

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
MARCH 18, 2004
10 AM – 12 NOON**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

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

- I. CITIZEN'S COMMENTS**
- II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**
- A. Report from the Chairman – David Jellerson 2
B. Presentation of Service Award – Patricia Mitchell
- III. SPECIAL RECOGNITION**
- Robinson High School – Participation in National Student Summit on Ocean Issues 3
- IV. CONSENT AGENDA**
- A. Approval of Minutes: January 15, 2004 & February 18, 2004 4
B. Monthly Activity Reports 9
C. Legal Department Monthly Reports 29
D. Pollution Recovery Trust Fund 35
E. Gardinier Settlement Trust Fund 36
F. Request Authority to Take Appropriate Legal Action Against:
1. Tampa Bay Shipbuilding & Repair Co., Inc. 37
2. Conrad Yelvington Distributors, Inc. 39
G. Letter to Delegation – Re: SB 1180 Make up of SWFWMD Governing Board 41
H. Authorize Upland Preservation in Lieu of Mitigation:
1. Home Depot at Hwy 301 & Bloomingdale 43
2. Robinson High School & Housing Authority Land Swap 44
I. Resolved Enforcement Cases:
1. Strawberry Fields Ventures, LLC. 45
2. Mouhammed Al-Samkari, 46
J. Accept \$48,300 Artificial Reef Monitoring Grant
- V. EXECUTIVE DIRECTOR**
- A. Coronet Update: 63
1. Health Issues
2. Plant City Landfill Study
3. Meeting with David Denner (Coronet CEO)
B. Piney Point – Discussion on Discharge to Bishop Harbor & Macroalgae Harvesting 82
C. Review and Approve Requests for Pollution Recovery Funds 83
- VI. WASTE MANAGEMENT DIVISION**
- A. Discussion of Historic Landfills in Hillsborough County 88
B. Presentation of Green Yards Program 89
- VII. ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION**
- A. Presentation – Resolution Regarding Mangrove Delegation 90
B. Review of Total Maximum Daily Loads (TMDL) 93

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

Visit our website at www.epchc.org

CEAC
CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE
OF HILLSBOROUGH COUNTY

EPC, 1900 Ninth Avenue, Tampa, FL 33605

(813) 272-5960 Fax (813) 272-5157

Cheryl Bradford, Hallie Calig, Roy Davis, Wayne F. Echelberger, Jr., Harold Falls, Hugh Gramling, Ciara Jalandoni, David Jellerson, Doug Meyer, Mike Monahan, Bill Newton, Cam Oberting, Larry Padgett, George Parker, Marilyn Smith, Annie Sutton, Sharon Terrill

To: Environmental Protection Commission Board
From: CEAC
Date: 3/9/2004
Re: USF Engineering Expo 2004 – EPC Display

The Hillsborough County Citizen's Environmental Advisory Committee (CEAC) commends the Environmental Protection Commission Staff for their outstanding technical display at the 2004 Engineering Expo at the University of South Florida College of Engineering on March 27 and 28, 2004. The professionally staffed display provided quality technical and career guidance information about the Commission's environmental regulatory and management responsibilities to approximately 3000 Tampa Bay area residents (major portion being school students) attending this year's USF Engineering Expo. The fact that the EPC display received top honors for best governmental display is a testament to the professionalism and enthusiasm of the staff members.

ENVIRONMENTAL PROTECTION COMMISSION
Chairman Jan K. Platt, Vice Chairman Ronda R. Storms, Kathy Castor, Pat Frank,
Ken Hagan, Jim Norman, Thomas Scott

Excerpt from Tampa Tribune article published January 31, 2004

Robinson Students Present Policy Recommendations to White House

Published on January 31, 2004, Article 1 of 1 found.

Students from Robinson High School in Tampa visited Washington on Jan. 14-16 to attend the National Student Summit on Ocean Issues, which aims to foster interest in ocean science among high school students. They were congratulated by government officials after they delivered a presentation at the White House regarding environmental policy. The students are, front row from left, Nisa Alvarado, Whitney Grubbs, Sarah Nakleh, Robinson High science teacher Kristy Loman (*The Tampa Tribune, 128 words.*)

JANUARY 15, 2004 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, January 15, 2004, at 10:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Kathy Castor, Pat Frank (arrived at 10:20 a.m.), Ken Hagan, Jim Norman, Thomas Scott, and Ronda Storms (arrived at 10:30 a.m.).

Chairman Platt called the meeting to order at 10:07 a.m. Commissioner Hagan gave the invocation and led in the pledge of allegiance to the flag.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, noted the audit follow-up and the closed session were deleted from the agenda, and Ms. Paula Harvey, Planning and Growth Management Department (PGMD), had requested the Board of County Commissioners (BOCC) convene to discuss relocation of the Galvin house. Chairman Platt called for a motion to approve the changes. **Commissioner Norman so moved, seconded by Commissioner Scott, and carried five to zero.** (Commissioners Frank and Storms had not arrived.)

Commissioner Castor called attention to the letter in the Consent Agenda from the Manatee County BOCC, which commended Chairman Platt for efforts on the Piney Point issue.

CITIZENS COMMENTS

Chairman Platt called for public comment. Mr. Joe Incorvia, PGMD, was present at the request of Ms. Harvey to speak on the Galvin house issue. Mr. Byron Dean, 819 South Kings Avenue, representing the Brandon Historical Association, reviewed the history of the Galvin house, offered to move the house to his property, and requested the demolition permit be delayed. Ms. Lela Lilyquist, 1024 Meadow Lane, showed a drawing of a proposed September 11 memorial in Clayton Park and proposed the Galvin house be moved there.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report From the Chairman, David Jellerson - Mr. Jellerson reported discussions at the last CEAC meeting related to pollution recovery fund (PRF) applications, which would be brought back at the next meeting. Mr. Jellerson pointed out decisions were not unanimous, all projects received a fair evaluation, and thanked CEAC members whose term had expired.

THURSDAY, JANUARY 15, 2004 - DRAFT MINUTES

CONSENT AGENDA

- A. Approval of minutes: October 16, 2003; November 5, 2003; and November 6, 2003.
- B. Legal Department Monthly Reports.
- C. Monthly Activity Reports.
- D. PRF.
- E. Gardinier Settlement Trust Fund.
- F. Correspondence from Manatee County BOCC.
- G. EPC/Tampa Bay Water interlocal agreement on notification procedures.
- H. Uplands preservation in lieu of wetlands mitigation: (1) Muck Pond Road and Old Fort King Trail and (2) 40th Street bridge widening.

Commissioner Norman moved the Consent Agenda, seconded by Commissioner Castor, and carried five to zero. (Commissioner Scott was out of the room; Commissioner Storms had not arrived.)

EXECUTIVE DIRECTOR

Presentation - Tampa Postmaster Richard Rome - Mr. Rome discussed conservation efforts by the United States Postal Service, including waterless vehicle wash, xeriscape, and recycling unclaimed mail, ink jet cartridges, tires, oil, and vehicle parts. Mr. Rome noted the postal service had won the Hillsborough County recycling award for the last four years and the clean air partnership award for 2003. Chairman Platt presented Mr. Rome with a certificate of appreciation for leadership on environmental concerns. Mr. Rome provided information on prices associated with the waterless vehicle wash effort. Chairman Platt suggested providing that information to administration.

Coronet Industries Incorporated (Coronet) Update - Mr. Jerry Campbell, Director, EPC Air Management Division, reviewed an overhead presentation focusing on investigative activities, enforcement actions, public health assessments, public outreach, and future actions, as provided in background material.

WETLANDS MANAGEMENT DIVISION

Discussion - Florida Uniform Wetland Mitigation Assessment Methodology (FUWMAM), Chapter 62-345, Florida Administrative Code - Ms. Jadell Kerr, Director, EPC Wetlands Management Division, reviewed an overhead presentation

THURSDAY, JANUARY 15, 2004 - DRAFT MINUTES

focusing on the evolution of FUWMAM, State statute directives, rule development, effects on the EPC wetland rule, and budgetary impacts, as presented in background material. Ms. Kerr responded to queries from Commissioner Frank regarding measurements used to project gains. EPC General Counsel Richard Tschantz explained adjustments made for lag time affected measurements. Commissioner Castor asked if an assessment on the effects of implementing FUWMAM could be provided. Ms. Kerr suspected it would take one year to understand how FUWMAM worked and nine months to review wetland impacts. Commissioner Castor moved staff recommendation and asked the executive director to schedule an update on how the program was working within nine months to one year, seconded by Commissioner Scott. In response to Commissioner Norman, Attorney Tschantz clarified the change would not apply to the entire process, only areas that dealt with mitigation. The motion carried seven to zero.

LEGAL DEPARTMENT

Public Notification of Significant Enforcement Actions - Attorney Tschantz reviewed staff recommendation, as presented in background material. Commissioner Scott moved staff recommendation, seconded by Commissioner Norman, and carried seven to zero.

Chairman Platt adjourned the meeting to hold a special BOCC meeting to discuss relocation of the Galvin house (covered under separate minutes).

There being no further business, the meeting was adjourned at 10:51 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____
Deputy Clerk

kr

FEBRUARY 18, 2004 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider Litigation Strategies and Expenditures Regarding Putney v. Hillsborough County and Legislative Issues Regarding Gun Ranges, scheduled for Wednesday, February 18, 2004, at 3:15 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Platt called the meeting to order at 3:15 p.m.

Dr. Rick Garrity, EPC Executive Director, said legislative issues regarding gun ranges were proposed for the state of Florida. Mr. Hooshang Boostani, Director, EPC Waste Management Division, said legislation would provide gun ranges immunity from environmental liability. Two companion bills were being processed through the Senate and House of Representatives. He recommended EPC oppose the bills by sending a letter to the Hillsborough County Legislative delegation. Information was submitted that highlighted details of legislation and newspaper articles. **Commissioner Frank moved to oppose the enactment of Senate Bill 1156 and House Bill 149 or similar legislation, seconded by Commissioner Castor, and carried six to zero.** (Commissioner Storms was out of the room.)

Chairman Platt called a recess at 3:19 p.m. for EPC to meet in closed session pursuant to Section 286.011(8), Florida Statutes, to discuss settlement negotiations or litigation strategies related to litigation expenditures regarding Putney v. Hillsborough County and Hillsborough County EPC, Case 2001-742G, and reconvened the meeting at 4:16 p.m.

Commissioner Storms moved to grant the Executive Director the authority to make a settlement offer to the Putneys, seconded by Commissioner Frank. Commissioner Norman clarified discussion during closed session was by EPC, not the Board of County Commissioners. Commissioner Castor was willing to give the Executive Director authority to negotiate a possible settlement, but that was no guarantee that she would support the settlement; Chairman Platt concurred. **The motion carried seven to zero.**

Commissioner Storms moved to ratify the Executive Director's Administrative Order, EPC Case LPUT03002, dated January 29, 2003, seconded by Commissioner Scott, and carried seven to zero.

WEDNESDAY, FEBRUARY 18, 2004 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 4:19 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

SW

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
JANUARY

A. Public Outreach/Education Assistance:		
1. Phone Calls:		224
2. Literature Distributed:		<u>38</u>
3. Presentations:		<u>1</u>
4. Media Contacts:		<u>13</u>
5. Internet:		<u>70</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:		14
b. Construction:		<u>2</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>1</u>
e. General:		<u>1</u>
f. Title V:		<u>9</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>4</u>
e. Title V Operating ² :		<u>7</u>
f. Permit Determinations ² :		<u>4</u>
g. General:		<u>3</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		<u>3</u>
2. On-going administrative cases:		
a. Pending:		13
b. Active:		<u>22</u>
c. Legal:		<u>2</u>
d. Tracking compliance (Administrative):		<u>24</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>61</u>
3. NOIs issued:		<u>0</u>
4. Citations issued:		<u>0</u>
5. Consent Orders Signed:		<u>6</u>
6. Contributions to the Pollution Recovery Fund:		<u>\$56,875</u>
7. Cases Closed:		<u>5</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>12</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>12</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>17</u>
E.	Open Burning Permits Issued:	<u>9</u>
F.	Number of Division of Forestry Permits Monitored:	<u>304</u>
G.	Total Citizen Complaints Received:	<u>58</u>
H.	Total Citizen Complaints Closed:	<u>45</u>
I.	Noise Sources Monitored:	<u>6</u>
J.	Air Program's Input to Development Regional Impacts:	<u>6</u>
K.	Test Reports Reviewed:	<u>126</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>14</u>
2.	Warning Notices Resolved:	<u>51</u>
3.	Advisory Letters Issued:	<u>6</u>
M.	AOR's Reviewed:	<u>0</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>3</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
JANUARY

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -0-
(b) all others	<u>\$ -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ -0-
(b) class A2 facility - 5 year permit	<u>\$ -0-</u>
(c) class A1 facility - 5 year permit	<u>\$ -0-</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$ -0-</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$11,200.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ 80.00</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$2,200.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$ -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ 300.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 500.00</u>
8. Open burning authorization	<u>\$4,900.00</u>
9. Enforcement Costs	<u>\$4,688.43</u>

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
FEBRUARY

A. Public Outreach/Education Assistance:		
1. Phone Calls:		<u>235</u>
2. Literature Distributed:		<u>340</u>
3. Presentations:		<u>1</u>
4. Media Contacts:		<u>0</u>
5. Internet:		<u>64</u>
6. Host/Sponsor Workshops, Meetings, Special Events (Engineering EXPO)		<u>1</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>4</u>
b. Construction:		<u>5</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>1</u>
e. General:		<u>1</u>
f. Title V:		<u>6</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>2</u>
b. Construction ¹ :		<u>6</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>0</u>
e. Title V Operating ² :		<u>40</u>
f. Permit Determinations ² :		<u>4</u>
g. General:		<u>2</u>
3. Intent to Deny Permit Issued:		<u>1</u>
C. Administrative Enforcement		
1. New cases received:		<u>4</u>
2. On-going administrative cases:		
a. Pending:		<u>6</u>
b. Active:		<u>26</u>
c. Legal:		<u>2</u>
d. Tracking compliance (Administrative):		<u>26</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>60</u>
3. NOIs issued:		<u>10</u>
4. Citations issued:		<u>1</u>
5. Consent Orders Signed:		<u>4</u>
6. Contributions to the Pollution Recovery Fund:		<u>\$19,200</u>
7. Cases Closed:		<u>4</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>18</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>18</u>
E.	Open Burning Permits Issued:	<u>4</u>
F.	Number of Division of Forestry Permits Monitored:	<u>224</u>
G.	Total Citizen Complaints Received:	<u>52</u>
H.	Total Citizen Complaints Closed:	<u>43</u>
I.	Noise Sources Monitored:	<u>7</u>
J.	Air Program's Input to Development Regional Impacts:	<u>3</u>
K.	Test Reports Reviewed:	<u>33</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>12</u>
2.	Warning Notices Resolved:	<u>2</u>
3.	Advisory Letters Issued:	<u>11</u>
M.	AOR's Reviewed:	<u>0</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>5</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
FEBRUARY

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -0-
(b) all others	<u>\$ -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ -0-
(b) class A2 facility - 5 year permit	<u>\$ -0-</u>
(c) class A1 facility - 5 year permit	<u>\$ -0-</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$2,040.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$3,200.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ 80.00</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$4,115.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$ 400.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ 900.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$2,500.00</u>
8. Open burning authorization	<u>\$2,200.00</u>
9. Enforcement Costs	<u>\$1,952.89</u>

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



Administrative Offices,
 Legal & Water Management Division
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 Ph. (813) 272-5960 • Fax (813) 272-5157
 Air Management Fax 272-5605
 Waste Management Fax 276-2256
 Wetlands Management Fax 272-7144
 1410 N. 21st Street • Tampa, FL 33605

Executive Director
 Richard D. Garrity, Ph.D.

MEMORANDUM

DATE: March 9, 2004

TO: Tom Koulianos, Director of Finance and Administration

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

SUBJECT: **WASTE MANAGEMENT'S JANUARY 2004
 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	1
2. On-going administrative cases	110
a. Pending	21
b. Active	59
c. Legal	7
d. Tracking Compliance (Administrative)	23
e. Inactive/Referred Cases	0
3. NOI's issued	13
4. Citations issued	0
5. Settlement Documents Signed	2
6. Civil Contributions to the Pollution Recovery Fund	\$3,082
7. Enforcement Costs collected	\$2,866
9. Cases Closed	4

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	0/1
2. EPC Authorization for Facilities NOT requiring DEP permit	0/1
3. Other Permits and Reports	
a. County Permits	2/2
b. Reports	68/49
4. Inspections (Total)	632
a. Complaints	22
b. Compliance/Reinspections	13
c. Facility Compliance	35
d. Small Quantity Generator	562
e. P2 Audits	0
5. Enforcement	
a. Complaints Received/Closed	27/24
b. Warning Notices Issued/Closed	2/2
c. Compliance letters	22
d. Letters of Agreement	2/0
e. DEP Referrals	5
6. Pamphlets, Rules and Material Distributed	172

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	116
b. Installation	12
c. Closure	4
d. Compliance Re-Inspections	33
2. Installation Plans Received/Reviewed	3/3
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	3/2
b. Closure Reports Received/Reviewed	4/3
4. Enforcement	
a. Non-compliance Letters Issued/Closed	71/51
b. Warning Notices Issued/Closed	8/8
c. Cases referred to Enforcement	0
d. Complaints Received/Investigated	4/2
e. Complaints Referred	0
5. Discharge Reporting Forms Received	0
6. Incident Notification Forms Received	17
7. Cleanup Notification Letters Issued	3
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	25
2. Reports Received/Reviewed	77/83
a. Site Assessment	22/23
b. Source Removal	3/1
c. Remedial Action Plans (RAP's)	9/11
d. Site Rehabilitation Completion Order/ No Further Action Order	4/3
e. Others	39/45
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS **28**

F. PUBLIC INFORMATION PROJECTS **1**

K. Boatwright – Legislative Tour Stop & Gaggles Auto Recycler

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



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

Executive Director
 Richard D. Garrity, Ph.D.

