

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM**

**APRIL 15, 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. <u>CITIZEN'S COMMENTS</u>	
II. <u>CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE</u> Report from the Chairman – David Jellerson	
III. <u>PROCLAMATION</u> Clean Air Month Proclamation	2
IV. <u>CONSENT AGENDA</u>	
A. Approval of Minutes: January 7, 2004	3
B. Monthly Activity Reports	4
C. Legal Department Monthly Reports	16
D. Pollution Recovery Trust Fund	19
E. Gardinier Settlement Trust Fund	20
F. Request Authority to Take Appropriate Legal Action Against:	
1. Paul A. & Vicki M. Heckman (Petroleum Contamination)	21
2. Letty Cueva & Patricia Vaca (Storage Tanks)	22
V. <u>EXECUTIVE DIRECTOR</u>	
A. Coronet Update	23
B. Discussion – Cypress Mulch Issue (requested by Commissioner Platt)	26
VI. <u>LEGAL DEPARTMENT</u>	
A. Request Authority to Establish Date for Public Hearing to Amend Chapter 1-11, Rules of the EPC, Wetlands	34
B. 2004 Legislative Update	35
VII. <u>ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION</u>	
Review of Total Maximum Daily Loads (TMDL) Deferred From March 18, 2004	36

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

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Agenda Item Cover Sheet

Date: April 15, 2004

Agenda Item: Clean Air Month Proclamation

Description Summary:

For the past 31 years EPC and the American Lung Association have joined together to promote May in Hillsborough County as Clean Air Month. With the Board's concurrence, staff would like to do so again this year. The proclamation would be received by representatives from the American Lung Association and Radio Disney.

Both are working with EPC to promote this year's theme of "Air Quality Index, Your Forecast to Breathe By." The Air Quality Index is the EPA's simplified system of advising the public on the quality of the air on a given day. Folks in the media, like Radio Disney, help educate the public on this index and actually report it on a daily basis.

Commission Action Recommended:

Read the proclamation and present copies to the American Lung Association and Radio Disney representatives.

Commission Action Taken:

JANUARY 7, 2004 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING - DRAFT
MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider Arbitration of Tampa Bay Water's Application for an Environmental Resource Permit for Modification of Surface Water Control Structures at the Morris Bridge Wellfield, scheduled for Wednesday, January 7, 2004, at 2:05 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 2:28 p.m. and reviewed the item.

Attorney Rick Muratti, EPC Legal Department, reviewed staff recommendation not to arbitrate the item. **Commissioner Norman moved staff recommendation, seconded by Commissioner Scott, and carried six to zero.** (Commissioner Storms was out of the room.)

There being no further business, the meeting was adjourned at 2:29 p.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____
Deputy Clerk

kr

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
MARCH

A.	Public Outreach/Education Assistance:	
1.	Phone Calls:	<u>274</u>
2.	Literature Distributed:	<u>110</u>
3.	Presentations:	<u>1</u>
4.	Media Contacts:	<u>4</u>
5.	Internet:	<u>68</u>
6.	Host/Sponsor Workshops, Meetings, Special Events (Strawberry Festival Parade)	<u>1</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	<u>5</u>
b.	Construction:	<u>1</u>
c.	Amendments:	<u>0</u>
d.	Transfers/Extensions:	<u>1</u>
e.	General:	<u>1</u>
f.	Title V:	<u>0</u>
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):	
a.	Operating ¹ :	<u>6</u>
b.	Construction ¹ :	<u>0</u>
c.	Amendments ¹ :	<u>0</u>
d.	Transfers/Extensions ¹ :	<u>2</u>
e.	Title V Operating ² :	<u>6</u>
f.	Permit Determinations ² :	<u>8</u>
g.	General:	<u>0</u>
3.	Intent to Deny Permit Issued:	<u>0</u>
C.	Administrative Enforcement	
1.	New cases received:	<u>6</u>
2.	On-going administrative cases:	
a.	Pending:	<u>9</u>
b.	Active:	<u>23</u>
c.	Legal:	<u>3</u>
d.	Tracking compliance (Administrative):	<u>31</u>
e.	Inactive/Referred cases:	<u>0</u>
	Total	<u>66</u>
3.	NOIs issued:	<u>3</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>8</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$46,519</u>
7.	Cases Closed:	<u>1</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>20</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>1</u>
3.	Asbestos Demolition/Renovation Projects:	<u>22</u>
E.	Open Burning Permits Issued:	<u>15</u>
F.	Number of Division of Forestry Permits Monitored:	<u>0</u>
G.	Total Citizen Complaints Received:	<u>71</u>
H.	Total Citizen Complaints Closed:	<u>59</u>
I.	Noise Sources Monitored:	<u>10</u>
J.	Air Program's Input to Development Regional Impacts:	<u>2</u>
K.	Test Reports Reviewed (by pollutant & VE)	<u>165</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>36</u>
2.	Warning Notices Resolved:	<u>18</u>
3.	Advisory Letters Issued:	<u>10</u>
M.	AOR's Reviewed:	<u>2</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>7</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
MARCH

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -0-
(b) all others	<u>\$ -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ -0-
(b) class A2 facility - 5 year permit	<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>\$3,600.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$4,000.00</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	\$4,000.00
(b) for structure greater than 50,000 sq ft	<u>\$ 600.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$ 600.00
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$3,200.00</u>
8. Open burning authorization	<u>\$9,400.00</u>
9. Enforcement Costs	<u>\$2,662.70</u>

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



Administrative Offices,
 Legal & Water Management Division
 The Roger P. Stewart Environmental Center
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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: April 5, 2004

TO: Tom Koulianos, Director of Finance and Administration

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

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

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	6
2. On-going administrative cases	111
a. Pending	15
b. Active	65
c. Legal	5
d. Tracking Compliance (Administrative)	26
e. Inactive/Referred Cases	0
3. NOI's issued	2
4. Citations issued	3
5. Consent Orders and Settlement Letters Signed	3
6. Civil Contributions to the Pollution Recovery Fund	\$10,870
7. Enforcement Costs collected	\$2,804
9. Cases Closed	18

