

SEPTEMBER 19, 1996 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT
The Hillsborough County Environmental Protection Commission (EPC)
Regular Meeting, scheduled for Thursday, September 19, 1996, at 1
in the Boardroom, County Center, Tampa, Florida.

The following members were present: Chairman Dottie Berger and Co
Phyllis Busansky, Joe Chillura, Chris Hart, Ed Turanchik, and San
The following member was absent: Commissioner Jim Norman (schemul
conflict).

Chairman Berger called the meeting to order at 10:10 a.m. Commis
led in the pledge of allegiance to the flag and gave the invocati
Chairman Berger noted a change in the agenda--the evaluation of E
Roger Stewart would be deferred to the October meeting. Addition
Stewart advised that the agenda item that dealt with Presentation
Cockroach Bay Final Report would be taken following the first ite
Martin Brothers issue was added to the agenda.

CONSENT AGENDA - A. Approval of Minutes, June 13, 1996; B. Repor
Executive Director: 1. Acceptance of Monthly Activity Reports; 2
Department Monthly Reports; 3. Acceptance of Contributions to Pol
Recovery Fund (PRF); and 4. Analysis of Gardinier Settlement Trus
(GSTF).

Commissioner Hart moved approval of the consent agenda, seconded
Commissioner Chillura, and carried six to zero. (Commissioner No
absent.)

AIR MANAGEMENT DIVISION - PROCLAMATION - Commissioner Chillura re
proclamation setting aside October 1996 as Car Care Month in Hill
County, and he presented the proclamation to Mr. Mark Hart, Erwin
Center. Mr. Hart was an automotive technician of 15 years in the
certified master auto technician with the National Institute for
Service Excellence, and a certified technician in advanced engine
performance, which covered air quality. He introduced Mr. Lamont
the Bahamas, who was an international student at Erwin Tech, had
completed the training program as a technician, and had worked on
Lung Association project. Mr. Feist offered comments of apprecia

WETLANDS MANAGEMENT DIVISION - COCKROACH BAY FINAL REPORT - Mr. D
Alberdi, EPC staff, presented the report and explained the Wetlan
Amendment (Chapter 1-11) that implemented the program. The amend
the seagrass species as marine wetland species, created the conce
mechanism for establishing seagrass recovery areas with managemen
aid recovery, and provided for specific prohibitions for the know
destruction of marine wetlands or recovery areas. Four areas wit
Cockroach Bay Aquatic Preserve were designated by the EPC as qual
recovery areas, after a public hearing held on September 3, 1992,
effective date of December 7, 1992. Mr. Alberdi explained the re
boat traffic in certain recovery areas (numbered 1, 2, 3, and 4);
and study of the seagrasses within the recovery areas; recommenda
to the Board of County Commissioners (BOCC) for further restricti
traffic; and the formation of the Cockroach Bay Users Group (C-BU
of local citizens. At its meeting on June 20, 1995, the EPC vote
aerial surveillance of grassbeds within the preserve, including a
the recovery areas, and to allow C-BUG time to implement its own
reduce scarring within the preserve. The results were reviewed o
later to determine its effectiveness and to reassess the need for
restrictions.

Dr. J. Nicholas Ehringer, on behalf of Hillsborough Community Col
Clinton J. Dawes, University of South Florida (USF), reported on

evaluation of the seagrasses in Cockroach Bay, using charts and p displayed on the overhead projector. There were only 6 feet of n scars recorded in the restricted zones in the past 12 months, whi a dramatic decline. Most of the scarring had occurred in Tampa B there were no markers. The conclusion was that boat damage to se at a minimum. In recovery area 1, a boat-restricted zone, 3.4 ne seagrasses had grown in 1996, which was a good sign. He explaine been some areas of experimentation with nutrients, which also sho growth of grasses and an indication that new growth could occur r Commissioner Turanchik commented that a lot of credit should be g BUG--there was a huge difference in the seagrasses; there was a d difference from 1991.

