

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
FEBRUARY 17, 2011
9:00 AM**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

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

- I. PUBLIC COMMENT**
Three (3) Minutes Are Allowed for Each Speaker (unless the Commission directs differently)

- II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE**
Report from the CEAC Chairman – Danny Alberdi

- III. CONSENT AGENDA**
 - A. Approval of Minutes: January 27, 20113
 - B. Monthly Activity Reports5
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- IV. EXECUTIVE DIRECTOR**
 - A. Service Fee Discussion.....23
 - B. Response to Board Request for Information on Tracking and Streamlining of
Permitting at EPC.....29

- V. WETLANDS MANAGEMENT DIVISION**
 - A. Stewardship of State and County Owned Environmentally Significant Lands31

- VI. WASTE MANAGEMENT DIVISION**
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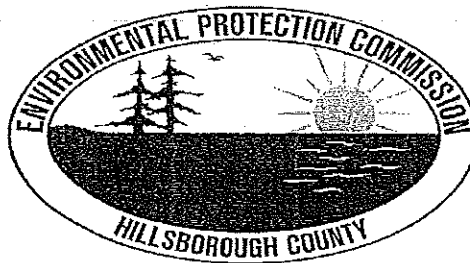
- VII. LEGAL & ADMINISTRATIVE SERVICES DIVISION**
 - 2011 Legislative Session – Summary of Bills of Interest35

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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COMMISSION
KEVIN BECKNER
VICTOR CRIST
KEN HAGAN
AL HIGGINBOTHAM
LESLEY "LES" MILLER
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LEGAL	627-2602	WETLANDS 627-2630
WATER	627-2670	ERM 627-2650
AIR	627-2660	LAB 272-5157

Executive Director
RICHARD D. GARRITY, Ph.D

DATE: February 11, 2011
TO: EPC Board
FROM: Dr. Richard Garrity, Ph. D.
Executive Director, Environmental Protection Commission

Minutes of the January 27, 2011 EPC Board meeting were not available as of the printing of this agenda packet.



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**FY 11 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

JAN

A. Public Outreach/Education Assistance

1. Phone calls	147
2. Literature Distributed	0
3. Presentations	1
4. Media Contacts	2
5. Internet	62
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	0
b. Construction	9
c. Amendments / Transfers / Extensions	1
d. Title V Operating:	6
e. Permit Determinations	0
f. General	2
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	0
b. Construction ^1	17
c. Amendments / Transfers / Extensions^1	1
d. Title V Operating ^2	3
e. Permit Determinations	0
g. General	2
3. Intent to Deny Permit Issued	0

C. Administrative Enforcement

1. New cases received	1
2. On-going administrative cases	
a. Pending	7
b. Active	14
c. Legal	1
d. Tracking compliance (Administrative)	11
e. Inactive/Referred cases	0
TOTAL	33
3. NOIs issued	3
4. Citations issued	0
5. Consent Orders Signed	2
6. Contributions to the Pollution Recovery Fund	\$ 7,050.00
7. Cases Closed	0

**FY 11 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

JAN

D. Inspections

1.	Industrial Facilities	3
2.	Air Toxics Facilities	
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	4
	b. Major Sources	3
3.	Asbestos Demolition/Renovation Projects	18

E. Open Burning Permits Issued	6
F. Number of Division of Forestry Permits Monitored	1043
G. Total Citizen Complaints Received	50
H. Total Citizen Complaints Closed	44
I. Noise Sources Monitored	4
J. Air Program's Input to Development Regional Impacts	4
K. Test Reports Reviewed	51
L. Compliance	
1. Warning Notices Issued	6
2. Warning Notices Resolved	9
3. Advisory Letters Issued	3
M. AOR's Reviewed	0
N. Permits Reviewed for NESHAP Applicability	0
O. Planning Documents coordinated for Agency Review	4

**FY 11 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

JAN

A. ENFORCEMENT

1.	New cases received	4
2.	On-going administrative cases	108
	Pending	5
	Active	50
	Legal	10
	Tracking Compliance (Administrative)	43
	Inactive/Referred Cases	-
3.	NOI's issued	1
4.	Citations issued	-
5.	Consent Orders and Settlement Letter Signed	3
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ 3,025
7.	Enforcement Costs Collected (\$)	\$ 369
8.	Cases Closed	4

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	-
2.	FDEP Permits Reviewed	1
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	2
4.	Other Permits and Reports	
	County Permits Received	23
	County Permits Reviewed	20
	Reports Received	20
	Reports Reviewed	20
5.	Inspections (Total)	224
	Complaints	25
	Compliance/Reinspections	11
	Facility Compliance	14
	Small Quantity Generator	174
	P2 Audits	-
6.	Enforcement	
	Complaints Received	25
	Complaints Closed	30
	Warning Notices Issued	5
	Warning Notices Closed	2
	Compliance Letters	46
	Letters of Agreement	-
	Agency Referrals	2
7.	Pamphlets, Rules and Material Distributed	189

C. STORAGE TANK COMPLIANCE

1.	Inspections	
	Compliance	87
	Installation	8
	Closure	4
	Compliance Re-Inspections	8

**FY 11 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

JAN

2.	Installation Plans Received	6
3.	Installation Plans Reviewed	12
4.	Closure Plans & Reports	
	Closure Plans Received	1
	Closure Plans Reviewed	1
	Closure Reports Received	3
	Closure Reports Reviewed	8
5.	Enforcement	
	Non-Compliance Letters Issued	43
	Warning Notices Issued	2
	Warning Notices Closed	-
	Cases Referred to Enforcement	1
	Complaints Received	1
	Complaints Investigated	1
	Complaints Referred	-
6.	Discharge Reporting Forms Received	2
7.	Incident Notification Forms Received	3
8.	Cleanup Notification Letters Issued	2

D. STORAGE TANK CLEANUP

1.	Inspections	19
2.	Reports Received	76
3.	Reports Reviewed	79
	Site Assessment Received	7
	Site Assessment Reviewed	9
	Source Removal Received	-
	Source Removal Reviewed	2
	Remedial Action Plans (RAP'S) Received	7
	Remedial Action Plans (RAP'S) Reviewed	4
	Site Rehabilitation Completion Order/No Further Action Rec'd	3
	Site Rehabilitation Completion Order/No Further Action Revw'd	4
	Active Remediation/Monitoring Received	45
	Active Remediation/Monitoring Reviewed	38
	Others Received	14
	Others Reviewed	22

