

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
APRIL 21, 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
 - B. CEAC Letter to Legislature Regarding Air Pollution Regulation Funding and
Underground Storage Tanks Compliance Funding for Local Governments.....3

- III. CONSENT AGENDA**
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FORMER STATE SENATOR MARY GRIZZLE31**

- VI. TAMPA BAY ESTUARY PROGRAM 20TH ANNIVERSARY35**

- VII. WATER MANAGEMENT DIVISION**
 - A. Update on the City of Tampa / Trout Creek Sewage Spills.....37

- VIII. EXECUTIVE DIRECTOR**
 - A. Update on Core Functions, Business Feedback group, and EPC Permitting
Functions Compared to Other Agencies
 - B. Review of EPC Air Audit

- IX. LEGAL & ADMINISTRATIVE SERVICES DIVISION**
2011 Legislative Session Update.....39

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

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: April 21, 2011

Subject: CEAC Letter to Legislature Regarding Air Pollution Regulation Funding and Underground Storage Tanks Compliance Funding for Local Governments

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

Division: CEAC Chairman Presentation

Recommendation: Authorize CEAC Chairman to execute and issue the letter.

Brief Summary: The Citizen's Environmental Advisory Committee (CEAC) voted on April 4, 2011, to send a letter to the Legislature asking that the State support adequate funding for air pollution regulation and underground storage tanks compliance funding for local governments. The CEAC Chairman will request the Commission support issuance of the letter.

Financial Impact: No financial impact anticipated.

Background: The Citizen's Environmental Advisory Committee (CEAC) voted on April 4, 2011, to send a letter to the Legislature asking that the State support adequate funding for air pollution regulation (Title V) and underground storage tanks compliance funding for local governments. The EPC has full delegation of the vast majority of the State Department of Environmental Protection's (DEP) air pollution permitting in Hillsborough County. The funding for the program comes from the fees collected locally by the State with a portion returned to EPC program. The industry fees are deposited in a trust fund, so the program is revenue neutral with regard to the State's general fund. Although the funding for this vital streamlined permit program was in the Governor's budget, it is not in the latest versions of the Senate budget. Thus CEAC wants to ask Legislator's assistance to get the Title V air pollution contract money in the amount of \$2.237 M back into the Legislature's budget. This funding allows local agencies, such as the EPC, to expedite State DEP permits through a consistent statewide system and provides the public the local protection they seek from the largest sources of air pollution.

Another program of high importance to natural resource protection and in danger of being defunded is the Petroleum Storage Facilities Compliance Program. This program is mostly administered by local environmental agencies and receives its funding from the Inland Protection Trust Fund (IPTF). Thousands of inspections are conducted by local inspectors at petroleum storage facilities in order to prevent leakage of petroleum products into the largest source of our drinking water, the ground water. The Senate is contemplating a major reduction (64%) to local program contracts for this program which will virtually render it nonexistent. The CEAC Chairman will request the Commission support issuance of the letter in a substantially similar format to the draft version that is attached.

List of Attachments: Draft letter from CEAC

CEAC
CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE
OF HILLSBOROUGH COUNTY

3629 Queen Palm Drive, Tampa, FL 33619

Telephone: (813) 627-2600

*Daniel Alberdi, Jr., Daniel Bostrom, Hallie Calig, Deborah Cope, Tony, D'Aquila, Roy Davis, Janet Dougherty,
Wayne Echelberger, Jr. Ph.D., Harold Falls, James P. Harris, Sr., Melanie Higgins, Joy Ingram,
Karen Jaroch, Dale Meryman, John C. Miller, Cam Oberting*

April 11, 2011

[INSERT NAME]
[INSERT ADDRESS]

Subject: Local Government Funding re Air Pollution/Title V Local Contracts and Underground Storage Tank Compliance

Dear [INSERT NAME]:

As the Chair of the Citizens Environmental Advisory Committee (CEAC), located in Hillsborough County, I have been authorized to voice our concern about a funding issue. It has come to our attention that the long standing delegation agreement between the State of Florida Department of Environmental Protection (DEP) and the Environmental Protection Commission of Hillsborough County (EPC) to handle permitting and compliance for major air pollution sources is in danger of being unfunded after 20 years. Since 1993, EPC has had full delegation of the vast majority of the DEP's air pollution permitting in Hillsborough County. By taking full delegation, the EPC dropped their local fees and entered a contract with the State for annual funding through the DEP approved by the Legislature. The funding itself comes from the fees collected locally by the State with a portion returned to EPC for the work. The industry fees are deposited in a trust fund, so the program is revenue neutral with regard to the State's general fund.

Although the funding for this vital streamlining permit program was in the Governor's budget, it is not in the latest versions of the Senate budget. Thus we are asking for your assistance to get the Title V air pollution contract money in the amount of \$2.237 M back into the Legislature's budget. This is a 40% reduction from the peak program funding levels of 10 years ago, but it is equal to last year's amount. It would be shared by the EPC as well as 6 other similar local environmental programs operating in Miami-Dade, Broward, Jacksonville, Orange, Pinellas and Palm Beach.

This funding allows local agencies, such as the EPC, to expedite State DEP permits through a consistent statewide system and provides the public the local protection they seek from the largest sources of air pollution. Without it the EPC would not be able to process permits in a timely manner or ensure the compliance status of these facilities.

