

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
OCTOBER 16, 2003
10 AM – 12 NOON**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

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

- I. CITIZEN'S COMMENTS**
- II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**
Report from the Chairman, David Jellerson
- III. CONSENT AGENDA**
- | | |
|---|----|
| A. Approval of Minutes: September 18, 2003 | 2 |
| B. Monthly Activity Reports | 6 |
| C. Legal Department Monthly Report | 21 |
| D. Pollution Recovery Trust Fund | 24 |
| E. Gardinier Settlement Trust Fund | 25 |
| F. Letter Re: Financial Assurance - Coronet | 26 |
| G. Upland Preservation in Lieu of Wetland Creation Mitigation | 29 |
| H. Letter to FDEP from Commission Re: Piney Point | 30 |
| I. Lung Cancer Report | 33 |
| J. Request for Legal Authority – Presco Food Store | 37 |
- IV. EXECUTIVE DIRECTOR**
- | | |
|---|----|
| A. Update Report on Coronet Industries | 38 |
| B. Presentation – Report on Agency Goals and Objectives | |
- V. COMMISSION ACTION**
Annual Evaluation of Executive Director
- VI. LEGAL DEPARTMENT**
- | | |
|---|----|
| A. Collins Property – Variance Request (Wetlands) | 47 |
| B. Legislative Update | 55 |
- VII. WASTE MANAGEMENT DIVISION**
Report on Survey of Old Landfills 56

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.

SEPTEMBER 18, 2003 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, September 18, 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, Thomas Scott, and Ronda Storms (arrived at 10:37 a.m.).

The following members were absent: Commissioners Ken Hagan (illness) and Jim Norman (schedule conflict).

Chairman Platt called the meeting to order at 10:05 a.m. Commissioner Scott led in the pledge of allegiance to the flag and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, explained there were no changes to the agenda. Chairman Platt called for a motion to approve the agenda. **Commissioner Frank so moved, seconded by Commissioner Scott, and carried four to zero.** (Commissioners Hagan and Norman were absent; Commissioner Storms had not arrived.)

CONSENT AGENDA

- A. Approval of Minutes: August 21, 2003.
- B. Monthly Activity Reports.
- C. Legal Department Monthly Report.
- D. Pollution Recovery Fund (PRF).
- E. Authorize Chairman to executive the Department of Enviromental Protection (DEP) contract.
- F. Authorize the Executive Director to execute Title V of the contract with DEP.

Commissioner Scott moved the Consent Agenda, seconded by Commissioner Castor. At the request of Commissioner Frank, Chairman Platt called for public comment on the Consent Agenda; there was no response. **The motion carried four to zero.** (Commissioners Hagan and Norman were absent; Commissioner Storms had not arrived.)

CITIZENS COMMENTS

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

THURSDAY, SEPTEMBER 18, 2003 - DRAFT MINUTES

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report From the Chairman, David Jellerson - Mr. Jellerson, chairman, CEAC, stated CEAC had received a presentation on industrial activities in the Tampa Port and a presentation by Ms. Gaye Townsend regarding ongoing development of the Hillsborough County wellhead protection program. In addition, Mr. Stephen Gran, Economic Development Department, had provided a status report on Hillsborough County agricultural pesticide collection day, which was held on Friday, September 5, 2003, and was funded by a \$39,000 grant from the PRF. The turnout was somewhat less than what was planned, and only part of the grant funds were used. The PRF grant was written to require that any unexpended funds be returned to the PRF. Due to the importance of the program, CEAC members recommended the unused funds be used for another collection event.

Continuation of Pesticide Collection Event - Mr. Gran reviewed an overhead presentation regarding the event. In response to Chairman Platt, Dr. Garrity concurred with the CEAC recommendation. **Commissioner Frank moved to use the balance of funds to continue the collection of pesticides, seconded by Commissioner Scott, and carried four to zero.** (Commissioners Hagan and Norman were absent; Commissioner Storms had not arrived.)

EXECUTIVE DIRECTOR

Update Report on Coronet Industries Incorporated (Coronet) - Mr. Jerry Campbell, Director, EPC Air Management Division, reviewed an overhead presentation focusing on environmental and public health initiatives, public outreach, and future actions. Dr. Garrity distributed and reviewed a chronology of Coronet. Regarding enforcement, Dr. Garrity noted there was a question as to how much information should be provided to citizens. He requested 30 to 60 days to return with options to initiate public notification on enforcement cases. **Commissioner Frank moved to authorize Dr. Garrity and staff to draft suggested language for notification processes on severe enforcement cases, seconded by Commissioner Scott, and carried four to zero.** (Commissioners Hagan and Norman were absent; Commissioner Storms had not arrived.)

Discussion followed regarding soil, water, and air sampling. Chairman Platt expressed concern with abandoned landfills and requested staff research a past survey of landfills. Mr. Hooshang Boostani, Director, EPC Waste Management Division, reported staff had a list of landfills in the County, the city of Tampa (City), and on private property. Staff had spoken with Dr. Garrity about developing a plan for monitoring landfills that were on private property

THURSDAY, SEPTEMBER 18, 2003 - DRAFT MINUTES

in the same manner as those that were on County and City property. Chairman Platt also remembered a study regarding the incidence of cancer in the County and requested staff find that survey.

Referencing recent action at a Board of County Commissioners (BOCC) meeting, Commissioner Storms asked EPC to work with County staff and the city of Plant City on water hook up issues. Dr. Garrity would pass that along. Commissioner Frank asked about the financial stability of Coronet. Dr. Garrity reported the DEP water permit was up for renewal, and a requirement for financial assurance would be included. Opining strong financial assurance was necessary, **Commissioner Frank moved to send a letter asking for financial assurance as a stipulation in the issuance of the DEP permit, seconded by Commissioner Storms, and carried five to zero.** (Commissioners Hagan and Norman were absent.)

Presentation - Annual Report - Utilizing an overhead presentation, Dr. Garrity reviewed the 2002 annual report, as presented in background material. Dr. Garrity reported an update on the EPC goals and objectives would be presented next month. Referencing air emission, Commissioner Frank noted proposals to lax the Clean Air Act and asked how that would affect transformations from coal to gas. Dr. Garrity discussed talks with the Tampa Electric Company regarding a signed agreement with the Environmental Protection Agency (EPA) to make the conversions.

WATER MANAGEMENT DIVISION

Update Report on Piney Point - Mr. Chris Dunn, Director, EPC Water Division, reviewed an overhead presentation including the location of Piney Point, water management objectives, a graph of water consumption, and the status of barging as of September 8, 2003. Due to additional rainfall, gulf dispersion activities were initiated in July 2003. Mr. Dunn showed a map of typical barge movement. The EPA permit allowed dispersement of up to 535 million gallons per day (mgd) with an expiration date of November 30, 2003. Based on recent calculations, staff estimated there would only be 200 mgd dispersed. The DEP had met with consultants and recalibrated the water balance model and decided to increase the target wastewater removal rates. The primary purpose of that was to increase on-site storage so significant closure work could be accomplished prior to the 2004 rainy season. In light of that, DEP modified the final emergency order to allow double the amount of water removed from the site. Staff recommended exploration of extending the EPA emergency permit beyond the permit deadline of November 30, 2003, to reach permitted dispersion volume and explore the possibility of a second barge. **Commissioner Storms so**

THURSDAY, SEPTEMBER 18, 2003 - DRAFT MINUTES

moved, seconded by Commissioner Frank. Commissioner Castor clarified the motion was to send a letter to DEP. **Commissioner Storms amended the motion to have Chairman Platt or staff personally deliver the letter.** Commissioner Frank asked about the affects of a hurricane on undispersed water. Dr. Garrity stated those concerns were the reason for the emergency order. **The motion carried five to zero.** (Commissioners Hagan and Norman were absent.)

LEGAL DEPARTMENT

Request Authorization to Pursue Appropriate Legal Action, Including Civil Litigation and Settlement Authority Against: (1) U-Haul Company and (2) Clyde Botner - EPC General Counsel Richard Tschantz reviewed the recommendation, as presented in background material. **Commissioner Scott moved staff recommendation, seconded by Commissioner Storms, and carried five to zero.** (Commissioners Hagan and Norman were absent.)

ADMINISTRATION

Discuss Procedure for Evaluating Executive Director - Mr. Tom Koulianos, EPC Director of Finance and Administration, had contacted Chairman Platt and was advised that she preferred to follow the same procedure as used the last two years. On October 1, 2003, Mr. Koulianos would distribute the evaluation forms along with a summary sheet, which indicated performance related to goals and objectives. He asked that the evaluations be returned to Chairman Platt by October 11, 2003. The week of October 6, 2003, Dr. Garrity would meet with each EPC member. The evaluation would be placed on the October 2003 agenda after compilation of the data. **Commissioner Storms so moved, seconded by Commissioner Frank.** Chairman Platt clarified the motion was to approve the process outlined. **The motion carried five to zero.** (Commissioners Hagan and Norman were absent.)

