

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
MAY 19, 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: April 21, 2011	3
B. Monthly Activity Reports	7
C. Pollution Recovery Fund Report	19
D. Gardinier Settlement Trust Fund Report	20
E. Legal Case Summary, May 2011	21

IV. AIR MANAGEMENT DIVISION

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C. Air Quality Update	31

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A. Performance Measures at EPC	33
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VI. LEGAL & ADMINISTRATIVE SERVICES DIVISION

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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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APRIL 21, 2011 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, April 21, 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, Lesley Miller Jr., Sandra Murman, and Mark Sharpe (arrived at 9:13 a.m.).

Chairman Beckner called the meeting to order at 9:01 a.m. Commissioner Hagan 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 VIII, Executive Director Report, would be presented before Item VII, Water Management Division. Chairman Beckner asked for a motion to approve the changes. **Commissioner Miller so moved, seconded by Commissioner Murman, and carried six to zero.** (Commissioner Sharpe had not arrived.)

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, Daniel Alberdi Jr. - Mr. Alberdi reported on the April 4, 2011, CEAC meeting, including a vote to request EPC authorization to send a letter to the legislature asking the State support adequate funding for air pollution regulation and underground storage tanks compliance funding for local governments. **Commissioner Murman moved to send the letter to the leadership of the House and Senate, seconded by Commissioner Miller, and carried six to zero.** (Commissioner Sharpe had not arrived.)

PUBLIC COMMENT

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

CONSENT AGENDA

- A. Approval of minutes: March 17, 2011.
- B. Monthly activity reports.
- C. Pollution Recovery Fund report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary, April 2011.

THURSDAY, APRIL 21, 2011 - DRAFT MINUTES

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

EPC ENVIRONMENTAL ART CONTEST WITH MULLER ELEMENTARY SCHOOL

Dr. Garrity announced the item. Mr. Jeff Sims, EPC, provided an update on the event, introduced the intern/project coordinator, and highlighted the school history as a magnet school with arts and environmental programs. After visiting the school the art contest was created and entitled, "Children's Acts of Green," using recycled/natural products. Commissioner Crist presented third grader Tia Jiran and fifth grader Amber Zimmie with first-place certificates and \$50 savings bonds. Commissioner Crist made laudatory comments. Principal Wendy Harrison, Muller Elementary School, thanked the EPC for the opportunity and outlined school goals. Mr. Sims extended thanks to the science teachers.

COMMENDATION FOR FORMER STATE REPRESENTATIVE MARY FIGG AND FORMER STATE SENATOR MARY GRIZZLE

Dr. Garrity gave an overview of contributions by former legislators and past bills. Following laudatory comments and in the absence of Grizzle family members, Commissioner Crist read the commendation for former State Senator Grizzle and presented a commendation to former State Representative Figg. Former State Representative Figg summarized the efforts of many, expressed gratitude, and thanked all involved. Commissioner Sharpe made congratulatory remarks.

TAMPA BAY ESTUARY PROGRAM 20TH ANNIVERSARY

Chairman Beckner presented a proclamation to Dr. Holly Greening, director, Tampa Bay Estuary Program, recognizing accomplishments and the 20-year anniversary. Dr. Greening highlighted historical contributions and ongoing efforts and hailed Tampa as one of the few success stories in advanced wastewater treatment in the nation. In response to Commissioner Sharpe, Dr. Greening spoke to environmental protection percentages and reductions, setting clear goals, a collaborative approach, and citizen education. Commissioner Miller talked about continuing the work, with or without government support. Commissioner Crist echoed positive comments. Dr. Garrity elaborated on Dr. Greening's accomplishments.

THURSDAY, APRIL 21, 2011 - DRAFT MINUTES

EXECUTIVE DIRECTOR

Update on Core Functions, Business Feedback Group, and EPC Permitting Functions Compared to Other Agencies and EPC Air Audit Review - Dr. Garrity thanked Commissioner Murman for a successful Gibsonton community meeting. Commissioner Murman offered appreciative remarks.

After mentioning upcoming events; a Clean Air Month reception was scheduled for May 5, 2011; and the University of South Florida would host environmental displays at the botanical gardens in recognition of Earth Day, Dr. Garrity addressed the EPC core mission, displayed a matrix of goals and objectives, and discussed efforts to avoid duplicative services.

Dr. Scott Emery, County Water Resources Advisor, was tasked to examine ways to streamline permitting activities and had compiled a comparison analysis of in-house technical expertise needed. Responding to Commissioner Sharpe, Dr. Emery stated the June 2012 delegation application completion deadline date might not allow adequate time to comply with standards, and preferred a 2014 closing date. EPC General Counsel Richard Tschantz said the shorter time frame was due to pressure to get the job done but supported more time. Discussion ensued regarding meeting the established time frame. Commissioner Sharpe expressed satisfaction with the presentation and Dr. Garrity.

Dr. Garrity suggested amending the existing delegation application to include new issues and acknowledged the staff for working together. Commissioner Murman commended Dr. Garrity. Commissioner Crist supported Dr. Garrity, and believing the County should set the standard, advised a County-owned and operated property assessment should occur.

