

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
COMMISSIONER'S BOARD ROOM  
NOVEMBER 10, 2004  
11 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. PUBLIC HEARING**  
Conduct Public Hearing to Consider Amendments to Chapter 1-5 (EPC Water Pollution Rule) 2
- IV. CONSENT AGENDA**
  - A. Approval of Minutes: October 21, 2004 13
  - B. Monthly Activity Reports 17
  - C. Legal Department Monthly Report 27
  - D. Pollution Recovery Trust Fund 31
  - E. Gardinier Settlement Trust Fund 32
  - F. Hartline Report 33
  - G. Surface and Groundwater Pumping Report 40
  - H. Sediment Disposal Report 42
- V. WASTE MANAGEMENT DIVISION**
  - A. Update Report on Brownfields 46
  - B. Enhanced Small Quantity Generator Program 47
- VI. EXECUTIVE DIRECTOR'S REPORT**

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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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** November 10, 2004

**Subject:** Public hearing and approval of proposed amendments to Chp. 1-5 (Water Quality), Rules of the EPC

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

**Division:** Legal Department and Water Management Division

**Recommendation:**

Hold a public hearing to take citizen comments and approve the proposed 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 take citizen comment and approve a rule. The EPC staff is requesting that the Board conduct a public hearing and approve the proposed water quality rule amendments.

**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 hold a public hearing to receive public comment and then approve the proposed rule amendments to Chapter 1-5, Rules of the EPC (Water Quality).

On October 21, 2004, the EPC Board approved holding a public hearing on November 10, 2004. The EPC staff has properly noticed this public hearing in the newspaper, held a public workshop, posted notices and the rule on the EPC website ([www.epchc.org](http://www.epchc.org)), and presented this rule to the Citizens Environmental Advisory Committee. The proposed amendments will update the EPC's surface and ground water quality criteria to be consistent with the DEP's criteria established in Chapters 62-302 and 62-520, F.A.C. The intent of the amendments is to provide the regulated community with more consistency with State standards, to adopt the newest water quality standards already used by the DEP and EPC staff in most situations, and to clarify existing permitting procedures.

**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, Specifics

**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~~
- ~~**1-5.1105**    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 underground, which are located, either entirely or partially, within the geographic boundaries of Hillsborough County.

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, unless other relief or condition is granted in a Department permit or order.~~

~~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, agricul-~~

tural 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, livestock 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, electrical 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 Department rules, 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. This section shall not limit the Executive Director's authority to issue permits or other authorizations established in any Commission rule.

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

OCTOBER 21, 2004 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, October 21, 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, Jim Norman, and Ronda Storms (arrived at 10:40 a.m.).

The following members were absent: Commissioners Ken Hagan and Thomas Scott (out of town).

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

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, requested an item be added regarding the Brownfields assessment grant.

CITIZENS COMMENTS

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

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report From the Chairman, David Jellerson - Mr. Jellerson discussed the last two CEAC meetings, which included presentations on the proposed mangrove trimming rule, the Executive Director's annual state of the environment report, the Cargill spill during Hurricane Jeanne, and the design and features of the Tampa Bay Water (TBW) reservoir. The CEAC approved the pollution recovery fund (PRF) application for purchase of an air quality monitor for Apollo Beach and began to review the PRF applications. Mr. Jellerson thanked EPC staff for putting the PRF applications on the EPC website for review. Chairman Platt encouraged everyone to visit the TBW reservoir.

CONSENT AGENDA

- A. Approval of minutes: September 9, 2004.
- B. Monthly activity reports.
- C. Legal Department monthly report.
- D. PRF.
- E. Gardinier Settlement Trust Fund.
- F. Approve PRF request for air monitoring equipment - Apollo Beach.
- G. Update on emergency response - disabled wastewater pump stations.

THURSDAY, OCTOBER 21, 2004 - DRAFT MINUTES

Commissioner Norman moved the Consent Agenda, seconded by Commissioner Castor, and carried four to zero. (Commissioner Storms had not arrived; Commissioners Hagan and Scott were absent.)

EXECUTIVE DIRECTOR'S REPORT

Dr. Garrity commented on the Air Management Division receiving a grant from the Environmental Protection Agency to study air quality around the Port of Tampa, discussed funds received to retrofit diesel school buses and a press release seeking invitations to bid on the retrofits, and reported on a retreat with division directors to discuss the agency mission.

LEGAL DEPARTMENT

Request Authority to Conduct a Public Hearing on November 10, 2004, to Consider Amendments to Chapter 1-5 (EPC Water Rule) - EPC General Counsel Richard Tschantz reviewed the request. Commissioner Frank moved staff recommendation for a public hearing, seconded by Commissioner Norman, and carried four to zero. (Commissioner Storms had not arrived; Commissioners Hagan and Scott were absent.)

AIR MANAGEMENT DIVISION

Update - Ford Amphitheatre - Attorney Tschantz stated the update would be strictly a procedural update due to Clear Channel Entertainment (CCE), operator of the amphitheatre, filing a notice of appeal of the citation issued by EPC. Mr. Jerry Campbell, Director, EPC Air Management Division, discussed efforts on the issue and reviewed the schedule of events at the amphitheatre. Attorney John Foster, counsel for CCE, reviewed efforts to work toward a consent order and noted CCE had hired a consultant to create permanent corrective solutions.

WATER MANAGEMENT DIVISION

Update - Cargill Spill - Mr. Chris Dunn, Director, EPC Water Management Division, utilized an overhead presentation to review the recent spill; closed gypsum stacks; emergency conditions; photographs of emergency holding ponds; actions; the Phosphogypsum Management Rule, Chapter 62-672; recommendations; and the damage assessment process. Commissioner Frank perceived legislation needed to be changed to incorporate requested changes to the Phosphogypsum Management Rule. Dr. Garrity noted most of the changes were administrative, and a letter would be sent to the Florida Department of Environmental Protection (FDEP). Attorney Tschantz had been in contact with the Public Affairs Office about legislative proposals. Commissioner Frank moved to submit staff recommendation for a revision of the administrative rules dealing

THURSDAY, OCTOBER 21, 2004 - DRAFT MINUTES

with phosphate regulation, seconded by Commissioner Castor, and carried four to zero. (Commissioner Storms had not arrived; Commissioners Hagan and Scott were absent.)

#### COMMISSIONER'S REQUEST

Canal and Access Dredging - Environmental and Health Considerations - Commissioner Norman questioned if something different could be done when dredging ditches. He perceived the current procedure contributed to stormwater issues. Dr. Garrity understood the County was negotiating a consent order with FDEP on that, and staff was working to find a solution other than piling spoil material next to the ditches.

Mr. Bob Stetler, EPC staff, noted a consent order was underway, and the County was developing a sediment management plan to address dredging issues. He reported the new State policy provided criteria for that. Commissioner Norman perceived clear ditches would help resolve water flow issues. Responding to Commissioner Norman, Mr. Stetler noted it was difficult to put a time frame on the issue due to difficulty with disposing contaminated sediment. Dr. Garrity stated working with FDEP and other County departments was helpful, and he would attempt to provide an answer regarding the time frame.

In answer to Chairman Platt, Commissioner Norman did not want to view the overhead presentation that had been distributed. Mr. Stetler discussed research and procedures in place for funding. Chairman Platt encouraged EPC members to review the presentation. Commissioner Castor would forward the presentation to constituent groups. Dr. Garrity confirmed interim guidelines and policies had been developed by FDEP, and staff would provide a report on that at the next EPC meeting.

Commissioner Storms initiated discussion about pumping and torpidity and requested EPC staff work with the Public Works Department on that.

#### WASTE MANAGEMENT DIVISION

Notification of Submittal of Application for Brownfield Assessment Grant - Mr. Paul Schipfer, EPC staff, noted the purpose was to provide notification of the intent to apply for a community-wide Brownfield assessment grant. The funds would augment the old landfill investigation program and improve the ability to provide public information by developing a geographic information system. Commissioner Castor so moved, seconded by Commissioner Frank, and carried five to zero. (Commissioners Hagan and Scott were absent.)

THURSDAY, OCTOBER 21, 2004 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 10:44 a.m.

