

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
AUGUST 20, 1998
10 AM - 12 NOON**

ADDENDUM

I. COMMISSIONER'S REQUEST (Time Certain 11:30AM)

Discussion - Chemical Formulators, Inc. (Comm. Chillura) A-1

II. CONSENT AGENDA

Approval of Minutes: April 22, May 21 and June 25, 1998 A-5

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.



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

REC'D

AUG 18 1998

ENV. PROT. COMM
OF H.C.

MEMORANDUM

DATE: August 17, 1998

TO: Roger Stewart, Director, Environmental Protection
Commission

FROM: Joe Chillura, Jr., Countywide Commissioner

SUBJECT: Chemical Formulators, Inc.

Roger:

As you know I called your office on July 6th, 1998 when Trident Shipworks reported to my office that Chemical Formulators, Inc., a neighboring facility, had experienced a major leak and as a result Trident employees had been hospitalized for chlorine exposure. I asked your office for a report of the incident and as of this date I have not received it.

This past week another leak was experienced at the same facility. I called and talked to you again and asked for a report in light of Chemical Formulators history of repeated problems! I have yet to receive the second request.

I am not satisfied with the Department of Environmental Protection (DEP) or the Department of Occupational Safety and Health Administration's (OSHA) lack of progress. The employees of Trident Shipworks and employees of other neighboring facilities are at serious, life-threatening risk while these agencies are deciding on a solution to the company's lax safety precautions. The attached article entitled "Chlorine leak points to problems at company," (Tribune, 8/15/98, by Jan Hollingsworth) supports my past and current concerns.

Roger, once again, I would appreciate a status report on this matter and whether the facility can be shut down until all issues of safety are adequately and safely addressed. Your status report should include a chronology of all leak incidents since the company started business at the current location.

In addition to the written status report, I would also appreciate this matter being included at our next EPC meeting on August 20th as an off-the-agenda



item and at a time certain. Please invite the President of Trident Shipworks and a representative from Chemical Formulators, DEP, and OSHA.

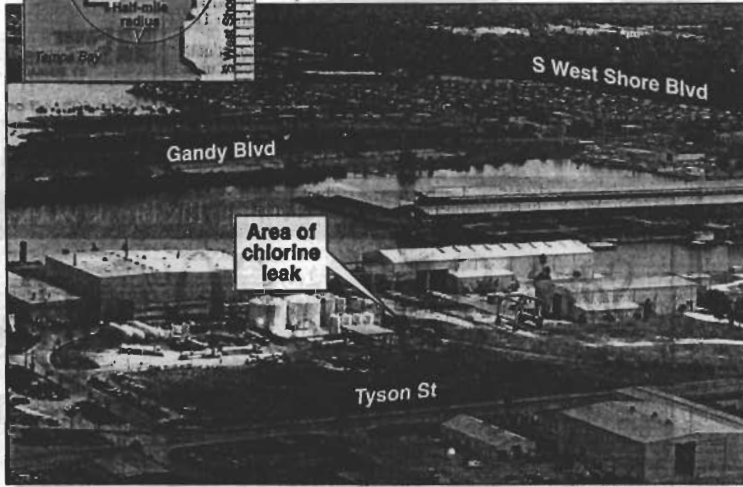
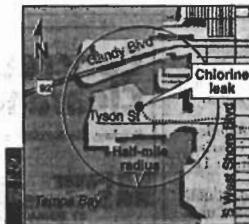
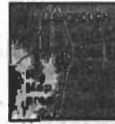
JC/sar

cc: Jan Platt, Chairperson, Environmental Protection Commission
Steve Nichols, President, Trident Shipworks

Sat Aug. 15, 1998

Chemical threat

In a worst case scenario, a 12-pound leak of chlorine gas such as the one July 6 at the Chemical Formulators plant could have affected residents within a half-mile radius. The day of the spill more than 60 workers in an adjacent business were injured.



Source: Hillsborough County Emergency Planners VAUGHN HUGHES/Tribune graphic; DAVE GEIGER/Tribune photo from Eagle 8

Chlorine leak points to problems at company

A toxic leak at a local plant leaves a trail that leads to another Florida company with a history of environmental problems.

By IAN HOLLINGSWORTH of The Tampa Tribune

TAMPA — Roger Emery knew what was happening the minute he stepped outside the Trident Shipworks plant. The unmistakable greenish-yellow cloud wafting from the bleach-making facility next door was deadly chlorine gas.

The July 6 chlorine leak sent more than 60 Trident employees to area hospitals when the chemical seared eyes, skin, throats and lungs of panicked workers.

"I spent three years in Vietnam and I've seen terror," said Emery. "This was terror."

