

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
THURSDAY, JULY 18, 1996
COMMISSIONERS BOARD ROOM
10 AM - 12 NOON**

AGENDA

I. CONSENT AGENDA

- A. Approval of Minutes: None
- B. Report of The Executive Director:
 - 1. Acceptance of Monthly Activity Reports 1
 - 2. Legal Department Monthly Reports 18
 - 3. Acceptance of Contributions to Pollution Recovery Fund 21
 - 4. Analysis of Gardinier Settlement Fund 22

II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE

Items of Interest

III. COMMISSIONER'S REQUEST

- A. Modifications to Tree Ordinance (Comm. Chillura) 23
- B. Discussion Lozano Building (Comm. Chillura) 26
- C. Martin Brothers Update - Bill Humpheries

IV. CITIZEN'S WISHING TO APPEAR

Mr. Hachem

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.

*ADDendum
AUTHORIZE EXEC. DIRECTOR
TO EXECUTE WITH DEP
FOR ASSESSMENT CONTRACT
RETRACTORS
CLEAN-UP.
APPROVED IN SEPT 1996
JOHANSON V. HACHEM*

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EPC Public Education Report
June 1996

	Adm.	Air	Wet.	Waste	Water	Legal	Total
Media Contacts/Releases	9	4	3	3	15	4	38
Material Distributed	384	400	71	399	20000	236	21490
Talks Given	1	1	1	2	2	1	8
Displays/Demos/Tours	1	0	0	0	0	0	1
No. of people at talks, etc.	160	10	36	105	45	100	456

From January 1, 1996 to Date

Media Contacts/Releases	41	19	37	9	24	51	181
Materials Distributed	6942	1308	1087	2697	20230	2065	34329
Talks Given	7	8	20	20	12	5	72
Displays/Demos/Tours	6	2	5	1	0	1	15
No. of people at talks, etc.	360	340	1070	477	401	270	2918

Accomplishments

1. Provided public and employees with EPC information.
2. Initiation of EPC materials to HC Libraries.
5. Provided media assistance.
6. Coordinated speakers and displays.
7. Development of Air Division public service announcement.
8. Completion of EPC quarterly publication.

Current Projects

1. Assistance with pre-planning CEAC awards program.
2. Coordination of public service announcements for children.
3. EPC Online with Freenet.
4. Community outreach/networking.
5. Updating inventory.
6. Survey of environmental education offices state-wide.
7. Office automation of information requests.
8. Information gathering/specific publics with each division.
9. Initiation of agricultural/EPC information sharing.
10. Assistance to Asian American community/crop.

Future Projects

1. Training Committee for public education and general employee information programs.
2. Implementation of regular EPC programming on GATV.
3. Coordination of industry/EPC information sharing.
4. Development of Pollution Prevention information for agency.
5. Development of In House Internet Committee.
6. EPC/Legislative Tour
7. Annual Report.

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
JUNE

A.	Compliance Assistance Activities	
1.	Outreach Correspondence	<u>0</u>
2.	Workshops	<u>0</u>
B.	Public Outreach/Education Assistance:	<u>400</u>
C.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	<u>11</u>
b.	Construction:	<u>14</u>
c.	Amendments:	<u>7</u>
d.	Transfers/Extensions:	<u>1</u>
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (Counted by Number of Fees Collected):	
a.	Operating:	<u>0</u>
b.	Construction:	<u>0</u>
c.	Amendments:	<u>0</u>
d.	Transfers/Extensions:	<u>0</u>
3.	Intent to Deny Permit Issued	<u>1</u>
4.	General Permits	<u>0</u>
D.	Administrative Enforcement	
1.	Documents Issued:	
a.	Notice of Intent to Initiate Enforcement	<u>0</u>
b.	Citation	<u>0</u>
c.	Other_____	<u>0</u>
2.	Total Cases Initiated:	<u>2</u>
3.	Cases Resolved:	<u>2</u>
4.	Cases Referred to Legal Department:	<u>0</u>
5.	Consent Orders Signed:	<u>0</u>

6. Contributions to the Pollution Recovery Fund: \$ 100.00

<u>Organization Name</u>	<u>Violation</u>	<u>Amount</u>
a. Haliburton Motors	Mobile Source	\$100.00