MEMORANDUM

DATE: March 9, 2004

TO: Tom Koulianos, Director of Finance and Administration

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

SUBJECT: **WASTE MANAGEMENT'S FEBRUARY 2004
 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	3
2. On-going administrative cases	110
a. Pending	21
b. Active	59
c. Legal	7
d. Tracking Compliance (Administrative)	23
e. Inactive/Referred Cases	0
3. NOI's issued	0
4. Citations issued	2
5. Consent Orders and Settlement Letters Signed	1
6. Civil Contributions to the Pollution Recovery Fund	\$49,600
7. Enforcement Costs collected	\$11,083
9. Cases Closed	3

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	5/0
2. EPC Authorization for Facilities NOT requiring DEP permit	0
3. Other Permits and Reports	
a. County Permits	2/1
b. Reports	40/62
4. Inspections (Total)	273
a. Complaints	26
b. Compliance/Reinspections	19
c. Facility Compliance	29
d. Small Quantity Generator	196
e. P2 Audits	3
5. Enforcement	
a. Complaints Received/Closed	33/28
b. Warning Notices Issued/Closed	2/1
c. Compliance letters	19
d. Letters of Agreement	0
e. DEP Referrals	1
6. Pamphlets, Rules and Material Distributed	196

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	99
b. Installation	22
c. Closure	16
d. Compliance Re-Inspections	33
2. Installation Plans Received/Reviewed	8/5
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	6/6
b. Closure Reports Received/Reviewed	8/7
4. Enforcement	
a. Non-compliance Letters Issued/Closed	56/48
b. Warning Notices Issued/Closed	3/1
c. Cases referred to Enforcement	1
d. Complaints Received/Investigated	0
e. Complaints Referred	0
5. Discharge Reporting Forms Received	5
6. Incident Notification Forms Received	7
7. Cleanup Notification Letters Issued	5
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	31
2. Reports Received/Reviewed	76/94
a. Site Assessment	25/48
b. Source Removal	2/3
c. Remedial Action Plans (RAP's)	19/9
d. Site Rehabilitation Completion Order/ No Further Action Order	4/8
e. Others	26/26
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS **21**

F. PUBLIC INFORMATION PROJECTS **2**
 Science Fair Judging

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION
FEBRUARY, 2004**

A. ENFORCEMENT

1. New Enforcement Cases Received:	<u>6</u>
2. Enforcement Cases Closed:	<u>5</u>
3. Enforcement Cases Outstanding:	<u>30</u>
4. Enforcement Documents Issued:	<u>12</u>
5. Recovered costs to the General Fund:	\$825.00
6. Contributions to the Pollution Recovery Fund:	\$ <u>2,000.00</u>

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Hillsborough Co. Aviation Auth.	Placement of C/S in service w/out acceptance	\$500.00
b. Cypress Street Office Bldg.	Placement of C/S in service w/out acceptance	\$500.00
c. Dunkin Donuts Baskin	Placement of C/S in service w/out acceptance	\$500.00
d. Causeway Plaza	Placement of C/S in service w/out acceptance	\$500.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	<u>32</u>
a. Facility Permit:	<u>2</u>
(i) Types I and II	<u>0</u>
(ii) Type III	<u>2</u>
b. Collection Systems-General:	<u>14</u>
c. Collection Systems-Dry Line/Wet Line:	<u>16</u>
d. Residuals Disposal:	<u>0</u>
2. Permit Applications Approved:	<u>25</u>
a. Facility Permit:	<u>2</u>
b. Collection Systems-General:	<u>9</u>
c. Collection Systems-Dry Line/Wet Line:	<u>14</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>73</u>
a. Facility Permit:	<u>31</u>
b. Collection Systems-General:	<u>32</u>
c. Collection Systems-Dry Line/Wet Line:	<u>10</u>
d. Residuals Disposal:	<u>0</u>
7. Permit Determination:	<u>0</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>12</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>1</u>
2. Reconnaissance:	<u>35</u>
a. Inspection (RI):	<u>4</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>31</u>
d. Enforcement Inspection (ERI):	<u>0</u>
3. Engineering Inspections:	<u>39</u>
a. Reconnaissance Inspection (RI):	<u>3</u>
b. Sample Reconnaissance Inspection (SRI):	<u>0</u>
c. Residual Site Inspection (RSI):	<u>0</u>
d. Preconstruction Inspection (PCI):	<u>6</u>
e. Post Construction Inspection (XCI):	<u>30</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>0</u>
a. Facility Permit:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
b. General Permit:	<u>0</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>

2. Permits Recommended to DEP for Approval:	<u>0</u>
3. Special:	<u>0</u>
a. Facility Permits:	<u>0</u>
b. General Permits:	<u>0</u>
4. Permitting Determination:	<u>0</u>
5. Special Project Reviews:	<u>0</u>
a. ARs:	<u>0</u>
b. Phosphate DMRs:	<u>0</u>
c. Phosphate:	<u>0</u>
d. Industrial Wastewater:	<u>8</u>
e. Others:	<u>0</u>
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation:	<u>12</u>
a. Inspection (CEI):	<u>12</u>
b. Sampling Inspection (CSI):	<u>0</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	<u>13</u>
a. Inspection (RI):	<u>4</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>9</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:	<u>0</u>
a. Domestic:	<u>0</u>
(i) Received:	<u>14</u>
(ii) Closed:	<u>9</u>
b. Industrial:	
(i) Received:	<u>7</u>
(ii) Closed:	<u>3</u>
2. Warning Notices:	<u>0</u>
a. Domestic:	<u>0</u>
(i) Received:	<u>6</u>
(ii) Closed:	<u>5</u>
b. Industrial:	<u>4</u>
(i) Received:	<u>2</u>
(ii) Closed:	
3. Non-Compliance Advisory Letters:	<u>16</u>

4. Environmental Compliance Reviews:	<u>187</u>
a. Industrial:	<u>37</u>
b. Domestic:	<u>150</u>
5. Special Project Reviews:	<u>1</u>
a. ARs:	<u>0</u>
b. Others:	<u>1</u>
G. RECORD REVIEWS	
1. Permitting:	<u>8</u>
2. Enforcement:	<u>2</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR	
1. Air Division:	<u>57</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>28</u>
4. Wetlands Division:	<u>0</u>
5. ERM Division:	<u>112</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>2</u>
2. ARs:	<u>0</u>
3. Technical Support:	<u>3</u>
4. Other:	<u>16</u>

I:\WATER DIV AGENDA\02/04 Agenda Report

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
January 2004**

A. General	Totals
1. Telephone Conferences	989
2. Unscheduled Citizen Assistance	95
3. Scheduled Meetings	242
4. Correspondence	44
B. Assessment Reviews	
1. Wetland Delineations	72
2. Surveys	24
3. Miscellaneous Activities in Wetland	28
4. Impact/ Mitigation Proposal	5
5. Tampa Port Authority Permit Applications	76
6. Wastewater Treatment Plants (FDEP)	0
7. DRI Annual Report	3
8. Land Alteration/Landscaping	0
9. Land Excavation	1
10. Phosphate Mining	0
11. Rezoning Reviews	34
12. CPA	0
13. Site Development	40
14. Subdivision	52
15. Wetland Setback Encroachment	0
16. Easement/Access-Vacating	0
17. Pre-Applications	63
18. On-Site Visits	140
C. Investigation and Compliance	
1. Complaints Received	17
2. Complaints Closed	53
3. Warning Notices Issued	21
4. Warning Notices Closed	12
5. Complaint Inspections	48
6. Return Compliance Inspections	
7. Mitigation Monitoring Reports	22
8. Mitigation Compliance Inspections	42
9. Erosion Control Inspections	62
D. Enforcement	
1. Active Cases	44
2. Legal Cases	1
3. Number of "Notice of Intent to Initiate Enforcement"	0
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	1
6. Administrative - Civil Cases Closed	41
7. Cases Referred to Legal Department	0
8. Contributions to Pollution Recovery	3000
9. Enforcement Costs Collected	939

EPC WETLANDS MONTHLY WORKSHEET

General	Enforcement	Compliance	Assessment	Engineering	Admin	Totals
Telephone Conferences				454	535	989
Scheduled Citizen Assistance		1		43	51	95
Scheduled Meetings			92	50	100	242
Correspondence	12	31		1		44
Assessment Reviews						
Wetland Delineations			72			72
Surveys			24			24
Miscellaneous Activities in Wetland			28			28
Impact/ Mitigation Proposal			5			5
Tampa Port Authority Permit Applications			76			76
Wastewater Treatment Plants (FDEP)						0
DRI Annual Report			3			3
Land Alteration/Landscaping						0
Land Excavation			1			1
Phosphate Mining						0
Rezoning Reviews			34			34
CPA						0
Site Development			40			40
Subdivision			52			52
Wetland Setback Encroachment						0
Easement/Access-Vacating						0
Pre-Applications			63			63
On-Site Visits			139	1		140
Investigation and Compliance						
Complaints Received		17				17
Complaints Closed		53				53
Warning Notices Issued		21				21
Warning Notices Closed		12				12
Complaint Inspections		48				48
Return Compliance Inspections		38				38
Mitigation Monitoring Reports		19	3			22
Mitigation Compliance Inspections		35	7			42
Erosion Control Inspections		62				62
Enforcement						
Active Cases	44					44
Legal Cases	1					1
Number of "Notice of Intent to Initiate Enforcement"						0
Number of Citations Issued						0
Number of Consent Orders Signed	1					1
Administrative - Civil Cases Closed	41					41
Cases Referred to Legal Department						0
Contributions to Pollution Recovery	3000					3000
Enforcement Costs Collected	939					939

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
February 2004**

A. General	Totals
1. Telephone Conferences	835
2. Unscheduled Citizen Assistance	84
3. Scheduled Meetings	239
4. Correspondence	34
B. Assessment Reviews	
1. Wetland Delineations	62
2. Surveys	25
3. Miscellaneous Activities in Wetland	34
4. Impact/ Mitigation Proposal	3
5. Tampa Port Authority Permit Applications	49
6. Wastewater Treatment Plants (FDEP)	2
7. DRI Annual Report	1
8. Land Alteration/Landscaping	2
9. Land Excavation	0
10. Phosphate Mining	2
11. Rezoning Reviews	41
12. CPA	0
13. Site Development	47
14. Subdivision	68
15. Wetland Setback Encroachment	0
16. Easement/Access-Vacating	3
17. Pre-Applications	40
18. On-Site Visits	128
C. Investigation and Compliance	
1. Complaints Received	34
2. Complaints Closed	36
3. Warning Notices Issued	14
4. Warning Notices Closed	11
5. Complaint Inspections	53
6. Return Compliance Inspections	
7. Mitigation Monitoring Reports	18
8. Mitigation Compliance Inspections	15
9. Erosion Control Inspections	71
D. Enforcement	
1. Active Cases	46
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	0
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	1
6. Administrative - Civil Cases Closed	41
7. Cases Referred to Legal Department	4
8. Contributions to Pollution Recovery	1000
9. Enforcement Costs Collected	750

EPC WETLANDS MONTHLY WORKSHEET

General	Enforcement	Compliance	Assessment	Engineering	Admin	Totals
Telephone Conferences				368	467	835
Scheduled Citizen Assistance				36	48	84
Scheduled Meetings			94	51	94	239
Correspondence	14	20				34
Assessment Reviews						
Wetland Delineations			62			62
Surveys			25			25
Miscellaneous Activities in Wetland			34			34
Impact/ Mitigation Proposal			3			3
Tampa Port Authority Permit Applications			49			49
Wastewater Treatment Plants (FDEP)			2			2
DRI Annual Report			1			1
Land Alteration/Landscaping			2			2
Land Excavation						0
Phosphate Mining			2			2
Rezoning Reviews			41			41
CPA						0
Site Development			47			47
Subdivision			68			68
Wetland Setback Encroachment						0
Easement/Access-Vacating			3			3
Pre-Applications			40			40
On-Site Visits			128			128
Investigation and Compliance						
Complaints Received		34				34
Complaints Closed		36				36
Warning Notices Issued		14				14
Warning Notices Closed		11				11
Complaint Inspections		53				53
Return Compliance Inspections		36				36
Mitigation Monitoring Reports		12	6			18
Mitigation Compliance Inspections		11	4			15
Erosion Control Inspections		71				71
Enforcement						
Active Cases	46					46
Legal Cases	2					2
Number of "Notice of Intent to Initiate Enforcement"						0
Number of Citations Issued						0
Number of Consent Orders Signed	1					1
Administrative - Civil Cases Closed	41					41
Cases Referred to Legal Department	4					4
Contributions to Pollution Recovery	1000					1000
Enforcement Costs Collected	750					750

EPC LEGAL DEPARTMENT MONTHLY REPORT
February 2004

A. ADMINISTRATIVE CASES

NEW CASES [0]

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)

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)

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 company has since ceased operations and is negotiating a sale. The matter has been held in abeyance pending result of the sale and a determination whether the operation will continue. (RT)

RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [7]

Al-Samkari, Mouhammed [LSAM03-024]: Authority to take appropriate action against Mr. Al-Samkari as owner and operator of an underground storage tank facility was granted in February 2003. A prior Citation and Order to Correct 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 Citation have not been met. After a period of unsuccessful negotiations with Mr. Al-Samkari, the EPC is filed suit on October 30, 2003 for injunctive relief and penalties and costs. The parties are currently negotiating a Consent Final Judgment to settle the matter. (AZ)

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)

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 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 Plaintiffs filed a Motion for a Re-hearing on the summary judgment. On July 18, 2003 the court granted the Plaintiffs' motion to vacate the summary judgment. The EPC's renewed motion for summary judgment was heard on October 15, 2003. The court has denied the EPC's renewed motion and the matter is currently set for trial on the week of March 29, 2004. Preparation for trial is ongoing. (AZ)

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 filed suit, but the parties are close to a settlement by Consent Final Judgment outlining an amended timeline to comply. (RM)

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. On October 16, 2003 the EPC Legal Department filed a lawsuit requiring corrective actions as well as penalties and costs for the unresolved wetland violation. The Defendant has filed and response to the lawsuit and the case is

moving forward. (AZ)

RESOLVED CASES [1]

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. EPC now only seeks penalties and costs, because the facility has been closed. Mr. Vaknin and the Environmental Protection Commission have signed a Consent Final Judgment and the Court approved the settlement. Legal staff dismissed the suit against Flamingo Apartments because it was run by Mr. Vaknin, it has no property in Florida, and it is inactive. (RM)

C. OTHER OPEN CASES [1]

The following is a list of cases assigned to EPC Legal that are not in administrative or civil litigation, but the party or parties have ask for an extension of time to file for administrative litigation in the hope of negotiating a settlement.

Steiner, Grandview Mobile Home Park, et al [LSTE03-020] (RM)

EPC LEGAL DEPARTMENT MONTHLY REPORT
March 2004

A. ADMINISTRATIVE CASES

NEW CASES [1]

Shafii, Esfandiar, M.D. [LSHA04-002]: The EPC issued a miscellaneous activities permit for the construction of a dock on Lake Alice for Kenneth Barkett. The neighbor challenged the issuance of the authorization through filing a Notice of Appeal pursuant to Section 9 of the EPC Act. The matter has been referred to a hearing officer for an administrative hearing. (AZ)

EXISTING CASES [4]

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)

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)

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 company has since ceased operations and is negotiating a sale. The matter has been held in abeyance pending result of the sale and a determination whether the operation will continue. (RT)

RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [5]

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)

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 on December 13, 2002. The EPC 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 Plaintiffs filed a Motion for a Re-hearing on the summary judgment. On July 18, 2003 the court granted the Plaintiffs' motion to vacate the summary judgment. The EPC's renewed motion for summary judgment was heard on October 15, 2003. The court has denied the EPC's renewed motion. EPC filed a second renewed motion for summary judgment which was denied on March 2, 2004. The matter is currently set for trial on the week of March 29, 2004. Preparation for trial is ongoing. (AZ)

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. On October 16, 2003 the EPC Legal Department filed a lawsuit requiring corrective actions as well as penalties and costs for the unresolved wetland violation. The Defendant has filed a response to the lawsuit and the case is moving forward. The EPC is conducting a new site inspection on March 31, 2004 to determine the current existing violations. (AZ)

RESOLVED CASES [2]

Al-Samkari, Mouhammed [LSAM03-024]: Authority to take appropriate action against Mr. Al-Samkari as owner and operator of an underground storage tank facility was granted in February 2003. A prior Citation and Order to Correct 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 Citation have not been met. After a period of unsuccessful negotiations with Mr. Al-Samkari, the EPC is filed suit on October 30, 2003 for injunctive relief and penalties and costs. The parties successfully negotiated a Consent Final Judgment to settle the matter. The Consent Final Judgment has been approved and executed by the judge and the matter is closed. (AZ)

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 filed suit, but the parties are close to a settlement by Consent Final Judgment outlining an amended timeline to comply. The judge and the parties executed a Consent Final Judgment on February 11, 2004. (RM)

C. OTHER OPEN CASES [2]

The following is a list of cases assigned to EPC Legal that are not in administrative or civil litigation, but the party or parties have ask for an extension of time to file for administrative litigation in the hope of negotiating a settlement.

