

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
JANUARY 26, 2012
9:00 AM**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

**APPROVAL OF CHANGES TO THE AGENDA AND REMOVAL OF CONSENT
AGENDA ITEMS WITH QUESTIONS, AS REQUESTED BY BOARD MEMBERS**

- I. PUBLIC COMMENT**
Three (3) Minutes Are Allowed for Each Speaker (unless the Commission directs differently)
- II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE**
Reports by Newly Elected Chair, Janet Dougherty
A. Report on January CEAC Meeting
B. Request Approval of Letter to Legislative Delegation with copy to FDEP
Secretary Vinyard regarding Title V and Petroleum Cleanup program funding.....3
- III. CONSENT AGENDA**
A. Approval of Minutes: November 17, 20117
B. Monthly Activity Reports – November & December 201111
C. Pollution Recovery Fund Report – November & December 201123
D. Gardinier Settlement Trust Fund Report – November & December 201125
E. Legal Case Summary, December 2011 & January 201227
F. Revision to Pollution Recovery Fund Agreement to Change Grantee.....31
- IV. WASTE MANAGEMENT DIVISION**
EPC Green Yard Program – Announcement of New Green Yard Designee
Florida Dial-A-Part33
- V. AIR & WETLANDS MANAGEMENT DIVISIONS – Joint Presentation**
Presentation: Improving Permitting at EPC.....35
- VI. EXECUTIVE DIRECTOR REPORT**
EPC Strategic Plan and 2012 Goals Presentation and Discussion.....37
- VII. LEGAL & ADMINISTRATIVE SERVICES DIVISION**
Approval of Letter to DEP Regarding Storage Tanks Compliance Program and
2012 Legislative Session Update.....66

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

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: January 26, 2012

Subject: Citizens Environmental Advisory Committee letter to Legislative Delegation regarding Title V and Petroleum Cleanup program funding

Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____

Division: n/a

Recommendation: Authorize the CEAC Chair to execute the letter.

Brief Summary: On November 7, 2011, Citizens Environmental Advisory Committee (CEAC) voted to send a letter to the local legislative delegation regarding drastically reduced funding that is proposed by the State of Florida for both Air and Waste local programs. On November 17, 2011, EPC Commissioners requested to review the draft letter prior to authorizing issuance by CEAC. CEAC has drafted the letter and request it be sent to the Hillsborough County Legislative Delegation.

Financial Impact: None.

Background: On November 7, 2011, Citizens Environmental Advisory Committee (CEAC) voted to send a letter to the local legislative delegation regarding drastically reduced funding that is proposed by the State of Florida for both the Air and Waste local programs, specifically air pollution Title V program and the underground storage tank compliance program. The CEAC vote was discussed with the Environmental Protection Commission at their regular board meeting on November 17, 2011. The Commissioners instructed CEAC to bring back a draft letter to the next EPC Board meeting. The letter has been drafted, is attached, and ready for signature by the CEAC Chair. CEAC requests approval of the letter in the generally attached format so that it can be executed and issued during the Legislative Session.

List of Attachments: Draft Letter

January 26, 2012

The Honorable State Senator Ronda Storms
Chairman
Hillsborough County Legislative Delegation
413 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Storms,

As you remember from your days as a county commissioner, the Citizens Environmental Advisory Committee represents seventeen members selected by the County Commission sitting as the Environmental Protection Commission (EPC) and the three municipalities within Hillsborough County, charged with the responsibilities, as directed by the Commissioners, to review and evaluate county environmental issues, and to make recommendations to the Commissioners concerning environmental issues. It is in the execution of these responsibilities that we are writing this letter to you today.

We wish to add our voice to the opinions already expressed in detail by the Commissioners and by the Executive Director of the EPC concerning potentially devastating budgetary cuts to local contracts in the Air and Petroleum Contracts Programs at EPC. In both these program areas, State-Local partnership has been in place for nearly 20 years, the results have been recognized nation-wide as models of efficient and effective environmental protection and resource restoration. The budget changes as proposed by the FDEP will in our eyes weaken these critical programs and result in less protection of our environment. Please see the attached letter from the EPC dated October 5, 2011, for more details regarding our concerns.

Moreover, we wish to point out that these same programs have been in place and just as effective in many other local communities, ranging from Alachua to Volusia County. Several of these communities have expressed their support and their concerns for their programs to their legislators as well.

We wish to join with our elected leaders on the Commission and indicate our support for continued funding of these valuable environmental programs as you enter into discussions for the upcoming state budget.

Sincerely,

Janet Dougherty
Chairman
CEAC

Enclosure

cc: Hillsborough County Legislative Delegation
Environmental Protection Commission of Hillsborough County
Herschel Vinyard, Jr., Secretary DEP
Richard D. Garrity, Executive Director, EPC

COMMISSION
Kevin Beckner – Chairman
Lesley “Les” Miller – Vice Chairman
Victor Crist
Ken Hagan
Al Higginbotham
Sandy Murman
Mark Sharpe



Executive Director
Richard D. Garrity, Ph.D.

Roger P. Stewart Center
3629 Queen Palm Dr, Tampa, FL 33619
Ph: (813) 627-2600

Fax Numbers (813):
Admin 627-2620 Waste 627-2640
Legal 627-2602 Wetlands 627-2630
Water 627-2670 Air 627-2660
Lab 635-8061

October 5, 2011

Herschel T. Vinyard, Jr., Secretary
Florida Department of Environmental Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Dear Secretary Vinyard:

We recently became aware of several budget proposals pertaining to local contracts in the Air and Waste Programs. More specifically, they involve the Petroleum Compliance and Cleanup Programs (pages 83 & 85 of the FDEP submittal for possible budget reductions Schedule VIII-B-2, and the Ambient Monitoring and Title V Programs, page 113, of same Schedule VIII-2).

Regarding the Storage Tank Compliance Verification program, we are concerned about the proposal to eliminate the contracted local programs that conduct compliance inspections. The expectation that discharges will be dramatically reduced due to secondary containment of storage tanks directly contradicts our findings. Last year over half of the discharges reported in Hillsborough County were from double walled systems indicating that the problem and threat to groundwater is still serious and merits close attention. Hundreds of these double walled systems were installed in the 1990's, with twenty year old equipment deteriorating and resulting in discharges. Hiring private contractors to perform the State's compliance inspections has been previously tried and has failed both for lack of mission fulfillment and cost effectiveness.

Experienced county inspectors have the knowledge to perform thorough inspections, review complex documents pertaining to systems, and provide immediate public assistance for complaints and discharges. A reduced number of independently contracted staff will result in lower quality inspections and a higher risk of contamination to our drinking water. Here in Hillsborough County, our EPC staff currently uses remote inspection technology to perform efficient and cost effective inspections with the highest quality, recently receiving an audit with a rating of 94.77 out of 100. This proposal would end a twenty-two year partnership with DEP and eliminate a program with an established relationship with the businesses and residents of Hillsborough County.

Addressing Petroleum Cleanup contracts, although the proposal does not seem to directly impact EPC's cleanup program this year, it does initiate a change in philosophy and eliminates 7 local cleanup programs. Local programs have been contracted by the State and funded from the Inland Protection Trust Fund to protect and restore Florida's drinking water and natural resources since 1987. The partnering is a flagship for minimizing duplication and applying resources effectively resulting in

An agency with values of environmental stewardship, integrity, honesty, and a culture of fairness and cooperation.

www.epchc.org

E-Mail: epcinfo@epchc.org

AN AFFIRMATIVE ACTION – EQUAL OPPORTUNITY EMPLOYER

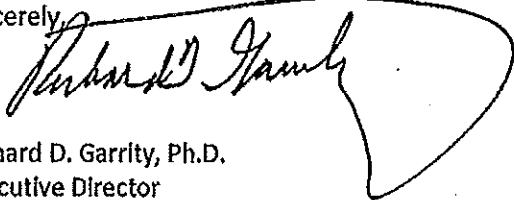
Secretary Vinyard letter
October 5, 2011
Page 2

enhanced environmental protection and restoration in a highly synergistic manner. Local programs are proximal to the sites, provide institutional knowledge related to the sites, and provide local technical expertise for the projects and the potentially affected public. The partnership is one of the most cost effective environmental enhancement and resource protection programs in Florida and is a model that other States emulate. Continued funding of local programs is paramount to the protection of our drinking water supply and to restoring contaminated properties and water resources.

Concerning the Air Monitoring and Title V contracts, we feel the forty plus percent cut proposed in SFY 12-13, on top of the reductions experienced in the last few years, deserves reconsideration. The Title V program has been successful in reducing overall air emissions from large stationary sources and at the same time receiving excellent EPA audits. The eighteen year partnership between the Department and the local programs in carrying this out has been very efficient, and in fact is one of the lowest costing Title V programs in the nation according to a recent national survey. Further efficiencies are possible, but with cuts at this level certain core elements will be jeopardized.

Your assistance on this matter will be greatly appreciated.

Sincerely,



Richard D. Garrity, Ph.D.
Executive Director
Environmental Protection Commission
of Hillsborough County
3629 Queen Palm Drive
Tampa, FL 33619

cc: Hillsborough County EPC Chairman, Commissioner Kevin Beckner
Jennifer Fitzwater, Chief of Staff, DEP
Jorge Caspary, Director – Div. of Waste Management
Hooshang Boostani – Division Director, EPC Waste Management

NOVEMBER 17, 2011 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, November 17, 2011, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Kevin Beckner and Commissioners Victor Crist (arrived at 9:04 a.m.), Al Higginbotham, Lesley Miller Jr., and Sandra Murman.

The following members were absent: Commissioners Ken Hagan and Mark Sharpe.

Chairman Beckner called the meeting to order at 9:03 a.m. Commissioner Miller led in the pledge of allegiance to the flag and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, noted staff recommended Consent Agenda Item III.F., request for authority to take appropriate legal action against Yahya M. Chaudhry, Shafiq M. Chaudhry, and Seven Star Food and Video Stores Incorporated, be withdrawn from the agenda and added a legislative update to Item IX, Legal and Administrative Services Division. Chairman Beckner called for a motion to approve the changes. **Commissioner Miller so moved, seconded by Commissioner Murman, and carried five to zero.** (Commissioners Hagan and Sharpe were absent.)

PUBLIC COMMENT

Chairman Beckner called for public comment; there was no response.

CONSENT AGENDA

- A. Approval of minutes: October 20, 2011.
- B. Monthly activity reports, October 2011.
- C. Pollution Recovery Fund report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary, November 2011.
- F. Request for authority to take appropriate legal action against Yahya M. Chaudhry, Shafiq M. Chaudhry, and Seven Star Food and Video Stores Incorporated. **Deleted from the agenda.**

Chairman Beckner called for a motion to approve the Consent Agenda. **Commissioner Miller so moved, seconded by Commissioner Murman, and carried five to zero.** (Commissioners Hagan and Sharpe were absent.)

THURSDAY, NOVEMBER 17, 2011 - DRAFT MINUTES

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, Daniel Alberdi Jr. - Mr. Anthony D'Aquila, CEAC, requested approval for the CEAC chairman to author a letter to address various EPC program funds. After clarifying the EPC would see a draft before sending, **Commissioner Murman moved to allow CEAC to move forward and prepare the draft of the letter, seconded by Commissioner Higginbotham.** Chairman Beckner confirmed the letter would be brought back at the December 2011 EPC meeting. **The motion and carried five to zero.** (Commissioners Hagan and Sharpe were absent.)

