

**ENVIRONMENTAL PROTECTION COMMISSION
of HILLSBOROUGH COUNTY
THURSDAY, OCTOBER 26, 1995
COMMISSIONER'S BOARD ROOM
1:30 - 3:30 P.M.**

AGENDA

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

**LEGAL DEPARTMENT MONTHLY REPORT
OCTOBER 18, 1995**

A. ADMINISTRATIVE APPEALS

NEW CASES [2]

EPC v. DEP: (Florida Power & Light, Orimulsion conversion project.) EPC has requested an administrative hearing and has requested leave to intervene in the power plant certification proceedings. EPC's objection to DEP's proposed permitting is based upon failure to provide the required assurances that environmental regulations will be met. Final evidentiary hearings have been set to begin 11/28/95 and continue through 12/15/95.

FIBA/Bridge Realty: EPC issued a Citation to the owner, Bridge Realty, and former tenant, FIBA Corp., for various unlawful waste management practices, and ordered that a contamination assessment be conducted, that a report be submitted and contaminated material appropriately handled. Bridge Realty has appealed; FIBA Corp. has not yet been served.

EXISTING CASES [2]

Marks: Appealed EPC Citation for wetland destruction; settlement negotiations reached impasse. (see Marks - litigation cases).

Truck Parts of Tampa: EPC cited the owner, California Property, Inc. and lessee Truck Parts, Inc., for violations including allowing the discharge of acid and hydraulic fluid, as well as the accumulation of solid waste. The owner of the property appealed the Citation and asserted that he is unable to gain access to the property and that some of the ordered correction should not be required.

CASES RESOLVED [1]

EPC v. DEP: (Florida Power Corporation Lake Tarpon Transmission line) EPC appealed DEP certification that Florida Power's post-certification submittal meet all state requirements. DEP combined EPC appeal with County petition. Corp of Engineers suspended Florida Power's 404 Permit pending reconsideration of "need" by Florida Public Service Commission. The PSC did not make a decision at its 9/26 meeting; Florida Power expressed its intention to surrender the federal permits. No additional action needed.

B. LITIGATION CASES

NEW CASES [1]

Baity/Johnson v. BOCC/EPC: The BOCC was originally sued by Johnson for injuries in car accident. Now EPC has been served as additional party defendant, and a second plaintiff, Baity, has filed suit for same incident against both the BOCC and EPC.

EXISTING CASES [10]

Hughes Hard Chrome, Inc.: Authority granted 1/27/93 to pursue compliance with Consent Order regarding water violations. The company is out of business on the subject site, but does still exist in the county.

Qasem: Authority granted 8/93 to require Underground Storage Tank equipment to meet regulatory standards. Suit filed against owner and current operator. Temporary Injunction entered on 9/7/94. Upgrades completed by the tenant/current operator, however, EPC has moved for judgment against the owner including a injunction requiring assessment and remediation of contamination on the site.

Carey: Authority granted 8/93 to enforce wetland maintenance pursuant to mitigation agreement. Preparing suit for breach of contract.

Hilaga: Authority granted 3/23/94 to recover penalties and costs for improper closure of abandoned tanks. Tanks were finally removed. Defendant' Motion to Dismiss denied March 14, 1995. Defendants have answered Complaint. Proceeding with discovery.

Holley, Raymond, et al: Received authority on 8/94 to proceed against owners for improperly abandoning Underground Storage Tank (UST) and compel proper closure, assessment of contamination, remediation, civil penalties and costs. Default entered, Defendants have filed Bankruptcy.

Marks: Received authority January 1995, to proceed in circuit court in effort to obtain a Judgment for penalties and costs as well as an order requiring the restoration of wetlands disturbed by the Mark's activities.

Balm Grocery: Received authority on 3/95 to proceed against owners/operators for improperly abandoning underground storage tanks and operational problems with 3 active tank systems. Complaint prepared.

DOT v. Bynum, EPC, et al: DOT has "taken" a parcel of land on which wetlands mitigation is required for an authorized impact that has not yet occurred. The parties are deciding how to adjust the mitigation responsibilities between them.

Howard Automotive Services: Authority granted 8/95 to compel proper removal and closure of four abandoned underground storage tanks, recover penalties and EPC's costs of enforcement.

Eastwood Estates Mobile Home Park: Authority granted 8/95 to compel proper permitting and operation, or restrain operation of wastewater treatment plant and effluent disposal system, recover penalties and EPC's costs of enforcement.

