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TITLE

A RULE AMENDING CHAPTER 1-3 OF THE RULES OF THE HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION RELATING TO AIR POLLUTION; PROVIDING FOR A STATEMENT OF INTENT AND DECLARATION OF LEGISLATIVE FINDINGS; PROVIDING PROHIBITIONS; REQUIRING PERMITS AND NECESSARY PRECAUTIONS; PROVIDING FOR EXCESS EMISSIONS; PROVIDING AMBIENT AIR QUALITY STANDARDS, MAXIMUM ALLOWABLE INCREASES AND AIR POLLUTION EPISODES; PROVIDING FOR PREVENTION OF SIGNIFICANT DETERIORATION; PROVIDING EMISSION LIMITING AND PERFORMANCE STANDARDS INCLUDING PARTICULATE, VISIBLE AND SPECIFIC SOURCE EMISSION LIMITS; PROVIDING FOR SOURCE SAMPLING AND MONITORING; PROVIDING FOR MOBILE SOURCES; AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE.

WHEREAS, Chapter 84-446, Laws of Florida authorizes the Commission to adopt, revise and to amend from time to time rules and regulations necessary for the implementation of the Act, and

WHEREAS, the Commission is the head of an approved local program pursuant to Section 403.182 Florida Statutes and is obligated to enforce standards at least as strict as those required by the Florida Department of Environmental Regulation, and

WHEREAS, the Commission finds that the following rules and regulations are reasonably necessary to provide for the effective and continuing control and regulation of air pollution in Hillsborough County,

NOW, THEREFORE, the Environmental Protection Commission of Hillsborough County, in meeting this 26th day of February, 1986, enacted the following:

Section 1. Chapter 1-3 of the Rules of the Hillsborough County Environmental Protection Commission, Air Pollution, shall be amended to read as follows:

Rules of the Hillsborough County
Environmental Protection Commission
Chapter 1-3
Air Pollution

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PART 1

1-3.10 Statement of Intent:

(1) The Commission promulgates this rule for the purpose of implementing the intent of the Florida Legislature as declared in Chapter 84-446, Laws of Florida to insure the atmospheric purity and freedom of the air of Hillsborough County from contaminants or synergistic agents injurious to human, plant, or animal life, which unreasonably interfere with comfortable enjoyment of life or property or the conduct of business. In so doing, the Commission recognizes that the Florida Department of Environmental Regulation has environmental regulatory and enforcement authority pursuant to Chapter 403, Florida Statutes. It is the intent of the Commission to require compliance with the Department's permitting rules and emission limits in Hillsborough County, except as may be otherwise provided herein, so as to further the policies of preventing significant deterioration, protecting air quality existing at the time the Department adopted its standards, and of upgrading or enhancing air quality. Where a new or

increased source of air pollution poses a possibility of degrading existing high air quality or ambient air quality established by this rule, the Director shall not recommend issuance of a Department permit for such source or proposed source until he has received reasonable assurance that such source, construction or development will not violate this rule.

(2) Standards and provisions of the Department, as here adopted, are incorporated in the form existing on the date of adoption of this rule or relevant amendment.

(3) Department rules, as adopted herein and incorporated by reference, shall be interpreted consistently with official Department policy. For purposes of this rule, official Department policy shall include written policy statements signed by the Secretary of the Department, Chief of the Bureau of Air Quality Management or the Manager of the Southwest District Office. Other documented representations of Department policy may be used in support of a policy interpretation, but shall not themselves be official policy.

1-3.11 Declaration of Legislative Findings:

The Commission hereby finds that emissions into the atmosphere of Hillsborough County in excess of, or contributing to an exceedance of, the standards hereinafter provided may reasonably be expected to cause air pollution prohibited by Section 17 of the Act. The Commission also finds that emissions, while in compliance with source specific emission limiting standards, may at times constitute nuisances as defined by Section 3(12) and prohibited by Section 16 of the Act.

1-3.12 Definitions:

(1) Definitions contained in Chapter 84-446, Laws of Florida, apply to this rule.

(2) With the exception of the definitions for "Air Pollution", "Odor", "Particulate Matter", and "Standard Conditions", definitions contained in Section 17-2.100, F.A.C., shall, to the extent applicable apply to this rule.

(3) The following specific definitions shall apply to this rule:

(a) "Commission" shall mean the Hillsborough County Environmental Protection Commission.

(b) "Director" shall mean the Director of the Commission or his authorized agent.

PART 2

1-3.20 Circumvention Prohibited:

No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.

1-3.21 Permits Required:

(1) No air pollution source may be constructed, modified or operated in Hillsborough County without a valid permit as may be required by the Department pursuant to Section 17-2.210, F.A.C., Chapter 17-17, F.A.C., or as may be otherwise required by these rules.

(2) Application for or renewal of a Department permit, or copy where appropriate, shall be submitted to the Director for his review pursuant to Department requirements and recommendation according to this rule. Reasonable assurances shall be provided that all Department and Commission standards have or will be met by the applicant or the activity sought to be permitted. Activities under Citation at the time of application shall have the Citation resolved prior to the Director recommending approval of an application involving the same activity.

(3) No air pollution source may be constructed, modified or operated in Hillsborough County in violation of any conditions specified on the permit, whether issued by the Commission or by the Department, or certification authorizing the activity or as may be incorporated by reference within the conditions of the permit authorizing the activity. Violation of any such permit or certification condition is a violation of this rule.

1-3.22 Prohibitions:

(1) No person may build, erect, construct, or implant any new source or

operate, modify or rebuild an existing source or by any other means release or take action which would result in the release of air pollutants into the atmosphere of the County which will result in, including concentrations of existing air pollutants, ambient air concentrations greater than ambient air quality standards as defined in this rule.

(2) No person shall cause, let, permit, suffer or allow the discharge into the atmosphere of any pollutant from any source or activity in excess of emission standards herein established.

(3) No person shall cause, let, permit, suffer or allow the discharge into the atmosphere of any pollutant from any source or activity that causes or tends to cause or to contribute to an objectionable odor.

1-3.23 Necessary Precautions:

No person shall store, pump, handle, process, load, unload or use in any process or installation volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems as may be necessary.

1-3.24 (Reserved)

1-3.25 Excess Emissions:

(1) Excess emissions specifically allowed by Section 17-2.250, F.A.C., shall not be violations of this rule unless they are determined to be nuisances. The Director may request written verification that any such emissions fall within the designated conditions.

(2) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may be reasonably prevented during start-up, shut down, or malfunction, are prohibited.

PART 3

1-3.30 Ambient Air Quality Standards:

(1) Standards established in Section 17-2.300(3), F.A.C., are adopted and here incorporated by reference.

(2) Sampling and analysis of contaminants in this section shall be per-

formed in accordance with the State of Florida Department of Environmental Regulation "State-Wide Quality Assurance Plan, January 1985".

1-3.31 Maximum Allowable Increases:

Maximum increases allowed by Section 17-2.310, F.A.C., are adopted and here incorporated by reference.

1-3.32 Air Pollution Episodes:

(1) The Department Secretary has authority pursuant to Section 17-2.320 F.A.C. to declare that an air pollution episode exists. The Director shall notify the Secretary when such declaration is deemed appropriate for Hillsborough County or portion thereof according to Department criteria for determining an "alert", "warning", or "emergency".

(2) It shall be a violation of these rules for any person or facility to fail to comply with the curtailment provisions required by Section 17-2.320(2), F.A.C.

PART 4

(Reserved)

PART 5

1-3.50 New Source Review:

All provisions contained in Part V of Chapter 17-2, F.A.C., pertinent to Hillsborough County, are adopted and here incorporated by reference.

PART 6

1-3.60 Emission Limiting and Performance Standards:

All provisions contained in Part VI of Chapter 17-2, F.A.C., pertinent to Hillsborough County, are adopted and here incorporated by reference, except for Section 17-2.610(2), F.A.C., and except as may be modified herein.

1-3.61 Particulate Emissions:

In situations where the particulate emission limits under RACT, pursuant to Section 17-2.650(2), F.A.C., are less restrictive than process weight limits pursuant to Section 17-2.610, F.A.C., process weight limits shall apply, except as provided in Section 17-2.650(2)(c)1.c, F.A.C.

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1-3.62 Visible Emissions:

Visible emissions in Hillsborough County from a single source or combination of sources sharing a common discharge point shall not have an opacity greater than 20% except as otherwise specifically provided in these rules. The ability to comply with all other standards does not relieve a source from this 20% opacity standard.

1-3.63 Specific Source Emissions:

Emissions for the following specific sources shall have the following limits in Hillsborough County regardless of provisions otherwise contained in this rule or in Part VI of Chapter 17-2, F.A.C.:

(a) sulfuric acid plants or plant sections manufacturing sulfuric acid - no visible emissions except for a 30 minute period during plant startup, with opacity for such period allowed up to 40%.

(b) nitric acid plants producing weak nitric acid (50 to 70%) by pressure or atmospheric pressure process - no visible emissions.

(c) existing fossil fuel steam generators - sulfur dioxide emissions shall be limited to 1.1 pounds per million BTU heat input when liquid fuel is burned.

(d) fossil fuel steam generators - visible emissions are limited to 20% opacity except for excess emissions and except for any two minute period in any hour where opacity to 40% is allowed.

PART 7

1-3.70 Source Sampling and Monitoring:

Source sampling and monitoring shall be performed in compliance with Department and EPA requirements so as to determine as accurately as possible actual operational emissions.

PART 8

1-3.80 Mobile Source:

(1) No person shall cause, let, permit, suffer or allow the emission of smoke from motor vehicles on public roadways which is visible within the proximity of the engine exhaust outlet for a period of more than (5) five

seconds.

(2) For purposes of this part:

(a) "smoke" is defined as small gasborne and airborne particles, exclusive of water vapor, from a process of combustion, in sufficient number to be visible

(b) "motor vehicle" is defined as any device powered by an internal combustion engine, excluding 2 cycle gasoline engines manufactured prior to 1976, and on or in which any person or property may be transported.

Section 2. Severability

It is declared to be the intent of the Environmental Protection Commission that the provisions of this rule be severable. If one or more of the sections, subsections, sentences, clauses or provisions are held invalid, for whatever reason, the remaining portions shall not be effected.

Section 3. Effective Date

This rule shall be effective upon approval in accordance with law.

ACT2/AP)

HILLSBOROUGH COUNTY
ENVIRONMENTAL PROTECTION ACT
CHAPTER 84-446
LAWS OF FLORIDA

Be it enacted by the Legislature of the State of Florida:

Section 1. Short title. - This Act may be known and cited as the "Hillsborough County Environmental Protection Act."

Section 2. Declaration of Legislative Intent. - The legislature finds and declares that the reasonable control and regulation of activities which are causing or may reasonably be expected to cause pollution or contamination of air, water, soil, and property, or cause excessive and unnecessary noise may be necessary for the protection and preservation of the public health, safety, and welfare. It is the intent and purpose of this act to designate the Board of County Commissioners as the Environmental Protection Commission of Hillsborough County to provide and maintain for the citizens and visitors of said county standards which will insure the purity of all waters consistent with public health and public enjoyment thereof, the propagation and protection of wildlife, birds, game, fish and other aquatic life and atmospheric purity and freedom of the air from contaminants or synergistic agents injurious to human, plant, or animal life and excessive and unnecessary noise, which unreasonably interfere with comfortable enjoyment of life or property or the conduct of business.

Section 3. Definitions. - As used in this act and said rules and regulations, the following words and phrases shall have the following meanings unless some other meaning is plainly indicated:

(1) "County" means Hillsborough County, Florida.

(2) "Air contaminants" means a particulate matter as defined herein, gas, or odor, including but not limited to, smoke, charred paper, dust, soot, grime, carbon or any other particulate matter, or irritating, malodorous or noxious acids, fumes or gases, or any combination thereof, but shall not include uncombined water vapor.

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or combination thereof in such quantities and of such duration as to be injurious to human, plant or animal life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property, or the conduct of business.

(4) "Combustion contaminants" means particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

(5) "Combustible refuse" means any combustible waste material containing carbon in a free or combined state.

(6) "Condensed fumes" means minute solid particles generated by the condensation of vapors from solid matter volatilization from the molten state, or which may be generated by chemical processes, operations or reactions, when such processes create airborne particles.

(7) "Dusts" means minute solid particles released into the air by natural forces or by mechanical processes including, but not limited to,

crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping.

(8) "Emission" means the act of passing into the atmosphere an air contaminant or gas stream which contains or may contain an air contaminant; or the material so passed to the atmosphere.

(9) "Flue" means any duct or passage for air, gases, or airborne materials, such as a stack or chimney.

(10) "Gas" means a formless fluid which occupies space and which can be changed to a liquid or solid state only by increasing pressure with decreased or controlled temperature, or by decreased temperature with increased or controlled pressure.

(11) "Mist" means a suspension of any finely divided liquid in any gas.

(12) "Nuisance" includes the use of any property, facilities, equipment, processes, products or compounds, or the commission of any acts, that cause or materially contribute to:

(a) The emission into the outdoor air of dust, fumes, gas, mist, odor, smoke, vapor, or noise, or any combination thereof, of such character and in such quantity or level as to be detectable by a considerable number of persons or the public, so as to interfere with such person or the public health, repose or safety, or to cause severe annoyance or discomfort, or which emission tends to lessen normal food and water intake, or produces irritation of the upper respiratory tract, or produces symptoms of nausea, or is offensive or objectionable to or causes injury or damage to real property, personal property or human, animal, or plant life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare, and safety of the inhabitants of the County.

(b) The discharge into any of the waters of the county of any organic or inorganic matter or deleterious substances or chemical compounds or thermal energy, or any effluent containing the foregoing in such quantities, proportions or accumulations as to be detectable at any point beyond the property limits of the premises occupied or used by the person responsible for the source thereof, so as to interfere with the health, repose or safety of any considerable number of persons or the public, or to cause severe annoyance or discomfort, or which tends to lessen normal food and water intake, or produces symptoms of nausea, or is offensive or objectionable to or causes injury or damage to real property, personal property, human, plant or animal life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare, and safety of the inhabitants of the County.

(c) Any violation of the provisions of the Act which becomes detrimental to health or threatens danger to the safety of persons or property, or gives offense to, is injurious to, or endangers the public

health and welfare, or prevents the reasonable and comfortable use and enjoyment of property by any considerable number of the public.

(13) "Odor" means that property of a substance which materially offends the sense of smell.

(14) "Particulate matter" means any material which at standard conditions, is emitted into the atmosphere in a finely divided form as liquid or solid or both, but shall not include uncombined water vapor.

(15) "Standard conditions" means, at ground level, a pressure of 14.7 pounds per square inch absolute and a temperature of seventy (70) degrees Fahrenheit.

(16) "Person" includes any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of such, jointly or severally.

(17) "Smoke" means the solid particles produced by incomplete combustion of organic substances including, but not limited to, particles, fly ash, cinders, tarry matter, soot, and carbon.

(18) "Standard methods" means the manual entitled "Standard Methods of the Examination of Water and Waste Matter," according to the most recent edition, as published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation.

(19) "Vapor" means any mixed material in a gaseous state which is formed from a substance, usually a liquid, by increased temperature.

(20) "Waste discharge" means any outfall, ditch, pipe, soakage pit, drainage well, drainfield, or any other method or device by which treated or untreated sewage, industrial wastes, or other wastes can enter the surface waters, tidal salt waters, or ground waters, so as to cause water pollution as herein defined.

(21) "Water pollution" means any contamination, destruction, or other alteration, or any activity which contributes to such contamination, destruction or other alteration, of any physical, chemical or biological feature or property of any waters of the County, including change in temperature, taste, color, turbidity, or odor of the waters; or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the County as will create or may reasonable be expected to create a nuisance or render such waters harmful, detrimental, or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(22) "Compliance tests" means tests made to determine compliance with the provisions of this Act and the rules and regulations promulgated hereunder.

(23) "Open burning" means any fire wherein the products of combustion are emitted into the open air, and are not directed thereto through a stack or chimney.

(24) "Rules and regulations" means rules and regulations adopted pursuant to this Act.

(25) "Board" means the Board of County Commissioners of Hillsborough county.

(26) "Commission" means the Environmental Protection Commission of Hillsborough County.

(27) "Hearing Officer" means that person appointed by the Commission in the manner prescribed herein.

(28) "Noise pollution" means the presence of noise in excessive or unnecessary amount or of such duration, wave frequency or intensity as to be injurious to human or animal life or property; or which unreasonably interferes with the comfortable enjoyment of life or property, or other conduct of business.

Section 4. Creation of Hillsborough County Environmental Protection Commission. - The Environmental Protection Commission is hereby created and established. The Commission shall consist of the duly elected members of the Hillsborough County Board of County Commissioners.

Section 5. Environmental Protection Commission; duties and powers. - The Commission shall have the following duties, functions, powers and responsibilities:

(1) To implement and enforce the provisions of this Act;

(2) To adopt, revise and amend from time to time appropriate rules and regulations reasonably necessary for the implementation and effective enforcement, administration and interpretation of the provisions of this Act and to provide for the effective and continuing control and regulation of air, water and noise pollution in the County within the framework of this Act, and to provide for appropriate fees to be charged by the Commission for the services rendered under the provisions of this Act. No such rules or regulations shall be adopted or become effective, including amendments, until after a public hearing has been held by the Commission pursuant to notice published in a newspaper of general circulation in the County at least ten (10) days prior to the hearing, and then until the rules and regulations have been filed pursuant to law.

(3) To make continuing studies and periodic reports and recommendations for the improvement of air, water and noise in the County, and to work in cooperation with the Florida Department of Environmental Regulation and other appropriate agencies and groups interested in the field of air, water and noise pollution.

(4) To investigate air pollution, water pollution and noise pollution control programs and activities in operation in other areas and to make recommendations for the improvement of the regulation, administration and enforcement of pollution controls in the County; to publicize the importance of adequate pollution controls, to hold public hearings, discussions, forums and institutes, and arrange programs for

the presentation of information by experts in the field of air, water and noise pollution, and to visit and study pollution control programs conducted in other areas, subject to budget limitations.

(5) To issue subpoenas to compel the attendance of witnesses at any hearing who may have information relevant to any issue before the Commission.

(6) To designate a Hearing Officer, who shall be a member of The Florida Bar, to hear appeals from actions or decision of the Environmental Director, and any matters relating to this Chapter which the Commission may refer.

