

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
MAY 15, 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 Interim Chairman , Larry Padgett
B. Introduction of New Chairman, David Jellerson
- III. SPECIAL PRESENTATION**
- Clean Air Month Presentation 2
- IV. CONSENT AGENDA**
- A. Approval of Minutes: March 20, 2003 3
B. Monthly Activity Reports 7
C. Legal Department Monthly Report 27
D. Pollution Recovery Trust Fund 34
E. Gardinier Settlement Trust Fund 35
F. Request Authority to Initiate Appropriate Legal Action Re:
Strawberry Fields Mobile Home Park 36
- V. EXECUTIVE DIRECTOR**
- Request Commission set June 12, 2003 at 10:00 am as a Public Hearing
to Consider Amendments to EPC Rule 1-6, and
Authorize Appropriate Public Notice 37
- VI. WETLANDS MANAGEMENT DIVISION**
- Consider Approval of Upland Preservation in Lieu of Wetland
Creation Mitigation:
1. Tampa Nature Center 43
2. Lithia Ranch 44
- VII. ENVIRONMENTAL RESOURCES MANAGEMENT**
- HIMP (Hillsborough Independent Monitoring Program)
Pre-Operational Monitoring Results – Big Bend/Apollo 45
- VIII. LEGAL DEPARTMENT**
- 2003 Environmental Legislative Update 46

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

AGENDA ITEM COVER SHEET

Date: May 15, 2003

Agenda Item: Clean Air Month 2003 Presentation

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 the importance of clean air. As part of this effort, the EPC Board proclaimed the month of May as "Clean Air Month" in Hillsborough County. 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.

Staff will be making a brief presentation summarizing EPC's Clean Air Month activities. The Board will also be asked to present savings bonds to 3 students from area high schools who were judged to be winners in the Clean Air Month photography contest.

Commission Action Recommended:

Accept the presentation and participate in photography awards ceremony.

MARCH 20, 2003 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, March 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, Ken Hagan (arrived at 10:43 a.m.), Jim Norman, Thomas Scott, and Ronda Storms.

Chairman Platt called the meeting to order at 10:36 a.m.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, added awards for past Citizens Environmental Advisory Committee (CEAC) members and a seagrass conservation plan to the agenda. As requested by Chairman Platt, Dr. Garrity reported Mr. Roger Stewart, former EPC Executive Director, was hospitalized for observation. Commissioner Storms and Dr. Garrity commented on EPC General Counsel Richard Tschantz participating in a roundtable discussion in Washington, D.C.

CITIZENS COMMENTS

Ms. Marilyn Smith, County resident, commented on utility companies manipulating power costs and taking advantage of people in California; she perceived Florida Progress was doing the same thing.

CEAC

Report From the Chairman - Mr. Larry Padgett, chairman, CEAC, reported the new CEAC members had received a staff overview regarding EPC and CEAC. Planning and Growth Management Department (PGMD) staff had discussed the need for more citizen input to request grant money. Mr. Padgett had sent a letter recommending EPC support PGMD in the grant process. CEAC members had recommended denial and were disappointed EPC had approved the request from American Lung Association AirWise for Pollution Recovery Funds (PRF). CEAC was requesting a volunteer from CEAC serve on the Federal Emergency Management Administration committee to help setup water insurance, et cetera. Mr. Padgett outlined issues CEAC would discuss in the upcoming months and reported Mr. Roy Davis, a CEAC member, had been approved by the Board of County Commissioners (BOCC) as one of two recipients of the Moral Courage Award.

Awards to Past CEAC Members - Mr. Rick Bateman, January 2001 to February 2003, accepted a plaque, and Messers. John Stickles, May 2002 to February 2003 (absent), and Dan Alberdi, January 2002 to February 2003, accepted awards for service to CEAC.

THURSDAY, MARCH 20, 2003 - DRAFT MINUTES

CONSENT AGENDA

- A. Approval of Minutes: February 20, 2003.
- B. Monthly Activity Reports.
- C. Legal Department Monthly Report.
- D. PRF.
- E. Gardinier Settlement Trust Fund.
- F. Request Authority to Take Appropriate Legal Action Against Rae-Mac Investments.
- G. Staff Report - Interaction With Contractors.
- H. Staff Report - Ecopalms.
- I. Staff Report - Rice Creek.
- J. Authorize Executive Director to Execute Contract With Orange County for Laboratory Services.

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

AIR MANAGEMENT DIVISION

Proclamation - Clean Air Month - Mr. Jerry Campbell, EPC staff, introduced Ms. Debra Noel, American Lung Association; Ms. Anne Cazares, United States Postal Service; and Mr. Greg Sylvester, director of parking and transportation, University of South Florida (USF), who accepted a proclamation declaring May 2003 as Clean Air Month in Hillsborough County; the theme was "Riding With Clean Air." Mr. Campbell reported the United States Postal Service had converted a large part of its fleet to compressed natural gas vehicles, and USF had converted the Bull shuttle to a biodiesel fuel using animal fat and grease from restaurants. Ms. Cazares and Mr. Sylvester responded to queries from Commissioner Storms regarding the Bull shuttle and HARTline shuttle buses and circulator route.

EXECUTIVE DIRECTOR

Presentation of Environmental Merit Awards - Dr. Garrity reported the EPC sponsored the Environmental Merit Award at the 2003 Hillsborough Regional Science Fair held February 25, 2003, at USF. Four winners were selected. Mr. Gerry Javier, EPC Pollution Prevention Coordinator, introduced Ms. Katie

THURSDAY, MARCH 20, 2003 - DRAFT MINUTES

Kelly, Ms. Elizabeth Woodard, Mr. David Snyder, and Ms. Alexander Grawe, who accepted certificates and savings bonds and gave a brief overview of their science projects.

Introduction - Gerold Morrison, Ph.D., Director, Environmental Resources Management (ERM) Division - Dr. Garrity introduced Dr. Morrison who gave a presentation of where ERM Division fit within EPC.

ERM DIVISION

Authorize Executive Director to Enter into Agreement With Florida Fish and Wildlife Conservation Commission to Develop a Seagrass Conservation Plan - Dr. Garrity said the conservation plan would benefit the County and the State. Dr. Morrison had worked on the project before joining EPC. The grant was for \$32,000. Commissioner Norman moved staff recommendation, seconded by Commissioner Castor, and carried six to zero. (Commissioner Storms was out of the room.)

Chairman Platt announced the retirement of Mr. Tom Cardinale, EPC Environmental Manager. Mr. Cardinale accepted a plaque for service and offered comments.

WETLANDS MANAGEMENT DIVISION

Lake Grady - Request for Approval of a Temporary Wetland Impact Beyond One Year - Ms. Jadell Kerr, EPC staff, outlined the requirement and need for EPC action to extend a temporary wetland impact beyond the length of one year. EPC wanted to leave a causeway in place until the water line was extended to residents. Commissioner Frank moved approval, seconded by Commissioner Storms, and carried six to zero. (Commissioner Hagan was out of the room.)