There being no further business, the meeting was adjourned at 11:15 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

kr

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
SEPTEMBER

A. Public Outreach/Education Assistance:		
1. Phone Calls:		114
2. Literature Distributed:		<u>100</u>
3. Presentations:		<u>1</u>
4. Media Contacts:		<u>18</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:		5
b. Construction:		<u>1</u>
c. Amendments:		<u>1</u>
d. Transfers/Extensions:		<u>0</u>
e. General:		<u>4</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 :		7
b. Construction ¹ :		<u>8</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>0</u>
e. Title V Operating ² :		<u>2</u>
f. Permit Determinations ² :		<u>5</u>
g. General:		<u>0</u>
3. Intent to Deny Permit Issued:		<u>1</u>
C. Administrative Enforcement		
1. New cases received:		
		<u>7</u>
2. On-going administrative cases:		
a. Pending:		11
b. Active:		<u>13</u>
c. Legal:		<u>3</u>
d. Tracking compliance (Administrative):		<u>24</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>51</u>
3. NOIs issued:		<u>6</u>
4. Citations issued:		<u>0</u>
5. Consent Orders Signed:		<u>4</u>
6. Contributions to the Pollution Recovery Fund:		<u>\$4,530.00</u>
7. Cases Closed:		<u>4</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>17</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>37</u>
E.	Open Burning Permits Issued:	<u>7</u>
F.	Number of Division of Forestry Permits Monitored:	<u>268</u>
G.	Total Citizen Complaints Received:	<u>57</u>
H.	Total Citizen Complaints Closed:	<u>53</u>
I.	Noise Sources Monitored:	<u>2</u>
J.	Air Program's Input to Development Regional Impacts:	<u>4</u>
K.	Test Reports Reviewed:	<u>3</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>33</u>
2.	Warning Notices Resolved:	<u>27</u>
3.	Advisory Letters Issued:	<u>13</u>
M.	AOR's Reviewed:	<u>9</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>3</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
SEPTEMBER

	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>\$ 240.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$4,400.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ 320.00</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	\$3,505.00
(b) for structure greater than 50,000 sq ft	<u>\$ -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ 145.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 200.00</u>
8. Open burning authorization	<u>\$2,975.00</u>
9. Enforcement Costs	<u>\$1,492.26</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: October 8, 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 SEPTEMBER 2003
 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	2
2. On-going administrative cases	124
a. Pending	34
b. Active	62
c. Legal	7
d. Tracking Compliance (Administrative)	21
e. Inactive/Referred cases	0
3. NOI's issued	0
4. Citations issued	1
5. Settlement Documents Signed	1
6. Civil Contributions to the Pollution Recovery Fund	\$3,490
7. Enforcement Costs collected	\$578
9. Cases Closed	4

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	3/1
2. EPC Authorization for Facilities NOT requiring DEP permit	0/0
3. Other Permits and Reports	
a. County Permits	0/1
b. Reports	58/62
4. Inspections (Total)	162
a. Complaints	11
b. Compliance/Reinspections	27
c. Facility Compliance	27
d. Small Quantity Generator	95
5. Enforcement	
a. Complaints Received/Closed	20/17
b. Warning Notices Issued/Closed	10/7
c. Compliance letters	8
d. Letters of Agreement	0/0
e. DEP Referrals	3
6. Pamphlets, Rules and Material Distributed	160

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	114
b. Installation	17
c. Closure	05
d. Compliance Re-Inspections	24
2. Installation Plans Received/Reviewed	3/5
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	5/5
b. Closure Reports Received/Reviewed	3/3
4. Enforcement	
a. Non-compliance Letters Issued/Closed	62/41
b. Warning Notices Issued/Closed	7/8
c. Cases referred to Enforcement	2
d. Complaints Received/Investigated	2/2
e. Complaints Referred	0
5. Discharge Reporting Forms Received	2
6. Incident Notification Forms Received	7
7. Cleanup Notification Letters Issued	3
8. Public Assistance	200+

Enforcement - Environmental Protection Commission of Hillsborough County

- [Search](#)

- [New Case](#)

- [Reports](#)

- [Admin](#)

- [Logout](#)

Agenda Report

Start Date

End Date

Division

Preview

Administrative Enforcement		Result
1.	New cases received	2
2.	On-going administrative cases	124
	a. Pending	34
	b. Active	62
	c. Legal	7
	d. Tracking Compliance (Administrative)	21
	e. Inactive/Referred cases	0
3.	NOIs issued	0
4.	Citations issued	1
5.	Consent Orders and Settlement Letters signed	1
6.	Civil Contributions to the Pollution Recovery Fund	3490
8.	Enforcement Costs collected	578
10.	Cases Closed	4

campbel, Full Access

MEMORAN M

DATE: October 7, 2003
 TO: Hooshang Boostani, Director, Waste Management
 FROM: Paul A. Springer, Manager, Solid/Hazardous Waste
 The following information is a summary of the month's activities for: September 2003 Should you require further information, please let me know.

SECTIONS:	SW	SQG	TR	MGR	DEPARTMENT SUMMARY	
					RECEIVED	REVIEWED
1. PERMITS & REPORTS:						
FDEP PERMITS	3				3	1
EPC DIRECTOR'S AUTHORIZATIONS	1				0	0
COUNTY PERMITS	1				0	1
REPORTS	35	22	1	0	58	62
	41	20	1	0		
					Total =	162
2) INSPECTIONS:						
Complaints	3	8			11	
Verifications		95			95	
P2 Audits		2			2	
Reinspections		16			27	
Facilities (TOTAL):					Interim Total =	27
	1				1	
	15				15	
	0				0	
	11				11	
3. ADMINISTRATIVE COMPLIANCE ACTIVITIES:						
	TYPE: SW	SQG	GW	HW	Received	Closed
Complaints - Received	8	7	0	5	20	17
- Closed	7	9	0	1		
	SECTIONS: SW	SQG	TR	MGR	Issued	Closed
Warning Notices - Issued	4	6			10	7
- Closed	4	3			8	
Compliance Letters	0	7	1		0	0
Letters of Agreement	0	0			0	0
Agency Referrals	3	0			3	
4. PUBLIC INFORMATION:						
Pamphlets, Rules and Materials Distributed	21	139			160	
Public Information Projects *	0	1				1

C. STORAGE TANK COMPLIANCE – September 2003 (October Agenda)

1. Inspections	
a. Compliance	114
b. Installations	17
c. Closures	05
d. Compliance Re-Inspections	24
2. Installation Plans Received & Reviewed	
a. Installation Plans Received	03
b. Installation Plans Reviewed	05
3. Closure Plans & Reports	
a. Closure Plans Received	05
b. Closure Plans Reviewed	05
c. Closure Reports Received	03
d. Closure Reports Reviewed	03
4. Enforcement	
a. Non-compliance Letters Issued/Closed	62/41
b. Warning Notices Issued/Closed	07/08
c. Cases referred to Enforcement	02
5. Complaints	
a. Complaints Received	02
b. Complaints Investigated	02
c. Complaints Referred	00
6. Discharge Reporting Forms Received	02
7. Incident Notification Forms Received	07
8. Cleanup Notification Letters Issued	03
9. Public Assistance	200+

PETROLEUM CLEANUP AGENDA INFORMATION

SEPTEMBER, 2003

1. Inspections	37
2. Reports Received:Reviewed	67:76
a. Site Assessment	24:24
b. Source Removal	3:4
c. Remedial Action Plan	9:11
d. Site Rehabilitation Completion Order/ No Further Action Order	6:3
e. Others	25:34
3. State Cleanup	
a. Active Sites	NO LONGER
b. Funds Dispersed	ADMINISTERED

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	2
2. Enforcement Cases Closed:	0
3. Enforcement Cases Outstanding:	40
4. Enforcement Documents Issued:	5
5. Recovered costs to the General Fund:	0
6. Contributions to the Pollution Recovery Fund:	\$473.93

Case Name	Violation	Amount
a. Rainbow Forest MHP	Improper Operation/ Failure to Maintain	\$473.93

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	33
a. Facility Permit:	7
(i) Types I and II	0
(ii) Type III	7
b. Collection Systems-General:	16
c. Collection Systems-Dry Line/Wet Line:	10
d. Residuals Disposal:	0
2. Permit Applications Approved:	21
a. Facility Permit:	2
b. Collection Systems-General:	12
c. Collection Systems-Dry Line/Wet Line:	7
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated) Recommended for Approval:	0
5. Permits Withdrawn:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0

6. Permit Applications Outstanding:	<u>58</u>
a. Facility Permit:	<u>27</u>
b. Collection Systems-General:	<u>28</u>
c. Collection Systems-Dry Line/Wet Line:	<u>3</u>
d. Residuals Disposal:	<u>0</u>
7. Permit Determination:	<u>3</u>
8. Special Project Reviews:	<u>0</u>
a. ARs:	<u>0</u>
b. Reuse:	<u>0</u>
c. Residuals/AUPs:	<u>0</u>
d. Others:	<u>0</u>
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation:	<u>13</u>
a. Inspection (CEI):	<u>4</u>
b. Sampling Inspection (CSI):	<u>7</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>2</u>
2. Reconnaissance:	<u>36</u>
a. Inspection (RI):	<u>11</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>25</u>
d. Enforcement Inspection (ERI):	<u>0</u>
3. Engineering Inspections:	<u>37</u>
a. Reconnaissance Inspection (RI):	<u>8</u>
b. Sample Reconnaissance Inspection (SRI):	<u>0</u>
c. Residual Site Inspection (RSI):	<u>0</u>
d. Preconstruction Inspection (PCI):	<u>7</u>
e. Post Construction Inspection (XCI):	<u>21</u>
f. On-site Engineering Evaluation:	<u>1</u>
g. Enforcement Reconnaissance Inspection (ERI):	<u>0</u>
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	
1. Permit Applications Received:	<u>3</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>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>0</u>