Mr. Billy Durrance, president of C-BUG and member of the Cockroac Aquatic Preserve Management Advisory Team (CAPMAT), advised that endorsed and asked the EPC to approve the five recommendations th presented by Dr. Ehringer. He elaborated on Dr. Ehringer+s repor that during the last 18 months there were cooperation and working the people involved, which had been very beneficial. He was appr the EPC allowing concerned local citizens to be involved in the e Chairman Berger commended the groups on their efforts and Mr. Dur on his leadership.

Dr. Ehringer made the following recommendations, based upon the s that all present markers be kept in place with the same restricti that C-BUG continues its active role in educating the boaters of Bay on safe boating practices and methods to protect the seagrass numerous markers be placed in front of the seagrass beds in Tampa boaters of the shallow conditions and the presence of seagrasses; aerial photography be continued for three more years to monitor t the seagrass beds, and future monitoring would need to be done on year; and (5) that more research be conducted on seagrass regrow propeller scars and hormone stimulation of rhizomes, since some p noted during the study and perhaps it was time to stimulate regro grander scale.

Commissioner Busansky moved to accept the recommendations, which by Commissioner Hart. Statements of commendation and appreciatio persons and groups involved were expressed by Commission members. response to a question by Chairman Berger regarding the markers, advised that he and Mr. Gus Meunch had made a presentation to th Lands Committee of the Port Authority and felt that funding would forthcoming for 25 buoys and 7 informational signs. Chairman Ber suggested that Mr. Durrance set up a meeting with Commissioner Ch was a member of the Port Authority, with which Commissioner Chill The motion carried six to zero. (Commissioner Norman was absent. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC) - Mr. Russ Thoma of CEAC, reported that CEAC continued its review of Wetlands Rule deferred additional discussion, at the request of Mr. Tom Dyer, u roundtable had met, and he suspected that proposed amendments to made by EPC staff, would be discussed at the September CEAC meeti WASTE MANAGEMENT DIVISION - Mr. Hooshang Boostani, Director, Wast Management, presented three documents for execution: a renewal co the cleanup program, renewal of the compliance contract, and an a the petroleum cleanup contract. He explained there were no chang new contracts from those that had been originally executed--only of work, which changed from year to year. The cleanup contract w oversight over the cleanup of contaminated petroleum sites in the

which had been in existence since 1987. The compliance program a inspection of storage tank facilities, and that program had been since 1988. Chairman Berger suggested that, since the documents available for the backup material, the documents be available in meeting of the BOCC the following week. Commissioner Turanchik c that it had not been common practice for the EPC to approve items backup or written material on those items.

LEGAL DEPARTMENT - EPC Chief Counsel Sara Fotopulos requested aut take appropriate legal action against the following: Skrypek, wh property no longer used as a landfill, but there existed a potent and an assessment was needed; and the Kings Food Market, a retail business with improper practices and a spill, for which an approp assessment was not made, that required enforcement of a citation. Commissioner Busansky made a motion to approve, seconded by Commi Hart, and carried six to zero. (Commissioner Norman was absent.)

OFF THE AGENDA ITEM - MARTIN BROTHERS - Attorney William Humphrie that Attorney Arnold Levine, counsel for the Martins, had informe Judge Bryson was going to require that the signatories to the mem agreement--Pinellas County, Hillsborough County, Pinellas EPC, an Department of Environmental Protection (DEP)--file responses to t reclamation plans for restoration of the Martins± property within October 1. Attorney Humphries had no details, but that action ha opinion, established a need to request from the EPC that its staf initiate an administrative citation against Pinellas County regar reclamation. The only way to secure a final resolution of the ma Pinellas County was to show a unified commitment by Hillsborough initiate litigation, administratively, because it retained jurisd venues solely within Hillsborough County and would not be at the Judge Bryson. The only way to move forward would be to initiate to try to bring Pinellas County to the table to negotiate with th final resolution on the reclamation. Attorney Humphries requeste EPC so authorize Attorney Fotopulos to initiate that administrati Attorney Fotopulos advised that the EPC was not a party to the li Pinellas County, and she had tried over the years to not be drawn that the EPC would be bound by anything done there. The memorand understanding, entered into some years ago, was signed by Mr. Ste his authorization for the impact to wetlands that existed on the property, with conditions being the mitigation that was required agreement. Pinellas County and KBH pursued and proceeded to impa Martins± property and destroyed 11 acres of wetlands, consistent agreement, but the condition that there be mitigation had not hap date, taking far longer than hoped. She thought it might be reas anticipate that the mitigation was not going to happen and, if th case, the original approval to impact wetlands was not complied w impact was a violation. Commissioner Turanchik moved to authoriz Fotopulos to proceed aggressively--the matter had gone on too lon particularly given the overall circumstances, to proceed to what expeditious and effective way of enforcing the original agreement enjoin as many parties as were necessary to accomplish that. Com Busansky seconded the motion. County Attorney Emeline Acton comm she would participate and offer her assistance if needed. Commis Busansky asked to include in the motion that, since the strongest possible was needed, EPC ask Attorney Acton to jointly prosecute Attorney Fotopulos.

