASTE MANAGEMENT DIVISION

Approval of an Interlocal Agreement With the City of Tampa (City) - Stormwater - Mr. Hooshang Boostani, Director, EPC Waste Management Division, stated the agreement intended to formalize an ongoing working arrangement between the stormwater management program and the pollution protection program. Mr. Boostani introduced Mr. Gerry Javier, EPC Pollution Control Coordinator, Waste Management Division, who provided a presentation regarding the terms of the agreement, as presented in background material. Staff requested the EPC Board authorize the Chairman to execute the agreement. **Commissioner Storms so moved, seconded by Commissioner Frank, and carried seven to zero.**

SPECIAL STAFF PRESENTATION

Artificial Reef Program - Mr. Tom Ash, EPC staff, utilized an overhead presentation and a video to review the eight permitted reef sites included in the program. Chairman Platt pointed out that until the program was started,

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there were no artificial reefs in Tampa Bay, and the reefs were good for the habitat. Commissioner Storms noted the background material contained an example of an artificial habitat module. Dr. Garrity reported the artificial reef program was funded through the pollution recovery fund. In response to concerns expressed by Commissioner Frank regarding the extension of docks, Dr. Garrity stated EPC commented on all Tampa Port Authority permits, and EPC was attempting to obtain delegation to become the issuing body for those permits.

There being no further business, the meeting was adjourned at 3:11 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

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JANUARY 8, 2003 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING - DRAFT
MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, to consider Arbitration of Tampa Bay Water's (TBW) Application for an Environmental Resource Permit Modification for the Removal of a Temporary Access Road at the Tampa Bay Regional Water Treatment Plant Site, scheduled for Wednesday, January 8, 2003, at 2:05 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Kathy Castor, Pat Frank, Ken Hagan, Jim Norman, Thomas Scott, and Ronda Storms.

Chairman Platt called the meeting to order at 2:22 p.m.

Attorney Rick Muratti, EPC Legal Department, said staff concurred with the Water Resource Team recommendation not to arbitrate the item. Commissioner Norman moved staff recommendation, seconded by Commissioner Castor, and carried seven to zero.

There being no further business, the meeting was adjourned at 2:23 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

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MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
JANUARY

A. Public Outreach/Education Assistance:		
1. Phone Calls:		<u>226</u>
2. Literature Distributed:		<u>145</u>
3. Presentations:		<u>0</u>
4. Media Contacts:		<u>4</u>
5. Internet:		<u>71</u>
6. Host/Sponsor Workshops and/or Meetings		<u>0</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>2</u>
b. Construction:		<u>5</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>0</u>
e. General:		<u>0</u>
f. Title V:		<u>1</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		<u>7</u>
b. Construction ¹ :		<u>4</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>2</u>
e. Title V Operating ² :		<u>1</u>
f. Permit Determinations ² :		<u>15</u>
g. General:		<u>1</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		
		<u>2</u>
2. On-going administrative cases:		
a. Pending:		<u>4</u>
b. Active:		<u>11</u>
c. Legal:		<u>4</u>
d. Tracking compliance (Administrative):		<u>22</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>41</u>
3. NOIs issued:		<u>1</u>
4. Citations issued:		<u>0</u>
5. Consent Orders Signed:		<u>4</u>
6. Contributions to the Pollution Recovery Fund:		<u>\$34,200</u>
7. Cases Closed:		<u>2</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>4</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>12</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>29</u>
E.	Open Burning Permits Issued:	<u>13</u>
F.	Number of Division of Forestry Permits Monitored:	<u>238</u>
G.	Total Citizen Complaints Received:	<u>74</u>
H.	Total Citizen Complaints Closed:	<u>63</u>
I.	Noise Sources Monitored:	<u>5</u>
J.	Air Program's Input to Development Regional Impacts:	<u>1</u>
K.	Test Reports Reviewed:	<u>35</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>21</u>
2.	Warning Notices Resolved:	<u>19</u>
3.	Advisory Letters Issued:	<u>13</u>
M.	AOR's Reviewed:	<u>0</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>4</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
JANUARY

	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>\$4,200.00</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>\$1,600.00</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	\$1,955.00
(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>\$5,525.00</u>
9. Enforcement Costs	<u>\$1,229.36</u>

COMMISSION
 Kathy Castor
 Pat Frank
 Ken Hagan
 Jim Norman
 Jan K. Platt
 Thomas Scott
 Ronda Storms



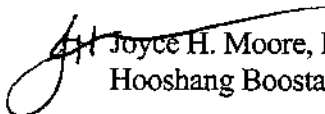
Administrative Offices,
 Legal & Water Management Division
 The Roger P. Stewart Environmental Center
 1900 - 9th Ave. • Tampa, FL 33605
 Ph. (813) 272-5960 • Fax (813) 272-5157
 Air Management Fax 272-5605
 Waste Management Fax 276-2256
 Wetlands Management Fax 272-7144
 1410 N. 21st Street • Tampa,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

Executive Director
 Richard D. Garrity, Ph.D.