E. Inspections:

1. Industrial Facilities:	<u>4</u>
2. Air Toxics Facilities:	
a. Asbestos Emitters	<u>0</u>
b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>28</u>
c. Major Sources	<u>0</u>
3. Asbestos Demolition/Renovation Projects:	<u>25</u>
4. Gasoline Retailers:	<u>10</u>
5. Auto Repair Facilities:	<u>13</u>
6. Retail Auto Dealers:	<u>0</u>
7. Automotive Parts Stores:	<u>0</u>
8. Fleet Operators:	<u>1</u>
9. CFC Facilities:	<u>43</u>
F. Open Burning Permits Issued:	<u>7</u>
G. Number of DOF Permits Monitored:	<u>121</u>
H. Total Citizen Complaints Received:	<u>67</u>
I. Total Citizen Complaints Investigated:	<u>84</u>
J. Noise Sources Monitored:	<u>6</u>
K. Air Program's Input to DRI's:	<u>1</u>
L. Test Reports Reviewed:	<u>0</u>
M. Compliance:	
1. Warning Notices Issued:	<u>23</u>
2. Warning Notices Resolved:	<u>12</u>
3. Advisory Letters Issued:	<u>8</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
JUNE

	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>\$7,440.00</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>\$8,800.00</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$ 760.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$ -0-</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ 120.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$ 660.00</u>
8. Open burning authorization	<u>\$2,485.00</u>
9. Enforcement Costs	<u>\$ -0-</u>

COMMISSION

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

EXECUTIVE DIRECTOR

ROGER P. STEWART



ADMINISTRATIVE OFFICES, LEGAL &
WATER MANAGEMENT DIVISION
1900 - 9TH AVENUE
TAMPA, FLORIDA 33605
TELEPHONE (813) 272-5960
FAX (813) 272-5157

AIR MANAGEMENT DIVISION
TELEPHONE (813) 272-5530

WASTE MANAGEMENT DIVISION
TELEPHONE (813) 272-5788

WETLANDS MANAGEMENT DIVISION
TELEPHONE (813) 272-7104

MEMORANDUM

DATE: July 10, 1996

TO: Hooshang Boostani, Director, Waste Management

FROM: *MN* Mike Newman, Enforcement, Waste Management

SUBJECT: WASTE MANAGEMENT'S JUNE AGENDA

The following is a summary of activities for the months of **June**, 1996. If you would like more information concerning any of these activities please let me know.

WASTE MANAGEMENT DIVISION

A. Administrative Enforcement

1.	New cases received	<u>2</u>
2.	Ongoing administrative cases	
	a. Pending	<u>21</u>
	b. Active	<u>33</u>
	c. Legal	<u>13</u>
	d. Tracking Compliance (Admin.)	<u>13</u>
	e. Inactive/Referred cases	<u>14</u>
	f. Criminal compliance tracking	<u>22</u>
3.	NOI's issued	<u>0</u>
4.	Citations issued	<u>0</u>
5.	Consent Orders signed	<u>2</u>
6.	Civil contrib. to the Pollution Rec. Fund	<u>\$2,450.00</u>
7.	Criminal contrib. to the Pollution Rec. Fund	<u>\$0.00</u>
8.	Enforcement costs collected	<u>\$548.52</u>
9.	Cases referred to legal	<u>0</u>
10.	Cases closed	<u>3</u>

B. Solid and Hazardous Waste

	Received/Reviewed
1. Permits	<u>0/ 0</u>
2. EPC Authorization For Facilities Not Requiring DEP Permit	<u>0/ 1</u>
3. SQG Surcharges Received	<u>\$</u>
4. Other permits and Reports	<u>54/63</u>
a. County Permits	<u>0/ 0</u>
b. *Other Reports	<u>54/63</u>
5. Inspections	<u>214</u>
a. Complaint	<u>71</u>
b. Compliance/reinspections	<u>57</u>
c. Facility Compliance	<u>08</u>
d. Small Quantity Generator	<u>78</u>
6. Enforcement	
a. Complaints Received/Closed	<u>89/49</u>
b. Warning Notice Issued/Closed	<u>3/ 5</u>
c. Compliance Letters	<u>65</u>
d. Letters of Agreement	<u>0</u>
e. DEP Referrals	<u>1</u>
7. Pamphlets, Rules and Material Distrib.	<u>274</u>

* Note, "other reports" includes: Lab analyses, CAPs/CARs, groundwater monitoring reports, MSDSs report reviews, etc.