WATER MANAGEMENT DIVISION

Update on the city of Tampa (Tampa) Trout Creek Sewage Spills - Mr. Sam Elrabi, EPC, provided an update on the EPC response to the Tampa sewage spill at Trout Creek, noted there were no risks to the public or Tampa drinking water, and mentioned corrective actions taken and lessons learned.

LEGAL AND ADMINISTRATIVE SERVICES DIVISION

2011 Legislative Session Update - Attorney Tschantz provided an update, as outlined in background material.

THURSDAY, APRIL 21, 2011 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 10:41 a.m.

READ AND APPROVED: _____
CHAIRMAN OR VICE CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

ph

MONTHLY ACTIVITIES REPORT AIR MANAGEMENT DIVISION

April FY 2011

A. Public Outreach/Education Assistance:

1.	Phone Calls:	194
2.	Literature Distributed:	1
3.	Presentations:	1
4.	Media Contacts:	1
5.	Internet:	67
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:	5
b.	Construction:	8
c.	Amendments/Transfers/Extensions	2
d.	Title V Operating:	3
e.	Permit Determinations:	0
f.	General:	1

2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to

a.	Operating ¹ :	8
b.	Construction ¹ :	5
c.	Amendments/Transfers/Extensions ¹	1
d.	Title V Operating ² :	6
e.	Permit Determinations ² :	0
f.	General:	2

3. Intent to Deny Permit Issued:

		0
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C. Administrative Enforcement

1.	New cases received:	0
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2. On-going administrative cases:

a.	Pending:	1
b.	Active:	13
c.	Legal:	2
d.	Tracking compliance (Administrative):	11
e.	Inactive/Referred cases:	0

Total 27

3.	NOIs issued:	3
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4.	Citations issued:	0
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5.	Consent Orders Signed:	3
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6.	Contributions to the Pollution Recovery Fund:	<u>\$5,950.00</u>
7.	Cases Closed:	<u>1</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>6</u>
2.	Air Toxics Facilities:	
a.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>0</u>
b.	Major Sources	<u>3</u>
3.	Asbestos Demolition/Renovation Projects:	<u>14</u>
E.	Open Burning Permits Issued:	<u>4</u>
F.	Number of Division of Forestry Permits Monitored:	<u>366</u>
G.	Total Citizen Complaints Received:	<u>44</u>
H.	Total Citizen Complaints Closed:	<u>46</u>
I.	Noise Sources Monitored:	<u>4</u>
J.	Air Program's Input to Development Regional Impacts:	<u>7</u>
K.	Test Reports Reviewed:	<u>21</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>4</u>
2.	Warning Notices Resolved:	<u>1</u>
3.	Advisory Letters Issued:	<u>2</u>
M.	AOR's Reviewed:	<u>0</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>1</u>
O.	Planning Documents coordinated for Agency review.	<u>7</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION

April FY 2011

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$0.00
(b) all others	\$0.00
2. Non-delegated operation permit for an air pollution source	\$0.00
(a) class B or smaller facility - 5 year permit	\$0.00
(b) class A2 facility - 5 year permit	\$0.00
(c) class A1 facility - 5 year permit	\$0.00
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$1,200.00
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$4,200.00
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	\$0.00
4. Non-delegated permit revision for an air pollution source	\$0.00
5. Non-delegated permit transfer of ownership, name change or extension	\$0.00
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$1,600.00
(b) for structure greater than 50,000 sq ft	\$300.00
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$0.00
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$1,000.00
8. Open burning authorization	\$2,200.00
9. Enforcement Costs	\$971.30

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

APR

A. ENFORCEMENT

1.	New cases received	1
2.	On-going administrative cases	101
	Pending	3
	Active	38
	Legal	10
	Tracking Compliance (Administrative)	50
	Inactive/Referred Cases	
3.	NOI's issued	-
4.	Citations issued	-
5.	Consent Orders and Settlement Letter Signed	4
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ 3,830
7.	Enforcement Costs Collected (\$)	\$ 2,992
8.	Cases Closed	3

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	1
2.	FDEP Permits Reviewed	1
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	2
4.	Other Permits and Reports	
	County Permits Received	23
	County Permits Reviewed	6
	Reports Received (SW/HW + SQG)	24
	Reports Reviewed (SW/HW + SQG)	23
5.	Inspections (Total)	204
	Complaints (SW/HW + SQG)	23
	Compliance/Reinspections (SW/HW + SQG)	11
	Facility Compliance	28
	Small Quantity Generator Verifications	142
	P2 Audits	-
6.	Enforcement (SW/HW + SQG)	
	Complaints Received	22
	Complaints Closed	21
	Warning Notices Issued	2
	Warning Notices Closed	3
	Compliance Letters	62
	Letters of Agreement	-
	Agency Referrals	4
7.	Pamphlets, Rules and Material Distributed	131