Steiner, Grandview Mobile Home Park, et al [LSTE03-020] (RM) - settled March 2, 2004.

Northview Hills Civic Association [LNOR04-001] Conrad Yelvington, permittee (RT)

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 FEBRUARY 29, 2004

Fund Balance as of 10/01/03	\$1,739,770
Interest Accrued	17,450
Deposits FY04	216,513
Disbursements FY04	119,321

Fund Balance \$1,854,412

Encumbrances Against Fund Balance:

Art. Reef FY04	75,226
(66) Asbestos Abatement	4,486
(73) Balm Road Scrub	300,000
(84b) Cockroach Bay Aerial Photos	7,342
(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	8,116
(101) Pollution Prevention Program	39,218
Investigations Old Landfill	50,000

Total of Encumbrances 818,497

Minimum Balance (Reserve) 120,000 *

Fund Balance Available February 29, 2004 \$ 915,915

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

COMMISSION
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 1410 N. 21st Street • Tampa, FL 33605

Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF FEBRUARY 29, 2004

Fund Balance as of 10/01/03	\$1,239,034
Interest Accrued	15,082
Disbursements FY04	- 0 -
 Fund Balance	 \$1,254,116

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	204,853
 Total of Encumbrances	 1,254,116

Fund Balance Available	February 29, 2004	\$ - 0 -
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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

AGENDA ITEM COVER SHEET

DATE: March 9, 2004

TO: Environmental Protection Commissioners

FROM: Kay Strother, Air Management Division

SUBJECT: Request for Authority to Take Legal Action Regarding Tampa Bay Shipbuilding and Repair Company, Inc.

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

BACKGROUND:

On October 29, 2002, EPC initiated enforcement against Tampa Bay Shipbuilding and Repair Company, Inc. (TBSRC), a ship repair facility located at 1130 McCloskey Blvd., in Tampa. TBSRC reported that it failed to use tarps or barriers during a spray painting operation conducted on December 1-3, 2001, which is a violation of Title V Air Operating Permit No. 0570286-022-AV (Permit). In addition, TBSRC reported they exceeded the 12-month rolling total for interior coating usage in June 2002, also a violation of the Permit.

EPC staff met with TBSRC on November 20, 2002, and has corresponded with TBSRC over the past year and a half in an attempt to resolve the above violations. TBSRC has not agreed to the terms of a Consent Order, and we therefore request authority to pursue appropriate legal action.

EPC staff discovered an additional violation at the facility during a joint review with EPA, Region 4, of TBSRC's compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Shipbuilding and Ship Repair. TBSRC's semi-annual NESHAP report for January through June of 2002 revealed a volatile organic hazardous air pollutant exceedance for one coating, and the total gallons of coating used was above the limit in the Permit and in Subpart II of the federal NESHAP regulations. We also request authority to address this violation in conjunction with those described above.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

MEETING

DATE: _____

DIAGRAM (IF APPROPRIATE)

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

AGENDA ITEM COVER SHEET

DATE:	March 9, 2004
TO:	Environmental Protection Commissioners
FROM:	Kay Strother, Air Management Division
SUBJECT:	Request for Authority to Take Legal Action Regarding Conrad Yelvington Distributors, Inc.

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

BACKGROUND:

On July 16, 2003, EPC initiated enforcement against Conrad Yelvington Distributors, Inc. (CYDI), an aggregate handling facility located at 4800 Cone Road, in Tampa. An EPC inspection on June 5, 2003, found violations of Permit No. 7770473-005-AO at CYDI's facility, including the exceedance of the allowable material throughput limit of 540,000 tons per year during each of the 12 consecutive month periods beginning on November 30, 2002, and continuing to the present

On August 27, 2003, EPC staff inspected CYDI's facility in response to a citizen's complaint alleging excessive noise from the facility. EPC issued a Warning Notice to CYDI for failing to properly maintain the noise blankets surrounding the shaker, which CYDI previously agreed to use to abate noise from the operation.

On January 15, 2004, EPC staff inspected CYDI's facility to observe a test of visible emissions during railcar loading, but the test was cancelled due to maintenance problems with the pollution control equipment. EPC staff also confirmed that CYDI continued to exceed the material throughput limit.

Since July 2003, EPC staff has negotiated settlement of the above issues with CYDI, but has been unable to reach a mutually acceptable resolution, and we therefore request authority to take appropriate legal action.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

MEETING

DATE: _____

DIAGRAM (IF APPROPRIATE)

EPC CONSENT AGENDA FOR MARCH 18, 2004

AGENDA ITEM SUMMARY SHEET

Date: February 24, 2004

Agenda Item: Oppose Legislative Amendment(s) to section 373.073, Florida Statutes, Reducing Hillsborough County's Allowable Representation on the Southwest Florida Water Management District Governing Board.

Description/Summary:

Senate Bill 1180 and House Bill 641 propose to revise the residency requirements for one current SWFWMD Governing Board member position from a seat that may be filled by either a Hillsborough or Pinellas County resident to a second seat for a Polk County resident. Currently, Hillsborough and Pinellas each have two members, and Hillsborough and Pinellas share one for a total of five. Polk currently has one member on the Governing Board. The proposed legislation recommends converting the shared seat to a second Polk County member. Staff asserts this will dilute the influence of the Hillsborough and Pinellas Counties on the eleven-seat Board and that population and revenue comparisons do not merit this transfer.

Recent data presented by the Water Resource Team show that Hillsborough and Pinellas generate over 50% of SWFWMD revenue and have combined populations totaling 47% of SWFWMD's regional population. In comparison, Polk County generates less than 8% of the SWFWMD revenue and has only 11% of the SWFWMD population.

The BOCC approved a position on February 4, 2004, opposing this proposed legislation. The Environmental Protection Commission staff requests that the EPC take a similar position.

Board Action Recommended: Oppose Legislative amendment(s) to section 373.073, Florida Statutes, which reduce Hillsborough County's allowable representation on the Southwest Florida Water Management District Governing Board and send a letter signed by the Chair of the EPC to the local legislative delegation requesting their assistance in opposing this legislation.

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



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1410 N. 21st Street • Tampa, FL 33605

Executive Director
Richard D. Garrity, Ph.D.

March 19, 2004

Representative Dennis Ross
212 The Capitol
Tallahassee, FL 32399

Subject: SB 1180/HB 641, SWFMWD Residency Requirement

Dear Representative Ross:

The Environmental Protection Commission (EPC) would like to ask your support to **strongly oppose** SB 1180 and HB 641 regarding revising the residency requirements for the Governing Board of the Southwest Florida Water Management District (SWFWMD) under section 373.073, Florida Statutes. Currently, Hillsborough and Pinellas each have two members, and Hillsborough and Pinellas share one for a total of five. Polk currently has one member on the Governing Board. The proposed legislation recommends converting the shared seat to a second Polk County member. The EPC asserts this will dilute the influence of Hillsborough and Pinellas Counties on the eleven-seat Board and that population and revenue comparisons do not merit this transfer.

Hillsborough and Pinellas Counties generate over 50% of SWFWMD revenue and have combined populations totaling 47% of SWFWMD's regional population. In comparison, Polk County generates less than 8% of the SWFWMD revenue and has only 11% of the SWFWMD regional population. As you may be aware the Hillsborough County BOCC approved a position on February 4, 2004, opposing this proposed legislation. The Environmental Protection Commission took a similar position on March 18, 2004.

The EPC recommends that these proposed bills be very strongly opposed.

Sincerely,

Jan Platt, Chairman
Hillsborough County
Environmental Protection Commission

cc: Hillsborough Legislative Delegation
Candace Hundley

AGENDA ITEM COVER SHEET

Date: March 10, 2004

Agenda Item: EPC Wetlands Management Division- Upland Preservation in addition to Wetland Creation Mitigation- Home Depot, Riverview

Description/ Summary: The Home Depot plan is a commercial development project that includes a 102,513 sq. foot home improvement store, a 34,643 sq. foot garden center and three outparcels.

Wetlands exist within the project boundary on the north and southeast sides of the development. The wetland to the north is a mixed hardwood system dominated by red maple, Brazilian pepper, elm, water oak and Chinese tallow. The eastern section of Wetland #1, where the impact is to occur, is composed primarily of herbaceous wetland vegetation. Wetland impacts are proposed for 3.55 acres of wetland vegetation for two outparcels along Bloomingdale Avenue.

In addition to providing onsite wetland creation, the applicant is proposing to preserve valuable uplands in accordance with Chapter 1-11, Wetlands, Rules of the EPC. It is a mixed-oak and saw palmetto system, totaling 3.63 acres. Preservation of this upland 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 and enters the preserved wetlands.

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

cjc/mah/dt

AGENDA ITEM COVER SHEET

Date: March 10, 2004

Agenda Item: EPC Wetlands Management Division Upland Preservation in Lieu of Wetland Creation Mitigation- Robinson High School and Tampa Housing Authority Land Swap

Description/ Summary: The School Board of Hillsborough County (SBHC) and the Tampa Housing Authority (THA) have entered into an agreement to demolish a deteriorated public housing facility on a parcel owned by THA and construct a new public housing facility on a parcel owned by SBHC located on the east side of Lois Avenue. The agreement would allow the SBHC to expand its campus onto the former public housing parcel.

Wetlands exist within the project boundaries of the future site of the new public housing facility. These wetlands consist of a 0.55 acre forested wetland and a 0.18 acre marsh. At the site where the impact is to occur, the vegetation is herbaceous and largely comprised of nuisance and exotic plant species. Wetland impacts are proposed for the 0.18 acre marsh, and the 0.55 acre isolated wetland is to be preserved.

In lieu of providing wetland creation mitigation, the applicant is proposing to preserve valuable uplands in accordance with Chapter 1-11, Wetlands, Rules of the EPC. The area is located at Walker Middle School and consists of a 0.36 acre mixed-oak system that is adjacent to a wetland. A portion of the understory on the site is composed of nuisance and exotic vegetation; therefore, the applicant has provided a long-term maintenance plan for the site that includes removal of nuisance vegetation and replacement with desirable upland plant species. Preservation of this upland area, which is one of the few natural areas left in this primarily urban landscape, will augment the wetland functions by providing valuable habitat for both wetland and upland species.

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

AGENDA ITEM COVER SHEET

Date: March 18, 2004

Agenda Item: Resolved Enforcement Cases - March 2004

Description/Summary:

The following is a short description of enforcement cases resolved in Circuit Court during the past reporting period.

Al-Samkari, Mouhammed [LSAM03-024]: Authority to take appropriate action against Mr. Al-Samkari as owner and operator of an underground storage tank facility was granted in February 2003. A prior Citation and Order to Correct 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 Citation have not been meet. After a period of unsuccessful negotiations with Mr. Al-Samkari, the EPC is filed suit on October 30, 2003 for injunctive relief and penalties and costs. The parties successfully negotiated a Consent Final Judgment to settle the matter. The Consent Final Judgment has been approved and executed by the judge and the matter is closed.

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 filed suit on October 29, 2003. The judge and the parties executed a Consent Final Judgment on February 11, 2004 and the matter is closed.

Commission Action Recommended:

For Commission information only, no action necessary.

AGENDA ITEM COVER SHEET

Date: 3/9/04

Agenda Item: Acceptance of a \$48,300 Artificial Reef Monitoring Grant Agreement with the Florida Fish and Wildlife Conservation Commission (FWCC-03045)

Description/Summary:

The EPC's Artificial Reef and Benthic Monitoring Programs will be performing a biological survey and inventory of invertebrate species which colonize artificial reefs, constructed by EPC, in Tampa Bay. This monitoring will allow the scientific community to gain a better understanding of how manmade reefs function within an estuary and allow for some comparisons between natural and artificial habitats and their invertebrate inhabitants.

Grant Agreement FWCC-03045 is attached.

Commission Action Recommended:

Authorize EPC to accept \$48,300 in grant funds from the Florida Fish and Wildlife Conservation Commission under grant agreement FWCC-03045

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



EDWIN P. ROBERTS, DC
Pensacola

RODNEY BARRETO
Miami

SANDRA T. KAUPE
Palm Beach

H.A. "HERKY" HUFFMAN
Enterprise

DAVID K. MEEHAN
St. Petersburg

JOHN D. ROOD
Jacksonville

RICHARD A. CORBETT
Tampa

KENNETH D. HADDAD, Executive Director
VICTOR J. HELLER, Assistant Executive Director

DIVISION OF MARINE FISHERIES
Mark S. Robson, Director
Roy O. Williams, Asst. Director

January 13, 2004

Tom Ash, Artificial Reef Coordinator
Hillsborough Environmental Protection Commission
1900 9th Avenue
Tampa, Florida 33605

REC'D

JAN 15 2004

ENV. PROT. COMM
OF H.C.

RE: **Artificial Reef Grant Agreement FWCC-03045**

Dear Mr. Ash:

Please find enclosed an original, executed contract for Grant Agreement FWCC-03045 for the completion of an artificial reef-monitoring project in Hillsborough County. The ending date for this project is **December 1, 2004**. This project will be closely monitored for compliance with all terms of the Grant Agreement.

The following information is provided for clarification and reference:

1. The Grant Agreement authorizes funds for the project as specified in Attachment A of the Grant Agreement. **Any change in your proposed reef project may require an amendment to the Grant Agreement. Amendments require a minimum of sixty (60) days notice prior to the ending date of the Grant Agreement.** If you plan any modifications of the original plan, please contact the undersigned Commission Project Manager immediately. Failure to obtain an executed amendment prior to initiating a change in plans may jeopardize your funds.
2. Written progress reports are required every 6 months. These reports should document the progress of the monitoring project and identify any problems, which could delay timely completion of the project or explain a lack of progress.
3. **It is strongly recommended that the entire Grant Agreement (including any Attachments) be read thoroughly. There are many requirements for the Hillsborough EPC to complete.** Also be advised that failure to complete the artificial reef monitoring project exactly as proposed in your application or by the ending date of this project will adversely impact your application for grants during the next fiscal year.

620 South Meridian Street • Mailbox MF-MFM • Tallahassee, FL 32399-1600
(850) 488-6058 • FAX (850) 922-0463 • <http://marinefisheries.org>

4. Upon completion of the artificial reef project, a payment package must be submitted to this office to facilitate reimbursement. The following items must be included in this package:
- (a) A Request for Payment form. This form shows the actual costs incurred and the amount of reimbursement requested;
 - (b) Invoices from grantee showing unit costs and total costs of services;
 - (c) Certification of Completion form. This is a statement in which the grantee, under penalties of perjury, that the project has been completed according to the terms of the contract. It is required in order to receive payment on your Grant Agreement;
 - (d) Progress reports, if not previously submitted;

All project correspondence and reports should be directed to the undersigned Commission Project Manager at 620 South Meridian Street, Box MF-MFM, Tallahassee, Florida 32399-1600 or at (850) 922-4340 or by email at bill.horn@fwc.state.fl.us.

Sincerely,



William Horn,
Fisheries Biologist IV
Artificial Reef Program

/bh

Enclosures

ENV. PROT. COMM
HILLSBOROUGH COUNTY ARTIFICIAL REEF MONITORING
PROJECT

THIS GRANT AGREEMENT is entered into by and between the **FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**, whose address is 620 South Meridian Street, Box MF-MFM, Tallahassee, Florida 32399-1600, hereafter "**COMMISSION**", and **ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY**, whose address is 1900 9TH Avenue, Tampa Florida 33605, hereafter "**GRANTEE**".

NOW THEREFORE, the **COMMISSION** and the **GRANTEE**, for the considerations hereafter set forth, agree as follows:

DUTIES OF THE GRANTEE

1. Scope of Services

The **GRANTEE** shall perform the services and specific responsibilities as set forth in Attachment A, entitled "Scope of Services", attached hereto and made a part hereof.

2. Grantee Eligibility

The **GRANTEE** shall be licensed as necessary to perform under this Grant Agreement as may be required by law, rule, or regulation, and shall provide evidence of such compliance to the **COMMISSION** upon request.

TERM OF AGREEMENT

3. This Agreement shall begin upon execution by both parties and end on December 1, 2004, inclusive. The **GRANTEE** shall not be eligible for reimbursement for services rendered after the termination date of the Agreement.

COMPENSATION

4. As consideration for the services rendered by the **GRANTEE** under the terms of this Agreement, the **COMMISSION** shall pay the **GRANTEE** on a cost reimbursement basis in an amount not to exceed **\$48,300**.