E. RECORD REVIEWS

16

F. LEGAL PIR'S

8

**FY 11 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

JAN

A. ENFORCEMENT

1.	New Enforcement Cases Received	1
2.	Enforcement Cases Closed	1
3.	Enforcement Cases Outstanding	40
4.	Enforcement Documents Issued	2
5.	Recovered Costs to the General Fund	\$ 1,596
6.	Contributions to the Pollution Recovery Fund	\$ 4,000

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	10
	a. Facility Permit	4
	(i) Types I and II	-
	(ii) Type III	4
	b. Collection Systems - General	2
	c. Collection systems-Dry Line/Wet Line	4
	d. Residuals Disposal	-
2.	Permit Applications Approved	11
	a. Facility Permit	6
	b. Collection Systems - General	2
	c. Collection systems-Dry Line/Wet Line	3
	d. Residuals Disposal	-
3.	Permit Applications Recommended for Disapproval	-
	a. Facility Permit	-
	b. Collection Systems - General	-
	c. Collection systems-Dry Line/Wet Line	-
	d. Residuals Disposal	-
4.	Permit Applications (Non-Delegated)	-
	a. Recommended for Approval	-
5.	Permits Withdrawn	-
	a. Facility Permit	-
	b. Collection Systems - General	-
	c. Collection systems-Dry Line/Wet Line	-
	d. Residuals Disposal	-
6.	Permit Applications Outstanding	31
	a. Facility Permit	19
	b. Collection Systems - General	4
	c. Collection systems-Dry Line/Wet Line	8
	d. Residuals Disposal	-
7.	Permit Determination	7
8.	Special Project Reviews	

**FY 11 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

JAN

a. Reuse	-
b. Residuals/AUPs	1
c. Others	1

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	10
a. Inspection (CEI)	1
b. Sampling Inspection (CSI)	9
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	38
a. Inspection (RI)	8
b. Sample Inspection (SRI)	1
c. Complaint Inspection (CRI)	28
d. Enforcement Inspection (ERI)	1
3. Engineering Inspections	18
a. Reconnaissance Inspection (RI)	9
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	-
e. Post Construction Inspection (XCI)	9
f. On-site Engineering Evaluation	-
g. Enforcement Reconnaissance Inspection (ERI)	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received	2
a. Facility Permit	-
(i) Types I and II	1
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	1
b. General Permit	-
c. Preliminary Design Report	-
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
2. Permits Recommended to DEP for Approval	-
3. Special Project Reviews	-
a. Facility Permit	-
b. General Permit	-
4. Permitting Determination	-
5. Special Project Reviews	28

**FY 11 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

JAN

a. Phosphate	7
b. Industrial Wastewater	7
c. Others	14

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation (Total)	14
a. Inspection (CEI)	14
b. Sampling Inspection (CSI)	-
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	19
a. Inspection (RI)	4
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	15
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections (Total)	7
a. Compliance Evaluation (CEI)	7
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	29
(i) Received	19
(ii) Closed	10
b. Industrial	13
(i) Received	5
(ii) Closed	8
2. Warning Notices	
a. Domestic	8
(i) Issued	4
(ii) Closed	4
b. Industrial	1
(i) Issued	1
(ii) Closed	-
3. Non-Compliance Advisory Letters	12
4. Environmental Compliance Reviews	172
a. Industrial	57
b. Domestic	115

**FY 11 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

JAN

5. Special Project Reviews	10
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G. RECORD REVIEWS

1. Permitting Determination	-
2. Enforcement	-

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

1. Air division	73
2. Waste Division	-
3. Water Division	17
4. Wetlands Division	-
5. ERM Division	162
6. Biomonitoring Reports	8
7. Outside Agency	34

I. SPECIAL PROJECT REVIEWS

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

**FY 11 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

JAN

ASSESSMENT REPORT

Agriculture Exemption Report

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

PGMD Reviews Performance Report

# of Reviews	31
Timeframes Met	100%
Year to Date	99%

Formal Wetland Delineation Surveys

Projects	6
Total Acres	27
Total Wetland Acres	17
# Isolated Wetlands < 1/2 Acre	-
Isolated Wetland Acreage	0

Construction Plans Approved

Projects	6
Total Wetland Acres	0
#Isolated Wetlands < 1/2 Acre	0
Isolated Wetland Acreage	0
Impacts Approved Acreage	0
Impacts Exempt Acreage	0

Mitigation Sites in Compliance

Ratio	179/188
Percentage	95%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.40
Acreage of Wtaer Quality Impacts	0.00
Acreage Restored	0.20

TPA Minor Work Permit

Permit Issued	20
Permits Issued Fiscal Year 2011	59
Cumulative Permits Issue Since TPA Delegation (07/09)	270

REVIEW TIMES

# of Reviews	214
% On Time	98%
% Late	2%

**FY 11 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

JAN

A. General

1.	Telephone conferences	562
2.	Unscheduled Citizen Assistance	359
3.	Scheduled Meetings	323
4.	Correspondence	1,203
1/ 5.	Intergency Coordination	215
1/ 6.	Trainings	7
1/ 7.	Public Outreach/Education	-
1/ 8.	Quality Control	69

B. Assessment Reviews

1.	Wetland Delineations	16
2.	Surveys	7
3.	Miscellaneous Activities in Wetland	11
4.	Mangrove	5
5.	Notice of Exemption	2
6.	Impact/Mitigation Proposal	9
7.	Tampa Port Authority Reviews	55
8.	Wastewater Treatment Plants (FDEP)	-
9.	Development Reg'n'l Impact (DRI) Annual Report	1
10.	On-Site Visits	70
11.	Phosphate Mining	3
12.	Comp Plan Amendment (CPA)	1
1/ 13.	AG SWM	2
	Sub-Total	