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	5/6
2. EPC Authorization for Facilities NOT requiring DEP permit	2/2
3. Other Permits and Reports	
a. County Permits	1/2
b. Reports	66/54
4. Inspections (Total)	219
a. Complaints	33
b. Compliance/Reinspections	19
c. Facility Compliance	30
d. Small Quantity Generator	134
e. P2 Audits	3
5. Enforcement	
a. Complaints Received/Closed	34/30
b. Warning Notices Issued/Closed	10/6
c. Compliance letters	36
d. Letters of Agreement	1/0
e. DEP Referrals	4
6. Pamphlets, Rules and Material Distributed	292

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	102
b. Installation	38
c. Closure	13
d. Compliance Re-Inspections	27
2. Installation Plans Received/Reviewed	8/7
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	6/8
b. Closure Reports Received/Reviewed	9/10
4. Enforcement	
a. Non-compliance Letters Issued/Closed	74/54
b. Warning Notices Issued/Closed	9/5
c. Cases referred to Enforcement	0
d. Complaints Received/Investigated	2/4
e. Complaints Referred	0
5. Discharge Reporting Forms Received	2
6. Incident Notification Forms Received	10
7. Cleanup Notification Letters Issued	5
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	50
2. Reports Received/Reviewed	87/92
a. Site Assessment	25/31
b. Source Removal	8/6
c. Remedial Action Plans (RAP's)	11/15
d. Site Rehabilitation Completion Order/ No Further Action Order	5/3
e. Others	38/37
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	<u>4</u>	
2. Enforcement Cases Closed:	<u>5</u>	
3. Enforcement Cases Outstanding:	<u>48</u>	
4. Enforcement Documents Issued:	<u>6</u>	
5. Recovered costs to the General Fund:	\$ 2,732.05	
6. Contributions to the Pollution Recovery Fund:	<u>\$16,566.70</u>	

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Summerview Oaks	Placement of C/S in service w/out acceptance letter	\$ 166.70
b. Stonescape USA	Construction w/out a permit	\$1,000.00
c. Strawberry Fields	Improper Operation/Failure to maintain/Unpermitted discharge	\$1,200.00
d. Madison Lane Estates	Failure to meet effluent limits/Unpermitted discharge	\$3,000.00
e. Linebaugh Concrete	Placement of C/S in service w/out acceptance letter	\$ 500.00
f. Sunny Florida Dairy	Unpermitted discharge/Operation w/out a permit	\$6,000.00
g. Neptune Mobile	DW Effluent discharges/Improper operation/Failure to maintain/Violation of permit conditions	\$1,700.00
h. Grandview MHP	Improper operation/Failure to maintain	\$3,000.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	<u>39</u>	
a. Facility Permit:	<u>6</u>	
(i) Types I and II	<u>0</u>	
(ii) Type III	<u>6</u>	
b. Collection Systems-General:	<u>12</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>21</u>	
d. Residuals Disposal:	<u>0</u>	
2. Permit Applications Approved:	<u>38</u>	
a. Facility Permit:	<u>5</u>	
b. Collection Systems-General:	<u>17</u>	
c. Collection Systems-Dry Line/Wet Line:	<u>16</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>74</u>
a. Facility Permit:	<u>32</u>
b. Collection Systems-General:	<u>27</u>
c. Collection Systems-Dry Line/Wet Line:	<u>15</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>19</u>
a. Inspection (CEI):	<u>6</u>
b. Sampling Inspection (CSI):	<u>8</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>5</u>
2. Reconnaissance:	<u>30</u>
a. Inspection (RI):	<u>13</u>
b. Sample Inspection (SRI):	<u>2</u>
c. Complaint Inspection (CRI):	<u>15</u>
d. Enforcement Inspection (ERI):	<u>0</u>
3. Engineering Inspections:	<u>0</u>
a. Reconnaissance Inspection (RI):	<u>0</u>
b. Sample Reconnaissance Inspection (SRI):	<u>0</u>
c. Residual Site Inspection (RSI):	<u>0</u>
d. Preconstruction Inspection (PCI):	<u>0</u>
e. Post Construction Inspection (XCI):	<u>0</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 for Approval:	<u>0</u>
a. Facility Permits:	<u>0</u>
b. General Permits:	<u>0</u>
3. Permitting Determination:	<u>0</u>
4. Special Project Reviews:	<u>0</u>
a. ARs:	<u>0</u>
b. Phosphate:	<u>0</u>
c. Industrial Wastewater:	<u>0</u>
d. Others:	<u>0</u>

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation:	<u>14</u>
a. Inspection (CEI):	<u>14</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>15</u>
a. Inspection (RI):	<u>4</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>11</u>
3. Engineering Inspections:	<u>0</u>
a. Compliance Evaluation (CEI):	<u>0</u>
b. Sampling Inspection (CSI):	<u>0</u>
c. Performance Audit Inspection (PAI):	<u>0</u>
d. Complaint Inspection (CRI):	<u>0</u>
e. Enforcement Reconnaissance Inspections (ERI):	<u>0</u>

F. INVESTIGATION/COMPLIANCE

1. Citizen Complaints:	
a. Domestic:	<u>25</u>
(i) Received:	<u>15</u>
(ii) Closed:	<u>10</u>
b. Industrial	<u>10</u>
(i) Received:	<u>5</u>
(ii) Closed:	<u>5</u>

2. Warning Notices:	
a. Domestic:	<u>13</u>
(i) Received:	<u>6</u>
(ii) Closed:	<u>7</u>
b. Industrial:	<u>9</u>
(i) Received:	<u>8</u>
(ii) Closed:	<u>1</u>
3. Non-Compliance Advisory Letters:	<u>23</u>
4. Environmental Compliance Reviews:	<u>170</u>
a. Industrial:	<u>57</u>
b. Domestic:	<u>113</u>
5. Special Project Reviews:	<u>0</u>
a. ARs:	<u>0</u>
b. Others:	<u>0</u>
G. RECORD REVIEWS	
1. Permitting:	<u>4</u>
2. Enforcement:	<u>1</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR	
1. Air Division:	<u>67</u>
2. Waste Division:	<u>2</u>
3. Water Division:	<u>18</u>
4. Wetlands Division:	<u>0</u>
5. ERM Division:	<u>128</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>0</u>
2. ARs:	<u>0</u>
3. Technical Support:	<u>0</u>
4. Other:	<u>0</u>

