

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

**AUGUST 19, 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
 - B. Presentation of Service Award (Eileen Hart)
- III. PUBLIC HEARING**
- Public Hearing to Consider Amendments to Chapter 1-10 (Noise Rule of the EPC) 2
- IV. CONSENT AGENDA**
- A. Approval of Minutes: None
 - B. Monthly Activity Reports 8
 - C. Legal Department Monthly Report 21
 - D. Pollution Recovery Trust Fund 25
 - E. Gardinier Settlement Trust Fund 26
 - F. Request Authority to Take Appropriate Legal Action Against:
 - 1. Darius Gittens and Geraldine Oliveras (Waste Management) 27
 - 2. Geza Kovacs and Kovacs Geza, Inc. (Waste Management) 28
 - G. Request for Extension of Time – GSTF Project No. SP612 29
 - H. Resolution – Clean Air Partnership Program Grant 32
 - I. Resolution – Smart Driver Program Grant 35
- V. EXECUTIVE DIRECTOR**
- Presentation - Agency Goals and Objectives 38
- VI. ADMINISTRATION**
- Discuss Process for Executive Director's Evaluation

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

Visit our website at www.epchc.org

AGENDA ITEM COVER SHEET

Date: August 19, 2004

Agenda Item: Public Hearing to Consider Amendments to Chapter 1-10,
Rules of the EPC (Noise Rule)

Description/Summary:

At the July 22, 2004 meeting, the Commission granted EPC staff the authority to proceed to a Public Hearing at the August 19, 2004 meeting to amend Chapter 1-10, Rules of the EPC, the Noise Rule. The proposed rule amendments are necessary to clarify the noise nuisance provision and add certain exceptions for nuisances, motorized recreational vehicles, FDOT, and other construction activities. The rule also clarifies the noise level limits for the East Bay Raceway. A public workshop was advertised and held on June 16, 2004 and written comments were solicited. The CEAC reviewed and approved the proposed amendments on July 12, 2004. Staff intends to bring the proposed amendments, for review and adoption, to the Commission during a Public Hearing at the August 19, 2004 Commission meeting.

Commission Action Recommended:

Hold a public hearing at 10:00 a.m. on August 19, 2004, to consider amendments to Chapter 1-10, Rules of the EPC.

1 **RULES OF THE**
2 **ENVIRONMENTAL PROTECTION**
3 **COMMISSION**
4 **OF HILLSBOROUGH COUNTY**

5
6 **CHAPTER 1-10**
7 **NOISE**
8

- 9 **1-10.01 Definitions**
10 **1-10.02 Prohibitions**
11 **1-10.03 Sound Level Limits**
12 **1-10.04 Exceptions to Sound Level Limits**
13 **1-10.05 Motor Vehicles**
14 **1-10.06 Waivers for Cultural Events**
15 **1-10.07 Sport Shooting, Law Enforcement**
16 **and Military Training and**
17 **Certification Ranges**
18

19 **1-10.01 DEFINITIONS**

20 A. Definitions contained in Chapter 84-446,
21 Laws of Florida, as amended, apply to this rule.

22 B. The following specific definitions shall
23 apply to this rule:

24 1. **A-Weighted Sound Level** - The sound
25 pressure level decibels as measured on a sound
26 level meter using the A-weighting network. The
27 level so read is designated dBA.

28 2. **Commercial Property** - All property
29 which is used primarily for the sale of
30 merchandise or goods, or for the performances of
31 a service, or for office or clerical work.

32 3. **Cultural Event** - Any event drawing a
33 large attendance for entertainment, amusement,
34 enlightenment or recreation purposes, which in
35 the determination of the Commission, has or is
36 likely to become a community event integrated
37 into accepted social practices or traditions.

38 4. **Decibel (dB)** - The unit in which the
39 levels of various acoustical quantities are
40 expressed. Typical quantities so expressed are
41 sound pressure level, noise level, and sound
42 power level.

43 5. **Emergency** - Any occurrence or set of
44 circumstances involving actual or imminent
45 physical trauma or property damage which
46 demands immediate action.

47 6. **Emergency Work** - Any work
48 performed for the purpose of preventing or

49 alleviating the physical trauma or property
50 damage threatened or caused by an emergency.

51 7. **Industrial Property** - Any property
52 which is used primarily for manufacturing,
53 processing, or an airport.

54 8. **Noise** - Any sound which annoys or
55 disturbs humans or causes or tends to cause an
56 adverse psychological or physiological effect on
57 humans.

58 9. **Noise Nuisance** -

59 a. Sound which

60 (1) is or may be harmful or
61 injurious to the health or welfare of any person,
62 or

63 (2) unreasonably interferes with
64 the enjoyment of life, property, or outdoor
65 recreation of a reasonable person with normal
66 sensitivities, or

67 (3) is of such character and level
68 as to be detectable by a considerable number of
69 persons so as to interfere with their health,
70 repose, or safety or to cause severe annoyance
71 or discomfort.

72 b. Sound which meets the definitions
73 of Section 2, Hillsborough County Ordinance
74 84-4, as amended.

75 10. **Octave Band** - All of the components
76 in a sound spectrum whose frequencies are
77 between two sine wave components separated by
78 an octave.

79 11. **Public Right-Of-Way** - Any street,
80 avenue, boulevard, highway, sidewalk, or alley or
81 similar place normally accessible to the public
82 which is owned or controlled by a government
83 entity.

84 12. **Real Property Line** - An imaginary
85 line along the ground surface, and its vertical
86 plane extension, which separates the real property
87 owned, rented or leased by one person from that
88 owned, rented or leased by another person,
89 excluding intrabuilding real property divisions.

90 13. **Residential Property** - All property on
91 which people live and sleep, parkland, hospitals,
92 schools, nursing homes, or that which is not
93 commercial or industrial, or the individual plots
94 within a mobile home park assigned by the owner
95 of the park.

96 14. **Sound** - An oscillation or alteration in

1 pressure, stress, particle displacement, particle
2 velocity, or other physical parameter, in an elastic
3 medium; or, an auditory sensation evoked by the
4 alterations described above. The description of
5 sound may include any characteristic of such
6 sound, including duration, intensity and
7 frequency.

8 15. **Sound Level** - The weighted sound
9 pressure level obtained by the use of a metering
10 characteristic and weighting scale as specified in
11 American National Standards Institute
12 specifications for sound level meters ANSI S1.4-
13 1983, or in successor publications. If the
14 weighting employed is not indicated, the A-
15 weighting shall apply.

16 16. **Sound Level Meter** - A device used to
17 measure sound pressure level, or weighted sound
18 pressure level, or octave band sound pressure
19 level, and this device is of Type 2 or better, as
20 specified in the American National Standards
21 Institute Publication S1.4-1983 or its successor
22 publication.

23 17. **Sound Pressure** - The instantaneous
24 difference between the actual pressure and the
25 average or barometric pressure at a given point in
26 space, as produced by the presence of energy,
27 which accompanies the passage of a sound wave.

28 18. **Sound Pressure Level** - The sound
29 pressure level of a sound is 20 times the
30 logarithm to the base 10 of the ratio of the
31 pressure of this sound to the reference pressure of
32 20 micropascals. The sound pressure level is
33 expressed in decibels.

34 19. **Spectator Events** - Activities
35 involving competitive sports and parades.

36 20. **Sport Shooting Range** - An area
37 designated and operated for the use of rifles,
38 shotguns, pistols, silhouettes, skeet, trap, black
39 powder, or any other similar type of sport
40 shooting.

41 21. **Ybor City Entertainment District** -
42 Land area north of the right of way of the CSX
43 rail line along 6th Avenue, west of 22nd Street,
44 south of Palm Avenue, and east of Nuccio
45 Parkway.

46
47 **1-10.02 PROHIBITIONS**

48 A. **Noise Nuisance Prohibited** - No person

49 shall generate, ~~make, continue or~~ cause, let,
50 permit, allow, or allow to continue to be made or
51 continued any noise nuisance. If ~~The generation~~
52 ~~or continuation~~ of a noise nuisance is generated
53 or continues after the property owner is notified
54 by the EPC or a law enforcement officer, then the
55 property owner, even if he or she did not generate
56 the noise, will be deemed to have allowed the
57 noise nuisance to continue. ~~upon a property~~
58 ~~following notice to that property's owner of the~~
59 ~~existence of a noise nuisance shall be deemed to~~
60 ~~continue with the permission of the property~~
61 ~~owner.~~

62 B. **Maximum Sound Levels For Receiving**
63 **Land** - Sound levels which exceed the limits set
64 forth in this rule for the receiving land when
65 measured at or within the property line of the
66 receiving land are declared to be noise pollution
67 as defined by Section 3(21) of Chapter 84-446,
68 Laws of Florida.

69 C. Commercial operation of motorized lawn,
70 garden, or other outdoor maintenance equipment
71 is prohibited between the hours of 10:00 P.M.
72 and 7:00 A.M.

73
74 **1-10.03 SOUND LEVEL LIMITS**

75
76 A. **By Receiving Land Use -**

78 Receiving Land		79 Sound Level
80 Use Category	81 Time	82 Limit, dBA
83 Residential	84 7 a.m.-10 p.m.	85 60
	86 10 p.m.- 7 a.m.	87 55
88 Commercial	89 7 a.m.-10 p.m.	90 65
	91 10 p.m.- 7 a.m.	92 60
93 Industrial	94 At All Times	95 75

96 B. **Octave Band Sound Level Limit** - In
addition to the standards of 1-10.03A, for any
source of sound which impacts on residential
property, the maximum allowable sound level
limit for the individual octave bands whose
centers are 63, 125, 250 and 500 Hertz shall not
exceed 65 dB.

