

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
JULY 28, 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: May 19, 2011	3
B. Monthly Activity Reports	7
C. Pollution Recovery Fund Report, May & June 2011.....	19
D. Gardinier Settlement Trust Fund Report, May & June 2011.....	21
E. Legal Case Summary, June & July 2011	23
F. Request for Authority to take appropriate legal action against Automated Petroleum and Energy Company, Inc. and Sailfish Real Estate, LLC	27
G. Request for Authority to take appropriate legal action against PATCO Transport, Inc. and Chip Investment 2, LLC.....	29
H. Request for Authority to take appropriate legal action against CRF – Panther V, LLC.....	31

IV. AIR MANAGEMENT DIVISION

A. Davis Productivity Award	33
B. Hillsborough County Government Energy and Sustainability Plan.....	35

V. EXECUTIVE DIRECTOR

A. FDEP Audit of the EPC Air Management Division	39
B. EPA Biowatch Audit	43
C. Business Feedback Group Update	

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

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MAY 19, 2011 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, May 19, 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 9:11 a.m.), Ken Hagan, Al Higginbotham, Sandra Murman, and Mark Sharpe (arrived at 9:02 a.m.).

The following member was absent: Lesley Miller Jr.

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 there were no changes.

PUBLIC COMMENT

Reverend Malcolm Clements, 9912 Indiana Street, First Baptist Church of Gibsonton, spoke about the backflow ordinance and the estimated backflow application cost, asserted the County was selectively enforcing commercial property compliance although the ordinance applied to residential as well, and asked for equal ordinance enforcement for all taxpayers. Commissioner Hagan would add the item to the next Board of County Commissioners (BOCC) agenda for discussion. Commissioner Murman supported pursuing the matter. In response to Commissioner Murman, Dr. Garrity would look into backflow issues.

Attorney Vincent Marchetti, 625 East Twiggs Street, Suite 100, representing Mr. Harry and Mrs. Carmen Barkett, 909 Oak Hollow Place, distributed information; claimed the neighbors at 907 Oak Hollow Place had improperly and illegally filled a portion of a wetland, which might cause damage and flooding to his client, as detailed in background material; and wanted the matter to be referred to the June 2, 2011, regular BOCC meeting with appropriate staff in attendance. Commissioner Higginbotham clarified the request, confirmed no fines had been levied, and acknowledged costly compliance efforts. EPC General Counsel Richard Tschantz explained ongoing enforcement proceedings were not completed, cautioned against premature intervention and developing preconceived notions or actions, and stressed the need to allow the process to work. Commissioner Higginbotham noted the item would appear on the June 2011 BOCC agenda. Responding to Commissioner Beckner, Attorney Tschantz pointed out enforcement time frames and suggested options. Commissioner Sharpe questioned hearing the issue on June 2, 2011, and spoke to floods. Discussion ensued on following the process, issues of concern, and providing temporary

THURSDAY, MAY 19, 2011 - DRAFT MINUTES

relief. Attorney Marchetti responded to queries from Commissioner Crist regarding fill activity on the property.

CONSENT AGENDA

- A. Approval of minutes: April 21, 2011.
- B. Monthly activity reports.
- C. Pollution Recovery Fund report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary, May 2011.

Chairman Beckner called for a motion to approve the Consent Agenda. **Commissioner Murman so moved, seconded by Commissioner Higginbotham, and carried six to zero.** (Commissioner Miller was absent.)

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, Daniel Alberdi Jr. - Mr. Alberdi reported on the May 2, 2011, CEAC meeting; noted a subcommittee was formed to review the bylaws; received Brownfields and legislative reports; and encouraged the EPC to allow the CEAC to review and evaluate County environmental issues.

AIR MANAGEMENT DIVISION

EPC Permit Tracking System Update - Dr. Garrity introduced the item. Mr. Jerry Campbell, Director, EPC Air Management Division, presented the proposed EPC permit application tracking system, as furnished in background material, and asked for a motion to direct staff to proceed with the permit application tracking system, as proposed, and ask EPC to implement as soon as possible. Following discussion of time frames, fee determination, typical applicants, immediate service, standard operating procedures, combining EPC and County services, needed improvements, and reporting back to the BOCC, Chairman Beckner sought a motion to direct staff to go forward. **Commissioner Crist so moved, seconded by Commissioner Murman, and carried six to zero.** (Commissioner Miller was absent.)

Clean Air Month Update - Ms. Michelle Jenkins, EPC, stated May was Clean Air Month; announced the Clean Air Fair and the annual EPC photography contest winners and contributors; and thanked the Ms. Dana Warner, Hillsborough County Public Schools, who spoke to student participation, artistic theme interpretation, and nurturing future environmentalists. Commissioner Murman welcomed the awareness, expressed interest in increased participation, and

THURSDAY, MAY 19, 2011 - DRAFT MINUTES

offered to encourage her district to become more involved in future projects. Commissioner Crist suggested reaching out to the Hillsborough County School Board to establish traveling art/environmental tours/shows in middle and elementary grades. Ms. Warner concurred and mentioned the desire for larger exhibition space.