Planning and Growth Management Review

14.	Land Alteration/Landscaping	1
15.	Land Excavation	1
16.	Rezoning Reviews	12
17.	Site Development	11
18.	Subdivision	6
19.	Wetland Setback Encroachment	1
20.	Easement/Access-Vacating	-
21.	Pre-Applications	19
1/ 22.	Agriculture Exemption	-
	Sub-Total	
	Total Assessment Review Activities	

C. Investigation and Compliance

1.	Warning Notices Issued	4
2.	Warning Notices Closed	2
1/ 3.	Complaints Closed	12
4.	Complaint Inspections	31

**FY 11 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

JAN

5.	Return Compliance Inspections for Open Cases	31
6.	Mitigation Monitoring Reports	17
7.	Mitigation Compliance Inspections	27
8.	Erosion Control Inspections	30
9.	MAIW Compliance Site Inspections	23
10.	TPA Compliance Site Inspections	25
2/ 11	Mangrove Compliance Site Inspections	-
1/ 12	Conservation Easement Inspection	10

D. Enforcement

1.	Active Cases	17
2.	Legal Cases	2
3.	Number of "Notice of Intent to Initiate Enforcement"	2
4.	Number of Citations Issued	-
5.	Number of Consent Orders Signed	5
6.	Administrative - Civil Cases Closed	5
7.	Cases Referred to Legal Department	2
8.	Contributions to Pollution Recovery	\$ 9,765
9.	Enforcement Costs Collected	\$ 1,303

E. Ombudsman

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

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 POLLUTION RECOVERY TRUST FUND
10/1/2010 through 1/31/2011**

<i>REVENUE</i>		
Balance (beginning)	\$	620,687
Interest Accrued	\$	1,513
Deposits	\$	42,943
Refunds from closed Projects	\$	76,571
Revenue Total	\$	741,714

<i>EXPENDITURES</i>		
Project Management (EPE06009)	\$	28,329
Artificial Reef (EPE03025)	\$	40,422
Expenditures Total	\$	68,751

<i>ENCUMBERANCES</i>		
FY 11 Project Obligations	\$	-
Project Monitoring (EPE06009)	\$	101,141
Artificial Reef Program (EPE03025)	\$	103,008
Encumbrances Total	\$	204,149

<i>RESERVES</i>		
Minimum Balance	\$	120,000
EST. FY12 Budget: Artificial Reef & Project Management	\$	199,900
Remediation of Illegally Dumped Asbestos (EPE03045)	\$	5,000
Reserves Total	\$	324,900

NET POLLUTION RECOVERY FUND	\$	143,914
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PROJECT	Project Amount	Project Balance
FY 06 Projects		
#04-03 - Bahia Beach Restoration	150,000	20,918
	\$ 150,000	\$ 20,918
FY 07 Projects		
#06-04A - Erosion Control/Oyster Bar Habitat Creation	75,000	50,000
	\$ 75,000	\$ 50,000
FY 08 Projects		
#07-04 - Restoration of MOSI	125,000	-
#07-03 - Invasive Plant Removal Egmont Key	133,000	12,415
#07-05 - Testing Reduction of TMDL in Surface Water F	19,694	2,606
	\$ 277,694	\$ 15,021
FY 09 Projects		
#08-05 - MacDill Phase 2 Seagrass Transplanting	79,196	17,745
#08-01 - McKay Bay Sediment Quality	55,000	25,303
#08-04 - Mini FARMS BMP Implementation	50,000	28,819
#08-08 - Site Assessment & Removal of Contaminated S	25,000	6,360
#08-03 - Wetland Restoration on County Owned Lands	120,000	100,000
	\$ 329,196	\$ 178,227
FY 10 Projects		
#09-01 - Basis of Review for Borrow Pit Applications	\$ 68,160	\$ 52,179
#09-02 - Effects of Restoration on Use of Habitat	84,081	69,914
#09-03 - Artificial Wetland Cells	5,500	5,500
#09-05 - East Lake Watershed	46,300	46,300
#09-04 - Pilot Project for Outfall Water Quality Lake Ma	92,000	92,000
#09-06 - Greenhouse Gas Inventory	75,000	50,751
	\$ 371,041	\$ 316,644

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 GARDINIER SETTLEMENT TRUST FUND
10/1/2010 - 1/31/2011**

Fund Balance as of 10/1/10	\$ 252,021
Interest Accrued	268
Disbursements FY 11	-
Fund Balance	<u>\$ 252,289</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 252,289
Total Encumbrances	<u>\$ 252,289</u>
Fund Balance Available	<u><u>\$ -</u></u>



EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 17, 2011

Subject: Legal Case Summary for February 2011

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

Division: Legal and Administrative Services

Recommendation: None, informational update.

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

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

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

List of Attachments: February 2011 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT
February 2011

ADMINISTRATIVE CASES

LMJ Investments, LLP, Monique M. Agia, Lisa Agia Individually and as Trustees of the Agia Children Irrevocable Trust [LEPC10-016]: On September 8, 2010 the Appellant filed a request for an extension of time to file an Appeal of a denial of a wetland impact. The request was granted and the Appellant has until October 4, 2010 to file an Appeal in this matter. On October 4, 2010, the Appellant filed a second request for an extension of time until October 8, 2010. The request was granted and on October 8, 2010 an Appeal was filed. The case has been assigned to a Hearing Officer who will conduct an administrative hearing. (AZ)

Evelyn Romano et al. v. EPC and City of Tampa [LEPC09-005]: On March 7, 2009 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a wetland impact approval and mitigation agreement. The Legal Department granted the request and the Appellant has until April 30, 2009 to file an appeal in this matter. On April 27, 2009 the Appellant filed a Notice of Appeal and the matter has been transferred to a Hearing Officer to conduct an administrative hearing. The parties conducted a case management conference and set the final hearing date in this matter for January 7, 2010. The parties conducted the administrative appeal on January 7, 2010 and the Hearing Officer issued his recommendation on February 19, 2010 upholding the Executive Director's decision. A final hearing before the Commission was held during the April EPC regular meeting. On April 15, 2010 the Commission voted to remand the matter back to the Hearing Officer. The parties submitted memoranda of law on the legal issues and scheduled an oral argument for August 18, 2010. Oral argument was heard on August 18, 2010. The parties submitted additional memoranda regarding the entry of the Remand Order and the Hearing Officer entered his recommended order on November 15, 2010. A Final Order Hearing before the Commission was conducted on January 27, 2011 and the Final Order was entered on February 3, 2011 authorizing the wetland impact. (AZ)