RESOLVED CASES [0]

(agenda\oct.95)

COMMISSION

DOTTIE BERGER
PHYLLIS BUSANSKY
JOE CHILLURA
CHRIS HART
JIM NORMAN
ED TURANCHIK
SANDRA WILSON

EXECUTIVE DIRECTOR

ROGER P. STEWART



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WETLANDS MANAGEMENT DIVISION
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October 19, 1995

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND

Fund Balance October 19, 1995 930,601.94

Encumbrances Against Fund Balance:

Carmichael Dump	30,000.00
Wetland Surveys	1,771.00
Lake Chapman Sea.	2,487.00
Seagrass Study	119,588.00
HCC/USF	103,825.00
Public Ed.	3,000.00
Art. Reef	40,816.00
Misc.	50,000.00

Total of Encumbrances 351,487.00

Fund Balance Available October 19, 1995 \$579,114.94

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
AS OF OCTOBER 18, 1995**

Fund Balance as of 10/01/94	\$ 1,543,682.00
Transfer of DEP held Funds 5/95	52,491.00
Disbursements FY95	-348,692.00
Interest Accrued FY95	<u>72,939.00</u>

Fund Balance \$ 1,320,420.00

Encumbrances Against Fund Balance:

SWIM/DEP/Alafia River, So. Parcel	\$ 9,566.00
COT/McKay Bay Restoration	50,000.00
HCC/Cockroach Bay Exotic Control	40,994.00
H.C./Delaney Creek Enhancement	150,000.00
Bloomington High/Nature Trail & Plant Nursery	*13,200.00
Oyster Reef, Inc./Williams Park Reef	9,500.00
Hillsborough School District/Coastal Wetland Nurseries	<u>27,307.00</u>

Total of Encumbrances \$ 300,567.00

Fund Balance Available September 21, 1995 **\$1,019,853.00**

* This sum has been advanced to the School Board but not yet disbursed to vendors.

COMMISSION

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MEMORANDUM

DATE: October 19, 1995

TO: Environmental Protection Commission

FROM: Roger P. Stewart, Executive Director

**SUBJECT: REQUEST FOR PUBLIC HEARING TO REVISE EPC SOLID WASTE
RULE, CHAPTER 1-7**

With this memo, I am requesting the EPC Board's approval to advertise and prepare a public hearing for the revision of Chapter 1-7 of the EPC rules. The hearing is proposed to be held November 22, 1995, during the regularly scheduled EPC meeting. Revisions to Chapter 1-7 are the culmination of a long term effort by EPC's technical staff and legal department.

A draft copy of the proposed rule is attached for your review. This draft was also submitted to the Citizens Environmental Advisory Committee (CEAC) for their October 16, 1995 meeting. CEAC informed staff that they were not able to review the rule during that meeting; but, would take it up and review it in their next scheduled meeting, which is prior to the proposed public workshop in November. Because the rule is very antiquated and because of time constraints related to receiving state grants, the timely revision of the rule is necessary. The following information is also provided as additional basis for timely revision to the rule.

- 1) EPC's existing rule has not been revised since it was original patterned after the state's rule and enacted in August of 1978. On the other hand, the state's rule has been revised numerous times and has even been segregated into component parts. The revisions proposed for EPC's rule will provide greater parity with the state's rules.

- 2) Changes in the state's rules are significant. The proposed revisions will incorporate appropriate sections of the state's regulations. This will streamline the number of rules and regulations an applicant must know.
- 3) EPC rule definitions and waste classification system in the current rule is no longer accurate. The proposed revisions will correct this.
- 4) The current rule requires EPC Director's Authorization for a number of activities. However, the rule lacks clarity in the standards and process to attain such authorization. The revisions provide greater clarity.
- 5) The regulation of hazardous wastes is more clearly identified in the new rule and meets changes that are encouraged by the state for local governments. In fact, by revising the rule and continuing EPC's approach to inspecting and addressing small quantity generators of hazardous waste, the state will provide a grant to EPC of up to 50,000 dollars. The grant does impose time constraints that drive this revision process to some degree.

Staff will be on hand during the regularly scheduled October 26, 1995 EPC meeting to address any questions or concerns you might have. Thank you for your consideration in this matter.

WASTE MANAGEMENT RULE
Chapter 1-7

PART I GENERALLY

- 7-00.10 Intent
- 7-00.11 Interpretation
- 7-01.20 Definitions
- 7-01.21 Reference Standards
- 7-01.22 EPC Application Fees
- 7-01.23 Confidential Information
- 7-01.30 Prohibitions
- 7-01.31 Approval of Alternate Procedures
- 7-01.32 Director's Authorization

PART II SPECIFIC FACILITIES OR MATERIALS

- 7-01.33 Construction on, or Excavation of, Solid Waste
- 7-01.34 Landfills
- 7-01.70 Materials Recovery Facilities
- 7-01.72 Industrial Solid Waste
- 7-01.73 Clean Debris, Construction & Demolition Debris
- 7-01.81 Solid Waste Transfer Stations
- 7-01.82 Land Application of Domestic Wastewater Sludge
- 7-02.00 Solid Waste Combustor Ash
- 7-09.00 Composting Facilities
- 7-10.00 Used Oil
- 7-11.00 Waste Tires
- 7-12.00 Biohazardous and Biological Waste

PART III HAZARDOUS WASTE

- 7-30.001 Declaration and Intent.
- 7-30.020 Definitions.
- 7-30.021 References, Variances and Case-by-Case Regulations.
- 7-30.030 Identification of Hazardous Waste.
- 7-30.031 Prohibitions.
- 7-30.150 General applicability
- 7-30.160 Generators of Hazardous Waste.
- 7-30.171 Transfer Facilities
- 7-30.180 Hazardous Waste Treatment, Storage and Disposal Facilities.
- 7-30.181 Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.
- 7-30.183 Land Disposal Restrictions

**PART I
GENERALLY**

7-00.10 INTENT

(1) The Commission finds that the improper management and disposal of solid wastes and hazardous wastes, as well as the improper management of recycled and recovered materials generally, can result in or contribute to pollution of the waters, soils, property, and air, and that the reasonable regulation of recycled and recovered materials management and waste disposal practices will reduce pollution, protect the public safety, health and welfare, and protect the environment of the County.