Another program of high importance to natural resource protection and in danger of being defunded is the Petroleum Storage Facilities Compliance Program. This program is mostly administered by local environmental agencies and receives its funding from the Inland Protection Trust Fund (IPTF.) Thousands of inspections are conducted by local inspectors at petroleum storage facilities in order to prevent leakage of petroleum products into the largest source of our drinking water, the ground water. The Senate is contemplating a major reduction (64%) to local program contracts for this program which will virtually render it nonexistent. We urge you to help us on these issues.

Thank you for your consideration of the Hillsborough County Citizens Environmental Advisory Committee's position.

Respectfully,

Daniel J. Alberdi, Jr., Chairman
Citizens Environmental Advisory Committee

cc:
Richard Garrity, Ph.D., Executive Director EPC
[INSERT CC LIST]

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MARCH 17, 2011 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

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

The following members were present: Chairman Kevin Beckner and Commissioners Victor Crist (arrived at 9:15 a.m.), Ken Hagan (arrived 9:12 at a.m.), Al Higginbotham, Lesley Miller Jr., Sandra Murman, and Mark Sharpe (arrived at 9:21 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 there were no changes.

PUBLIC COMMENT

Chairman Beckner called for public comment and gave brief instructions regarding the public hearing.

Ms. Trisha Kirby, 1111 Spencer Avenue, Clearwater, stated the Crystal River nuclear plant planned to restart a reactor and urged public awareness of disaster possibilities.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, Daniel Alberdi Jr. - Mr. Alberdi reported on the March 7, 2011, CEAC meeting; highlighted the agenda and attendees; mentioned a presentation on urban forest value to municipal areas; spoke to amending CEAC bylaws; and read a CEAC letter of recommendation supporting Chapter 1-6, services - fee schedule, amendments.

CONSENT AGENDA

- A. Approval of minutes: January 27, 2011, and February 17, 2011, EPC board meetings.
- B. Monthly activity reports.
- C. Pollution Recovery Fund report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary, March 2011.

THURSDAY, MARCH 17, 2011 - DRAFT MINUTES

Chairman Beckner called for a motion to approve the Consent Agenda. **Commissioner Murman so moved, seconded by Commissioner Miller, and carried four to zero.** (Commissioners Crist, Hagan, and Sharpe had not arrived.)

PUBLIC HEARING

Chapter 1-6, Services - Fee Schedule - EPC General Counsel Richard Tschantz stated noticing requirements were met, announced the item speakers, and explained procedures. Dr. Garrity noted overdue user-fee adjustments, EPC reduction accomplishments, and Sterling management method utilization; stressed local resources protection and a continued decrease in personnel and services possibilities; outlined a transition plan and one-stop permitting; and recommended existing fee adjustments go forward either all at once or phased in over a period of more than one year. Mr. Jerry Campbell, Director, EPC Air Management Division, highlighted a presentation on the item, as illustrated in background material, and asked the EPC to approve revisions to Chapter 1-6, as proposed, effective July 1, 2011, either phasing in over several years or bringing about the change in one year.

Commissioner Higginbotham inquired about public/media meeting attendees. Mr. Campbell responded to Commissioner Crist concerning other County analysis. Commissioner Miller sought answers about fee increases.

Chairman Beckner called for public comment. Mr. Anthony D'Aquila, 1302 East Park Circle, mentioned critical protective services provided by the EPC and requested updated fee-schedule support.

Ms. Kirby talked about studies used to show air pollution levels and urged the EPC to prevent the Crystal River nuclear plant from restarting operations.

Ms. Vivian Bacca, 413 El Greco Drive, voiced support for the fee increase, economic development, and environmental resource management.

Recalling public sentiment on government spending, **Chairman Higginbotham moved to deny the rate increase, seconded by Commissioner Hagan.** Commissioner Sharpe spoke to efficiencies and accomplishments and did not support the fee increase. Commissioner Miller applauded EPC activities, expounded on a recent EPC visit, touched on citizen rights and protections, and supported the fee increase. Commissioner Murman agreed public perception was not good and financial responsibility was needed and did not support the fee increase. Commissioner Crist valued EPC services, stressed prioritizing, and opposed the increase. Commissioner Beckner supported the increase and read favorable e-mails from the community. Commissioner Higginbotham left the meeting at 10:03.

THURSDAY, MARCH 17, 2011 - DRAFT MINUTES

a.m. Commissioner Sharpe welcomed increased fees for willing private sector businesses, opposed public increases, and suggested looking at phosphate fees. Commissioner Crist stressed support for the EPC but did not agree to raise fees. Discussion continued relative to EPC commitment and not diminishing services. **The motion carried four to two; Chairman Beckner and Commissioner Miller voted no.** (Commissioner Higginbotham had left the meeting.) Commissioner Crist commented on significant downsizing.

WASTE MANAGEMENT DIVISION

Progress Report - EPC Brownfields Activities - Ms. Mary Yeargan, EPC, reported on Brownfields collaboration, potential areawide designations, outreach efforts, and local incentives; welcomed suggestions; and discussed IKEA economic impacts.