C. **Air Conditioning and Air Handling Equipment, Pumps and Compressors** - No person shall operate or cause to be operated any air conditioning or air-handling equipment, or any pumps and compressors, in such a manner as to exceed any of the following sound levels across a residential real property line at any time of the day or night:

Measurement Location	Sound Level Limit dBA
Any point on neighboring property line	60
Center of neighboring patio	55
Outside the neighboring living area window nearest the equipment location	55

D. Ybor City Entertainment District

1. Sound levels generated by entertainment or musical events within the Ybor City Entertainment District, regardless of time of day, shall not exceed 65 dBA when received at any point on the boundary of the Ybor City Entertainment District as defined in Section 1-10.01 B.21.

2. The maximum allowable sound levels for the individual octave bands whose centers are 63, 125, 250 and 500 Hertz shall not exceed 75 dB when received at any point on the boundary of the Ybor City Entertainment District as defined in Section 1-10.01B. 21.

3. Entertainment or musical events within the Ybor City Entertainment District shall be regulated by the City of Tampa under their noise ordinance, except as provided in Sections 1-10.03 D.1. and 2.

E. **The Florida State Fairgrounds** is subject to the sound level limits in this section and to all other provisions of this rule.

1-10.04 EXCEPTIONS TO SOUND LEVEL LIMITS

It is not the intent of this Rule to regulate

noises under all circumstances. However, any of the following exempt activities or sources listed in this section remain subject to any other laws, regulations, codes or ordinances. The following activities or sources are exempt from the requirements of Section 1-10.03 of this Rule:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency, or in the performance of emergency work.

B. The unamplified human voice.

C. Reasonable operation of equipment or conduct of activities normal to residential or agricultural communities such as lawn care, soil cultivation, maintenance of trees, hedges and gardens, refuse collections, the use of lawn mowers, saws and tractors, street sweepers, mosquito fogging, tree trimming and limb chipping, and other normal community operations.

D. Normally occurring sounds on church or school grounds during church or school-sponsored activities.

E. Events directly related to Gasparilla, Fourth of July, New Year's Eve, Guavaween, or officially authorized spectator events.

F. The lowing of cattle, the clucking of fowl, the neighing of horses, the baying of hounds and other normal sounds of animals.

G. Motor vehicles operating on a public right of way, and recreational motorized vehicles operating off public rights of way, provided the original manufacturer's exhaust system has not been modified so as to increase noise levels during operation of the off-road vehicle.

H. Personal watercraft, including amphibious craft when operated upon the waterways within Hillsborough County.

I. Common carrier stations, including but not limited to bus stations, transit malls, train stations, ships' wharves and docks, and airports.

J. Sport shooting ranges and shooting ranges operated solely for the purpose of law enforcement and military training and certification, except as provided in Section 1-10.07.

K. The operation of trains, ships, and aircraft.

L. Noise generated by the Florida Department of Transportation arising from

1 activities at existing or future transportation
2 facilities, or appurtenances thereto, on the State
3 Highway System, pursuant to Section 335.02
4 (4), F.S.

5 M. Construction activities occurring between
6 the hours of 7 a.m. and 6 p.m. Monday through
7 Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m.
8 and 6 p.m. Sunday are exempt if reasonable
9 precautions are taken to abate the noise from
10 those activities. Reasonable precautions shall
11 include but not be limited to noise abatement
12 measures such as enclosure of the noise source,
13 use of acoustical blankets, and change in work
14 practice. Construction activities occurring at all
15 other times shall be subject to this Rule.

17 1-10.05 MOTOR VEHICLES

18 ~~A. Recreational Motorized Vehicles~~
19 ~~Operating Off Public Rights of Way~~ No
20 person shall operate or cause to be operated any
21 recreational motorized vehicle off a public right
22 of way in such a manner that the sound level
23 emitted therefrom violates the provision of
24 Section 1-10.03A. This section shall apply to all
25 recreational motorized vehicles, whether or not
26 duly licensed and registered, including, but not
27 limited to motoreycles, go carts, campers and
28 dune buggies. All such vehicles shall use noise
29 attenuating devices (exhaust mufflers).

30 AB. Motor Vehicles Operated at Facilities 31 for Competitive Events -

32 1. All motor vehicles operated at facilities
33 permitted for competitive motor vehicle events
34 are exempted from complying with Section 1-
35 10.03 A.

36 2. Noise levels from competitive motor
37 vehicle events shall not exceed 68 dBA when
38 measured at or within the property line of
39 residential properties, except as provided in
40 paragraph B.A.3.

41 3. Noise levels from racing activities ~~the~~
42 ~~regular Saturday night races as presently held at~~
43 East Bay Raceway, shall not exceed 78 dBA at
44 the nearest residential property lines.

45 4. Vehicles shall use noise attenuating
46 devices. The type of noise attenuating device
47 utilized is dependent upon, but not limited to,
48 vehicle characteristics, available technology,

49 and conditions set by the Environmental
50 Director pursuant to Section 1-10.05 B.C. Noise
51 attenuating devices may include, but are not
52 limited to, directed exhausts, exhaust mufflers,
53 turbochargers, superchargers, airfoils, diverter
54 vanes, body design, and tire design.

55 BC. Authorization Required -

56 1. No person shall construct, alter,
57 expand, or operate any installation or facility for
58 competitive motor vehicle events without first
59 providing documentation and assurance of com-
60 pliance with Section 1-10.05 A.B., and without
61 first receiving a permit by Letter of Authorization
62 from the Environmental Director.

63 2. The request for a Letter of
64 Authorization shall be in writing and shall
65 contain at a minimum the following information
66 and attachments:

67 a. Name, address, and telephone
68 number of the person, firm, corporation, or
69 association requesting authorization. In the case
70 of a firm, corporation or association, the request
71 shall include the names of its Board of Directors,
72 members, and owners.

73 b. Name and telephone numbers of a
74 responsible party who may be reached at all times
75 during the occurrence of any competitive motor
76 vehicle event.

77 c. Identification of sanctioning body
78 and name and telephone number of
79 representative.

80 d. Location, dates and times of
81 commencement and termination of competitive
82 motor vehicle events, including practice heats.

83 e. Descriptions of the numbers of
84 competitive motor vehicle events planned,
85 number of vehicles participating in each type of
86 event and type of vehicles involved.

87 f. Descriptions of measures,
88 methods, and techniques which will be used to
89 reduce the volume of noise generated by the
90 event, including description and representative
91 illustrations and plans for the enclosure or barrier
92 system or process and performance parameters.

93 g. Plans for operator/employee
94 training and familiarization with requirements of
95 this rule.

1 h. Provisions for trackside and
2 boundary noise monitoring.

3 i. Design features, equipment, work
4 practices, or operational methods to reduce the
5 volume of noise generated by the competitive
6 motor vehicle events.

7 3. Upon reasonable assurance that the
8 requested competitive motor vehicle events will
9 be in compliance with Section 1-10.05 AB., and
10 upon payment of any applicable fee pursuant to
11 Chapter 1-6, the Environmental Director will
12 issue a Letter of Authorization for the event with
13 such conditions as may be necessary, which shall
14 include but not be limited to, date and time of
15 operation, reporting requirements, and monitoring
16 requirements.

17
18 **1-10.06 WAIVERS FOR CULTURAL**
19 **EVENTS**

20 A. The sponsors of a cultural event, which
21 will occur infrequently and which reasonably
22 may not meet the noise standards and regulations
23 provided above, may submit a request for a
24 waiver to the Commission, along with proposed
25 precautions and conditions. The sponsors shall
26 also provide 15 days' written notice to each
27 Registered Neighborhood Organization within
28 one mile of the proposed event, including a
29 description of the event and proposed conditions,
30 the name and telephone number of a contact for
31 more information, and the date and time when the
32 matter will be considered by the Commission.
33 EPC staff shall review the proposal and comment
34 on the reasonable expectations of compliance or
35 non-compliance with the provisions of this rule
36 and the likely impacts to the surrounding
37 community. The proposal, along with staff's
38 comments, shall be reviewed by the Commission
39 at an advertised public hearing. Any waiver
40 granted will specify which provisions of the rule
41 are waived, the times for which they are waived,
42 and any additional conditions which apply.

43 B. All requirements for cultural events
44 waivers shall be separate, and in addition to, the
45 requirements set forth in Hillsborough County
46 Ordinance #89-42 regarding Entertainment
47 Festival Permits.

49 **1-10.07 SPORT SHOOTING, LAW**
50 **ENFORCEMENT AND MILITARY**
51 **TRAINING AND CERTIFICATION**
52 **RANGES**

53 A. Compliance Demonstration Required

54 1. Any sport shooting range constructed
55 or in initial operation after ~~the effective date of~~
56 ~~this rule amendment~~ (December 19, 2000) shall
57 submit to the Environmental Director for review
58 and approval, a noise study, performed by a
59 member of the National Council of Acoustical
60 Consultants, or the National Institute of Noise
61 Control Engineers, demonstrating compliance
62 with this rule. The noise study shall be submitted
63 within 30 days of completion of construction or
64 initial operation.