(2) Recognizing that proper disposal alternatives for solid and hazardous wastes are becoming limited, the Commission also finds that waste minimization and reuse is necessary for the future protection of our environment.

(3) It is the Commission's intent in adopting this rule to apply reasonable control and regulation over the storage, collection, transportation, receiving in bulk, separation, processing, recycling, mining and disposal of solid wastes, hazardous wastes, and recycled and recovered materials in order to protect the public health, safety and welfare to also encourage the recycling of wastes and materials which otherwise would end in the waste stream.

(4) It is the Commission's intent to require a Director's Authorization for all solid waste management facilities in Hillsborough County prior to the construction, operation, modification, or use of the facility to ensure the proper design, location, management, and closure of such facilities so as to eliminate and reduce the risks of pollution.

7-00.11 INTERPRETATION

(1) By adopting certain rules of the Department, the Commission intends that any provision therein requiring permits, application for alternative procedures, notifications, or notices of general permit to the Department shall be interpreted as requiring submission of such documents to the Commission for review and/or issuance of a Director's Authorization under the provisions of this rule.

(2) In implementing any Department rule herein, the Commission will apply the Department's interpretations of its regulations where consistent within the context of these rules; however, any action or position taken by the Commission or its Director in conflict with a Department interpretation or policy applying such regulations will not be invalidated on that basis alone unless the Department interpretation or policy was formally issued in writing prior to the Commission's or Director's action.

7-01.20 DEFINITIONS

(1) The Commission adopts for purposes of this rule chapter the definitions contained in Sections 62-701.200, 62-702.200, and 62-709.200 F.A.C. and Section 403.703 F.S., except as may be otherwise defined in Chapter 84-446, Laws of Florida.

(2) In addition, the following definitions apply:

(a) "Director" means the Executive Environmental Director of the Commission, or his staff as appropriate.

(b) "Director's Authorization" means:

1. the specific written approval of the Director, or
2. a Department solid waste permit, the notice or application for which has been reviewed by the Director's staff as provided in this rule, and for which the Director has not issued a written notice of objection.

(c) "Department" means the Florida Department of Environmental Regulation and its successor agency, the Florida Department of Environmental Protection.

(d) "SWFWMD" or "District" means the Southwest Florida Water Management District.

(e) "Solid waste management facility" as defined by section 62-701.200(73) F.A.C., and includes the following: any solid waste disposal area, dump site, landfill, volume reduction plant (incinerator, pulverizer, compactor, shredding and baling plant, composting facility, waste recycling or disposal operation, materials recovery facility), transfer station, or other facility or operation the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste.

(f) "Notice of objection," where not otherwise provided by this rule, means a specific written document or letter signed by the Executive Director and directed to the Department, which states an objection to the basis or criteria for a proposed permit.

7-01.21 REFERENCE STANDARDS

Standard reference documents used in implementing these rules shall be those listed in Section 62-701.210 F.A.C.

7-01.22 EPC APPLICATION FEES

Applicable application fees for a Director's Authorization or other review required under this rule shall be as provided in Chapter 1-6, Rules of the Commission. Unless provided otherwise, fees required by regulations adopted by reference in this rule, are separate and shall be paid directly to the Department.

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7-01.23 CONFIDENTIAL INFORMATION

Confidential trade secrets shall be kept confidential pursuant to Sections 403.73 and 403.111 F.S.

7-01.30 PROHIBITIONS

(1) The prohibitions of Section 62-701.300 F.A.C. are specifically adopted by reference.

(2) No person shall conduct the activities listed in 7-01.32 in Hillsborough County without a Director's Authorization. A valid Department permit issued specifically for a listed activity, which was reviewed by the Director's staff and for which the Director has not issued a notice of objection, shall constitute a Director's Authorization.

(3) No person shall fail to comply with the requirements and conditions contained in a Director's Authorization or Department permit pursuant to this rule.

7-01.31 APPROVAL OF ALTERNATE PROCEDURES

The provisions of Sections 62-701.310(1), (2), (4) and (5) F.A.C. are adopted by reference. A Director's Authorization shall be required for alternate procedures or requirements. Requests for alternate procedures shall be accompanied by the appropriate EPC fee.

7-01.32 DIRECTOR'S AUTHORIZATION

(1) The following activities in Hillsborough County shall require a Director's Authorization:

(a) the construction, operation or use of a solid waste management facility in Hillsborough County as required by Chapter 62-701 F.A.C.;

(b) the construction, operation or use of any alternate procedures or requirements as provided in 7-01.31;

(c) the excavation of solid waste, modification of a solid waste filled area, or the construction of buildings, utility lines or pipes, parking lots or paved surfaces, on or through areas filled with solid waste; and

(d) the construction, operation or implementation of any solid waste management facility or recovered materials processing facility, or activity otherwise exempted from DEP regulation by Sections 62-701.220 and 62-701.320 F.A.C.