Commissioner Frank pointed out EPC was not represented in the Executive Policy Group. With potential terrorism activities, chemical spills, et cetera, Commissioner Frank suggested asking the BOCC Chairman to invite EPC to be present at those meetings and have input. Commissioner Storms suggested EPC send a letter to the BOCC. Commissioner Frank so moved, seconded by Commissioner Storms, and carried five to zero. (Commissioners Hagan and Norman were out of the room.) Dr. Garrity noted the EPC was serving on the Domestic Security Task Force.

THURSDAY, MARCH 20, 2003 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 11:20 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____

Deputy Clerk

SW

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
MARCH

A. Public Outreach/Education Assistance:		
1. Phone Calls:		318
2. Literature Distributed:		<u>2537</u>
3. Presentations:		<u>1</u>
4. Media Contacts:		<u>1</u>
5. Internet:		<u>67</u>
6. Host/Sponsor Workshops, Meetings, Special Events (Strawberry Festival Parade)		<u>1</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>2</u>
b. Construction:		<u>14</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>2</u>
e. General:		<u>1</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>3</u>
b. Construction ¹ :		<u>9</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>4</u>
e. Title V Operating ² :		<u>1</u>
f. Permit Determinations ² :		<u>18</u>
g. General:		<u>1</u>
3. Intent to Deny Permit Issued:		<u>1</u>
C. Administrative Enforcement		
1. New cases received:		
		<u>5</u>
2. On-going administrative cases:		
a. Pending:		<u>7</u>
b. Active:		<u>8</u>
c. Legal:		<u>4</u>
d. Tracking compliance (Administrative):		<u>23</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>42</u>
3. NOIs issued:		<u>0</u>
4. Citations issued:		<u>1</u>
5. Consent Orders Signed:		<u>4</u>
6. Contributions to the Pollution Recovery Fund:		<u>\$9,125</u>
7. Cases Closed:		<u>1</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>7</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>17</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>25</u>
E.	Open Burning Permits Issued:	<u>5</u>
F.	Number of Division of Forestry Permits Monitored:	<u>250</u>
G.	Total Citizen Complaints Received:	<u>72</u>
H.	Total Citizen Complaints Closed:	<u>85</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>48</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>26</u>
2.	Warning Notices Resolved:	<u>25</u>
3.	Advisory Letters Issued:	<u>11</u>
M.	AOR's Reviewed:	<u>1</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>6</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
MARCH

	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	\$ -0-
(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>\$7,680.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$1,200.00</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	\$3,220.00
(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>\$ 320.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$1,000.00</u>
8. Open burning authorization	<u>\$2,125.00</u>
9. Enforcement Costs	<u>\$1,874.48</u>

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
APRIL

A. Public Outreach/Education Assistance:		
1. Phone Calls:		372
2. Literature Distributed:		<u>54</u>
3. Presentations:		<u>0</u>
4. Media Contacts:		<u>3</u>
5. Internet:		<u>73</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>0</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>7</u>
b. Construction:		<u>8</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>5</u>
e. General:		<u>0</u>
f. Title V:		<u>3</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		<u>1</u>
b. Construction ¹ :		<u>4</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>5</u>
e. Title V Operating ² :		<u>12</u>
f. Permit Determinations ² :		<u>8</u>
g. General:		<u>1</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		
		<u>4</u>
2. On-going administrative cases:		
a. Pending:		<u>6</u>
b. Active:		<u>9</u>
c. Legal:		<u>4</u>
d. Tracking compliance (Administrative):		<u>23</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>42</u>
3. NOIs issued:		<u>1</u>
4. Citations issued:		<u>1</u>
5. Consent Orders Signed:		<u>1</u>
6. Contributions to the Pollution Recovery Fund:		<u>\$1,955</u>
7. Cases Closed:		<u>3</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>22</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>20</u>
E.	Open Burning Permits Issued:	<u>7</u>
F.	Number of Division of Forestry Permits Monitored:	<u>240</u>
G.	Total Citizen Complaints Received:	<u>69</u>
H.	Total Citizen Complaints Closed:	<u>66</u>
I.	Noise Sources Monitored:	<u>6</u>
J.	Air Program's Input to Development Regional Impacts:	<u>3</u>
K.	Test Reports Reviewed:	<u>38</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>26</u>
2.	Warning Notices Resolved:	<u>8</u>
3.	Advisory Letters Issued:	<u>15</u>
M.	AOR's Reviewed:	<u>1</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>1</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
APRIL

	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>\$2,480.00</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>\$3,480.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ -0-</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$1,380.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$ -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ 145.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 185.00</u>
8. Open burning authorization	<u>\$2,975.00</u>
9. Enforcement Costs	<u>\$ 799.42</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: April 2, 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 MARCH 2003
 AGENDA INFORMATION

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	1
2. On-going administrative cases	
a. Pending	21
b. Active	55
c. Legal	9
d. Tracking Compliance (Administrative)	15
e. Inactive/Referred cases	0
3. NOI's issued	0
4. Citations issued	11
5. Settlement Documents Signed	1
6. Civil Contributions to the Pollution Recovery Fund	\$850
7. Enforcement Costs collected	\$2,166
9. Cases Closed	2

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	44/37
2. EPC Authorization for Facilities NOT requiring DEP permit	2/4
3. Other Permits and Reports	
a. County Permits	0
b. Reports	42/33
4. Inspections (Total)	221
a. Complaints	38
b. Compliance/Reinspections	12
c. Facility Compliance	32
d. Small Quantity Generator	139
5. Enforcement	
a. Complaints Received/Closed	31/28
b. Warning Notices Issued/Closed	4/2
c. Compliance letters	10
d. Letters of Agreement	1/0
e. DEP Referrals	6
6. Pamphlets, Rules and Material Distributed	298

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	66
b. Installation	13
c. Closure	8
d. Compliance Re-Inspections	26
2. Installation Plans Received/Reviewed	7/6
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	5/4
b. Closure Reports Received/Reviewed	7/12
4. Enforcement	
a. Non-compliance Letters Issued/Closed	39/21
b. Warning Notices Issued/Closed	14/10
c. Cases referred to Enforcement	1
d. Complaints Received/Investigated	1/1
e. Complaints Referred	0
5. Discharge Reporting Forms Received	2
6. Incident Notification Forms Received	9
7. Cleanup Notification Letters Issued	4
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	52
2. Reports Received/Reviewed	66/85
a. Site Assessment	20/34
b. Source Removal	2/2
c. Remedial Action Plans (RAP's)	15/23
d. Site Rehabilitation Completion Order/ No Further Action Order	0
e. Others	29/36
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS 36

F. PUBLIC INFORMATION PROJECTS 2

Science Fair Awards at USF
 Science Fair Awards at EPC Commission Meeting

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.