3. Special:	<u>1</u>
a. Facility Permits:	<u>0</u>
b. General Permits:	<u>1</u>
4. Permitting Determination:	<u>0</u>
5. Special Project Reviews:	<u>10</u>
a. ARs:	<u>0</u>
b. Phosphate DMRs:	<u>0</u>
c. Phosphate:	<u>0</u>
d. Industrial Wastewater:	<u>5</u>
e. Others:	<u>5</u>
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation:	<u>10</u>
a. Inspection (CEI):	<u>10</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>13</u>
a. Inspection (RI):	<u>12</u>
b. Sample Inspection (SRI):	<u>1</u>
c. Complaint Inspection (CRI):	<u>0</u>
3. Engineering Inspections:	<u>0</u>
a. Compliance Evaluation (CEI):	<u>0</u>
b. Sampling Inspection (CSI):	<u>0</u>
c. Performance Audit Inspection (PAI):	<u>0</u>
d. Complaint Inspection (CRI):	<u>0</u>
e. Enforcement Reconnaissance Inspections (ERI):	<u>0</u>
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints:	
a. Domestic:	<u>24</u>
(i) Received:	<u>15</u>
(ii) Closed:	<u>9</u>
b. Industrial:	<u>1</u>
(i) Received:	<u>1</u>
(ii) Closed:	<u>0</u>
2. Warning Notices:	<u>14</u>
a. Domestic:	<u>9</u>
(i) Received:	<u>5</u>
(ii) Closed:	<u>0</u>
b. Industrial:	<u>0</u>
(i) Received:	<u>0</u>
(ii) Closed:	<u>0</u>
3. Non-Compliance Advisory Letters:	<u>23</u>

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

	Totals
A. General	
1. Telephone Conferences	935
2. Unscheduled Citizen Assistance	59
3. Scheduled Meetings	171
4. Correspondence	481
B. Assessment Reviews	
1. Wetland Delineations	56
2. Surveys	44
3. Miscellaneous Activities in Wetland	26
4. Impact/ Mitigation Proposal	14
5. Tampa Port Authority Permit Applications	74
6. Wastewater Treatment Plants (FDEP)	2
7. DRI Annual Report	3
8. Land Alteration/Landscaping	0
9. Land Excavation	0
10. Phosphate Mining	6
11. Rezoning Reviews	29
12. CPA	2
13. Site Development	45
14. Subdivision	81
15. Wetland Setback Encroachment	0
16. Easement/Access-Vacating	3
17. Pre-Applications	27
18. On-Site Visits	63
C. Investigation and Compliance	
1. Complaints Received	36
2. Complaints Closed	61
3. Warning Notices Issued	12
4. Warning Notices Closed	10
5. Complaint Inspections	52
6. Return Compliance Inspections	75
7. Mitigation Monitoring Reports	16
8. Mitigation Compliance Inspections	29
9. Erosion Control Inspections	89
D. Enforcement	
1. Active Cases	41
2. Legal Cases	2
3. Number of "Notice of Pending Enforcement"	3
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	2
6. Administrative - Civil Cases Closed	2
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$2,500
9. Enforcement Costs Collected	\$682

EPC LEGAL DEPARTMENT MONTHLY REPORT
October 2003

A. ADMINISTRATIVE CASES

NEW CASES [2]

Collins, Peter and Maria [LCOL03-015]: On September 12, 2003, Peter and Maria Collins submitted an amended application for a variance from the EPC Wetland Rule Chapter 1-11 requiring wetland mitigation for proposed impacts to wetlands on their property. The Collins have submitted information regarding their substantial hardship in complying with the rule and how they would comply with the underlying purpose of the rule. The Executive Director has reviewed their application and is recommending approval of the variance based on the conditions agreed to in the application. The matter will be voted on at the October 2003 EPC Board meeting. (AZ)

Col Met, Inc. [LCOL03-019]: On March 19, 2003, Co Met, Inc. was issued a Citation to Cease and Order to Correct Violation regarding its aluminum painting operation. Col Met, Inc. timely filed an Appeal of the Citation. The matter has been held in abeyance pending corrective actions and settlement negotiations. (RT)

EXISTING CASES [4]

FIBA/Bridge Realty [LBR195-162]: 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. The operation has been closed and the property is scheduled to be sold. A settlement document is being reviewed by counsel for TBO regarding the related Civil case. (*See related case under Civil Cases*). (RT)

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 circuit court denied the motion for rehearing and the abeyance ended in August. The case is ongoing with discovery and settlement negotiations. (AZ)

RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES | 1 |

Botner, Clyde [LBOT03-017]: Authority to take appropriate action against Mr. Botner for unauthorized wetland impacts was granted in September 2003. The EPC issued Mr. Botner a Citation and Order to Correct for the unresolved wetland violations. He failed to appeal the Citation and the EPC is filing suit to enforce the Order. (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)

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. Negotiations are continuing in the case. (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. The property is scheduled for sale and the operation is closed. A Consent Final Judgment containing civil penalties is being reviewed by counsel for TBO. (*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 filed a Motion for a Re-hearing on the summary judgment. On July 18, 2003 the court granted the

COMMISSION
 Katny 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 SEPTEMBER 30, 2003

Fund Balance as of 10/01/02	\$1,601,788
Interest Accrued FY03	53,387
Deposits FY03	291,702
Disbursements FY03	186,684

Fund Balance \$1,760,193

Encumbrances Against Fund Balance:

Art. Reef FY03	9,297
(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	- 0 -
(99) Seagrass Restoration CR Bay	58,020
(100) Ag Pesticide Collection Day	39,000
(101) Pollution Prevention Program	79,519
Investigations Old Landfill	50,000

Total of Encumbrances 832,599

Minimum Balance (Reserve) 120,000 *

Fund Balance Available September 30, 2003 \$ 807,594

*\$ 20,000 to be used for City of Tampa Parks Department
 100,000 held as buffer in PRF

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



Administrative Offices,
 Legal & Water Management Division
 The Roger D. 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
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF SEPTEMBER 30, 2003

Fund Balance as of 10/01/02	\$1,265,455
Interest Accrued FY03	39,074
Disbursements FY03	59,317

Fund Balance	\$1,245,212
--------------	-------------

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	2,246
SP614 Manatee & Seagrass Protection	27,200
Fantasy Island	20,000
E.G. Simmons Park	43,200
Cockroach Bay ELAPP Restoration	195,949
 Total of Encumbrances	 1,245,212

Fund Balance Available September 30, 2003	\$ - 0 -
---	----------



AGENDA ITEM COVER SHEET

Date: **October 16, 2003**

Agenda Item: Letter Re: Financial Assurance - Coronet

Description/Summary:

At the September 18, 2003 meeting, staff updated the Commission regarding the ongoing Coronet junction investigation. During the discussion, the Commission was advised of a pending Industrial Wastewater Permit that FDEP is processing at Coronet's request. A motion passed instructing staff to send a letter to FDEP requesting that a condition be placed in Coronet's permit renewal that requires Coronet to provide Financial Assurance that it can carry out the tasks of long term closure and clean-up of the site. The letter is attached for the Commission's review.

Commission Action Recommended:

No action required.

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.

October 3, 2003

Deborah A. Getzoff
Director, Southwest District
3804 Coconut Palm Drive
Tampa, FL 33604

Re: Coronet Industries, Inc.
NPDES Industrial Wastewater Permit
Permit Application Number FL0034657-001-IW1S

Dear Ms. Getzoff:

On September 18, 2003, the Hillsborough County Commissioners met in their capacity as the Environmental Protection Commission and received an update regarding the joint ongoing investigation surrounding Coronet Industries. During the discussion it was mentioned that Coronet's Industrial Wastewater NPDES permit (FL0034657) is currently under review by the Department. Upon conclusion of the discussion, the Commission passed several motions which provided further direction to staff. One of the motions concerned the issue of the safety and long term care of Coronet's wastewater ponds.

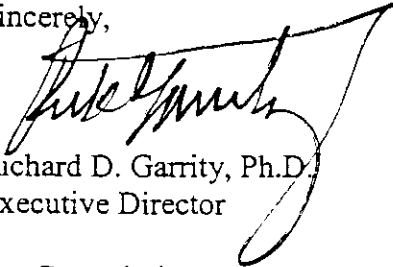
Given the size and quality of the facility's process water pond system, along with the recent findings of on-site and potential off-site impact, the Commission supports the Department in requiring Coronet to provide Financial Assurance for continuing the operation of its Plant City facility. The financial assurance demonstration is prudent to provide the Department and the citizens of Hillsborough County with reasonable assurance that future operations, closure, clean-up, and long term care of the site will be the responsibility of Coronet and that the Company has adequate financing to carry out these tasks.

