

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
JUNE

| | | |
|----|---|----------------|
| A. | Public Outreach/Education Assistance: | |
| 1. | Phone Calls: | <u>264</u> |
| 2. | Literature Distributed: | <u>31</u> |
| 3. | Presentations: | <u>1</u> |
| 4. | Media Contacts: | <u>1</u> |
| 5. | Internet: | <u>68</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>13</u> |
| b. | Construction: | <u>3</u> |
| c. | Amendments: | <u>0</u> |
| d. | Transfers/Extensions: | <u>1</u> |
| e. | General: | <u>2</u> |
| f. | Title V: | <u>0</u> |
| 2. | Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review): | |
| a. | Operating ¹ : | <u>4</u> |
| b. | Construction ¹ : | <u>2</u> |
| c. | Amendments ¹ : | <u>0</u> |
| d. | Transfers/Extensions ¹ : | <u>1</u> |
| e. | Title V Operating ² : | <u>0</u> |
| f. | Permit Determinations ² : | <u>6</u> |
| g. | General: | <u>0</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>5</u> |
| b. | Active: | <u>14</u> |
| c. | Legal: | <u>4</u> |
| d. | Tracking compliance (Administrative): | <u>23</u> |
| e. | Inactive/Referred cases: | <u>0</u> |
| | Total | <u>46</u> |
| 3. | NOIs issued: | <u>3</u> |
| 4. | Citations issued: | <u>1</u> |
| 5. | Consent Orders Signed: | <u>2</u> |
| 6. | Contributions to the Pollution Recovery Fund: | <u>\$4,705</u> |
| 7. | Cases Closed: | <u>2</u> |

| | | |
|----|---|------------|
| D. | Inspections: | |
| 1. | Industrial Facilities: | <u>9</u> |
| 2. | Air Toxics Facilities: | |
| a. | Asbestos Emitters | <u>0</u> |
| b. | Area Sources (i.e. Drycleaners, Chrome Platers, etc...) | <u>15</u> |
| c. | Major Sources | <u>0</u> |
| 3. | Asbestos Demolition/Renovation Projects: | <u>23</u> |
| E. | Open Burning Permits Issued: | <u>6</u> |
| F. | Number of Division of Forestry Permits Monitored: | <u>236</u> |
| G. | Total Citizen Complaints Received: | <u>46</u> |
| H. | Total Citizen Complaints Closed: | <u>41</u> |
| I. | Noise Sources Monitored: | <u>10</u> |
| J. | Air Program's Input to Development Regional Impacts: | <u>2</u> |
| K. | Test Reports Reviewed: | <u>34</u> |
| L. | Compliance: | |
| 1. | Warning Notices Issued: | <u>29</u> |
| 2. | Warning Notices Resolved: | <u>24</u> |
| 3. | Advisory Letters Issued: | <u>4</u> |
| M. | AOR's Reviewed: | <u>19</u> |
| N. | Permits Reviewed for NESHAP Applicability: | <u>8</u> |

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
JUNE

| | 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>\$ 640.00</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>\$10,800.00</u> |
| (c) Delegated General Permit (20% is forwarded to DEP and not included here) | <u>\$ 160.00</u> |
| 4. Non-delegated permit revision for an air pollution source | <u>\$ -0-</u> |
| 5. Non-delegated permit transfer of ownership, name change or extension | <u>\$ -0-</u> |
| 6. Notification for commercial demolition | |
| (a) for structure less than 50,000 sq ft | \$1,495.00 |
| (b) for structure greater than 50,000 sq ft | <u>\$ -0-</u> |
| 7. Notification for asbestos abatement | |
| (a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos | \$ 290.00 |
| (b) renovation greater than 1000 linear feet or 1000 sq ft | <u>\$ 400.00</u> |
| 8. Open burning authorization | <u>\$2,550.00</u> |
| 9. Enforcement Costs | <u>\$ 715.84</u> |