PAYMENTS

5. The **COMMISSION** shall pay the **GRANTEE** for satisfactory service upon submission of invoices, accompanied by required reports or deliverables, and after acceptance of services and deliverables in writing by the **COMMISSION's** Contract Manager. Each invoice shall include the FWC Grant Number and the **GRANTEE's** Federal Employer Identification (FEID) Number. An original and two (2) copies of the invoice shall be submitted. The **COMMISSION** shall not provide advance payment. All bills for amounts due under this Agreement shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof. Invoices for reimbursement shall be submitted following successful completion of the artificial reef project described in Attachment A, Scope of Services.

6. Travel expenses, if authorized in Attachment A, Scope of Services, shall be compensated on a cost reimbursement basis in accordance with Section 112.061, Florida Statutes.

7. The **GRANTEE** shall be compensated on a cost reimbursement basis in accordance with Comptroller Contract Payment Requirements as shown in the Department of Banking and Finance, Bureau of Auditing, Voucher Processing Handbook, Chapter 4., C., 1. (attached hereto and made part hereof as Attachment B).

8. For Agreements whose term extends beyond the State fiscal year in which encumbered funds were appropriated, the State of Florida's performance and obligation to pay is contingent upon an annual appropriation by the Legislature.

9. Invoices, including backup documentation, shall be submitted to:

William Horn, Fisheries Biologist IV
Florida Fish and Wildlife Conservation Commission
Division of Marine Fisheries

For U.S. Postal Service Mail: 620 South Meridian Street, Box MF-MFM
Tallahassee, Florida
32399-1600

For courier service: 2590 Executive Center Circle East, Suite 203
Tallahassee, Florida
32301

TERMINATION

10. This Agreement shall terminate immediately upon the **COMMISSION** giving written notice to the **GRANTEE** in the event of fraud, willful misconduct, or breach of this Agreement.

11. Either party may terminate this Agreement by giving written notice to the other party specifying the termination date and justification for termination, by certified mail, return receipt requested, at least forty-five (45) days prior to the termination date specified in the Agreement.

TAXES

12. The **GRANTEE** recognizes that the State of Florida, by virtue of its sovereignty, is not required to pay any taxes on the services or goods purchased under the term of this Agreement.

NOTICE

13. Unless a change of address is given, any and all notices shall be delivered to the parties at the following addresses:

GRANTEE

Tom Ash,
Artificial Reef Program Coordinator
Environmental Protection Comm. of Hillsborough County
1900 9th Avenue
Tampa, Florida
33605
(813) 272-5960
ash@epchc.org

COMMISSION

William Horn, Fisheries Biologist IV
Fish and Wildlife Conservation Commission
620 South Meridian Street,
Box MF-MFM
Tallahassee, Florida
32399-1600
(850) 922-4340
bill.horn@fwc.state.fl.us

AMENDMENT OR MODIFICATION

14. No waiver or modification of this Agreement or of any covenant, condition, or limitation herein contained shall be valid unless in writing and lawfully executed by the parties. The **COMMISSION** may at any time, by written order designated to be a Modification, make any change in the work within the general scope of this Agreement (e.g. specifications, schedules, method or manner of performance, requirements, etc.). However, all modifications are subject to the mutual agreement of both parties as evidenced in writing. Any modification that causes an increase or decrease in the **GRANTEE's** cost or the term of the Agreement shall require a formal amendment.

RELATIONSHIP OF THE PARTIES

15. The **GRANTEE** shall perform as an independent agent and not as an agent, representative, or employee of the **COMMISSION**.

16. The **GRANTEE** covenants that it presently has no interest and shall not acquire any interest which would conflict in any manner or degree with the performance of services required.

17. The parties agree that there is no conflict of interest or any other prohibited relationship between the **GRANTEE** and the **COMMISSION**.

INSURANCE REQUIREMENTS

18. To the extent required by law, the **GRANTEE** will either be self-insured for Worker's Compensation claims, or will secure and maintain during the life of this Agreement, Worker's Compensation Insurance for all of its employees connected with the work of this project. If any work is subcontracted, the **GRANTEE** shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the **GRANTEE**. Such self-insurance program or insurance coverage shall comply fully with the Florida Worker's Compensation law. In case any class of employees engaged in hazardous work under this Agreement is not protected under the Worker's Compensation statutes, the **GRANTEE** shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the **COMMISSION**, for the protection of his employees not otherwise protected.

19. The **GRANTEE**, as an independent contractor and not an agent, representative, or employee of the **COMMISSION**, agrees to carry adequate liability and other appropriate forms of insurance. The **COMMISSION** shall have no liability except as specifically provided in this Agreement.

CANCELLATION UNDER CHAPTER 119, FLORIDA STATUTES

20. This Agreement may be unilaterally canceled by the **COMMISSION** for refusal by the **GRANTEE** to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the **GRANTEE** on conjunction with this Agreement.

RECORD KEEPING REQUIREMENTS

21. The **GRANTEE** shall maintain books, records and documents directly pertinent to performance under this Agreement in accordance with generally accepted accounting principles consistently applied. The **COMMISSION**, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for five (5) years following Agreement completion. In the event any work is subcontracted, the **GRANTEE** shall similarly require each subcontractor to maintain and allow access to such records for audit purposes.

LIABILITY

22. Each Party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes.

NON-DISCRIMINATION

23. No person, on the grounds of race, creed, color, national origin, age, sex, or disability, shall be excluded from participation in, be denied the proceeds or benefits of, or be otherwise subjected to discrimination in performance of this Agreement.

PROHIBITION OF DISCRIMINATORY VENDORS

24. In accordance with Section 287.134, Florida Statutes, an entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.

NON-ASSIGNMENT

25. This Agreement is an exclusive agreement for services and may not be assigned in whole or in part without the written approval of the **COMMISSION**.

REMEDIES

26. The **GRANTEE** shall perform the services in a proper and satisfactory manner as determined by the **COMMISSION**.

27. It is understood by the parties that remedies for damages or any other remedies provided for herein shall be construed to be cumulative and not exclusive of any other remedy otherwise available under law.

SEVERABILITY AND CHOICE OF VENUE

28. This Agreement has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida. Wherever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement. Any action in connection herewith, in law or equity, shall be brought in Leon County, Florida.

NO THIRD PARTY RIGHTS

29. The parties hereto do not intend nor shall this Agreement be construed to grant any rights, privileges or interest to any third party.

JURY TRIAL WAIVER

30. As consideration of this Agreement, the parties hereby waive trial by jury in any action or proceeding brought by any party against another party pertaining to any matter whatsoever arising out of or in any way connected with this Agreement.

DIVISION OF MARINE FISHERIES REQUIREMENTS

31. The **GRANTEE** agrees to follow all requirements of Section 287.057, Florida Statutes, for the procurement of commodities or contractual services under this Agreement. The **GRANTEE** will obtain a minimum of two written quotes for any subcontracts required for Agreements in the amount of \$25,000 or less, and the **GRANTEE** will publicly advertise and send bid specifications to a minimum of five (5) potential subcontractors for any subcontracts required for Agreements in excess of \$25,000.

32. The use of a vendor registered with the Statewide Negotiated Agreement Price Schedule (SNAPS) does not preclude the **GRANTEE** from the requirements of Paragraph 31.

33. The **GRANTEE** shall include Attachment A (Scope of Services) *verbatim* in all bid specifications. All bid specifications must be approved, in writing, in advance by the **COMMISSION's** Contract Manager, prior to public advertisement or distribution.

34. The **GRANTEE** shall submit bid specifications to the **COMMISSION's** Contract Manager for approval within ninety(90) days following the execution date of this Agreement.

35. Any request to use a sole source vendor by the **GRANTEE** must be requested and justified in writing and approved by the **COMMISSION's** Contract Manager prior to awarding a sole source subcontract under this Agreement.

36. A summary of the vendor replies and recommended subcontractor must be sent by the **GRANTEE** to the **COMMISSION's** Contract Manager for written approval prior to the awarding of any subcontracts under this Agreement.

37. The **GRANTEE** shall include this entire Agreement and all attachments in all subcontracts issued as a result of this Agreement. All such subcontracts in excess of \$5,000 shall be in writing.

38. The **GRANTEE** agrees to acknowledge the role of Florida saltwater fishing license funding in any publicity related to this Agreement.

39. The **GRANTEE** agrees to provide the **COMMISSION** with a minimum of five (5) days notice for any artificial reef construction that occurs as a result of this Agreement.

40. The **GRANTEE** agrees to follow all provisions of Section 370.25, Florida Statutes and Rule 68E-9, Florida Administrative Code during the term of this Agreement.

41. The **GRANTEE** agrees to comply with all applicable federal, state, and local statutes, rules and regulations in providing goods or services to the **COMMISSION** under the terms of this Agreement; including the general and special conditions specified in any permits issued by the Department of the Army, Corps of Engineers and/or the Florida Department of Environmental Protection. The **GRANTEE** further agrees to include this as a separate provision in all subcontracts issued as a result of this Agreement.

42. During the course of survey or monitoring associated with this Agreement, collecting or harvesting fish by hook and line or spearfishing is to be prohibited by individual(s) or from vessel(s) associated with this Agreement.

FEDERAL/FLORIDA SINGLE AUDIT ACTS REQUIREMENTS

43. Effective July 1, 2000, the Florida Single Audit Act requires all non-state organizations (**GRANTEE**) who are recipients of State financial assistance to comply with the audit requirements of the Act, pursuant to Section 215.97, Florida Statutes. In addition, recipients and subrecipients (**GRANTEE**) of federal financial assistance must comply with the Federal Single Audit Act requirements of OMB Circular A-133. Therefore, the **GRANTEE** shall be required to comply with the audit requirements outlined in Attachment C, titled "Requirements of the Federal and Florida Single Audit Acts", attached hereto and made a part of this Agreement, as applicable.

44. In accordance with Section 216.347, Florida Statutes, the **GRANTEE** is hereby prohibited from using funds provided by this Agreement for the purpose of lobbying the Legislature, the judicial branch or a state agency.

CERTIFICATE OF CONTRACT COMPLETION

45. The **GRANTEE** will be required to complete a Certificate of Contract Completion form when all work has been completed and accepted. This form must be submitted to the **COMMISSION's** Contract Manager with the **GRANTEE's** invoice for payment to be authorized. The **COMMISSION's** Contract Manager shall submit the executed form with the invoice to Accounting Services.

CERTIFICATE OF PARTIAL PAYMENT

46. The **GRANTEE** will be required to complete a Certificate of Partial Payment form when payment intervals have been noted in the Agreement. This form must be submitted to the **COMMISSION's** Contract Manager starting with the second invoice and with each subsequent invoice requesting partial payment. The **COMMISSION's** Contract Manager shall submit the executed form with the invoice to Accounting Services.

ENTIRE AGREEMENT

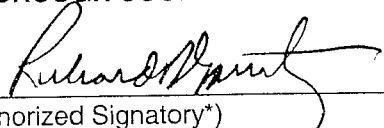
47. This Agreement with all incorporated attachments and exhibits represents the entire Agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, and duly signed by each of the parties hereto, unless otherwise provided herein.

REST OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed through their duly authorized signatories on the day and year last written below.

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION

By: 
(Authorized Signatory*)

By: 
Director, Division of Marine Fisheries
or Designee

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

Richard D Garrity
(Print Signatory's Name and Title)

Date: 12/10/03

Date: 1/12/04

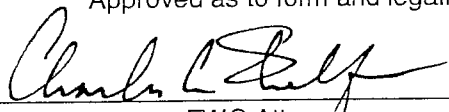
EPC of Hillsborough County
(Grantee)

19009th Ave.
(Address)

Tampa, FL 33605
(City, State, and Zip Code)

59-6000661
(Federal Employer Identification Number)

Approved as to form and legality:


FWC Attorney

Environmental Protection Commission of Hillsborough County
Reimbursement Check Remittance Address:

1900 9th Avenue,
(Address)

Tampa, Florida 33605
(City, State, and Zip Code)

*If someone other than the Chairman signs this Agreement, a statement or other document authorizing that person to sign the Agreement on behalf of the County must accompany the Agreement.

List of Attachments included as part of this Agreement:

Attachment A Scope of Services

Attachment B Requirements of the Federal - Florida Single Audit Acts

Exhibit 1 State and Federal Funds Awarded through the Florida Fish and Wildlife Conservation Commission

**ATTACHMENT A
SCOPE OF WORK**

**HILLSBOROUGH COUNTY
ARTIFICIAL REEF MONITORING GRANT**

INTRODUCTION

The primary monitoring objective for this project is to compile a comprehensive list of epibenthic organisms that make up the fouling community on the artificial reefs in Tampa Bay. Ultimately, by comparing invertebrate species richness to what is already known of the fish assemblages, the Environmental Protection Commission of Hillsborough County can assess reef program success based on habitat and species diversification.

Random sampling, within each reef site, should also allow for comparisons of community composition based on the age of the materials (original vs. subsequent deployments) as well as any vertical stratification of organisms

While much has been learned about the fisheries component of reef construction and the pros and cons of various material types, very little has been published on the invertebrate communities that dominate these habitats. Of particular interest are the details related to such assemblages in an estuarine environment. Determining the success of the program is, in part, dependent on the benthic species diversity found on the reefs. Without a fundamental understanding of that diversity, it is impossible to develop criteria by which present and future habitat enhancement projects will be evaluated.

(1) Sampling schedule and number

The Grantee will sample each of the three (3) reefs ten (10) times during the wet season and ten times during the dry season for a subtotal of twenty (20) samples per reef and a total for the project of sixty (60) samples.

Howard Frankland Reef – Upper Tampa Bay segment
Bahia Beach Reef – Middle Tampa Bay segment
Egmont Key Reef – Lower Tampa Bay segment

Individual sampling stations will be determined by randomly selecting coordinates of known materials within each reef site and are therefore not available at this time.

By choosing three separate reefs, each in a different bay segment, it is anticipated that inferences will be possible relative to community structure in various salinity regimes within the same estuary.

(2) Monitoring tasks

a. Epifaunal samples will be collected by SCUBA divers randomly from ten pre-selected locations on each of the three reef sites during both the wet and dry season. A scrape-sampler similar to that used by Foster et al. 1994¹, will be used to remove attached organisms that will then either be deposited into a 0.5mm mesh collection bag for transport to the surface or directly deposited into HDPE collection jars for subsequent sieving.

b. Once samples have been transported, subsequent handling will be in accordance with standardized procedures used by the EPC's Sediment Quality Monitoring and Assessment Section. Protocols are based on Standard Methods (18th Ed.), the Environmental Monitoring and Assessment Program protocols USEPA ERL/GB NO SR 119 and EPA/620/R-95/008, and Courtney et al. (1995).

(3) Quality Control of data

To quantify the effectiveness of the quality control procedures, repetitive measurements (*e.g.*, resorting, recounting, re-identifying) will help determine the associated measurement error. Below is a list of QA procedures that are conducted and recorded in logbooks.

Sorting:

A minimum of 10% of all samples sorted by each technician is be resorted to monitor technician performance and provide feedback necessary to maintain acceptable standards. Resorts are conducted on a regular basis on batches of 10 samples and all results are documented and recorded on resort sheets and stored in a QA/QC logbook for the laboratory.

The QC re-sort procedure is designed to provide effective and continuous monitoring of sorting efficiency. For EPC, the minimum acceptable sorting efficiency is 90%. Samples for re-sorting are randomly selected from a sample batch sorted by a particular technician. The archived sample residues are retrieved and the re-sort sheet is filled in.

The results of sample re-sorts may require corrective actions for specific technicians. Laboratory personnel and supervisors must be particularly sensitive to systematic errors (*i.e.*, consistent failure to represent specific taxonomic groups), which may suggest the need for further training. Re-sort efficiencies below 90% require re-sorting of all samples in that batch and continuous monitoring of that technician to improve efficiency. Re-sort results are summarized for each technician on a QC resort summary sheet.

Species Identification and Enumeration:

Two approaches to verifying accuracy of species identifications are used and are based upon in-house expertise. Where more than one biologist is skilled in identification of a particular taxonomic group (*e.g.*, Mollusca, Polychaeta), a minimum of 10% of all samples processed by each biologist is checked to verify the accuracy of species identifications. This control check establishes the level of accuracy with which identification and counts are performed, and offers feedback to biologists to ensure that a high standard of accuracy is maintained. Samples are never to be rechecked by the biologist who originally processed the sample. As each taxon is identified and counted, results are compared to the original data sheet. Discrepancies are double-checked to be sure of correct final results.

If results fall below 90%, the entire batch should be re-identified and counted. All changes in species identification should be recorded on the original data sheet and these changes should be entered into the database. The results from all QC rechecks of species identification and enumeration should be recorded on QC re-identification sheets and stored in the QC logbook.

In cases where in-house expertise is limited (*e.g.*, Oligochaeta, Crustacea, Chironomidae) to a single biologist, outside experts are employed, whenever possible, to check the identifications of specimens whose identity is questionable or taxa which are new to the program. The results from all external QC rechecks of species identification are stored in the QC logbook.