MEMORANDUM

DATE: May 7, 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 APRIL 2003
 AGENDA INFORMATION

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	4
2. On-going administrative cases	108
a. Pending	24
b. Active	56
c. Legal	7
d. Tracking Compliance (Administrative)	21
e. Inactive/Referred cases	0
3. NOI's issued	4
4. Citations issued	8
5. Settlement Documents Signed	3
6. Civil Contributions to the Pollution Recovery Fund	\$3,843
7. Enforcement Costs collected	\$995
9. Cases Closed	3

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	80/69
2. EPC Authorization for Facilities NOT requiring DEP permit	1
3. Other Permits and Reports	
a. County Permits	0
b. Reports	79/69
4. Inspections (Total)	222
a. Complaints	31
b. Compliance/Rcinspcctions	23
c. Facility Compliance	25
d. Small Quantity Generator	143
5. Enforcement	
a. Complaints Received/Closed	34/36
b. Warning Notices Issued/Closed	5/4
c. Compliance letters	48
d. Letters of Agreement	1/0
e. DEP Referrals	7
6. Pamphlets, Rules and Material Distributed	323

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	63
b. Installation	15
c. Closure	9
d. Compliance Re-Inspections	30
2. Installation Plans Received/Reviewed	4/4
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	3 /4
b. Closure Reports Received/Reviewed	6/5
4. Enforcement	
a. Non-compliance Letters Issued/Closed	40/72
b. Warning Notices Issued/Closed	1/7
c. Cases referred to Enforcement	8
d. Complaints Received/Investigated	2/2
e. Complaints Referred	0
5. Discharge Reporting Forms Received	2
6. Incident Notification Forms Received	9
7. Cleanup Notification Letters Issued	3
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	43
2. Reports Received/Reviewed	82/104
a. Site Assessment	19/30
b. Source Removal	4/3
c. Remedial Action Plans (RAP's)	10/18
d. Site Rehabilitation Completion Order/ No Further Action Order	4/3
e. Others	45/50
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS

29

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

MARCH, 2003

A. ENFORCEMENT

1. New Enforcement Cases Received:	<u>3</u>	
2. Enforcement Cases Closed:	<u>6</u>	
3. Enforcement Cases Outstanding:	<u>21</u>	
4. Enforcement Documents Issued:	<u>7</u>	
5. Warning Notices:	<u>19</u>	
a. Issued:	<u>11</u>	
b. Resolved:	<u>8</u>	
6. Recovered costs to the General Fund:	\$2,491.00	
7. Contributions to the Pollution Recovery Fund:	\$9,547.86	

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. King Richard's Court	Expired Permit	\$1,000.00
b. Cypress St. Office Bldg.	Construction w/o Permit	\$1,000.00
c. Fishhawk Ranch	Construction w/o Permit	\$1,000.00
d. Rainbow Forest MHP	Improper Operation/Failure to Maintain/Permit Condition Violation	\$ 47.86
e. Far East Noodle	Industrial Wastewater Discharge/Improper Operation/ Failure to Maintain	\$5,000.00
f. Citrus Hills RV Park	Placement of C/S in service w/o Acceptance Letter	\$1,000.00
g. Racetrac Fuel Station	Placement of C/S in service w/o Acceptance Letter	\$ 500.00

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	<u>37</u>	
a. Facility Permit:	<u>7</u>	
(i) Types I and II	<u>0</u>	
(ii) Type III	<u>7</u>	
b. Collection Systems-General:	<u>25</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>5</u>	
d. Residuals Disposal:	<u>0</u>	
2. Permit Applications Approved:	<u>39</u>	
a. Facility Permit:	<u>14</u>	
b. Collection Systems-General:	<u>14</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>11</u>	
d. Residuals Disposal:	<u>0</u>	
3. Permit Applications Recommended for Disapproval:	<u>0</u>	
a. Facility Permit:	<u>0</u>	
b. Collection Systems-General:	<u>0</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>0</u>	
d. Residuals Disposal:	<u>0</u>	

4. Permit Applications (Non-Delegated)	
Recommended for Approval:	<u>0</u>
5. Permits Withdrawn:	<u>0</u>
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:	<u>56</u>
a. Facility Permit:	<u>16</u>
b. Collection Systems-General:	<u>36</u>
c. Collection Systems-Dry Line/Wet Line:	<u>4</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	108
1. Compliance Evaluation:	<u>13</u>
a. Inspection (CEI):	<u>1</u>
b. Sampling inspection (CSI):	<u>11</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>1</u>
2. Reconnaissance:	<u>52</u>
a. Inspection (RI):	<u>14</u>
b. Sample Inspection (SRI):	<u>4</u>
c. Complaint Inspection (CRI):	<u>33</u>
d. Enforcement Inspection (ERI):	<u>1</u>
3. Special:	<u>43</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>14</u>
d. Post Construction Inspection (XCI):	<u>29</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>1</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>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>
2. Permits Recommended to DEP for Approval:	<u>1</u>
3. Permit Applications Outstanding:	<u>30</u>
a. Facility Permits:	<u>30</u>
b. General Permits:	<u>0</u>

E. INSPECTIONS - INDUSTRIAL	<u>27</u>
1. Compliance Evaluation:	<u>7</u>
a. Inspection (CEI):	<u>7</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>20</u>
a. Inspection (RI):	<u>15</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>5</u>
F. CITIZEN COMPLAINTS	
1. Domestic:	<u>36</u>
a. Received:	<u>18</u>
b. Closed:	<u>18</u>
2. Industrial:	<u>13</u>
a. Received:	<u>7</u>
b. Closed:	<u>6</u>
3. Water Pollution:	<u>0</u>
a. Received:	<u>0</u>
b. Closed:	<u>0</u>
G. RECORD REVIEWS	
1. Permitting:	<u>4</u>
2. Enforcement:	<u>1</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>

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

APRIL, 2003

A. ENFORCEMENT

1. New Enforcement Cases Received:	<u>5</u>	
2. Enforcement Cases Closed:	<u>2</u>	
3. Enforcement Cases Outstanding:	<u>42</u>	
4. Enforcement Documents Issued:	<u>5</u>	
5. Warning Notices:	<u>21</u>	
a. Issued:	<u>7</u>	
b. Resolved:	<u>14</u>	
6. Recovered costs to the General Fund:	\$ <u>525.44</u>	
7. Contributions to the Pollution Recovery Fund:	\$ <u>974.00</u>	

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Country Haven on Bullfrog Creek	Improper Operation/ Failure to maintain	\$360.00
b. Federal Express Air Cargo Facility	Placement of C/S in service w/out acceptance letter	\$165.44

