



EPC COMMISSIONERS

Kevin Beckner, *Chair*
Lesley "Les" Miller, Jr., *Vice Chair*
Victor D. Crist
Ken Hagan
Al Higginbotham
Sandra L. Murman
Mark Sharpe

Richard Garrity, PhD
Executive Director

Richard Tschantz, Esq.
General Counsel

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

MEETING AGENDA

SEPTEMBER 20, 2012

9 a.m.

*Commissioner's Board Room, County Center 2nd Floor
601 East Kennedy Boulevard, Tampa, FL*

INVOCATION AND PLEDGE OF ALLEGIANCE

REMOVAL OF CONSENT AGENDA ITEMS FOR QUESTIONS, COMMENTS, or SEPARATE VOTE

APPROVAL OF CHANGES TO THE AGENDA

I. PUBLIC COMMENT

Three (3) Minutes Are Allowed for Each Speaker (unless the Commission directs differently)

II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE

Summary of recent CEAC meeting by CEAC Chair

III. CONSENT AGENDA

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IV. PUBLIC HEARING

Public Hearing regarding Joseph and Jennifer Ferrante Rule Variance Request43

V. EXECUTIVE DIRECTOR REPORT

EPC's 2012 Annual Report.....77

VI. AIR MANAGEMENT DIVISION

County Noise Ordinances

VII. WASTE MANAGEMENT DIVISION

National Pollution Prevention Week Proclamation.....81

VIII. WATER MANAGEMENT DIVISION

Fertilizer Study Peer Review Update

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

IX. WETLANDS MANAGEMENT DIVISION
A. Lakes Initiative Report: #5 of the Series 85
B. Advanced Leadership Development Program (ALDP) Project Presentation 87

X. LEGAL & ADMINISTRATIVE SERVICES
A. EPC and Tampa Bay Estuary Program Agreement 89
B. EPC Executive Director's Annual Evaluation 101

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.

AUGUST 9, 2012 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, August 9, 2012, 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.), Ken Hagan, Al Higginbotham, Lesley Miller Jr., Sandra Murman, and Mark Sharpe (arrived at 9:05 a.m.).

▶ Chairman Beckner called the meeting to order at 9:02 a.m.

▶ INVOCATION AND PLEDGE OF ALLEGIANCE

CHANGES TO THE AGENDA

▶ Dr. Richard Garrity, EPC Executive Director, reported no changes to the agenda and referenced the addendum, as shown in background material. Responding to Chairman Beckner, EPC General Counsel Richard Tschantz confirmed no motion was necessary to accept the addendum.

I. PUBLIC COMMENT

▶ Mr. Adam Jones, vice president, Massey Services Incorporated, 30 Dalewood Drive, Debary, talked about Item V, discussion on EPC Rule 1-15 required study on the effectiveness of fertilizer regulations, and voiced concerns about possible study biases.

▶ Mr. Anthony D'Aquila, 5020 Bayshore Boulevard, Apartment 202, supported the Tampa Bay Estuary Program (TBEP).

▶ The following people spoke on Item V: Mr. Todd Josko, 2900 West Azelee Street, Unit A, who distributed information; Mr. Gregory Kopplow, 18526 Cedarbrook Court, Hudson; Dr. Barry Troutman, 900 South Palmetto Ave, Sanford; and ▶ Messrs. Peter Snyder, executive director, Florida Turfgrass Association Incorporated, 120 East Pine Street, Lakeland; Deloy Dahlman, Dahlman's Landscape Services, 4303 East 39th Street, Bradenton; Thomas Burish, 658 Gates Creek Road, Bradenton; and ▶ Mac Carraway, president, SMR Farms LLC, 4715 Lorraine Road, Bradenton; and Ms. Janet Dougherty, 8214 Revels Road, who supplied information. Comments followed.

THURSDAY, AUGUST 9, 2012 - DRAFT MINUTES

II. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Summary of recent CEAC meeting by CEAC Chairman

▷ Chairman Dougherty, CEAC, touched on the meeting and distributed information.

III. CONSENT AGENDA

- A. Approval of Minutes: June 28, 2012.
- B. Monthly Activity Reports - June and July 2012.
- C. Pollution Recovery Fund (PRF) Report.
- D. Gardinier Settlement Trust Fund Report.
- E. Legal Case Summary, July and August 2012.
- F. Implementation of Information Technology Virtualization Project.
- G. 2012 Second Quarter Strategic Action Plan Updates.

▷ Chairman Beckner sought a motion to approve the Consent Agenda. **Commissioner Murman so moved, seconded by Commissioner Sharpe, and carried seven to zero.**

IV. PUBLIC HEARING

Agency-wide Rule Revision Public Hearing to Approve Amendments to Multiple Rules

▷ Attorney Tschantz explained the hearing process. Dr. Garrity spoke on the item and introduced Attorney Rick Muratti, EPC Legal Department, who listed the rules for approval and staff recommendations. Chairman Beckner called for public comment. Attorney Tschantz reported the CEAC had reviewed/approved the rules. ▷ Ms. Vivian Bacca, 413 El Greco Drive, commended the EPC for the rule update. After confirming no regulatory function expansion, ▷ **Commissioner Murman moved to approve, seconded by Commissioner Sharpe, and carried seven to zero.**

V. WATER MANAGEMENT DIVISION

Discussion on EPC Rule 1-15 required study on "The Effectiveness of Fertilizer Regulations" and citizen comments on the topic

▷ Dr. Garrity reviewed the study, as detailed in background material, and addressed possible changes, a peer review, and bias concerns. ▷ Responding to Commissioner Higginbotham, Ms. Holly Greening, director, TBEP, showed a presentation on the fertilizer study. Commissioner Higginbotham believed the report met the benchmark for scientific clarity and sought information about the agencies performing the peer review and why the University of South Florida (USF) was not included. ▷ Commissioner Crist voiced concern with the work quality. Dr. Garrity supplied information on the funds.

Subsequent to discussion, ▷ Commissioner Crist moved the EPC work with all parties involved to appoint a special task force of peers to review the final work product; appropriate \$50,000 out of the appropriate funds from stormwater to provide the technical assistance to the peer review task force to ensure the final work product was done appropriately, the findings be resubmitted back to the TBEP to respond to; if not found to be acceptable, the TBEP would respond in writing why they chose not to respond to those findings, so when the final product came back, the EPC would know both sides of the issue had a fair and supported chance to participate in the process, and any unsatisfied questions would be out in the open for consideration. ▷ Commissioner Sharpe seconded for conversation and asked about having USF on the peer review.

▷ Dialogue occurred. After seeking clarification on the funding source and announcing he would not support the motion if the money was not there,

▷ Commissioner Miller offered an amendment to give Dr. Garrity and staff the authority to talk to the County Administrator and other members of staff to see if there was \$50,000, and come back at the next EPC meeting and give the EPC the yes or no if the funds were there or not, which Commissioner Murman seconded. (The amendment was subsequently withdrawn.)

THURSDAY, AUGUST 9, 2012 - DRAFT MINUTES

▷ After responding to Commissioner Higginbotham and following comments, Dr. Garrity requested to work with the County Administrator's Office for a possible collaboration on the funding. Subsequent to remarks, Dr. Garrity said the corrected fund balance amount was \$72,900, at which point Commissioner Miller withdrew the amendment. Commissioner Higginbotham suggested coming back with a report at the September 20, 2012, EPC meeting. Commissioner Murman opined the study would be wasteful spending. Attorney Tschantz referenced past approval. Commissioner Higginbotham wanted the maker of the motion to detail the peer review group. ▷

Subsequent to remarks, ▷ Commissioner Crist restated the motion to request staff to bring back at the next meeting a proposal to create a volunteer-based peer review board made up of the qualified individuals to serve on the kind of board that were representative of the interests of the issue and in the issue, provided for inclusivity, and it be an open process within the sunshine for EPC consideration, seconded by Commissioner Sharpe, and carried five to two; Commissioners Hagan and Miller voted no.

▷ Following a suggestion from Dr. Garrity, Commissioner Higginbotham made a motion to delay the remainder of the agenda items to the next meeting, seconded by Commissioner Murman, and carried six to zero. (Commissioner Hagan was out of the room.)

VI. WETLANDS MANAGEMENT DIVISION

- A. Lakes Initiative Report: Discussion of Lake Levels in Various Parts of the County - **Deferred to a subsequent meeting.**
- B. Wetlands Advanced Leadership Development Program Project Presentation - **Deferred to a subsequent meeting.**

VII. EXECUTIVE DIRECTOR REPORT

- A. Brief Discussion of Customer Survey - **Deferred to a subsequent meeting.**
- B. Strategy Action Plan Update - **Deferred to a subsequent meeting.**

THURSDAY, AUGUST 9, 2012 - DRAFT MINUTES

▷ There being no further business, the meeting was adjourned at 11:03 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

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SEPTEMBER 6, 2012 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to Approve the Proposed Consent Decree for Natural Resource Damage Restoration Between the United States, the Florida Department of Environmental Protection, the EPC, and Mosaic Fertilizer LLC, and Authorize the General Counsel of the EPC to Execute and Enforce the Agreement on Behalf of the EPC, scheduled for Thursday, September 6, 2012, at 2:30 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Kevin Beckner and Commissioners Victor Crist, Ken Hagan, Al Higginbotham, Lesley Miller Jr., Sandra Murman, and Mark Sharpe.

▷ Chairman Beckner called the meeting to order at 2:26 p.m. and presented the item. ▷ EPC General Counsel Richard Tschantz requested rescheduling the item to the September 20, 2012, EPC meeting. ▷ Chairman Beckner sought a motion to have the meeting rescheduled. **Commissioner Miller so moved, seconded by Commissioner Higginbotham, and carried seven to zero.**

▷ There being no further business, the meeting was adjourned at 2:27 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

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

AUG

A. Public Outreach/Education Assistance

1.	Phone calls	220
2.	Literature Distributed	103
3.	Presentations	1
4.	Media Contacts	1
5.	Internet	70
6.	Host/Sponsor Workshops, Meetings, Special Events	0

B. Industrial Air Pollution Permitting

1.	Permit Applications received (Counted by Number of Fees Received)	
	a. Operating	3
	b. Construction	6
	c. Amendments / Transfers / Extensions	0
	d. Title V Operating:	4
	e. Permit Determinations	1
	f. General	1
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	13
	b. Construction ^1	1
	c. Amendments / Transfers / Extensions^1	0
	d. Title V Operating ^2	5
	e. Permit Determinations	2
	f. General	2
3.	Intent to Deny Permit Issued	0

C. Administrative Enforcement

1.	New cases received	0
2.	On-going administrative cases	
	a. Pending	3
	b. Active	7
	c. Legal	1
	d. Tracking compliance (Administrative)	7
	e. Inactive/Referred cases	0
	TOTAL:	18
3.	NOIs issued	0
4.	Citations issued	0
5.	Consent Orders Signed	1
6.	Contributions to the Pollution Recovery Fund	\$ 1,000.00
7.	Cases Closed	1

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

AUG

D. Inspections

1.	Industrial Facilities	40
2.	Air Toxics Facilities	
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	12
	b. Major Sources	5
3.	Asbestos Demolition/Renovation Projects	21

E. Open Burning Permits Issued

1

F. Number of Division of Forestry Permits Monitored

1709

G. Total Citizen Complaints Received

35

H. Total Citizen Complaints Closed

40

I. Noise Sources Monitored

7

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

1

K. Test Reports Reviewed

43

L. Compliance

1.	Warning Notices Issued	6
2.	Warning Notices Resolved	6
3.	Advisory Letters Issued	2

M. AOR's Reviewed

1

N. Permits Reviewed for NESHAP Applicability

4

O. Planning Documents coordinated for Agency Review

3

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

AUG

A. ENFORCEMENT

1.	New cases received	-
2.	On-going administrative cases	81
	Pending	2
	Active	28
	Legal	8
	Tracking Compliance (Administrative)	42
	Inactive/Referred Cases	1
3.	NOI's issued	-
4.	Citations issued	-
5.	Consent Orders and Settlement Letter Signed	-
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ -
7.	Enforcement Costs Collected (\$)	\$ -
8.	Cases Closed	1

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	1
2.	FDEP Permits Reviewed	1
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	1
4.	Other Permits and Reports	
	County Permits Received	5
	County Permits Reviewed	14
	Reports Received (SW/HW + SQG)	19
	Reports Reviewed (SW/HW + SQG)	22
5.	Inspections (Total)	
	Complaints (SW/HW + SQG)	29
	Compliance/Reinspections (SW/HW + SQG)	24
	Facility Compliance	22
	Small Quantity Generator Verifications	130
	P2 Audits	2
6.	Enforcement (SW/HW + SQG)	
	Complaints Received	30
	Complaints Closed	24
	Warning Notices Issued	1
	Warning Notices Closed	4
	Compliance Letters	66
	Letters of Agreement	0
	Agency Referrals	4
7.	Pamphlets, Rules and Material Distributed	137

C. STORAGE TANK COMPLIANCE

1.	Inspections	
	Compliance	63
	Installation	10
	Closure	3
	Compliance Re-Inspections	8
2.	Installation Plans Received	6

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

AUG

3.	Installation Plans Reviewed	2
4.	Closure Plans & Reports	
	Closure Plans Received	3
	Closure Plans Reviewed	3
	Closure Reports Received	2
	Closure Reports Reviewed	2
5.	Enforcement	
	Non-Compliance Letters Issued	34
	Warning Notices Issued	1
	Warning Notices Closed	-
	Cases Referred to Enforcement	-
	Complaints Received	-
	Complaints Investigated	-
	Complaints Referred	-
6.	Discharge Reporting Forms Received	1
7.	Incident Notification Forms Received	4
8.	Cleanup Notification Letters Issued	1

D. STORAGE TANK CLEANUP

1.	Inspections	12
2.	Reports Received	88
3.	Reports Reviewed	77
	Site Assessment Received	13
	Site Assessment Reviewed	7
	Source Removal Received	1
	Source Removal Reviewed	1
	Remedial Action Plans (RAP'S) Received	5
	Remedial Action Plans (RAP'S) Reviewed	9
	Site Rehabilitation Completion Order/No Further Action Rec'd	3
	Site Rehabilitation Completion Order/No Further Action Revw'd	1
	Active Remediation/Monitoring Received	41
	Active Remediation/Monitoring Reviewed	38
	Others Received	25
	Others Reviewed	21

E. RECORD REVIEWS

25

F. LEGAL PIR'S

17

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

AUG

A. ENFORCEMENT

1.	New Enforcement Cases Received	-
2.	Enforcement Cases Closed	1
3.	Enforcement Cases Outstanding	35
4.	Enforcement Documents Issued	2
5.	Recovered Costs to the General Fund	\$ 150
6.	Contributions to the Pollution Recovery Fund	\$9,980

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	13
	a. Facility Permit	-
	(i) Types I and II	-
	(ii) Type III	-
	b. Collection Systems - General	6
	c. Collection systems-Dry Line/Wet Line	7
	d. Residuals Disposal	-
2.	Permit Applications Approved	21
	a. Facility Permit	3
	b. Collection Systems - General	5
	c. Collection systems-Dry Line/Wet Line	5
	d. Residuals Disposal	-
3.	Permit Applications Recommended for Disapproval	8
	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	45
	a. Facility Permit	7
	b. Collection Systems - General	13
	c. Collection systems-Dry Line/Wet Line	25
	d. Residuals Disposal	-
7.	Permit Determination	5
8.	Special Project Reviews	-
	a. Reuse	1

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

AUG

b. Residuals/AUPs	-
c. Others	-

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	11
a. Inspection (CEI)	4
b. Sampling Inspection (CSI)	7
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	46
a. Inspection (RI)	11
b. Sample Inspection (SRI)	2
c. Complaint Inspection (CRI)	33
d. Enforcement Inspection (ERI)	
3. Engineering Inspections	18
a. Reconnaissance Inspection (RI)	3
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	-
e. Post Construction Inspection (XCI)	15
f. On-site Engineering Evaluation	-
g. Enforcement Reconnaissance Inspection (ERI)	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

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

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

AUG

b. Industrial Wastewater	9
c. Others	19

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation (Total)	13
a. Inspection (CEI)	12
b. Sampling Inspection (CSI)	1
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	15
a. Inspection (RI)	2
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	13
d. Enforcement Inspection (ERI)	
3. Engineering Inspections (Total)	6
a. Compliance Evaluation (CEI)	6
b. Sampling Inspection (CSI)	-
c. Performance Audit Inspection (PAI)	-
d. Complaint Inspection (CRI)	-
e. Enforcement Reconnaissance Inspections (ERI)	-

F. INVESTIGATION/COMPLIANCE

1. Citizen Complaints	
a. Domestic	42
(i) Received	25
(ii) Closed	17
b. Industrial	21
(i) Received	11
(ii) Closed	10
2. Warning Notices	
a. Domestic	4
(i) Issued	3
(ii) Closed	1
b. Industrial	2
(i) Issued	1
(ii) Closed	1
3. Non-Compliance Advisory Letters	11
4. Environmental Compliance Reviews	150
a. Industrial	39
b. Domestic	111
5. Special Project Reviews	12

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

AUG

G. RECORD REVIEWS

1.	Permitting Determination	6
2.	Enforcement	1

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

1.	Air division	53
2.	Waste Division	-
3.	Water Division	20
4.	Wetlands Division	-
5.	ERM Division	172
6.	Biomonitoring Reports	-
7.	Outside Agency	31

I. SPECIAL PROJECT REVIEWS

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

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

AUG

ASSESSMENT REPORT

Agriculture Exemption Report

# Agricultural Exemptions Reviews	1
# Isolated Wetlands Impacted	1
# Acres of Isolated Wetlands Impacted	0.25
# Isolated Wetlands qualify for Mitigation Exemption	1
# Acres of Wetlands qualify for Mitigation Exemption	0.25

Development Services Reviews Performance Report

# of Reviews	59
Timeframes Met	98%
Year to Date	99%

Formal Wetland Delineation Surveys

Projects	14
Total Acres	285
Total Wetland Acres	54
# Isolated Wetlands < 1/2 Acre	9
Isolated Wetland Acreage	1.66

Construction Plans Approved

Projects	12
Total Wetland Acres	29
# Isolated Wetlands < 1/2 Acre	2
Isolated Wetland Acreage	0.26
Impacts Approved Acreage	2.61
Impacts Exempt Acreage	1.31

Mitigation Sites in Compliance

Ratio	25/30
Percentage	83%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.50
Acreage of Water Quality Impacts	0.00
Acreage Restored	0.40

TPA Minor Work Permit

Permit Issued	12
Permits Issued Fiscal Year 2011	148
Cumulative Permits Issue Since TPA Delegation (07/09)	577

REVIEW TIMES

# of Reviews	243
% On Time	97%
% Late	3%

WETLANDS MANAGEMENT DIVISION

AUG**A. General**

1.	Telephone conferences	560
2.	Unscheduled Citizen Assistance	413
3.	Scheduled Meetings	351
4.	Correspondence	1,809
1/ 5.	Intergency Coordination	134
1/ 6.	Trainings	12
1/ 7.	Public Outreach/Education	8
1/ 8.	Quality Control	70

B. Assessment Reviews

1.	Wetland Delineations	18
2.	Surveys	15
3.	Miscellaneous Activities in Wetland	23
4.	Mangrove	6
5.	Notice of Exemption	-
6.	Impact/Mitigation Proposal	13
7.	Tampa Port Authority Reviews	57
8.	Wastewater Treatment Plants (FDEP)	1
9.	Development Reg'n'l Impact (DRI) Annual Report	2
10.	On-Site Visits	77
11.	Phosphate Mining	6
12.	Comp Plan Amendment (CPA)	-
1/ 13.	AG SWM	5
	Sub-Total	

Planning and Growth Management Review

14.	Land Alteration/Landscaping	-
15.	Land Excavation	-
16.	Rezoning Reviews	20
17.	Site Development	13
18.	Subdivision	18
19.	Wetland Setback Encroachment	-
20.	Easement/Access-Vacating	-
21.	Pre-Applications	23
1/ 22.	Agriculture Exemption	-
	Sub-Total	
	Total Assessment Review Activities	

C. Investigation and Compliance

1.	Warning Notices Issued	4
2.	Warning Notices Closed	4
1/ 3.	Complaints Closed	43
4.	Complaint Inspections	44
5.	Return Compliance Inspections for Open Cases	37

WETLANDS MANAGEMENT DIVISION

AUG

6.	Mitigation Monitoring Reports	7
7.	Mitigation Compliance Inspections	24
8.	Erosion Control Inspections	4
9.	MAIW Compliance Site Inspections	1
10.	TPA Compliance Site Inspections	12
2/ 11	Mangrove Compliance Site Inspections	2
1/ 12	Conservation Easement Inspection	4

D. Enforcement

1.	Active Cases	6
2.	Legal Cases	5
3.	Number of "Notice of Intent to Initiate Enforcement"	2
4.	Number of Citations Issued	-
5.	Number of Consent Orders Signed	1
6.	Administrative - Civil Cases Closed	2
7.	Cases Referred to Legal Department	5
8.	Contributions to Pollution Recovery	\$1,040
9.	Enforcement Costs Collected	\$ 519

E. Ombudsman

1.	Agriculture	12
2.	Permitting Process & Rule Assistance	2
3.	Staff Assistance	9
4.	Citizen Assistance	7

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 12 POLLUTION RECOVERY FUND
10/1/2011 through 8/31/2012**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 641,781	Artificial Reef	\$ 136,652	Minimum Balance	\$ 120,000	
Interest	\$ 5,299	Project Monitoring	\$ 123,507	PROJ. FY 13 Budgets	\$ 179,342	
Deposits	\$ 81,971	FY 12 Projects	\$ 131,700	Asbestos Removal	\$ 5,000	
Refunds	\$ 53,384					
Total	\$ 782,435	Total	\$ 391,859	Total	\$ 304,342	\$ 86,234



PROJECT		Project Amount	Project Balance
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	27,690
		\$ 152,241	\$ 31,059
FY 12 Projects			
Bahia Beach Mangrove Enhancement	EPE30449	\$ 56,700	\$ 56,700
Fertilizer Rule Implementation	EPE40206	\$ 50,000	\$ 50,000
USGS Partnership	EPE30450	\$ 25,000	\$ 25,000
		\$ 131,700	\$ 131,700
			\$ 162,759

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 12 GARDINIER SETTLEMENT TRUST FUND
10/1/2011 - 8/31/2012**

Fund Balance as of 10/1/11	\$ 254,131
Interest Accrued	1,007
Disbursements FY 12	(193,985)
Fund Balance	<u>\$ 61,153</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 61,153
Total Encumbrances	<u>\$ 61,153</u>
Fund Balance Available	<u><u>\$ -</u></u>

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 20, 2012

Subject: Legal Case Summary for September 2012

Agenda Section: Consent Agenda

Division: Legal and Administrative Services

Recommendation: None, informational update.