AR03.04

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

	Totals
A. General	
1. Telephone Conferences	1068
2. Unscheduled Citizen Assistance	115
3. Scheduled Meetings	243
4. Correspondence	13
B. Assessment Reviews	
1. Wetland Delineations	71
2. Surveys	25
3. Miscellaneous Activities in Wetland	68
4. Impact/ Mitigation Proposal	4
5. Tampa Port Authority Permit Applications	63
6. Wastewater Treatment Plants (FDEP)	4
7. DRI Annual Report	0
8. Land Alteration/Landscaping	3
9. Land Excavation	3
10. Phosphate Mining	3
11. Rezoning Reviews	62
12. CPA	4
13. Site Development	78
14. Subdivision	76
15. Wetland Setback Encroachment	0
16. Easement/Access-Vacating	5
17. Pre-Applications	74
18. On-Site Visits	160
C. Investigation and Compliance	
1. Complaints Received	22
2. Complaints Closed	50
3. Warning Notices Issued	14
4. Warning Notices Closed	23
5. Complaint Inspections	62
6. Return Compliance Inspections	61
7. Mitigation Monitoring Reports	31
8. Mitigation Compliance Inspections	35
9. Erosion Control Inspections	50
D. Enforcement	
1. Active Cases	42
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	1
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	3
6. Administrative - Civil Cases Closed	7
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$5,075.00
9. Enforcement Costs Collected	\$350.00

EPC WETLANDS MONTHLY WORKSHEET

General	Enforcement	Compliance	Assessment	Engineering	Admin	Totals
Telephone Conferences	90			433	545	1068
Scheduled Citizen Assistance	2			59	54	115
Scheduled Meetings	5		123	43	72	243
Correspondence	13					13
Assessment Reviews						
Wetland Delineations			71			71
Surveys			25			25
Miscellaneous Activities in Wetland			68			68
Impact/ Mitigation Proposal			4			4
Tampa Port Authority Permit Applications			63			63
Wastewater Treatment Plants (FDEP)			4			4
DRI Annual Report						0
Land Alteration/Landscaping			3			3
Land Excavation			3			3
Phosphate Mining			3			3
Rezoning Reviews			62			62
CPA			4			4
Site Development			78			78
Subdivision			76			76
Wetland Setback Encroachment						0
Easement/Access-Vacating			5			5
Pre-Applications			74			74
On-Site Visits			160			160
Investigation and Compliance						
Complaints Received		22				22
Complaints Closed		50				50
Warning Notices Issued		14				14
Warning Notices Closed		23				23
Complaint Inspections		61	1			62
Return Compliance Inspections		61				61
Mitigation Monitoring Reports		23	8			31
Mitigation Compliance Inspections		31	4			35
Erosion Control Inspections		50				50
Enforcement						
Active Cases	42					42
Legal Cases	2					2
Number of "Notice of Intent to Initiate Enforcement"	1					1
Number of Citations Issued	0					0
Number of Consent Orders Signed	3					3
Administrative - Civil Cases Closed	7					7
Cases Referred to Legal Department	1					1
Contributions to Pollution Recovery	5075					\$5,075
Enforcement Costs Collected	350					\$350

EPC LEGAL DEPARTMENT MONTHLY REPORT
April 2004

A. ADMINISTRATIVE CASES

NEW CASES [1]

Northview Hills Civic Association [LNOR04-001]: Petitioner challenges EPC's issuance of an air permit to Conrad Yelvington Distributors, Inc., a materials handling facility. The Petition was referred to the Division of Administrative Hearings on April 5, 2004. (RT)

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)

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)

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)

RESOLVED CASES [1]

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 was referred to a Hearing Officer and a case management conference was scheduled for November 18, 2002. The matter was held in abeyance pending a circuit court litigation case that resolved 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. On March 31, 2004 the parties entered into a Consent Order that resolved the remaining corrective actions required for properly cleaning the site. The matter has been closed. (AZ)

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [4]

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)

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 Defendant denied the EPC access to the site. On April 6, 2004 the EPC obtained judicial authority to inspect the site. (AZ)

RESOLVED CASES [1]

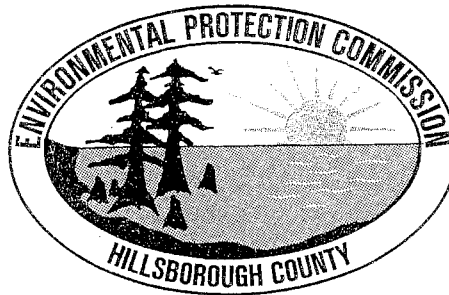
Louis and Jeanie Putney [LPUT01-007]: The Plaintiffs Louis and Jeanie Putney filed suit against the EPC alleging inverse condemnation by denying them authorization for impacts to wetlands on their property. The Plaintiffs filed suit against Hillsborough County in 2001 and on August 9, 2002 they amended their complaint to include the EPC. The EPC filed its response to the Plaintiffs' lawsuit on December 13, 2002. On March 26, 2004 the parties entered into a settlement resolving the case. The property was purchased by Hillsborough County in consideration of a payment of money. The case has been closed. (AZ)

C. OTHER OPEN CASES [0]

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.

EPC v. Chemical Formulators Inc., [03-1003AGW1]: Amended Citation issued February 17, 2004. (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
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 Waste Management Fax 276-2256
 Wetlands Management Fax 272-7144
 1410 N. 21st Street • Tampa, FL 33605

Executive Director
 Richard D. Garrity, Ph.D.

