

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
MARCH 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**
 - Report from the Chairman
- III. CONSENT AGENDA**
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Rae-Mac Investments 28
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 - A. Presentation of Environmental Merit Awards 42
 - B. Budget Presentation
 - C. Introduction – Gerold Morrison, Ph.D., Director ERM Division
- VI. WETLANDS MANAGEMENT DIVISION**
 - Lake Grady - Request for Approval of a Temporary Wetland Impact
Beyond One Year 43

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

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FEBRUARY 20, 2003 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, February 20, 2003, at 10:00 a.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 (arrived at 10:09 a.m.), Ken Hagan (arrived at 10:08 a.m.), Jim Norman, Thomas Scott, and Ronda Storms (arrived at 10:09 a.m.).

Chairman Platt called the meeting to order at 10:06 a.m. Commissioner Scott led in the pledge of allegiance to the flag and gave the invocation.

CITIZENS COMMENTS

Mr. Bill Newton, Citizens Environmental Advisory Committee (CEAC) member, discussed the CEAC recommendation for denial of the Pollution Recovery Fund (PRF) requested for AirWise/American Lung Association. He supported changes made to the AirWise brochure and requested EPC approval. He also supported funding for the Cockroach Bay Environmental Lands Acquisition and Protection Program (ELAPP) habitat restoration project. Mr. Richard Sullivan, Parks and Recreation Department staff, discussed the Gardinier Settlement Trust Fund (GSTF) request to remove exotic vegetation from E. G. Simmons Park.

Ms. Cheryl Bradford, 11215 McMullen Loop, Riverview, discussed bridge restoration projects, Public Works Department environmental permits for private contractors, oversight by EPC, and turbidity in Rice Creek. In response to Ms. Bradford, Ms. Jadell Kerr, EPC Wetlands Management Division, discussed County bridges proposed to be replaced, repaired, or expanded. The work would be done by the Public Works Department or contracted out. She would investigate the Rice Creek issue. In response to Commissioner Frank regarding oversight, Chairman Platt suggested requesting a report from staff. Commissioner Frank moved that the EPC ask for a report from the Board of County Commissioners (BOCC) Public Works Department on the process that was used in oversight of private contracted work to assure that proper permits were secured and that all the things the County would ordinarily have to adhere to were followed. The motion was seconded by Commissioner Storms. Dr. Richard Garrity, EPC Executive Director, said the EPC would also provide a report on how business was conducted with contractors. Chairman Platt confirmed the request would be forwarded to County administration. The motion carried seven to zero.

Mses. Patricia Craig Mitchell, 1013 Bal Harbor Drive, and Marilyn Smith, County resident, CEAC members, discussed grievances with the scientific validity and recommended changes of the American Lung Association AirWise

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brochure. Ms. Smith commented on runoff from oil companies and perceived lack of response from the Florida Department of Environmental Protection (FDEP). She agreed with environmental concerns regarding Rice Creek. In response to Chairman Platt, Dr. Garrity discussed projects with FDEP, oil runoff studies, Tampa Port Authority (TPA), and property environmental management activities. In response to Commissioner Castor, Commissioner Frank could not confirm whether the issue was on the agenda for the next TPA board meeting.

Mr. Larry Padgett, 2611 West Lutz-Lake Fern Road, disagreed with the CEAC recommendation to approve funding for the Cockroach Bay ELAPP habitat restoration project through the Southwest Florida Water Management District, because he opposed funding a government identity and felt funds should be provided to smaller groups in the County. Mr. Jack Chancellor, chief executive officer, American Lung Association of Gulfcoast Florida, requested continued funding for the AirWise brochure and discussed incorporation of changes.

Mr. Robert Duron, 6243 Greenwich Drive, utilized overhead maps and discussed wetland property that he thought the City might purchase for dedication to ELAPP. He opposed buying property already dedicated for protection. Chairman Platt clarified the County purchased ELAPP property and suggested Mr. Duron contact the ELAPP advisory committee. Commissioner Frank recalled a newspaper article involving City purchase of property, reimbursement from K-Bar Ranch development, and credit for off-site mitigation. In response to Chairman Platt, EPC General Counsel Richard Tschantz would provide a report.

CEAC

Recognition of Service to CEAC - Commissioner Norman recognized Ms. Gaye Townsend (not present) for service on CEAC. Commissioner Storms presented a plaque to Mr. David Forziano for service on CEAC. Mr. Forziano offered comments.

Report From the Chairman - Mr. Larry Padgett, acting chairman, CEAC, discussed CEAC recommendations for 2002 PRF and GSTF requests, as provided in background material. He reviewed the CEAC recommendation for denial of the \$10,000 request for the American Lung Association AirWise brochure and approval of the seagrass restoration for Little Cockroach Bay contingent upon coordination with EPC staff on salinity monitoring. He discussed other requests for CEAC regarding documentation imaging of 1979 wetland and panel review aerials and sponsoring Hillsborough County agricultural pesticide collection day.

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CONSENT AGENDA

- A. Approval of Minutes: October 16, 2002; October 17, 2002; October 22, 2002; November 7, 2002; December 5, 2002; and January 8, 2003.
- B. Monthly Activity Reports.
- C. Legal Department Monthly Report.
- D. PRF.
- E. GSTF.
- F. Request Authority to Take Appropriate Legal Action Against HJEM Enterprises Incorporated.

Commissioner Norman moved the Consent Agenda items, seconded by Commissioner Storms, and carried six to zero. (Commissioner Scott was out of the room.)

EXECUTIVE DIRECTOR

Piney Point Update - Dr. Garrity noted the BOCC had recently approved the Water Department to absorb wastewater from Piney Point into wastewater treatment plants. He utilized an overhead presentation to review current water treatment programs at Piney Point, gallons of tainted water, costs estimated costs for treatment, and FDEP emergency requirements. He noted a reverse osmosis treatment method produced potable water that was discharged into the bay. Discussion followed regarding support of EPC and County staff efforts.