C. Underground Storage Tank - Cleanup Department

1. Inspections:	<u>4</u>
a. Investigation	<u>3</u>
b. SUPER Act	<u>1</u>
2. Reports Received/Reviewed	<u>21/14</u>
a. Contamination Assessment (CARs)	<u>2/ 2</u>
b. Initial Remedial Action (IRA)	<u>1/ 4</u>
c. Remedial Action Plans (RAPs)	<u>2/ 1</u>
d. Site Rehabilitation Completion (SRCs)	<u>0/ 0</u>
e. Others	<u>16/ 7</u>

3.	Reimbursement Applications	
a.	Received	<u>12</u>
b.	Reviewed	<u>33</u>
4.	State Cleanup Site Activities	
a.	Active Sites	<u>12</u>
b.	Funds Disbursed	<u>≈\$275,000</u>

D. Underground Storage Tank Compliance Department

1.	Inspections	<u>141</u>
a.	UST Compliance	<u>59</u>
b.	AST Compliance	<u>23</u>
c.	UST Installation	<u>9</u>
d.	AST Installation	<u>2</u>
e.	UST Closure	<u>13</u>
f.	AST Closure	<u>1</u>
g.	*Other Inspections	<u>34</u>

* Note, "others inspections" include: non-compliance reinspections, additional installation visits, and unregulated site inspections.

2	Installation Plans Reviewed	<u>12</u>
a.	USTs	<u>5</u>
b.	ASTs	<u>7</u>
3.	Closure Plans & Reports Received/Reviewed	<u>34/38</u>
a	Closure Plans Received/Reviewed	<u>23/23</u>
b	Closure Reports Received/Reviewed	<u>11/15</u>
4.	Enforcement	
a.	Noncompliance Letters	<u>9</u>
b.	Warning Notices	<u>0</u>
c.	Cases referred for Enforcement	<u>0</u>
d.	Complaints received/investigated	<u>1/1</u>
e.	Complaints referred	<u>0</u>
f.	Cases Referred to DEP	<u>0</u>
5.	FPLIRP Checklists Completed	<u>11</u>
6.	Cleanup Notification Letters Issued	<u>1</u>
7.	Public Assistance	<u>440+</u>

E. Record Reviews 61

F. Public Information Projects 3

1. Ron Cope discussed with the Tribune's M. Greene the greyhound carcasses found in S.E. Hillsborough County.
2. Greg Cowden present underground/aboveground storage tank requirements to the Florida Plant Engineers & Maintenance Show & Conference at the Tampa Convention Center.
3. Greg Cowden provided a local program's perspective on storage tank management at a National Institute for Storage Tank Management's 7th Annual Florida Conference.

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

JUNE, 1996

A. ENFORCEMENT

1.	New Enforcement Cases Received:	3
2.	Enforcement Cases Closed:	1
3.	Enforcement Cases Outstanding:	36
4.	Enforcement Documents Issued:	3
5.	Warning Notices:	18
	a. Issued:	7
	b. Resolved:	11
6.	Contributions to the Pollution Recovery Fund:	\$3,300.00
7.	Recovered costs to the General Fund:	\$ 274.34

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Providence Lakes	Construction C/S w/o permit	\$ 300.00
b. Country Hills Subdv.	C/S in service w/o approval	\$3,000.00

B. PERMITTING - DOMESTIC

1.	State Permit Applications Received:	26
	a. Facility Permit:	8
	(i) Types I and II	3
	(ii) Type III	5
	b. Collection Systems-General:	10
	c. Collection Systems-Dry Line/Wet Line:	8
	d. Residuals Disposal:	0
2.	State Permit Applications Approved:	28
	a. Facility Permit:	4
	b. Collection Systems-General:	11
	c. Collection Systems-Dry Line/Wet Line:	13
	d. Residuals Disposal:	0
3.	State 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.	State Permit Applications (Non-Delegated) Recommended for Approval:	0