B. PERMITTING - DOMESTIC

1. Permit Applications Received:	<u>25</u>	
a. Facility Permit:	<u>3</u>	
(i) Types I and II	<u>0</u>	
(ii) Type III	<u>3</u>	
b. Collection Systems-General:	<u>13</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>9</u>	
d. Residuals Disposal:	<u>0</u>	
2. Permit Applications Approved:	<u>31</u>	
a. Facility Permit:	<u>3</u>	
b. Collection Systems-General:	<u>18</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>10</u>	
d. Residuals Disposal:	<u>0</u>	
3. Permit Applications Recommended for Disapproval:	<u>0</u>	
a. Facility Permit:	<u>0</u>	
b. Collection Systems-General:	<u>0</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>0</u>	
d. Residuals Disposal:	<u>0</u>	
4. Permit Applications (Non-Delegated) Recommended for Approval:	<u>0</u>	
5. Permits Withdrawn:	<u>0</u>	
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:	<u>50</u>
a. Facility Permit:	<u>16</u>
b. Collection Systems-General:	<u>31</u>
c. Collection Systems-Dry Line/Wet Line:	<u>3</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	<u>116</u>
1. Compliance Evaluation:	<u>11</u>
a. Inspection (CEI):	<u>0</u>
b. Sampling inspection (CSI):	<u>10</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>1</u>
2. Reconnaissance:	<u>69</u>
a. Inspection (RI):	<u>46</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>18</u>
d. Enforcement Inspection (ERI):	<u>5</u>
3. Special:	<u>36</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>6</u>
d. Post Construction Inspection (XCI):	<u>30</u>
D. PERMITTING - INDUSTRIAL	
1. Permit Applications Received:	<u>1</u>
a. Facility Permit:	<u>1</u>
(i) Types I and II	<u>1</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>0</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>1</u>
3. Permit Applications Outstanding:	<u>30</u>
a. Facility Permits:	<u>30</u>
b. General Permits:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	<u>34</u>
1. Compliance Evaluation:	<u>13</u>
a. Inspection (CEI):	<u>13</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>21</u>
a. Inspection (RI):	<u>17</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>4</u>

F. CITIZEN COMPLAINTS

1. Domestic:	<u>20</u>
a. Received:	<u>10</u>
b. Closed:	<u>10</u>
2. Industrial:	<u>8</u>
a. Received:	<u>4</u>
b. Closed:	<u>4</u>
3. Water Pollution:	<u>0</u>
a. Received:	<u>0</u>
b. Closed:	<u>0</u>

G. RECORD REVIEWS

1. Permitting:	<u>5</u>
2. Enforcement:	<u>1</u>

H. ENVIRONMENTAL SAMPLES ANALYSED FOR:

1. Air Division:	<u>122</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>34</u>
4. Wetlands Division:	<u>0</u>
5. ERM Division:	<u>116</u>

I. SPECIAL PROJECT REVIEWS

1. DRI's:	<u>1</u>
2. Permitting:	<u>0</u>
3. Enforcement:	<u>2</u>
4. Other:	<u>8</u>

AR03.03

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
March 2003**

A. General	Totals
1. Telephone Conferences	1367
2. Unscheduled Citizen Assistance	82
3. Scheduled Meetings	118
4. Correspondence	90
B. Assessment Reviews	
1. Wetland Delineations	55
2. Surveys	47
3. Miscellaneous Activities in Wetland	37
4. Impact/ Mitigation Proposal	12
5. Tampa Port Authority Permit Applications	83
6. Wastewater Treatment Plants (FDEP)	0
7. DRI Annual Report	2
8. Land Alteration/Landscaping	3
9. Land Excavation	3
10. Phosphate Mining	4
11. Rezoning Reviews	24
12. CPA	2
13. Site Development	39
14. Subdivision	68
15. Wetland Setback Encroachment	0
16. Easement/Access-Vacating	2
17. Pre-Applications	77
18. On-Site Visits	326
C. Investigation and Compliance	
1. Complaints Received	35
2. Complaints Closed	60
3. Warning Notices Issued	18
4. Warning Notices Closed	13
5. Complaint Inspections	73
6. Return Compliance Inspections	63
7. Mitigation Monitoring Reports	18
8. Mitigation Compliance Inspections	29
9. Erosion Control Inspections	92
D. Enforcement	
1. Active Cases	36
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	4
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	1
6. Administrative - Civil Cases Closed	2
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$2,500.00
9. Enforcement Costs Collected	\$574.00

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
April 2003**

A. General	Totals
1. Telephone Conferences	1330
2. Unscheduled Citizen Assistance	98
3. Scheduled Meetings	183
4. Correspondence	80
B. Assessment Reviews	
1. Wetland Delineations	54
2. Surveys	54
3. Miscellaneous Activities in Wetland	45
4. Impact/ Mitigation Proposal	12
5. Tampa Port Authority Permit Applications	55
6. Wastewater Treatment Plants (FDEP)	1
7. DRI Annual Report	1
8. Land Alteration/Landscaping	2
9. Land Excavation	0
10. Phosphate Mining	1
11. Rezoning Reviews	28
12. CPA	1
13. Site Development	41
14. Subdivision	69
15. Wetland Setback Encroachment	0
16. Easement/Access-Vacating	0
17. Pre-Applications	38
18. On-Site Visits	79
C. Investigation and Compliance	
1. Complaints Received	42
2. Complaints Closed	54
3. Warning Notices Issued	18
4. Warning Notices Closed	10
5. Complaint Inspections	61
6. Return Compliance Inspections	81
7. Mitigation Monitoring Reports	22
8. Mitigation Compliance Inspections	34
9. Erosion Control Inspections	84
D. Enforcement	
1. Active Cases	80
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	2
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	3
6. Administrative - Civil Cases Closed	6
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$5,100
9. Enforcement Costs Collected	\$1,094

EPC LEGAL DEPARTMENT MONTHLY REPORT

April 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)

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)

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. Northstar intends to sell the facility, but the new owner will seek a permit. (RM)

RESOLVED 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 parties executed a Short Form Consent Order agreeing to penalties and costs in this matter. (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 parties executed the Consent Order on March 21, 2003. (RM)

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [7]

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

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

Georgia Maynard [LMAYZ99-003]: Authority to take appropriate action against Ms. Maynard as owner and operator of an underground storage tank facility was granted August 1999. A prior Consent Order required certain actions be taken to bring the facility into compliance including the proper closure of out-of-compliance tank systems. The requirements of the agreement have not been met. The EPC filed suit for injunctive relief and penalties and costs on March 8, 2001. The Defendant 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. The federal IRS is preparing to liquidate the property to pay unpaid tax liens assessed on the property. The EPC Legal staff is negotiating with the IRS to satisfy the terms of the judgment and get the site into compliance. (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 has 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)

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 entered summary judgment in favor of the EPC and provided the Plaintiffs 20 days to file an amended lawsuit. The deadline for filing an appeal is April 16, 2003. (AZ)