Discussion - City of Tampa (City) Stormwater Fee - Dr. Garrity utilized an overhead presentation to review a stormwater assessment fee proposed by the City. The majority of the estimated \$4 million in proceeds would be used to improve stormwater discharge. An EPC letter of support had been drafted for the Chairman's signature. Commissioner Frank moved that the EPC authorize the Chairman to sign a letter to be sent to the City, seconded by Commissioner Castor. (The motion was subsequently withdrawn.) Commissioner Castor suggested the letter include encouraging County stormwater, EPC, and City staff to seek joint projects in an effort to save money. Discussion ensued regarding potential political issues involved in voicing EPC Board support, mayoral campaign, Tampa City Council decision, writing individual letters of support, letters of support from other boards, and seeking to improve water quality in the bay for County and City residents. Concerned with the perception a failed motion might bring, Commissioner Frank withdrew the motion and acknowledged individual correspondence could be sent.

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Introduction - Gerold Morrison, Ph.D., Director, Environmental Resources Management Division - Dr. Garrity explained the introduction would be continued to the next EPC meeting.

LEGAL DEPARTMENT

Litigation Policy - Commissioner Discussion with Litigants - Attorney Tschantz said pursuant to the adopted policy to notice parties prior to EPC litigation, EPC had directed staff to research a policy for discussion with litigants. He reviewed proposed policy language, as provided in background material. He noted Commissioners Frank and Norman had requested additional language, which was open for discussion. **Commissioner Storms moved the new policy, just for the sake of discussion, as it was currently written, seconded by Commissioner Norman.** Commissioner Frank moved an amendment that if there were discussions before the cases were filed, that those discussions be revealed. The amendment died for lack of a second. **Commissioner Norman moved an amendment that the EPC, as a policy, would not discuss publicly the strategic positions of the County after EPC had a closed session. Commissioner Castor seconded the amendment.** Commissioner Frank was concerned with setting policy on closed-session standards. Following discussion, **the amendment carried six to one; Commissioner Frank voted no.** There being no further amendments, Chairman Platt called for a vote on the policy as amended. **The amended motion carried seven to zero.**

Review and Approve PRF and GSTF Projects - Attorney Tschantz outlined PRF and GSTF projects and EPC, CEAC, and FDEP recommendations, as provided in background material. He distributed the AirWise/American Lung Association informational brochure for discussion; explained the recommendation that Project 8, Cockroach Bay, receive the balance of funds from Projects 6, Fantasy Island, and 7, E. G. Simmons Park; and noted Project 4 had been withdrawn by the applicant to scale back the request. **Commissioner Frank moved that the EPC approve Projects 2 through 8, with the adjustment in the GSTF as described, that Projects 6 and 7 receive full funding, and the balance of the funds be appropriated to Cockroach Bay. The motion was seconded by Commissioner Scott and carried seven to zero.**

Discussing Project 1, Attorney Tschantz reviewed CEAC recommendations for the AirWise brochure and stated changes were outlined on page 45 of background material. Ms. Debra Noel, regional manager, American Lung Association, said the changes had been typeset and noted information was reviewed by several agencies. In response to Commissioner Storms, Dr. Garrity perceived the revised brochure contained no misleading information. **Commissioner Storms moved approval of the \$10,000, seconded by Commissioner Norman.** Commissioner

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Frank agreed with the CEAC recommendation for denial. Following discussion, the motion carried six to one; Commissioner Frank voted no.

Discussion of State Budget Cuts and Environmental Trust Funds - Attorney Tschantz discussed the State budget proposition to convert environmental trust funds to the General Fund. EPC received monies from the air pollution control fund and the inland protection trust fund (IPTF). The IPTF was a statewide program that taxed petroleum to provide funds for cleanup and compliance of underground gas tanks. A letter had been drafted to send to Governor Jeb Bush suggesting that the funds remain for their intended purpose. **Commissioner Castor moved approval of the letter with copies to the Legislative Delegation, seconded by Commissioner Scott, and carried seven to zero.**

COMMISSIONERS' REQUESTS

Desalination Monitoring and Reporting (Commissioner Castor) - Commissioner Castor noted water quality data was collected by EPC in the vicinity of the bay and desalination plant and suggested routine reporting to the EPC Board. Dr. Garrity proposed four monthly reports to present background information on four segments of the bay: Apollo Beach, Alafia River, Palm River, and the Hillsborough River. He suggested conducting an annual report on the Hillsborough Independent Monitoring Program and bringing immediate attention to the EPC Board regarding anything of consequence. **Commissioner Castor moved Dr. Garrity's proposed recommendation, seconded by Commissioner Norman.** Following discussion regarding requesting funds for monitoring, the motion carried seven to zero.

Discussion - Roger P. Stewart Center - Sabal Park (Commissioner Storms) - In response to Commissioner Storms, Dr. Garrity agreed information presented at the February 19, 2003, BOCC meeting had addressed concerns. EPC would work with County staff and bring a status report within 60 days. Commissioner Norman suggested comparing costs for renovation to constructing an attachment to the building.

OFF-THE-AGENDA ITEM

Commissioner Frank discussed a newspaper article regarding potential raw sewage discharge in the channel, reclaimed water pipe construction under the channel from Hookers Point to Davis Island, and construction behind schedule. **Commissioner Frank moved that somebody take a look at that, and see if there was any cooperative effort that could be made between the City and the County.** The motion was seconded by Commissioner Scott. Chairman Platt clarified the

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EPC would relay the request to the Administrator. **The motion carried seven to zero.**