Brief Summary: The EPC Legal Department provides a monthly summary of its ongoing civil, appellate, and administrative matters.

Financial Impact: No Financial Impact anticipated; information update only.

Background: In an effort to provide the Commission with timely information regarding legal challenges, the EPC staff provides this monthly summary. The update serves not only to inform the Commission of current litigation but may also be used as a tool to check for any conflicts they may have. The summary provides general details as to the status of the civil and administrative cases. There is also a listing of cases where parties have asked for additional time in order to allow them to decide whether they will file an administrative challenge to an agency action (e.g. – permit or enforcement order), while concurrently attempting to seek resolution of the agency action.

EPC LEGAL DEPARTMENT MONTHLY REPORT September 2012

I. ADMINISTRATIVE CASES

James and Liana O'Drobinak [12-EPC-011]: On July 31, 2012 the Appellants filed a request for an extension of time to file a Notice of Appeal challenging the EPC's denial of a Minor Work Permit for the relocation of a boat lift. The request was granted and the Appellant had until September 6, 2012 to file a Notice of Appeal in this matter. On Sept. 6, 2012, the Appellant filed a Notice of Appeal. The case is being processed and will be forwarded to a Hearing Officer to conduct an Administrative Hearing. (AZ)

Stanley Levy v. Michael Hatch and EPC [12-EPC-008]: On July 3, 2012 the Appellant, Stanley Levy, filed a request for an extension of time to file a Notice of Appeal to challenge EPC's issuance of a Minor Work Permit for modifications to an existing dock. On July 17, 2012 an order denying the request for an extension of time was issued and the Appellant was given until July 27, 2012 to file a Notice of Appeal. Appellant filed a Notice of Appeal on July 26, 2012. The case is being processed and will be forwarded to a Hearing Officer to conduct an Administrative Hearing. (AZ)

Joseph and Jennifer Ferrante [12-EPC-006]: On May 7, 2012 the EPC received a Request for Variance or Waiver from Joseph and Jennifer Ferrante. The Applicant is requesting a waiver from a provision within the Submerged Lands Management Rules of the Tampa Port Authority regarding setback encroachments. A public hearing is scheduled for September 20, 2012 to consider the variance. (AZ)

Richard Medero and Susan Medero [12-EPC-005]: On May 11, 2012 Richard and Susan Medero filed a Notice of Appeal challenging the Executive Director's Notice of Change of Agency Action regarding the Appellants' permit for modifications to a dock. In accordance with Chapter 1-2, Administrative Procedures, a Hearing Officer has been assigned to this case and an administrative hearing will be conducted. A neighbor has also requested to intervene in the case in support of the EPC Executive Director's decision. The Hearing Officer denied the request to intervene filed by Mr. Atkins. (AZ)

II. 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 wetlands violations. A small claims action was filed but is still pending based on the failure to timely serve the respondent. (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. The parties are in negotiation to settle the matter. (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 drainage canal. A 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 of the jury verdict. The appeal was dismissed as premature and the request for a new trial was denied. The Defendants then appealed the denial of a new trial, which was dismissed. A hearing was held on February 13 and 23, 2012, to impose corrective actions and penalties. A Final Judgment Against Defendants was entered on March 5, 2012, requiring Defendants to restore the wetland and pay penalties. Defendants filed a Motion for Relief from Judgment dated May 22, 2012 and the court denied the motion on July 30, 2012. On July 31, 2012, the court awarded the EPC reasonable trial costs. The Harts moved for re-consideration of the Motion for Relief from Judgment denial. (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 (Noise). 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. The Defendant did not respond to the complaint, thus a default was issued on September 30, 2010. A trial was set for the week of May 9, 2011. The parties attended court-ordered mediation on April 22, 2011. A Mediation Settlement Agreement was entered on April 22, 2011. On August 8, 2011, the EPC filed a Notice of Voluntary Dismissal. Defendant has not complied with the terms of the settlement, EPC filed a motion to enforce the Settlement and a hearing was held on August 2, 2012 and a Judgment Against Defendant was entered. (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)

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)

III. PENDING ADMINISTRATIVE 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 an effort to negotiate a settlement prior to forwarding the case to a Hearing Officer. The below list may also include waiver or variance requests.

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)

Stanley Levy [12-EPC-008]: On July 3, 2012 the Appellant filed a request for an extension of time to file a Notice of Appeal challenging the EPC's authorization of a Minor Work Permit for modifications to an existing dock. On July 17, 2012 an order denying the request for an extension of time was issued and the Appellant was given until July 27, 2012 to file a Notice of Appeal. Appellant filed a Notice of Appeal on July 26, 2012. (AZ)

Mattie Vega [12-EPC-009]: On July 11, 2012 the Appellant filed a request for an extension of time to file a Notice of Appeal challenging the Executive Director's authorization of a Minor Work Permit for modifications to an existing dock. On July 17, 2012 an order denying the request for an extension of time with leave to amend was issued and the Appellant was given until August 1, 2012 to file a Notice of Appeal. Appellant filed a Notice of Appeal on July 27, 2012. On August 22, 2012 an Order dismissing the appeal with prejudice was issued and the case is closed. (AZ)

Carlos Baldor [12-EPC-010]: On July 11, 2012 the Appellant filed a request for an extension of time to file a Notice of Appeal challenging the Executive Director's authorization of a Minor Work Permit for modifications to an existing dock. On July 17, 2012 an order denying the request for an extension of time with leave to amend was issued and the Appellant was given until August 1, 2012 to file a Notice of Appeal. Appellant filed a Notice of Appeal on July 25, 2012. On August 22, 2012 an Order dismissing the appeal with prejudice was issued and the case is closed. (AZ)

Sun Communities, Inc. [12-EPC-012]: On August 2, 2012, the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a Notice of Permit Denial. The request was granted and the Petitioner has until November 15, 2012 to file a petition in this matter. (RM)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 20, 2012

Subject: Purchase of air monitoring equipment for EPA funded Nitrogen Oxides (NO₂) Near-Road Air Monitoring Station

Agenda Section: Consent Agenda

Division: Air Management Division

Recommendation: Staff recommends the Commission approve the purchase of an equipment package for the EPA funded NO₂ Near-Road Air Monitoring Station. Projected cost is \$100,000 - \$130,000.

Brief Summary: EPA promulgated a new health-based standard and is funding monitors to assess levels in communities such as Tampa. Initial estimates indicate that the cost for the EPA funded NO₂ Near-Road air monitoring equipment package will exceed \$100,000. Therefore, per EPC policy, staff seeks Commission approval to move forward with the purchase through the county's Business & Support Services Department. If approval is given by the Board, the purchase will be bid out through standard procedures.

Financial Impact: No General Fund Impact – The purchase is fully funded by non-matching US EPA Section 103 Grant program.

Background: On May 15, 2012, the Environmental Protection Agency awarded EPC \$200,000 to support compliance with National Ambient Air Quality Standards by installing and operating a permanent near-road nitrogen dioxide monitoring station. Due to the population of the Tampa-St. Petersburg-Clearwater Metropolitan Statistical Area exceeding 2.5 million, the EPC is one of the first agencies in the nation to receive funding for near-road monitoring.

List of Attachments: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 20, 2012

Subject: Interlocal Agreement for Collection & Analyses of Water Quality Samples

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

Division: Water Management

Recommendation: Approve Interlocal Agreement Between EPC and Hillsborough County for Collection and Analyses of NPDES / TMDL Related Water Quality Monitoring Samples

Brief Summary: The County, through its Public Works Environmental Services Section, will provide the EPC annual funding of not to exceed \$75,000 as consideration for EPC's laboratory and field collection services relating to the County's NPDES / TMDL program.

Financial Impact: Not to Exceed \$75,000 Annually via Inter-Organization Charge

Background:

EPC and the County have determined that it is in the best interest of both parties to have the EPC perform NPDES water quality analyses and additional water quality sampling to assist the County's analysis of the implications of Total Maximum Daily Load (TMDL) regulations that they must comply with on selective stormwater related discharges or areas. This interlocal agreement will allow for the formal transfer of funds to cover the annual expenses related to these required activities.

List of Attachments: EPC / Hillsborough County Public Works Interlocal Agreement

INTERLOCAL AGREEMENT
Between the
Environmental Protection Commission of Hillsborough County
and
Hillsborough County
For Provision of Chemical Analysis of Water Quality Samples

THIS INTERLOCAL AGREEMENT, hereinafter referred to as "Agreement" is made and entered into by and between Hillsborough County, a political subdivision of the State of Florida ("COUNTY") and the Environmental Protection Commission of Hillsborough County ("EPC"), a political subdivision of the State of Florida.

WITNESSETH:

WHEREAS, it is the purpose and intent of this Agreement, the parties hereto, and Section 163.01, Florida Statutes, known and referred to as the Florida Interlocal Cooperation Act of 1969 ("Cooperation Act"), to permit and authorize the COUNTY and EPC to make the most efficient use of their respective powers, resources, authority and capabilities by enabling them to cooperate on the basis of mutual advantage and thereby provide the services and efforts provided for herein in the manner that will best utilize existing resources, powers and authority available to each of them; and,

WHEREAS, it is the purpose of the Cooperation Act to provide a means by which the COUNTY and EPC may exercise their respective powers, privileges and authority which they may have separately, but which pursuant to this Agreement and the Cooperation Act they may exercise collectively; and,

WHEREAS, the EPC is a local government environmental agency created by Special Act 84-446, Laws of Florida as amended, that implements various environmental regulatory programs and conducts activities designed to prevent and minimize pollution; and,

WHEREAS, EPC's activities include, but are not limited to, environmental monitoring, collection, and analysis in Hillsborough County, to determine compliance with environmental laws and regulations and the health of our environment; and,

WHEREAS, the COUNTY is also required, pursuant to its National Pollution Discharge Elimination Source (NPDES) permit, to ensure that facilities in the COUNTY which connect to and discharge into the COUNTY Stormwater system, meet pollution standards and required periodic routine monitoring in order to measure the success of Stormwater treatment/management in Hillsborough County; and,

WHEREAS, the COUNTY currently benefits from EPC's surface water quality monitoring programs, sharing of data, information, and laboratory services; and,

WHEREAS, the EPC and the COUNTY have determined that it is in the best interest of both parties to have the EPC perform, in addition to the NPDES water quality analysis,

additional water quality sampling to assist the COUNTY's analysis of the implications of Total Maximum Daily Load (TMDL) regulations that the COUNTY must comply with, on selective Stormwater related discharges or areas; and,

WHEREAS, the EPC and the COUNTY agree that a contractual agreement evidencing their understanding and efforts to their respective environmentally related activities will benefit both the EPC and the COUNTY, as well as facilitate a more efficient allocation of resources to achieve a common goal of good surface water quality; and

WHEREAS, the EPC and the COUNTY entered into an original Interlocal Agreement (Original Agreement) for NPDES sampling on March 20th, 2002. Then the parties entered into a First Amendment to the Agreement on September 21, 2005, adding TMDL sampling and additional funding to the Agreement with an expiration date of September 30, 2008. Then the parties entered into a Second Amendment to the Agreement on September 18, 2008, providing continued funding and extending the Original Agreement until September 30, 2009. Then the parties entered into a new Interlocal Agreement (2009 Agreement) on September 2, 2009, which rescinded all previous agreements. Then the parties entered into a First Amendment to the 2009 Agreement on November 10, 2010, which extended the 2009 Agreement until September 30, 2012; and

WHEREAS, the EPC and the COUNTY agree that entering a new 2012 Interlocal Agreement (Agreement) will continue to benefit both the EPC and the COUNTY, as well as facilitate a more efficient allocation of resources.

NOW, THEREFORE, the COUNTY and EPC hereby agree as follows:

This is an agreement for EPC laboratory services for NPDES analysis and TMDL collection and analysis, to be funded by the COUNTY in an amount not to exceed \$75,000.

PART I - EPC RESPONSIBILITIES

- a) EPC will perform water sample analysis on environmental samples related to COUNTY Stormwater management and/or the COUNTY's federal NPDES permit ("NPDES samples"). The cost to the County for such analysis shall not exceed \$15,000 per budget year.
- b) EPC retains the right to impose restrictions on this workload if it conflicts with EPC's existing programs, holidays, equipment problems, staff shortages, furloughs, space shortages, emergency situations, budget shortfalls, etc. Without modification to this agreement, EPC will not perform any new analysis that it does not currently perform, and will not perform any analysis requiring staff overtime or weekend work.
- c) EPC will provide all pre-cleaned sample collection bottles with labels or ID tags if so desired by the COUNTY at no additional charge.

- d) EPC will bill the COUNTY for the NPDES samples at the rates listed on the EPC's most current annually revised Laboratory Analysis Costs listing, attached as Exhibit #1 and made part of this Agreement. These costs are automatically adjusted each year on January 1 without formal amendment to this agreement to reflect official U.S. inflationary trends and/or any other revisions needed to more closely reflect changing analytical costs. EPC will bill the COUNTY on a quarterly basis for the NPDES lab services.
- e) EPC will provide the COUNTY with final laboratory reports in a timely manner in an electronic format based on existing EPC software. This information will be sent via e-mail to Hillsborough County's Public Works Department Environmental Services Section. Data from EPC's other routine surface water-monitoring program will also be made available annually or more frequently at no charge to the COUNTY.
- f) The EPC via the Water Management Division shall collect water quality samples for the evaluation of TMDLs. The sites for collection of samples by EPC staff per this part of the agreement will be mutually agreed upon by the EPC and the COUNTY. Five (5) of the sites will be understood as temporary sites for evaluating the highest priority waterbodies as determined annually by the COUNTY and agreed upon by EPC. The EPC via the Water Management Division's Laboratory shall analyze these samples in addition to the samples it currently analyzes for NPDES compliance. The EPC will provide the results of these sample analyses to the COUNTY through the Watershed Atlas in a timely manner.
- g) The EPC Water Management Division's Laboratory will process the samples requested by the COUNTY, but further conditioned as follows:
 - 1) In order to accommodate the workload and to facilitate timely implementation of the COUNTY's TMDL study, the COUNTY will provide annual funding of \$60,000 to the EPC. The number of TMDL samples is limited to an amount that can be performed within the \$60,000 funding, but may not exceed 240 samples per year and 20 samples per month.
 - 2) The samples relating to the TMDL study will be analyzed for the following parameters: Chlorophyll, including pheophytin, Enterococci, Fecal Coliform, Ammonia, Total Kjeldahl Nitrogen, Nitrate-Nitrite, Organic Nitrogen, Total Nitrogen, Ortho-phosphorus, Total Phosphorus and color.
 - 3) Cost for NPDES samples will be determined on a per analysis basis, according to the rate schedule in the Laboratory Analysis Costs listing (Exhibit #1) and is not to exceed \$15,000 per year.
 - 4) The COUNTY may not submit more than 15 NPDES samples in any given month.
 - 5) Any increase in the sampling level will be subject to EPC approval.
- h) This Agreement is solely intended to pay for the cost of the agreed upon TMDL and NPDES samples, but does not specify what staffing level is required at the EPC to

accomplish the mission. Nonetheless, the EPC is expected to perform the following functions:

- a) Maintaining, calibrating, and performing quality assurance audits on the field equipment used to collect additional surface water samples from locations within Hillsborough County for which water quality information is needed to support the TMDL implementation programs;
- b) Collecting, preserving, maintaining proper chain of custody, and delivering the samples to the laboratory;
- c) Preparing chemical reagents, maintaining inventories of laboratory equipment and supplies, maintaining sample logs and compiling statistical data;
- d) Performance of laboratory tests to determine the chemical, physical and microbiological characteristics of water samples using standard chromatographic, atomic absorption and/or colorimetric analytical techniques; and
- e) Assisting in data entry and database management tasks necessary to incorporate information from the additional samples into the EPC water quality database.

PART II - COUNTY RESPONSIBILITIES

- a) The COUNTY shall periodically (annually and quarterly, for TMDL and NPDES, respectively, as detailed in this Agreement) reimburse EPC through the use of an Inter-Organization Charge (IOC) process, and/or other accounting procedures, resulting in the actual transfer of funds to EPC. The IOC, prepared by EPC, will charge the COUNTY's expense index code and credit EPC's established revenue index code. Total funding for this contract is not to exceed \$75,000 (details of funding below).
 - 1) The COUNTY through its Public Works Environmental Services Section, as consideration for EPC's laboratory services relating to the COUNTY's NPDES programs, will provide the EPC annual funding of not to exceed \$15,000 billed on a quarterly basis by means of an Inter-Organization Charge form (IOC) process, resulting in the actual transfer of the funds to EPC.
 - 2) As consideration for the TMDL water quality samples that EPC will collect and analyze to provide technical support for the COUNTY'S TMDL implementation, the COUNTY will provide the EPC annual funding of \$60,000 billed annually in October at the beginning of each COUNTY fiscal year by means of an Inter-Organization Charge form process, resulting in the actual transfer of the funds to EPC. The COUNTY will share in the responsibility for sample collection, at a minimum by coordinating with the EPC staff as to when and where to collect samples.
- b) The COUNTY agrees to abide by all of the provisions in Part I and will make every attempt to notify EPC Laboratory staff of planned sampling events so that EPC can prepare for these samples and make the actual laboratory analytical process more efficient.