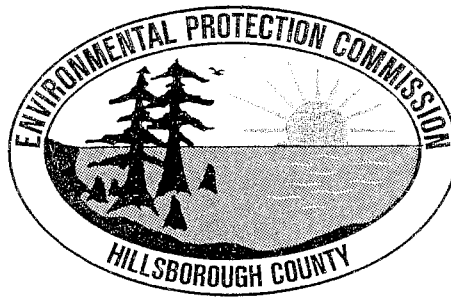
ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 POLLUTION RECOVERY TRUST FUND
 AS OF FEBRUARY 29, 2004

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



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Executive Director
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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 -
------------------------	-------------------	----------

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
AGENDA ITEM COVER SHEET**

DATE: April 7, 2004
TO: Environmental Protection Commissioners
FROM: Sheila Luce, Enforcement Specialist II, Waste Management Division
SUBJECT: Request for Authority to Take Appropriate Legal Action

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

BACKGROUND:

Paul A. and Vicki M. Heckman own property located at 7702 Morning Glory Lane, Tampa, in Hillsborough County, Florida (Property). Paul Heckman routinely parks a semi-trailer truck on the Property. On August 27, 2002, Department of Environmental Protection's (DEP's) Bureau of Emergency Response (BER) investigated a diesel fuel spill that resulted from a leaking gasket on the saddle tanks of the semi-trailer truck.

The Heckman's subsequently performed a source removal. Soil borings taken from the excavated area showed that substantial petroleum contamination remained. BER advised that further cleanup was required and that the spill was being referred to DEP bureau of Petroleum Storage Systems in Tallahassee.

On October 14, 2002, DEP referred the case to EPC for follow up of corrective actions. EPC sent two certified letters to the Heckman's advising that all sites in Hillsborough County contaminated with petroleum products must be remediated in accordance with the requirements of Chapter 62-770, F.A.C which requires the initiation of a Site Assessment and the submittal of a Site Assessment Report. No response was received.

On November 6, 2003, EPC issued a Citation and Order to Correct, citing violations of Sections 16 and 17, of the EPC Act; Chapter 1-1, General Rules; Chapter 1-7, Waste Management Rules; and Chapters 62-770 and 62-777, Florida Administrative Code.

The Citation ordered the Heckman's to initiate a Site Assessment within 30 days and to submit a Site Assessment Report within 90 days. The Citation was not appealed, and became a Final Order on December 3, 2003. EPC has received no documentation to indicate that a Site Assessment has been initiated.

Since Paul A. and Vicki M. Heckman have not responded to EPC staff efforts to resolve this matter, it is recommended that authorization to pursue appropriate action be granted.

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: April 7, 2004
TO: Environmental Protection Commissioners
FROM: Sheila Luce, Enforcement Specialist II, Waste Management Division
SUBJECT: Request for Authority to Take Appropriate Legal Action

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

BACKGROUND:
 Letty Cueva owns property located at 7511 Causeway Boulevard, Tampa, in Hillsborough County, Florida (Property). Patricia Vaca operates a retail convenience store/gasoline station on the Property. On July 12 through July 16, 1996, five storage tank systems on the Property were closed. The Closure Report for the removal of the tank systems, received on November 22, 1996 indicated petroleum contaminant concentrations exceeding site rehabilitative levels pursuant to Chapter 62-770, Florida Administrative Code (F.A.C.).

On December 18, 1998, Letty Cueva entered into a Settlement Letter with the EPC, agreeing that a Limited Contamination Assessment Report (LCAR) be submitted by November 23, 1998, and if further assessment, corrective actions, or cleanup activist were required, Letty Cueva would complete these activities within the timelines of Chapter 62-770, F.A.C. In addition, it was agreed that EPC would waive the penalty of \$6,400.00 if the LCAR and any further assessment, corrective action or cleanup identified in the LCAR were timely completed as described in Chapter 62-770, F.A.C. On February 8, 1999, EPC staff received the LCAR. The LCAR was incomplete and EPC requested that an LCAR Addendum be submitted within 30 days. On July 13, 1999, EPC staff received a Site Assessment Report (SAR). The SAR identified various groundwater and soil contaminant concentrations in excess of Chapter 62-770, F.A.C., cleanup target levels, requiring that a Remedial Action Plan (RAP) be submitted within 90 days. On July 21, 1999, EPC staff advised Letty Cueva and Patricia Vaca that a RAP must be submitted to EPC.

On July 8, 2002, EPC issued a Citation and Order to Correct, citing violations of Sections 12 and 17, of the EPC Act; Chapter 1-1, General Rules; Chapter 1-12, Storage Tank Rules; and Chapter 62-770, F.A.C. The Citation ordered Letty Cueva and Patricia Vaca to complete and submit two copies of a RAP. The Citation was not appealed, and became a Final Order on August 5, 2002. EPC has received no documentation to indicate that a RAP has been initiated.

Since Letty Cueva and Patricia Vaca have not resolved this matter and have not complied with the Settlement Letter of December 18, 1998, the Citation and Order to Correct of July 8, 2002, and the Final Order of August 5, 2002, it is recommended that authorization to pursue appropriate action be granted.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

MEETING DATE: _____

DIAGRAM (IF APPROPRIATE)

Agenda Item Cover Sheet

Date: April 15, 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 last month's update, Coronet shutdown their manufacturing operation March 31 as they announced back in January. Staff visited the site to verify the plant's status. We also completed our evaluation of the computer modeling analysis used to look at long term deposition of plant emissions in the local community.

Commission Action Recommended:

Accept the update and give guidance as necessary.

Commission Action Taken:

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.

Technical Memorandum

DATE: March 25, 2004
TO: Jerry Campbell, P.E. *JSC*
FROM: Alain G. Watson *AGW* **THRU:** Sterlin Woodard, P.E.
SUBJECT: Deposition Modeling of Coronet Industries

Background

The surface soil composition in residential areas surrounding Coronet Industries was investigated to determine the impact of wet and dry particulate deposition from operations at the facility. Samples were taken from twenty-one locations predominately west, south, and east of the plant. Analytical laboratory results revealed that concentrations of toxic metals, such as lead, arsenic, and chromium, are well below direct exposure levels for residential areas as referenced by guidance for soil clean-up in Chapter 62-777 of the Florida Administrative Code. Although soil concentrations did not indicate an immediate health threat, we thought it prudent to run an air dispersion model for deposition and evaluate the appropriateness of the sampling locations and identify possible hot-spots beyond the facility boundary.