C. STORAGE TANK COMPLIANCE

1.	Inspections	
	Compliance	153
	Installation	12
	Closure	7
	Compliance Re-Inspections	14

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

APR

2.	Installation Plans Received	-
3.	Installation Plans Reviewed	5
4.	Closure Plans & Reports	
	Closure Plans Received	-
	Closure Plans Reviewed	1
	Closure Reports Received	5
	Closure Reports Reviewed	7
5.	Enforcement	
	Non-Compliance Letters Issued	83
	Warning Notices Issued	-
	Warning Notices Closed	-
	Cases Referred to Enforcement	-
	Complaints Received	1
	Complaints Investigated	1
	Complaints Referred	-
6.	Discharge Reporting Forms Received	1
7.	Incident Notification Forms Received	4
8.	Cleanup Notification Letters Issued	1

D. STORAGE TANK CLEANUP

1.	Inspections	26
2.	Reports Received	81
3.	Reports Reviewed	70
	Site Assessment Received	9
	Site Assessment Reviewed	11
	Source Removal Received	-
	Source Removal Reviewed	1
	Remedial Action Plans (RAP'S) Received	5
	Remedial Action Plans (RAP'S) Reviewed	1
	Site Rehabilitation Completion Order/No Further Action Rec'd	2
	Site Rehabilitation Completion Order/No Further Action Revw'd	-
	Active Remediation/Monitoring Received	46
	Active Remediation/Monitoring Reviewed	40
	Others Received	19
	Others Reviewed	17

E. RECORD REVIEWS

19

F. LEGAL PIR'S

19

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

APR

A. ENFORCEMENT

1.	New Enforcement Cases Received	-
2.	Enforcement Cases Closed	-
3.	Enforcement Cases Outstanding	40
4.	Enforcement Documents Issued	1
5.	Recovered Costs to the General Fund	\$ 977
6.	Contributions to the Pollution Recovery Fund	\$ 3,600

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	13
	a. Facility Permit	7
	(i) Types I and II	1
	(ii) Type III	6
	b. Collection Systems - General	3
	c. Collection systems-Dry Line/Wet Line	3
	d. Residuals Disposal	-
2.	Permit Applications Approved	8
	a. Facility Permit	5
	b. Collection Systems - General	2
	c. Collection systems-Dry Line/Wet Line	1
	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	30
	a. Facility Permit	16
	b. Collection Systems - General	6
	c. Collection systems-Dry Line/Wet Line	8
	d. Residuals Disposal	-
7.	Permit Determination	1
8.	Special Project Reviews	-

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

C. INSPECTIONS - DOMESTIC

1.	Compliance Evaluation (Total)	14
	a. Inspection (CEI)	5
	b. Sampling Inspection (CSI)	9
	c. Toxics Sampling Inspection (XSI)	-
	d. Performance Audit Inspection (PAI)	-
2.	Reconnaissance (Total)	30
	a. Inspection (RI)	6
	b. Sample Inspection (SRI)	1
	c. Complaint Inspection (CRI)	23
	d. Enforcement Inspection (ERI)	-
3.	Engineering Inspections	-
	a. Reconnaissance Inspection (RI)	-
	b. Sample Reconnaissance Inspection (SRI)	-
	c. Residual Site Inspection (RSI)	-
	d. Preconstruction Inspection (PCI)	-
	e. Post Construction Inspection (XCI)	-
	f. On-site Engineering Evaluation	-
	g. Enforcement Reconnaissance Inspection (ERI)	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1.	Permit Applications Received	2
	a. Facility Permit	-
	(i) Types I and II	-
	(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	-
	a. Facility Permit	-
	b. General Permit	-
4.	Permitting Determination	-
5.	Special Project Reviews	31
	a. Phosphate	6
	b. Industrial Wastewater	7
	c. Others	18

E. INSPECTIONS - INDUSTRIAL

1.	Compliance Evaluation (Total)	14
	a. Inspection (CEI)	14
	b. Sampling Inspection (CSI)	-
	c. Toxics Sampling Inspection (XSI)	-
	d. Performance Audit Inspection (PAI)	-
2.	Reconnaissance (Total)	25
	a. Inspection (RI)	3
	b. Sample Inspection (SRI)	-
	c. Complaint Inspection (CRI)	22
	d. Enforcement Inspection (ERI)	-
3.	Engineering Inspections (Total)	7
	a. Compliance Evaluation (CEI)	7
	b. Sampling Inspection (CSI)	-
	c. Performance Audit Inspection (PAI)	-
	d. Complaint Inspection (CRI)	-
	e. Enforcement Reconnaissance Inspections (ERI)	-

F. INVESTIGATION/COMPLIANCE

1.	Citizen Complaints	
	a. Domestic	22
	(i) Received	9
	(ii) Closed	13
	b. Industrial	24
	(i) Received	16
	(ii) Closed	8
2.	Warning Notices	
	a. Domestic	8
	(i) Issued	4
	(ii) Closed	4
	b. Industrial	4
	(i) Issued	4
	(ii) Closed	-
3.	Non-Compliance Advisory Letters	18
4.	Environmental Compliance Reviews	
	a. Industrial	26
	b. Domestic	106
5.	Special Project Reviews	8

G. RECORD REVIEWS

1.	Permitting Determination	4
2.	Enforcement	-

H. ENVIRONMENTAL SAMPLES

ANALYZED/REPORTS REVIEWED (LAB)