- c) Unless otherwise provided for in this Agreement, the COUNTY shall be responsible for all field related sample collections, field quality procedures, chain of custody documentation, sample deliveries to EPC, and sample holding time or sample preservation issues

PART III - MUTUAL CONSIDERATION

- a) EPC and COUNTY staff will review the implementation of the program at least annually to determine the effectiveness of the program and to set the priority sampling locations.
- b) The COUNTY and EPC have evaluated the potential impact on EPC, the parameters of concern, and the costs of analysis of lake and stream samples on a monthly and storm-event basis. It is perceived that benefits of such an agreement will accrue to the COUNTY by providing ready access to state-approved, top-quality laboratory services, and EPC will also benefit by obtaining a more comprehensive and consistent database of information regarding the status of water quality in Hillsborough County.
- c) The COUNTY and EPC may amend this Agreement at such time as specifics are agreed upon by both parties.

This Agreement shall be effective from October 1, 2012 through September 30, 2013.

PART IV - RECORDING:

The Clerk of the Board of County Commissioners for the COUNTY is hereby authorized and directed, after approval of this Agreement by the respective governing bodies of the COUNTY and EPC and the execution thereof by the duly qualified and authorized representatives of each of the parties hereto, to file this Agreement with the Clerk of the Circuit Court of Hillsborough County, Florida, for recording in the public records of Hillsborough County, Florida.

PART V - MISCELLANEOUS

Upon full execution, this Interlocal Agreement rescinds and supersedes all previous versions of the same whether listed in the "whereas" clauses or not, including amendments dated prior to the signing of this agreement.

IN WITNESS WHEREOF, the COUNTY and EPC have caused this Interlocal Agreement for Provision of Chemical Analysis of Water Quality Samples to be approved as of the dates noted below.

ATTEST:

PAT FRANK
CLERK OF CIRCUIT COURT

HILLSBOROUGH COUNTY
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Ken Hagan, Chairman
Board of County Commissioners

(OFFICIAL SEAL)

Date: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

ATTEST:

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH
COUNTY

By: _____
WITNESS

By: _____
Kevin Beckner, Chairman
Environmental Protection Commission

Date: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
EPC Attorney

EXHIBIT #1



COMMISSION

Kevin Beckner Lesley "Les" Miller, Jr.
 Victor D. Crist Sandra L. Murman
 Ken Hagan Mark Sharpe
 Al Higginbotham

DIVISION DIRECTORS

Legal & Admin. Richard Tschantz, Esq.
 Air Management Jerry Campbell, PE.
 Waste Management Hooshang Boostani, PE.
 Water Management Sam Elrabi, PE.
 Wetlands Management Scott Emery, Ph.D.

EXECUTIVE DIRECTOR
 Richard D. Garrity, Ph.D.

2013 Laboratory Costs, per sample for Hillsborough County NPDES/TMDL agreement. Parameter	Cost
Alkalinity	\$ 13.75
Ammonia	\$ 18.11
BMAC	\$ 20.20
BOD	\$ 8.87
Bulk Density	\$ 10.00
CBOD	\$ 8.87
Chloride	\$ 13.19
Chlorophyll Total	\$ 7.03
Chlorophylla Corr	\$ 9.07
Color	\$ 5.67
Conductivity	\$ 5.55
Enterococci	\$ 24.41
Fecal Coliform	\$ 19.70
Fluoride	\$ 11.80
Kjeldahl Nitrogen	\$ 14.47
Microscopy	\$ 27.27
Nitrates	\$ 36.57
Nitrates/Nitrites	\$ 18.29
Nitrites	\$ 36.57
Ortho Phosphates	\$ 12.41
PAH/Pet Scan	\$134.20
pH	\$ 5.55
Silica	\$ 44.64
Soil Moisture	\$ 10.00
Sulfates	\$ 10.82
TOC - liquid	\$ 19.57
TOC - Solids	\$ 37.74
Total Coliform	\$ 21.38
Total Dissolved Solids	\$ 14.52
Total Phosphorus	\$ 15.14
Total Phosphorus - Persulfate	\$ 16.14
Total Solids	\$ 12.71
Total Suspended Solids	\$ 3.61
Turbidity	\$ 6.65
Water Monitoring Metals	\$ 86.54
Water Monitoring Organics	\$141.56

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 20, 2012

Subject: Public Hearing regarding Joseph and Jennifer Ferrante Rule Variance Request

Agenda Section: Public Hearing

Division: Wetlands Management Division and Legal Department

Recommendation: Conduct a public hearing; approve staff's recommendation denying a variance request of a delegated minor work permit rule requiring a setback for marine construction activities in Tampa Port Authority jurisdictional lands; and authorize the Chair to execute the Final Order denying the variance request.

Brief Summary: Pursuant to Section 1-2.50, Rules of the EPC and Paragraph 5.b.2. of the Amended Interlocal Agreement between the Tampa Port Authority and the Environmental Protection Commission of Hillsborough County dated June 23, 2009, the applicants seek a variance of a delegated minor work permit rule. The applicants seek a variance of the ten foot setback requirement contained within Subsection V.A.3.a.(2), Submerged Lands Management Rules of the Tampa Port Authority with respect to construction of a boatlift over submerged sovereignty lands. Specifically, the applicants request a reduction of the required setback to one foot from the riparian lines on the east side of their property. The EPC staff recommends denying the request for the variance based on the lack of hardship or unfairness and the potential interference with the neighbor's property rights.

Financial Impact: No Financial Impact

Background: Joseph and Jennifer Ferrante intend on applying for a permit to construct a boatlift to attach to their existing dock under EPC and Tampa Port Authority permitting jurisdiction through the "minor works permit" delegated program. Subsection V.A.3.a.(2)(a), Submerged Lands Management Rules (SLMRs) of the Tampa Port Authority provides the boatlift must be set back from the neighbor's riparian line by ten feet. The neighbor has failed to agree to any encroachment into their ten foot riparian setback. The Interlocal Agreement between the Tampa Port Authority and the EPC provides that variances and waivers for permits that qualify under the delegated "minor work permits" be addressed by the EPC's variance process.

This variance is requested pursuant to Section 1-2.50, Rules of the EPC and states as follows:

1-2.50 REQUEST FOR VARIANCE OR WAIVER

(a) Upon application, the Executive Director may recommend to the Commission that a variance or waiver be granted from the provisions of the rules adopted pursuant to Chapter 84-446, where the applicant demonstrates:

(1) A substantial hardship as defined by section 120.542, F.S., or that a violation of the principles of fairness as defined by section 120.542, F.S., would occur, and

(2) The purpose of the underlying rule can be, or has been, achieved by other means, and

(3) The provision from which the variance or waiver is being sought did not originate with the DEP where the variance must be considered by the DEP pursuant to section 403.201, F.S. or the variance or waiver must be considered by the DEP or the Southwest Florida Water Management District pursuant to Chapter 120, F.S. Additionally, the Commission does not process variances or waivers of state-delegated rules.

(b) The application must specify the rule for which the variance or waiver is requested, the type of action requested, the specific facts that would justify a variance or waiver, and the reasons why and the manner by which the purposes of the underlying rule would still be met.

(c) Notice of the application must be published by the applicant in a newspaper of general circulation summarizing the factual basis for the application, the date of the Commission hearing, and information regarding how interested persons can review the application and provide comment.

(d) The Commission will consider the application, the Executive Director's recommendation, and the comments of the public at a public hearing during a Commission meeting. The Commission shall grant, in whole or part, or deny the application by written decision supported by competent substantial evidence. The Commission may impose additional conditions in a variance or waiver.

The applicants assert in their request that there is a substantial hardship caused by the rule if they cannot install a boat lift on the east side of their dock within the adjacent property owner's riparian line setback. The applicants request the setback be reduced to one foot. In addition, the applicants assert there is a violation of the principle of fairness by prohibiting the structure to encroach within the neighbor's setback based on the fact that that many of the other structures in the neighborhood encroach within other neighbors' setbacks, including their objecting neighbor.

EPC staff finds that Joseph and Jennifer Ferrante have not demonstrated that there exists a substantial hardship or a violation of the principle of fairness if they were not granted a variance of the setback rule in this specific situation. The applicants can install a boat lift on their riparian property without the encroachment into the neighbor's setback. The purpose of the setback is to ensure that the neighbors' use and enjoyment of their riparian property is not interfered with by construction activities on sovereign submerged lands. Thus, EPC staff recommends denying the variance from ten feet down to one foot to this specific project with the stipulation that the applicants explore the possibility of alternative designs.

List of Attachments: 1) Joseph and Jennifer Ferrante Waiver Request
2) Proposed Waiver Order

To: Dr. Richard Garrity, Ph.D.
Executive Director
Environmental Protection Commission of Hillsborough County

From: Joseph and Jennifer Ferrante

RE: Request for Waiver under section 1-2.50, Rules of the EPC subsection V.A.3.a.(2), Submerged Lands Management Rules of the Tampa Port Authority with respect to construction of a boat lift over sovereign submerged lands of a canal leading to Tampa Bay.

August 28, 2012

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

RE: Request for Waiver under section 1-2.50, Rules of the EPC subsection V.A.3.a.(2), Submerged Lands Management Rules of the Tampa Port Authority with respect to construction of a boat lift over sovereign submerged lands of a canal leading to Tampa Bay.

Dear Dr. Garrity:

We purchased our home at 8769 Bay Pointe Dr in Tampa, FL on April 30, 2010 on a canal leading to Tampa Bay. When we purchased our home it came with an as built dock measuring 12x17 attached at the seawall. We began planning the addition of a boat lift immediately after purchasing and moving in. We sought to erect a single boat lift adjacent to the dock that exists at our seawall. Due to all property owners in our townhouse community only having 26 feet of waterfront the boat lift would have extended to a point within one foot of the riparian line to the east. We contacted the EPC and spoke with Glenn Lockwood and Kelly Holland and asked what steps we needed to take in order to receive our permit. They guided us through the process and provided us with the proper forms for our neighbors to the east to fill out. When we asked our neighbor to the east to sign the Adjacent Property Owner's Affidavit of No Objection Setback Encroachment she refused and said she would prefer us to purchase a floating drive on boat dock. We tried talking with our neighbors to the east several times as well as showed her our plans of the boat lift addition but each time she said no and we needed purchase a floating drive on boat dock. For the past year we have borrowed a floating drive on boat dock as requested by our neighbor to the east; however, the person we borrowed the floating drive on boat dock from has requested we return it to them. We have looked into purchasing a floating drive on boat dock from several companies; however, they are significantly more expensive than a traditional electric boat lifts. In addition, it requires both of us, Joseph and Jennifer Ferrante to push our over 4,000 lb boat off the floating drive on boat dock and due to Jennifer's previous injuries to her back it is not safe for her to be standing on the plastic floating boat dock and pushing the boat off. Attached is a letter from her Doctor. Furthermore, about a year ago we re-decked our as built deck and dock with a permit granted from the EPC; a portion of our deck that is not over or in the water needed to have some structural boards replaced. We replaced what needed to be fixed and later noticed that without permission our neighbor to the east had four 2x6 boards installed on our property to help hold up a portion of her deck that extends onto our property. We were not happy to see that our neighbor to the east will not consent to us having a boat lift exactly like she herself as but felt she could take it upon herself to add support boards to her deck on our property.

We, Joseph and Jennifer Ferrante seek a waiver of Section 1-2.50, Rules of the EPC subsection V.A.3.a.(2), Submerged Lands Management Rules of the Tampa Port Authority. This rule requires a setback of ten feet for marine construction activities from the neighbor's riparian lines. Pursuant to Section 1-2.50, Rules of the EPC, a waiver may be granted where (1) a substantial hardship as defined by section 120.542, F.S., or that a violation of the principles of fairness as defined by section 120.542 F.S., would occur, and (2) where the purpose of the underlying rule can be, or has been, achieved by other means. In addition, pursuant to Section 1-2.50(a)(3), Rules of the EPC, the EPC rule Section 1-11.08(6)(e) is not a

District or DEP rule and thus can be processed by the EPC. The following information is submitted in support of Joseph & Jennifer Ferrante's argument.

The requirement to maintain a setback of ten feet for marine construction activities from the neighbor's riparian lines is a substantial hardship for us, Joseph and Jennifer Ferrante based on the following facts. We will encounter an economic, physical and legal hardship as well feel the request should be granted based on the principle of fairness. We are requesting a reduced setback to one foot and by doing so will also meet the underlying purpose of this rule. We will encounter an economic hardship because the cost of purchasing a floating drive on boat dock as requested by our neighbors to the east costs significantly more than a traditional electric boat lift; we have included two quotes one from VersaDock and one from Florida Boatlifts. My wife, Jennifer Ferrante will encounter a physical hardship; due to her previous injuries to her back and ongoing treatment; it is not healthy for her to push the boat off without causing pain or future damage to her back. We will also encounter a legal hardship because the cost to re-establishing our riparian lines is substantial. Also, in addition to us encountering an economic, physical and legal hardship we also encounter the principle of fairness. Under the principle of fairness we are simply requesting to erect a boat lift on our property exactly like our neighbors to the east have (our total structure will actually be smaller in size) as well as the majority of homeowners on our street. There are multiple homes on our street with both docks and boat lifts.

Our existing dock & boat lift addition will meet the 10:1 size requirement and not exceed 260 sq ft. Furthermore, we are requesting a reduced setback to one foot which will meet the underlying purpose of this rule because the distance is minor, erecting a boat lift with a setback reduced to one foot will not interfere with the navigation of the waterway nor will it interfere with the neighbors' to the east use and enjoyment of their riparian rights.

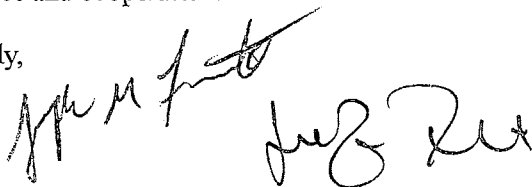
Furthermore, we have attached a copy of our neighbor Susan Williams permit from May of 2006. Her permit was originally taken out by her husband, Michael Williams who was not at the time and still is not the homeowner. Mike, her husband's name was recently scratched out and Susan's name was written in and initialed by Richard Booth when I brought it to his attention that the permit was taken out incorrectly. In addition, her permit has several contradictions in it. Susan Williams property survey, also attached, shows her having 26' ft of waterfront and one of her drawings shows she has 27' ft of waterfront. Susan Williams has a 10' x 10' dock over the water with three catwalks, one measuring 2.6' x 14', another measuring 2.6' x 24' and one connecting her 10' x 10' dock & catwalk to another catwalk measuring 2.6 x 13.6'. The catwalks measuring 2.6' x 13.6' and 2.6 x 24' and it's piling's are not included in her permit or on any drawing. I have highlighted the areas where her additional catwalks are. She has a Pateco Boat Lift that measures 12' x 6' attached to her dock and catwalks. In total Susan Williams has 306.16 sq ft of dock and boat lift with a property only 26 ft. wide. According to what we have been told that does not meet the 10:1 ratio; rather she should have no more than 260 sq ft of dock & boat lift. The Tampa Port Authority also made a note on one of the drawings stating her square footage must total 256 sq feet. This makes her over the allotted sq footage by 46.16 sq ft. We have also attached pictures of barrels full of concrete that Susan Williams has added under her dock to support two of her pilings & I nor the Port Authority could locate permits for those.

Based on this hardship, Joseph and Jennifer Ferrante are requesting a waiver for Section 1-2.50, Rules of the EPC subsection V.A.3.a.(2), Submerged Lands Management Rules of the Tampa Port Authority. This rule requires a a setback of ten feet for marine construction activities from the neighbor's riparian lines.

The second criterion regarding meeting the underlying purposes of the rule has been achieved because reducing the setback to one foot will not result in threats to health, safety, or welfare of the neighbors to the EAST, residents to our neighborhood Bay Crest Park, residents of Hillsborough County or boaters navigating the waterway.

Based on the factors and analysis relayed in this letter and attached documents, we respectfully request that EPC, pursuant to Section 1-2.50, Rules of the EPC, grant a waiver of Section 1-2.50, Rules of the EPC subsection V.A.3.a.(2), Submerged Lands Management Rules of the Tampa Port Authority. Please advise if you have any further questions or requirements to process this request. Thank you for your assistance and cooperation.

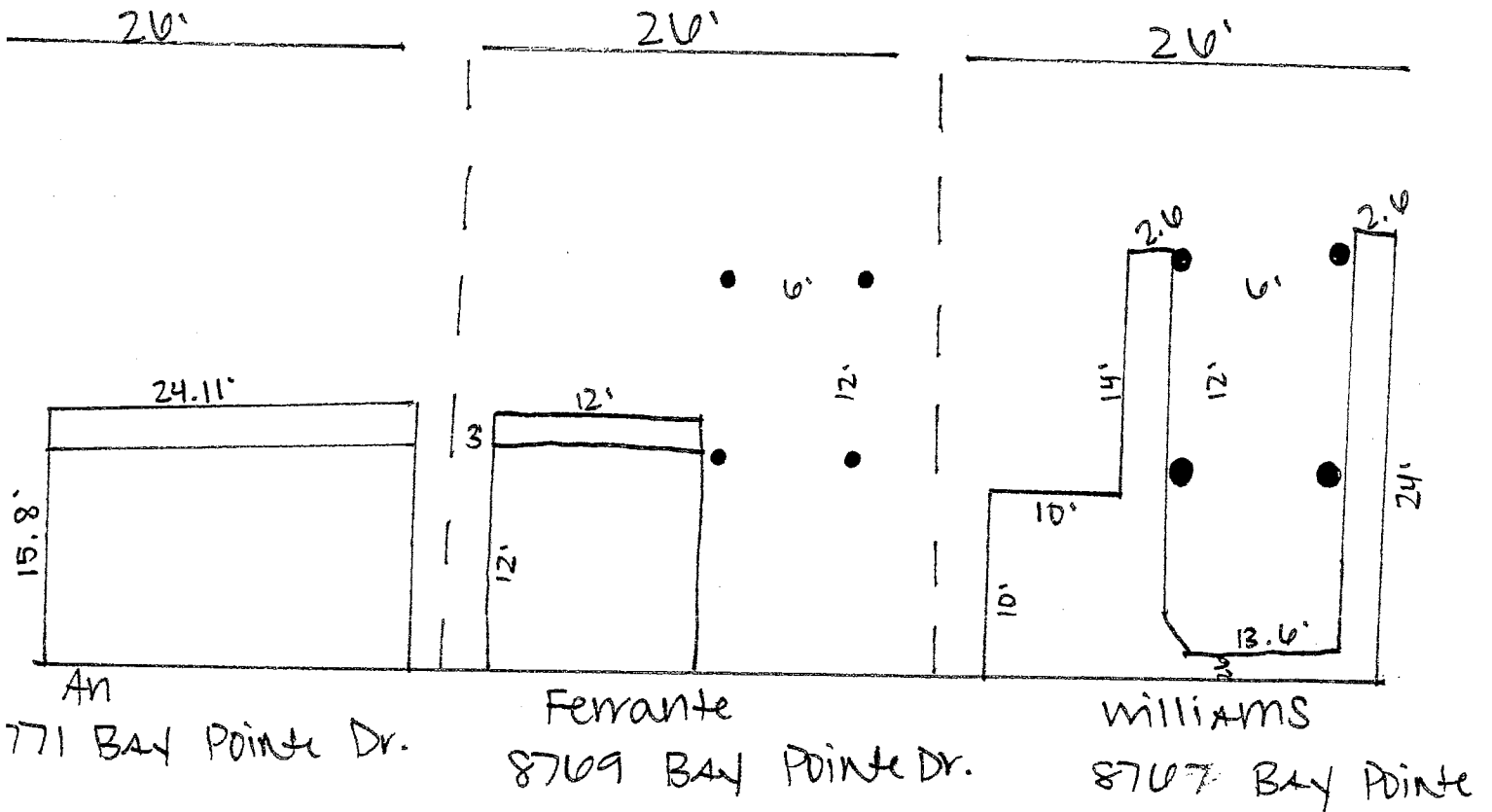
Sincerely,

Handwritten signatures of Joseph and Jennifer Ferrante. The signature on the left is 'Joseph M. Ferrante' and the signature on the right is 'Jennifer Ferrante'.