CIVIL CASES

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

Glenn Sussan Ford Ledford [LEPC10-018]: On September 16, 2010 the Commission granted authority to take legal action against Defendant Glen Sussan Ford Ledford for failure to comply with the terms of a signed Consent Order: On October 21, 2010 the EPC filed a Statement of Claim in County Court (Small Claims Court) and a Notice to Appear for Pretrial Conference/Mediation was issued by the Court. A default was entered against the Defendant for failure to appear at the Pre-trial conference on December 16, 2010. The EPC Legal Department is seeking a Default Judgment. The Court issued a Default Final Judgment on January 11, 2011. This case has been closed. (AZ)

Lambert Marine Construction, LLC. [LEPC10-017]: On September 16, 2010 the Commission granted authority to take legal action against Defendant Lambert Marine Construction, Inc. for failure to comply with the terms of an agreed upon Settlement Letter. (AZ)

Adam Lakhani, L&D Petroleum and Roberto Diaz (Chevron 41) [LEPC10-015]: On July 15, 2010 the Commission granted authority to take legal action against the parties for violations of the EPC Act, Chapter 1-7, Rules of the EPC, and Chapter 62-770, F.A.C. for unresolved petroleum contamination on property owned and managed by the parties. The parties are negotiating a settlement of the case. (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 violations of the EPC Act, Chapter 1-11, Rules of the EPC, and the terms of a conservation easement encumbering the Respondents' property. The case involves wetland violations and prohibited impacts in a conservation easement. On March 29, 2010, the EPC filed a civil lawsuit in Circuit Court. The case was consolidated with a related Hillsborough County case seeking an injunction to remove fill from a ditch. A Case Management Conference on May 24, 2010 resulted in the parties being directed to mediate. Mediation occurred on July 16, 2010 but resulted in an impasse. The EPC filed a Motion for Partial Summary Judgment. The motion was denied and the

parties were sent back to mediation. The case was transferred to new counsel based on a conflict of interest. The second mediation on January 21, 2011, resulted in a very limited partial settlement. The matter will be set for trial. (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 EPC Board granted authority to take legal action against Respondent for violations of the EPC Act and EPC Rules, Chapter 1-10. A Citation to Cease and Order to Correct Violation was issued on July 24, 2009, the Respondent failed to appeal the citation and it became a final order of the Agency enforceable in court. On May 5, 2010 the EPC filed a civil lawsuit in Circuit Court against the Defendant. The Defendant did not respond to the complaint. On August 27, 2010, the EPC filed a Motion for a Court ordered default. The Default was issued on September 30, 2010. On January 14, 2011, EPC filed a Motion to Set Cause for Trial. EPC's Motion was heard on February 3, 2011 and a Trial has been set for the week of May 9, 2011. (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)

Realty Group, LLC., SRJ Enterprises, LLC and Surinder Joshi [LEPC08-028]: On November 13, 2008, the EPC Board granted authority to take legal action against the Defendants for unresolved violations of several EPC Rules including the Waste Management Rule, Chapter 1-7, the Storage Tank Rule, Chapter 1-12, and the Water Quality Rule, Chapter 1-5 at the 301 Truck Stop. On April 23, 2009, the EPC Legal Department filed a lawsuit seeking all corrective actions as well as assessment of civil penalties and costs in the matter. A non-jury trial was conducted on June 14, 2010. The Court issued a final judgment against the previous owners on June 15, 2010 directing the Defendant to complete all corrective actions and to pay \$7,098.26 in costs and \$95,390.00 in penalties. The property has been acquired by a new owner after a foreclosure. The EPC Legal Department is in negotiations with the new owner concerning a settlement. SJ Realty is appealing the foreclosure and this case will remain open pending the results of the appeal. (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 [CFJJ]) with Tranzparts and Yaslow only on February 16, 2007 (no suit was filed against the Baizans). The Defendants have only partially complied with the CFJ, thus a hearing was held on April 28, 2008, wherein the judge awarded the EPC additional penalties. A second hearing was held on January 25, 2010, for a second contempt proceeding and additional penalties. The Judge found the Defendants in contempt and levied stipulated penalties/costs, and a contempt order was executed by the

judge on March 15, 2010 requiring the facility to temporarily shut down until the facility is remediated. (RM)

Miley's Radiator Shop [LEPC06-011]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Miley's Radiator Shop, Calvin Miley, Jr., Calvin Miley, Sr., and Brenda Joyce Miley Tyner for waste management violations for improper storage and handling of car repair related wastes on the subject property. In addition, a citation was entered against the respondents on October 28, 2005 requiring specific corrective actions. The Respondents have not complied with the citation. The EPC is preparing to file a lawsuit for the referenced violations. (AZ)

Boyce E. Slusmeyer [LEPC10-019]: On Sept 20, 2001 the EPC staff received authority to take legal action for failure to comply with an Executive Director's Citation and Order to Correct Violation for the failure to initiate a cleanup of a petroleum contaminated property. The Court entered a Consent Final Judgment on March 13, 2003. The Defendant has failed to perform the appropriate remedial actions for petroleum contamination on the property. The EPC filed a lawsuit on October 7, 2010 seeking injunctive relief and recovery of costs and penalties. The EPC is waiting for the lawsuit to be served. (AZ)

PENDING CHALLENGES

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

Florida Rock Industries, Inc. [EPC10-024]: On December 17, 2010 the Petitioner filed a request for an extension of time to file a petition challenging an Air permit. The request was granted and the Petitioner had until February 11, 2011 to file a petition in this matter. On January 31, 2011, the Petitioner filed a second request for an extension which was granted and the deadline to file a petition has been extended to March 28, 2011.(RM)