WETLANDS AND LEGAL DIVISION

Steven Scott Stephens' Dock Construction Rule Waiver Request - EPC General Counsel Richard Tschantz outlined rules and the process for public hearing requests and variances. Attorney Andrew Zodrow, EPC Legal Department, relayed information on the item, as provided in background material. Staff recommended the variance be granted. Chairman Beckner called for public comment; there was no response. **Commissioner Murman moved to approve the recommendation of staff, seconded by Commissioner Higginbotham, and carried five to zero.** (Commissioners Hagan and Sharpe were absent.)

WASTE MANAGEMENT DIVISION

EPC Green Team Report - Mr. Hooshang Boostani, Director, EPC Waste Management Division, introduced the two-part presentation. Ms. Christina Bryant, EPC, spoke on the internal green initiatives report, as presented in background material. Mr. Gerry Javier, EPC, detailed external green initiatives, highlighted the Green Star program for auto businesses, and touched on the Green Yards program for salvage yards. Commissioner Miller sought clarification on the number of certified Green Yards and encouraged program participation. Commissioner Murman suggested incorporating efforts with the Planning Commission. Dr. Garrity asked about the incentives and costs of entering the program. Responding to Chairman Beckner, Mr. Boostani favored providing input for the waste disposal services and recycling.

WATER MANAGEMENT DIVISION

Alafia River Report - Mr. Tom Ash, EPC, gave an overview on the item, as detailed in background material.

THURSDAY, NOVEMBER 17, 2011 - DRAFT MINUTES

AIR MANAGEMENT DIVISION

EPC Permit Tracking Update - Mr. Jerry Campbell, Director, EPC Air Management Division, summarized the item, as listed in background material.

EXECUTIVE DIRECTOR

Dr. Garrity gave invitations to the December 15, 2011, Christmas luncheon and thanked Ms. Debbie Sinko, EPC, for her service as Interim Wetlands Management Division director.

Introduction of Dr. Scott Emery, Wetlands Management Division Director - Dr. Garrity identified Dr. Emery, who offered appreciative remarks.

Update on Delegation - Dr. Garrity detailed the delegation process and recognized Messrs. Campbell and Thomas Tamanini, EPC, for receiving an Environmental Protection Agency grant to monitor nitrous oxide gases and Ms. Mary Yeargan, EPC, for earning a Chrysalis Award from the Florida Brownfields Association.

LEGAL AND ADMINISTRATIVE SERVICES DIVISION

Legislative Update - Attorney Rick Muratti, EPC Legal Department, discussed concerns on proposed bills that would undercut local fertilizer ordinances, require full State wetlands delegation, and consolidate wetland permitting rules. Attorney Tschantz mentioned funding issues.

Executive Director Evaluation - Attorney Tschantz called attention to the score cards, as listed in background material. **Chairman Higginbotham moved to accept, seconded by Commissioner Murman, and carried five to zero.** (Commissioners Hagan and Sharpe were absent.)

NEW BUSINESS

Chairman Beckner summarized a conversation with Dr. Garrity on putting together goals and objectives for January 2012. Commissioner Murman suggested using an evaluation form similar to the one used for County Administrator Mike Merrill.

THURSDAY, NOVEMBER 17, 2011 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 10:07 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

jh

**FY 12 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

		<u>NOV</u>	<u>DEC</u>
A. Public Outreach/Education Assistance			
1.	Phone calls	190	209
2.	Literature Distributed	10	2
3.	Presentations	4	0
4.	Media Contacts	1	0
5.	Internet	60	62
6.	Host/Sponsor Workshops, Meetings, Special Events	0	0
B. Industrial Air Pollution Permitting			
1.	Permit Applications received (Counted by Number of Fees Received)		
	a. Operating	1	1
	b. Construction	9	3
	c. Amendments / Transfers / Extensions	2	1
	d. Title V Operating:	0	1
	e. Permit Determinations	0	1
	f. General	0	0
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ^1 (Counted by Number of Fees Collected) - ^2 Counted by Number of emission Units affected by the Review)		
	a. Operating ^1	1	3
	b. Construction ^1	1	10
	c. Amendments / Transfers / Extensions^1	0	0
	d. Title V Operating ^2	77	3
	e. Permit Determinations	4	3
	f. General	2	0
3.	Intent to Deny Permit Issued	0	0
C. Administrative Enforcement			
1.	New cases received	0	0
2.	On-going administrative cases		
	a. Pending	2	0
	b. Active	7	9
	c. Legal	2	2
	d. Tracking compliance (Administrative)	12	12
	e. Inactive/Referred cases	0	0
	TOTAL	23	23
3.	NOIs issued	0	2
4.	Citations issued	0	0
5.	Consent Orders Signed	2	0
6.	Contributions to the Pollution Recovery Fund	\$ 9,000.00	\$ 1,000.00
7.	Cases Closed	1	0

**FY 12 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

NOV DEC

D. Inspections

1.	Industrial Facilities	16	9
2.	Air Toxics Facilities		
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	4	0
	b. Major Sources	5	3
3.	Asbestos Demolition/Renovation Projects	13	17

E. Open Burning Permits Issued

1	1
---	---

F. Number of Division of Forestry Permits Monitored

235	220
-----	-----

G. Total Citizen Complaints Received

38	44
----	----

H. Total Citizen Complaints Closed

24	52
----	----

I. Noise Sources Monitored

5	1
---	---

J. Air Program's Input to Development of Regional Impacts

1	2
---	---

K. Test Reports Reviewed

38	26
----	----

L. Compliance

1.	Warning Notices Issued	8	5
2.	Warning Notices Resolved	4	3
3.	Advisory Letters Issued	2	2

M. AOR's Reviewed

0	0
---	---

N. Permits Reviewed for NESHAP Applicability

2	3
---	---

O. Planning Documents coordinated for Agency Review

3	2
---	---

**FY 12 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

NOV DEC

A. ENFORCEMENT

1.	New cases received	1	1
2.	On-going administrative cases	96	96
	Pending	2	3
	Active	39	37
	Legal	9	9
	Tracking Compliance (Administrative)	45	46
	Inactive/Referred Cases	1	1
3.	NOI's issued	1	-
4.	Citations issued	-	-
5.	Consent Orders and Settlement Letter Signed	2	2
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ 230	\$4,555
7.	Enforcement Costs Collected (\$)	\$ 430	\$1,938
8.	Cases Closed	-	1

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	0	1
2.	FDEP Permits Reviewed	2	1
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	0	1
4.	Other Permits and Reports	83	82
	County Permits Received	25	13
	County Permits Reviewed	29	42
	Reports Received (SW/HW + SQG)	11	10
	Reports Reviewed (SW/HW + SQG)	18	17
5.	Inspections (Total)	292	86
	Complaints (SW/HW + SQG)	19	17
	Compliance/Reinspections (SW/HW + SQG)	16	13
	Facility Compliance	17	18
	Small Quantity Generator Verifications	240	38
	P2 Audits	0	0
6.	Enforcement (SW/HW + SQG)	58	55
	Complaints Received	19	17
	Complaints Closed	18	14
	Warning Notices Issued	0	3
	Warning Notices Closed	0	2
	Compliance Letters	21	19
	Letters of Agreement	0	0
	Agency Referrals	0	0
7.	Pamphlets, Rules and Material Distributed	23	25

C. STORAGE TANK COMPLIANCE

1.	Inspections		
	Compliance	73	85
	Installation	9	10
	Closure	14	8
	Compliance Re-Inspections	-	7
2.	Installation Plans Received	4	3

**FY 12 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

	<u>NOV</u>	<u>DEC</u>
3. Installation Plans Reviewed	4	5
4. Closure Plans & Reports		
Closure Plans Received	-	3
Closure Plans Reviewed	2	4
Closure Reports Received	1	1
Closure Reports Reviewed	5	4
5. Enforcement		
Non-Compliance Letters Issued	36	36
Warning Notices Issued	2	-
Warning Notices Closed	1	2
Cases Referred to Enforcement	-	1
Complaints Received	1	1
Complaints Investigated	1	1
Complaints Referred	-	-
6. Discharge Reporting Forms Received	3	2
7. Incident Notification Forms Received	2	4
8. Cleanup Notification Letters Issued	3	2

D. STORAGE TANK CLEANUP

1. Inspections	31	27
2. Reports Received	73	82
3. Reports Reviewed	74	71
Site Assessment Received	19	10
Site Assessment Reviewed	13	9
Source Removal Received	1	1
Source Removal Reviewed	1	1
Remedial Action Plans (RAP'S) Received	7	5
Remedial Action Plans (RAP'S) Reviewed	7	1
Site Rehabilitation Completion Order/No Further Action Rec'd	3	1
Site Rehabilitation Completion Order/No Further Action Revw'd	3	2
Active Remediation/Monitoring Received	30	42
Active Remediation/Monitoring Reviewed	36	32
Others Received	13	23
Others Reviewed	14	26

E. RECORD REVIEWS

14	7
4	13

F. LEGAL PIR'S

**FY 12 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

NOV DEC

A. ENFORCEMENT

1.	New Enforcement Cases Received	-	1
2.	Enforcement Cases Closed	-	-
3.	Enforcement Cases Outstanding	41	42
4.	Enforcement Documents Issued	-	-
5.	Recovered Costs to the General Fund	\$ -	\$ -
6.	Contributions to the Pollution Recovery Fund	\$ -	\$ -

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	14	10
	a. Facility Permit	3	5
	(i) Types I and II	-	1
	(ii) Type III	3	4
	b. Collection Systems - General	3	-
	c. Collection systems-Dry Line/Wet Line	8	5
	d. Residuals Disposal	-	-
2.	Permit Applications Approved	8	7
	a. Facility Permit	1	2
	b. Collection Systems - General	3	2
	c. Collection systems-Dry Line/Wet Line	4	3
	d. Residuals Disposal	-	-
3.	Permit Applications Recommended for Disapproval	-	-
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
4.	Permit Applications (Non-Delegated)	-	-
	a. Recommended for Approval	-	-
5.	Permits Withdrawn	-	-
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
6.	Permit Applications Outstanding	32	35
	a. Facility Permit	8	11
	b. Collection Systems - General	6	4
	c. Collection systems-Dry Line/Wet Line	18	20
	d. Residuals Disposal	-	-
7.	Permit Determination	3	4
8.	Special Project Reviews	-	-
	a. Reuse	-	-

**FY 12 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

	<u>NOV</u>	<u>DEC</u>
b. Residuals/AUPs	-	-
c. Others	-	-

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	11	10
a. Inspection (CEI)	5	8
b. Sampling Inspection (CSI)	6	2
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance	24	30
a. Inspection (RI)	22	2
b. Sample Inspection (SRI)	2	4
c. Complaint Inspection (CRI)		23
d. Enforcement Inspection (ERI)	-	1
3. Engineering Inspections	13	10
a. Reconnaissance Inspection (RI)	2	2
b. Sample Reconnaissance Inspection (SRI)	-	-
c. Residual Site Inspection (RSI)	-	-
d. Preconstruction Inspection (PCI)	-	1
e. Post Construction Inspection (XCI)	11	7
f. On-site Engineering Evaluation	-	-
g. Enforcement Reconnaissance Inspection (ERI)	-	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received	5	1
a. Facility Permit	-	1
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	5	1
b. General Permit	-	-
c. Preliminary Design Report	-	-
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	-	-
2. Permits Recommended to DEP for Approval	1	-
3. Special Project Reviews		2
a. Facility Permit	5	1
b. General Permit	-	1
4. Permitting Determination		-
5. Special Project Reviews	63	38
a. Phosphate	9	10