Joseph and Jennifer Ferrante

Ferrante

OVERHEAD VIEW
OF ADJACENT PROPERTIES



Ferrante

Boat Lift Drawing

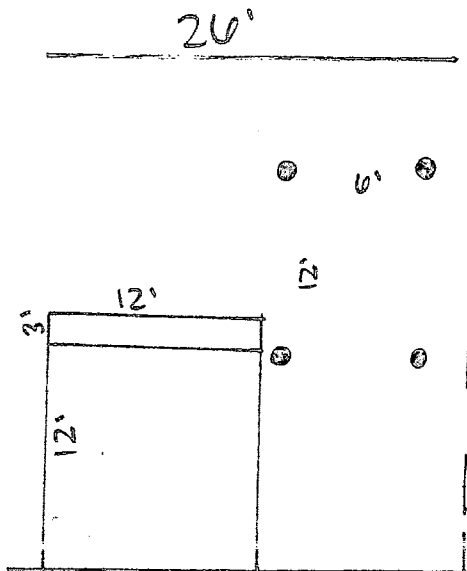
Square footage

$$\text{Boat Lift} = 12 \times 6 = 72 \text{ sq. ft.}$$

$$\text{lower landing} = 12 \times 3 =$$

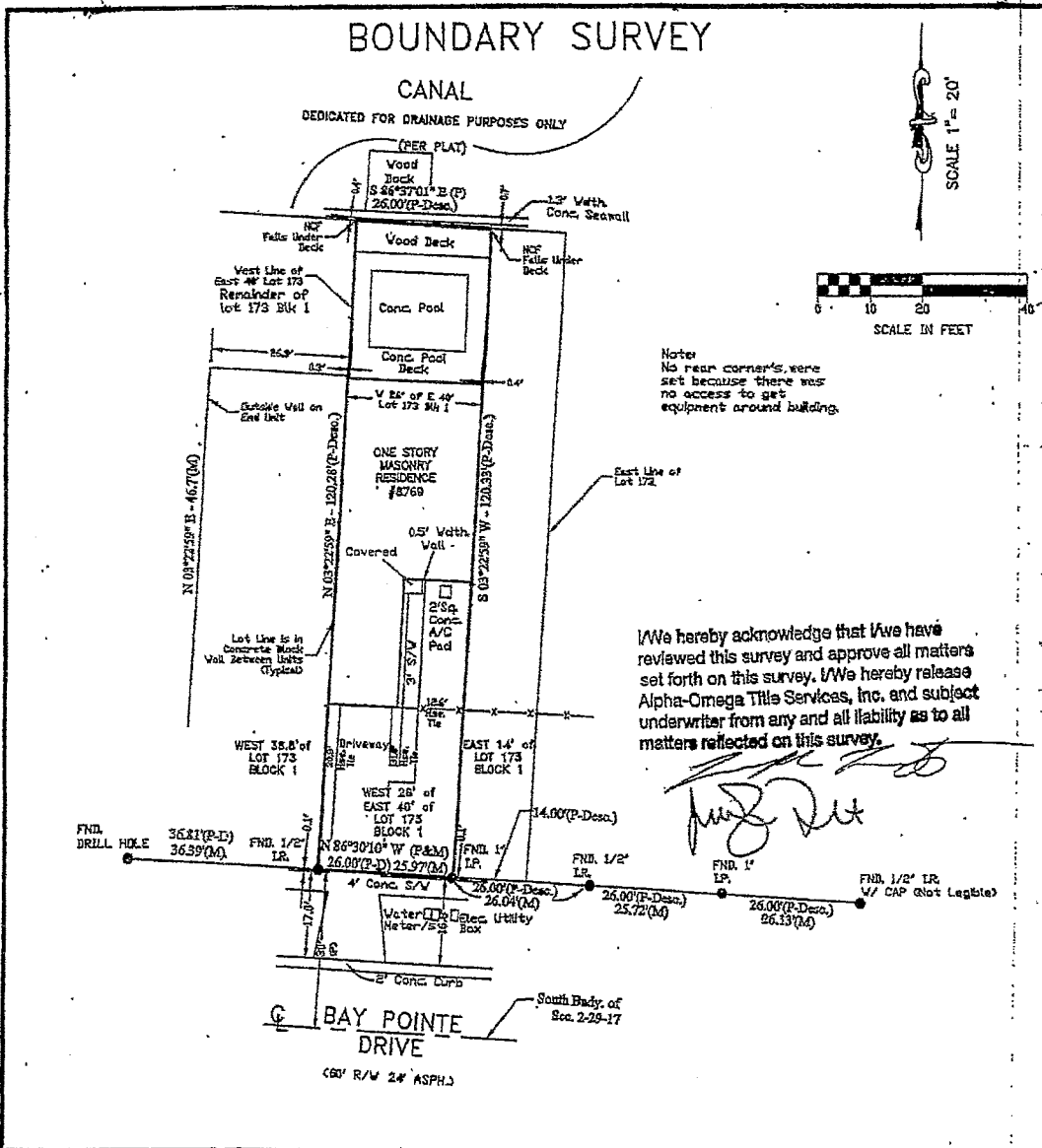
$$\text{DOCK} = 12 \times 12 = 144 \text{ sq. ft.}$$

$$\text{TOTAL sq. ft.} = 252$$



8709 Bay Pointe Dr.

Ferrante Property Survey



LEGAL DESCRIPTION: THE WEST 26 FEET OF THE EAST 40 FEET OF LOT 173, BLOCK 1, BAYCREST PARK UNIT NO. 21, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 43, PAGE 24, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

LEGEND:			SURVEYOR'S NOTES:
A/C = Air Conditioner ALUM = Aluminum ASPH = Asphalt BLDG = Building CALC = Calculated CD = Chain Drawing CH = Chain CLF = Chain Link Fence CD = Chain Cut COL = Column CONC = Concrete COVER = Covered EW = Edge of Easement EWP = Edge of Pavement EPP = Edge of Water E.P.C.N.C. = Environmental Protection Commission of Hillsborough County EPU = Electrical Power & Utility EQ = Equipment FL = Foliage FCP = Found Coped Iron Pipe	FCR = Found Coped Iron Rod FCM = Found Concrete Measurement FIP = Found Iron Pipe FIR = Found Iron Rod F.N/D = Found Nail & Disk FBL = Found F.P.N/D = Found PK Nail & Disk L = Legal LCS = License Business M = Measured M = Marked M/W = Marking Wall N = North NCP = N/C Corner Found or Set NE = Northeast NTE = Not to Scale NW = Northwest O/S = Overseas Site P = Plot P/P = Plot Book P = Post P.L.S. = Professional Land Surveyor	P.O.B. = Point of Beginning P.O.C. = Point of Commencement P.O.R. = Point of Reference P.S.M. = Professional Surveyor & Mapper R = Rod R/S = Regularized Land Surveyor R/R = Roll Road R/W = Right of Way S = South SCM = Set Coped Iron Rod P.M. 1568 SE = Southeast SEC. = Section S.P.N/D = Set PK Nail & Disk SW = Southwest S/W = Sewer TECO = Tampa Electrical Company TOP = Top of Built TIP = Tipped W = West WC = Witness Corner W.F. = Wood Fence	1) NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED. 2) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY, AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN. 3) BEARINGS SHOWN HEREON REFER TO RECORD PLAT, UNLESS OTHERWISE NOTED. 4) BUILDING TIES ARE NOT INTENDED FOR THE RE-ESTABLISHMENT OF DEED OR PROPERTY LINES. 5) UNLESS OTHERWISE SHOWN (P) PLAT & (M) MEASURED ARE THE SAME.

F.L.R.M. CERTIFICATION

THE ABOVE DESCRIBED PROPERTY APPEARS TO BE SITUATED IN ZONE AE 9 AS DELINEATED ON FLOOD INSURANCE RATE MAP PANEL NO. 12057G 0327H DATED 8/28/08

SURVEYOR'S CERTIFICATE

This certifies that a survey of the above described property was made under my supervision and that the drawing is a true and accurate representation thereof.

John H. Ravatt
John H. Ravatt, P.E.M. No. 3368

4/24/10
Date of Signature

THIS SURVEY NOT VALID UNLESS IMPRINTED WITH AN EMBOSSED SURVEYOR'S SEAL.

CERTIFIED TO:
Joseph Ferrante
Jennifer Ferrante
Old Republic National Title Insurance Company
Alpha-Omega Title

C & J SURVEYING, INC.
5922 RAWLS ROAD - TAMPA, FLORIDA 33624
PH: (813) 963-2250
Certificate of Authorization No. 137427

Project No. 10070 Date of Survey 4-28-2010
Section 2 Township 29 S Range 17 E

COPY FROM
SUSAN WILLIAMS PERMIT.

SUSAN
WILLIAMS
ACTUAL Boat
LIFT/
Dock Structure

highlighted areas on
williams property
are have been installed
at her property but not on
REC'D T.P.A. permit.

MAY 22 2006

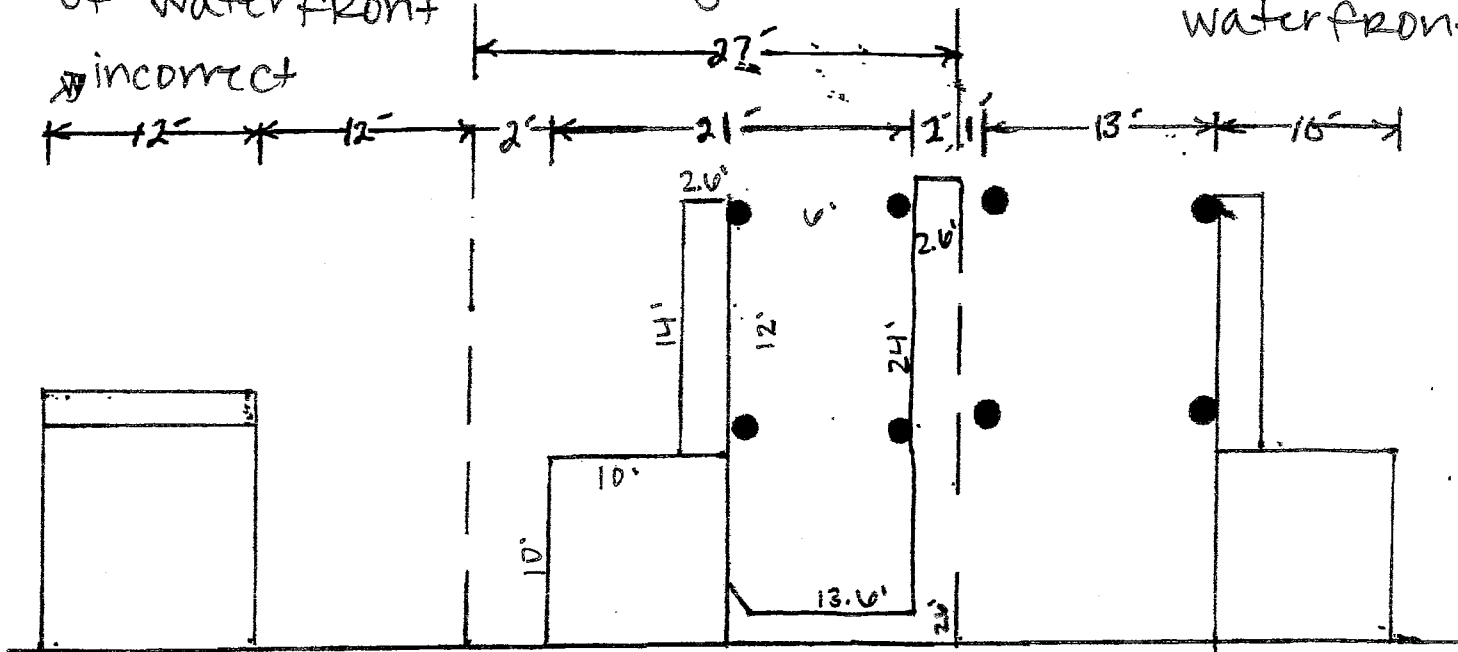
ENVIRONMENTAL DEPT.

OVERHEAD VIEW
ADJACENT PROPERTY

SCALE 1" = 10'

we have 26' ft.
of waterfront
incorrect

27' is incorrect
according to survey on 26' ft. of
waterfront



Ferrante
8769 BAYPOINT DR

Williams
8767 BAYPOINT DR

8765 BAYPOINT DR

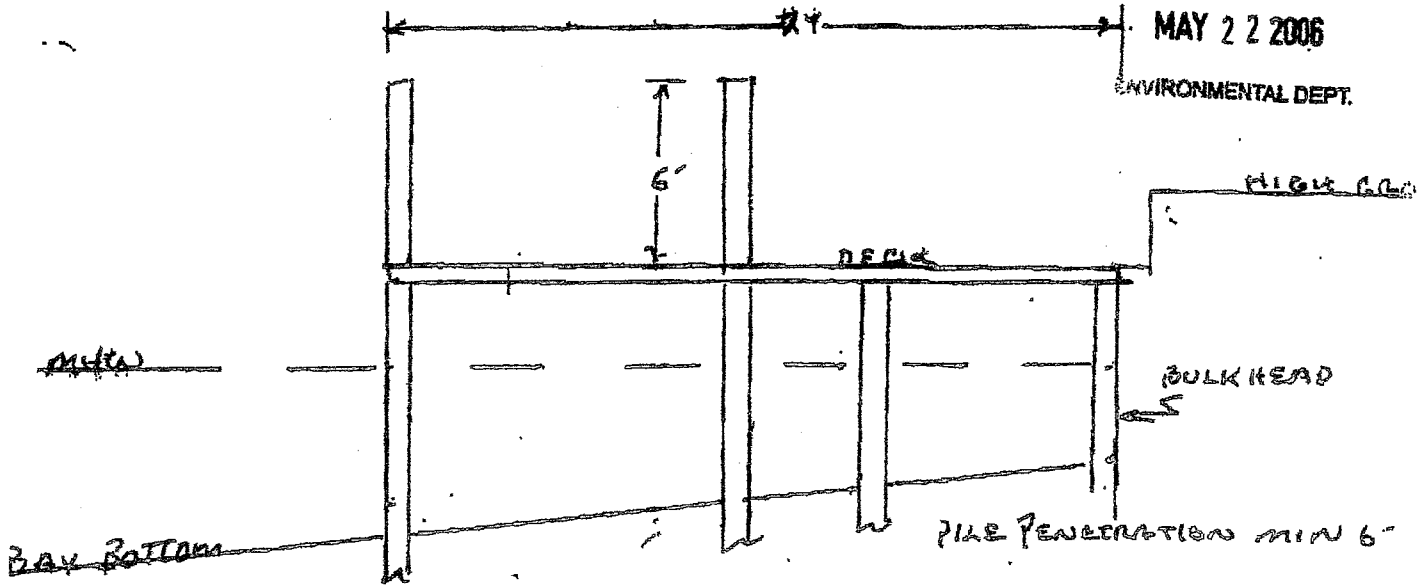
MIKE WILLIAMS
3767 BAY POINT DR.
BAYCREST

ATT WICK SOUTH

REC'D T.P.A.

MAY 22 2006

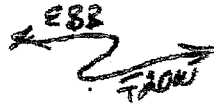
ENVIRONMENTAL DEPT.



PROFILE 1" = 6'

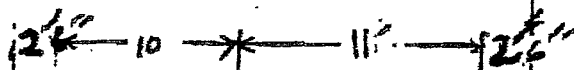
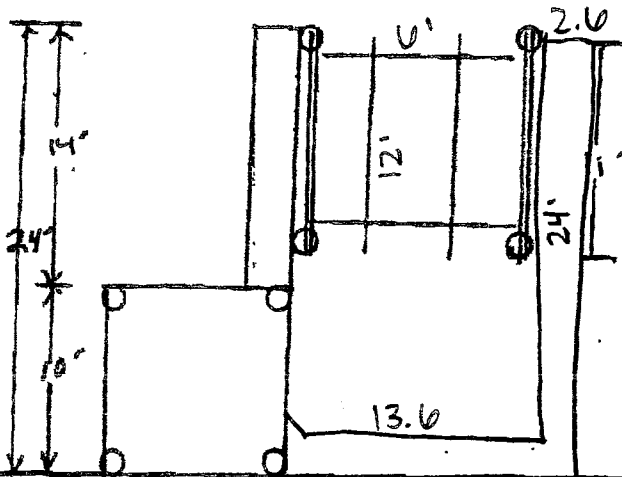
ACTUAL
TOTAL SQ.
FOOTAGE = 306.16

OVERHEAD VIEW
SCALE 1" = 10'



REVISED
5/17/06
TOTAL S/F 156

2'6" +



TPA Note: CONTRACTORS MEASUREMENTS TOTAL 256 SQUARE FEET

06-098

8767 BAYPOINT

-53-P/L

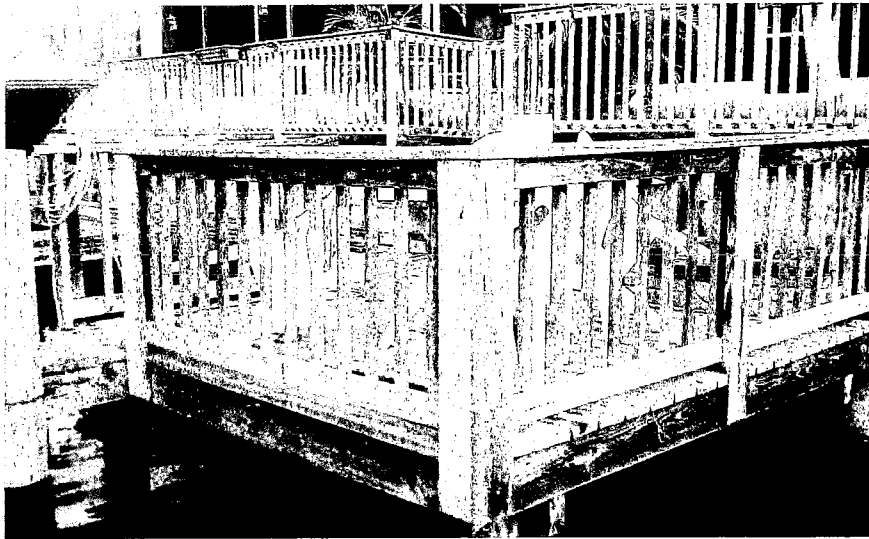
1/2

Photos of Susan Williams Dock & Boat Lift

This photo shows Susans Williams dock, 2 catwalks and boat lift. The 3rd catwalk runs along the length of the seawall.



Below is a Susan Williams 10 x 10 dock.

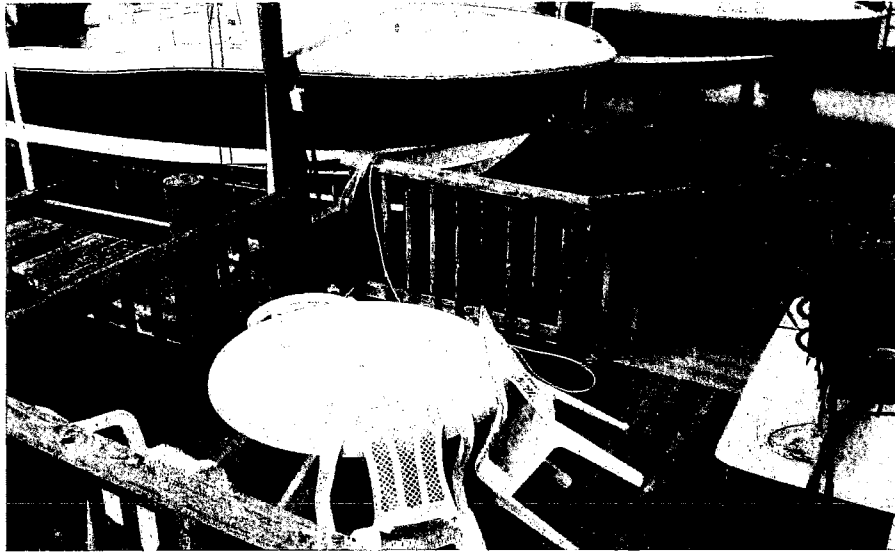


Another view of the 10 x 10 dock, also visible are all 3 catwalks. The one at the seawall is blocked by the deck box.