READ AND APPROVED: \_\_\_\_\_

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: \_\_\_\_\_

Deputy Clerk

kc



MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION  
OCTOBER

A. Public Outreach/Education Assistance:		
1. Phone Calls:		370
2. Literature Distributed:		<u>144</u>
3. Presentations:		<u>0</u>
4. Media Contacts:		<u>0</u>
5. Internet:		<u>70</u>
6. Host/Sponsor Workshops, Meetings, Special Events (Townhall Meeting and Commuter Choice Week)		<u>2</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		5
b. Construction:		<u>0</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>2</u>
e. General:		<u>0</u>
f. Title V:		<u>0</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ( <sup>1</sup> Counted by Number of Fees Collected) - ( <sup>2</sup> Counted by Number of Emission Units affected by the Review):		
a. Operating <sup>1</sup> :		9
b. Construction <sup>1</sup> :		<u>3</u>
c. Amendments <sup>1</sup> :		<u>0</u>
d. Transfers/Extensions <sup>1</sup> :		<u>5</u>
e. Title V Operating <sup>2</sup> :		<u>8</u>
f. Permit Determinations <sup>2</sup> :		<u>5</u>
g. General:		<u>0</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		
		<u>2</u>
2. On-going administrative cases:		
a. Pending:		5
b. Active:		<u>17</u>
c. Legal:		<u>4</u>
d. Tracking compliance (Administrative):		<u>31</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>57</u>
3. NOIs issued:		<u>2</u>
4. Citations issued:		<u>0</u>
5. Consent Orders Signed:		<u>4</u>
6. Contributions to the Pollution Recovery Fund: \$16,864.66		
7. Cases Closed:		<u>4</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>8</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>5</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>15</u>
E.	Open Burning Permits Issued:	<u>7</u>
F.	Number of Division of Forestry Permits Monitored:	<u>700</u>
G.	Total Citizen Complaints Received:	<u>86</u>
H.	Total Citizen Complaints Closed:	<u>84</u>
I.	Noise Sources Monitored:	<u>36</u>
J.	Air Program's Input to Development Regional Impacts:	<u>10</u>
K.	Test Reports Reviewed:	<u>311</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>33</u>
2.	Warning Notices Resolved:	<u>15</u>
3.	Advisory Letters Issued:	<u>8</u>
M.	AOR's Reviewed:	<u>1</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>2</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION  
OCTOBER

	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>\$3,600.00</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	\$3,200.00
(b) for structure greater than 50,000 sq ft	<u>\$ -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$1,200.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$1,400.00</u>
8. Open burning authorization	<u>\$6,200.00</u>
9. Enforcement Costs	<u>\$2,318.23</u>

## M E M O R A N D U M

**DATE:** November 3, 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 OCTOBER 2004  
AGENDA INFORMATION**

### A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	4
2. On-going administrative cases	105
a. Pending	15
b. Active	64
c. Legal	5
d. Tracking Compliance (Administrative)	21
e. Inactive/Referred Cases	0
3. NOI's issued	0
4. Citations issued	2
5. Consent Orders and Settlement Letters Signed	1
6. Civil Contributions to the Pollution Recovery Fund	\$1,400
7. Enforcement Costs collected	\$1,673
9. Cases Closed	3

**B. SOLID AND HAZARDOUS WASTE**

1. Permits (received/reviewed)	1/ 2
2. EPC Authorization for Facilities NOT requiring DEP permit	0
3. Other Permits and Reports	
a. County Permits	2/2
b. Reports	72/56
4. Inspections (Total)	219
a. Complaints	43
b. Compliance/Reinspections	27
c. Facility Compliance	32
d. Small Quantity Generator	117
e. P2 Audits	0
5. Enforcement	
a. Complaints Received/Closed	40/39
b. Warning Notices Issued/Closed	8/5
c. Compliance letters	42
d. Letters of Agreement	1
e. DEP Referrals	9
6. Pamphlets, Rules and Material Distributed	212

**C. STORAGE TANK COMPLIANCE**

1. Inspections	
a. Compliance	97
b. Installation	39
c. Closure	11
d. Compliance Re-Inspections	10
2. Installation Plans Received/Reviewed	4/5
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	4/4
b. Closure Reports Received/Reviewed	7/4
4. Enforcement	
a. Non-compliance Letters Issued/Closed	54/24
b. Warning Notices Issued/Closed	3/3
c. Cases referred to Enforcement	3
d. Complaints Received/Investigated	2/1
e. Complaints Referred	0
5. Discharge Reporting Forms Received	3
6. Incident Notification Forms Received	6
7. Cleanup Notification Letters Issued	4
8. Public Assistance	200+

**D. STORAGE TANK CLEANUP**

1. Inspections	21
2. Reports Received/Reviewed	84/109
a. Site Assessment	16/27
b. Source Removal	3/3
c. Remedial Action Plans (RAP's)	16/21
d. Site Rehabilitation Completion Order/ No Further Action Order	2/1
e. Others	47/57
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

**E. RECORD REVIEWS - 27**

**F. PUBLIC INFORMATION PROJECTS - 2**

**R. Cope at Port Tampa Civic Association**

**M. Yeargan – PACE home association Exide Battery and Brownsfield's presentation**

ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION  
OCTOBER, 2004

A. ENFORCEMENT

1. New Enforcement Cases Received:	2
2. Enforcement Cases Closed:	7
3. Enforcement Cases Outstanding:	52
4. Enforcement Documents Issued:	7
5. Recovered costs to the General Fund:	\$1,815.28
6. Contributions to the Pollution Recovery Fund:	\$5,500.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Hillsborough Correctional Institute-Expansion	Placement of C/S in service w/o approval	\$500.00
b. Valrico Assembly of God	Placement of C/S in service w/o approval; Construction w/o permit	\$1,000.00
c. 2001 DeLeon Townhomes	Construction w/o permit	\$1,000.00
d. 501 Westland Townhomes	Construction w/o permit	\$1,000.00
e. Regents Walk Apt. Homes	Improper operation/failure to maintain; Unpermitted discharge	\$500.00
f. Buckeye Mini Storage	Placement of C/S in service w/o approval	\$500.00
g. Taylor Bay Estates S/D	Construction w/o permit	\$1,000.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	33
a. Facility Permit:	1
(i) Types I and II	0
(ii) Types III	1
b. Collection Systems-General	13
c. Collection Systems-Dry Line/Wet Line:	19
d. Residuals Disposal:	0
2. Permit Applications Approved:	27
a. Facility Permit:	5
b. Collection Systems-General:	11
c. Collection Systems-Dry Line/Wet Line:	11
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:	49
a. Facility Permit:	11
b. Collection Systems-General:	30
c. Collection Systems-Dry Line/Wet Line:	8
d. Residuals Disposal:	0
7. Permit Determination:	1
8. Special Project Reviews:	1
a. ARs:	0
b. Reuse:	0
c. Residuals/AUPs:	0
d. Others:	1
<b>C. INSPECTIONS - DOMESTIC</b>	0
1. Compliance Evaluation:	0
a. Inspection (CEI):	0
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	0
a. Inspection (RI):	0
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	0
d. Enforcement Inspection (ERI):	0
3. Engineering Inspections:	28
a. Reconnaissance Inspection (RI):	3
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	0
d. Preconstruction Inspection (PCI):	8
e. Post Construction Inspection (XCI):	17
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	0



<b>D. PERMITTING/PROJECT REVIEW - INDUSTRIAL</b>	
1. Permit Applications Received:	1
a. Facility Permit:	0
(i) Types I and II	1
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0
b. General Permit:	0
c. Preliminary Design Report:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0
2. Permits Recommended to DEP for Approval:	0
3. Special:	0
a. Facility Permits:	0
b. General Permits:	0
4. Permitting Determination:	0
5. Special Project Reviews:	63
a. ARs:	0
b. Phosphate DMRs:	0
c. Phosphate:	18
d. Industrial Wastewater:	17
e. Others:	28
<b>E. INSPECTIONS - INDUSTRIAL</b>	
1. Compliance Evaluation:	8
a. Inspection (CEI):	8
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	21
a. Inspection (RI):	17
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	14
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	20
a. Compliance Evaluation (CEI):	20
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	0
1. Citizen Complaints:	0
a. Domestic:	69
(i) Received:	25
(ii) Closed:	44
b. Industrial:	16
(i) Received:	8
(ii) Closed:	8
2. Warning Notices:	
a. Domestic:	8
(i) Received:	5
(ii) Closed:	3
b. Industrial:	5
(i) Received:	1
(ii) Closed:	4
3. Non-Compliance Advisory Letters:	29
4. Environmental Compliance Reviews:	153
a. Industrial:	117
b. Domestic:	36
5. Special Project Reviews:	1
a. ARs:	1
b. Others:	0
G. RECORD REVIEWS	5
1. Permitting:	3
2. Enforcement:	2
H. ENVIRONMENTAL SAMPLES ANALYZED FOR:	0
1. Air Division:	0
2. Waste Division:	0
3. Water Division:	0
4. Wetlands Division:	0
5. ERM Division:	0
I. SPECIAL PROJECT REVIEWS:	9
1. DRIs:	4
2. ARs:	0
3. Technical Support:	5
4. Other:	0

**EPC LEGAL DEPARTMENT MONTHLY REPORT**  
**November 2004**

**A. ADMINISTRATIVE CASES**

**NEW CASES [ 1 ]**

**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 requests for extension of time in which to file and appeal. Clear Channel filed its appeal on October 18, 2004 and the Fair Authority filed on November 1, 2004. Settlement negotiations are ongoing. (RT)

**EXISTING CASES [ 5 ]**

**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 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)

**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 through discovery. (AZ)

## RESOLVED CASES [ 1 ]

**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 was resolved without a hearing through the entry of a corrected survey. The case has been closed. (AZ)

## **B. CIVIL CASES**

### NEW CASES [ 0 ]

### EXISTING CASES [ 16 ]

**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)

**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)

## RESOLVED CASES [ 0 ]

### C. OTHER OPEN CASES [ 3 ]

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.