1.	Air division	98
2.	Waste Division	-
3.	Water Division	12
4.	Wetlands Division	-
5.	ERM Division	176
6.	Biomonitoring Reports	-
7.	Outside Agency	19

I. SPECIAL PROJECT REVIEWS

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

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

APR

ASSESSMENT REPORT

Agriculture Exemption Report

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

Development Services Reviews Performance Report

# of Reviews	50
Timeframes Met	98%
Year to Date	99%

Formal Wetland Delineation Surveys

Projects	5
Total Acres	124
Total Wetland Acres	29
# Isolated Wetlands < 1/2 Acre	3
Isolated Wetland Acreage	0.5

Construction Plans Approved

Projects	9
Total Wetland Acres	3
# Isolated Wetlands < 1/2 Acre	-
Isolated Wetland Acreage	0
Impacts Approved Acreage	0
Impacts Exempt Acreage	0.03

Mitigation Sites in Compliance

Ratio	192/198
Percentage	97%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.80
Acreage of Water Quality Impacts	0.30
Acreage Restored	0.10

TPA Minor Work Permit

Permit Issued	14
Permits Issued Fiscal Year 2011	109
Cumulative Permits Issue Since TPA Delegation (07/09)	320

REVIEW TIMES

# of Reviews	231
% On Time	99%
% Late	1%

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

APR

A. General

1.	Telephone conferences	599
2.	Unscheduled Citizen Assistance	380
3.	Scheduled Meetings	399
4.	Correspondence	1,509
1/ 5.	Intergency Coordination	258
1/ 6.	Trainings	19
1/ 7.	Public Outreach/Education	12
1/ 8.	Quality Control	44

B. Assessment Reviews

1.	Wetland Delineations	19
2.	Surveys	8
3.	Miscellaneous Activities in Wetland	29
4.	Mangrove	5
5.	Notice of Exemption	1
6.	Impact/Mitigation Proposal	9
7.	Tampa Port Authority Reviews	83
8.	Wastewater Treatment Plants (FDEP)	-
9.	Development Regn'l Impact (DRI) Annual Report	1
10.	On-Site Visits	73
11.	Phosphate Mining	6
12.	Comp Plan Amendment (CPA)	1
1/ 13.	AG SWM	2
	Sub-Total	

Planning and Growth Management Review

14.	Land Alteration/Landscaping	-
15.	Land Excavation	-
16.	Rezoning Reviews	4
17.	Site Development	19
18.	Subdivision	17
19.	Wetland Setback Encroachment	2
20.	Easement/Access-Vacating	1
21.	Pre-Applications	37
1/ 22.	Agriculture Exemption	-
	Sub-Total	
	Total Assessment Review Activities	

C. Investigation and Compliance

1.	Warning Notices Issued	9
2.	Warning Notices Closed	3
1/ 3.	Complaints Closed	9
4.	Complaint Inspections	42

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

APR

5.	Return Compliance Inspections for Open Cases	51
6.	Mitigation Monitoring Reports	21
7.	Mitigation Compliance Inspections	30
8.	Erosion Control Inspections	14
9.	MAIW Compliance Site Inspections	9
10.	TPA Compliance Site Inspections	5
2/ 11	Mangrove Compliance Site Inspections	-
1/ 12	Conservation Easement Inspection	-

D. Enforcement

1.	Active Cases	11
2.	Legal Cases	4
3.	Number of "Notice of Intent to Initiate Enforcement"	-
4.	Number of Citations Issued	-
5.	Number of Consent Orders Signed	2
6.	Administrative - Civil Cases Closed	5
7.	Cases Referred to Legal Department	4
8.	Contributions to Pollution Recovery	\$ 1,600
9.	Enforcement Costs Collected	\$ 225

E. Ombudsman

1.	Agriculture	6
2.	Permitting Process & Rule Assistance	8
3.	Staff Assistance	8
4.	Citizen Assistance	5

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 POLLUTION RECOVERY TRUST FUND
10/1/2010 through 4/30/2011**

REVENUE

Balance (beginning)	\$	620,687
Interest Accrued	\$	3,659
Deposits	\$	71,180
Refunds from closed Projects	\$	76,571
Revenue Total	\$	772,097

EXPENDITURES

Project Management (EPE06009)	\$	52,157
Artificial Reef (EPE03025)	\$	75,737
Expenditures Total	\$	127,894

ENCUMBRANCES

FY 11 Project Obligations	\$	-
Project Monitoring (EPE06009)	\$	77,313
Artificial Reef Program (EPE03025)	\$	67,693
Encumbrances Total	\$	145,006

RESERVES

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

NET POLLUTION RECOVERY FUND	\$	174,297
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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	34,851
	\$ 371,041	\$ 286,660

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 GARDINIER SETTLEMENT TRUST FUND
10/1/2010 - 4/30/2011**

Fund Balance as of 10/1/10	\$ 252,021
Interest Accrued	702
Disbursements FY 11	-
Fund Balance	<u>\$ 252,723</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 252,723
Total Encumbrances	<u>\$ 252,723</u>
Fund Balance Available	<u><u>\$ -</u></u>



EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 19, 2011

Subject: Legal Case Summary for May 19, 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: **May 2011 EPC Legal Case Summary**