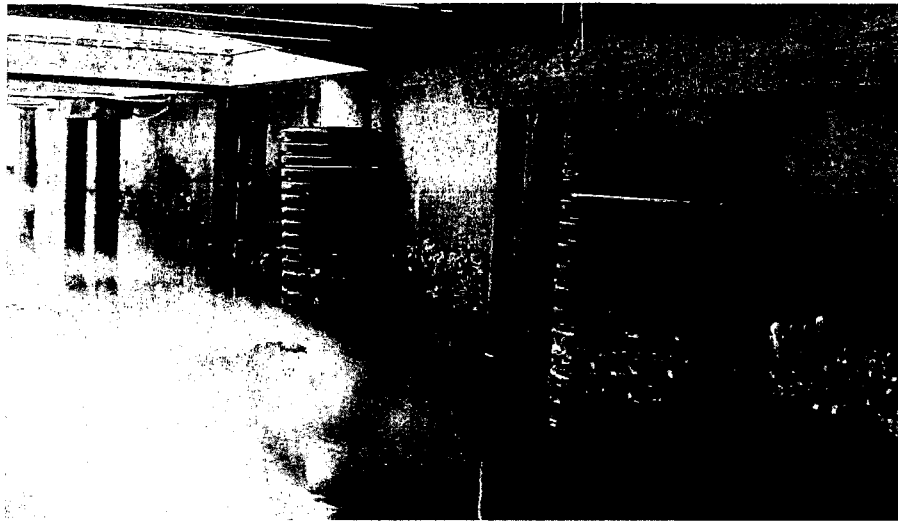


Photos of Susan Williams Dock & Boat Lift

Additional view of the 10 x 10 dock and 3 catwalks.

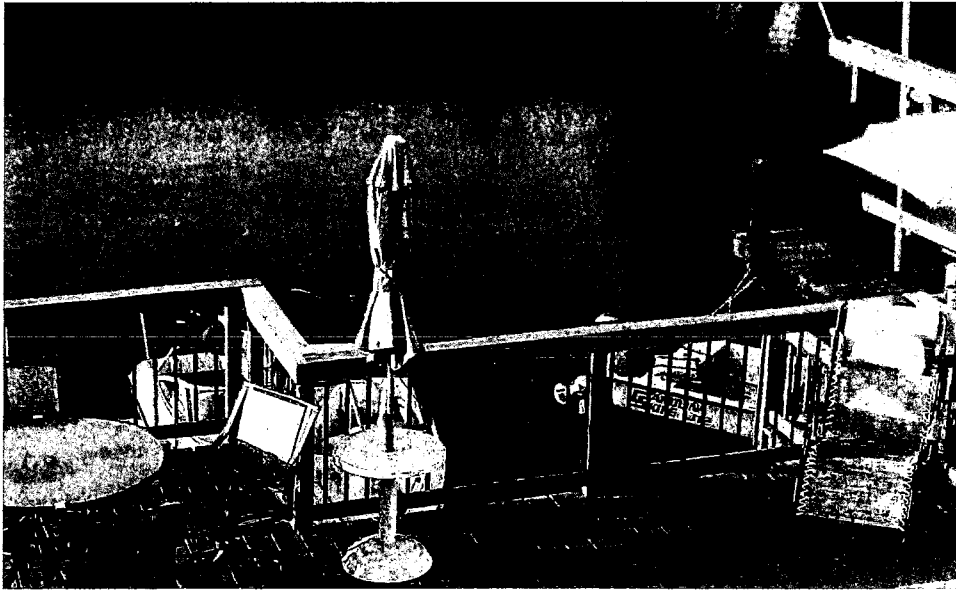
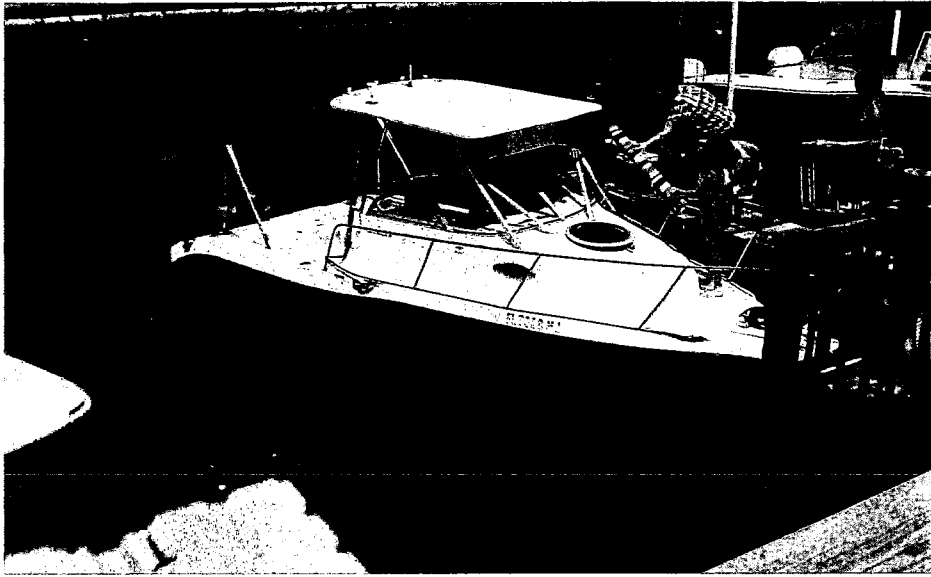


Barrels of concrete that have been added to support the pilings holding up the catwalk that runs along the seawall.



Photos of Susan Williams Dock & Boat Lift

Frequently the Williams have additional boats that park in a way it interferes with our riparian space.



We've also had their cat jump from their property to ours & inside our boat many times. This time scratching Joe as he tried to help it out.



Photos of other neighbors with both Docks & Boat Lifts

Susan Williams on the right & Steven & Tina Stanley on the left.



Next to the Stanley's is Matt Browns dock, boat lift, floating dock & barge.



View of all three: Williams, Stanley's & Brown - all less than 10 ft. from their neighbors riparian lines.



Photos of other neighbors with both Docks & Boat Lifts

The photo below is one houses' dock and boat lift, it was just too large to fit in one picture. Their dock actually extends a couple feet onto their neighbors property.



Photos of other neighbors with both Docks & Boat Lifts



Photos of other neighbors with both Docks & Boat Lifts



Photos of other neighbors with both Docks & Boat Lifts





TAMPA PORT AUTHORITY
A legacy of Impact **60th** *New Horizons Ahead*
 ANNIVERSARY

RECEIVED
 JUN 01 2006
 EPC OF H.C.
 WETLANDS

Date May 24, 2006

Wetland Scientist
 Environmental Protection Commission of Hillsborough County
 Roger P. Stewart Center
 3629 Queen Palm Drive
 Tampa, FL 33619

TAMPA PORT AUTHORITY (TPA) PERMIT APPLICATION NO. 06-098
 MINOR MAJOR WORK PERMIT APPLICATION
 APPLICANT: Mike Williams

Pursuant to Section 25, Chapter 95-488 Laws of Florida, please provide a written recommendation regarding the issuance of a Tampa Port Authority (TPA) permit for the proposed project detailed in the enclosed application. Unless additional information is necessary to complete your review, please submit your recommendations and comments concerning the project to this office within fourteen (14) days of receipt of this letter. Should you have any further questions or require additional information, please feel free to contact me at 813-905-5033.

DT 08204070330 (Money order)
 Check # _____ in the amount of \$150.00 is enclosed for the EPC review fee.

Sincerely,

Richard Booth

Richard Booth
 Environmental Specialist III
 Tampa Port Authority

Enclosure(s)

WATERS OF THE HILLSBOROUGH COUNTY PORT DISTRICT

FOR Office Use Only
Application Number 06 98 DER Number _____
Date Received MAR 30 2006 COE Number _____

1. MAJOR/STANDARD APPLICATION _____ MINOR APPLICATION _____

Brief Project Description: _____

2. APPLICANT'S NAME, ADDRESS, AND TELEPHONE NUMBER:

1837A

Susan
MITCHELL WILLIAMS
NAME

8767 BAY POINT DR
ADDRESS

TAMPA FL
CITY STATE ZIP CODE

TELEPHONE NUMBER 813-882-9416

3. NAME, ADDRESS, AND TELEPHONE NUMBER OF APPLICANT'S AUTHORIZED AGENT:

SOUTH BAY MARINE
NAME

17301 PINEHURST DR
ADDRESS

CLAREMONT FL
CITY STATE ZIP CODE

TELEPHONE NUMBER 727-449-2038

4. NAME OF WATERWAY AT PROPOSED PROJECT: CAUSEWAY OLD TAMPA BAY

5. LOCATION OF PROPOSED PROJECT:

STREET ADDRESS 8767 BAY POINT DR

CITY TAMPA

SECTION 02; TOWNSHIP 29 RANGE 17

REC'D T.P.A.

MAR 30 2006

ENVIRONMENTAL DEPT.

1837A

6. PROPOSED USE: PRIVATE

Private Single Dwelling Private Multi-Dwelling _____

Commercial _____ Other _____ (please explain in remarks section)

7. OWNER OF SUBMERGED LANDS: STATE OF FLORIDA

RECEIVED

8. PREVIOUS TAMPA PORT AUTHORITY PERMITS ISSUED AT THIS LOCATION:

NUMBER _____ DATE _____

JUN 01 2006

EPC OF H.C. WETLANDS

9. PROJECT DESCRIPTIONS

PAGE 4 OF 5

NOTE: Features and dimensions must be carefully shown on the required application drawings. Please review the instructions provided to insure that the drawings which you have prepared are acceptable.

A. STRUCTURES:

1. NEW WORK X MAINTENANCE _____ ADDITION _____

2. DOCKS:

- a. Number of Docks 1 Number of Boat Slips 1
- b. Length beyond MHW 24' Width of Structure 23'
- c. Total Area of Structure 135 square feet
- d. Overall Area of Facility 291 square feet

3. SEAWALLS, BULKHEADS, REVETMENTS:

- a. Length of Shoreline Before Construction 27 linear feet
- b. Vertical _____; Rip-Rap _____; Slope:Horizontal _____; Vertical _____;
- c. Type of Material to be used _____

4. OTHER TYPE OF STRUCTURE:

(Please Explain) _____

REC'D T.P.A.
MAR 30 2006
ENVIRONMENTAL DEPT.

B. DREDGING/EXCAVATION:

1. NEW _____ MAINTENANCE _____

2. DIMENSIONS OF AREA TO BE DREDGED/EXCAVATED:

- a. Length _____ Width _____ Total Area _____
- b. Depths: Existing _____; Proposed _____
- c. Volume: Above MHHW _____; Below MHHW _____; Total _____
- d. Area: Above MHHW _____; Below MHHW _____; Total _____

3. TYPE OF MATERIAL:

C. FILLING:

- 1. VOLUME: Above MHHW _____; Below MHHW _____; Total _____
- 2. AREA: Above MHHW _____; Below MHHW _____; Total _____
- 3. CONTAINMENT: Seawall _____; Dikes _____; Other _____ (explain)
- 4. TYPE OF MATERIAL TO BE USED: _____

06.098

* Telcan with Southern Marine

10. WORK IS SCHEDULED TO BEGIN ON: _____ AND BE COMPLETE BY: _____

11. REMARKS: (Refer to Instructions)

Remove existing 2x12 Dock INSTALL NEW DOCK PLIFT AS SHOWN NO SEA GRASS OR VEGETATION EXISTS IN AREA OF CONSTRUCTION

12. AFFIDAVIT OF OWNERSHIP OR CONTROL of the property on which the proposed project is to be undertaken

CERTIFY THAT: (Please Check the Appropriate Space)

I am the record owner, lessee, or record easement holder of the property described below.

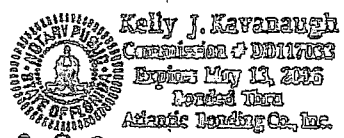
I am NOT the record owner, lessee, or record easement holder of the property described below, but I will have the requisite property interest before undertaking the proposed project. (Please Explain in Remarks Section)

LEGAL DESCRIPTION OF PROPERTY: (Use Additional Sheets, if necessary)

SURVEY ATTACHED

[Handwritten Signature]
Signature of Applicant

Sworn to and subscribed before me at Hillsborough County, FLORIDA, this 7th day of March, 2006.



REC'D T.P.A.
MAR 30 2006

16-098

[Handwritten Initials]

3. WAIVER OF FURTHER REVIEW

I have reviewed the plans for the project described in this Minor Work Permit Application, have no objections to the project described herein, and waive the requirement of additional formal notification of the project as required by Chapter 84-447, Laws of Florida.

Owner A X Pablo I. Lee Owner B X Tina V Stanley

14. ADJACENT RIPARIAN PROPERTY OWNERS (please include Name, Address, and Telephone Number)

Pablo E. Quiles
 Name
8769 Bay Pointe Dr.
 Address
TAMPA FL 33615
 City State Zip Code
 Telephone Number

Tina V Stanley
 Name
8765 Bay Pointe Dr.
 Address
TAMPA FL 33615
 City State Zip Code
813-884-5315
 Telephone Number

15. AUTHORIZATIONS

- a. I authorize the agent listed in Item 3 to negotiate modifications or revisions, when necessary, and accept or assent to any stipulations on my behalf.
- b. I understand I may have to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with applicable water quality standards or other environmental standards both before construction and after the project is completed.
- c. In addition, I agree to provide entry to the project site for inspectors with proper identification or documents as required by law from the environmental agencies for the purpose of making preliminary analyses of the site. Further, I agree to provide entry to the project site for such inspectors to monitor permitted work, if a permit is granted.
- d. Further, I hereby acknowledge the obligation and responsibility for obtaining all of the local, state and federal permits before commencement of any activity.

I CERTIFY that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activity.

X [Signature]
 Signature of Applicant

3-1-06
 Date

NOTE: THIS APPLICATION MUST BE SIGNED by the person who desires to undertake the proposed activity or by an authorized agent. If an agent is applying on behalf of the applicant, attach proof of authorization for the agent to sign and bind the applicant.

REC'D T.P.A.

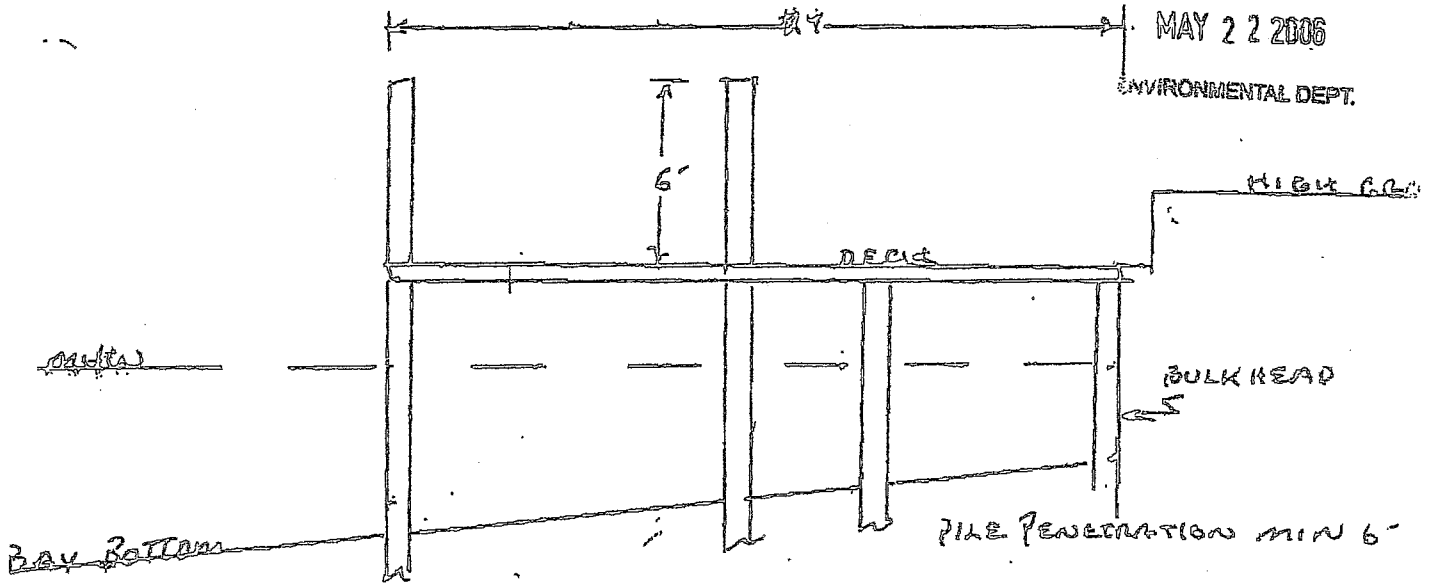
05-17-2006 12:58 SOUTHERN MARINE 727 4492030
 MIKE WILLIAMS
 8767 BAY POINT PRV.
 BAY CR EST

ATT WICK SOUTH

REC'D T.P.A.

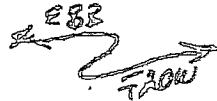
MAY 22 2006

ENVIRONMENTAL DEPT.



PROFILE 1" = 6'

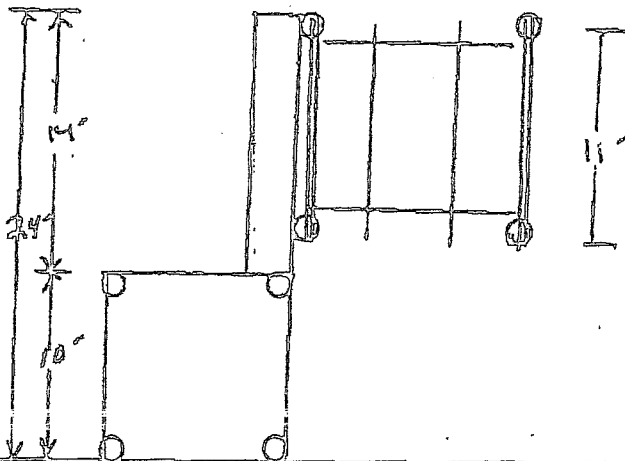
OVERHEAD VIEW
 SCALE 1" = 10'



REVISED
 5/17/06

TOTAL S/F 156

2'6" ±



22'6" 10' 12'6" 11'

TPA Note: Contractors measurements total 256 square feet

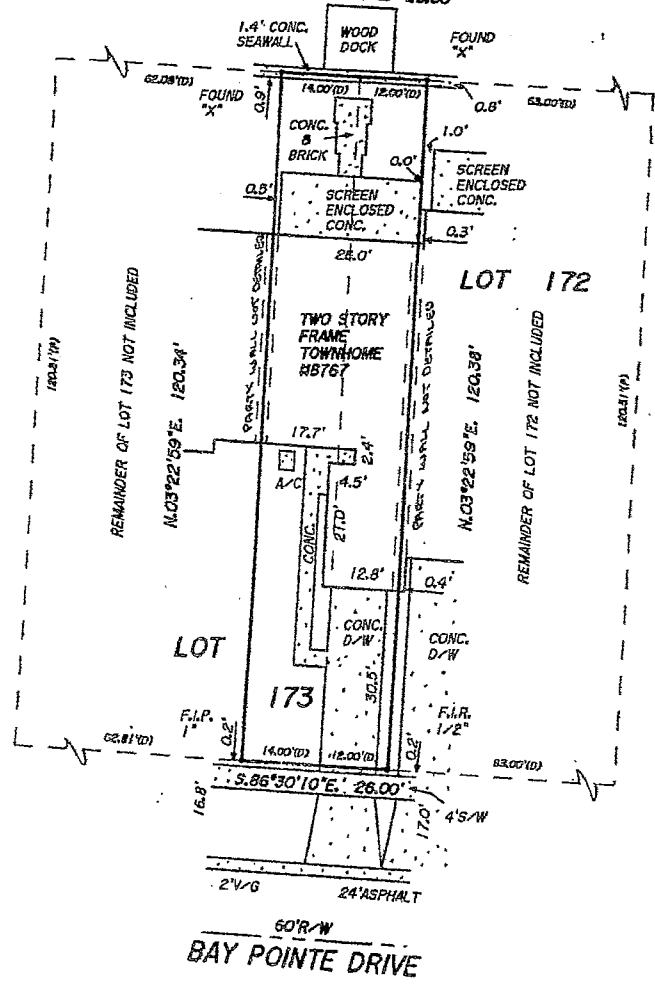
06-098

8767 BAYPOINT

BOUNDARY SURVEY

CANAL

(DEDICATED FOR DRAINAGE PURPOSES)
S.86°37'01"E. 26.00'



DESCRIPTION: THE WEST 12.0 FEET OF LOT 172 AND THE EAST 14.0 FEET OF LOT 173 IN BLOCK 1 OF BAY CREST PARK UNIT NO.21, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 43, PAGE 24, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

Susan Williams

CERTIFIED TO: FIDELITY NATIONAL TITLE
CHASE MANHATTAN MORTGAGE CORPORATION
SUSAN WILLIAMS

BEARINGS ARE BASED ON THE NORTHERLY RIGHT OF WAY LINE OF BAY POINTE DRIVE AS BEING S.86°30'10"E. PER PLAT.

