

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
OCTOBER 21, 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**
Report from the Chairman – David Jellerson
- III. CONSENT AGENDA**
 - A. Approval of Minutes: September 9, 2004 2
 - B. Monthly Activity Reports 9
 - C. Legal Department Monthly Report 20
 - D. Pollution Recovery Trust Fund 24
 - E. Gardinier Settlement Trust Fund 25
 - F. Approve PRF Request for Air Monitoring Equipment – Apollo Beach 26
 - G. Update on Emergency Response – Disabled Waste Water Pump Stations 27
- IV. EXECUTIVE DIRECTOR REPORT**
- V. LEGAL DEPARTMENT**
Request Authority to Conduct Public Hearing on November 10, 2004 to
Consider Amendments to Chapter 1-5 (EPC Water Rule) 29
- VI. AIR MANAGEMENT DIVISION**
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- VIII. COMMISSIONER'S REQUESTS**
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Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

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SEPTEMBER 9, 2004 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, September 9, 2004, at 10:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Kathy Castor, Pat Frank, Ken Hagan, Jim Norman, Thomas Scott (arrived at 10:16 a.m.), and Ronda Storms (arrived at 10:46 a.m.).

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

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, stated the Citizens Environmental Advisory Committee report was deleted from the agenda. He distributed an addendum requesting items added for storm-related issues and fine particulate monitoring in Apollo Beach and suggested those items be addressed after Item VI, Administration. **Commissioner Norman moved the changes, seconded by Commissioner Castor, and carried four to zero.** (Commissioner Frank was out of the room; Commissioners Scott and Storms had not arrived.)

CITIZENS COMMENTS

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

PROCLAMATIONS

Used Oil Recycling Day - Mr. Hooshang Boostani, Director, EPC Waste Management Division, said the proclamation would designate September 18, 2004, as Used Oil Recycling Day in Hillsborough County. On that day, the Florida Department of Environmental Protection (FDEP), the Tampa Bay Buccaneers, and Advance Auto Parts would facilitate receiving waste oil from County residents. Mr. Boostani recognized Hillsborough County Solid Waste Department for providing oil-recycling facilities. Chairman Platt read the proclamation, which was accepted by Messrs. Nate Johnson and James Ransom, Solid Waste Department, and Dr. Garrity.

Pollution Prevention Week - Mr. Boostani said the proclamation would designate the week of September 20-26, 2004, as Pollution Prevention Week in Hillsborough County, which was also proclaimed National Pollution Prevention Week. He reported EPC and the Public Works Department/stormwater section would set up displays in the County Center lobby that would include information on managing lawns without adversely affecting the environment. Chairman Platt read the proclamation, which was accepted by Mr. David Glicksberg, Public Works Department, and Mr. Gerry Javier, EPC staff.

THURSDAY, SEPTEMBER 9, 2004 - DRAFT MINUTES

CONSENT AGENDA

- A. Approval of minutes: July 22, 2004, and August 19, 2004.
- B. Legal Department monthly report.
- C. Pollution Recovery Fund.
- D. Gardinier Settlement Trust Fund.
- E. Request authority to take appropriate legal action against River Walk Mobile Home Park Limited. (Water Management Division)
- F. Ratify request to reclassify position.
- G. Authorize the Executive Director to execute Title V and Air Monitoring Contracts.

Commissioner Castor moved the Consent Agenda, seconded by Commissioner Norman, and carried five to zero. (Commissioners Scott and Storms had not arrived.) In reply to Commissioner Norman, EPC General Counsel Richard Tschantz, confirmed all parties were noticed.

EXECUTIVE DIRECTOR

Annual Report on the State of the Environment - Dr. Garrity utilized an overhead presentation to review the 2003 state of the environment report, as provided in background material, and highlighted the status of water quality, seagrass cover restoration, tidal streams, tributaries, and wetlands. Commissioner Norman noted maps comparing the 1950 and 1990 seagrass covers and questioned why more recent information was not provided. Dr. Garrity said the State provided that information and agreed to provide updated figures as they became available. Dr. Garrity reviewed the status of nitrogen loading, air quality, and reductions in mercury emissions.

ADMINISTRATION

Discussion of Executive Director's Evaluation and Contract Extension - Mr. Tom Koulianos, Director, EPC Finance and Administration, presented the results of the completed evaluations. The behaviors category was an average of 4.62, or 93 percent, and the accomplishment of goals was an average of 4.57, or 92 percent. Mr. Koulianos explained a 3.5 percent increase was included in fiscal year 2005. In response to Chairman Platt, Mr. Koulianos stated the contract expired July 2005, and the EPC Board had the option to extend the contract for three years, for a total of four years. He requested the increase be effective October 1, 2004. **Commissioner Scott moved the increase.**

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Following confirmation of the 3.5 percent increase, **Commissioner Scott moved that and, also, an extension of the contract--a three-year contract, seconded by Commissioner Frank.** In response to Mr. Koulianos, Chairman Scott confirmed that was in addition to the one year. **The motion carried six to zero.** (Commissioner Storms had not arrived.)

WATER MANAGEMENT DIVISION

Update on Storm-Related Issues - Wastewater Overflows/Cargill Fertilizer Incorporated (Cargill)/Miscellaneous - Mr. Chris Dunn, Director, EPC Water Management Division, utilized an overhead presentation to discuss wastewater overflows, as provided in background material, and said some pump stations were still affected by power outages. Chairman Platt suggested informing the public where those pump stations were located. Dr. Garrity would provide a list on the EPC website. Chairman Platt suggested broadcasting information on Hillsborough Television Channel 22, and Commissioner Castor suggested providing information to the Emergency Operations Center. Mr. Dunn discussed untreated discharge from wastewater treatment plants, effluent disposal pond discharges, monitoring impacts, and bacteriology sampling. Dr. Garrity noted water quality monitoring was occurring at the pump station areas.

Attorney Tschantz reviewed FDEP and EPC jurisdiction regarding Cargill. Mr. Dunn utilized an overhead presentation to review the breach of the Cargill phosphogypsum stack, as provided in background material, and commented on the primary causes of the breach, estimated discharge, efforts by Cargill to diminish impacts, various agencies conducting environmental monitoring, steps to be taken, immediate management system concerns, and emergency options to transfer water to the inactive stack and treat water for additional discharge. Mr. Dunn reviewed EPC recommendations regarding FDEP Chapter 62-672, Phosphogypsum Management Rules, and treatment and discharge when water levels reached the must-treat zone. Mr. Sam Elrabi, EPC staff, showed photographs of the phosphogypsum stack, breach area, discharge, holding swale, Archie Creek, and the bay, and described events and action taken.

Dr. Gerold Morrison, Director, EPC Environmental Resources Management (ERM) Division, discussed acidity testing for pH levels in Archie Creek and Hillsborough Bay. He noted the salinity of the bay buffered acidity and perceived the primary area of concern was the marsh system and nursery habitat. The National Oceanic and Atmospheric Administration was the lead agency for impact assessment, and State and local participants included FDEP, EPC, city of Tampa, and Cargill, who would be focusing on plant communities. Mote Marine Laboratory would document fish and shellfish mortality. Dr. Morrison said Mr. Richard M. Eckenrod, executive director, Tampa Bay Estuary

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Program, was available to discuss the potential long-term impacts from nutrient discharges to the bay.

Mr. Eckenrod stated in addition to concerns with the changes in pH was the amount of nitrogen loading, which impacted seagrasses. He referenced the Tampa Bay Estuary Program goal to reduce nitrogen loading for Hillsborough Bay by 6 tons per year in order to meet seagrass recovery targets. The spill was estimated at 93.5 tons, and the average discharge per year from all sources of pollution was 12 tons. He suggested requesting Cargill assist in the cost of a seagrass inventory in the late fall or early winter.

Mr. David Jellerson, environmental manager, Cargill, voiced commitment to repair damages and to evaluate and improve operations based on a full assessment. He discussed circumstances causing the breach, issues with closure during the storm, caustic added to discharge to minimize impacts, and attempts to secure additional caustic. He noted various agencies hired by Cargill to determine impacts and assist other regulatory agencies, and he anticipated providing a report following assessments.

Noting attendance and timing issues concerning the upcoming Executive Policy Group (EPG) meeting, Commissioner Norman moved to announce the EPG meeting would be moved from 1:00 p.m. to 1:30 p.m. The motion died for lack of a second. As the chairman of EPG, Commissioner Scott agreed to the change.

Mr. Jellerson responded to queries from Commissioner Frank regarding the phosphogypsum pond, wind velocity and wave issues, and whether there were other methods to address issues in the future. Commissioner Storms showed a video clip of the top of the stack, noting the wind velocity and proximity of the holding water to the edge of the stack, and voiced appreciation for Cargill commitment to address the issues.

In response to Commissioner Castor, Dr. Morrison explained concerns with pockets of acidic water in the marsh system. Attorney Tschantz and Dr. Garrity responded to queries from Commissioner Castor regarding FDEP regulations and enforcement, notice to Cargill on compliance issues and concerns expressed regarding water levels, and potential litigation. Attorney Tschantz agreed to research the possibility of addressing corrective action through development order terms and conditions for developments of regional impact. Dr. Garrity noted that was an item for discussion at the September 14, 2004, land use meeting. In reply to Commissioner Castor, Mr. Jellerson stated the development order for the phosphogypsum stack ran to 2047 and received operations would continue safely through that date.

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Commissioner Frank had questions regarding reservoir inspections. Mr. Anthony D'Aquila, EPC staff, introduced Ms. Heidi Swanson, EPC staff, who would review findings. Responding to Chairman Platt, Dr. Garrity confirmed the topic was anticipated as a miscellaneous stormwater-related issue. Commissioner Norman had further questions for Cargill. Chairman Platt cautioned discussion, because of potential lawsuits.

In response to Commissioner Norman, Dr. Garrity clarified Cargill had not ignored EPC. In response to Commissioner Storms, Mr. Dunn stated water level problems were identified in July 2004 and notices of noncompliance were issued early August 2004. Mr. Jellerson said rainfall during July and August added approximately 550 million gallons of water to the holding pond and noted normal Cargill operations were to prevent having to discharge water. Gypsum was added to increase the height of the dikes, but the width had not been increased.