65 2. The noise study shall consist of noise
66 readings taken 500 feet from the real property
67 line of the sport shooting range, or the real
68 property line of the nearest residential property,
69 whichever is closer, on the north, south, east and
70 west sides of the sport shooting range. Readings
71 shall be taken when the range is operating at
72 maximum capacity. One set of readings shall be
73 taken between the hours of 7 a.m. to 10 p. m., and
74 a second set between the hours of 10 p.m. and 7
75 a.m. Sound levels shall be measured on the A-
76 scale, using a sound level meter as defined by this
77 rule. Meteorological conditions during each test
78 must be submitted as part of the study.

79 3. Any sport shooting range that is
80 constructed or in initial operation after December
81 19, 2000, and either fails to submit a noise study
82 or the study fails to demonstrate compliance with
83 the standards in this rule shall be subject to all
84 standards and provisions of this rule.

85
86
87 Adopted 6/10/76

88 Amended 11/15/84

89 Amended 11/11/88

90 Amended 10/05/89

91 Amended 05/23/90

92 Amended 05/22/91

93 Amended 06/20/95

94 Amended 01/17/96

95 Amended 12/19/00

96 Proposed Final Draft 8/19/04

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
JULY

A.	Public Outreach/Education Assistance:	
1.	Phone Calls:	366
2.	Literature Distributed:	<u>0</u>
3.	Presentations:	<u>2</u>
4.	Media Contacts:	<u>12</u>
5.	Internet:	<u>69</u>
6.	Host/Sponsor Workshops, Meetings, Special Events	<u>0</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	<u>1</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>1</u>
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):	
a.	Operating ¹ :	<u>3</u>
b.	Construction ¹ :	<u>3</u>
c.	Amendments ¹ :	<u>2</u>
d.	Transfers/Extensions ¹ :	<u>1</u>
e.	Title V Operating ² :	<u>47</u>
f.	Permit Determinations ² :	<u>1</u>
g.	General:	<u>4</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:	<u>9</u>
b.	Active:	<u>13</u>
c.	Legal:	<u>5</u>
d.	Tracking compliance (Administrative):	<u>30</u>
e.	Inactive/Referred cases:	<u>0</u>
	Total	<u>57</u>
3.	NOIs issued:	<u>0</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>4</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$12,866</u>
7.	Cases Closed:	<u>9</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>11</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>49</u>
E.	Open Burning Permits Issued:	<u>8</u>
F.	Number of Division of Forestry Permits Monitored:	<u>375</u>
G.	Total Citizen Complaints Received:	<u>49</u>
H.	Total Citizen Complaints Closed:	<u>37</u>
I.	Noise Sources Monitored:	<u>16</u>
		Amphitheater
J.	Air Program's Input to Development Regional Impacts:	<u>4</u>
K.	Test Reports Reviewed:	<u>52</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>9</u>
2.	Warning Notices Resolved:	<u>9</u>
3.	Advisory Letters Issued:	<u>5</u>
M.	AOR's Reviewed:	<u>3</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>2</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
JULY

	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>\$ 40.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$1,000.00</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	<u>\$2,400.00</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>\$ 900.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$2,000.00</u>
8. Open burning authorization	<u>\$2,825.00</u>
9. Enforcement Costs	<u>\$4,031.12</u>

MEMORANDUM

DATE: August 11, 2004

TO: Tom Koulianos, Director of Finance and Administration

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

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

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	2
2. On-going administrative cases	110
a. Pending	15
b. Active	66
c. Legal	6
d. Tracking Compliance (Administrative)	23
e. Inactive/Referred Cases	0
3. NOI's issued	0
4. Citations issued	0
5. Consent Orders and Settlement Letters Signed	1
6. Civil Contributions to the Pollution Recovery Fund	\$4,575
7. Enforcement Costs collected	\$769
9. Cases Closed	2

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	2/3
2. EPC Authorization for Facilities NOT requiring DEP permit	0/1
3. Other Permits and Reports	
a. County Permits	2/3
b. Reports	62/38
4. Inspections (Total)	150
a. Complaints	33
b. Compliance/Reinspections	11
c. Facility Compliance	10
d. Small Quantity Generator	94
e. P2 Audits	2
5. Enforcement	
a. Complaints Received/Closed	32/33
b. Warning Notices Issued/Closed	1/0
c. Compliance letters	17
d. Letters of Agreement	1
e. DEP Referrals	5
6. Pamphlets, Rules and Material Distributed	111

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	67
b. Installation	19
c. Closure	5
d. Compliance Re-Inspections	5
2. Installation Plans Received/Reviewed	5/6
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	3/3
b. Closure Reports Received/Reviewed	5/5
4. Enforcement	
a. Non-compliance Letters Issued/Closed	26/5
b. Warning Notices Issued/Closed	0
c. Cases referred to Enforcement	0
d. Complaints Received/Investigated	2/2
e. Complaints Referred	0
5. Discharge Reporting Forms Received	3
6. Incident Notification Forms Received	3
7. Cleanup Notification Letters Issued	5
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	13
2. Reports Received/Reviewed	82/58
a. Site Assessment	21/14
b. Source Removal	4/1
c. Remedial Action Plans (RAP's)	17/12
d. Site Rehabilitation Completion Order/ No Further Action Order	4/6
e. Others	36/25
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 18

F. PUBLIC INFORMATION PROJECTS - 1

Sean McGinnis – Interviews on HARTline

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	3
2. Enforcement Cases Closed:	6
3. Enforcement Cases Outstanding:	55
4. Enforcement Documents Issued:	7
5. Recovered costs to the General Fund:	\$1,249.00
6. Contributions to the Pollution Recovery Fund:	\$4,583.33

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Summerview Oaks	Placement of c/s in service without acceptance letter	83.33
b. Regents Walk Apt. Homes	Improper operation/failure to maintain/Unpermitted discharge	500
c. Tuscana Townhomes	Placement of c/s in service without acceptance letter	500
d. Thomas Townhomes	Construction w/o permit	1,000.00
e. USF Intercollegiate Athletic Facility	Placement of c/s in service without acceptance letter	500
f. Bloomingdale Congregation of Jehovah's Witness	Construction w/o permit	1,000.00
g. Ameritech Pressure Cleaning System	Construction w/o permit	1,000.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	30
a. Facility Permit:	5
(i) Types I and II	0
(ii) Types III	5
b. Collection Systems-General	7
c. Collection Systems-Dry Line/Wet Line:	18
d. Residuals Disposal:	0
2. Permit Applications Approved:	34
a. Facility Permit:	8
b. Collection Systems-General:	7
c. Collection Systems-Dry Line/Wet Line:	19
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0

4.	Permit Applications (Non-Delegated):	0
	a. Recommended for Approval:	0
5.	Permits Withdrawn:	0
	a. Facility Permit:	0
	b. Collection Systems-General:	0
	c. Collection Systems-Dry Line/Wet Line:	0
	d. Residuals Disposal:	0
6.	Permit Applications Outstanding:	48
	a. Facility Permit:	17
	b. Collection Systems-General:	27
	c. Collection Systems-Dry Line/Wet Line:	4
	d. Residuals Disposal:	0
7.	Permit Determination:	6
8.	Special Project Reviews:	1
	a. ARs:	1
	b. Reuse:	0
	c. Residuals/AUPs:	0
	d. Others:	0
C. INSPECTIONS - DOMESTIC		
1.	Compliance Evaluation:	13
	a. Inspection (CEI):	5
	b. Sampling Inspection (CSI):	7
	c. Toxics Sampling Inspection (XSI):	0
	d. Performance Audit Inspection (PAI):	1
2.	Reconnaissance:	54
	a. Inspection (RI):	16
	b. Sample Inspection (SRI):	0
	c. Complaint Inspection (CRI):	36
	d. Enforcement Inspection (ERI):	2
3.	Engineering Inspections:	109
	a. Reconnaissance Inspection (RI):	28
	b. Sample Reconnaissance Inspection (SRI):	0
	c. Residual Site Inspection (RSI):	0
	d. Preconstruction Inspection (PCI):	10
	e. Post Construction Inspection (XCI):	71
	f. On-site Engineering Evaluation:	0
	g. Enforcement Reconnaissance Inspection (ERI):	0

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received:	0
a. Facility Permit:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0
b. General Permit:	0
c. Preliminary Design Report:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0
2. Permits Recommended to DEP for Approval:	0
3. Special:	0
a. Facility Permits:	0
b. General Permits:	0
4. Permitting Determination:	1
5. Special Project Reviews:	46
a. ARs:	0
b. Phosphate DMRs:	4
c. Phosphate:	16
d. Industrial Wastewater:	19
e. Others:	7

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation:	7
a. Inspection (CEI):	7
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	13
a. Inspection (RI):	4
b. Sample Inspection (SRI):	1
c. Complaint Inspection (CRI):	8
d. Enforcement Reconnaissance Inspections (ERI):	0

3. Engineering Inspections:	0
a. Compliance Evaluation (CEI):	0
b. Sampling Inspection (CSI):	0
c. Performance Audit Inspection (PAI):	0
d. Complaint Inspection (CRI):	0
e. Enforcement Reconnaissance Inspections (ERI):	0
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints:	
a. Domestic:	28
(i) Received:	21
(ii) Closed:	7
b. Industrial:	10
(i) Received:	5
(ii) Closed:	5
2. Warning Notices:	
a. Domestic:	6
(i) Received:	5
(ii) Closed:	1
b. Industrial:	4
(i) Received:	3
(ii) Closed:	1
3. Non-Compliance Advisory Letters:	27
4. Environmental Compliance Reviews:	148
a. Industrial:	43
b. Domestic:	105
5. Special Project Reviews:	2
a. ARs:	0
b. Others:	2
G. RECORD REVIEWS	
1. Permitting:	3
2. Enforcement:	2