MEMORANDUM

DATE: February 11, 2003

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 NOVEMBER AND DECEMBER 2002, &
 JANUARY 2003 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

	NOV.	DEC.	JAN.
1. New cases received	0	2	1
2. On-going administrative cases	93	93	93
a. Pending	19	19	19
b. Active	50	50	50
c. Legal	11	11	11
d. Tracking Compliance (Administrative)	13	13	13
e. Inactive/Referred cases	0	0	0
3. NOI's issued	7	0	0
4. Citations issued	0	0	0
5. Settlement Documents Signed	1	3	2
6. Civil Contributions to the Pollution Recovery Fund	\$1,200	\$13,524	\$3,650
7. Enforcement Costs collected	0	\$2,254	\$1,288
9. Cases Closed	1	7	3

B. SOLID AND HAZARDOUS WASTE

	NOV.	DEC.	JAN.
1. Permits (received/reviewed)	40/40	41/38	50/40
2. EPC Authorization for Facilities NOT requiring DEP permit	0	1/0	1/0
3. Other Permits and Reports			
a. County Permits	0	0	0
b. Reports	40/40	38/37	49/39
4. Inspections (Total)	221	583	304
a. Complaints	18	31	34
b. Compliance/Reinspections	24	24	35
c. Facility Compliance	21	23	31
d. Small Quantity Generator	158	505	204
5. Enforcement			
a. Complaints Received/Closed	21/26	34/32	33/39
b. Warning Notices Issued/Closed	3/4	2/4	5/3
c. Compliance letters	11	6	11
d. Letters of Agreement	0	0	1
e. DEP Referrals	4	8	0
6. Pamphlets, Rules and Material Distributed	330	82	234

C. STORAGE TANK COMPLIANCE

	NOV.	DEC.	JAN.
1. Inspections			
a. Compliance	77	99	107
b. Installation	33	27	20
c. Closure	8	10	7
d. Compliance Re-Inspections	34	25	35
2. Installation Plans Received/Reviewed	7/4	12/7	6/8
3. Closure Plans & Reports			
a. Closure Plans Received/ Reviewed	4/3	2/2	12/11
b. Closure Reports Received/Reviewed	6/4	12/11	7/12
4. Enforcement			
a. Non-compliance Letters Issued/Closed	52/65	62/41	69/57
b. Warning Notices Issued/Closed	2/9	11/7	15/13
c. Cases referred to Enforcement	0	0	2
d. Complaints Received/Investigated	0/0	0/0	2/2
e. Complaints Referred	0	0	0
5. Discharge Reporting Forms Received	3	3	0
6. Incident Notification Forms Received	10	15	12
7. Cleanup Notification Letters Issued	0	4	1
8. Public Assistance	200+	200+	200+

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

JANUARY, 2003

A. ENFORCEMENT

1. New Enforcement Cases Received:	<u>3</u>	
2. Enforcement Cases Closed:	<u>3</u>	
3. Enforcement Cases Outstanding:	<u>19</u>	
4. Enforcement Documents Issued:	<u>1</u>	
5. Warning Notices:	<u>19</u>	
a. Issued:	<u>12</u>	
b. Resolved:	<u>7</u>	
6. Recovered costs to the General Fund:	\$ 2,550.00	
7. Contributions to the Pollution Recovery Fund:	<u>\$10,383.34</u>	

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. AOK Mobile Home Pk.	Improper operation/Failure to maintain/Raw sewage discharge	\$ 383.34
b. Hawaiian Isles MHP	Failure to meet effluent limits/Improper operation/Failure to Maintain	\$8,000.00
c. Tampa Bay Regional	Placement of C/S in service without acceptance letter	\$2,000.00

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	<u>32</u>	
a. Facility Permit:	<u>8</u>	
(i) Types I and II	<u>1</u>	
(ii) Type III	<u>7</u>	
b. Collection Systems-General:	<u>17</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>7</u>	
d. Residuals Disposal:	<u>0</u>	
2. Permit Applications Approved:	<u>28</u>	
a. Facility Permit:	<u>7</u>	
b. Collection Systems-General:	<u>15</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>6</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:	0
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>
6. Permit Applications Outstanding:	43
a. Facility Permit:	<u>22</u>
b. Collection Systems-General:	<u>15</u>
c. Collection Systems-Dry Line/Wet Line:	<u>6</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	98
1. Compliance Evaluation:	13
a. Inspection (CEI):	<u>1</u>
b. Sampling inspection (CSI):	<u>10</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>2</u>
2. Reconnaissance:	56
a. Inspection (RI):	<u>24</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>30</u>
d. Enforcement Inspection (ERI):	<u>2</u>
3. Special:	29
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>7</u>
d. Post Construction Inspection (XCI):	<u>22</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	1
a. Facility Permit:	<u>1</u>
(i) Types I and II	<u>1</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>0</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>1</u>
3. Permit Applications Outstanding:	30
a. Facility Permits:	<u>30</u>
b. General Permits:	<u>0</u>