Mr. Gray Gordon, Cargill, explained Cargill actions were not in opposition to FDEP but rather an attempt to not add nitrogen to the bay. Dr. Garrity clarified two courses of action could have been followed, one was to treat and discharge the water, and the other was to try to increase the storage; Cargill tried to increase the storage. In response to Commissioner Storms, Mr. Eckenrod confirmed current technology for treating water was not effective in removing nitrogen prior to discharge; reverse-osmosis procedures were necessary.

Chairman Platt voiced concerns with the emergency transfer to the vacant stack. Dr. Garrity explained FDEP issued authorization and noted liner installation. Mr. Jellerson confirmed the emergency consent order required the water to be removed in 180 days and that additional protections be installed to prevent seepage to the bay. (Resumed later in the meeting.)

COMMISSIONERS' REQUEST

Environmental Considerations - Canal and Access Dredging (Commissioners Castor and Norman) - Commissioner Norman moved to continue the item to the next meeting, seconded by Commissioner Castor, and carried six to zero. (Commissioner Scott was out of the room.)

WATER MANAGEMENT DIVISION - RESUMED

Update on Storm-Related Issues - Wastewater Overflows/Cargill Incorporated/Miscellaneous - RESUMED - Mr. D'Aquila offered comments regarding reservoir inspections. Ms. Swanson utilized a map to illustrate the reservoir, discussed control of south wall erosion and off-site turbidity,

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noted water in the northern section of the reservoir from rainfall, and perceived the reservoir fared well. In response to Commissioner Frank, Ms. Swanson discussed reservoir height and storage capacity. Mr. D'Aquila agreed to meet with Tampa Bay Water to reevaluate potential impacts of catastrophic events. He recalled engineering evaluations of the reservoir design, geotechnical aspects of the location, and performance in 110-miles-per-hour sustained winds with an 8.5-foot freeboard. He noted the reservoir had the capability for discharge and distributed a sample of the soil cement liner.

AIR MANAGEMENT DIVISION

Update - Ford Amphitheatre - Dr. Garrity suggested continuing the item. After voicing appreciation for staff efforts on the issue, noting the letter received, and stating staff could provide a report at the next meeting, **Commissioner Norman moved the item, seconded by Commissioner Storms, and carried five to zero.** (Commissioners Castor and Scott were out of the room.)

Fine Particulate Monitoring in Apollo Beach - Mr. Leroy Shelton, EPC staff, relayed a request from Save Our Bays and Canals (SOBAC) for a PM_{2.5} monitor at Apollo Beach for fine particulate monitoring, and distributed information, noting the photograph of the current PM₁₀ monitor stationed at the elementary school. He stated a spare monitor might be available from the Environmental Protection Agency (EPA) or FDEP, noted a grant was being written to request funding from EPA, and requested approval of the letters prepared for the Chairman to send to FDEP and EPA. **Commissioner Norman moved staff recommendation, seconded by Commissioner Frank, and carried six to zero.** (Commissioner Scott was out of the room.)

Commissioner Castor suggested flagging the issue for the Board of County Commissioners budget hearing scheduled that evening and noted \$100,000 might be available, since the County did not get the bid for the Atlantic Coast Conference football championship. She requested cost information be included. In response to Chairman Platt, **Commissioner Castor confirmed that was a motion to flag it.** Commissioner Norman requested that money not be targeted; Commissioner Castor agreed. **Commissioner Norman seconded the motion, which carried six to zero.** (Commissioner Scott was out of the room.)

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There being no further business, the meeting was adjourned at 11:49 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

lm

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
SEPTEMBER

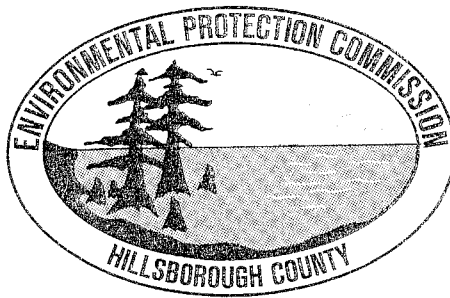
A.	Public Outreach/Education Assistance:	
	1. Phone Calls:	<u>187</u>
	2. Literature Distributed:	<u>10</u>
	3. Presentations:	<u>0</u>
	4. Media Contacts:	<u>5</u>
	5. Internet:	<u>69</u>
	6. Host/Sponsor Workshops, Meetings, Special Events	<u>0</u>
B.	Industrial Air Pollution Permitting	
	1. Permit Applications Received (Counted by Number of Fees Received):	
	a. Operating:	<u>1</u>
	b. Construction:	<u>2</u>
	c. Amendments:	<u>1</u>
	d. Transfers/Extensions:	<u>2</u>
	e. General:	<u>0</u>
	f. Title V:	<u>2</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>10</u>
	b. Construction ¹ :	<u>4</u>
	c. Amendments ¹ :	<u>0</u>
	d. Transfers/Extensions ¹ :	<u>0</u>
	e. Title V Operating ² :	<u>14</u>
	f. Permit Determinations ² :	<u>1</u>
	g. General:	<u>2</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>6</u>
	b. Active:	<u>19</u>
	c. Legal:	<u>4</u>
	d. Tracking compliance (Administrative):	<u>31</u>
	e. Inactive/Referred cases:	<u>0</u>
	Total	<u>60</u>
	3. NOIs issued:	<u>4</u>
	4. Citations issued:	<u>1</u>
	5. Consent Orders Signed:	<u>2</u>
	6. Contributions to the Pollution Recovery Fund: <u>\$11,566.67</u>	
	7. Cases Closed:	<u>1</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>7</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>10</u>
E.	Open Burning Permits Issued:	<u>3</u>
F.	Number of Division of Forestry Permits Monitored:	<u>106</u>
G.	Total Citizen Complaints Received:	<u>36</u>
H.	Total Citizen Complaints Closed:	<u>25</u>
I.	Noise Sources Monitored:	<u>10</u>
J.	Air Program's Input to Development Regional Impacts:	<u>10</u>
K.	Test Reports Reviewed:	<u>102</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>16</u>
2.	Warning Notices Resolved:	<u>5</u>
3.	Advisory Letters Issued:	<u>15</u>
M.	AOR's Reviewed:	<u>17</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>4</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
SEPTEMBER

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -0-
(b) all others	<u>\$ -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ -0-
(b) class A2 facility - 5 year permit	<u>\$ -0-</u>
(c) class A1 facility - 5 year permit	<u>\$ -0-</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$ 80.00</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>\$ 600.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ -0-</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>\$1,740.00</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>\$2,200.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 500.00</u>
8. Open burning authorization	<u>\$ 400.00</u>
9. Enforcement Costs	<u>\$2,789.44</u>

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



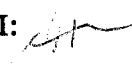
Administrative Offices,
 Legal & Water Management Division
 The Roger P. Stewart Environmental Center
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 Air Management Fax 272-5605
 Waste Management Fax 276-2256
 Wetlands Management Fax 272-7144
 1410 N. 21st Street • Tampa, FL 33605

Executive Director
 Richard D. Garrity, Ph.D.

M E M O R A N D U M

DATE: October 7, 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 AUGUST & SEPTEMBER 2004
 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

	AUGUST	SEPTEMBER
1. New cases received	2	1
2. On-going administrative cases	102	103
a. Pending	12	13
b. Active	64	64
c. Legal	5	5
d. Tracking Compliance (Administrative)	21	21
e. Inactive/Referred cases	0	0
3. NOI's issued	1	0
4. Citations issued	0	0
5. Settlement Documents Signed	0	4
6. Civil Contributions to the Pollution Recovery Fund	\$250	\$11,970
7. Enforcement Costs collected	\$0	\$3,416
9. Cases Closed	3	4

B. SOLID AND HAZARDOUS WASTE

	AUGUST	SEPTEMBER
1. Permits (received/reviewed)	1/0	4/3
2. EPC Authorization for Facilities NOT requiring DEP permit	2/1	0/2
3. Other Permits and Reports		
a. County Permits	5/4	5/5
b. Reports	30/37	48/30
4. Inspections (Total)	210	204
a. Complaints	41	25
b. Compliance/Reinspections	15	22
c. Facility Compliance	25	39
d. Small Quantity Generator	128	117
e. P2 Audits	1	1
5. Enforcement		
a. Complaints Received/Closed	41/32	36/25
b. Warning Notices Issued/Closed	1/1	4/4
c. Compliance letters	19	29
d. Letters of Agreement	0	0
e. DEP Referrals	8	3
6. Pamphlets, Rules and Material Distributed	308	135

C. STORAGE TANK COMPLIANCE

	AUGUST	SEPTEMBER
1. Inspections		
a. Compliance	74	93
b. Installation	15	18
c. Closure	4	7
d. Compliance Re-Inspections	6	27
2. Installation Plans Received/Reviewed	11/8	7/9
3. Closure Plans & Reports		
a. Closure Plans Received/ Reviewed	3/2	7/8
b. Closure Reports Received/Reviewed	7/2	9/18
4. Enforcement		
a. Non-compliance Letters Issued/Closed	37/1	52/31
b. Warning Notices Issued/Closed	1/3	7/3
c. Cases referred to Enforcement	2	1
d. Complaints Received/Investigated	2/2	5/5
e. Complaints Referred	0	0
5. Discharge Reporting Forms Received	1	1
6. Incident Notification Forms Received	5	12
7. Cleanup Notification Letters Issued	5	20
8. Public Assistance	200+	200+

D. STORAGE TANK CLEANUP

	AUGUST	SEPTEMBER
1. Inspections	13	25
2. Reports Received/Reviewed	79/102	90/93
a. Site Assessment	20/33	24/21
b. Source Removal	3/3	2/2
c. Remedial Action Plans (RAP's)	19/22	18/19
d. Site Rehabilitation Completion Order/ No Further Action Order	4/5	2/7
e. Others	33/39	44/44
3. State Cleanup		
a. Active Sites	NO LONGER ADMINISTERED	
b. Funds Dispersed		

E. RECORD REVIEWS

31 - August 13 - September

F. PUBLIC INFORMATION PROJECTS

August

- K. Boatwright, Interview by Tampa Tribune
- S. McGinnis, Interview by Tampa Tribune