Section 6. Hearing Officer; duties and powers. -

(1) A Hearing Officer shall be appointed by the Commission. The Hearing Officer shall hear appeals of actions or decisions of the Environmental Director and determine all factual disputes relating to compliance with this Act and rules and regulations promulgated pursuant to this Act. The Hearing Officer also shall hear and determine any matters relating to this Act which the Commission may delegate to said officer, provided, however, that all hearings for the adoption of rules shall be before the Commission. All hearings shall be public. The Hearing Officer shall have the power to issue notices of hearings, subpoenas requiring the attendance of witnesses and the production of evidence, to administer oaths and take testimony as may be necessary. A written decision containing findings of fact, conclusions of law and recommendations shall be promptly rendered to the Commission in each case.

(2) The Hearing Officer shall give probative effect to evidence which would be admissible in civil proceedings in the courts of this state, but in receiving evidence due regard shall be given to the technical and highly complicated subject matter which the Commission and director must handle and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise effect shall be given to the rules of evidence recognized by the law in this state.

(3) The Hearing Officer shall be compensated for his services from the general revenue fund of Hillsborough County and such compensation shall be set by the Commission.

Section 7. Environmental director. - The Hillsborough County Environmental Protection Commission shall appoint an Environmental Director. Said Environmental Director shall have at least a bachelor's degree from an accredited university and possess such experience in such a field which shall, in the judgment of the Commission, qualify him to discharge the duties imposed by this Act. The Environmental Director shall be subject to the supervision of the Commission and shall serve at the pleasure of the Commission. Compensation for such director shall be determined by the Commission and paid from the general funds of Hillsborough County.

Section 8. Environmental Director; duties and powers. - The duties, functions, powers, and responsibilities of the Environmental Director, or his agents, shall include the following:

(1) Serve as technical secretary to the Commission, to handle correspondence, investigations and prepare reports and data between meetings.

(2) The enforcement of the provisions of this Act and the rules and regulations.

(3) Investigation of complaints, study and observation of air, water and noise pollution conditions, and recommendations as to institution of actions necessary to abate nuisances caused by air, water and noise pollution, as to prosecution of proceedings for violations of this Act.

(4) Making of inspections of property, facilities, equipment, and processes to determine whether the provisions of this Act are being complied with.

(5) To intervene for the purpose of providing environmental impact statements, recommendations, and advice in matters having or likely to have an effect upon the environment of Hillsborough County.

(6) Establishing, operating, and maintaining a continuous program for monitoring air, water and noise pollution by means of countywide air and water quality surveillance networks designed to provide accurate data and information as to whether the requirements of this Act are being complied with and whether the level of air, water and noise pollution is increasing or decreasing throughout the County.

(7) Publication and dissemination of information to the public concerning air, and water and noise pollution.

(8) Cooperation with appropriate public agencies.

(9) To enter upon any public or private premise or carrier during regular business hours in the performance of his duties relating to pollution control in order to inspect and copy records pertaining to same.

(10) To sample, test, inspect, and make analyses with respect to pollution control within the provisions of this law and rules adopted hereunder, at any time and place and to such an extent as he may deem necessary to determine whether possible sources of pollution are in compliance with the provisions of this law.

(11) To perform all other duties necessary to effect the purpose of this Act, including the implementation of those duties of the Commission set forth in Section 5 (3), (4), and (5) and Sections 18 and 19.

Section 9. Appeals from actions or decisions of Environmental Director. - Any person aggrieved by an action or decision of the Environmental Director may appeal to the Commission by filing within twenty (20) days after the date of the action or decision complained of, a written notice of appeal which shall set concisely the action or decision appealed from and the reasons or grounds for the appeal. The notice of appeal shall be filed with the Chairman of the Commission. The Hearing Officer shall set such appeal for hearing at the earliest

reasonable date, and cause notice thereof to be served upon the appellant and the Environmental Director. The Hearing Officer shall file his report and recommendations with the Commission and serve copies on the parties. The parties may serve exceptions to the report within ten (10) days from the date it is served on them. If no exceptions are filed within the period, the Commission shall take appropriate action on the report. If exceptions are filed, they shall be heard on reasonable notice by either party. In such proceeding to review exceptions to the Hearing Officer's report, the Commission shall promptly render a written decision affirming, reversing or modifying the decision of the Hearing Officer, provided that the Commission shall not take any action which conflicts with or nullifies any of the provisions of this Act or rules enacted pursuant to the Act. Any person aggrieved by the final administrative decision may seek review in accordance with the Administrative Procedure Act, Chapter 120, part III, Florida Statutes, 1961.

Section 10. Reporting of sources. - Any person engaging in any activity or operation which may be a source of air, water or noise pollution shall at the written request of the Environmental Director file with the Commission reports on a form approved by the Commission containing information relating to the processes and methods of manufacture; the composition and source of airborne effluents; rate and period of emissions; and such other information as the Commission may prescribe.

Section 11. Permits may be required. - The Commission may adopt rules and regulations making it unlawful for any person to construct, alter, expand or operate any installation or plant which, through its operation or maintenance, may emit, discharge or permit to escape pollutants or contaminants into the air, water, soil or property without first obtaining a permit from the Environmental Director as may be provided by such rules and regulations. Commencing construction or operation under such permit to construct or to operate shall be deemed acceptance of all of the conditions so specified.

Section 12. Sampling and testing. - Any person who may be responsible for the emission of air, water or noise pollution from any source shall, upon request of the Environmental Director, provide in connection with such sources and related source operations, such sampling and testing facilities exclusive of instruments and sensing devices as may be necessary for the proper determination of the nature, extent, quantity and degree of such pollution. The Environmental Director may also require the person responsible for the source of contaminants to conduct tests which will show the contaminant emissions from the source and to provide the results of said tests to the Environmental Director. These tests shall be carried out under the supervision of the Environmental Director or his designated representative and at the expense of the person responsible for the source of contaminants.

Section 13. Open burning prohibited. - No person shall ignite, cause to be ignited, permit to be ignited, or suffer, allow or maintain any open burning except:

(1) Fires used only for noncommercial cooking of food for human beings or for recreational purposes.

(2) Any fire set or permitted by any public officer in the performance of official duty; if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, including the disposal of dangerous materials where there is no safe alternate method of disposal, or in the instruction of public employees in the methods of fighting fires, which fire is, in the opinion of such official, necessary.

(3) Fires set for the purpose of instruction in the methods of fighting fires, provided prior permission has been granted by a public officer in the performance of official duty.

(4) Fires intended for the reduction on premises and by the occupation thereof, of domestic rubbish originating solely within any building or structure used primarily for dwelling purposes and containing two (2) or less dwelling units, provided a municipal, county, or commercial refuse collection service is not available on a systematic basis, or at least once a week, further provided that the burning does not produce smoke, soot, odors, visible emission, heat, flames, radiation, or other conditions to such a degree as to create a nuisance. A campfire or other fire shall be allowed that is used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, or on cold days, for warming of outdoor workers, as long as excessive visible emissions are not emitted.

(5) Fires otherwise permitted by rule of the Commission.

Section 14. Violations; notice; citations. - Whenever evidence has been obtained or received establishing that a violation of this Act or any rules or regulations adopted pursuant to this Act is occurring or has been committed, the Environmental Director shall issue a citation to cease the violation, and cause the same to be served upon the violator by personal service or certified mail or by posting a copy in a conspicuous place on the premises of the facility causing the violation. Such citation shall specify the provision of law, rule, regulation, permit, certification or order of the Commission or Director alleged to be violated and shall include a summary of the facts alleged to constitute a violation thereof. Such citation shall specify a reasonable time within which the violation shall be rectified or stopped, commensurate with the circumstances. If the violation is not stopped within the time so specified, or reasonable steps taken to rectify the violation, the Environmental Director shall have the power and authority to issue an order requiring the violator to cease the activity or suspend operation of the facility causing the violation until the violation has been corrected. The Environmental Director may include with a citation an order for restoration or other corrective action, provided that no order

for restoration shall become effective until after service and an administrative hearing before the Hearing Officer if required. Failure to request an administrative hearing by service of notice of appeal within twenty (20) days after service of the order shall constitute a waiver thereof, and any such unappealed order for restoration shall become an order of the Commission by operation of law.

Section 15. Emergency order; penalties. - In the event a violation of this Act or the rules and regulations promulgated pursuant to this Act creates an immediate health hazard or threatens immediate serious damage to the public health, or threatens or causes irreparable injury or damage to aquatic life or property, the Environmental Director shall have the power and authority to order immediate cessation of the operations causing such conditions. Any person receiving such an order for cessation of operations shall immediately comply with the requirements thereof. It shall be unlawful for any person to fail or refuse to comply with an emergency order issued and served under the provisions of this Section.

Section 16. Nuisances prohibited. - No person shall cause, let, permit, suffer or allow any emission or discharge into the atmosphere or waters of any substance or thermal energy, or commit any act, which may cause injury, detriment or public nuisance to any person or the public or which endangers the comfort, repose, health or safety of any person or the public, or which causes or may reasonably be expected to cause injury or damage to business, vegetation or animals. Each day such violation exists shall constitute a separate offense.

Section 17. Prohibitions, violation, penalty, intent. -

(1) It is unlawful for any person:

(a) To cause or to take such action as may reasonably be expected to cause air, water or noise pollution in Hillsborough County, or to otherwise violate any other provision of this Act, or any rules adopted by the Commission pursuant to this Act.

(b) To violate or fail to comply with any order of the Director or Commission, including orders or rules fixing standards for noise, or air or water quality.

(2) Violation is punishable by a civil penalty of not more than \$5,000 for the first offense and of not more than \$5,000 for each offense thereafter. Each day during any portion of which such violation occurs constitutes a separate offense. Failure of any offender to pay any fine imposed under this section within a time set by the court when imposing said fine shall be evidence of an intent to violate orders of the Commission and shall enable the court to enter an order for the offender to cease from doing business or carrying on operations within Hillsborough County.

(3) The violation of any provision of this Act is declared to a criminal offense and misdemeanor within the meaning of §§775.08, Florida Statutes, and shall be punishable as provided by law.

(4) It is the legislative intent that the civil and criminal penalties and fines imposed by the court be of such amount as to insure immediate and continued compliance with this Act and rules and regulations pursuant thereto.

Section 18. Enforcement; procedure; remedies; proceedings for injunction. - The following remedies shall be available for violation of this Chapter:

(1) Judicial remedies:

(a) The Commission may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant and aquatic life caused by any violation; and

(b) The Commission may institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation in an amount of not more than \$5,000 per offense, provided, that the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.

(c) It shall not be a defense to or ground for dismissal of these judicial remedies for damages and civil penalties that the Commission has failed to exhaust all administrative remedies, has failed to serve a notice of violation or has failed to hold an administrative hearing prior to the institution of a civil action.

(2) Administrative remedies:

(a) The Environmental Director may institute an administrative proceeding for abatement and for restoration or other corrections by service of a citation to cease and order for restoration as provided in Section 14.

(b) The Environmental Director may institute administrative proceedings to establish liability and to recover damages by written request to the Commission setting forth the provision of law, rule, regulation, permit, certification or order alleged to be violated and a summary of the facts alleged to constitute a violation thereof. The request shall be served upon the alleged violator by personal service or certified mail or by posting a copy in a conspicuous place on the premises of the violation, and include a notice of the time and place when the request will be heard by the Commission. After a hearing the violator may be ordered by the Commission to pay a specified sum as damages for any injury to the air, waters, or property, include animal, plant, or aquatic life caused by any violation. Judgment upon the amount of damages maybe entered in any court having jurisdiction thereof and maybe enforced as any other judgment. Parties to an administrative proceeding for damages shall be afforded all rights of discovery permitted by the Florida rules of civil procedure, and appropriate orders maybe issued to effectuate the purposes of discovery.

(3) Nothing herein shall be construed as preventing any other legal or administrative action in accordance with law or this Act.

(4) Every order of the Commission is legally enforceable, binding and reviewable only in accordance with the Administrative Procedure Act, Chapter 120, part III, Florida Statutes, 1961.

(5) The Commission may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this Chapter or any rule, regulation, permit, certification, or order, to enjoin any violation specified in Section 16 or Section 17(1), and to seek injunctive relief to protect or restore the air, waters, and property, including animal, plant and aquatic life from injury caused or threatened by any violation.

(6) All the judicial and administrative remedies in this section and Section 14, as amended, are independent and cumulative except that the judicial and administrative remedies to recover damages are alternative and mutually exclusive.

Section 19. Additional civil liability; assessment of damages; joint and several liability; pollution recovery fund. -

(1) Whoever causes air, water or noise pollution or damage to the animal, or plant life of Hillsborough County, or other damage to said air or waters is liable to the County for such damages and the reasonable costs and expenses of the County or Commission incurred in tracing the source of the pollution or damage and in restoring the air or waters or plant or animal communities to their former condition.

(2) Upon the request of the Environmental Director or any proper County officer or agency or the alleged violator, the Commission may consider and assess these damages. If the amount so assessed is not paid within a reasonable time as prescribed by the Commission, the Commission may institute civil action in the appropriate court for a judicial determination of liability and damages.

(3) Nothing herein shall give the Commission the right to bring an action on behalf of any private person. Nothing herein shall prohibit the Commission from proceeding forthwith to obtain a judicial determination of the liability and damages. No finding, written report or recommendation of the Commission made pursuant to this Section shall be admissible in evidence in any action.

(4) Whenever two or more persons cause air, water or noise pollution in violation of this Chapter or any rule, regulation or order of the Commission, or otherwise violate this Act, so that the damage is indivisible, each violator shall be jointly and severally liable for such damage and for the reasonable cost and expenses incurred in tracing the source of discharge or damage, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including the animal, plant, and aquatic life to their former condition; provided, however, that if said damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for that damage attributable to his violation.

(5) There is hereby created a pollution recovery fund which is to be supervised and used by the Commission to restore polluted areas of

the County, as defined by the Commission, to the condition they were in before pollution occurred. The fund shall consist of all moneys recovered by the Commission or Director in an action against any person who has polluted or engaged in activity in violation of this Act or any activity tending to pollute the air, soil or water of the County. The moneys, excluding recovered costs and expenses, shall be disbursed first to pay all amounts necessary to restore the respective polluted areas which were the subjects of Commission action. Recovered costs and expenses may be used by the Commission in any manner as may advance its purposes set forth herein. Any moneys remaining in the fund shall then be used by the Commission, as it sees fit, to pay for any work needed to restore areas which require more money than the Commission was able to obtain by court action or otherwise or to restore areas in which the Commission brought suit but was unable to recover any moneys from the alleged violators.

Section 20. Appropriations. - The Board of County Commissioners of Hillsborough County shall annually appropriate sufficient moneys as they shall deem appropriate to carry out the purposes of this Act. In making such appropriations and in expending such funds, the Board of County Commissioners shall not be limited by the provisions of Section 7 Chapter 22323, Laws of Florida, 1943, Section 1; Chapter 57-1391, Laws of Florida, and Section 1, Chapter 63-1391, Laws of Florida. The appropriation, budgeting and expenditure of such funds is hereby declared to be for a public purpose. The Commission may also accept any grant or donation for the purposes of this law.

Section 21. Construction of Act. - The provisions of this Act shall be liberally construed in order to effectively carry out the purposes of this Act in the interest of public health, safety and general welfare; provided the provisions of this Act are not intended and shall not be construed as superseding or conflicting with any statutory provisions relating to, or rules and regulations promulgated by, the Department of Health and Rehabilitative Services, and the Department of Environmental Regulation, but shall be construed as implementing and assisting the enforcement thereof.

Section 22. Consolidation of governments. - In the event of the consolidation of governments of the City of Tampa and Hillsborough County, all powers, functions, duties, responsibilities, obligations and properties of the Commission shall be transferred to and vested in the legislative branch of such consolidated government automatically by operation of law.

Section 23. Severability. - It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this Act is held invalid, the remainder of the Act shall not be affected.

Section 24. Chapter 67-1504, Laws of Florida; Chapter 69-1149, Laws of Florida; Chapter 71-681, Laws of Florida; Chapter 72-563, Laws

of Florida; and Chapter 73-496, Laws of Florida, are hereby repealed.
Laws of Florida are hereby repealed.

Section 25. This Act shall take effect upon becoming a law.

CHAPTER 1-1

GENERAL RULES

1-1.01 Declaration of Intent

1. It is the intent of the Commission to provide for the protection or enhancement of the environment of Hillsborough County. The policy inherent in the following Rules shall be to protect air and water quality, and noise levels, existing at the time of adoption of these Rules or to upgrade or enhance the air and water quality and noise levels within the county.

1-1.02 Definitions

1. "Regulatory Agency" shall mean the Hillsborough County Environmental Protection Commission.

1-1.03 Approval Required

1. No building permit shall be issued by the county or any municipality for any industrial, commercial, or governmental facility, equipment or operation which may reasonably be expected to be a source of air, water or noise pollution as herein defined or for the alteration, enlargement or addition to any such existing facility, equipment or operation until such application has been forwarded to the Environmental Director.

2. It shall be the duty of the Environmental Director to review the application and approve or disapprove same within fourteen days from receipt thereof unless the Environmental Director shall request additional time for review.

3. If the application is not returned or disapproved by the Environmental Director within the time so specified said application shall be considered approved.

1-1.04 Operating Records, Sampling and Testing

1. A person responsible for the operation of any facility that may be a source of air, water or noise pollution shall conduct such tests and maintain such records as shall have been required by the Environmental Director as necessary to show compliance with the

Hillsborough County Environmental Protection Act or the Rules and Regulations. Such test data and operating records shall be available at all times for inspection by the Environmental Director or his designated agent.

2. All persons shall, upon request of the Commission, provide continuous automatic monitoring, testing and records of pollutants being emitted or discharged from any facility that may be a source of air, water or noise pollution.

3. When the Commission, upon making investigations, has good reason to believe that the provisions of these Rules concerning the emission or discharge of air, water, or noise pollutants are being violated, it may require the persons responsible for the source of such pollutants to conduct tests which will identify the nature and quantity of the pollutant emission or discharge from the source and to provide the results of such tests to the Commission. These tests shall be carried out under the supervision of the Commission, and at the expense of the person responsible for the source of pollutants.