E. INSPECTIONS - INDUSTRIAL	<u>40</u>
1. Compliance Evaluation:	<u>12</u>
a. Inspection (CEI):	<u>12</u>
b. Sampling Inspection (CSI):	<u>0</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	<u>28</u>
a. Inspection (RI):	<u>20</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>8</u>
F. CITIZEN COMPLAINTS	
1. Domestic:	<u>43</u>
a. Received:	<u>19</u>
b. Closed:	<u>24</u>
2. Industrial:	<u>13</u>
a. Received:	<u>7</u>
b. Closed:	<u>6</u>
3. Water Pollution:	<u>4</u>
a. Received:	<u>1</u>
b. Closed:	<u>3</u>
G. RECORD REVIEWS	
1. Permitting:	<u>3</u>
2. Enforcement:	<u>0</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1. Air Division:	<u>195</u>
2. Waste Division:	<u>2</u>
3. Water Division:	<u>148</u>
4. Wetlands Division:	<u>0</u>
5. ERM Division:	<u>0</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>0</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>0</u>
4. Other:	<u>0</u>

AR01.03

EPC Wetlands Management Division
 Agenda Backup for January 2003
 Page 1

A. EPC WETLANDS REVIEWS	Totals
1. Wetland Delineations	
a. Wetland Delineations	47
b. Wetland Delineation Dispute	1
c. Wetland Line Survey Reviews	43
d. Additional Footage Fees	\$1,186.51
2. Misc Activities in Wetland	
a. Nuisance Vegetation / Etc.	33
3. Impact / Mitigation Proposal	20
4. Mitigation Agreements Recorded	0
5. FDOT Reviews	0
B. EPC DELEGATION / REVIEWS FROM STATE / REGIONAL / FEDERAL AUTHORITIES	
1. Tampa Port Authority Permit Applications	71
2. Wastewater Treatment Plants (FDEP)	0
3. FDEP / SWFWMD Wetland Resource Applications	1
4. Army Corps of Engineers	0
5. Interagency Clearinghouse Reviews	0
6. DRI Annual Report	1
C. HILLSBOROUGH COUNTY / MUNICIPALITY PERMIT APPLICATION REVIEWS	
1. Land Alteration	0
2. Land Excavation	1

3. Phosphate Mining	
a. Unit Review / Reclamation	1
b. Annual Review / Inspection	0
c. Master Plan	0
d. Hearing	0
4. Rezoning	
a. Reviews	25
b. Hearings	0
5. Site Development	
a. Preliminary	10
b. Construction	25
6. Subdivision	
a. Preliminary Plat	7
b. Master Plan	0
c. Construction Plans	26
d. Final Plat	9
e. Waiver of Regulations	0
f. Platted - No-Improvements	8
g. Minor - Certified Parcel	11
7. As-Builts	9
8. Miscellaneous Reviews	
a. Easement / Vacating	2
b. NRCS Review	0
9. Pre-Applications	39
10. Development Review Committee	
a. Review Preparation	0
D. OTHER ACTIVITIES	
1. Unscheduled meetings with members of the public (walk-ins)	31
2. Other Meetings	56
3. Telephone Conferences	661

EPC Wetlands Management Division
Agenda Backup for January 2003
Page 3

4. Presentations	0
5. Correspondence Review Hours	34
6. Correspondence	390
7. Special Projects	21
8. On-site visits	101
9. Appeals	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	1
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	72
b. Legal	4
c. Inactive	7
2. Number of "Notice of Intent to Initiate Enforcement"	4
3. Number of Citations Issued	0
4. Number of "Emergency Order of the Director"	0
5. Number of Consent Orders Signed	2
C. CASES CLOSED	
1. Administrative / Civil Cases Closed	5
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	0
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$5,150.00
E. ENFORCEMENT COSTS COLLECTED	\$1,646.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	36
2. Return Inspections	74
3. Closed	65
B. WARNING NOTICES	
1. Issued	16
2. Return Inspections	34
3. Closed	13
C. MITIGATION	
1. Compliance/Monitoring Reviews	44
2. Compliance Inspections	38
D. OTHER ACTIVITIES	
1. Case Meetings	4
2. Other Meetings	20
3. Telephone Calls	377
4. File Reviews	7
5. Cases Referred to Enforcement Coordinator	4
6. Letters	64
7. Erosion Control Inspections	63
8. MAIW Reviews	12
9. FDEL Reviews	0

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	5
2. Telephone Assistance	742
3. Letters	210
4. Incoming Projects	124
5. Additional Info / Additional Footage	19 / 11
6. Resubmittals / Revisions	19 / 18
7. Surveys / Data Entry	29 / 463

B. ENGINEERING STAFF

1. Meetings	35
2. Reviews	46
3. Field Investigations	4
4. Aerial Reviews	33
5. Telephone Inquiries	242
6. Inquiries	36

EPC LEGAL DEPARTMENT MONTHLY REPORT

February 11, 2003

A. ADMINISTRATIVE CASES

NEW CASES [0]

EXISTING CASES [7]

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)

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. A civil complaint was filed June 29, 2001. (*See related case under Civil Cases*). (RT)

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 EPC Wetlands staff have conceptually approved the mitigation package and the Natural Resource Conservation Service (NRCS) has taken the lead in providing the site specific plans to demonstrate justification for the proposed project. The parties have reached a tentative agreement authorizing impacts and for settlement of the enforcement case. This settlement is pending approval by the fee simple property owner. (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)

Roy & Edith Rock and MNH, Inc.: [LROC02-031]: Respondents filed a Notice of Appeal on October 7, 2002

challenging a Citation alleging improper handling of wastes and finding of soil and groundwater contamination on the property. The matter has been referred to a Hearing Officer and a case management conference was scheduled for November 18, 2002. The matter is being held in abeyance pending a circuit court litigation case that may resolve the liability issue for the contamination. (AZ)

RESOLVED CASES [3]

Stone, Sam [LSTO01-020 & LSTO01-028]: On June 18, 2001 the EPC entered a citation against an individual for unauthorized impacts to wetlands. The appellant has filed a request for extension of time to file a Notice of Appeal of the citation. Mr. Stone filed a Notice of Appeal and a Request for Relief to Determine Estoppel August 27, 2001.