September

- S. McGinnis, Presenter at METRA-West Workshop

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

A. ENFORCEMENT

1. New Enforcement Cases Received:		3
2. Enforcement Cases Closed:		2
3. Enforcement Cases Outstanding:		56
4. Enforcement Documents Issued:		3
5. Recovered costs to the General Fund:	\$2,645.00	
6. Contributions to the Pollution Recovery Fund:	\$18,600.00	
<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Hillsborough I-75 Rest Area	Improper operation/Failure to maintain/Violation of permit conditions	\$16,200.00
b. Enterprise Rent-A-Car	Unpermitted discharge	\$2,400.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:		28
a. Facility Permit:		3
(i) Types I and II		1
(ii) Types III		2
b. Collection Systems-General		15
c. Collection Systems-Dry Line/Wet Line:		7
d. Residuals Disposal:		0
2. Permit Applications Approved:		30
a. Facility Permit:		4
b. Collection Systems-General:		16
c. Collection Systems-Dry Line/Wet Line:		10
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:	43
a. Facility Permit:	15
b. Collection Systems-General:	28
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
7. Permit Determination:	3
8. Special Project Reviews:	0
a. ARs:	0
b. Reuse:	0
c. Residuals/AUPs:	0
d. Others:	0
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation:	6
a. Inspection (CEI):	2
b. Sampling Inspection (CSI):	3
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	1
2. Reconnaissance:	110
a. Inspection (RI):	71
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	38
d. Enforcement Inspection (ERI):	1
3. Engineering Inspections:	30
a. Reconnaissance Inspection (RI):	10
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	0
d. Preconstruction Inspection (PCI):	5
e. Post Construction Inspection (XCI):	15
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	0
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	
1. Permit Applications Received:	2
a. Facility Permit:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	1
(iii) Type III w/o Groundwater Monitoring:	1
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:	3
3. Special:	3
a. Facility Permits:	3
b. General Permits:	0
4. Permitting Determination:	0
5. Special Project Reviews:	43
a. ARs:	0
b. Phosphate DMRs:	0
c. Phosphate:	17
d. Industrial Wastewater:	10
e. Others:	16
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation:	3
a. Inspection (CEI):	3
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	23
a. Inspection (RI):	15
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	8
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	9
a. Compliance Evaluation (CEI):	9
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:	41
(i) Received:	26
(ii) Closed:	15
b. Industrial:	4
(i) Received:	4
(ii) Closed:	0
2. Warning Notices:	
a. Domestic:	7
(i) Received:	3
(ii) Closed:	4
b. Industrial:	4
(i) Received:	3
(ii) Closed:	1
3. Non-Compliance Advisory Letters:	43
4. Environmental Compliance Reviews:	146
a. Industrial:	38
b. Domestic:	108
5. Special Project Reviews:	1
a. ARs:	0
b. Others: Cargill Related	1

G. RECORD REVIEWS

1. Permitting:	4
2. Enforcement:	2

H. ENVIRONMENTAL SAMPLES ANALYZED FOR:

1. Air Division:	56
2. Waste Division:	0
3. Water Division:	11
4. Wetlands Division:	0
5. ERM Division:	144

I. SPECIAL PROJECT REVIEWS:

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

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

	Totals
A. General	
1. Telephone Conferences	836
2. Unscheduled Citizen Assistance	72
3. Scheduled Meetings	260
4. Correspondence	45
B. Assessment Reviews	
1. Wetland Delineations	42
2. Surveys	35
3. Miscellaneous Activities in Wetland	48
4. Impact/ Mitigation Proposal	29
5. Tampa Port Authority Permit Applications	46
6. Wastewater Treatment Plants (FDEP)	1
7. DRI Annual Report	3
8. Land Alteration/Landscaping	0
9. Land Excavation	1
10. Phosphate Mining	1
11. Rezoning Reviews	29
12. CPA	7
13. Site Development	63
14. Subdivision	98
15. Wetland Setback Encroachment	6
16. Easement/Access-Vacating	0
17. Pre-Applications	32
18. On-Site Visits	186
C. Investigation and Compliance	
1. Complaints Received	40
2. Complaints Closed	46
3. Warning Notices Issued	17
4. Warning Notices Closed	16
5. Complaint Inspections	69
6. Return Compliance Inspections	49
7. Mitigation Monitoring Reports	15
8. Mitigation Compliance Inspections	27
9. Erosion Control Inspections	42
D. Enforcement	
1. Active Cases	47
2. Legal Cases	2
3. Number of "Notice of Pending Enforcement"	0
4. Number of Citations Issued	0
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	\$900.00
9. Enforcement Costs Collected	\$50.00

EPC LEGAL DEPARTMENT MONTHLY REPORT
October 2004

A. ADMINISTRATIVE CASES

NEW CASES [2]

IMC Phosphates, Inc. v. EPC [LIMC04-007]: IMC Phosphates timely requested two extensions 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 a second Order Granting the Request for Extension of Time until September 13, 2004 to file the appeal. On September 10, 2004, IMC Phosphates filed its appeal and the matter has been referred to the Hearing Officer and the case is progressing forward. (AZ)

Sunset Isle, Ltd. [LEPC04-024]: On September 22, 2004, a property owner filed an appeal challenging a wetland delineation determination made by EPC staff. The matter is currently being negotiated for possible settlement without a hearing. (AZ)

EXISTING CASES [4]

FIBA/Bridge Realty [LBRI95-162]: EPC issued a citation to the owner, Bridge Realty and former tenant FIBA Corp., for various unlawful waste management practices. It was ordered that a contamination assessment must be conducted, a report submitted and contaminated material appropriately handled. Bridge Realty and FIBA appealed. Bridge Realty initiated a limited assessment and staff requested additional information only a portion of which was delivered. However, an alternate remedial plan was approved and staff is reviewing the final report. (RT)

Cone Constructors, Inc. [LCONB99-006]: (*See related case under Civil Cases*). Citation for Noise Rule violations during the construction of the Suncoast Parkway was appealed. On September 14, 2000, Mr. Cone signed a Settlement Letter to resolve this case. In addition to prohibiting Mr. Cone from conducting night time operation of heavy duty rock hauling, the Settlement Letter provided for payment of \$1,074.00 as reimbursement for costs and expenses associated with the investigation and resolution of this matter. To date, Mr. Cone has not paid the agreed upon amount. Options for collection of the agreed upon amount are being investigated. (RT)

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 re-scheduled for~~ was conducted on September 22, 2004 to discuss the case. The case is progressing through discovery and the final hearing has been scheduled for January 17, 2005. (AZ)

RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [1]

River Walk MHP, Ltd. [LEPC04-023]: The EPC Board voted on September 9, 2004, to grant authorization to take any legal action necessary against River Walk Mobile Home Park, Ltd., including but not limited to a civil suit and the authority to settle the matter without further Board Action. The MHP located in Gibsonton has, among other violations at its wastewater treatment and disposal facility, discharged effluent from its disposal system to a tidal stream and/or a storm drain, failed to properly operate and maintain the disposal system, failed to install filters in a timely fashion, failed to provide adequate chlorine contact time, and violated other permit conditions. The EPC will seek a negotiated settlement and, if not reached shortly, file a complaint in the Circuit Court. (RM)

EXISTING CASES [15]

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)

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)

Kovacs Geza, Inc. [LEPC04-019]: Authority was granted on August 2004 to take appropriate action against Geza Kovacs and Kovacs Geza, Inc. for failing to comply with the terms of a previously issued Consent Order that required that unauthorized accumulation of solid waste be removed and disposed at a properly permitted facility. Staff is currently drafting a complaint. (AZ)

Gittens, Darius and Geraldine Oliveras [LEPC04-020]: Authority was granted on August 2004 to take appropriate action against Darius Gittens and Geraldine Oliveras for failing to comply with the terms of a previously issued Citation that required that unauthorized accumulation of solid waste be removed and disposed at a properly permitted facility. Staff is currently drafting a complaint. (AZ)

RESOLVED CASES [1]

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~~ negotiated a settlement in the form of a consent final judgment which was approved by the Court on September 22, 2004. The matter is being closed. (AZ)

C. OTHER OPEN CASES [5]

The following is a list of cases assigned to EPC Legal that are not in 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.

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. The EPC has granted additional time, until October 5, 2004, to file for an administrative hearing. The matter was resolved on October 4, 2004, when the applicant withdrew the initial application and filed a new application. (RM)

Motiva Enterprises LLC vs. EPC [LEPC04-017]: Motiva Enterprises, upon review of the Draft Air Construction Permit and the Draft Permit for Renewal of a Title V Operation Air Permit, has filed a timely request for extension of time to prepare comments and discuss permitting issues with EPC. The EPC has granted additional time, until September 22, 2004, to file for an administrative hearing. (RT)

Tri-City Steel Services of Florida, Inc. [LEPC04-018]: Tri-City Steel Services of Florida, Inc. timely requested an extension of time to file an appeal challenging the Executive Director's Citation dated August 18, 2004 regarding activities that may have the potential for contamination of the soil and/or groundwater. The EPC has granted additional time, until October 18, 2004, to file notice of an appeal. (AZ)

James Hardie Building Products, Inc. [LEPC04-021]: James Hardie Building Products, Inc. has filed a timely request for an extension of time to complete its analysis of proposed permit conditions and preserve their right to file an appeal. The EPC has granted additional time, until September 27, 2004, to file notice of an appeal. (RT)

CC Entertainment Music – Tampa, LLC and **Florida State Fair Authority** [LEPC04-022]: A Citation was filed on August 27, 2004 for violations of EPC's Noise rule Ch.1-10 regarding the Ford Amphitheater. Clear Channel and the Fair Authority timely filed a request for extension of time in which to file and appeal. A second request was filed on October 7, 2004 in order to continue settlement discussions. If settlement is not reached, an appeal challenging the Citation must be filed by October 18, 2004.