4. All analyses and tests shall be conducted in a manner approved by the Commission. Results of analyses and tests shall be calculated and reported in a manner specified by the Commission.

5. Analyses and tests for compliance may be performed by the Commission at the expense of the person responsible for the emission or discharge of air, water or noise pollutants.

1-1.05 Abnormal Events To Be Reported

In case of breakdown or lack of proper functioning of any facility or equipment or operation causing or which could reasonably be expected to cause air, water or noise pollution, it shall be the duty of the person responsible to promptly notify the Environmental Director or his designated agent and to permit him or his designated agent immediate access to the premises for the purpose of investigating the problem.

1-1.06 Pollution Control Equipment To Be Kept Kept In Service and In Good Repair

The person responsible for the operation of any pollution control equipment or facilities shall keep in service all equipment and facilities required or approved to control, treat, sample, test and/or measure pollution and shall maintain such equipment or facilities in good repair to perform adequately the function for which it was intended.

In cases where such equipment or facility is removed from the service for which it is intended the person responsible shall have the duty to promptly notify the Environmental Director.

1-1.07 General Restrictions

1. Nondegradation - If those portions of the County which have on the effective date of these Rules better ambient air or water quality or noise levels than as herein specified as minimum standards, no person shall cause, let, permit, suffer or allow the emission into the air or the discharge into the water pollutants, or cause noise, which degrade or tend to degrade the air or waters of the County or noise levels in the County, nor commit any act which degrades or tends to degrade said air or water quality or noise levels.

2. Latest Technology - If the latest available technology as may be applied to air, water, and noise pollution sources results in or is expected to result in lower or improved emissions, then the latest available technology as determined by the Commission and consistent with the State Department of Pollution Control shall apply.

3. Operation Rates - No plant, process, or source shall operate at capacities which exceed the limits of operation of a control device permitted under Chapter 17-4 Rules of the State of Florida Department of Pollution Control or exceed the capability of the plant or control device to maintain the discharge or emission within the standard limitations imposed by the Hillsborough County Environmental Protection Act or

the Rules and Regulations.

4. Concealment - No person shall build, erect, install or use any article, machine, equipment or other contrivance, the use of which will conceal the emission or discharge which would otherwise constitute a violation of any of the provisions of the Hillsborough County Environmental Protection Act or the Rules and Regulations.

5. Circumvention - No person shall cause, let, permit, suffer or allow the circumvention of any air, water or noise pollution control device or equipment or allow the emission or discharge of said pollutants without the applicable pollution control device(s) operating properly.

(RULES/GR)

RULES
of the
HILLSBOROUGH COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
CHAPTER 1-2
ADMINISTRATIVE PROCEDURES

1-2.01 Request for Decision of the Director

Any person denied permission to engage in proposed activity upon his property because of the application of Chapter 84-446, Laws of Florida, and the rules promulgated thereby, shall have the right to request a written decision of the Director. Except where a different time is provided by another rule, the Director shall issue a written response setting forth his position and reasons within 30 days of a written request therefore.

1-2.02 Administrative Appeal

(1) Any person aggrieved by an action or decision of the Environmental Director may appeal to the Commission by filing within twenty (20) days after the date of the action or decision complained of, a written notice of appeal which shall state concisely the action or decision appealed from and the reasons or grounds for the appeal.

(2) The Notice of Appeal shall be filed with the Chairman of the Commission at the main office of the Commission. A copy thereof shall be served on the Environmental Director.

(3) A Hearing Officer shall be appointed by the Chairman from the approved list of rotating Hearing Officers and notice thereof provided each party.

(4) Except for the Notice of Appeal which shall be served by certified mail, service of any pleadings, papers, documents or notices may be by regular United States mail. The serving party shall attach a Certificate of Service as provided by the Florida Rules of Civil Procedure. If a party is represented by an attorney of record, service may be had by serving his attorney.

(5) Except for the Notice of Appeal, the original of all pleadings, papers, documents or notices shall be filed with the appointed Hearing Officer until such time as he issues his report and recommendation to

the Commission.

1-2.03 Process before the Hearing Officer

(1) The Hearing Officer shall set each appeal for hearing at the earliest reasonable date, and cause notice thereof to be served upon the Appellant and the Environmental Director.

(2) Preliminary hearings and the timing of any discovery shall be at the discretion of the Hearing Officer.

(3) The Hearing Officer shall have the power to issue notices of hearings, subpoenas requiring the attendance of witnesses, and the production of evidence, to administer oaths and take testimony as may be necessary. He shall rule upon offers of proof, receive relevant evidence, dispose of procedural requests or similar matters, and in general, regulate the course of the hearings.

(4) The Hearing Officer may request written briefs or memoranda of law be furnished him when deemed necessary.

1-2.04 Administrative Hearing

(1) All hearings shall be public.

(2) The Hearing Officer shall afford all parties properly appearing before him the requisite due process of law including, but not limited to, the right to:

(a) Present his case by oral and documentary evidence.

(b) Submit rebuttal evidence and conduct such cross examination as may be required, subject, however, to the ruling of the Hearing Officer.

(c) Be accompanied, represented and advised by counsel, or to represent himself.

(3) All testimony taken at any hearing before the Hearing Officer shall be under oath or affirmation.

(4) The burden of proof shall be on the Director to establish each material fact reasonably raised by the Notice of Appeal.

(5) The Hearing Officer shall give probative effect to evidence

which would be admissible in civil proceedings in the Courts of this State, but in receiving evidence due regard shall be given to the technical and highly complicated subject matter which the Commission and Director must handle and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, effect shall be given to the rules of evidence recognized by the law in this State.

(6) A full and complete record of all proceedings and testimony presented shall be taken by stenographic or mechanical device and accurately and completely preserved and filed, together with any exhibit or documentary evidence admitted during any hearing. Upon payment and receipt of all costs or fees necessary in producing same, a certified transcript of the whole, or any of the record, shall be furnished to any party in such proceeding requesting the same.

1-2.05 Report and Recommendation

(1) The Hearing Officer shall hear and determine all factual disputes concerning actions or decisions of the Environmental Director relating to compliance with the Hillsborough County Environmental Protection Act, and rules and regulations promulgated by the Commission.

(2) The Hearing Officer shall render a written report containing his findings of fact, conclusions of law, and recommendations to the Commission for Final Order pursuant to the Act. The report shall be submitted as promptly as possible to the Chairman and a copy thereof served on each party at the same time.

(3) The Hearing Officer shall forward the entire case file to the Chairman at the time of submitting his report and shall have no further responsibility in the matter unless the Commission refers it back for additional review.

1-2.06 Exceptions and Final Order

(1) The parties may file with the Chairman written exceptions to the Hearing Officer's report on or before ten (10) days of the

report's service on them. Copies shall be served on all parties .

(2) If no exceptions are filed within the period, the Commission shall adopt the Hearing Officer's finding's of fact, make conclusions of law, and render an appropriate Final Order.

(3) If exceptions are filed, they shall be heard on reasonable notice by either party. In such proceeding to review exceptions the Commission may hear argument from both parties on issues reasonably raised by the exceptions. No evidence will be taken although opinions of the public may be heard at the Commission's discretion. If opinions of the public are heard, the parties will be allowed 5 minutes for closing argument. Material questions of fact will be referred back to the Hearing Officer for review.

(4) The Commission may reject, reverse or modify a finding of fact only if it finds that the fact is not supported by substantial competent evidence.

(5) The Commission shall affirm, reverse, or modify the Hearing Officer's findings of fact, make appropriate conclusions of law, and promptly render a written Final Order thereon, provided that the Commission shall not take any action which conflicts with or nullifies any provision of the Hillsborough County Environmental Protection Act or Rules enacted pursuant to said Act.

1-2.07 Judicial Review

Any person aggrieved by the final administrative decision may seek judicial review in accordance with the Administrative Procedure Act, Chapter 120, Part III, Florida Statutes, 1961.

(REV. RULES)

Rules of the
HILLSBOROUGH COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
CHAPTER 1-4
OPEN BURNING

1-4.01 DEFINITIONS

The following words and phrases shall have the following meanings unless some other meaning is plainly indicated within the content of this chapter:

1. "Open Burning" - shall mean any outdoor fire or open combustion of material which produces or may produce air pollution.
2. "Outdoor Heating Device" - shall mean any apparatus, machine, equipment, or other contrivance in which is burned any type of fuel capable of producing air pollution, used outdoors for the purpose of giving protection from cold or frost.
3. "Land Clearing Operation" - shall mean the uprooting or clearing of vegetation other than grasses in connection with construction for buildings and right-of-way, mineral operations, or initial agricultural site preparation.
4. "Excessive Visible Emission" - shall mean air pollutants emitted in such quantity as to obscure an observer's view to a degree equal to or greater than Number two (or 40% opacity) on the Ringelmann Smoke Chart as published in the U.S. Bureau of Mines Information Circular No. 7718.
5. "Prescribed Burning" - shall mean the open burning of plant life under such conditions that the fire is confined to a pre-determined area and accomplishes the environmentally beneficial objectives of prevention and control of wildfires, or in the practice of silviculture pursuant to the direction of the Division of Forestry of the State Department of Agriculture and Consumer Services.
6. "Yard Trash" - Means vegetative matter resulting from landscaping and yard maintenance operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.

1-4.02 PROHIBITIONS

1. Any open burning not specifically allowed by this chapter is

prohibited. No person shall ignite, cause to be ignited, permit to be ignited, suffer, allow, conduct or maintain any prohibited open burning.

2. No person shall use or operate any outdoor heating device or burn any unapproved fuel for cold or frost protection except as provided in this chapter.

1-04.03 LIMITATIONS

Nothing in this Chapter may be construed to allow open burning which causes or constitutes a hazard to air traffic, which artificially reduces visibility on public roadways to less than 500 feet, or which violates other laws, rules, regulations or ordinances.

1-04.04 ALLOWABLE BURNING

(No Permit Required)

No permit shall be required for the following burning and such burning is allowed so long as the provisions of Section 17, of Chapter 67-1504, Laws of Florida, as amended, and Rules 1-4.03, 1-4.07, are not violated:

1. Residential Burning

Residential open burning is prohibited except: Open burning to reduce yard trash and household paper products generated on occupied residential premises of not more than two family units but only in areas where a municipal, county, or commercial solid waste collection service is not available on a periodic basis of at least once a week.

2. Agricultural Open Burning

Open burning for range improvement, maintenance and continuation of the grazing of animals or burning incidental to other continuous agriculture activities but excluding land clearing burning described in Rule 1-04.05 so long as such burning is consistent with the Rules of the Division of Forestry, Department of Agriculture and Consumer Services.

3. Burning for Cold or Frost Protection

Open burning for cold or frost protection so long as such burning is consistent with the Rules of the Department of Environmental Regulation regarding burning and frost protection.

4. Open burning set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, including the disposal of dangerous materials where there is no safe alternate method of disposal.
5. Open burning set for the purpose of instruction in the methods of fighting fires, provided prior permission has been granted by a public officer in the performance of official duty.
6. Open burning for recreational purposes, ceremonial occasions, outdoor non-commercial food preparation, or for personal warmth.
7. Open burning for prescribed burning.

1-4.05 BURNING WHICH MAY BE PERMITTED

(Permit Required)

Open burning may be conducted for the following types of fires only after the issuance of a permit described in Rule 1-4.06:

1. Land Clearing

Open burning for land clearing operations and for the disposal of material which results from the clearing of rights-of-way for public highways, roads, flood control and water drainage channels, and from the clearing of vegetation from building sites, and the disposal of material which results from the initial clearing of agricultural lands.

2. Other burning - Open burning not otherwise allowed under this Chapter.

1-4.06 PROCEDURE AND CONDITIONS FOR PERMITS

- A. Any person intending to engage in open burning described in Rule 1-4.05 shall file a written request to do so with the Environmental Director. The application shall state the following:

Best Available Copy

- (1) The name, address and telephone number of the applicant.
 - (2) The type of business or activity involved.
 - (3) A description of the materials to be burned.
 - (4) The exact location(s) where the burning is to be conducted.
 - (5) Reasons why no other method than open burning can be used for the disposal of refuse.
 - (6) Evidence that the proposed open burning has been approved by the Fire Chief having jurisdiction in the proposed burn area.
- B. Upon review of the application, if the Environmental Director finds the open burning necessary and in the public interest, he shall approve the application. In granting such approval the Environmental Director may prescribe such special conditions or limitations as he deems necessary.

1-04.07 OPEN BURNING REQUIREMENTS

All open burning, both allowable under Rule 1-4.04 and permitted under Rule 1-4.06, except prescribed burning and open burning for cold and frost protection conducted under this Chapter shall conform to the following conditions:

- A. The open burning does not produce excessive smoke, soot, odors, visible emissions, heat, flame, or radiation.
- B. The open burning is two hundred (200) feet or more from any occupied building other than that owned or leased by the individual doing the burning, and one hundred (100) feet or more from any public highway or road.
- C. The open burning shall be conducted only between the hours of 9:00 A.M. (local time) and one hour before sunset.
- D. The moisture content and composition of the material to be burned shall be favorable to good burning so as to minimize air pollution. Newly cut vegetative material shall be allowed to dry to reduce the naturally occurring moisture content. Wet material shall be provided adequate drying time prior to being burned.

E. The open burning is not prohibited by any local, county, municipal or other governmental rule, regulation, law, or ordinance.

1.04-08 ADMINISTRATION OF OPEN BURNING

- (1) Open burning for land clearing as described in Rule 1-4.05(1) shall be administered by the Hillsborough County Environmental Protection Commission, which shall be responsible for reviewing, processing, issuing all required permits, and investigating all complaints involving open burning for land clearing.
- (2) Open burning for reduction or residential yard trash, as described in Rule 1-4.04(1) shall be administered by Hillsborough County Fire Control and Emergency Operations, which shall be responsible for receiving and investigating all complaints and responding to public inquiries involving residential open burning.
- (3) Open burning for agricultural purposes as described in Rule 1-4.04(2) shall be administered by Division of Forestry, which shall be responsible for receiving and investigating all complaints and responding to public inquiries involving agricultural open burning.

CHAPTER 1-5

WATER POLLUTION

1-05.01 Declaration and Intent

The Hillsborough County Environmental Protection Commission, in order to more properly protect the waters of Hillsborough County, declares that the presence of pollutants in excess of concentrations hereinafter provided is harmful to the waters of this county and the presence of pollution is deemed to be prima facie evidence of pollution of the waters of Hillsborough County and the same is expressly prohibited.

1-05.011 DEFINITIONS

In construing the Hillsborough County Environmental Protection Commission Act, as amended, and the Rules of the Hillsborough County Environmental Protection Commission, the following words and phrases shall have the following meanings unless some other meaning is clearly indicated within the content of this chapter:

1. "Waters of Hillsborough County" shall consist of the waters and the physical features which, regularly or intermittently, contain the waters and shall include, but not be limited to, bays, rivers, streams, lakes, ponds, swamps, springs, impoundments and all other waters or bodies of water, including fresh, brackish or saline, tidal or intermittent, surface or underground, which are located, either entirely or partially, within the geographic boundaries of Hillsborough County.

1-5.02 Minimum Conditions of All Waters; Times and Places

The following minimum conditions are applicable to all waters, at all places and at all times. Within the limits of this county all such waters shall be free from:

1. Settleable Substances - substances attributable to municipal, industrial, agricultural, or other discharges that will settle to form putrescent or otherwise objectionable sludge deposits.

2. Floating Substances - floating debris, oil, scum, and other floating materials attributable to municipal, industrial, agricultural, or other discharge in amounts sufficient to be unsightly or deleterious.

3. Deleterious Substances - materials attributable to municipal, industrial, agricultural, or other discharges producing color, odor, or other conditions in such degree as to create a nuisance.

4. Toxic Substances - substances attributable to municipal, industrial, agricultural or other discharges in concentrations or combinations which are toxic or harmful to humans, animal, plant or aquatic life.

1.05-03 General Water Quality

1. Sewage, Industrial Wastes or Other Wastes - Any industrial wastes or other wastes shall be effectively treated by the latest modern technological advances.

2. Chemical Constituents and Compounds - Presence of certain other elements, organic and inorganic compounds are recognized to affect water quality and aquatic life. These substances often occur naturally in streams or lakes and may be difficult to measure accurately and their effects are usually indirect or accentuated when found in combination with substances or conditions listed in the established criteria.

3. When any of the constituents listed below occur in any amounts in any individual body of water, they shall be suspected of degrading the quality of the particular lake or stream. As improvement in analytical technique dictate, exact numerical threshold criteria may be established, but the same shall not be limited to the following:

Sulfate	Free Mineral Acids
Sulfides	Nitrates
Nickel	Phosphates
Aluminum	Potassium

1-5.04 Water Quality Standards, Specifics

1. The criteria of water quality hereinafter provided will be applied only after reasonable opportunity for mixture of wastes with receiving waters has been afforded; the reasonableness of the opportunity for mixture of wastes and receiving waters shall be determined on the bases of the physical characteristics of the receiving waters and the method in which the discharge is physically made shall be approved by the regulatory agency.

2. The following water quality standards shall be the criteria for pollution when concentrations exceed the following limitations:

- a. Fluorides - shall not exceed 1.4 to 1.6 mg/l as fluoride ion, depending on annual average daily air temperature for at least a five-year period for sources of Class I public water supplies measured immediately above or adjacent to raw water intake.
- b. Fluorides - for waters not used for public water supplies, shall not exceed 10.0 mg/l as fluoride ion.
- c. Chlorides - chlorides shall not exceed two hundred fifty (250) mg/l in streams considered to be fresh water streams; in other waters of brackish or saline nature the chloride content shall not be increased more than ten per cent (10%) above normal background chloride content.
- d. Turbidity - shall not exceed fifty (50) Jackson Units as related to standard candle turbidimeter above background.
- e. Dissolved Oxygen - shall not be artificially depressed below the values of four (4.0) ppm or seventy per cent (70%) saturation (unless background information available to the regulatory agency indicates prior existence under unpolluted conditions of lower values). In such cases, lower limits may be utilized after approval by the regulatory authority.