The matters have been consolidated and referred to a Hearing Officer. The final hearing on the estoppel case was heard on September 6, 2002. The assigned Hearing Officer entered a Recommended Order on October 23, 2002 finding that the EPC was estopped from issuing a citation for unauthorized impacts to wetlands. The EPC Executive Director filed exceptions to the board which were heard at the December meeting. The EPC adopted the Final Administrative Order incorporating the Hearing Officer's Recommended Order with two minor non-substantive changes. Resolution of the estoppel case was dispositive in the matter. The remaining case was then closed. (AZ)

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. The parties met at the pre-hearing conference and discussed a potential settlement to the case. Based on sampling at the site by the Respondents the EPC Executive Director changed it's agency action and the matter was closed on February 6, 2003. (AZ)

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. The appeal proceedings were held in abeyance pending possible settlement. The parties have reached a settlement and payments were received the case was closed. (RM)

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)

Qasem J. v. EPC, et al. [LQAS98-161]: In foreclosing a mortgage on a UST facility, Plaintiff named EPC as a Defendant because of our recorded judgment against the former owner/operator, a relative of the current Plaintiff (*EPC case against Emad Qasem*). EPC has asserted the priority of our judgment lien. Defendant, property owner HJEM, Inc., filed a motion for summary judgment asserting the Plaintiff's mortgage was entered into fraudulently and that it has priority over all lien holders. EPC responded by asserting the priority of its judgment over the

Defendant, HJEM, Inc.'s ownership of the property as the property was sold to HJEM, Inc. subject to EPC's judgment. The attorney for the property owner HJEM, Inc. has contacted the EPC regarding purchasing the EPC's interest in the property and settling the matter. The EPC has agreed to convey its judgment lien on the property to HJEM, Inc. in consideration for payment of \$7,500.00. This should remove the EPC from the pending foreclosure case and allow the EPC to recover a reasonable portion of its judgment lien entered against the prior owner of the property. The EPC is currently waiting for resolution of the case so as to collect the remaining amounts for payment of EPC's lien. (AZ)

Georgia Maynard [LMAY299-003]: 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. A motion to dismiss was denied on October 24, 2002. Settlement discussions are ongoing. Case status conference to be set for April 2003. (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. Because the EPC has not received any satisfactory response in the settlement negotiations, on October 11, 2002 the EPC filed a lawsuit seeking an injunction to correct the violations in addition to payment of penalties and costs to be assessed. (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. The EPC filed its response to the Plaintiffs' lawsuit and is currently proceeding in discovery. The EPC has filed a Motion for Summary Judgment seeking a ruling in its favor based on there being no disputed facts in the case. The motion is set to be heard by the Court on March 3, 2003. (AZ)

RESOLVED CASES [1]

Florida Department of Transportation v. Joseph Garcia, et al. [LFDO02-032] Florida Department of Transportation (FDOT) is exercising its power of eminent domain by filing a petition in eminent domain against various parties, including the EPC, for various parcels of property in Hillsborough County in order to acquire land and easements to expand Interstate 4 between 34th Street and 50th Street. On one of the properties FDOT seeks to acquire, the EPC has mitigation agreement recorded in the public record. This mitigation agreement with 40th St. WH Associates, Ltd. provided for the mitigation of wetland impacts by requiring certain wetland construction. Because the EPC has a recorded interest on parcel 111, FDOT is required to include us in the proceeding. EPC confirmed that the project was never developed and that no wetland impacts occurred. The EPC agreed to release the encumbrance of the mitigation agreement because no development occurred, thus the DOT dropped the EPC from the case November 14, 2002. (RM)

COMMISSION
 Kathy Castor
 Pat Frank
 Ken Hagan
 Jim Norman
 Jan K. Platt
 Thomas Scott
 Ronda Storms



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

Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 POLLUTION RECOVERY TRUST FUND
 AS OF JANUARY 31, 2003

Fund Balance as of 10/01/02	\$1,601,788
Interest Accrued FY03	27,114
Deposits FY03	114,539
Disbursements FY03	41,610
 Fund Balance	 \$1,701,831

Encumbrances Against Fund Balance:

Art. Reef FY03	81,455
(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	25,233
(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	718,218
Minimum Balance	120,000 *
Fund Balance Available January 31, 2003	\$ 863,613

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

COMMISSION
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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 JANUARY 31, 2003

Fund Balance as of 10/01/02	\$1,265,455
Interest Accrued FY03	20,181
Disbursements FY03	21,416
 Fund Balance	 \$1,264,220

Encumbrances Against Fund Balance:

SP462 Port Redwing	300,000
Sp464 Davis Tract	-0-
SP591 Mechanical Seagrass Planting	3,584
SP597 Fantasy Island Restoration	1,633
SP602 Apollo Beachhabitat Restoration	100,000
Marsh Creek/Ruskin Inlet	47,500
SP604 Desoto Park Shoreline	150,000
SP610 H.C. Resource Mnt/Apollo Beach Restoration	35,000
Tampa Bay Scallop Restoration	127,900
SP611 COT Stormwater Improvements	21,000
SP612 Riverview Civic Center	120,000
SP615 Little Manatee River Restoration	50,000
SP616 Manatee Protection Areas	40,147
Manatee & Seagrass Protection	27,200

Total of Encumbrances	1,023,964
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Fund Balance Available January 31, 2003	\$ 240,256
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ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

AGENDA ITEM COVER SHEET

DATE: February 20, 2003
TO: Environmental Protection Commissioners
FROM: Leslie Campbell, Enforcement Supervisor, Waste Management Division
SUBJECT: Request for Authority to Take Legal Action regarding HJEM Enterprises, Inc. and Mohammed Samkari.

RECOMMENDATION: Request authorization to pursue appropriate legal action and settlement authority

BACKGROUND:
HJEM Enterprises, Inc, owns real property, which includes a retail gasoline station known as Hope Food Store, located at 4002 N. 22nd Street, in Tampa. Mohammed Samkari, a lessee, operates the storage tank systems at the facility.

During a November 2002, inspection of Hope Food Store, EPC staff observed 11 separate violations of Chapter 1-12 including: one major violation of failing to provide a leak detection system; three moderate violations including failure to maintain Pollution Liability Insurance and failure to properly close un-maintained storage tanks; and seven minor violations. EPC has been involved in administrative enforcement actions against this facility, off and on, since 1995. To date, these activities have failed to alleviate the chronic non-compliance problems at the facility.

EPC has authority under its enabling act, 84-446, Laws of Florida, as amended and has adopted by reference, in EPC Rule, Chapter 1-12, the storage tank standards and criteria adopted by the Department of Environmental Protection in Chapter 62-761 F.A.C. These regulations make the owner of the property and the operator of the storage tanks equally liable.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

MEETING DATE: _____

AGENDA ITEM COVER SHEET

Date: February 12, 2003

Agenda Item: Litigation Policy - Commissioner discussions with litigants

Description/Summary:

At the October 17, 2002 EPC meeting, the Commission adopted a noticing procedure to advise parties of intended Commission action regarding authorizing litigation. As a follow-up to that discussion, the Commission asked the General Counsel to propose a policy, for Commission consideration, regarding Commission member discussions with persons or representatives of persons who are the subject of potential litigation with the Environmental Protection Commission. Further Commission discussion was held at the December 5, 2002 meeting regarding disclosure of discussions that occur, and comments after closed settlement sessions. Although there is no ethical requirement to refrain from such contact in civil actions, the following is the recommendation of the General Counsel.

Judicial Action

1. Once the Commission votes to authorize EPC staff to initiate judicial (i.e. civil) litigation against a certain party, Commission members should refrain from discussing the matter with that party or any representative of that party.

2. Commission members will receive advance notice of future requests to authorize litigation against a party. Members may also refer to the EPC Legal Department Monthly Report (provided in each Board packet) for all current pending Judicial and Administrative cases.

Administrative Action

3. Once the Executive Director files an Administrative Citation against a certain party, Commission members should refrain from discussing the matter with that party, any representative of that party, and EPC staff.

4. Once the Hearing Officer transmits a Recommended Order to the chairman of the Commission for consideration of entry of a Final Order by the full Commission, Florida law prohibits ex parte communications regarding the merits of the case with the advocates. The Commission may however conduct discussions with the General Counsel or his designated counsel who act as counsel to the Commission and who have insulated themselves from the prior proceedings.

5. Commission members may refer to the EPC Legal Department Monthly Report for all current pending Judicial and Administrative cases.

(Further discussion to be held regarding disclosure of discussions held with litigants and Commissioner comment after closed settlement sessions.)

Commission Action Recommended: Approve the above-recommended policy regarding Commission member discussions with parties subject to litigation with the Commission.

AGENDA ITEM COVER SHEET

Date: February 12, 2003

Agenda Item: Review and Approval of Pollution Recovery Fund and Gardinier Settlement Fund Projects

Description/Summary:

Staff will present the 2003 Pollution Recovery Fund and Gardinier Settlement Trust Fund project applications for Commission review and approval. The Citizens Environmental Advisory Committee (CEAC) will also present its recommendations on the proposed projects. Attached is a summary sheet indicating the project, requested funding amount, and staff and CEAC recommendations. Also attached is a narrative description of each project and a list of proposed changes to Project #1, the Airwise Project.

(Note: Project #4, Energy Awareness Program, has been pulled from consideration in order to further discuss possible revisions. Staff intends to bring this project back for consideration at a future Commission meeting.)

Commission Action Recommended:

Review and consider approval of the 2003 Pollution Recovery Fund and Gardinier Settlement Trust Fund applications.