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



Administrative Offices,
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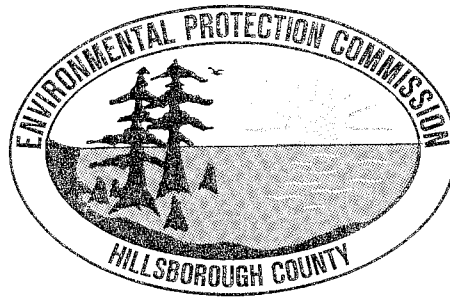
Air Management Fax 272-5605
 Waste Management Fax 276-2256
 Wetlands Management Fax 272-7144
 1410 N. 21st Street • Tampa, FL 33605

Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 POLLUTION RECOVERY TRUST FUND
 AS OF SEPTEMBER 30, 2004

Fund Balance as of 10/01/03	\$1,739,770
Interest Accrued	35,575
Deposits FY04	536,470
Disbursements FY04	564,751
 Fund Balance	 \$1,747,064
Encumbrances Against Fund Balance:	
Artificial Reef	1,109
(66) Asbestos Abatement	4,486
(73) Balm Road Scrub	- 0 -
(84b) Cockroach Bay Aerial Photos	3,392
(90) Upper Tampa Bay Trail	- 0 -
(91) Alafia River Basin	25,233
(92) Brazilian Pepper	26,717
(93) Rivercrest Park	15,000
(95) COT Stormwater Improvement	37,800
(96) H.C. Parks/River Civic Center	- 0 -
(97) COT Parks Dept/Cypress Point	100,000
(99) Seagrass Restoration Cockroach Bay	58,020
(100) Agriculture Pesticide Collection	8,115
(101) Pollution Prevention Program	46,444
Old Landfills/Coronet	20,174
Palm River Habitat	200,000
Riverview Library	10,000
Simmons Park	60,000
Adopt A Shoreline	10,416
Bahia Beach Restoration	150,000
State of the River/Greenways	8,200
Stormwater Mgmt/Florida Aquarium	30,000
Water Drop Patch/Girl Scouts	7,350
Tampa Shoreline Restoration	30,000
 Total of Encumbrances	 852,456
Minimum Balance (Reserve)	120,000 *
 Fund Balance Available September 30, 2004	 \$ 774,608

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Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF SEPTEMBER 30, 2004

Fund Balance as of 10/01/03	\$1,239,034
Interest Accrued	20,133
Disbursements FY04	437,000
Fund Balance	\$ 822,167

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 Mgmt/Apollo Beach Restoration	35,000
Tampa Bay Scallop Restoration	127,900
SP611 COT Stormwater Improvements	- 0 -
SP612 Riverview Civic Center	120,000
SP615 Little Manatee River Restoration	50,000
SP616 Manatee Protection Areas	2,246
SP614 Manatee & Seagrass Protection	11,200
Fantasy Island	20,000
E.G. Simmons Park	43,200
Cockroach Bay ELAPP Restoration	209,904
Total of Encumbrances	822,167

Fund Balance Available	September 30, 2004	\$ - 0 -
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EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 21, 2004

Subject: Air Monitor in Apollo Beach PRF Application

Consent Agenda X **Regular Agenda** **Public Hearing**

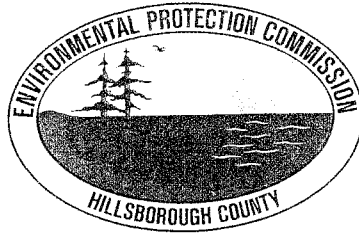
Division: Air Management

Recommendation: Approve the PRF application as recommended by CEAC to procure the air monitor for \$14,000 for Apollo Beach.

Brief Summary: At the September 9, 2004 EPC Meeting, the Board made a recommendation to the County Administrator to set aside funds to operate a fine particulate monitor in Apollo Beach, but directed EPC to attempt to find funding elsewhere for the procurement of this monitor. On September 10, 2004, the EPC Chairman signed correspondence to FDEP and EPA requesting the loan of a monitor. Also, on September 10, 2004, EPC submitted a grant application to EPA to fund a fine particulate monitor in Apollo Beach. DEP and EPA have both indicate unofficially that they do not have the type of monitor requested to loan. Also, EPA has unofficially indicated that EPC's grant application has been turned down. EPC submitted a PRF application September 24, 2004, and briefed the CEAC October 4, 2004, on the request. The CEAC voted to approve the procurement of the monitor.

Background: The citizen's of Apollo Beach believe that the Tampa Electric power plant at Big Bend is adversely affecting their health and degrading the quality of life in their community. They have asked EPC to monitor for fine particulates in their community and to speciate the monitor's filters to determine where the pollution might be coming from. EPC is willing to perform the monitoring, however, EPC does not have a spare fine particulate monitor or the funds required to analyze the filters. EPC has sought to obtain a monitor from both the Florida DEP and the EPA, but neither has the type of monitor required. EPC has also submitted a grant application to EPA for the funds required to procure and operate a fine particulate monitor, but has been turned down. EPC also approached the County for funding to procure and operate the monitor, but the County chose to set aside the operating funds until EPC has exhausted other avenues of funding. Finally, EPC submitted a PRF application to CEAC for the funds to procure the monitor and CEAC approved the request. Our recommendation is that the PRF application be approved as recommended by the CEAC to procure the monitor for \$14,000.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 21, 2004

Subject: Water Division Emergency Response Protocol (Sanitary Sewer Overflows)

Consent Agenda **Regular Agenda** **Public Hearing**

Division: Water Management

Recommendation:

Implement an emergency response protocol, to be ready for the 2005 hurricane season, that will provide timely information to the Commission, the Emergency Operations Center, and the public related to sanitary sewer overflows.

Brief Summary:

The State of Florida was impacted by four hurricanes during the 2004 hurricane season. These impacts occurred in the span of approximately six weeks. Two of these storms caused wide spread power outages and heavy rainfall in Hillsborough County. As a result, many of the sewage pumping stations and private wastewater treatment facilities in the county overflowed, releasing untreated and partially treated sewage into the environment. The release of untreated and partially treated sewage poses a threat to the environment and public health. As a result of the recent storms, the Water Management Division has identified a need to establish an emergency response protocol to assess damage and threats caused by failed pumping stations and private wastewater treatment facilities. The Water Management Division will develop a disaster response protocol by May 2005.

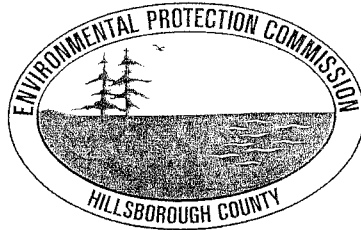
Background:

In Hillsborough County there are several hundred sewage pump station owned and operated by one of the incorporated municipalities or Hillsborough County. Also, there are several hundred privately owned pump stations and wastewater treatment facilities within Hillsborough County. The pump stations transfer untreated sewage from homes and business to a wastewater facility for treatment and disposal.

Both pump stations and wastewater facilities are dependent on electricity to operate. Although many of the larger pump stations and wastewater facilities are equipped with auxiliary power, the majority of these facilities are not equipped with auxiliary power. Prolonged power outages as a result of an emergency have the potential to cause both environmental and public health impacts. These impacts are exacerbated when flood waters are present.

The EPC's experience with the recent storm events has pointed to a need to assess the condition of pump stations and wastewater facilities immediately following an emergency. The EPC's expertise and resources can assist disaster managers with meaningful information about the environmental and health impacts that overflowing pump stations and wastewater facilities are having on the community. In order to effectively coordinate our efforts with other agencies, it is necessary for the EPC to develop a set of emergency response procedures. The EPC will develop a response plan and exercise the plan by the beginning of the 2005 hurricane season. Components of the plan will include:

1. Better lines of communication with the municipalities and Hillsborough County
2. Coordinate with the EOC to determine power outages and prioritize damage assessment for pump stations
3. Coordination with owners and operators of private treatment facilities to prioritize damage assessments
4. Monitor surface waters that may have been significantly impacted by untreated sewage
5. Coordinate through the EOC and Health Department to provide public notification for situations that may have a significant impact on public health.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 21, 2004

Subject: Request for a public hearing to approve amendments to Chp. 1-5 (Water Quality), Rules of the EPC

Consent Agenda **Regular Agenda** X **Public Hearing**

Division: Legal Department

Recommendation:

Approve holding a public hearing at the EPC Board Meeting of November 10, 2004, to consider approval of amendments to Chapter 1-5, Rules of the EPC (Water Quality)

Brief Summary:

Pursuant to the EPC Act, the EPC Board must hold a noticed public hearing to approve a rule. The EPC staff is requesting that the Board approve holding a water quality rule amendment public hearing at its next regularly scheduled meeting on November 10, 2004.

Background:

Pursuant to the Hillsborough County Environmental Protection Act (EPC Act) Section 5.2, the EPC Board must hold a noticed public hearing to approve a rule or rule amendment. The EPC staff is requesting that the Board approve holding a rule amendment public hearing at its next regularly scheduled meeting on November 10, 2004.

As discussed with the EPC Board in previous meetings, the EPC is amending most of its rules to update them and make them more technically sound. The EPC staff is continuing a rigorous internal review and amendment process for its water quality rule (Chapter 1-5, Rules of the EPC). The staff is proposing to amend Ch. 1-5 by deleting older provisions and adopting up-to-date state water quality standards. The proposed rule is attached and will be fully discussed at the November EPC Board meeting. The staff has issued extensive notices of the rule amendment process, is holding a workshop on October 19, 2004, and a CEAC briefing on November 1, 2004. The draft amendment is still subject to changes upon receipt of public comment. The intent is to provide the regulated community with more consistency with State standards and to adopt the newest water quality standards already used by the DEP and EPC staff in other matters.