As you know, a financial responsibility demonstration could be required as a condition for the issuance of the pending NPDES permit. The owner or operator should be required to post a bond, or meet alternative criteria with the Department equal to the estimated costs of closing and long-term care of the site. Alternate criteria in lieu of, or in combination with, other requirements may include, letters of credit, trust fund agreements, closure insurance or financial tests and corporate guarantees showing that the

financial resources to cover the costs of complying with all closure and long-term care requirements.

Thank you for your attention to this matter and the Department's continued joint efforts to address the Commission's concerns surrounding this facility.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Garrity". The signature is written in a cursive style with a large, sweeping flourish at the end.

Richard D. Garrity, Ph.D.
Executive Director

cc: Commissioners

AGENDA ITEM COVER SHEET

Date: September 26, 2003

Agenda Item: EPC Wetlands Management Division Upland Preservation in Lieu of Wetland Creation Mitigation/ South Shore Falls

Description Summary: The South Shore Falls Subdivision is proposed on a parcel of land consisting of approximately 234 acres, located in the vicinity of Apollo Beach in Hillsborough County, just west of U.S. Highway 41 and south of Miller Mac Road.

Approximately 27.94 acres of wetlands exist within the project boundaries. About 60% of the onsite wetlands are drainage and agricultural ditches. Of the 9.48 acres of proposed wetland impacts, staff determined that 7.18 acres (76%) are proposed to upland-excavated ditches. As such, they qualify for the Environmental Director's Authorization #1996-1 which does not impose the typical mitigation requirements. The remaining 2.28 acres of wetlands proposed for impact are predominately characterized as ditches excavated from hydric or wetland soils.

In lieu of providing wetland creation mitigation for the wetland ditches, the applicant is proposing to preserve valuable uplands in accordance with Chapter 1-11.09 (7) Wetlands, Rules of the EPC. The proposed upland preservation area is adjacent to a 1.32-acre forested wetland. It is a mixed-oak system with a palmetto understory, consisting of 4.99 acres. Preservation of this 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.

Consent Agenda Item Cover Sheet

Date: **October 16, 2003**

Agenda Item: **LETTER FROM COMMISSION TO FDEP (PINEY POINT)**

Description/Summary:

EPC staff provided a **PINEY POINT UPDATE** to the Commission at the September 18, 2003 EPC monthly meeting.

After the presentation, the Commission discussed Gulf dispersion activities, the Fifth Modification to the Final Emergency Order and the resumption of the discharge of double-line plus aeration water to Bishop Harbor. At the conclusion of the discussion, it was moved and seconded, that the Commission would send a letter to David Struhs, Secretary, FDEP, requesting that FDEP explore extending the EPA Emergency Barge Dispersion Permit Authorization beyond the November 30, 2003 permit deadline (to reach the 534 million gallon permit volume limitation) and explore the possibility of instituting a second barge to shorten the possible extension of the permit.

Attached please find a letter dated September 29, 2003, sent to David B. Struhs, from EPC Chairman, Jan K. Platt

Board Action Recommended:

No action required. For information only.

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.

September 29, 2003

Mr. David B. Struhs, Secretary
Florida Department of Environmental Protection
3900 Commonwealth Blvd., MS #10
Tallahassee, FL 32399

Dear Secretary Struhs:

SUBJECT: EXPLORE EXTENDING PINEY POINT EMERGENCY PERMIT

This letter is written as a result of an action by the Environmental Protection Commission on September 18, 2003, that a letter be sent to FDEP requesting they explore extending the EPA Emergency Barge Dispersion Permit Authorization beyond the November 30, 2003 permit deadline, to reach the 534 million gallon permit volume limitation.

As you are aware, on April 9, 2003, the Environmental Protection Agency (EPA) issued an emergency permit under the Marine Protection, Research, and Sanctuaries Act to allow dispersion of treated water from the abandoned Piney Point fertilizer plant in Manatee County into waters of the Gulf of Mexico.

The permit authorizes the dispersion of up to 534.7 million gallons of treated process wastewater, including rainfall run-off to be dispersed. All dispersion activities authorized under the EPA emergency permit must be completed by November 30, 2003. It is our understanding that FDEP has estimated that no more than 200 million gallons of treated water can be dispersed by the expiration of the permit.

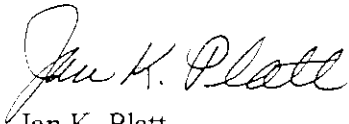
We also understand that over the preceding 12 months, the site has received over 80 inches of rain, or about 26 inches above average. This excessive rainfall and the need to increase storage so that significant closure work can be accomplished prior to the 2004 rainy season, prompted the FDEP to issue the Fifth Modification to the Piney Point Emergency Final Order on September 5, 2003. This modification authorizes the Receiver of the Piney Point plant to double the amount of treated process wastewater produced and removed from the site over the next 3-5 months. In summary, this allows the Receiver to increase the amount of Reverse Osmosis water being produced from about 0.6 mgd to above 1 mgd, increases the double-lime plus aeration water being produced at the site to a minimum of 3.0 mgd and allows the resumption of the discharge of this water to Bishop Harbor.

After November 30, 2003, when barging will cease as the only other currently effective alternative of removing water off-site, approximately 3.0 million gallons of the double-lime treated water will be discharged into Bishop Harbor every day.

To minimize the long term potential water quality impact to Bishop Harbor and Tampa Bay, we recommend that the FDEP and EPA explore extending the EPA Emergency Permit beyond the November 30, 2003 permit deadline until the permitted dispersion volume of 534.7 million gallons is reached. This will effectively reduce the amount of treated wastewater discharged to Bishop Harbor by over 300 million gallons. These 300 million gallons of double-lime water could amount to an addition of over 15 tons of ammonia nitrogen to Tampa Bay or several times the amount of total nitrogen area governments are cooperatively reducing in annual input to the bay as part of the Tampa Bay Estuary Program's nitrogen loading management Goal. If the permit is extended, you may also want to consider the possibility of using a second barge to reduce the time necessary to accomplish this objective.

Thank you in advance for considering these recommendations. Protecting Bishop Harbor and other portions of Tampa Bay are the foundation of numerous Tampa Bay Environmental Management strategies. Extending the permit will reduce the amount of pollution (nitrogen) to Tampa Bay and reduce the impact on existing nitrogen management efforts. Again, thank you for listening to our concerns.

Sincerely,



Jan K. Platt
Chairman
Environmental Protection Commission

cc: Allan Bedwell, Deputy Secretary, FDEP
Deborah Getzoff, Southwest District FDEP
Phil Coram, FDEP
Sam Zamani, FDEP
Richard Eckenrod, TBEP
Suzanne Cooper, ABM

COMMISSION
Kathy Castor
Pat Frank
Ken Hagan
Jim Norman
Ian 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: October 8, 2003
TO: Rick Garrity
FROM: Paul Cooper THROUGH: Jerry Campbell
SUBJECT: Lung Cancer Incidences in Hillsborough County

Based upon discussions during the September 18th EPC Board meeting, staff made an extensive search in response to Commissioner Platt's request to find a survey she referenced on lung cancer incidences in Hillsborough County. Although we could not locate the specific survey in question, other sources of lung cancer data pertaining to the County were found. This particular data suggests that for the most recent years of data that is available (1996-2000), the lung cancer incidence rate in the County is similar to the U.S. incidence rate and is stable, i.e., not rising or falling. The source of this data is the National Cancer Institute: State Cancer Profiles, and is for all races and both sexes. A copy is attached.

The news is not as good for some of the other Bay area counties. The survey states both Citrus and Hernando are experiencing lung and bronchus cancer mortality rates above the US average, and their trend is rising. Polk has rates similar to the national average, but their trend is also rising. Pasco has a higher incident of mortality from these types of cancer than the national rate, but their trend is stable. Pinellas, Manatee and Sarasota are all categorized as similar to Hillsborough – equivalent to the US rate with a stable trend.

Thanks you for bringing this issue to our attention. We will try and keep up with this type of information in the future and report back to the Board as necessary.

Death Rate/Trend Comparison by Cancer, death years through 2000 Florida Counties versus United States

Lung & Bronchus All Races, Both Sexes

	Above US Rate	Similar to US Rate	Below US Rate
Rising Trend	Priority 1: rising ↑ and above ↑ Citrus County Escambia County Gulf County Hernando County Marion County Okaloosa County Union County Walton County Washington County	Priority 2: rising ↑ and similar = Gadsden County Polk County Seminole County	Priority 3: rising ↑ and below ▼ [none]
Stable Trend	Priority 4: stable → and above ↑ Baker County Bay County Bradford County Brevard County Clay County Columbia County Franklin County Glades County Hamilton County Levy County Nassau County Okeechobee County Pasco County Putnam County Santa Rosa County Suwannee County Taylor County	Priority 6: stable → and similar = Alachua County Calhoun County Charlotte County De Soto County Dixie County Flagler County Gilchrist County Hardee County Hendry County Highlands County Hillsborough County Holmes County Indian River County Jackson County Jefferson County Lake County Leon County Madison County Manatee County Martin County Monroe County Osceola County Pinellas County Sarasota County St. Johns County St. Lucie County Volusia County Wakulla County	Priority 7: stable → and below ▼ [none]
Falling Trend	Priority 5: falling ▼ and above ↑ Duval County	Priority 8: falling ▼ and similar = Florida Broward County Lee County	Priority 9: falling ▼ and below ▼ Collier County Dade County

Orange County Palm Beach County Sumter County

Created by statecancerprofiles.cancer.gov on 09/18/2003 4:11 pm.