5. State Permit Applications Outstanding:	<u>102</u>
a. Facility Permit:	<u>89</u>
b. Collection Systems-General:	<u>10</u>
c. Collection Systems-Dry Line:	<u>3</u>
d. Residuals Disposal:	<u>0</u>
C. INSPECTIONS - DOMESTIC	<u>83</u>
1. Compliance Evaluation:	<u>11</u>
a. Inspection (CEI):	<u>2</u>
b. Sampling inspection (CSI):	<u>9</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	<u>24</u>
a. Inspection (RI):	<u>19</u>
b. Sample Inspection (SRI):	<u>3</u>
c. Complaint Inspection (CRI):	<u>1</u>
d. Enforcement Inspection (ERI):	<u>1</u>
3. Special:	<u>48</u>
a. Diagnostic Inspection (DI):	<u>0</u>
b. Residual Site Inspection (RSI):	<u>0</u>
c. Preconstruction Inspection (PCI):	<u>24</u>
d. Post Construction Inspection (XCI):	<u>24</u>
D. PERMITTING - INDUSTRIAL	
1. State Permit Applications Received:	<u>4</u>
a. Facility Permit:	<u>4</u>
(i) Types I and II	<u>2</u>
(ii) Type III with groundwater monitoring	<u>1</u>
(iii) Type III w/o groundwater monitoring	<u>1</u>
b. General Permit:	<u>0</u>
c. Preliminary Design Report:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>0</u>
3. State Permit Applications Outstanding:	<u>26</u>
a. Facility Permits:	<u>26</u>
b. General Permits:	<u>0</u>

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation:	<u>4</u>
a. Inspection (CEI):	<u>4</u>
b. Sampling Inspection (CSI):	<u>0</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	<u>27</u>
a. Inspection (RI):	<u>16</u>
b. Sample inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>11</u>

F. CITIZEN COMPLAINTS

1. Domestic:	<u>20</u>
a. Received:	<u>11</u>
b. Closed:	<u>9</u>
2. Industrial:	<u>12</u>
a. Received:	<u>5</u>
b. Closed:	<u>7</u>
3. Water Pollution:	<u>23</u>
a. Received:	<u>11</u>
b. Closed:	<u>12</u>

G. RECORD REVIEWS

1. Permitting:	<u>10</u>
2. Enforcement:	<u>1</u>

H. ENVIRONMENTAL SAMPLES ANALYSED FOR:

1. Air Division:	<u>93</u>
2. Waste Division:	<u>2</u>
3. Water Division:	<u>128</u>
4. Wetlands Division:	<u>2</u>

WETLANDS MANAGEMENT DIVISION
 EPC BOARD AGENDA BACKUP
 JUNE, 1996

ASSESSMENT SECTION

A. EPC Wetlands Reviews	<u>Initial</u>	
1. Wetland Delineations (\$100)	<u>48</u>	
- FDEL Dispute	<u>0</u>	
2. Wetland Line Survey Reviews	<u>34</u>	
3. Additional Footage Fees		<u>\$7,317.75</u>
4. Misc. Activities in Wetlands (\$0, \$50 or \$80 as applicable)		
- Nuisance Vegetation	<u>4</u>	
- Other	<u>10</u>	
5. Impact Justification & Mitigation Proposal (\$645)	<u>8</u>	
6. Mitigation Agreements Recorded	<u>0</u>	
7. Mitigation As-Built Survey Review	<u>8</u>	
8. FDOT Reviews	<u>0</u>	
B. EPC Delegation/Reviews from State, Regional, or Federal Authorities		
1. Wastewater Treatment Plants	<u>16</u>	
2. Tampa Port Authority Permit Apps. (\$50 or \$150 as applicable)	<u>31</u>	
3. FDEP/SWFWMD Wetland Resource Apps.	<u>0</u>	
4. FDEP Grandfathered Delineation	<u>0</u>	
5. Army Corps of Engineers	<u>1</u>	
6. Interagency Clearinghouse Reviews	<u>0</u>	
7. Development of Regional Impact	<u>0</u>	
8. SCS Reviews	<u>0</u>	

C. Hillsborough County Permit Application Reviews

1.	Land Alteration/Landscaping (SFD)	<u>0</u>
2.	Land Alteration Landscaping-other	<u>2</u>
3.	Land Excavation (\$785 or \$650 as applicable)	<u>0</u>
4.	Phosphate Mining	
	a. Unit Review/Reclamation	<u>0</u>
	b. Annual Review/Inspection	<u>0</u>
5.	Rezoning	
	a. Reviews (\$70)	<u>27</u>
	b. Hearings	<u>0</u>
	c. Hearing Prep (hours)	<u>0</u>
6.	Site Development/Commercial (\$300)	
	a. Preliminary	<u>5</u>
	b. Construction	<u>8</u>
7.	Subdivision	
	a. Preliminary Plat (\$140)	<u>5</u>
	b. Master Plan (\$550)	<u>0</u>
	c. Construction Plans (\$250)	<u>2</u>
	d. Final Plat (\$90)	<u>6</u>
	e. Waiver of Regulations (\$100)	<u>0</u>
	f. Minor--Survey Subd. (\$100)	<u>12</u>
	g. Minor--Certified Parcel (\$100)	<u>0</u>
8.	Miscellaneous Reviews (no fees)	
	a. LAL Variance/ Setback Encroachment	<u>1</u>
	b. Easement Vacating	<u>0</u>
	c. Subdiv./Easement Access	<u>0</u>
9.	Preapplications (no fees)	
	a. Review preparation (hours)	<u>13</u>
	b. Meetings/Reports	<u>10</u>