What the yacht assembly manager didn't know was that his neighbor — Chemical Formulators Inc. — is linked to Allied Universal Corporation, a Miami-based company with a history of hazardous leaks and spills at plants in Florida and Georgia.

"We've been very concerned about how these operators manage their hazardous substances. There's been a problem at every facility so far," said state Department of Environmental Protection lawyer Augusta Posner.

All of the plants mix chlorine



IAN REED/Tribune file photo

Workers at the Trident Shipworks plant are treated for chlorine inhalation after the poisonous gas leaked July 6.

with caustic soda to make bleach used in swimming pools and wastewater treatment plants.

Allied Universal, whose managers attended the opening of

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Augusta Posner
DEP attorney

Chemical Formulators in Tampa last year, has been the subject of a criminal investigation by authorities in Miami-Dade County and DEP.

At issue: the company's handling of hazardous chemicals. Allied cut a deal with regulators in January 1997 that brought the criminal investigation to an end. The company agreed to:

- Pay \$67,925 in investigation costs.
- Hire a consulting firm to examine its environmental policies.
- Re-train employees to properly handle hazardous materials.
- Correct pollution problems at its plants near Miami, Fort

See LEAK, Page 8 ▶

LEAK/Chlorine prompts scrutiny of chemical plants

◀ From Page 1

snake Point — a peninsula between Tampa Bay and Hillsborough Bay — was established as a separate corporation.

According to state records, the Chemical Formulators property at 5215 W. Tyson St. was purchased for \$550,000 in July 1996 by Ghandy View Realty — a corporation chartered the month before by relatives of Allied owners.

Corporate records list Allied accountant David Berman as the president of Chemical Formulators. Ronald Rubin, the son of an Allied owner, is listed as secretary/treasurer of the company. Both live and work in Miami.

Other links include:

- Chemical Formulators sells the bleach it makes to Allied.
- A telephone line in the Tampa facility is listed to Allied.
- Trucks owned by Allied transport finished bleach from Chemical Formulators to Allied customers.
- Allied managers from Miami came to Tampa to deal with investigators in the wake of last month's chlorine leak.
- Company officials downplayed Allied's ties to Chemical Formulators.

"We have some common ownership," said Berman.

The Leesburg plant was the subject of an earlier DEP investigation into that facility's handling of hazardous materials and pollution of groundwater.

The agency sued Allied in 1993 in the wake of two hydrochloric acid spills in Leesburg that led to the evacuation of surrounding neighborhoods.

The company settled the suit in 1994 by paying a \$70,000 fine and agreeing to make \$300,000 in repairs.

State and federal authorities are currently investigating Allied's plant in Ranger, Ga., where dead trees and an unreported chlorine leak.

With three Florida Allied plants under DEP scrutiny, the agency would have been interested in taking a look at the new facility in Tampa, Posner said.

A computer search last year failed to turn up a rumored Tampa plant.

"We looked for it but couldn't find it," she said.

That's because the plant that opened last October on Rattle-

snake Point — a peninsula between Tampa Bay and Hillsborough Bay — was established as a separate corporation.

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Bay area chlorine leaks

Last year, there were 24 chlorine releases reported to the state. Three were in District 8, which encompasses Hillsborough, Pinellas, Pasco and Manatee counties. Here are a few of the incidents reported around the state in recent years:

- 1993 — A chlorine leak at West N. Wild water park near Orlando sent 64 people to hospitals and forced the evacuation of 1,000 patrons. No one was seriously hurt.
- 1994 — Eleven people, including nine firefighters, were taken to a hospital, and 30 others were treated by paramedics in Coral Springs. Hundreds were evacuated from homes and motels when a ruptured pipe at a city water treatment plant released a cloud of chlorine gas.
- 1994 — Fumes from a chlorine leak forced 4,000 to 5,000 people to leave their Boynton Beach homes. The leak at a water treatment plant created a vapor cloud about the size of a city block. There were no serious injuries.
- 1995 — A toxic chlorine cloud the size of a football field washed over St. Petersburg when a line snapped at a city sewage treatment plant. Hundreds of children at adjacent soccer fields and nearby businesses were evacuated. Shoppers were detained inside Tyrone Square Mall for about an hour until the cloud dissipated. No one was injured.
- 1998 — More than 60 employees at Trident Shipworks were sent to Tampa hospitals when chlorine from a railroad car located next door at Chemical Formulators leaked during a transfer to the facility.

Source: State Warning Point and Tribune files.

ers and we support them in some functions, but we are separate corporations," said Keith Westin, Allied's environmental and safety manager. "We charge them for our time as a consultant."