Trend

Rising when 95% confidence interval of annual percent change is above 0.

Stable when 95% confidence interval of annual percent change includes 0.

Falling when 95% confidence interval of annual percent change is below 0.

Rate Comparison

Above when 95% confident the rate is above and Rate Ratio > 1.10

Similar when unable to conclude above or below with confidence.

Below when 95% confident the rate is below and Rate Ratio < 0.90

Priority indices were created by ordering from rates that are rising and above the comparison rate to rates that are falling and below the comparison rate. Data Table link provides supporting statistics including annual counts and rate ratios. Trends have been calculated using the Joinpoint Regression Program.

Trend for the following could not be reliably determined due to small number of deaths per year:

Lafayette County, Liberty County

Source: Death data provided by the National Vital Statistics System public use data file. Death rates calculated by the National Cancer Institute using SEER*Stat. Death rates are age-adjusted to the 2000 US standard population by 5-year age groups. Population counts for denominators are based on Census 2000 as modified by NCI.

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

AGENDA ITEM COVER SHEET

DATE: October 16, 2003

TO: Environmental Protection Commissioners

FROM: Leslie L. Campbell, Enforcement Coordinator, Waste Management Division

SUBJECT: Request for Authority to Take Legal Action regarding Presco Food Store #39

RECOMMENDATION: Grant authorization to pursue appropriate legal action, including civil litigation, and settlement authority

BACKGROUND:

Presco Food Store #39 is a retail gas station with five underground storage tanks, which is located at 1425 South Collins Street in Plant City. Sandeep R. Patel owns the property and the gas station is operated by Danny Patel.

Compliance inspections conducted by EPC staff have revealed the following ongoing violations of the Chapter 1-12, Storage Tank Rule:

- a. no flow shut off valve in the southernmost plus fill;
- b. proof of current financial responsibility (insurance) not available;
- c. no written release detection response level submitted;
- d. annual line leak detector tests not available;
- e. annual line tightness tests not available;
- f. internal inspection of relined tanks not available;
- g. tank tightness tests not available;
- h. visual dispenser liner and STP manway inspections missing;
- i. release detection records not available.

Both a Notice of Intent to Initiate Enforcement and a Citation of Violation and Order to Correct have been issued to the responsible parties via Certified Mail. Despite numerous attempts on the part of EPC staff to contact the parties, by phone and mail, no response of any kind has been received.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

MEETING DATE: _____
DIAGRAM (IF APPROPRIATE) _____

AGENDA ITEM COVER SHEET

Date: October 16, 2003

Agenda Item: Update on Coronet Industries and the Environmental Conditions
Surrounding the Plant

Description Summary:

EPC staff is committed to briefing the Board on a regular basis regarding Coronet until the situation warrants otherwise. As we did at the last several meetings, staff will make a brief presentation on some of the latest developments. More specifically, we will be presenting some initial results of EPC's intensive air sampling from the adjacent communities, and Coronet's proposed schedule of corrections for the air issues. We also will be reporting on the State's recent enforcement initiative as well as the Department of Health's latest well sampling efforts.

The purpose of today's briefing is to share information with the Board members and answer questions.

Commission Action Recommended:

Accept the briefing and give guidance as necessary.

Commission Action Taken:

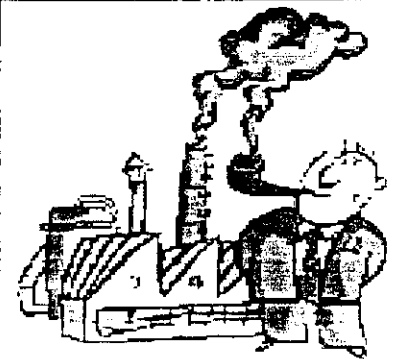
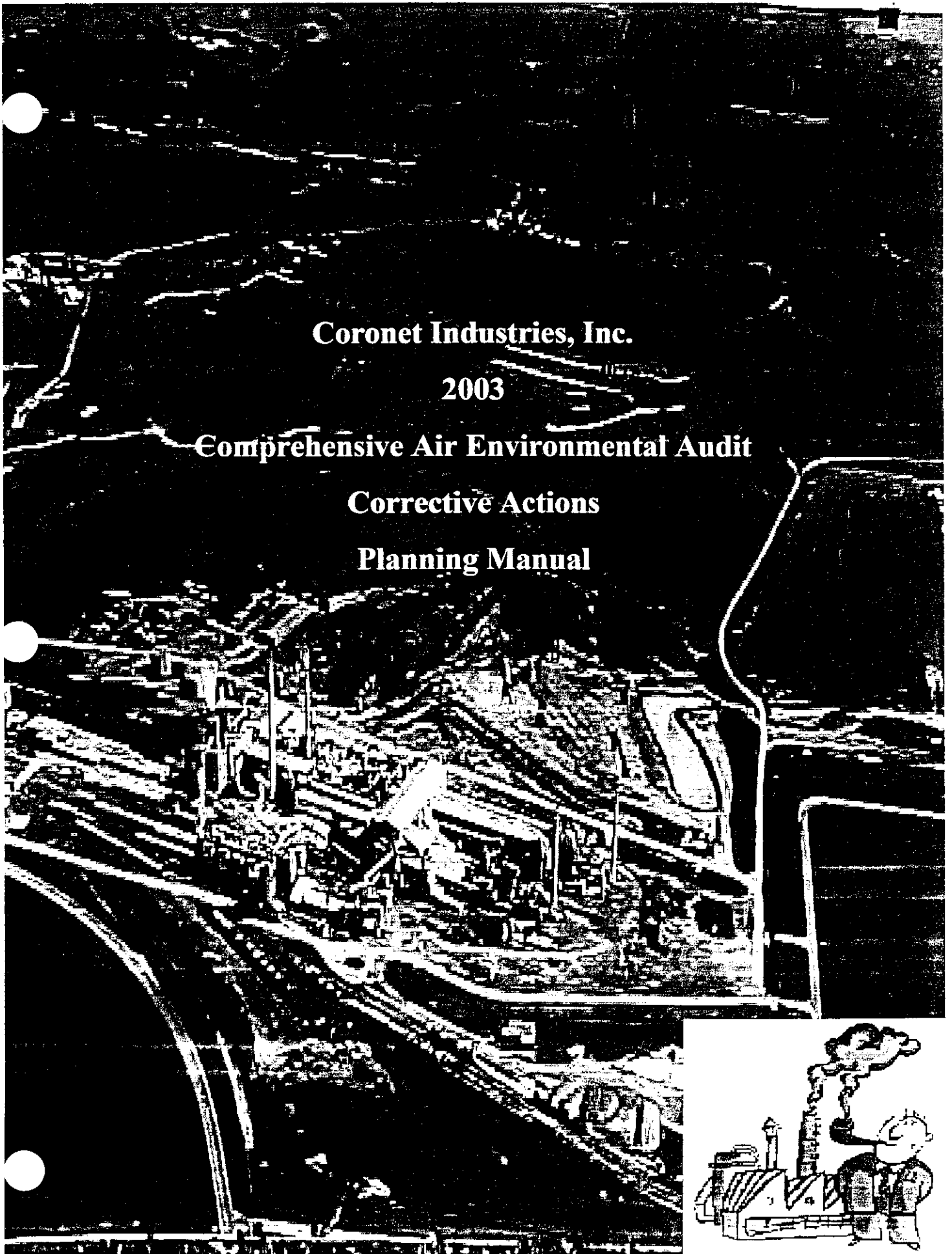
Coronet Industries, Inc.

2003

Comprehensive Air Environmental Audit

Corrective Actions

Planning Manual



DRAFT

DRAFT

DRAFT

Air Compliance Audit – Numbered Corrective Actions

Coronet Industries, Inc.

Plant City Animal Feed Facility

Facility ID No.: 0570075
Hillsborough County

Title V Operation Permit No.: 0570075-014-AV

DRAFT

Koogler & Associates Environmental Services
4014 NW 13th Street
Gainesville, Florida