Commissioner Hart asked that someone outline what exactly would h

average citizen understood what action EPC would be taking. Atto Fotopulos explained that the essence of EPC's problem was that 11 wetlands were destroyed in Hillsborough County, which was illegal authorized and mitigated. It was authorized conditioned upon res which had not occurred and, therefore, the authorization had not followed. The original authorization to impact the wetlands was Pinellas County in late 1987. Because of the litigation between and Pinellas County and KBH and various others, the process had r the loss of the 11 acres, but had not resulted in the restoration and it was therefore a violation. The outcome of the legal actio taken, if successful, would be restoration of the 11 acres of wet for by Pinellas County, KBH, the Martins--one or all of the three Commissioner Turanchik further added that Pinellas County had bro enforcement action against the Martins, believing that there were materials buried on the Martin brothers' land that would endanger Eldridge-Wilde wellfield. No hazardous materials were ever found excavation of the site occurred to find the alleged material; tha EPC allowed that to happen; and since that activity, there was a dug by Pinellas County and KBH, who were trying to get the Martin Hillsborough County was attempting to get Pinellas County to fix Commissioner Busansky added that Pinellas County allowed the Mart be trashed and made unusable forever, for an alleged infraction t never been proven. The action about to be taken by the EPC would finally acknowledging the mistake of the courts and of Pinellas C making the Martins whole, or as whole as possible, after ten year loss of land, going to jail, and going through numerous court pro She felt it was an outrageous thing that had happened, and EPC wa process of redressing it. Commissioner Chillura noted that the M brothers and KBH were insolvent, so Pinellas County would be the to pay; he wondered why the court could not be enjoined also in t litigation. Attorney Acton stated that judges, for the most part immune from their actions as judges in their official capacity. motion to recuse Judge Bryson from his present case, based on the Attorney Levine wanted to call Judge Bryson as a witness in the m digging out of the property.

Attorney Merrill Staton, P. O. Box 1096, Tampa, 33601, came forwa that he was the assistant state attorney who had investigated the although he was no longer with that office, and that he had spent on it than anyone else. He noted that the judge in the original that the Martins were forced to accept had appointed himself as t administrator of the activities on the Martin property and had ap Pinellas County to monitor what KBH was going to do. KBH had bac the agreement and that was how the agreement came into being, so would stay and do the job. Not only was no mitigation ever done, actual borrow pit that contained water was never rim-ditched, not ever taken out, and in the end it was said anything there was so embedded in the mud that it was skipped--there was an affidavit o from one of the experts to that effect. Attorney Staton thought judge served as an administrator of a project there was the possi could be cited for failure to make sure the parties involved, who court-ordered to do the project, met the project standards and/or environmental rules. Commissioner Turanchik said the motion cont evaluating that legal possibility, which Attorney Acton stated sh check. The motion carried six to zero. (Commissioner Norman was WETLANDS MANAGEMENT DIVISION - REQUEST TO ACCEPT UPLAND MITIGATIO

PAINE ACADEMY - Mr. Darrell Howton, EPC staff, made the request of the Adam Paine Academy, a proposed facility to be built in two phases located east of U.S. Highway 41, south of Stephens Road on 359 acres. The proposal was to impact 0.44 acres of disturbed hardwood swamp and 3.12 acres of upland oak hammock at a 7:1 ratio. Staff had reviewed the project and recommended approval of the request. After Attorney General confirmed that the wetland rule gave such flexibility, as proposed by the Executive Director's recommendation and the EPC's specific approval, Commissioner Turanchik moved to authorize this, contingent that the habitat was not already subject to some requirement for preservation by any other State, federal, or local ordinance or regulation.