**FY 12 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

	<u>NOV</u>	<u>DEC</u>
b. Industrial Wastewater	15	13
c. Others	39	15

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation (Total)	8	9
a. Inspection (CEI)	8	9
b. Sampling Inspection (CSI)	-	-
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance (Total)	10	18
a. Inspection (RI)	4	-
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	6	17
d. Enforcement Inspection (ERI)	-	1
3. Engineering Inspections (Total)	8	8
a. Compliance Evaluation (CEI)	7	8
b. Sampling Inspection (CSI)	-	-
c. Performance Audit Inspection (PAI)	1	-
d. Complaint Inspection (CRI)	-	-
e. Enforcement Reconnaissance Inspections (ERI)	-	-

F. INVESTIGATION/COMPLIANCE

1. Citizen Complaints		
a. Domestic	22	21
(i) Received	11	12
(ii) Closed	11	9
b. Industrial	22	23
(i) Received	12	11
(ii) Closed	10	12
2. Warning Notices		
a. Domestic		7
(i) Issued	4	7
(ii) Closed	3	-
b. Industrial		2
(i) Issued	-	2
(ii) Closed	1	-
3. Non-Compliance Advisory Letters	4	16
4. Environmental Compliance Reviews		
a. Industrial	41	49
b. Domestic	110	101
5. Special Project Reviews	7	6

**FY 12 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

NOV DEC

G. RECORD REVIEWS

1.	Permitting Determination	8	6
2.	Enforcement	1	1

**H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS
REVIEWED (LAB)**

1.	Air division	54	65
2.	Waste Division	-	-
3.	Water Division	18	13
4.	Wetlands Division	-	-
5.	ERM Division	184	230
6.	Biomonitoring Reports	1	1
7.	Outside Agency	11	17

I. SPECIAL PROJECT REVIEWS

1.	DRIs	2	-
2.	ARs	-	-
3.	Technical Support	-	1
4.	Other	-	-

**FY 12 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

NOV DEC

ASSESSMENT REPORT

Agriculture Exemption Report

# Agricultural Exemptions Reviews	-	-
# Isolated Wetlands Impacted	-	-
# Acres of Isolated Wetlands Impacted	-	-
# Isolated Wetlands qualify for Mitigation Exemption	-	-
# Acres of Wetlands qualify for Mitigation Exemption	-	-

Development Services Reviews Performance Report

# of Reviews	63	44
Timeframes Met	100%	100%
Year to Date	99%	99%

Formal Wetland Delineation Surveys

Projects	8	9
Total Acres	232	37
Total Wetland Acres	168	6
# Isolated Wetlands < 1/2 Acre	2	1
Isolated Wetland Acreage	0.43	0.27

Construction Plans Approved

Projects	16	14
Total Wetland Acres	27	7
# Isolated Wetlands < 1/2 Acre	3	8
Isolated Wetland Acreage	0.50	4.9
Impacts Approved Acreage	0.29	4.46
Impacts Exempt Acreage	0.05	4.44

Mitigation Sites in Compliance

Ratio	172/182	171/181
Percentage	95%	95%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.50	1
Acreage of Water Quality Impacts	0.00	0.00
Acreage Restored	0.30	1

TPA Minor Work Permit

Permit Issued	29	13
Permits Issued Fiscal Year 2011	41	54
Cumulative Permits Issue Since TPA Delegation (07/09)	471	484

REVIEW TIMES

# of Reviews	214	214
% On Time	100%	97%
% Late	0%	3%

WETLANDS MANAGEMENT DIVISION

NOV DEC

A. General

1.	Telephone conferences	635	565
2.	Unscheduled Citizen Assistance	306	277
3.	Scheduled Meetings	346	340
4.	Correspondence	1,629	1,355
1/ 5.	Intergency Coordination	248	300
1/ 6.	Trainings	23	26
1/ 7.	Public Outreach/Education	6	8
1/ 8.	Quality Control	42	28

B. Assessment Reviews

1.	Wetland Delineations	11	18
2.	Surveys	7	10
3.	Miscellaneous Activities in Wetland	21	14
4.	Mangrove	4	3
5.	Notice of Exemption	3	4
6.	Impact/Mitigation Proposal	15	7
7.	Tampa Port Authority Reviews	64	39
8.	Wastewater Treatment Plants (FDEP)	-	-
9.	Development Reg'n'l Impact (DRI) Annual Report	1	1
10.	On-Site Visits	73	67
11.	Phosphate Mining	-	2
12.	Comp Plan Amendment (CPA)	-	-
1/ 13.	AG SWM	2	-
	Sub-Total		

Planning and Growth Management Review

14.	Land Alteration/Landscaping	-	-
15.	Land Excavation	-	-
16.	Rezoning Reviews	12	17
17.	Site Development	22	15
18.	Subdivision	26	16
19.	Wetland Setback Encroachment	1	-
20.	Easement/Access-Vacating	-	-
21.	Pre-Applications	25	27
1/ 22.	Agriculture Exemption	-	-
	Sub-Total		
	Total Assessment Review Activities		

C. Investigation and Compliance

1.	Warning Notices Issued	4	5
2.	Warning Notices Closed	2	4
1/ 3.	Complaints Closed	28	19
4.	Complaint Inspections	39	26
5.	Return Compliance Inspections for Open Cases	34	30

WETLANDS MANAGEMENT DIVISION

		<u>NOV</u>	<u>DEC</u>
6.	Mitigation Monitoring Reports	17	8
7.	Mitigation Compliance Inspections	27	7
8.	Erosion Control Inspections	16	9
9.	MAIW Compliance Site Inspections	52	23
10.	TPA Compliance Site Inspections	20	3
2/ 11	Mangrove Compliance Site Inspections	2	4
1/ 12	Conservation Easement Inspection	14	2

D. Enforcement

1.	Active Cases	6	7
2.	Legal Cases	3	3
3.	Number of "Notice of Intent to Initiate Enforcement"	1	1
4.	Number of Citations Issued	-	-
5.	Number of Consent Orders Signed	2	1
6.	Administrative - Civil Cases Closed	-	5
7.	Cases Referred to Legal Department	3	3
8.	Contributions to Pollution Recovery	\$ 1,644	\$ 1,000
9.	Enforcement Costs Collected	\$ 525	\$ 982

E. Ombudsman

1.	Agriculture	3	7
2.	Permitting Process & Rule Assistance	4	4
3.	Staff Assistance	2	2
4.	Citizen Assistance	5	1

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 12 POLLUTION RECOVERY TRUST FUND
10/1/2011 through 11/30/2011**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance*	\$ 641,781	Artificial Reef	\$ 136,652	Minimum Balance	\$ 120,000	
Interest	\$ 671	Project Monitoring	\$ 123,507	PROJ. FY 13 Budgets	\$ 203,459	
Deposits	\$ 19,568	FY 12 Projects	\$ 56,700	Asbestos Removal	\$ 5,000	
Refunds	\$ 200					
Total	\$ 662,220	Total	\$ 316,859	Total	\$ 328,459	\$ 16,902

PROJECT		Project Amount	Project Balance
FY 06 Projects			
#04-03 - Bahia Beach Restoration	EPE30421	150,000	303
		\$ 150,000	\$ 303
FY 08 Projects			
#07-03 - Invasive Plant Removal Egmont Key	EPE30438	133,000	10,065
		\$ 133,000	\$ 10,065
FY 09 Projects			
#08-05 - MacDill Phase 2 Seagrass Transplanting	EPE30107	79,196	2,090
#08-04 - Mini FARMS BMP Implementation	EPE40102	50,000	28,819
#08-08 - Site Assessment & Removal of Contaminated Soils	EPE20202	25,000	700
#08-03 - Wetland Restoration on County Owned Lands	EPE30441	120,000	54,220
		\$ 274,196	\$ 85,829
FY 10 Projects			
#09-01 - Basis of Review for Borrow Pit Applications	EPE30442	\$ 68,160	\$ 3,369
#09-02 - Effects of Restoration on Use of Habitat	EPE30443	84,081	43,621
#09-03 - Artificial Wetland Cells	EPE30444	5,500	5,500
#09-05 - East Lake Watershed	EPE30445	46,300	27,291
#09-04 - Pilot Project for Outfall Water Quality Lake Mag	EPE30446	92,000	92,000
#09-06 - Greenhouse Gas Inventory	EPE30447	75,000	10,751
		\$ 371,041	\$ 182,532
FY 12 Projects			
Bahia Beach Mangrove Enhancement	EPE30449	\$ 56,700	\$ 56,700
Fertilizer Rule Implementation	EPE40206		
			\$ 56,700
			\$ 335,429

* The beginning balance reported for October 2011 was an error. The correct beginning balance is reflected above.

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 12 POLLUTION RECOVERY TRUST FUND
10/1/2011 through 12/31/2011**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 641,781	Artificial Reef	\$ 136,652	Minimum Balance	\$ 120,000	
Interest	\$ 927	Project Monitoring	\$ 123,507	PROJ. FY 13 Budgets	\$ 203,459	
Deposits	\$ 34,623	FY 12 Projects	\$ 106,700	Asbestos Removal	\$ 5,000	
Refunds	\$ 49,510					
Total	\$ 726,841	Total	\$ 366,859	Total	\$ 328,459	\$ 31,523

PROJECT		Project Amount	Project Balance
FY 09 Projects			
#08-05 - MacDill Phase 2 Seagrass Transplanting	EPE30107	79,196	2,090
#08-04 - Mini FARMS BMP Implementation	EPE40102	50,000	28,819
#08-03 - Wetland Restoration on County Owned Lands	EPE30441	120,000	54,220
		\$ 249,196	\$ 85,129
FY 10 Projects			
#09-01 - Basis of Review for Borrow Pit Applications	EPE30442	\$ 68,160	\$ 3,369
#09-02 - Effects of Restoration on Use of Habitat	EPE30443	84,081	43,621
#09-03 - Artificial Wetland Cells	EPE30444	5,500	5,500
#09-04 - Pilot Project for Outfall Water Quality Lake Mag	EPE30446	92,000	92,000
		\$ 249,741	\$ 144,490
FY 12 Projects			
Bahia Beach Mangrove Enhancement	EPE30449	\$ 56,700	\$ 56,700
Fertilizer Rule Implementation	EPE40206	\$ 50,000	\$ 50,000
		\$ 106,700	\$ 106,700
			\$ 336,319

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 12 GARDINIER SETTLEMENT TRUST FUND
10/1/2011 - 11/30/2011**

Fund Balance as of 10/1/11	\$ 254,311
Interest Accrued	-
Disbursements FY 12	-
Fund Balance	<u>\$ 254,311</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 254,311
Total Encumbrances	<u>\$ 254,311</u>
Fund Balance Available	<u><u>\$ -</u></u>

**ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 FY 12 GARDINIER SETTLEMENT TRUST FUND
 10/1/2011 - 12/31/2011**

Fund Balance as of 10/1/11	\$ 254,131
Interest Accrued	251
Disbursements FY 12	(90,602)
 Fund Balance	 <u>\$ 163,780</u>
 Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 163,641
 Total Encumbrances	 <u>\$ 163,641</u>
 Fund Balance Available**	 <u><u>\$ 139</u></u>

**Per EPC Board, entire fund shall go toward
 Cockroach Bay ELAPP. Remaining fund
 balance will be encumbered to this project.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: January 26, 2012

Subject: Legal Case Summary for December 2011 and January 2012

Consent Agenda X **Regular Agenda** **Public Hearing**

Division: Legal and Administrative Services

Recommendation: None, informational update.

Brief Summary: The EPC Legal Department provides a monthly list of all its pending civil matters, administrative matters, and cases that parties have asked for additional time to file an administrative challenge.

Financial Impact: No financial impact anticipated; informational update only.