H. ENVIRONMENTAL SAMPLES ANALYZED FOR:

1. Air Division:	87
2. Waste Division:	0
3. Water Division:	33
4. Wetlands Division:	0
5. ERM Division:	166

I. SPECIAL PROJECT REVIEWS:

1. DRIs:	1
2. ARs:	0
3. Technical Support:	3
4. Other:	5

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

	Totals
A. General	
1. Telephone Conferences	835
2. Unscheduled Citizen Assistance	108
3. Scheduled Meetings	163
4. Correspondence	44
B. Assessment Reviews	
1. Wetland Delineations	47
2. Surveys	33
3. Miscellaneous Activities in Wetland	53
4. Impact/ Mitigation Proposal	6
5. Tampa Port Authority Permit Applications	58
6. Wastewater Treatment Plants (FDEP)	0
7. DRI Annual Report	1
8. Land Alteration/Landscaping	1
9. Land Excavation	0
10. Phosphate Mining	2
11. Rezoning Reviews	38
12. CPA	0
13. Site Development	44
14. Subdivision	82
15. Wetland Setback Encroachment	0
16. Easement/Access-Vacating	2
17. Pre-Applications	52
18. On-Site Visits	162
C. Investigation and Compliance	
1. Complaints Received	39
2. Complaints Closed	56
3. Warning Notices Issued	16
4. Warning Notices Closed	7
5. Complaint Inspections	59
6. Return Compliance Inspections	49
7. Mitigation Monitoring Reports	1
8. Mitigation Compliance Inspections	42
9. Erosion Control Inspections	62
D. Enforcement	
1. Active Cases	52
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	2
4. Number of Citations Issued	7
5. Number of Consent Orders Signed	3
6. Administrative - Civil Cases Closed	2
7. Cases Referred to Legal Department	2
8. Contributions to Pollution Recovery	\$550.00
9. Enforcement Costs Collected	\$150.00

EPC WETLANDS MONTHLY WORKSHEET

General	Enforcement	Compliance	Assessment	Engineering	Admin	Totals
Telephone Conferences			119	197	519	835
Scheduled Citizen Assistance		6	27	20	55	108
Scheduled Meetings			66	38	59	163
Correspondence	16	27		1		44
Assessment Reviews			47			47
Wetland Delineations			33			33
Surveys			53			53
Miscellaneous Activities in Wetland			6			6
Impact/ Mitigation Proposal			58			58
Tampa Port Authority Permit Applications						0
Wastewater Treatment Plants (FDEP)			1			1
DRI Annual Report			1			1
Land Alteration/Landscaping						0
Land Excavation			2			2
Phosphate Mining			38			38
Rezoning Reviews						0
CPA			44			44
Site Development			82			82
Subdivision						0
Wetland Setback Encroachment			2			2
Easement/Access-Vacating			52			52
Pre-Applications			162			162
On-Site Visits						
Investigation and Compliance						
Complaints Received		39				39
Complaints Closed		56				56
Warning Notices Issued		16				16
Warning Notices Closed		7				7
Complaint Inspections		59				59
Return Compliance Inspections		49				49
Mitigation Monitoring Reports		1				1
Mitigation Compliance Inspections		42				42
Erosion Control Inspections		62				62
Enforcement						
Active Cases	52					52
Legal Cases	2					2
Number of "Notice of Intent to Initiate Enforcement"	2					2
Number of Citations Issued	7					7
Number of Consent Orders Signed	3					3
Administrative - Civil Cases Closed	2					2
Cases Referred to Legal Department	2					2
Contributions to Pollution Recovery	\$550					\$550.00
Enforcement Costs Collected	\$150					\$150.00

EPC LEGAL DEPARTMENT MONTHLY REPORT
August 2004

A. ADMINISTRATIVE CASES

NEW CASES [0]

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)

Carolina Holdings, Inc. v. EPC [LCHP04-008]: A proposed final agency action letter denying an application for authorization to impact wetlands was sent on May 7, 2004. Carolina Holdings, Inc. requested an extension of time to file an appeal. The EPC entered an Order Granting the Request for Extension of Time on June 3, 2004 and the current deadline for filing an appeal was July 2, 2004. On July 2, 2004, Carolina Holdings, Inc. filed an appeal challenging the decision denying the proposed wetland impacts. The parties are still in negotiations. A pre-hearing conference has been scheduled for August 17, 2004 to discuss the case. (AZ)

RESOLVED CASES [2]

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 was referred to a hearing officer for an administrative hearing. The EPC Legal Department filed a Motion to Dismiss the appeal for failing to demonstrate the appellant is adversely affected by the Executive Director's decision. The hearing scheduled for May 25, 2004 was continued. On July 22, 2004, the Appellant dismissed the appeal. The matter is being closed. (AZ)

Northview Hills Civic Association [LNOR04-001]: Petitioner challenged 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. The parties have entered into a settlement, the Petition has been withdrawn and the permit issued as proposed by staff
(RT)

B. CIVIL CASES

NEW CASES [7]

U-Haul of North Tampa [LUHA04-010]: Authority to take appropriate action against U-Haul of North Tampa for failure to prepare a required addendum to a Site Assessment Report for petroleum contaminant concentrations exceeding soil cleanup target levels was granted July 22, 2004. The parties are currently in negotiations. (AZ)

Tampa Bay Shipbuilding [LEPC04-011]: Authority to take appropriate action against Tampa Bay Shipbuilding for violations of permit conditions regarding spray painting and grit blasting operations, exceeding the 12 month rolling total for interior coating usage and failure to conduct visible emission testing was granted on March 18, 2004. The parties are currently in negotiations. (RT)

Lewis 8001 Enterprises, Inc. [LEPC04-012]: Authority to take appropriate action against Lewis 8001 Enterprises, Inc. was granted on May 20, 2004. Lewis 8001 Enterprises, Inc. has failed to remove improperly stored solid waste from its property. The parties have been attempting to negotiate a settlement without litigation. (AZ)

Cornerstone Abatement and Demolition Co. [LEPC04-013]: Authority to take appropriate action against Cornerstone Abatement and Demolition Co. for failing to properly handle and remove regulated asbestos-containing material was granted on May 20, 2004. Staff is currently drafting a complaint. (RT)

Julsar, Inc. [LEPC04-014]: Authority to take appropriate action against Julsar, Inc. for illegally removing over 11,400 square feet of regulated asbestos-containing ceiling material was granted on May 20, 2004. Staff is currently drafting a complaint. (RT)

Pedro Molina, d/b/a Professional Repair [LEPC04-015]: Authority to take appropriate action against Pedro Molina, d/b/a Professional Repair for failing to comply with the terms of a previously issued Consent Order regarding a spray paint booth ventilation system and other permit condition violations was granted on July 22, 2004. Staff is currently drafting a complaint. (RT)

U-Haul Company of Florida [LEPC04-016]: Authority to take appropriate action against U-Haul Company of Florida for failure to conduct a landfill gas investigation and remediation plan was granted September 18, 2003. The parties have been attempting to negotiate a settlement without litigation. (AZ)

EXISTING CASES [7]

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

Georgia Maynard [LMAYZ99-003]: Authority to take appropriate action against Ms. Maynard as owner and operator of an underground storage tank facility was granted August 1999. A prior Consent Order required certain actions be taken to bring the facility into compliance including the proper closure of out-of-compliance tank systems. The requirements of the agreement have not been met. The EPC filed suit for injunctive relief and penalties and costs on March 8, 2001. The Defendant has failed to respond to the complaint and on July 9, 2001 the court entered a

default against the Defendant. On August 28, 2001 the court entered a Default Final Judgment in the case. On March 12, 2002 the EPC obtained an amended Final Judgment that awarded the EPC \$15,000 in penalties and allows the agency to complete the work through Pollution Recovery Fund (PRF) money and to assess these costs back to the Defendant. On April 12, 2002 Ms. Maynard applied for state assistance for cleanup of any contamination at the site. The Defendant has become eligible for state assistance to cleanup any contamination on the property. The parties are attempting to negotiate a sale of the property and have the buyers perform the corrective actions. Negotiations are continuing in the case. (AZ)

Integrated Health Services [LIHSF00-005]: IHS, a Delaware corporation, filed for bankruptcy and noticed EPC as a potential creditor. IHS is a holding company that acquired a local nursing home, which operation includes a domestic wastewater treatment plant that is not in compliance. The Debtor filed a motion requesting that utility companies be required to continue service 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. A site visit was performed but the Defendant failed to allow a thorough inspection. The EPC obtained a second judicial inspection warrant in May, 2004. On June 1, 2004, the EPC staff executed the search warrant and conducted a site inspection of the property. At the conclusion of the discovery portion of the case the matter will be set for trial. (AZ)

Causeway Station – Patricia Vaca and Letty Cueva [LCAU04-005]: Authority to take appropriate action against Ms. Vaca and Ms. Cueva as owner and operator of an underground storage tank facility was granted April 2004. The parties are responsible for unresolved petroleum contamination existing at the property. On July 8, 2002, EPC issued a Citation and Order to Correct to the parties. The Citation ordered Letty Cueva and Patricia Vaca to complete and submit two copies of a Remedial Action Plan to cleanup the contamination. No response has been made by the parties. The EPC is preparing to file a lawsuit compelling corrective actions. (AZ)

Plant City Nightclub Company [LPLA04-003]: Plant City Nightclub filed a lawsuit against Hillsborough County, the Sheriff's Office, and the EPC requesting declaratory relief and challenging the EPC's enabling act and noise rule. The EPC Legal Department filed a Motion to Dismiss the lawsuit and the matter will be set for hearing. (RT and AZ)

Presco Food Stores [LPRE03-025]: Authority to take appropriate action against Mr. Patel as owner and operator of an underground storage tank facility was granted in October 2003. The responsible party is currently out of compliance with state and EPC regulations concerning the operation of the underground storage tanks located at the property. The violations remain unresolved and the EPC Legal Department filed the lawsuit on April 28, 2004 compelling corrective actions and seeking penalties and costs. The parties are currently in negotiations concerning a settlement in the form of a consent final judgment. (AZ)

RESOLVED CASES [0]

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.

