

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
COMMISSIONER'S BOARD ROOM  
COUNTY CENTER 2<sup>ND</sup> FLOOR  
MARCH 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**

A. Report from the CEAC Chairman – Danny Alberdi

**III. CONSENT AGENDA**

- A. Approval of Minutes: January 27, 2011 – EPC Board Meeting Agenda  
February 17, 2011 – EPC Board Meeting Agenda .....3
- B. Monthly Activity Reports .....15
- C. Pollution Recovery Fund Report .....27
- D. Gardinier Settlement Trust Fund Report .....28
- E. Legal Case Summary, March 2011.....29

**IV. PUBLIC HEARING**

B. Chapter 1-6, Services-Fee Schedule.....33

**VI. WASTE MANAGEMENT DIVISION**

A. Progress Report – EPC Brownsfield Activities .....43

**VII. LEGAL & ADMINISTRATIVE SERVICES DIVISION**

2011 Legislative Session – Summary of Bills of Interest .....45

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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JANUARY 27, 2011 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, January 27, 2011, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Kevin Beckner and Commissioners Victor Crist, Ken Hagan, Al Higginbotham, Sandra Murman, and Mark Sharpe (arrived at 9:05 a.m.).

The following member was absent: Lesley Miller Jr. (death in the family).

Chairman Beckner called the meeting to order at 9:02 a.m. Commissioner Hagan led in the pledge of allegiance to the flag and gave the invocation.

Chairman Beckner outlined the scheduled events.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, said there were no changes.

PUBLIC COMMENT

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

CONSENT AGENDA

- A. Approval of minutes: December 16, 2010.
- B. Monthly activity reports.
- C. Pollution Recovery Fund report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary for January 2011.

Chairman Beckner requested a motion to approve the Consent Agenda. **Commissioner Murman so moved, seconded by Commissioner Crist, and carried five to zero.** (Commissioner Sharpe had not arrived; Commissioner Miller was absent.)

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, Daniel Alberdi Jr. - Mr. Alberdi reported the CEAC agenda was planned for the year and would present more information at the next meeting.

THURSDAY, JANUARY 27, 2011

EXECUTIVE DIRECTOR

Dr. Garrity shed light on the exemplary service provided by Ms. Monica Hamby, EPC; provided an update on EPC delegation procedures with the Florida Department of Environmental Protection; and had applied for partial delegation of the environmental resource permitting program.

FINAL ORDER HEARING

Evenlyn Romano, Warren Dixon, and Andrea Braboy Versus City of Tampa (Tampa) Public Works Department and EPC - EPC General Counsel Richard Tschantz highlighted the case history, project details, involved parties, his role as EPC attorney, legal proceedings, and hearing officer recommended orders, as provided in background material; elucidated the appeal process; read procedural rules; and touched on presentation time limits and a vote on public opinion opportunities.

Commissioner Hagan believed the vote occurred at the previous meeting to allow public opinion. Following discussion on public opinion limitations, **Commissioner Higginbotham moved to allow public comment limited to, at the advice of counsel, to just say I support or do not support the bridge, seconded by Commissioner Murman.** Chairman Beckner commented on the final decision to be made and the two-minute limit imposed on public opinion. **The motion carried six to zero.** (Commissioner Miller was absent.)

Attorney C. Warren Dixon III, 16006 Burnham Way, representing Ms. Evelyn Romano, reviewed an area map; recalled the matter had been remanded for additional findings specifically regarding public health, welfare, and safety; noted there was not a second evidentiary hearing; remarked on EPC authority; referenced a proposed remand order, hearing officer statements/considerations, improper application of law, and review criteria; requested criteria application be clarified and for rules to be applied; and addressed sovereign immunity, traffic concerns, relevant case law, and lack of substantial competent evidence.

Attorney Douglas Manson, with Manson Law Group, P.A., representing Tampa, opined Attorney Dixon's arguments had been heard with no new results, questioned the validity of Attorney Dixon's argument, emphasized the bridge had been part of long-range planning since 1985, outlined the case history, and quoted from the recommended order, which he perceived was appropriate and supported by facts.

THURSDAY, JANUARY 27, 2011

Attorney Andrew Zodrow, EPC Legal Department, cited applicable regulations/case laws, explored legal standing, and spoke to whether or not a wetland impact should be denied based on a future public safety and/or nuisance issue.

Chairman Beckner called for public comment. Attorney Tschantz highlighted public comment restrictions.

Ms. Andrea Braboy, 16006 Burnham Way, read noise regulations and opposed the bridge.

Mr. Michael Urette, 532 Riviera Drive, supported the project and moving forward.

Attorney Rhea Law, with Fowler, White, Boggs, and Banker, P.A., 501 East Kennedy Boulevard, Suite 1700, representing community business owners, requested no further delays and acknowledged plan support.

Attorney Andrea Zelman, with Fowler, White, Boggs, and Banker, P.A., 501 East Kennedy Boulevard, Suite 1700, recognized developer investments were made over the past two decades based on the assumption of the bridge project materializing, expressed unfairness to developers to change direction now, and stated support of the bridge.

Mr. Richard Radtke, 105 South Bradford Avenue, Primrose School of Tampa Palms owner, located his business in the area because of the expectancy of the bridge and strongly supported the project.

Ms. Diana Sundstrom, 8118 Pond Shadow Lane, expounded on homeowners in support of the bridge and asked the EPC to listen to those residents.

Mr. Stephen Tocco, West Meadows resident, suggested a compromise to move the bridge to another area.

Mr. Dennis Piller, 10313 Riverburn Drive, recalled past controversial projects that resulted in enhanced communities and encouraged the public to listen to the planners.

Mr. Garrison Urette, business owner, remarked on economic viability, businesses leaving the area, and the need for planned projects and sought approval.

Mr. Albren Bowers, 18405 Eastwyck Drive, president of Cross Creek Master II Home Owners Association and Covington Homeowners Association, offered support for building the bridge.

THURSDAY, JANUARY 27, 2011

Ms. Paula Buffa, commercial real estate broker, believed bridge construction was critical to future area investments and had a supportive letter from the Tampa-Hillsborough Economic Development office.

Ms. Karen DeGiorgio, 18420 Eastwyck Drive, vice president, Covington at Cross Creek Homeowners Association Incorporated, requested the bridge be built to alleviate some traffic.

Mr. Richard Scott, West Meadows resident, was opposed to the bridge project.

Mr. Charley Marino, 19112 Mandarin Grove Place, was against the bridge and called attention to increased vehicle/pedestrian traffic and one traffic light.

Mr. Robert Armstrong, 8309 Golden Prairie Drive, was not in favor of the project and suggested researching and starting over again.

Attorney Manson objected to the petitioner, Ms. Romano, speaking as a witness in addition to having representation speak for an extended period of time. Attorney Dixon noted Ms. Romano was a member of the public. Attorney Tschantz agreed Ms. Romano could speak as a public citizen.

Ms. Romano, 19117 White Wing Place, contended there were no workshops, hearings, or meetings for public input and asked for a remand hearing to address health, safety, and welfare issues.

Mr. David Lichter, 19214 Cinnamon Ridge Way, opposed the bridge and urged a remand for a full hearing.

Ms. Roberta Buckle, 5110 Mayfair Park Court, suggested completing the Bruce B. Downs Boulevard expansion prior to the bridge construction.

Mr. Marshall Adams, West Meadows resident, was resistant to the bridge construction and felt pertinent issues were not heard and facts were distorted.

Mr. Travis Monday, 4981 Anniston Circle, voiced support for the bridge and opined bridge construction would alleviate traffic backup in the area.

Mr. Harry Beerman, 19202 Pelican Ridge Lane, opposed the bridge.

Ms. Sandra Bredahl, 15221 Arbor Hollow Drive, commented on support for the bridge and urged project completion.

Mr. Milton Hellweg, 8222 Swann Hallow Drive, representing neighbors, and Ms. Iris Poynor, Tampa Palms, were in opposition to the bridge.

THURSDAY, JANUARY 27, 2011

Ms. Tara Hood, 3410 South Almeria Avenue, supported the bridge.

Mr. Brad Van Rooyen, 18902 Duquesne Drive, opposed the bridge and wanted to wait on the Bruce B. Downs Boulevard widening.

Mr. Scott Ewlers, Tampa Fire Rescue Department, was supportive of the project and felt emergency response time would be greatly enhanced.