Background: In an effort to provide the Commission a timely list of legal challenges, the EPC staff provides monthly updates. The updates not only can inform the Commission of pending litigation, but may be a tool to check for any conflicts they may have. The summaries generally detail civil and administrative cases where one party has initiated some form of civil or administrative litigation, as opposed to other Legal Department cases that have not risen to that level. There is also a listing of cases where parties have asked for additional time in order to allow them to decide whether they wish to file an administrative challenge to an agency action while we concurrently are attempting to negotiate a settlement.

List of Attachments: **December 2011 and January 2012 EPC Legal Case Summary**

**EPC LEGAL DEPARTMENT MONTHLY REPORT
December 2011 and January 2012**

ADMINISTRATIVE CASES

Carmen Smith Barkett [11-EPC-012]: On November 21, 2011, the EPC received a Request for Variance or Waiver from Carmen Smith Barkett. The Applicant is requesting a Variance or Waiver to allow for the filling in of a portion of an artificially created pond partially located on the Applicant's property. Upon completion of the staff review, the request will be scheduled to be heard at a noticed public hearing in February 2012. (AZ)

Steven S. Stephens [11-EPC-010]: On Nov. 2, 2011, the EPC received a Petition for Waiver from Mr. Stephens requesting a variance to the riparian line setback requirement. A properly noticed Public Hearing was held during the regular EPC meeting on November 17, 2011. The Commission approved the variance request and a Final Order was executed on Nov. 17, 2011 and the case has been closed (AZ).

LMJ Investments, LLP, Monique M. Agia, Lisa Agia Individually and as Trustees of the Agia Children Irrevocable Trust [LEPC10-016]: On September 8, 2010 the Appellant filed a request for an extension of time to file an Appeal of a denial of a wetland impact. The request was granted and the Appellant has until October 4, 2010 to file an Appeal in this matter. On October 4, 2010, the Appellant filed a second request for an extension of time until October 8, 2010. The request was granted and on October 8, 2010 an Appeal was filed. The case has been assigned to a Hearing Officer and the administrative hearing began on July 7 and concluded on July 13, 2011. The Recommended Order has been filed in accordance with Chapter 1-2, Rules of the EPC. The parties are in negotiations regarding a settlement. On November 30, 2011, the Appellants filed a Notice of Voluntary Dismissal and the case has been closed. (AZ)

John T. Keenan [11-EPC-013]: On November 28, 2011 the Appellant, John T. Keenan, filed a request for an extension of time to file an Appeal to challenge EPC's issuance of a Minor Work Permit for modifications to an existing dock. The request was granted and the Appellant ultimately filed a Notice of Appeal on January 12, 2012. The parties are in negotiations regarding a potential modification of the structure. (AZ)

CIVIL CASES

Peter L. Kadyk/Eco Wood Systems, Inc. [11-EPC-007]: On August 18, 2011, the Commission granted authority to pursue appropriate legal action against Defendant Peter L. Kadyk/Eco Wood Systems, Inc. for failure to comply with the terms of a signed Consent Order to resolve Chapter 1-11 violations. (AZ)

Taylor, Bean & Whitaker Mortgage Corp. vs. Glen Sussan Ford Ledford, EPC, et al. [11-EPC014]: On October 5, 2011, the EPC was served a Mortgage Foreclosure Complaint. EPC filed an Answer to the Complaint accepting the Plaintiff's claim and consenting to the Court's entry of a Final Judgment in the matter. The matter is being closed. (AZ)

6503 US Highway 301, LLC [LEPC10-021]: On November 4, 2010, the EPC Legal Department filed a Complaint for Civil Penalties and Injunctive Relief against the new owner Defendant 6503 US Highway 301, LLC. This case is a continuation of the previous action against SJ Realty for environmental violations at the former 301 Truckstop site on Highway 301. (AZ)

Lambert Marine Construction, LLC. [LEPC10-017]: On September 16, 2010 the Commission granted authority to take legal action against Defendant Lambert Marine Construction, Inc. for failure to comply with the terms of an agreed upon Settlement Letter. On October 11, 2011 the court entered a judgment against Lambert Marine Construction, LLC and the case is being administratively closed at this time. The matter may be re-opened for future collection on the judgment. (AZ)

Greg and Karin Hart [LEPC10-004]: On March 18, 2010 the Commission granted authority to take legal action against the Defendants Mr. and Mrs. Greg Hart for various impacts to wetlands that are violations of the EPC Act, Chapter 1-11 (Wetland Rule), and a conservation easement encumbering the Defendants' property. On March 29, 2010, the EPC filed a civil lawsuit in Circuit Court. The case was consolidated with a related Hillsborough County case seeking an injunction to remove fill from a ditch. An initial mediation occurred on July 16, 2010; but resulted in an impasse. The second mediation on January 21, 2011, resulted in a very limited partial settlement with EPC and full settlement with the County. A jury trial was held the week of September 19, 2011. The jury returned a verdict in favor of the EPC. Defendants filed a motion for

new trial and an appeal. EPC filed a motion for final judgment to establish penalties and corrective actions. The appeal was dismissed as premature and the request for a new trial was denied. (RM)

Greg and Karin Hart [11-EPC-011]: The Harts filed a notice of appeal to the Second District Court of Appeals on October 11, 2011. The EPC filed a motion to dismiss as the appeal was filed prematurely. The appeal was dismissed as premature. This matter will be closed. (RM)

Charles H. Monroe, individually, and MPG Race Track LTD [LEPC09-017]: On September 17, 2009 the EPC Board granted authority to take legal action against Respondents for violations of the EPC Act and EPC Rule Chapter 1-11. A Citation was issued on June 29, 2009, the Respondent failed to appeal the citation and it became a final order of the Agency enforceable in Court. (AZ)

Dubliner North, Inc. [LEPC09-015]: On September 17, 2009 the Commission granted authority to take legal action against Respondent for violations of the EPC Act and EPC Rules, Chapter 1-10. A Citation to Cease and Order to Correct Violation was issued on July 24, 2009, the Respondent failed to appeal the citation and it became a final order of the Agency enforceable in court. On May 5, 2010 the EPC filed a civil lawsuit in Circuit Court against the Defendant. The Defendant did not respond to the complaint. On August 27, 2010, the EPC filed a Motion for a Court ordered default. The Default was issued on September 30, 2010. On January 14, 2011, EPC filed a Motion to Set Cause for Trial. EPC's Motion was heard on February 3, 2011 and a Trial has been set for the week of May 9, 2011. In compliance with the Court's Order, the parties conducted a mediation conference on April 22, 2011. A Mediation Settlement Agreement was entered on April 22, 2011 and executed by the parties. On August 8, 2011, the EPC filed a Notice of Voluntary Dismissal but will continue to monitor compliance with the Mediated Settlement Agreement. (RM)

U.S. Bankruptcy Court in re Jerry A. Lewis [LEPC09-011]: On May 1, 2009 the U.S. Bankruptcy Court Middle District of Florida filed a Notice of Chapter 13 Bankruptcy Case regarding Jerry A. Lewis. On May 26, 2009, the EPC filed a Proof of Claim with the Court. The EPC's basis for the claim is a recorded judgment lien awarded in Civil Court against Mr. Lewis concerning unauthorized disposal of solid waste. The EPC is preparing to seek relief from the bankruptcy stay to get an award of stipulated penalties from the state court. The site remains out of compliance with applicable EPC solid waste regulations. (AZ)

Grace E. Poole and Michael Rissell [LEPC08-015]: Authority to take appropriate legal action against Grace E. Poole and Michael Rissell for failure to properly assess petroleum contamination in accordance with EPC and State regulations was granted on June 19, 2008. The property owner and/or other responsible party are required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (AZ)

Petrol Mart, Inc. [LEPC07-018]: Authority to take appropriate action against Petrol Mart, Inc. to seek corrective action, appropriate penalties and recover administrative costs for improperly abandoned underground storage tanks and failure to address petroleum contamination was granted on June 21, 2007. The owner of the property is insolvent and the corporation inactive; however, the Waste Management Division intends on obtaining a judgment and lien on the property for the appropriate corrective actions. The Legal Department filed a civil lawsuit on September 26, 2007. The defendant was served with the lawsuit on October 12, 2007. The Court entered a default on November 9, 2007 for the Defendant's failure to respond. The EPC Legal Department set this matter for trial on March 26, 2008. The Court ruled in favor of EPC and entered a Default Judgment against the Defendant awarding all corrective actions, penalties of \$116,000 and costs of \$1,780. In the event the corrective actions are not completed the court also authorized the EPC to contract to have the site cleaned and to add those costs to the lien on the property. PRF monies were allocated in November 2008 to assist in remediating the site. (AZ)

Tranzparts, Inc. and Scott Yaslow [LEPC06-012]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Tranzparts, Inc., Scott Yaslow, and Ernesto and Judith Baizan to enforce the agency requirement that various corrective actions and a Preliminary Contamination Assessment Plan be conducted on the property for discharges of oil/transmission fluid to the environment. The EPC entered a judicial settlement (consent final judgment [CFJ]) with Tranzparts and Yaslow only on February 16, 2007 (no suit was filed against the Baizans). The Defendants have only partially complied with the CFJ, thus a hearing was held on April 28, 2008, wherein the judge awarded the EPC additional penalties. A second hearing was held on January 25, 2010, for a second contempt proceeding and additional penalties. The Judge found the Defendants in contempt and levied stipulated penalties/costs, and a contempt order was executed by the judge on March 15, 2010 requiring the facility to temporarily shut down until the facility is remediated. (RM)

Miley's Radiator Shop [LEPC06-011]: Authority was granted on April 20, 2006 to pursue appropriate legal action against

Miley's Radiator Shop, Calvin Miley, Jr., Calvin Miley, Sr., and Brenda Joyce Miley Tyner for waste management violations for improper storage and handling of car repair related wastes on the subject property. In addition, a citation was entered against the respondents on October 28, 2005 requiring specific corrective actions. The Respondents have not complied with the citation. The EPC is preparing to file a lawsuit for the referenced violations. Due to PRF expenditures to help correct violations, this case may be resolved soon. The enforcement case is being closed based on the corrective actions being performed at the site. (AZ)Boyce E. Slusmeyer [LEPC10-019]: On Sept 20, 2001 the EPC staff received authority to take legal action for failure to comply with an Executive Director's Citation and Order to Correct Violation for the failure to initiate a cleanup of a petroleum-contaminated property. The Court entered a Consent Final Judgment on March 13, 2003. The Defendant has failed to perform the appropriate remedial actions for petroleum contamination on the property. The EPC filed a lawsuit on October 7, 2010 seeking injunctive relief and recovery of costs and penalties. The EPC is waiting for the lawsuit to be served. (AZ)

PENDING CHALLENGES

The following is a list of cases assigned to the EPC Legal Department that are not in litigation, but a party has asked for an extension of time to file for administrative litigation in the hope of negotiating a settlement prior to forwarding the case to a Hearing Officer. The below list may also include waiver or variance requests.