Westin, who joined Allied a year ago, says he is working to correct problems at both companies.

"I think since I hit the ground

here I've been running. We're trying to change the way we do business," he said.

When curious state and local regulators visited the new bleach-making plant in south Tampa last year, they determined two things: "The facility didn't require permitting, and it looked like they had tried to put a lot of safety devices in place to head off prob-

lems," said Leroy Shelton of the Hillsborough Environmental Protection Commission.

The chlorine leak that sent 62 Trident employees to the hospital last month occurred when workers at neighboring Chemical Formulators pumped liquid chlorine from a rail car to a storage tank.

Three factors — all attributed to human error — caused the incident, according to company officials.

- A valve from the rail car was left open.
- An alarm that alerts workers the valve is open was turned off.
- An employee shut off a pump that should have been left on.

Chemical Formulators' branch manager Bill Buck told authorities that 15 pounds of chlorine were released before the valve was closed.

The Occupational Safety and Health Administration is investigating the incident. Its report will not be made public until the case is closed, which could be a matter of months, said OSHA area director Larry Falck.

The Tampa bleach plant has experienced several minor chlorine leaks since it opened last

year. Most were less than a pound, said Buck. All but the July 6 leak were under a 10-pound threshold that would have required them to file a report to state emergency planners.

Westin and Buck said they are working closely with OSHA, have hired a process safety consultant and instituted procedures to head off future problems.

"Our goal is to have zero emissions and be a good neighbor for the community," said Buck.

Meanwhile, lawyers for Trident are in the midst of ongoing discussions with Chemical Formulators over the incident.

"We have damages because of the plant having to be closed and injuries to employees," said Tampa attorney Kirk Davis, who represents Trident Shipworks.

About a half dozen employees have still been unable to return to work, he said.

► Jan Hollingsworth reports on environmental issues. She can be reached at (813) 259-7607. Tribune researcher Buddy Jaudon contributed to this report.

► Read about more environmental issues on The Tampa Tribune's Web site at <http://tampatrib.com/news/whn.htm>

APRIL 22, 1998 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, scheduled for Wednesday, April 22, 1998, at 11:00 a.m., in the Boardroom, County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Dottie Berger, Joe Chillura (arrived 11:30 a.m.), Chris Hart, Jim Norman, Thomas Scott (arrived 11:33 a.m.), and Ed Turanchik.

Chairman Platt called the meeting to order at 11:25 a.m. and recognized the presence of Pasco County Commissioner Ed Collins. After discussion about dealing with votes as EPC and the Board of County Commissioners (BOCC), Chairman Platt recalled that Commissioner Norman had requested a list of remedies to issues involving the EPC/West Coast Regional Water Supply Authority (WCRWSA) interlocal agreement. EPC Chief Counsel Sara Fotopulos gave a chronology of how EPC had become involved in the WCRWSA governance process and reviewed the analysis matrix for the proposed governance agreement. Discussion ensued about leaving the agreement unchanged. Mr. Roger Stewart, Executive Director, EPC, said the changes requested were relatively minor and were unacceptable to staff. He thought if those items could not be considered for change, efforts to convince Commissioners otherwise would be futile. Chairman Platt thought that other governments might also consider the changes minor, and she wanted to hear what they were.

Mr. Stewart reviewed the errata sheet, and Attorney Fotopulos gave the legal background and significance of each item. During discussion regarding the first item on the errata sheet, Commissioner Turanchik commented on self-protection by host counties, the Cypress Bridge wellfield, and time constraints imposed by State legislation. Commissioners discussed the need to leave the agreement unchanged, which would enhance the likelihood of its approval, and agreed to take one vote at the end of the meeting.

Mr. Stewart objected to the second item on the errata sheet because EPC was a regulatory agency and should not pay for permit applications and supporting documents. Regarding the third item, Commissioner Turanchik advised that the venue would be wherever WCRWSA headquarters were. Attorney Fotopulos commented on items three, four, and five, and detailed her concern that the arbitration process had different due process rights, with no guarantee that the arbitrator's decision would comply with the law.

In reply to Chairman Platt, Attorney Donald D. Conn, general counsel for WCRWSA, said the WCRWSA arbitration process was standard and confirmed for Attorney Fotopulos that binding arbitration decisions were intended to be

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final. Attorney Conn advised Chairman Platt he did not think it advisable or necessary to change the arbitration process in the agreement. Commissioner Turanchik commented on the effect and intent of arbitration.