Attorney Dixon remarked on emergency response units in the area and response times, the ability to make limitations in a wetlands agreement, transportation improvement plans for the area, wetlands impacts, and comments received from those who did not live in the area.

Attorney Manson pointed out the hearing officer and staff found proposed wetland impacts met wetland permit standards, mitigation was adequate, and the use was reasonable and mentioned appeal options.

Attorney Zodrow stressed the hearing officer made correct legal findings.

Attorney Tschantz recommended the hearing officer's recommended order from February 19, 2010, as amended by the recommended order after the remand of November 15, 2010, be adopted in its entirety and the appellant's exceptions to those recommended orders be rejected.

Commissioner Crist was concerned EPC rules might go beyond the intent of the law and there were considerations that should have been evaluated to meet the spirit of the law. Discussion followed regarding evidence exclusion/relevance and rule/statute contemplation. Commissioner Crist was worried about due diligence and questioned if the mission under the intent of the law was fulfilled. After agreeing with the hearing officer decision, **Commissioner Sharpe recommended approval of staff recommendation, and within that motion, made a recommendation to deny the exceptions presented by the appellate.**

Upon noting the project was a Tampa project not Hillsborough County, confirming parameters for decision making, and receiving clarification on evidence considerations, **Commissioner Hagan seconded the motion.** Commissioner Higginbotham voiced concerns about constraints and rewriting the law and supported the motion with hesitation. Chairman Beckner commended Attorney Dixon for his community support but was bound to support the motion.

Attorney Dixon made final comments. Chairman Beckner restated the motion, **which carried five to one; Commissioner Crist voted no.** (Commissioner Miller was absent.)

THURSDAY, JANUARY 27, 2011

There being no further business, the meeting was adjourned at 11:17 a.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN OR VICE CHAIRMAN

ATTEST:  
PAT FRANK, CLERK

By: \_\_\_\_\_  
Deputy Clerk

ph



FEBRUARY 17, 2011 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

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

The following members were present: Chairman Kevin Beckner and Commissioners Victor Crist, Ken Hagan (arrived at 9:21 a.m.), Al Higginbotham, Lesley Miller Jr., Sandra Murman, and Mark Sharpe (arrived at 9:06 a.m.).

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

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, said Item VI.A., Brownfields activities progress report, would be heard after the Consent Agenda and Item III.A., approval of minutes for January 27, 2011, were not available as part of the agenda packet. Chairman Beckner asked for a motion to approve the changes. **Commissioner Murman so moved, seconded by Commissioner Crist, and carried five to zero.** (Commissioners Hagan and Sharpe had not arrived.)

PUBLIC COMMENT

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

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, Daniel Alberdi Jr. - Mr. Alberdi said administrative functions were conducted at the February 7, 2011, CEAC meeting; stated he was reelected as chairman and Ms. Deborah Cope was elected as vice chairman; and noted staff presented information on sunshine and ethics laws, directors provided an overview of their divisions, and agenda items were scheduled.

CONSENT AGENDA

- A. Approval of minutes: January 27, 2011. **Not included in the agenda packet.**
- B. Monthly activity reports.
- C. Pollution Recovery Fund report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary for February 2011.

Chairman Beckner asked for a motion to approve the Consent Agenda. **Commissioner Murman so moved, seconded by Commissioner Miller, and carried**

THURSDAY, FEBRUARY 17, 2011 - DRAFT MINUTES

**five to zero.** (Commissioner Hagan had not arrived; Commissioner Higginbotham was out of the room.)

WASTE MANAGEMENT DIVISION

Progress Report - EPC Brownfields Activities - Ms. Mary Yeargan, EPC, reviewed the Brownfields program, as supplied in background material, and asked the EPC Board to support current legislation to increase the voluntary cleanup tax credit (VCTC) funding, Senate Bill 842 and House Bill (HB) 641. Noting she was instrumental in starting the Brownfields legislation, **Commissioner Murman recommended Chairman Beckner send a letter from the EPC to the legislative leaders supporting the bills or a resolution,** and in response to Chairman Beckner, said the letter could clarify the Board of County Commissioners sat as the EPC Board and should come from the EPC. Commissioner Crist concurred with sending a letter from the EPC Board. Chairman Beckner clarified the motion intent. EPC General Counsel Richard Tschantz indicated staff could write the letter and provide copies to the EPC Board and asked where to address the letter. Commissioner Crist replied the letter should go to the Senate president and Speaker of the House with copies to the Senate and House Ways and Means Committee chairmen, sponsors for each of the two bills, and the Governor's Office. After stating the letter should also be sent to minority leaders, **Commissioner Miller seconded the motion, which carried seven to zero.**

Board member comments followed on EPC staff work efforts, importance of Brownfields, and touring the EPC center. Replying to Chairman Beckner, Ms. Yeargan described ways to designate Brownfields areas. In coordination with the Economic Development Department, Commissioner Beckner suggested Ms. Yeargan come back at the next EPC meeting with the plan to promote the Brownfields areas and market inventory that had not been designated, and looking at overall inventory for designated areas, what was the plan to bring in businesses/development. Responding to Commissioner Miller, Ms. Yeargan explained the city of Temple Terrace had not established a Brownfields program.

Attorney Frank Hearne, with Mechanik, Nuccio, Hearne, and Wester, P.A., 305 South Boulevard, gave a presentation on redeveloping Brownfields in the County, as furnished in background material, and responded to Commissioner Higginbotham regarding soil removal. Commissioner Beckner requested staff bring back the economic community impact IKEA had. Attorney Hearne explicated the VCTC, perceiving the tax credit should be usable for other tax situations.

THURSDAY, FEBRUARY 17, 2011 - DRAFT MINUTES

EXECUTIVE DIRECTOR

Service Fee Discussion - Dr. Garrity reported on the previous two-year EPC adopted budget, the cost recovery plan, fee adjustments, participation in the 12-month transition plan, efficiencies, staff reductions, finding new funding sources, centralizing printer operations, partnerships to help support the water quality monitoring program, reviewing State contracts, additional fleet reductions, one-stop permitting, wetlands assessment contract with the Southwest Florida Water Management District (SWFWMD), expanding the direct inspection program, restructuring weekend on-call service, and looking at user-fee adjustments. Mr. Jerry Campbell, Director, EPC Air Management Division, provided an overview on EPC services fee schedule, as noted in background material, and requested staff direction on whether to pursue consumer price index revisions and/or new compliance fees for EPC's services, fee schedule, and if appropriate, schedule a public hearing to revise Chapter 1-6 for the next EPC Board meeting on March 17, 2011.

Commissioner Crist saw no conflict with having a public hearing and allowing the public to voice their opinion. Responding to Commissioner Higginbotham, Dr. Garrity stated the transition plan incorporated bringing fee adjustments back to the EPC Board along with other business opportunities mentioned earlier. Seeing the financial situation had not improved, Commissioner Higginbotham would not support a fee increase or staff recommendation and suggested finding other ways to achieve savings. After inquiring about public hearing notice and declaring no reason to not have a public hearing, **Commissioner Miller moved to concur with staff and have the public hearing at the March 2011 EPC meeting, seconded by Commissioner Crist.** Commissioner Murman commended Dr. Garrity on finding efficiencies but could not support a fee increase, believed the public should be educated on what EPC was doing, and supported the public hearing. Following remarks on inequity in income source/taxation systems, comparison of fees charged across the County, diversifying income source streams, charging appropriately for services offered, and expressing support for the public hearing, Chairman Beckner asked staff to come back with comparative charts of fees charged by other counties and information on the investment to conduct a comprehensive fee analysis study. **The motion carried four to three; Commissioners Hagan, Higginbotham, and Sharpe voted no.**

Response to EPC Board Request for Information on Tracking and Streamlining of Permitting at EPC - Mr. Campbell and Mr. Reginald Sanford, EPC, gave a joint presentation on permit streamlining, as supplied in background material.

THURSDAY, FEBRUARY 17, 2011 - DRAFT MINUTES

Following staff compliments, Commissioner Crist moved for the EPC to write a letter to the chairman/vice chairman of the Legislative Delegation asking them as chairman/vice chairman to contact the Department of Environmental Protection and work with them to expedite the change needed to be made for their site to more accurately portray where permits were in the process, seconded by Commissioner Miller, and carried six to zero. (Commissioner Higginbotham was out of the room.)