<p>DAVID L. SMITH PROFESSIONAL SURVEYORS & MAPPERS, INC.</p>	<p style="text-align: center;">LICENSED BUSINESS L.B. 6962 1406 W. LINEBAUGH AVENUE TAMPA FLORIDA 33612 PHONE (813)935-1960 FAX (813) 933-9446</p>																																													
<p>PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE AS PER F.L.R.M. NO. 16012Z 03272 DATED 8/11/04. THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION</p>	<p>LEGEND</p> <table style="width: 100%; font-size: small;"> <tr> <td>A.P.O. - A PORTION OF</td> <td>F.C.M. - FOUND CONCRETE</td> <td>P.B. - PLAT BOOK</td> </tr> <tr> <td>ASPH. - ASPHALT</td> <td>MONUMENT</td> <td>(P) - PLAT DATA</td> </tr> <tr> <td>B.M. - BENCHMARK</td> <td>F.I.P. - FOUND IRON PIPE</td> <td>P.O.B. - POINT OF BEGINNING</td> </tr> <tr> <td>(C) - CALCULATED</td> <td>F.I.R. - FOUND IRON ROD</td> <td>P.O.C. - POINT OF COMMENCEMENT</td> </tr> <tr> <td>C.L.F. - CHAIN LINK FENCE</td> <td>F.P.K. - FOUND PARKER-KASON</td> <td>P.C. - POINT OF CURVATURE</td> </tr> <tr> <td>CONC. - CONCRETE</td> <td>NAIL</td> <td>P.R.C. - POINT OF REVERSE CURVE</td> </tr> <tr> <td>COV. - COVERED</td> <td>NOVD - NATIONAL GEODETIC</td> <td>P.T. - POINT OF TANGENCY</td> </tr> <tr> <td>(D) - DESCRIPTION</td> <td>VERTICAL DATUM</td> <td>P.F. - POWER POLE</td> </tr> <tr> <td>D.B. - DEED BOOK</td> <td>O.R.B. - OFFICIAL RECORDS BOOK</td> <td>R/W - RIGHT OF WAY</td> </tr> <tr> <td>EL. - ELEVATION</td> <td>O/H - OVERHEAD WIRE</td> <td>S.I.R. - SET IRON ROD LD 6962</td> </tr> <tr> <td>ENC. - ENCROACHMENT</td> <td>PO. - POLE</td> <td>S.D. - SET DISK LD 6962</td> </tr> <tr> <td>ESMT. - EASEMENT</td> <td>P.C.P. - PERMANENT CONTROL</td> <td>TM - TEMPORARY BENCH MARK</td> </tr> <tr> <td>(F) - FIELD MEASUREMENT</td> <td>POINT</td> <td>TYP. - TYPICAL</td> </tr> <tr> <td>F.R. - FINISHED FLOOR</td> <td>P.R.M. - PERMANENT REFERENCE</td> <td>W.C. - WITNESS CORNER</td> </tr> <tr> <td></td> <td>MONUMENT</td> <td>W.F. - WOOD FENCE</td> </tr> </table>	A.P.O. - A PORTION OF	F.C.M. - FOUND CONCRETE	P.B. - PLAT BOOK	ASPH. - ASPHALT	MONUMENT	(P) - PLAT DATA	B.M. - BENCHMARK	F.I.P. - FOUND IRON PIPE	P.O.B. - POINT OF BEGINNING	(C) - CALCULATED	F.I.R. - FOUND IRON ROD	P.O.C. - POINT OF COMMENCEMENT	C.L.F. - CHAIN LINK FENCE	F.P.K. - FOUND PARKER-KASON	P.C. - POINT OF CURVATURE	CONC. - CONCRETE	NAIL	P.R.C. - POINT OF REVERSE CURVE	COV. - COVERED	NOVD - NATIONAL GEODETIC	P.T. - POINT OF TANGENCY	(D) - DESCRIPTION	VERTICAL DATUM	P.F. - POWER POLE	D.B. - DEED BOOK	O.R.B. - OFFICIAL RECORDS BOOK	R/W - RIGHT OF WAY	EL. - ELEVATION	O/H - OVERHEAD WIRE	S.I.R. - SET IRON ROD LD 6962	ENC. - ENCROACHMENT	PO. - POLE	S.D. - SET DISK LD 6962	ESMT. - EASEMENT	P.C.P. - PERMANENT CONTROL	TM - TEMPORARY BENCH MARK	(F) - FIELD MEASUREMENT	POINT	TYP. - TYPICAL	F.R. - FINISHED FLOOR	P.R.M. - PERMANENT REFERENCE	W.C. - WITNESS CORNER		MONUMENT	W.F. - WOOD FENCE
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<p>THIS CERTIFIES THAT THIS SURVEY WAS MADE UNDER MY SUPERVISION AND MEETS APPLICABLE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 61G17-4 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES</p> <p><i>David L. Smith</i> 8/11/04 DATE</p> <p>DAVID L. SMITH PROFESSIONAL LAND SURVEYOR FLORIDA REGISTRATION NO. 5265 NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER</p>	<p>NO UNDERGROUND UTILITIES, UNDERGROUND ENCROACHMENTS OR BUILDING FOUNDATIONS WERE MEASURED OR LOCATED AS PART OF THIS SURVEY. TREES AND SHRUBS WERE NOT LOCATED UNLESS OTHERWISE SHOWN.</p> <p>THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE THERE MAY BE OTHER EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, RESTRICTIONS OR OTHER SIMILAR MATTERS OF PUBLIC RECORD, NOT SHOWN HEREON.</p> <p>UNLESS OTHERWISE NOTED, DISTANCES SHOWN HEREON REFER TO PLAT AND FIELD MEASUREMENT</p>																																													
<p>FIELD DATE: 8/11/04</p>	<p>JOB NO. 6108-050</p>																																													

REC'D T.P.A.

MAR 30 2005

ENVIRONMENTAL DEPT

06-098

FLORIDA BOATLIFTS

4814 NORTH COOLIDGE AVE.
TAMPA, FLORIDA 33614

MANUFACTURER OF
PRO-LIFT & PRIME-LIFT ALUM. LIFTS
AND GALVANIZED PRODUCTS

TAMPA (813) 873-1614
ST. PETE. (727) 327-0516
TOLL FREE (800) 521-3118
FAX (813) 877-3950

www.floridaboatliffts.com

SUGGESTED RETAIL PRICES EFFECTIVE JANUARY 1, 2012 SUBJECT TO CHANGE WITHOUT NOTICE. ALL PRICES DO NOT INCLUDE INSTALLATION OR SALES TAX IF APPLICABLE. F.O.B. TAMPA, FLORIDA. WARRANTY INFORMATION AVAILABLE UPON REQUEST.

PRO-LIFT ALUMINUM LIFTS

PL6	6,000 lb. Max. Capacity	\$4,624.00
PL8	8,000 lb. Max. Capacity	\$4,879.00
PL10	10,000 lb. Max. Capacity	\$5,294.00
PL13	13,000 lb. Max. Capacity	\$5,766.00
PL16	16,000 lb. Max. Capacity	\$6,628.00
PL20	20,000 lb. Max. Capacity	\$8,463.00
PL24	24,000 lb. Max. Capacity	\$9,631.00
PL30	30,000 lb. Max. Capacity	\$17,423.00
PLAB-U	Aluminum Bunks Upgrade 4k-13k	\$547.00
PLAB-U	Aluminum Bunks Upgrade 16-24k	\$589.00
PLDD-U	Direct Drive Upgrade 6k to 13k	\$910.00
PLDDL-U	Direct Drive Upgrade 16k to 24k	\$1,247.00

Standard lift includes aluminum channel top beams, large grooved cable winders, 5" sheaves, stainless cables, wood bunks, and worm drive hoist.

PRIME-LIFT ALUMINUM LIFTS

PL4	4,000 lb. Capacity	\$3,559.00
PL7	7,000 lb. Capacity	\$3,792.00
PL11	11,000 lb. Capacity	\$4,497.00
PL13	13,000 lb. Capacity	\$5,297.00

Standard lift includes aluminum I-beam top beams, grooved cable winders, 4" sheaves, stainless cables, wood bunks, and worm drive hoist.

GALVANIZED BOAT HOUSE LIFTS

The following packages are simple designs that will accommodate most boat houses. Please call to receive these and other boat house drawings with a complete list of parts.

CRADLE LIFTS

I-101	2,800 lb. Cap. 8'6" Cradle Width	\$1,521.00
I-111	5,600 lb. Cap. 9' Cradle Width	\$1,938.00
I-111SP	5,600 lb. Straight Pull 9' Cradle	\$2,364.00

Most packages include hot-dipped galvanized cradle and parts, stainless steel redi-made cables, chock brackets, pulley blocks and Electric Power Hoist.

WEB SLING LIFTS

I-110	2,800 lb. Cap. 3" X 14' Web Sling	\$1,425.00
I-112	5,600 lb. Cap. 3" X 14' Web Sling	\$1,629.00

Package includes hot-dipped galvanized parts, web slings, pulley blocks, cable weights, galvanized redi-made cables and electric power hoist.

Some packages do not include drive pipe or bolts and nuts to mount the hardware to the overhead beams. Cradles, web slings and redi-made cables are available in several sizes and lengths.

Any changes will be reflected in the quoted price.

LIFT OPTIONS AND ACCESSORIES

A80	Remote Control (2 motor)	\$575.00
PLAB	Alum Bunks 4k to 13k ea.	\$428.00
PLABL	Alum Bunks 16k to 24k ea.	\$490.00
PL740	Alum Stern Platform	\$467.00
PLWB16	Alum Walkboard 16'	\$568.00
PLWB20	Alum Walkboard 20'	\$676.00
PLWBS	Alum Walkboard Stairs	\$498.00
PLVCRADLE	Alum V-Cradles 8' to 10'	Call for Price
PLDL	Alum Dog Leg 4k - 10k	Call for Price

GALVANIZED DAVITS

Davit capacity must be sized correctly to lift the heavier stern weight of most boats. Spreader bars must also be individually sized according to each application. Please call for information.

ELECTRIC DAVITS

CAPACITY	SINGLE	PAIR
1,000 lb.	\$1,398.00	\$2,796.00
2,000 lb.	\$1,675.00	\$3,350.00
5,500 lb.	\$2,385.00	\$4,770.00

Price includes galvanized redi-made cable, cable weight, electric power hoist, plastic fabri-form cover, bolt package, boom, base, lock handle and ball bearing drive drum.

MANUAL DAVITS

CAPACITY	SINGLE	PAIR
1,000 lb.	\$798.00	\$1,596.00
2,000 lb.	\$1,178.00	\$2,356.00

Price for each manual davit includes boom, base, brake winch, galvanized redi-made cable, lock handle and cable weight.

ABOVE PRICING IS FOR SEAWALL AND PILING MOUNTED DAVITS.

PERSONAL WATER CRAFT LIFTS

1,000 lb. Capacity		
P10EP	Piling Mount Electric	\$2,026.00
P10ED	Dock Mount Electric	\$1,946.00

Standard package includes hot-dipped galvanized steel, 10' I-beam track, 51" cradle arms, galvanized cables and bolt package.

WINCH AND ACCESSORIES

#4011	Electric Power Hoist - 4,000# 1 hp	\$593.00
#101P	Plastic Cover w/Hardware	\$56.00
#422	Adapter Sleeve	\$8.00
#423	Elec. Control Cable 14-5 Price/Ft.	\$2.50
#425	¼ hp Electric Motor	\$239.00
#425W	¼ hp Elect Motor W/ Switch & GFCI	\$366.00
#4251	1 hp Electric Motor	\$280.00
#GFCI	Ground Fault Circuit Pigtail	\$33.00
#440	Reverse Switch	\$58.00
#440W	Reverse Switch W/Wiring & GFCI	\$127.00
#441	Pulley Belt 4L360	\$9.00
#442	10" V-Belt Pulley	\$20.00
#443	2" V-Belt Pulley	\$9.00
#241	Drive Drum	\$156.00
#242	Manual Winch Mounting Plate	\$38.00
#800	Elec. Conversion Package	\$825.00
#K1050	Manual Winch 1,000 lb. Cap.	\$115.00
#K1550	Manual Winch 1,500 lb. Cap.	\$161.00
#K2550	Manual Winch 2,550 lb. Cap.	\$316.00
#80	Remote Control 2 Motor	\$575.00
#90	Remote Control 4 Motor	\$710.00
#84	Remote Control Hand-Held Unit	\$66.00

BOAT HOUSE PARTS

#102L	Long Strap Bearing 2" Pipe (16")	\$51.00
#102XL	Longer Strap Bearing 2" Pipe (22")	\$58.00
#106	Motor Mount (I-Beam)	\$47.00
#106W	Motor Mount - Rt. or Lt. - (Wood)	\$31.00
#107	Pulley Block Hanger (I-Beam)	\$28.00
#108	Bearing Bracket	\$9.00
#109	Sealed Bearing 1 ½" Pipe (I-Beam)	\$61.00
#109W	Sealed Bearing 1 ½" Pipe (Wood)	\$58.00
#110	Offset Block Hanger (I-Beam)	\$36.00
#111	Pipe Bearing	\$28.00
#112	Pulley Block Hanger (Wood)	\$21.00
#260	Standard Pulley Block	\$49.00
#260T	Pulley Block w/Rotated Loop	\$49.00
#260B	Pulley Block With Bale	\$55.00
#260S	Pulley Block With Shackle	\$62.00
#260M	Medium Pulley Block (7 ½")	\$58.00
#260L	Long Pulley Block (14")	\$62.00
#270	Pulley Block With Hook & Shackle	\$81.00
#272	Double Pulley Block	\$84.00
#834	16" Chock Bracket Galv.	\$18.00
#834L	22" Chock Bracket Galv.	\$30.00

POLYESTER WEB SLINGS

#1A314	3" X 14' Web Sling	\$90.00
#1A316	3" X 16' Web Sling	\$93.00
#1A412	4" X 12' Web Sling	\$101.00
#1A414	4" X 14' Web Sling	\$113.00
#1A416	4" X 16' Web Sling	\$127.00

More sizes available, please call for information. All Polyester Slings are rated at #8,000 lb. basket lift and are equipped with hot dipped galvanized triangles. Weighted slings are available at an additional charge of \$24.00 per sling.

WIRE ROPE ACCESSORIES

#22	Snap Hook 3/4 Ton	\$9.00
#23	Snap Hook 1 Ton	\$13.00
#24	Snap Hook 1 ½ Ton	\$16.00
#25	3/16" Galv. Cable Clamp	\$1.50
#26	1/4" Galv. Cable Clamp	\$2.25
#27	5/16" Galv. Cable Clamp	\$2.75
#29S	1/4" S. S. Thimble	\$2.25
#30S	5/16" S. S. Thimble	\$3.25
#38	1/2" Galv. Shackle 2 Ton	\$9.00
#39	7/16" Galv. Shackle 1 ½ Ton	\$7.00
#103	6 lb. Cable Wt.	\$19.00
#104	10 lb. Cable Wt.	\$31.00
#105	10 lb. Cable Wt. with bolt (for #270)	\$35.00

LIFT PARTS AND ACCESSORIES

#CW112	1 1/2" Cable Winder	\$47.00
#CW112S	1 1/2" Cable Winder - Split	\$58.00
#CW2	2" Cable Winder	\$52.00
#CW2S	2" Cable Winder - Split	\$63.00
#CW2BH	2" Boathouse Cable Winder	\$52.00
#40AL	4" Aluminum Sheave	\$29.00
#DP112	1 1/2" Sch. 80 Drive Pipe	\$195.00
#DP2	2" Sch. 40 Drive Pipe	\$170.00
#VPVC	2" Sch. 40 PVC Guide Pipe 6 ft	\$13.00
#VPVCC	PVC Guide Pipe Cap	\$4.00
#V408	Cradle Guide Stanchion Galv.	\$35.00
#PL740	Aluminum Stern Platform	\$467.00
#PL3812	3" x 8" x 12' Wood Bunk (ea.)	\$95.00
#PL31014	3" x 10" x 14' Wood Bunk (ea.)	\$134.00
#PL2812	2" x 8" x 12' Wood Bunk (ea.)	\$75.00

SPREADER BARS

#SB2	2' (3" I-Beam)	\$156.00
#SB25	2 ½'	\$164.00
#SB3	3'	\$168.00
#SB35	3 ½'	\$173.00
#SB4	4'	\$178.00
#SB45	4 ½'	\$183.00
#SB5	5'	\$189.00
#SB55	5 ½'	\$194.00
#SB6	6'	\$200.00
#SB65	6 ½' (4" I-Beam)	\$229.00
#SB7	7'	\$240.00
#SB8	8'	\$259.00
#SBD	Galvanized cable drops w/ hook (pr.)	\$84.00

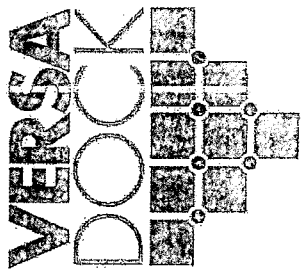
PERSONAL WATERCRAFT SLING

#JSS36	36" S.S. Personal Watercraft Sling	\$250.00
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Heavy-duty personal watercraft sling with polyester straps and all stainless steel hardware.

DOCK LADDERS

#74	4 Step Aluminum Ladder	\$165.00
#75	5 Step Aluminum Ladder	\$175.00
#75RL	5 Step Aluminum Retractable Ladder	\$238.00
#70	7 Step Aluminum Ladder	\$225.00
#70RL	7 Step Aluminum Retractable Ladder	\$289.00



Yes, we have your dock and boat storage solution!

Drive on Dock For Jet Boats Up To 20'

Model 05-2000 7 x 14
Deluxe Drive on Dock For 20' Jet Boats
Length: 266" (22' 2")
Width: 133" (11' 1")
Boat Length (max.): 20'

MSRP: \$10,325



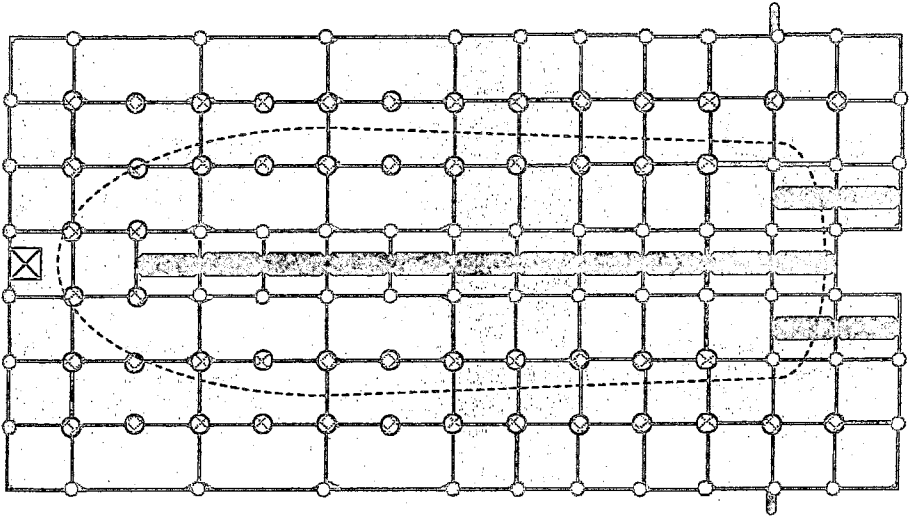
Description

This deluxe drive on dock is designed for jet boats up to 20 feet in length. Featuring Versadock's patented V channel and complete with back winch system that makes drive on docking and launching safe and easy!