2002 Funding Requests for PRF - GSTF

Project Name	Funds Requested	EPC Staff		CEAC	
		Recommendation	Funds Approved	Recommendation	Funds Approved
1 Air/wise	PRF \$10,000	Approved	\$10,000	Denied	\$-0-
2 Seagrass Restoration	PRF \$58,020	Approved	\$58,020	Approved	\$58,020
3 Agriculture Pesticide Collection Day	PRF \$39,000	Approved	\$39,000	Approved	\$39,000
4 Energy Awareness Program	PRF \$15,000	Approved	\$7,500	Denied	\$-0-
5 Pollution Prevention Program	PRF \$98,657	Approved	\$98,657	Approved	\$98,657
6 Fantasy Island	GSTF \$20,000	Approved	\$20,000	Approved	\$20,000
7 Invasive Species Removal at E.G. Simmons Park	GSTF \$43,200	Approved	\$43,200	Approved	\$43,200
8 Cockroach Bay ELAPP Habitat Restoration	GSTF \$190,000	Approved	Remaining Funds	Approved	\$177,256

PRF FUNDS AVAILABLE XXXXXXXXXX

GSTF FUNDS AVAILABLE XXXXXXXXXX

**2002 PROJECT REQUESTS FOR POLLUTION RECOVERY FUND AND GARDINIER
SETTLEMENT TRUST FUND**

1. **AIRWISE**
APPLICANT: AMERICAN LUNG ASSOCIATION

This is an educational project, designed to be used in Hillsborough County middle school science classes. It is a supplement to the regular curriculum and is intended to help students learn about air quality and the role they play in pollution control. The request offsets production costs for AirWise.

PRF Request: \$10,000
Total Cost: \$ 30,530

Project Manager: Debra Noel
Phone: 962-4448

EPC Staff Recommendation: Approved as an air quality outreach program. Although AirWise targets a narrow segment (middle school science classes), it clearly has merit in that it serves to educate young people about our environment. Efforts to make this a self-sufficient program from a funding standpoint apparently have not been successful. The PRF has subsidized the AirWise program with \$55,000 over the past 6 years with the recurring annual cost associated with publishing materials for students and teachers. Staff recommendation for approval is based on the addition of conditions inserted into the contract:

1. ALA must obtain a written summary from the School Board detailing their evaluation of AirWise's effectiveness in the middle school, and their efforts to include AirWise's full funding in their next budget. Summary is to be sent to Manfred Liebner c/o EPC Environmental Resources Division by June 1, 2003.
2. ALA will offer training to the teachers and EPC staff will be invited to participate in the teachers' workshop as a presenter. If a formal workshop cannot be held for some reason, EPC staff will be notified in writing by the ALA.
3. ALA staff must request that EPC staff be invited to observe several of the AirWise programs being taught in the classroom. Said request shall be in writing and directed to the School Board with copies to EPC staff. (Reviewed by Paul Cooper)

CEAC Recommendation: Denied funding request. CEAC requested a major re-write of the AirWise materials. The Air Management Division and the ALA have agreed to make many of the suggested changes (see Attachment); however these changes were deemed insufficient by CEAC.

2. **SEAGRASS RESTORATION Little Cockroach Bay.**
**APPLICANT: UNIVERSITY of SOUTH FLORIDA and HILLSBOROUGH
COMMUNITY COLLEGE**

This project will combine 12 years of work on seagrass restoration techniques. Based on studies of propeller damage and seagrass transplantation in Cockroach Bay since 1992, the proposal intends to test restoration techniques in Little Cockroach Bay, an area that has been highly impacted. Using data developed in earlier studies, the project will establish an upland nursery in an earthen pond and create seagrass beds in man-made basins using shoal and turtle grass.

PRF Request: \$58,020
Total Cost: \$78,000

Project Manager: Clinton Dawes & Nicholas Ehringer
Phone: 974-2060

EPC Staff Recommendation: Approve funding due to the necessity to learn more about seagrasses and the major role they play in the life cycle of marine life. A recommended condition of a approval would be that a erials and data be submitted to EPC biannually for review and to include field trips to the planting areas. (Reviewed by Crystal Clark)

CEAC Recommendation: Approve funding.

3. **AGRICULTURE PESTICIDE COLLECTION DAY**
APPLICANT: H.C. ECONOMIC DEVELOPMENT & SOLID WASTE DEPARTMENT'S

The Economic Development Department and the Solid Waste Department Staffs propose to promote the Agriculture Pesticide Collection Day to the agriculture community through agriculture related publications and through contacts in the industry. The Departments intend to make arrangements for pesticide collection through the current Hazardous Waste Collection Provider under contract with Hillsborough County.

PRF Request: \$39,000
Total Cost: \$39,000

Project Manager: Stephen Gran
Phone: 272-5506

EPC Staff Recommendation: Approve funding. Based on similar projects sponsored by the State of Florida's Operation Cleansweep Program, it is recommended that the project be approved. EPC senior staff further recommended that EPC participate as a coordinator with the County to implement the project. As an additional condition in the contract, EPC staff recommends that invoices be submitted for payment. If 30,000 pounds are not collected, the fund will only be billed for the actual amount collected. (Reviewed by Gerardo Javier)

CEAC Recommendation: Approve funding.