Noting she served as the SWFWMD liaison and had requested a detailed list of activities SWFWMD conducted in the permitting area, Commissioner Murman asked Dr. Garrity to provide similar information and suggested scheduling a workshop to correct the problem locally. Dr. Garrity indicated he had met with Ms. Lucia Garsys, Planning and Infrastructure Services Administrator, to develop a document listing of what SWFWMD, the County, and EPC did in the environmental resource permit program and to find efficiencies, eliminate duplication, and look for delegation opportunities and responded to Commissioner Murman regarding customer satisfaction surveys. Comments followed related to having a workshop.

Commissioner Sharpe initiated discussion on complaints received relative to harvesting trees within greenbelted areas and wanted confirmation on whether the issue was within EPC's jurisdiction. Dr. Garrity would meet with Ms. Garsys. Remarks continued on the customer satisfaction survey, tracking permits, and having a more transparent, accountable, streamlined, and user-friendly system.

#### WETLANDS MANAGEMENT DIVISION

Stewardship of State and County-Owned Environmentally Significant Lands - Dr. Garrity presented the item and referenced a map in background material. Mr. Tom Ash, EPC, gave a brief overview of the item and introduced Mr. Forest Turbiville, Parks, Recreation, and Conservation Department, who described the Environmental Lands Acquisition and Protection Program (ELAPP), as furnished in background material, and responded to Commissioner Higginbotham in regard to herbicides and the three bridges being built in Cone Ranch. Dr. Garrity replied to Commissioner Crist about showcasing achievements, building program awareness, land assessment, parks conditions, partnerships, and agency collaboration. In answer to Commissioner Murman, Dr. Garrity stated the ELAPP budget was in the Parks, Recreation, and Conservation Department.

THURSDAY, FEBRUARY 17, 2011 - DRAFT MINUTES

LEGAL AND ADMINISTRATIVE SERVICES DIVISION

2011 Legislative Session - Summary of Bills of Interest - Attorney Tschantz highlighted HB 239, HB 457, and an unfiled regulatory reform bill, which would be tracked and monitored.

Dr. Garrity and Commissioner Miller responded to queries from Commissioner Crist on cost savings for privatization and photograph displays to help build program awareness.

There being no further business, the meeting was adjourned at 11:24 a.m.

READ AND APPROVED: \_\_\_\_\_

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: \_\_\_\_\_  
Deputy Clerk

ssg

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

**FEB**

**A. Public Outreach/Education Assistance**

1.	Phone calls	222
2.	Literature Distributed	0
3.	Presentations	11
4.	Media Contacts	2
5.	Internet	60
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	2
	c. Amendments / Transfers / Extensions	1
	d. Title V Operating:	3
	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	4
	b. Construction ^1	7
	c. Amendments / Transfers / Extensions^1	0
	d. Title V Operating ^2	0
	e. Permit Determinations	0
	g. General	2
3.	Intent to Deny Permit Issued	0

**C. Administrative Enforcement**

1.	New cases received	0
2.	On-going administrative cases	
	a. Pending	7
	b. Active	13
	c. Legal	1
	d. Tracking compliance (Administrative)	10
	e. Inactive/Referred cases	0
	<b>TOTAL</b>	<b>31</b>
3.	NOIs issued	0
4.	Citations issued	0
5.	Consent Orders Signed	0
6.	Contributions to the Pollution Recovery Fund	\$ -
7.	Cases Closed	2

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

**FEB**

**D. Inspections**

1. Industrial Facilities	10
2. Air Toxics Facilities	
a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	3
b. Major Sources	6
3. Asbestos Demolition/Renovation Projects	17

<b>E. Open Burning Permits Issued</b>	1
<b>F. Number of Division of Forestry Permits Monitored</b>	253
<b>G. Total Citizen Complaints Received</b>	68
<b>H. Total Citizen Complaints Closed</b>	62
<b>I. Noise Sources Monitored</b>	7
<b>J. Air Program's Input to Development Regional Impacts</b>	2
<b>K. Test Reports Reviewed</b>	44
<b>L. Compliance</b>	
1. Warning Notices Issued	4
2. Warning Notices Resolved	2
3. Advisory Letters Issued	7
<b>M. AOR's Reviewed</b>	0
<b>N. Permits Reviewed for NESHAP Applicability</b>	0
<b>O. Planning Documents coordinated for Agency Review</b>	2



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

**FEB**

**A. ENFORCEMENT**

1.	New cases received	1
2.	On-going administrative cases	107
	Pending	2
	Active	50
	Legal	10
	Tracking Compliance (Administrative)	45
	Inactive/Referred Cases	-
3.	NOI's issued	4
4.	Citations issued	-
5.	Consent Orders and Settlement Letter Signed	3
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ 5,045
7.	Enforcement Costs Collected (\$)	\$ 1,104
8.	Cases Closed	3

**B. SOLID AND HAZARDOUS WASTE**

1.	FDEP Permits Received	-
2.	FDEP Permits Reviewed	-
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	2
4.	Other Permits and Reports	
	County Permits Received	11
	County Permits Reviewed	26
	Reports Received	16
	Reports Reviewed	20
5.	Inspections (Total)	219
	Complaints	15
	Compliance/Reinspections	5
	Facility Compliance	29
	Small Quantity Generator	169
	P2 Audits	1
6.	Enforcement	
	Complaints Received	14
	Complaints Closed	13
	Warning Notices Issued	2
	Warning Notices Closed	7
	Compliance Letters	76
	Letters of Agreement	-
	Agency Referrals	3
7.	Pamphlets, Rules and Material Distributed	130

**C. STORAGE TANK COMPLIANCE**

1.	Inspections	
	Compliance	147
	Installation	14
	Closure	7
	Compliance Re-Inspections	6

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

**FEB**

2.	Installation Plans Received	2
3.	Installation Plans Reviewed	7
4.	Closure Plans & Reports	
	Closure Plans Received	2
	Closure Plans Reviewed	2
	Closure Reports Received	10
	Closure Reports Reviewed	8
5.	Enforcement	
	Non-Compliance Letters Issued	52
	Warning Notices Issued	-
	Warning Notices Closed	1
	Cases Referred to Enforcement	-
	Complaints Received	-
	Complaints Investigated	-
	Complaints Referred	-
6.	Discharge Reporting Forms Received	5
7.	Incident Notification Forms Received	9
8.	Cleanup Notification Letters Issued	5

**D. STORAGE TANK CLEANUP**

1.	Inspections	21
2.	Reports Received	66
3.	Reports Reviewed	80
	Site Assessment Received	7
	Site Assessment Reviewed	12
	Source Removal Received	-
	Source Removal Reviewed	-
	Remedial Action Plans (RAP'S) Received	-
	Remedial Action Plans (RAP'S) Reviewed	6
	Site Rehabilitation Completion Order/No Further Action Rec'd	2
	Site Rehabilitation Completion Order/No Further Action Revw'd	3
	Active Remediation/Monitoring Received	31
	Active Remediation/Monitoring Reviewed	35
	Others Received	26
	Others Reviewed	24

**E. RECORD REVIEWS**

16

**F. LEGAL PIR'S**

10

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

**FEB**

**A. ENFORCEMENT**

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

**B. PERMITTING/PROJECT REVIEW - DOMESTIC**

1.	Permit Applications Received	13
	a. Facility Permit	2
	(i) Types I and II	1
	(ii) Type III	1
	b. Collection Systems - General	5
	c. Collection systems-Dry Line/Wet Line	6
	d. Residuals Disposal	-
2.	Permit Applications Approved	15
	a. Facility Permit	6
	b. Collection Systems - General	2
	c. Collection systems-Dry Line/Wet Line	7
	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	29
	a. Facility Permit	15
	b. Collection Systems - General	7
	c. Collection systems-Dry Line/Wet Line	7
	d. Residuals Disposal	-
7.	Permit Determination	2
8.	Special Project Reviews	-

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

**FEB**

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

**C. INSPECTIONS - DOMESTIC**

1. Compliance Evaluation	14
a. Inspection (CEI)	1
b. Sampling Inspection (CSI)	13
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	39
a. Inspection (RI)	15
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	24
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections	15
a. Reconnaissance Inspection (RI)	2
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	2
e. Post Construction Inspection (XCI)	9
f. On-site Engineering Evaluation	1
g. Enforcement Reconnaissance Inspection (ERI)	1