Florida Rock Industries, Inc. [12-EPC-001]: The Petitioner filed a request for an extension of time to file a petition to challenge an Air Construction Permit. The extension was granted and the Petitioner has until March 12, 2012 to file a petition in this matter. (RM)

Henry Atkins [11-EPC-015]: On December 12, 2012 the Appellant, Henry Atkins, filed a request for an extension of time to file an Appeal to challenge EPC's issuance of a Minor Work Permit for modifications to an existing dock. The request was granted and the Appellant has until February 27, 2012 to file a Notice of Appeal. (AZ)

Cordoba-Ranch Development, LLC [11-EPC-008]: On September 9, 2011 the Appellant, Cordoba-Ranch Development, LLC, filed a request for an extension of time to file an Appeal challenging the Citation to Cease and Order to Correct Violation that was issued on August 25, 2011. The extension was granted and the Appellant has until September 10, 2012 to file a Notice of Appeal in this matter. (AZ)

Motiva Enterprises LLC [11-EPC-004]: On July 25, 2011 the Petitioner filed a request for an extension of time to file a petition to challenge the concurrent draft Construction/TitleV Operating Permit and the Title V Air Operation Permit for the Port Tampa terminal. The extension was granted and the Petitioner has until October 31, 2011 to file a petition in this matter. A second extension request was filed and EPC granted Motiva until December 30, 2011 to file a petition in this matter. The parties resolved the permit issue, a permit will issue January 2012, and the extension of time expired. This matter will be closed. (RM)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: January 26, 2012

Subject: Revision to Pollution Recovery Fund Agreement to Change Grantee

Consent Agenda **Regular Agenda** **Public Hearing**

Division: Water Division

Recommendation: Recommend approval to change the grantee on Pollution Recovery Fund agreement from Environment and Health, Integrated, Inc. to Resource Designs, Inc. and to authorize the Chairman to execute the PRF Agreement.

Brief Summary: Current PRF grant recipient Environment and Health, Integrated, Inc. has developed a conflict of interest and is no longer eligible to receive PRF grant money for the project titled "Wetland Restoration Potentials on County-owned Lands." The project is nearing completion but a different grantee is needed to complete the project. EHI has used a subcontractor, Resource Designs, Inc., to assist in the project. The parties are now requesting that Resource Designs, Inc. be awarded the remainder of the PRF grant and complete the project.

Financial Impact: No financial impact will be associated with the recommended change.

Background: Scott Emery, president of Environment and Health, Integrated, Inc (EHI), applied for and received PRF funds from this Commission in 2008 on a project titled "Wetland Restoration Potentials on County-owned Lands." The project generally requires the grantee to create a list of isolated wetlands that would be good candidates for simple restoration on County owned, Environmental Lands Acquisition, Protection, and Preservation, property. In addition a minimum of five of these restorations would be performed as part of the grant. Permits for wetland restoration are being processed with both SWFWMD and EPC. The original grant was extended until December 31, 2011. In November 2011, Scott Emery began employment with the EPC, thus he and his company have developed a conflict of interest and can no longer provide services to the EPC. More recent project work was performed by EHI subcontractor, Resource Designs, Inc. In order to continue and complete the project the parties are recommending that the PRF grantee be changed to Resource Designs, Inc, owned by Ann Hodgson. If approved, Resource Designs, Inc. will be required to execute a PRF agreement. The EPC staff requests approval of the change of grantees and authorization for the Chairman to execute the PRF agreement in a form substantially similar to the agreement executed by EHI. The new agreement will authorize all payments to the appropriate entities from December 31, 2011 until completion of the project. There is no change in the level of funding.

List of Attachments: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: January 26, 2012

Subject: Green Yard Program

Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____

Division: Waste Management Division

Recommendation: Recognize Florida Dial-A-Part as a certified Green Yard facility.

Brief Summary: The Green Yard Program is an industry friendly program that encourages auto salvage yards to go above and beyond environmental compliance through the use of Best Management Practices (BMPs) and Pollution Prevention (P2) strategies. In recognition of *Florida Dial-A-Part* successfully completing the program, a Certificate of Recognition and Green Yard flag are being presented to the owners, Mike Ingui and Matt Litt, at the EPC Board meeting.

Financial Impact: No Financial Impact

Background: The Green Yard Program was started by the Florida Department of Environmental Protection (FDEP) in the Central District in conjunction with the Florida Dismantlers and Recyclers Association (FADRA) to specifically address the auto salvage industry. In 2004, EPC decided to implement the program in Hillsborough County and hosted a workshop to introduce the program to the salvage yards located in our county. In order to be certified as a Green Yard, facilities must complete and submit for review six modules related to the various operations of the auto salvage industry. The modules also incorporate Best Management Practices (BMP) and Pollution Prevention (P2) Strategies. Once the review is complete, an onsite inspection is conducted by EPC staff to verify that the facility has successfully implemented the BMPs and P2 strategies. There are currently 10 certified Green Yard facilities in the county. *Florida Dial-A-Part* has undergone the work necessary to be certified as a Green Yard facility.

List of Attachments: [List any attachments or put none at the end of the background]

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: January 26, 2012

Subject: Improving Permitting at EPC

Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____

Division: Air and Wetlands Management Divisions

Recommendation: Informational Report

Brief Summary: EPC staff has been working on a number of different projects to improve the Agency's permitting efficiency. The purpose of this informational report is to update the Board on a few of these initiatives and receive input as needed. Both the Air and Wetlands Divisions will speak to improvements in their areas and the County has been invited to participate as well.

Financial Impact: No Financial Impact

Background: At the November Board meeting, staff gave a presentation on a number of permitting initiatives recently completed and underway. This brief presentation will provide an update and emphasize the efforts to collaborate with other permitting authorities including the County. There will be information on: outreach meetings with area municipalities and the State, EPC's field permitting, delegation of single family Environmental Resource Permitting (ERP) from DEP, an initial meeting to offer to assist the Water Management District in expediting ERPs and monitoring within Hillsborough County, and improved collaboration with the County's Development Services.

List of Attachments: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: January 26, 2012

Subject: EPC's Strategic Plan and Goals for 2012

Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____

Division: Executive Director's Report

Recommendation: Receive report and provide direction.

Brief Summary: The Agency has prepared a brief report on the EPC's 2011 Strategic Plan and the Goals for 2012. Using the Sterling process, staff identified five strategic objectives and implemented some twenty-two separate initiatives in 2011. The purpose of these initiatives was to enhance the Agency's efficiencies in delivering its core services. The primary focus of this presentation is to list the proposed goals for 2012 and seek direction from the Board.

Financial Impact: No Financial Impact.

Background: In order to improve efficiencies in delivering its core services, EPC has embraced the Sterling strategic planning process. The first strategic plan assembled using this management system was done for the year 2011 and is available on the EPC's website. The presentation will list the twenty-two goals set for last year and look forward to 2012. An action plan was developed for each of the 2012 goals and is in the agenda backup.

Following this Board briefing, the staff will finalize the 2012 goals and bring back quarterly updates. The updates will include written narratives and progress on numerical performance measures. These goals will cover the Agency's core services and be presented in final form at the EPC's Annual Report in October.

Staff is requesting that the Board receive the report and provide direction.

List of Attachments: The action plans for each of the sixteen initiatives proposed for 2012 is attached, as well as an e-mail from Rick Garrity to the Board dated December 6, 2011 titled EPC Goals/Objectives.

Tschantz, Rick

From: Garrity, Rick
Sent: Tuesday, December 06, 2011 8:37 AM
To: EPC-Commissioners; EPC-Directors
Subject: EPC Goals/Objectives
Attachments: Calendar__Initiatives_for_2012_Presentation.ppt; Goals and Objectives narrative.docx

Commissioners:

At the November , 2011 EPC Board meeting Chairman Beckner mentioned that he and I had discussed presenting in January concrete and measurable goals and objectives together with timeframes for achieving these objectives.

Chairman Beckner also asked all Board members to provide suggested long and short term goals at the December Board meeting. The thought was that Commissioners' suggestions could be incorporated into staff's January report and that together we would finalize the goals, objectives and timeframes.

At this time I don't see that we have sufficient items to warrant a full December Board meeting; however, I wanted to be sure to provide Commissioners the opportunity to provide the goals and objectives input that Commissioner Beckner suggested.

With this in mind, I have attached EPC's five Priority Goals that we developed under our Sterling Management review. Each goal has a number of specific objectives listed. I have not attached the detailed Action Plans that are currently in place, but we can go over those in January as you see fit. Each of the major goals also has a description of measures already in place.

I have also attached a proposed EPC Board meeting calendar for 2012. The presentations generally highlight significant initiatives and some involve our goals and objectives. We did this last year and found it very helpful in guiding our presentations to the Board. I thought this would be helpful as you contemplate your recommendations for us in the coming year.

My intention is to keep our appointed meeting times next week to receive your input firsthand. If you cannot keep your regular appointment for some reason, then certainly you can forward me your thoughts electronically. I have scheduled my senior staff for a retreat the week before Christmas to discuss all this, so I am anxious to hear from you.

At the retreat and in the weeks following, we will be taking all of the above information together with Board input and extract the highest priority items and list timeframes for achievement. This will be presented at the January EPC meeting for your review and approval.

I hope you find this helpful and look forward to meeting with you to get your comments and suggestions.

Regards,

Rick Garrity

Environmental Protection Commission of Hillsborough County

An agency with values of environmental stewardship, integrity, honesty, and a culture of fairness and cooperation

Action Plan 1.1 (Draft)		Related Priorities:	
Action Plan Name: Nutrient Management Initiative		Resources Needed: Outside Contractor	
Action Plan Owner: Sam Elrabi		Cost: \$50,000	Labor Hours:
To Be Completed by : December 2013		Benefits:	
		\$:	Other:
Success measured by: Overall reduction in nutrient loading to surface waters of the county as measured by various water chemistry parameters (Total N, TOC, Chlorophyll-a, etc.), improved biological response to environmental conditions and improved compliance.		Benefits/Cost: Improved surface water quality in county waters, improved environmental and public health, compliance with state and federal water quality mandates.	
Specific Actions	By Who	When	How Accomplished
1. Develop & Pass a Residential Fertilizer Rule	T. Ash	Jul 20, 2010 Complete	Public hearing and rulemaking process
2. Post final rule and FAQ on website	Legal/Admin	Jul 21, 2010 Complete	Webmaster
3. Develop public education materials & decals. Coordinate training w/FDEP & Ext.	T. Ash	Feb 2011 Complete	Partner with TBEP and adjacent counties
4. Implement a 3 yr. study to measure effect of fertilizer rule on water quality	EPC/TBEP	Jun 2011 In-progress	Partner with TBEP and adjacent counties to contract out a study
5. Evaluate study results	EPC/TBEP	Oct 2013	Data & summary by contractor
6. Present final results to EPC Board for future direction beyond 2013.	T. Ash or Contractor	Dec 2013	Place on EPC agenda for Dec 2013
7. Continue partnering with TBEP & FDEP on nutrient management issues (TMDLs, BMAPs & NNC)	EPC	In progress	Participate in Nitrogen Management Consortium for TMDLs, and BMAP/WBID technical support and field work.

Action Plan: 1.2b.i. (Draft)		Related Priorities:	
Action Plan Name: Green Initiatives II		Resources Needed:	
Action Plan Owner: Hooshang Boostani		Cost \$: ~\$7,000.00	Labor Hours:
To Be Completed by (Date): June 2013		Benefits:	
Success to be measured by: Receiving Energy Star Certification for Roger P. Stewart (RPS) Building.		Benefits/Cost: Reduced energy cost plus enhanced environmental stewardship.	
Specific Actions	By Who	When	How Accomplished
1. Planning meeting with Randy Klindworth.	Green Team	Feb 2012	Energy reduction efforts on an ongoing basis. Installation of a Chiller Plant and a comprehensive office recycling program
2. Budgetary assignment.	Hooshang Boostani	Jun 2012	Revise fiscal year 2013 budget to add item for cost of Energy Star Certification Application
3. Installation of Chiller Plant.	Contractor	Dec 2012	Contract awarded by County and construction is expected to take twelve months
4. Review all energy consumption information pertinent to the RPS building.	Green Team & Randy Klindworth	Feb 2013	Evaluate the available building information including water facilities, energy bills, recycling information, etc.