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

| | Totals |
|---|---------|
| A. General | |
| 1. Telephone Conferences | 1308 |
| 2. Unscheduled Citizen Assistance | 96 |
| 3. Scheduled Meetings | 160 |
| 4. Correspondence | 475 |
| B. Assessment Reviews | |
| 1. Wetland Delineations | 47 |
| 2. Surveys | 47 |
| 3. Miscellaneous Activities in Wetland | 35 |
| 4. Impact/ Mitigation Proposal | 26 |
| 5. Tampa Port Authority Permit Applications | 63 |
| 6. Wastewater Treatment Plants (FDEP) | 0 |
| 7. DRI Annual Report | 2 |
| 8. Land Alteration/Landscaping | 1 |
| 9. Land Excavation | 0 |
| 10. Phosphate Mining | 2 |
| 11. Rezoning Reviews | 28 |
| 12. CPA | 0 |
| 13. Site Development | 39 |
| 14. Subdivision | 83 |
| 15. Wetland Setback Encroachment | 0 |
| 16. Easement/Access-Vacating | 2 |
| 17. Pre-Applications | 34 |
| 18. On-Site Visits | 88 |
| C. Investigation and Compliance | |
| 1. Complaints Received | 36 |
| 2. Complaints Closed | 75 |
| 3. Warning Notices Issued | 12 |
| 4. Warning Notices Closed | 19 |
| 5. Complaint Inspections | 82 |
| 6. Return Compliance Inspections | 0 |
| 7. Mitigation Monitoring Reports | 37 |
| 8. Mitigation Compliance Inspections | 39 |
| 9. Erosion Control Inspections | 61 |
| D. Enforcement | |
| 1. Active Cases | 42 |
| 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 | 1 |
| 6. Administrative - Civil Cases Closed | 39 |
| 7. Cases Referred to Legal Department | 6 |
| 8. Contributions to Pollution Recovery | \$775 |
| 9. Enforcement Costs Collected | \$1,097 |

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




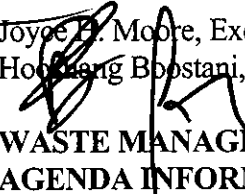
Administrative Offices,
 Legal & Water Management Division
 The Roger P. Stewart Environmental Center
 1900 - 9th Ave. • Tampa, FL 33605
 Ph. (813) 272-5960 • Fax (813) 272-5157
 Air Management Fax 272-5605
 Waste Management Fax 276-2256
 Wetlands Management Fax 272-7144
 1410 N. 21st Street • Tampa,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

Executive Director
 Richard D. Garrity, Ph.D.

MEMORANDUM

DATE: July 2, 2003

TO: Tom Koulianos, Director of Finance and Administration

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

SUBJECT: WASTE MANAGEMENT'S JUNE 2003
 AGENDA INFORMATION

A. ADMINISTRATIVE ENFORCEMENT

| | |
|---|----------|
| 1. New cases received | 3 |
| 2. On-going administrative cases | 115 |
| a. Pending | 35 |
| b. Active | 52 |
| c. Legal | 4 |
| d. Tracking Compliance (Administrative) | 24 |
| e. Inactive/Referred Cases | 0 |
| 3. NOI's issued | 0 |
| 4. Citations issued | 0 |
| 5. Settlement Documents Signed | 2 |
| 6. Civil Contributions to the Pollution Recovery Fund | \$15,079 |
| 7. Enforcement Costs collected | \$1,893 |
| 9. Cases Closed | 3 |

B. SOLID AND HAZARDOUS WASTE

| | |
|--|-------|
| 1. Permits (received/reviewed) | 52/47 |
| 2. EPC Authorization for Facilities NOT requiring DEP permit | 1/0 |
| 3. Other Permits and Reports | |
| a. County Permits | 0 |
| b. Reports | 51/47 |
| 4. Inspections (Total) | 290 |
| a. Complaints | 34 |
| b. Compliance/Reinspections | 24 |
| c. Facility Compliance | 43 |
| d. Small Quantity Generator | 186 |
| e. P2 Audits | 3 |
| 5. Enforcement | |
| a. Complaints Received/Closed | 37/34 |
| b. Warning Notices Issued/Closed | 6/1 |
| c. Compliance letters | 5 |
| d. Letters of Agreement | 0 |
| e. DEP Referrals | 7 |
| 6. Pamphlets, Rules and Material Distributed | 222 |