LEGAL AND ADMINISTRATIVE SERVICES DIVISION

2011 Legislative Session - Summary of Bills of Interest - Attorney Tschantz highlighted House Bill (HB) 457, which was pending a relook/outcome. In response to Commissioners Crist and Miller, Attorney Tschantz stated Senate Bill (SB) 606 was the companion bill; elaborated on agricultural bill HB 707 and SB 858 details; stated regulatory bills HB 991 and SB 1404 were now filed; and spoke to the growth management bill, SB 1122. Discussion ensued concerning duplicative efforts and environmental reviews. Commissioner Sharpe requested all issued permits, reviews, and overlaps with other agencies be presented at the next EPC meeting. Dr. Garrity mentioned a feasibility report and collaboration with other departments regarding delegation. Commissioner Sharpe expressed concern about delays and finding ways to ease the process and demonstrate ways to protect the environment. Dr. Garrity agreed. Commissioner Sharpe sensed resistance and wanted employees to embrace opportunities to improve the process. Commissioner Murman recalled a request for staff to study permitting. Dr. Garrity said the study would be presented at the April 2011 EPC meeting. Commissioner Murman perceived that was too late. Dr. Garrity would prepare something immediately. Dialogue continued relative to timeliness of reports, EPC activities, protective services offered, business community advisors, and holding regular meetings with the business community about changes.

THURSDAY, MARCH 17, 2011 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 10:47 a.m.

READ AND APPROVED: _____
CHAIRMAN OR VICE CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

ph

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

MAR

A. Public Outreach/Education Assistance

1.	Phone calls	194
2.	Literature Distributed	4
3.	Presentations	3
4.	Media Contacts	4
5.	Internet	70
6.	Host/Sponsor Workshops, Meetings, Special Events	0

B. Industrial Air Pollution Permitting

1.	Permit Applications received (Counted by Number of Fees Received)	
	a. Operating	1
	b. Construction	3
	c. Amendments / Transfers / Extensions	2
	d. Title V Operating:	0
	e. Permit Determinations	2
	f. General	0
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ^1 (Counted by Number of Fees Collected) - ^2 Counted by Number of emission Units affected by the Review)	
	a. Operating ^1	0
	b. Construction ^1	4
	c. Amendments / Transfers / Extensions^1	0
	d. Title V Operating ^2	0
	e. Permit Determinations	0
	g. General	3
3.	Intent to Deny Permit Issued	0

C. Administrative Enforcement

1.	New cases received	0
2.	On-going administrative cases	
	a. Pending	5
	b. Active	12
	c. Legal	2
	d. Tracking compliance (Administrative)	10
	e. Inactive/Referred cases	0
	TOTAL	29
3.	NOIs issued	1
4.	Citations issued	0
5.	Consent Orders Signed	4
6.	Contributions to the Pollution Recovery Fund	\$2,912.50
7.	Cases Closed	3

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

MAR

D. Inspections

1. Industrial Facilities	20
2. Air Toxics Facilities	
a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	0
b. Major Sources	13
3. Asbestos Demolition/Renovation Projects	25

E. Open Burning Permits Issued

4

F. Number of Division of Forestry Permits Monitored

180

G. Total Citizen Complaints Received

72

H. Total Citizen Complaints Closed

86

I. Noise Sources Monitored

2

J. Air Program's Input to Development Regional Impacts

4

K. Test Reports Reviewed

53

L. Compliance

1. Warning Notices Issued	9
2. Warning Notices Resolved	11
3. Advisory Letters Issued	8

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**

MAR

A. ENFORCEMENT

1.	New cases received	1
2.	On-going administrative cases	103
	Pending	2
	Active	42
	Legal	10
	Tracking Compliance (Administrative)	49
	Inactive/Referred Cases	-
3.	NOI's issued	1
4.	Citations issued	1
5.	Consent Orders and Settlement Letter Signed	3
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ 5,170
7.	Enforcement Costs Collected (\$)	\$ 2,397
8.	Cases Closed	5

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	2
2.	FDEP Permits Reviewed	4
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	1
4.	Other Permits and Reports	
	County Permits Received	8
	County Permits Reviewed	9
	Reports Received (SW/HW + SQG)	29
	Reports Reviewed (SW/HW + SQG)	28
5.	Inspections (Total)	219
	Complaints (SW/HW + SQG)	20
	Compliance/Reinspections (SW/HW + SQG)	19
	Facility Compliance	20
	Small Quantity Generator Verifications	160
	P2 Audits	-
6.	Enforcement (SW/HW + SQG)	
	Complaints Received	20
	Complaints Closed	14
	Warning Notices Issued	5
	Warning Notices Closed	2
	Compliance Letters	56
	Letters of Agreement	-
	Agency Referrals	1
7.	Pamphlets, Rules and Material Distributed	76

C. STORAGE TANK COMPLIANCE

1.	Inspections	
	Compliance	90
	Installation	7
	Closure	15
	Compliance Re-Inspections	10

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

MAR

2.	Installation Plans Received	6
3.	Installation Plans Reviewed	6
4.	Closure Plans & Reports	
	Closure Plans Received	3
	Closure Plans Reviewed	3
	Closure Reports Received	4
	Closure Reports Reviewed	8
5.	Enforcement	
	Non-Compliance Letters Issued	55
	Warning Notices Issued	-
	Warning Notices Closed	2
	Cases Referred to Enforcement	-
	Complaints Received	2
	Complaints Investigated	2
	Complaints Referred	-
6.	Discharge Reporting Forms Received	1
7.	Incident Notification Forms Received	20
8.	Cleanup Notification Letters Issued	1