U.S.H. & B Corporation [LEPC10-022]: On November 8, 2010 the Petitioner filed a request for an extension of time to file a petition challenging the Notice of Permit Denial issued on November 3, 2010. The request was granted and the Petitioner has until February 16, 2011 to file a petition in this matter. (RM)

Pine Oaks Mobile Home Park, LLC [LEPC10-013]: On July 1, 2010 the Petitioner filed a request for an extension of time to challenge a domestic wastewater permit denial. The request was granted and the Petitioner had until October 6, 2010 to file a petition in this matter. On September 30, 2010 the Petitioner filed a second request for an extension of time. The request was granted and the Petition had until January 4, 2011 to file a petition in this matter. The petitioner filed a third request for an extension of time which was granted. The deadline for filing a petition in this matter is March 7, 2011. (RM)

Roshini Investments, LLC [LEPC10-008]: On April 9, 2010 the Appellant submitted a request for an extension of time to file a Notice of Appeal to challenge a Citation of Violation and Order to Correct Issued by the EPC on March 19, 2010. The request was granted and the Appellant had until May 12, 2010 to file an Appeal. Three subsequent requests for extensions of time were filed and granted. The parties are working to resolve the issues and the appellant has until November 8, 2010 to file a petition in this matter. (AZ)

Circle K Stores, Inc. [LEPC10-003]: On February 23, 2010 the Appellant filed a request for an extension of time to file a Notice of Appeal regarding the Citation of Violation and Order to Correct that was issued on February 12, 2010. The request was granted and the Appellant has until June 7, 2010 to file an appeal in this matter. (AZ)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 17, 2011

Subject: Service Fee Discussion

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

Division: Executive Director's Report

Recommendation: Provide staff direction and decide whether to schedule a public hearing.

Brief Summary: Last year the EPC staff presented to the Board several options to adjust the EPC Services - Fee Schedule. This schedule is listed in Chapter 1-6 Rules of the Commission and has been in existence since 1985. Following staff's presentations in March and May of 2010, the Board did vote to schedule, then to continue, and then to close a Public Hearing without revising the fees.

At the recommendation of the Executive Director, the Board agreed to defer any fee adjustments until 2011. This was due in part because of the one-time monies the EPC had in their 2011 budget as part of the County Administrator's Transition Plan. Staff commitment to the Transition Plan this year is to bring the discussion of fees back to the Board.

Staff will be looking for direction following a brief informational presentation.

Financial Impact: EPC is projected to bring in \$1.6 M in local fees in FY 2011. This money goes back to the general fund to defer the expense of services provided. Any adjustments to the Services - Fee Schedule would potentially affect that contribution.

Background: The EPC Services - Fee Schedule was established in Chapter 1-6 Rules of the Commission in 1985 and has been revised numerous times since then. The last major revision was 2003. It covers a wide range of inspection and permitting activities to ensure protection of the air, water, and soils of the County. Fees are generally incurred by businesses attempting to impact the environment and are limited to only recover cost of the service.

In the summer of 2009, the EPC Board adopted a number of BOCC policies including Board Policy 03.02.02.09 requiring that full cost for services be determined and that the portion recovered not change unless the Board directs it. In order to comply, the staff has reviewed the policy and our fees and we determined that the last comprehensive adjustment was completed in 2003. In order to maintain the cost recovery ratio at the 2003 level, the Services - Fee Schedule would need to be adjusted to reflect the increase in the Consumer Price Index since that time. To

accomplish this would require an across the board increase of slightly over 20% to all the local fees, and could result in the collection of an additional \$266,000.

Staff also looked at instituting compliance fees for permitted air and waste water pollution sources. These would apply to the largest facilities such as bulk terminals and mid-sized wastewater treatment facilities and would result in the collection of an additional \$220,000 per year.

Since only the CPI adjustment to existing fees is needed to complete the Transition Plan budget adjustments, staff is recommending pursuing only that fee adjustment and delaying new compliance fees until economic conditions improve.

List of Attachments: Board Policy 03.02.02.09 User Fees and Cost Recovery and Consumer Price Index Reference.

BOARD POLICY - SECTION NUMBER: 03.02.02.09

SUBJECT: USER FEES AND COST RECOVERY

EFFECTIVE DATE: July 8, 1998

SUPERSEDES: NEW

Purpose: The purpose of this policy is to identify the full cost of services for which user fees are charged and to establish, over time, specific cost recovery goals for these services that can be maintained as costs change. The calculation of the full cost of providing a service does not suggest that user fees should fully recover the cost, only that the public should know what portion of the cost is being recovered through user fees, and such recovery rate should be maintained unless the Board acts to increase or reduce a cost recovery goal.

Policy: It is the policy of the BOCC that the County may from time to time establish or update fees for services provided by the County (user fees). The County will identify the full cost of providing a service for which fees are charged. Wherever practical, the County shall identify cost recovery goals for each fee and authorize automatic adjustment so that the fee can be updated to recover the same portion of the County's cost over time. The calculation of cost will include all reasonable and justifiable direct and indirect cost components.

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: July 8, 1998

Current Inflation Rates: 2000-2011

The table of inflation rates displays annual rates from 2000-2010. (The January 2011 inflation rate will be available when the U.S. government releases the figures for the month on February 17, 2011.) Rates of inflation are calculated using the Current Consumer Price Index published monthly by the Bureau of Labor Statistics (BLS). For 2010, the most recent monthly data (12-month based) is used in the chart and graph.

Historical inflation rates are available from 1914-2010. If you would like to calculate rates between different dates, the US Inflation Calculator will do that quickly.