Features

- o Safe Drive On Docking
- o Easy Launching
- o No Dangerous Open Areas
- o Craft Stays Out of the Water
- o No Rollers Needed
- o Maintenance Free
- o Easy Assembly and Installation
- o Infinitely Configurable
- o Topside Adjustments
- o Easy on Your Feet Non-Skid
- o Cool Grey Color
- o Environmentally Friendly
- o Industrial Strength Materials
- o Tie Down Points
- o Great Accessories Available
- o 20+ Year Life Expectancy



ROBERT J. RODRIGUEZ, D.C., P.A.

TOWN N COUNTRY CHIROPRACTIC CLINIC
4407 KELLY ROAD
TAMPA, FLORIDA 33615-5203

(813) 887-5560
FAX: 885-7123

April 28, 2012

RE: Jennifer Ferrante

To Whom It May Concern:

It has recently been brought to my attention by the patient, that some type of documentation is needed by the neighborhood for the installation and an electric boat lift. In discussion with the patient they recently borrowed a manual type boat lift which is non-electric which requires two people, both the patient and her husband, to push the boat off the lift to get it into the water. The patient is unable to help her husband because of her chronic back problems. I have known and treated this patient for many years and, as is documented in my records through multiple examinations and confirmed by MRI examination, this patient has multiple levels of disc injury in her spine. Because of these injuries, which are permanent in nature, she will be unable to help her husband with a manual type boat lift to push the boat off that lift. Therefore, it is recommended and medically necessary that this patient have an electric type boat lift installed at their residence.

Sincerely,



Robert J. Rodriguez, D.C., P.A.

RJR/da

Original: Jennifer Ferrante
cc: Chart

Contact Information:

Joe Ferrante 813-267-0103 cell

Jennifer Ferrante 813-334-3733 cell

jennifermferrante@gmail.com

8769 Bay Pointe Dr
Tampa, FL 33615

**BEFORE THE ENVIRONMENTAL PROTECTION COMMISSION OF
HILLSBOROUGH COUNTY**

**In re: JOSEPH and JENNIFER
FERRANTE,**

Petition for Waiver

Case No. 12-EPC-006

**FINAL ORDER ON APPLICATION FOR SECTION 1-2.50 RULE OF THE
ENVIRONMENTAL PROTECTION COMMISSION VARIANCE**

BACKGROUND

On August 28, 2012, JOSEPH and JENNIFER FERRANTE (hereinafter "Applicants") submitted a variance request to the Environmental Protection Commission of Hillsborough County (EPC) under section 1-2.50, Rules of the EPC. The Applicant requested a variance of Subsection Subsection V.A.3.a.(2)(a), Submerged Lands Management Rules ("SLMRs") of the Tampa Port Authority with respect to construction of a boatlift over sovereign submerged lands. This rule requires a setback of ten feet for marine construction activities from the neighbor's riparian lines. Specifically, the Applicants request a reduction of the required ten foot setback to one foot from the riparian line on the west side of their property.

The Applicants request a variance of the above rule section for the dock construction based on an alleged hardship and a violation of the principle of fairness. The Applicants also assert that the underlying purpose of the rule is still achieved with a one foot setback.

FINDINGS OF FACT

1. The Applicants own property at 8769 Bay Point Drive, Tampa in Hillsborough County (Property) which was purchased in April of 2010. The Property includes a seawall waterfront measuring 26 feet in length on a waterway in an area known as Bay Crest Park.

2. A dock currently exists on the Property. The Applicants seek to install a boatlift on the east side of the dock but within one foot of the neighbor to the east's riparian line.

3. The eastern neighbor has a dock and boatlift which is located within the Applicants' ten foot setback. The dock and boatlift were constructed and in the current location prior to the Applicants purchasing the Property.

4. The adjacent riparian owners' consent is a requirement pursuant to Subsection V.A.3.a.(2)(a), SLMR. The neighbor to the east has declined to consent to an encroachment into the ten foot setback.

5. The EPC received the original variance application on May 3, 2012 from the Applicants. The Applicants submitted an amended application for the variance on August 28, 2012. The Applicants requested a variance of Subsection V.A.3.a.(2), SLMR. This rule requires a ten foot setback from the neighbor's riparian lines for marine construction activities without an "affidavit of no objection" from the neighbor.

6. Pursuant to Section 1-2.50(3), Rules of the EPC, the Applicants published notice of the waiver application and the September 20, 2012 public hearing in the Tampa Tribune on September ___, 2012.

7. Pursuant to Section 1-2.50(4), the Commission considered the application, the Executive Director's recommendation, and the comments of the public at a regular meeting of the EPC on September 20, 2012.

8. The Applicants stated that they qualify for the waiver request because the requirement to locate the boatlift in another area or using an alternative type of boatlift will cause an economic and legal hardship. In addition, they state that many of the neighboring properties have boatlifts that encroach within adjacent neighbors' setbacks. The Applicants could modify their structure to accommodate the marine construction standards of the Tampa Port Authority, including the ten foot setback requirement.

9. Finally, the Applicants assert a reduced setback to one foot will also meet the underlying purpose of the rule. The construction of a boatlift within one foot of the riparian property line, however, may still interfere with the neighbors' use and enjoyment of their riparian rights.

10. The area in question is sovereign submerged land owned by the Tampa Port Authority.

CONCLUSIONS OF LAW

11. This variance is requested pursuant to Section 1-2.50, Rules of the EPC, which states as follows:

1-2.50 REQUEST FOR VARIANCE OR WAIVER

(a) Upon application, the Executive Director may recommend to the Commission that a variance or waiver be granted from the provisions of the rules adopted pursuant to Chapter 84-446, where the applicant demonstrates:

(1) A substantial hardship as defined by section 120.542, F.S., or that a violation of the principles of fairness as defined by section 120.542, F.S., would occur, and

(2) The purpose of the underlying rule can be, or has been, achieved by other means, and

(3) The provision from which the variance or waiver is being sought did not originate with the DEP where the variance must be considered by the DEP pursuant to section 403.201, F.S. or the variance or waiver must be considered by the DEP or the Southwest Florida Water Management

District pursuant to Chapter 120, F.S. Additionally, the Commission does not process variances or waivers of state-delegated rules.

(b) The application must specify the rule for which the variance or waiver is requested, the type of action requested, the specific facts that would justify a variance or waiver, and the reasons why and the manner by which the purposes of the underlying rule would still be met.

(c) Notice of the application must be published by the applicant in a newspaper of general circulation summarizing the factual basis for the application, the date of the Commission hearing, and information regarding how interested persons can review the application and provide comment.

(d) The Commission will consider the application, the Executive Director's recommendation, and the comments of the public at a public hearing during a Commission meeting. The Commission shall grant, in whole or part, or deny the application by written decision supported by competent substantial evidence. The Commission may impose additional conditions in a variance or waiver.

12. The Applicants have not demonstrated that the location of a boat lift outside the setback would result in an economic and legal hardship if they were not granted a variance in this specific situation.

13. The Applicants have also not demonstrated the underlying purpose of the rule will be achieved by locating the boatlift within one foot of the neighbor's riparian line.

ORDER

14. For the foregoing reasons, the requested variance of Subsection V.A.3.a.(2)(a), Submerged Lands Management Rules of the Tampa Port Authority reducing the ten foot setback to one foot is DENIED.

NOTICE OF RIGHTS

The EPC's proposed action on this waiver shall become final unless a timely appeal via writ of *certiorari* to the 13th Judicial Circuit is filed with any appropriate fee. A copy of the appeal must be provided to the EPC Legal Department, 3629 Queen Palm Dr., Tampa, Florida 33619.

DONE AND ORDERED this _____ of _____, 2012 in Tampa, Florida.

Kevin Beckner, Chairman
Environmental Protection Commission
of Hillsborough County
3629 Queen Palm Drive
Tampa, Florida 33619
(813) 627-2600



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 20, 2012

Subject: EPC's 2012 Annual Report

Agenda Section: Regular Agenda

Division: Executive Director's Office

Recommendation: Receive report and provide guidance as needed.

Brief Summary: Every year the Executive Director delivers a report to the Board on the environment and the Agency. It includes information on air and water quality as well as a look back at environmental trends and significant accomplishments. In addition this report details staff efforts in strategic planning and the resulting initiatives over the last twelve months.

Financial Impact: No financial impact.

Background: This annual report is an attempt to update the Board on environmental conditions within the County as it relates to air and water quality. Significant milestones will be detailed and trends will be highlighted. It also describes the staff's work to be more efficient in the delivery of services. The Agency's annual customer and employee surveys are incorporated as well.

List of Attachments: None.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 20, 2012

Subject: County Noise Ordinances

Agenda Section: Regular Agenda

Division: Air Management Division

Recommendation: Informational report

Brief Summary: At the June 28, 2012 EPC Board meeting, Commissioner Beckner requested staff bring back information regarding any possible conflicts with EPC's noise rule and the new BOCC noise ordinances. In response staff is prepared to make a brief information report. The County Attorney's Office will be available as well to answer any questions.

Financial Impact: No financial impact.

Background: In June the BOCC passed two ordinances which pertained to regulating noise. The first was Ordinance #12-12. This empowers the sheriff to respond to noise complaints such as residential disturbances, and use good judgment to ask the responsible party to quiet the source. This allows for immediate relief and coordinates very well with the EPC's noise rule. EPC's rule is based on numeric standards which when administratively enforced can take months to bring relief.

The second County ordinance is #12-13. This sets out procedures for obtaining permission to hold special events involving more than 200 people on private property in the unincorporated areas. Among other things it states that once an applicant receives their Special Events permit, they must meet all applicable noise standards which would include EPC's numeric rule and the County's #12-12. Since this Special Events ordinance is new, EPC is going to work with County staff in the coming months to try and ensure it is implemented smoothly.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 20, 2012

Subject: National Pollution Prevention Week Proclamation

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

Division: Waste Management Division

Recommendation: Proclaim the week of September 17 – September 23, 2012 as Pollution Prevention Week in Hillsborough County

Brief Summary: The third week in September is recognized as National Pollution Prevention (P2) Week. It is a time when businesses, environmental groups, and citizens join forces for a common cause. This year's efforts will focus on energy conservation by providing energy saving tips and exchanging incandescent bulbs for energy efficient compact fluorescent bulbs. A P2 display will be set up at the lobby of the Roger P. Stewart Building. In addition, energy saving information for homeowners and a light bulb exchange event will take place at two branch library locations during P2 Week.

Financial Impact: No Financial Impact

Background: The Pollution Prevention Program provides businesses with options to reduce or eliminate waste at the source. Businesses can save money through increased efficiency, the use of fewer raw materials and better process operation resulting in less disposal costs. During P2 Week, staff shifts its focus on the community to introduce the concept of P2 and how they can practice pollution prevention in their homes.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 20, 2012

Subject: Fertilizer Study Peer Review Update

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

Division: Water Management

Recommendation: Brief Update on Progress of Fertilizer Study Peer Review Process

Brief Summary: At the August 9, 2012 EPC meeting, staff was directed to develop options for the Commission's consideration for a separate peer review of the fertilizer study. Staff will update the Commission on progress made to date and request further clarification on how to proceed.

Financial Impact: No Financial Impact.

Background: Chapter 1-15, Rules of the EPC was adopted July 20, 2010. The rule implements fertilizer and landscape management regulations approved by the Commission in order to protect regional water quality. Rule section 1-15.14 requires the EPC staff to conduct a study within three years of passage of the rule. Additionally, when the Commission passed the rule, they instructed staff to acquire funding to conduct a scientific study of the effectiveness of local rules on meeting water quality objectives.

The independent study being conducted by Applied Ecology, Inc., the University of Florida, and the University of Central Florida is expected to contribute significantly to the scientific knowledge of the fate of urban fertilizers, their contribution to stormwater nutrient loading, and real-world fertilizer application practices on a neighborhood scale.

At the August 9, 2012 EPC meeting, staff was directed to develop options for the Commission's consideration for a separate peer review of the fertilizer study. Staff will update the Commission on progress made to date and request further clarification on how to proceed.

List of Attachments: No Attachments

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 20, 2012

Subject: Lakes Initiative Report

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

Division: Wetlands

Recommendation: Informational Report

Brief Summary: Report #5 of the Series. Provides advanced information on important and potentially controversial issues related to lakes, wetlands, rivers, springs, estuarine systems to allow the Board to better assist citizens. This month focuses on unusually high water conditions in several chains of lakes in Northwest Hillsborough County.

Financial Impact: No Financial Impact

Background:

This Agenda Item, named the Lakes Initiative Report, is a semi-regular part of the Board Agenda items. This report is designed to provide the Board with advanced information pertaining to potential issues of concern to multiple citizens of Hillsborough County relating to the following items: lakes, rivers, springs, and estuaries. Citizens who live on the shores of lakes, rivers, springs, and estuaries often do so because they value the aesthetic and recreational aspects of waterfront living. In many instances, these citizens pay property taxes that exceed similar sized parcels of land that do not have water access or water views. Citizens are justifiably concerned with, and protective of, the hydrology, ecology, and water quality conditions of their local water body. Multiple projects (both public and private) involve water bodies, and can, potentially, have negative effects on these.

This, the fifth installment (September, 2012) of this series of reports provides the Board with water level and possible future flooding related information from locations in the Northwest part of the County.

As a part of the report on each water body, EPC will provide the name and contact information of the person at EPC most knowledgeable of the particular issue. EPC will also provide to the Board members offices: (1) detailed maps of the locations of each water body; and (2) a matrix that contains essential information on each water body.

List of Attachments: Power point sent separately.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 20, 2012

Subject: Advanced Leadership Development Program (ALDP) project presentation

Agenda Section: Regular Agenda

Division: Wetlands Management Division

Recommendation: Informational Report

Brief Summary: The Advanced Leadership Development Program was created as part of EPC's vision of pursuing performance and environmental excellence in a changing world through process improvements that support the Agency's Mission. Member Chris Cooley will present his ALDP project contributing to process improvements at EPC. Mr. Cooley's project focuses on analyzing key Wetlands Division processes and creating detailed process maps which can be used to identify efficiencies and implement process improvements.

Financial Impact: No Financial Impact

Background: The ALDP was created as part of EPC's vision of pursuing performance and environmental excellence in a changing world through process improvements that support the Agency's Mission. The ALDP is a structured self study program at EPC designed to be completed within a 1 year time frame. Key elements of the program consist of completing all of the following items: performing a pre and post self evaluation test, taking six mandatory core courses, two elective courses, Toastmaster's Competent Leadership (10 projects) and Competent Communication (10 speeches) certificates, 4 mentoring sessions with each Division Director and a final project that will contribute to process improvement(s) at EPC. There are a total of 6 candidates in ALDP Group # 1. One member, Chris Cooley will be presenting his project at today's meeting. As part of EPC's sustainability initiative four new candidates have been selected for ALDP Group # 2 and they will officially begin their program next month in July. Group #3 contenders have also been selected; however, they will not begin their program until January 2013.

List of Attachments: [Double-click to list any attachments or put "None."]

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 20, 2012

Subject: EPC and Tampa Bay Estuary Program Agreement

Agenda Section: Regular Agenda

Division: Legal and Administrative Services

Recommendation: Approve a proposed Agreement between the EPC and the Tampa Bay Estuary Program which will provide Phosphate Severance Tax funding for the Fiscal Year 2013 Tampa Bay Environmental Fund.

Financial Impact: Funding for this item was approved at the BOCC Regular Meeting on September 19, 2012 Agenda Item B-5. The FY13 budget will be increased by \$100,000 within the EPC while decreasing the reserve of the Phosphate Mining Severance Tax Fund.

Background: The goal of the Tampa Bay Environmental Fund Public/Private Partnership administered by the Tampa Bay Estuary Program is to provide long-term funding for Tampa Bay restoration, research, and education initiatives, and to serve as a national public-private partnership model. Other public and private sources will be contributing to this Fund. The restoration aspect of the Fund is directly related to an expressed use of the Phosphate Mining Severance Tax pursuant to BOCC Policy 03.04.24.00, Guidelines For Use Of Phosphate Severance Taxes. The policy reads, "Pursuant to this policy, "phosphate-related" purposes shall consist of or be similar to... mitigation or remediation of environmental damage or harm caused or likely to be caused by phosphate mining or its related and intended activity..." This proposed Agreement between the Tampa Bay Estuary Program and the Environmental Protection Commission of Hillsborough County will provide \$100,000 from the Phosphate Severance Tax fund and require that this funding only be used for appropriate phosphate-related purposes within the Tampa Bay Environmental Fund.

AGREEMENT
BETWEEN THE
ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY
AND
TAMPA BAY ESTUARY PROGRAM
FOR
THE FISCAL YEAR 2013 TAMPA BAY ENVIRONMENTAL FUND (W024)

THIS AGREEMENT is made and entered into by and between the ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY, a public corporation of the State of Florida whose address is 3629 Queen Palm Dr., Tampa, Florida, 33629, hereinafter referred to as the "COMMISSION," and the TAMPA BAY ESTUARY PROGRAM, a special taxing district of the State of Florida, whose address is 263 13th Avenue South, St. Petersburg, Florida, 33701, hereinafter referred to as the "ESTUARY PROGRAM".

WITNESSETH:

WHEREAS, the COMMISSION desires to partner with the ESTUARY PROGRAM to provide funding to a multi-entity environmental restoration fund established by agreement between the ESTUARY PROGRAM and the National Fish and Wildlife Foundation, a 501(c)(3), established by Congress in 1984; and

WHEREAS, Hillsborough County Phosphate Severance Tax Funds are appropriate to be used for this purpose; and

WHEREAS, Hillsborough County Board of County Commissioners Policy 03.04.24.00, Guidelines for use of Phosphate Severance Taxes, provides that Phosphate Severance Tax Funds shall be used for mitigation or remediation of environmental damage or harm caused or likely to be caused by phosphate mining, and for other purposes as specified in the Policy; and

WHEREAS, the environmental restoration fund will restore and protect Tampa Bay, an estuary of national significance, and its contributing watershed; and

WHEREAS, the environmental restoration fund will be known as the Fiscal Year 2013 Tampa Bay Environmental Fund, hereinafter referred to as the FY 2013 TBEF; and

WHEREAS, the ESTUARY PROGRAM, in partnership with the National Fish and Wildlife Foundation, hereinafter referred to as the NFWF, represents that it possesses the requisite skills, knowledge, expertise and resources, and agrees to provide the desired services to the COMMISSION.

NOW THEREFORE, the COMMISSION and the ESTUARY PROGRAM, in consideration of the mutual terms, covenants and conditions set forth herein, agree as follows:

1. INDEPENDENT CONTRACTOR. The ESTUARY PROGRAM will perform as an Independent Contractor and not as an employee, representative or agent of the COMMISSION.
2. PROJECT MANAGER AND NOTICES. Each party hereby designates the employee set forth below as its respective Project Manager. Project Managers will assist with the

funding and administration of the FY 2013 TBEF and will be each party's prime contact person. Notices and reports will be sent to the attention of each party's Project Manager by U.S. mail, postage paid, or by nationally recognized overnight courier, or personally to the parties' addresses as set forth in the introductory paragraph of this Agreement. Notice is effective upon receipt.

Project Manager for the COMMISSION: Dr. Richard Garrity
Project Manager for the ESTUARY PROGRAM: Holly Greening

Any changes to the above representatives or addresses must be provided to the other party in writing.

3. SCOPE OF WORK. The ESTUARY PROGRAM will perform the services necessary to fulfill its requirements under this Agreement in accordance with the "Memorandum of Understanding (MOU) Between the Tampa Bay Estuary Program and the National Fish and Wildlife Foundation to Cooperate in the Implementation of the Fiscal Year 2013 Tampa Bay Environmental Fund", set forth in Exhibit "A". Any substantive changes to the MOU must be approved by the Policy Board of the ESTUARY PROGRAM and will be conveyed to the COMMISSION by the ESTUARY PROGRAM, except that any increase in COMMISSION funding must be expressly agreed to by the COMMISSION in writing.