County Administrator Daniel A. Kleman confirmed for Commissioner Norman that he understood the inherent commitment for the County to fund EPC for its appeals process in environmental issues, but Mr. Kleman could not recommend granting EPC an unplanned \$350,000 appropriation. Commissioner Norman was concerned about signing documents with unidentified sources of funds. Mr. Kleman expected the BOCC to continue challenging permits. Funding of those challenges could be through County or EPC staff, but Mr. Kleman could not recommend that the EPC or BOCC increase its budgetary commitment to \$350,000 in anticipation of challenges. Mr. Kleman listed the budget-related questions he would ask, as the County budget officer, and stated he had no information on which to make a projection currently. Commissioner Norman spoke of possible increased costs, and Mr. Darrell Howton, Director, Wetlands Management Division, EPC, advised Mr. Kleman that additional EPC staff would be required to review WCRWSA permits because current staff were insufficient to handle the existing workload. Chairman Platt thought if the extra staff was needed for permit review, EPC should make that request during the routine budget process.

Discussion included the comments that overall costs would be less because all parties to the agreement would want to avoid arbitration; proper review of permits would reduce the need for dispute; and there was the possible need for increased EPC funding due to matters unrelated to the WCRWSA agreement.

Chairman Platt called a recess at 12:05 a.m. and reconvened the meeting at 1:40 p.m.

Regarding item eight of the errata sheet, Attorney Fotopulos explained the basis of staff recommendation to delete "and other Environmental Permits." Attorney Conn responded to questions from Attorney Fotopulos about item nine. Chairman Platt reviewed the discussion on the errata sheet. Attorney Conn explained why other member governments thought it necessary to be signatories to the interlocal agreement and answered questions from Attorney Fotopulos about enforcement by member governments.

Referencing previous citizen comments, Commissioner Norman initiated discussion about the possibility of citizen involvement in arbitration and Chapter 120 rights for impacts outside the County. Mr. Stewart said EPC did

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not anticipate doing anything in other counties but did want to retain the ability to speak to infringements on Hillsborough County's environment.

Commissioner Hart described his concern about the County's environmental responsibilities in the future and how that related to WCRWSA and SWFWMD. Mr. Howton explained how the four County watersheds affected the County's relationship to other communities through WCRWSA initiatives. Attorney Fotopulos answered questions from Commissioner Hart about rights EPC would have if SWFWMD increased pumping in the wellfield areas. Chairman Platt spoke about impacts of desalination plants. Mr. Stewart emphasized that minimum flows and levels, upon which consumptive use permits were based, were not officially established and were currently unsatisfactory to EPC.

Commissioner Norman initiated discussion about addressing environmental impacts created by other counties. Discussion included reducing litigation; reducing pumping levels; establishing new sources of water; involvement by EPC with WCRWSA; whether EPC should have authority in Pinellas County; reduction in wellfield pumpage; and the benefit of including all impacted parties involved in binding arbitration.

Chairman Platt called for public comment. Ms. Denise Layne, Lutz Civic Association, asserted the agreement would force citizens to fund legal battles regarding impacts if the County could not litigate. Attorney Conn answered questions from Ms. Layne about related legislation. Ms. Judy Williams, representing the Coalition of Lake Associations, commented on rights counties should have in relation to location of cones of influence; limited resources of some counties to fight legal battles; and the need for groups such as the one she represented to be involved. Ms. Williams gave an example of difficulty citizens had in speaking at WCRWSA meetings. Mr. Jerry Maxwell, general manager, WCRWSA, and Attorney Conn answered questions from Ms. Williams about rights of citizens to address the operation plan. Mr. Maxwell and Attorney Conn agreed that EPC would have the ability to arbitrate on the operation plan, even for facilities in other counties, because that was included in the definition of primary environmental permit.

Ms. Gaye Townsend, County Line Coalition, spoke about binding arbitration and difficulties dealing with Pasco County. Ms. Townsend thanked EPC for its work on minimum flows and levels. Mr. Jeffrey Mathias, Riverhills Drive, talked about reduction in pumpage, supported comments made by Attorney Fotopulos, and explained his concern about EPC authority. Attorney Conn responded to Mr. Mathias about distinguishing between what EPC arbitrated and regulated, noting that the interlocal agreement would not change EPC's

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jurisdiction under the special act or delegated authority. Attorney Fotopulos concurred. Attorney Conn said the discussion in the meeting concerned the definition of primary environmental permits, the major one of which was a water use permit.

Chairman Platt asked about a hypothetical case wherein Pasco County obtained a consumptive use permit for a well close to Hillsborough County and then negatively impacted County lakes through use of that well. She wanted to know if EPC could cite and regulate parties responsible for that lake degradation. Attorney Conn noted that WCRWSA, not Pasco County, would be seeking a consumptive use permit and that as a member government, Hillsborough County would have a voice in whether WCRWSA denied the permit. Speaking of the hypothetical situation described by Chairman Platt, Attorney Conn said if there were a consumptive use permit that was sought in southern Pasco County, EPC would not have the right to arbitrate the water use permit between SWFMWD and WCRWSA. However, the agreement would not affect regulatory powers EPC had under the special act or EPC's delegated authority. EPC could exercise its regulatory authority over those harmful impacts.