(2) Except for the activities identified in sections 62-701.320(2)(a) and (2)(b)3. F.A.C., the specific activities listed in section 62-701.320(2) F.A.C. are hereby granted a Director's Authorization to conduct said activity upon the conditions contained therein.

(3) A general permit granted by the Department under sections 62-701.801, 62-709.800, 62-710.800, 62-710.803, 62-711.801 62-712.800 F.A.C. shall be a valid Director's Authorization as long as the notice has been submitted to the Director, reviewed according to Department criteria, and no notice of objection has been issued. The specific application requirements of subsection (4) below may be necessary only if the Director has issued an objection.

(4) All applications for a Director's Authorization under this rule shall include the following, along with the appropriate EPC fee required:

(a) Copy of the complete Department permit application where applicable, and as required by sections 62-701.320 or 62-701.330 F.A.C., including copies of all appendices, plans, and drawings.

(b) Evidence of authorization to use the property for the proposed facility, if the property owner is different from the applicant.

(c) A site plan signed, sealed and dated by a State of Florida registered professional engineer, of a scale no greater than one inch equals two hundred feet (1"=200'), to include notation of:

1. Project location and identification of all structures, roadways and other operational appurtenances;
2. Proposed disposal, handling, storage and processing areas;
3. Total acreage of the site;
4. Access control features and any other relevant physical features such as water bodies, wetlands, and areas subject to frequent and periodic flooding; and
5. Identification of all potable water wells on or within five hundred feet (500') of the site boundary.

(d) A boundary survey and legal description of the property from the county tax assessor's office.

(e) A signed and sealed general closure plan for the site, to include:

1. Cross section details of any disposal areas with final cover depths and site contours;
2. Revegetation plan details; and
3. A schedule for the removal and proper disposal of excess wastes and recovered materials.
4. An assessment of the anticipated cost of closure and the applicant's financial ability to effect proper closure.

Ninety days prior to the facility's closure, a plan must be submitted which will detail the operator's intentions for the evaluation of the site's environmental condition and explain

intended remedies. Any drawings in support of these requirements must be signed, sealed and dated by a professional engineer registered in the state of Florida.

(f) A copy of any SWFWMD permit for the control of stormwater or documentation that no permit is required, and if a SWFWMD permit is not required, plans including topography and stormwater control devices in accordance with Chapter 62-25, F.A.C. These plans must be signed, sealed and dated by a professional engineer.

(g) A description of the general operating plan for the proposed facility, including equipment to be used and number of personnel.

(5) EPC will accept submissions on the forms required by Section 62-701.900 F.A.C. For activities requiring submission under Section 7-01.32(4), an application form may be obtained from the Commission.

(6) Pursuant to the existing Operating Agreement between the Department and the Commission, the Commission shall comment to the Department as to completeness on all applications within Hillsborough County requiring a Department permit as required therein. Recommendation for issuance or denial, based upon reasonable assurance that the facility will meet Department criteria and standards, shall be submitted to the Department as described in the Operating Agreement or Chapter 120 F.S.

(7) The requirements and standards of review of applications for a Director's Authorization shall be those contained in Section 62-701.320 F.A.C., this rule, and any other EPC or Department rule specifically providing conditions, standards, or criteria for the type of activity seeking authorization.

PART II SPECIFIC FACILITIES OR MATERIALS

7-01.33 CONSTRUCTION ON OR EXCAVATION OF SOLID WASTE

(1) Applications pursuant to section 7-01.32(1)(c) above, will be reviewed, approved or disapproved based upon the written conclusions and recommendations of appropriately certified professionals according to the following:

(a) A Preliminary Contamination Assessment Plan and Report must be performed as appropriate to the proposed project, and submitted to demonstrate existing and potential contamination of air, water, soil and groundwater from the filled areas of the site. Preliminary contamination assessments must be conducted under the guidance of an experienced professional engineer or professional geologist.

(b) Landfill-generated gases before and after the proposed excavation should be analyzed and monitored for explosive limits and health-related effects by an experienced industrial hygienist, health professional, or professional engineer.

1. Mitigation of harmful levels of landfill-generated gases should be addressed.

2. Explosive landfill gas control and explosive gas monitoring systems must be designed and installed under the supervision of an experienced professional engineer, who must also prepare and provide a gas control system operation plan. The gas control system should meet the Department's requirements for performance and design standards. Additionally, explosive gases should be controlled in order to meet standards defined under Section 257.3-8 of Title 40 of the Code of Federal Regulations. A methane flare unit may require obtaining a permit from the EPC Air Management Division if such a device is deemed to be necessary.

(c) Provisions for the handling and proper disposal of excavated materials must be addressed.

(d) Following completion of the activity, appropriate areas must be graded and sloped in order to prevent the impoundment of stormwater on solid waste-filled areas. These activities must be conducted under the guidance of an experienced professional engineer.