**D. PERMITTING/PROJECT REVIEW - INDUSTRIAL**

1. Permit Applications Received	2
a. Facility Permit	-
(i) Types I and II	-
(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	1
2. Permits Recommended to DEP for Approval	-
3. Special Project Reviews	3
a. Facility Permit	3
b. General Permit	-
4. Permitting Determination	-
5. Special Project Reviews	31

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

**FEB**

a. Phosphate	6
b. Industrial Wastewater	5
c. Others	20

**E. INSPECTIONS - INDUSTRIAL**

1. Compliance Evaluation (Total)	8
a. Inspection (CEI)	7
b. Sampling Inspection (CSI)	-
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	1
2. Reconnaissance (Total)	23
a. Inspection (RI)	11
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	12
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections (Total)	-
a. Compliance Evaluation (CEI)	-
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	25
(i) Received	12
(ii) Closed	13
b. Industrial	15
(i) Received	6
(ii) Closed	9
2. Warning Notices	
a. Domestic	4
(i) Issued	2
(ii) Closed	2
b. Industrial	2
(i) Issued	1
(ii) Closed	1
3. Non-Compliance Advisory Letters	11
4. Environmental Compliance Reviews	
a. Industrial	59
b. Domestic	106

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

**FEB**

5. Special Project Reviews	6
----------------------------	---

**G. RECORD REVIEWS**

1. Permitting Determination	3
2. Enforcement	1

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

1. Air division	77
2. Waste Division	-
3. Water Division	15
4. Wetlands Division	-
5. ERM Division	171
6. Biomonitoring Reports	4
7. Outside Agency	8

**I. SPECIAL PROJECT REVIEWS**

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

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

**FEB**

**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	34
Timeframes Met	100%
Year to Date	99%

**Formal Wetland Delineation Surveys**

Projects	8
Total Acres	46
Total Wetland Acres	5
# Isolated Wetlands < 1/2 Acre	3
Isolated Wetland Acreage	0.27

**Construction Plans Approved**

Projects	9
Total Wetland Acres	8
# Isolated Wetlands < 1/2 Acre	-
Isolated Wetland Acreage	0
Impacts Approved Acreage	0
Impacts Exempt Acreage	0

**Mitigation Sites in Compliance**

Ratio	187/194
Percentage	96%

**Compliance Actions**

Acreage of Unauthorized Wetland Impacts	0.90
Acreage of Water Quality Impacts	0.00
Acreage Restored	0.85

**TPA Minor Work Permit**

Permit Issued	11
Permits Issued Fiscal Year 2011	70
Cumulative Permits Issue Since TPA Delegation (07/09)	281

**REVIEW TIMES**

# of Reviews	182
% On Time	97%
% Late	3%

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

**FEB**

**A. General**

1.	Telephone conferences	593
2.	Unscheduled Citizen Assistance	401
3.	Scheduled Meetings	272
4.	Correspondence	1,247
1/ 5.	Intergency Coordination	188
1/ 6.	Trainings	18
1/ 7.	Public Outreach/Education	2
1/ 8.	Quality Control	55

**B. Assessment Reviews**

1.	Wetland Delineations	7
2.	Surveys	8
3.	Miscellaneous Activities in Wetland	20
4.	Mangrove	2
5.	Notice of Exemption	1
6.	Impact/Mitigation Proposal	14
7.	Tampa Port Authority Reviews	53
8.	Wastewater Treatment Plants (FDEP)	-
9.	Development Reg'n'l Impact (DRI) Annual Report	2
10.	On-Site Visits	75
11.	Phosphate Mining	7
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	4
17.	Site Development	19
18.	Subdivision	11
19.	Wetland Setback Encroachment	-
20.	Easement/Access-Vacating	-
21.	Pre-Applications	15
1/ 22.	Agriculture Exemption	-
	Sub-Total	
	<b>Total Assessment Review Activities</b>	

**C. Investigation and Compliance**

1.	Warning Notices Issued	7
2.	Warning Notices Closed	2
1/ 3.	Complaints Closed	15
4.	Complaint Inspections	44



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

**FEB**

5.	Return Compliance Inspections for Open Cases	21
6.	Mitigation Monitoring Reports	47
7.	Mitigation Compliance Inspections	32
8.	Erosion Control Inspections	41
9.	MAIW Compliance Site Inspections	5
10.	TPA Compliance Site Inspections	15
2/ 11	Mangrove Compliance Site Inspections	-
1/ 12	Conservation Easement Inspection	6

**D. Enforcement**

1.	Active Cases	13
2.	Legal Cases	2
3.	Number of "Notice of Intent to Initiate Enforcement"	-
4.	Number of Citations Issued	-
5.	Number of Consent Orders Signed	3
6.	Administrative - Civil Cases Closed	4
7.	Cases Referred to Legal Department	2
8.	Contributions to Pollution Recovery	\$ 1,525
9.	Enforcement Costs Collected	\$ 424

**E. Ombudsman**

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

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**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
FY 11 POLLUTION RECOVERY TRUST FUND  
10/1/2010 through 2/28/2011**

*REVENUE*

Balance (beginning)	\$	620,687
Interest Accrued	\$	3,013
Deposits	\$	49,513
Refunds from closed Projects	\$	76,571
<b>Revenue Total</b>	<b>\$</b>	<b>749,784</b>

*EXPENDITURES*

Project Management (EPE06009)	\$	35,817
Artificial Reef (EPE03025)	\$	51,837
<b>Expenditures Total</b>	<b>\$</b>	<b>87,654</b>

*ENCUMBERANCES*

FY 11 Project Obligations	\$	-
Project Monitoring (EPE06009)	\$	93,653
Artificial Reef Program (EPE03025)	\$	91,593
<b>Encumbrances Total</b>	<b>\$</b>	<b>185,246</b>

*RESERVES*

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

<b>NET POLLUTION RECOVERY FUND</b>	<b>\$</b>	<b>151,984</b>
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PROJECT	Project Amount	Project Balance
<b>FY 06 Projects</b>		
#04-03 - Bahia Beach Restoration	150,000	20,918
	\$ 150,000	\$ 20,918
<b>FY 07 Projects</b>		
#06-04A - Erosion Control/Oyster Bar Habitat Creation	75,000	50,000
	\$ 75,000	\$ 50,000
<b>FY 08 Projects</b>		
#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
	\$ 152,694	\$ 15,021
<b>FY 09 Projects</b>		
#08-05 - MacDill Phase 2 Seagrass Transplanting	79,196	11,640
#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	\$ 172,122
<b>FY 10 Projects</b>		
#09-01 - Basis of Review for Borrow Pit Applications	\$ 68,160	\$ 52,179
#09-02 - Effects of Restoration on Use of Habitat	84,081	55,830
#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	\$ 302,560

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
FY 11 GARDINIER SETTLEMENT TRUST FUND  
10/1/2010 - 2/28/2011**

Fund Balance as of 10/1/10	\$ 252,021
Interest Accrued	569
Disbursements FY 11	-
Fund Balance	<u>\$ 252,590</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 252,590
Total Encumbrances	<u>\$ 252,590</u>
Fund Balance Available	<u><u>\$ -</u></u>



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 17, 2011

**Subject:** Legal Case Summary for March 2011

**Consent Agenda**  **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:** March 2011 EPC Legal Case Summary

**EPC LEGAL DEPARTMENT MONTHLY REPORT**  
**March 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. This case will be closed. (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)

**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 various impacts to wetlands that are violations of the EPC Act, Chapter 1-11 (Wetland Rule), and a conservation easement encumbering the Defendants' property. On March 29, 2010, the EPC filed a civil lawsuit in Circuit Court. The case was consolidated with a related Hillsborough County case seeking an injunction to remove fill from a ditch. An initial mediation occurred on July 16, 2010, but resulted in an impasse. The EPC's Motion for Partial Summary Judgment was denied and the parties were sent back to mediation. The second mediation on January 21, 2011, resulted in a very limited partial settlement with EPC and full settlement with the County. A Hart motion to dismiss may be heard in April. 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. Required mediation is being scheduled. (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 [CFJ]) with Tranzparts and Yaslow only on February 16, 2007 (no suit was filed against the Baizans). The Defendants have only partially complied with the CFJ, thus a hearing was held on April 28, 2008, wherein the judge awarded the EPC additional penalties. A second hearing was held on January 25, 2010, for a second contempt proceeding and additional penalties. The Judge found the Defendants in contempt and levied stipulated penalties/costs, and a contempt order was executed by the judge on March 15, 2010 requiring the facility to temporarily shut down until the facility is remediated. (RM)