IMC Phosphates, Inc. v. EPC [LIMC04-007]: IMC Phosphates timely requested an extension of time to file an appeal challenging the Executive Director's decision dated February 25, 2004 regarding the review of justification of wetland impacts for Four Corners MU19E. The EPC entered an Order Granting the Request for Extension of Time on May 19, 2004 and the current deadline for filing an appeal is July 14, 2004. On July 1, 2004, IMC Phosphates submitted a request for a second extension of time to file an appeal. The EPC have provided additional time until September 13, 2004 to file the appeal. (AZ)

James Lieberman v. EPC [LLIE04-009]: Mr. Lieberman owns a laundromat called U.S. 92 Speedwash. His request for a general permit to operate an industrial wastewater treatment system was denied on June 30, 2004. He requests an extension of time to review his various permitting options, before challenging our denial in an administrative court. (RM)

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 JULY 31, 2004

Fund Balance as of 10/01/03	\$1,739,770
Interest Accrued	31,710
Deposits FY04	461,104
Disbursements FY04	217,351
	\$2,015,233

Fund Balance

Encumbrances Against Fund Balance:

	19,672
Artificial Reef	4,486
(66) Asbestos Abatement	300,000
(73) Balm Road Scrub	3,392
(84b) Cockroach Bay Aerial Photos	71,339
(90) Upper Tampa Bay Trail	25,233
(91) Alafia River Basin	26,717
(92) Brazilian Pepper	15,000
(93) Rivercrest Park	37,800
(95) COT Stormwater Improvement	- 0 -
(96) H.C. Parks/River Civic Center	100,000
(97) COT Parks Dept/Cypress Point	58,020
(99) Seagrass Restoration Cockroach Bay	38,116
(100) Agriculture Pesticide Collection	22,147
(101) Pollution Prevention Program	8,654
Old Landfills/Coronet	200,000
Palm River Habitat	10,000
Riverview Library	60,000
Simmons Park	10,416
Adopt A Shoreline	150,000
Bahia Beach Restoration	10,000
State of the River	30,000
Stormwater Mgmt/Florida Aquarium	7,350
Water Drop Patch/Girl Scouts	30,000
Tampa Shoreline Restoration	

Total of Encumbrances 1,238,342

Minimum Balance (Reserve) 120,000 *

Fund Balance Available July 31, 2004 \$ 656,891

www.epchc.org

E-Mail: epcinfo@epchc.org

AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER



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
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF JULY 31, 2004

Fund Balance as of 10/01/03	\$1,239,034
Interest Accrued	18,577
Disbursements FY04	408,000
Fund Balance	\$ 849,611

Encumbrances Against Fund Balance:

SP462 Port Redwing	- 0 -
Sp464 Davis Tract	- 0 -
SP591 Mechanical Seagrass Planting	3,584
SP597 Fantasy Island Restoration	1,633
SP602 Apollo Beach Habitat Restoration	- 0 -
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	19,200
Fantasy Island	20,000
E.G. Simmons Park	43,200
Cockroach Bay ELAPP Restoration	208,348
Total of Encumbrances	849,611

Fund Balance Available	July 31, 2004	\$ - 0 -
------------------------	---------------	----------

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

DATE: August 19, 2004
TO: Environmental Protection Commissioners
FROM: Brenda Fonda, Enforcement Coordinator, Waste Management Division
SUBJECT: Request for Authority to Take Legal Action regarding Darius Gittens, Geraldine Oliveras and the property located at 8008 S. Meadowview Circle, Tampa

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

BACKGROUND:

Darius Gittens operates a business removing demolition debris from residential and commercial sites, to a residential property owned by Geraldine I. Oliveras, located at 8008 S. Meadowview Circle, Tampa.

On October 3, 2000, EPC staff conducted a complaint investigation and a SQG verification that revealed the property was being utilized as a storage facility. Staff observed solid waste, including but not limited to scrap metal, waste carpet, furniture, appliances, asphalt, wood panels and doors being improperly stockpiled on the property. Staff requested that the solid waste be properly disposed of by November 10, 2000. Subsequent EPC staff inspections document that some of the existing solid waste was removed; however additional solid waste material was being brought onto the property.

On May 21, 2002, EPC issued Darius Gittens a Citation to Cease and Order to Correct, citing violations of Sections 16 and 17 of the EPC Act; Section 1-1 and 1-7, Rules of the EPC and Section 62-701, Florida Administrative Code (F.A.C.). The Citation ordered Darius Gittens to cease storing, processing, and disposing of solid and/or hazardous wastes. The Citation was not appealed, and became a Final Order on June 10, 2002. Subsequently on March 25, 2003, Darius Gittens entered into a Consent Order with EPC. The terms of the Consent Order have not been met. EPC staff has attempted to re-inspect the property on several occasions, however no one was present and the gate was locked. EPC staff viewed the property from off site and observed a large amount of solid waste remaining on the property.

Darius Gittens has not responded to EPC staff efforts to resolve this matter. Staff recommends the initiation of appropriate legal action for enforcement against Darius Gittens and Geraldine Oliveras as the property owner.

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: August 19, 2004

TO: Environmental Protection Commissioners

FROM: Brenda Fonda, Enforcement Coordinator, Waste Management Division

SUBJECT: Request for Authority to take legal action regarding Geza Kovacs and Kovacs Geza, Inc.

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

BACKGROUND:

Kovacs Geza, Inc. owns real property located at 1904 Industrial Park Drive, Plant City where it operated a business known as Refuse Express. Geza Kovacs is the President of Geza Kovacs Inc. and has control over its operations.

In December 2001, EPC staff discovered approximately 1,000 yards of crushed James Hardie board and approximately 250 loads of Hardie board in the form of culvert pipes stockpiled on site. Warning Notices were issued for operating a Waste Processing Facility, without a solid waste management facility permit, in violation of Chapter 1-7, Rules of the EPC.

Subsequently, EPC entered into a Consent Order with Geza Kovacs and Kovacs Geza, Inc. that required that all solid waste be removed and disposed at a properly permitted facility. Several Consent Order Amendments were executed extending the final date of the Consent Order to allow Geza Kovacs additional time to obtain financing to cover the costs for disposal.

To date, the time allowed by the Consent Order amendments has expired and the solid waste remains on the property in violation of the terms of the executed Consent Order. Staff recommends initiation of appropriate legal action to compel Kovacs Geza, Inc. and Geza Kovacs to comply with the existing Consent Order.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

AGENDA ITEM COVER SHEET

Date: August 19, 2004

Agenda Item: Request for Extension of Time – GSTF Project No. SP612-
Riverview Civic Center Shoreline Stabilization and
Restoration

Description/Summary:

The County has requested additional time to complete the Riverview Civic Center Shoreline Stabilization and Restoration Project, a Gardinier Settlement Trust Fund Project. Agreement No. SP612 was first executed August 21, 2003 by Hillsborough County, DEP and EPC . This First Amendment to Agreement No. SP612 requests an extension of time until January 31, 2005, and also makes other minor changes to the Agreement such as referencing updated guidance manuals, adding a new point of contact, and updating diversity language regarding the procurement process. The BOCC executed the extension of time on July 28, 2004. The brief extension of time is requested to allow additional time to install additional plants on the shoreline. EPC staff requests delegation to the EPC Executive Director to execute the first amendment to the Agreement between the DEP, the County and the EPC for an extension of time to complete the Riverview Civic Center Shoreline Stabilization and Restoration Project.

Commission Action Recommended:

Approve staff recommendation to delegate to the EPC Executive Director the authority to execute the first amendment to the Agreement between the DEP, the County and the EPC for an extension of time to complete the Riverview Civic Center Shoreline Stabilization and Restoration Project.

DEP AGREEMENT NO. SP612
AMENDMENT NO. 1

THIS AGREEMENT as entered into on the 21st day of August, 2002, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and the ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY (hereinafter referred to as the "Commission") and HILLSBOROUGH COUNTY (hereinafter referred to as the "Contractor") is hereby amended.

WHEREAS, additional time is needed to accommodate installation of plants on the shoreline; and,

WHEREAS, the Department is desirous of seeing this restoration project completed; and

WHEREAS, other changes to the Agreement are needed.

NOW, THEREFORE, the Agreement is hereby amended.

-- As of January 7, 2003, all references in this Agreement to the State Comptroller and the Department of Banking and Finance shall hereinafter be referred to as the State Chief Financial Officer and the Department of Financial Services, respectively. All references to the website for the State Comptroller's Voucher Processing Handbook shall hereinafter be referred to as the Department of Financial Services' Reference Guide for State Expenditures at www.dbf.state.fl.us/aadir/reference_guide.

-- Paragraph 7. is hereby revised to change the contact person within the Managing Agency to Ms. Rose Poynor.

-- Paragraph 11. is hereby revised to change the project completion date for the restoration project to January 31, 2005.