- f. BOD - shall not be altered to exceed values which would cause dissolved oxygen to be depressed below the limit listed above and, in no case, shall it be great enough to produce nuisance conditions.
- g. Temperature - shall be less than ten per cent (10%) increase of prevailing background temperature after reasonable mixing with a 93° F temperature maximum, providing that such limitations will not apply to the use of such waters for bathing or other body contact activities unless the regulatory agency shall find that such use is damaging to such waters or to the aquatic life therein, except when the ambient water temperature exceeds 88° F, cooling water discharged shall be returned at a temperature not more than 5° F above or exceeding ambient temperature. Ambient is defined as meaning the condition which exists throughout the portion of the body of water which could be affected, prior to the introduction of cooling water into said body of water. In the event the 10% increase of prevailing background temperature would permit a higher rise than the 5° F above an ambient temperature of 88° F, the smaller of the two possible increases shall govern, up to 93° F.
- h. Dissolved Solids - not to exceed five hundred (500) mg. per liter as a monthly average or exceed one thousand (1,000) mg. per liter at any time.
- i. Specific Conductance - shall not be increased more than one hundred per cent (100%) above background levels or to a maximum level of 500 micromhos per centimeter (cm) for streams considered to be fresh water streams.
- j. Radioactive Substances. Gross Beta Activity - (in known absence of strontium 90 and alpha emitters), not to exceed one thousand (1,000) micromicrocuries at any time.

- k. Cyanide or Cyanates - none detectable.
 - l. Copper - shall not exceed 0.5 mg/l.
 - m. Zinc - shall not exceed 1.0 mg/l.
 - n. Chromium - shall not exceed 0.50 mg/l hexavalent or 1.0 mg/l total chromium in effluent discharge and shall not exceed 0.05 mg/l after reasonable mixing in the receiving stream.
 - o. Phenol - shall not exceed 0.001 mg/l.
 - p. Lead - shall not exceed 0.05 mg/l.
 - q. Iron - shall not exceed 0.30 mg/l.
 - r. Arsenic - shall not exceed 0.05 mg/l.
 - s. Oils and Greases - shall not exceed fifteen (15) mg/l.
 - t. pH - of receiving waters shall not be caused to vary more than one (1.0) unit above or below normal pH of the waters; and lower value shall not be less than six (6.0) and upper value not more than eight and one-half (8.5). In cases where pH may be, due to natural background or causes, outside limits stated above; approval of the regulatory agency shall be secured prior to introducing such material in waters of the county.
 - u. Detergents - shall not exceed one-half (0.5) mg/l.
3. Exceptions - (a) in cognizance of the fact that certain waters of the state may not fall within desired or prescribed limitations outlined above, the board is empowered to authorize exceptions to limitations upon presentation of good and sufficient evidence. In no case shall it be lawful to authorize deposition or introduction of materials in waters of the county which will cause material harm or damage to said waters.
- b the filling with sand, dirt, or other non-toxic or hazardous material or the excavating of artificially created ponds or impoundments used for normal farming, silvaculture and ranching activities shall not be considered water pollution.

1-05.05 Classification of Waters, Usage

The waters of Hillsborough County are classified by the Florida Department of Environmental Regulation according to their usage as follows:

Class I	Public Water Supplies
Class II	Shellfish Harvesting
Class III	Recreation - Propagation and Management of fish and wildlife
Class IV	Agricultural and Industrial Water Supply
Class V	Navigation, Utility and Industrial Use.

1-5.06 Criteria: Class I Waters - Public Water Supply

The following criteria are for classification of any waters from which water is withdrawn for treatment and distribution as a potable supply.

1. Sewage, Industrial Wastes, or Other Wastes - any industrial wastes or other wastes shall be affectively treated by the latest modern technological advances as approved by the regulatory agency.

2. Odor - threshold odor number not to exceed 24 at 60° C as a daily average.

3. pH - of receiving waters shall not be caused to vary more than one (1.0) unit above or below normal pH of the waters; and the lower value shall not be less than six (6.0), and the upper value not more than eight and one-half (8.5). In cases where pH may be, due to natural background or causes, outside limits stated above approval of the regulatory agency shall be secured prior to introducing such material in waters of the county.

4. Dissolved Oxygen - shall not be artificially depressed below the values of four (4.0) ppm or seventy per cent (70%) saturation (unless background information available to the regulatory agency indicates prior existence under unpolluted conditions of lower values). In such cases, lower limits may be utilized after approval by the regulatory authority.

5. Toxic Substances - free from substances attributable to municipal, industrial, agricultural or other discharges in concentrations or combinations which are toxic or harmful to humans, animal or aquatic life.

6. Bacteriological Quality - coliform group not to exceed 1,000 per 100 ml as a monthly average, (either MPN or MF counts); not to exceed this number in more than 20 per cent of the samples examined during any month; nor exceed 2,400 per 100 ml (MPN or MF count) on any day.

1-5.07 Criteria: Class II Waters - Shellfish Harvesting

The following criteria for the classification of waters in areas to be utilized for shellfish harvesting.

1. Bacteriological Quality, Coliform Group - areas classified for shellfish harvesting, the median coliform MPN (Most Probable Number) of water cannot exceed seventy (70) per hundred (100) ml in those portions of areas most probably exposed to fecal contamination during unfavorable hydrographic and pollutional conditions.

2. Sewage, Industrial Wastes, or Other Wastes - any industrial wastes or other wastes shall be effectively treated by the latest modern technological advances as approved by the regulatory agency.

3. pH - of receiving waters, shall not be caused to vary more than one (1.0) unit above or below normal pH of the waters; and lower value shall not be less than six (6.0) and upper value not more than eight and one-half (8.5). In cases where pH may be due to natural background or causes, outside limits stated above, approval of the regulatory agency shall be secured prior to introducing such material in the waters of the county.

4. Temperature - shall be less than ten per cent (10%) increase of prevailing background temperature after reasonable mixing with a 93° F temperature maximum, providing that such limitations will not apply to the use of such waters for bathing or other body contact

activities, unless the regulatory agency shall find that such use is damaging to such waters or to the aquatic life therein.

5. Dissolved Oxygen - shall not be artificially depressed below the values of four (4.0) ppm or seventy per cent (70%) saturation (unless background information available to the regulatory agency indicates prior existence under unpolluted conditions of lower values). In such cases, lower limits may be utilized after approval by the regulatory authority.

6. Toxic Substances - free from substances attributable to municipal, industrial, agricultural or other discharges in concentrations or combinations which are toxic or harmful to humans, animal or aquatic life.

7. Odor - threshold odor number not to exceed 24 at 60° C as a daily average.

1-5.08 Criteria: Class III Waters - Recreation - Propagation and Management of Fish and Wildlife.

The following criteria are for classification of waters to be used for recreational purposes, including such body contact activities as swimming and water skiing; and for the maintenance of a well-balanced fish and wildlife population.

1. Sewage, industrial wastes, or other wastes - any industrial waste or other wastes shall be effectively treated by the latest modern technological advances as approved by the regulatory agency.

2. pH - of receiving waters shall not be caused to vary more than one (1.0) unit above or below normal pH of the waters; and lower value shall not be less than six (6.0), and upper value not more than eight and one-half (8.5). In cases where pH may be, due to natural background or causes outside limits stated above; approval of the regulatory agency shall be secured prior to introducing such material in waters of the county.

3. Dissolved Oxygen - shall not be artificially depressed below the values of four (4.0) ppm or seventy per cent (70%) saturation

(unless background information available to the regulatory agency indicates prior existence under unpolluted conditions of lower values). In such cases, lower limits may be utilized after approval by the regulatory authority.

4. Bacteriological - coliform group not to exceed 1,000 per 100 ml as a monthly average, (either MPN or MF counts); not to exceed this number in more than 20 per cent of the samples examined during any month; nor exceed 2,400 per 100 ml (MPN or MF count) on any day. This criteria shall apply only to waters used for body contact activities.

5. Toxic Substances - free from substances attributable to municipal, industrial, agricultural or other discharges in concentrations or combinations which are toxic or harmful to humans, animal or aquatic life.

6. Deleterious Substances - free from materials attributable to municipal, industrial, agricultural, or other discharges producing color, odor or other conditions in such degree as to create a nuisance.

7. Turbidity - shall not exceed fifty (50) Jackson Units as related to standard candle turbidimeter above background.

8. Temperature - shall be less than ten per cent (10%) increase of prevailing background temperature after reasonable mixing with a 93° F temperature maximum, providing that such limitations will not apply to the use of such waters for bathing or other body contact activities or to the use of such waters for cooling purposes, unless the regulatory agency shall find that such use is damaging to such waters or to the aquatic life therein, except that when the ambient water temperature exceeds 88° F, cooling water discharged shall not be returned at a temperature not more than 5° F above or exceeding ambient temperature. Ambient is defined as meaning the condition which exists throughout the portion of the body of water which could be affected, prior to the introduction of cooling water into said body of water. In the event the 10 per cent increase of prevailing background temperature would permit a

higher rise than the 5° F, the smaller of the two possible increases shall govern, up to 93° F.

1-05.09 Criteria: Class IV Waters - Agricultural and Industrial Water Supply.

The following criteria are for classification of waters to be used for agricultural or stock watering, or industrial water supply.

1. Sewage, industrial wastes or other wastes - none which are not effectively treated or controlled to the satisfaction of the regulatory agency.

2. pH - not more than one (1.0) unit from the normal or not less than six (6.0) or not greater than 8.5.

3. Temperature - shall be less than ten per cent (10%) increase of prevailing background temperature after reasonable mixing with a 93° F temperature maximum providing that such limitations will not apply to the use of such waters for bathing or other body contact activities unless regulatory agency shall find that such use is damaging to such waters or to the aquatic life therein, except that when the ambient water temperature exceeds 88° F, cooling water discharged shall be returned at a temperature not more than 5° F above or exceeding ambient temperature. Ambient is defined as meaning the condition which exists throughout the portion of the body of water which could be affected, prior to the introduction of cooling water into said body of water.

4. Dissolved Oxygen - shall not be artificially depressed below the values of four (4.0) ppm or seventy per cent (70%) saturation (unless background information available to the regulatory agency indicates prior existence under unpolluted conditions of lower values). In such cases, lower limits may be utilized after approval by the regulatory authority.

5. Color, odor, and taste producing substances and other deleterious substances, including other chemical compounds, attributable

to domestic wastes, industrial wastes, and other wastes - only such amounts as will not render the waters unsuitable for agricultural irrigation, livestock watering, industrial cooling, industrial process water supply purposes and fish survival.

6. Turbidity - shall not exceed fifty (50) Jackson Units as related to standard candle turbidimeter above background.

1-5.10 Criteria: Class V Waters - Navigation, Utility and Industrial Use

The following criteria are for classification of waters which will be suitable for navigation and any other uses except for waters previously classified in this Chapter:

1. Sewage, industrial or other wastes - none which are not effectively treated or controlled to the satisfaction of the regulatory agency.

2. pH - not lower than 5.0 nor greater than 8.5 except certain swamp waters which may be as low as 4.5.

3. Dissolved oxygen - sufficient to be aerobic.

4. Odor producing substances - only in such amounts that will not unreasonably interfere with the use of the water for the designated purpose of this classification.

1-5.11 Earthen Dams - Minimum Standards

All earthen dams for impounding liquid wastes above natural ground elevation shall be constructed in accordance with the design prepared or approved by a Florida registered professional engineer competent in the field of dam design, construction, and maintenance and shall bear his signature and seal. Such dams shall be constructed in accordance with the following minimum standards, however subject to the approval of the Pollution Control Director the requirements of 12.0 shall be satisfied by filing a copy of any approval or permit for such a dam from the Florida Air and Water Pollution Control ~~and~~ Commission and supplying the Commission copies of all reports ~~of all reports~~ with the said Florida Commission concerning such a dam.

1.0 SITE PREPARATION

- 1.1 Remove all trees, stumps, palmettos, and other vegetation.
- 1.2 Remove all muck, mud, slimes, and other material that has a tendency to flow under a heavy load, from the entire base of the dam.
- 1.3 The original ground surface not disturbed in complying with Section 1.1 of these specifications shall be swept clean and scarified by disking, harrowing, bulldozing, or other similar treatment.
- 1.4 The dam base shall be kept well drained during construction, except when placing hydraulic full.
- 1.5 The foundation shall be safe from shear failure considering design shear strength, water pressures, and fill load weight distribution. Foundation stability calculations shall assume that the natural ground surface outside of the embankment is saturated. A foundation bearing capacity safety factor of not less than 1.5 shall be provided, based on inspection and testing of the foundation soils.

2.0 DAM DESIGN

2.1 Soil Testing

A program of soil sampling adequate to determine the characteristics of the ground under the proposed dam and of the material to be used in dam construction shall be performed. Sampling shall include borings and/or in-place sampling from the exposed excavation face.

2.1a Tests, including, but not limited to, the determination of shear strengths and permeabilities of the foundation and embankments soils, at soil densities to be used in construction, shall be performed.

2.1b All soil test data used for design shall be derived from tests performed in compliance with American Society of Testing Materials, American Association of State Highway Officials, or

U.S. Corps of Engineerings soil testing specifications and procedures.

2.2 Stability Analysis, Basic Requirements

A flow net analysis shall be made to determine the location of the phreatic surface, flow lines, and head lines within the foundation and dam being designed. The flow net analysis may be based on either graphical construction, electrical or liquid analogs, or on soil prototype methods; permeabilities used for the analysis shall be based on the soil tests. The flow net and Stability analyses shall use the maximum pool elevation with not less than 5 feet below the inside crest of the dam.

3.0 CORD DITCHING (CUT-OFF TRENCH)

3.1 A safety factor of at least 2.0 shall be used in design for protection against seepage instability. A core ditch (cut-off trench), clay dam core, core drain, blanket drain, toe drain, or other seepage control devices may be required to meet the 2.0 safety factor.

4.0 DRAINAGE

Drainage facilities shall be provided to maintain the water level on the outside of the dam within design limitations.

5.0 CROSS SECTION DESIGN

5.1 There shall be a minimum freeboard of five feet below the inside crest.

5.2 Both inside and outside slopes shall be no steeper than two to one.

5.3 The outside of the top should be higher than the inside top to force all crest drainage to the inside of the dam.

5.4 A safety factor of at least 1.75 shall be provided against horizontal sliding of the embankment.

5.5 A safety factor of at least 1.5 shall be provided against separation and horizontal sliding due to seepage through a portion of the other embankment.

5.6 A safety factor of at least 1.5 for cast dams and for all other construction shall be provided against shear failure of any circular arc in either the inside or outside embankment slopes. It is imperative that water pressure distribution be included in the analysis.

6.0 MATERIALS OF CONSTRUCTION

6.1 Dams shall be constructed of material free of stumps, trees, palmettos and other vegetative material.

6.2 Materials such as muck, mud, and slimes shall not be used.

7.0 METHODS OF CONSTRUCTION

7.1 Each dam shall be constructed to meet or exceed the minimum safety requirements of the specific design. Draglines, drag scrapers, tractors, or other earth-moving equipment may be used to place materials in dam construction.

7.2 Regardless of the method of construction, the soil shall be compacted to densities equal to or greater than those required for seepage and structural stability as specified in Section 3.0.

8.0 WATER LEVEL CONTROL STRUCTURE INSTALLATIONS

8.1 Seepage shall not be permitted to be concentrated around any water level control structure(s) pipe or any other conduit or discontinuity. All conduits through dams shall have a minimum of two seepage collars. The seepage collars shall be embedded in the middle 1/3 of the embankment. The seepage collar total width shall be at least twice the conduit's outside diameter, or 4 feet, whichever is greater.

- 8.2 All pipes and pipe joints extending through the dam shall be made leakproof, and shall be constructed of material suitable for the carried fluids and loads imposed.
- 8.3 Backfill around conduits shall consist of soil compacted to densities equal to or greater than those of the surrounding embankment.
- 8.4 In order to avoid cracks associated with differential settlement, conduits shall not be supported rigidly by piles or piers.
- 8.5 A sufficient water level control structure(s) capacity must be installed in an area to release water as necessary during periods of heavy rainfall. Water level control structure(s) capacity shall be provided to release 12 inches of rain in 24 hours on the watershed. All ponds containing less than 25% solids and covering an area greater than 50 acres shall have at least 2 water level control structure(s). In situations where watershed drainage cannot be diverted and flow into a settling area, water level control structure(s) capacity shall be installed to release the additional flow.

9.0 BUILDING OF DAMS IN MINED-OUT CUTS

- 9.1 Cross or partition dams built through mined areas shall not be permitted unless they satisfy all of the seepage and structural stability requirements and safety factors of section 1.0 through 9.5.
- 9.2 Tailings may be used to construct dams across a mined area, providing they satisfy all of the seepage and structural stability requirements and safety factors of Sections 1.0 through 9.5.
- 9.3 Perimeter dams constructed in mined areas shall not be constructed on slimes or soft muds. Construction procedures may be required to displace slimes.

10.0 BUILDING DAMS USING PUMPED-IN TAILINGS

Dams using pumped-in tailings will be permitted under the following conditions:

10.1 The dam shall meet the seepage and structural stability requirement of Section 1.0 through 9.5.

10.2 Depositing Tailings on Slopes of Existing Dams:

If water within the settling areas to be enclosed with a tailings dam is above ground level, and if tailings are discharged inside or outside of an existing dam, any of the three following procedures may be used:

10.2 a When the tailings are not de-watered, the discharge locations shall be changed at least every 8 hours and the section of dam pumped shall be allowed to drain at least 16 hours before pumping on this section again.

10.3 b If the tailings are de-watered to not less than 50% solids by weight at the discharge point, the tailings may be deposited continuously.

10.4 c If the discharge point is at or beyond the point at which the toe meets the foundation, or the discharge point is at least 75 feet from the point at which water meets the dam, the tailings may be deposited continuously.

11.0 OPERATIONAL REQUIREMENTS

11.1 The water level in a settling area shall not be raised or lowered more than one foot in a 24 hour period. It shall not be lowered more than 5 feet per month.

11.2 A good growth of grass shall be planted and maintained on all exposed portions of dams to prevent wind and water erosion. Grasses such as Bermuda Carpet, Centipede, Bahia, and other varieties that do not grow very high, and which form a good sod, are satisfactory.

11.3 Each active waste disposal area shall be inspected not less than once each day until one month after the area has been made inactive, and thereafter at least once each month for surface erosion, excessive toe seepage, cracking or sluffing, and condition of water level control structures and pool level measuring devices. A continuous maintenance program shall be followed, as required, to insure that the actual dam cross section meets design criteria.