Mr. George Weiss, with Post Buckley, consultant to Griff Mill School of the Adam Paine Academy, reviewed the site plan and location and the wetlands would be impacted due to two crossings that would be required that followed an existing agricultural access road. A third access for emergency purposes of emergencies would be located to the east. The crossings were done in accordance with standard requirements for crossings of the education facilities. It was the applicant's understanding that all the permitting that was done, that the uplands being proposed for mitigation were under no other jurisdiction and were appropriate wetland preservation areas. Chairman Berger called for a second motion, at which time Commissioner Turanchik asked that his motion be held until discussion was completed. Attorney Fotopoulos asked Mr. Weiss provided notice to the adjacent registered neighborhood organization required by the rule. Mr. Weiss responded that he had provided notice to EPC, and that he had met with Ms. Loretta Johnston, County Planning and Growth Management Department (PGMD), who had advised there were no neighborhood groups within one mile.

Chairman Berger called for public comment. Mr. Bill Hughes, 2000 South, Ruskin, resident of The Moorings of Manatee, which was adjacent to the proposed site of the academy, felt it was presumptive for EPC to consider the issue when the question of the siting of the Adam Paine Academy was under litigation. The decision of the zoning administrator had been appealed, as well as the tie vote that was rendered by the Board Adjustment, and to his knowledge there had been no decision. Commissioner Turanchik commented that any action by the EPC would be contingent upon the judge's decision, and the EPC was not treating this property any differently than it would treat any other property. Commissioner Turanchik moved to approve the Executive Director's recommendation in this motion contingent upon the upland habitat that was preserved was not subject to preservation by any other local, State, federal rule, regulation, ordinance. The motion was seconded by Commissioner Chillura and carried to zero. (Commissioner Busansky was out of the room; Commissioner Busansky absent.) Commissioner Turanchik commented on the area of a trade between uplands and wetlands--the problem was that a lot of wetland plant species, particularly animal, required uplands next to the wetland for complete important parts of their life cycle. Unless both upland and wetlands were preserved next to one another, there would be reduced species diversity.

REPORT ON ROUNDTABLE DISCUSSIONS - Mr. Tom Dyer, Two Rivers Ranch in Thonotosassa, reported that at the last EPC workshop it was suggested by Chairman Berger that efforts of the roundtable be brought before the board, and he also requested formal actions from the EPC on behalf of the roundtable group. He gave a brief history of the roundtable group and how they came together voluntarily to determine if duplication existed and

might be eliminated, if it existed, without any loss of environmental protection. Participants of the group consisted of DEP, the South Florida Water Management District (SWFWMD), EPC, County Administrative Office, PGMD, and Commissioner Berger. There was an open policy to third parties, including the chambers of commerce, Builders Association, the Sierra Club, among others.