C. STORAGE TANK COMPLIANCE

| | |
|---|-------|
| 1. Inspections | |
| a. Compliance | 95 |
| b. Installation | 16 |
| c. Closure | 4 |
| d. Compliance Re-Inspections | 16 |
| 2. Installation Plans Received/Reviewed | 2/1 |
| 3. Closure Plans & Reports | |
| a. Closure Plans Received/ Reviewed | 3/3 |
| b. Closure Reports Received/Reviewed | 5/4 |
| 4. Enforcement | |
| a. Non-compliance Letters Issued/Closed | 63/30 |
| b. Warning Notices Issued/Closed | 7/4 |
| c. Cases referred to Enforcement | 4 |
| d. Complaints Received/Investigated | 0 |
| e. Complaints Referred | 0 |
| 5. Discharge Reporting Forms Received | 2 |
| 6. Incident Notification Forms Received | 4 |
| 7. Cleanup Notification Letters Issued | 3 |
| 8. Public Assistance | 200+ |

D. STORAGE TANK CLEANUP

| | |
|---|---------------------------|
| 1. Inspections | 14 |
| 2. Reports Received/Reviewed | 75/112 |
| a. Site Assessment | 25/27 |
| b. Source Removal | 8/4 |
| c. Remedial Action Plans (RAP's) | 9/19 |
| d. Site Rehabilitation Completion Order/ No Further Action Order | 3/7 |
| e. Others | 30/55 |
| 3. State Cleanup | |
| a. Active Sites | NO LONGER ADMINISTERED |
| b. Funds Dispersed | |

E. RECORD REVIEWS

30

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION
JUNE, 2003**

A. ENFORCEMENT

| | | |
|--|--------------------|--|
| 1. New Enforcement Cases Received: | <u>2</u> | |
| 2. Enforcement Cases Closed: | <u>3</u> | |
| 3. Enforcement Cases Outstanding: | <u>42</u> | |
| 4. Enforcement Documents Issued: | <u>6</u> | |
| 5. Recovered costs to the General Fund: | <u>\$ 2,351.88</u> | |
| 6. Contributions to the Pollution Recovery Fund: | <u>\$31,073.93</u> | |

| <u>Case Name</u> | <u>Violation</u> | <u>Amount</u> |
|--|--|---------------|
| a. Brookside Sierra Riverwalk Apts. | Raw Sewage Discharge/ Unpermitted Discharge | \$1,500.00 |
| b. Eastwood Estates | Permit Violations | \$ 500.00 |
| c. Heritage Harbor | Placed in Service Without Acceptance Letter | \$ 180.44 |
| d. Terrace Oaks Business Center | Placed in Service Without Acceptance Letter | \$ 171.44 |