11.4 A navigable all weather roadway shall be provided at the top of the dam. Inspection access for the outside slope and toe shall be provided if the height of the dams precludes adequate inspection from the top and where a public roadway does not already provide such access.

12.0 DOCUMENTATION

12.1 All soil tests, design calculations, and construction data and plans shall be maintained by the owner in a permanent file.

A plan of the dam outline and typical dam design cross sections shall be furnished to the Commission as soon as available.

12.2 All monthly and other inspection reports shall be maintained by the owner in a permanent file. A written report shall be submitted monthly to the Commission certifying compliance with these specifications as to:

- (a) Inspection procedures and schedules, and
- (b) Freeboard and level fluctuation requirements.

12.3 Semi-annual inspections shall be made by a qualified Florida registered engineer who shall furnish a certified report of each inspection to the owner and to the Commission. The owner shall maintain these in a permanent file.

RULES
of the
HILLSBOROUGH COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
CHAPTER 1-6
SERVICES-FEE SCHEDULE

1-6.01 DECLARATION AND INTENT

It is the intent of the Commission to establish reasonable charges for services performed by the Environmental Protection Commission Director, and his duly authorized agents and employees in the review of applications and other technical materials, in the investigation of cases involving violation of the Code, and in the conduct of inspections.

Said charges are for the purpose of defraying expenses incurred by the Environmental Protection Commission in performing professional services necessitated by the actions of others. All funds collected for said services shall become funds of Hillsborough County and shall be deposited in the General Revenue Fund.

1-6.02 FEE SCHEDULE

AIR

- | | |
|---|----------|
| 1. Application to Construct or Modify an Air Pollution Source | \$385.00 |
| 2. Application to Operate an Air Pollution Source | \$345.00 |
| 3. Petition to Revise an Air Permit | \$340.00 |
| 4. Alternative Air Emission Plan | \$360.00 |
| 5. Open Burning Permit Application | \$ 70.00 |

WATER

- | | |
|--|----------|
| 6. Industrial Wastewater Source Permit Application | |
| a. Construction with Groundwater Monitoring | \$540.00 |
| b. Construction | \$415.00 |
| c. Operation or Temporary Operation | \$315.00 |

7. Domestic Wastewater Source Permit Application	
a. Construction with Groundwater Monitoring	\$315.00
b. Construction	\$190.00
c. Operation or Temporary Operation	\$150.00
8. Collection System Permit Application	
a. General - less than 50,000 gallons/day	\$ 55.00
b. General - greater than or equal to 50,000 gallons/day	\$ 95.00
c. Standard - less than 50,000 gallons/day	\$100.00
d. Standard - greater than or equal to 50,000 gallons/day	\$125.00
9. Solid Waste Resource Recovery and Management Facility Permit Application	
a. DER Classes I and II	\$420.00
b. DER Class III	\$310.00
10. Construction/Demolition Debris Landfill Application	\$260.00
11. Sludge Disposal Application	\$ 95.00
*12. Land Excavation Permit Application	
a. New and Expansion	\$235.00
b. Extension and Renewal	\$180.00
*13. Rezoning Application	
a. CU, CP, IP, MHP/RVP, Conditional Use	\$145.00
b. All others	\$ 80.00
*14. Subdivision Application	
a. Preliminary	\$160.00
b. Master Plan	\$ 50.00
c. Construction Plan	\$ 65.00
d. Final Plat	\$ 40.00
e. Waivers	\$ 35.00
15. Dredge and Fill Permit Application (ACOE, DER AND TPA)	
a. Minor Form	\$ 55.00
b. Standard Form	\$170.00

16. Phosphate Mining	
* a. Annual Review and Inspection	\$120.00
b. Unit Review and Reclamation	\$120.00
* c. Bimonthly Inspections (five per year)	\$105.00
*17. Development of Regional Impact Application	\$435.00
*18. Commercial Site Application	\$ 80.00
*19. Building Permit Application	\$ 80.00
*20. Site Clearing/Alteration Permit Application	\$ 80.00
*21. House Bill Application	\$ 80.00
22. Wetland Delineation	
a. Office	\$ 45.00
b. Field	\$160.00
23. Enforcement Costs	Hourly/ \$ 20.00

*These Environmental Protection Commission Fees will be collected by the Hillsborough County Department of Development Coordination or the Hillsborough County Building Department, as appropriate.

(ACT/FEE)

:Adopted 2/28/85

Effective 3/15/85

RULES
OF THE
HILLSBOROUGH COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
CHAPTER 1-7
SOLID WASTE MANAGEMENT

1-7.01 Declaration and Intent

Improper disposal of solid waste on or in the land and use of open dumps as a means of final disposal results in or contributes to air pollution, water pollution, and land blight. The regulation of land disposal of solid waste will reduce air pollution, water pollution and the use of the land as an uncontrolled receptacle for improperly treated waste. Properly designed, operated and monitored disposal of solid waste on or in the land enhances the environment.

It is the intent of the Commission to require that solid waste disposal be conducted in a manner and under conditions that will eliminate the dangerous and deleterious effects of improper solid waste disposal on air quality, water quality, soils and human health.

The Commission shall regulate the storage, collection, transportation, receiving in bulk, separation, processing, recycling and disposal of solid waste in order to protect the public safety, health and welfare, to enhance the environment for the people of the County and to assure that the final irreducible residue disposed on or in the land enhance the environment.

1-7.02 Definitions

The following words, phrases or terms as used in this Chapter, unless the context indicates otherwise, shall have the following meaning:

(1) "Abandoned Vehicles" are passenger automobiles, trucks, trailers, farm equipment, etc., that have no remaining useful life and are left unattended on public or private property.

(2) "Base Flood" means the 100 year flood level as mapped by the United States Geological Survey, U.S. Army Corps of Engineers or Southwest Florida Water Management District. In areas not mapped by one of these agencies an approximation of the 100 year flood level as indicated by existing vegetation and soils of a proposed site may be used.

(3) "Cell" is a volume of solid waste compacted on an inclined plane and enclosed by a layer of earth.

(4) "Class I Solid Waste Disposal Area" means a disposal facility which receives an average of 20 tons or more per day, if scales are available, or 50 cubic yards or more per day of solid waste as measured in place after covering and which receives an initial cover daily.

(5) "Class II Solid Waste Disposal Area" means a disposal facility which receives an average or less than 50 cubic yards per day of solid waste as measured in place after covering and which receives an initial cover at least once every 4 days.

(6) "Composting" means a controlled process of degrading organic matter by micro-organisms resulting in a humus material.

(7) "Composting Facility" means a facility where organic matter is processed by natural or mechanical means to aid the microbial decomposition of the organic matter. Processing may include simply exposure resulting in natural decay or physically turning, windrowing, aerating or other mechanical reduction of the organic matter.

(8) "Construction and Demolition Debris" means material generally considered not to be water soluble, and of non-hazardous nature, such as steel, concrete, etc.

(9) "Cover Material" is a six (6) inch layer of compacted earth used to enclose a cell.

(10) "Deep Well" means a well which uses as its principal source of water a confined or artesian layer of ground water.

(11) "Final Cover" is a layer of compacted earth two (2) feet in depth applied to a complete landfill, the top six (6) inches of which is loosely compacted to promote plant growth.

(12) "Ground Water" is subsurface water in the zone of saturation of the earth's crust. The top of this zone of saturation is commonly defined as the water table.

(13) "Hazardous Wastes" are materials or combinations of materials which require special management techniques because of their acute and/or chronic effects on air and water quality, or fish, wildlife, or other biota, and on the health and welfare of the public. These materials, include, but are not limited to, volatile, chemical, biological, explosive, flammable, radioactive and toxic materials.

(14) "Initial Cover" means a 6-inch layer of compacted earth used to enclose a volume of solid waste prior to intermediate or final cover.

(15) "Intermediate Cover" is a layer of compacted earth one (1) foot in depth applied to a partially completed landfill where final cover is not to be applied within one year of cell completion or on multiple lifts if an additional lift on the cell is not used within six months.

(16) "Infectious Wastes" are those wastes which may cause disease or reasonably be suspected of harboring pathogenic organisms.

(17) "Leachate" is a liquid that has percolated through solid waste and contains dissolved or suspended materials that may contaminate surface or ground waters used as sources of food, water supplies, recreation, etc.

(18) "Lift" is a completed horizontal series of cells.

(19) "Milled Refuse" is refuse that has been mechanically ground, shredded or pulverized.

(20) "Monitoring Wells" are strategically located shallow and deep wells from which water samples are drawn for analysis of possible contaminants and from which direction of ground water flow is determined.

(21) "Open Dump" is a land disposal site at which solid waste is disposed of in a manner which does not protect the environment and is exposed to the elements, vectors, and scavengers.

(22) "Person" means the state or any agency or institution thereof, any municipality, political subdivision, public or private corporation, individual partnership, association, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.

(23) "Recycling" means the reuse of solid waste in manufacturing, agriculture, power production, or other process.

(24) "Resource Management" means the process by which solid waste is collected, transported, received in bulk, stored, separated, processed, or disposed of in any other way according to an orderly, purposeful, and planned program.

(25) "Resource Recovery" means the process by which materials, excluding those under control of the Nuclear Regulatory Commission, which still have useful physical or chemical properties after serving a specific purpose are reused or recycled for the same or other purposes, including use as an energy source.

(26) "Resource Recovery and Management Facility" means any solid waste disposal area, or site, volume reduction plant, or other facility the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste.

(27) "Sanitary Landfill" is a disposal facility employing an engineered method of solid waste disposal on land in a manner which minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying cover material as required according to the classification of the sanitary landfill.

(28) "Shallow Well" means a well which uses as its principal source of water the surficial, non-confined, non-artesian layer of water commonly referred to as the ground water table.

(29) "Solid Waste" is garbage, rubbish, refuse, or other discarded solid or semi-solid materials resulting from domestic, commercial, industrial, agricultural activities and governmental operations

excluding solids or dissolved material in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants, but not scrap material held for use or resale.

(30) "Solid Waste Management Facility" - same as definition for Resource Recovery and Management Facility, (26).

(31) "Trash Landfills" means combinations of yard trash and construction and demolition debris along with paper, cardboard, cloth, glass, white goods, street sweepings, vehicle tires and other like matter.

(32) "Volume Reduction Plant" includes, but is not limited to, incinerators, pulverizers, compactors, shredding and bailing plants, transfer stations, composting plants and other facilities which accept and process solid waste for recycling or disposal.

(33) "White Goods" are inoperative and discarded refrigerators, ranges, washers, water heaters, and other similar domestic and commercial appliances.

(34) "Working Face" is that portion of a sanitary landfill where waste is discharged, spread and compacted prior to placement of daily cover.

(35) "Yard Trash" is vegetative matter resulting from landscaping maintenance and land clearing operations, such as trees and shrub trimmings, grass clippings and palm fronds.

1-7.03 Solid Waste Management and Resource Recovery Responsibilities

(1) All Hillsborough County Municipalities or other governmental entities shall be responsible for providing adequate, safe, and sanitary solid waste management and resource recovery facilities within their respective jurisdictions. This responsibility may be delegated to a private operator through a franchise agreement or by contract.

(2) Any person proposing to operate, maintain, construct, expand or modify a solid waste management or resource recovery facility or site shall submit to the Environmental Director a plan for said operation prior to implementation. Such operational plan shall comply with the Provisions of Chapter 1-7.05(3) of the Rules of the Hillsborough County Environmental Protection Commission.

(3) The Environmental Director, following a review of the operational plans, shall require such revisions and conditions as necessary to assure that the facilities operations will conform with the criteria and intent of this rule.

(4) Permits - No solid waste management or resource recovery facility or site shall be operated, maintained, constructed, expanded, or modified without an appropriate and currently valid permit issued by the Florida Department of Environmental Regulation as defined by Chapter 17-4 F.A.C. The Hillsborough County Environmental Protection Commission is responsible for the administration of the Department of Environmental Regulation permit system in Hillsborough County. As such, all permit applications shall be submitted to the Environmental Director for his review and recommendation. Any Solid Waste Management Facility not otherwise requiring a permit under State or Federal Law shall require the written approval of the Environmental Director prior to construction, operation or use of the facility.

1-7.04 Prohibitions

(1) No solid waste shall be disposed of except by sanitary landfill, incineration, recycling process, or other method approved by the Environmental Protection Commission and consistent with other applicable local, State and Federal regulations.

(2) Unless otherwise approved by the Environmental Protection Commission and based on installation of approved control measures, no solid waste shall be disposed of by being placed:

(a) in or within 200 feet of any natural or artificial body of water, except canals used to lower site water tables, or on the watershed of any surface public water supply where leachate or runoff may result in violation of city, county, State or Federal Laws and regulations concerning the pollution of ground or surface waters.

(b) on the banks of a stream known to be hydraulically-connected to any aquifer.

(c) in a sink hole or in the immediate area thereof.

(d) in a limestone or gravel pit.

(e) in an area subject to frequent and periodic flooding.

The disposal facility must be designed, constructed, operated, and maintained so as to protect against inundation by the base flood.

(f) where the water table is less than five (5) feet below normal ground surface unless permanent control methods approved by the Environmental Protection Commission are installed.

(g) in an area immediately adjacent to or within the cone of influence of public water supply pumping.

(h) within two hundred (200) feet of any habitation or place of business that is served by a public water supply system or within one thousand (1000) feet of any habitation or place of business that is served by an individual potable shallow water supply.

(i) in any area open to public view from any major thoroughfare without proper screening where it can practically be provided.

(j) on any public highway, road or alley or the right-of-way thereof.

(k) within the boundaries of any airport property whether such airport be for public, private or limited use (FS.330.30 Florida Administrative Rules 14-60).

(l) ten thousand (10,000) feet of the closest point of any runway at any airport licensed by the State of Florida or any airport operated by the Federal Government which are or may be used by turbo-jet aircraft; or within five thousand (5,000) feet of any airport used only by piston engine type aircraft unless it has been determined by the Federal Aviation Administration that the proposed facility poses no safety hazard to aircraft in the vicinity.

(m) no burning of solid waste shall be permitted any any land disposal site except in accordance with the provisions of Chapter 1-4 of the Rules of the Hillsborough County Environmental Protection Commission.

(n) in any other than the above defined areas that in the opinion of the Environmental Protection Commission would result in damage to the environment.

(3) Hazardous Waste: The land disposal or incineration of hazardous waste which could create a condition harmful to the environment shall, at the owner's expense, be rendered safe and sanitary prior to delivery to the disposal facility. Should a hazardous waste be of such composition that it cannot be rendered innocuous, the producer of such wastes must confer with the Environmental Protection Commission to determine a proper and safe disposal or storage method.

(4) Infectious Waste shall be properly incinerated or processed by an alternate method which has been approved by the Environmental Protection Commission. No raw infectious waste shall be deposited in any sanitary landfill.

(5) Transportation and disposal of solid waste into or through the County shall not be impeded provided such transport and disposal does not degrade the environment, cause a health hazard or create a physical or aesthetic nuisance.

(6) The construction of buildings, sewage, or gas or water supply mains, parking lots, or paved areas on or through completed portions of sites filled with solid waste is prohibited unless specifically approved by the Environmental Protection Commission.

1-7.05 Sanitary Landfill Criteria

(1) Sanitary Landfill Classifications - Sanitary landfills are to be classified into two different groups (Group I and Group II), based on the type of waste received at the landfill sites.

(a) Group I sanitary landfills are those which receive chemically or biologically decomposable materials, but exclude hazardous or infectious wastes. These materials include but are not limited to:

1. Garbage from handling, preparation, processing, or serving of food materials.
2. Dead animals.

(b) Group I sanitary landfills are further divided into two classes based on the amount of waste received and the frequency of cover material applied.

1. "Class I solid waste disposal area" means a disposal facility which receives an average of 20 tons or more per day; if scales are available, or 50 cubic yards or more per day of solid waste as measured in place after covering and which receives an initial cover daily.

2. "Class II solid waste disposal area" means a disposal facility which receives an average or less than 50 cubic yards per day of solid waste as measured in place after covering and which receives an initial cover at least once every 4 days.

(c) Group II - sanitary landfills are those which receive non-water soluble, non-decomposable inert solids. These materials include, but are not limited to: yard trash, construction and demolition wastes, white goods, vehicle tires, etc.

(d) Group II sanitary landfills are required to apply cover material once every week and are subdivided into three types based on the nature of the Solid Waste received.

1. Yard trash sites
2. Demolition and construction debris sites
3. Trash disposal sites

(e) Sanitary landfills which receive a mixture of Group I and Group II types of wastes are considered as Group I sanitary landfills.

(2) Location Requirements

(a) Soil Survey

Solid waste shall be disposed of only in areas where an adequate soil survey by a qualified U.S.D.A. Soil Conservation Service or other Soil Scientist has been made using the U.S.D.A. Soil Conservation Service taxonomy. The degree of limitation of the soils found shall be rated in accordance with the U.S.D.A. Soil Conservation Service

Guide for Interpreting Engineering Uses of Soils. Such requirements may be waived by the Environmental Protection Commission only after being advised in writing by the Soil Scientist that the soils are such that a determination of soil series is not possible.

(b) Hydrological Survey

Solid waste shall be disposed of only in areas where a hydrological survey has been made. This hydrological survey will include but not be limited to the determination of the depth of the water table and the direction of ground water flow. Where this is not feasible the best available information from Water Management District, U.S. Geological Survey, Florida Bureau of Geology or other acceptable sources shall be required.

(c) Site Requirements

The land disposal site location shall:

1. be easily accessible by collection vehicles, automobiles and where applicable, transfer vehicles;
2. safeguard against water pollution originating from the disposal of solid waste;
3. have an adequate quantity of acceptable earth cover available. The cover material should be easily workable, compactible, and should not contain organic matter conducive to the harborage and/or breeding of vectors;
4. conform with the proper zoning
5. be made a matter of record in the county property recording office.

(3) Operational Plans - Any proposed operational plans shall be submitted to the Environmental Protection Commission for review and shall include:

(a) Map or aerial photograph of the area showing land use and zoning within 1/4 mile of the solid waste disposal site. This photograph shall be of sufficient scale and should be taken within a year of permit application to show all homes, industrial buildings, wells, watercourses, dry runs, rock out-croppings, roads and other significant details.