There being no further business, the meeting was adjourned at 11:58 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

lm

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
FEBRUARY

A.	Public Outreach/Education Assistance:	
1.	Phone Calls:	<u>318</u>
2.	Literature Distributed:	<u>432</u>
3.	Presentations:	<u>0</u>
4.	Media Contacts:	<u>1</u>
5.	Internet:	<u>61</u>
6.	Host/Sponsor Workshops, Meetings, Special Events	<u>2</u>
	(State Fair and Engineering EXPO)	
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	<u>2</u>
b.	Construction:	<u>0</u>
c.	Amendments:	<u>0</u>
d.	Transfers/Extensions:	<u>3</u>
e.	General:	<u>1</u>
f.	Title V:	<u>2</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>6</u>
b.	Construction ¹ :	<u>4</u>
c.	Amendments ¹ :	<u>0</u>
d.	Transfers/Extensions ¹ :	<u>1</u>
e.	Title V Operating ² :	<u>11</u>
f.	Permit Determinations ² :	<u>8</u>
g.	General:	<u>0</u>
3.	Intent to Deny Permit Issued:	<u>0</u>
C.	Administrative Enforcement	
1.	New cases received:	<u>1</u>
2.	On-going administrative cases:	
a.	Pending:	<u>3</u>
b.	Active:	<u>10</u>
c.	Legal:	<u>4</u>
d.	Tracking compliance (Administrative):	<u>21</u>
e.	Inactive/Referred cases:	<u>0</u>
	Total	<u>38</u>
3.	NOIs issued:	<u>2</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>4</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$5,505</u>
7.	Cases Closed:	<u>4</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>12</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	<u>10</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>22</u>
E.	Open Burning Permits Issued:	<u>4</u>
F.	Number of Division of Forestry Permits Monitored:	<u>278</u>
G.	Total Citizen Complaints Received:	<u>97</u>
H.	Total Citizen Complaints Closed:	<u>67</u>
I.	Noise Sources Monitored:	<u>8</u>
J.	Air Program's Input to Development Regional Impacts:	<u>3</u>
K.	Test Reports Reviewed:	<u>35</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>25</u>
2.	Warning Notices Resolved:	<u>16</u>
3.	Advisory Letters Issued:	<u>9</u>
M.	AOR's Reviewed:	<u>0</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>1</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
February

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -0-
(b) all others	<u>\$ -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ -0-
(b) class A2 facility - 5 year permit	<u>\$ -0-</u>
(c) class A1 facility - 5 year permit	<u>\$ -0-</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$ -0-</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$2,400.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ 80.00</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$2,875.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$ 215.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ 435.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 800.00</u>
8. Open burning authorization	<u>\$1,700.00</u>
9. Enforcement Costs	<u>\$ 742.63</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: March 12, 2003

TO: Tom Koulianos, Director of Finance and Administration

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

SUBJECT: **WASTE MANAGEMENT'S FEBRUARY 2003
 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	2
2. On-going administrative cases	96
a. Pending	24
b. Active	49
c. Legal	10
d. Tracking Compliance (Administrative)	13
e. Inactive/Referred cases	0
3. NOI's issued	0
4. Citations issued	0
5. Settlement Documents Signed	1
6. Civil Contributions to the Pollution Recovery Fund	\$8,236
7. Enforcement Costs collected	\$1,288
9. Cases Closed	2

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	47/51
2. EPC Authorization for Facilities NOT requiring DEP permit	3/2
3. Other Permits and Reports	
a. County Permits	1/1
b. Reports	43/48
4. Inspections (Total)	615
a. Complaints	21
b. Compliance/Reinspections	21
c. Facility Compliance	16
d. Small Quantity Generator	557
5. Enforcement	
a. Complaints Received/Closed	24/25
b. Warning Notices Issued/Closed	6/5
c. Compliance letters	21
d. Letters of Agreement	0
e. DEP Referrals	1
6. Pamphlets, Rules and Material Distributed	256

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	89
b. Installation	22
c. Closure	10
d. Compliance Re-Inspections	25
2. Installation Plans Received/Reviewed	6/9
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	5/6
b. Closure Reports Received/Reviewed	6/2
4. Enforcement	
a. Non-compliance Letters Issued/Closed	45/34
b. Warning Notices Issued/Closed	4/5
c. Cases referred to Enforcement	2
d. Complaints Received/Investigated	0
e. Complaints Referred	0
5. Discharge Reporting Forms Received	5
6. Incident Notification Forms Received	8
7. Cleanup Notification Letters Issued	3
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	31
2. Reports Received/Reviewed	90/91
a. Site Assessment	30/25
b. Source Removal	1/2
c. Remedial Action Plans (RAP's)	18/14
d. Site Rehabilitation Completion Order/ No Further Action Order	5/8
e. Others	36/42
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS

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**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

FEBRUARY, 2003

A. ENFORCEMENT

1. New Enforcement Cases Received:	4
2. Enforcement Cases Closed:	2
3. Enforcement Cases Outstanding:	35
4. Enforcement Documents Issued:	5
5. Warning Notices:	13
a. Issued:	7
b. Resolved:	6
6. Recovered costs to the General Fund:	\$ 410.80
7. Contributions to the Pollution Recovery Fund:	\$2,894.24

Case Name	Violation	Amount
a. AOK MHP	Improper Operation, Failure to Maintain, Discharge Raw Sewage	\$ 766.64
b. Oriental Grocery	Construction w/o Permit	\$1,000.00
c. Florida Veal Processors	Violation of Permit Conditions	\$1,127.60

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	31
a. Facility Permit:	6
(i) Types I and II	2
(ii) Type III	4
b. Collection Systems-General:	14
c. Collection Systems-Dry Line/Wet Line:	11
d. Residuals Disposal:	0
2. Permit Applications Approved:	26
a. Facility Permit:	5
b. Collection Systems-General:	14
c. Collection Systems-Dry Line/Wet Line:	7
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated) Recommended for Approval:	0
5. Permits Withdrawn:	0
a. Facility permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0

6. Permit Applications Outstanding:	48
a. Facility Permit:	<u>23</u>
b. Collection Systems-General:	<u>15</u>
c. Collection Systems-Dry Line/Wet Line:	<u>10</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	108
1. Compliance Evaluation:	<u>9</u>
a. Inspection (CEI):	<u>2</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>64</u>
a. Inspection (RI):	<u>27</u>
b. Sample Inspection (SRI):	<u>1</u>
c. Complaint Inspection (CRI):	<u>34</u>
d. Enforcement Inspection (ERI):	<u>2</u>
3. Special:	<u>35</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>10</u>
d. Post Construction Inspection (XCI):	<u>25</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>0</u>
a. Facility Permit:	<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>
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>0</u>
3. Permit Applications Outstanding:	<u>30</u>
a. Facility Permits:	<u>30</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	24
1. Compliance Evaluation:	<u>11</u>
a. Inspection (CEI):	<u>10</u>
b. Sampling Inspection (CSI):	<u>1</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>