B. PERMITTING/PROJECT REVIEW - DOMESTIC

| | | |
|---|-----------|--|
| 1. Permit Applications Received: | <u>24</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>8</u> | |
| d. Residuals Disposal: | <u>0</u> | |
| 2. Permit Applications Approved: | <u>20</u> | |
| a. Facility Permit: | <u>1</u> | |
| b. Collection Systems-General: | <u>11</u> | |
| c. Collection Systems-Dry Line/Wet Line: | <u>8</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>52</u> |
| a. Facility Permit: | <u>19</u> |
| b. Collection Systems-General: | <u>31</u> |
| c. Collection Systems-Dry Line/Wet Line: | <u>2</u> |
| d. Residuals Disposal: | <u>0</u> |
| 7. Permit Determination: | <u>4</u> |
| 8. Special Project Reviews: | <u>2</u> |
| a. ARs: | <u>0</u> |
| b. Reuse: | <u>0</u> |
| c. Residuals/AUPs: | <u>0</u> |
| d. Others: | <u>2</u> |
| C. INSPECTIONS - DOMESTIC | <u>104</u> |
| 1. Compliance Evaluation: | <u>17</u> |
| a. Inspection (CEI): | <u>4</u> |
| b. Sampling Inspection (CSI): | <u>12</u> |
| c. Toxics Sampling Inspection (XSI): | <u>0</u> |
| d. Performance Audit Inspection (PAI): | <u>1</u> |
| 2. Reconnaissance: | <u>41</u> |
| a. Inspection (RI): | <u>6</u> |
| b. Sample Inspection (SRI): | <u>1</u> |
| c. Complaint Inspection (CRI): | <u>33</u> |
| d. Enforcement Inspection (ERI): | <u>1</u> |
| 3. Engineering Inspections: | <u>46</u> |
| a. Reconnaissance Inspection (RI): | <u>2</u> |
| b. Sample Reconnaissance Inspection (SRI): | <u>0</u> |
| c. Residual Site Inspection (RSI): | <u>0</u> |
| d. Preconstruction Inspection (PCI): | <u>9</u> |
| e. Post Construction Inspection (XCI): | <u>35</u> |
| f. On-site Engineering Evaluation: | <u>0</u> |
| g. Enforcement Reconnaissance Inspection (ERI): | <u>0</u> |

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

| | |
|---|-----------|
| 1. Permit Applications Received: | <u>7</u> |
| a. Facility Permit: | <u>4</u> |
| (i) Types I and II | <u>4</u> |
| (ii) Type III with groundwater monitoring | <u>0</u> |
| (iii) Type III w/o groundwater monitoring | <u>0</u> |
| b. General Permit: | <u>3</u> |
| c. Preliminary Design Report: | <u>0</u> |
| (i) Types I and II | <u>0</u> |
| (ii) Type III with groundwater monitoring | <u>0</u> |
| (iii) Type III w/o groundwater monitoring | <u>0</u> |
| 2. Permits Recommended to DEP for Approval: | <u>2</u> |
| 3. Special: | <u>4</u> |
| a. Facility Permits: | <u>1</u> |
| b. General Permits: | <u>3</u> |
| 4. Permitting Determination: | <u>1</u> |
| 5. Special Project Reviews: | <u>30</u> |
| a. ARs: | <u>2</u> |
| b. Phosphate DMRs: | <u>22</u> |
| c. Phosphate: | <u>2</u> |
| d. Industrial Wastewater: | <u>2</u> |
| e. Others: | <u>2</u> |

E. INSPECTIONS - INDUSTRIAL

| | |
|--|-----------|
| 1. Compliance Evaluation: | <u>33</u> |
| a. Inspection (CEI): | <u>16</u> |
| b. Sampling Inspection (CSI): | <u>16</u> |
| c. Toxics Sampling Inspection (XSI): | <u>0</u> |
| d. Performance Audit Inspection (PAI): | <u>0</u> |
| 2. Reconnaissance: | <u>14</u> |
| a. Inspection (RI): | <u>8</u> |
| b. Sample Inspection (SRI): | <u>0</u> |
| c. Complaint Inspection (CRI): | <u>6</u> |
| 3. Engineering Inspections: | <u>3</u> |
| a. Compliance Evaluation (CEI): | <u>0</u> |
| b. Sampling Inspection (CSI): | <u>1</u> |
| c. Performance Audit Inspection (PAI): | <u>0</u> |
| d. Complaint Inspection (CRI): | <u>2</u> |
| e. Enforcement Reconnaissance Inspections (ERI): | <u>0</u> |

F. INVESTIGATION/COMPLIANCE

| | |
|--------------------------------------|------------|
| 1. Citizen Complaints: | <u>41</u> |
| a. Domestic: | <u>31</u> |
| (i) Received: | <u>14</u> |
| (ii) Closed: | <u>17</u> |
| b. Industrial: | <u>10</u> |
| (i) Received: | <u>5</u> |
| (ii) Closed: | <u>5</u> |
| 2. Warning Notices: | <u>9</u> |
| a. Domestic: | <u>8</u> |
| (i) Received: | <u>4</u> |
| (ii) Closed: | <u>4</u> |
| b. Industrial: | <u>1</u> |
| (i) Received: | <u>1</u> |
| (ii) Closed: | <u>0</u> |
| 3. Non-Compliance Advisory Letters: | <u>31</u> |
| 4. Environmental Compliance Reviews: | <u>155</u> |
| a. Industrial: | <u>19</u> |
| b. Domestic: | <u>136</u> |
| 5. Special Project Reviews: | <u>5</u> |
| a. ARs: | <u>0</u> |
| b. Others: | <u>5</u> |