(e) A geotechnical investigation and appropriate building safeguards should be required in order to address the placement of proposed structures on or through solid waste-filled areas. The geotechnical investigation should be performed under the supervision of an experienced professional engineer. The applicant must comply with all local and State building codes in order to ensure that proposed structures will not be damaged by potential landfill subsidence.

(f) The applicant should comply with all other applicable local, State, and federal codes.

7-01.34 LANDFILLS

(1) Landfills in Hillsborough County shall comply with the standards and criteria contained in Section 62-701.340 F.A.C.

(2) Landfills shall at a minimum comply with the standards and criteria contained in Sections 62-701.400, 62-701.410, 62-701.420 and 62-701.430 F.A.C.

(3) (a) Operational standards and requirements shall be in compliance with Section 62-701.500 F.A.C. and monitoring requirements shall be consistent with Section 62-701.510 F.A.C.

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(b) Landfill operators shall be trained and qualified as required by law.

(4) Special waste handling at landfills in Hillsborough County shall conform to the standards and criteria contained in Section 62-701.520 F.A.C.

(5) Landfills in Hillsborough County shall be subject to the closure and long term care procedures, criteria and standards contained in Sections 62-701.600, 62-701.610 and 62-701.620 and 62-701.640 F.A.C.

7-01.70 MATERIALS RECOVERY FACILITIES

(1) Any person proposing to operate, maintain, construct, expand or modify a recovered materials processing facility or recycling facility in Hillsborough County shall submit to the Environmental Director an application for said operation pursuant to Section 7-01.32(4) prior to implementation.

(2) Solid waste management facilities which are materials recovery facilities shall comply with the criteria and standards contained in Section 62-701.700 F.A.C.

7-01.72 INDUSTRIAL SOLID WASTE

Solid waste management facilities that accept primarily industrial wastes other than construction and demolition debris, shall comply with the standards and criteria of Section 62-701.720 F.A.C.

7-01.73 CLEAN DEBRIS, CONSTRUCTION AND DEMOLITION DEBRIS

(1) Clean debris may be used as allowed by Section 62-701.730(1) F.A.C., and its use is hereby granted a Director's Authorization as long as its placement complies with applicable EPC wetland requirements and County development regulations.

(2) Construction and demolition debris may only be disposed of in Hillsborough County at an appropriately permitted disposal facility according to the criteria and requirements of Sections 62-701.730(2), (4), (6) and (7) F.A.C.

7-01.81 SOLID WASTE TRANSFER STATION

Any person wishing to utilize the Department general permit for a waste transfer station shall submit to the Director a complete copy of the notice as required by Section 62-701.801 F.A.C.

7-01.82 LAND APPLICATION OF DOMESTIC WASTEWATER SLUDGE

The Director hereby gives notice of objection to any Department general permit for land application of grade II domestic wastewater treatment sludge pursuant to Section 62-701.802 F.A.C., and requires therefor a complete application pursuant to Section 7-01.32(4) above, with specific written authorization from the Director.

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7-02.00 SOLID WASTE COMBUSTOR ASH

The management of ash residues shall comply with the criteria and requirements of Chapter 62-702, F.A.C.

7-09.00 COMPOSTING FACILITIES

Solid waste management facilities which use composting technology to process wastes shall comply with the provisions, prohibitions and standards of Chapter 62-709 F.A.C., except as it may apply to the processing of yard trash. The applicable criteria and requirements for the processing of yard trash into other usable materials, such as compost and mulch, is regulated under Section 7-01.70 of this rule.

7-10.00 USED OIL

(1) The collection, transport, storage, recycling, use and disposal of used oil and oily wastes shall comply with the criteria, prohibitions, procedures and standards contained in Chapter 62-710, F.A.C.

7-11.00 WASTE TIRES

The collection, transport, processing and disposal of waste tires shall comply with the criteria, prohibitions, procedures and standards contained in Chapter 62-711, F.A.C.

7-12.00 BIOHAZARDOUS AND BIOLOGICAL WASTE

The transport, storage, treatment and disposal off-site of biohazardous and biological wastes shall comply with the criteria, prohibitions, procedures and standards contained in Chapter 62-712, F.A.C.

**PART III
HAZARDOUS WASTE OF SMALL QUANTITY GENERATORS**

7-30.001 DECLARATION AND INTENT

(1) The Florida Legislature recognizes and requires in Sections 403.7225 and 403.7238 F.S., the need for increased participation by local governments in ensuring that small quantity generators properly manage their hazardous waste and that waste reduction opportunities are promoted and realized. Counties are encouraged to adopt local ordinances to address compliance with and enforcement of the federal and state hazardous waste regulations for small quantity generators. Therefore, in this part of Chapter 1-7, the Commission adopts rules to specifically address the proper management of hazardous wastes by small quantity generators and transfer facilities.

(2) Hillsborough County, obligated by Section 403.7234 F.S. to implement the small quantity generator notification and verification program, assigned its responsibility to the Commission by Interlocal Agreement [Document #93-1101] on June 18, 1993.

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(3) Section 403.7225(12), F.S., authorizes imposition of an annual notification and verification surcharge on the business or occupational license of any firm that is classified as a small quantity generator of hazardous waste. The Commission has adopted such a fee in Section 1-6.03(6) of its rules, which is collected in part by agreement with the tax collector through the County's occupational license program.