The air deposition model was run by Tom Rogers, Administrator of the Air Modeling and Data Analysis Section, FDEP. Tom used the Industrial Source Complex Short-Term version 3 (ISCST3) air dispersion model to estimate deposition of particulate matter emissions from Coronet and plot the resulting spatial pattern. The attached memorandum from Tom Rogers outlines the results of the analysis and plots the estimated deposition densities on a map of the surrounding area.

The particulate matter emission rates included in the model consist of unit-specific stack emissions and estimated fugitive emissions from all significant sources at the plant. For the sake of this exercise, we very conservatively estimated that approximately 300 tons of particulate matter was emitted annually from the facility. Although actual figures are probably much lower, this gave us a worse case scenario. One-third of the emissions come from stacks and the remaining two-thirds from fugitive sources. Most of the fugitive dust remains close to the facility and on the property. After reviewing various scenarios for characterizing fugitive emissions, the most appropriate methodology is to model them as volume sources and incorporate plume depletion.

This model was not run to quantify the extent of deposition, but to indicate where the deposition would be greatest. The vast uncertainty in estimating fugitive emissions makes the model's

quantification of deposition of limited use. On the other hand, the model does a better job of identifying areas where deposition will be the heaviest given the meteorology from the nearest available National Weather Service site and the release characteristics.

Conclusions

The deposition modeling analysis explains that particulate emissions should be deposited in a uniform pattern radially from the plant with a slight emphasis southwest and northwest of the facility. In addition, the high concentrations predicted very near to the source carry a great deal of uncertainty, primarily because of the difficulty in characterizing fugitive emissions. Higher deposition of particulate matter is predicted southwest of the facility. Since soil samples taken in this area did not show elevated levels of toxic metals from long-term deposition, we can reasonably expect that the deposition of particulate matter to the surrounding properties in all directions does not accumulate to a level of concern for direct exposure to toxic metals. The only underrepresented location in the soil study is the public golf course where there are no residences and where access is somewhat restricted.

Recommendations

Based on the modeling results and the actual soil analysis, no additional residential soil samples are needed. The twenty-one sampling locations where surface soil was taken previously by EPC staff are sufficient to characterize air pollution deposition in the areas predicted by the model to have the greatest impact off-site.

This information will be forwarded to health officials for use in their studies.

AGENDA ITEM COVER SHEET

Date: April 7, 2004

Agenda Item: EPC Wetlands Management Division Response to citizen comment by Adrienne Leeper regarding eliminating the use of cypress mulch in Hillsborough County

Description/ Summary: The staff of the Wetlands Management Division was forwarded a letter sent from Adrienne Leeper to Commissioner Jan Platt concerning the use of cypress mulch in Hillsborough County. The letter expressed concern regarding the destruction of cypress wetlands for the purposes of mulch production. Staff will be prepared to discuss EPC's regulatory authority as it relates to silviculture practices in Hillsborough County.

Research of EPC files indicates that since 1990, the EPC Wetlands Management Division has processed four applications for logging within the County. Information provided by the timber industry indicates that, for the most part, cypress mulch is a byproduct of the logging or saw mill operation. Cypress mulch is taken from the tops of large trees that are harvested for their lumber. The timber industry maintains that the price differential between cypress mulch and cypress lumber makes it economically unreasonable to harvest large trees for cypress mulch production.

Alternative mulches made from exotic vegetation do not appear to be readily available to the public through the home improvement stores, and the price of available mulches such as pine bark, cypress and eucalyptus appears to be comparable.

As cypress mulch is not known to have qualities superior to other mulches, EPC staff, in their educational capacity, discourages the use of cypress mulch. Please find attached an information sheet that the Wetlands Management Division provides to agency visitors.

Commission Action Recommended: Recommend the Board direct EPC and County staff to investigate the feasibility of County agencies and departments utilizing alternatives to cypress mulch. In addition, recommend EPC staff continue to investigate various mulch control ordinances statewide and report back on its findings.

Attachment

Mar 03 04 10:45a

P.2

711 Indian Wells Avenue
Sun City Center, FL 33573
February 10, 2004

Commissioner Jan Platt
Board of County Commissioners
P.O. Box 1110
Tampa, FL 33601

Re: Cypress Mulch

Dear Commissioner Platt:

Thank you for coming to Sun City Center to help us with some of our concerns. Our Conservation Committee would like to point out another concern not often noticed but nevertheless crucial to all -- our destruction of wetlands.

Cypress trees are the mainstay of these remaining wetlands. They hold the water which feeds into the aquifer, our most important water source, and also provide habitat for wildlife.

On visiting WalMart, Home Depot and Lowe's we see hundreds of bags of cypress mulch stacked on the pavement. Why kill these magnificent Florida trees that are so valuable to our environment?

We have much better alternatives available that are listed in the enclosed brochures. The favorite of Sarasota's Florida House is melaleuca mulch. Melaleuca ("punk tree") is an invasive non-native tree that has taken over much of Florida and the Everglades. The removal of these trees from our environment and their use as mulch would serve a dual purpose. Also, when bought in large quantities it compares in price to cypress mulch.

Several counties in Florida restrict cypress mulch use through ordinances, land development codes or regulations. Dade County's code for new developments #1B97-15(G)(3) even says "cypress mulch shall not be used because its harvest degrades cypress wetlands". Florida Department of Transportation Standard Specifications for Road and Bridge Construction #380-8 says "no cypress mulch is allowed". This is a start, but it does not go far enough. To make a serious impact we must ban the sale of cypress mulch in Hillsborough County. This should not hurt the mulch business at all since there are so many alternative mulches available; and those businesses involved in destroying cypress trees could easily destroy melaleuca trees instead and provide a better product as a result.

Please help us to prohibit the sale of cypress mulch in Hillsborough County. We would like to have our County develop restrictions that could set an example for other Florida counties and other states as well.