(4) Data Reduction, Validation & Reporting

General Practices

All Section staff are engaged in one or more aspects of data entry, validation, and reduction, with the Environmental Supervisor responsible for ensuring that all QC criteria have been met. Computer data are archived indefinitely on the Agency's server.

Station & Hydrographic Profile Data

Site information (location, date, time, depth, weather, etc.) and hydrographic profile data (temperature, salinity, dissolved oxygen, pH) are recorded on field data sheets. These data are entered into the appropriate (Header, Hydrographic) files within the Section's Microsoft ACCESS database. Printouts are checked against these field sheets.

Benthic Macroinvertebrates

Taxonomic data and counts are entered into the Microsoft ACCESS database from laboratory bench sheets. Taxa are identified by both a hierarchical name and a NOAA National Oceanographic Data Center [NODC] (1984a, b) phyletic code. Computer printouts are checked against the bench sheets.

Data Reduction

The Section uses a variety of software for data reduction. Benthic data are generally reduced (e.g., community metrics, densities) using either "Species Diversity & Richness" software (PISCES Conservation Ltd, no date) or *PRIMER 5* (PRIMER-E 2001) software. All elements of the program are subject to data reduction using SYSTAT (SPSS 2000).

REPORTS

The EPC shall submit progress reports every sixty (60) days following the execution of this Agreement; describing work performed, problems encountered and planned solutions if needed.

INVOICES AND PAYMENTS

For satisfactory completion of the first thirty (30) samples collected from the monitoring events as described above, the FWCC agrees to pay the Grantee a maximum of \$21,000 on a fee schedule basis of \$700 per sample upon receipt of a proper first invoice and documentation.

For satisfactory completion of the last thirty (30) samples collected from the monitoring events as described above, the FWCC agrees to pay the Grantee a maximum of \$21,000 on a fee schedule basis of \$700 per sample upon receipt of a proper second invoice and documentation.

For satisfactory completion of the final report and all data require by this agreement, the FWC aggress to pay the Grantee a maximum of \$6,300 for the final report upon receipt of a third proper invoice and documentation

A final report shall be submitted with the third invoice with all final data and other documentation required by this Agreement by December 1, 2004.

REST OF PAGE INTENTIONALLY LEFT BLANK

ATTACHMENT B

REQUIREMENTS OF THE FLORIDA AND FEDERAL SINGLE AUDIT ACTS

The administration of resources awarded by the Florida Fish and Wildlife Conservation Commission (Commission) to the Contractor/Grantee (recipient) may be subject to audits and/or monitoring by the Commission as described in this section.

Monitoring

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Commission staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Commission. In the event the Commission determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Commission staff to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Comptroller or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

In the event that the recipient expends \$300,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this agreement indicates Federal resources awarded through the Commission by this agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from Commission. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions OMB Circular A-133, as revised, will meet the requirements of this part.

In connection with the audit requirements addressed in Part I, paragraph 1., the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.

If the recipient expends less than \$300,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$300,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).

PART II: STATE FUNDED

This part is applicable if the recipient is a non-state entity as defined by Section 215.97(2)(l), Florida Statutes.

In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$300,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Executive Office of the Governor and the Comptroller; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this agreement indicates state financial assistance awarded through the Commission by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Commission other state agencies, and other non-state entities. State

financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements.

In connection with the audit requirements addressed in Part II, paragraph 1, the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2)(d), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

If the recipient expends less than \$300,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$300,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).

PART III: REPORT SUBMISSION

Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this agreement shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:

The Commission at the following address:

Audit Director
Florida Fish and Wildlife Conservation Commission
Bryant Building, Room 170
620 S. Meridian St.
Tallahassee, FL 32399-1600

The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

Pursuant to Section .320 (f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320 (c), OMB Circular A-133, as revised, and any management letters issued by the auditor, to the Commission at the following address:

Audit Director
Florida Fish and Wildlife Conservation Commission
Bryant Building, Room 170
620 S. Meridian St.
Tallahassee, FL 32399-1600

Copies of financial reporting packages required by PART II of this agreement shall be submitted by or on behalf of the recipient directly to each of the following:

The Commission at the following address:

Audit Director
Florida Fish and Wildlife Conservation Commission
Bryant Building, Room 170
620 S. Meridian St.
Tallahassee, FL 32399-1600

The Auditor General's Office at the following address:

Auditor General's Office
Room 401, Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

Copies of reports or the management letter required by PART III of this agreement shall be submitted by or on behalf of the recipient directly to:

The Commission the following address:

Audit Director
Florida Fish and Wildlife Conservation Commission
Bryant Building, Room 170
620 S. Meridian St.
Tallahassee, FL 32399-1600

Any reports, management letter, or other information required to be submitted to the Commission pursuant to this agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

Recipients, when submitting financial reporting packages to the Commission for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

Contact the Commission's Audit Director by phone at (850) 488-6068.

PART IV: RECORD RETENTION

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of five (5) years from the date the audit report is issued, and shall allow the Commission or its designee, Comptroller, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Commission or its designee, Comptroller, or Auditor General upon request for a period of five (5) years from the date the audit report is issued, unless extended in writing by the Commission.

EXHIBIT – 1

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

NONE

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

NONE

STATE RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

MATCHING RESOURCES FOR FEDERAL PROGRAMS:

NONE

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:

State Agency:	Florida Fish and Wildlife Conservation Commission
State Program:	Division of Marine Fisheries Artificial Reef Grants Program
CSFA No.:	77.007
Recipient:	Environmental Protection Commission of Hillsborough County
Amount:	\$48,300

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

Only the goods and/or services described within the attached Agreement and Attachment A are eligible expenditures for the funds awarded.

All provisions of Section 370.25, Florida Statutes and Rule 68E-9, Florida Administrative Code must be complied with in order to receive funding under this Agreement.

NOTE: Section .400(d) of OMB Circular A-133, as revised, and Section 215.97(5)(a), Florida Statutes, require that the information about Federal Programs and State Projects included in Exhibit 1 be provided to the recipient.

AGENDA ITEM COVER SHEET

Date: March 18, 2004

Agenda Item: Update on Coronet Junction Investigation

Description Summary:

EPC staff is committed to updating the Board on a regular basis regarding Coronet until the situation warrants otherwise. This will be equivalent to the briefings staff has given since last July.

Since the EPC Board last met in special session on February 4th, there has been significant progress in the Agency's and the Department of Health's (DOH) investigations. DOH Tallahassee released a report on cancer incidents earlier this month and it is enclosed for your review. This week they have been meeting with the affected communities explaining the results. Susan Bland serves as part of DOH's Coronet investigation team, and she will give the EPC Board a briefing on DOH's activities.

EPC staff will follow with a discussion on the final report regarding the two old municipal waste landfills east of Park Drive. Recall the EPC Board authorized PRF monies, in combination with contributions from Plant City and Hillsborough County, to be used to hire a contractor to examine the old landfills and to complete a site assessment.

Other significant activities that will not be specifically discussed include: Coronet's proposed shutdown and decommissioning plan; EPC staff's review of the same; a February update to the Plant City Commission; and numerous contacts between the agencies coordinating the overall investigation. Some of that correspondence is attached.

Commission Action Recommended:

Accept the update and give guidance as necessary.

Commission Action Taken:

**Investigation of Cancer Incidence
Community Adjacent to Coronet Industries
Plant City, Florida**

**Florida Department of Health
Division of Environmental Health
Office of Environmental Public Health and Medicine**

March 2004

TABLE OF CONTENTS

INTRODUCTION.....	3
BACKGROUND	3
POTENTIAL EXPOSURE PATHWAY.....	3
PURPOSE OF INVESTIGATION.....	4
AREA AND TIME-PERIOD OF INVESTIGATION.....	4
INVESTIGATION POPULATION.....	5
ANALYSIS OF DATA.....	5
SUMMARY: DATA TABLE-A.....	6
SUMMARY: DATA TABLE-B.....	7
CONCLUSION.....	8
REFERENCES.....	8
INVESTIGATION AREA MAP.....	9

INTRODUCTION

The Office of Environmental Public Health and Medicine in collaboration with the Health Assessment Program, Division of Environmental Health conducted this investigation in response to a request for assistance from the Hillsborough County Health Department. Using US census and Florida Cancer Registry data, incidence rates were calculated for certain cancers in the population residing adjacent to Coronet Industries. Substances that might have contaminated air or water include arsenic, cadmium and radium 226/228.

BACKGROUND

Coronet Industries and its predecessors mined and/or processed phosphate rock southeast of Plant City for nearly 100 years. Until the 1960s, they mined phosphate rock from areas mainly north of the plant using a shallow excavation technique (less than 25 feet below land surface). After all usable phosphate rock was mined from the site; phosphate rock was shipped to the plant on railroad cars from other areas. Coronet uses the phosphate rock to manufacture alpha tricalcium phosphate, a thermally defluorinated phosphatic animal feed supplement. Coronet also produces a boron-related product (potassium fluoborate).

Recently, citizens became concerned that pollution from Coronet might be harming their health. The company's long operational history as well as its highly visible working smokestacks and documented releases of arsenic-tainted wastewater into nearby creeks contributed to the perception that the industry was harming human health in the area.

In 2003, a local resident petitioned the Agency for Toxic Substances and Disease Registry (ATSDR) in Atlanta, Georgia, claiming that mined areas later filled in with garbage were negatively impacting health in the communities west of the former mine. The Florida DOH prepared a brief scoping report for the ATSDR in 2003 that documented environmental releases and potential exposure sources for the communities surrounding the plant. Other community members also accused the plant of harming their health.

POTENTIAL EXPOSURE PATHWAY

In 2003, Florida Department of Environmental Protection (DEP) and the Hillsborough County Health Department (CHD) found arsenic, cadmium, and radium in a number of nearby residential drinking water wells within a quarter mile radius of the Coronet plant. Approximately 28 of about 146 tested wells showed concentrations exceeding the Maximum Contaminant Levels (MCL) for arsenic, cadmium and/or radium 226/228.

Of approximately 146 tested wells, twelve showed arsenic higher than the MCL value (10 ug/l), fourteen showed radium 226/228 higher than the MCL value (5 pCi/l) and two showed cadmium higher than the MCL value (5 ug/l).

Past reports indicate that open-pit phosphate rock mining at this site spread dust over the surrounding area. This dust likely reflected the composition of the phosphate rock. Among other substances, phosphate rock contains arsenic, cadmium, and radium. In addition, processing of phosphate rock at this site also creates dust. The Hillsborough County Environmental Protection Commission estimates Coronet Industries released about 200 tons of dust per year from total stack and fugitive emissions*. Although past data are not available for chemicals in air, a potential exposure pathway for nearby residents may have been inhalation of dust from both phosphate rock-mining and processing.

Purpose of Investigation

This investigation addresses the possibility that long-term exposure of arsenic, cadmium and radium 226 in water or air may have increased the rate of associated cancers in the population adjacent to Coronet Industries. Florida DOH reviewed local rates of the cancers that have been shown in prior studies to be associated with arsenic, cadmium and radium 226. According to the ATSDR's toxicological profiles: long-term exposures to high enough levels of arsenic may be associated with cancers of lung and bronchus, liver, bladder, kidneys, prostate and skin; long term exposures to high enough levels of cadmium may be associated with cancers of lung and prostate; long term exposures to high enough levels of radium 226/228 may be associated with cancers of breast and bones.

Area and Time Period of Investigation

The area of concern was defined to include a large enough population to enhance the reliability of the analysis, while maintaining proximity to the plant and not extending too far geographically, in order to maintain the plausibility of exposure. The area extends more east to west than it does north to south to accommodate the prevailing wind directions. The area of concern in this report is referred to as the "Coronet area" and it includes the census tracts and census block groups of some census tracts from both Hillsborough and Polk counties of Florida as listed below:

(Please refer to page # 9 for the investigation area map).

Block Group 2, Census Tract 101.08, Hillsborough County, Florida
Block Group 2, Census Tract 101.06, Hillsborough County, Florida
Block Group 3, Census Tract 101.06, Hillsborough County, Florida
Block Group 4, Census Tract 101.06, Hillsborough County, Florida
Block Group 1, Census Tract 101.07, Hillsborough County, Florida
Census Tract 125.02, Hillsborough County, Florida
Census Tract 125.01, Hillsborough County, Florida
Census Tract 126, Hillsborough County, Florida
Census Tract 127.01, Hillsborough County, Florida
Census Tract 127.02, Hillsborough County, Florida
Census Tract 128, Hillsborough County, Florida
Census Tract 129, Hillsborough County, Florida
Census Tract 130.01, Hillsborough County, Florida

Census Tract 130.02, Hillsborough County, Florida
Census Tract 130.03, Hillsborough County, Florida
Census Tract 130.04, Hillsborough County, Florida
Block Group 2, Census Tract 111, Polk County, Florida
Census Tract 119.02, Polk County, Florida
Census Tract 119.05, Polk County, Florida
Census Tract 120.01, Polk County, Florida
Census Tract 120.02, Polk County, Florida
Census Tract 120.03, Polk County, Florida
Census Tract 120.04, Polk County, Florida

We used eleven years of data (1990 to 2000) to increase the number of cases investigated and to improve the reliability of statistical analysis. This is necessary when the cancers of rare incidence are being studied in a relatively small population.

METHODS

Investigation Population

We obtained 1990 through 2000 cancer incidence data from the Florida Cancer Data System (FCDS). Population information for Hillsborough County, Polk County and the state of Florida were obtained from the official state estimates provided annually to FCDS. For the census tracts and census block groups, population for inter-census years were estimated from the values for the 1990 census and 2000 census using linear interpolation.

Analysis of Data

For the cancers of concern, the observed number of cases occurring in the investigation area during the period of 1990-2000, were compared with the expected number of cases in the area for the same time frame assuming that the incidence rate was the same as for the rest of the state (Table-A). For each race, the expected numbers of cases were calculated for each type of cancer. For each cancer type, the age-specific rate was calculated for the State of Florida minus the area of concern, for the period of eleven years. Next, the population of each group of race in the area of concern for the same time period was multiplied by the age-specific rates of appropriate race calculated earlier. Then, the addition of the generated numbers for each specific race separately provided the age-adjusted expected numbers of cases for a particular type of cancer for a specific race.

Standardized Incidence Ratios (SIR) were calculated by dividing observed number of cases by the expected number of cases for that particular cancer type and race group for the area of concern as calculated above. To assess the statistical significance, 95% confidence intervals (CI) were calculated for each standardized incidence ratio (SIR).

Similar statistical calculations were performed for Table-B except that the expected numbers were calculated using Hillsborough and Polk counties minus the investigation area for the same time period assuming that the incidence rates were the same as for the combined counties.

Data Table-A.

Coronet Investigation Area ⁽¹⁾ Number of Cancers Observed and Expected ⁽²⁾ by Cancer Site and Race, 1990-2000 (Using rates for State of Florida minus investigation area).											
Cancer Sites	Whites						Non-Whites				
	Observed	Expected ⁽²⁾	SIR	95% Confidence Interval			Observed	Expected ⁽²⁾	SIR	95% Confidence Interval	
				Lower	Upper					Lower	Upper
Bones	3	6.9	0.4	0.1	1.3	0	1.0	0.0	N/A	N/A	
Bladder	116	188.6	0.6	0.5	0.7	0	6.9	0.0	N/A	N/A	
Melanoma	120	106.6	1.1	0.94	1.35	0	1.1	0.0	N/A	N/A	
Liver	15	24.6	0.6	0.3	1.0	2	3.9	0.5	0.1	1.9	
Kidneys	66	84.3	0.8	0.6	1.0	6	7.1	0.8	0.3	1.8	
Breast	351	489.1	0.7	0.6	0.8	21	41.3	0.5	0.3	0.8	
Lung and Bronchus	452	605.8	0.7	0.7	0.8	36	47.8	0.8	0.5	1.0	
Prostate	334	565.9	0.6	0.5	0.6	39	62.5	0.6	0.4	0.8	

Notes:
 1. Coronet Investigation Area comprises the 2000 Census tracts or Census block groups from both Hillsborough and Polk Counties.
 2. Expected number of cases were calculated using age specific rates from State of Florida minus investigation area.
 3. Standardized Incidence Ratio (SIR) equals Observed divided by Expected.
 Source:
 Office of Environmental Public Health and Medicine
 Department of Health
 Florida Cancer Data System

Summary: Data Table-A.

Reviewing all different types of cancers of concern for the investigation area during the time interval of 1990 to 2000 and comparing with the expected numbers (estimated based on the state rates); among non-Whites, none of the cancer types have elevated SIR (Standardized Incidence Ratio). Among whites, only melanoma has an increased SIR, however this increase is not statistically significant.

Data Table-B.