**Miley's Radiator Shop** [LEPC06-011]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Miley's Radiator Shop, Calvin Miley, Jr., Calvin Miley, Sr., and Brenda Joyce Miley Tyner for waste management violations for improper storage and handling of car repair related wastes on the subject property. In addition, a citation was entered against the respondents on October 28, 2005 requiring specific corrective actions. The Respondents have not complied with the citation. The EPC is preparing to file a lawsuit for the referenced violations. (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 had until February 16, 2011 to file a petition in this matter. On February 9, 2011, the Petitioner filed a request for a second extension of time, the request was granted and the Petitioner has until April 18, 2011 for 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. Subsequent requests for extensions of time were filed by the petitioner and granted. On March 3, 2011, the petitioner filed a fourth request for an extension of time which was granted. The deadline for filing a petition in this matter is April 6, 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:** March 17, 2011

**Subject:** Public Hearing for Chapter 1-6, Services-Fee Schedule

**Consent Agenda** \_\_\_\_\_ **Regular Agenda** \_\_\_\_\_ **Public Hearing**  X

**Division:** Legal and Administrative Services Division

**Recommendation:** Vote to approve the revisions to Chapter 1-6 as proposed to be effective July 1, 2011.

**Brief Summary:** Last month the EPC staff presented to the Board a proposal to adjust the existing local fees in Chapter 1-6. This was to account for the increased cost in delivering services since the fees were revised in 2003. The increased cost was determined using the US Department of Labor's Consumer Price Index (CPI) and amounts to 20%.

The Board voted to authorize staff to advertise for a Public Hearing and this was done on March 4, 2011 in the legal section of the Tampa Tribune. A copy is attached.

**Financial Impact:** Fees collected by EPC are deposited in the General Fund and used to help cover the cost of providing specific services. The total adjustment being sought is projected to bring in an additional \$250,000 per year.

**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 update was in 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 the cost of the service.

The proposal before the Board only seeks to adjust existing local fees in place prior to 2003. No new fees are being proposed, and all fees associated with delegated programs are excluded.

This is being brought to the Board in accordance with the Transition Plan agreed to by the County Administrator and the Executive Director. Under the Transition Plan, the EPC received some \$229,000 to eliminate 12 furlough days in the original FY 11 budget. This was to be a onetime relief measure, and the Agency has been working on a number of efficiencies and business opportunities to deal with this issue in the FY 12-13 budgets. One of those business opportunities is looking at adjusting the service-fee schedule.

**List of Attachments:** Advertisement from the Legal Section of the Tampa Tribune dated March 4, 2011; and Copy of the proposed amendments to Chapter 1-6.

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KRAMER  
LA FLUER  
LANDY, Y  
LAWSON

MILLER, E/DORNE  
MORENO, BILL  
MORGAN ANIMAL HOSPITAL  
MUELLER, KONDALYL  
MURRY  
NACY, LOUIS  
NAUI WORLDWIDE  
OTERO, HAYDEE  
PADRON, ROSA  
PELLEGRINO, CAROL  
POIXSON, JAMES  
PUPELIO, JOE  
RAMIN, PAUL  
RAWLS, D  
RECH, RICHARD  
REID-WATTLEY, ANNETTE  
RICHARDSON  
ROBBINS, MICHAEL  
ROYAL CORP  
ROYSTER/TRAVALINO  
RUSSELL, ANNA  
RYAN, D.  
SAMMS  
SCHIFFMAN, VERONIQUE  
SCHWARTZKOPF  
SCHWARZ, HENRY  
SEIBERT, JESSIE  
SHEA, W  
SMITH BARNEY  
SMITH, ANTHONY  
SMITH, DARREL  
SNELL, BOB  
SOLAN, B  
STANTON, KELVIN  
STAPLETON, JEAN  
STENNIS, JAMES  
STYLES/STYKS, JEWEL  
SUMNER, JOSHUA  
SWANSON, D  
TARANTOLA  
TAYLOR, ALLISON & TEAL  
TELON, FIEDLAND  
THOMAS, ANDRE  
THORNLEY, K  
TIFFANY, WILLBANKS  
TORO, BEATRICE  
TROMBI, A  
TROPICAL PLANT CARRIER  
TROSS, DEB  
VALENTI, R  
VALPENK, JON K  
VAN MEYERS  
VON THADEN  
WALEN  
WALFFORD, IVANA  
WALLACE, WINSTON  
WEBSTER  
WEEK  
WILLIAMS, DENISE  
WILLIAMS, MELBA  
WILLIAMS, T  
WILSON  
WILSON, PATRICK  
WINNAKER  
ZIMMERMAN, PAUL  
ZIRFS, FURTENA DR.

The owners or other interested parties having failed to either repair and/or secure the structure(s) or manmade body of water at:

- 2444 Burlington Ave N
- 813 14th Ave S
- 1745 Grove St S
- 1500 14th St N
- 5398 Alcola Way S
- 836 14th Ave S
- 1215 15th Ave S
- 1451 12th St S
- 1461 12th St S
- 2020 Queensboro Ave S
- 2439 4th Ave St
- 3618 15th Ave S
- 2548 11th Ave S
- 4721 14th Ave S
- 2491 14th Ave S
- 2230 Melrose Ave S
- 2586 8th Ave S
- 510 15th Ave S
- 175 Ramon Way Ne
- 4601 21st Ave S
- 336 20th Ave S

as ordered by the City of St. Petersburg, the City of St. Petersburg will proceed to have the structure(s) or manmade body of water secured on March 17, 2011 and a lien placed against the property to recover all costs.

If as a result of this notice, the structure or body of water is secured, notice is hereby given that the premises may be inspected on monthly basis by the City, a fee charged for that inspection, and a lien placed against the property for such fees.

Appeal of this notice must be made within ten (10) days by following the procedure set forth in Section 8-374, City Code. Completed appeal application and \$35 fee are required. Information may be obtained from Codes Compliance Assistance at (727) 893-7373.  
2838 3/4, 5/11

**NOTICE OF PUBLIC HEARING ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY CHAPTER 1-6, SERVICES-FEE SCHEDULE**

**PURPOSE:** To take public comment and consider proposed amendments to Chapter 1-6 Services-Fee Schedule, Rules of the Environmental Protection Commission of Hillsborough County (EPC).

**SUMMARY:** The proposed amendments reflect adjustments to local fees collected by the EPC for services associated with its regulatory functions.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH THE ADOPTION IS AUTHORIZED AND THE LAW BEING IMPLEMENTED, INTERPRETED OR MADE SPECIFIC:** Chapter 84-446, Laws of Florida, as amended.

**COPIES** may be obtained by calling the Legal Department at 627-2600 or online at www.epchc.org.

**NOTE:** Administrative appeals of rule amendments shall be pursuant to the Administrative Procedures Rule, Ch. 1-2 (Part VIII), Rules of the EPC.