-- Paragraph 16. is hereby deleted in its entirety and replaced with the following:

16. This Agreement shall begin upon execution by all parties and end on January 31, 2005, by which date all requirements shall have been completed.

-- Paragraph 32. is changed to read Paragraph 32. A. and the following language is added as Paragraph 32. B.:

32. B. The Department of Environmental Protection supports diversity in its procurement program and requests that all subcontracting opportunities afforded by this Agreement embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of minority owned businesses for consideration in subcontracting opportunities.

-- To correct a typographical error in Attachment A, Scope of Services, item #7 under Scope Detail on Page 1 of 3 is hereby deleted in its entirety and replaced with the following:

7. The Contractor shall be responsible for developing and implementing an ongoing management plan for the project site. The plan will be submitted to the Department 30 days prior to the Agreement completion date for review and approval.

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

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

HILLSBOROUGH COUNTY

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: [Signature]
~~Chairman~~ Vice Chairman

By: [Signature]
Director of District Management,
Southwest District Office or designee

Date: 7/28/04

Date: 6-16-04

Witness: [Signature]
Medred K. Ditt

[Signature]
Rose Poyner, DEP Grant Manager

Environmental Protection Commission of Hillsborough County

By: _____
Dr. Richard Garrity, Executive Director

[Signature]
DEP Contracts Administrator

Date: _____

Approved as to form and legality:

[Signature]
DEP Attorney

APPROVED BY COUNTY ATTORNEY
BY [Signature]
Approved As To Form And Legal Sufficiency.

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY FLORIDA
DOCUMENT NO. 04-1299

AGENDA ITEM COVER SHEET

Date: August 19, 2004

Agenda Item: Resolution Authorizing Partnership with FDOT for a
Congestion Mitigation and Air Quality Grant – Clean Air
Partnership Program

Description/Summary:

The Clean Air Partnership (CAP) program is an outreach and economic incentive program conceived to facilitate a link between working commuters and providers of alternative transportation, fleet operators and clean fuel initiatives. CAP's objectives are to build public and private partnerships with organizations throughout the Tampa Bay area that will heighten our focus on mobile source emissions reduction strategies such as commuter choice, alternative fuel vehicles, flexible work schedules, telecommuting, etc. In 2001 staff applied, and was subsequently approved for a \$175,000 CMAQ grant to implement and continue the program.

Commission Action Recommended:

Authorize the Chair to sign a resolution on behalf of EPC Board authorizing the Executive Director to enter into a Joint Partnership Agreement with the Florida Department of Transportation - District Seven to accept and administer the CMAQ grant.

RESOLUTION NO. _____

A RESOLUTION OF THE ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY EXPRESSING SUPPORT FOR ENTRY INTO A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE ADMINISTRATION OF A FEDERAL TRANSPORTATION IMPROVEMENT GRANT (CMAQ GRANT – CLEAN AIR PARTNERSHIP)

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, the Federal Highway Administration and Federal Transit Administration's goals to reduce delays on transportation systems and to protect and enhance the natural environment and communities affected by transportation are greatly advanced by the Congestion Mitigation and Air Quality Improvement Program (CMAQ), established in 1991 by the U.S. Congress as part of the Intermodal Surface Transportation Efficiency Act, and continued in 1998, as part of the Transportation Equity Act; and

WHEREAS, the CMAQ program is administered in Hillsborough County, Florida by the State of Florida's Department of Transportation (FDOT), District Seven office; and

WHEREAS, the Environmental Protection Commission of Hillsborough County (EPC) is an air pollution control agency as defined by section 302(b) of the Clean Air Act and an approved local program in accordance with section 403.182 of the Florida Statutes; and

WHEREAS, the EPC has formed a transportation partnership program to address the vehicular contribution to air pollution in Hillsborough and Pinellas Counties; and

WHEREAS, continued regional growth is a major challenge to our ability to maintain federal air quality standards; and

WHEREAS, the FDOT requires that local governments express their support for entering into Joint Participation Agreements;

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 entry into a Joint Participation Agreement (JPA) with the FDOT for the administration a federal transportation improvement grant (Finance Project Number FPN #4100935-1-84-01, Contract #AN006) in the amount of \$175,000.
3. Richard D. Garrity, Ph.D., Executive Director, is hereby authorized to sign the JPA on behalf of the EPC Board.
4. This Resolution shall take effect immediately upon adoption.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

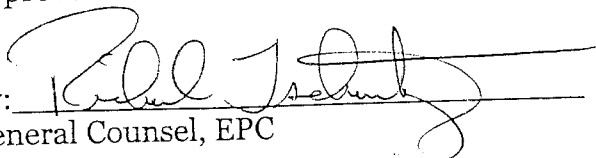
I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Environmental Protection Commission of Hillsborough County, in Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Environmental Protection Commission 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

AGENDA ITEM COVER SHEET

Date: August 19, 2004

Agenda Item: Resolution Authorizing Partnership with FDOT for a Congestion Mitigation and Air Quality Grant – Smart Driver Program

Description/Summary:

The Smart Driver Program will establish an education and outreach program that will stress the need to reduce automobile emissions in Hillsborough County by driving smarter. The program's message, to reduce emissions and achieve energy savings, will be presented at forums where high public turnout would be expected, such as homeowner's association meetings, businesses, government functions and various public events. In 2001 staff applied, and was subsequently approved for a \$75,000 CMAQ grant to implement and continue the program.

Commission Action Recommended:

Authorize the Chair to sign a resolution on behalf of EPC Board authorizing the Executive Director to enter into a Joint Partnership Agreement with the Florida Department of Transportation - District Seven and accept and administer the CMAQ grant.

RESOLUTION NO. _____

A RESOLUTION OF THE ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY (EPC) EXPRESSING SUPPORT FOR ENTRY INTO A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE ADMINISTRATION OF A FEDERAL TRANSPORTATION IMPROVEMENT GRANT (CMAQ GRANT – SMART DRIVER PROGRAM)

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, the Federal Highway Administration and Federal Transit Administration's goals to reduce delays on transportation systems and to protect and enhance the natural environment and communities affected by transportation are greatly advanced by the Congestion Mitigation and Air Quality Improvement Program (CMAQ), established in 1991 by the U.S. Congress as part of the Intermodal Surface Transportation Efficiency Act, and continued in 1998, as part of the Transportation Equity Act; and

WHEREAS, the CMAQ program is administered in Hillsborough County, Florida by the State of Florida's Department of Transportation (FDOT), District Seven office; and

WHEREAS, the Environmental Protection Commission of Hillsborough County (EPC) is an air pollution control agency defined by section 302(b) of the Clean Air Act and an approved local program in accordance with section 403.182 of the Florida Statutes; and

WHEREAS, the EPC has established an education and outreach program that will stress the need to reduce of vehicle emissions in Hillsborough County and achieve greater energy savings by traveling more efficiently; and

WHEREAS, the FDOT requires that local governments express their support for entering into Joint Participation Agreements;

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 entry into a Joint Participation Agreement (JPA) with the FDOT for the administration of a federal transportation improvement grant (Finance Project Number FPN #4100935-1-84-01, Contract #ANO05) in the amount of \$75,000.

3. Richard D. Garrity, Ph.D., Executive Director, is hereby authorized to sign the JPA on behalf of the EPC Board.

4. This Resolution shall take effect immediately upon adoption.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

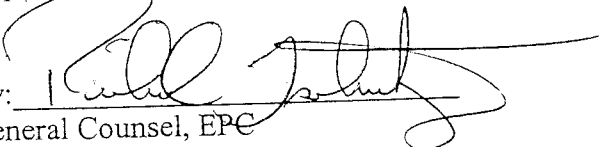
I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Environmental Protection Commission of Hillsborough County, in Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Environmental Protection Commission 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

Environmental Protection Commission
of
Hillsborough County

Fourth Annual Report
on
Agency Goals and Objectives
FY 2003 - 2004

Richard Garrity, PhD
Executive Director
August 19, 2004

<u>Index</u>	
	<u>Page</u>
Introduction	i
Goals and Objectives for FY 03-04	1
Accomplishment Update for FY 03-04	3
Director's Presentation	Appendix A

Introduction

The Environmental Protection Commission was created in 1967 by special act of the Florida Legislature. Its mission is to ensure the health, safety and welfare of the citizens and visitors of Hillsborough County, and of plant and animal life, by providing and implementing standards that protect the purity and freedom of air, soils, and waters from contaminants, preserve wetlands and protect communities from excessive noise.

In order to accomplish this mission, the governing board of the EPC has authorized the Executive Director to assemble a staff of 170 well-trained professionals and has provided an annual agency budget of just under 14 million dollars. EPC's ability to regulate from the local level provides for higher quality, more efficient and more knowledgeable protection of the environment and citizens of Hillsborough County. When Dr. Garrity became the Executive Director, he and his staff devised and adopted Five Goals for the agency. Each year he tasks his staff to develop objectives, within each of these goals, which will improve EPC's success in carrying out its mission and maximize available resources.

The Fourth Annual Report outlines the agency's initiatives and accomplishments for FY 03-04 and identifies objectives that will require continued attention in the coming fiscal year.