(4) It is the Commission's intent that all hazardous waste standards and criteria, notification requirements and permit conditions adopted by the Department in Chapter 62-730 F.A.C. shall be fully applicable and enforceable on all facilities handling hazardous wastes in Hillsborough County. The Commission however, intends to directly regulate under part III of this rule, only those facilities identified as small quantity generators and hazardous waste transfer facilities.

7-30.020 DEFINITIONS

For purposes of part III of this rule, the definitions adopted or contained in Section 62-730.020 F.A.C. shall apply. Where said definitions cannot be reconciled with definitions adopted in Section 7-01.01 of this rule, the definitions in Section 62-730.020 F.A.C. shall prevail in application of this part.

7-30.021 REFERENCES, VARIANCES AND CASE-BY-CASE REGULATIONS

The Commission adopts by reference Section 62-730.021(1), F.A.C.

7-30.030 IDENTIFICATION OF HAZARDOUS WASTE

The Commission adopts the criteria and standards referenced by Section 62-730.030 F.A.C. for identifying hazardous waste.

7-30.031 PROHIBITIONS

(1) No person shall discharge, cause or permit the discharge, of hazardous waste to the soils, air, surface water, or ground water in Hillsborough County, unless the discharge is in compliance with federal, state, and local regulations.

(2) No person shall discharge, cause or permit the discharge, of hazardous waste to a septic tank, oil/water separator, or other system of waste management which is designed to discharge into soils, air, surface water, or ground water, unless the discharge is in compliance with federal, state, and local regulations.

(3) No person shall manage hazardous waste in violation of any federal, state, or local regulations.

DRAFT 10/13/95

(4) No person subject to inspection pursuant to Section 403.7234 F.S. shall fail to pay the small quantity generator notification/verification fee required pursuant to Section 1-6.03(6) of the Commission's rules upon written notification that they are classified as a potential small quantity generator of hazardous wastes.

7-30.150 GENERAL APPLICABILITY

The provisions of Section 62-730.150, F.A.C. are adopted as specified therein, except that generators, transporters, or persons who own or operate a facility which treats, stores, or disposes of hazardous waste are not required to submit EPA Form 8700-12 to the Commission.

7-30.160 GENERATORS OF HAZARDOUS WASTE

All generators of hazardous waste in Hillsborough County shall comply with the standards and criteria required by subsections 62-730.160(1), (3), (4), (6) and (7) F.A.C.

7-30.171 TRANSFER FACILITIES

All transfer facilities in Hillsborough County shall comply with the standards and requirements contained in Section 62-730.171 F.A.C. except for subsection (1), and a copy of each record, report and plan required therein shall be submitted to the Commission within the timeframes provided.

7-30.180 HAZARDOUS WASTE TREATMENT, STORAGE and DISPOSAL FACILITIES

Owners and operators of hazardous waste treatment, storage and disposal facilities in Hillsborough County shall comply with subsection 62-730.180(2) F.A.C.

7-30.181 SPECIFIC HAZARDOUS WASTES AND TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

The application of recycled materials to the land, recovery of precious metals, reclamation of lead-acid batteries, and the burning of hazardous wastes in furnaces, shall comply with the standards in Section 62-730.181 F.A.C.

7-30.183 LAND DISPOSAL RESTRICTIONS

All land disposal of hazardous waste shall comply with the restrictions and record keeping requirements of Section 62-730.183 F.A.C.

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

AGENDA: REQUEST FOR AUTHORITY

FROM: Sheila A. Luce, Enforcement Coordinator, Waste Management Division

ENFORCEMENT CASE: Causeway Station - Letty Cueva, Patricia Cueva, Arquedes Cueva

RECOMMENDATION: Staff recommends that the EPC grant authority to take appropriate legal action, as necessary

BACKGROUND and NATURE OF VIOLATION:

Commission staff has documented the following violations, some have been on-going since January 25, 1991: failure to conduct and record inventory requirements, failure to upgrade or properly close five underground storage tanks, failure to conduct and record monitoring well checks, failure to meet monitoring well construction standards, failure to conduct EPC Method 602 and 610 analyses, and failure to provide proof of financial responsibility. A Non-Compliance Letter was issued January 25, 1991, Warning Notice was issued March 10, 1992, Notice of Intent to Initiate Enforcement was issued March 31, 1995, and a Citation was issued September 5, 1995. All administrative enforcement options have been exhausted, at staff level.

This facility is in substantial non-compliance with Chapter 62-761, FAC and 1-12 Rules of the Commission.

DIAGRAM of SITE (if appropriate):

ACTION TAKEN BY THE COMMISSION

MEETING Date _____

Approved Disapproved Deferred Until _____

SPECIAL INSTRUCTIONS: _____

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

AGENDA: REQUEST FOR AUTHORITY

FROM: Waste Management Division, Michael Newman, Env. Enf. Spec. I

MN

ENFORCEMENT CASE: Moore Properties of Tampa, Inc.

RECOMMENDATION: Staff recommends that the EPC grant authority to take appropriate legal action, as necessary.