Coronet Investigation Area ⁽¹⁾ Number of Cancers Observed and Expected ⁽³⁾ by Cancer Site and Race, 1990-2000 (Using rates for Hillsborough and Polk counties minus investigation area).											
Cancer Sites	Whites						Non-Whites				
	Observed	Expected	SIR	95% Confidence Interval			Observed	Expected ⁽³⁾	SIR	95% Confidence Interval	
				Lower	Upper					Lower	Upper
Bones	3	7.4	0.4	0.1	1.2	0	1.2	0.0	N/A	N/A	
Bladder	116	189.4	0.6	0.5	0.7	0	7.3	0.0	N/A	N/A	
Melanoma	120	135.5	0.9	0.7	1.1	0	0.9	0.0	N/A	N/A	
Liver	15	21.6	0.7	0.4	1.1	2	3.3	0.6	0.1	2.2	
Kidneys	66	87.8	0.8	0.6	1.0	6	7.4	0.8	0.3	1.8	
Breast	351	586.8	0.6	0.5	0.7	21	48.1	0.4	0.3	0.7	
Lung and Bronchus	452	683.6	0.7	0.6	0.7	36	56.7	0.6	0.4	0.9	
Prostate	334	562.6	0.6	0.5	0.6	39	63.6	0.6	0.4	0.8	

Notes:
 1. Coronet Investigation Area comprises the 2000 Census tracts or Census block groups from both Hillsborough and Polk Counties.
 2. Standardized Incidence Ratio (SIR) equals Observed divided by Expected.
 3. Expected number of cases calculated using Age specific rates for Hillsborough and Polk Counties minus investigation area.

Source:
 Office of Environmental Public Health and Medicine
 Department of Health
 Florida Cancer Data System

Summary: Data Table-B.

Reviewing the same types of cancers of concern as in table-A, for the investigation area during the time interval of 1990 to 2000 and comparing with the expected numbers (estimated based on the rates of Hillsborough and Polk counties combined); among both whites and non-Whites, none of the cancer types have elevated SIR (Standardized Incidence Ratio).

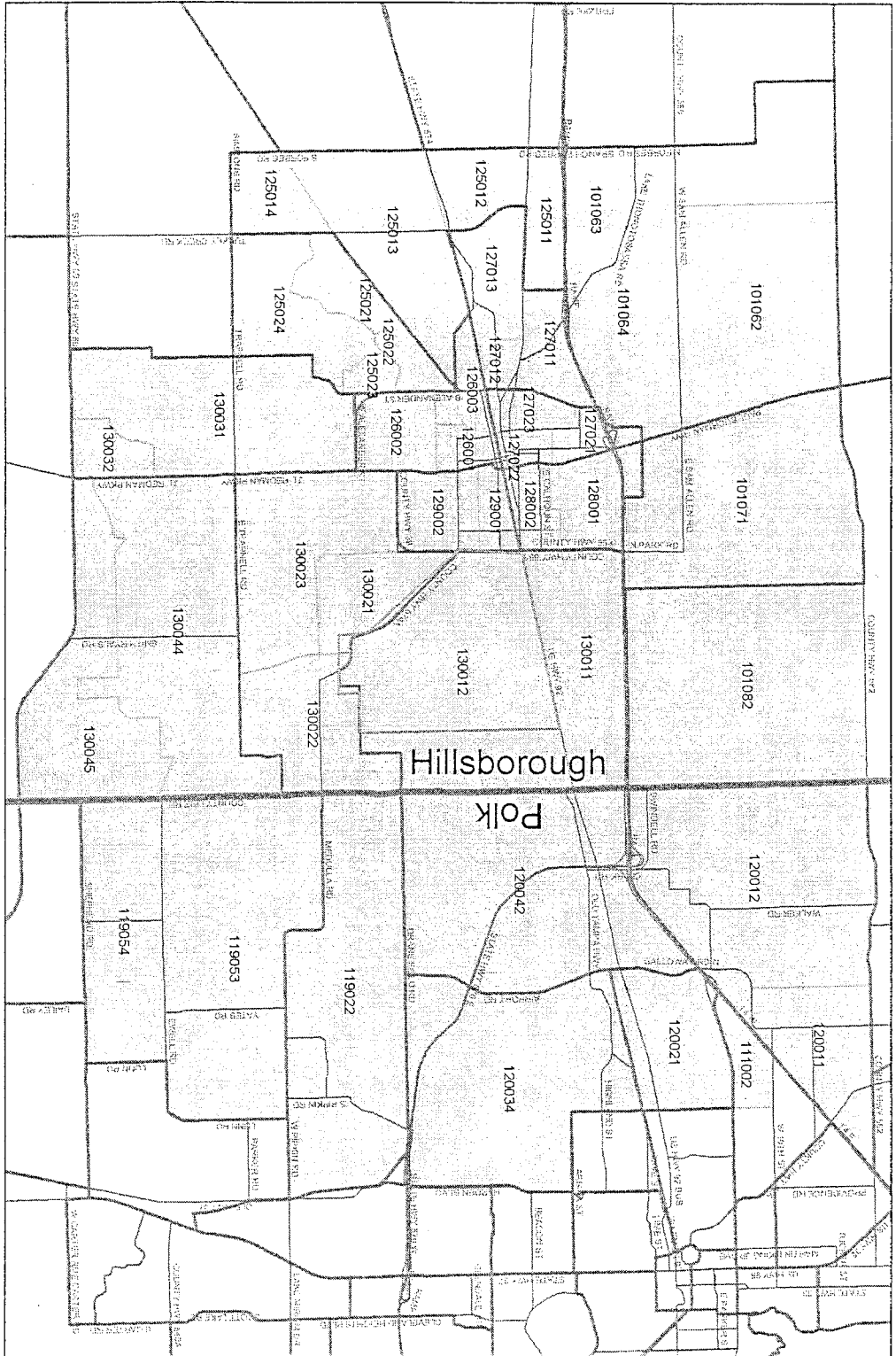
CONCLUSION

A long operational history, highly visible working smokestacks and periodic releases of arsenic-tainted wastewater into the nearby creeks generated health concerns in the community near Coronet Industries. Based on the health concerns voiced by the community, potential exposure to dust from phosphate rock-mining and processing and identification of arsenic, cadmium and radium 226/228 in several drinking water wells, a review of cancer incidence data for the area was performed. Review of ATSDR's toxicological profiles for arsenic, cadmium and radium 226/228 guided the selection of lung, bronchus, liver, kidney, bladder, prostate, breast, melanoma and bone cancers for the analysis.

Calculation of SIRs (Standardized Incidence Ratios) was accomplished based on observed and expected cases for each cancer type selected. None of the SIRs were found to be elevated except for melanoma among whites; however, this increase was not statistically significant. In summary, for the cancers analyzed during the time period studied, there was no statistically significant increase in the number of observed cancer cases in community adjacent to the Coronet Industries when compared to the expected number of cases. The expected numbers of cases were based on the cancer rates for the state or the cancer rates for Hillsborough and Polk counties combined.

REFERENCES

- ATSDR's Toxicological Profiles on CD-ROM, Version 3:1, 2000.
- Breslow, N.E. and Day, N.E.: Statistical Methods in Cancer Research, vol.II, IARC, Lyon 1987
- Applied Statistics Training Institute: "Small Area Data Analysis" G.E.Alan Dever, 1997-CDC.
- * Personal Communication between Jerry Campbell, Hillsborough County Environmental Protection Commission to Randy Merchant, Florida Department of Health. February, 2004.



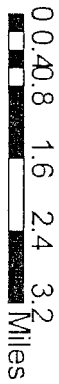
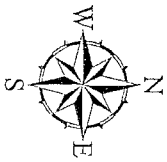
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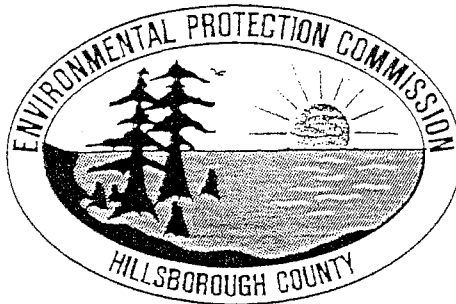
Legend

- Coronal Boundry
- 2000 Census Tracts
- County Boundaries
- 2000 Census Blockgroups

**Plant City
Cancer Rate
Investigation**



COMMISSION
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1410 N. 21st Street • Tampa, FL 33605

Executive Director
Richard D. Garrity, Ph.D.

February 12, 2004

Mr. Jim Baker
Environmental Manager
Coronet Industries, Inc.
P.O. Box 760
Plant City, FL 33564-0760

Re: Title V Renewal

Dear Mr. Baker:

As a follow-up to our meeting of February 10, 2004, we are addressing your questions concerning the Title V permit renewal. Based on Coronet's Title V Permit No. 0570075-016-AV and Rule 62-4.090(1), F.A.C., a Title V permit renewal application is due on November 10, 2004. The permit is set to expire on May 8, 2005. It is EPC staff's understanding that the facility plans to shutdown on March 31, 2004; however, some milling and bagging equipment may still be operational for a short while after that.

If it is the desire of Coronet not to renew the Title V permit and surrender it, written notification should be submitted prior to November 10, 2004. In fact, if Coronet intends to satisfy the Consent Order compliance schedule by shutting down, then we will insist they surrender the permit at that time. The notification should be submitted by the Responsible Official and include the effective date that the facility permanently shutdown. Be advised that in accordance with Rule 62-213.430(3), F.A.C., if a timely application is not submitted, the existing permit shall expire and the source's right to operate shall terminate.

Be advised the facility owner will need to fulfill the obligations of the Title V permit until permanent shutdown or the permit is surrendered. Below is a summary of the requirements to be completed as required by the air permit with references to FDEP rules and specific conditions in the Title V permit. This list is intended to be all inclusive but any omission here does not relieve Coronet of any obligation required by their permit or the rules.

1. Statement of Compliance (SOC): In accordance with Rule 62-213.440(3)(a)2, F.A.C. and Specific Condition No. 26, a source shall submit a SOC annually 60 days after the end of the calendar year (March 1). In addition, within 60 days after permanent shutdown of a facility, a SOC shall be submitted covering the portion of the calendar year that the permit was in effect. DEP Form No. 62-213.900(7) may be used so long as the responsible official specifically identifies all reportable deviations from and all instances of noncompliance.
2. Annual Emission Fees: In accordance with Rule 62-213.205(1)(d), F.A.C., "for any Title V source that achieves a non-Title V status (i.e. FESOP or permit surrender), the annual fee shall be reduced pro rata to reflect the period during which the source was not allowed to operate as a Title V source". A completed DEP Form No. 62-213.900(1) shall be submitted by the responsible official with the annual emission fee by March 1, 2005. Questions or notifications on annual emission fees should be direct to FDEP Tallahassee office.
3. Annual Operating Report (AOR): Per Rule 62-210.370, F.A.C. and Specific Condition No. 25, an AOR shall be completed by March 1, 2005 for reporting year 2004 on DEP Form No. 62-210.900(5).
4. Monitoring Reports: The semi-annual reports required by Rule 62-213.440(1)(b), F.A.C. shall continue to be submitted until the facility is permanently shutdown. The normal report time frame for submittal is September 1 for the January thru June 30 period and March 1 for the August thru December 30 period.
5. Testing: Throughout the Title V permit, annual testing requirements are defined with various compliance dates as required by Rule 62-297.310(7), F.A.C. If the emission units are in operation on the anniversary date of the last test, a new test should be conducted to demonstrate compliance. If the source is not in operation and the EPC has not been notified it is permanently shutdown, Coronet will need to notify us that testing will be conducted upon any restart. If EPC has been notified that the particular emission unit has been permanently shutdown, then no further action is required.
6. Retention of Records: As a Title V facility, you must retain all monitoring data and support information of a period of at least 5 years as defined in Rule 62-213.440(1)(b), F.A.C. and Specific Condition No. 23.
7. Asbestos: With the planned shutdown of the facility, you may be looking into dismantling or removal of equipment at the facility. As noted in Appendix TV-4 No. 17 and Rules 62-204.800, F.A.C. and 40 CFR 61, the Title V permit does not authorize any demolition or renovation of the facility or its parts or components which involves asbestos removal. Proper surveys and notifications are required to be submitted to our office prior to commencement of work.

As you can read, the sooner you surrender the permit the fewer the obligations you have. However, since Coronet did operate in calendar year 2004, there will be certain reporting requirements through the spring of 2005 even if you surrender the permit immediately.

Jim Baker
February 12, 2004
Page 3

If you have any questions, please contact Alice H. Harman, P.E. or Diana Lee, P.E. at 813-272-5530.

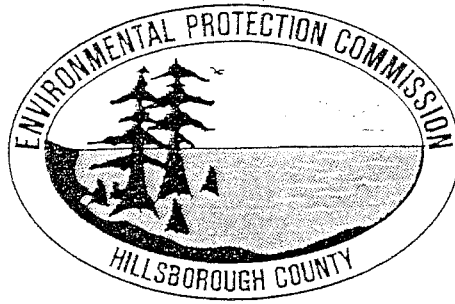
Sincerely,

A handwritten signature in cursive script that reads "Jerry R. Campbell". The signature is written in dark ink and is positioned above the typed name.

Jerry R. Campbell, P.E.
Director, Air Management Division

cc. Bill Proses, P.E., Koogler and Associates
Daniel P. Fernandez, P.A.

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Executive Director
Richard D. Garrity, Ph.D.

February 13, 2004

Mr. David Struhs
Secretary
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

and

Mr. J.I. Palmer, Jr.
Regional Administrator
EPA, Region IV
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

RE: Coronet Industries Closure

Dear Sirs:

I am writing you on behalf of the Environmental Protection Commission of Hillsborough County (EPC) Board regarding the recent announcement that Coronet Industries will cease operations effective, March 31, 2004. To date, EPC staff has been working closely with your respective agencies and the Department of Health to address some of the concerns about the Coronet site. Now the company is ceasing operations and long term closure issues will predominate the discussions, be assured we want to continue to be actively involved.

Through our authorizing act, EPC is responsible for the quality of the air, water and soils of the County, and as a local entity, the public holds us accountable. In addition, as a delegated agency, we are responsible for air permitting issues at the Coronet site. The purpose of this letter is to request that as site closure and remediation plans unfold your respective agencies fully coordinate with the EPC. We have considerable local experience with that site and we want to make our expertise available to you.

Thanks in advance for your cooperation on this matter and we look forward to working with your agencies.

Sincerely,


Jan K. Platt
EPC Chairman

Cc: EPC Board

BALES · WEINSTEIN
ATTORNEYS AT LAW

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SCOTT DISTASIO
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DANIEL P. FERNANDEZ
VIRGINIA ZOCK HOUSER
KIMBERLY STAFFA MELLO
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TAMPA, FLORIDA 33602
TELEPHONE (813) 224-9100
FACSIMILE (813) 224-9109

MAILING ADDRESS:
P.O. Box 172179
TAMPA, FL 33672-0179

February 13, 2004

Richard D. Garrity, Ph.D.
Executive Director
Environmental Protection Commission
1900 9th Avenue
Tampa, FL 33605

Re: Coronet Industries, Inc. - Proposed "Shutdown and Decommissioning Plan"

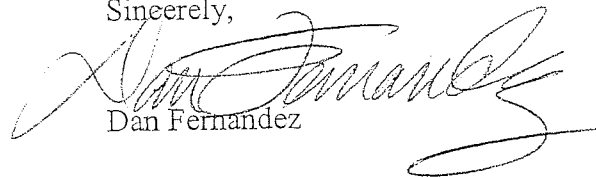
Dear Rick:

As I mentioned in our telephone conversation earlier today, we are providing you with a courtesy copy of a proposed "Shutdown and Decommissioning Plan" for Coronet Industries Inc. (Coronet). This Plan sets forth the steps Coronet intends to take in the coming months regarding worker safety and the protection of human health and the environment during the shutdown and decommissioning of the Plant City facility. There is no need to respond, we are simply keeping you informed.

I appreciated the opportunity to meet with Jerry Campbell and some of his staff last week. As an initial follow-up, Jim Baker informs me that Diana Lee and Rama Iyer were very pleased with their findings this morning during their inspection of the completed corrective action items. As I mentioned to Jerry last week, through further discussions with you and your staff, I am confident that we will achieve reasonable and mutually acceptable revisions to Coronet's Comprehensive Air Environmental Audit Corrective Actions Planning Manual and associated schedule in light of the upcoming shutdown of the plant.

In the meantime, if you have any questions about the enclosed material, please do not hesitate to call.

Sincerely,


Dan Fernandez

Enclosure

Elrabi, Sam

From: Elrabi, Sam
Sent: Friday, February 20, 2004 2:51 PM
To: 'shaun_crawford@doh.state.fl.us'
Cc: Dunn, Chris
Subject: Draft of Coronet Drinking Water Well Health Consultation

Hi Shaun,

As discussed yesterday (under the recommendation portion of the report), it is recommend that you consider resampling and testing the 11 wells that showed elevated levels of arsenic (above 10ug/l). It is prudent to have more than one data point from these wells to confirm previous results.

Thank you for your consideration.

Sam Elrabi, P.E.
General Manager
Water Management Division

“categorizes the threat to public health as a no apparent public health hazard.” A statement might be added in the conclusions that the wells are “no apparent public health hazard” from the suite of chemicals they were tested for.

We look forward to working with you on further efforts in the future. If you have any questions on these comments please contact Debra J. Price, Ph.D., M.Ed., at 813-272-5960, ext. 1289.

cc: Rick Garrity, Ph.D.

Garry

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Executive Director
Richard D. Garrity, Ph.D.

February 27, 2004

Dan Fernandez
Bales Weinstein, P.A.
Courthouse Plaza
625 East Twiggs Street
Suite 100
Tampa, FL 33602

RE: Shutdown Plan for Coronet Industries, Inc.