RESOLVED CASES [2]

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 signed by the judge and the matter has been 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 responsible party has performed all of the corrective actions and the EPC staff have closed the matter. (AZ)

EPC LEGAL DEPARTMENT MONTHLY REPORT
May 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. A settlement letter is pending signature by all parties. (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)

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. Northstar intends to sell the facility, but the new owner will seek a permit. (RM)

RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [2]

Flamingo Apartments/Abe Vaknin [LG0002-004]: EPC approved suit against this carwash facility in 2002. After repeated attempts to settle this matter, the EPC staff filed suit against the former owner and president of the facility that discharged carwash facility wastewater into waters of the County without a permit. Flamingo Apartments has been served. EPC now only seeks penalties and costs, because the facility has been closed. (RM)

Rae-Mac Investments Corporation [LRAE003-003]: The EPC Board approved suit against the purchaser of the former Star Service gasoline station that is the subject of the existing Nutmeg lawsuit described below. The EPC is negotiating settlement with the new owner but is also preparing to file a lawsuit because the owner has not cooperated with any corrective actions. (AZ)

EXISTING CASES [7]

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

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

Georgia Maynard [LMAYZ99-003]: Authority to take appropriate action against Ms. Maynard as owner and operator of an underground storage tank facility was granted August 1999. A prior Consent Order required certain actions be taken to bring the facility into compliance including the proper closure of out-of-compliance tank systems. The requirements of the agreement have not been met. The EPC filed suit for injunctive relief and penalties and costs on March 8, 2001. The Defendant 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. The federal IRS is preparing to liquidate the property to pay unpaid tax liens assessed on the property. The EPC Legal staff is negotiating with the IRS to satisfy the terms of the judgment and get the site into compliance. (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. 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 has contacted the company regarding the status and are awaiting a response. (see the above Rae-Mac Investments Corporation case) (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. (*See related case under Administrative Cases*). (RT)

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 entered summary judgment in favor of the EPC and provided the Plaintiffs 20 days to file an amended lawsuit. The deadline for filing an appeal is April 16, 2003. The Plaintiffs have filed a Motion for a Re-hearing on the summary judgment. The hearing date has not been scheduled yet. (AZ)

RESOLVED CASES [0]

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.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 POLLUTION RECOVERY TRUST FUND
 AS OF APRIL 30, 2003

Fund Balance as of 10/01/02		\$1,601,788
Interest Accrued	FY03	30,327
Deposits	FY03	179,208
Disbursements	FY03	65,025
Fund Balance		\$1,746,298

Encumbrances Against Fund Balance:

Art. Reef FY03	60,040
(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
(98) AirWise	10,000
(99) Seagrass Restoration CR Bay	58,020
(100) Ag Pesticide Collection Day	39,000
(101) Pollution Prevention Program	98,657

Total Encumbrances	902,480
Minimum Balance	120,000 *
Fund Balance Available April 30, 2003	\$ 723,818

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

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 1410 N. 21st Street • Tampa, FL 33605

Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF APRIL 30, 2003

Fund Balance as of 10/01/02	\$1,265,455
Interest Accrued FY03	22,642
Disbursements FY03	21,416
Fund Balance	\$1,266,681

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
SP614 Manatee & Seagrass Protection	27,200
Fantasy Island	20,000
E.G. Simmons Park	43,200
Cockroach Bay ELAPP Restoration	179,517

Total of Encumbrances	1,266,681
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Fund Balance Available	April 30, 2003	\$ - 0 -
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**Environmental Protection Commission
Of Hillsborough County**

Agenda Item Cover Sheet

Date: May 7, 2003
To: Environmental Protection Commissioners
Through: Richard D. Garrity, Ph.D., Executive Director Christopher A. Dunn, P.E., Director, Water Management Division Richard Tschantz, General Counsel
From: Michael Newman, Sr. Enforcement Specialist
Subject: Strawberry Fields Mobile Home Park's Wastewater Treatment Plant (WWTP)
Recommendation: Grant authority to initiate appropriate legal action and settlement authority against Strawberry Fields Ventures, L.L.C. d/b/a Strawberry Fields Mobile Home Park.

Background: The WWTP is located at 5103 S. Wallace Road, Plant City (east of Hwy 60, 3/4 mile east of Turkey Creek Rd.).

The EPC is delegated by the Florida Department of Environmental Protection (FDEP) to administer the domestic wastewater program in Hillsborough County.

On September 12, 2002, EPC executed Consent Order No. 01-20289DW, which included corrective actions requiring Strawberry Fields Ventures to: (1) By September 23, 2002, provide to the EPC proof of financial responsibility in order to obtain a permit to operate the WWTP; (2) By December 12, 2002, clean and scarify the southern percolation pond; (3) By December 12, 2002, submit to the EPC a substantial permit modification application for the purpose of constructing an additional effluent disposal system; (4) submit to EPC a permit application to expand the existing treatment plant, or; (5) Close the mobile home park in accordance with Chapter 723.061, F.S. To date, Strawberry Fields Ventures does not have a permit to operate the WWTP, and has neither performed the above-listed corrective actions nor closed the mobile home park.

Failure to comply with an Order of the Director is a violation of Chapter 403.161, Florida Statutes, and Chapter 84-446, Laws of Florida, as amended (EPC Act). Strawberry Fields has violated the referenced EPC and State DEP rules and regulations regarding the failure to perform corrective actions as described in the Consent Order.

Action Taken By The Commission

Approved Disapproved Continued/deferred until _____

Other: _____

By: _____

Meeting Date: _____

AGENDA ITEM COVER SHEET

Date: May 15, 2003

Agenda Item: Set Public Hearing for June 12, 2003 at 10:00 am to Consider Amendments to EPC Rule 1-6.

Description/Summary:

Staff has completed a review and analysis of the fees charged for services provided by EPC. The proposed fees represent the cost for providing these services.

Staff presented the recommended changes to Rule 1-6 to CEAC on May 5, 2003. We will conduct public workshops with the regulated community to review the changes and will return to CEAC at their June meeting for final review.

The rule amendment process is to schedule a public hearing, which must be advertised with 10 days notice. Following opportunity for the public to comment on the proposal at the public hearing, and following any discussion of the Commissioners, the Commission may adopt the amendments, decline to adopt any amendments, or otherwise proceed as it deems appropriate.

Commission Action Recommended:

Request Commission set June 12, 2003 at 10:00 am as a public hearing to consider amendments to Rule 1-6, and authorize appropriate public notice.

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

**CHAPTER 1-6
SERVICES-FEE SCHEDULE**

- 1-6.01 Declaration and Intent
- 1-6.02 Air Management
- 1-6.03 Solid Waste Management
- 1-6.04 Water Management
- 1-6.05 Wetlands Management
- 1-6.06 Other Miscellaneous Charges
- 1-6.07 Fee Waivers
- 1-6.08 Prohibitions

1-6.01 DECLARATION AND INTENT

It is the intent of the Commission to establish reasonable charges fees for services performed by the Environmental Protection Commission Director, and his duly authorized agents and employees in the review of applications and other technical materials, in the investigation of cases involving violation of the Code enabling act and rules promulgated there under, and in the conduct of inspections.