2. Reconnaissance:	<u>13</u>
a. Inspection (RI):	<u>10</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>3</u>
F. CITIZEN COMPLAINTS	
1. Domestic:	<u>31</u>
a. Received:	<u>15</u>
b. Closed:	<u>16</u>
2. Industrial:	<u>5</u>
a. Received:	<u>4</u>
b. Closed:	<u>1</u>
3. Water Pollution:	<u>0</u>
a. Received:	<u>0</u>
b. Closed:	<u>0</u>
G. RECORD REVIEWS	
1. Permitting:	<u>2</u>
2. Enforcement:	<u>0</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR:	
1. Air Division:	<u>136</u>
2. Waste Division:	<u>1</u>
3. Water Division:	<u>187</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>

AR02.03

A. EPC WETLANDS REVIEWS	Totals
1. Wetland Delineations	
a. Wetland Delineations	44
b. Wetland Delineation Dispute	1
c. Wetland Line Survey Reviews	25
d. Additional Footage Fees	\$311
2. Misc Activities in Wetland	
a. Nuisance Vegetation / Etc.	32
3. Impact / Mitigation Proposal	9
4. Mitigation Agreements Recorded	5
5. FDOT Reviews	1
 B. EPC DELEGATION / REVIEWS FROM STATE / REGIONAL / FEDERAL AUTHORITIES	
1. Tampa Port Authority Permit Applications	80
2. Wastewater Treatment Plants (FDEP)	2
3. FDEP / SWFWMD Wetland Resource Applications	0
4. Army Corps of Engineers	0
5. Interagency Clearinghouse Reviews	0
6. DRI Annual Report	3

C. HILLSBOROUGH COUNTY / MUNICIPALITY
PERMIT APPLICATION REVIEWS

1. Land Alteration	3
2. Land Excavation	0
3. Phosphate Mining	
a. Unit Review / Reclamation	1
b. Annual Review / Inspection	0
c. Master Plan	0
d. Hearing	1
4. Rezoning	
a. Reviews	37
b. Hearings	0
5. Site Development	
a. Preliminary	15
b. Construction	29
6. Subdivision	
a. Preliminary Plat	5
b. Master Plan	0
c. Construction Plans	34
d. Final Plat	8
e. Waiver of Regulations	0
f. Platted - No-Improvements	10
g. Minor - Certified Parcel	15
7. As-Builts	5
8. Miscellaneous Reviews	
a. Easement / Vacating	2
b. NRCS Review	0

9. Pre-Applications	36
10. Development Review Committee	
a. Review Preparation	37

D. OTHER ACTIVITIES

1. Unscheduled meetings with members of the public (walk-ins)	35
2. Other Meetings	52
3. Telephone Conferences	803
4. Presentations	0
5. Correspondence	405
6. Special Projects	26
7. On-site visits	76
8. Appeals	0

ADMINISTRATIVE ENFORCEMENT	TOTALS
A. NEW CASES RECEIVED	7
B. ACTIVITIES	
1. Ongoing Cases	
a. Active	79
b. Legal	4
c. Inactive	4
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	3
2. Criminal Cases Closed	0
3. Cases Referred to Legal Dept.	0
D. CONTRIBUTIONS TO POLLUTION RECOVERY	\$6,000.00
E. ENFORCEMENT COSTS COLLECTED	\$826.00

INVESTIGATIONS / COMPLIANCE SECTION

A. COMPLAINTS	TOTALS
1. Received	34
2. Return Inspections	65
3. Closed	38
B. WARNING NOTICES	
1. Issued	9
2. Return Inspections	41
3. Closed	12
C. MITIGATION	
1. Compliance/Monitoring Reviews	25
2. Compliance Inspections	25
D. OTHER ACTIVITIES	
1. Case Meetings	0
2. Other Meetings	12
3. Telephone Calls	329
4. File Reviews	4
5. Cases Referred to Enforcement Coordinator	6
6. Letters	85
7. Erosion Control Inspections	72
8. MAIW Reviews	6
9. FDEL Reviews	1

ADMINISTRATIVE / TECHNICAL SECTIONS TOTALS

A. ADMINISTRATIVE SUPPORT STAFF

1. File Reviews	6
2. Telephone Assistance	644
3. Letters	206
4. Incoming Projects	161
5. Additional Info / Additional Footage	20 / 5
6. Resubmittals / Revisions	18 / 24
7. Surveys / Data Entry	15/387

B. ENGINEERING STAFF

1. Meetings	33
2. Reviews	23
3. Field Visits / Conferences	1
4. Aerial Reviews	29
5. Telephone Inquiries	358
6. Inquiries	48
7. Presentation: Florida Engineering Society	1

EPC LEGAL DEPARTMENT MONTHLY REPORT
March 12, 2003

A. ADMINISTRATIVE CASES

NEW CASES [2]

H.B. Walker, Inc. [LWAL02-036] EPC issued a Notice of Violation (NOV) to H.B. Walker, Inc. for failure to notify the EPC of demolition of a commercial structure that may contain asbestos. No asbestos contamination occurred. The NOV was petitioned on March 7, 2003, but the parties came to terms on a settlement. The EPC awaits signature of a Short Form Consent Order. (RM)

North Star Recycling Company [LNSR02-034] EPC issued a letter to North Star Recycling determining that the facility needed a permit for its metal scrap handling operation. North Star filed a petition to challenge the determination. The petitioned is being amended. Nonetheless, North Star has filed for a permit, and the parties are discussing settlement. (RM)

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. The HOA has agreed to terms to a Consent Order that would allow operation for one year while the facility expands; the EPC awaits final execution of the Consent Order. (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 [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)