Table of Inflation Rates by Month and Year (1999-2010)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
2010	2.6	2.1	2.3	2.2	2.0	1.1	1.2	1.1	1.1	1.2	1.1	1.5	1.6
2009	0	0.2	-0.4	-0.7	-1.3	-1.4	-2.1	-1.5	-1.3	-0.2	1.8	2.7	-0.4
2008	4.3	4	4	3.9	4.2	5.0	5.6	5.4	4.9	3.7	1.1	0.1	3.8
2007	2.1	2.4	2.8	2.6	2.7	2.7	2.4	2	2.8	3.5	4.3	4.1	2.8
2006	4	3.6	3.4	3.5	4.2	4.3	4.1	3.8	2.1	1.3	2	2.5	3.2
2005	3	3	3.1	3.5	2.8	2.5	3.2	3.6	4.7	4.3	3.5	3.4	3.4
2004	1.9	1.7	1.7	2.3	3.1	3.3	3	2.7	2.5	3.2	3.5	3.3	2.7
2003	2.6	3	3	2.2	2.1	2.1	2.1	2.2	2.3	2	1.8	1.9	2.3
2002	1.1	1.1	1.5	1.6	1.2	1.1	1.5	1.8	1.5	2	2.2	2.4	1.6
2001	3.7	3.5	2.9	3.3	3.6	3.2	2.7	2.7	2.6	2.1	1.9	1.6	2.8
2000	2.7	3.2	3.8	3.1	3.2	3.7	3.7	3.4	3.5	3.4	3.4	3.4	3.4
1999	1.7	1.6	1.7	2.3	2.1	2	2.1	2.3	2.6	2.6	2.6	2.7	2.2

CPI 2011 - effective date of adjustment 10/01/11

The cumulative CPI since the last major fee adjustment in 2003 (using 2002 data) for periods 2002-2008, 2002-2009, 2002-2010 and 2002 - current month in 2011 is as follows:

- 2002 - 2008 CPI 19.8%
- 2002 - 2009 CPI 19.4%
- 2002 - 2010 CPI 21.0%
- 2002 - Jan. 2011

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 17, 2011

Subject: Response to Board Request for Information on Tracking and Streamlining of Permitting at EPC

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

Division: Executive Director's Report

Recommendation: Informational Report

Brief Summary: At the December EPC Board meeting, staff was asked to come back and report on efforts to streamline permitting. In particular we were asked what ability applicants had to track their application.

In response, staff is prepared to make a brief presentation on tracking capabilities currently in place and on plans to improve on those. We also will mention a few other streamlining initiatives.

Financial Impact: No financial impact unless Board directs the EPC to fund tracking improvements.

Background: EPC reviews hundreds of authorizations every year to impact the air, water and soils of this County. In some program areas, we have delegation of the State or the Tampa Port Authority permitting and act as their agent. In other areas, EPC issues their own authorizations or coordinates our review with another agency that may end up making the final determination.

To streamline the process where possible, EPC wears two hats and acts as the State's agent in issuing a single permit for delegated programs. Delegation of these permits also requires EPC to follow their processing rules and tracking systems. So while this limits what we can do, we have still been able to make some efficiency gains.

In other program areas EPC issues their own final authorization under their own processing procedures. There is greater flexibility here, but there are staffing and resource considerations. Many of the wetland impacts reviews fall in this category.

The third and final category is when EPC incorporates their review in another agency's permit. By coordinating our review with the other agency, it precludes the need for a second permit and

allows most authorizations to be completed concurrently with a single application. Here the processing rules and in-place tracking are generally controlled by the final agency.

EPC is prepared to demonstrate what capabilities we have for all three types of reviews. We also will be prepared to discuss some proposals for improving these as well as other streamlining measures.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 17, 2011

Subject: Stewardship of State and County Owned Environmentally Significant Lands

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

Division: Wetlands Management Division

Recommendation

Brief Summary: Stewardship of Environmental Lands Acquisition & Protection Program