EPC LEGAL DEPARTMENT MONTHLY REPORT
May 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. In compliance with the Court's Order, the parties conducted a mediation conference on April 22, 2011. A Mediation Settlement Agreement was entered on April 22, 2011 and executed by the parties. (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. Due to PRF expenditures to help correct violations, this case may be resolved soon. (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

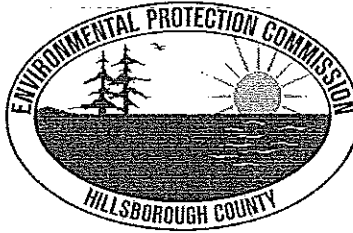
The following is a list of cases assigned to the EPC Legal Department that are not in litigation, but a party has asked for an extension of time to file for administrative litigation in the hope of negotiating a settlement prior to forwarding the case to a Hearing Officer. The below list may also include 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. An additional request for an extension of time was filed, the request was granted and the Petitioner has until May 18, 2011 to file a petition. (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: May 19, 2011

Subject: EPC Permit Tracking System Update

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

Division: Air Management Division

Recommendation: Accept staff recommendation to proceed with tracking system development.

Brief Summary: At the December EPC Board meeting, staff was directed to ensure that applicants and the public could track applications on-line. Although EPC had some systems in place and posted on the Agency website, they were determined to be insufficient. Consequently they started to develop a new system in-house which will track all permit/authorizations granted by the EPC. Staff will be giving a brief presentation on the proposed system and seeking Board approval to proceed.

Financial Impact: Financial Impact to General Fund is \$15,000 to be paid out of existing funds. No additional funds or budget amendment would be required.

Background: EPC handles over a thousand requests a year to impact the local environment. Following a technical review, EPC issues a permit or authorization under its own authority, or as a delegated agent of another government agency. To keep the applicant and the public informed about the processing of these requests, the Agency has maintained some tracking systems on their website.

Following the Board's request to ensure complete transparency in their deliberations, EPC has started to develop a new tracking system using in-house resources. As proposed, this tracking system will track applications from receipt to permit issuance for the 30 different types of permits EPC issues. These permits include air, water, waste and wetland authorizations.

Staff will make a brief presentation and seek the Board's recommendation to proceed. This will include hiring a contractor to write the tracking program software, but this should be done within the Agency's existing budget.

Attachments: Tracking System Scope and 4 Step Tracking System Flow Chart

4 Step Tracking System Flow Chart

1. EPC Website
2. Tracking System Icon
3. Search by Applicant Name, Physical Project Address, or Folio Number
- 3.a. Select Application by Project Type if More than One Exists Under the Same Name, Address or Folio Number
4. Application Status Appears (Steps 1-7)

**Tracking System
Project Types & Annual Volume**

Air

Industrial Air Pollution Facility	110
Open Burn Land Clearing Permit	25

Waste

Solid Waste Management Facility Construction/Operation	15
Solid Waste Management Facility Closure	10
Old Landfill Redevelopment Project	10
EPC Authorized Waste Processing Facilities	5
Storage Tank Installation & Closure Plan Review	225
Brownfield Sites Redevelopment	10

Water

Domestic Wastewater Facility	35
Domestic Wastewater Collection Systems	100
Industrial Wastewater Facility	40
Certificate of Completion of Construction of A Wastewater Facility	130

Wetlands

Bona Fide Agricultural Reviews	2
Tampa Port Authority Minor Work Permit	208
Misc. Activities in Wetlands	225
Wetland/Other Surface Waters Delineation/ Survey	155
Wetland/Other Surface Water Impacts and Mitigation	15
Mangrove Trimming (Trimming, Other Alteration & Exemptions)	15
Mangrove Trimming Trimmer	23
Noticed Exemptions	22
Commercial Reviews (Prelim., Const., Final Plat & As-Built)	183
Comprehensive Plan Amendments	42
Development of Regional Impact	0
Land Alteration	6

Land Excavation	1
Rezoning (Rezoning & Variances)	121
Phosphate Mining Reviews	14
Setback Encroachment	10
Subdivision Reviews (Prelim., Construction, Cert. Parcel, Final Plat & As-Built)	127
Easement Assess	5



EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 19, 2011

Subject: Clean Air Month Update

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

Division: Air Management Division

Recommendation: Informational Report

Brief Summary: Once again this year, EPC is celebrating the month of May as Clean Air Month. On May 5, 2011, EPC was very proud to host the 10th Annual Clean Air Fair in downtown Tampa. The Clean Air Fair is the signature public outreach event annually organized by EPC. This year's fair included 44 exhibitors with an estimated attendance of over 800 visitors. EPC also hosted the 10th Annual EPC Clean Air Month Photo Contest in conjunction with the Hillsborough County School System. The contest was eligible to all Hillsborough County high school students and the winning photographs are being recognized during the EPC meeting.