D. STORAGE TANK CLEANUP

1.	Inspections	34
2.	Reports Received	98
3.	Reports Reviewed	90
	Site Assessment Received	12
	Site Assessment Reviewed	8
	Source Removal Received	1
	Source Removal Reviewed	-
	Remedial Action Plans (RAP'S) Received	7
	Remedial Action Plans (RAP'S) Reviewed	4
	Site Rehabilitation Completion Order/No Further Action Rec'd	6
	Site Rehabilitation Completion Order/No Further Action Revw'd	6
	Active Remediation/Monitoring Received	47
	Active Remediation/Monitoring Reviewed	47
	Others Received	25
	Others Reviewed	25

E. RECORD REVIEWS

26

F. LEGAL PIR'S

24

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

MAR

A. ENFORCEMENT

1.	New Enforcement Cases Received	1
2.	Enforcement Cases Closed	2
3.	Enforcement Cases Outstanding	39
4.	Enforcement Documents Issued	1
5.	Recovered Costs to the General Fund	\$ 150
6.	Contributions to the Pollution Recovery Fund	\$ 1,000

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	13
	a. Facility Permit	6
	(i) Types I and II	1
	(ii) Type III	5
	b. Collection Systems - General	4
	c. Collection systems-Dry Line/Wet Line	3
	d. Residuals Disposal	-
2.	Permit Applications Approved	17
	a. Facility Permit	7
	b. Collection Systems - General	6
	c. Collection systems-Dry Line/Wet Line	4
	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	25
	a. Facility Permit	14
	b. Collection Systems - General	5
	c. Collection systems-Dry Line/Wet Line	6
	d. Residuals Disposal	-
7.	Permit Determination	3
8.	Special Project Reviews	1

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

C. INSPECTIONS - DOMESTIC

1.	Compliance Evaluation (Total)	11
	a. Inspection (CEI)	1
	b. Sampling Inspection (CSI)	10
	c. Toxics Sampling Inspection (XSI)	-
	d. Performance Audit Inspection (PAI)	-
2.	Reconnaissance (Total)	36
	a. Inspection (RI)	14
	b. Sample Inspection (SRI)	-
	c. Complaint Inspection (CRI)	22
	d. Enforcement Inspection (ERI)	-
3.	Engineering Inspections	15
	a. Reconnaissance Inspection (RI)	1
	b. Sample Reconnaissance Inspection (SRI)	-
	c. Residual Site Inspection (RSI)	-
	d. Preconstruction Inspection (PCI)	2
	e. Post Construction Inspection (XCI)	12
	f. On-site Engineering Evaluation	-
	g. Enforcement Reconnaissance Inspection (ERI)	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1.	Permit Applications Received	3
	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	2
2.	Permits Recommended to DEP for Approval	-
3.	Special Project Reviews	
	a. Facility Permit	2
	b. General Permit	-
4.	Permitting Determination	-
5.	Special Project Reviews	38
	a. Phosphate	7
	b. Industrial Wastewater	10
	c. Others	21

E. INSPECTIONS - INDUSTRIAL

1.	Compliance Evaluation (Total)	8
	a. Inspection (CEI)	8
	b. Sampling Inspection (CSI)	-
	c. Toxics Sampling Inspection (XSI)	-
	d. Performance Audit Inspection (PAI)	-
2.	Reconnaissance (Total)	24
	a. Inspection (RI)	7
	b. Sample Inspection (SRI)	-
	c. Complaint Inspection (CRI)	17
	d. Enforcement Inspection (ERI)	-
3.	Engineering Inspections (Total)	10
	a. Compliance Evaluation (CEI)	8
	b. Sampling Inspection (CSI)	-
	c. Performance Audit Inspection (PAI)	-
	d. Complaint Inspection (CRI)	2
	e. Enforcement Reconnaissance Inspections (ERI)	-

F. INVESTIGATION/COMPLIANCE

1.	Citizen Complaints	
	a. Domestic	23
	(i) Received	13
	(ii) Closed	10
	b. Industrial	19
	(i) Received	10
	(ii) Closed	9
2.	Warning Notices	
	a. Domestic	6
	(i) Issued	2
	(ii) Closed	4
	b. Industrial	4
	(i) Issued	1
	(ii) Closed	3
3.	Non-Compliance Advisory Letters	8
4.	Environmental Compliance Reviews	
	a. Industrial	31
	b. Domestic	119
5.	Special Project Reviews	-

G. RECORD REVIEWS

1.	Permitting Determination	4
2.	Enforcement	6

H. ENVIRONMENTAL SAMPLES

ANALYZED/REPORTS REVIEWED (LAB)

1.	Air division	81
2.	Waste Division	-
3.	Water Division	22
4.	Wetlands Division	-
5.	ERM Division	189
6.	Biomonitoring Reports	7
7.	Outside Agency	42

I. SPECIAL PROJECT REVIEWS

1.	DRIs	2
2.	ARs	-
3.	Technical Support	5
4.	Other	-

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

MAR

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	53
Timeframes Met	100%
Year to Date	99%

Formal Wetland Delineation Surveys

Projects	5
Total Acres	83
Total Wetland Acres	7
# Isolated Wetlands < 1/2 Acre	1
Isolated Wetland Acreage	0.35

Construction Plans Approved

Projects	17
Total Wetland Acres	49
# Isolated Wetlands < 1/2 Acre	2
Isolated Wetland Acreage	0.66
Impacts Approved Acreage	3.12
Impacts Exempt Acreage	0.53