RECEIVED

MAR 03 2004

EPC OF H.C.
WETLANDS

Mar 03 04 10:48a

P.3

Commissioner Jan Platt
Board of County Commissioners
February 10, 2004 - Page 2

We are asking you to provide this leadership for us. Our environmental organizations will help to educate the public and merchants about this mulch problem. Change does not take place easily, and we need these ordinances, land development codes and regulations in place as soon as possible before it is too late to save the last of Florida's cypress wetlands.

Please let us know how we can be of help in this endeavor.

Sincerely yours,

Adrienne Leeper
Conservation Committee Chair
Sun City Center/
Eagle Audubon Societies

In collaboration with:

Mariella Smith
Suncoast Native Plant Society
Florida Native Plant Society
Pepper Patrol

Ann Paul
Tampa Audubon Society

REC'D

MAR 03 2004

ENV. PROT. COMM. OF H.C.

Mar 03 04 10:48a

P. 4

Forestry Resources
Landscape Supply

KRIS MAGEE
Direct Sales Coordinator
Inside Sales Representative

4353 Michigan Link, Fort Myers, Florida 33916
(239) 334-7272 • Fax (239) 334-4602
E-Mail: kimagee@gomulch.com

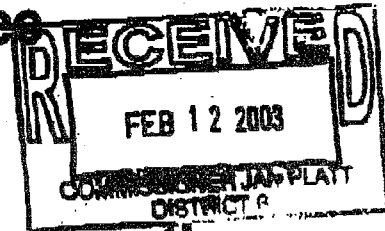
FORESTRY
SOURCES Inc.
Committed to a better environment

This is the mulch that the Florida House in Sarasota uses. This company has all kinds of mulch including cypress mulch.

Florimulch®

The Original Environmental Mulch

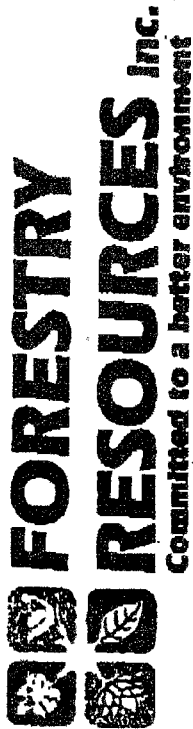
- Completely Organic - 100% Pure Melaleuca
- State Certified Nematode Free
- Termite Resistant
- Cuts watering and weeding
- Protects roots and promotes growth
- Reduces Wetland destruction
- Encourages Wetland restoration
- Fibers lock together to stay in place
- Long lasting
- Available in 2 cu. ft. bags or bulk



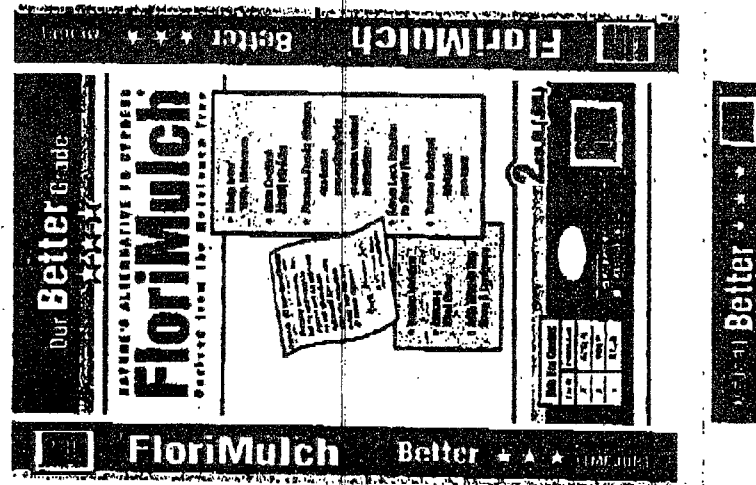
4353 Michigan Link, Fort Myers, FL 33916
1-800-326-3966

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P.5



FloriMulch



- Made of 100% Melaleuca
- Uniquely cured to eliminate burrowing nematode
- State Certified Nematode Free by Florida Agricultural Agency
- Tested by the University of Florida to be termitte resistant
- Endorsed by Friends of the Florida Everglades, working with standards defined by Native Plant Society and Audubon International

Help save our beautiful
and environmentally valuable
native cypress.

Spread the word
and spread the right kinds
of mulch!



Notes:

¹ National Audubon Society's Corkscrew Swamp Sanctuary in central Florida contains the world's largest remaining old-growth Bald Cypress forest. In north Florida you can see some very large old cypress trees in Florida's first state forest, Pine Log State Forest.

² Several counties in Florida restrict cypress mulch use. This is done by ordinances, land development codes or regulations. Dade

County's code for new developments #1897-15(G)(3) even says, "cypress mulch shall not be used because its harvest degrades cypress wetlands." And Florida Department of Transportation Standard Specifications for Road and Bridge Construction #580-8 says, "no cypress mulch is allowed."

³ There is more evidence that cypress does not make the best mulch. According to the Florida Cooperative Extension Service's March 1994 Fact Sheet ENH 103, "When dry, cypress mulch repels water, making it difficult to wet, particularly if it is on a mound or slope." Moreover, once it is wet "cypress mulch appears to have a high water-holding capacity that may reduce the amount of water reaching the plant root zone."