List of Attachments: Draft amended Chp. 1-5

**RULES OF THE
—ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-5
WATER POLLUTION
QUALITY STANDARDS**

Part I General

- 1-5.01 Declaration and Intent
- 1-5.011 Definitions

Part II Water Quality

- 1-5.02 Minimum Conditions of all Waters;
 Times and Places
- 1-5.03 General Water Quality
- 1-5.04 Water Quality Standards, Specifies

Part III Earthen Dams

- ~~1-5.05~~ ~~Classification of Waters, Usage~~
- ~~1-5.06~~ ~~Criteria: Class I Waters — Public
 Water Supply~~
- ~~1-5.07~~ ~~Criteria: Class II Waters — Shellfish
 Harvesting~~
- ~~1-5.08~~ ~~Criteria: Class III Waters —
 Recreation Propagation and
 Management of Fish and Wildlife~~
- ~~1-5.09~~ ~~Criteria: Class IV Waters —
 Agricultural and Industrial Water
 Supply~~
- ~~1-5.10~~ ~~Criteria: Class V Waters —
 Navigation, Utility and Industrial
 Use~~
- 1-5.105 Earthen Dams — Minimum Standards

Part IV Permits

- 1-5.06 Permits

Part I GENERAL

1-5.01 DECLARATION AND INTENT

The Hillsborough County Environmental Protection Commission of Hillsborough County ("Commission"), in order to more properly protect the waters of Hillsborough County, declares that the presence of pollutants in excess of concentrations, standards, or criteria hereinafter provided is harmful to the waters of

this county and the presence of pollution is deemed to be prima facie evidence of pollution of the waters of Hillsborough County and the same is expressly prohibited. In lieu of maintaining its own criteria, the Commission adopts the State of Florida's water quality criteria, as detailed in 1-5.04, and finds that the criteria have been established through rigorous testing, review, and analysis by the Department of Environmental Protection and US Environmental Protection Agency. Where any standard or criteria for one pollutant or constituent conflicts in this rule, the more stringent shall apply.

Section Amended 11/10/04

1-5.011 DEFINITIONS

In construing the Hillsborough County Environmental Protection Commission Act, as amended, and the Rules of the Hillsborough County Environmental Protection Commission of Hillsborough County, the following words and phrases shall have the following meanings unless some other meaning is clearly indicated within the content of this chapter:

1. "Waters of Hillsborough County" shall consist of ~~the waters and the physical features which, regularly or intermittently, contain the waters and shall include, but not be limited to, bays, rivers, streams, lakes, ponds, swamps, springs, impoundments and all other waters or bodies of water, including fresh, brackish or saline, tidal or intermittent, surface or under-~~ ground, which are located, either entirely or partially, within the geographic boundaries of Hillsborough County waters, both surface and underground, which are located either entirely or partially within the geographic boundaries of Hillsborough County, and also the physical features which regularly or seasonally contain water by inundation or saturation of surface or groundwater in years of normal water conditions. Waters of Hillsborough County include but are not limited to the water and containing physical features of bays, rivers, streams, lakes, ponds, swamps, springs, impoundments and other waters whether naturally or artificially created and whether

fresh, brackish, saline or tidal.

2. "Department" shall mean the Florida Department of Environmental Protection.

3. "Groundwater" shall mean water beneath the surface of the ground within a zone of saturation, whether or not flowing through known and definite channels.

4. "Surface water" shall mean water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

Section Amended 11/10/04

Part II WATER QUALITY

1-5.02 —MINIMUM CONDITIONS OF ALL WATERS; TIMES AND PLACES:

The following minimum conditions are applicable to all waters, at all places and at all times. Within the limits of this county all such waters shall be free from:

1. Settleable Substances - substances attributable to municipal, industrial, agricultural, or other discharges that will settle to form putrescent or otherwise objectionable sludge deposits.

2. Floating Substances - floating debris, oil, scum, and other floating materials attributable to municipal, industrial, agricultural, or other discharge in amounts sufficient to be unsightly or deleterious.

3. Deleterious Substances - materials attributable to municipal, industrial, agricultural, or other discharges producing color, odor, or other conditions in such degree as to create a nuisance.

4. Toxic Substances - substances attributable to municipal, industrial, agricultural or other discharges in concentrations or combinations which are toxic or harmful to humans, animal, plant or aquatic life.

1-5.03 GENERAL WATER QUALITY

~~1. Sewage, Industrial Wastes or Other Wastes - Any industrial wastes or other wastes shall be effectively treated by the latest modern technological advances to comply with permit conditions and this rule's established criteria and standards.~~

~~2. Chemical Constituents and Compounds - Presence of certain other elements, organic and inorganic compounds are recognized to affect water quality and aquatic life. These substances often occur naturally in streams or lakes and may be difficult to measure accurately and their effects are usually indirect or accentuated when found in combination with substances or conditions listed in the established criteria.~~

~~3. When any of the constituents listed below occur in any amounts in any individual body of water, they shall be suspected of degrading the quality of the particular lake or stream. As improvement in analytical technique dictate, exact numerical threshold criteria may be established, but the same shall not be limited to the following:~~

- ~~— Sulfate — Free Mineral Acids~~
- ~~— Sulfides — Nitrates~~
- ~~— Nickel — Phosphates~~
- ~~— Aluminum — Potassium~~

Section Amended 11/10/04

1-5.04 WATER QUALITY STANDARDS; SPECIFICS

~~1. The criteria of water quality hereinafter provided will be applied only after reasonable opportunity for mixture of wastes with receiving waters has been afforded; the reasonableness of the opportunity for mixture of wastes and receiving waters shall be determined on the basis of the physical characteristics of the receiving waters and the method in which the discharge is physically made shall be approved by the regulatory agency.~~ COMPLIANCE. An action or omission that causes any Waters of Hillsborough County to fail to comply with any standard or criteria in this chapter shall be a violation of the Hillsborough County Environmental Protection Commission Act and rules.

2. CLASSIFICATIONS. The surface waters of Hillsborough County are classified by

the Department according to their usage as follows:

a. Class I - Public Water Supplies: any waters from which water is withdrawn for treatment and distribution as a potable supply.

b. Class II - Shellfish Harvesting: waters in areas to be utilized for shellfish harvesting.

c. Class III - Recreation - Propagation and Management of Fish and Wildlife: waters to be used for recreational purposes, including such body contact activities as swimming and water skiing; and for the maintenance of a well-balanced fish and wildlife population.

d. Class IV - Agricultural and Industrial Water Supply: waters to be used for agricultural or stock watering, or industrial water supply.

e. Class V - Navigation, Utility and Industrial Use: waters which will be suitable for navigation and any other uses except for waters previously classified above.

23. SURFACE WATER QUALITY STANDARDS. The following surface water quality standards, classifications, definitions, and criteria established or adopted in Sections 62-4.242, 62-4.243, 62-4.244, 62-302.200, 62-302.300, 62-302.400, 62-302.500, 62-302.520, 62-302.530 (including the .530 Table), 62-302.700, and 62-302.800 Florida Administrative Code as amended on July 19, 2004 (62-302) and May 1, 2003 (62-4) shall apply to all surface waters of Hillsborough County and are adopted and incorporated herein. ~~be the criteria for pollution when concentrations exceed the following limitations:~~

4. GROUNDWATER QUALITY STANDARDS. The groundwater quality standards, groundwater classifications, and criteria established or adopted in Sections 62-520.400, 62-520.410, 62-520.420, 62-520.430, and 62-520.440, F.A.C. as amended on December 9, 1996 shall apply to all groundwaters of Hillsborough County and are adopted and incorporated herein.

Section Amended 11/10/04

~~a. Fluorides shall not exceed 1.4 to~~

~~1.6 mg. per liter (mg/l) as fluoride ion, depending on annual average daily air temperature for at least a five-year period for sources of Class I public water supplies measured immediately above or adjacent to raw water intake.~~

~~b. Fluorides for waters not used for public water supplies, shall not exceed 10.0 mg/l as fluoride ion.~~

~~c. Chlorides chlorides shall not exceed two hundred fifty (250) mg/l in streams considered to be fresh water streams; in other waters of brackish or saline nature, the chloride content shall not be increased more than ten per cent (10%) above normal background chloride content.~~

~~d. Turbidity shall not exceed fifty (50) Jackson Units as related to standard candle turbidimeter above background.~~

~~e. Dissolved Oxygen shall not be artificially depressed below the values of four (4.0) parts per million (ppm) or seventy per cent (70%) saturation (unless background information available to the regulatory agency indicates prior existence under unpolluted conditions of lower values). In such cases, lower limits may be utilized after approval by the regulatory authority.~~

~~f. BOD shall not be altered to exceed values which would cause dissolved oxygen to be depressed below the limit listed above and, in no case, shall it be great enough to produce nuisance conditions.~~

~~g. Temperature shall be less than ten per cent (10%) increase of prevailing background temperature after reasonable mixing with a 93° F temperature maximum, providing that such limitations will not apply to the use of such waters for bathing or other body contact activities unless the regulatory agency shall find that such use is damaging to such waters or to the aquatic life therein, except when the ambient water temperature exceeds 88° F, cooling water discharged shall be returned at a temperature not more than 5° F above or exceeding ambient temperature. Ambient is defined as meaning the condition which exists throughout the portion of the body of water which could be affected, prior to the introduction of cooling water into said body of water. In the event the 10% increase of prevailing background temperature would permit~~

a higher rise than the 5° F above an ambient temperature of 88° F, the smaller of the two possible increases shall govern, up to 93° F.

h. Dissolved Solids not to exceed five hundred (500) mg. per liter as a monthly average or exceed one thousand (1,000) mg. per liter at any time.

i. Specific Conductance shall not be increased more than one hundred per cent (100%) above background levels or to a maximum level of 500 micromhos per centimeter (cm) for streams considered to be fresh water streams.

j. Radioactive Substances. Gross Beta Activity (in known absence of strontium 90 and alpha emitters), not to exceed one thousand (1,000) picocuries at any time.

k. Cyanide or Cyanates none detectable.

l. Copper shall not exceed 0.5 mg/l.

m. Zinc shall not exceed 1.0 mg/l.

n. Chromium shall not exceed 0.50 mg/l hexavalent or 1.0 mg/l total chromium in effluent discharge and shall not exceed 0.05 mg/l after reasonable mixing in the receiving stream.

o. Phenol shall not exceed 0.001 mg/l.

p. Lead shall not exceed 0.05 mg/l.

q. Iron shall not exceed 0.30 mg/l.

r. Arsenic shall not exceed 0.05 mg/l.

s. Oils and Greases shall not exceed fifteen (15) mg/l.

t. pH of receiving waters shall not be caused to vary more than one (1.0) unit above or below normal pH of the waters; and lower value shall not be less than six (6.0) and upper value not more than eight and one half (8.5). In cases where pH may be, due to natural background or causes, outside limits stated above, approval of the regulatory agency shall be secured prior to introducing such material in waters of the county.

u. Detergents shall not exceed one-half (0.5) mg/l.