G. RECORD REVIEWS

| | |
|-----------------|----------|
| 1. Permitting: | <u>3</u> |
| 2. Enforcement: | <u>3</u> |
| | <u>0</u> |

H. ENVIRONMENTAL SAMPLES ANALYSED FOR

| | |
|-----------------------|------------|
| 1. Air Division: | <u>104</u> |
| 2. Waste Division: | <u>1</u> |
| 3. Water Division: | <u>36</u> |
| 4. Wetlands Division: | <u>0</u> |
| 5. ERM Division: | <u>146</u> |

I. SPECIAL PROJECT REVIEWS

| | |
|-----------------------|-----------|
| 1. DRI's: | <u>6</u> |
| 2. ARs: | <u>0</u> |
| 3. Technical Support: | <u>5</u> |
| 4. Other: | <u>38</u> |

AR06.03

EPC LEGAL DEPARTMENT MONTHLY REPORT
July 2003

A. ADMINISTRATIVE CASES

NEW CASES [0]

EXISTING CASES [5]

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)

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. On May 21, 2003, the circuit court judge, in a property dispute case, determined that the Respondents are responsible for cleanup of petroleum contamination located at the property. The matter has been set for a re-hearing for August 7, 2003. In the event the re-hearing is denied the abeyance will be lifted in the case and the matter will be set for hearing. (AZ)

RESOLVED CASES [2]

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. The settlement letter was executed and the enforcement case was closed May 29, 2003. (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. North Star intends to sell the facility, but the new owner will seek a permit. The time to file a need for permit determination challenge lapsed, the agency action became final, and the facility was sold. (RM)

B. CIVIL CASES

NEW CASES [1]

Strawberry Fields Ventures, LLC [LSTR03-012]: EPC and Strawberry Fields Ventures, LLC (d/b/a Strawberry Fields Mobile Home Park) entered into a consent order on August 12, 2002, to resolve multiple wastewater treatment and disposal violations at this mobile home park in Plant City. The facility has not come into compliance with the majority of the consent order conditions, the facility has new violations, and the facility has not provided proper proof of financial assurance to qualify for issuance of a permit renewal. The EPC will file suit, but the parties are close to a settlement by Consent Final Judgment outlining an amended timeline to comply. (RM)

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)

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)

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 been scheduled for July 18, 2003. (AZ)

Flamingo Apartments/Abe Vaknin [LGOO02-004]: 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 and Mr. Vaknin have 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 closed Nutmeg lawsuit described below. On May 16, 2003, the EPC Legal Department filed a lawsuit against Rae-Mac Investments Corporation to compel corrective actions and to resolve all outstanding violations and liens at the site. The EPC is currently waiting for a response to the offer of settlement or a response to the lawsuit. (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 JUNE 30, 2003

| | | |
|-----------------------------|------|--------------------|
| Fund Balance as of 10/01/02 | | \$1,601,788 |
| Interest Accrued | FY03 | 40,661 |
| Deposits | FY03 | 292,868 |
| Disbursements | FY03 | 67,130 |
| Fund Balance | | \$1,868,187 |

Encumbrances Against Fund Balance:

| | |
|------------------------------------|---------|
| Art. Reef FY03 | 36,486 |
| (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 | - 0 - |
| (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 | 96,857 |
| USF | 888 |

| | |
|--------------------------------------|------------|
| Total of Encumbrances | 838,014 |
| Minimum Balance | 120,000 * |
| Fund Balance Available June 30, 2003 | \$ 910,173 |