**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. The party has failed to timely file an appeal and the permit has become final by law. The pending case has been closed. (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. The party has failed to timely file an appeal and the citation has become a final order by law. The pending case has been closed. (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. The matter was resolved on 10/29/04 with the issuance of the final permit and the pending case has been closed. (RT)

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



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

Executive Director  
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION  
 OF HILLSBOROUGH COUNTY  
 POLLUTION RECOVERY TRUST FUND  
 AS OF OCTOBER 31, 2004

Fund Balance as of 10/01/04	\$1,737,812
Interest Accrued	- 0 -
Deposits FY04	26,415
Disbursements FY04	5,697
<b>Fund Balance</b>	<b>\$1,758,530</b>
Encumbrances Against Fund Balance:	
Artificial Reef	125,562
(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	21,283
(92) Brazilian Pepper	26,717
(93) Rivercrest Park	1,743
(95) COT Stormwater Improvement	37,800
(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	44,799
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
<b>Total of Encumbrances</b>	<b>958,057</b>
Minimum Balance (Reserve)	120,000 *
<b>Fund Balance Available October 31, 2004</b>	<b>\$ 680,473</b>



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ENVIRONMENTAL PROTECTION COMMISSION  
 OF HILLSBOROUGH COUNTY  
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND  
 AS OF OCTOBER 31, 2004

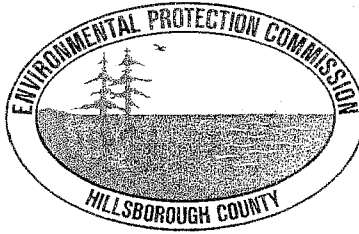
Fund Balance as of 10/01/04	\$ 818,538
Interest Accrued	- 0 -
Disbursements FY04	115,756
 Fund Balance	 \$ 702,782

Encumbrances Against Fund Balance:

SP462 Port Redwing	- 0 -
Sp464 Davis Tract	- 0 -
SP591 Mechanical Seagrass Planting	3,584
SP597 Fantasy Island Restoration	1,633
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	117,544
SP612 Riverview Civic Center	4,244
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	216,631
 Total of Encumbrances	 702,782

Fund Balance Available October 31, 2004	\$ - 0 -
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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** November 10, 2004

**Subject:** Status of Hartline Facility

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

**Division:** Waste Management

**Recommendation:**

No action required by the Board.

**Brief Summary:**

Based on the interest of the EPC Board, staff is providing an update of the status of environmental activities and issues outstanding at the HARTline fleet and maintenance facility at 4305 East 21<sup>st</sup> Avenue in Tampa.

**Background:**

HARTline fleet and maintenance facility at 4305 East 21<sup>st</sup> Avenue in Tampa was the subject of a number of media inquiries related to management of wastes and potential discharges to the environment. EPC staff has been working with HARTline to achieve environmental compliance. Please see attachments with cover Memorandum dated November 2, 2004, providing the status update.

**List of Attachments:** Memorandum dated November 2, 2004; Pollution Prevention Audit report dated August 31, 2004; Audit request letter dated September 9, 2004.

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Kathy Castor  
Pat Frank  
Ken Hagan  
Jim Norman  
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Executive Director  
Richard D. Garrity, Ph.D.

MEMORANDUM

DATE: November 2, 2004

TO: Richard Garrity, Executive Director, Environmental Protection Commission

FROM: <sup>KAB</sup> Kelley Boatwright, General Manager I, Small Quantity Generator Program

THROUGH: Hooshang Boostani, Director, Waste Management Division

SUBJECT: Status of the HARTline Facility

As requested, this memo is to update you as to the status of the HARTline facility with regard to EPC concerns. HARTline has submitted a report to EPC staff describing the corrective actions they plan to implement and the timeframe for doing so. The report includes pollution prevention (P2) recommendations they plan to implement based on the P2 audit conducted by EPC staff on August 31, 2004. Also, minor industrial wastewater concerns were noted during the audit and HARTline included actions and timeframes for correcting those in the report as well. In addition, HARTline has satisfactorily completed the cleanup of the ditch area. However, during the investigation it was discovered that a discharge of automatic transmission fluid from the underground lift system in the Heavy Maintenance building occurred in 1997. A Limited Site Assessment Report was required. That issue is still on going and is being handled under a Letter of Agreement.

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Executive Director  
Richard D. Garrity, Ph.D.

## POLLUTION PREVENTION (P2) AUDIT

Date: 8-31-04  
Name: HARTline  
Address: 4305 East 21<sup>st</sup> Avenue, Tampa 33605  
S/T/R: 05/29/19  
Participants: David Chamberlain, HARTline  
Larry Lynch, HARTline  
Grant Haskins, PSI  
Kelley Boatwright, EPC  
Gerry Javier, EPC  
Sean McGinnis, EPC  
Paula Noblitt, EPC

A P2 audit was recently completed that focused on waste management activities in response to an inspection performed by the Department of Environmental Protection. The scope of this P2 audit focused on industrial waste water and stormwater issues. The following observations and recommendations were made:

- A roof spout near bay # 1 in the Heavy Maintenance building discharges stormwater runoff toward the trench drain that leads to the oil/water separator system. The oil/water separator is connected to the City of Tampa sanitary sewer system. Minimal, if any, stormwater should be discharging to the oil/water separator. Mr. Chamberlain indicated during the P2 audit that HARTline plans to move the roof spout and construct a berm near the trench drain to help minimize stormwater from entering the oil/water separator system.
- The bus wash water is currently collected and routed through an oil water separator that is tied to the sanitary sewer. The construction appears to meet the usual design criteria. However, the facility may want to evaluate installation of some type of curtain at the bus wash exit to help prevent windblown overspray of the wash water/rinse water from leaving the system.



- A carboy containing blue cleaning liquid was located outside the Preventative Maintenance building. The outlet on the carboy was leaking onto the pavement. EPC staff recommends that this carboy be moved inside the building, preferably within a secondary containment system, to help prevent contact with stormwater.
- The fuel lane trench drain was clogged and requires maintenance to prevent contamination of storm water. On a related note, it was observed that grills covering the floor maintenance pits were rinsed outside the bay area and placed outside the bay area to dry. All wash water should be contained and routed to the sanitary sewer.

In addition to the P2 recommendations, EPC staff noted three areas of concern that are industrial waste water violations. Unlike P2 recommendations, the violations listed below require immediate attention in order for HARTline to be in compliance with waste water issues.

- The facility is currently pressure washing the aprons at the entrance and exits to the maintenance bays resulting in contaminated runoff to storm water drains. The waste stream generated from this washing is considered an industrial waste. EPC staff recommends that the facility use dry cleanup methods or a wash system with a vacuum capability to capture any liquid wastes for disposal via the sanitary sewer.
- A white residue is noted on some areas of the pavement. HARTline staff indicated that tires are cleaned outside of the bay areas or fuel island and that the residue is the detergent used to clean the tires. This is an unauthorized discharge of wastewater. The facility was advised to wash or rinse tires within the contained areas.
- The facility has a carboy of diesel fuel within the engine cleaning area at the Preventative Maintenance building. The carboy has diesel fuel contaminated with water. It was indicated that the carboy bottom water is released into the engine wash water collection system until fuel is observed. As this is eventually routed to the sanitary sewer, this water may be considered petroleum contact water which cannot be disposed to the sanitary sewer. EPC staff recommends that a waste determination be made on this water and that a proper disposal method be selected based on the results of the waste determination.

COMMISSION  
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Pat Frank  
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Executive Director  
Richard D. Garrity, Ph.D.