3. Exceptions

a. in cognizance of the fact that certain waters of the state may not fall within desired or prescribed limitations outlined above,

the board is empowered to authorize exceptions to limitations upon presentation of good and sufficient evidence. In no case shall it be lawful to authorize deposition or introduction of materials in waters of the county which will cause material harm or damage to said waters.

b. the filling with sand, dirt, or other non-toxic or hazardous material or the excavating of artificially created ponds or impoundment's used for normal farming, silviculture and ranching activities shall not be considered water pollution.

~~1-5.05 CLASSIFICATION OF WATERS, USAGE~~

The waters of Hillsborough County are classified by the Florida Department of Environmental

Protection according to their usage as follows:

Class I Public Water Supplies

Class II Shellfish Harvesting

Class III Recreation Propagation and Management of Fish and Wildlife

Class IV Agricultural and Industrial Water Supply

Class V Navigation, Utility and Industrial Use.

~~1-5.06 CRITERIA: CLASS I WATERS - PUBLIC WATER SAFETY~~

The following criteria are for classification of any waters from which water is withdrawn for treatment and distribution as a potable supply.

1. Sewage, Industrial Wastes, or Other Wastes any industrial wastes or other wastes shall be effectively treated by the latest modern technological advances as approved by the regulatory agency.

2. Odor threshold odor number not to exceed 24 at 60° C as a daily average.

3. pH of receiving waters shall not be caused to vary more than one (1.0) unit above or below normal pH of the waters; and the lower value shall not be less than six (6.0), and the upper value not more than eight and one half (8.5). In cases where pH may be, due to natural background or causes, outside limits stated above, approval of the regulatory agency shall be

secured prior to introducing such material in waters of the county.

4. Dissolved Oxygen shall not be artificially depressed below the values of four (4.0) ppm or seventy per cent (70%) saturation (unless background information available to the regulatory agency indicates prior existence under unpolluted conditions of lower values). In such cases, lower limits may be utilized after approval by the regulatory authority.

5. Toxic Substances free from substances attributable to municipal, industrial, agricultural or other discharges in concentrations or combinations which are toxic or harmful to humans, animal or aquatic life.

6. Bacteriological Quality — coliform group not to exceed 1,000 per 100 ml as a monthly average, (either most probable number (MPN) or membrane filter (MF) counts); not to exceed this number in more than 20 per cent of the samples examined during any month; nor exceed 2,400 per 100 ml (MPN or MF count) on any day.

~~1-5.07 CRITERIA: CLASS II WATERS— SHELLFISH HARVESTING~~

The following criteria for the classification of waters in areas to be utilized for shellfish harvesting.

1. Bacteriological Quality, Coliform Group — areas classified for shellfish harvesting, the median coliform MPN (Most Probable Number) of water cannot exceed seventy (70) per hundred (100) ml in those portions of areas most probably exposed to fecal contamination during unfavorable hydrographic and pollutional conditions.

2. Sewage, Industrial Wastes, or Other Wastes — any industrial wastes or other wastes shall be effectively treated by the latest modern technological advances as approved by the regulatory agency.

3. pH of receiving waters, shall not be caused to vary more than one (1.0) unit above or below normal pH of the waters; and lower value shall not be less than six (6.0) and upper value not more than eight and one half (8.5). In cases where pH may be, due to natural background or causes, outside limits stated above; approval of

the regulatory agency shall be secured prior to introducing such material in the waters of the county.

4. Temperature shall be less than ten per cent (10%) increase of prevailing background temperature after reasonable mixing with a 93° F temperature maximum, providing that such limitations will not apply to the use of such waters for bathing or other body contact activities, unless the regulatory agency shall find that such use is damaging to such waters or to the aquatic life therein.

5. Dissolved Oxygen shall not be artificially depressed below the values of four (4.0) ppm or seventy per cent (70%) saturation (unless background information available to the regulatory agency indicates prior existence under unpolluted conditions of lower values). In such cases, lower limits may be utilized after approval by the regulatory authority.

6. Toxic Substances free from substances attributable to municipal, industrial, agricultural or other discharges in concentrations or combinations which are toxic or harmful to humans, animal or aquatic life.

7. Odor threshold odor number not to exceed 24 at 60° C as a daily average.

~~1-5.08 CRITERIA: CLASS III WATERS— RECREATION PROPAGATION AND MANAGEMENT OF FISH AND WILDLIFE~~

The following criteria are for classification of waters to be used for recreational purposes, including such body contact activities as swimming and water skiing; and for the maintenance of a well balanced fish and wildlife population.

1. Sewage, industrial wastes, or other wastes — any industrial waste or other wastes shall be effectively treated by the latest modern technological advances as approved by the regulatory agency.

2. pH of receiving waters shall not be caused to vary more than one (1.0) unit above or below normal pH of the waters; and lower value shall not be less than six (6.0), and upper value not more than eight and one half (8.5). In cases where pH may be, due to natural background or

causes, outside limits stated above, approval of the regulatory agency shall be secured prior to introducing such material in waters of the county.

3. Dissolved Oxygen shall not be artificially depressed below the values of four (4.0) ppm or seventy per cent (70%) saturation (unless background information available to the regulatory agency indicates prior existence under unpolluted conditions of lower values). In such cases, lower limits may be utilized after approval by the regulatory authority.

4. Bacteriological Quality — coliform group not to exceed 1,000 per 100 ml as a monthly average, (either MPN or MF counts); not to exceed this number in more than 20 per cent of the samples examined during any month; nor exceed 2,400 per 100 ml (MPN or MF count) on any day. This criteria shall apply only to waters used for body contact activities.

5. Toxic Substances — free from substances attributable to municipal, industrial, agricultural or other discharges in concentrations or combinations which are toxic or harmful to humans, animal or aquatic life.

6. Deleterious Substances — free from materials attributable to municipal, industrial, agricultural, or other discharges producing color, odor or other conditions in such degree as to create a nuisance.

7. Turbidity shall not exceed fifty (50) Jackson Units as related to standard candle turbidimeter above background.

8. Temperature shall be less than ten per cent (10%) increase of prevailing background temperature after reasonable mixing with a 93° F temperature maximum, providing that such limitations will not apply to the use of such waters for bathing or other body contact activities or to the use of such waters for cooling purposes, unless the regulatory agency shall find that such use is damaging to such waters or to the aquatic life therein, except that when the ambient water temperature exceeds 88° F, cooling water discharged shall not be returned at a temperature not more than 5° F above or exceeding ambient temperature. Ambient is defined as meaning the condition which exists throughout the portion of the body of water which could be affected, prior to the introduction of cooling water into said

body of water. In the event the 10 per cent increase of prevailing background temperature would permit a higher rise than the 5° F, the smaller of the two possible increases shall govern, up to 93° F.

1-5.09 CRITERIA: CLASS IV WATERS— AGRICULTURAL AND INDUS- TRIAL WATER SUPPLY

The following criteria are for classification of waters to be used for agricultural or stock watering, or industrial water supply.

1. Sewage, industrial wastes or other wastes none which are not effectively treated or controlled to the satisfaction of the regulatory agency.

2. pH not more than one (1.0) unit from the normal or not less than six (6.0) or not greater than 8.5.

3. Temperature shall be less than ten per cent (10%) increase of prevailing background temperature after reasonable mixing with a 93° F temperature maximum providing that such limitations will not apply to the use of such waters for bathing or other body contact activities or to the use of such waters for cooling purposes, unless regulatory agency shall find that such use is damaging to such waters or to the aquatic life therein, except that when the ambient water temperature exceeds 88° F, cooling water discharged shall be returned at a temperature not more than 5° F above or exceeding ambient temperature. Ambient is defined as meaning the condition which exists throughout the portion of the body of water which could be affected, prior to the introduction of cooling water into said body of water.

4. Dissolved Oxygen shall not be artificially depressed below the values of four (4.0) ppm or seventy per cent (70%) saturation (unless background information available to the regulatory agency indicates prior existence under unpolluted conditions of lower values). In such cases, lower limits may be utilized after approval by the regulatory authority.

5. Color, odor, and taste producing substances and other deleterious substances, including other chemical compounds, attributable to domestic wastes, industrial wastes, and other

wastes only such amounts as will not render the waters unsuitable for agricultural irrigation, live-stock watering, industrial cooling, industrial process water supply purposes and fish survival.

~~6. Turbidity shall not exceed fifty (50) Jackson Units as related to standard candle turbidimeter above background.~~

~~1-5.10 CRITERIA: CLASS V WATERS -
NAVIGATION, UTILITY AND
INDUSTRIAL WATER SUPPLY~~

~~The following criteria are for classification of waters which will be suitable for navigation and any other uses except for waters previously classified in this Chapter:~~

~~1. Sewage, industrial or other wastes none which are not effectively treated or controlled to the satisfaction of the regulatory agency.~~

~~2. pH not lower than 5.0 nor greater than 8.5 except certain swamp waters which may be as low as 4.5:~~

~~3. Dissolved Oxygen sufficient to be aerobic.~~

~~4. Odor producing substances only in such amounts that will not unreasonably interfere with the use of the water for the designated purpose of this classification.~~

Part III EARTHEN DAMS

1-5.1105 EARTHEN DAMS - MINIMUM STANDARDS

All earthen dams for impounding liquid wastes above natural ground elevation shall be constructed in accordance with the design prepared or approved by a Florida registered professional engineer competent in the field of dam design, construction, and maintenance and shall bear his signature and seal. Such dams shall be constructed in accordance with the following minimum standards; however, subject to the approval of the Pollution Control Director the requirements of 12.0 shall be satisfied by filing a copy of any approval or permit for such a dam from the Florida Air and Water Pollution Control Commission and supplying the Commission copies of all reports with the said Florida

Commission concerning such a dam.

1.0 Site Preparation

1.1 Remove all trees, stumps, palmettos, and other vegetation.

1.2 Remove all muck, mud, slime, and other material that has a tendency to flow under a heavy load, from the entire base of the dam.