4. **ENERGY AWARENESS PROGRAM**
APPLICANT: H.C. REAL ESTATE / FACILITIES MANAGEMENT

This project intends to educate County employees and residents of Hillsborough County in energy conservation measures. By conserving energy, the amount of kWh's consumed will be reduced. It is suggested that the reduction in kWh's is directly proportional to CO2 emissions reduced. County employees and residents will be educated to conserve energy and save money on utilities while reducing the amount of emissions released into the atmosphere by power plants.

PRF Request: \$15,000
Total Cost: \$30,000

Project Manager: Randy Klindworth
Phone: 276-8789

EPC Staff Recommendation: Approve as an air quality outreach project. Energy conservation is part of the national pollution prevention strategy. There are nearly 11,000 persons employed by Hillsborough County. This approach encourages everyday energy-efficient practices and could lead to measurable reductions in County fuel costs and home utility bills in addition to incremental air quality benefits. The Energy Management Office demonstrates a commitment to the success of their project by seeking matching funds to supplement their PRF request. Staff recommendation for approval is based on the following conditions in a contract:

1. Energy Management Office will make use of other communication media, such as HTV, to expand their energy conservation message to the general public.
2. Energy Management Office will make available to EPC staff any developed printed material for reproduction and use.
3. Energy Management Office will conduct an online survey (COIN) to judge the effectiveness of the conservation campaign for County employees, and provide the EPC Air Management Division staff with a summary of their findings by July 2003.

CEAC Recommendation: Denied funding.

**5. POLLUTION PREVENTION (P2) PROGRAM FUNDING
APPLICANT: EPC WASTE MANAGEMENT DIVISION**

In 1998, the City of Tampa signed a Consent Order with EPC. The Order required the City to pay \$98,657 in penalties. The Consent Order earmarked that the money be used to establish a Pollution Prevention (P2) program in the Waste Management Division. The P2 program was established via an Interlocal Agreement with the Hillsborough County Publics Works Department in October 2001 and the hiring of a P2 Program coordinator in February 2002.

PRF Request: \$98,657

**Project Manager: Gerardo Javier
Phone: 272-5788, ext.1306**

EPC Staff Recommendation: Approve funding. These funds were previously specifically earmarked in a Consent Order for the purpose requested in the application. In July 1999, the BOCC approved a budget amendment which established an operating fund for the money to be used. Due to delays in establishing a pilot P2 program at the time, and the money not being used within one year, the funds were placed in the PRF pursuant to the terms of the Consent Order. The funds remain in the PRF at this time. Now that the P2 Program is established, approval will allow another budget amendment to be passed so that the fund may be utilized for its original intent. (Reviewed by Rick Tschantz)

CEAC Recommendation: Approve funding.

**6. FANTASY ISLAND: A COOPERATIVE CONSERVATION PROJECT
APPLICANT: THE FLORIDA AQUARIUM and TAMPA PORT AUTHORITY**

This project is now in Phase IV, which requests funding for maintenance activities (control of exotics, additional planting and trail maintenance). This spoil island, altered geographically by discharge of material, is approximately 3 acres in size. During the first three phases, the project restored the island to a healthier naturally functioning state. Phase IV will provide initial maintenance needed to sustain successful restoration.

**GSTF Request: \$20,000
Total Cost: \$183,000**

**Project Manager: Ilze Berzins & David Parsche
Phone: 367-4010 905-5030**

EPC Staff Recommendation: Approve funding at \$20,000. Controlling the exotics with maintenance and additional planting will sustain the successful restoration of the island. Maintenance should be accomplished twice annually. (Reviewed by Manfred Liebner)

CEAC Recommendation: Approve funding.

7. **INVASIVE SPECIES REMOVAL at E.G. SIMMONS PARK
APPLICANT: H.C. RESOURCE MANAGEMENT**

Simmons Park is a Hillsborough County Regional facility in Ruskin, covering 950 acres, and is host to 200,000 visitors each year. The Invasive Species Task Force has begun work to remove non-native invasive species from E.G. Simmons Park. However, many of the Australian Pines are so large that professional removal is necessary. Because the pines provide much of the shade in the Park campgrounds, replanting with native shade trees is necessary. Salt-tolerant species such as sand live oak will be used.

**GSTF Request: \$43,200
Total Cost: \$58,223**

**Project Manager: Rene Brown
Phone: 671-7754**

EPC Staff Recommendation: Approve funding. Continued harm will be caused by the exotic nuisance plants, if the project is not approved. Hillsborough County purchased this property to be preserved for wildlife and recreational public use. Recommended conditions of approval would be that 1) H.C. Parks Department strictly adhere to a follow up exotic nuisance control program for the site, to further reduce the probability of re-infestation and 2) the Park Office notify the public of the removal of the trees, the purpose, and when the removal will take place. (Reviewed by Crystal Clark)

CEAC Recommendation: Approve funding.

8. **COCKROACH BAY ELAPP HABITAT RESTORATION
APPLICANT: SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, (SWIM)
PROGRAM**

This Project is part of a phased effort in the Cockroach Bay habitat area of 500 acres, of which approximately 225 have been restored as a natural preserve. This 40-acre restoration will move further toward completion of the overall restoration effort. The project meets the goals set in the management plans of the SWIM Program of the District, and the Tampa Bay Estuary Program.