*\$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 JUNE 30, 2003

| | |
|-----------------------------|-----------------|
| Fund Balance as of 10/01/02 | \$1,265,455 |
| Interest Accrued FY03 | 30,083 |
| Disbursements FY03 | 21,416 |
| Fund Balance | \$1,274,122 |

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 | 186,958 |

| | |
|-----------------------|-----------|
| Total of Encumbrances | 1,274,122 |
|-----------------------|-----------|

| | | |
|--------------------------------------|----|-------|
| Fund Balance Available June 30, 2003 | \$ | - 0 - |
|--------------------------------------|----|-------|

AGENDA ITEM COVER SHEET

Date: July 1, 2003

Agenda Item: FDEP Petroleum Cleanup Contract #627 Amendment #1

Description/Summary:

The Florida Department of Environmental Protection is requiring an amendment to Petroleum Cleanup Contract #GC627 which was originally signed by EPC on June 21, 2001. The changes include revised administrative review procedures, a re-formatted year-end financial reporting form, monthly invoice reporting format changes and a fringe, indirect and overhead cost cap. None of the amendments to the contract will result in changes to the current staffing level and will not result in the expenditure of county funds.

Commission Action Recommended:

It is requested that the Commission authorize the Executive Director to sign the contract amendment on EPC's behalf.

DEP CONTRACT NO. GC627
AMENDMENT NO. 1

JUN 25 2001

THIS CONTRACT as entered into on the 21st day of June, 2001, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department" or "DEP") and HILLSBOROUGH COUNTY (hereinafter referred to as the "Contractor") is hereby amended as follows:

-- Paragraph 8, the fourth subparagraph is hereby revised to read as follows:

The Contractor shall be paid on a fee schedule basis based on estimates of the costs to manage a specified number of sites. **This is not a fixed price or cost plus contract.** The monthly amount is based on the estimated level of effort required to manage Preapproval/Non Program/Voluntary Cleanup and State Cleanup Sites. The number and level of personnel and overhead are based upon DEP estimates and overhead funding caps, cost of personnel are based on the Contractor's actual cost and the total number of sites the Contractor manages. Funding caps established for overhead (which includes Fringe Benefits) shall be re-evaluated by March 31st of each year prior to the development of the new State Fiscal Year task assignment. Consideration in terms of personnel time may be given for specific technical and administrative activities on a task by task basis. Payment for active sites shall be based on the date of initiation and pro-rated over a 12-month period. Additional sites added during the course of the year will be pro-rated from the month the site is assigned. Site Rehabilitation Completion Orders (SRCO) with or without conditions issued pursuant to Rules 62-770.680 or 62-770.760, Florida Administrative Code ("F.A.C."), during the course of the year shall not reduce the total number of sites assigned to the Contractor during any fiscal year.

-- Paragraph 17 is hereby revised to modify the contact information for the Department's Contract Manager to read as follows:

Florida Department of Environmental Protection
Bureau of Petroleum Storage Systems
Attn: Grace Rivera
2600 Blair Stone Road, MS 4545
Tallahassee, FL 32399-2400
Telephone: (850) 245-8882
Facsimile: (850) 245-8878
Email: grace.rivera@dep.state.fl.us

-- Paragraph 18 is hereby revised to change the telephone number for the Department's Contract Manager to (850) 245-8882.

-- Paragraph 20, the second sentence is hereby modified to read as follows:

This Contract may be unilaterally canceled by the Department for refusal by the Contractor to allow public access to all documents, papers, letters, or other material subject made or received by the Contractor in conjunction with this Contract, unless the records are exempt from Section 24(a) of Article I of the State Constitution and Section 119.07(1), Florida Statutes.

-- Paragraph 24, the second sentence is hereby modified to change the period for accessing records from three years to five years.