Said charges fees are for the purpose of defraying expenses incurred by the Environmental Protection Commission in performing professional services necessitated by the actions of others. All funds collected for said services shall become funds of Hillsborough County and shall be deposited in the General Revenue Fund.

1-6.02 AIR MANAGEMENT

A. Stationary source permitting

1. The following application and compliance fees apply to permits that are to be reviewed pursuant to the authority of Chapter 84-446, Laws of Florida, and not pursuant to full permit delegation from the Florida Department of Environmental Protection (FDEP) except as provided in subsection A.2 below. The fees for the non-delegated facilities are as follows:

- (a) Construction permit for an air pollution source
 - (i) New source review or prevention of significant deterioration \$ 480
 - (ii) All others \$ 960

- (b) Operation permit for an air pollution source for 5 yrs*
 - (i) Minor facility \$1245
 - (1) Application review \$ 795
 - (2) Compliance activities \$ 450
 - (ii) Synthetic minor facility \$1645
 - (1) Application review \$ 795
 - (2) Compliance activities \$ 850
 - (iii) Major facility \$2645
 - (1) Application review \$ 795
 - (2) Compliance activities \$1850
- (c) Revise an air pollution source permit \$ 380
- (d) Transfer of ownership, name change, and extension of expiration date for each air permit* \$ 45

2. Air permits being reviewed and processed pursuant to full permit delegation from FDEP shall be subject to the processing fees set forth in section 62-4.050 F.A.C., as summarized below, and shared with FDEP as agreed.

- (a) Construction permits
 - (i) Source with PSD or NAA, 100 tons/yr or more \$ 750
 - (ii) Source without PSD or NAA, 100 tons/yr or more \$5000
 - (iii) Source 50 tons/yr but less than 100 \$4500
 - (iv) Source 25 tons/yr but less than 50 \$2000
 - (v) Source 5 tons/yr but less that 25 \$1000
 - (vi) Source less than 5 tons/yr \$ 250
 - (vii) Minor modification \$ 250
 - (viii) Minor modification, original permit fee less than \$300 \$ 50
 - (ix) Transfer of ownership/permit \$ 50
 - (x) Time extension on permit \$ 50
- (b) Operation permits*
 - (i) Major source no fee
 - (ii) Minor source - stack sample \$1500
 - (iii) Minor source - other source \$1000
 - (iv) Minor source - no sample \$ 750
 - (v) Minor modifications \$ 250
 - (vi) Transfer of permit ownership \$ 50
 - (vii) Time extension on permit \$ 50
 - (viii) Variable form permitting standards or conditions \$2000

***NOTE: Major sources will pay a Title V fee pursuant to Section 62-213 F.A.C. If EPC and DEP have an agreement to share this fee, then no additional fee will be required under this rule. However, if there is no fee sharing agreement, then fees listed in section 1-6.02**

A.1. above shall apply for **delegated Title V sources.**
~~All fully delegated non-Title V source shall pay according to this schedule.~~

B. Asbestos notification

1. Notification for commercial demolition
 - (a) For structures less than 50,000 sq ft \$ ~~115~~ 200
 - (b) For structures 50,000 sq ft and greater than 50,000 sq ft \$ ~~215~~ 300
2. Notification for asbestos abatement
 - (a) Renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos \$ ~~145~~ 300
 - (b) Renovation greater than 1000 linear feet or 1000 sq ft \$ ~~200~~ 500

C. Mobile Source Certification

1. Compliance certification

- (a) automobile retail operations \$ ~~75~~
- (b) automobile repair operations \$ ~~70~~
- (c) automotive parts and supplies retail operations \$ ~~45~~
- (d) gasoline service stations - VBS \$ ~~35~~

D C. Open burning authorization

- (a) ~~open burning authorization~~ \$ ~~425~~
1. Two (2) acres or less \$ 400
2. Greater than two (2) acres \$ 600

1-6.03 SOLID WASTE MANAGEMENT

A. Solid waste

1. Construction permits

- (a) Class I or class II facility - 5 year permit \$ ~~2350~~ 3300
 - (i) Application review \$ ~~550~~ 800
 - (ii) Compliance \$ ~~1800~~ 2500
- (b) Class III facility - 5 year permit \$ ~~1330~~ 2500
 - (i) Application review \$ ~~330~~ 500
 - (ii) Compliance \$ ~~1000~~ 2000
- (c) ~~yard trash/compost facility - 5 years~~ \$ ~~1275~~
 - (i) ~~application review~~ \$ ~~275~~
 - (ii) ~~compliance~~ \$ ~~1000~~
- (dc) Resource recovery/Incinerator - 5 years \$ ~~960~~ 2500
 - (i) Application review \$ ~~460~~ 500
 - (ii) Compliance \$ ~~500~~ 2000
- (d) Construction & demolition debris disposal - 5 year permit \$2500
 - (i) Application review \$ 500
 - (ii) Compliance \$2000

- (e) Waste processing facility - 5 year permit \$2000
 - (i) Application review \$ 500
 - (ii) Compliance \$1500
- (f) Compost facility - 5 year permit \$2000
 - (i) Application review \$ 500
 - (ii) Compliance \$1500
- (eg) All other solid waste management facilities - 5 years \$ ~~1530~~ 2000
 - (i) Application review \$ ~~330~~ 500
 - (ii) Compliance \$ ~~1200~~ 1500

2. Operation permits

- (a) Class I or class II facility - 5 years permit \$ ~~2200~~ 3100
 - (i) Application review \$ ~~400~~ 600
 - (ii) Compliance \$ ~~1800~~ 2500
- (b) Class III facility - 5 years permit \$ ~~1275~~ 2500
 - (i) Application review \$ ~~275~~ 500
 - (ii) Compliance \$ ~~1000~~ 2000
- (c) ~~yard trash/compost facility - 5 years~~ \$ ~~1275~~
 - (i) ~~application review~~ \$ ~~275~~
 - (ii) ~~compliance~~ \$ ~~1000~~

- (dc) Resource recovery/Incinerator - 5 years permit \$ ~~775~~ 2500
 - (i) Application review \$ ~~275~~ 500
 - (ii) Compliance \$ ~~500~~ 2000

- (d) Construction & demolition debris disposal - 5 year permit \$2500
 - (i) Application review \$ 500
 - (ii) Compliance \$2000

- (e) Waste processing facility - 5 year permit \$2000
 - (i) Application review \$ 500
 - (ii) Compliance \$1500

- (f) Compost facility - 5 year permit \$2000
 - (i) Application review \$ 500
 - (ii) Compliance \$1500