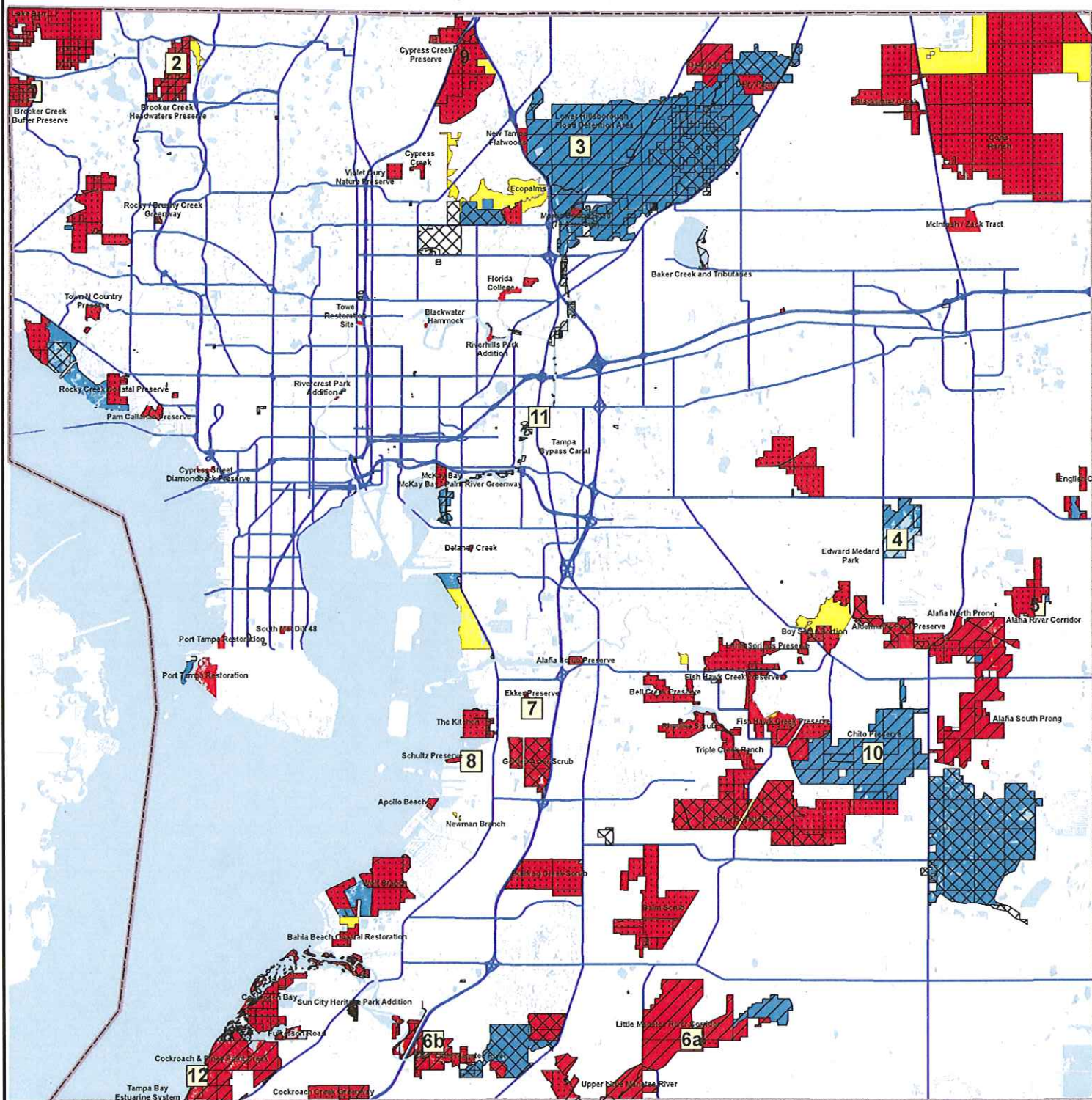
Financial impact: No Financial Impact

Background: At the December 2010 EPC Board Meeting, Commissioner Crist requested information be presented to the Board regarding the environmental stewardship of the state and county owned lands in Hillsborough County. These are primarily owned or managed by the Hillsborough County Parks Department (Environmental Lands Acquisition and Protection Program), the Southwest Florida Water Management District (SWFWMD), the State's TIITF (Trustees of the Internal Improvement Trust Fund) and State Parks system. Many of these public lands were acquired as part of a preservation plan involving riverine corridors, significant groundwater resources, and coastal areas. Nearly all of the major holdings have management plans addressing wildlife management, water quality improvement, wetland restoration and mitigation, invasive species control, and groundwater protection as well as public use and access.

EPC staff will present a map identifying the significant public land holdings. The guest speaker will be Mr. Forest Turbiville, Section Manager, Parks, Recreation and Conservation Department who will be doing a presentation on the environmental stewardship of Environmental Lands Acquisition and Protection Program (ELAPP).

List of Attachments: ELAPP Map

ENVIRONMENTAL LANDS ACQUISITION & PROTECTION PROGRAM (ACQUIRED)



Legend

- Acquired
- Other Preservation
- Other Public Land
- HC ELAPP Parcels
- SWFWMD Parcels
- TIITF & Partner Parcels
- Acq. of Convenience

Hillsborough County Florida

0 1 2 3 4

Miles

For Reference Only

ELAPP & Parcel Data received from HC Real Estate & Property Appraiser's Offices Respectively.



Environmental Protection Commission
Hillsborough County
3629 Queen Palm Drive
Tampa, FL 33619
(813) 627-2600

Environmental Protection Commission
of Hillsborough County GIS

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 17, 2011

Subject: Progress Report – EPC Brownfields Activities

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

Division: Waste Management Division

Recommendation: Informational Report

Brief Summary: This is a two part presentation. Staff will provide a summary of activities and accomplishments related to both the local Brownfield Programs within Hillsborough County and the EPC's support of those programs and the EPC's administration of the State Brownfields Redevelopment program in Hillsborough County. The second presentation will provide the private sector perspective on the Brownfields Program.

Financial Impact: No Financial Impact

Background: There are two distinctly different Brownfield Programs with which EPC is currently engaged, the Federal Brownfield Program and the State Brownfield Program. The Federal program is administered by the US Environmental Protection Agency and is based on financial incentives to make redevelopment of potentially contaminated property more attractive and financially viable. The State of Florida Brownfield is administered by the Florida Department of Environmental Protection and is a regulatory program that provides both financial and regulatory incentives for redevelopment of contaminated property. While the programs are separate, there is often overlap between the programs that lead to successful redevelopment.

The municipalities of Tampa and Plant City and Hillsborough County government have collectively received over \$2.8 million funding from EPA through Assessment Grants and the Revolving Loan Fund. EPC has provided support to these programs through active participation in community outreach/environmental justice programs, acting as Site Manager for the Revolving Loan Fund, and coordinating cleanup of abandoned properties.

Since the EPC's delegation of the State's Brownfields Program in the June 2004, the EPC has managed a number of successful cleanups for the State program. This has resulted in previously under-utilized and/or non-utilized properties being returned to productive beneficial use, increasing tax revenues to Hillsborough County. The greatest challenge to the State Brownfields Program is funding. The most popular financial incentive is the State's Voluntary Cleanup Tax Credit. This is funded at \$2 million per year from general revenue. There is currently a backlog

of \$7.3 million dollars, which means developers are waiting up to four years for their tax credits. This is having a dampening on the enthusiasm for the Brownfield Program.

EPC is also a member of the Florida Brownfields Association, a model for successful collaboration between statewide brownfield stakeholders, including citizens, government and land use professionals, for promoting brownfields redevelopment.

List of Attachments:



EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 17, 2011

Subject: 2011 Legislative Session -- Summary of Bills of Interest

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

Division: Legal and Administrative Services

Recommendation: No action necessary. Receive report.

Brief Summary: The EPC staff tracks dozens of environmental and administrative bills during the Legislative session and additionally staff provides comments and assistance to the County's Public Affairs Office and the Florida Association of Counties. The 2011 Florida Legislative Session runs from March 8 through May 6, 2011. EPC staff has already reviewed over 20 bills of interest; this report will focus on bills regarding contamination notification, fertilizer regulation, and regulatory streamlining.

Financial Impact: No financial impact anticipated.