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

Georgia Maynard [LMAYZ99-003]: Authority to take appropriate action against Ms. Maynard as owner and operator of an underground storage tank facility was granted August 1999. A prior Consent Order required certain actions be taken to bring the facility into compliance including the proper closure of out-of-compliance tank systems. The requirements of the agreement have not been met. The EPC filed suit for injunctive relief and penalties and costs on March 8, 2001. The Defendant has failed to respond to the complaint and on July 9, 2001 the court entered a default against the Defendant. On August 28, 2001 the court entered a Default Final Judgment in the case. 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. 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. In January 2003 a company purchased the property at a tax sale. That entity is now responsible for payment of penalties and costs set forth in the pre-existing judgment and for corrective actions. The EPC Legal staff have contacted the company regarding the status and are awaiting a response. (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. The EPC obtained a default in the case based on the Defendant's failure to respond to the lawsuit. On March 7, 2003 the EPC received a signed settlement from the Defendant wherein he agreed to perform the corrective actions and agreed to pay the EPC's administrative costs of \$950.00. The proposed settlement also incorporates stipulated penalties in the event the Defendant does not timely comply. The proposed judgment has been sent to the judge for his signature and upon execution the matter will be closed. (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 was heard by the Court on March 3, 2003. The judge took the matter under advisement and the parties are awaiting a decision. (AZ)

RESOLVED CASES [0]

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



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 Legal & Water Management Division
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 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 FEBRUARY 28, 2003

Fund Balance as of 10/01/02	\$1,601,788
Interest Accrued FY03	32,051
Deposits FY03	137,201
Disbursements FY03	49,473
Fund Balance	\$1,721,567

Encumbrances Against Fund Balance:

Art. Reef FY03	73,592
(66) Asbestos Abatement	4,486
(73) Balm Road Scrub	300,000
(84b) 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	710,355
Minimum Balance	120,000 *
Fund Balance Available February 28, 2003	\$ 891,212

*\$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 FEBRUARY 28, 2003

Fund Balance as of 10/01/02	\$1,265,455
Interest Accrued FY03	23,653
Disbursements FY03	21,416
 Fund Balance	 \$1,267,692

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 Mmt/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

Fund Balance Available February 28, 2003	\$ 243,728
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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

AGENDA ITEM COVER SHEET

DATE: March 20, 2003

TO: Environmental Protection Commissioners

FROM: Brenda Fonda, Enforcement Coordinator, Waste Management Division

SUBJECT: Request for Authority to Take Legal Action regarding Rae-Mac Investments Corporation.

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

BACKGROUND:

Star Service and Petroleum was originally located at 4415 North 22nd Street, in Tampa. The property was owned Nutmeg LLC who then abandoned the property. The property was then purchased by a tax deed sale by Rae-Mac Investments Corporation. The Property and Facility include Underground Storage Tank (UST's) systems. On this property are three UST's which are unmaintained and have not been properly closed. The UST's are subject to Chapter 62-761, F.A.C. requirements to be upgraded, placed in "out of service" or properly closed in accordance with state law. None of the tanks have been retrofitted for future use, nor have they been properly closed.

EPC has contracted with the Florida Department of Environmental Protection (DEP) to administer the UST program in Hillsborough County. EPC also has independent authority under its enabling act, Chapter 84-446, Laws of Florida as amended, and has adopted by reference in EPC Rules Chapter 1-12, the UST rules of the DEP. Chapter 62-761, F.A.C. and Chapter 1-12, Rules of the EPC require that unmaintained or abandoned tanks be properly closed.

Rae-Mac Investments Corporation has violated Chapter 1-12, Rules of the EPC, and Section 17 of the Hillsborough County Environmental Protection Act by improperly operating and failing to properly retrofit or close the Underground Storage Tank systems at this facility. Since the property owner has not properly responded to EPC staff efforts to resolve this matter, staff recommends the initiation of appropriate legal action for enforcement.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

AGENDA ITEM COVER SHEET

Date: March 7, 2003

Agenda Item: EPC Wetlands Management Division Interaction with Contractors

Description/ Summary: During the February 2003 meeting of the Environmental Protection Commission (EPC), staff was directed to provide the Board with a report describing the relationship between the Wetlands Management staff and construction contractors. The following memorandum dated March 6, 2003 to EPC Executive Director, Richard D. Garrity, Ph.D., provides the information as requested.

Commission Action Recommended:

This has been provided for informational purposes only. Board Action is not recommended.

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.

MEMORANDUM

DATE: March 6, 2002

TO: Richard D. Garrity, Ph.D., Executive Director

FROM: Jadell Kerr  Wetlands Management

SUBJECT: INTERACTION BETWEEN THE WETLANDS MANAGEMENT
DIVISION AND GOVERNMENT CONTRACTORS

During the citizen comment portion of the February 2003 meeting of the Environmental Protection Commission (EPC), private citizen, Ms. Cheryl Bradford, expressed concerns regarding EPC staff oversight of contractors hired to carry out the construction activities of the Hillsborough County Department of Public Works. Ms. Bradford felt that subsequent to the approval of construction plans by the appropriate reviewing agencies, that sufficient oversight of the contractors actually responsible for the site work was necessary to ensure compliance with the details of the approved construction plans. The Commission directed the EPC staff to provide information describing their interaction with contractors.

The EPC, as a regulatory authority, has no mechanism for requiring its involvement in the planning and development of construction plans associated with any land development project. While it is the responsibility of EPC staff, through its review of project construction plans, to ensure protection of the environmental resources of this county, it is incumbent upon the applicant to obtain the proper permits and see to it that the plans and the details described therein are accurately executed. Additionally, because of the land acquisition, site design and bidding process, staff has had no way of knowing when the actual construction process will commence. For the most part, we rely on citizen involvement and direct staff observation to provide notification of construction activities, and that notification typically occurs when construction is underway. To correct this issue, staff will add a condition to our authorizations requiring the contractor to notify the EPC staff prior to the commencement of construction. However, due to the volume of land development in Hillsborough County

-30-

Memo, Richard D. Garrity, Ph. D.
March 6, 2002
Page 2

and limited staff, we do not anticipate that we will be able to provide direct oversight of every project under construction at any given time.