Mitigation Sites in Compliance

Ratio	191/198
Percentage	96%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	1.90
Acreage of Water Quality Impacts	0.00
Acreage Restored	1.50

TPA Minor Work Permit

Permit Issued	25
Permits Issued Fiscal Year 2011	95
Cumulative Permits Issue Since TPA Delegation (07/09)	306

REVIEW TIMES

# of Reviews	212
% On Time	94%
% Late	6%

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

MAR

A. General

1.	Telephone conferences	632
2.	Unscheduled Citizen Assistance	479
3.	Scheduled Meetings	330
4.	Correspondence	1,133
1/ 5.	Intergency Coordination	321
1/ 6.	Trainings	28
1/ 7.	Public Outreach/Education	1
1/ 8.	Quality Control	102

B. Assessment Reviews

1.	Wetland Delineations	14
2.	Surveys	5
3.	Miscellaneous Activities in Wetland	14
4.	Mangrove	4
5.	Notice of Exemption	-
6.	Impact/Mitigation Proposal	12
7.	Tampa Port Authority Reviews	68
8.	Wastewater Treatment Plants (FDEP)	-
9.	Development Regn'l Impact (DRI) Annual Report	3
10.	On-Site Visits	88
11.	Phosphate Mining	3
12.	Comp Plan Amendment (CPA)	-
1/ 13.	AG SWM	-
	Sub-Total	

Planning and Growth Management Review

14.	Land Alteration/Landscaping	1
15.	Land Excavation	2
16.	Rezoning Reviews	10
17.	Site Development	21
18.	Subdivision	12
19.	Wetland Setback Encroachment	-
20.	Easement/Access-Vacating	-
21.	Pre-Applications	34
1/ 22.	Agriculture Exemption	1
	Sub-Total	
	Total Assessment Review Activities	

C. Investigation and Compliance

1.	Warning Notices Issued	8
2.	Warning Notices Closed	8
1/ 3.	Complaints Closed	35
4.	Complaint Inspections	44

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

MAR

5.	Return Compliance Inspections for Open Cases	41
6.	Mitigation Monitoring Reports	17
7.	Mitigation Compliance Inspections	36
8.	Erosion Control Inspections	46
9.	MAIW Compliance Site Inspections	19
10.	TPA Compliance Site Inspections	17
2/ 11.	Mangrove Compliance Site Inspections	1
1/ 12.	Conservation Easement Inspection	6

D. Enforcement

1.	Active Cases	11
2.	Legal Cases	2
3.	Number of "Notice of Intent to Initiate Enforcement"	1
4.	Number of Citations Issued	-
5.	Number of Consent Orders Signed	3
6.	Administrative - Civil Cases Closed	2
7.	Cases Referred to Legal Department	2
8.	Contributions to Pollution Recovery	\$ 2,555
9.	Enforcement Costs Collected	\$ 711

E. Ombudsman

1.	Agriculture	8
2.	Permitting Process & Rule Assistance	3
3.	Staff Assistance	6
4.	Citizen Assistance	4

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 POLLUTION RECOVERY TRUST FUND
10/1/2010 through 3/31/2011**

<i>REVENUE</i>		
Balance (beginning)	\$	620,687
Interest Accrued	\$	3,451
Deposits	\$	61,150
Refunds from closed Projects	\$	76,571
Revenue Total	\$	761,859

<i>EXPENDITURES</i>		
Project Management (EPE06009)	\$	41,397
Artificial Reef (EPE03025)	\$	60,985
Expenditures Total	\$	102,382

<i>ENCUMBRANCES</i>		
FY 11 Project Obligations	\$	-
Project Monitoring (EPE06009)	\$	88,073
Artificial Reef Program (EPE03025)	\$	82,445
Encumbrances Total	\$	170,518

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

NET POLLUTION RECOVERY FUND	\$	164,059
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PROJECT	Project Amount	Project Balance
FY 06 Projects		
#04-03 - Bahia Beach Restoration	150,000	303
	\$ 150,000	\$ 303
FY 07 Projects		
#06-04A - Erosion Control/Oyster Bar Habitat Creation	75,000	50,000
	\$ 75,000	\$ 50,000
FY 08 Projects		
#07-03 - Invasive Plant Removal Egmont Key	133,000	10,065
#07-05 - Testing Reduction of TMDL in Surface Water F	19,694	2,606
	\$ 152,694	\$ 12,671
FY 09 Projects		
#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	700
#08-03 - Wetland Restoration on County Owned Lands	120,000	88,600
	\$ 329,196	\$ 155,062
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	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 - 3/31/2011**

Fund Balance as of 10/1/10	\$ 252,021
Interest Accrued	659
Disbursements FY 11	-
Fund Balance	<u>\$ 252,680</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 154,574
Total Encumbrances	<u>\$ 154,574</u>
Fund Balance Available	<u><u>\$ 98,106</u></u>



EPC Agenda Item Cover Sheet

Date of EPC Meeting: April 21, 2011

Subject: Legal Case Summary for April 21, 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: April 2011 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT
April 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)

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. Defendant Hart's motion to dismiss was heard on April 12 and was denied. 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. The Petitioner filed a third request for an extension of time. The request was granted and the deadline for filing has been extended to May 27, 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 regarding a wastewater permit for Eastwood Estates MHP. 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 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 was April 6, 2011. The parties came to a resolution and the permit issued in early April. This case will be closed. (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: April 21, 2011

Subject: EPC Environmental Art Contest with Muller Elementary School

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

Division: Air Management Division

Recommendation: For Information Only

Brief Summary: In coordination with Commissioner Crist's office, EPC hosted the "*Children's Acts of Green*" art contest with Muller Elementary Magnet School in March of 2011. In an effort to recognize the school's environmental and art studies program, third, fourth and fifth grade students were invited to participate in the Earth Day-themed art contest. The two winners, selected from 25 participants, will each receive a \$50 U.S. Savings Bond and be recognized at the April EPC Board meeting.