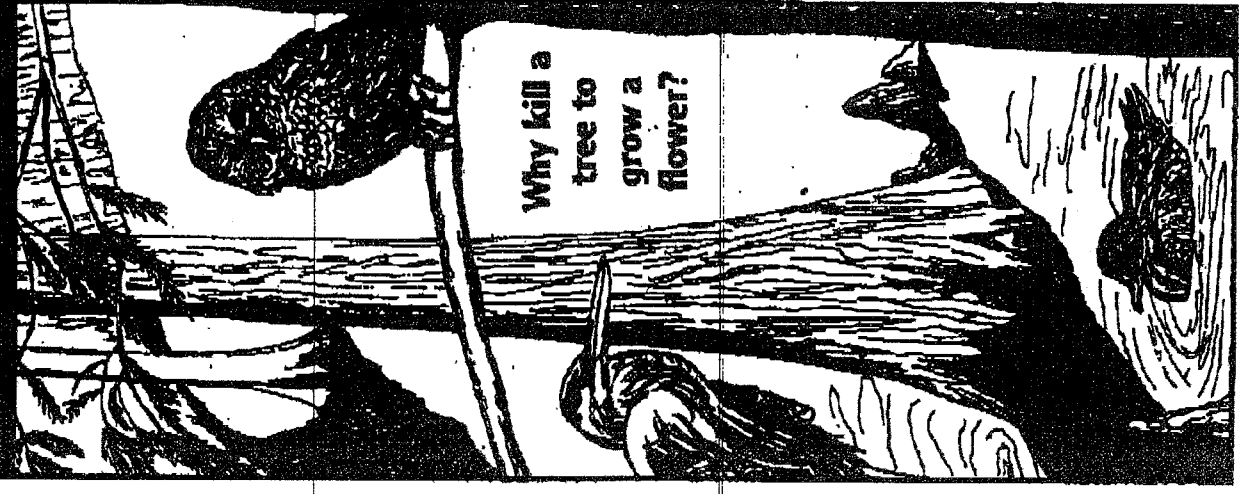
This brochure was written by Barbara Waddell and the Pepper Patrol of Ruskin, Florida. Illustrations by Susan Johnston (www.artworkbysusan.com).
Graphic Design by Mariella JoInis Smith (<http://home.earthlink.net/~mjoigniswebstore>).
Produced and distributed by the Suncoast Native Plant Society, Inc., a chapter of the Florida Native Plant Society.

Suncoast Native Plant Society, Inc.
P.O. Box 82893
Tampa, FL 33682-2893

www.fnps.org/chapters/suncoast



Cypress Mulch



Why kill a
tree to
grow a
flower?

In any garden supply or nursery store you're likely to see bags and bags of cypress mulch for sale. Did you ever stop to think about the resulting fate of our magnificent Florida cypress tree?

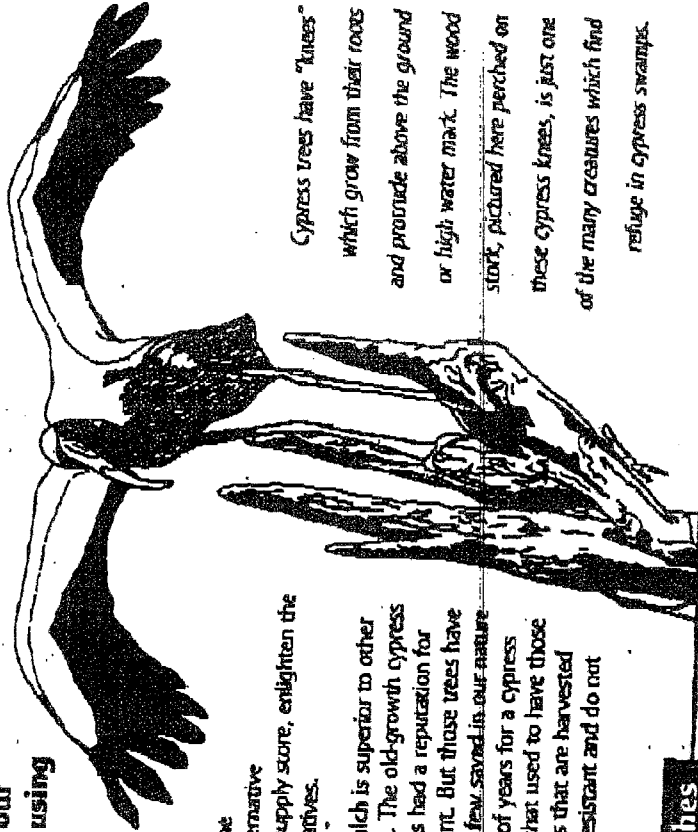
The unique cypress forest is a beautiful Florida treasure with an important ecological role. It naturally filters pollutants and serves as a reservoir for floodwaters, and so it is essential for protecting ground water—quality and quantity. It is a prime habitat for woodpeckers, wood storks, limpkins, several types of owls, opossums, bobcats, and wood ducks. Cypress forests protect our wildlife and our wetlands.

Almost all of Florida's old-growth cypress forests are gone now. They were clear-cut for lumber decades ago. Most of the cypress stands we see today are relatively young trees. You may be fortunate to still see examples of huge old-growth cypress in a very few nature preserves. They can live up to 1500 years and grow up to 150 feet tall and 25 feet in girth.

Thousands of acres of cypress are logged every year simply to produce mulch. Most of Florida's cypress swamps are mulch-mills, grinding the entire tree in large chippers, producing nothing but mulch. Cypress mulch used to be produced mainly as a by-product of lumber operations, but the increasing demand for mulch has led to the use of whole trees—whole forests—for nothing but mulch.

Cypress mulch is being clear-cut from our native wetlands and the destroyed cypress trees are not being replanted. (Establishing the proper hydrology for cypress seed germination is difficult and rarely accomplished by anyone but Mother Nature.) When a cypress area is clear-cut and bare, that land is easily taken over by invasive pest plants such as Brazilian pepper. Sometimes the land is played in pine for future logging, or drained for development. Either way, the cypress forest and its wetland and wildlife are lost forever.

You can help save our cypress forests by using environmentally friendly mulch for your home and business landscaping, and by asking your friends and county government to do the same. If you don't find alternative mulches at your landscape supply store, enlighten the manager and request alternatives.



Cypress trees have "knees" which grow from their roots and protrude above the ground or high water mark. The wood stork, pictured here perched on these cypress knees, is just one of the many creatures which find refuge in cypress swamps.

The old idea that cypress mulch is superior to other mulches is not true anymore. The old-growth cypress harvested prior to the 1950's had a reputation for being rot- and termite-resistant. But those trees have all been taken except for the few saved in our nature preserves. It takes hundreds of years for a cypress tree to grow the heartwood that used to have those properties. The young cypress that are harvested today are not decay or pest resistant and do not make a superior mulch.

Alternative Mulches

Recycled Yard Waste

Mulch made by your county or city from recycled urban plant debris is very inexpensive (or even free in some areas). To locate your closest source, contact your Solid Waste Department or county Extension Service.