Action Plan: 1.2b.i. (Continued)

Specific Actions	By Who	When	How Accomplished
5. File Energy Star Application.	Green Team & Randy Klindworth	Feb 2013	Application to be prepared by Green Team and Mr. Klindworth
6. Obtain Certification.	Green Team	Jun 2013	Submitting sufficient application

Action Plan 1.2c. (Draft)		Related Priorities:	
Action Plan Name: School Outreach		Resources Needed:	
Action Plan Owner: Hooshang Boostani		Cost \$: ~\$2,000.00	Labor Hours:
To Be Completed by (Date): June 2012		Benefits:	
Success to be measured by: Creating a traveling environmental display to be placed in Hillsborough County Schools.		Benefits/Cost: Enhanced environmental education at schools.	
Specific Actions	By Who	When	How Accomplished
1. Formation of a team.	PIE	Feb 2012	PIE will ask the School Board and the Communications Dept. to Partner.
2. Gathering of material.	PIE	Mar 2012	Obtain pictures & information from all Divisions for the project.
3. Completion of the display.	PIE	Jun 2012	Package the obtained information into a display.
4. First school display.	PIE	Aug 2012	Place the display in the lobby of the school to be determined and moving it to different schools on a monthly basis.

Action Plan 1.2d. (Draft)		Related Priorities:	
Action Plan Name: Office of Sustainability		Resources Needed: Staff for Office of Sustainability, small operational budget	
Action Plan Owner: Jerry Campbell		Cost \$: \$ 65 K	Labor Hours: 2000
To Be Completed by (Date): June 2013		Benefits:	
		\$:	Other:
Success to be measured by: Funding and staffing the Office, Completing Energy Management & Sustainability Plan, Number of electric vehicle recharge stations operational, CNG recommendations made to the county, green web site established, energy practices implemented, purchase of electric vehicle, establish Clean Cities Coalition designation for Tampa Bay		Benefits/Cost: Reduction of energy use and resultant GHG emissions in County operations; addition of alternative energy/fuel sources in the County to help improve energy security and promote green energy opportunities	
Specific Actions	By Who	When	How Accomplished
1. Secure funding for Office of Sustainability	Air Division Director	Fall 2010 Completed	Applied to EPA for Section 105 Monies
2. Create Coordinator's position and hire for it.	Air Division Director	Jan 2011 Completed	Get Civil Service and BOCC approval to fill a coordinator's position.
3. Complete Energy & Sustainability Plan for the County	Coordinator-ability	Jul 2011 Completed	Bid out to a third party to draft the plan and present it to the EPC Board
4. Establish 7 electric vehicle recharge stations	Sustainability Coordinator	Jan 2012	Apply for grant and install stations

Action Plan 1.2d. (Continued)		Related Priorities:	
Specific Actions	By Who	When	How Accomplished
5. Evaluate feasibility of CNG as alternative for Hillsborough County Fleet	Air Division Director	Jun 2012	Interview CNG firms, conduct fleet evaluation, and make recommendations to BOCC
6. Establish Green website for County and public to promote sustainable practices	Sustainability Coordinator	Jul 2012	Work with Communications to develop a website and launch it under the new contractor
7. Fund and purchase an electric vehicle for a pilot program for EPC	Air Division Director	Jul 2012	Use excess tag Fees and get BOCC approval
8. Implement specific energy saving initiatives for the County	Sustainability Coordinator	Dec 2012	Use ESP and select 6 measures to recommend to the BOCC for full implementation
9. Establish Clean Cities Coalition designation for Tampa Bay	Sustainability Coordinator	Jun 2013	Build coalition of organizations to fund a coordinator's position and apply to DOE

Action Plan 1.3c. (Draft)		Related Priorities:	
Action Plan Name: Lakes Initiative		Resources Needed: Staff time	
Action Plan Owner: Scott Emery, Ph.D.		Cost \$: None	Labor Hours: 200/yr
To Be Completed by (Date):		Benefits:	
<ol style="list-style-type: none"> 1. Create and update EPC Board report template by March 2012 EPC Board meeting. 2. Research and reporting ongoing. 		<ol style="list-style-type: none"> 1. Environmental stewardship 2. Inform EPC Board 3. Improve shoreline habitats 4. Improve water quality 	
Success to be measured by:		Benefits/Cost:	
<ol style="list-style-type: none"> 1. Monthly reporting to EPC Board 2. # of citizen concerns addressed 			
Specific Actions		By Who	When
1. Develop EPC Board report template.	SE, PO, BO	Feb 2012	Meet with staff and develop draft template and 1 st report.
2. Present first report to EPC Board.	SE	Feb 2012	Present 1 st report to EPC Board.
3. Request feedback from EPC Board.	SE	Feb/Mar 2012	Contact Board members and get feedback.
4. Modify template per Board feedback.	SE, PO, BO	Mar 2012	Meet and modify template.
5. Maintain/enhance info exchanges with outside agencies.	SE, AD, etc.	Ongoing monthly	Monitor internet, contact outside agencies, attend meetings.

Action Plan 1.3c. (Continued)		Related Priorities:	
Specific Actions	By Who	When	How Accomplished
6. Maintain/enhance contact with LOA's & HOA's.	Wetlands Staff	Ongoing	Collect current list of LOA's & HOA's. Maintain regular contact with LOA, HOA, and attend town hall meetings. Make presentations as requested.
7. Collect feedback from EPC Board annually as to usefulness of report.	SE, PO	Annually @ Dec. EPC Meeting	Meet/discuss with Board members.

Action Plan 2.1a. (Draft)		Related Priorities:	
Action Plan Name: Increase Staff Training Opportunities		Resources Needed:	
Action Plan Owner: Hooshang Boostani		Cost \$:	Labor Hours:
To Be Completed by (Date): On going		Benefits:	
Success to be measured by: Increase number of training opportunities to staff thereby increasing the rating related to training on employee survey by 20%		Benefits/Cost: Employees will be more engaged in personal/professional development as well as perform better in their duties.	
Specific Actions		By Who	When
1. Develop Staff Survey Form	L Thorne & Senior Staff	Jan 12, 1012	Create a form approved by senior staff seeking training needs by staff
2. Email survey forms to all employees	L Thorne	Jan 12, 2012	Send approved staff survey form to staff via email and ask for feedback
3. Receive and evaluate results of the staff survey	Training Committee	Feb 10, 2012	The committee will review the staff feedback
4. Research available training grants and other opportunities to register staff for requested trainings	Training Committee	On-Going	Committee will look for grants and other opportunities to acquire the requested trainings for staff.
5. Finalize training roster	Training Committee	Mar 2012	The committee will compile the training surveys into a final training roster

Action Plan 2.1a. (Continued)		Related Priorities:	
Specific Actions	By Who	When	How Accomplished
6. Disseminate roster for implementation	L Thorne	Mar 2012	L Thorne will post the final roster on the intranet. Staff and managers will work together along with IDP's and reviews to keep the list up to date.
7. Continue updating training roster and seeking opportunities to secure training for staff	Training Committee	On-Going	The Committee will review the roster on a regular basis to look for training grants and other opportunities.

Action Plan 2.2a. (Draft)		Related Priorities:	
Action Plan Name: Develop Incentive Pay Programs		Resources Needed: Funds and staff time.	
Action Plan Owner: Rick Muratti		Cost \$: 45,000	Labor Hours:
To Be Completed by (Date): February 20, 2012		Benefits: Increase employee morale	
		\$:	Other:
Success to be measured by:		Benefits/Cost: The small amount of funds needed to support a monetary incentive is beneficial to improving employee performance and morale.	
1) 100% of employees receive notice of final monetary incentive policy.			
2) Analyze staff response in future surveys regarding benefits and recognition questions.			
Specific Actions	By Who	When	How Accomplished
1. Review monetary incentive laws.	Rick M	Dec 2011 (Complete)	Review new Florida Statutes, Civil Service laws, and existing procedures.
2. Draft a monetary incentives policy which includes criteria and procedures for lump sum performance increases and extraordinary merit increases.	Rick M	Dec 2011 (Complete)	Preparing a policy that complies with current law.
3. Review with Sr. Staff.	Rick M and Sr. Staff	Dec 2011 (Complete)	Meet and discuss draft policy.

Action Plan 2.2a. (Continued)		Related Priorities:	
Specific Actions	By Who	When	How Accomplished
4. Finalize policy based on Sr. Staff discussion.	Rick M and Rick G	Feb 2012	Review meeting notes, review laws, ensure adequate budget, and finish policy for signature.
5. E-mail policy to all staff.	Rick M	Feb 2012	Via e-mail.
6. Implement policy and review employee survey results regarding staff's opinion about improved benefits and recognition programs.	Sr. Staff	Dec 2013	Review employee survey.

Action Plan: 2.3a. (Draft)		Related Priorities: 1.1, 2.1, 2.2, 3.1, 5.1 5.2, 5.3	
Action Plan Name: Prepare Sterling Challenge Application		Resources Needed: Extensive staff time to prepare application	
Action Plan Owner: Dr. Richard Garrity		Cost \$: Approximately \$10,000 including application and site visit fees and examiner visit expenses	Labor Hours: Staff time to prepare and refine Strategic Plan, Organizational Profile and Sterling Category analyses
To Be Completed by: December 2012		Benefits:	
Success to be measured by: Timely completion of a Sterling Challenge Application with Strategic Plan, Organizational Profile and Sterling Category Analyses		Benefits/Cost: Benefit: completion of a self assessment followed by an external independent review and feedback with the intent for overall agency improvement. Costs: Dollars and staff time as stated above.	
Specific Actions	By Who	When	How Accomplished
1. Complete draft Strategic Plan	Leslie/Kelley	Complete	Senior staff, Sterling Coordinators and agency work groups all participated in the planning process
2. Complete draft Organizational Profile	Leslie/Kelley	Complete	Senior staff, Sterling Coordinators and agency work groups all participated in the planning process
3. Complete Category 1 (Leadership) analysis and bullet response	Senior Staff	Complete	Senior staff reviewed questions and answered using ADLI evaluation

Action Plan: 2.3a. (Continued)			
Specific Actions	By Who	When	How Accomplished
4. Complete Category 1 narrative	Leslie/Kelley	Feb 2012	Leslie & Kelley will use bullets from senior staff to write narrative
5. Complete Category 2 (Strategic Planning) analysis and bullet response	Senior Staff	Jan 2012	Same as 3
6. Complete Category 2 narrative	Leslie/Kelley	Feb 2012	Same as 4
7. Review of results to date by Dave Klator and Pat Sciarappa and adjustments as required	Senior staff, Leslie/Kelley, and Coordinators	Feb 2012	Dave and Pat will review information for completeness and staff to address comments
8. Complete Category 3 (Customer Focus) analysis and bullet response	Jerry C and staff team	Feb 2012	Team reviewed questions and answered using ADLl evaluation
9. Complete Category 3 narrative	Leslie/Kelley	Jun 2012	Same as 4
10. Complete Category 4 (Measurement) analysis and bullet response	Sam E and staff team	Mar 2012	Same as 7
11. Complete Category 4 narrative	Leslie/Kelley	Jun 2012	Same as 4
12. Complete Category 5 (Workforce Focus) analysis and bullet response	Hooshang and staff team	Apr 2012	Same as 7

Action Plan: 2.3a. (Continued)

Specific Actions	By Who	When	How Accomplished
13. Complete Category 5 narrative	Leslie/Kelley	Jun 2012	Same as 3
14. Complete Category 6 (Process Management) analysis and bullet response	Scott E and staff team	May 2012	Same as 4
15. Complete Category 6 narrative	Leslie/Kelley	Jun 2012	Same as 4
16. Complete Category 7 (Results) analysis and bullet response	Senior Staff	Jun 2012	Same as 7
17. Complete Category 7 narrative	Leslie/Kelley	Jun 2012	Same as 4
18. Review of results to date by Dave Klator and Pat Sciarappa and adjustments as required	Leslie/Kelley	Jun 2012	Dave and Pat will review information for completeness and staff to address comments
19. Decision point to proceed with Challenge application, or Navigator survey or both	Senior Staff	Jul 2012	Decision based on completion to date
20. Complete results of decision in #19	Senior staff, Coordinators and Leslie/Kelley	Dec 2012	If we go with the Challenge application Leslie & Kelley will supervise the effort with help from all