Mr. Steve Morris, 18520 Wayne Road, Odessa, complimented the work by Commissioner Turanchik, thought much had been achieved in drafting the agreement, and objected to the hurried approach to signing the agreement. Mr. Morris suggested setting up a mediation fund to pay for litigation. Mr. Larry Padgett, 2711 West Lutz-Lake Fern Road, Lutz, talked about trust and the need to protect the County. Ms. Alison Edwards, 2512 Prospect Road, listed several objections, which she submitted in writing. Ms. Cheryl Bradford, representing the Alafia River Basin Stewardship Council, referenced participation in WCRWSA meetings and the lack of a reply from WCRWSA to her March 28 letter about the water master plan. She suggested not proceeding so fast with the agreement.

Commissioner Scott talked about the complexity of the issue and listed questions to which he wanted answers when Commissioners reconvened as the BOCC. Commissioner Scott emphasized that the State legislature would take action about water if the Board did not.

Attorney Fotopulos responded to Commissioner Chillura about the implications if EPC were an entity separate from the BOCC. Commissioner Chillura explained why he objected to pressure from the State legislature and to ultimatums about all-or-nothing agreements. Commissioner Chillura felt the BOCC was important to the agreement and commented that the strength and longevity of the EPC was due to its independence. Commissioner Norman spoke

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of the autonomy and power of the BOCC and its obligation to obtain the best deal possible. Chairman Platt noted that only one government had voted on the agreement and thought any changes proposed for the EPC document should be made in the meeting and presented, not as "deal-breakers," but with the request that those changes were important to the County. Commissioner Turanchik concurred that was a fair process.

Commissioner Turanchik described efforts by WCRWSA to obtain partnership and guaranteed reductions and noted the agreement was under a State mandate, with a deadline. Commissioner Turanchik gave his perspective on the EPC/WCRWSA interlocal agreement, noting that Mr. Stewart had characterized the changes as relatively minor. Commissioner Turanchik thought there was a perception that the agreement harmed EPC, although he thought a good deal had been obtained. He commented on the importance of the issue to the environment and the destruction to the environment caused by member governments of WCRWSA.

Commissioner Berger thought the County was in a better position than before, although the agreement was not perfect. Discussion ensued in response to her question about how the agreement would be presented to the State legislature. Commissioner Berger did not think one member government would be allowed to make changes without giving others the same opportunity. Commissioner Turanchik moved to make no recommendations to the BOCC for changes to the EPC interlocal agreement. Commissioner Berger seconded the motion. Chairman Platt stressed that the motion was that there be no changes to the EPC interlocal document, but the motion did not approve it. Commissioner Turanchik amended the motion to include section 3(1) in the interlocal agreement, which was that the County would fund EPC to perform its job as delineated in the agreement.

Commissioner Hart asked what impact the agreement would have on EPC. Attorney Fotopulos agreed the document was not perfect. EPC would have to change its approach to some issues, and its legal ability to force changes would be limited, but the agreement would not usurp EPC's ability to protect the County's environment. She opined that the benefits of the overall WCRWSA agreement greatly outweighed the disadvantages. Mr. Stewart thought "other environmental permits" in Section 3(5) was unclear and emphasized the need for adequate EPC staff. Chairman Platt commented upon her concerns that had been resolved in the meeting and stressed the County's responsibility to protect the environment and the related need for EPC to request necessary staffing changes as soon as possible. **The motion carried seven to zero.**

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There being no further business, the meeting was adjourned at 3:53 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

fw

MAY 21, 1998 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, May 21, 1998, at 10:00 a.m., in the Boardroom, County Center, Tampa, Florida.

The following members were present: Vice Chairman Ed Turanchik and Commissioners Dottie Berger, Joe Chillura, Chris Hart, Jim Norman, and Thomas Scott (arrived at 10:10 a.m.).

The following member was absent: Chairman Jan Platt (out of town).

Vice Chairman Turanchik called the meeting to order at 10:05 a.m., followed by the pledge of allegiance to the flag, and the invocation by Commissioner Berger.