The three specific goals of the group were (1) from an education attempt to determine what legal authority had been granted to each of the three major participants to determine their rights, legally, to prevent jurisdictional oversight on wetlands impact, permitting, mitigation enforcement, and compliance; (2) attempt to quantify the number of impact applications currently being handled on an annual basis by agencies and to determine the amount of resources, personnel, and funds that were currently allocated to the wetlands permitting process; (3) the three participants to understand where duplication existed, and the economic costs; and (4) attempt to determine what alternative was considered during the evaluations. There were five alternatives: (1) delegation of all wetlands authority from the water management district to EPC, which was consistent with the environmental resource permit process adopted by rule by the water management district and DEP; (2) for assume all the wetlands permitting process and jurisdiction from the water management district; (3) no duplication existed, why change it if it was working--in other status quo; (4) consisted of two components--shared responsibility to determine if responsibility could be allocated or split between the water management district and the EPC based upon projected acreage of impact; and (5) secondly an activity split with the three major components of the permitting process: delineation to determine what was a wetland and how much impact mitigation were required if wetlands were impacted, and third, if permits were issued, the compliance and enforcement to follow issuance of permits. The last alternative would be consistent with the EPC audit recommendation that was currently before the EPC and was similar to the activity shared responsibility concept as discussed. The audit recommendation however, was that one-half acre or fewer impacts be handled by EPC and impacts in excess of that would be handled by the water management district. Mr. Dyer further indicated there was a target date of September 2 to complete the process and to return to the EPC Board at its October meeting with conclusions of the alternatives analysis and a specific recommendation if there was consensus. At that point the EPC Board could possibly consider three sets of recommendations--CEAC, EPC audit, and results of this effort. Mr. Dyer requested two specific actions from the EPC: that the process the roundtable group was involved in was supported and endorsed by the EPC in its entirety; and that Mr. Stewart would be given a directive by the EPC Board to seek full delegation under the present that all wetlands jurisdiction in the County would be fully delegated to EPC. Mr. Dyer thought there was a dilemma currently as to how Mr. Stewart and his staff could fairly participate in a discussion of the alternatives if there was a directive from the EPC Board to only or purposely seek full delegation. Commissioner Turanchik posed a legal question; he had heard varying opinions saying that from a practical standpoint there were State legal restraints and barriers for EPC having full delegation. At Fotopulos responded that she was not certain there was a consensus answer to the question, because the ERP (Environmental Resource Permitting) was a new program and it included a multitude of different permitting processes which had occurred in an effort to streamline the process. The S

SWFWMD had been instructed by the legislature to develop a consistent statewide approach, and that instruction filtered into the rule that was adopted for delegation. It was also contradicted by some limitations that were put into the rule prohibiting delegation of certain specific programs based on programs. No one really knew what that meant in terms of whether the ERP program could in fact be delegated. SWFWMD, informally, it would be comfortable with delegating the entire ERP program, but that presented a problem since it was expensive to take the entire program for delegation and the direction from the legislature provided that partial delegation should be considered, so that possibility of a practical implementation had eluded EPC so far.

Commissioner Turanchik stated it seemed the EPC goal should be to protect the environment by the most cost-effective means possible that meant if one agency could do it, and do it well, and apply the regulations, there should not be three agencies doing it. He understood the intent of the roundtable was to have only one entity applying wetland laws, and regulations in a way that protected the environment as EPC's definition of its rules. It did not necessarily mean that one do everything; he thought it was a preferred position for EPC to have things come down to the local elected officials, since that was where the greatest accountability was--and to do that might not be practical or legal. He thought all options should be reviewed, but only to the extent that EPC was comfortable in application or implementation of the regulations. Chairman Berger commented that uppermost in everyone's mind was the environmental protection of Hillsborough County--that was the mission, how to accomplish it in the best way without three different agencies involved in the same function, then ending up with taxpayers paying the same thing from three sources.

Commissioner Chillura moved to endorse the roundtable's efforts in the future, which was seconded by Commissioner Hart. Since Commissioner Busansky advised she would not vote on a matter without appropriate material, she moved to continue the discussion to the next EPC meeting. The backup material was available for the EPC to peruse at its next meeting. The motion was seconded by Commissioner Turanchik (subsequently withdrawn and restated).

Commissioner Hart commented that it would be inappropriate for them to give guidance to Mr. Stewart and staff to work openly and look at alternatives. Commissioner Wilson indicated she was prepared to support the motion, but would support the continuance.