Goals and Objectives for FY03-04

Goal 1 **Improve Regulatory Effectiveness**

Objectives:

- Evaluate and prioritize resources
- Fully implement pollution prevention
- Develop agency wide performance measures and outcomes
- Continue multi-disciplinary bay and watershed studies
- Evaluate wetlands programs to increase efficiency
- Initiate a compliance/inspection program for industrial storm water facilities

Goal 2 **Maximize Regulatory Efficiency**

Objectives:

- Improve permit review process
- Reduce ad valorem burden
- Update EPC rules
- Enhance GIS capability
- Consolidate the agency in a single facility
- Establish an in-house evaluation protocol for the laboratory
- Update complaint and warning notice SOP

Goal 3 **Enhance Coordination with Our Regulatory Partners and Seek Delegation Where Appropriate**

Objectives:

- Seek delegation of specific State and Tampa Port Authority environmental programs
- Achieve better consistency with SWFWMD on wetland delineations and mitigation compliance
- Renegotiate a comprehensive MOU with the local Health Department
- Work with Hillsborough County municipalities to develop a private pump station inspection program

Goal 4 Partner with the Regulated Community for Better Compliance

Objectives:

- Work with agricultural interests to improve the environment
- Improve environmental accountability with the Port of Tampa
- Assist municipalities with storm water management
- Assist in Homeland Security
- Monitor and reduce pollution from auto part recyclers and scrap yards
- Monitor legislative session
- Develop a Comprehensive Emergency Management Plan to compliment the BOCC plan

Goal 5 Provide Information to the Public

Objectives:

- Issue an annual agency report
- Keep the public informed
- Improve public notification for significant environmental issues

Accomplishment Update for FY03-04

Goal 1 Improve Regulatory Effectiveness

Objective – Evaluate and Prioritize Resources

- ❖ *The agency is continually evaluating its activities and the services it provides. The biggest challenge is to look critically at the need to staff existing programs at current levels or to establish new programs by reassigning employees or seeking additional resources. A reorganization of the laboratory provided a permanent funding source for the Public Information Specialist; the Green Yards program will be administered without the requirement of additional resources; and the move to the new offices in Sable Park is being coordinated in-house, including the phone system and computer network. Through the FY 04-05 budget, resources were obtained to develop a new Historic Landfill Investigation Program in the Waste Management Division, and establish the GIS coordinator position. Facing insufficient contract funds, the Air Management Division lost an administrative support staff position but, was able to reallocate existing resources to prevent a negative impact to its other program areas.*

Objective – Fully Implement Pollution Prevention

- ❖ *The Pollution Prevention (P2) Strategy Document has been completed and approved. A Waste Reduction Specialist was hired to implement the program and 19 Pollution Prevention Audits have been conducted. The first annual report of accomplishments will be published and presented this fall, and numerous public presentations and exhibits on the P2 program have been given in FY 03-04.*

Objective – Develop Agency Wide Performance Measures and Outcomes

- ❖ *It is important to develop performance measures that can be easily understood and appreciated by the public and to track the annual outcome of these measures to help shape agency strategy in the future. Staff is currently evaluating a range of possible performance measures such as: number of unhealthy air days, lake levels, number of beach closures, fish consumption advisories, acreage of wetland and seagrass habitat restored, etc. Some preliminary outcomes will be highlighted in the agency's annual report.*

Objective – Continue Multi-Disciplinary Bay and Watershed Studies

- ❖ *Through the State's Bay Regional Atmospheric Chemistry Experiment (BRACE), the EPC is under contract to collect extensive air samples and provide analysis, through 2006. BRACE is a multiple year project to look at the cause and effect of airborne nitrogen deposition in the Bay. EPC continues to implement its BRACE contract commitments each year.*

- ❖ *EPC staff continued the Countywide and HIMP monitoring programs, which include water quality and benthic components. A report summarizing the initial three years of HIMP monitoring is being prepared and will be presented to the EPC Board before the end of 2004.*
- ❖ *The agency remains a strong participant in the Tampa Bay Estuary Program's (TBEP) Technical Advisory Committee and Management and Policy Boards, and in the Tampa Bay Regional Planning Council's Agency on Bay Management. Staff continues to assist TBEP in reviewing and updating the Comprehensive Conservation and Management Plan (CCMP) Action Plans.*
- ❖ *In 2003, the Environmental Resources Management Division participated in two special purpose assessment projects, one estimating long-term changes in freshwater wetland acreage and the other summarizing present day water quality conditions in the tidal sections of rivers and streams. Results of these projects indicate that 46% of the region's freshwater wetland acreage has been lost since the early 1900s. However, with EPC's "no net loss" policy, an additional 1000 acres have been gained since 1985. The tidal streams study indicated that salinity levels and other water quality characteristics in these important habitat areas are being impacted by human activities, such as storm water runoff, and would benefit from increased management attention. As a result, the TBEP and its local partners (including EPC) have adopted improved tidal stream management as a priority issue to be addressed over the next several years.*

Objective – Evaluate Wetlands Programs to Increase Efficiency

- ❖ *The Wetlands Division has completed a reorganization that places all activities related to land development projects and wetland impacts in the Assessment Review Section, which is now headed by a newly created Assistant Director. This is intended to increase the efficiency of the permit review process without compromising review quality.*
- ❖ *The agency has adopted the state mandated Uniform Mitigation Assessment Method (UMAM). The Wetlands Division is currently evaluating what impact the requirements of UMAM will have on work load and staffing needs.*

Objective – Initiate a Compliance/Inspection Program for Industrial Storm Water Facilities

- ❖ *In 2003 EPC initiated a plan to implement an inspection and compliance program to control storm water associated with industrial activities. Information was collected on existing Industrial Waste Storm Water permits in Hillsborough County, a database was developed and a survey of 56 facilities was completed. Facilities, sectors and activities*

that posed the greatest potential for causing water quality violations were identified in July 2004 and added to EPC's routine inspection program, beginning August 2004. Other industrial activities are under review and newly identified facilities will be added to the database and inspection program as necessary.

Goal 2 Maximize Regulatory Efficiency

Objective – Improve Permit Review Process

- ❖ *The agency has established written policy for processing delegated permit applications and EPC Director's Authorizations. This has resulted in more timely determinations, and precludes staff from "sitting on the fence" on controversial applications. The Executive Director is brought into the process at an earlier stage. This data is now available through the EPC website, allowing applicants to track the status of their applications on-line.*
- ❖ *The agency supported Performance Based Permitting initiatives under consideration by the state legislature during the 2004 legislative session, however, the legislation failed. EPC will consider development of local Performance Based Permitting Criteria for inclusion in Chapter 1-2, General Rules of the EPC.*

Objective – Reduce the Agency's Ad Valorem Burden

- ❖ *EPC continually searches for grants and/or other non-Ad Valorem funds to carry out its strategic plan. The agency is currently involved in 18 grant projects, ranging from air toxics monitoring to monitoring the effectiveness of the artificial reef program. Existing grants are funded at levels as high as \$1.6 million. These grants are cooperative projects with the USEPA, FDEP, TBEP, Florida Fish and Wildlife Commission and others. Certain grants have been in effect for up to 10 years, with reoccurring extensions, and have become an integral part of the agency's permitting, compliance and enforcement programs. Other grants are active over shorter periods and address a scientific need for information, such as the "Dredge Hole Assessment" grant with TBEP. Additionally, EPC administers a grant-giving program through its Pollution Recovery Fund, which annually awards funds from collected fines, to agencies and citizen groups for remediation of pollution problems, wetland restoration and enhancement and in some cases educational programs for environmental protection. 44% of the agency's overall budget is derived from non-Ad Valorem sources. Implementation of the revised Services-Fee Schedule (Chapter 1-6) is expected to generate an additional \$600,000 in revenue per year.*

Objective – Update EPC Rules

- ❖ *Chapter 1-11, Wetlands has been amended, amendments to Chapter 1-5, Water Pollution have been drafted and a public workshop will soon be*

scheduled, a public hearing on amendments to Chapter 1-10, Noise, is scheduled for August 19th and, Chapter 1-14, Mangrove Trimming is a new rule being drafted in anticipation of obtaining delegation from FDEP for this program. The General Rules, Administrative Procedures, Mobil Source and Storage Tank rules will be updated in FY 04-05.

Objective – Enhance GIS Capabilities

- ❖ The EPC is continuing to upgrade Geographical Information System (GIS) capabilities to make the agency more efficient and productive. GIS software has been purchased and installed and is currently in use in the Environmental Resources Management and Air Management divisions.*
- ❖ Funding for a permanent GIS coordinator position was established in the FY 04-05 budget, and the position has been recently filled. The coordinator's initial task will be to perform an agency wide GIS needs assessment and develop recommendations for GIS implementation in each division.*
- ❖ Staff continues to work with TBEP, USF and the U.S. Geological Survey to develop a web-based "Estuary Atlas" that will enhance agency efforts to provide researchers, policy makers and the public with real-time information on the "health" of Tampa Bay.*

Objective – Consolidate the Agency in a Single Facility

- ❖ The Environmental Resources Management, Wetlands and Waste Management divisions have been relocated to the new Roger P. Stewart Center at Sable Park. The rest of the agency is expected to relocate in FY 04-05.*

Objective – Establish an In-House Evaluation Protocol for the Laboratory

- ❖ In July 2004, a quarterly work group was formed to establish an annual evaluation process to determine if sampling and laboratory capabilities meet current and future agency needs. The group will facilitate collaboration and communication between sample collectors, laboratory personnel and data users to clearly define program needs and requirements. A draft report is scheduled to be produced October 2004 with a final report due January 2005. The annual report will identify updates to procedures and upgrades of analytical and sampling equipment necessary to meet agency needs and a proposed schedule for implementation.*

Objective – Update Complaint and Warning Notice SOP

- ❖ In November 2003, the revised Complaint and Warning Notice SOP was implemented. The new SOP provides for better coordination of multi-divisional investigations, consistent and timely data entry, and up to date reporting for compliance managers. Complaints are now required to be entered into the database within 24 hours of receipt. All divisions were*

meeting the newly established timelines by February 2004. The implementation of this SOP has resulted in more timely complaint investigations, reduction in the use of forms, and increased efficiency in data management.