While EPC staff, may not be able to supervise every construction site, we take compliance with best management practices to protect the environment very seriously. Once land alteration activities on a site are underway, EPC staff conducts routine and unannounced site inspections, making sure that erosion controls are in place and that unauthorized environmental impacts have not occurred. When problems are encountered, EPC staff takes the steps necessary to require the contractor to bring the project into compliance with the approved plans.

I hope that this information is helpful. Please do not hesitate to let me know if you have any questions.

MEMORANDUM

DATE: March 11, 2003
TO: EPC Board Members
FROM: Jadell Kerr, Director, Wetland Management Division
THROUGH: Richard Tschantz, General Counsel
SUBJECT: ECOPALMS

Ecopalms is a company that grew out of the bankruptcy of Tampa Palms Development Corporation. In approximately 1993, Ecopalms purchased seven property folios in Tampa Palms. Five of the properties exist within the Original DRI area of Tampa Palms Area 1, south of the existing golf course and predominately on the north side of the Hillsborough River. The other two properties are found in the Original DRI area of Tampa Palms Area 2, along its westernmost property boundary. The purchased properties are, for the most part, identified as wetlands and the wetland limits are defined in a 1989 Settlement Agreement (attached) between Tampa Palms Development Corporation and the EPC.

EPC entered into the Settlement Agreement with Tampa Palms Development Corporation in 1989 in an effort to reconcile discrepancies between the wetland lines that had been established in Tampa Palms Areas 1, 2, 3, and 4 by the Department of Environmental Regulation in the early 1980's and the wetland lines that would have been established by EPC after the adoption of Chapter 1-11, Wetlands, Rules of the EPC in 1985. The Settlement Agreement references Exhibits A and B, certified wetland surveys showing the approved EPC Wetland Lines for Parcel 4-C of Tampa Palms Area 1 and all the wetlands in Areas 2, 3, and 4. While the settlement agreement states that there shall be no redelineations of these wetland areas for the life of the Tampa Palms Development Order, it states that any proposals to develop these wetlands shall be reviewed pursuant to Chapter 1-11 and other rules and regulations in effect at the time of the review. No applications to develop these wetland areas have been submitted to the EPC.

Grand Hampton is a planned community located near the northern edge of the County line. As a requirement of the City of Tampa's recently adopted Upland Habitat Ordinance, the developers of Grand Hampton were required to set aside 109 acres of environmentally sensitive land somewhere within the planned development. Upon review by City of Tampa officials, the developers of Grand Hampton were allowed to preserve a 10 to 20-foot wide strip around the wetlands and an isolated oak hammock (approximately 40 acres of on site mitigation) and conduct a portion of the mitigation offsite. Off-site mitigation is allowed within City's Upland Habitat Ordinance. The Sierra Club filed suit against the City and the developer, citing non-compliance with the intent of the City's ordinance. To settle the lawsuit, the Grand Hampton developers agreed to pay the City approximately \$428,000.00 in order for the City to purchase additional properties for preservation within their jurisdiction. Final documents for the settlement required the purchase of approximately 48 acres of the Ecopalms properties located in Tampa Palms, Area 1 and 16 acres Ecopalms property located in Tampa Palms Area 2. Upon completion of the purchase, Ecopalms will additionally deed 200 some odd acres of hunting club land to the City.

Neighborhood groups living in the Tampa Palms Area are pressing ELAPP to purchase the Ecopalms lands. Recent staff discussions with ELAPP personnel indicate that ELAPP is not interested in purchasing the properties, as it typically attempts to purchase environmentally valuable uplands adjacent to wetlands, since wetlands have protections provided by other regulations. While the wetlands within the delineated areas are not absolutely protected from development, any expectation to develop these properties for the subdivision or commercial use may be unrealistic.

The Florida Fish and Wildlife Conservation Commission suggested the City consider purchasing property within undeveloped K-Bar Ranch in lieu of the Ecopalms purchase. It is unclear whether the City is seriously considering this option and if so, what type of K-Bar property would be considered, upland or wetland. Under EPC rules, the purchase of wetland property to offset wetland impacts is not permitted. The City's upland habitat ordinance however has different criteria. The EPC has had no application to review regarding any of the above issues.

AGENDA ITEM COVER SHEET

Date: March 7, 2003

Agenda Item: EPC Wetlands Management Division Response to citizen comment by Cheryl Bradford during the February 20, 2003 meeting of the Environmental Protection Commission

Description/ Summary: During the February 2003 meeting of the Environmental Protection Commission (EPC), staff was directed to provide Hillsborough County citizen, Ms. Cheryl Bradford, with information pertaining to construction activities associated with Rice Creek at its intersections with both Park Road and Boyette Road. Wetlands Management staff contacted Ms. Bradford immediately following the Board meeting and provided her with the attached correspondence as a follow-up to that telephone conversation.

Commission Action Recommended: This has been provided for informational purposes only. Board Action is not recommended.

COMMISSION
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Executive Director
Richard D. Garrity, Ph.D.

March 4, 2003

Ms. Cheryl Bradford
11215 McMullen Loop
Riverview, FL 33569

**SUBJECT: REQUEST FOR INFORMATION PERTAINING TO BRIDGE
REPAIRS OF AND SEDIMENT CONTROL IN RICE CREEK/
CONCERNS EXPRESSED DURING THE EPC BOARD MEETING
FEBRUARY 20,2003**

Dear Ms. Bradford:

During the February 2003 meeting of the Environmental Protection Commission (EPC), you expressed concerns regarding the Hillsborough County Department of Public Works' (DPW) plans to repair the bridge over Rice Creek at its intersection with Park Road, as well as concerns with the failure of sediment/erosion control measures associated with other construction activities near the creek. As a result of the concerns expressed, the EPC staff has conducted a review of our files involving activities surrounding Rice Creek and determined that, during the past six months, Rice Creek has been the subject of both permitting and compliance activities with this agency. For the purpose of clarity, this letter will first discuss a recent authorization provided by EPC staff to repair the bridge wing-walls, and secondly, the letter will discuss our investigations and inspections into the control of sediment within the creek.