The public hearing will be held:  
**DATE:** March 17, 2011  
**TIME:** 9:00 a.m.  
**PLACE:** County Commission Board Room  
County Center, 2nd Floor,  
601 East Kennedy Blvd.,  
Tampa, Florida

2844 3/4/11

**NOTICE OF FINAL AGENCY ACTION BY THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

Notice is given that the District's Final Agency Action is approval of the District Initiated Modification of Permit by Letter located on 20 owned acres to provide public water supply to a 122,000-acre service area in south central Hillsborough County. The project is located within Sections 13, 22, and 23, Township 30 South, Range 21, East and Sections 5, 7, 8, 9, 14, 15, 17, 18, 19, and 25, Township 30 South, Range 22 East. The permittee is Tampa Bay Water, whose address is

RULE DRAFT dated Feb 23, 2011  
**RULES OF THE  
 ENVIRONMENTAL PROTECTION COMMISSION  
 OF HILLSBOROUGH COUNTY**

**CHAPTER 1-6  
 SERVICES-FEE SCHEDULE**

- 1-6.01 Declaration and Intent
- 1-6.02 Air Management
- 1-6.03 Waste Management
- 1-6.04 Water Management
- 1-6.05 Wetlands Management
- 1-6.06 Other Miscellaneous Charges
- 1-6.07 Fee Waivers
- 1-6.08 Prohibitions

**1-6.01 DECLARATION AND INTENT**

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

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

**1-6.02 AIR MANAGEMENT**

**A. Stationary sources, ~~permitting~~**

1. The following application and compliance fees apply to permits that are to be reviewed pursuant to the authority of Chapter 84-446, Laws of Florida, and not pursuant to full permit delegation from the Florida Department of Environmental Protection (FDEP) except as provided in subsection A.2 below. The fees for the non-delegated facilities are as follows:

- (a) Construction permit for an air pollution source

(i) New source review or prevention of significant deterioration	\$480
	<u>580</u>
(ii) All others	\$960
	<u>1,160</u>
(b) Operation permit for an air pollution source for 5 yrs	
(i) Minor facility	\$1245
	<u>1,500</u>
(1) Application review	\$795
	<u>960</u>
(2) Compliance	\$450
	<u>540</u>
(ii) Synthetic minor facility	\$1645
	<u>1,980</u>
(1) Application review	\$795
	<u>960</u>
(2) Compliance	\$850
	<u>1,020</u>
(iii) Major facility	\$2645
	<u>3,180</u>
(1) Application review	\$795
	<u>960</u>
(2) Compliance	\$1850
	<u>2,220</u>
(c) Revise an air pollution source permit	\$380
	<u>460</u>
(d) Transfer of ownership, name change, and extension of expiration date for each air permit	\$45 <u>54</u>

2. Air permits being reviewed and processed pursuant to full permit delegation from FDEP shall be subject to the processing fees set forth in section 62-4.050 F.A.C., as summarized below, and shared with FDEP as agreed.

(a) Construction permits	
(i) Source with PSD or NAA, 100 tons/yr or more	\$750
(ii) Source without PSD or NAA, 100 tons/yr or more	\$5000
(iii) Source 50 tons/yr but less than 100	\$4500
(iv) Source 25 tons/yr but less than 50	\$2000
(v) Source 5 tons/yr but less than <u>25</u>	\$1000
(vi) Source less than 5 tons/yr	\$250
(vii) Minor modification	\$250

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(viii)	Minor modification, original permit fee less than \$30	\$50
(ix)	Transfer of ownership/permit	\$50
(x)	Time extension on permit	\$50
(b) Operation permits		
(i)	Major source	no fee
(ii)	Minor source - stack sample	\$1500
(iii)	Minor source - other source	\$1000
(iv)	Minor source - no sample	\$750
(v)	Minor modifications	\$250
(vi)	Transfer of permit ownership	\$50
(vii)	Time extension on permit	\$50
(viii)	Variable form permitting standards or conditions	\$2000

**NOTE: Major sources will pay a Title V fee pursuant to Section 62-213 F.A.C. If EPC and DEP have an agreement to share this fee, then no additional fee will be required under this rule. However, if there is no fee sharing agreement, then fees listed in section 1-6.02 A.1. above shall apply for Title V sources.**

**B. Asbestos notification\***

1. Notification for commercial demolition		
(a)	For structures less than 50,000 gross sq ft	<del>\$200</del> <u>240</u>
(b)	For structures 50,000 gross sq ft and greater	<del>\$300</del> <u>360</u>
2. Notification for asbestos abatement		
(a)	Renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<del>\$300</del> <u>360</u>
(b)	Renovation greater than 1000 linear feet or 1000 sq ft	<del>\$500</del> <u>600</u>
(c)	Annual notifications for facilities where renovation of asbestos containing material is expected to exceed 160 sq ft or 260 linear feet in a calendar year	<del>\$500</del> <u>600</u>

**\*There is no fee for courtesy notifications. Courtesy notifications are where a notification for a project is provided by the building owner or his contractor, even though it is not required by rule.**

**C. Open burning authorization**

1.	Two (2) acres or less	<del>\$400</del> <u>480</u>
2.	Greater than two (2) acres	<del>\$600</del> <u>720</u>

**1-6.03 WASTE MANAGEMENT**

**A. Solid waste**

1. Construction permits		
(a)	Class I or class II facility 5 year permit	<del>\$3300</del> <u>3,960</u>
	(i) Application review	<del>\$800</del> <u>960</u>
	(ii) Compliance	<del>\$2500</del> <u>3000</u>
(b)	Class III facility - 5 year permit	<del>\$2500</del> <u>3,000</u>
	(i) Application review	<del>\$500</del> <u>600</u>
	(ii) Compliance	<del>\$2000</del> <u>2,400</u>
(c)	Resource recovery/ Incinerator - 5 years	<del>\$2500</del> <u>3,000</u>
	(i) Application review	<del>\$500</del> <u>600</u>
	(ii) Compliance	<del>\$2000</del> <u>2,400</u>
(d)	Construction & demolition debris disposal - 5 year permit	<del>\$2500</del> <u>3,000</u>
	(i) Application review	<del>\$500</del> <u>600</u>
	(ii) Compliance	<del>\$2000</del> <u>2,400</u>
(e)	Waste processing facility - 5 year permit	<del>\$2000</del> <u>2,400</u>
	(i) Application review	<del>\$500</del> <u>600</u>
	(ii) Compliance	<del>\$1500</del> <u>1,800</u>
(f)	Compost facility - 5 year permit	<del>\$2000</del> <u>2,400</u>
	(i) Application review	<del>\$500</del> <u>600</u>
	(ii) Compliance	<del>\$1500</del> <u>1,800</u>
(g)	All other solid waste management facilities - 5 years	<del>\$2000</del> <u>2,400</u>
	(i) Application review	<del>\$500</del> <u>600</u>
	(ii) Compliance	<del>\$1500</del> <u>1,800</u>

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2. Operation permits			(i) Application review	\$500	<u>600</u>	
(a) Class I or class II facility - 5 year permit	\$3100	<u>3,720</u>	(ii) Compliance	\$500	<u>600</u>	
			(c) Construction & demolition debris disposal - 5 year permit			\$1000
(i) Application review	\$600	<u>720</u>				<u>1,200</u>
(ii) Compliance	\$2500		(i) Application review	\$500	<u>600</u>	
			(ii) Compliance	\$500	<u>600</u>	
(b) Class III facility - 5 year permit	\$2500	<u>3,000</u>	(d) All other solid waste management facilities - 5 year permit			\$1000
(i) Application review	\$500	<u>600</u>				<u>1,200</u>
(ii) Compliance	\$2000	<u>2,400</u>	(i) Application review	\$500	<u>600</u>	
(c) Resource recovery/ Incinerator - 5 year permit	\$2500	<u>3,000</u>	(ii) Compliance	\$500	<u>600</u>	
(i) Application review	\$500	<u>600</u>	4. Director's Authorization - facilities not otherwise requiring a solid waste permit issued by the FDEP			
(ii) Compliance	\$2000	<u>2,400</u>	(a) Old landfill development - 5 year permit			\$2800
(d) Construction & demolition debris disposal - 5 year permit	\$2500	<u>3,000</u>				<u>3,360</u>
(i) Application review	\$500	<u>600</u>	(i) Application review	\$800		
(ii) Compliance	\$2000	<u>2,400</u>		<u>960</u>		
(e) Waste processing facility - 5 year permit	\$2000	<u>2,400</u>	(ii) Compliance	\$2000		
(i) Application review	\$500	<u>600</u>		<u>2400</u>		
(ii) Compliance	\$1500	<u>1800</u>	(b) Recovered materials processing facility			\$2200
(f) Compost facility - 5 year permit	\$2000	<u>2,400</u>	(i) Application review	\$500		<u>2640</u>
(i) Application review	\$500	<u>600</u>		<u>600</u>		
(ii) Compliance	\$1500	<u>1800</u>	(ii) Compliance	\$1700		
(g) All other solid waste management facilities - 5 years	\$2000	<u>2,400</u>		<u>2,040</u>		
(i) Application review	\$500	<u>600</u>	(c) Yard trash processing facility			\$2200
(ii) Compliance	\$1500	<u>1,800</u>				<u>2,640</u>
			(i) Application review	\$500		
3. Closure/long term care permits				<u>600</u>		
(a) Class I or class II facilities - 5 year permit	\$1000	<u>1,200</u>	(ii) Compliance	\$1700		
(i) Application review	\$500	<u>600</u>		<u>2,040</u>		
(ii) Compliance	\$500	<u>600</u>	(d) One time on site disposal - residential			\$100
(b) Class III facility - 5 year permit	\$1000	<u>1,200</u>				<u>120</u>
			(e) All other solid waste management facilities - 5 year permit			\$2200
			(i) Application review	\$500		<u>2,640</u>
				<u>600</u>		
			(ii) Compliance	\$1700		
				<u>2,040</u>		
			5. Modifications			
			(a) Minor modifications			
			(i) Corrections, minor changes which will not involve new work, or new			

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work locations, which will not alter, replace or eliminate permit requirements \$0

(ii) Transfer, time extension, minor changes which involve new work, or new work locations which will alter, replace or eliminate permit requirements. \$100 120

(b) Substantial modifications shall require the appropriate application review fee in conformance with Section 1-6.03, 1 through 4.