10. Development Review Committee (no fees)	
a. Review preparation (hours)	<u>0</u>
b. Meetings	<u>0</u>

D. Other Activities

1. Unscheduled meetings with members of the public (walk-ins)	<u>66</u>
2. Other Meetings	<u>80</u>
3. Telephone conferences	<u>840</u>
4. Presentation	<u>5</u>
5. Correspondence	<u>227</u>
6. Correspondence Review (hours)	<u>14.35</u>
7. Special Projects (hrs.)	<u>39</u>
8. On-site visits	<u>53</u>
9. Appeals	<u>0</u>

INVESTIGATIONS/COMPLIANCE SECTION

A. Complaints

1. Received	<u>38</u>
2. Inspected	<u>52</u>
3. Closed	<u>52</u>

B. Warning Notices

1

1. Issued	<u>9</u>
2. Return Inspections	<u>54</u>
3. Closed	<u>13</u>

C. Mitigation

1. Compliance/Monitoring Reviews	<u>29</u>
2. Compliance Inspections	<u>32</u>

D. Other Activities

1. Case Meetings	<u>8</u>
2. Other Meetings	<u>49</u>
3. Telephone conferences	<u>357</u>
4. File Reviews	<u>72</u>
5. Cases Referred to Enforcement Coordinator	<u>0</u>
6. Letters	<u>56</u>

ADMINISTRATIVE ENFORCEMENT/ENFORCEMENT COORDINATOR

A. New Cases Received	<u>1</u>
B. Activities	
1. Ongoing Cases	
a. Active	<u>28</u>
b. Legal	<u>3</u>
c. Tracking	<u>23</u>
2. Number of "Notice of Intent to Initiate Enforcement" Issued	<u>1</u>
3. Number of Citations Issued	<u>0</u>
4. Number of "Emergency Order of the Director" Issued	<u>0</u>
5. Number of Consent Orders Signed	<u>1</u>
C. Cases Closed	
1. Administrative/Civil Cases Closed	<u>3</u>
2. Criminal Cases Closed	<u>0</u>
3. Cases Referred to Legal Dept.	<u>0</u>
D. Contributions to Pollution Recovery Fund	<u>\$ 950.00</u>
E. Enforcement Costs Collected	<u>\$1,022.17</u>

OTHER SECTIONS

A. Engineer/Hydrologist Staff

1. Meetings	<u>12</u>
2. Reviews	<u>14</u>
3. Aerials Reviews	<u>17</u>
4. Telephone Calls (Aerials)	<u>48</u>
5. Field Investigations	<u>3</u>

B. Soil Scientist

1. Case Reviews	<u>4</u>
2. Field Soil Investigation	<u>4</u>
3. Soil Investigation Notes/Reports	<u>4</u>
4. Meetings	<u>1</u>
5. Special Projects	
(1) Hydric Soil Study	
(2) Division SOP Writing	
(3) Well-field impact study	

C. Administrative Support Staff

1. Public Record/File Reviews	<u>10</u>
2. Unscheduled Reviews	<u>3</u>
3. Telephone Assistance	<u>1,438</u>
4. Incoming Projects/Information	<u>92/133</u>
5. Additional Information logged	<u>28</u>

LEGAL DEPARTMENT MONTHLY REPORT
July 10, 1996

A. ADMINISTRATIVE APPEALS

NEW CASES [0]

EXISTING CASES [7]

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, and accumulation of solid waste. The owner of the property appealed the Citation and asserted that he is unable to gain access to the property. The lessee did not appeal. (See Truck Parts - litigation cases).

EPC v. DEP: (Florida Power & Light, Orimulsion conversion project.) EPC requested an administrative hearing, objecting to DEP's proposed permit upon Florida Power & Light's failure to provide the required assurances that environmental regulations would be met. EPC's Executive Director entered a stipulation with FP&L by which EPC objections to the permitting be withdrawn if certain conditions were added to the permit. The Hearing Officer recommended that the conversion project be permitted subject to conditions, including those agreed to in our stipulation. The Governor and Cabinet, sitting as the Power Plant Siting Board entered an order denying the power plant certification. FP&L appealed and DEP Secretary Wetherall is withholding her decision as to the separate PSD (air) permit pending the outcome of FP&L's appeal of the certification denial.