Air Quality Update - Mr. Reginald Sanford, EPC, furnished updated air quality information, as supplied in background material. In answer to Commissioner Murman relative to air quality complaints in South Tampa, Mr. Campbell agreed to put an air monitoring station in the area.

EXECUTIVE DIRECTOR

Performance Measures at EPC - Dr. Garrity gave a detailed update on performance measures, improvement efforts, and developing action plans, as noted in background material.

LEGAL AND ADMINISTRATIVE SERVICES DIVISION

2011 Legislative Session - End of Session Summary - Attorney Tschantz acknowledged summer legal interns, gave legislative bill updates, would follow up and report back on septic tank laws, and commented on the agricultural bill and budget information.

There being no further business, the meeting was adjourned at 10:51 a.m.

READ AND APPROVED: _____

CHAIRMAN OR VICE CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

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

		<u>MAY</u>	<u>JUN</u>
A. Public Outreach/Education Assistance			
1.	Phone calls	186	144
2.	Literature Distributed	0	0
3.	Presentations	1	2
4.	Media Contacts	1	3
5.	Internet	91	65
6.	Host/Sponsor Workshops, Meetings, Special Events	2	0
B. Industrial Air Pollution Permitting			
1.	Permit Applications received (Counted by Number of Fees Received)		
	a. Operating	1	7
	b. Construction	1	2
	c. Amendments / Transfers / Extensions	2	2
	d. Title V Operating:	0	11
	e. Permit Determinations	1	0
	f. General	2	5
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	6
	b. Construction ^1	12	6
	c. Amendments / Transfers / Extensions^1	2	1
	d. Title V Operating ^2	7	2
	e. Permit Determinations	0	0
	f. General	2	2
3.	Intent to Deny Permit Issued	0	0
C. Administrative Enforcement			
1.	New cases received	1	2
2.	On-going administrative cases		
	a. Pending	2	4
	b. Active	12	12
	c. Legal	2	2
	d. Tracking compliance (Administrative)	10	10
	e. Inactive/Referred cases	0	0
	TOTAL	26	28
3.	NOIs issued	0	0
4.	Citations issued	0	0
5.	Consent Orders Signed	0	2
6.	Contributions to the Pollution Recovery Fund	\$ -	\$2,000
7.	Cases Closed	1	0

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

MAY JUN

D. Inspections

1. Industrial Facilities	19	27
2. Air Toxics Facilities		
a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	4	3
b. Major Sources	9	16
3. Asbestos Demolition/Renovation Projects	22	23

E. Open Burning Permits Issued

1	1
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F. Number of Division of Forestry Permits Monitored

118	76
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G. Total Citizen Complaints Received

48	36
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H. Total Citizen Complaints Closed

36	42
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I. Noise Sources Monitored

1	5
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J. Air Program's Input to Development Regional Impacts

5	2
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K. Test Reports Reviewed

31	64
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L. Compliance

1. Warning Notices Issued	11	6
2. Warning Notices Resolved	10	5
3. Advisory Letters Issued	3	1

M. AOR's Reviewed

7	27
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N. Permits Reviewed for NESHAP Applicability

1	0
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O. Planning Documents coordinated for Agency Review

5	2
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**FY 11 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

MAY JUN

A. ENFORCEMENT

1.	New cases received	1	9
2.	On-going administrative cases	96	104
	Pending	2	10
	Active	39	40
	Legal	10	10
	Tracking Compliance (Administrative)	45	44
	Inactive/Referred Cases	-	-
3.	NOI's issued	2	2
4.	Citations issued	2	-
5.	Consent Orders and Settlement Letter Signed	1	1
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$9,850	\$ 530
7.	Enforcement Costs Collected (\$)	\$1,862	\$ 495
8.	Cases Closed	6	1

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	-	1
2.	FDEP Permits Reviewed	-	1
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	1	2
4.	Other Permits and Reports		
	County Permits Received	23	8
	County Permits Reviewed	25	10
	Reports Received (SW/HW + SQG)	15	21
	Reports Reviewed (SW/HW + SQG)	26	16
5.	Inspections (Total)	235	197
	Complaints (SW/HW + SQG)	24	25
	Compliance/Reinspections (SW/HW + SQG)	21	10
	Facility Compliance	15	14
	Small Quantity Generator Verifications	175	148
	P2 Audits	-	-
6.	Enforcement (SW/HW + SQG)		
	Complaints Received	25	26
	Complaints Closed	26	26
	Warning Notices Issued	3	6
	Warning Notices Closed	2	-
	Compliance Letters	65	56
	Letters of Agreement	-	-
	Agency Referrals	7	4
7.	Pamphlets, Rules and Material Distributed	114	99