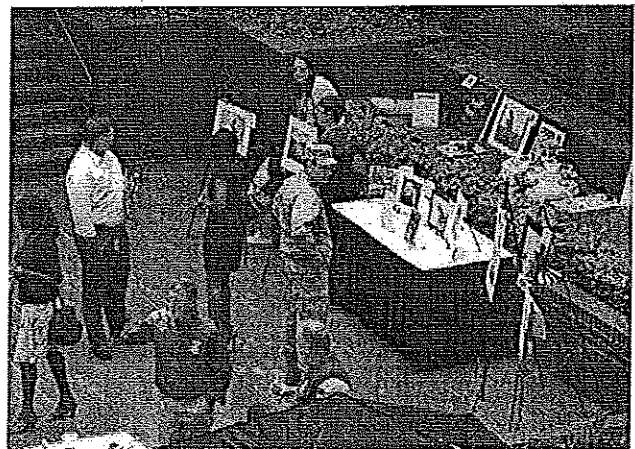
Financial Impact: No Financial Impact

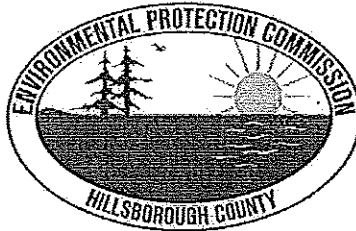
Background: EPC has recognized the national designation of the month of May as Clean Air Month since the 1970's. EPC has embraced this celebration since 2000 through the hosting of community events, environmental presentations to local schools, and promotion of environmental contests. While the activities related to Clean Air Month have been reduced in recent years, EPC is proud to continue recognition of Clean Air Month through two primary public outreach events.

On May 5, 2011, EPC was pleased to host the 10th Annual Clean Air Fair at Poe Plaza in downtown Tampa from 11:30am-1:30pm. EPC established this year's theme for Clean Air Month as "*Global Air – Local Care*", which focuses on the local efforts to improve air quality and reduce environmental impacts. The goal of the fair was to highlight local air quality and to promote a healthy environment through public education. Each year, the event seeks to recognize environmentally-conscious organizations and companies that contribute towards making our community a better place to live. As our signature public outreach event, the Clean Air Fair continues to grow annually, with 44 exhibitors attending this year. The free lunchtime event included a variety of environmental and health information, complimentary refreshments and food items, giveaways, prize drawings and live music. Through the generous donations of our exhibitors and the community, the event was funded for less than two hundred dollars.

EPC also hosted the 10th Annual EPC Clean Air Month Photo Contest in conjunction with the Hillsborough County School System. The annual environmental photography competition is offered to

high school students in an effort to recognize Clean Air Month and encourage increased awareness of the environment and air quality. The aim of the competition is to inspire the imagination of young artists to consider environmental issues facing the community. The winning photographs are being recognized during the EPC meeting. The winners and selected honorable mentions representing 4 local high schools were displayed at the *Clean Air Fair* and will also appear in the lobbies of county center and EPC.





EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 19, 2011

Subject: Air Quality Update

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

Division: Air Management Division

Recommendation: For information only.

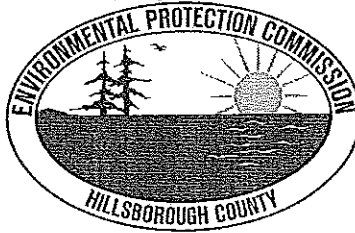
Brief Summary: This presentation will provide a brief overview of Hillsborough County's compliance with federal air quality standards, recent changes made to those standards and what is being done to address the any non-compliance issues.

Background: The U.S. Environmental Protection Agency is required by federal law to periodically review and if necessary, strengthen the air quality standards to better protect public health. EPA has recently completed reviews or is in the process of tightening the standards for the air pollutants ozone, lead, small dust particles, nitrogen dioxide and sulfur dioxide. Based on EPC staff analysis, Hillsborough County will fail to meet several of these more restrictive limits.

Over the past 20 years there has been much improvement in our overall air quality, largely due to advances in vehicle emissions control technology and upgrades made by our major industrial sources to update their pollution control systems. Unfortunately, these advances have not keep pace with the evolving federal standards and Hillsborough County, like most metropolitan areas across the U.S., will fail to meet them. EPC staff has been working closely with the state and federal agencies, and the regulated community to devise plans to address our non-compliance issues.

List of Attachments: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 19, 2011

Subject: Performance Measures at EPC

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

Division: Executive Director's Report

Recommendation: Accept Report and Provide Direction as Necessary

Brief Summary: As part of the Sterling Management process, EPC staff has been evaluating better ways to measure the services we provide and how well we do them. This brief presentation is an update on our progress to develop agency specific performance measures and an opportunity for input from the Board.

Financial Impact: No Financial Impact

Background: Since the 80's EPC staff has been keeping records on agency activities and released them through periodic reports. While there have been some attempts to use these to help the agency run more efficiently, they have not been approached in the more holistic way that is currently proposed. The Executive Director is committed to the Sterling Management performance measures philosophy and this is an important step. As such, the staff has developed a set of measures which reflect the core mission and the resulting functions. These measures not only count activities, but they reflect how well the EPC accomplishes them.

This presentation discusses the five core functions of the agency and highlights the first EPC quarterly report. This will be updated every 3 months and presented at year's end as part of the Annual State of the Environment Report.