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 and FIBA appealed. Bridge Realty has indicated that assessment has been initiated, and a report should be submitted soon.

Tampa Scrap Processors, Inc.: Appealed EPC Citation for violations relating to the management of solid waste, used oil and hazardous waste. Respondent agreed to proceed with development of an Preliminary Contamination Assessment Plan (PCAP) and implement that plan after EPC staff review and approval. A Consent Order is being negotiated.

Central Florida Pipeline Corp.: Appealed EPC Citation for excessive turbidity, inadequate erosion controls during the installation of a pipeline within wetlands near the Alafia River, and wetland impacts outside of the areas authorized. Violations have ceased and a majority of the initial restoration activities have been completed. Staff is drafting a Consent Order which will include payment of penalties and reimbursement of costs.

Metro Recycling & Disposal, Inc. Et al.: Appeal of an EPC citation for operating a Materials Recovery Facility without the proper permits. Respondents and staff have met and an inquiry has been submitted to DEP as to the proper application of their rules. Appeal will be held in abeyance for reasonable period of time pending DEP's response.

CASES RESOLVED [0]

B. LITIGATION CASES

NEW CASES [2]

Nix v. EPC: Former employee has filed suit against the agency and individuals within the agency alleging, under the Whistle-blowers Act, that her dismissal was retaliatory. A response to the complaint is being prepared.

Lewis, Don v. EPC/Dept. of Revenue, et.al: Mortgage foreclosure suit has been filed naming the EPC as a defendant by virtue of our interest arising from a recorded conservation easement. A response to the complaint is being prepared.

EXISTING CASES [15]

Hughes Hard Chrome, Inc.: Authority granted in 1993 to pursue compliance via Consent Order regarding water violations. The company is out of business on the subject site, but does still exist in the county. Other options are being considered. A Preliminary Contamination Assessment will cost about \$5,000.

Carey: Authority granted in 1993 to enforce wetland maintenance pursuant to mitigation agreement. A solution is being considered.

Holley, Raymond, et al: Suit filed against owners for improperly abandoning Underground Storage Tank and to compel proper closure, assessment of contamination, remediation, civil penalties and costs. Default entered; Defendants filed bankruptcy. Property has been auctioned to a third party purchaser who may or may not follow through with the purchase depending on results of his investigation and to the condition of the site.

Marks: Received authority January 1995, to seek judgment for penalties and costs, as well as an order requiring the restoration of wetlands disturbed by the Mark's activities. Discovery in process.

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. It appears that the abandoned tanks are on County property.

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. Staff met with property owner and proposed terms of a consent order for the owners review. Facility currently does not have a certified operator. Complaint and Motion for Temporary Injunction has been filed. Awaiting service.

Baity/Johnson v. BOCC/EPC: Driver and passenger sued both the BOCC and EPC for injuries in car accident. The County Attorney's Office is representing both defendants. The case is scheduled for mediation July 12; trial is set for August 5.

Causeway Station: Authority granted 10/26/95, to compel upgrades or closure of underground storage tanks (UST), to enforce the applicable operating requirements, and to recover penalties and EPC's enforcement costs. Staff has been working with property owner to remedy violations. A proposal for removal of the five existing UST's has been submitted and a plan for installation of a new tank has also been submitted and approved by staff.

Moore Properties of Tampa, Inc.: Authority granted 10/26/95, to compel proper closure and removal of abandoned underground storage tanks, recover penalties and EPC's enforcement costs. Complaint has been filed and served. Default has been taken against the defendant. Final Judgment is being prepared.

Truck Parts of Tampa: Received authority on 12/95 to abate pollution and obtain soil and groundwater assessment, soil and waste tire cleanup, proper disposal, proper management of incoming waste products, costs, and applicable penalties. Suit has been filed, two of three defendants have been served.

Dibbs v. EPC: Plaintiff has requested a judgment declaring EPC's interpretation of the wetland rule unconstitutional. EPC has moved the court to dismiss this action.

GATX Terminals Corp.: Authority granted 4/96 to compel compliance with standards of the EPC and DEP pertaining to construction and operation of two above ground storage tanks.