**Goal 3 Enhance Coordination and Seek Delegation Where Appropriate
With Our Regulatory Partners**

Objective – Seek Delegation of Specific State and Tampa Port Authority Environmental Programs

- ❖ *EPC received delegation of the Brownfields Program from FDEP in June 2004. The agency is a member of the Florida Brownfields Association (FBA), a private/public partnership seeking to enhance and promote brownfields planning programs throughout the State. EPC staff was instrumental in planning and conducting the 7th Annual Meeting for FBA, which was held in Sarasota in August 2004. EPC continues to enhance its relationship with PGMD and the City of Tampa brownfields programs.*
- ❖ *EPC applied for, and has been awarded, an Enhanced Small Quantity Generator (SQG) Grant, in the amount of \$50,000.00, from FDEP. The grant will expand the agency's current SQG program and allow staff to perform more comprehensive inspections. Implementation of the enhanced program began in August 2004.*
- ❖ *EPC has completed all requirements for application to FDEP for delegation of the Mangrove Trimming program, with the exception of adopting a rule. Chapter 1-14, Mangrove Trimming has been drafted and a public workshop was held August 18, 2004. The draft rule will be submitted with the delegation application at a pre-application meeting with FDEP prior to December 2004.*
- ❖ *EPC has acquired information from the Tampa Port Authority (TPA) regarding minor work permits, analyzing navigation and marine safety and is evaluating the potential for entering into an MOU with the Port Authority for activities such as residential docks and submerged lands impacts on freshwater Port jurisdiction. A list of issues and coordination requirements has been developed, pending further discussion between EPC and TPA management and legal departments.*

Objective – Achieve Better Consistency with SWFWMD on Wetland Delineations and Mitigation Compliance

- ❖ *The existing Memorandum of Understanding with SWFWMD is being amended to allow EPC to conduct most wetland delineations and all mitigation compliance monitoring activities in the county, for both agencies. This work will be done using the state mandated Uniform*

Mitigation Assessment Method (UMAM), which has been adopted by EPC.

Objective – Renegotiate a Comprehensive MOU with the Local Health Department

- ❖ *EPC staff met with the Hillsborough County Health Department to begin revising the current MOU, which was developed to facilitate a coordinated environmental regulatory system regarding sanitary nuisances, drinking water quality and use of public swimming areas. The agencies intend to expand the scope of the MOU to cooperate more fully in all agency program areas. This will allow us to do a better job linking the protection of public health and the environment, and anticipate, rather than react to, public concerns.*

Objective – Work with Hillsborough County Municipalities to Develop a Private Pump Station Inspection Program

- ❖ *In May 2004 work began to develop and implement a private pump station inspection and compliance program to minimize sanitary sewer overflows and reduce water quality impacts. A comprehensive database will be designed to include the location, responsible party and engineering details for each of these privately owned pump stations. Information from Hillsborough County, City of Tampa and Plant City is being gathered for evaluation to develop a pump station operation and maintenance verification compliance process by January 2005. The inspection and compliance portion of the program is expected to be fully implemented by June 2005.*

Goal 4 Partner with the Regulated Community for Better Compliance

Objective – Work with Agricultural Interests to Improve the Environment

- ❖ *EPC's agricultural liaison continues to work with local agricultural organizations to provide assistance. In addition, the agency is working with DACS to coordinate the review of Best Management Practices (BMPs) for agricultural activities in Hillsborough County. Agriculture is significant to the County's economy and regulation through BMPs is more efficient and less intrusive.*
- ❖ *In 2003, EPC partnered with the Hillsborough County Economic Development Council to obtain a grant from the Pollution Recovery Fund to promote and host an Agricultural Pesticide Collection Day. In September 2003, 13,436 pounds of pesticides were collected and properly disposed of. A second event was hosted with the remaining funds in December 2003 and an additional 10,562 pounds were collected and disposed of.*

Objective – Improve Environmental Accountability with the Port of Tampa

- ❖ *A multi-agency working group entitled “Portfields”, including EPC, FDEP, the Port Authority and others at the local level, and NOAA, USEPA, the Army Corp of Engineers and others at the federal level, has been formed to coordinate the development of an Environmental Management Plan for the Port of Tampa. This working group seeks to provide funding and technical expertise to an action plan developed during a kick-off meeting conducted May 2004.*
- ❖ *The Ship Repair Industry Initiative is continuing. Multimedia inspections are being performed at permitted ship repair facilities and violations are being documented. In addition, periodic workshops are being conducted with industry representatives. A “Best Management Practices” document for air, water and waste concerns has been agreed to and is being added to the Title V air permits for those facilities.. Faced with the task of trying out a new national inspection checklist for the ship repair industry, USEPA selected the facilities in the Port of Tampa as a model, based on EPC’s work in this area. This initiative is raising the bar for ship repair facilities in the Tampa Bay area, as well as throughout the Gulf States area.*

Objective – Assist Municipalities with Storm Water Management

- ❖ *EPC renewed the storm water MOU with the City of Tampa. Through EPC’s SQG program, staff performs inspections of public and private facilities to ensure compliance with storm water regulations. The first annual report has been submitted to the City, and a similar MOU is being negotiated with the City of Temple Terrace.*

Objective – Assist in Homeland Security

- ❖ *EPC is member of the Domestic Security Task Force, attends regular meetings, and conducts specific tasks under a national contract.*

Objective – Monitor and Reduce Pollution from Auto Part Recyclers and Scrap Yards

- ❖ *The Waste Management Division held a workshop for all auto part recycling yards to introduce the Green Yards Initiative and invite them to participate in the program. This voluntary certification program provides training for the development of systematic, facility specific compliance plans. Of the 136 auto part recyclers located in Hillsborough County, 61 attended the workshop and 60 joined the program. A similar local initiative will be developed by EPC for scrap yards*

Objective – Monitor Legislative Session

- ❖ *EPC staff monitored the 2004 legislative activities such as the Phosphate Financial Assurance and Dry Cleaning bills that would affect the future liability of those industries. The Executive Director and General Counsel met with members of the local delegation before and during the*

session to discuss issues of interest and to offer the agency as a resource on environmental matters.

Objective –Develop a Comprehensive Emergency Management Plan to Compliment the BOCC Plan

- ❖ *As the County’s primary environmental investigative agent/responder, EPC is seeking to become a member of the Executive Support Group to the Director of Emergency Management. In planning for man-made and natural disasters, EPC needs to expand its role in the County’s Comprehensive emergency Management Plan (CEMP). In addition, the agency intends to develop its CEMP. Work has been initiated to complete this by December 2005.*

Goal 5 Provide Information to the Public

Objective – Issue an Annual Agency Report

- ❖ *The 2003 Annual Report and the State of the Environment report have been completed and will be presented to the Board in September. These reports provide a summary of local environmental trends, agency activities and services provided. Both reports are available on the EPC website and hard copies are available to the public by request.*

Objective – Keep the Public Informed

- ❖ *The agency participated in numerous public awareness events, including Earth Day, USF Engineering Expo, Used Oil Recycling Day, Clean Air Month, Strawberry Festival Parade, Commuter Choices Week, Pollution Prevention Week, Ruskin Tomato and Heritage Festival, Hillsborough County Regional Science Fair, the Lake, Pond and Stream Seminar and BOCC Town Hall meetings.*
- ❖ *EPC hosted the Hillsborough County Legislative Delegation Tour for members of the delegation, the EPC Board and members of the Citizens Environmental Advisory Committee. The tour highlighted environmental issues of interest including the conversion of a coal-fired power plant to natural gas, water quality monitoring in Tampa Bay, air monitoring and the Green Yards Initiative.*
- ❖ *EPC sponsored two separate student environmental competitions honoring a total of nine students with U.S. Savings Bonds for their environmental excellence in art and science. Student artwork was on exhibition at the University of South Florida and is currently on display at County Center.*
- ❖ *EPC’s annual Clean Air Fair was held during Clean Air Month featuring an alternative-fuel vehicle demonstration and environmental exhibits at Joe Chillura Courthouse Square.*

- ❖ *EPC, in conjunction with HTV 22, produced its second television program for the “Clean Living” series, highlighting EPC’s Waste Management Division. Production has begun on the third segment featuring EPC’s Wetlands Management Division.*
- ❖ *EPC produced special-purpose newsletters, “The Coronet Update”, regarding health and environmental concerns relating to Coronet Industries and its surrounding area. The newsletters provided a forum to disseminate information to concerned residents with a status of the on-going investigation. EPC also participated in a Town Hall meeting for the residents of the Lincoln Park neighborhood to update them on specific environmental and health-related concerns of their community.*
- ❖ *EPC hosted a tour for students attending USF’s “Public Health Possibilities”, a week-long summer program designed to introduce high school students to public health and environmental careers. EPC escorted the students on a tour of the Hillsborough County Resource Recovery facility and provided hands-on water quality monitoring training at Riverfront Park in Tampa. The tour also included a session on fertilizer production and environmental controls, and a discussion on local power plants.*

Objective – Improve Public Notification for Significant Environmental Issues

- ❖ *The EPC Board approved the agency’s new procedure to timely notify the public and the press of significant enforcement cases or incidents that may affect the public health or environment. This was successfully implemented in the Chemical Formulators case.*