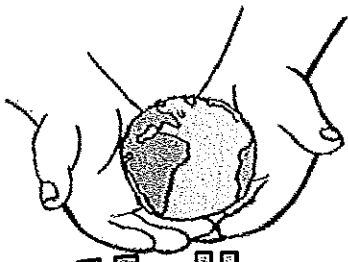
Financial Impact: None

Background:

The goal of the *Children's Acts of Green* competition was to inspire the imagination of young artists to consider the environment and our role in preserving it. The students were encouraged to use natural materials in their 2 or 3 dimensional art work. The contest enabled the students to showcase their artistic talents while providing a glimpse of the state of the environment through the eyes of our next generation. To announce the art contest and outline what EPC does to protect the environment, staff presentations were given to the 3rd-5th graders on March 8, 2011. Both the contest and presentation were well received by the school and students alike.

Of the 25 total entries, 19 works of art were competitively judged by EPC staff. Special consideration was also given to those pieces with noteworthy artistic attributes highlighted by the art teacher. All submissions were expressive and equally impressive in their quality and creativity. For this reason, two overall winners were selected instead of one, with 5 additional pieces being recognized as Honorable Mentions. The two winners will each receive a \$50 U.S. Savings Bond and will be recognized during the April EPC Board meeting. In addition, all students will receive a certificate to recognize their participation. The finalists and select others will also be exhibited in the lobby of County Center, at the Clean Air Fair on May 5, 2011, and in the EPC lobby.

List of Attachments: Art Contest Flyer



EPC ART CONTEST

Muller Elementary: 3rd-5th grade

In order to celebrate **Earth Day on April 22, 2011**, the Environmental Protection Commission of Hillsborough County (EPC) is inviting Muller Elementary to participate in the “**Children’s Acts of Green**” Art Contest. Submissions will be judged by Mrs. Jack and EPC staff. Selected art works will be exhibited throughout the community from May-September 2011. One chosen student will be presented with a U.S. Savings Bond and will be recognized at the April 21, 2011 EPC Board meeting.

Topic:

Since the theme for Earth Day this year is “A Billion Acts of Green”, the topic for the art contest is “Children’s Acts of Green”. You may compose any artwork that shows “green” ideas or relates to an environmental-friendly earth. Some ideas that may help you when crafting an art piece:

- You may use recycled products or items found naturally from the earth
- You may use any art media including: paper mache, drawings, sculptures, collages, etc.



Awards / Recognitions:

- **First place winner-** \$50 Series EE U.S. Savings Bond to the student
- Student to be acknowledged at the EPC Board meeting on April 21, 2011 by Commissioner Crist
- **Certificates awarded** to all students participating in the art contest
- Many submittals to be **exhibited at EPC’s Roger P. Stewart Center Lobby**
- Finalists and select others to be **displayed at EPC’s Clean Air Fair** on May 5, 2011

Specifications:

- Art work may be 2 or 3 dimensional and any medium may be used
- Art work may be from postcard size to no larger than 2’ x 3’
- Each student may submit only one piece of art for the contest
- Students must be in 3rd-5th grade
- Name and grade must be located somewhere on each art work



Important Date:

- Hand deliver to Mrs. Jack, School Art Specialist, in room 201 by **April 1, 2011**



EPC Agenda Item Cover Sheet

Date of EPC Meeting: April 21, 2011

Subject: Commendation for former State Representative Mary Figg and Former State Senator Mary Grizzle

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

Division: Water Management Division

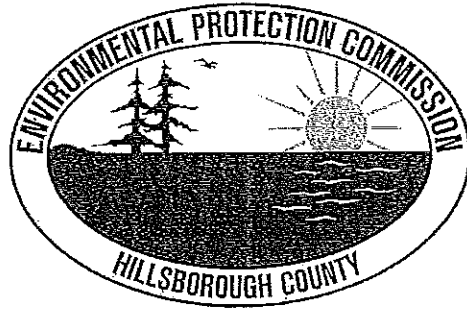
Recommendation: "Informational Report"

Brief Summary: Presentation of a Commendation for former State Representative Mary Figg for her role in co-sponsoring the 1987 Grizzle-Figg Bill that re-authorized and strengthened the Wilson-Grizzle Act of 1972, redefining advanced wastewater treatment standards and further advancing the course of Tampa Bay's recovery.

Financial Impact: "No Financial Impact"

Background: Commissioner Crist has requested that staff prepare a commendation for former State Representative Mary Figg for her decades of public service and her sponsorship of the 1987 Grizzle-Figg Bill. This legislation re-authorized the 1972 Wilson-Grizzle Bill mandating advanced wastewater treatment and expanded upon its scope and geographic range. Both bills are considered to be landmark legislation for local environmental protection and improved water quality and have been instrumental in the recovery of Tampa Bay.