4. COMPENSATION. The COMMISSION agrees to provide to the ESTUARY PROGRAM an amount not to exceed One Hundred Thousand Dollars (\$100,000) to fund its share of the FY 2013 TBEF. The ESTUARY PROGRAM shall invoice the COMMISSION their pro rata share of a grant plus a ten percent administrative fee once an agreement has been executed between the ESTUARY PROGRAM and the recipient of a FY 2013 TBEF grant. In no event shall COMMISSION funding exceed fifteen percent of the total grant funding made available by the ESTUARY PROGRAM and NFWF for the FY 2013 TBEF. All funding shall be utilized for purposes fully consistent with Hillsborough County Board of County Commissioners Board Policy 03.04.24.00, Guidelines for use of Phosphate Severance Taxes, set forth in Exhibit "B", and shall further only be used for "phosphate-related expenses" as defined in Section 211.3103 (6)(c), F.S.

4.1 The ESTUARY PROGRAM shall submit invoices electronically to mckelvey@epchc.org, or at the following address:

Environmental Protection Commission
Administration and Finance Dept.
3629 Queen Palm Dr.
Tampa, FL 33629

4.2 COMMISSION performance and payment pursuant to this Agreement are contingent upon the Hillsborough County Board of County Commissioners appropriating funds for the FY 2013 TBEF.

5. CONTRACT PERIOD. This Agreement will be effective October 1, 2012, and will remain in effect through September 30, 2017. This Agreement may be extended by mutual written agreement of the ESTUARY PROGRAM and the COMMISSION.

6. PROJECT RECORDS AND DOCUMENTS. Each party, upon request, will permit the other party to examine or audit all FY 2013 TBEF related records and documents during

or following completion of any PROJECT funded by the FY 2013 TBEF utilizing COMMISSION funds. If an audit is undertaken by either party, all required records will be maintained until the audit has been completed and all questions arising from it are resolved. Each party will maintain all such records and documents for at least three (3) years following completion of any PROJECT funded by the FY 2013 TBEF utilizing COMMISSION funds. Each party will allow public access to PROJECT documents and materials made or received by either party in accordance with the Public Records Act, Chapter 119, F.S. Should either party assert any exemption to the requirements of Chapter 119, F.S., the burden of establishing such exemption, by way of injunctive or other relief as provided by law, will be upon the asserting party.

7. REPORTS. The ESTUARY PROGRAM will, upon request, provide the COMMISSION with copies of any and all reports, models, studies, maps or other documents resulting from any PROJECT funded by the FY 2013 TBEF utilizing COMMISSION funds.
8. LIABILITY. Each party hereto agrees to indemnify and hold the other harmless, to the extent allowed under Section 768.28, F.S., from all claims, loss, damage and expense, including attorney fees and costs and attorney fees and costs on appeal, arising from the negligent acts or omissions of the indemnifying party's officers, employees, contractors and agents related to its performance under this Agreement. This provision does not constitute a waiver of either party's sovereign immunity or extend either party's liability beyond the limits established in Section 768.28, F.S. This provision will survive the expiration or termination of this Agreement.
9. DEFAULT. Either party may terminate this Agreement upon the other party's failure to comply with any term or condition of this Agreement, as long as the terminating party is not in default of any term or condition of this Agreement at the time of termination. To effect termination, the terminating party will provide the defaulting party with a written "Notice of Termination" stating its intent to terminate and describing the terms and conditions with which the defaulting party has failed to comply. If the defaulting party has not remedied its default within thirty (30) days after receiving the Notice of Termination, this Agreement will automatically terminate. The rights and remedies in this provision are in addition to any other rights and remedies provided by law or in this Agreement.
10. ASSIGNMENT. Except as otherwise provided in this Agreement, no party may assign any of its rights or delegate any of its obligations under this Agreement without the prior written consent of the other party. Any attempted assignment in violation of this provision is void.
11. LAW COMPLIANCE. Each party will comply with all applicable federal, state and local laws, rules, regulations and guidelines, related to performance under this Agreement.
12. COMMISSION RECOGNITION. The ESTUARY PROGRAM will recognize the COMMISSION funding in any reports, awards or project signage resulting from this agreement.
13. SUBCONTRACTORS. Nothing in this Agreement will be construed to create, or be implied to create, any relationship between the COMMISSION and any subcontractor of the ESTUARY PROGRAM.

14. THIRD PARTY BENEFICIARIES. Nothing in this Agreement will be construed to benefit any person or entity not a party to this Agreement.
15. LOBBYING PROHIBITION. Pursuant to Section 216.347, F.S., the TBEP is hereby prohibited from using funds provided by this Agreement for the purpose of lobbying the Legislature, the judicial branch or a state agency.
16. ENTIRE AGREEMENT. This Agreement and the attached exhibits listed below constitute the entire agreement between the parties and, unless otherwise provided herein, may be amended only in writing, signed by all parties to this Agreement.
17. DOCUMENTS. The following documents are attached and made a part of this Agreement. In the event of a conflict of contract terminology, priority will first be given to the language in the body of this Agreement.

Exhibit "A" – "Memorandum of Understanding (MOU) Between the Tampa Bay Estuary Program and National Fish and Wildlife Foundation to Cooperate in the Implementation of the Fiscal Year 2013 Tampa Bay Environmental Fund".

Exhibit "B" – Hillsborough County Board of County Commissioners Policy 03.03.24.00, Guidelines for use of Phosphate Severance Taxes.

IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this Agreement on the day and year set forth next to their signatures below.

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY

By: _____ Date

Dr. Richard Garrity, Executive Director
Environmental Protection Commission of Hillsborough County

TAMPA BAY ESTUARY PROGRAM

By: _____ Date

Name, Title

AGREEMENT
BETWEEN THE
ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY
AND
THE Tampa Bay Estuary Program
FOR
THE FY 2013 TBEF (W024)

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TAMPA BAY ESTUARY PROGRAM AND THE NATIONAL FISH AND WILDLIFE FOUNDATION TO COOPERATE IN THE IMPLEMENTATION OF THE FISCAL YEAR 2013 TAMPA BAY ENVIRONMENTAL FUND

This MOU, is made and entered into in St. Petersburg, Florida this 6th day of September, 2012 between the Tampa Bay Estuary Program (hereinafter called the ESTUARY PROGRAM), a Florida Independent Special District, and the NATIONAL FISH AND WILDLIFE FOUNDATION, a 501(c)(3) non-profit Environmental Conservation Foundation in the District of Columbia, hereinafter referred to as "Parties".

The ESTUARY PROGRAM desires to partner with the NATIONAL FISH AND WILDLIFE FOUNDATION, a national non-profit conservation foundation, in participating in the fiscal year 2013 Tampa Bay Environmental Fund (hereinafter called FY 2013 TBEF); and

The NATIONAL FISH AND WILDLIFE FOUNDATION desires to assist the ESTUARY PROGRAM with administration and funding of the FY 2013 TBEF whose goals include species protection and management, restoration, education and outreach; species, habitat, water quality and hydrologic research; and purchase of environmentally significant habitats within Tampa Bay and its contributing watershed.

In consideration of these mutual interests and goals hereinafter set forth, the ESTUARY PROGRAM and NATIONAL FISH AND WILDLIFE FOUNDATION agree as follows:

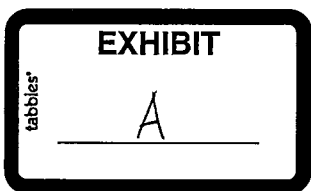
I. TERM

The term of this MOU shall become effective September 6, 2012 and shall continue for an eighteen-month period or until projects funded through FY 2013 TBEF are officially closed. This MOU may be extended by mutual agreement of the ESTUARY PROGRAM and NATIONAL FISH AND WILDLIFE FOUNDATION.

II. TBEF GOALS AND STRUCTURE

A. The FY 2013 TBEF is a strategic partnership between the ESTUARY PROGRAM and the NATIONAL FISH AND WILDLIFE FOUNDATION and other leading conservation groups, and is designed to return added-value to current and future ESTUARY PROGRAM conservation initiatives. Further, the FY 2013 TBEF will provide opportunities to government agencies, non-profit groups, educators, schools, and corporations wishing to improve and enhance the Tampa Bay estuary. Further, the FY 2013 TBEF is designed to provide national recognition and visibility to FY 2013 TBEF partners through strategic conservation investments.

B. The FY 2013 TBEF provides funding through a competitive application process for projects that will restore or enhance the natural resources of Tampa Bay and its contributing watersheds. The FY 2013 TBEF seeks applications for projects that will implement the on-the-ground habitat and species conservation, restoration, and water quality recommendations that have been developed through the ESTUARY PROGRAM and its related partnerships, and



outlined in the Comprehensive Conservation and Management Plan (CCMP), *Charting the Course*.

C. General Funding Priorities:

Preference will be given to projects that include the following: 1) Measurable conservation outcomes linked to project activities (i.e. restore 10 acres of salt marsh; reduce nitrogen loading by 2 tons/year); 2) Activities consistent with the priorities and goals of the CCMP including research; 3) Education, training, and public outreach components to enhance the community benefits of the project; 4) Creation of new partnerships and innovative solutions to natural resource challenges in Tampa Bay; and 5) Specific provisions for long-term maintenance, management, and protection, as appropriate.

III. TBEF REVIEW COMMITTEE

A. The Executive Director of the ESTUARY PROGRAM will receive input relative to the FY 2013 TBEF from the TBEF Review Committee. The TBEF Review Committee voting membership shall be comprised of a minimum of seven (7) and a maximum of fifteen (15) members to be appointed by the Executive Director of the ESTUARY PROGRAM. However, there will be at least one representative from each of the following entities: ESTUARY PROGRAM; NATIONAL FISH AND WILDLIFE FOUNDATION; Southwest Florida Water Management District; Mosaic; Hillsborough County; Manatee County and Pinellas County.

B. As directed by the Executive Director of the ESTUARY PROGRAM, the TBEF Review Committee shall aid in the development and implementation of the FY 2013 TBEF operating protocols, proposal review and funding recommendations.

IV. DUTIES OF THE PARTIES

A. THE ESTUARY PROGRAM

1. The ESTUARY PROGRAM will coordinate with the NATIONAL FISH AND WILDLIFE FOUNDATION to implement the FY 2013 TBEF;
2. The Executive Director of the ESTUARY PROGRAM shall meet at least annually with the TBEF Review Committee whose task includes research, review, and evaluation of proposed and potential FY 2013 TBEF projects;
3. The Executive Director of the ESTUARY PROGRAM shall meet at least annually with the NATIONAL FISH AND WILDLIFE FOUNDATION to review, evaluate, and select final FY 2013 TBEF projects;
4. The ESTUARY PROGRAM shall pursue and secure local sources of funding for the FY 2013 TBEF from potential sponsors such as the Southwest Florida Water Management District, Hillsborough County Environmental Protection Commission, Pinellas County, industry and non-profits. It is anticipated that the ESTUARY PROGRAM will secure a minimum of \$400,000 to be awarded as grants as part of the FY 2013 TBEF;

5. In cooperation with the NATIONAL FISH AND WILDLIFE FOUNDATION, the ESTUARY PROGRAM shall develop proposal guidelines for the FY 2013 TBEF by July 31, 2012;
6. By ~~August 31, 2012~~, ^{September 7, 2012 S.S.} the ESTUARY PROGRAM, in partnership with the NATIONAL FISH AND WILDLIFE FOUNDATION, shall advertise a request for proposals (RFP) for grants under the FY 2013 TBEF;
7. The ESTUARY PROGRAM, in partnership with the NATIONAL FISH AND WILDLIFE FOUNDATION, shall accept project proposals for the FY 2013 TBEF on or before ~~November 16, 2012~~, ^{November 19, 2012 S.S.}
8. The Executive Director of the ESTUARY PROGRAM, shall facilitate proposal review by the TBEF Review Committee;
9. The ESTUARY PROGRAM, in cooperation with the NATIONAL FISH AND WILDLIFE FOUNDATION, shall announce awarded grants for the FY 2013 TBEF by March 1, 2013, and whether a grant will be funded and administered by the ESTUARY PROGRAM or the NATIONAL FISH AND WILDLIFE FOUNDATION;
10. The ESTUARY PROGRAM shall, contingent upon the ESTUARY PROGRAM'S Policy Board's approval, provide grant funding from revenue secured from local sponsors (i.e., Southwest Florida Water Management District, Hillsborough County, etc.) for the FY 2013 TBEF;
11. For projects selected for funding by the ESTUARY PROGRAM, the organization will negotiate separate contracts, manage disbursements, and other financial details with grantees;
12. The ESTUARY PROGRAM will provide programmatic reports and project outcomes to the TBEF Review Committee and the NATIONAL FISH AND WILDLIFE FOUNDATION for projects funded by the ESTUARY PROGRAM;
13. Additionally, the ESTUARY PROGRAM shall utilize its education staff to publicize and support FY 2013 TBEF projects and activities locally, regionally, and nationally including ESTUARY PROGRAM spokespeople when needed.

B. NATIONAL FISH AND WILDLIFE FOUNDATION

1. The NATIONAL FISH AND WILDLIFE FOUNDATION shall assist in the implementation of the FY 2013 TBEF;
2. The NATIONAL FISH AND WILDLIFE FOUNDATION shall provide guidance for development and management of the FY 2013 TBEF structure, mission, and vision;

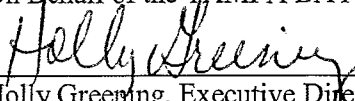
3. The NATIONAL FISH AND WILDLIFE FOUNDATION will coordinate with the ESTUARY PROGRAM and other partners to develop proposal guidelines and a request for proposals for FY 2013 TBEF;
4. The NATIONAL FISH AND WILDLIFE FOUNDATION shall participate on the TBEF Review Committee and support selection of projects to be funded through the FY 2013 TBEF;
5. The NATIONAL FISH AND WILDLIFE FOUNDATION will, contingent upon its Board of Directors' approval, provide grant funding and enter into agreements to support specific projects selected for grant awards through the FY 2013 TBEF, and that support fish, wildlife, and natural systems conservation and restoration. It is anticipated that the NATIONAL FISH AND WILDLIFE FOUNDATION will secure and award a minimum of \$350,000 in grants as part of the FY 2013 TBEF. Additionally, the NATIONAL FISH AND WILDLIFE FOUNDATION, acting as the fiduciary for the ESTUARY PROGRAM'S \$175,000 Mosaic Company Foundation grant to the FY 2013 TBEF, shall award a minimum of eight-five percent of the Mosaic Company Foundation \$175,000 grant to specific projects jointly agreed to by the ESTUARY PROGRAM and NATIONAL FISH AND WILDLIFE FOUNDATION;
6. For projects selected for funding by the NATIONAL FISH AND WILDLIFE FOUNDATION, the organization will negotiate separate contracts, manage disbursements, and other financial details with grantees;
7. The NATIONAL FISH AND WILDLIFE FOUNDATION will provide programmatic reports and project outcomes to the TBEF Review Committee and the ESTUARY PROGRAM for projects funded by the NATIONAL FISH AND WILDLIFE FOUNDATION, including projects funded by the Mosaic Company Foundation grant award;
8. The NATIONAL FISH AND WILDLIFE FOUNDATION will seek to support development of strategic partnerships on behalf of the FY 2013 TBEF;
9. The NATIONAL FISH AND WILDLIFE FOUNDATION shall provide spokespersons and other representatives as available to support ongoing ESTUARY PROGRAM and FY 2013 TBEF projects, programs, special events, and press conferences.

V. RIGHTS TO AMENDMENTS

No alterations or variations of the terms of the MOU shall be valid unless made in writing and signed by both Parties.

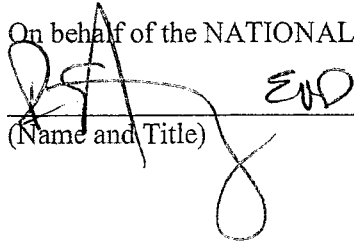
By their signatures below, the Parties indicate their approval of the foregoing Memorandum of Understanding:

On Behalf of the TAMPA BAY ESTUARY PROGRAM:



Holly Greening, Executive Director

On behalf of the NATIONAL FISH AND WILDLIFE FOUNDATION:



(Name and Title)

**BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601**

BOARD POLICY - SECTION NUMBER: 03.04.24.00

SUBJECT: GUIDELINES FOR USE OF PHOSPHATE SEVERANCE TAXES

EFFECTIVE DATE: APRIL 15, 1998

SUPERSEDES: NEW

Purpose:

Hillsborough County receives from the State of Florida a portion of the taxes paid by phosphate mining companies for mining activities within Hillsborough County. Florida Statutes provide certain constraints on the use of phosphate taxes by Hillsborough County, limiting their use to "phosphate-related" expenditures. The purpose of this policy is to establish parameters for the use of those taxes.

Policy:

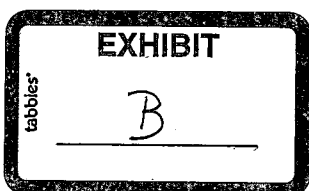
1. It is the intent that phosphate severance tax revenue be separately accounted for in the County's accounting structure so that a clear record of receipts, balances, interest earnings, and uses may be maintained. Under the County's accounting structure, this requires maintaining revenues and recording expenditures within a separate "subfund".
2. While several uses have previously been identified as eligible uses of this tax, it is the policy of this Board that the funds be used for "phosphate-related" purposes. Pursuant to this policy, "phosphate-related" purposes shall consist of or be similar to such uses as restoration of phosphate lands for appropriate and lawful public reuse, mitigation or remediation of environmental damage or harm caused or likely to be caused by phosphate mining or its related and intended activity, or repair or improvement of public infrastructure directly damaged or likely to be damaged from such phosphate activities. Any expenditure of phosphate severance tax revenue not covered by the above definition will require a super-majority vote of the Board of County Commissioners.
3. To prevent any abuse of these funds and interest thereof, any new use of phosphate revenue, will be reviewed by the County Attorney's Office and then presented to the Board of County Commissioners as a County Administrator recommendation in a staff report on the regular agenda for Board concurrence. No new use will be included in any recommended budget or budget amendment presented to the Board without prior approval.

Responsibility:

It is the responsibility of the Management and Budget Department, under the direction of the County Administrator, to implement this policy.

Approved By: Board of County Commissioners

Approval Date: April 15, 1998



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EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 20, 2012

Subject: EPC Executive Director's Annual Evaluation

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

Division: Legal and Administrative Services Division

Recommendation: Receive evaluation forms.

Brief Summary: Evaluation forms will be distributed during the EPC Board meeting. These forms have been used in the past to evaluate the performance of the EPC Executive Director, Dr. Richard Garrity. In the near future, Dr. Garrity will be scheduling appointments with each Commissioner to discuss the accomplishments of the agency and present appropriate data to assist the Commissioners in objectively measuring his performance.

Please complete the evaluation forms and return them to Commissioner Beckner's office by October 17, 2012. The results will be compiled and presented during the next EPC Board meeting, currently scheduled for October 18, 2012.

Financial Impact: None.

Background: N/A

List of Attachments: Assessment Ranking Cover Sheet
Assessment Sheet

PERFORMANCE EVALUATION

Richard Garrity, Ph.D., Executive Director
Environmental Protection Commission of Hillsborough County

October 18, 2012

SUMMARY ASSESSMENT

Ranking: Behaviors & Accomplishments

HIGHEST

- 5 - Behaviors/Accomplishments are outstanding and as such are obvious to others in County government and to members of the Community.
- 4 - Behaviors/Accomplishments are excellent and recognized as more than just competent in that expectations are exceeded in the area of responsibility.
- 3 - Behaviors/Accomplishments are good in that expectations are consistently met for the areas of responsibility.
- 2 - Behaviors/Accomplishments are adequate but fall below expectations for the area of responsibility.
- 1 - Behaviors/Accomplishments are below an acceptable level of expectations for the area of responsibility.

LOWEST

**DR. RICK GARRITY
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION
ASSESSMENT**

BEHAVIORS							
Leadership	Communication	Responsiveness	Respect & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization

ACCOMPLISHMENT OF GOALS				
Environmental Protection Excellence	Successful / Engaged Workforce	Partner Focused Excellence	Fiscal Responsibility	Continuous Improvement

PERFORMANCE MEASURES ON CORE FUNCTIONS				
Delegated Permitting	Local Permitting	Timely Compliance	Timely Complaint Investigations	Timely Enforcement Resolution

Comments:

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