CERTIFIED MAIL #7003 3110 0000 7954 4866

September 9, 2004

Mr. Larry Lynch, Risk Manager  
HARTline  
4305 East 21<sup>st</sup> Avenue  
Tampa Florida 33605

Dear Mr. Lynch:

**SUBJECT: POLLUTION PREVENTION (P2) AUDIT AND REQUEST FOR INFORMATION**

On August 31, 2004, staff of the Environmental Protection Commission (EPC) performed a pollution prevention audit at the HARTline facility located at 4305 East 21<sup>st</sup> Avenue, Tampa. The purpose of the P2 audit was to provide non-regulatory technical assistance in identifying pollution prevention opportunities at your facility. Normally, a P2 audit will encompass all aspects of the facility's operations; however, a P2 audit was recently completed that focused on waste management activities in response to an inspection performed by the Department of Environmental Protection (DEP). Therefore, so as not to duplicate efforts, EPC's P2 audit focused on industrial wastewater and stormwater issues.

- Please find attached, a list of P2 opportunities identified by staff that you may want to consider implementing. Also included in the attachment are three areas of industrial wastewater concerns that need to be addressed in order to maintain compliance with applicable regulations. In addition, during the P2 audit, it was brought to your attention that a cleanup activity from a discharge of automatic transmission fluid (ATF) from the underground lift system in the Heavy Maintenance building still needs to be completed. Copies of letters detailing additional information needed in order for EPC to complete the review of the proposed cleanup activities was provided at the time of the P2 audit.


Please submit a written report to EPC within 30 days of receipt of this letter detailing the following:

- 1) What, if any, P2 options you plan to implement and a timeframe for completing the selected options.
- 2) How you plan to address the industrial wastewater concerns and a timeframe for completion.
- 3) The status of completing the cleanup activity associated with the ditch area.
- 4) Your plan to address the cleanup activity associated with the ATF discharge in the Heavy Maintenance building and a timeframe for completion.

Page 2  
September 9, 2004  
HARTline

Thank you for allowing EPC to perform the P2 audit at your facility. If you have any questions related to the P2 audit, please contact Gerry Javier, EPC P2 Coordinator, at 272-5960 ext. 1306. Any technical questions related to either cleanup activity should be directed to Hal Koechlein at ext. 1317. All other questions may be directed to me at ext. 1315.

Sincerely,



Kelley M. Boatwright  
General Manager I

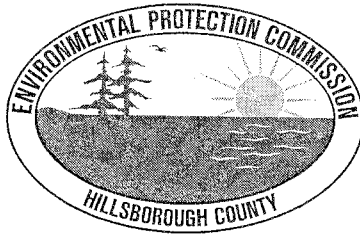
Cc: Grant Haskins, PSI  
Paula Noblitt, EPC Industrial Wastewater Section  
Gerry Javier, Pollution Prevention Program  
Hal Koechlein, EPC Cleanup Section

## POLLUTION PREVENTION AUDIT

- A roof spout near bay #1 in the Heavy Maintenance building discharges stormwater runoff toward the trench drain that leads to the oil/water separator system. The oil/water separator is connected to the City of Tampa sanitary sewer system. Minimal, if any, stormwater should be discharging to the oil/water separator. This concern was previously discussed with you and David Chamberlain, Operations Manager for HARTline. David indicated during the P2 audit that he plans to move the roof spout and construct a berm near the trench drain to help minimize stormwater from entering the oil/water separator system.
- The bus wash water is currently collected and routed through an oil water separator that is tied to the sanitary sewer. The construction appears to meet the usual design criteria. However, the facility may want to evaluate installation of some type of curtain at the bus wash exit to help prevent windblown overspray of the wash water/rinse water from leaving the system.
- A carboy containing blue cleaning liquid was located outside the Preventative Maintenance building. The outlet on the carboy was leaking onto the pavement. EPC staff recommends that this carboy be moved inside the building, preferably within a secondary containment system, to help prevent contact with storm water.
- The fuel lane trench drain was clogged and requires maintenance to prevent contamination of storm water. On a related note, it was observed that grills covering the floor maintenance pits were rinsed outside the bay area and placed outside the bay area to dry. All wash water should be contained and routed to the sanitary sewer.

In addition to the P2 recommendations, EPC staff calls your attention to three areas of concern that are industrial waste water violations. Unlike P2 recommendations, the violations listed below require immediate attention in order for your facility to be in compliance to waste water issues.

- The facility is currently pressure washing the aprons at the entrance and exits to the maintenance bays resulting in contaminated runoff to storm water drains. The waste stream generated from this washing is considered an industrial waste. EPC staff recommends that the facility use dry cleanup methods or a wash system with a vacuum capability to capture any liquid wastes for disposal via the sanitary sewer.
- A white residue is noted on some areas of the pavement. HARTline staff indicated that tires are cleaned outside of the bay areas or fuel island and that the residue is the detergent used to clean the tires. This is an unauthorized discharge of wastewater. The facility was advised to wash or rinse tires within the contained areas.
- The facility has a carboy of diesel fuel within the engine cleaning area at the Preventative Maintenance building. The carboy has diesel fuel contaminated with water. It was indicated that the carboy bottom water is released into the engine wash water collection system until fuel is observed. As this is eventually routed to the sanitary sewer, this water may be considered petroleum contact water which cannot be disposed to the sanitary sewer. EPC staff recommends that a waste determination be made on this water and that a proper disposal method be selected based on the results of the waste determination.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** November 10, 2004

**Subject:** Surface and Groundwater Pumping

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

**Division:** Wetlands Management Division

**Recommendation:**

Provided for Information Purposes Only; No Recommendation Required

**Brief Summary:**

During the October, 2004 meeting of the Environmental Protection Commission, the Board requested that the Wetlands Management Division coordinate with the Stormwater Review Section of Hillsborough County Planning and Growth Management (PGM) to determine whether or not the pumping of water from construction sites offsite and into wetlands could exacerbate downstream flooding. A concern was also expressed over the potential for increased offsite flows in the post development state.

**Background:**

Surface and groundwater pumping is typically conducted as a course of action related to dewatering a site during construction. Because retention ponds cannot be excavated and graded to the specifications of the approved construction plans without first removing the groundwater, sites are dewatered by well-pointing, cell to cell pumping or other methods usually established by the contractor. To accomplish this task, a containment area is constructed and water that seeps into the excavation area is pumped into the containment area. The sediment laden water decants and water flows out of the containment area, leaving the sediment behind. In many cases, the pump outflow is placed on upland, vegetated ground or in swales so that any sediments can be captured by the vegetation in the event that the water is designed to leave the site. During periods of high rainfall, pumping water offsite could exacerbate downstream flooding.

For the water quantity aspects of dewatering, the Southwest Florida Water Management District (SWFWMD) and the Florida Department of Environmental Protection (FDEP) have provisions in their rule (40D-4.381 (1) (e) that a dewatering plan must be submitted and approved by the agency if the activity will result in offsite discharge or sediment transport into wetlands or surface waters. The EPC Wetland Rule, Chapter 1-11, would also regulate this on a more general basis if the activity causes an adverse impact to a wetland by prolonging the period of inundation or causing dehydration of the wetland.



In the post construction state, the development standards set forth in the Hillsborough County Land Development Code and the Environmental Resource Permit regulations administered by SWFWMD and FDEP require the volume of water leaving a site in the post development state to closely mimic that of the pre-development state. In recent meetings with PGM staff to discuss these issues, it was made clear that provisions exist in the Hillsborough County Land Development Code that could allow for the correction of a poorly designed drainage plan by the responsible party.

There are also numerous regulations for the water quality aspects of this dewatering including the National Pollutant Discharge Elimination System (NPDES) permit, the state SWFWMD and FDEP permits, the Hillsborough County Stormwater Manual and Land Development Code, and the Rules of the EPC (Chapters 1-5 and 1-11).

EPC has an Environmental Scientist dedicated specifically to the task of monitoring the management of water on sites that are under construction. Cases where turbid discharges exceed the standards are almost always escalated to administrative enforcement and where water quantity is an issue, pumping is stopped and the receiving wetland is monitored for stress.

EPC staff appreciates its responsibility in the regulation of water management activities on construction sites and has a good working relationship with other regulatory agencies in resolving flooding and pollution management issues related to wetlands. The staff will continue its diligent effort to monitor construction sites to ensure the protection of the wetland resources of the County.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** November 10, 2004

**Subject:** Management of Ditch Cleaning Waste in Hillsborough County

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

**Division:** Waste Management Division

**Recommendation:**

No staff recommendations. Provided for informational purposes only.

**Brief Summary:**

Staff is providing an informational overview of current FDEP policy and allowances with respect to the management of ditch cleaning waste in Hillsborough County. Also, a brief update is being provided with regard to the status of an FDEP/Hillsborough County consent order associated with the management of ditch cleanings and other similar wastes.