Action Plan 3.1d. (Draft)		Related Priorities:	
Action Plan Name: Rule Efficiency Initiative		Resources Needed: In-house Staff Time	
Action Plan Owner: Sam Elrabi		Cost \$: 500	Labor Hours:
To Be Completed by (Date): November 2013		Benefits:	
Success to be measured by: An overall reduction of obsolete, outdated, and vague rules.		Benefits/Cost: Improve efficiency and customer satisfaction by streamlining rules with the enabling Act and identifying/deleting obsolete ones. Thereby providing customers with clarified rules reflecting consistency and accuracy. \$500 for advertising in paper.	
Specific Actions	By Who	When	How Accomplished
1. Review Agency rules for accuracy and streamlining	Team	In-progress	Team members review rules pertaining to their specific Divisions.
2. Produce a list of Rules or sections for deletion, modification, or updating	Division Rep.	Feb 2012	Division reps provide revisions after consulting their Division.
3. Review all proposed revisions with Legal Department	Team + Rick M.	Feb 2012	Team Meetings with Legal.
4. Present proposed revisions to Senior Staff for approval.	Team Reps.	Mar 2012	Presentation To Senior Staff
5. Present proposed revisions to EPC Board & seek approval for public workshop & hearing	Legal	May 2012	Presentation during EPC Board Meeting
6. Conduct a Public workshop for Rule revisions	Team/Legal	Jun 2012	Conduct public workshop to discuss rule changes.
7. Final Rule revision adoption	Legal	Jul 2012	Advertise hearing and place on EPC Board Agenda.

Action Plan 3.2a. (Draft)		Related Priorities:	
Action Plan Name: One Stop Permitting		Resources Needed: Staff Time	
Action Plan Owner: Scott Emery		Cost \$: 10,000	Labor Hours: 3,000
To Be Completed by (Date): December 2012		Benefits: One stop permitting Lower costs Reduced complexity	
Success to be measured by: 1. Increase in local delegated permits issued. 2. Increased duties per existing/new MOUs. 3. Decreased processing time for customers.		Benefits/Cost: Streamline customer service. Calculate potential permitting fee savings. Estimate reduced hours spent by FDEP and SWFWMD compared with EPC staff hours.	
Specific Actions	By Who	When	How Accomplished
1. Meet with Public Works Director and Asst. County Administrator to focus tasks.	Dr. G & Scott Emery	Feb & Mar 2012	Phone calls/meetings to discuss process and assign tasks.
2. Develop specific approach , identify partners, and options for implementation.	Wetlands & HC Stormwater	Apr & May 2012	Use power point and short report.
3. Develop team structures, specific ERP sub category qualifications, & ability to meet timelines.	Scott Emery & team	May & Jun 2012	Team leader meets with EPC staff & county staff and compiles info.
4. Develop presentation for FDEP and SWFWMD for a "win-win-win" and request buy in.	Team leader & team	Jul 2012	Draft power point presentation, and short report, and meet with FDEP and SWFWMD.
5. Update EPC Board on progress.	Team	Monthly, Ongoing	Team updates EPC @ monthly Board Meetings, as needed.

Action Plan 3.2a. (Continued)		Related Priorities:	
Specific Actions	By Who	When	How Accomplished
6. Develop written conceptual agreements with FDEP & SWFWMD.	Sr. Staff & legal	Dec 2012	Use of appropriate govt teams.
7. Apply for additional ERP/WUP delegation.	EPC Legal staff & HC	Mar 2013	Submit joint application to FDEP.

Action Plan 3.3 (Draft)		Related Priorities:	
Action Plan Name: Enhanced Priority Permitting		Resources Needed:	
Action Plan Owner: Jerry Campbell		Cost \$:	Labor Hours:
To Be Completed by (Date): December 2012		Benefits: Improved service to the public and the regulated community.	
Success to be measured by: The number of agencies participating and customer survey results. December 2012, 100% of the applications processed in less than half the statutory limit. December 2012, 100% of Customer Surveys to receive a 4.0 or better.		Benefits/Cost: Providing an expedited review for applicants with time sensitive projects which have the potential for significant benefit to the public and/or the environment.	
Specific Actions	By Who	When	How Accomplished
1. Develop criteria for Priority Permitting Program and get Board direction.	Priority Permitting Chair	Complete - Nov 2010	Draft program elements using input from all operational divisions. Make a Board presentation.
2. Ensure PP program practices are implemented.	Operational Divisions	Complete – Jan 2011	Permitting staff will consult with the division director prior to issuing a RAI and keep the Executive Director updated on any PP applications.

Action Plan 3.3 (Continued)			
Specific Actions	By Who	When	How Accomplished
3. Track each application associated with any Priority Permitting project and determine the time to issue as a percentage of the statutory limit.	Operational Divisions	Jun 2011; Complete	Each division tracks their own priority permitting applications and time to issue as a percent and includes it in the Performance Measures report.
4. Provide the applicant a customer survey at the conclusion of the process.	Priority Permitting Committee	Jun 2011; Complete	Have the Chair provide the survey and include the results in their quarterly report.
5. Other applicable departments will be encouraged to participate.	Priority Permitting Committee	Sep 2011; Complete	EPC's team will contact outside departments and agencies to discuss full participation in priority permitting.
6. Set up video conferencing capability with County Permitting Center.	EPC IT	Feb 2012	Purchase equipment and establish protocol
7. Meet with Tampa, Plant City and Temple Terrace to discuss expanding the program coordination with their permitting centers.	Priority Permitting Committee	Mar 2012	Contact each of the municipalities and meet with them one-on-one
8. Meet with DEP District Office to discuss expanding the program coordination with their permitting programs.	Priority Permitting Committee	Jun 2012	Meet with District Secretary and then their program administrators
9. Evaluate County's Accela software for compatibility with EPC's permitting programs.	Priority Permitting Committee	Sep 2012	Meet with County Accela project team and implement necessary steps for integration

Action Plan 4.1a. (Draft)		Related Priorities:	
Action Plan Name: Grant Writing Committee		Resources Needed: Committee and staff time	
Action Plan Owner: Laura Thorne		Cost \$: 0	Labor Hours:
To Be Completed by: December 2012		Benefits: Bring in additional funds to EPC, increase partnerships, help accomplish EPC MVVs	
Success to be measured by: Seek funding for 3 of the top priority grants that are on the created agency list in the first year. Compare the amount of awards received over the previous two year period.		Benefits/Cost: Help staff to be more focused and successful when coupling projects to possible grant sources which will in turn maximize the funds coming to EPC.	
Specific Actions	By Who	When	How Accomplished
1. Committee Integration	Grant Committee	Feb 28, 2012	Design a plan to improve grant acquisition process. Create a document that summarizes the goal of the group and the plan.
2. Potential project compilation	Committee with Staff	Mar 31, 2012	Committee members meet with sections to analyze current and potential new projects. Committee then combines lists from all divisions, analyzes the responses, and identifies priority projects.
3. Share information	Committee	Apr 30, 2012	List and recommendations from committee are shared with sections and posted on intranet.

Action Plan 4.1a. (Continued)		Related Priorities:	
Specific Actions	By Who	When	How Accomplished
4. Guidance Document	LT with assistance from Committee	Jun 1, 2012	Create SOP to add to current grant policy that walks staff through steps when considering grant funding.
5. Apply for grants for top 3 priorities	LT with assistance from Division applicant	Dec 1, 2012	Use approved SOP to apply for top 3 grant opportunities.

Action Plan 4.2a. (draft)		Related Priorities:	
Action Plan Name: Employee Efficiency Committee		Resources Needed: Staff time	
Action Plan Owner: Mike McKelvey		Cost \$:	Labor Hours:
To Be Completed by (Date): June 2013		Benefits: To make more efficient use of current staffing and financial resources	
		\$:	Other:
Success to be measured by: Achieve a \$5,000 target reduction in personnel and/or operating costs through employee generated ideas within 12 months		Benefits/Cost: Target of \$5,000 for FY.	
Specific Actions	By Who	When	How Accomplished
1. Establish an employee cost-saving ideas policy/protocol	Mike M.	Mar 2012	Draft incentive-based policy; Reviewed by Senior Staff; Approved by Exec. Director
2. Establish a review team to evaluate employee cost-saving ideas	Mike M.	Mar 2012	By seeking volunteers from each division via EPC-ALL email
3. Create an Intranet link to email ideas directly to the Exec. Director	MIS	Mar 2012	MIS will add link on EPC Intranet as a means to submit ideas
4. Implement employee cost-saving ideas program to the Agency	Mike M.	Jun 2012	EPC-ALL email; Directors & Managers & Supervisors during staff meetings
5. Evaluate actual savings after one year	Mike M.	June 2013	Mike to make written report to Executive Director on actual savings

Action Plan 5.1e. (Draft)		Related Priorities:	
Action Plan Name: Agency Performance Measures		Resources Needed:	
Action Plan Owner: Jerry Campbell		Cost \$:	Labor Hours:
To Be Completed by (Date): December 2012		Benefits:	
		\$:	Other:
Success to be measured by: Meeting 2012 goals for measures in five core functional areas.		Benefits/Cost: Make the Agency more efficient and improve its ability to serve the public.	
Specific Actions	By Who	When	How Accomplished
1. Determine pre-Sterling performance for the core functions.	PM Committee	Feb 2012	Select one performance measure for each of the 5 core functions and determine the Agency performance for a pre-Sterling year (2009)
2. Tabulate Agency performance after first year of Sterling improvements in the core functions.	PM Committee	Feb 2012	Collect performance measures for 2011
3. Set goals for improvement for 2012	Senior Staff	Feb 2012	Evaluate 2009 data and compare it to 2011. Set goals based on realistic expectations and Action Plans in place.
4. Monitor progress on meeting the 2012 goals.	PM Committee	Mar 2012 and quarterly thereafter	Report quarterly year-to-date figures for the five selected performance measures and compare them versus the goal.
5. State final results	Executive Director	Oct 2012	Report latest year-to-date figures in Annual Report.