List of Attachments: Commendation for Mary Figg and Mary Grizzle (in abstentia)



Certificate of Commendation

Awarded To

Representative Mary Figg

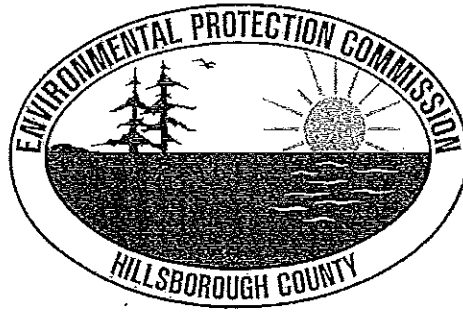
The Environmental Protection Commission of Hillsborough County commends and recognizes you for your decades of public service and environmental stewardship on behalf of the citizens of Hillsborough County.

You had been in the Florida Legislature since 1982, and have held leadership positions on the Hillsborough Environmental Coalition, Audubon Society, and the Hillsborough River Basin Board. In addition, you were a founding member of the Tampa Bay Regional Planning Council's Agency on Bay Management.

In 1988, you co-sponsored the Grizzle-Figg Bill, which reauthorized and strengthened standards established in the 1972 Wilson-Grizzle Bill mandating advanced wastewater treatment. Among other things, Grizzle-Figg reduced nitrogen inputs in those loadings, advancing the course of the bay's cleanup and recovery.

We are proud to call you a resident of Hillsborough County. We wish you continued public service success for years to come.

Awarded this 21st day of April, 2011



Certificate of Commendation

Awarded To

Senator Mary Grizzle

The Environmental Protection Commission of Hillsborough County wishes to commend and recognize Mrs. Grizzle for her decades of public service and environmental stewardship on behalf of the citizens of the Tampa Bay area.

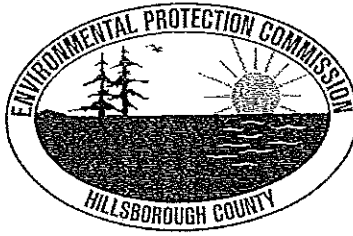
She was in the Florida House and Senate from 1963 through 1992, making her the longest-serving member of the state Legislature. She was a champion of the environmental movement and in 2003 was inducted into the Florida Women's Hall of Fame. She was perhaps best known for twice co-sponsoring legislation that set strict standards on sewage dumped into Tampa Bay.

In 1988, she co-sponsored the Grizzle-Figg Bill, which reauthorized and strengthened standards established in the 1972 Wilson-Grizzle Bill mandating advanced wastewater treatment. These bills were a major step toward reduced nitrogen loadings in Tampa Bay and advanced the course of the bay's cleanup and recovery.

We are grateful for her courage, leadership, and tireless efforts on behalf of the citizens of the Tampa Bay area.

Posthumously Awarded this 21st day of April, 2011

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: April 21, 2011

Subject: Proclamation for the 20th Anniversary of the Tampa Bay Estuary Program

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

Division: Water Management Division

Recommendation: "Informational Report"

Brief Summary: Presentation of a Proclamation to the Tampa Bay Estuary Program recognizing their 20th Anniversary. Tampa Bay was designated as an "estuary of national significance" in 1990 by Congress and accepted into the National Estuary Program, one of four in the State of Florida and one of only 28 in the entire United States.

Financial Impact: "No Financial Impact"

Background: The Tampa Bay Estuary Program was created and staffed in 1991 as a partnership of citizens, elected officials, resource managers and commercial and recreational resource users who are working together to restore and improve the ecological health of Tampa Bay. As representatives on the Executive Steering Committee, Technical Advisory Committee, and numerous other subcommittees of the TBEP, it is our pleasure to recognize the organization for its exemplary work on protecting our natural resources and serving the Tampa Bay community for 20 years.

List of Attachments: Proclamation

Proclamation

Environmental Protection Commission
Of Hillsborough County, Florida

WHEREAS, estuaries are unique environments where rivers meet the sea, are vital components to the world's ecosystem, serve as nursery grounds for the majority of commercial and recreational fish and shellfish consumed by Americans as well as improve water quality by filtering pollutants, act as buffers to protect shorelines from erosion and flooding, and provide essential food and habitat for birds, fish and other wildlife; and

WHEREAS, Tampa Bay was designated as an "estuary of national significance" in 1990 by Congress and accepted into the National Estuary Program, one of four in the State of Florida and one of only 28 in the entire United States; and

WHEREAS, the Tampa Bay Estuary Program was created and staffed in 1991 as a partnership of citizens, elected officials, resource managers and commercial and recreational resource users who are working together to restore and improve the ecological health of Tampa Bay; and

WHEREAS, significant progress in improving Tampa Bay has been made during the Estuary Program's two decades of leadership, including the recovery of more than 6,000 acres of life-sustaining seagrasses, the restoration of more than 5,000 acres of coastal habitats; and improved water quality and clarity to levels not seen since the 1950s; and

WHEREAS, the governmental partners of the Tampa Bay Estuary Program have recognized substantial benefits to their citizens from participation in the Estuary Program's cooperative community partnership;

NOW, THEREFORE, the Environmental Protection Commission of Hillsborough County, Florida, does hereby congratulate and extend best wishes to the Tampa Bay Estuary Program on its successful 20 years of service to the region.

ADOPTED, with a quorum present and voting this 21st day of April, 2011.