6. Small quantity hazardous waste generators\*\*

(a) Annual notification/verification fee \$40 48

**\*\*NOTE: These Environmental Protection Commission fees will normally be collected by the Hillsborough County Tax Collector.**

B. Storage tanks

1. Storage tank installation and upgrade plan reviews \$150 180

**1-6.04 WATER MANAGEMENT**

A. The following application and compliance fees apply to permits that are to be reviewed pursuant to the authority of Chapter 84-446, Laws of Florida, and not pursuant to permit delegation from the FDEP:

1. Domestic wastewater source permits

(a) Preliminary design report \$2500  
3,000

(b) Facility permit for 5 years

(i) Types I & II \$2940  
3,530

(a) Application review \$1850  
2,220.

(b) Compliance activities \$1090  
1,310.

(ii) Type III \$930 1,120.

(a) Application review \$380 460.

(b) Compliance activities \$550 660.

(c) Permit modifications

(i) Minor modification involving \$750 900.

construction activity

(ii) Substantial modification \$1750  
2,100.

(d) Residual site application \$1445  
1,740.

2. Collection systems

(a) General permit

(i) Less than 10 EDU \$230  
280.

(ii) 10 or more EDU \$460  
560.

(a) Application review \$230  
280.

(b) Compliance (10 or more EDU) \$230  
280.

(b) Standard permit

(i) Less than 10 EDU \$270  
330.

(ii) 10 or more EDU \$500  
600.

(a) Application review \$270  
330

(b) Compliance \$230  
270

3. Industrial wastewater source permits

(a) Preliminary design report

(i) Major facility \$2500  
3,000

(ii) Minor facility \$1000  
1,200

(b) Facility permit for 5 years

(i) Minor facility \$1000  
1,200

(ii) Major facility \$3000  
3,600

(a) Application review \$2455  
2,950

(b) Compliance activities \$545 650

(c) General permits \$275 330

(d) Permit modifications

(i) Minor modification involving construction activity \$750  
900

(ii) Substantial modification \$1750  
2,100

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4. EPC authorization for facilities not requiring a FDEP permit which may discharge pollutants or contaminants into waters of the county \$2200  
2640

B. Water permits being reviewed and processed by the Commission pursuant to permit delegation from the FDEP shall be subject to the processing fees set forth in section 62-4.050 F.A.C. although the compliance fees above may also apply as appropriate.

**1-6.05 WETLANDS AND WATERSHED MANAGEMENT**

\*1. Land excavation permits  
 (a) New and expansion \$~~870~~ 1,050  
 (b) Extension and renewal \$650 780

\*2. Rezoning application \$300 360

\*3. Subdivision applications  
 (a) Preliminary \$370 450  
 (b) Master plan \$750 900  
 (c) Construction \$490 590  
 (d) Final plat \$200 240  
 (e) Minor subdivision plans \$230 280  
 (f) As-built verification \$300 360

4. Tampa Port Authority (TPA)  
 (a) Delegated Minor Work Permit \$590  
 (b) EPC Minor Work Permit Revision \$75  
 (c) TPA Permit  
 (i) Minor Work Permit Environmental and Compliance Review \$150 180  
(fee collected by TPA)  
 (ii) Standard Work Permit Environmental and Compliance Review \$300 360  
(fee collected by TPA)

\*5. Phosphate mining  
 (a) Annual review and inspection \$375 450  
 (b) Unit review and reclamation \$3500  
4,200  
 (c) Bimonthly inspections (6 per year) \$310 380  
 (d) Administrative Review \$100 120

(e) Land Alteration \$500 600  
 (f) Amendments to Mining/Reclamation  
 (i) Changes within the mining unit \$1000  
1,200  
\*\*\*  
 (ii) Addition of adjacent acreage

\*6. Development of regional impact \$1200 1,440

\*7. Commercial site development application \$500 600

\*8. Natural Resources \$270 330

\*9. Miscellaneous activities in wetlands  
 (a) Nuisance species removal No fee  
 (b) Dock, boardwalks, riprap, etc. \$150 180

10. Wetland delineation  
 (a) Less than 250 L.F. \$150 180  
 (b) 250 L.F. or greater \$150180 +  
.20 L.F

11. Wetland mitigation  
 (a) Single family homes (review and monitoring reports) \$850  
1,020  
 (i) Review \$500  
600  
 (ii) 7 monitoring reports \$350  
420  
 \*\* (b) Commercial/subdivision-forested \$4975  
5,970  
 (i) Review \$2500  
3,000  
 (ii) 11 monitoring reports \$2475  
2,970  
 (c) Commercial/subdivision-herbaceous \$4075  
4890  
 (i) Review \$2500  
3,000  
 (ii) 7 monitoring reports \$1575  
1,890  
 (d) Agricultural - Forested \$1050  
1,260

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(i) Review	\$500	
	<u>600</u>	
(ii) Monitoring	\$550	
	<u>660</u>	
(e) Agricultural – Herbaceous		\$850
		<u>1,020</u>
(i) Review	\$500	
	<u>600</u>	
(ii) Monitoring	\$350	
	<u>420</u>	
(f) Amendment to mitigation plan		
(i) Changes in configuration/ location	\$500	
	<u>600</u>	
(ii) Changes in elevations/ planting scheme	\$100	
	<u>120</u>	
(g) Phosphate mining within a previously approved mitigation application		
(i) Addition of adjacent area or additional wetland impact request		
12. Mangrove Trimming and Alteration		
(a) Trimming permit per Ch. 1-14.06	\$225	
(b) Compliance / monitoring fee for staged trimming for each trim event	\$60	
(c) Other Trimming and Alteration permit Single family	\$1,050	
(i) Review	\$500	
(ii) 11 monitoring reports	\$550	
(d) Other Trimming and Alteration permit Commercial / subdivision	\$4,975	
(i) Review	\$2,500	
(ii) 11 monitoring reports	\$2,475	
(e) Professional Mangrove Trimmer fee per Ch. 1-14.08		
First time registration fee	\$50	
Annual renewal fee	\$25	

\*Denotes EPC Fees collected by the Planning and Growth Management Department for EPC.

\*\*Only this subsection of Rule 1-6.05.11 applies if the application contains a request for authorization to impact both forested and herbaceous wetlands.

\*\*\*Minimum \$500 or Straight Line Pro-Rata Fee

whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mining unit divided by 2500, multiplied by the fee required by Rule 1-6.05.5(b)

\*\*\*\*Minimum \$700 or Straight Line Pro-Rata Fee whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mitigation application divided by 2500, multiplied by the fee required by Rule 1-6.05.11(b) or (c), as applicable.

#### Definitions:

**1.6.05 (5)(d) Administrative Review** - shall include applications that, regardless of whether the proposed activity is within an approved Mining Unit, do not (1) request authorization for wetland impacts; (2) require a field inspection; (3) necessitate an engineering review within the Wetlands Division; or (4) request any substantive modifications to an existing approval. For the purposes of this rule, non-substantive modifications shall include the following: modification of an approved mining schedule; modification of an approved reclamation schedule; transfer of permits; and transportation related modifications.

**1.6.05 (5)(e) Land Alteration** - shall include applications that, regardless of whether the proposed activity is within an approved Mining Unit: (1) do not request authorization for wetland impacts; and (2) may necessitate an engineering review within the Wetlands Division. This type of application shall include, but not limited to, the following: authorization to construct or expand access and utility corridors; applications to site settling ponds.