CHANGES TO THE AGENDA

Mr. Roger Stewart, EPC Executive Director, noted that item VIII, Waste Management Division, Quarterly Status Report on Superfund Sites, had been deleted from the agenda. He referenced the addendum to the agenda, which included a 10:30 a.m. time certain discussion on medfly issues. **Commissioner Norman moved the changes to the agenda, seconded by Commissioner Hart, and carried five to zero.** (Commissioner Scott had not arrived; Chairman Platt was absent.)

PRESENTATION - CF Industries, Incorporated

Mr. Chris Dunn, Water Management Division, EPC, in response to a request from the audience at the last meeting regarding a discharge of treated processed water into Big Ditch on the Hillsborough River, explained that as a result of the 1997 and early 1998 excessive rainfalls, CF Industries had been required to treat and release excess processed water from their processed water management system. The discharge had been approved by permit and by an emergency order from the Florida Department of Environmental Protection (DEP). However, as of mid-March, CF Industries have not had to discharge the treated processed water to Big Ditch; there had been favorable rainfall conditions. Mr. Dunn understood, if normal rainfall conditions continued, CF Industries should not have to discharge to Big Ditch. EPC was working cooperatively with DEP and CF Industries on those issues. Mr. A. L. Holmes, vice president of phosphate operations, CF Industries, confirmed statements made by Mr. Dunn and explained that CF Industries had been in communication with County and DEP staffs.

THURSDAY, MAY 21, 1998

CONSENT AGENDA

- A. Approval of Minutes: April 14, 1998
- B. Monthly Activity Reports
- C. Legal Department Monthly Reports
- D. Pollution Recovery Fund
- E. Gardinier Settlement Fund

Commissioner Norman moved approval of the Consent Agenda, seconded by Commissioner Berger, and carried six to zero. (Chairman Platt was absent.)

CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE

Consider Request for Pollution Recovery Funds (PRF) - Attorney Russell Thomas, chairman, Citizens Environmental Advisory Committee (CEAC), recalled action by EPC last year to consolidate the PRF process to once a year. At the March meeting, CEAC had allotted three hours to listen to presentations from applicants for PRF dollars. Attorney Thomas presented CEAC's recommendations for approval, which included funding only \$5,000 of the requested \$10,000 in request 76, Airwise. The recommendation for request 75, Adopt-A-Pond, was to approve the \$50,000 request with a requirement that the applicant demonstrated an attempt to utilize the funds in the best possible manner before leasing or purchasing new equipment.

EPC Chief Counsel Sara M. Fotopulos stated there had been some activity in the area of request 68, Lutz Nature Park, that had not been reviewed by EPC. Therefore, staff requested that item be postponed or approved pending further analysis of the specific facts. Attorney Thomas stated a representative from the Parks and Recreation Department had requested the item be continued.

Vice Chairman Turanchik called for public comment. Mr. Charles Thomas, Reverend Simms, Mr. John Chancellor, and Mr. Scott Ulm, requested approval of the full request--\$10,000--for the Airwise project. Mr. Stewart stated that most PRF expenditures went for nonair purposes. Following an explanation by Attorney Thomas on how CEAC had arrived at the \$5,000 recommendation, Commissioner Scott moved approval of CEAC's recommendation with the inclusion of the full \$10,000 request for the Lung Association. The motion was seconded by Commissioner Norman. In response to Vice Chairman Turanchik, Commissioner Scott explained the motion included the recommendation to table the Lutz Nature Park request until future information was provided. Mr. Thomas responded to questions by Commissioner Hart regarding the role of the schools in the project, and he agreed to make a presentation to the School

THURSDAY, MAY 21, 1998

Board on that issue. Commissioner Chillura asked how much pollution control money was provided from air pollution fines. Mr. Tom Koulianos, Director of Finance and Administration, EPC, responded that amount was 40 percent.

Vice Chairman Turanchik asked about request 77, YES Camp Exotic Nuisance Control. In that program, youthful offenders performed volunteer removal of exotic plants. Attorney Thomas explained that request had not been addressed because its representatives had not attended the meeting. Vice Chairman Turanchik wanted to continue that item so a presentation could be made to CEAC. Attorney Fotopulos explained part of the reason staff had recommended against that request was because there was no provision in the proposal for maintaining the removal of nuisance species; the request was for a one-time removal. **The motion carried six to zero.** (Chairman Platt was absent.)

Commissioner Scott invited EPC members and the viewing audience to a program being sponsored throughout the week by the American Lung Association.

10:30 A.M. TIME CERTAIN - Medfly Update

Mr. Stewart recalled that Mr. Tony D'Aquila, EPC staff, Air Management Division, had managed the preparation of the Memorandum of Understanding (MOU) on the treatment of medfly issues. Mr. D'Aquila reported that nine organizations were to sign the MOU. Six signatures had been obtained; the document was currently with County Administrator Daniel A. Kleman for his signature. Staff had been attempting to energize the different subcommittees to continue the coordinated planning for prevention of medfly problems.