Background: The 2011 Florida Legislative Session commences on Tuesday March 8, 2011 and will close on Friday May 6, 2011. Prior to then and during the session, the EPC staff tracks dozens of environmental and administrative bills. Additionally staff provides comments, analysis, and assistance to the County's Public Affairs Office, the Florida Association of Counties, and the Florida Local Environmental Resource Agencies (FLERA). The Commission approved a basic legislative strategy (EPC Policy No. 2007-02) on March 15, 2007, that gives staff continuing direction to monitor, comment on, and lobby for, among other things, bills that impact the functions of the EPC. This policy was reviewed with the new Commission on December 16, 2010. While staff has reviewed over 20 bills before the 2011 Session has started, the following are most notable:

HB 239 Numeric Nutrient Quality Criteria

Representative Trudi Williams sponsored HB 239. The bill would create a statute that prohibits the Department of Environmental Protection (DEP), water management districts, and all other state, regional, and local governmental entities from implementing or giving effect to the US EPA's numeric nutrient criteria rules as they apply to Florida's lakes and flowing waters. The EPA's rules are adopted, but not effective until February 2012. The bill claims that the bases for the proposed law are as follows:

1. the EPA's numeric nutrient water quality criteria rules lack scientific support and fail to take into consideration the unique characteristics of the state's rivers, streams, and lakes; and

2. the EPA's rules fail to incorporate the state's science-based water quality programs;
3. the EPA failed to obtain scientific peer review and economic analysis of the rules;
4. implementation of the rules would result in severe economic consequences on Florida's agriculture, local governments, utilities, businesses and residents; and
5. implementation would result in needless pursuit of exemptions and other relief, resulting in delays to current restoration projects already underway.

The bill proposes to allow the DEP to adopt numeric nutrient criteria and to determine when criteria are necessary, specifying that they should be established based on nutrient levels and biological responses.

HB 457 Fertilizer *(see also SB606)*

This bill was sponsored by Representatives Clay Ingram and Bryan Nelson. The identical Senate bill was sponsored by Greg Evers. This bill deletes all the provisions in section 403.9337, F.S. that currently allows local governments to be more stringent than the DEP model fertilizer ordinance. The intent of the bill is to require all local governments with nutrient impairment to only adopt the DEP model fertilizer ordinance. One goal of the bill is to create uniformity of fertilizer laws statewide, but a negative consequence is that local governments will substantially lose the ability to control nutrient laden runoff into Florida waters. These pollutants lead to algal blooms and other water quality impairments that local government are required to address at great cost. The bill only grandfathers local fertilizer laws enacted before January 1, 2009 (thus effectively repealing Pinellas, EPC, and St. Petersburg's laws). The bill also mandates that the State is the only entity that can control the sale of fertilizer, thus halting all local government summer sales bans.

Unfiled bill Regulatory Reform

The Florida Association of Counties informed EPC staff that there is an unfiled bill regarding regulatory reform that Rep. Trudi Williams may sponsor in the House. The bill is similar to language proposed last year, among other things it:

1. Requires the DEP to create an expedited permit process for any inland multimodal facility, receiving and/or sending cargo to and/or from Florida ports.
2. Requires all local programs to seek state ERP (wetland and stormwater) delegation by June 1, 2012. If a local program has not applied by that date, they cannot require any local wetland or stormwater permits that in part or in full are substantially similar to the requirements needed to obtain an ERP. EPC has already begun the wetland delegation process for single family homes and other minor ERPs with the DEP, but it would also have to apply for the larger subdivisions and commercial centers that SWFWMD processes, or we could possibly lose that local review authority. It is unclear what happens if a local government applies for delegation and then is denied.
3. If an activity needs a state ERP and a local wetland permit, then the local wetland permit must be approved within 60 days of filing with the local government. This puts local programs under fast track review for all sizes/complexities of activities and would almost negate the ability to request additional information (RAI) as part of the permit process.
4. Places the burden of ultimate persuasion on the third-party petitioner in Chp. 120 administrative hearings.
5. With minor exceptions, all DEP permits must issue within 60 days of being deemed complete (currently it is 90 days).
6. Expands the use of Internet-based self-certification services for appropriate exemptions and general permits.
7. Authorizes the DEP to seek expanded state programmatic general permit wetland delegation

from the US EPA.

8. Creates an "incentive-based permitting act." This is legislation that has failed multiple times in the past few years. Generally, it requires DEP (or delegated programs) to process permits in an expedited fashion, issue longer duration permit, and do less compliance inspections for facilities with good compliance histories. It would also make it harder to deny a permit application based on past history of noncompliance.
9. A general permit is established for the construction, alteration, and maintenance of a surface water management system serving a total project area of up to 40 acres.

No action is requested at this time. This is an informational report only.

List of Attachments: EPC Legislative Tracking List

2010 FLORIDA LEGISLATIVE TRACKING SHEET FOR THE EPC

BILL NUMBER	BILL TITLE OR DESCRIPTION	BILL STATUS or INFO	Staff assigned to review	PRIORITY BILL	REVIEWED BY EPC	COMMENTED TO COUNTY PUBLIC AFFAIRS	PASSED	FAILED (failed, died, or tabled)
HB 13	<u>Onsite Sewage Treatment and Disposal Systems</u>		C.Dunn	n	Y	Y		
SB 78	<u>Environmental Surcharge on Bottled Water</u>		R.Muratti		Y	Y		
SB 82	<u>Onsite Sewage Treatment and Disposal Systems</u>		C.Dunn		Y	Y		
HB 89	<u>Effective Public Notices by Governmental Entities</u>		R.Muratti		Y	Y		
SB 128	<u>Public Printing</u>		R.Muratti		Y	Y		
SB 130	<u>Onsite Sewage Treatment and Disposal Systems</u>		C.Dunn		Y	Y		
SB 132	<u>Contamination Notification</u>		M. Yeargan		Y	Y		
HB 147	<u>Contamination Notification</u>				Y	Y		
HB 165	<u>Ice Skating Rinks</u>		R.Muratti		Y	Y		
HB 167	<u>Onsite Sewage Treatment and Disposal Systems</u>		R.Muratti		Y	Y		
SB 168	<u>Onsite Sewage Treatment and Disposal Systems</u>		C.Dunn		Y	Y		
SB 202	<u>Ice Skating Rinks</u>		J.Campbell		Y	Y		
HB 239	<u>Numeric Nutrient Quality Criteria</u>		C.Dunn		Y	Y		
HB 261	<u>Century Commission</u>		R.Muratti		Y	Y		
SB 282	<u>Renewable Energy</u>		J. Campbell		Y	Y		
SB 284	<u>Sustainable and Renewable Energy Policy Trust Fund</u>		J. Campbell		Y	Y		

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