List of Attachments: Performance Measures Quarterly Report Form

EPC Quarterly Performance Measures Report Form

Division _____

FY _____

Quarter _____

Permitting (Delegated)

Number of Construction Permits Issued/Denied _____

Average Time Construction Permit Applications were
In-house Prior to Issuance of Intent _____

Total Number of Permits Issued/Denied _____

Percent of Construction and Operation Permit
Applications Where Final Agency Action Was Taken Within 180 days _____

Percent of Applications Where Final Agency Action Was Taken In
Compliance with Chapter 120 F.S. _____

Total Number of Applications Reviewed and Commented on
but Not Issued by EPC _____

EPC Authorizations/Approvals

Total Number of Authorizations Issued _____

Average Time Applications Were In-House
Prior to Final Agency Action _____

Percent of Authorizations Where Final Agency Action
Was Taken Within 180 Days _____

Total Number of Applications Commented on
but Not Issued by EPC _____

Compliance

Total Number of Inspections _____

Initial Compliance Rate for Sources Considered
Substantially in Compliance That Were Inspected This Quarter _____

Total Number of Violations Resolved this Quarter
Through Compliance Without Enforcement Process (CWOE) _____

Number of Warning Notices Issued _____

Number of Warning Notices Closed _____

Percent of Warning Notices Closed Within 180 Days _____

Complaint Investigations

Number of Complaints Received _____

Percent of Complaint Investigations Initiated
Within 7 Calendar Days _____

Number of Complaints Closed _____

Percent of Complaint Investigations Closed Within 90 Days _____

Enforcement

Number of Enforcement Cases Initiated Based on Referral Date _____

Number of Cases Resolved During the Quarter (under a signed CO) _____

Percent of Cases Resolved During the Quarter
That Were Resolved Administratively _____

Percent of Cases Resolved During the Quarter
That Were Resolved Within 180 Days _____

Monitoring

Number of Air Quality Monitors Operated _____

Percent of Air Quality Monitors Meeting Minimum
Data Capture Requirements _____

Number of Water Monitoring Stations Sampled _____

Percent of Water Monitoring Data Captured _____

Number of Analyses Conducted By the Lab _____

Number of Analyses per Laboratory Personnel this Quarter _____

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 19, 2011

Subject: 2011 Legislative Session – End of Session Summary

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 ended on May 7, 2011. EPC staff reviewed over 50 bills of interest. This report will summarize the final status of key environmental bills and budgetary matters.

Financial Impact: No financial impact anticipated.

Background: The 2011 Florida Legislative Session commenced on Tuesday March 8, 2011 and closed on Saturday May 7, 2011. The EPC staff tracks environmental and administrative bills. Additionally staff cooperates with and provides comments, analysis, and assistance to the County's Public Affairs Office, local legislators, the Florida Association of Counties, Florida Stormwater Association, 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 current Commission on December 16, 2010.

Multiple EPC staff persons, along with Edith Stewart and Brandon Wagner, worked to protect the interest of the County and the EPC. While the EPC tracked dozens of bills, the following are most notable regarding environmental matters:

HB 991 Environmental Permitting

- **FAILED**

HB 991 was the key environmental bill that the EPC and many other local governments dedicated substantial time in trying to improve. The House version of the environmental regulatory reform bill was proposed by Rep. Patronis. HB 991 and SB 1404 (Senator Evers) covered a multitude of environmental topics, such as incentive based permitting, expedited permitting, limits on requests for additional information, and denying local governments the right to require an applicant to acquire a State or Federal permit prior to applying for a local permit. The key streamlining provision was one that required local governments with wetland and stormwater regulatory programs to seek permitting delegation from the State in order to continue implementing their own environmental permitting program. This provision evolved several times throughout the session. The final

version of the House bill required local wetland and storm water regulatory programs in large counties (400,000) to apply for state ERP delegation by January 1, 2013 and to acquire delegation by January 1, 2015. If a local program had 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. This bill died in the Senate. A last minute effort was attempted to place some of HB 991's provisions (but not ERP delegation) into a stormwater bill regarding Plant City sponsored by Senator Storms, HB 934. That effort and that bill also died.

HB 457 Fertilizer

- **PASSED (parts)**

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's (DEP) model fertilizer ordinance and required all local governments with nutrient impaired waters to only adopt the DEP model fertilizer ordinance. A House amendment passed on April 15 that improved HB 457. It grandfathered local ordinances that were enacted prior to July 2011, such as those from EPC, St. Petersburg, Sarasota County, and Pinellas County. This new version of the House bill imposed a slightly higher hurdle to pass if a local government wanted to enact a more stringent law – basically locals will have to show they have a nonpoint source pollution program in place before passing a more stringent fertilizer law. The current law states that local governments should merely have a general program. The amend House bill also prohibits sales regulations by local governments, but grandfathers all sales regulations prior to July 1, 2011. That section of the bill died, but the sales preemption did later pass in another bill, HB 7215. Thus, as of July 1, 2011, if the bill becomes law, no local governments can pass new fertilizer sales regulations, but existing bans will remain in effect.