Eucalyptus Mulch

Produced from plantation-grown trees, this mulch is naturally insect-repellent, with a rich, long-lasting color.

Pine Bark

An excellent mulch with long-lasting color, it is often cheaper than purchased pine straw.

Pine Straw

Available commercially by the bale, or free if you rake it yourself. (Fallen leaves, especially oak leaves, make great mulch too.)

Melaleuca Mulch
Melaleuca, or punk tree, is an invasive non-native tree that has taken over 500,000 acres of the Florida Everglades. Turning this tree into mulch helps rid the state of this terrible pest plant. Hopefully this mulch will be sold more widely as people learn to request it from their stores. Sometimes called "Enviro-mulch," one brand is "Florimulch." It is extremely long-lasting and termite-resistant.

Promulch

Made from recycled rubber tires, this is used in some playgrounds. It stays in place even in areas that flood occasionally, comes in different colors, and does not emit toxin. It is somewhat expensive.



CYPRESS MULCH

Why kill a tree to grow a flower?

Walk into any gardening supply or nursery store throughout the United States and you're likely to see stack after stack of cypress mulch for sale. But did you ever stop to think about the true cost of this landscaping staple?

Cypress mulch is made from one of Florida's most recognizable symbols – the cypress tree. A resident of freshwater swamps, the cypress tree serves as a natural filter for pollutants, a reservoir for flood waters, and an important nursery and "restaurant" for wood storks, owls, woodpeckers, otters and bobcats. But these stately, slow-growing trees are fast disappearing from the Florida landscape.

Thousands of acres of cypress trees are logged for mulch every year. Entire living forests are clear-cut – a process that removes all the trees in an area, regardless of their age. The trees are then fed into large chippers that pulverize the wood into small chips. Once harvested, the trees are slow to regenerate. In fact, cypress trees grow so slowly that they are not considered a commercially profitable "crop" and are not replanted like pines. Already, almost all of Florida's original old-growth cypress stands have been destroyed. At current production rates, the vast cypress forests that etched the Florida skyline just a generation ago will be little more than a memory for our children and grandchildren.

You can change this vision of the future. Instead of buying cypress mulch for your flowerbeds and front yards, consider an

alternative mulch such as pine bark, pine needles or oak leaves. You can also buy mulch made from melaleuca – a highly aggressive and tenacious exotic plant that has already invaded more than 500,000 acres of the Everglades. Melaleuca mulch is frequently sold under the brand names "EnviroMulch" or "FloriMulch." Homemade mulch from another invasive plant, Brazilian pepper, also is suitable if no seeds are present in the chipped mulch.

Many consumers mistakenly believe that cypress mulch is superior to other mulches. This was probably true of the larger, old-growth cypress trees harvested decades ago. The heartwood of those mature trees contained natural chemicals that acted as preservatives, leading to more durable, rot-resistant wood.

But the young cypress trees harvested today contain softer wood that deteriorates quickly. In fact, a recent study by researchers with the University of Florida's Institute of Food and Agricultural Sciences shows that modern cypress mulch fades fairly quickly and is easily washed away by rain. To replace what is lost, the consumer must buy more and more cypress mulch – an endless cycle that is costly both to homeowners and the environment.

The same study showed that melaleuca chips, pine bark and pine straw are just as long-lasting and effective as cypress mulch in home landscapes. So there's no need to abandon mulch – just let your conscience be your guide!

AGENDA ITEM COVER SHEET

Date: April 7, 2004

Agenda Item: Request for Public Hearing regarding proposed amendments to Chapter 1-11, Rules of the EPC, Wetlands

Description/Summary:

At the January 15, 2004 meeting, the Commission authorized staff to begin the rulemaking process to amend Chapter 1-11, Rules of the Commission in order to comply with Sec. 373.414 (18), F.S. and adopt the Uniform Wetland Mitigation Assessment Methodology set forth in Rule 62-345, F.A.C. The statute required a statewide rule for the development of a uniform wetland mitigation assessment method. The method is applicable to all local environmental regulatory programs. The CEAC reviewed and commented on the proposed amendments on April 5, 2004 and a public workshop was noticed and held on April 6, 2004. Written comments are being solicited during the month of April, 2004. Staff intends to bring the proposed amendments, for review and adoption, to the Commission during a Public Hearing at the May 20, 2004 Commission meeting.

Commission Action Recommended:

Schedule a public hearing for 10:00 a.m. on May 20, 2004, to consider amendments to Chapter 1-11, Rules of the Commission.

AGENDA ITEM COVER SHEET

Date: April 7, 2004

Agenda Item: 2004 Legislative Update

Description/Summary:

The General Counsel will provide an update regarding environmentally related legislation currently pending before the 2004 Legislature.

A discussion will ensue regarding whether the Commission wishes to send correspondence to the Local Legislative Delegation supporting or opposing specific legislation.

Commission Action Recommended:

To be discussed.

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	Ochlocknee-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 Okechobee	St. Lucie-Loxahatchee	Lake Worth Lagoon-Palm Beach Coast	Southeast Coast	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

1/20/03

Watershed Planning and Coordination Section

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 3		PHASE 4		PHASE 5		PHASE 1		PHASE 2		PHASE 3		PHASE 4		PHASE 5
Group 2			PHASE 1		PHASE 2		PHASE 3		PHASE 4		PHASE 5		PHASE 1		PHASE 2		PHASE 3		PHASE 4	
Group 3				PHASE 1		PHASE 2		PHASE 3		PHASE 4		PHASE 5		PHASE 1		PHASE 2		PHASE 3		PHASE 4
Group 4					PHASE 1		PHASE 2		PHASE 3		PHASE 4		PHASE 5		PHASE 1		PHASE 2		PHASE 3	
Group 5						PHASE 1		PHASE 2		PHASE 3		PHASE 4		PHASE 5		PHASE 1		PHASE 2		PHASE 3
	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.

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
- Daryll Joyner, TMDL Program Administrator Phone: (850) 245-8431 SUNCOM: 205-8431
- Fred Calder, Section Administrator Watershed Planning and Coordination Section 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.