- (eg) All other solid waste management facilities - 5 years \$ ~~1275~~ 2000
 - (i) Application review \$ ~~275~~ 500
 - (ii) Compliance \$ ~~1000~~ 1500

3. Closure/long term care permits

- (a) Class I or class II facilities - 5 years permit \$ ~~835~~ 1000
 - (i) Application review \$ ~~335~~ 500
 - (ii) Compliance \$ 500
- (b) Class III facility - 5 years permit \$ ~~835~~ 1000
 - (i) Application review \$ ~~335~~ 500
 - (ii) Compliance \$ 500

(c) yard trash/compost facility - 5 years	\$ 775
(i) application review	\$ 275
(ii) compliance	\$ 500
(c) Construction & demolition debris disposal -	
5 year permit	\$1000
(i) Application review	\$ 500
(ii) Compliance	\$ 500
(d) All other solid waste management facilities -	
5 years permit	\$ 775 1000
(i) Application review	\$275 500
(ii) Compliance	\$ 500

4. General permits

(a) commercial const/demo - 5 years	\$1600
(i) application review	\$ 400
(ii) compliance	\$1200
(b) residential const/demo - 5 years	\$1125
(i) application review	\$ 125
(ii) compliance	\$1000
(c) all other solid waste facilities - 5 years	\$1260
(i) application review	\$ 260
(ii) compliance	\$1000

5. EPC authorization for facilities not requiring DEP permit

(a) commercial facility - 5 years	\$1530
(i) application review	\$ 330
(ii) compliance	\$1200
(b) residential facility - 1 year	\$ 385
(i) application review	\$ 185
(ii) compliance	\$ 200

4. Director's Authorization - facilities not otherwise requiring a solid waste permit issued by the FDEP

(a) Old landfill development - 5 year permit	\$2800
(i) Application review	\$ 800
(ii) Compliance	\$2000
(b) Recovered materials processing facility	\$2200
(i) Application review	\$ 500
(ii) Compliance	\$1700
(c) Yard trash processing facility	\$2200
(i) Application review	\$ 500
(ii) Compliance	\$1700
(d) One time on site disposal - residential	\$ 100
(f) All other solid waste management facilities - 5 year permit	\$2200
(i) Application review	\$ 500
(ii) Compliance	\$1700

6.5. Modifications

(a) Minor modifications	
(i) Corrections, minor changes which will not involve new work, or new work locations, which will not alter, replace or eliminate permit requirements.	\$ 0
(iii) Transfer, time extension, minor changes which involve new work, or new work locations which will alter, replace or eliminate permit requirements.	\$ 60 100
(b) Substantial modifications shall require the appropriate application review fee in conformance with Section 1-6.03, 1 through 4.	

7.6. Small quantity hazardous waste generators**

(a) Annual notification/verification fee	\$ 40
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****NOTE: These Environmental Protection Commission fees will normally be collected by the Hillsborough County Tax Collector.**

B. Storage tanks

1. Storage tank installation and upgrade plan reviews	\$100 150
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1-6.04 WATER MANAGEMENT

A. The following application and compliance fees apply to permits that are to be reviewed pursuant to the authority of Chapter 84-446, Laws of Florida, and not pursuant to permit delegation from the FDEP:

1. Domestic wastewater source permits	
(a) Preliminary design report review	\$2500
(i) types I & H	\$1030
(ii) type III	\$ 610
(iii) minor modifications	\$ 360
(b) Facility permit for 5 years	
(i) types I & II	\$1470 2940
(a) application review	\$ 380 1850
(b) compliance activities	\$1090
(ii) type III	\$ 930
(a) application review	\$ 380
(b) compliance activities	\$ 550
(c) Permit modifications	
(transfer, time ext., conditions)	\$ 60
(i) Minor modification involving construction activity	\$ 750
(ii) Substantial modification	\$1750
(d) residual site application	\$1445
(i) agricultural use plan (AUP)	\$1445

(a) application review	\$ 580
(b) compliance activities	\$ 865
(ii) dedicated site plan (DSP)	\$1745
(a) application review	\$ 700
(b) compliance activities	\$1045
2. Collection systems	
(a) general permit	
(i) less than 10 EDU	\$ 230
(ii) 10 or more EDU	\$ 460
(a) application review	\$ 230
(b) compliance	
(10 or more EDU)	\$ 230
(b) standard permit	
(i) less than 10 EDU	\$ 270
(ii) 10 or more EDU	\$ 500
(a) application review	\$ 270
(b) compliance	\$ 230
3. Industrial wastewater source permits	
(a) Preliminary design report	\$2500
(a) construction permit	
(i) types I & H	\$1200
(iv) type III with groundwater	
— monitoring	\$1200
(iii) type III w/o groundwater	
— monitoring	\$ 780
(b) Facility permit for 5 years	\$3000
(i) types I & H	\$1415
(ai) application review	\$ 870 2455
(bii) compliance activities	\$ 545
(ii) type III with groundwater	
— monitoring	\$1415
(a) application review	\$ 870
(b) compliance activities	\$ 545
(iii) type III w/o groundwater	
— monitoring	\$1295
(a) application review	\$ 750
(b) compliance activities	\$ 545
(c) General permits	\$ 275
(d) minor Permit modifications	\$ 360
(excluding time extensions)	
(i) Minor modification involving	
construction activity	\$ 750
(ii) Substantial modification	\$1750
4. EPC authorization for facilities not requiring a FDEP permit which may discharge pollutants or contaminants into waters of the county	\$2200

B. Water permits being reviewed and processed by the Commission pursuant to permit delegation from the FDEP shall be subject to the processing fees set forth in section 17-4.050 F.A.C., although the compliance fees above may also apply as appropriate.

1-6.05 WETLANDS MANAGEMENT

1. Land excavation permits	
*(a) New and expansion	\$785 870
*(b) Extension and renewal	\$ 650
2. Rezoning application	\$ 300
*(a) CU, CP, IP, MHP/RVP, conditional	
use	\$ 85
*(b) all others	\$ 85
3. Subdivision applications	
*(a) Preliminary	\$ 140 370
*(b) Master plan	\$ 550 750
*(c) Construction	\$ 250 490
*(d) Final plat	\$ 90 200
*(e) waivers	\$ 100
*(fe) Minor subdivision plans	\$ 100 230
*(gf) As-build verification	\$ 255 300
4. Dredge and Fill Permit Applications Tampa Port Authority	
(a) minor form (no site inspection	
necessary)	\$ 50
(ba) Minor form (site inspection required)	\$ 150
(cb) Standard form	\$220 300
5. Phosphate mining	
*(a) Annual review and inspection	\$ 375
(b) Unit review and reclamation	\$ 760 3500
*(c) Bimonthly inspections (5 per year)	\$ 310
*6. Development of regional impact	\$1305 1200
*7. Commercial site development application	\$ 360 500
*8. Site clearing/alteration/bldg. permit Natural Resources	\$ 100 220
*9. House Bill Application	\$ 100
*9. Miscellaneous activities in wetlands	
(a) Nuisance species removal	no fee