HB 7215 FDACS Open Burning/Delegation

- **PASSED**

This is an omnibus Florida Department of Agriculture and Consumer Services (FDACS) bill, but mainly focuses on forestry issues. The bill will require the EPC to seek approval from the state to continue regulating open burning, thus we anticipate some amendment to the EPC rule to conform to FDACS rules. Additionally and as noted above, a late amendment to this bill prohibits fertilizer sales regulations by local governments, but grandfathers all local sales regulations prior to July 1, 2011.

HB 641 Brownfields

- **PASSED**

This bill (sponsored by Rep. Mayfield) proposed 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 proposed an increase to \$4M. The House bill passed and was sent to a conference committee to resolve the differences between the two chambers. The conference committees approved the changing this law to the higher funding level of \$5M that the House proposed. This was an issue the EPC Commission and staff supported.

HB 13 Onsite Sewage Treatment and Disposal Systems

- **FAILED**

Last year the Legislature passed a new law that requires the Dept. of Health (DOH) to administer an onsite sewage treatment and disposal system (septic tanks) evaluation program for the purpose of assessing the operational condition of septic tanks and identify and enforce compliance to correct any failures. This bill, and similar versions of it, attempted to repeal the new law and also repeal the grant program created to help citizens comply with the law. One Senate version, SB 1698, not approved by the full Senate, proposed to allow counties to have a local compliance program, but proposed to eliminate the state-wide program. All the septic tank regulation bills known to EPC staff died: SB 130, SB 82, SB 1698, SB 168, and HB 167. Presumably, the current septic tank inspection and repair program will go forward, but it may require DOH rulemaking.

HB 421 Agricultural-related Exemptions to Water Management Requirements

• PASSED

This bill amends Chapters 373 and 403, F.S. Under the current law, agricultural operations were allowed to alter the topography of agricultural lands provided it was not solely for impounding water. If an agricultural operation wanted to impound water it needed to qualify for an exemption and/or acquire wetland and discharge permits. This bill provides that agricultural operations have the right to impact surface waters, including wetlands, as part of the topography alteration needed for agricultural operations as long as the sole intent of the alteration is not to impound water or impact a wetland. The bill creates an environmental exemption from State permitting (not local) for diversion of surface water flow and wetland impacts on agricultural operations. This expanded land alteration exemption is retroactive to July 1, 1984. That means past wetland impacts would now be exempt and presumably not subject to State-level permitting or enforcement. The bill also amends the process in which one can seek a determination if they qualify for the exemption. Current law provides a non-binding FDACS determination of the exemption qualification. This bill would make the determination by FDACS binding. Finally, the new bill states that no mitigation is required if such agricultural activities have occurred anytime in the 4 years prior to the impacts. The EPC's laws and rules are not adopted per Chp. 373, thus this should not impact current EPC functions.

SB 1122 Growth Management (with Environmental Preemption)

• FAILED

This omnibus growth management bill regarding land use regulation, impact fees, autonomous planning area, and environmental regulation pre-emption was filed by Senator Bennett. Originally this bill had language that prohibited future adoption of local wetland rules if similar reviews were conducted by current DEP or Water Management District programs. One interpretation was that the bill also prohibited current and future permitting and enforcement of existing local wetland laws and existing local wetland permits. Additionally, it was written so broadly that it would pre-empt all rule adoption on "environmental reviews," not just wetland permitting, by local governments. Senator Storms was instrumental in removing this preemption language from the bill. The final bill passed in the Senate, but the Senate bill and a House substitute (HB 7129) both died. Another major Growth Management bill (HB 7207) passed without this preemption language.

BUDGET Air Regulation and Petroleum Storage Tank Compliance Funding for Local Governments

Three EPC program areas were at risk of receiving little to no funding: Title V (major air pollution regulation); ambient air monitoring program; and storage tank compliance verification. The Commission assisted by writing letters to legislators and making calls to support these programs. These budget decisions went to the Legislature's conference committees in early May and all the programs were funded. The Title V (major air pollution regulation) and ambient air monitoring have been funded at the same level as last year, while tanks compliance was funded at only 70% of last year's budget.

Title V: The EPC has full delegation of the vast majority of the DEP air pollution permitting in Hillsborough County. Title V 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 and the House budget, it was not in the Senate budget. The EPC Commission and staff asked Legislators for assistance to get the Title V air pollution contract money in the amount of \$2.237 M (statewide) back into the Legislature's budget. This item was fully funded in conference committee and passed in the final budget vote.

Ambient Air Monitoring: A second funding concern for the EPC's air pollution program involved a longstanding contractual arrangement to supplement our air monitoring effort. For approximately 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 was in the Governor's and the House budgets totaling \$600,000 (statewide) but not the Senate budget. The program was funded at the same level as last year in conference committee and was approved in the final budget.

Petroleum Storage Compliance: Another program of high importance to natural resource protection that was in danger of being seriously cut was 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. Both chambers were contemplating major reductions in this program. The EPC Commission sent letters to Legislators requesting support of this program also. The conference committees funded the program at 70% of last year budget, thus \$7M instead of \$10M statewide. That translates approximately to a reduction from \$600,000 to \$400,000 for the EPC. While this tanks compliance cut is significant, the EPC will endeavor to absorb the cuts through vacancies and re-organization.

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

List of Attachments: None.