RECEIVED

SEP 25 2003

EPIC OFFICE
AIR MANAGEMENT

DRAFT

DRAFT

Table of Contents

Section	Page Number
General Facility.....	1
Emissions Unit 001: Feed Preparation Plant with Wet Scrubber.....	2
Emissions Unit 003: Paragon Defluorinating Kiln Number 2 with Packed Bed Scrubber.....	3
Emissions Unit 005: Defluorinating Kilns Numbers 6 and 7.....	4
Emissions Unit 006: Feed Preparation Product Handling Dust Collector.....	5
Emissions Unit 007: Feed Preparation Rock Handling Baghouse Number 12.....	6
Emissions Unit 008: Feed Preparation Scrubber Number 2.....	7
Emissions Unit 009: Feed Preparation Phosphate Rock/Soda Ash Storage Bin with Baghouse.....	8
Emissions Unit 012: CDP Truck Loading Dust Collectors.....	9
Emissions Unit 013: CDP Fines Bagging with Dust Collector.....	10
Emissions Unit 015: North Mill Room with Baghouse.....	11
Emissions Unit 016: CDP Fines Storage with Baghouse.....	12
Emissions Unit 101: Railcar Loading Spout.....	12
Emissions Unit 017: Bulk Railcar Loading with Baghouse.....	13
Emissions Unit 018: South Mill Room.....	14
Emissions Unit 019: 200 BHP Kewanee Boiler for Defluorination Plant.....	15
Emissions Unit 020: 100 BHP Kewanee Boiler for Defluorination Plant.....	15
Emissions Unit 021: Craneway Building.....	16
Emissions Unit 022: Defluorinating Fluid Bed Reactor Number 1.....	17
Emissions Unit 023: Fluoride Plant Number 1 with Scrubber.....	18
Emissions Unit 024: Defluorinating Fluid Bed Reactor Number 2 with Scrubber.....	19
Emissions Unit 027: Potassium Fluoroborate Production Plant with Dust Collector.....	20
Emissions Unit 028: Borax Storage and Handling System.....	21
Emissions Unit 030: 100 and 500 Ton Feed Tanks, Elevator, and Reclaim Hopper.....	22
Emissions Unit 031: Material Storage Bin (formerly 80 Ton Limestone Bin).....	23
Emissions Unit 032: Inorganic Chemical Production.....	24
Emissions Unit 100: Facility-Wide Fugitive Emissions.....	25

For Immediate Release

October 8, 2003

NEWS BRIEF

EPC Evaluates Soil and Air Samples Around Coronet Junction

Tampa, FL -- The Environmental Protection Commission of Hillsborough County (EPC) has completed an evaluation of initial air monitoring samples and additional air deposition soil sampling in the vicinity of Coronet Industries. Both reports are summarized in the attached documents.

CONTACT PERSON:

Jerry Campbell 272-5960 extension 1253

or

Hal Koechlein 272-5960 extension 1317



October 8, 2003

Summary of Air Sampling around Coronet Junction

Because of citizens concerns about the air quality in the vicinity of Coronet Junction, the Environmental Protection Commission (EPC) of Hillsborough County installed three new specialized dust/metals monitors in the area. These monitors are located around Coronet Industries (see map) and sample every three days for 24-hour periods. The preliminary results of the filter analysis on the limited number of samples collected from Aug 22 - Sept 12, 2003, included in the attached report, indicate that the dust and metals in the air around Coronet Junction are generally the same as or less than those collected at other similar monitors running in Hillsborough County and Pinellas County. Winds on the sampling days, recorded at EPC's Plant City High School monitoring site, were light, and the three samplers generally registered similar readings, none of which could be attributed to any single source at this time.

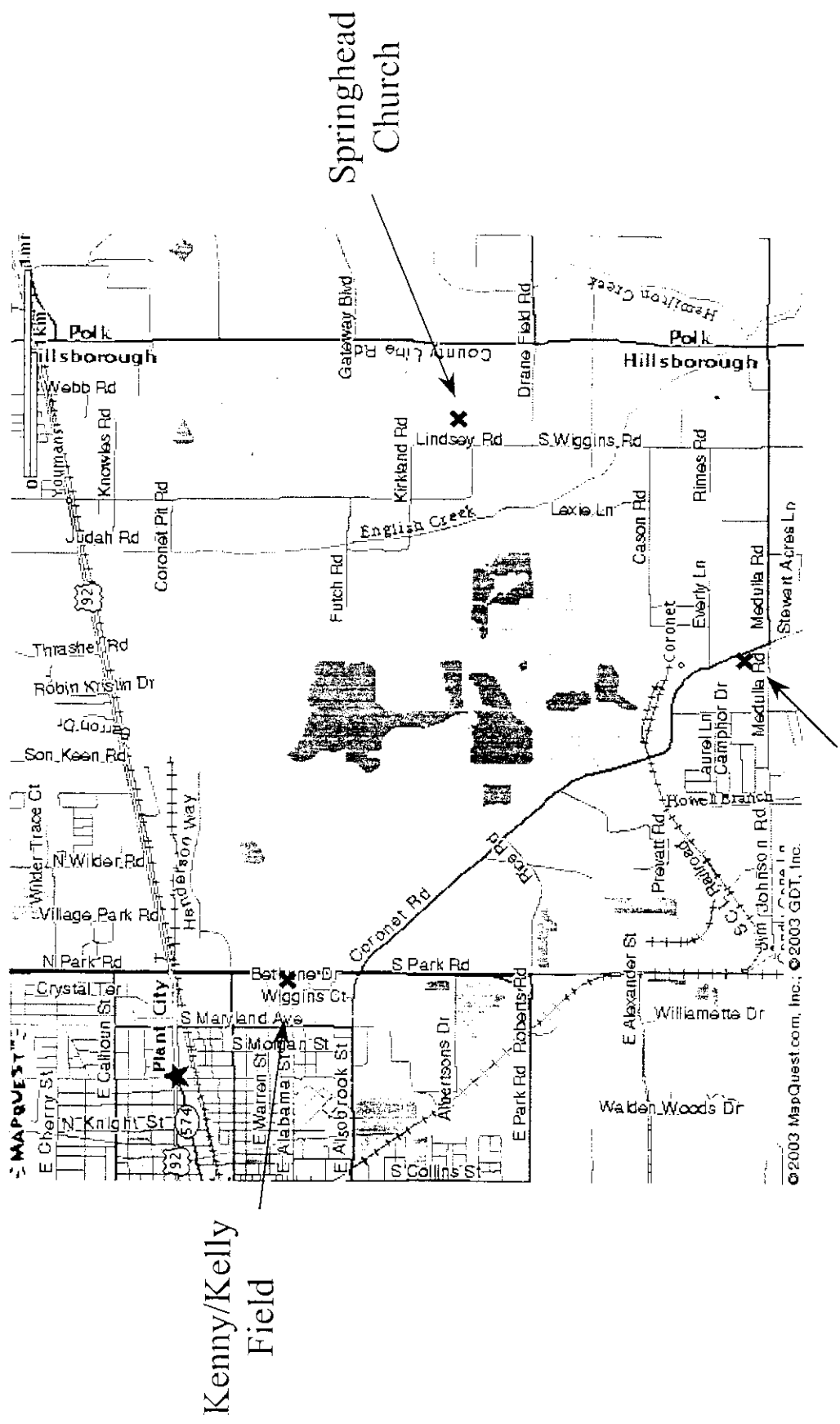
These preliminary results are being forwarded to State and County health officials for inclusion in their health assessment of the Coronet Junction area. The preliminary review only looks at the airborne threat presented by these compounds and does not take into account other possible pathways of entry into the human body, such as ingestion or dermal contact. Qualified health officials need to review the data for any other possible health effects.

Even though the air in the vicinity of Coronet Junction appears to be generally the same as other areas, EPC has again confirmed some concerns previously identified to the public. As EPC staff presented to the Board last year, the EPA's Cumulative Exposure Project (1998) and the National Air Toxics Assessment (2002) stated some air toxics were present in urban areas at elevated levels. There are some metals in the air in every urbanized area around the country, including Florida and the Tampa Bay area, which exceed EPA's health benchmarks. These metals include arsenic, cadmium, and chromium, which are emissions generated in part from combustion of fossil fuels, such as coal and fuel oils. EPA has previously identified these metals, along with a number of other compounds, as compounds of concern. These 33 compounds are called Urban Air Toxics, and EPA, in conjunction with State and local agencies such as EPC, is concentrating efforts to reduce these compounds, by confirming their levels through modeling and monitoring, and by reducing these concentrations to safe levels through regulation.

Because of the collective regulatory efforts of EPA, the FDEP and EPC, additional air pollution controls were recently installed on waste incinerators in the Tampa Bay area, and the conversion of TECO's Gannon power plant from coal to natural gas, EPC expects to see a decrease in these emissions in the future.

Contact Person: Jerry Campbell, (813) 272-5960 extension 1253

Air Monitoring Sites



Fire Station #25



October 8, 2003

Summary of Air Deposition Soil Sampling around Coronet Junction

In an effort to determine the impact of air pollution from Coronet Industries depositing on the surrounding area, the EPC collected soil samples and analyzed them for toxic metals. Hazardous metals like arsenic, lead and cadmium are found naturally in soils. In the process of making animal feed supplements, metal compounds may be released into the atmosphere as small particles. These particles or pollutants are carried by the wind and may settle in the surrounding environment. If present, pollutants such as metals may be transported into surface waters, leached into groundwater, or inadvertently ingested during normal human activity. The severity of health impact from atmospheric deposition of air pollutants depends on the concentrations found in surface soils. Therefore, soil testing was completed to evaluate the long-term deposition of pollutants to the surface.