Mr. Terry McGovern, United States Department of Agriculture (USDA), reported on the three ongoing medfly projects--Miami Springs, Umatilla in Lake County, and Bradenton. Mr. McGovern indicated on maps the current regulated zones and the type of treatment being utilized for medflies in each project area. He estimated it would take approximately \$5 million to \$6 million to complete the Manatee block, which funds would be split between State and federal dollars. Mr. McGovern requested that local communities contact members of Congress to appropriate additional dollars to assist with the eradication of the medfly in Hillsborough County. He responded to questions by Commissioner Berger regarding the previous year's cost to eradicate medflies. Commissioner Berger moved to direct the Chairman to write a letter, and maybe all Board members should also write a letter, to members of Congress to appropriate moneys to eradicate medflies. **The motion was seconded by Commissioner Scott.** Attorney Fotopulos questioned whether the follow up

THURSDAY, MAY 21, 1998

dropping of flies was necessary in order to take care of the infestation of the previous year. Mr. McGovern concurred.

Commissioner Hart reported on a meeting he had attended in Washington, D.C., in which he had been assured that moneys were available for prevention, research, and education at the USDA. Commissioner Hart suggested that Hillsborough County's government relations staff contact some of the people he had met in Washington, D.C., to get the current status on available funds, et cetera. **The motion carried six to zero.** (Chairman Platt was absent.)

Senator James Hargrett, Hillsborough County Legislative Delegation, explained he was scheduled to attend a fact-finding mission in California regarding their medfly program. Therefore, his purpose at the EPC meeting was to be better informed on the issue so he could ask the right questions in California. Senator Hargrett talked about impacts caused by the medfly problems. Dr. Tom Mason, Professor, College of Public Health, University of South Florida (USF), strongly supported the County acting with deliberate speed to provide the protection inherently associated with sterile medfly release.

LEGAL DEPARTMENT

- A. Request Authority to Schedule Public Hearing to Amend Chapter 1-3, Air Pollution Rule
- B. Authorize Executive Director to Execute MOU, regarding Mulberry Phosphate

Attorney Fotopulos outlined both issues. **Commissioner Chillura moved approval of both items, seconded by Commissioner Berger, and carried five to zero.** (Commissioner Hart was out of the room; Chairman Platt was absent.)

EXECUTIVE DIRECTOR

Consider Request for Additional Funding for Wetlands Management Division - Mr. Stewart said EPC was now enjoined with West Coast Regional Water Supply Authority (WCRWSA) in an agreement that obligated EPC to some additional effort. He requested approval of two positions--a manager to coordinate between the agencies and a professional geologist/hydrologist. Mr. Koulianos said the amount required for the remainder of the year for the two positions would be \$37,179. The dollars required for the following year would be \$137,249. Mr. Stewart said that figure included two computers. **Commissioner**

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Scott moved staff recommendation, which was seconded by Commissioner Norman. Commissioner Chillura expressed a concern with the dollars being taken from the general fund; the utility account should be considered as the source of funding. Vice Chairman Turanchik explained that staff's recommendation did not match the time resource and the allocations that would be required. He felt a manager could be hired; beyond that, consultants should be hired as needed. Vice Chairman Turanchik did not see the need for two full-time positions in perpetuity. Following further discussion and clarification, Commissioner Norman withdrew his second. Commissioner Scott changed the motion to approve the manager's position and to defer the request for the other position to another meeting. The motion was seconded by Commissioner Hart and carried four to zero. (Commissioners Chillura and Norman were out of the room; Chairman Platt was absent.) Commissioner Hart requested information be provided at the ensuing meeting regarding projected timeliness and the scope of what was needed to be done. Vice Chairman Turanchik reported on a meeting to be held on June 3 regarding the issues and a vote to be taken two weeks later by WCRWSA/Tampa Bay Water on consumptive use permit applications. Mr. Koulianos noted the associated costs for the manager's position would be \$20,369 for the remainder of the year and \$76,099 for fiscal year 1999.

AIR MANAGEMENT DIVISION

Discussion - Motor Vehicle Inspection Program. Pulled from the agenda.

WASTE MANAGEMENT DIVISION

Quarterly Status Report - Superfund Sites. Deleted from the Agenda.

OFF-THE-AGENDA ITEM

Vice Chairman Turanchik reported that EPC had received an outstanding government exhibit award by USF. He thanked Ms. Barbara Motte, Mr. Husam Elrabi, and Mr. Mohammad Nozari for putting together the exhibit.