Dear Mr. Fernandez:

This is in response to the shutdown plan for Coronet dated February 13, 2004. Although you did not ask us to review it and provide comments, I did want to mention the asbestos regulations with regard to any demolitions or equipment removals at the facility. If you refer to 40 CFR 61, you will see there are survey and notification requirements even if no asbestos is found. If asbestos is found, there may be work practice and disposal issues as well.

Please contact the Air Division at 272-5960 for further information. Thank you in advance for your cooperation.

Sincerely,

Jerry Campbell
Director
Air Management Division

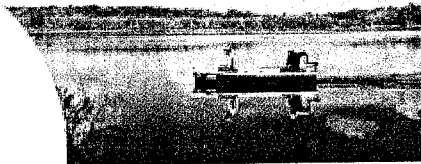
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Memorandum

DATE: February 28, 2004
 TO: Interested Media
 RE: Sea lettuce removal from Bishop Harbor

The Department of Environmental Protection yesterday secured an agreement with Weedbusters, Inc. to remove sea lettuce from Bishop Harbor. Removal of the algae began today using a paddle-wheeled weed harvester. Once harvested from the water, the sea lettuce will be temporarily stored on state-owned land before final disposal.

Removing the nitrogen-absorbing sea lettuce will reduce the amount of nutrients in the ecosystem, which would be returned to the water if algae were allowed to decompose in place. The contract for 100 work hours was made possible through a cooperative effort with the Southwest Florida Water Management District.

Two weeks ago, as part of a comprehensive plan to further reduce nutrient loading to Bishop Harbor, the Department cut by one third the total nitrogen load from the treated water discharged from the abandoned Piney Point phosphate plant. Water trucked to CF Industries was also increased by 200,000 gallons a day.

The Department's intensive water management plan has successfully treated and removed over 1 billion gallons of water from the defunct facility. Since last December, engineers have drained one of four holding ponds and are lining the containment area. Drainage of two other ponds is well underway to close as much of the site as possible before the next hurricane season.

Water removal and site closure will permanently protect Bishop Harbor and Tampa Bay from environmental threat. Without ongoing closure activities, rains during the summer and hurricane season could cause water levels to rise, threatening the environment and public safety.

- | References | |
|------------|---------------------------------------|
| » | Main |
| » | Background |
| » | News Releases |
| » | Piney Point Timeline |
| » | Questions and Answers |
| » | Map of Dispersal Area |
| » | Photos |
| » | Satellite Images |
| » | Links |

-30-

Quick Topics

- Agency Information 04-048
- Brownfields Redevelopment
- Coastal Management Program
- DEP e-Newsletters
- Education
- Emergency Response
- Employee Directory
- Environmental Problem Solving
- Environmental Regulation

AGENDA ITEM COVER SHEET

Date: 3/9/04

Agenda Item: Review of Pollution Recovery Fund Requests for Funding

Description/Summary:

Thirteen (13) project proposals, requesting a total of \$537,766, were submitted to the Pollution Recovery Fund program in the 2003 application cycle. EPC staff and CEAC review of each project has been completed. The projects now await EPC Board action for approval or denial of funding.

Individual project summaries are attached.

Commission Action Recommended:

Authorize funding for the 2003 Pollution Recovery Fund projects according to the EPC staff recommendations as attached.

2003 PROJECT REQUESTS FOR POLLUTION RECOVERY FUND

1. **PALM RIVER HABITAT RESTORATION PROJECT**
APPLICANT: SWFWMD

This Project will restore 20 acres of wetland and 20 acres of upland habitats and will improve water quality for 160 acres of the Palm River, which flows into McKay Bay and ultimately Tampa Bay. This area has some of the poorest water quality in Tampa Bay and suffers from several decades of impacts, including point and non-point source discharge and alterations associated with the construction of the Tampa Bypass Canal.

PRF Request: \$300,000	Project Manager: Christopher Anastasiou
Total Cost: \$ 4,022,258	Phone: 813-985-7481
EPC Staff Recommendation: Approve / \$200,000	CEAC Recommendation: Approve / \$200,000

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

This is an educational project, designed for use in Hillsborough County middle school science classes. It is a supplement to the regular curriculum and is intended to help students learn more about air quality and the role that each individual plays in pollution control. This request is for five years, at \$10,000 per year, in order to offset production costs for AirWise.

PRF Request: \$50,000	Project Manager: Nelson Mongiovi
Total Cost: \$175,000	Phone: 813-962-4448
EPC Staff Recommendation: Withdrawn	CEAC Recommendation: Withdrawn

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

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

PRF Request: \$50,000	Project Manager: Stephen Gran
Total Cost: \$50,000	Phone: 813-272-5506
EPC Staff Recommendation: Approve / \$30,000	CEAC Recommendation: Approve / \$30,000

4. **INVASIVE PLANT REMOVAL AT THE RIVERVIEW LIBRARY**
APPLICANT: H.C. PARKS AND RECREATION

The Riverview Library is public property with an infestation of kudzu, one of the worst invasive plants in the southeast. This infestation is one of the first reported observations of kudzu in Hillsborough County. By eradicating the highly invasive nature of the kudzu and air potato in the natural wetland area behind the library, it would allow the ecosystem to return to its natural state.

PRF Request: \$10,000	Project Manager: Rene' Wiesner Brown
Total Cost: \$12,000	Phone: 813-671-7754
EPC Staff Recommendation: Approve	CEAC Recommendation: Approve

5. **INVASIVE PLANT REMOVAL AT E.G. SIMMONS PARK**
APPLICANT: H.C. PARKS AND RECREATION

E.G. Simmons Park is a widely visited Regional County Park. Restoring habitat by removing invasive species, such as Brazilian pepper and lead trees, will increase both public utilization along the shores and banks, and the visual aesthetics of the park. Invasive removal will also greatly reduce potential reinfestation of SWFWMD's recently restored, 1,300 acre ELAPP Wolfbranch Creek Aquatic Preserve, located directly adjacent to the park.

PRF Request: \$60,000
Total Cost: \$118,600
EPC Staff Recommendation: Approve

Project Manager: Rene' Wiesner Brown
Phone: 813-671-7754
CEAC Recommendation: Approve

6. **TAMPA ADOPT-A-SHORELINE RESTORATION PROGRAM**
APPLICANT: MAYOR'S BEAUTIFICATION PROGRAM

The Tampa Adopt-A-Shoreline Program will provide a year-round and on-going source of volunteers to mitigate the existing negative impacts of pollution in our parks and waterways, while preventing future impacts of pollution through public education and shoreline restoration.

PRF Request: \$10,416
Total Cost: \$1,319,973
EPC Staff Recommendation: Approve

Project Manager: Erin Budde
Phone: 813-221-8733
CEAC Recommendation: Approve

7. **PROP SCAR RESTORATION-COCKROACH BAY**
APPLICANT: SEAGRASS RECOVERY, INC.

The project will restore areas damaged by propeller scarring by repairing approximately 3,000 linear feet of prop scars so that seagrass can recover back to its normal state and filter the polluted waters. The project proposes to repair and restore prop scars utilizing the patented Sediment Tube method.

PRF Request: \$30,000
Total Cost: \$35,000
EPC Staff Recommendation: Deny

Project Manager: Karen Conlon
Phone: 813-641-6763
CEAC Recommendation: Deny

8. **BAHIA BEACH RESTORATION**
APPLICANT: EPC of H.C.

This project is a significant addition to the cooperative "South County" shoreline restoration effort being carried out by SWFWMD, Hillsborough County Parks, and DEP. In addition to this project, the overall effort also includes completed projects at Simmons Park, the recently completed Wolf Branch and the planned project at Wolf Branch addition. These projects when linked with conservation easements will provide restoration and protection of a significant area of coastline that would otherwise be developed, commercial or industrial in land use.

PRF Request: \$150,000
Total Cost: \$2,950,000
EPC Staff Recommendation: Approve

Project Manager: Bob Stetler
Phone: 813-272-5960 x 1088
CEAC Recommendation: Approve

9. **PHOSPHATE MINED LAKE RESTORATION**
APPLICANT: DEP-DIVISION OF RECREATION AND PARKS

This project will focus on restoring the lakes that were created by the phosphate mining process and are located within the Alafia River State Park. This park is part of the Heritage Rivers State Parks complex and is located in southeastern Hillsborough County about thirty miles southeast of Tampa. These lake areas are so choked with exotic vegetation that they blanket the surface of the lakes. Removal of exotics would restore these lakes.

PRF Request: \$71,548.50
Total Cost: \$71,548.50
EPC Staff Recommendation: Deny

Project Manager: Craig Liney/Kim Tennile
Phone: 813- 987-6870 / 813-987-6771
CEAC Recommendation: Deny

10. **STATE OF THE RIVER**
APPLICANT: HILLSBOROUGH RIVER GREENWAYS TASK FORCE

This project will attempt to educate and inspire the community to become actively involved in the welfare of the Hillsborough River by assisting local and state agencies and organizations in efforts to control and/or moderate harmful substances, nutrients, and activities that affect the river. Greater community involvement will alleviate pollution and ensure long-term health of the river.

PRF Request: \$10,000
Total Cost: \$22,500
EPC Staff Recommendation: Approve

Project Manager: Laura DeLise
Phone: 813-495-5285
CEAC Recommendation: Approve

11. **STORMWATER MANAGEMENT DEMONSTRATION PROJECT**
APPLICANT: THE FLORIDA AQUARIUM, INC.

This project directly affects the Tampa Bay Watershed through stormwater runoff from the Aquarium site and surrounding properties into the Bay. It is intended as a model for treating stormwater runoff prior to its entry into the Tampa Bay Watershed. The educational component of the project will reach visitors from throughout Tampa Bay and tourists to the area, and will provide critical public education about these processes. The site location for this project is the Florida Aquarium Building Pond.

PRF Request: \$45,500
Total Cost: \$155,000
EPC Staff Recommendation: Approve / \$30,000

Project Manager: Mary Newton
Phone: 813-367-4018
CEAC Recommendation: Approve / \$30,000

12. **WATER DROP PATCH PROGRAM**
APPLICANT: GIRL SCOUTS OF SUNCOAST COUNCIL

Girl Scouts of Suncoast Council serves 8,674 girls in Hillsborough County through troop meetings, group interactions at various sites and interest projects concerning environmental issues to educate girls and inform the community. They intend to accomplish their program through public education, storm drain stenciling and presentation materials.

PRF Request: \$7,350
Total Cost: \$9,350
EPC Staff Recommendation: Approve

Project Manager: Sandra Cunningham
Phone: 813-281-4475
CEAC Recommendation: Approve

**13. TAMPA SHORELINE RESTORATION MASTER PLAN
APPLICANT: FRIENDS OF THE RIVER**

The Tampa Shoreline Restoration Master Plan will direct activities of the Tampa Shoreline Restoration Initiative along more than 100,000 linear feet of shoreline in 30 City-owned public spaces. The project will address stormwater runoff, invasive vegetation, litter and increased development that represent current threats to the health of the Tampa Bay Estuary.

PRF Request: \$30,000

Total Cost: \$1,319,973

EPC Staff Recommendation: Approve

Project Manager: Rich Brown

Phone: 813-238-6224

CEAC Recommendation: Deny

AGENDA ITEM COVER SHEET

Date: March 18, 2004

Agenda Item: EPC Old Landfill Investigation Program Approval Request

Description/Summary:

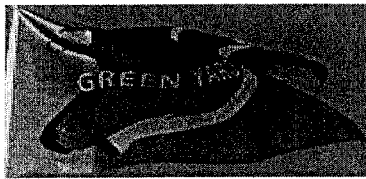
In accordance with the Board's request, staff has developed a proposal for the development, staffing, and implementation of an old landfill investigation program. This program will allow for the detailed environmental investigations of historic solid waste disposal sites that exist throughout Hillsborough County.

Currently, the EPC maintains a listing of 162 known historic waste disposal sites. Of that number, 49 sites have been determined to be fully or in part the responsibility of the City of Tampa and are the subjects of the City of Tampa's Interim Landfill Assessment Program. Eleven sites have been determined to be fully or in part the responsibility of Hillsborough County and are the subjects of Hillsborough County's Closed Landfill Investigation Program. The remaining 102 sites currently have no investigations planned and it is these 102 sites that will be prioritized and investigated as part of the EPC's program.

As a result of these investigations some sites will be deemed to require further investigations. These investigations will determine the condition and quality of groundwater, soils, and surface water and the presence of landfill generated gas. The data will be used to gain a clear understanding of each site's condition and the potential threat the old landfill may have on the environment and public health.

Board Action Requested:

1. Approval of the EPC's development and implementation of an Old Landfill Investigation Program;
2. Conceptual approval of the EPC's creation and hiring of a professional level position to operate the program beginning in Fiscal Year '05.



AGENDA ITEM COVER SHEET

Date: March 18, 2004

Agenda Item: Green Yards Program

Description/Summary:

The Green yards Program began in DEP's Central District with support from the Florida Auto Dismantlers and Recyclers Association (FADRA). It is designed to help auto recycling facilities achieve environmental compliance through the implementation of Best Management Practices (BMPs) while fostering an atmosphere of trust and respect between industry and government. Green Yards has been extremely successful in the Central District. The initiative avoids the resource intensive and high costs associated with compliance through regulatory enforcement. It has been EPC's and DEP's experience that unchecked auto recycling facilities have a very high rate of non-compliance and are a significant source of potential pollution. Both the auto recycling industry and government have enjoyed the benefits of achieving environmental compliance through a cooperative effort. To date, three auto recycling facilities in the Central District have been certified as "Green Yards." During ceremonies attended by the media, government officials, and peers from their industry, each facility has been presented the Green Yard flag representing their outstanding achievement. Several more facilities are also working toward successfully completing the program. EPC believes the Green Yard program will be even more successful in Hillsborough County and plans to implement it beginning with a workshop in April to introduce the program to the auto recyclers in our community.

Commission Action Recommended:

Approval of the EPC's plan to implement the Green Yards Program

EPC AGENDA ITEM SUMMARY SHEET

EPC BOARD MEETING - MARCH 18, 2004

Date Prepared: March 9, 2004

Agenda Item: Resolution Expressing Support for Obtaining Delegation to Establish a Program Regulating the Trimming or Alteration of Mangroves

Description/Summary:

The Environmental Protection Commission (EPC) has and continues to seek delegation of environmental regulatory programs from other government agencies in order to streamline the regulatory process and keep the EPC appropriately involved in regulatory activities affecting Hillsborough County. The EPC is currently seeking delegation of the mangrove trimming and alteration regulatory program administered by the Florida Department of Environmental Protection (DEP). The EPC, through its Wetlands Management Division, currently regulates some impacts to mangroves, but typically only when the mangrove is to be destroyed for development. The delegation the EPC now seeks is to regulate the trimming or alteration of mangroves, similar to the delegation Pinellas County recently received.

Pursuant to the delegation application, DEP requires that the EPC pass a resolution expressing support for obtaining delegation to establish a mangrove regulatory program under section 403.9321, et seq. The text of a draft resolution prepared by EPC staff is attached. If the Board approves, staff anticipates completing and submitting a delegation application to DEP by June 2004. DEP will then have a 45-day review period to determine whether to grant or deny the application.

The delegated mangrove trimming program will be supported by permit fees. An analysis of the past six years of DEP mangrove trimming regulatory actions indicates on average no more than 5-6 permit applications and approximately 2-3 formal enforcement actions per year for Hillsborough County. This is anticipated to be an insignificant workload addition to EPC's wetland staff.

Board Action Recommended: Approve the attached Resolution expressing support for obtaining delegation to establish a mangrove regulatory program.

RESOLUTION NO. _____

A RESOLUTION OF THE ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY (EPC) EXPRESSING SUPPORT FOR OBTAINING DELEGATION TO ESTABLISH A MANGROVE REGULATORY PROGRAM FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Upon motion by Commissioner _____, seconded by Commissioner _____, the following Resolution was adopted by a vote of ____ to ____: with Commissioner(s) _____ voting "No"; Commissioner(s) _____ being absent.

WHEREAS, pursuant to section 403.9324, Florida Statutes, Chapter 84-446, as amended, Laws of Florida (EPC Act), and an interagency agreement with the Florida Department of Environmental Protection (DEP), the Environmental Protection Commission desires to obtain delegation to establish a mangrove regulatory program;

WHEREAS, Hillsborough County has significant amounts of mangrove trees that provide various environmental benefits to the waters of the county;

WHEREAS, the DEP currently regulates the trimming and alteration of mangrove trees;

WHEREAS, the EPC is a locally approved pollution control program with a wetland regulatory program that has the expertise, resources, procedures, and ability to regulate mangrove trimming and alteration;

WHEREAS, the EPC currently regulates other impacts to mangroves;

WHEREAS, the EPC finds it in the best interest of the environment of Hillsborough County to pursue delegation; and

WHEREAS, the DEP requires that local governments express their support for obtaining delegation to establish a mangrove regulatory program;

NOW, THEREFORE, BE IT RESOLVED BY THE ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY in regular meeting assembled this _____ day of _____, 2004, as follows:

1. The above findings of fact are hereby incorporated within this Resolution.
2. The EPC expresses support for obtaining delegation to establish a mangrove regulatory program and directs its staff to obtain the delegation; and
3. This Resolution shall take effect immediately upon adoption.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Environmental Protection Commission of Hillsborough County, in Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Environmental Protection Commission of Hillsborough County, in Hillsborough County, Florida, at its meeting of _____ 2004, as the same appears on record in Minute Book _____ of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this _____ day of _____, 2004.