Section History - amended October 15, 2009  
Effective November 2, 2009

#### **1-6.06 OTHER MISCELLANEOUS CHARGES**

1. Enforcement Costs	\$50 <u>60/hr</u>
2. Data Processing Data Analysis	\$50 <u>60/hr</u>
3. Certification of Copies	\$1/pg
4. Copies	.15/pg

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#### 1-6.07 FEE WAIVERS

1. Executive Director may waive the appropriate application fee in cases of financial hardship.
2. The Executive Director may modify or waive an application fee in circumstances where unfairness would otherwise be the result.

#### 1-6.08 PROHIBITIONS

The fees listed in Sections 1-6.02 through 1-6.05 are due and payable upon submission of a request, application or notification. Whenever a request application or notification is submitted without the required fee, receipt shall be acknowledged and the request, application or notification shall be immediately returned with attachments; no further action shall be taken until the appropriate fees are submitted along with the supporting documents. It shall be a violation to fail to pay a required fee.

[**Publisher's Note:** EPC charges for development and rezoning applications may be submitted to appropriate governmental entities where the review process has been coordinated with EPC]

#### Rule History:

Adopted 2/28/85, Effective 03/15/85; Amended 02/28/86; Amended 12/11/86; Amended 01/13/88; Amended 02/28/90, Effective 04/01/90; Amended 07/10/90; Amended 08/22/90, Effective 10/01/90; Amended 05/22/91; Amended 09/25/91; Amended 11/05/91; Amended 3/24/93; Amended 5/26/93; Amended 1/25/95; Amended 8/21/97; Amended 9/17/98; Amended 6/12/03, Effective 10/01/03; Amended 2/16/06, Effective 2/24/06; Amended referenced section 10/15/09, Effective 11/2/09.

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 17, 2011

**Subject:** Progress Report – EPC Brownfields Activities

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** Waste Management Division

**Recommendation:** Informational Report

**Brief Summary:** The Board requested a response to two questions: 1) measures for promoting the Brownfields Program, and 2) a summary of IKEA's economic impact to the Tampa Bay Area.

**Financial Impact:** No Financial Impact

**Background:** At the EPC monthly meeting of February 17, 2011, the Board requested that a report be presented at the March 17, 2011 meeting to address: 1) measures to further promote the Brownfield Program in Hillsborough County and 2) a report on the impact of IKEA on the local economy.

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 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 began on March 8 and will end on May 6, 2011. EPC staff has already reviewed over 35 bills of interest. This report will mainly focus on bills that pre-empt local government environmental authority.

**Financial Impact:** No financial impact anticipated.

**Background:** The 2011 Florida Legislative Session commenced on Tuesday March 8, 2011 and will close on Friday May 6, 2011. The EPC staff tracks 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. An initial 2011 Session bill summary was provided at the February 2011 EPC Board meeting. Staff has reviewed over 35 bills before the 2011 Session has even started; the following are most notable regarding State pre-emption of local authority:

### HB 457 and SB 606      Fertilizer

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. Local governments will also lose a key regulatory approach that helps them comply with new EPA nutrient pollution mandates. 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. A House committee substitute eliminates grandfathering of any local fertilizer ordinance.

#### **HB 707 and SB 858      Agricultural**

This is an agricultural bill by Rep. Crisafulli and Senator Hays. The bill proposed to amend section 163.3162, F.S. to prohibit the adoption or enforcement of local rules regulating wetlands on agricultural land. The current law prohibits the adoption of new local government wetland laws, but does not prohibit enforcement of existing local wetland laws. This bill has failed over the past few years; it passed in the 2010 Session, but was then vetoed by former Governor Crist. The bill does establish a grandfathering clause to allow enforcement of local wetland rules established before July 2003, thus allowing the EPC and many other established local environmental programs to continue to regulate wetlands on agricultural property. The bill also exempts from local permitting the construction of non-residential farm buildings and farm fences. The bill also expands what products can be open-burned on farms. Finally, it also prohibits, with minor exceptions, local governments from assessing a stormwater fee against agricultural operations.

#### **HB 991 and SB 1404      Environmental Permitting**

This regulatory reform bill was proposed by Rep. Patronis. This is an omnibus bill that covers a multitude of environmental topics that the EPC described at the last EPC meeting, but at the time it was an unfiled bill. They are now filed as HB 991 and SB 1404. The bill will make it more onerous for DEP, SWFWMD, and EPC staff thoroughly process permit applications by requiring expedited review, but as it relates to State pre-emption, the bill requires local wetland programs with larger populations to apply for state ERP (i.e. -state wetland permitting) delegation by June 1, 2012. If a local program has not applied by that date, it cannot require any local wetland permit that in part or in full are substantially similar to the requirements needed to obtain an ERP. EPC has already begun the delegation process for single family home and other minor ERPs with the DEP. The bill does not explain what happens if an agency timely applies but are then denied.

#### **SB 1122      Growth Management**

This omnibus growth bill regarding land use regulation, impact fees, autonomous planning area, and environmental regulation pre-emption filed by Senator Bennett. This summary only focuses on a very limited issue of environmental preemption. The bill states in part:

*A local government may not adopt any ordinance, regulation, rule, or policy for environmental reviews or environmental resource permitting if such reviews or permitting are already regulated by the Department of Environmental Protection or a water management district. The water management districts may not duplicate any environmental reviews or environmental resource permitting carried out by the Department of Environmental Protection.*

This language at minimum prohibits future adoption of local wetland rules that duplicate current DEP programs, but it is possible that this bill also prohibits current and future permitting and enforcement of existing local wetland laws and existing local wetland permits. Additionally, it is written so broadly that it may pre-empt all rule adoption on "environmental reviews," not just wetland permitting, by local governments if such review duplicates DEP and SWFWMD activities. The phrase "environmental review" could be so broad to cover dozens of EPC and Hillsborough County activities.

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

**List of Attachments:** EPC Legislative Tracking List

**2011 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		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		
HB 303	<u>Public Retirement Plans</u>	Withdrawn; other bills filed	M.Newman		Y			
SB 332	<u>Submerged Lands</u>		A. Zdrorow		Y	Y		
HB 389	<u>Surface Water Improvement and Management</u>		R. Muratti P.Owens		Y	Yes, via e-mail		
HB 421	<u>Agricultural-related Exemptions to Water Management Requirements</u>		R.Muratti		Y	Yes, via e-mail		

HB 453	<u>Environmental Surcharge on Bottled Water</u>		R. Muratti		Y	Yes, via e-mail		
HB 457	<u>Fertilizer</u>		R. Muratti	YES	Y	Yes, via e-mail		
SB 606	<u>Fertilizer</u>		R. Muratti	YES	Y	Yes, via e-mail		
HB 641	<u>Contaminated Site Rehabilitation Tax Credit - Brownfields</u>		R. Muratti		Y	Yes, via e-mail		
HB 707	<u>Agricultural</u>		D. Sinko	YES	Y			
SB 762	<u>Florida Climate Protection Act</u>		R. Muratti		Y	Yes, via e-mail		
SB 796	<u>Ocean Outfalls</u>		R. Muratti		Y			
SB 842	<u>Contaminated Site Rehabilitation Tax Credit - Brownfields</u>		R. Muratti	YES	Y	Yes, via e-mail		
SB 858	<u>Agricultural</u>		D. Sinko		Y	Yes, via e-mail.		
SB 934	<u>Surface Water Improvement and Management</u>		R. Muratti P. Owens		Y	Yes, via e-mail		
HB 991	<u>Environmental Permitting (regulatory reform)</u>		R. Muratti R. Tschantz	YES	Y	Yes, via e-mail of SB 1404		
SB 1122	<u>Growth Management</u>		R. Muratti R. Tschantz	YES	Y	Yes, via e-mail		
SB 1404	<u>Environmental Permitting (regulatory reform)</u>		R. Muratti R. Tschantz	YES	Y	Yes, via e-mail		
HB 4117	<u>Florida Climate Protection Act</u>		R. Muratti		Y	Yes, via e-mail		
Unfiled bill	<u>FL Air-Operation License Fee Acct</u>		Campbell		Y			
<b>TOTAL =</b>								
<p style="text-align: right;">— bills passed that EPC tracked</p>								