**Background:**

During previous EPC Board meetings questions were raised as to the current requirements related to the management of ditch cleaning waste in Hillsborough County. In order to address these questions, information related to the current State requirements and policy(ies) associated with the management of these materials is being provided. Additionally, a brief status report related to the pending resolution of an FDEP enforcement case involving Hillsborough County and the FDEP is being provided.

**List of Attachments:** November 3, 2004, memorandum addressing the above referenced topics.

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



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Executive Director  
Richard D. Garrity, Ph.D.

MEMORANDUM

Date: November 3, 2004

To: Hooshang Boostani, P.E., Director, Waste Management Division

From: Ronald A. Cope, CHMM, General Manager, Solid & Hazardous Waste Section

RE: **CURRENT REQUIREMENTS AND ALLOWANCES PERTAINING TO THE MANAGEMENT OF STORMWATER DITCH MAINTENANCE MATERIAL IN HILLSBOROUGH COUNTY.**

The following is an overview of current FDEP policy related to the management of storm water ditch maintenance material (ditch cleanings) along with a brief update as to the status of the Hillsborough/FDEP consent order, which, in part, deals with the management of ditch cleaning material.

Management of Stormwater Ditch Maintenance Material

In April of 2001, and as a result of a joint EPC/FDEP complaint investigation, Hillsborough County's procedures related to the management of street sweepings, ditch cleanings, and stormwater sediments became the subject FDEP Southwest District Office administrative enforcement action.

As pertains to the management and/or disposal of ditch cleanings, current FDEP regulations can be interpreted to exempt ditch cleaning material from solid waste permitting requirements pursuant to Chapter 62-701, Florida Administrative Code (F.A.C.) provided the material is "soil, rocks, vegetative debris, asphalt, and similar materials normally associated with and actually from construction and routine maintenance of roads... when such materials are beneficially used or reused by the generator as part of a road construction or maintenance project."

Current FDEP policy can allow for the use or reuse of ditch cleanings to "re-bank" the storm water ditches from which the material has been removed. This allowance is tacitly provided in the above referenced language from Chapter 62-701, F.A.C. The FDEP's Southwest District Office has specifically approved this procedure in Hillsborough County through their approval of a management plan submitted to the FDEP by Hillsborough County's Public Works Department (HCPW) in June of 2001. Currently, where and when it is practical, HCPW observes this policy and reuses removed ditch cleanings at the site where ditch maintenance has occurred. However, in the event that it is determined by the HCPW that a particular stormwater ditch is not a candidate for rebanking, it is the procedure of HCPW to forgo the maintenance/cleaning of

the ditch in order to avoid the need to otherwise dispose or manage the ditch cleaning waste.

Status of FDEP/Hillsborough County Consent Order

The latest version of the FDEP/Hillsborough County consent order was submitted to the HCPW by the FDEP in draft form on June 23, 2004.

The consent order is currently under review by County staff and remains the subject of on-going negotiations between FDEP Southwest District Office personnel and Hillsborough County staff.

Overview of Consent Order Chronology

- 4/5/01           Complaints are received by both the EPC and FDEP regarding the improper disposal/stockpiling of street sweepings by a private street sweeping company. Investigation of the complaints are coordinated jointly with the two agencies. The FDEP requests to take the compliance/enforcement lead.
- 5/24/01           An additional complaint is received by the EPC alleging improper disposal/accumulation of street sweepings at the County's Central Service Unit (Hartford Street).
- 5/9/01            The FDEP issued Warning Letter #WL01-0002SW29SWD to Hillsborough County related to violations of solid waste and industrial waste water regulations associated with the improper disposal of street sweepings, ditch cleanings, stormwater catch basin sediments and waste water generated from the washing of equipment and vehicles at the County's four Road Maintenance Units.
- 6/14/01           Hillsborough County submitted an interim corrective action plan that outlined the County's plans for the correction of violations at the Road Maintenance Units and also outlined the County's plan for the management of street sweepings, ditch cleanings, catch basin sediments and industrial waste waters.
- 6/26/01           The FDEP approves the County's interim corrective actions plan.
- 12/7/01           The FDEP submitted a draft consent order to the County for review and signature.
- 10/21/03          The County submitted to the FDEP a preliminary resource sampling plan that outlined the County's plan to characterize and determine potential reuses of ditch cleanings.
- 6/23/04           The latest version of the draft consent order was submitted by the FDEP to Hillsborough County. Based on compliance inspections performed by FDEP staff at the Road Maintenance Units, to date, and based on the corrective actions completed at the various

sites, the consent order was amended so as not to contain compliance items already completed.

If you require additional information or clarification, please contact me.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** November 10, 2004

**Subject:** Update on Brownfields Program

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

**Division:** Waste Management

**Recommendation:** No action necessary.

**Brief Summary:** Commissioner Castor requested an update on Brownfields Funding during a previous Board meeting. Additionally, EPC was to coordinate with PGMD and devise a strategy for improving the Brownfields Program in Hillsborough County.

**Background:**



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** November 10, 2004

**Subject:** Enhanced Small Quantity Generator (SQG) Program

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

**Division:** Waste Management

**Recommendation:**

Authorize the EPC's Executive Director to sign the contract between DEP and EPC to accept grant monies totaling \$50,000 over a 2 year period and to implement the Enhanced SQG Program.

**Brief Summary:**

EPC continues to seek sources of funding, minimize regulatory duplication, and to maintain our high commitment to the protection of the environment. Seeking and participating with the FDEP as an Enhanced SQG program will meet all three objectives.

**Background:**

The Enhanced SQG Program is designed to augment the existing SQG Programs through better communication with the Florida Department of Environmental Protection, additional training opportunities related to hazardous waste regulations and coordination of inspections of potential generators of hazardous waste in order to avoid duplication of efforts. This program will benefit businesses in Hillsborough County by ensuring that the best and most accurate information regarding hazardous waste regulations is being provided.

EPC request the board to authorize the EPC's Executive Director to sign the contract between DEP and EPC to accept grant monies totaling \$50,000 over a 2 year period and to implement the Enhanced SQG Program.

**List of Attachments:** Copy of the DEP Agreement No. S0177, State of Florida Grant Assistance Pursuant to Line Item 1728 of the 2004-2005 General Appropriations Act, dated as received October 13, 2004

RECEIVED

OCT 13 2004

DEP AGREEMENT NO. S0177

HAZARDOUS WASTE

STATE OF FLORIDA  
GRANT ASSISTANCE

PURSUANT TO LINE ITEM 1728 OF THE 2004-2005 GENERAL APPROPRIATIONS ACT

THIS AGREEMENT is entered into between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, whose address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 (hereinafter referred to as the "Department") and the HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION, whose address is 3629 Queen Palm Drive, Tampa, Florida 33619 (hereinafter referred to as "Grantee" or "Recipient"), a local government, to provide an Enhanced Small Quantity Generator Assessment, Notification and Verification Program.

In consideration of the mutual benefits to be derived herefrom, the Department and the Grantee do hereby agree as follows:

1. The Grantee does hereby agree to perform in accordance with the terms and conditions set forth in this Agreement, **Attachment A**, Grant Work Plan, and all attachments and exhibits named herein which are attached hereto and incorporated by reference. For purposes of this Agreement, the terms "Contract" and "Agreement" and the terms "Grantee", "Recipient" and "Contractor", are used interchangeably.
2. This Agreement shall begin upon execution by both parties and end June 30, 2006, inclusive. The Grantee shall not be eligible for reimbursement for work performed prior to the execution date of this Agreement. This Agreement may be amended to provide for additional services if additional funding is made available by the Legislature. Phase I activities are to be completed by June 3, 2005 while Phase II activities are to be completed by June 30, 2006.
3. A. As consideration for the services rendered by the Grantee under the terms of this Agreement, the Department shall pay the Grantee on a cost reimbursement basis in an amount not to exceed \$25,000 for the services described in Attachment A as Phase I. The Grantee is not authorized to perform any Phase II activities for reimbursement under this Agreement until such time as this Agreement is amended to provide funding and authorize Phase II work to begin. Any Phase II work performed prior to the execution of an amendment authorizing such work to be performed shall be the responsibility of the Grantee and not eligible for reimbursement from the Department. The parties hereto understand and agree that this Agreement does not require a cost sharing or match on the part of the Grantee. If the Grantee finds, after receipt of competitive bids, that the work described in **Attachment A** cannot be accomplished for the current estimated project cost, the parties hereto agree to modify the Grant Work Plan described in **Attachment A** to provide for the work that can be accomplished for the funding identified above.
- B. The Grantee shall be reimbursed on a cost reimbursement basis for all eligible project costs upon receipt and acceptance of a properly completed **Attachment B**, Payment Request Summary Form. In addition to the summary form, the Grantee must provide from its accounting system, a listing of expenditures charged against this Agreement. The listing shall include, at a minimum, a description of the goods or services purchased, date of the transaction, voucher number, amount paid, and vendor name. All requests for reimbursement of travel expenses shall be in accordance with the travel requirements established in Section 112.061, Florida Statutes.
- C. In addition to the invoicing requirements contained in paragraph 3.B. above, the Department will periodically request proof of a transaction (invoice, payroll register, etc.) to evaluate the appropriateness of costs to the Agreement pursuant to State and Federal guidelines (including cost allocation guidelines), as appropriate. This information, when requested, must be provided within 30 calendar days of such request. The Grantee may also be required to submit a cost allocation plan to the Department in support of its multipliers (overhead, indirect, general administrative



costs, and fringe benefits). All bills for amounts due under this Agreement shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof. State guidelines for allowable costs can be found in the Department of Financial Services' Reference Guide for State Expenditures at [www.dbf.state.fl.us/aadir/reference\\_guide](http://www.dbf.state.fl.us/aadir/reference_guide).

4. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature. The parties hereto understand that this Agreement is not a commitment of future appropriations.
5. The Grantee shall submit quarterly invoices in conjunction with quarterly progress reports describing the work performed, problems encountered, problem resolution, schedule updates and proposed work for the next reporting period. Quarterly reports shall be submitted to the Department's Grant Manager no later than twenty (20) days following the completion of the quarterly reporting period. It is hereby understood and agreed by the parties that the term "quarterly" shall reflect the calendar quarters ending March 31, June 30, September 30 and December 31. The Department's Grant Manager shall have ten (10) calendar days to review deliverables submitted by the Grantee.
6. Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes.
7.
  - A. The Department may terminate this Agreement at any time in the event of the failure of the Grantee to fulfill any of its obligations under this Agreement. Prior to termination, the Department shall provide thirty (30) calendar days written notice of its intent to terminate and shall provide the Grantee an opportunity to consult with the Department regarding the reason(s) for termination.
  - B. The Department may terminate this Agreement for convenience by providing the Grantee with thirty (30) calendar days written notice.
8. This Agreement may be unilaterally canceled by the Department for refusal by the Grantee to allow public access to all documents, papers, letters, or other material made or received by the Grantee in conjunction with this Agreement, unless the records are exempt from Section 24(a) of Article I of the State Constitution and Section 119.07(1), Florida Statutes.
9. The Grantee shall maintain books, records and documents directly pertinent to performance under this Agreement in accordance with generally accepted accounting principles consistently applied. The Department, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for five years following Agreement completion. In the event any work is subcontracted, the Grantee shall similarly require each subcontractor to maintain and allow access to such records for audit purposes.
10. In addition to the provisions contained in paragraph 9 above, the Grantee shall comply with the applicable provisions contained in **Attachment C**, Special Audit Requirements. A revised copy of **Attachment C**, Exhibit-1, must be provided to the Grantee with each amendment which authorizes a funding increase or decrease. The revised Exhibit-1 shall summarize the funding sources supporting the Agreement for purposes of assisting the Grantee in complying with the requirements of **Attachment C**, Special Audit Requirements. If the Grantee fails to receive a revised copy of **Attachment C**, Exhibit-1, the Grantee shall notify the Department's Grants Development and Review Manager at 850/245-2361 to request a copy of the updated information.
11.
  - A. The Grantee may subcontract work under this Agreement without the prior written consent of the Department's Grant Manager. The Grantee agrees to be responsible for the fulfillment of all work elements included in any subcontract and agrees to be responsible for the payment of all monies due under any subcontract. It is understood and agreed by the Grantee that the Department shall not be liable to any subcontractor for any expenses or liabilities incurred under the subcontract and that the Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.

- B. The Department of Environmental Protection supports diversity in its procurement program and requests that all subcontracting opportunities afforded by this Agreement embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of minority owned businesses for consideration in subcontracting opportunities.
12. In accordance with Section 216.347, Florida Statutes, the Grantee is hereby prohibited from using funds provided by this Agreement for the purpose of lobbying the Legislature, the judicial branch or a state agency.
13. The Grantee shall comply with all applicable federal, state and local rules and regulations in providing services to the Department under this Agreement. The Grantee acknowledges that this requirement includes compliance with all applicable federal, state and local health and safety rules and regulations. The Grantee further agrees to include this provision in all subcontracts issued as a result of this Agreement.
14. The Department's Grant Manager for this Agreement is identified below.

Glen Perrigan	
Florida Department of Environmental Protection	
Division of Waste Management	
2600 Blair Stone Road, MS #4555	
Tallahassee, Florida 32399-2400	
Telephone No.:	850-245-8749
SunCom No.:	205-8749
Fax No.:	850-412-0528
SunCom Fax No.:	205-8803
E-mail Address:	<a href="mailto:glen.perrigan@dep.state.fl.us">glen.perrigan@dep.state.fl.us</a>

15. The Grantee's Grant Manager for this Agreement is identified below.

Kelley Boatwright	
Hillsborough County Environmental Protection Commission	
3629 Queen Palm Drive	
Tampa, Florida 33619	
Telephone No.:	813-272-5960
Fax No.:	813-276-2256
E-mail Address:	<a href="mailto:boatwright@epchc.org">boatwright@epchc.org</a>

16. To the extent required by law, the Grantee will be self-insured against, or will secure and maintain during the life of this Agreement, Workers' Compensation Insurance for all of his employees connected with the work of this project and, in case any work is subcontracted, the Grantee shall require the subcontractor similarly to provide Workers' Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by the Grantee. Such self-insurance program or insurance coverage shall comply fully with the Florida Workers' Compensation law. In case any class of employees engaged in hazardous work under this Agreement is not protected under Workers' Compensation statutes, the Grantee shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the Department, for the protection of his employees not otherwise protected.
17. The Grantee, as an independent contractor and not an agent, representative, or employee of the Department, agrees to carry adequate liability and other appropriate forms of insurance. The Department shall have no liability except as specifically provided in this Agreement.
18. The Grantee covenants that it presently has no interest and shall not acquire any interest which would conflict in any manner or degree with the performance of services required.

19. Upon satisfactory completion of this Agreement, the Grantee may retain ownership of the equipment purchased under this Agreement. However, the Grantee shall complete and sign a Property Reporting Form, provided as **Attachment D**, and forward it along with the appropriate invoice to the Department's Grant Manager. The following terms shall apply:
  - A. The Grantee shall have use of the equipment for the authorized purposes of the contractual arrangement as long as the required work is being performed.
  - B. The Grantee is responsible for the implementation of adequate maintenance procedures to keep the equipment in good operating condition.
  - C. The Grantee is responsible for any loss, damage, or theft of, and any loss, damage or injury caused by the use of, non-expendable personal property or equipment purchased with state funds and held in his possession for use in a contractual arrangement with the Department.
20. The Department may at any time, by written order designated to be a change order, make any change in the work within the general scope of this Agreement (e.g., specifications, task timeline within current authorized Agreement period, method or manner of performance, requirements, etc.). All change orders are subject to the mutual agreement of both parties as evidenced in writing. Any change, which causes an increase or decrease in the Grantee's cost or time, shall require formal amendment to this Agreement.
21.
  - A. No person, on the grounds of race, creed, color, national origin, age, sex, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.
  - B. An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor, or consultant under contract with any public entity, and may not transact business with any public entity. The Florida Department of Management Services is responsible for maintaining the discriminatory vendor list and intends to post the list on its website. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity, at 850/487-0915.
22. Land acquisition is not authorized under the terms of this Agreement.
23. This Agreement represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Agreement, unless otherwise provided herein.

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

HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: \_\_\_\_\_  
Title: \_\_\_\_\_

By: [Signature]  
Secretary or designee

Date: \_\_\_\_\_

Date: 10/21/04

[Signature]  
Glen Perrigan, DEP Grant Manager

[Signature]  
DEP Contracts Administrator

Approved as to form and legality:

[Signature]  
DEP Attorney

FEID No.:59-6000661

\*For Agreements with governmental boards/commissions: If someone other than the Chairman signs this Agreement, a resolution, statement or other document authorizing that person to sign the Agreement on behalf of the Grantee must accompany the Agreement.

List of attachments/exhibits included as part of this Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
<u>Attachment</u>	<u>A</u>	<u>Grant Work Plan (3 Pages)</u>
<u>Attachment</u>	<u>B</u>	<u>Payment Request Summary Form (2 Pages)</u>
<u>Attachment</u>	<u>C</u>	<u>Special Audit Requirements (5 Pages)</u>
<u>Attachment</u>	<u>D</u>	<u>Property Reporting Form (1 Page)</u>

## ATTACHMENT A

### GRANT WORK PLAN

The following program elements identify the activities authorized for the expenditure of funds under this Agreement for the Grant period beginning upon Agreement execution and ending June 3, 2005. Funding for additional grant periods may be authorized by formal amendment of this Agreement.