(b) Plat plan of the site showing dimensions, location of soil borings, proposed trenching plan and original elevation, cover stock piles, and fencing. Cross sections shall be included on the plot plan or on separate sheets showing both the original and proposed fill elevations. The scale of the plot plan should not be greater than 200 feet to the inch.

(c) The operational plans of the sanitary landfill shall include one or more topographic maps at a scale of not over 200 feet to the inch with 5-foot contour intervals. These maps shall show: the proposed fill area, any borrow area, access roads, grade required for proper drainage devices if necessary, fencing, equipment facilities, and all other pertinent information.

(d) A report shall accompany the plans indicating:

1. population and area to be served by the proposed site,
2. anticipated type, annual quantity and source of solid waste, expressed in cubic yards of compacted materials,
3. anticipated life of the site,
4. geological formations and groundwater elevations to a depth of at least 10 feet below proposed excavations and lowest elevation of the site. (Such data shall be obtained by soil borings or other appropriate means),
5. soil map, interpretive guide sheets, and a report giving the suitability of the site for such an operation,
6. source and characteristics of cover material,
7. persons responsible for actual operation and maintenance of the site and intended operating procedures.

(e) Operational design features. The disposal site shall be provided with operational features and appurtenances necessary to maintain a clean and orderly operation. These minimum features are:

1. operational plans to direct and control the use of the site,
2. an effective barrier surrounding the site to control unauthorized entry into the landfill sites,
3. an all-weather access road to the site. A special area with a stabilized roadway shall be provided within the site for wet weather operations,
4. signs indicating name of operating authority, traffic flow, hours of operation, and charges for disposal (if any),
5. scales for weighing solid waste received at the landfill or, in lieu thereof, estimates of the number of cubic yards received. Quantitative records shall be forwarded to the Environmental Protection Commission upon request,
6. suitable dust control method such as approved chemicals, oils, or water sprays,
7. litter control devices such as portable fences, or other suitable means,

8. fire protection and fire-fighting facilities adequate to insure the safety of employees' and provisions to deal with accidental burning of solid waste within the sanitary landfill,

9. emergency first aid equipment to provide adequate treatment of an injured person in case of an accident.

(f) Personnel and Facilities. In order to provide proper staffing and suitable facilities the following shall be required at all Group I, Class I sites,

1. A trained equipment operator in full time attendance during operating hours.

2. Employees shall be trained in the proper and safe operation of all equipment and first aid procedures.

3. Communication facilities for use in emergencies.

The Environmental Protection Commission may require an attendant at a Class II solid waste disposal area during the hours of operation if the Environmental Protection Commission affirmatively demonstrates that such a requirement is necessary to prevent unlawful fires, unauthorized dumping, or littering of nearby property.

(g) Equipment. To assure adequate operation the following is required:

1. equipment sufficient for excavating, spreading, compacting and covering operations, and other needs,

2. sufficient reserve equipment, or arrangements to provide alternate equipment within 24 hours following equipment breakdown,

3. safety devices on equipment to shield and protect the operators from potential hazards during operation.

(h) The Environmental Protection Commission requires for all Group I, Class I sites and recommends for all other sites the following facilities:

1. a potable water supply,

2. suitable employee shelter,

3. handwashing and toilet facilities,

4. equipment wash-out facilities,

5. electric service for operations and repairs,

6. equipment shelter for maintenance and storage of parts, equipment and tools,

(4) Contingency Plans - It is the responsibility of the solid waste management or resource recovery facility owner to provide the Environmental Director with a plan to assure continuous disposal service

should the facility be forced to close for any reason. This plan may include but is not limited to the emergency holding, storage, alternate disposal or curtailment of the waste stream.

(5) Operations

(a) At least three monitoring wells are required at each Group I, Class I sanitary landfill site. The location of the wells should be in accordance with the hydrology of the site and the predicted behavior of ground water flow. At least one monitoring well should be located at the upgradient to the landfill site; the second well should be located in the first section to be filled in the landfill site; thus the well should be installed before landfilling and the third well should be installed downgradient and close to the landfill site; this well should be screened throughout the saturated thickness of the aquifer. The monitoring wells should be constructed in accordance with Chapter 17-21, F.A.C.

Sampling and analysis shall be made by the sanitary landfill site operator at six month intervals after the background water quality has been established and operation of the site is begun. Sampling and analysis shall be performed for the following parameters by a federal or state approved laboratory:

1. conductivity or chlorides,
2. Nitrates, Nitrites, TKN, ammonia,
3. metals (cadmium, chromium, copper, and lead),
4. total organic carbon or chemical oxygen demand,
5. coliform bacteria.

Samples shall be analyzed annually by a pesticide scan for chlorinated hydrocarbons. Landfill site operator should forward the sample analyses reports to the Environmental Protection Commission office within ten working days after the analysis is performed. Additional sampling and analysis may be required for other parameters and at more frequent intervals if indicated by trends in the foregoing contaminants or as deemed necessary by the Environmental Protection Commission, based on nature of materials being disposed.

All Class II solid waste disposal areas are required to have at least one monitoring well which shall be placed adjacent to the site in the direction of groundwater flow. The Environmental Protection Commission may require additional monitoring wells not farther than 1 mile from the site if it is affirmatively demonstrated by the Environmental Protection Commission that a significant change in the initial quality of the water has occurred in the downstream monitoring well which adversely affects the beneficial uses of the water. These wells may be

public or private water supply wells if they are suitable for use in determining background water quality levels.

The need for monitoring wells, sampling and analysis of ground water at Group II Sanitary Landfill sites will be determined by the Environmental Protection Commission on a site specific basis.

(b) A minimum separation of five feet shall be permanently maintained between Group I and Group II types of solid waste and anticipated high ground water table.

(c) Sanitary landfills shall provide for the collection, control and treatment of surface runoff from the site to meet established water standards of the receiving waters.

(d) Any leachate emanating from a landfill shall be collected and treated if it does not meet established water quality standards of the receiving waters. The design of the treatment facility shall be reviewed and approved by the Environmental Protection Commission.

(e) The grade of the completed refuse cells and lifts in addition to the final cover shall drain the surface runoff water to prevent uncontrolled ponding. Thus, it is best to slightly overdesign initial grades so that good drainage will be maintained after final settlement.

(f) All completed portions of sanitary landfills which have received final cover and no future vehicular traffic is anticipated shall be planted with grass or acceptable cover vegetation to minimize infiltration, erosion and dust.

(g) All sanitary landfills where gas generated by decomposition of wastes cannot readily be dispersed into the atmosphere shall be provided with a gas control system. This requirement is particularly applicable to all multiple lift sites.

(h) All solid waste shall be spread in layers of approximately two feet in thickness and compacted to approximately one foot in thickness before the next layer is applied (not required for Group II waste).

(i) All solid waste except materials such as abandoned vehicles and white goods shall be compacted to form cells with working face and side grades at a slope of approximately thirty (30) degrees. Cell depth should be constrained by the type of operation in use (area and/or trench), the daily volume of waste, width of the working face, and good safety practices.

(j) The working face of a cell shall be kept as narrow as is consistent with the proper operation of trucks and equipment to minimize exposed areas.

(k) An intermediate cover of one foot of compacted earth-in-addition to six inch cover material shall be applied with seven days of cell completion if final cover is not to be applied within one year of cell completion especially on all sites where multiple lifts are to be constructed.

(l) All completed cells shall receive a final cover of two feet of earth compacted in six inch layers within one year of cell completion with the final six inches loosely compacted to promote plant growth.

(m) The side slopes in addition to the top of all completed sanitary landfills constructed five feet or more above surrounding ground elevation shall have a minimum of three and one half feet of compacted earth cover (which may be the sum of daily, intermediate, and final cover). The sides shall have a slope not to exceed one foot vertical to three feet horizontal to minimize erosion.

(n) Pesticides used to control rodents, flies and other insects shall be specified by the Florida Department of Agriculture and Consumer Services. (Chapter 5E-2).

(o) Uncontrolled and unauthorized scavenging shall not be permitted at any sanitary landfill site. Controlled scavenging may be permitted by the local authority responsible for the facility.

(p) Alternate procedures not included in this section shall require Environmental Protection Commission approval.

1-7.06 Special Waste Handling

(1) Disposal of waste sludges and liquids, including septic tank contents shall be with special consideration of air and water pollution and health safety of landfill employees. Appropriate provisions shall be made for handling these waste materials in a landfill, only where alternate disposal methods are not available and when such disposal does not violate laws and regulations.

(2) If abandoned vehicles are brought to the site, they may be stored temporarily in a separate area, provided arrangements have been made for frequent removal to an automobile shredding, or compacting plant. If such arrangement has not been made, all abandoned automobiles, white goods and similar materials shall be compacted before being placed in the fill area to minimize voids.

(3) In the event of natural disasters, in which large accumulations of debris are created - such as trees and buildings that have been destroyed, the debris may be transported to an area remote from habitation, and burned in accordance with Chapter 1-4 of the rules of the Hillsborough County Environmental Protection Commission.

(4) Landfilling milled solid waste without daily soil cover can be an environmentally acceptable method of final disposal. The same engineering principles involved in sanitary landfill sites must be employed, including a properly designed, and operated milling facility. The Environmental Protection Commission will grant approvals contingent upon the following conditions:

(a) Particle size - Seventy-percent of all milled refuse, dry weight, shall be capable of passing through a three inch screen.

(b) Waste must be spread to a smooth contour and compacted promptly after placement and left undisturbed to prevent odors. Wind blowing of milled refuse and paper shall be controlled.

(c) Gas entrapment in milled solid waste is minimal, however, addition of cover or possible mitigation of gases through fissures, etc., requires the same attention to gas control as a sanitary landfill.

(d) All solid waste storage areas in the milling facility must be maintained and cleaned at the end of each day's operations or during continuous operation, as necessary, to prevent fly, rodent or other vector problems. All milling equipment must be designed and maintained to control spillage and to achieve the required milled product quality.

(e) An operational plan must include provision for removal and proper disposal of wastes within 24 hours should the mill facility break down or operational quality is diminished. The operational plan must include provision for a stock pile of emergency soil cover material and a plan to convert the operation to a sanitary landfill.

(f) Upon completion of the site, it shall be closed, covered with a final one foot thick solid cover and shall be seeded or planted with grass or suitable cover vegetation to minimize erosion.

1-7.07 Closing Procedure for all landfill sites.

It shall be required that the landfill disposal sites shall be closed in accordance with the following criteria:

(1) Access to the site shall be restricted by an effective barrier to control unauthorized entry into the landfill site.

(2) Information signs shall be placed at the entrance to the site and on roads leading to the site stating that it is closed, the penalty for dumping at the site, the location and hours of operation of the alternate approved site and the name of the operating agency.

(3) A responsible person shall be assigned to supervise the closing procedures on a full-time basis during the closing operations.

(4) Steps shall be taken, where potential water pollution exists, to prevent its continuance by diverting surface waters around the site, removing wastes from the water table or by other means approved by the Environmental Protection Commission.

(5) Two feet of final cover material is required before final closing of the site. The cover material is to be compacted in six inch layers with the final six inches loosely compacted to promote plant growth.

(6) Upon completion, the closed site shall be seeded or planted with grass or suitable cover vegetation to minimize erosion.

(7) Upon completion, the closed site must be properly maintained, which includes erosion control, prevention of ponding and prevention of deposited waste from becoming a hazard or nuisance.

(8) Continued monitoring of potentially polluting sites is required. This will include collection and treatment of leachates until the site is stabilized.

(9) Upon completion, the closed site must be publicly recorded and the record should show the restrictions on land use.

1-7.08 Supervision and Inspection

(1) Supervision of the operation shall be the responsibility of a qualified person experienced in the operation of a resource recovery and management facility.

(2) Monthly inspections and evaluations of facility operations shall be made by the Environmental Protection Commission. A notice of deficiencies with recommendations for their correction, shall be provided to the person responsible for the operation.

(3) Inspection of a completed sanitary landfill shall be made by the Environmental Protection Commission before the earthmoving equipment is removed from the site. Any corrective work shall be performed before the landfill project is accepted by the Environmental Protection Commission as completed. Arrangements shall be made for the repair or restoration of the final cover as required for at least two years following completion.

1-7.09 Volume Reduction Plants

(1) A permit issued by the Florida Department of Environmental Regulation will be required for all volume reduction plants. All such permit applications shall be submitted to the Environmental Director in accordance with Chapter 1-7.03(4) of this Rule.

(2) Volume reduction plants shall be designed and operated to meet all applicable rules and regulations of the Hillsborough County Environmental Protection Commission and shall be reviewed based on the receipt

of comprehensive data on the process and its relative potential as a pollution source.

(3) Recovered resources resulting from such facilities and which may be offered for sale shall comply with applicable regulations of all appropriate local, State, and Federal agencies.

(4) Experimental methods and operations shall be reviewed and approved by the Environmental Protection Commission prior to implementation.

(RULES/SWM)

RULES
of the
HILLSBOROUGH COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
CHAPTER 1-10
NOISE

1.10.01 TERMINOLOGY

All technical terminology used in this Chapter not defined below shall be defined according to applicable publications of the American National Standards Institute (ANSI) or its successor body.

A. A-WEIGHTED SOUND LEVEL - The sound pressure leveling decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.

B. COMMERCIAL AREA - All property which is used primarily for the sale of merchandise or goods, or for the performances of a service, or for office or clerical work.

C. DECIBEL (dB) - A unit for describing the amplitude of sound, equal to 10 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

D. EMERGENCY - Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

E. EMERGENCY WORK - Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

F. INDUSTRIAL AREA - Any property which is used primarily for manufacturing, processing or an airport.

G. NOISE - Any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological effect on humans.

H. NOISE DISTURBANCE - Sound which (a) is or may be harmful or injurious to the health or welfare of any person, or (b) unreasonably interferes with the enjoyment of life, property or outdoor recreation of a reasonable person with normal sensitivities, or (c) is of such character and in such quantity or level as to be detectable by a considerable number of persons so as to interfere with their health, repose, or safety or to cause severe annoyance or discomfort.

I. PUBLIC RIGHT OF WAY - Any street, avenue, boulevard, highway, sidewalk or alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

J. PUBLIC SPACE - Any real property or structures thereon normally accessible to the public which is owned or controlled by a governmental entity.

K. PURE TONE - Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds arithmetic value the sound pressure levels of the two contiguous one-third octave bands by 5dB for center frequencies of 500 Hz and above and by 8dB for center frequencies between 160 and 400 Hz and by 15dB for center frequencies less than or equal to 125 Hz.

L. REAL PROPERTY LINE - An imaginary line along the ground surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property divisions.

B. CORRECTION FOR CHARACTER OF SOUND - For any source of sound which emits a pure tone, the maximum sound level limits set forth in Table I shall be reduced by 5dBA. For any source of sound which is of short duration and is non-repetitive, the maximum sound level limits set forth in Table I shall be increased by 10dBA from 7 A.M. to 10 P.M.

C. AIR CONDITIONING OR AIR-HANDLING EQUIPMENT - No person shall operate or cause to be operated any air conditioning or air-handling equipment in such a manner as to exceed any of the following sound levels across a residential real property line:

Table II

<u>Measurement Location</u>	<u>dBA</u>
Any point on neighboring property line	60
Center of neighboring patio	55
Outside the neighboring living area window nearest the equipment location	55

1-10.04 EXCEPTIONS TO SOUND LEVEL LIMITS

It is not the intent of this chapter to regulate noises in circumstances where persons, property, wildlife or plant life are not affected by the noise. The following activities or sources are exempt from the requirements of Section 1-10.03 of this chapter:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency, or in the performance of emergency work.
- B. The unamplified human voice.
- C. Reasonable operation of equipment or conduct of activities normal to residential or agricultural communities such as lawn care, soil cultivation, maintenance of trees, hedges and gardens, refuse collections, the use of lawn mowers, saws and tractors, street sweepers, mosquito fogging, tree trimming and limb chipping, and other normal community operations.
- D. Reasonable operation of unamplified church bells or chimes when used for traditional religious purposes.
- E. Events directly related to Gasparilla, Fourth of July, or officially authorized spectator games.
- F. The lowing of cattle, the clucking of fowl, the neighing of horses, the baying of hounds and other normal sounds of reasonably cared for domestic animals.

1.10.05 MOTOR VEHICLES

A. MOTOR VEHICLES OPERATING ON PUBLIC RIGHT OF WAY - Motor vehicles on a public right of way are regulated as set forth in the Florida Motor Vehicle Noise Prevention and Control Act of 1974, Chapter 74-110, Laws of Florida.

B. RECREATIONAL MOTORIZED VEHICLES OPERATING OFF PUBLIC RIGHTS OF WAY - No person shall operate or cause to be operated any recreational motorized vehicle off a public right of way in such a manner that the sound level emitted therefrom violates the provisions of Section 1-10.03(A). This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including, but not limited to motorcycles, go-carts, amphibious craft, campers and dune buggies. All such vehicles shall use noise attenuating devices (exhaust mufflers).

M. RESIDENTIAL AREA - All property on which people live and sleep or parkland or hospitals or schools or nursing homes or that which is not commercial or industrial or the individual plots within a mobile home park assigned by the owner of the park.

N. SHORT DURATIONS - Any sound with a duration of less than one minute.

O. SOUND - An oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with with internal forces. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

P. SOUND ANALYZER - A device for measuring the octave band of a sound as a function of frequency.

Q. SOUND LEVEL - The weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B, or C as specified in American National Standards Institute specifications for sound level meters ANSI S1, 4-1971, or in successor publications. If the weighting employed is not indicated, the A-weighting shall apply.

R. SOUND LEVEL METER - An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated, and the instrument is of Type 2 or better, as specified in the American National Standards Institute Publication S1.41972 or its successor publication.

S. SOUND PRESSURE - The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of energy.

T. SOUND PRESSURE LEVEL - 20 times the logarithm to the base 10 of the ratio of the rms sound pressure to the reference pressure of 20 micronewtons per square meter ($20 \times 10^{-6} \text{N/m}^2$). The sound pressure level is expressed in decibels.

U. SPECTATOR GAMES - Competative sports such as baseball, football, soccer and similar athletic events involving spectators.