**GSTF Request: \$190,000
Total Cost: \$6.9M**

**Project Manager: Brandt Henningsen
Phone: 985-7481 x 2202**

EPC Staff Recommendation: Approve funding. The entire project has been successful. The addition of this sterile pond being part of this vital habitat would enhance the water quality, wildlife and human usage in the project area. (Reviewed by Crystal Clark)

CEAC Recommendation: Approve funding with all remaining monies in the GSTF.

2003 AIRWISE revisions – Note: All revisions are depicted in italics

Page Label – Health Effects

Item 1. Under “Air Pollution, Tobacco, and Asthma”:

Revised exercise: *You breathe approximately 20 m³ (cubic meters) of air each 24-hour day. If there are 50 µg/m³ (micrograms per cubic meter) of respirable dust particles per cubic meter, how much dust will you breathe in a day?*

Item 2. Under “Are air pollutants harmful?”:

In the first paragraph, preceding “you bet...”, add the words: *In sufficient concentrations,*

In the second paragraph, following “but they pose...”, strike the word: *significant*

Item 3. Under “How do air pollutants harm us?”:

After the second paragraph, add: *Tobacco use is harmful to human health, with 90% of all lung cancers being caused by smoking.*

In the third paragraph, following “negative effects,...” add the words: *in sufficient concentrations*

Replace the last two paragraphs with the following two paragraphs:

Individuals who spend a lot of time outdoors – construction workers, for example – should be aware that during certain days of the year, particularly during summer months, the outside air may be more polluted than at other times. These are referred to as “unhealthy days”. Depending on the region of the country you may live, will determine the number of unhealthy days you will have.

During days when the outside air is unhealthy, you should try to remain indoors, particularly if you are elderly or in poor health. However, the indoor area should be well ventilated.

Item 4. Under “What does air pollution have to do with asthma?”:

Add the following paragraph prior to “For Further Information.....”: *Many other things may trigger asthma attacks besides air pollution. Please refer to the American Lung Association web page for more information*

Item 5. Under “How does tobacco affect the lungs?”

In the last paragraph change the 2nd sentence to read: *For example, one drop is enough to kill an animal the size of a large rat within a few minutes.*

Following the last paragraph, add: *Smoking is expensive. The average cost of a carton of cigarettes is _____ . When the medical costs and other related costs are factored in a carton costs _____.*

*Page Label – Outdoor Air***Item 6. Under “All Living Things Need Clean”:**

Change to read: *All Air–Breathing Beings Need Clean Air.*

Item 7. Under “Air Pollution Affects Everyone”:

Add the words: *In sufficient concentrations* preceding *Air Pollution Affects Everyone.*

*Page Label – Global Warming***Item 8. Under “Key Terms”:**

Global Warming:

Strike the existing paragraph and insert a new paragraph to read: *The theory which attributes the increase in the temperature of the Earth's atmosphere to the build up of greenhouse gases from the burning of fossil fuels.*

Item 9. Under RESULTS:

Change the paragraph beginning with “Living creatures...., to read: *Population patterns of living creatures will change if global warming becomes a reality. Some species could even lose their habitat and become extinct.*

Item 10. Under “Top 10....”,:

Change to read: *Things You Can Do To Reduce Greenhouse Gases.*

*Page Label - Teacher’s Guide On Page 14:***Item 11. Under “Suggested Activity Questions”:**

Change the question: “What air pollutant do trees help eliminate?” to read: *What greenhouse gas do trees help eliminate through photosynthesis?*

Change the question: "Name the four (4) greenhouse gasses?" to read: *Name the five (5) greenhouse gasses*, and add in the answer to the question, the words: "*Water Vapor*".

End of revisions.

November 15, 2002

AGENDA ITEM COVER SHEET

Date: February 12, 2003

Agenda Item: Discussion of State Budget Cuts and Environmental Trust Funds

Description/Summary:

Staff will generally discuss the Governor's proposed State budget and its possible effects on various Environmental Trust Funds. Some of the proposed cuts may affect funding that support state delegated programs to the EPC.

Commission Action Recommended:

For Information only.

Koulianos, Tom

From: Muratti, Rick
Sent: Wednesday, January 08, 2003 9:57 AM
To: Jeanie Hanna
Cc: garrity@epchc.org; Thomas Koulianos; Weiss, T. Barton
Subject: Yesterday in a Water Resource Team briefing, Commission Castor requested that the Dr. Garrity have a

Yesterday in a Water Resource Team briefing, Commission Castor requested that the Dr. Garrity have an agenda item for the January EPC meeting discussing how the Commissioners will be notified of the EPCs ongoing monitoring of the desal facility and how often will they be notified. I was just informed that the January EPC meeting has been canceled. If it is acceptable to Commissioner Castor, we will bring a discussion of this request at our February EPC meeting (2/20/03). If you have any questions, we can be reached at 272-5960.

- Rick Muratti (EPC Legal Dept.)

Koulianos, Tom

From: Barkey, Sandra
Sent: Monday, January 27, 2003 5:08 PM
To: Garrity, Rick
Cc: Koulianos, Tom; Scott, Louise
Subject: Agenda Item - Thursday, February 20, 2003 EPC Meeting

Dr. Garrity,

Commissioner Storms would like to have a report on the status of the new EPC facility at the subject meeting.

Please provide confirmation of scheduling on EPC Agenda.