#### SQG ASSESSMENT, NOTIFICATION AND VERIFICATION PROGRAM

The Grantee shall conduct the Small Quantity Generator (SQG) Assessment, Notification and Verification program in accordance with Sections 403.7225, 403.7265(9), 403.7234 and 403.7236, Florida Statutes (F.S.); Sections 62-731.050 and 62-731.060, Florida Administrative Code (F.A.C.).

#### COUNTY ENHANCED SQG PROGRAM

##### Phase I – Through June 3, 2005

##### A. Compliance Assistance Visits (CAV)

1. The Grantee will conduct 250 hazardous waste generator compliance assistance visits (CAV) of businesses that have notified the Department as small quantity generators. All CAV inspection information will be entered into the Department's CHAZSQG data management system including using the activity screen for compliance data.
2. The Grantee will conduct its CAV using a combined Department and GRANTEE on-site draft CAV form, which will be incorporated into the Grantee's electronic inspection mechanism. A copy of the completed CAV form, as well as other types of literature, will be provided to the facility.
3. At a minimum, the five most common RCRA secondary violations (accumulation time, container management, waste determination, used oil management, emergency management) will be closely monitored during each CAV visit.
4. The Grantee will distribute "Notification of Regulated Activity Form 8700-12" to all regulated non-notifiers that become known to the Grantee. These forms are to be filled out by the generator and mailed to DEP headquarters. All regulated SQGs encountered will have EPA ID numbers entered into the SQG Database.
5. The Grantee will respond to complaints by performing a complaint investigation, documenting actions taken utilizing the CAV form, and maintain copies of all complaint information in the appropriate facility file.
6. Facilities found with "minor questionable management practices" will be asked to correct those problems and to provide written documentation back to the Grantee indicating their return to compliance. Those facilities that have "major questionable management practices", not providing requested documentation, or found to be in non-compliance during any follow-up CAV will be referred to the Grantee's enforcement section.
7. The Grantee will submit 1 copy of the CAV form and correspondence for each inspected business by inter-office mail, to the FDEP, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619 on Friday of each workweek. If the CAV form submittal date falls on a holiday then the CAV forms will be delivered on the last work day before the holiday. The Southwest District Office will, via e-mail on each Friday, identify those facilities that DEP has inspected the previous week and any projected inspections to be done in the coming week to the Grantee.
8. The Southwest District Office hazardous waste staff will be available to the Grantee for technical assistance.
9. The Grantee will submit to the Department a final draft copy of the electronic CAV form and handout literature at the end of the Agreement period. The Department will assist the Grantee in modifying the draft CAV form and delineating minor and major questionable management practices similar to significant and minor violations as defined in the Department's "Hazardous Waste Civil Enforcement Response Policy of 3/15/96".
10. The Department will conduct a select number of random oversight inspections of businesses that have received CAV by the Grantee to evaluate Grantee performance.

## **B. Equipment Purchases**

In order to carry out the program effectively and efficiently, the Grantee will purchase seven (7) GPS units to provide the latitude/longitude coordinates DEP tracks in its database, two (2) printers, and three (3) complete computer setups (hard drive, 20" flat screen monitor, keyboard, DVD/CD Read/Write, Arcview licensures, and mouse). These computers will be used to evaluate mapping systems utilizing GIS. Sixteen (16) 5 foot vertical shelves will also be purchased for an improved filing system that will maximize the use of existing space and accommodate future expansion. In addition, one (1) digital camera and seven (7) Strait-Line Laser Tape Measures will be purchased.

## **C. Training**

The Southwest District Office and the Department will make every effort to include the Grantee in all training events, will hold monthly teleconferences and/or meetings to discuss the progress of the work under this Agreement, and will provide guidance on regulations or hazardous waste management.

## **D. Final Reports**

The Grantee will provide the following final reports to the Department thirty days prior to the end date of the Grant period:

1. Final Draft CAV Inspection Form.
2. Final Draft Standard Operating Procedure (SOP) for conducting the CAV. The SOP will also include procedures for FDEP/Grantee coordination of the County-Enhanced SQG Program.
3. Final Draft Model County-Enhanced SQG Program Memorandum of Agreement between the District and the Grantee that outlines continued coordination and communication based on the results of this Agreement.
4. A summary report that contains the following information:
  - a. Number of Grantee inspections by business type as identified in item A. 1.
  - b. Number of businesses in compliance by business type as identified in item A. 1.
  - c. Number of businesses out of compliance by business type as identified in item A. 1.
  - d. Type of violations found (minor vs. major) including the number of minor violations by type, including the five listed in A. 4.
  - e. Number of businesses brought back into compliance (include any follow-up site visits) by business type as identified in item A. 1.
  - f. Time required for each inspection by business type as identified in item A. 1. Include a time for the actual field investigation and a time for preparation and follow-up.

## **Phase II –**

This Agreement may be amended to include Phase II projects if funding is available. The Grant Work Plan and Budget for Phase II will be submitted at the time the amendment is requested.

## BUDGET FOR PHASE I

All contractual services, equipment and supplies will be specifically used during the pilot project.

<b>Equipment &amp; Supplies</b>	<b>Brand/Model</b>	<b>Quantity</b>	<b>Cost</b>
Complete Computer setup (hard drive, keyboard, mouse, 20" flat screen monitor, and DVD/CD Read/Write)	Dell	3	\$6,600.29
ARCVIEW 9.0 Concurrent Use License (includes first year maintenance)	GIS Solutions Inc	1	\$3,166.00
Digital camera	Sony Cyber-shot 3.2-Megapixel 3x Optical Zoom Digital camera	1	\$ 229.99
Complete GPS setup (GPS Map 76C, Metroguide CD, Friction mount base, marine mount, carrying case)	GPS Map 76C	7	\$4,111.45
Laser tape measure	Strait-Line Laser Tape Measure	7	\$ 265.65
Printer	HP PSC 1350XI color printer-scanner-copier	2	\$ 199.62
File shelving system	United Business Systems Spacesaver Shelf File Units	16	\$8,497.00
<b>Contractual Services</b>			
SQG Database Enhancements			\$1930.00
		<b>Total Cost =</b>	<b>\$25,000.00</b>

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ATTACHMENT B  
PAYMENT REQUEST SUMMARY FORM

GRANTEE: Hillsborough County Environmental Protection Commission

GRANTEE'S GRANT MANAGER: \_\_\_\_\_  
PAYMENT REQUEST NO.: \_\_\_\_\_

DEP AGREEMENT NO.: S0177  
DATE OF REQUEST: \_\_\_\_\_

PERFORMANCE PERIOD: \_\_\_\_\_

AMOUNT REQUESTED: \$ \_\_\_\_\_

PERCENT MATCHING REQUIRED: \_\_\_\_\_

GRANT EXPENDITURES SUMMARY SECTION

[Effective Date of Grant through End-of-Grant Period]

CATEGORY OF EXPENDITURE	AMOUNT OF THIS REQUEST	TOTAL CUMULATIVE PAYMENTS	MATCHING FUNDS	TOTAL CUMULATIVE MATCHING FUNDS
Salaries	\$	\$	\$	\$
Fringe Benefits	\$	\$	\$	\$
Travel (if authorized)	\$	\$	\$	\$
Subcontracting:				
Planning	\$	\$	\$	\$
Design	\$	\$	\$	\$
Construction	\$	\$	\$	\$
Construction Related Costs	\$	\$	\$	\$
Equipment Purchases	\$	\$	\$	\$
Supplies/Other Expenses	\$	\$	\$	\$
Land	\$	\$	\$	\$
Indirect	\$	\$	\$	\$
TOTALS	\$	\$	\$	\$
AGREEMENT AMOUNT	\$		\$	
Less Total Cumulative Payments of:	\$		\$	
TOTAL REMAINING IN GRANT	\$		\$	

GRANTEE CERTIFICATION

The undersigned certifies that the amount being requested for reimbursement above was for items that were charged to and utilized only for the above cited grant activities.

Grantee's Grant Manager's Signature	Grantee's Fiscal Agent
Print Name	Print Name
Telephone Number	Telephone Number



INSTRUCTIONS FOR COMPLETING  
ATTACHMENT B  
PAYMENT REQUEST SUMMARY FORM

GRANTEE: Enter the name of the grantee's agency.

DEP AGREEMENT NO.: This is the number on your grant agreement.

DATE OF REQUEST: This is the date you are submitting the request.