EPC conducted a review of an application to conduct Miscellaneous Activities in Wetlands submitted by the DPW on January 7, 2003. The application proposed repair of the bridge wing-walls by rebuilding and extending the existing sheet piling on the northeast and southeast sides of the creek and by hydro-blasting and repairing of the sheet piling above the mudline of the creek. To do this, the construction timeline described the installation and placement of temporary cofferdams to separate Rice Creek from the work areas of the bridge embankments where sandblasting, sheet pile removal and soil disturbance will take place. The plans required the contractor to lay down plastic matting between the embankment and cofferdam to capture any pollutants resulting from the construction activities. Upon completion of the construction, the plastic mats would be removed prior to the removal of the cofferdams. The plans further indicated that no trees would be removed during the repair process and that



Ms. Cheryl Bradford

March 4, 2003

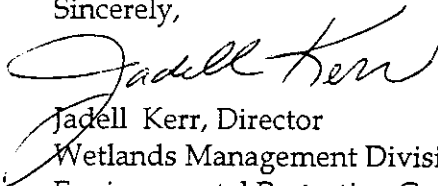
Page 2

turbidity and erosion control measures would be deployed to prevent the escape of sediment from the construction site. Upon review of these plans, EPC staff determined that appropriate measures to protect the wetlands would be utilized during the construction process. The bridge repair was authorized by EPC correspondence (copy attached) dated February 7, 2003.

With respect to the control of sediment and turbidity, EPC staff conducted an investigation of Rice Creek at its intersection with Boyette Road as a result of a complaint initiated by you on November 11, 2002. Upon investigation of the site and review of the approved construction plans, it was determined that the contractor for the Tampa Bay Water South Central Hillsborough Intertie pipeline had incorrectly graded the upland pipeline footprint and inadvertently redirected stormwater into the creek over an unarmored bank. This caused the bank to severely erode and sediment to be washed into the creek. EPC staff issued Warning Notice #2003-0031E to the contractor and sought corrective actions. While the warning notice remains open, the contractor has corrected the grading of the pipeline footprint, filled the erosion gullies and installed a silt fence to protect against further erosion of the site. Staff will continually monitor this site until the site has revegetated and all loose soils are stabilized. EPC staff did not require the removal of sediment from the creek, as review of historic aerials indicated the presence of historic sediment deltas in the creek prior to the initiation of the complaint.

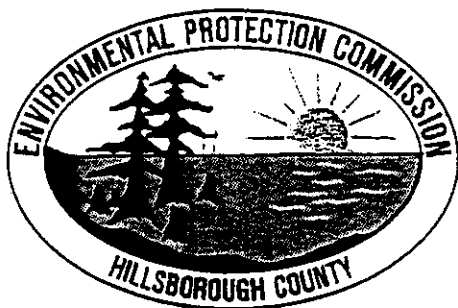
I hope that this letter fully addresses your concerns. We encourage you to bring questions and concerns of this nature to our attention.

Sincerely,



Jadell Kerr, Director
Wetlands Management Division
Environmental Protection Commission
of Hillsborough County

COMMISSION
Kathy Castor
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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.

February 7, 2003

Mr. Scott Cottrell
Hillsborough County Stormwater
601 E. Kennedy Blvd
Tampa, FL 33601

**SUBJECT: EPC REVIEW OF AN APPLICATION TO PERFORM MISCELLANEOUS ACTIVITIES
IN WETLANDS/ IMPROVEMENTS FOR BRIDGE 104312 AT PARK ROAD AND RICE
CREEK/ APPLICATION RECEIVED
JANUARY 7, 2003/ EXPIRATION DATE FEBRUARY 7, 2004/ STR 16, 21-30-20**

Dear Mr. Cottrell:

EPC staff has completed the environmental review of the above referenced application. Based on this review, EPC staff will authorize the repair of steel sheet piling wingwalls, the installation of shotcrete coating, and nuisance vegetation removal, with the following conditions:

1. Design specifications and erosion and turbidity control methods shall be adhered to, as described in the application submittal received by EPC on January 7, 2003.
2. Operation of all construction equipment and storage of construction materials, outside of the approved project area, shall be confined to upland areas only. The wetland areas both downstream and upstream from the project boundaries shall remain undisturbed.
3. In order to meet this condition, EPC staff will require the use of a double row of floating turbidity curtains to be properly deployed waterward of the proposed coffer dam. The curtains shall be maintained in place until all construction in submerged lands has ceased and all construction-related turbidity has settled out.
4. Upon completion of construction, the un-stabilized area(s) must be stabilized with an annual grass seed so that native wetland plants may recruit. Planting of sod in this area will be considered a violation of Chapter 1-11, The EPC Wetland Rule.
5. All efforts must be undertaken to prevent any erosion or turbid water from being discharged into wetlands and/or waters of the County. Turbid discharges that exceed 50 JTU's (Jackson Turbidity Units) or 29 NTU's (Nephelometric Turbidity Units) above background levels are a violation pursuant to Chapter 1-5, the EPC Water Quality Rule. The erosion or discharge of sediments into wetlands is a violation of Chapter 1-11, the EPC Wetland Rule. Hay bales, silt screens or other EPC approved methods or erosion/ turbidity controls are required. It is the responsibility of the City of Tampa Water Department to insure the installation of adequate erosion control barriers prior to the commencement of any site work. These erosion control devices must be maintained in good condition throughout the construction process and until all loose soils have stabilized.

Mr. Cottrell
February 7, 2003
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INFORMATIONAL COMMENTS

This authorization is valid for one year from this date. It may, upon review and approval by the EPC, be renewable for on additional year. It shall be the responsibility of the permittee to submit a renewal application request 45 days prior to the expiration date.

This approval applies only to the development proposal as submitted, and in no way does it provide EPC approval to any other aspect of the EPC review process. In addition, this approval does not imply exemption from obtaining all proper permits from other governmental agencies.

Any activity interfering with the integrity of a wetland, such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or his authorized agent, pursuant to Section 1-11.07, Rules of the Commission, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11, Rules of the EPC.

If you have any questions or concerns, please do not hesitate to contact me at (813) 272-5955 x1216.