Environmental Protection Commission of
Hillsborough County, Florida

By: _____
Commissioner Kevin Beckner, Chairman

By: _____
Richard D. Garrity, Ph.D., Executive Director



EPC Agenda Item Cover Sheet

Date of EPC Meeting: April 21, 2011

Subject: Informational Update on the City of Tampa / Trout Creek Sewage Spills

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

Division: Water Management Division

Recommendation: "Informational Report"

Brief Summary: Staff presentation and update of EPC response and monitoring results for the COT sewage spills that occurred in Trout Creek, a tributary of the Hillsborough River.

Financial Impact: "No Financial Impact"

Background: Staff will provide an update of the March 2011 sewage spills into Trout Creek, a tributary of the Hillsborough River. Since the spills occurred, both the City of Tampa and the EPC staff have been conducting additional water quality monitoring in Trout Creek and the Hillsborough River in order to gauge the severity of environmental impacts, track the extent and progress of bacteria levels downstream, and monitor the potential for public health risks for residents and visitors to the river. Staff will summarize EPC's response to the incident and report on findings.

List of Attachments: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: April 21, 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 45 bills of interest. This report will mainly focus on bills that pre-empt local government environmental authority and budgetary matters.

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. The following bills regarding State pre-emption of local authority are being closely tracked by the EPC:

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. A previous version of this bill deleted all the provisions in section 403.9337, F.S. that currently allows local governments to be more stringent than the Florida Department of Environmental Protection (DEP) model fertilizer ordinance. Thus, all local governments with nutrient impaired waters must 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. A recent House amendment has improved HB 457 to allow local ordinances that were enacted prior to July 2011, such as those from EPC and Pinellas County, to remain effective, but future local laws would have a slightly higher hurdle to pass if they wanted to enact a more stringent law. The bill continues to be a target for amendments to pre-empt local governments, so we do not anticipate this will be the final version.

HB 991 and SB 1404 Environmental Permitting

The House version of the environmental regulatory reform bill was proposed by Rep. Patronis. HB 991 and SB 1404 (Senator Evers) cover a multitude of environmental topics that the EPC staff described in the last two EPC meetings. Among other changes, the bill will make it more onerous for DEP, SWFWMD, and EPC staff thoroughly process permit applications because it will require environmental agencies to expedite permit reviews, even the more complex permits we process. As it relates to State pre-emption, the bill requires local wetland and storm water programs to apply for state ERP delegation by June 1, 2012 and to acquire delegation by June 1, 2013. If a local program has not acquired delegation by that date, it cannot require any local wetland or storm water 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. Another committee substitute has been filed for SB 1404. Both bills are moving through committees and we anticipate further amendments. Staff will provide more details as to the bill amendments during the EPC meeting.

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. As reported last month, this bill had language at a 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 would pre-empt all rule adoption on "environmental reviews," not just wetland permitting, by local governments if such review duplicates DEP and SWFWMD activities. Senator Storms was instrumental in removing this preemption language from the bill.

HB 641 Brownfields

This bill (sponsored by Rep. Mayfield) proposes to increase the voluntary cleanup tax credit (VCTC) from the current \$2M to a proposed \$5M. This has been an initiative that both the public and private sectors of the brownfields program have supported. Approximately \$13M of VCTC funds have yet to be paid out for past brownfield cleanup activities and this revision would help payment of these past credits and also will spur additional new brownfield development. The Senate Bill 842 only proposes an increase to \$4M. The House bill has passed and is under consideration by the Senate.

Air Regulation and Petroleum Storage Tank Compliance Funding for Local Governments

The EPC has full delegation of the vast majority of the DEP air pollution permitting in Hillsborough County; Title V (or major air pollution sources) is one of those delegated programs. The funding for the program comes from the fees collected locally by the State with a portion returned to EPC program. This funding allows local agencies, such as the EPC, to expedite State DEP permits through a consistent statewide system and provides the public the local protection they seek from the largest sources of air pollution. The industry fees are deposited in a trust fund, so the program is revenue neutral with regard to the State's general fund. Although the funding for this vital streamlined permit program was in the Governor's budget, it is not in the latest versions of the Senate budget. The current House proposal for Title V local contracts is acceptable. The EPC has

already asked Legislators for assistance to get the Title V air pollution contract money in the amount of \$2.237 M back into the Legislature's budget.

A second funding concern for the EPC's air pollution program involves a longstanding contractual arrangement to supplement our air monitoring effort. For close to 20 years, the State has provided annual contract money to EPC and other approved local programs around the state to conduct air monitoring. EPC monitors air quality for the six criteria based pollutants as well as air toxics. This information is used to make assessments regarding the area's ability to meet EPA clean air standards and make daily reports to the public through the Agency's hotline, the newspapers and on the internet. The funding for air monitoring contracts is in the Governor's and the House's budgets, but not the Senate's.

Another program of high importance to natural resource protection and in danger of being seriously cut is the Petroleum Storage Facilities Compliance Program. This program is mostly administered by local environmental agencies and receives its funding from the Inland Protection Trust Fund (IPTF). Thousands of inspections are conducted by local inspectors at petroleum storage facilities in order to prevent leakage of petroleum products into the largest source of our drinking water, the ground water. The Senate is contemplating a major reduction (64%) to local program contracts for this program which will virtually render it nonexistent. The EPC has sent letters to Legislators requesting support of this program also.

The House and Senate will establish a joint conference committee to negotiate budget differences, and the EPC will ask members of that committee to fund the above noted programs.

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

List of Attachments: None.

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