Billings Amoco: Authority granted 4/96 to compel compliance with underground storage tank rules. The facility does not appear to have the required release detection nor has the cathodic protection system been adequately tested. Owner has met with staff and the UST system has been taken out of service. A settlement agreement is being prepared to address remaining issues.

Optimum Petroleum v. Emad Qasem, EPC, et.al: Plaintiff is pursuing the foreclosure of a construction lien and has named EPC as a Defendant due to a previous judgment and injunction obtained and recorded as a lien on this UST site. EPC's response to the Complaint has been filed.

Slusmeyer: The matter pertaining to proper closure of underground storage tanks was referred to the legal department to initiate discovery as to assets and enforce the injunctive relief set out in a prior judgment in the Commission's favor.

RESOLVED CASES [0]

(agenda\july.96)

COMMISSION

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



ADMINISTRATIVE OFFICES, LEGAL &
WATER MANAGEMENT DIVISION
1900 - 9TH AVENUE
TAMPA, FLORIDA 33605
TELEPHONE (813) 272-5960
FAX (813) 272-5157

AIR MANAGEMENT DIVISION
TELEPHONE (813) 272-5530

WASTE MANAGEMENT DIVISION
TELEPHONE (813) 272-5788

WETLANDS MANAGEMENT DIVISION
TELEPHONE (813) 272-7104

EXECUTIVE DIRECTOR

ROGER P. STEWART

July 10, 1996

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND

Fund Balance July 10, 1996 \$748,133.00

Encumbrances Against Fund Balance:

Cypress Head Swamp	16,747.00
Carmichael Dump	30,000.00
Wetland Surveys	1,771.00
Lake Chapman Sea.	2,000.00
Seagrass Study/Sheriff	22,876.00
HCC/USF	64,762.00
Public Ed.	- 0 -
Art. Reef FY96	96,802.00
Art. Reef FY97	55,369.00
Nature's Class.	459.00
Clayton Lake	129,000.00
Mosi Restoration	55,500.00
Oakview Utilities	75,000.00

Total of Encumbrances 550,286.00

Fund Balance Available July 10, 1996 \$197,847.00

COMMISSION

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

EXECUTIVE DIRECTOR

ROGER P. STEWART



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ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
AS OF JULY 10, 1996

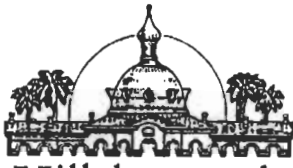
Fund Balance as of 10/01/95	\$1,317,447.00
Interest Accrued FY96	55,026.00
Disbursements FY96	(35,611.00)
Fund Balance	\$1,372,473.00

Encumbrances Against Fund Balance:

Alafia River, Add. (SWIM/DEP)	9,566.00
McKay Bay Restoration (COT)	50,000.00
Cockroach Bay Exotic Con. (HCC)	8,618.00
Delany Creek Enhance. (H.C. Stormwater)	150,000.00
Hillsborough School /Nurserys	27,307.00
Alafia River/Wolf Branch	300,000.00
Ballast Point Seawall Phase II	25,000.00
Audubon Society Riverview CC	50,000.00

Total of Encumbrances	620,491.00
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Fund Balance Available July 10, 1996	\$ 751,982.00
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Hillsborough
County

Board of County
Commissioners

JOE CHILLURA, JR.
COUNTYWIDE
COMMISSIONER

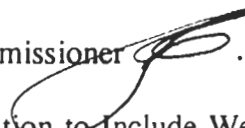
COUNTY CENTER
601 E. KENNEDY BOULEVARD
TAMPA, FLORIDA 33602

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

MEMORANDUM

DATE: April 22, 1996

TO: Roger Steward, Executive Director
Environmental Protection Commission

FROM: Joe Chillura, County Commissioner 

SUBJECT: Tree Ordinance - Modification to Include Wetlands

.....

Roger:

Several months ago I asked EPC staff to work with County staff to determine if the Hillsborough County Tree Ordinance could be used to impose fines on individuals or entities that over-pump wetlands causing tree destruction. Please provide me with the results of your research to date as soon as possible.

In addition, please schedule this matter for discussion during our Thursday, May 16, 1996 EPC Meeting.

If you have any questions or comments regarding this request, please call.

JC/sbb

cc: Board of County Commissioners
Sara Fotopulos

REC'D

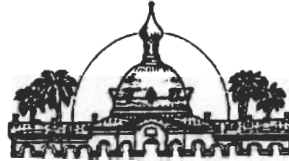
APR 24 1996

ENV. PROT. COMM.
OF H.C.