Commissioner Turanchik did not think a motion was necessary to support the roundtable effort, since the EPC was participating in the roundtable organization and had already been given authorization. He felt the outstanding issue was the question of the prior directive given to Mr. Stewart that the position of the EPC was to seek total delegation of environmental permitting to EPC. There was some disagreement of the only outstanding issue. Commissioner Chillura asked that the two be separated, because the motion on the floor dealt with endorsing the roundtable, and the second one dealt with whether Mr. Stewart be given direction to participate in airing various viewpoints, or the one he already had been mandated to air, which was to assume delegation of wetlands.

In response to Commissioner Wilson, Commissioner Busansky stated that the motion to continue was based on information she wanted to review--who was at the roundtable, what had been discussed so far, where was it going, and the process. She did not think it would happen in the meeting, a

needed to understand it. She could not endorse anything as a member of the EPC without first seeing the report and understanding what it was. Mr. Dyer explained that he had asked for a vote of confidence from the EPC because there were parties on the roundtable who felt the initiative was being run by Chairman Berger alone. Those parties were not participating in the way as they could if they felt the roundtable, a work in process, was supported by the entire EPC. The roundtable's mission, its report, and minutes had been prepared by County staff and could be provided to the Board on short notice. Also, the roundtable group was trying to present to the EPC with a third set of alternatives, as well as recommendations from an audit and recommendations from the CEAC group. He further advised that he would supply the documentation requested by the end of the day. Commissioner Turanchik withdrew his second to the motion for a consensus since the motion was a moot point. The EPC had already told Mr. Dyer that his position should be on the roundtable. Mr. Dyer advised that he had advised members of the roundtable that he had been directed by the Board to attend the roundtable meeting, to answer questions that were asked, but Mr. Stewart did not feel he could do anything more than attend the meetings and respond to questions--a long way from being a proactive participant in trying to arrive at a consensus-based recommendation. Commissioner Turanchik responded that under Florida Administrative Code 344.100 there was a specific provision and a process set up of the transfer of the ERP to local governments, and he would support Commissioner Dyer's motion to say that the executive director was authorized to partner with the other agencies with respect to fulfilling the intent, purpose, and process of pursuing delegation of the ERP to protect the environment at the least cost to the taxpayer. Commissioner Chillura advised he would embed the motion in one motion, recognize the work of the roundtable and, in the second, Commissioner Turanchik's verbiage from the Administrative Rules. Commissioner Hart, as the second, accepted that on the basis that the motion would not preclude options and alternatives from being discussed, since the issues of different agencies, different funding mechanisms, and protection of the environment were being dealt with. Chairman Berger added that the roundtable would return to the EPC Board with recommendations for any action. Busansky said she was surprised that EPC was not going to stop an agenda item, where it was coming from, where it was going, and the process. Commissioner Turanchik reconsidered and seconded Commissioner Busansky's motion to continue the item, which failed three to three. Commissioners Chillura and Hart and Chairman Berger voted no. (Commissioner Norman was absent.)

Chairman Berger called for public comment. Ms. Anne Schnapf, employee of the National Audubon Society, Tampa Bay Sanctuaries, stated she was concerned about a decrease in the protection of wetlands that was being considered by the roundtable group, and she supported their efforts. It was her understanding that Hillsborough County could have a higher level of wetlands protection either through the State or the water management district, which she thought was an important position to take. Mr. Jeff Mathias, 12026 Riverhills Drive, attended all roundtable meetings, but one, and thought one mistake was looking only at wetlands, since there were other issues to be addressed, such as the planning, regulation, and stormwater. He cautioned against making any decision until there was a complete product, which would include until the planning department was included in the wetlands protection process to avoid duplication of efforts, the planning angles, shared responsibility, activity split, and the viability of a continuance. Commissioner Chillura restated his original motion, which included

Administrative Rule and asking Mr. Stewart to represent the board entertaining any and all options. Commissioner Turanchik echoed statements, that the motion would allow Mr. Stewart to pursue del also to look at various combinations of options, as was contempla Rule; Commissioner Chillura included that in the motion, along wi recognizing the roundtable group's efforts to look at the questio efficiency. Commissioner Turanchik commented that the Rule provi partial delegation, and that the motion would free Mr. Stewart fr directive and allow him flexibility to deal with the issues at th roundtable. The bottom line, as described by Chairman Berger, wa issues had to go before the EPC Board for action. The motion car one; Commissioner Busansky voted no. (Commissioner Wilson was ou room; Commissioner Norman was absent.)