1-10.02 PROHIBITIONS

A. NOISE DISTURBANCE PROHIBITED - No person shall make, continue or cause to be made or continued any noise disturbance. The continuation of a noise disturbance upon ones' property following notice of its existence shall be deemed to continue with the permission of the owner.

B. MAXIMUM SOUND LEVELS FOR RECEIVING LAND USE - Sound levels which exceed the limits set forth in this rule for the receiving land when measured at or within the property line of the receiving land use are declared to be noise pollution as defined by Section 3(28) of Chapter 84-446, Laws of Florida.

1-10.03 SOUND LEVEL LIMITS

A. BY RECEIVING LAND USE -

Receiving Land Use Category	Table I	
	Time	
Residential, Public Space, Agricultural or Institutional	7 A.M. - 10 P.M.	60
	10 P.M. - 7 A.M.	55
Commercial or Business	7 A.M. - 10 P.M.	65
	10 P.M. - 7 A.M.	60
Manufacturing or Industrial	At All Times	75

C. MOTOR VEHICLES OPERATED AT FACILITIES FOR COMPETITIVE
EVENTS -

1. All motor vehicles operated at facilities for competitive events are exempted from complying with Section 1-10.03(A).
2. Noise level shall not exceed 78 dBA when measured at or within the property line of residential properties.
3. Facilities for competitive events which might reasonably be expected to be a source of noise which exceeds the limits specified in Section 1-10.03(A) shall not operate between the hours of 11:30 P.M. and 12:00 noon.
4. Vehicles shall use noise attenuating devices (exhaust mufflers).

D. APPROVAL REQUIRED - No person shall construct, alter, expand or operate any installation or facility for competitive events, the use or operation of which might reasonably be expected to be a source of noise which exceeds the limits specified in Section 1-10.03(A), without first providing documentation and assurance of compliance with Section 1-10.05(C), and without first receiving written approval from the Environmental Director as provided for under Sections 10 and 11 of the Hillsborough County Environmental Protection Act.

The documentation and assurance above shall include but not be limited to, use of sound barriers, use of muffler devices, control of direction and volume of loud speakers and provisions for monitoring.

SMF/ljh

(SARA/RN)

RULES OF THE HILLSBOROUGH COUNTY
ENVIRONMENTAL PROTECTION COMMISSION

CHAPTER 1-11

WETLANDS

WHEREAS, the Hillsborough County Environmental Protection Commission has been designated by the Florida Legislature to provide standards to insure the purity of all waters of the county and to prevent water pollution consistent with public health and enjoyment and for the propagation and protection of wildlife, birds, game, fish and other aquatic life; and

WHEREAS, the Environmental Protection Commission is empowered to adopt rules and regulations deemed necessary to provide for the control and regulation of water pollution within the framework of Chapter 84-446 Laws of Florida; and

WHEREAS wetlands, hydrological systems which may seasonally appear to be dry, function as a vital part of the waters of Hillsborough County and constitute a productive and valuable public resource; and

WHEREAS, the destruction or alteration of wetlands may reasonably be expected to cause water pollution as defined in Section 3(21) of Chapter 84-446, Laws of Florida; and

WHEREAS, reasonable control and regulation of activities which cause or may be expected to cause pollution, is necessary for the protection and preservation of the public health, safety and welfare;

NOW, THEREFORE, the Environmental Protection Commission of Hillsborough County, in meeting this 14th day of May 1985, enacted the following rule:

1-11.01 PURPOSE

It is the purpose of this rule to provide standards for the identification, protection, maintenance and utilization of wetlands within Hillsborough County, recognizing the rights of individual property owners to use their lands in a reasonable manner as well as the rights of all citizens to protection and purity of the waters of Hillsborough County and their associated wetland ecosystems. The owner of wetlands has no right to change the essential character of wetland property so as to use it for a purpose for which it is unsuited in its

natural state. It shall be the policy of the Environmental Protection Commission to minimize the disturbance of wetlands in the County and to encourage their use only for purposes which are compatible with their natural functions and environmental benefits. It is the intent of the Commission that development requiring mitigation be a last resort when reasonable use of the property is otherwise unavailable.

1-11.02 DEFINITIONS

The following definitions shall apply for purposes of this rule unless a contrary meaning is clearly indicated:

a) Development - any manmade change to real property, including but not limited to dredging, filling, grading, paving, excavating, clearing, timbering, ditching or draining.

b) Adverse Impact - Development which contaminates, alters or destroys, or which contributes to the contamination, alteration or destruction of a wetland or portion thereof such that its environmental benefits are destroyed, reduced or impaired or which threatens their present or future functioning, has an adverse impact upon the wetland involved.

c) Person - an individual, corporation, governmental agency, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

d) Waters of the County - consist of the waters, both surface and underground, which are located either entirely or partially within the geographic boundaries of Hillsborough County, and also the physical features which regularly or seasonally contain water by inundation or saturation of surface or groundwater in years of normal water conditions. Waters of Hillsborough County include but are not limited to the water and containing physical features of bays, rivers, streams, lakes, ponds, swamps, springs, impoundments and other waters whether naturally or artificially created and whether fresh, brackish, saline or tidal.

e) Artificially created waters - waters created by man in upland areas.

f) Wetlands - are those areas included within waters of the County which may seasonally appear to be dry but which are regularly or seasonally saturated or inundated by surface or groundwater in years of normal water conditions with a frequency or duration sufficient to support, and which under normal circumstances do or could support, a dominance of wetland vegetation or aquatic life. Wetlands in Hillsborough County include the following ecosystems: freshwater marshes, shallow grassy ponds, hardwood swamps, cypress swamps or bay heads, riverine flood plains, coastal marshes (including non-vegetated beaches, mud flats and salt barrens), and mangrove swamps. Except for mitigation wetlands and wetlands adjacent to waters created for the purpose of lake creation, vegetated areas in proximity to and existing because of artificially created waters shall not be considered wetlands under this rule.

g) Wetland vegetation - vegetation adapted to saturated or seasonally saturated soil conditions for growth or reproduction. All species on DER's vegetation list [Rule 17-4.022(2) and (3) F.A.C.] are wetland vegetation under this rule. Attachment A includes a list of wetland vegetation which is typically adapted to such soil conditions in Hillsborough County. Species not included by Attachment A may be proven to also be wetland vegetation. Melaleuca quinquenervia (pump tree), Sabal palmetto (cabbage palm), Schinus terebinthifolios (Brazilian pepper), Andropogon glomeratus (bushybeard bluestem), Andropogon virginicus (broomsedge bluestem), Ilex glabra (inkberry), Quercus virginiana (Virginia live oak), and Aristida stricta (wiregrass) shall not be considered either upland or wetland vegetation.

h) Altered wetlands - wetlands which have been substantially affected by development but which continue to provide some environmental benefit as provided in 1-11.06.

i) Mitigation Plan - specific development activities designed to restore, create, or replace environmental benefits of wetlands within the area.

j) Mitigation Wetlands - wetlands created or restored for mitigation purposes pursuant to agreement with governmental officials.

k) Lake creation - as defined in the Hillsborough County Land Excavation Ordinance #84-26. Artificial waters created prior to the adoption of Ordinance #84-26 shall be deemed lake creation only if the public record or surrounding development and land use indicates a commitment to create a lake.

1-11.03 IDENTIFICATION OF WETLANDS

(1) Under normal circumstances, wetlands will be identified by the existence of communities of identifiable wetland vegetation in an ecosystem, excepting beaches, mud flats and salt barrens.

(2) Under normal circumstances, the landward extent of waters of the County shall be delineated by a dominance of wetland vegetation as provided in Section 17-4.022 F.A.C. using the list in Attachment A. Other indicators of regular and periodic inundation, such as soils, swollen buttresses and lichen lines may be considered to support a determination, but hydric soils alone shall not be sufficient.

(3) In circumstances where the natural boundary of dominant wetland vegetation is unclear and when both parties agree, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear.

(4) In the event an undeveloped area has been recently cleared of all vegetation, the landward extent of the waters of the County may be determined by a study of the soils, aerial mapping, photography, hydrology and other historical information as appropriate.

(5) Areas where the forest canopy consists of less than 50% cover of submerged and transitional species and, where the subcanopy and groundcover collectively consist of 80% or more vegetative cover of

submerged and transitional species, shall be determined wetlands if the Commission establishes by competent, substantial evidence using such factors as hydrology, soils, swollen buttresses, lichen lines, or other indicators that the area is subject to regular and periodic inundation.

1-11.04 WETLAND DELINEATIONS

(1) Upon request of any person with a legal or equitable interest including governmental bodies, and upon payment of the appropriate fee as established in Chapter 1-6 of these Rules, a written determination shall be issued as to the existence and extent of any wetlands upon specific lands within Hillsborough County. Failure to make a wetland determination within 30 days of receipt of request and payment therefore shall entitle the applicant upon appropriate notice, to a hearing before a hearing officer as provided in Section 9 of Chapter 84-446, Laws of Florida.

(2) Delineations may be made upon interpretation of aerial photography alone, but shall be approximations only, subject to modification by future on-site inspection.

(3) Delineations made pursuant to site inspection and reduced to a staff approved survey or scaled site plan whether approved before or after the adoption of this rule, shall be valid for five years. Such delineations which have been incorporated in the approval of development by another governmental body shall be valid for the life of the approval.

(4) All other determinations made prior to the effective date of this rule shall be presumptively valid only.

(5) This section shall not be construed as limiting the right of any citizen to register a complaint or request investigation of an alleged violation.

1-11.05 POLLUTION PROHIBITED

Development within wetlands of Hillsborough County which destroys, reduces or impairs the wetland or which contributes to the

present or potential future destruction, reduction or impairment of the environmental benefits provided by the wetland or a portion thereof constitutes pollution as defined by Section 3(21) of Chapter 84-446 Laws of Florida, and is prohibited except to the extent as may be hereafter specifically authorized and only if authorized in writing by the Director or his authorized agent.

1-11.06 REVIEW OF PROPOSED DEVELOPMENT WITHIN WETLANDS

(1) Upon request to the Environmental Protection Commission a review of proposed development of wetlands will be made by weighing the specific environmental benefits provided by the target wetland with the impact that the proposed development could reasonably be expected to have upon that wetland's ability to provide those environmental benefits. Environmental benefits include:

- (a) ...receive, store and discharge surface water runoff so as to contribute to hydrological stability and control of flooding and erosion;
- (b) ...buffer adjacent uplands from hurricane and tidal storm surges;
- (c) ...recharge the groundwater;
- (d) ...provide filtration and uptake of nutrients and pollutants from surface water runoff;
- (e) ..provide habitat for fish, wildlife or other forms of animal or plant life;
- (f) ...provide a link in the food chain of fish, wildlife or other forms of animal or plant life;
- (g) ...provide habitat for any rare, endangered or threatened species of animal or plant life which utilize wetland habitats as listed by the Florida Game and Fresh Water Fish Commission and/or the U.S. Fish and Wildlife Service;
- (h) ...provide a significant ecological function in

the life cycle of fish, wildlife or other forms
of animal or plant life of neighboring habitats;
and

- (i) ...function as an integral part of a surface
water course, lake or bay.
- (j) ...increase rainfall production through avail-
able evaporative surfaces

(2) Consideration shall be made of cumulative impacts of the
proposed development to the wetland system in combination with other
developments which have been or shall be proposed in the same drainage
basin.

(3) Consideration shall be made of the technical feasibility
of proposed mitigation plans and the likelihood of their success in
restoring or replacing the environmental benefit impacted by the
development.

(4) Consideration shall be made of the wetland's existing
capacity to provide environmental benefits because of such factors as
maturity, size, degree of prior alteration, physical relationship to
other water systems, and adjacent land uses.

1-11.07 ENVIRONMENTAL PROTECTION COMMISSION AUTHORIZATION

(1) Written authorization may be given to conduct proposed
development affecting wetlands only if reasonable use of the land cannot
be accomplished without affecting the wetland, and only if the environ-
mental benefits provided by the affected wetland are adequately protect-
ed by specified conditions and time limitations which would be imposed
upon approval of the development.

(2) In certain cases the Commission may require the posting
of a bond to ensure the proper completion of a mitigation plan.

(3) Development pursuant to such authorization shall be
periodically inspected to ensure compliance with the conditions imposed.
Failure to comply with any condition shall be a violation of this rule

subject to administrative and judicial enforcement and penalties under Chapter 84-446, Laws of Florida.

1-11.08 MINIMUM REQUIREMENTS OF A MITIGATION PLAN

(1) Where wetlands are or may be adversely impacted by development, an acceptable mitigation plan shall include detailed plans designed to minimize or prevent any adverse impact to the environmental benefits.

(2) Where all or part of a wetland is destroyed or substantially altered by development, an acceptable mitigation plan shall include at least:

- (a) Acre for acre replacement of the same or better type of wetland providing the environmental benefits lost by reason of the proposed development,
- (b) Specific design requirements based upon conditions of the site and the type of wetland to be created or restored,
- (c) Periodic monitoring to remove exotic and nuisance vegetation,
- (d) Monitoring and replacement to assure a specified survival rate of wetland vegetation for a reasonable period of time,
- (e) Recorded designation as a permanent Conservation Area.

(3) An acceptable mitigation plan shall be reasonably and technically feasible.

1-11.09 ADEQUATE PROTECTION

Only development under the following circumstances may be determined to provide adequate protection of the environmental benefits:

(1) Where the adverse impact is of a temporary nature and an acceptable mitigation plan will restore the wetland to provide its

previous environmental benefit at the earliest feasible time. Temporary, for purposes of this part, means a reasonable time considering the activity involved, but any case over one growing season shall require a Commission vote of approval;

(2) Where the adverse impact is to previously altered wetlands and an acceptable mitigation plan will recreate in proximity to the original wetland the same type of wetland with equivalent or greater capacity to provide the same environmental benefits. Mitigation wetlands may not be developed if the only reason is that they are altered wetlands.

(3) Where the adverse impact is completely confined to such a small area as to be of no consequence to the wetland system, such as docks or boardwalks on pilings;

(4) Where the adverse impact has limited effect on existing environmental benefits so as to not be contrary to the public interest and an acceptable mitigation plan will create in an adjoining portion of the wetland the same type of wetland to provide the same environmental benefits;

(5) Where the adverse impact is offset by the benefit of the development to the public such that it is clearly in the public interest and an acceptable mitigation plan is proposed. Examples may include, in appropriate circumstances, the construction of public roads or other public works; or

(6) Where adverse impact can be prevented by appropriate precautions, such as control of the quantity and quality of stormwater run off into isolated wetland systems.

1-11.10 SEVERABILITY

It is declared to be the intent of the Environmental Protection Commission that, if any section, subsection, sentence, clause or provision of this rule is held invalid, the remainder of this rule shall not be affected.

1-11.11 EFFECTIVE DATE

This rule shall be effective upon approval in accordance with
law.

(SF/W1)

KEY

T - TRANSITIONAL
S - SUBMERGED

	<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
T	ACER NEGUNDO	BOX ELDER
S	ACER RUBRUM	RED MAPLE
S	ACROSTICHUM SPP.	LEATHER FERN
S	AESCHYNOMENE INDICA	-----
T	AGALINIS FASCICULATA	GERARDIA
S	AGALINIS MARITIMA	GERADIA
T	AGALINIS PURPUREA	GERADIA
T	ALETRIS SPP.	COLIC-ROOT
S	ALTERNANTHERA PHILOXEROIDES	ALLIGATOR-WEED
S	AMARANTHUS AUSTRALIS	SOUTHERN WATER HEMP
S	AMARANTHUS CANNABINUS	WATER HEMP, TIDEMARSH WATERHEMP
T	AMPELOPSIS ARBOREA	PEPPER VINE
T	APIOS AMERICANA	GROUNDNUT, AMERICAN POTATOBAN
S	ARISAEMA TRIPHYLLUM	JACK-IN-PULPIT, INDIAN TURNIP
T	ARONIA ARBUTIFOLIA	RED CHOKEBERRY
S	ASCLEPIAS PERENNIS	SHORE MILKWEED
S	ASTER CAROLINIANUS	CLIMBING ASTER
S	ASTER ELLIOTTII	-----
S	ASTER SUBULATUS	ANNUAL SALTMARSH ASTER
S	AVICENNIA GERMINANS	BLACK MANGROVE
T	AXONOPUS AFFINIS	COMMON CARPETGRASS
T	AXONOPUS FURCATUS	BIG CARPETGRASS
S	AZOLLA CAROLINIANA	MOSQUITO FERN
T	BACCHARIS ANGUSTIFOLIA	FALSE WILLOW, NARROWLEAF BACCHARIS
T	BACCHARIS GLOMERULIFLORA	GROUNSEL TREE
S	BACOPA SPP.	-----
S	BATIS MARITIMA	SALTWORT
S	BIDENS LAEVIS	BURMARIGOLD, BROOK SUNFLOWER
S	BIDENS MITIS	BEGGAR-TICKS
T	BIGELOWIA NUDATA	-----
S	BLECHNUM SERRULATUM	SWAMP FERN
S	BOEHMERIA CYLINDRICA	SMALLSPIKE FALSE NETTLE, BOG HEMP
S	BORRICHIA FRUTESCENS	SEA DAISIES, BUSHY SEA OXEYE
S	BRASENIA SCHREBERI	WATER SHIELD
S	CABOMBA CAROLINIANA	FANWORT
S	CAESALPINIA BONDUC	GRAY NICKER
T	CAMPANULA FLORIDANA	FLORIDA BELLFLOWER
S	CANNA FLACCIDA	CANNA LILY
T	CAREX SPP. (EXCEPT THE FOLLOWING:)	CAREX
S	CAREX BROMOIDES	
S	CAREX GIGANTEA	