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

Office of the County Attorney

Emeline C. Acton, *County Attorney*
Ronald G. McCord, *Chief Assistant*
Donald R. Odom, *Chief Assistant*
Jennie Granahan Tarr, *Chief Assistant*
Guilene F. Theodore, *Chief Assistant*
John Dixon Wall, *Chief Assistant*
Joseph Egozcue, *Administrator*



M E M O R A N D U M

County Center
601 E. Kennedy Blvd. -- 27th Floor

P.O. Box 1110
Tampa, Florida 33601
(813) 272-5670
Fax (813) 272-5231

TO: Sara Fotopulos, General Counsel, Environmental
Protection Commission
FROM: Susan J. Fernandez, Assistant County Attorney
DATE: May 7, 1996
SUBJECT: Natural Resources Regulations; Cypress Trees

As requested, I have reviewed the question of whether the Natural Resources Regulations of the Land Development Code (LDC) may be used to prosecute the operator of a wellfield for allegedly causing a water table drawdown which may have resulted in the loss of cypress trees.

The Natural Resources Regulations state in Sec. 3.5.3.1 that, except as specifically exempted, it shall be unlawful for any person, firm or corporation to cause land alteration within unincorporated Hillsborough County without having obtained a Natural Resources Permit from the Administrator. The term "land alteration" is defined as:

Any activity which removes vegetation from or changes the topography of the land by grubbing, tree removal, clearing, grading, filling, or excavating, except for activities undertaken to maintain existing grounds. (Emphasis added.)

Thus, in order to qualify as land alteration, the removal of the vegetation or change to the land must have been accomplished in one of the six ways set forth in the definition.

Each of the activities listed in the above definition involves the use of direct, on-site, physical or mechanical force to effectuate a change to the land or vegetation. The only category that seems potentially applicable to the cypress tree scenario is "tree removal," which is defined as:

sjf\memo\cypress.epc

Ms. Fotopulos
May 7, 1996
Page 2

The actual removal of a tree 5 inches or greater in DBH by digging up or cutting down, or the effective removal through damage which causes or may reasonably be expected to cause a tree to die, including but not limited to damage inflicted upon the root system by machinery, storage of materials, and soil compaction; changing the natural grade above the root system or around the trunk; damage inflicted on the tree allowing infection or infestation; excessive pruning; girdling; paving with asphalt, impervious concrete or other impervious material.

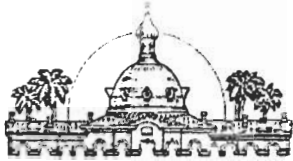
It can be readily observed that even "effective tree removal" involves the direct, on-site use of physical force against a tree which may result in its demise. I recognize that, under the definition, the types of damage which may be classified as effective tree removal "includ[e] but [are] not limited to" the enumerated list of activities. However, the doctrine of "ejusdem generis" requires that general terms in a statute or ordinance be construed in a manner consistent with more precise terms associated with them. Fla. Police Benevolent Assoc. Inc. v. Dept. of Agricultural and Consumer Services, 574 So.2d 120 (Fla. 1991). In my view, the pumping of water from a wellfield does not create the type of direct, on-site, physical or mechanical force contemplated by the definition of effective tree removal.

Based on the foregoing, I conclude that the loss of cypress trees incidental to the operation of a wellfield does not qualify as tree removal under the definition contained in the LDC, nor does the loss of cypress trees in this manner fit within any other category of activity which would cause it to be classified as land alteration.

Please let me know if I can be of further assistance.

SJF:dem

cc: Emeline C. Acton, County Attorney
Gene Boles, Director, Planning and Development Management Dept.
David Ford, Manager, Planning and Development Management Dept.
John Schrecengost, Senior Forester Examiner



Hillsborough
County

Board of County
Commissioners

JOE CHILLURA, JR.
COUNTYWIDE
COMMISSIONER

COUNTY CENTER
601 E. KENNEDY BOULEVARD
TAMPA, FLORIDA 33602

PHONE: (813) 272-5735
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REC'D

MAY 14 1996

ENV. PROT. COMM.
OF H.C.

MEMORANDUM

DATE: May 10, 1996

TO: Tom Koulianos, EPC, Director of Administration

FROM: Joe Chillura, County Commissioner

SUBJECT: Lozano Building

.....
Tom:

Could you please schedule the Lozano Building issue for discussion at the next EPC Agenda.

Thank you for your prompt attention to this matter.

JC/sar