Commissioner Turanchik left the meeting at 12:10 p.m.

PUBLIC COMMENTS - Attorney Mary Lynne Duet, representing the Bell Homeowners Association, addressed the EPC Board relative to the L pig operation. She had been working with EPC staff to resolve th the County Attorney's Office had become involved, and in Attorney meeting with Attorney Fotopulos, it was determined that EPC had e power over the facility if the farm operation did not continue to maintained. When the odor problem had resurfaced, citizens had c EPC, with no response to the citizens. She had learned that an i from the Air Management Division had been in the area but had not any of the citizens. Attorney Duet, who had been working with As County Attorney Julia Mandell on the issue, said it was the Count position that if the facility had more than four pigs a limited u was required. The farm owners were notified of that more than 30 but had not applied for a permit, and a citation had been issued. citizens wanted to see enforcement action and resolution of the p Attorney Fotopulos indicated she had not been aware of the recent and this was the first she had heard that the County required a p thought the application for a permit would go before the County C She agreed the EPC had jurisdiction and if there were odor proble would react appropriately. She had no evidence of such, believed could occur, but the owners could implement appropriate activitie management of the operation to prevent a nuisance from occurring. Mr. Iwan Choronenko, Director, Air Management Division, advised t staff had responded to 43 complaints since May; a pig farm under atmospheric conditions would emit odors; and a University of Sout Extension agricultural agent had stated that the farm was being m acceptable fashion. Mr. Stewart commented that odors were very s there apparently were citizens who did not like the presence of t staff had visited the site and had not noticed anything different would be expected to emanate from a farming operation. Commissio suggested the item be brought up as the first item at the October meeting, which was subsequently changed to the land use meeting o September 24, at 9:00 a.m.

The daughter of Mr. and Mrs. Lopez, Ms. Mirian Rosquete, stated t family had been farming for almost 20 years; with the purchase of farm having taken place in late 1993. Fourteen piglets had been new farm from the previous farm, which had been purchased by the Avenue extension project. There were receipts showing that hogs purchased early in 1994--the farm had been in operation since its and an affidavit from the previous property owner stating the pro been zoned agricultural and had received Greenbelt status since 1

presented a brief history of the complaints, resultant inspection remedial actions that had been taken. Additionally, she had received statement from the University agricultural agent, who found the farm a clean, well-managed, small swine operation. She further advised that a permit would be applied for, and all standards were being required. Chairman Berger felt the item required more time than could be presented at the land use meeting, and it should be continued to the October EPC meeting. Mr. Stewart commented that EPC staff felt they had been responsible and recognized that the farm was a well-run organization, and the Lopez family should be blamed for doing what was normal, what had been authorized, and was the regular practice on such land; otherwise, the farm in the County would be in trouble. Attorney Fotopulos confirmed that a meeting would be scheduled for the next EPC meeting.

Ms. Ruth Diorio, 5707 Dalton Court, Pasco County, spoke on behalf of Hesham about an ongoing problem relative to a park. A letter had been sent to Mr. Stewart asking that he release the park from its alleged violation since the pond had been 24 inches below the legal mark. Although Mr. Stewart had informed them that they were not in compliance, he would not enforce the alleged violation.

Mr. Chris Dunn, EPC staff, advised that action on that matter was taken at the last EPC meeting. Typically, the EPC had six months to make a determination as to whether facilities were in compliance, and that time had been shortened to 90 days based on discussion, and that was the time to which staff was adhering. Attorney Fotopulos indicated, following statements by the landowner, that Mr. Stewart and staff had agreed that there was no need to require a consent order at the present time, but it was to adhere to State rules regarding assurance that implementation would be effective. Mr. Stewart stated the words "at the present time" were out of the letter, which was all that Mr. Hesham was asking, and that the letter would be reissued by the end of the day.

There being no further business, the meeting was adjourned at 12:

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

eb/sal