(b) Dock, boardwalks, riprap, etc.	\$ 150
10. Wetland delineation	
(a) office	\$ 120
(b) Field	
(ia) Less than 250 L.F.	\$ 120 150
(iib) 250 L.F. to 3500 L.F. or greater	\$120 + .05/L.F. \$150 + .20 L.F.
(iii) 3501 and up	\$100 + 50 for each additional increment of 3500 L.F. + .05 L.F.
(c) nuisance species verification	no fee
11. Wetland mitigation \$775	
(a) Single family homes (review and monitoring reports)	\$ 850
(i) Review	\$ 500
(ii) 7 monitoring reports	\$ 350
(b) Commercial/subdivision-forested	\$4975
(i) Review	\$2500
(ii) 11 monitoring reports	\$2475
(c) Commercial/subdivision-herbaceous	\$4075
(i) Review	\$2500
(ii) 7 monitoring reports	\$1575

notification. Whenever a request application or notification is submitted without the required fee, receipt shall be acknowledged and the request, application or notification shall be immediately returned with attachments; no further action shall be taken until the appropriate fees are submitted along with the supporting documents. It shall be a violation to fail to pay a required fee.

[Publisher's Note: EPC charges for development and rezoning applications may be submitted to appropriate governmental entities where the review process has been coordinated with EPC]

*Denotes EPC Fees collected by the Planning and Growth Management Department for EPC.

ADOPTED 2/28/85
 Effective 03/15/85
 Amended 02/28/86
 Amended 12/11/86
 Amended 01/13/88
 Amended 02/28/90
 Effective 04/01/90
 Amended 07/10/90
 Amended 08/22/90
 Effective 10/01/90
 Amended 05/22/91
 Amended 09/25/91
 Amended 11/05/91
 Amended 3/24/93
 Amended 5/26/93
 Amended 1/25/95
 Amended 8/21/97
 Amended 9/17/98
 Amended 6/12/03

1-6.06 OTHER MISCELLANEOUS CHARGES

1. Enforcement Costs	\$ 36/hr 50/hr
2. Data Processing Data Analysis	\$ 36/hr 50/hr
3. Certification of Copies	\$ 1/pg
4. Copies	.15/pg

1-6.07 FEE WAIVERS

1. Executive Director may waive the appropriate application fee in cases of financial hardship.
2. The Executive Director may modify or waive an application fee in circumstances where unfairness would otherwise be the result.

1-6.08 PROHIBITIONS

The fees listed in Sections 1-6.02 through 1-6.05 are due and payable upon submission of a request, application or

AGENDA ITEM COVER SHEET

Date: May 15, 2003

Agenda Item: EPC Wetlands Management Division Upland Preservation in Lieu of Wetland Creation Mitigation - Tampa Nature Center

Description/Summary: This parcel, which is approximately 120 acres, is located just southeast of the intersection of I-75 and Bruce B. Downs Boulevard in northern Hillsborough County. The parcel is under the ownership of the City of Tampa and is the proposed site of a low-impact, passive park. The parcel is approximately 50% wetlands, with the remainder being high quality uplands. This project proposes to impact 0.23 acres of forested wetland for the purposes of constructing an entrance road to the park site. There is no other access to the site. The wetland in question is located in the only access onto the site, and has been previously disturbed by construction of I-75 to the west, construction to the east, and by periodic clearing, as the wetland lies within a power line easement.

The applicant proposes to provide upland preservation in lieu of wetland creation mitigation for these wetland impacts in accordance with Chapter 1-11. The upland preservation area is 0.69 acres and is proposed on the parcel immediately to the north of the park site, which is also under ownership by the City of Tampa. The applicant proposes to place a conservation easement over one acre of uplands immediately adjacent to the park site, which provides an upland connection between two of the wetland areas that are contiguous with those preserved on the park site.

Preservation of this upland provides a direct benefit to the Wetland Conservation Areas, and the preservation of the uplands off-site, rather than creation of wetlands on site, avoids disturbance of the uplands on the proposed park site.

Commission Action Recommended: Staff recommends approval of the proposed upland preservation.

AGENDA ITEM COVER SHEET

Date: May 7, 2003

Agenda Item: EPC Wetlands Management Division Upland Preservation in Lieu of Wetland Creation Mitigation- Lithia Ranch

Description/ Summary: The Lithia Ranch Subdivision is proposed on a parcel of land consisting of approximately 300 acres, located in the right-angle bend of Browning Road south of Lithia Pinecrest. The project proposes to construct forty-seven (47) single-family lots.

Approximately 32 acres of wetlands exist within the project boundaries. These wetlands include mixed-forested systems, shallow grass marshes, a series of agricultural ditches, and a small cattle pond excavated from hydric soils. Wetland impacts are proposed for 0.65 acres of ditches and for the removal of the 0.22-acre cattle pond.

In lieu of providing wetland creation mitigation, the applicant is proposing to preserve valuable uplands in accordance with Chapter 1-11, Wetlands, Rules of the EPC. The proposed upland preservation area is adjacent to a 16-acre forested wetland. It is a mixed-oak and pine system consisting of 1.74 acres, which is twice the acreage of the herbaceous wetland impacts. Preservation of the upland system will augment the wetland functions by providing valuable habitat for both wetland and upland species and improve the quality of the water as it moves across the property.

Commission Action Recommended: Staff recommends approval of this upland preservation proposal.

AGENDA ITEM COVER SHEET

Date: May 5, 2003

Agenda Item: HIMP pre-operational monitoring results from the Big Bend/Apollo Beach area

Description/Summary: During the March 2003 meeting of the Environmental Protection Commission (EPC), staff was directed to provide the Board with updates of the Hillsborough Independent Monitoring Program (HIMP). HIMP monitoring is being done in four areas (Big Bend/Apollo Beach; Hillsborough River; Alafia River; and Palm River/McKay Bay) where Master Water Plan projects are anticipated or currently under construction. A fifth area (Little Manatee River) is also being monitored, as a "control" site that is not currently experiencing water supply withdrawals. Today's presentation will cover the Big Bend/Apollo Beach portion of the HIMP monitoring program. The other monitoring areas will be covered in the Board's June, July, and August meetings, as requested.

Commission Action Recommended: This item is provided for informational purposes only. No Board action is requested.

AGENDA ITEM COVER SHEET

Date: May 7, 2003

Agenda Item: 2003 Environmental Legislative Update

Description/Summary:

The General Counsel will present a summary of environmental legislation passed by the 2003 Legislature as well as mention of several prominent environmental bills that were filed but not passed.

Commission Action Recommended:

No action recommended.