1.3 The original ground surface not disturbed in complying with Section 1.1 of these specifications shall be swept clean and scarified by disking, harrowing, bulldozing, or other similar treatment.

1.4 The dam base shall be kept well drained during construction, except when placing hydraulic fill.

1.5 The foundation shall be safe from shear failure considering design shear strength, water pressures, and fill load weight distribution. Foundation stability calculations shall assume that the natural ground surface outside of the embankment is saturated. A foundation bearing capacity safety factor of not less than 1.5 shall be provided, based on inspection and testing of the foundation soils.

2.0 Dam Design

2.1 Soil Testing

A program of soil sampling adequate to determine the characteristics of the ground under the proposed dam and of the material to be used in dam construction shall be performed. Sampling shall include borings and/or in-place sampling from the exposed excavation face.

2.1a Tests including, but not limited to, the determination of shear strengths and permeabilities of the foundation and embankment soils, at soil densities to be used in construction, shall be performed.

2.1b All soil test data used for design shall be derived from tests performed in compliance with American Society of Testing Materials, American Association of State Highway Officials, or U.S. Corps of Engineering's soil testing specifications and procedures.

2.2 Stability Analysis, Basic Requirements

A flow net analysis shall be made to determine the location of the phreatic surface, flow lines, and head lines within the foundation and dam being designed. The flow net analysis may be based on either graphical construction, electri-

cal or liquid analogs, or on soil prototype methods; permeability's used for the analysis shall be based on the soil tests. The flow net and Stability analyses shall use the maximum pool elevation with not less than 5 feet below the inside crest of the dam.

3.0 Cord Ditching (cut-off trench)

3.1 A safety factor of at least 2.0 shall be used in design for protection against seepage instability. A core ditch (cut-off trench), clay dam core, core drain, blanket drain, toe drain, or other seepage control devices may be required to meet the 2.0 safety factor.

4.0 Drainage

Drainage facilities shall be provided to maintain the water level on the outside of the dam within design limitations.

5.0 Cross Section Design

5.1 There shall be a minimum freeboard of five feet below the inside crest.

5.2 Both inside and outside slopes shall be no steeper than two to one.

5.3 The outside of the top should be higher than the inside top to force all crest drainage to the inside of the dam.

5.4 A safety factor of at least 1.75 shall be provided against horizontal sliding of the embankment.

5.5 A safety factor of at least 1.5 shall be provided against separation and horizontal sliding due to seepage through a portion of the other embankment.

5.6 A safety factor of at least 1.5 for cast dams and for all other construction shall be provided against shear failure of any circular arc in either the inside or outside embankment slopes. It is imperative that water pressure distribution be included in the analysis.

6.0 Materials of Construction

6.1 Dams shall be constructed of material free of stumps, trees, palmettos and other vegetative material.

6.2 Materials such as muck, mud, and slimes shall not be used.

7.0 Methods of Construction

7.1 Each dam shall be constructed to meet or exceed the minimum safety requirements of the specific design. Draglines, drag scrapers,

tractors, or other earth-moving equipment may be used to place materials in dam construction.

7.2 Regardless of the method of construction, the soil shall be compacted to densities equal to or greater than those required for seepage and structural stability as specified in Section 3.0.

8.0 Water Level Control Structure Installations

8.1 Seepage shall not be permitted to be concentrated around any water level control structure(s) pipe or any other conduit or discontinuity. All conduits through dams shall have a minimum of two seepage collars. The seepage collars shall be embedded in the middle 1/3 of the embankment. The seepage collar total width shall be at least twice the conduit's outside diameter, or 4 feet, whichever is greater.

8.2 All pipes and pipe joints extending through the dam shall be made leakproof, and shall be constructed of material suitable for the carried fluids and loads imposed.

8.3 Backfill around conduits shall consist of soil compacted to densities equal to or greater than those of the surrounding embankment.

8.4 In order to avoid cracks associated with differential settlement, conduits shall not be supported rigidly by piles or piers.

8.5 A sufficient water level control structure(s) capacity must be installed in an area to release water as necessary during periods of heavy rainfall. Water level control structure(s) capacity shall be provided to release 12 inches of rain in 24 hours on the watershed. All ponds containing less than 25% solids and covering an area greater than 50 acres shall have at least 2 water level control structure(s). In situations where watershed drainage cannot be diverted and flow into a settling area, water level control structure(s) capacity shall be installed to release the additional flow.

9.0 Building of Dams in Mined-out Cuts

9.1 Cross or partition dams built through mined areas shall not be permitted unless they satisfy all of the seepage and structural stability requirements and safety factors of section 1.0 through 9.5.

9.2 Tailings may be used to construct dams across a mined area, providing they satisfy

all of the seepage and structural stability requirements and safety factors of Sections 1.0 through 9.5.

9.3 Perimeter dams constructed in mined areas shall not be constructed on slimes or soft muds. Construction procedures may be required to displace slimes.

10.0 Building Dams using Pumped-in Tailings

Dams using pumped-in tailings will be permitted under the following conditions:

10.1 The dam shall meet the seepage and structural stability requirement of Section 1.0 through 9.5.

10.2 Depositing Tailings on Slopes of Existing Dams: If water within the settling areas to be enclosed with a tailings dam is above ground level, and if tailings are discharged inside or outside of an existing dam, any of the three following procedures may be used:

10.2a When the tailings are not de-watered, the discharge locations shall be changed at least every 8 hours and the section of dam pumped shall be allowed to drain at least 16 hours before pumping on this section again.

10.3b If the tailings are de-watered to not less than 50% solids by weight at the discharge point, the tailings may be deposited continuously.

10.4c If the discharge point is at or beyond the point at which the toe meets the foundation, or the discharge point is at least 75 feet from the point at which water meets the dam, the tailings may be deposited continuously.

11.0 Operational Requirements

11.1 The water level in a settling area shall not be raised or lowered more than one foot in a 24 hour period. It shall not be lowered more than 5 feet per month.

11.2 A good growth of grass shall be planted and maintained on all exposed portions of dams to prevent wind and water erosion. Grasses such as Bermuda Carpet, Centipede, Bahia, and other varieties that do not grow very high, and which form a good sod, are satisfactory.

11.3 Each active waste disposal area shall be inspected not less than once each day until one month after the area has been made inactive, and thereafter at least once each month

for surface erosion, excessive toe seepage, cracking or sluffing, and condition of water level control structures and pool level measuring devices. A continuous maintenance program shall be followed, as required, to insure that the actual dam cross section meets design criteria.

11.4 A navigable all weather roadway shall be provided at the top of the dam. Inspection access for the outside slope and toe shall be provided if the height of the dams precludes adequate inspection from the top and where a public roadway does not already provide such access.

12.0 Documentation

12.1 All soil tests, design calculations, and construction data and plans shall be maintained by the owner in a permanent file. A plan of the dam outline and typical dam design cross sections shall be furnished to the Commission as soon as available.

12.2 All monthly and other inspection reports shall be maintained by the owner in a permanent file. A written report shall be submitted monthly to the Commission certifying compliance with these specifications as to:

- a. Inspection procedures and schedules, and
- b. Freeboard and level fluctuation requirements.

12.3 Semi-annual inspections shall be made by a qualified Florida registered engineer who shall furnish a certified report of each inspection to the owner and to the Commission. The owner shall maintain these in a permanent file.

Part IV PERMITS

1-5.06 PERMITS

1. A permit from the Executive Director may be required for the construction, alteration, expansion, or operation of any installation, facility, or activity if any of the aforementioned actions are exempt from or not regulated by the Department or if the aforementioned actions do not fall under a state-delegated activity of the Commission, and which may reasonably be expected to discharge into Waters of the County pollutants or contaminants in excess of

concentrations, standards, or criteria herein created or adopted.

2. By adopting certain provisions of chapters 62-302 and 62-4, F.A.C. in section 1-5.04, the Commission recognizes mixing zones and site specific alternative criteria as water quality standard relief mechanisms. Applicants may only seek these relief mechanisms from the Department.

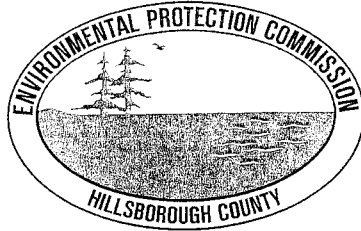
3. In an effort to streamline permitting, the Executive Director shall review permit applications received by the Department that are not specifically delegated to the Commission if they have a potential to pollute Waters of the County, and applicants shall submit a fee as detailed in Chapter 1-6.

Section Created 11/10/04

Rule History:

Adopted 10/14/76

Amended in part 11/10/04



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 21, 2004

Subject: Ford Amphitheater Update

Consent Agenda **Regular Agenda** **Public Hearing**

Division: Air Management

Recommendation:

Accept the briefing and provide guidance as necessary.

Brief Summary:

On August 27th, EPC's Executive Director issued an administrative enforcement order to the operators of the Ford Amphitheater, Clear Channel Communications, and the site owner, the Florida State Fair Authority. The Agency had recorded numerous violations of EPC's noise standards resulting from concerts at the amphitheater. This adversely affected neighborhoods around the fairgrounds and as far away as Temple Terrace. Over one hundred complaints have been registered at the EPC from performances at the amphitheater since its opening in July.

The EPC's order requires both cited parties to cease the noise violations and to take corrective actions. This includes the addition of sound barriers and volume control. Although Clear Channel has agreed to many of the corrective actions, the EPC's Order is not final until they have exhausted their appeals.

Staff is continuing to meet with Clear Channel and to monitor concerts. Since early September, Clear Channel, the Fair Authority and the EPC have been attempting to negotiate a settlement. The purpose of this presentation is to provide an update on this matter.

Background:

Pursuant to EPC's authorizing Act, the Board has set numerical and nuisance standards for noise in Chapter 1-10, Rules of the EPC. The Ford Amphitheater, operated by Clear Channel, is subject to multiple standards which change given the time of the day. Despite taking due care in the design of the facility, Clear channel has experienced numerous violations of the dBA and the low frequency scale in their first concert series at the fairgrounds. Complaints have been received from citizens from neighborhoods as far away as Temple Terrace. EPC recorded many noise violations and issued a citation to cease. Unless a negotiated resolution is achieved, the EPC will seek to impose a final order through the citation process.