S	CAREX LUPULOIDES	
S	CAREX MOHRIANA	
T	CARPINUS CAROLINIANA	HORNBEAM, BLUEBEECH
S	CARYA AQUATICA	WATER HICKORY
T	CELTIS LAEVIGATA	HACKBERRY, SUGARBERRY
T	CENTELLA ASIATICA	COINWORT, SPADELEAF
S	CEPHALANTHUS OCCIDENTALIS	BUTTONBUSH
S	CERATOPHYLLUM SPP.	HORNWORT
S	CERATOPTERIS SPP.	WATER HORN FERN
S	CHARA SPP.	HORNWORT
T	CHASMANTHIUM LAXUM	SPIKE CHASMANTHIUM
T	CHASMANTHIUM NITIDUM	SHINY CHASMANTHIUM
S	CICUTA MEXICANA	MEXICAN WATER HEMLOCK
S	CLADIUM JAMAICENSE	JAMAICA SAWGRASS
T	CLEMATIS CRISPA	LEATHER FLOWER, CURLY CLEMATIS
S	COCCOLOBA UVIFERA	SEAGRAPE
S	COELORACHIS RUGOSA	WRINGLED JOINTTAIL
S	COLOCASIA ESCULENTA	WILD TARO, ELEPHANT EAR
S	CONOCARPUS ERECTUS	BUTTONWOOD, BUTTON MANGROVE
T	COREOPSIS FLORIDANA	COREOPSIS
T	COREOPSIS GLADIATA	COREOPSIS
T	COREOPSIS LEAVENWORTHII	COREOPSIS
S	CORNUS FOEMINA	STIFF CORNEL, SWAMP & GRAY DOGWOOD
S	CRATAEGUS MARSHALLII	PARSLEY HAWTHORN
S	CRINUM AMERICANUM	STRING LILY, SWAMP LILY
T	CUPHEA CARTHAGENENSIS	TARWEED CUPHEA
S	CYPERUS ALTERNIFOLIUS	UMBRELLA SEDGE
S	CYPERUS ARTICULATUS	JOINTED FLATSEEDGE
T	CYPERUS BREVIFOLIUS	KYLLINGA
T	CYPERUS DISTINCTUS	-----
T	CYPERUS ERYTHORRHIZOS	REDROOT CYPERUS
T	CYPERUS FLAVESCENS	YELLOW CYPERUS
S	CYPERUS HASPAN	SHEATHED CYPERUS
T	CYPERUS IRIA	RICE FLATSEEDGE
T	CYPERUS LECONTEI	LECONTE'S CYPERUS
T	CYPERUS LIGULARIS	-----
T	CYPERUS ODORATUS	FRAGRANT FLATSEEDGE
T	CYPERUS PLANIFOLIUS	-----
T	CYPERUS POLYSTACHYOS	MANY-SPIKED FLATSEEDGE
T	CYPERUS PUMILUS	-----
T	CYPERUS STRIGOSUS	STRAW-COLORED CYPERUS
T	CYPERUS SURINAMENSIS	TROPICAL FLATSEEDGE
T	CYPERUS VIRENS	GREEN FLATSEEDGE
S	DECODON VERTICILLATUS	SWAMP LOOSESTRIFE
T	DICHONDRA CAROLINIENSIS	PONY FOOT
T	DICHROMENA SPP.	WHITE-TOPS

S	DIODIA VIRGINIANA	VIRGINIA BUTTONWEED
S	DISTICHLIS SPICATA	SEASHORESALTGRASS
T	DRYMARIA CORDATA	WEST INDIAN CHICKWEED
T	DRYOPTERIS LUDOVICIANA	FLORIDA SHIELD FERN
S	ECHINOCHLOA WALTERI	COAST COCKSPUR, WATER MILLET
S	ECHINODORUS SPP.	BURHEAD
T	ECLIPTA ALBA	COMMON YERBADETAJO
S	EGERIA Densa	BRAZILIAN & SOUTH AMERICAN ELODEA
S	EICHHORNIA CRASSIPES	WATER HYACINTH
S	ELEOCHARIS SPP.	SPIKERUSH
T	ELEPHANTOPUS CAROLINIANUS	ELEPHANT'S-FOOT
S	ELODEA SPP.	ELODEA
T	ERIANTHUS GIGANTEUS	SUGARCANE PLUMEGRASS
T	ERIANTHUS STRICTUS	NARROW PLUMEGRASS
S	ERIOCAULON SPP.	HAT-PINS
S	EULOPHIA ALTA	WILD COCO
T	EUPATORIUM MIKANIOIDES	SEMAPHORE EUPATORIUM
S	FIMBRISTYLIS SPP. (EXC. F. ANNUA & SPATHACEA)	-----
T	FLAVERIA SPP	-----
S	FONTINALIS SPP.	-----
T	FORESTIERA SEGREGATA	FLORIDA PRIVET
S	FRAXINUS SPP.	ASH
T	FUIRENA BREVISETA	UMBRELLAGRASS
S	FUIRENA SCIRPOIDEA	RUSH-LIKE UMBRELLAGRASS
S	GALIUM TINCTORIUM	DYE BEDSTRAW
S	GLEDITSIA AQUATICA	WATER LOCUST
S	GORDONIA LASIANTHUS	LOBLOLLY BAY
T	GRATIOLOA RAMOSA	-----
T	HABENARIA ODONTOPELATA	-----
S	HABENARIA REPENS	WATER-SPIDER ORCHID
T	HELIANTHUS ANGUSTIFOLIUS	SWAMP SUNFLOWER
T	HEMICARPHA MICRANTHA	-----
S	HIBISCUS GRANDIFLORUS	SWAMP HIBISCUS
S	HYDRILLA VERTICILLATA	HYDRILLA
S	HYDROCHLOA CAROLINIENSIS	WATERGRASS
T	HYDROCOTYLE UMBELLATA	MARSH PENNYWORT, UMBRELLA PENNYWORT
T	HYDROCOTYLE VERTICILLATA	WHORLED PENNYWORT
S	HYDROLEA SPP.	SKY FLOWER
S	HYGROPHILA POLYSPERMA	EAST INDIAN NYGROPHILA
S	HYMENOCALLIS SPP.	SWAMP-LILY
T	HYPERICUM CISTIFOLIUM	ROCKROSELEAVED ST. JOHNSWORT
S	HYPERICUM FASCICULATUM	SANDWEED, SANDBRUSH ST. JOHNSWORT
T	HYPERICUM HYPERICOIDES	SAINT ANDREW'S-CROSS
S	HYPERICUM MUTILUM	DWARF SAINT JOHN'S-WORT
T	HYPERICUM MYRTIFOLIUM	-----
T	HYPERICUM TETRAPETALUM	-----

T	HYPOXIS LEPTOCARPA	YELLOW-STAR GRASS
T	HYPTIS ALATA	MUSKY MINT, CLUSTER BUSHMINT
S	ILEX CASSINE	DAHOON HOLLY
T	ILEX CORIACEA	SWEET GALLBERRY
T	ILEX DECIDUA	POSSUM HAW, WINTERBERRY
T	ILEX OPACA VAR. OPACA	AMERICAN HOLLY
S	IPOMOEA SAGITTATA	SALTMARSH MORNING-GLORY
S	IRIS HEXAGONA	PRAIRIE IRIS
S	ITEA VIRGINICA	VIRGINIA WILLOW, VIRGINIA SWEETSPIRE
S	IVA SPP.	MARSH ELDER
S	JUNCUS SPP.	RUSH
S	JUSTICIA OVATA	-----
S	KOSTELETZKYA SPP.	SALTMARSH MALLOW
T	LACHNANTHES CAROLINIANA	REDROOT
S	LACHNOCAULON SPP. (EXCEPT THE FOLLOWING)	BOG-BUTTONS
T	LACHNOCAULON ANCEPS	
S	LAGUNCULARIA RACEMOSA	WHITE MANGROVE
S	LEERSIA SPP.	CUT-GRASS
S	LEMNA SPP.	DUCKWEED
S	LILAEOPSIS SPP.	-----
S	LIMNOBIUM SPONGIA	AMERICAN FROG'S BIT
S	LIMNOPHILA SESSILIFLORA	-----
S	LIMONIUM CAROLINIANUM	SEA LAVENDER, MARSH ROSEMARY
S	LINDERNIA ANAGALLIDEA	CLASPING FALSEPINKPERNEL
S	LINDERNIA DUBIA	-----
S	LINDERNIA GRANDIFLORA	-----
T	LIPOCARPHA MACULATA	AMERICAN LIPOCARPHA
T	LIQUIDAMBAR STYRACIFLUA	SWEETGUM
S	LOBELIA CARDINALIS	CARDINAL FLOWER
T	LOBELIA FEAYANA	BAY LOBELIA
S	LOBELIA GLANDULOSA	-----
T	LOBELIA HOMOPHYLLA	-----
T	LOBELIA PALUDOSA	-----
T	LOBELIA PUBERULA	DOWNY LOBELIA
S	LUDWIGIA SPP. (EXCEPT THE FOLLOWING:)	WATER PRIMROSE
T	LUDWIGIA HIRTELLA	
T	LUDWIGIA MARITIMA	
T	LUDWIGIA VIRGATE	
T	LYCIUM CAROLINIANUM	CHRISTMASBERRY, CAROLINA WOLFBERRY
T	LYCOPODIUM SPP.	CLUBMOSS
S	LYCOPUS RUBELLUS	WATER HOARHOUND
T	LYGODIUM JAPONICUM	JAPANESE CLIMBING FERN
T	LYONIA LUCIDA	FETTERBUSH
T	LYTHRUM ALATUM	LOOSESTRIFE, WINGED LYTHRUM
T	LYTHRUM LINEARE	
S	MAGNOLIA VIRGINIANA	SWEET BAY

S	MAYACA FLUVIATILIS	BOG-MOSS
T	MELANTHIUM VIRGINICUM	COMMON BUNCHFLOWER
S	MICRANTHEMUM SPP.	SHADE MUD-FLOWER
S	MIKANIA SCANDENS	CLIMBING HEMP-WEED
T	MITREOLA SPP.	MITERWORT
S	MONANTHOCHLOE LITTORALIS	SHOREGRASS, KEYGRASS, SALTFLAT-GRASS
T	MORUS RUBRA	RED MULBERRY
S	MUHLENBERGIA CAPILLARIS	HAIRGRASS, GULF HAIRAWN MUHLY
S	MUHLENBERGIA SCHREBERI	NIMBLEWILL
T	MYRICA CERIFERA (ONLY WHEN TWO STRATA ARE USED)	WAX MYRTLE
S	MYRIOPHYLLUM SPP.	WATER MILFOIL
S	NAJAS SPP.	NAIAD
S	NASTURTIUM SPP.	WATER-CRESS
S	NELUMBO SPP.	LOTUS
T	NEPHROLEPIS SPP.	BOSTON FERN, SWORD FERN
S	NITELLA SPP.	-----
S	NUPHAR SPP.	SPATTER-DOCK
S	NYMPHAEA SPP.	WATER LILIES
S	NYMPHOIDES SPP.	FLOATING HEARTS
S	NYSSA SYLVATICA	SWAMP BLACK GUM, SWAMP TUPELO
S	ORONTIUM AQUATICUM	GOLDENCLUB, NEVERWET
S	OSMUNDA CINNAMOMEA	CINNAMON FERN
S	OSMUNDA REGALIS	ROYAL FERN
S	OXYPOLIS FILIFORMIS	WATER DROPWORT
T	PANICUM DICHOTOMIFLORUM	FALL PANICUM
S	PANICUM GYMNOCARPON	SAVANNAH PANICUM
S	PANICUM HEMITOMON	MAIDENCANE
T	PANICUM REPENS	TORPEDOGRASS
S	PANICUM RIGIDULUM	REDTOP PANICUM
S	PANICUM VERRUCOSUM	WARTY PANICUM
T	PANICUM VIRGATUM	SWITCHGRASS
S	PASPALUM DISTICHUM	SEASHORE PASPALUM, KNOTGRASS
S	PASPALUM REPENS	WATER PASPALUM
T	PASPALUM URVILLEI	VASEYGRASS
S	PELTANDRA SPP.	SPOONFLOWER
T	PERSEA BORBONIA	REDBAY
S	PERSEA PALUSTRIS	SWAMP BAY
T	PHILOXERUS VERMICULARIAS	BEACH CARPET
S	PHRAGMITES AUSTRALIS	GIANT REED
S	PHYSOSTEGIA LEPTOPHYLLA	-----
T	PHYSOSTEGIA VIRGINIANA	FALSE DARGONHEAD, OBEDIENT PLANT
T	PINGUICULA CAERULEA	BLUE BUTTERWORT
T	PINGUICULA LUTEA	YELLOW BUTTERWORT
T	PINGUICULA PUMILA	SMALL BUTTERWORT
S	PISTIA STRATIOTES	WATER-LETTUCE

T	PLUCHEA SPP.	MARSH FLEABANE
T	POLYGALA CYMOSA	TALL PINE-BARREN MILKWORT
T	POLYGALA RAMOSA	LOW PINEBARREN MILKWORT
S	POLYGONUM SPP.	SMARTWEED
S	PONTEREDERIA SPP.	PICKERELWEED
S	POTAMOGETON SPP.	PONDWEED
S	PROSERPINACA SPP.	MERMAID-WEED
S	PTILIMNIUM CAPILLACEUM	MOCK BISHOP'S WEED
T	QUERCUS LAURIFOLIA	LAUREL OAK, DIAMOND OAK
T	QUERCUS NIGRA	WATER OAK
S	RHAPIDOPHYLLUM HYSTRIX	NEEDLE PALM
T	RHEXIA SPP. (EXC. R. ALIFANUS)	MEADOW-BEAUTIES
S	RHIZOPHORA MANGLE	RED MANGROVE
T	RHODODENDRON VISCOSUM	SWAMP HONEYSUCKLE, SWAMP AZALEA
S	RHYNCHOSPORA CORNICULATA	HORNED BEAKRUSH
S	RHYNCHOSPORA DIVERGENS	SPREADING BEAKRUSH
S	RHYNCHOSPORA INUNDATA	WATER RHYCHOSPORA
S	RHYNCHOSPORA MICROCARPA	LITTLESEED BEAKRUSH
S	RHYNCHOSPORA MILIACEA	-----
S	RHYNCHOSPORA MIXTA	MINGLED BEAKED-RUSH
S	RHYNCHOSPORA TRACYI	EVERGLADE BEAKRUSH
T	RHYNCHOSPORA SPP. (EXC. R. MEGALOCARPA AND THOSE DESIGNATED AS "S", ABOVE)	BEAKRUSH
S	RORIPPA TERES	MARSH CRESS
S	ROSA PALUSTRIS	SWAMP ROSE
T	RUBUS BETULIFOLIUS	SOUTHERN BLACKBERRIES
S	RUMEX VERTICILLATUS	SWAMP DOCK
S	RUPPIA MARITIMA	WIDGEON-GRASS, DITCH-GRASS
S	SABAL MINOR	DWARF PALMETTO
T	SABATIA BARTRAMII	-----
S	SABATIA CALYCINA	COAST ROSE-GENTIAN
T	SABATIA DIFFORMIS	LANCE-LEAVED SAVITIA
S	SABATIA DODECANDRA	BIG SEA-PINK
T	SABATIA GRANDIFLORA	-----
T	SABATIA STELLARIS	LITTLE SEA-PINK
S	SACCIOLEPIS STRIATA	AMERICAN CUPSCALE
S	SAGITTARIA SPP.	DUCK POTATO
S	SALICORNIA SPP.	DEAD MANS FINGERS
S	SALIX SPP.	WILLOW
S	SALVINIA MINIMA	WATER SPANGLES
T	SAMBUCUS CANADENSIS	ELDERBERRY, COMMON ELDER
S	SAMOLUS SPP.	WATER PIMPERNEL
T	SARRACENIA SPP.	PITCHER-PLANT
S	SAURURUS CERNUUS	LIZARD'S-TAIL
T	SCHIZACHYRIUM RHIZOMATUM	SOUTH FLORIDA BLUESTEM
T	SCHOENUS NIGRICANS	BLACK SEDGE

S	SCIRPUS SPP.	BULRUSH
T	SCLERIA SPP.	NUTBUSH
T	SENECIO GLABELLUS	BUTTERWEED, GOLDEN RAGWORT
S	SESUVIUM MARITIMUM	SEA PURSLANE
S	SESUVIUM PORTULACASTRUM	SEA PURSLANE
T	SMILAX BONA-NOX	GREENBRIER, CATBRIER, SAW GREENBRIER
T	SMILAX GLAUCA	WILD SARSAPARILLA
S	SMILAX LAURIFOLIA	CATBRIER, BAMBOO VINE
S	SMILAX WALTERI	CORAL GREENBRIER, WALTER'S GREENBRIER
T	SOLIDAGO GIGANTEA	LATE GOLDENROD
S	SPARGANIUM AMERICANUM	BUR-REED
S	SPARTINA SPP.	-----
S	SPHAGNUM SPP.	PEAT MOSS
S	SPILANTHES AMERICANA	CREEPING SPOT-FLOWER
S	SPIRODELA SPP.	DUCK MEAT
S	SPOROBLOLUS VIRGINICUS	SEASHORE DROPSEED
S	STILLINGIA AQUATICA	CORKWOOD
T	STYRAX AMERICANA	STORAX
S	SUAEDA LINEARIS	SEA BLITE
S	TAXODIUM SPP.	CYPRESS
S	THALIA GENICULATA	FIRE FLAG
T	THELYPTERIS SPP. (EXCEPT THE FOLLOWING:)	SHIELD FERN
S	THELYPTERIS INTERRUPTA	
S	THELYPTERIS PALUSTRIS	
S	THELYPTERIS TORRESIANA	
S	TRIADENUM VIRGINICUM	MARSH ST. JOHN'S WORK
S	TRIGLOCHIN STRIATA	ARROWGRASS
S	TYPHA SPP.	CATTAILS
S	ULMUS SPP.	ELM
S	UTRICULARIA SPP.	BLADDERWORK
S	VALLISNERIA SPP.	EELGRASS
T	VIBURNUM SPP.	VIBURNUM
T	VICIA ACUTIFOLIA	FOURLEAF VETCH
T	VICIA FLORIDANA	-----
T	VIOLA AFFINIS	-----
T	VIOLA LANCEOLATA	LONG-LEAF, LANCE-LEAVED VIOLET
T	VIOLA PRIMULIFOLIA	PRIMROSE-LEAVED VIOLET
S	WOLFFIA SPP.	MUD-MIDGET
S	WOLFFIELLA SPP.	WATER MEAL
S	WOODWARDIA SPP.	CHAINFERN
S	XYRIS SPP. (EXCEPT THE FOLLOWING: XYRIS CAROLINIANA, XYRIS JUPICAI)	YELLOW-EYED GRASS
T	ZEPHYRANTHES ATAMASCO	ATAMASCO & RAIN LILY
T	ZEPHYRANTHES SIMPSONII	RAIN-LILY