-- Paragraph 25 is hereby deleted in its entirety and replaced with the following:

25. In addition to the provisions contained in paragraph 24 above, the Contractor shall comply with the applicable provisions contained in **Attachment H-1, Revised Special Audit Requirements**. A revised copy of **Attachment H-1, Exhibit-1**, must be provided to the Contractor with each amendment which authorizes a funding increase or decrease. The revised Exhibit-1 shall summarize the funding sources supporting the Contract for purposes of assisting the Contractor in complying with the requirements of **Attachment H-1, Revised Special Audit Requirements**. If the Contractor fails to receive a revised copy of **Attachment H-1, Exhibit-1**, the Contractor shall notify the Department's Grants Development and Review Manager at 850/245-2361 to request a copy of the updated information.

Paragraph 33 is hereby deleted in its entirety and replaced with the following:

33. Upon satisfactory completion of this Contract, the Contractor may retain ownership of the equipment purchased under this Contract. However, the Contractor shall complete and sign a Property Reporting Form, provided as **Attachment F-1**, and forward it along with the appropriate invoice to the Department's Grant Manager. The following terms shall apply:
- A. The Contractor shall have use of the equipment for the authorized purposes of the contractual arrangement as long as the required work is being performed.
 - B. The Contractor is responsible for the implementation of adequate maintenance procedures to keep the equipment in good operating condition.
 - C. The Contractor is responsible for any loss, damage, or theft of, and any loss, damage or injury caused by the use of, non-expendable personal property or equipment purchased with state funds and held in his possession for use in a contractual arrangement with the Department.
 - D. The Contractor shall perform an annual inventory of all such equipment no later than January 31st of each year and shall submit an inventory report to the Department.
 - E. Additional requirements may be imposed on executed Task Assignments outlining the purchase of equipment.

All attachments relative to this Contract are hereby deleted in their entirety and replaced, respectively, as described in the chart below. All references in the Contract to each of the original attachments shall hereinafter refer to the attachment by the new title as amended herein.

| Original Attachment | Revised Attachment |
|--|--|
| Attachment A, Scope of Services | Attachment A-1, Scope of Services (Revised 6/03) |
| Attachment B, Contract Definitions | Attachment B-1, Contract Definitions (Revised 6/03) |
| Attachment C, Task Assignment Notification Form | Attachment C-1, Task Assignment Notification Form (Revised 6/03) |
| Attachment D, Task Assignment Change Order Form | Attachment D-1, Task Assignment Change Order Form (Revised 6/03) |
| Attachment E, Multiplier Spreadsheet for Compensation Form | Attachment E-1, Multiplier Spreadsheet for Compensation Form (Revised 6/03) |
| Attachment F, Property Reporting Form | Attachment F-1, Property Reporting Form (Revised 6/03) |
| Attachment G1, Instructions for Contract Invoice | Attachment G1-1, Instructions for Contract Invoice (Revised 6/03) |
| Attachment G2, Contractual Services Invoices Form | Attachment G2-1, Contractual Services Invoices Form (Revised 6/03) |
| Attachment G3, Monthly Contract Invoice Cover Sheet Form | Attachment G3-1, Monthly Contract Invoice Cover Sheet Form (Revised 6/03) |
| Attachment G4, Site Report Spreadsheet Form | Attachment G4-1, Site Report Spreadsheet Form (Revised 6/03) |
| Attachment H, Special Audit Requirements | Attachment H-1, Revised Special Audit Requirements (Revised 6/03) |
| Attachment I, Administrative Performance Criteria | Attachment I-1, Administrative Performance Criteria (Revised 6/03) |
| Attachment J, Guidance Documents | Attachment J-1, Guidance Documents (Revised 6/03) |
| Attachment K, Non-Program Site Management Procedures | Attachment K-1, Non-Program Site Management Procedures (Revised 6/03) |

Attachment L1, Local Program Petroleum Cleanup Contract Year End Financial Statement and Attachment L2, Local Program Petroleum Cleanup Contract Guidelines for Preparing Year End Financial Statement, attached hereto are hereby added to the Contract.

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

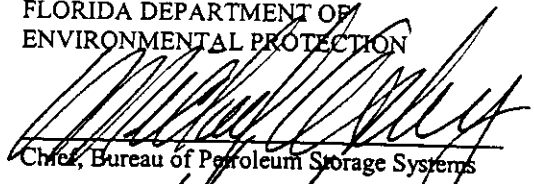
IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed the day and year last written below.