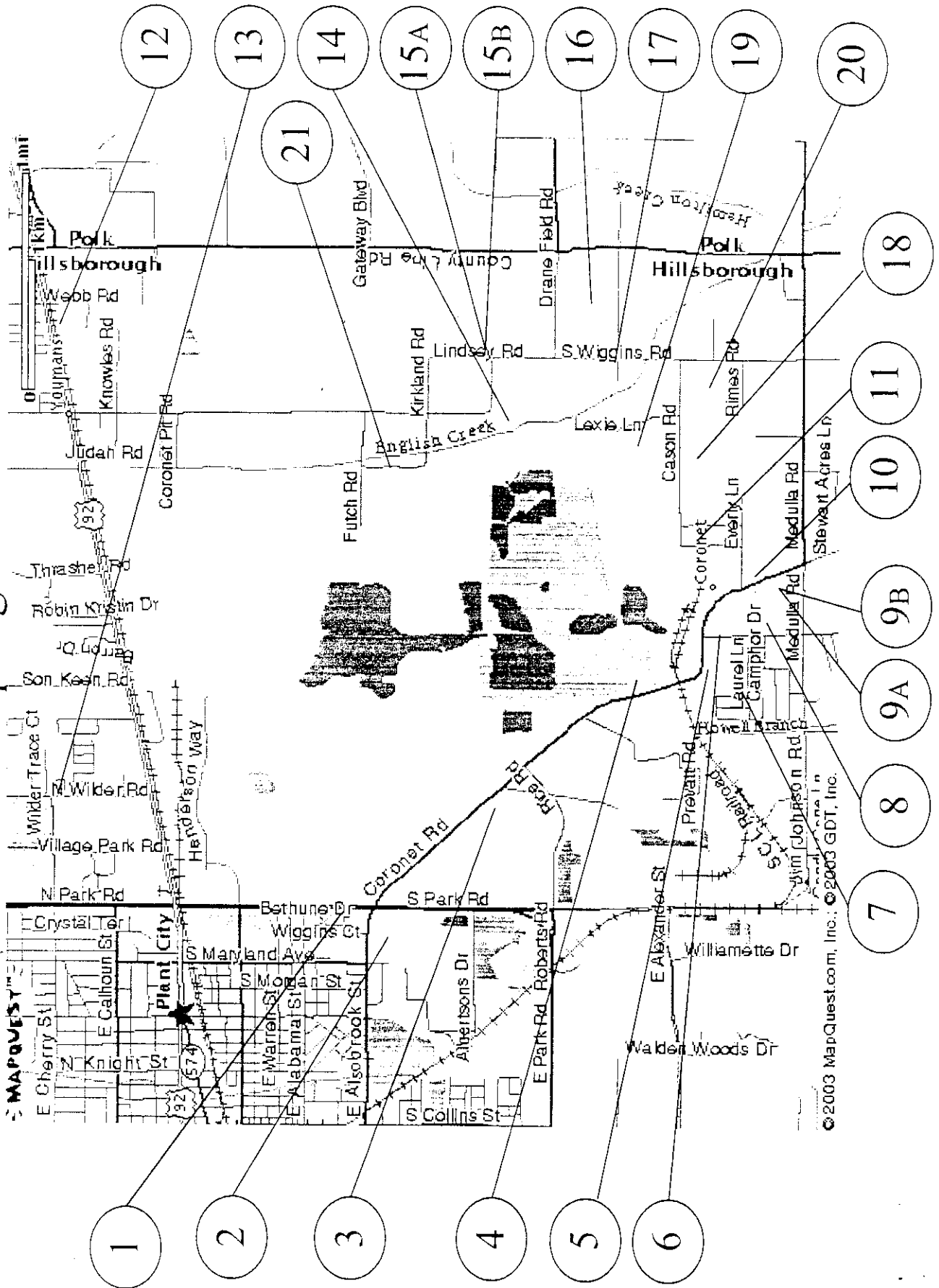
The locations for soil sampling were chosen according to the predominant wind directions and the expected areas of greatest impact in the local communities. Preliminary air dispersion modeling showed the highest concentrations of particle deposition would occur from 300 meters to 1200 meters outside the facility. The EPC took soil samples from twenty-one (21) locations and analyzed them for eleven inorganic compounds and water soluble fluorides. The eleven compounds are: arsenic, antimony, beryllium, cadmium, chromium, cobalt, lead, manganese, nickel, selenium, and boron. The levels of arsenic, antimony, and selenium were below the detection limits of the laboratory testing equipment. All metals analyzed were well below direct exposure levels for residential areas when detected. These guidance levels are established to protect human health under normal outdoor activities in residential areas.

More comprehensive air deposition modeling will be conducted with the assistance of the Florida Department of Environmental Protection. The air deposition model will factor in locally-specific meteorology and account for all sources of air pollution at the Coronet facility. The results will provide a more realistic estimate of pollutant deposition.

CONTACT PERSON:

Hal Koechlein 272-5960 extension 1317

Soil Sampling Locations



EPC AGENDA ITEM COVER SHEET

Meeting Date: October 16, 2003

Agenda Item: Collins' Property Variance Request (Wetlands)

Description/Summary:

Pursuant to section 1-2.50, Rules of the EPC (REPC), applicants, Peter and Maria Collins, filed an application for variance with the Environmental Protection Commission of Hillsborough County (EPC) on July 18, 2003 (later amended). The EPC rules allow a property owner to obtain a variance or waiver from regulations where the facts demonstrate the property owner will suffer a substantial hardship and the underlying purpose of the regulation can still be achieved. The Executive Director has reviewed the application for variance and a recommendation is now proposed to the EPC Board. Pursuant to rule, this item was publicly noticed and the EPC Board may grant or deny the application by written decision supported by competent substantial evidence.

The property is a single-family residence characterized as a "flag strip" lot where the property access is limited to a narrow strip of land through a jurisdictional wetland. The Collins have been accessing their property through a neighboring property, however, this access cannot continue indefinitely as there is no legal easement across this adjacent private property. Thus, they seek to build their own access. Pursuant to section 1-11.07, REPC, to impact wetlands, the Collins must mitigate the impact by developing a new wetland system. Based on certain hardships set forth below the Collins are now seeking a variance from the EPC wetland rules that require mitigation.

to obtain a variance the applicant must demonstrate a substantial hardship or that a violation of the principles of fairness would occur, and the purpose of the underlying rule can be, or has been, achieved by other means.

Under the first prong, the Collins' substantial hardship is caused by 1) the lack of any upland area on their own property to construct suitable mitigation for the proposed impacts and 2) the lack of an offsite mitigation area, based on the size, cost, and availability of suitable areas to offset a quarter acre (.25) impact. Under the second prong of the analysis, the Collins have committed to provide wetland protection by other means. The Collins have agreed that prior to any wetland impact on their property, they shall pay \$2,500.00 per 0.25 acre of wetland impact on their property in lieu of wetland creation mitigation. Payment must be directed to the Hillsborough County Environmental Lands Acquisition and Protection Program (ELAPP) fund. In addition, the Collins shall minimize all wetland impacts on the property. The Collins shall submit all the necessary plans and engineering information to the EPC prior to any wetland impacts. The Collins' wetland impact will be limited to a driveway access through the wetlands at the minimum size necessary to reasonably achieve access to their property. The EPC retains the right to review the submittal and deny the application if staff determines the wetland impacts have not been minimized.

In light of the above, the Collins have demonstrated a specific hardship in that the size requirements will require them to locate, purchase, and develop a suitable mitigation area that is currently unavailable in the vicinity and the costs for other sites throughout the County would be excessive, and they have demonstrated the purpose of the underlying rule can be achieved by other means.

Commission Action Recommended:

EPC staff recommends that the Collins' variance request be granted and the proposed Final Order be issued.

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

IN THE MATTER OF:
APPLICATION FOR VARIANCE OR WAIVER
TO EPC RULES
BY PETER COLLINS and
MARIA COLLINS, husband and wife.

EPC # LCOL03-015

EXECUTIVE DIRECTOR'S RECOMMENDATION FOR VARIANCE

Pursuant to Section 1-2.50, Rules of the EPC, the applicants, Peter and Maria Collins (Collins), filed an application for variance or waiver with the Environmental Protection Commission of Hillsborough County (EPC) on July 18, 2003. The Collins subsequently amended their application on September 12, 2003. The EPC rules allow a property owner to obtain a variance or waiver from regulations where the facts demonstrate the property owner will suffer a substantial hardship and the underlying purpose of the regulation can still be achieved. The application for variance or waiver is reviewed by the Executive Director and a recommendation is then forwarded to the EPC Board. After a publicly noticed EPC meeting the EPC Board will grant or deny the application by written decision supported by competent substantial evidence.

The Collins own property located in Hillsborough County, Florida at folio No. 74167.0000 (property). The property is a single family residence characterized as a "flag strip" lot where the property access is limited to a narrow strip of land through a jurisdictional wetland. The Collins contacted the EPC Wetlands Management Division regarding authorization to impact the subject wetlands on the property for construction of a driveway. Pursuant to Section 1-11.07, Rules of the EPC, to obtain the necessary EPC authorization, the Collins must demonstrate, among other things, the benefits provided by the affected wetland will be adequately protected by conditions in the

authorization. For this type of wetland impact, this demonstration would be accomplished through wetland mitigation wherein the benefits provided by the wetland would be replaced and created through development of a new wetland system. Based on certain hardships set forth below the Collins are now seeking a variance from or waiver of the EPC Wetland Rule, Chapter 1-11, provisions requiring wetland mitigation.

Section 1-2.50, Rules of the EPC, states the following:

1. Upon application, the Executive Director may recommend to the Commission that a variance or waiver be granted from the provisions of the rules adopted pursuant to Chapter 84-446, where the applicant demonstrates:
 - a. A substantial hardship as defined by Section 120.542, Florida Statutes, or that a violation of the principles of fairness would occur, and
 - b. The purpose of the underlying rule can be, or has been, achieved by other means.