Action Plan 5.2c. (Draft)		Related Priorities:	
Action Plan Name: Upgrade Server and IT Service		Resources Needed: MIS Staff	
Action Plan Owner: Shannon Parris		Cost \$: Unknown	Labor Hours:
To Be Completed by (Date): December 2012		Benefits:	
		\$:	Other:
Success to be measured by: Percentage of system uptime measured in hours based on annual available hours of 8760. Real costs savings when compared to conventional hardware purchasing based on historical data		Benefits/Cost: Capital cost savings realized over time (?). Efficiencies created in management of capital equipment and technology. Improved overall performance of network/desktop technologies	
Specific Actions	By Who	When	How Accomplished
1. Virtualize Server systems and reconfigure physical configuration	MIS	Nov 2011 Completed	By MIS and Contractor
2. Identify virtual desktop technology and obtain price quotes	Shannon	May 2012	Research and Partnership with vendors.
3. Develop deployment strategy for agency	Shannon	May 2012	Industry analysis combined with evaluation of agency goals in a written report to the Executive Dir
4. Configure, test, and deploy new virtual desktop environment	MIS	Jul 2012	Build test environment using production equipment and test hardware and software/application functionality.
5. Trouble reporting of Virtual environment used to gather uptime measurement data.	Shannon	Sep 2012	Create categories within TrackIT specific to this environment
6. Make recommendation based on pilot evaluation for full agencywide implementation.	MIS	Dec 2012	Written report to Executive Director to include total cost/benefit analysis

Action Plan: 5.3 (Draft)		Related Priorities: 2.1, 2.2, 2.3	
Action Plan Name: Advanced Leadership Development Program (ALDP)		Resources Needed: Staff time, County Human Resource training cooperation	
Action Plan Owner: Rick Garrity		Cost \$: 5,000.00	Labor Hours:
To Be Completed by (Date): July 2012		Benefits: Improve cadre of in-house staff eligible for promotion to leadership roles at EPC and improve staff morale.	
Success to be measured by: Increase in staff satisfaction with mentoring and leadership development opportunities as measured in employee survey; Initiate Advanced Leadership Development Program (ALDP) by April 2011; 5% of staff completing ALDP in initial year.		Benefits/Cost: At minimal cost EPC is providing for smooth succession for leadership roles in the agency.	
Specific Actions		By Who	When
1. Organize an ALDP Coordinating Committee.	Executive Director	Complete	Directors name staff to Committee.
2. Draft an ALDP for the agency which addresses succession issues and leadership development.	Team	Complete	Committee and Executive Director draft Program.

Action Plan: 5.3 (Continued)			
Specific Actions	By Who	When	How Accomplished
3. Include in the ALDP a general description, bulleted features and activities, responsibilities, an application form and requirements, and a proposed curriculum.	Team	Complete	ALDP Team discussions and assignments.
4. Develop an electronic application procedure.	Elaine	Complete	Set up an electronic application procedure in the EPC Intranet.
5. Run drafts of ALDP by Senior Staff.	Executive Director	Complete	Discussions at Senior Staff.
6. Announce ALDP to all staff.	Executive Director	Complete	E-mail to all staff from Executive Director.
7. ALDP Committee continue to develop and improve Program details for year 1.	Team	Ongoing Complete	Ongoing Committee work with Committee Chair directing efforts.
8. Accept applications and select initial Program participants.	Team, Directors	May 2011 Complete	Initial screening by ALDP Team and final selection by Directors.
9. Run the initial Program and evaluate at conclusion of year 1.	Team	June 2012	Directors and Committee evaluate after 1 year and plan for following year.
10. ALDP Committee revise and improve the Program as warranted.	Team	July 2012	Continuous Program improvement from the evaluation process.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: January 26, 2012

Subject: Approval of Letter to DEP Regarding Storage Tanks Compliance Program and 2012 Legislative Session Update

Consent Agenda _____ **Regular Agenda:** X **Public Hearing** _____

Division: Legal and Administrative Services

Recommendation: Authorize Chairman to execute letter.

Brief Summary: The 2012 Florida Legislative Session began January 10, 2012. EPC staff has already reviewed many bills of interest and are focusing on those that may impact the effectiveness of local governments. Additionally, the Executive Director is requesting that the Commission authorize the Chairman to execute a letter to the Secretary of the DEP regarding proposed changes to the storage tanks compliance program that could impact local regulatory powers and risk reduced protection of our groundwater.

Financial Impact: No financial impact anticipated.

Background: The 2012 Florida Legislative Session commences on Tuesday January 10, 2012 and will close on Friday March 9, 2012. This is an early session due to redistricting. The EPC staff tracks dozens of environmental and administrative bills and the State budget. Additionally staff provides comments, analysis, and assistance to the County's Public Affairs Office, the Florida Association of Counties, and the Florida Local Environmental Resource Agencies (FLERA). The Commission approved a basic legislative strategy (EPC Policy No. 2007-02) on March 15, 2007, that gives staff continuing direction to monitor, comment on, and lobby for, among other things, bills that impact the functions of the EPC.

1. **Tanks Compliance:** EPC staff is concerned about a budgetary proposal and DEP staff proposal that in combination may eliminate the contracted local programs (such as the EPC's) that conduct petroleum storage tank compliance inspections in favor of independently contracted inspectors and/or temporary state employees. We recognize these difficult economic times require continued cuts, but request that the Commission, via a letter to the DEP Secretary, Herschel T. Vinyard, urge him to reconsider the proposal to eliminate these local program as we cannot afford to risk long term damage to the Florida aquifer, our primary drinking water supply, if oversight is reduced via less staff, less inspections, and/or more infrequent inspections of petroleum storage tanks.

2. **Legislative Summary:** The following are some of the more notable bills the EPC has been tracking early in the session:

a) **Fertilizer.** Senate Bill 604 (Dean) and House Bill 421 (Smith). This is a local government preemption bill. SB 604 and HB 421 propose to amend existing fertilizer certification laws (section 482.1562, F.S.) and generally state that certified commercial fertilizer applicators are exempt from following any local fertilizer ordinances. The Legislature passed a law in 2009 (sec. 403.9337, F.S.) that details how a local government could adopt a more stringent local ordinance. The EPC and many other local governments passed fertilizer control rules based on this law. The last two sessions, Legislators have tried to weaken the law. The bill has no grandfather provision for rules/ordinances already in place. Thus, all local ordinances regarding fertilizer application would mainly apply to homeowners who do their own yard work, not to certified commercial fertilizer applicators. An exemption for certified commercial applicators would reduce the effect of local ordinances to the one-size-fits-all minimum provisions set forth in the FDEP Fertilizer Model Ordinance. The bill effectively limits local communities' ability to protect their water bodies from nutrient pollution. If local governments are prohibited from regulating the commercial application of fertilizer, those local governments' ability to comply with stringent State and federal water quality laws (e.g. – TMDLs and numeric nutrient rules) is greatly diminished and they may have to implement more expensive controls to reduce nutrients entering waterways (e.g. – upgrade wastewater treatment plants).

b) **Environmental Regulation (ERP Delegation).** House Bill 503 (Patronis) and Senate Bill 716 (Bennett). This bill is similar to one proposed last session and it requires any local program that has a wetland and surface water regulatory program to apply for Environmental Resource Permit (ERP, a/k/a – wetlands and surface water permitting) delegation by January 1, 2014 from the Florida Department of Environmental Protection (DEP). If the local program fails to get delegation within 2 years or January 1, 2016, then the local program can no longer require persons to acquire local wetland/surface water permits. Local program with delegation prior to January 1, 2014, do not need to re-apply. The EPC has been delegated ERP permitting from the DEP for single family homes and small structures such as boat ramps, docks, and piling. If this bill passes, the EPC would still have to expedite application for the remainder of ERP permitting delegation that we do not have, which mainly are those portions of ERP performed by SWFWMD, including but not limited to residential subdivisions and commercial developments.

c) **Septic Tanks.** Senate Bill 820 (Dean) and HB 999 (Dorworth and Coley). This Senate bill is a similar to one proposed in the 2011 session to undo the recently created state-wide septic tank inspection program. The bill would require local governments that have first magnitude spring to implement a local septic tank inspection program. Hillsborough does not have a first magnitude spring thus we would not have to adopt a local rule, but we would lose another tool to limit nutrient pollution in our waterways if the state-wide program is eliminated. The House bill also eliminates the state-wide program, but does not create a mandatory local program for counties with first magnitude springs. The House bill merely creates an optional local program for septic tank evaluation.

d) **Environmental Resource Permitting (State-Wide Consistency).** HB7003 (Crisafulli) and SB1354(Detert). This bill proposes to unify the various wetlands permitting rules (ERP) used by the DEP and the five Water Mgmt. Districts. The DEP is charged with drafting the rule and the WMDs and delegated local programs will have to utilize it. Currently, the DEP has various ERP rules that apply state-wide and the WMD have five different rules that only apply within their jurisdiction, but the DEP utilizes large portions of the WMD rules too. Some argue that this can lead to some confusion and inconsistency in wetland permitting and enforcement, thus this bill forces one unified ERP rule and

standardized fees. The DEP must use the existing DEP and WMD rules as the basis for the new rule, but reconcile differences between the current rules. The DEP also has some flexibility to account for physical and natural differences within each WMD. After the rule is adopted, WMDs may still adopt rules for design and performance standards for stormwater management systems. DEP must conduct training to ensure consistency by DEP, WMD, and delegated local programs. Any new statewide rule is considered also a rule of the WMDs and delegated local programs and can be implemented by them immediately without further rulemaking. Local pollution control programs that have ERP delegation or that propose to have delegation, must adopt the new DEP ERP rules **without modification** for all permitting, compliance, and enforcement purposes.

The EPC staff is tracking a myriad of other bills, such as mitigation banking (HB599/SB824), fee collection (HB1063), and ordinary high water line demarcation (HB1103/SB1362), but we are mainly focused on pre-emption bills and budgetary matters.

List of Attachments: Draft letter to DEP

January 26, 2012

Herschel T. Vinyard, Jr., Secretary
Florida Department of Environmental Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Subject: Petroleum Storage Tank Compliance Verification Program

Dear Secretary Vinyard:

On behalf of the elected Hillsborough County Commissioners that sit as the Environmental Protection Commission of Hillsborough County (EPC), I was authorized by a board vote on January 26, 2012, to voice our concerns about the viability of this outstanding program that provides a benefit to the DEP, the local community, and the continued health of our groundwater.

As you are aware, from staff meetings and a letter sent by Dr. Garrity, Executive Director, to you on October 5, 2011, the EPC is concerned about the proposal to eliminate the contracted local programs that conduct petroleum storage tank compliance inspections in favor of independently contracted inspectors and/or temporary state employees. We recognize these difficult economic times require continued cuts, but urge you to reconsider the proposal to eliminate this local program as we cannot afford to risk long term damage to the Florida aquifer if oversight is reduced.

Our experienced local government inspectors:

- 1) have the technical and historical knowledge to perform thorough inspections,
- 2) review complex documents pertaining to pollutant storage systems, and
- 3) provide technical oversight and immediate public assistance for complaints and discharges.

Here in Hillsborough County, our EPC staff consistently strives to streamline environmental regulations. For example, the EPC uses remote inspection technology to perform efficient and cost effective inspections with the highest quality. The EPC recently received a DEP audit with a rating of 94.77 out of 100. Our inspectors work closely with facility representatives and petroleum contractors to assure compliance with DEP rules and to provide a more seamless customer experience. Additionally, we also review applications for installation and closure projects before they are processed by the County and cities – a proactive approach that eliminates problems up front.

Local programs are the best defense against groundwater contamination. It bears repeating that local programs are proximal to the sites, provide institutional knowledge related to the sites, and provide local technical expertise for the projects and the potentially affected public. The partnership is one of the most cost effective environmental enhancement and resource protection programs in Florida and is a model that other States emulate. Continued funding of local programs is paramount to the protection of our drinking water supply and to restoring contaminated properties and water resources.

A reduced number of independently contracted staff will result in lower quality inspections and a higher risk of contamination to our drinking water. Hiring private contractors to perform the State's compliance inspections has been previously tried by the DEP and has failed both for lack of mission fulfillment and cost effectiveness.

The EPC provides the highest quality level of service in support of the DEP's core mission of protecting human health and the environment. We urge you to continue to fund this program at current levels. However, if budget reductions must be made, please work with the local communities to ensure that our locally trained staff continue to provide this valuable service to our counties. Your assistance on this matter will be greatly appreciated and I look forward to your response.

Sincerely,

Kevin Becker
Chairman
Environmental Protection Commission
of Hillsborough County

cc: Richard Garrity - Executive Director, EPC
Jennifer Fitzwater - Chief of Staff, DEP
Jorge Caspary – Division Director, DEP Waste Management
Hooshang Boostani – Division Director, EPC Waste Management

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