HILLSBOROUGH COUNTY

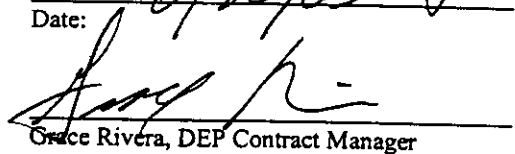
Title:

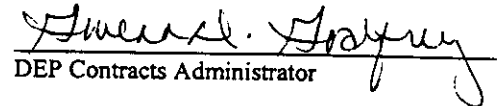
Date:

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION


Chief, Bureau of Petroleum Storage Systems

Date: 6/20/03


Grace Rivera, DEP Contract Manager


DEP Contracts Administrator

Approved as to form:

Approved as to form and legality:

Hillsborough County Environmental Protection Commission Chief Counsel


DEP Assistant General Counsel

List of Attachments/Exhibits included as part of this Amendment:

| Specify Type | Letter/ Number | Description (include number of pages) |
|--------------|----------------|--|
| Attachment | A-1 | Scope of Services (Revised 6/03) (4 Pages) |
| Attachment | B-1 | Contract Definitions (Revised 6/03) (2 Pages) |
| Attachment | C-1 | Task Assignment Notification Form (Revised 6/03) (1 Page) |
| Attachment | D-1 | Task Assignment Change Order Form (Revised 6/03) (1 Page) |
| Attachment | E-1 | Multiplier Spreadsheet for Compensation Form (Revised 6/03) (1 Page) |
| Attachment | F-1 | Property Reporting Form (Revised 6/03) (1 Page) |
| Attachment | G1-1 | Instructions for Contract Invoice (Revised 6/03) (1 Page) |
| Attachment | G2-1 | Contractual Services Invoices Form (Revised 6/03) (1 Page) |
| Attachment | G3-1 | Monthly Contract Invoice Cover Sheet Form (Revised 6/03) (1 Page) |
| Attachment | G4-1 | Site Report Spreadsheet Form (Revised 6/03) (2 Pages) |
| Attachment | H-1 | Revised Special Audit Requirements (Revised 6/03) (5 Pages) |
| Attachment | I-1 | Administrative Performance Criteria (Revised 6/03) (1 Page) |
| Attachment | J-1 | Guidance Documents (Revised 6/03) (1 Page) |
| Attachment | K-1 | Non-Program Site Management Procedures (Revised 6/03) (2 Pages) |
| Attachment | L1 | Local Program Petroleum Cleanup Contract Year End Financial Statement (1 Page) |
| Attachment | L2 | Local Program Petroleum Cleanup Contract Guidelines for Preparing Year End Financial Statement (2 Pages) |

AGENDA ITEM SUMMARY SHEET

Date: July 17, 2003

Agenda Item: FY04 and FY05 Budget Review

Description/Summary:

The Agency budget was submitted to the County Administrator for review. The budget included our continuation level funding request along with several budget enhancements that we feel are necessary to complete our mission in the most effective and efficient manner possible. The County Administrator's recommended budget includes the entire continuation budget but omits the majority of the enhancements requested by staff.

During today's presentation, we will present the budget enhancements we have included in our FY04 & FY05 budget submittal.

Board Action Recommended:

Authorize staff to request the following action during the BOCC Budget workshop scheduled this afternoon:

1. Flag the additional revenue resulting from the modifications to Chapter 1-6 (Service Fee Schedule) scheduled to become effective October 1, 2003. The additional revenue is projected at \$617,000 per year.
2. Flag the FY04 & FY05 budget enhancements requested by the agency, as presented this morning.

AGENDA ITEM COVER SHEET

Date: July 17, 2003

Agenda Item: HIMP pre-operational monitoring results from the Palm River/McKay Bay area

Description/Summary: During the February 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 Palm River/McKay Bay portion of the HIMP monitoring program.

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