Under the first prong of the analysis, the Collins must allege that substantial hardship or unfairness would result from the application of EPC Wetland Rule 1-11.07, mitigation requirements. Section 1-2.50(1)(a), Rules of the EPC, incorporates the definition in Section 120.542, Florida Statutes, for "substantial hardship." For purposes of Section 120.542, Florida Statutes, "'substantial hardship' means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver." In their application for a variance the Collins rely on the following reasons for substantial hardship or unfairness:

The Collins' substantial hardship is caused by the lack of any upland area on their own property to construct suitable mitigation for the proposed impacts. In addition, the Collins' residence is already permitted by other agencies and fully constructed. The Collins have been accessing their

property through a neighboring property, however, this access cannot continue indefinitely as there is no legal easement across this private property. The Collins have sought offsite mitigation areas but based on the size, cost, and availability of suitable offsite mitigation areas for a quarter acre (.25) impact area the Collins would be inordinately burdened by the EPC Wetland Rule requiring mitigation. The Collins have demonstrated a specific economic hardship in that the size requirements will require them to locate, purchase and develop a suitable mitigation area that is currently unavailable in the vicinity and the costs for other sites throughout the County would be excessive.

Under the second prong of the analysis of Section 1-2.50(1)(b), Rules of the EPC, the Collins must demonstrate how the underlying purpose of the rule can be achieved by other means. The underlying purpose of the EPC Wetland Rule Chapter 1-11 can be found in the Intent section of the rule as well as Section 1-11.07, Rules of the EPC. The Intent section of the Wetland Rule, found in Section 1-11.01, Rules of the EPC, states that it shall be the priority of the EPC to avoid the disturbance of wetlands in the County. While Section 1-11.07, Rules of the EPC, ensures that written authorization may be given for impacting wetlands "only if the benefits provided by the affected wetland are adequately protected by conditions and time limitations." The requirement for adequate protection of wetland functions is generally achieved through wetland mitigation but can be achieved by other means. The Collins have committed to the following conditions to demonstrate compliance with the underlying purpose of the rule provision regarding mitigation:

The Collins have agreed that prior to any wetland impact on their property, they shall pay \$2,500.00 per 0.25 acre of wetland impact on their property in lieu of wetland creation mitigation. Payment must be directed to the Hillsborough County Environmental Lands Acquisition and

Protection Program (ELAPP) fund. In addition, the Collins shall minimize all wetland impacts on the property. The Collins shall submit all the necessary plans and engineering information to the EPC Wetland Management Division prior to any wetland impacts. The Collins' wetland impact will be limited to a driveway access through the wetlands at the minimum size necessary to reasonably achieve access to their property. The EPC retains the right to review the submittal and deny the application if EPC determines the wetland impacts have not been minimized. In the event the Collins disagree with the determination on the minimization, the Collins may file a Notice of Appeal and an administrative hearing, pursuant to Section 9 of the EPC Act, will be afforded. Based on the conditions referenced above, the EPC finds there is competent substantial evidence in the record supporting how the underlying purpose of the rule can be, or has been, achieved by other means. The Executive Director also recommends the variance shall expire three (3) years after entry of the Final Order granting the variance.

Based on the above analysis and the conditions set forth in the document, the Collins have complied with the criteria found in Section 1-2.50, Rules of the EPC, and are entitled to a variance or waiver from the EPC Wetland Rule Chapter 1-11 subject to the above conditions. For the foregoing reasons, the EPC Executive Director recommends that the application for variance or waiver be granted.

DATE: _____

**ENVIRONMENTAL PROTECTION
COMMISSION of Hillsborough County**

Richard D. Garrity, Ph.D.
Executive Director

TO: T. Andrew Zodrow, Esquire
Environmental Protection
Commission
1900 9th Ave.
(813) 272-5287 (fax no.)

Peter and Maria Collins
6911 Fernandez Drive
Riverview, FL 33569

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

**IN THE MATTER OF:
APPLICATION FOR VARIANCE OR WAIVER
OF EPC RULES
BY PETER COLLINS and
MARIA COLLINS, husband and wife.**

EPC # LCOL03-015

FINAL ORDER GRANTING VARIANCE

THIS REQUEST, having come before the Environmental Protection Commission of Hillsborough County (EPC) upon the recommendation of the EPC Executive Director, and the Commission having considered all competent substantial evidence, as well as the EPC Executive Director's Recommendation for Variance, a copy of which is attached hereto and made a part thereof, it is thereupon,

ORDERED, that the EPC Executive Director's Recommendation for Variance be adopted in its entirety and the applicants Peter and Maria Collins' application for variance or waiver of the EPC Wetland Rule, Chapter 1-11, provisions requiring mitigation, be upheld for the reasons contained in the recommendation, subject to the conditions set forth in the application and recommendation. This variance shall expire three (3) years after entry of this Order.

NOTICE OF RIGHTS

Any party to this order has the right to seek judicial review of the order in accordance with the Administrative Procedure Act, Chapter 120, part III, Florida Statutes, 1961 by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Environmental Protection Commission, EPC Legal Department, 1900 9th Ave., Tampa, Florida 33605, and by filing a notice of appeal accompanied by the applicable filing fee with the Second

District Court of Appeal. The notice of appeal must be filed within 30 days from the date this order is filed with the Agency Clerk.

DONE and ORDERED this _____ day of October 2003 in Tampa, Florida

Chairperson, Jan K. Platt

Environmental Protection
Commission of Hillsborough
County

TO: T. Andrew Zodrow, Esquire
Environmental Protection
Commission
1900 9th Ave.
(813) 272-5287 (fax no.)

Peter and Maria Collins
6911 Fernandez Drive
Riverview, FL 33569

AGENDA ITEM COVER SHEET

Date: **October 16, 2003**

Agenda Item: **Legislative Update**

Description/Summary:

On September 26, 2003 The Florida Association of Counties (FAC), Growth, Environmental Planning and Agricultural Committee meeting met in St. Augustine to discuss its Preliminary Issues and Policy Statements for the upcoming 2004 Legislative Session. The FAC will finalize its legislative positions for the upcoming session at its annual Legislative Conference in Palm Beach County beginning November 19, 2003. At the preliminary conference, the Growth, Environmental Planning and Agricultural Committee took positions on two proposed bills that are contrary to the position that the Commission has taken in the past.

Specifically, the committee voted to oppose the "Performance Based Permitting" bill which takes into account an entity's past performance in deciding whether to issue environmental permits. Prior to last session, the EPC supported this bill which would apply to EPC's delegated permitting programs. Conversely, the FAC committee voted to support a bill which would eliminate environmental permitting requirements for the paving of rural roads and bridge repairs. The BOCC and the EPC took a formal position opposing this bill last session.

Commission Action Recommended:

The General Counsel will discuss these FAC positions with the Commission and seek further direction.

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: October 8, 2003

To: Board of the Environmental Protection Commission (Commission)

From: Richard D. Garrity, Ph.D., Executive Director *RdG*

Subject: REPORT ON OLD LANDFILL LISTS AND SURVEYS,
SUMMARY OF EXISTING EPC ACTIVITIES, AND
EVALUATION OF FUTURE ACTIVITIES

The EPC has maintained a survey and continuously updated a list of old landfills and abandoned dumps within Hillsborough County since 1985. EPC performs annual inspections of these sites to ensure development activities comply with the EPC Director's Authorization process as is specified in Chapter 1-7 of EPC's rules.

Recent events and discussions by the Commission have highlighted the need to reassess our existing program and to seek guidance from the Commission to determine if greater scrutiny and assessment of these sites is warranted. A brief presentation will be provided by staff to the Commission addressing the status of the survey and list, a summary of the existing program, and preliminary staff recommendations towards various options seeking the Commission's direction and approval.



D. STORAGE TANK CLEANUP

1. Inspections	
2. Reports Received/Reviewed	37
a. Site Assessment	67/76
b. Source Removal	24/24
c. Remedial Action Plans (RAP's)	3/4
d. Site Rehabilitation Completion Order/ No Further Action Order	9/11 6/3
e. Others	
3. State Cleanup	25/34
a. Active Sites	
b. Funds Dispersed	NO LONGER ADMINISTERED

E. RECORD REVIEWS

4. Environmental Compliance Reviews:	<u>208</u>
a. Industrial:	<u>42</u>
b. Domestic:	<u>166</u>
5. Special Project Reviews:	<u>1</u>
a. ARs:	<u>1</u>
b. Others:	<u>0</u>
G. RECORD REVIEWS	
1. Permitting:	<u>4</u>
2. Enforcement:	<u>3</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR	
1. Air Division:	<u>89</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>54</u>
4. Wetlands Division:	<u>0</u>
5. ERM Division:	<u>132</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>4</u>
2. ARs:	<u>0</u>
3. Technical Support:	<u>0</u>
4. Other:	<u>4</u>

AR09.03

Plaintiffs' motion to vacate the summary judgment. The EPC's renewed motion for summary judgment will be heard on October 15, 2003. (AZ)

Flamingo Apartments/Abe Vaknin [LG002-004]: 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. Mr. Vaknin has agreed to the terms of a settlement, and the parties are finalizing a Consent Final Judgment. (RM)

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)

RESOLVED CASES [0]