BACKGROUND AND NATURE OF VIOLATION: Moore Properties of Tampa, Inc. (Moore) owns property located at 1004 N. Tampa St., containing five underground storage tank systems (USTs) regulated under Ch. 62-761, F.A.C. and Ch. 1-12, Rules of the Commission.

§1-12-61.50, of the Rules, and §62-761.510, F.A.C., required the USTs to be either upgraded or properly closed by December 31, 1992. Moore's former tenant, Pioneer Auto Service Center, Inc., removed the USTs from service by that date, and vacated the property in September, 1993.

The Commission issued Moore a Citation to Cease and Order to Correct on July 25, 1995, with instructions to inspect the leak detection system as required by §1-12-61.73, of the Rules, and §62-761.800, F.A.C., and to properly close the five USTs. Moore neither appealed nor closed the UTSS.

Also on July 25, 1995, Moore stated that the mortgage holder performed Phase I & II environmental assessments on the property and discovered petroleum contamination. Moore has neither submitted a Discharge Reporting Form as required by §1-12-61.45, of the Rules, and §62-761.460, F.A.C., nor initiated corrective action as required by §1-12-61.80, of the Rules, and §62-761.820, F.A.C.

ACTION TAKEN BY THE COMMISSION

MEETING DATE _____

Approved Disapproved Deferred Until _____

SPECIAL INSTRUCTIONS: _____

COMMISSION

DOTTIE BERGER
PHYLLIS BUSANSKY
JOE CHILLURA
CHRIS HART
JIM NORMAN
ED TURANCHIK
SANDRA WILSON

EXECUTIVE DIRECTOR

ROGER P. STEWART



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WASTE MANAGEMENT DIVISION
TELEPHONE (813) 272-5788

WETLANDS MANAGEMENT DIVISION
TELEPHONE (813) 272-7104

M E M O R A N D U M

DATE: October 5, 1995

TO: Chris Dunn, Director

FROM: Tom Ash, Artificial Reef Coordinator 

SUBJECT: Outboard Motor for 22' C-Hawk

The 200 H.P. outboard motor for the C-Hawk has been diagnosed with a broken piston in at least one cylinder and a subsequent hole in the block caused by the piston damage. The mechanics at Seals have explained this situation to me and have assured me that the wear associated with the pistons which led to the engine failure is not uncommon. What is uncommon is the fracturing of the piston and subsequent breach in the cylinder wall. Since the engine was running rough at low speeds but, otherwise operating within specifications until the piston failure, there was no way of foreseeing the damage without taking the engine powerhead apart.

This engine is a 1990 200HP Mercury outboard which was purchased with Pollution Recovery Trust Fund monies in the spring of 1990. The estimate to have the engine repaired is in excess of \$5200.00 and involves the purchase of a new short block and piecing together some of the old parts. The cost of purchasing a new 200HP Mercury outboard off the state bid list and having it installed would be approximately \$7000.00.

I would, therefore, request and recommend that we begin the purchasing process for a new outboard motor for the C-Hawk. This equipment is assigned to the Artificial Reef Program and has been used primarily in the execution of that program's duties so the most logical source of funding would be the Pollution Recovery Trust Fund.

cc: Tom Cardinale

AGENDA ITEM COVER SHEET

CONSENT

NON-CONTROVERSIAL

REGULAR

SUBJECT: Request for Budget Amendment Resolution FY96
TEAM: Environmental Protection Commission
DEPT: Environmental Protection Commission **CONTACT PERSON:** Lorraine Castillo

RECOMMENDATION:

Accept and Appropriate \$7,000.00 from the Pollution Recovery Fund (Escrow Account) for an emergency purchase of a 200 HP outboard motor for the Artificial Reef Program.

No General Revenue Funds required.

BACKGROUND:

The 200 HP Mercury outboard motor used on the primary boat for the Artificial Reef Program has broken down beyond reasonable repairs. It is approximately six years old. This engine must be replaced to continue the operation of the Artificial Reef Program as it is the primary engine and boat used for the program. The Artificial Reef Program is funded through the Pollution Recovery Fund, and therefore, this purchase should come from Pollution Recovery Funds.

No General Revenue Funds required/

Continued Cost \$ 7,000.00 Index/Subobject Code 087909 Rev 187302 Exp

SIGN-OFF APPROVALS

DATE

DIRECTOR _____

ACA 1st APPROVAL _____

BUDGET _____

CONTRACTS _____

LEGAL _____

ACA *Stewart 10/10/95* _____

FISCAL ACA _____
 (If Budget Amendment)

Affected parties notified
 Not required
 Public Entity Crime Sworn Statement
 Advertised
 Not Required

Date: _____

Paper: _____

Attachments

None
Line Item Detail

Backup on file in County Administrator's Office

-- OCA STAFF ONLY --

BOARD ACTION:

Approved Disapproved Continued/Deferred Until _____

OTHER/SPECIAL INSTRUCTIONS: _____

BY: _____

MEETING DATE: 11/01/95
 (Revised 6-12-91)