PUBLIC COMMENTS

Mr. Worth William, Temple Terrace, talked about the seriousness of CF Industries and its impact to the Hillsborough River.

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There being no further business, the meeting was adjourned at 11:30 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

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JUNE 25, 1998 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, June 25, 1998, at 11:00 a.m., in the Boardroom, County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Dottie Berger, Chris Hart, Jim Norman, and Ed Turanchik.

The following members were absent: Commissioners Joe Chillura and Thomas Scott (previously scheduled appointment).

Chairman Platt called the meeting to order at 11:06 a.m.

PUBLIC HEARING

Consider Amendments to Chapter 1-3, Air Pollution Rule - Mr. Jerry Campbell, EPC staff, referenced the backup material, which outlined the changes to Chapter 1-3, Air Pollution Rule. The Citizens Environmental Advisory Committee (CEAC) had approved the changes; technical workshops had been held with the regulated community. The majority of the changes reflected modifications to State and local rules. Mr. Campbell outlined enhancements to the public notification process. Chairman Platt called for public comment; there was no response. **Commissioner Turanchik moved approval, seconded by Commissioner Hart, and carried four to zero.** (Commissioner Norman was out of the room; Commissioners Chillura and Scott were absent.)

CONSENT AGENDA

- A. Approval of Minutes: March 19, April 16, and April 27, 1998 .
- B. Monthly Activity Reports
- C. Legal Department Monthly Reports
- D. Pollution Recovery Fund
- E. Gardinier Settlement Fund

Commissioner Turanchik moved to approve the Consent Agenda, seconded by Commissioner Hart, and carried five to zero. (Commissioners Chillura and Scott were absent.)

WETLANDS MANAGEMENT DIVISION

Discussion - EPC/Hillsborough County Water Team - EPC Chief Counsel Sara M. Fotopoulos recalled the EPC Board held several workshops as the Board of County Commissioners on West Coast Regional Water Supply Authority (WCRWSA)

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issues. Staff's recommendations had been adopted at the June 10 meeting. Attorney Fotopulos requested the EPC Board reconfirm and direct EPC staff to follow up on the recommendations. **Commissioner Turanchik moved to adopt the recommendations, seconded by Commissioner Norman, and carried five to zero.** (Commissioners Chillura and Scott were absent.)

Commissioner Turanchik reported the WCRWSA board had unanimously voted to delete the Higgins Power Plant as a potential site.

Request Approval of Martin Brothers Conceptual Mitigation Agreement - Attorney Fotopulos recalled, some time ago, representatives of the citizenry had come before the EPC Board complaining about the situation on the Martin Brothers property. The EPC Board had directed staff to pursue enforcement of a memorandum of understanding (MOU) EPC had entered into in 1987, which provided for mitigation of wetlands lost on the Martin Brothers property. Staff had initiated negotiations with the various parties, which resulted in an agreement that would resolve all issues. Part of the settlement was a mitigation agreement between EPC, the County, the Department of Environmental Protection, and Pinellas County. That agreement would obligate Pinellas County to ensure that Hillsborough County had mitigation for lost wetlands and would ensure some restoration of the Martin Brothers property--securing the property so it did not pose danger to anyone. Attorney Fotopulos distributed a copy of the mitigation agreement, noted that EPC staff was in favor of the agreement, and requested that EPC Board endorse the settlement agreement.

Assistant County Attorney Raymond Allen reported that Pinellas County would purchase a portion of the Martin Brothers property. The Martins had a right of first refusal on the property. The County's concern was the safety factor, which had been resolved through the mitigation agreement. Attorney Allen requested EPC Board's adoption of the agreement and that staff be authorized to proceed with execution of the documents. Chairman Platt called for public comment; there was no response. Commissioner Norman said the property was a landmark for the northwest part of the County. He had toured the property many times, and he was pleased with the settlement. **Commissioner Norman moved to direct the County to pursue the agreement and to bring closure to the issue. The motion was seconded by Commissioner Hart.** Chairman Platt recalled being on the Board when the borrow pit had been permitted, and she felt everyone would be well served with the agreement. Commissioner Norman thanked Pinellas County for its cooperation. **The motion carried five to zero.** (Commissioners Chillura and Scott were absent.)

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PUBLIC COMMENT

CEAC Chairman Russell Thomas reported that CEAC supported the amendments to Chapter 1-3, Air Pollution Rule.

In response to Chairman Platt's inquiry on fires throughout the State, Mr. Roger Stewart, EPC Executive Director, reported that for some time EPC had prohibited routine open burning in Hillsborough County.

There being no further business, the meeting was adjourned at 11:20 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
RICHARD AKE, CLERK

By: _____
Deputy Clerk

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