RICHARD AKE, Clerk

BY: _____
Deputy Clerk

Approved as to Form and Legal Sufficiency

By: _____
General Counsel, EPC

EPC AGENDA ITEM SUMMARY SHEET

EPC BOARD MEETING – MARCH 18, 2004

Date Prepared: March 9, 2004

Agenda Item: TMDL update

Description/Summary: Both the Florida DEP and the U.S. EPA are scheduled to complete “total maximum daily load” (TMDL) determinations for a number of impaired waters in Hillsborough County in less than a year — by September 30, 2004.

The TMDLs will include information on the pollutant load reductions that will be necessary to allow the impaired waters to meet Florida water quality standards. They will also allocate the load reductions among pollutant sources, such as wastewater treatment plants, industrial facilities, and municipal stormwater management systems.

The following background materials are attached:

- A 4-page summary of Florida’s TMDL program, taken from the FDEP website; and
- A table of TMDLs scheduled for completion in Hillsborough County waters by FDEP and EPA by September 30, 2004.

FDEP will be completing TMDLs for certain waterbodies and pollutants, pursuant to the requirements of the Florida Watershed Protection Act of 1999 (Chapter 99-223, Laws of Florida) and the Florida Impaired Waters Rule (Ch. 62-303, Florida Administrative Code).

Pursuant to the federal Clean Water Act, and under court order, EPA will also be completing TMDLs for certain waterbodies and pollutants. EPA will not duplicate the FDEP work effort; it will only develop TMDLs for waterbodies and pollutants which require them based on federal criteria but do not require them based on state criteria. These differences between the EPA and FDEP TMDL programs arise from differences in the federal and state statutes on which the two programs are based.

EPC and Hillsborough County will be important stakeholders in the TMDL implementation process. Both FDEP and EPA plan to work with local government programs and other basin stakeholders to develop specific allocation processes and implementation plans for each TMDL that is developed.

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

THE TOTAL MAXIMUM DAILY LOAD PROGRAM - OVERVIEW

What is a TMDL?

Total Maximum Daily Load

- A TMDL is the maximum amount of a given pollutant that a water body can absorb and still maintain its designated uses (e.g., drinking, fishing, swimming, shellfish harvesting). One water body may have several TMDLs, one for each pollutant that exceeds the water body's capacity to absorb it safely.
- Under Section 303(d) of the federal Clean Water Act and the Florida Watershed Restoration Act, TMDLs must be developed for all waters that are not meeting their designated uses and, consequently, are defined as "impaired waters."

What do we expect to accomplish through the TMDL Program?

- **Cleaner Water** through more collaborative restoration efforts, with increased public involvement.
- **Better Use of Science** to understand how human activities affect water resources in specific locations and cumulatively throughout our watersheds.
- **Better Protection** for water bodies, as people give more attention to preventing and reducing human impacts on water resources.
- **Better Working Relationships** among people and organizations at all levels in the public and private sectors.

How will TMDLs be developed and implemented?

TMDLs will be developed, allocated, and implemented through a **watershed-based management approach** (managing water resources within their natural boundaries) that addresses the state's 52 major hydrologic basins in five groups.

Basins by Group and DEP District Office

DEP District	Group 1 Basins	Group 2 Basins	Group 3 Basins	Group 4 Basins	Group 5 Basins
NW	Ochlockonee-St. Marks	Apalachicola-Chipola	Choctawhatchee-St. Andrews Bay	Pensacola Bay	Perdido Bay
NE	Suwannee	Lower St. Johns		Nassau-St. Marys	Upper East Coast
Central	Ocklawaha	Middle St. Johns	Upper St. Johns	Kissimmee	Indian River Lagoon
SW	Tampa Bay	Tampa Bay Tributaries	Sarasota Bay-Peace-Myakka	Withlacoochee	Springs Coast
S	Everglades West Coast	Charlotte Harbor	Caloosahatchee	Fisheating Creek	Florida Keys
SE	Lake Okeechobee	St. Lucie-Loxahatchee	Lake Worth Lagoon-Palm Beach Coast	Southeast Coast Biscayne Bay	Everglades

Each group will undergo a cycle of five phases on a rotating schedule (see table on following page):

Phase 1: Preliminary Evaluation of water quality

Phase 2: Strategic Monitoring and Assessment to verify water quality impairments

Phase 3: Development and Adoption of TMDLs for waters verified as impaired

Phase 4: Development of Basin Management Action Plan (B-MAP) to achieve the TMDL

Phase 5: Implementation of the BMAP and monitoring of results

THE TOTAL MAXIMUM DAILY LOAD PROGRAM - OVERVIEW

Basin Rotation Schedule For TMDL Development and Implementation

YEAR*	00	01	01	02	02	03	03	04	04	05	05	06	06	07	07	08	08	09	09	10
Group 1		PHASE 1		PHASE 2	PHASE 2	PHASE 3	PHASE 3	PHASE 4	PHASE 4	PHASE 5	PHASE 5	PHASE 1	PHASE 1	PHASE 2	PHASE 2	PHASE 3	PHASE 3	PHASE 4	PHASE 4	PHASE 5
Group 2			PHASE 1		PHASE 2	PHASE 2	PHASE 3	PHASE 3	PHASE 4	PHASE 4	PHASE 5	PHASE 5	PHASE 1	PHASE 1	PHASE 2	PHASE 2	PHASE 3	PHASE 3	PHASE 4	PHASE 4
Group 3				PHASE 1		PHASE 1	PHASE 2	PHASE 2	PHASE 3	PHASE 3	PHASE 4	PHASE 4	PHASE 5	PHASE 5	PHASE 1	PHASE 1	PHASE 2	PHASE 2	PHASE 3	PHASE 3
Group 4					PHASE 1		PHASE 1	PHASE 2	PHASE 2	PHASE 3	PHASE 3	PHASE 4	PHASE 4	PHASE 5	PHASE 5	PHASE 1	PHASE 1	PHASE 2	PHASE 2	PHASE 3
Group 5						PHASE 1		PHASE 1	PHASE 2	PHASE 2	PHASE 3	PHASE 3	PHASE 4	PHASE 4	PHASE 5	PHASE 5	PHASE 1	PHASE 1	PHASE 2	PHASE 2
				1 st Five-Year Cycle – High-priority Waters					2 nd Five-Year Cycle – Medium-Priority Waters											

*Projected years for phases 3, 4, and 5 may change due to accelerated local activities, length of plan development, legal challenges, etc.

What specific activities take place in each phase and how are stakeholders involved?

- Phase 1**
- DEP conducts an initial water quality assessment in the basin, working with stakeholders to determine information required, accepted methods of data collection and analysis, and quality control/quality assurance requirements; develops basin planning list of potentially impaired waters, develops strategic monitoring plan for further data collection.

Stakeholder Involvement – Close coordination with local stakeholders to conduct a preliminary basin water quality assessment; inventory existing and proposed management activities; identify management objectives and issues of concern; develop a strategic monitoring plan; and produce a preliminary Basin Status Report that includes a list of potentially impaired waters.

Phase 2

- DEP, in cooperation with local monitoring entities and WMDs, conducts strategic monitoring to meet priority information needs; conducts integrated monitoring assessment using EPA guidance; derives revised planning list and a draft verified list of impaired waters for public comment; Secretary adopts Group-specific verified list of impaired waters by rule for submittal to EPA as 303(d) waters for which TMDLs will be established.

Stakeholder Involvement – Cooperative efforts between the Department and local stakeholders to collect additional data; get data into STORET; complete water quality assessment; produce a final Basin Assessment Report that includes a planning list and a draft verified list of impaired waters for secretarial adoption.

During the first two phases of the cycle, stakeholders may submit documentation for review by DEP, to establish reasonable assurance that existing or proposed pollution control mechanisms are sufficient to attain water quality standards in a water segment without a TMDL.

Phase 3

- For water bodies or segments on the adopted verified list of impaired waters, DEP will develop and adopt TMDLs and “reasonable and equitable load allocations” among point and nonpoint sources, with input from stakeholders. During **Phase 3**, DEP establishes TMDLs for water bodies or water segments verified as impaired, using computer modeling to estimate nonpoint source loadings and establish the water body’s assimilative capacity.

Stakeholder Involvement – Coordination with stakeholders on model framework, including model requirements, parameters to be modeled, model endpoints, design run scenarios, and preliminary allocations; communication of science used in the process; input from stakeholders on allocations; public workshops for rule adoption of TMDLs and allocations.

THE TOTAL MAXIMUM DAILY LOAD PROGRAM - OVERVIEW

Phase 4

- DEP will invite parties potentially affected by TMDLs to participate in discussions on allocations and implementation strategies.
- DEP will work with WMDs, DACS, and other agencies to provide technical resources and assistance to stakeholder group and help identify potential funding mechanisms available to achieve load reductions.
- Affected stakeholders will work with DEP and other affected agencies to reach consensus on load reduction allocations and strategies, leading to development of a Basin Management Action Plan (B-MAP) to achieve established TMDLs.
- DEP will make the B-MAP available for public review and comment.

Stakeholder Involvement – Broad stakeholder participation in developing a Basin Management Action Plan (including allocations), incorporating it into existing management plans where feasible; public meetings during the planning process.

Phase 5

- As directed by the Florida Watershed Restoration Act, DEP will take the lead in coordinating the implementation of TMDLs, which may be carried out through non-regulatory and existing regulatory water quality protection programs.
- DACS has agreed to take the lead in ensuring that allocations to agricultural nonpoint sources are met, and will work with farmers in the basin to develop BMPs and facilitate their implementation, including providing assistance in obtaining funding. The DACS Division of Forestry will take the lead in ensuring that the allocation to silviculture is met.
- Other regional and state agencies will assist in implementation as provided in the B-MAP.
- Local entities will implement local government NPDES stormwater programs, local restoration projects, private sector partnerships, BMPs, etc., as provided in the B-MAP.

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Stakeholder Involvement – Emphasis on implementing the B-MAP, other voluntary stakeholder actions, and local watershed management structures; DEP will continue to provide technical assistance, fulfill oversight responsibilities, and administer NPDES point and nonpoint source permits.

Tracking, Monitoring, Evaluation

- DEP will continue its efforts to strengthen coordination between federal, state, regional, local monitoring and help implement the monitoring plan developed as part of the B-MAP.

Who will be affected by TMDLs and how?

Pollutants can enter a water body through point source discharges (generally from a specific facility) or nonpoint discharges (e.g., stormwater runoff, septic tanks). Government agencies, businesses, organizations, and individuals who contribute to these discharges will be asked to share the responsibility of attaining TMDLs through load allocations (the amount of a specified pollutant allotted for discharge) that are based on an established TMDL. Those potentially affected, and the actions they may be asked to take to help achieve a TMDL, are summarized below.

Potentially Affected Stakeholders	Actions to Achieve TMDL
Municipal stormwater/wastewater programs	Reduce and treat urban stormwater runoff through stormwater retrofit, septic tank replacement
Farming and silviculture operations	Reduce and treat runoff through best management practices (BMPs)
Municipal and industrial wastewater treatment facilities, NPDES permitted facilities	Reduce pollutant loadings from permitted discharges
Commercial developers, homebuilders, individual home owners	Improve development design and construction, enhance BMPs, replace septic tanks
Federal, regional, state agencies; regional and local water quality coalitions	Carry out water body restoration projects

THE TOTAL MAXIMUM DAILY LOAD PROGRAM - OVERVIEW

What are some of the benefits of the TMDL program?

As part of a watershed-based management approach, the TMDL program will:

- **Produce better monitoring and more effective use** of existing and new water quality information.
- **Provide restoration and prevention targets** and define responsibility for management actions.
- **Build on and enhance existing restoration efforts** of local governments, water management districts, established coalitions, the Department, and others.
- **Focus funding and other resources** on priority water resource problems.
- **Trigger improvements in stormwater management** by local governments, industry, agriculture, private developments, businesses, and others.
- **Stimulate new approaches to land use design and development** that minimize associated water resource problems.

How do I get additional information?

For additional information on the Watershed Management Program and TMDLs, please contact these watershed coordinators in the Bureau of Watershed Management, Watershed Planning and Coordination Section:

For additional information on the Watershed Management Program and TMDLs, please contact these watershed coordinators:

- *Southwest Florida and Lake Okeechobee*, Pat Fricano (850) 245-8559
- *Southeast Florida and Ochlockonee-St. Marks Basins*, Rick Hicks (850) 245-8558
- *Northwest and Central Florida*, Mary Paulic, (850) 245-8560
- *Northeast Florida and Suwannee Basin*, John Abendroth (850) 245-8557
- *West Central Florida and Tampa Bay Region*, Tom Singleton (850) 245-8561

For information on establishing and implementing TMDLs, contact Jan Mandrup-Poulsen in the Watershed Assessment Section at (850) 245-8448. Additional information is on the Department's web page at www.dep.state.fl.us/water/watersheds/index.htm.

Other key contacts in the Bureau of Watershed Management:

- Eric H. Livingston, Bureau Chief Phone: (850) 245-8430 SUNCOM: 205-8430
- Daryl Joyner, TMDL Program Administrator Phone: (850) 245-8431 SUNCOM: 205-8431
- Fred Calder, Section Administrator Phone: (850) 245-8555 SUNCOM: 205-8555

Other TMDL-related DEP and EPA Websites:

- **US Environmental Protection Agency**
Total Maximum Daily Load Program: <http://www.epa.gov/owow/TMDL>
- **Florida Department of Environmental Protection**
Total Maximum Daily Load Program: <http://www.dep.state.fl.us/water/tmdl>
The 2000 305(b) Report: <http://www.dep.state.fl.us/water/305b>
Stormwater/Nonpoint Source Pollution: <http://www.dep.state.fl.us/water/stormwater>

**Hillsborough County
TMDLs Due by September 30, 2004**

Source: Tampa Bay Estuary Program, Feb. 2004

WATERBODY NAME	WATERBODY ID (WBID)	PARAMETERS CAUSING IMPAIRMENT	DEP TO DEVELOP TMDL	EPA TO DEVELOP TMDL
Alafia River, Thirtymile Creek	1639	DO Nutrients (chl)	X	
Hillsborough River, Sparkman Branch	1561	DO, fecal and total Coliforms	X ¹	
Hillsborough River	1443E	Nutrients, fecal and total coliforms	X ¹	
Hillsborough River, Lake Hunter	1543	Nutrients	X	
Hillsborough River, Baker Creek	1522C	DO, fecal and total coliforms, nutrients	X ¹	
Hillsborough River, Lake Thonotosassa	1522B	Fecal coliforms, un-ionized ammonia	X ¹	
Hillsborough River, Cowhouse Creek	1534	DO	X	
Hillsborough River, Flint Creek	1522A	DO, BOD Fecal and total coliforms, nutrients	X ¹	
Hillsborough River	1443B	DO		X
Hillsborough River, Itchepackasassa Cr.	1495B	DO	X	
Hillsborough River, Itchepackasassa Cr.	1495B	BOD		X
Hillsborough River	1443D	Total coliforms	X ¹	
Hillsborough River, Blackwater Creek	1482	Fecal and total coliforms, DO	X ¹	
Hillsborough River, Blackwater Creek	1482	BOD		X

**Hillsborough County
TMDLs Due September 30, 2004**

Source: Tampa Bay Estuary Program, Feb. 2004

WATERBODY NAME	WATERBODY ID (WBID)	PARAMETERS CAUSING IMPAIRMENT	DEP TO DEVELOP TMDL	EPA TO DEVELOP TMDL
Hillsborough River, Cypress Creek	1402	DO		X
Hillsborough River, Cypress Creek	1402	Total coliforms	X ¹	
Hillsborough River, Crystal Springs	1462A	DO, nutrients		X
Hillsborough River, New River	1442	DO, fecal and total coliforms	X ¹	
Tampa Bay, McKay Bay	1584B	DO, nutrients	X	
Tampa Bay, Delaney Creek	1605	Fecal and total coliforms, DO, Lead (DEP plans to delist)	X ¹	X ²
Tampa Bay, Delaney Creek	1605	BOD (if DEP doesn't address in DO TMDL),		X
Tampa Bay, Ybor City Drainage	1584A	Nutrients, TSS, BOD, COD		X ²
Tampa Bay, Rocky Creek	1507	DO, fecal and total coliforms, nutrients, TSS		X
Tampa Bay, Rocky Creek	1507A	DO, nutrients	X	
Tampa Bay, Brooker Creek	1474	DO, fecal coliforms		X
Tampa Bay, Lower Sweetwater Creek	1570A	DO, nutrients, fecal and total coliforms	X ¹	

¹ For fecal and total coliforms, EPA will be conducting the technical analyses and FDEP will be proposing the TMDL.

² DEP will request EPA to consider delisting this segment in this year's 303(d) list submittal package.