AMOUNT REQUESTED: This should match the amount on the "TOTAL AMOUNT" line for the "AMOUNT OF THIS REQUEST" column.

GRANTEE'S GRANT MANAGER: This should be the person identified as grant manager in the grant agreement.

PAYMENT REQUEST NO.: This is the number of your payment request, not the quarter number.

PERFORMANCE PERIOD: This is the beginning and ending date of the invoice period.

PERCENT MATCHING REQUIRED: Enter your match requirement here.

GRANT EXPENDITURES SUMMARY SECTION:

"AMOUNT OF THIS REQUEST" COLUMN: Enter the amount that was paid out during the invoice period. This must be by budget category as in the currently approved budget in the current Grant Work Plan of your grant Agreement. Do not claim expenses in a budget category that does not have an approved budget. Do not claim items that are not specifically identified in the current Budget Narrative section of the current Grant Work Plan. Enter the column total on the "TOTALS" line. Enter the budget amount on the "AGREEMENT AMOUNT" line. Enter the total cumulative amount of this request and all previous payments on the "LESS TOTAL CUMULATIVE PAYMENTS OF" line. Deduct the "LESS TOTAL CUMULATIVE PAYMENTS OF" from the "AGREEMENT AMOUNT" for the amount to enter on the "TOTAL REMAINING IN GRANT" line.

"TOTAL CUMULATIVE PAYMENTS" COLUMN: Enter the cumulative amounts that have been paid to date for expenses by budget category. The final report should show the total of all payments, first through the final payment, etc. Enter the column total on the "TOTALS" line. Do not enter anything in the shaded areas.

"MATCHING FUNDS" COLUMN: Enter the amount to be claimed as match for the invoice period. This needs to be shown under specific budget categories according to the currently approved Grant Work Plan. Enter the total on the "TOTALS" line for this column. Enter the match budget amount on the "AGREEMENT AMOUNT" line for this column. Enter the total cumulative amount of this and any previous match claimed on the "LESS TOTAL CUMULATIVE PAYMENTS OF" line for this column. Deduct the "LESS TOTAL CUMULATIVE PAYMENTS OF" from the "AGREEMENT AMOUNT" for the amount to enter on the "TOTAL REMAINING IN GRANT" line.

"TOTAL CUMULATIVE MATCHING FUNDS" COLUMN: Enter the cumulative amount you have claimed to date for match by budget category. Put the total of all on the line titled "TOTALS." The final report should show the total of all claims, first claim through the final claim, etc. Do not enter anything in the shaded areas.

GRANTEE CERTIFICATION: Must be signed by both the Grantee's Grant Manager as identified in the grant agreement and the Grantee's Fiscal Agent.

NOTE: If claiming reimbursement for travel, you must include copies of receipts and a copy of the travel reimbursement form approved by the Department of Financial Services, Chief Financial Officer.

## ATTACHMENT C

### SPECIAL AUDIT REQUIREMENTS

The administration of resources awarded by the Department of Environmental Protection (*which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the contract/agreement*) to the recipient (*which may be referred to as the "Contractor", Grantee" or other name in the contract/agreement*) may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

#### MONITORING

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

#### AUDITS

##### **PART I: FEDERALLY FUNDED**

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

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this Agreement indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department of Environmental Protection. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1., the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$500,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).
4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at <http://12.46.245.173/cfda/cfda.html>.

## PART II: STATE FUNDED

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

1. In the event that the recipient expends a total amount of State financial assistance equal to or in excess of \$300,000 in any fiscal year of such recipient (\$500,000 for fiscal years ending on or after September 30, 2004), the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Executive Office of the Governor and the Chief Financial Officer; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this Agreement indicates State financial assistance awarded through the Department of Environmental Protection by this Agreement. In determining the State financial assistance expended in its fiscal year, the recipient shall consider all sources of State financial assistance, including State financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, paragraph 1, the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2)(d), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$300,000 in State financial assistance in its fiscal year (\$500,000 for fiscal years ending on or after September 30, 2004), an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$300,000 in State financial assistance in its fiscal year (\$500,000 for fiscal years ending on or after September 30, 2004), and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-State entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a recipient should access the Florida Single Audit Act website located at <http://state.fl.us/fsaa/catalog> or the Governor's Office of Policy and Budget website located at <http://www.myflorida.com/myflorida/government/contacts/opbOffice.html> for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website <http://www.leg.state.fl.us/>, Governor's Website <http://www.myflorida.com/>, Department of Financial Services' Website <http://www.dbf.state.fl.us/> and the Auditor General's Website <http://www.state.fl.us/audgen>.

## PART III: OTHER AUDIT REQUIREMENTS

*(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(7)(m), Florida Statutes, State agencies may conduct or arrange for audits of State financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)*

## PART IV: REPORT SUBMISSION

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

DEP 55-215 (09/04)

DEP Agreement No. S0177, Attachment C, Page 2 of 5

- A. The Department of Environmental Protection at the following address:

**Audit Director**  
Florida Department of Environmental Protection  
Office of the Inspector General, MS 40  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

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

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

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

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

**Audit Director**  
Florida Department of Environmental Protection  
Office of the Inspector General, MS 40  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

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

- A. The Department of Environmental Protection at the following address:

**Audit Director**  
Florida Department of Environmental Protection  
Office of the Inspector General, MS 40  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

- B. The Auditor General's Office at the following address:

State of Florida Auditor General  
Room 401, Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

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4. Copies of reports or management letters required by PART III of this Attachment shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at the following address:

**Audit Director**  
Florida Department of Environmental Protection  
Office of the Inspector General, MS 40  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

5. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
6. Recipients, when submitting financial reporting packages to the Department of Environmental Protection for audits done in accordance with OMB Circular A-133, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

#### **PART V: RECORD RETENTION**

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of 5 years from the date the audit report is issued, and shall allow the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General upon request for a period of 3 years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

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**EXHIBIT - 1**

**FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:**

<b>Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:</b>					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

<b>State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:</b>					
Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

<b>State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:</b>						
State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	Water Quality Assurance Trust Fund---GAA line item 1728	2004-2005	37.008	Expanded Local Management Hazardous Waste Program	\$25,000	050840

<b>Total Award</b>					<b>\$25,000</b>
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For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<http://12.46.245.173/cfda/cfda.html>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<http://state.fl.us/fsaa/catalog>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.

## Attachment D

### PROPERTY REPORTING FORM FOR DEP AGREEMENT NO. S0177

#### (For Property With Grantee/Contractor Assigned Property Control Numbers)

**GRANTEE/CONTRACTOR:** List non-expendable equipment/personal property\* costing \$1,000 or more purchased under the above Contract. Also list all upgrades\* under this contract, costing \$1,000 or more, of property previously purchased under a DEP contract (identify the property upgraded and the applicable DEP contract on a separate sheet). Complete the serial no./cost, location/address and property control number columns of this form. The Grantee/Contractor shall establish a unique identifier for tracking all personal property/equipment purchased under this Contract and shall report the inventory of said property, on an annual basis, to the Department's Project Manager, by DEP Contract number, no later than January 31<sup>st</sup> for each year this Contract is in effect.

DESCRIPTION	SERIAL NO./COST**	LOCATION/ADDRESS	GRANTEE/CONTRACTOR ASSIGNED PROPERTY CONTROL NUMBER

\*Not including software. \*\*Attach copy of invoice, bill of sale, or other documentation to support purchase.

GRANTEE/CONTRACTOR: _____	Grantee's/Contractor's Project Manager: _____
	Date: _____

**BELOW FOR DEP USE ONLY**

**DEP CONTRACT MANAGER:** MAINTAIN THIS DOCUMENT WITH A COPY OF THE INVOICES SUPPORTING THE COST OF EACH ITEM IDENTIFIED ABOVE IN YOUR CONTRACT FILE. IF THE CONTRACT IS A COST REIMBURSEMENT CONTRACT, MAKE SURE TO SEND INVOICES SUPPORTING THE COST OF THE ITEMS TO FINANCE AND ACCOUNTING FOR THE PROCESSING OF THE GRANTEE'S/CONTRACTOR'S INVOICE FOR PAYMENT. REFER TO DEP DIRECTIVE 320 FOR PROPERTY GUIDELINES.

DEP Contract Manager \_\_\_\_\_ Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_

DEP FINANCE AND ACCOUNTING: No processing required by Finance & Accounting as the Grantee/Contractor is responsible for retaining ownership of the equipment/property upon satisfactory completion of the Contract.

DEP PROPERTY MANAGEMENT: No processing required by the Property Management section as the Grantee/Contractor will retain ownership of the equipment/property upon satisfactory completion of the Contract.

DEP 55-212 (03-02)