Sincerely,



Crystal A. Clark
Environmental Scientist II
Wetlands Management Division
Environmental Protection Commission
of Hillsborough County

cc: EPC compliance files

cac/mah/dt

AGENDA ITEM COVER SHEET

DATE: March 10, 2003

FROM: Rick Muratti, Assistant Counsel

SUBJECT: CONTRACT FOR SERVICES AGREEMENT BETWEEN ORANGE COUNTY AND THE EPC FOR LAB ANALYSIS OF METALS

Background: The subject contract is proposed to be entered between the Orange County Board of County Commissioners and the Environmental Protection Commission of Hillsborough County. Recently, Orange County was granted funds as part of an EPA nationwide program to study Air Toxics. Hillsborough County and Pinellas County already use the EPC lab for this analysis. In furtherance of the grant, the Orange County Environmental Protection Division (OCEPD) desires to enter into a contract for services with the EPC for lab analysis of certain metals listed below:

Arsenic (As)	Manganese (Mn)
Beryllium (Be)	Nickel (Ni)
Cadmium (Cd)	Antimony (Sb)
Chromium (Cr)	Cobalt (Co)
Lead (Pb)	Selenium (Se)

The EPC has the expertise and equipment to perform the lab analysis of these metals, thus Orange County has offered to pay us \$72 per filter analyzed. If approved, Dr. Garrity will execute the contract following the EPC meeting dated March 20, 2003.

Staff Recommendation: Authorize the Executive Director to execute the Lab Analysis Contract with Orange County.

AGENDA ITEM COVER SHEET

Date: **March 20, 2003**

Agenda Item: **Clean Air Month 2003 Proclamation**

Description/Summary:

Nationally, organizations like the EPC have been selecting the month of May each year to make an extra attempt to educate the public about clean air. As part of this effort, the EPC Board has proclaimed the month of May as "Clean Air Month" in Hillsborough County for the last 31 years. The theme for this year is "Riding with Clean Air". The purpose of the theme is to encourage the use of clean fuels and to educate the public on clean fuel vehicles.

Commission Action Recommended:

Recommend the EPC Board move to accept the proclamation and have the Chairman present signed copies to representatives of the American Lung Association, the U.S. Postal Service and the University of South Florida's Parking and Transportation Services.



*Environmental Protection Commission
Of
Hillsborough County*

PROCLAMATION

WHEREAS, the Environmental Protection Commission of Hillsborough County has been promoting Clean Air events for the last 31 years with the American Lung Association; and this year with the U.S. Postal Service and the University of South Florida Parking and Transportation Services, and

WHEREAS, the Environmental Protection Commission supports existing measures to control and prevent air pollution, we recognize our obligation to meet and maintain air quality standards for ozone and other criteria pollutants; and

WHEREAS, the observance of Clean Air Month is designed to focus the attention of the public on the need to improve the air we breathe, and to encourage new efforts and leadership towards clean air; and

WHEREAS, to vigorously safeguard the quality of the air we breathe, the Clean Air Month theme will be "Riding with Clean Air" to encourage the use of clean fuels such as electricity, ethanol, methanol, natural gas, propane, biodiesel, and to support the research and development of fuel cell vehicles.

NOW, THEREFORE, BE IT PROCLAIMED that the Environmental Protection Commission of Hillsborough County, Florida, does hereby set aside the month of May 2003, as "Clean Air Month" in Hillsborough County, and does hereby encourage all citizens to support the American Lung Association in this worthy cause.

Executed this 20th day of May 2003.

Chairman

Vice Chairman

AGENDA ITEM COVER SHEET

Date: March 12, 2003

Agenda Item: Presentation of Environmental Merit Award certificates and saving bonds to the winners of the Environmental Merit Award sponsored by EPC.

Description Summary: The EPC sponsored the Environmental Merit Award at the 2003 Hillsborough Regional Science Fair held last February 25 at the University of South Florida. In addition to reviewing twenty-three entries in the Environmental Science category, the students were interviewed and queried on their respective science project. Four winners of the Environmental Merit Award were selected and announced at the awards ceremony the following evening. The winners were notified that their certificates and savings bonds will be formally presented at the March EPC Board meeting.

The following are the recipients names, their project titles, and the savings bond amount they have each won (each of the winners will also be receiving their certificate from EPC):

Special Recognition:

Name: Katie Kelly

Project: Oil Spill: What is the Effect of the Amount of Oil on the Photosynthetic Rate of Elodea?
\$50.00 Savings Bond

Third Place:

Name: Elizabeth Woodard

Project: Water Conservation Through Gray Water Reuse
\$50.00 Savings Bond

Second Place:

Name: David Snyder

Project: The Balance of Nature
\$100.00 Savings Bond

First Place:

Name: Alexander Grawe

Project: Sound the Alarm!
\$200.00 Savings Bond

Commission Action Requested: Commissioner Platt (or Acting Chair) present the certificate and bonds to the winners of the 2003 Environmental Merit Award

Commission Action Taken:

AGENDA ITEM COVER SHEET

Date: March 7, 2003

Agenda Item: Lake Grady-Request for Approval of a Temporary Wetland
Extending Beyond One Year.

Description/ Summary: The Hillsborough County Department of Public Works (DPW), in its efforts to remediate the sinkholes that developed in Lake Grady during 2001, have conducted work within the lake resulting in a temporary wetland impact. The temporary wetland impact exists as a fill road which provides access to both sinkholes. Given the potential for the sinkholes to become active again, and should that happen, to facilitate the DPW's ability to quickly access the sinkhole, it was requested that EPC allow the temporary wetland impact to remain in place until all work required to supply the area with potable water is completed. In accordance with Chapter 1-11.09.1, Wetlands Rules of the EPC, a Commission vote is required to extend a temporary wetland impact beyond one year. It is anticipated that the water supply construction will not be completed prior to that one year time-frame.

Upon completion of the water main, to the residents on Raulerson Road, the DPW will remove the wetland impacts and grade the site such that the wetland is restored to its previous elevations. While the sinkhole cap will remain in place, the elevation of the cap will be reduced such that it will be below the seasonal high elevation of the lake's associated wetland.

Commission Action Recommended: Approval of the Lake Grady temporary wetland impact extending beyond one year.