List of Attachments: News Brief issued August 27, 2004

For Immediate Release

August 27, 2004

NEWS BRIEF

*EPC Issues Administrative Enforcement Order
to Clear Channel and Florida State Fair Authority
for Continuing Violations of the EPC's Noise Rule*

Tampa, FL – On August 27, 2004, the Environmental Protection Commission of Hillsborough County (EPC) issued Clear Channel and the Florida State Fair Authority an Administrative Enforcement Order for violations of the EPC's noise rule during recent concerts at the Ford Amphitheater.

Clear Channel operates the Ford Amphitheater which is located at the Florida State Fairgrounds in east Tampa. This recently completed outdoor venue has hosted a variety of musical performances since its opening in July. Despite their efforts to contain the noise at the facility, Clear Channel continues to cause noise violations that impact surrounding residential properties. To date, the EPC has received over 70 citizen complaints.

The concerts on August 18th and August 24th violated the EPC's standards in at least three different residential neighborhoods. Consequently, EPC's Executive Director, Dr. Richard Garrity, issued an Administrative Order. This Order specifies immediate corrective actions to minimize the existing nuisance, and requires a plan for a permanent fix to comply with all noise standards. EPC is taking this action to ensure compliance with noise level limits in EPC Rules, which are intended to protect citizens from excessive noise.

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Richard Tschantz ext. 1056

(813) 272-5960



EPC Agenda Item Cover Sheet

Date of EPC Meeting: OCTOBER 21, 2004

Subject: CARGILL SPILL UPDATE - Status of Closed Stack / Preliminary Recommendations

Consent Agenda **Regular Agenda** **Public Hearing**

Division: Water Management

Recommendation:

At the September 9, 2004, EPC Monthly Meeting, Commissioner Platt requested that staff provide additional information on storing process water on top of Cargill's closed phosphogypsum stack. Commissioner Platt also requested that staff provide preliminary recommendations on preventing a breach or spill from this facility in the future.

Brief Summary:

On September 5, 2004, the EPC received notification from Cargill Fertilizer that a breach in the dike at the southwest portion of the Riverview Chemical Complex's active gypsum disposal holding pond resulted in the release of more than 60 million gallons of acidic process water to Archie Creek then to Hillsborough Bay. At the September 9, 2004, EPC Monthly Meeting, staff provided a preliminary update on the spill and actions that were currently in progress. During the discussion, additional information regarding the use of the closed stack on an emergency basis to store process water and preliminary recommendations on preventing a breach and spill of process water from the phosphogypsum management system was requested. A powerpoint presentation will be provided at the October 21, 2004, meeting.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 21, 2004

Subject: Overview of Residential Canal Dredging, Monitoring, and Informational Signage Issues

Consent Agenda **Regular Agenda** **Public Hearing**

Division: Environmental Resources

Recommendation:

This is an informational item. No Board action is required.

Brief Summary:

As requested, staff will provide information on a series of questions concerning canal dredging, monitoring, and informational signage issues that have been raised by the Board during recent meetings.

Background:

The County (through its Public Works Department) is currently developing a dredging and dredged material disposal plan to address coastal residential canals, access channels and other County waters. This subject was discussed briefly by the Board during its July 22, 2004, meeting. The Board directed EPC staff to participate in the County planning process and attend community meetings that will explain the plan to affected residents, homeowners associations and other civic groups. EPC Staff was also directed to provide the Board a summary of key environmental issues that should be addressed as part of a County-wide dredging and dredged material disposal plan.

In addition to these dredging-related issues, the Board has also directed staff (during a September 9, 2004 BOCC budget workshop) to provide information on a series of questions related to water and sediment quality in residential canals.

Brief presentations will be provided addressing these two sets of issues. Topics covered in the presentations are also summarized in the two attachments to this item.

- List of Attachments:**
1. Copy of PowerPoint presentation, "Environmental Issues Associated with Dredging in Canals"
 2. Copy of staff responses to issues raised by the Board during the September 9, 2004, BOCC budget workshop

**Attachment 1:
Environmental Issues associated with Dredging in Canals**

How Many Canals ?

- 31 in City of Tampa
- 93 in Hillsborough County
- 124 Coastal Canals in all
- Numerous Access Channels leading to these canals

Environmental Permits Required

- Corps of Engineers (Federal)
- Dept. of Environmental Protection or Water Management District (State)
- Environmental Protection Commission (Local)
- Tampa Port Authority (Local)

Common Permitting Issues

- Each Method of Dredging has own set of Environmental Issues
- Water Quality during dredging
- Water Quality & Odors from de-watering dredged materials
- Sediment Quality & Spoil handling
- Impacts to Resources

Factors Increasing Costs of Dredging

- Special Spoil handling requirements due to contamination in sediments
- Costs associated with the final disposal site: tipping fees, hauling distances
- Re-dredging periodicity due to maintenance

Development of the Petition process in Manatee and Sarasota Counties

- Petition Process for Site Selection
- Plan for Funding Pre-determined
- Development of the Feasibility Study process and selection of contractors

Feasibility Study

- Identifies Permittability by the Agencies
- Determines Options for Dredge Design and Disposal Options
- Correlates Different Design Options with Costs

Caution is Justified

- Environmental Issues can be significant
- Certain Environmentally Safe Designs may prove costly
- Safe Handling & Disposal of Spoil Material is a critical issue

Attachment 2:

STAFF RESPONSES TO ISSUES RAISED BY THE BOARD DURING THE SEPTEMBER 9, 2004, BOCC BUDGET WORKSHOP

1. What is the current policy of the Health Department regarding areas of known or suspected bacteriological contamination (including residential canals)?
 - Outside approved bathing areas, Health Department policy is “swim at your own risk”
 - Approved bathing areas are the only places that are monitored by the Health Department
 - The Health Department is encouraging County and Cities to notify public following sewage spills. The Health Department routinely issues warnings (via TV and other media) during flood events, reminding people to avoid contact with flood waters due to potential contamination.
 - Currently, the County and its cities do not have a formal policy for public notification following sewage spills and overflows (e.g., when power outages occur at lift stations and sewage treatment plants during hurricanes). Health Department staff report that such policies are currently being developed.

2. Does EPC notify the Health Department following sewage spills?
 - EPC has a formal SOP on this. The Health Department is notified immediately following all “releases of untreated or partially treated industrial or domestic wastes” of which EPC is aware.
 - The Health Dept. also receives information on spills from the State’s ‘warning point’ website (<http://www.floridadisaster.org/bpr/Response/Operations/swp.htm>). All permitted dischargers are required to report spills (above a certain volume) there. (However, the site was overloaded during the recent hurricanes, and Health Department staff reportedly weren’t able to get information as quickly as they would have liked)

3. What is the level of coordination between EPC and Health Department when elevated levels of bacterial indicators are found during EPC’s monthly water quality monitoring runs?
 - EPC does not yet have a formal SOP dealing with this issue
 - EPC and Health Department staff have discussed the issue, and EPC has begun reporting elevated bacteria levels to the Health Department as quickly as possible following detection in the monthly monitoring samples. (Processing and reading the samples takes 1-2 days, so notification will normally occur 1-2 days following collection sample collection.)

4. Can EPC staff provide cost estimates for installing informational signs on residential canals?
 - Staff estimate that approximately 20 major coastal canal systems – containing about 124 canals – are present within the County and City the Tampa. These make up about 80 linear miles of canal.
 - If generic warning signs (e.g., “NOT AN APPROVED BATHING AREA; SWIM AT YOUR OWN RISK”) were put up on every mile of canal, staff estimates the cost would be on the order of \$40/sign, or approx. \$5,000
 - The TBEP has agreed to include information on residential canals when they update their brochure “Is it safe to swim in Tampa Bay”
 - As noted above, the Health Department encourages people to swim only at approved bathing areas. No residential canals are approved bathing areas.
 - The County public information office may also wish to provide this type of information to its waterfront residents and other citizens, if it doesn’t do so already

5. Can EPC staff provide cost estimates for carrying out water quality monitoring in residential canals?
- The cost of a monitoring program would depend on intensity of sampling. The costs listed below are order-of-magnitude estimates:
 - The lowest-cost approach would be to post generic warning signage (e.g., “SWIM AT YOUR OWN RISK”) along each mile of canal. As indicated above, the cost would be approximately \$5,000
 - Adding a water quality monitoring program that sampled 20% of the County’s coastal canal systems each year (or 100% every 5 years), with sampling periods targeted to occur immediately following storm events, the cost would increase to about \$30,000 per year
 - A more intensive monitoring approach, in which 100% of the County’s coastal canal systems were sampled following multiple storm events throughout the year, would cost approximately \$150,000 per year
6. What is the scope of the Tampa Bay Estuary Program (TBEP) sediment toxicity assessment, and how is it involved with residential canals?
- Currently, TBEP has identified eight areas in the bay where sediment contaminants appear to be present at levels that require the development of a formal action plan. Most of these contaminated sites are in industrialized areas (Ybor Channel, Big Bend, etc), but two are in or adjacent to residential canals (in the Westshore and Apollo Beach areas).
 - TBEP has not received any additional federal funding (e.g., no special EPA grants) to perform the sediment toxicity assessment or develop action plans. The work is being carried out cooperatively with local partners, including Hillsborough County and EPC.
 - TBEP does not have sufficient funding to develop eight action plans simultaneously, so it plans to prioritize the eight currently-identified contaminated sites, and try to do 1-2 action plans per year. If additional funding were available, the work could be done more quickly.
 - TBEP also does ‘special studies’ of sediment biology and chemistry each year, which involve sampling at a small number (e.g., <10) locations. The special study sites have already been selected for 2004. TBEP staff recommend that the special study focus on residential canals in 2005.
7. Commissioner Storms’ concept of developing a “pilot program” for management of residential canals?
- A citizens group (‘Save our Canals’ or SOCs) submitted a proposal to PRF, for the FY05 funding cycle, that may be applicable to this concept
 - The SOCs proposal requests \$140,000 for a “water and coastal area restoration and maintenance” (WARM) project
 - The proposal is currently being reviewed by EPC staff and CEAC. Funding recommendations for this and other PRF proposals will be made to the EPC Board following the review process