AGENDA CODE: _____

Account Code	Name of Account	Current Budget	Increase	Decrease	Revised Budget
<u>Revenue:</u>					
087909-0208	Rev from Poll Rec Escrow	<u>230,291</u>	<u>7,000</u>	<u>-0-</u>	<u>237,291</u>
<u>Appropriations:</u>					
187302-6499	Other Equipment	<u>1,460</u>	<u>7,000</u>	<u>-0-</u>	<u>8,460</u>

This item does () does not (X) have a greater impact in the next Fiscal Year. If it does, what is the anticipated impact? _____

Does this affect revenues () expenditures () net of revenues/expenditures (X)?
 Does this action create () eliminate () positions? Number of positions . N/A

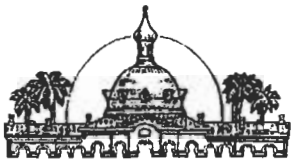
TO BE COMPLETED WITH POSITIONS ARE INCREASED/DECREASED

POS(s) # _____ ADD() POS(s) # _____
 _____ DELETE() _____

MEETING DATE: 11/01/95

AGENDA CODE:

SARA



Hillsborough
County

Board of County
Commissioners

JOE CHILLURA, JR.
COUNTYWIDE
COMMISSIONER

COUNTY CENTER
601 E. KENNEDY BOULEVARD
TAMPA, FLORIDA 33602

PHONE: (813) 272-5735
FAX: (813) 272-7054

Ray Agendy
REC'D
JUL 20 1995

ENV. PROT. COMM.
OF H.O.

MEMORANDUM

DATE: July 18, 1995

TO: Roger Stewart, Executive Director
Environmental Protection Commission

FROM: Joe Chillura, County Commissioner

SUBJECT: EPC Board Composition Discussion

.....
Roger:

As per our telephone conversation on Monday, July 17, 1995, please schedule the subject topic for the Environmental Protection Commission's (EPC) consideration.

The Environmental Protection Commission took no final action on this matter, even though the Citizens Environmental Advisory Council (CEAC) did not support the change. As I understood the CEAC's survey, two municipalities (Plant City and Tampa) were in agreement. Even though Councilman Ron Mason, Chairman, Tampa City Council, was not interviewed by the CEAC, he did attend our retreat and voiced support for the change.

Please review the video of the meeting to gain a sense of the EPC Board's sentiments on this issue.

JC/sbb

COMMISSION

DOTTIE BERGER
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MEMORANDUM

DATE: October 4, 1995

TO: EPC of Hillsborough County Board Members

FROM: Roger Stewart, Executive Director, EPC

**SUBJECT: QUARTERLY STATUS REPORT ON HILLSBOROUGH COUNTY
SUPERFUND SITES**

This memorandum serves as the quarterly status report on Superfund sites in Hillsborough County. The previous quarterly status memorandum was submitted to you on July 12, 1995.

Schuylkill Metals Corporation Site

The USEPA Remedial Project Manager (RPM) has informed EPC staff that the solidification of contaminated soils was begun in December 1994. The responsible party estimates that the cleanup will be complete by about June 1996. Treated water from the on-site pre-treatment facility is being sent to the City of Plant City's publicly-owned treatment works (POTW).

Sydney Mine Sludge Pond Site

In May 1995, there was a fire at the site. It destroyed the surface PVC piping of the groundwater remediation system. The system had not been functioning since mid-May 1995. The system was scheduled to be running again in July 1995.

Page 2
October 4, 1995
EPC Board Members

62nd Street Dump Site

The amendment to the Record of Decision (ROD) has been signed. The USEPA is in the process of closing out the site. The closeout report has been approved by the USEPA. The USEPA will be monitoring the site for the next five (5) years.

Helena Chemical Company Site

The USEPA's proposed cleanup plan has been approved. The USEPA Remedial Project Manager hopes to finish the ROD by October 4, 1995, so it can be reviewed internally by USEPA staff within the next thirty (30) days.

Taylor Road Landfill Site

The proposed plan for cleanup has been finalized. The Record of Decision (ROD) was signed on September 29, 1995. The USEPA will begin negotiations to initiate the Remedial Design.

Reeves Southeastern Corporation Site

The USEPA has signed the Consent Decree to undertake the Remedial Design/Remedial Action for the three (3) operable units. Upon the completion of the contaminated soil Remedial Action, the groundwater and wetland Remedial Actions will then be implemented.

Kassouf-Kimerling Site

The Superfund site has been remediated; however, the off-site wetlands mitigation project has been more of a problem. The soil sampling at the proposed McKay Bay wetlands mitigation site has revealed high levels of polynuclear aromatic hydrocarbon (PAH) compounds. The USEPA is still evaluating on whether or not to use the McKay Bay property for wetlands mitigation.

Bay Drums/Peak Oil Sites

The USEPA sent out over 700 letters to minor Potential Responsible Parties (PRP's) in order to seek de minimis settlements. The USEPA has filed a Consent Decree for the remediation of the four (4) operable units.

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October 4, 1995
EPC Board Members

Stauffer Chemical Company Site

The USEPA Remedial Project Manager is working on the Record of Decision. She hopes that the Record of Decision will be signed sometime during October 1995.

rps/drc

xc: Paul Schipfer, EPC Waste Management Division
Chuck Heintz, EPC Waste Management Division