C. STORAGE TANK COMPLIANCE

1.	Inspections		
	Compliance	131	103
	Installation	7	11
	Closure	6	8
	Compliance Re-Inspections	9	6
2.	Installation Plans Received	7	7

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

	<u>MAY</u>	<u>JUN</u>
3. Installation Plans Reviewed	4	9
4. Closure Plans & Reports		
Closure Plans Received	3	2
Closure Plans Reviewed	3	1
Closure Reports Received	2	2
Closure Reports Reviewed	6	4
5. Enforcement		
Non-Compliance Letters Issued	62	66
Warning Notices Issued	1	6
Warning Notices Closed	-	-
Cases Referred to Enforcement	-	-
Complaints Received	1	-
Complaints Investigated	1	-
Complaints Referred	-	-
6. Discharge Reporting Forms Received	1	2
7. Incident Notification Forms Received	16	7
8. Cleanup Notification Letters Issued	1	2

D. STORAGE TANK CLEANUP

1. Inspections	7	34
2. Reports Received	77	79
3. Reports Reviewed	54	82
Site Assessment Received	9	6
Site Assessment Reviewed	6	9
Source Removal Received	-	2
Source Removal Reviewed	-	2
Remedial Action Plans (RAP'S) Received	7	10
Remedial Action Plans (RAP'S) Reviewed	1	6
Site Rehabilitation Completion Order/No Further Action Rec'd	2	1
Site Rehabilitation Completion Order/No Further Action Revw'd	2	1
Active Remediation/Monitoring Received	26	32
Active Remediation/Monitoring Reviewed	23	32
Others Received	33	28
Others Reviewed	22	32

E. RECORD REVIEWS

12	21
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F. LEGAL PIR'S

19	17
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**FY 11 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

MAY JUN

A. ENFORCEMENT

1.	New Enforcement Cases Received	1	1
2.	Enforcement Cases Closed	-	-
3.	Enforcement Cases Outstanding	40	41
4.	Enforcement Documents Issued	-	1
5.	Recovered Costs to the General Fund	\$ 1,152	\$ 5,460
6.	Contributions to the Pollution Recovery Fund	\$ 2,000	\$ 700

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	10	12
	a. Facility Permit	2	5
	(i) Types I and II	-	-
	(ii) Type III	2	5
	b. Collection Systems - General	3	1
	c. Collection systems-Dry Line/Wet Line	5	6
	d. Residuals Disposal	-	-
2.	Permit Applications Approved	10	11
	a. Facility Permit	4	5
	b. Collection Systems - General	4	2
	c. Collection systems-Dry Line/Wet Line	2	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	-	1
	a. Facility Permit	-	1
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
6.	Permit Applications Outstanding	30	30
	a. Facility Permit	14	13
	b. Collection Systems - General	5	4
	c. Collection systems-Dry Line/Wet Line	11	13
	d. Residuals Disposal	-	-
7.	Permit Determination	2	6
8.	Special Project Reviews	-	-
	a. Reuse	-	-

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

	<u>MAY</u>	<u>JUN</u>
b. Residuals/AUPs	-	-
c. Others	-	-

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	4	12
a. Inspection (CEI)	1	2
b. Sampling Inspection (CSI)	3	10
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance	23	38
a. Inspection (RI)	7	6
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	14	32
d. Enforcement Inspection (ERI)	2	-
3. Engineering Inspections	22	20
a. Reconnaissance Inspection (RI)	4	3
b. Sample Reconnaissance Inspection (SRI)	-	-
c. Residual Site Inspection (RSI)	-	-
d. Preconstruction Inspection (PCI)	1	2
e. Post Construction Inspection (XCI)	17	15
f. On-site Engineering Evaluation	-	-
g. Enforcement Reconnaissance Inspection (ERI)	-	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received		2
a. Facility Permit	2	
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	2	2
b. General Permit	-	-
c. Preliminary Design Report	-	-
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	-	-
2. Permits Recommended to DEP for Approval	-	2
3. Special Project Reviews	1	2
a. Facility Permit	1	2
b. General Permit	-	-
4. Permitting Determination	-	-
5. Special Project Reviews	36	48
a. Phosphate	5	7

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

	<u>MAY</u>	<u>JUN</u>
b. Industrial Wastewater	7	12
c. Others	24	29

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation (Total)	14	12
a. Inspection (CEI)	14	11
b. Sampling Inspection (CSI)	-	-
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	1
2. Reconnaissance (Total)	11	11
a. Inspection (RI)	3	2
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	8	9
d. Enforcement Inspection (ERI)	-	-
3. Engineering Inspections (Total)	10	6
a. Compliance Evaluation (CEI)	10	5
b. Sampling Inspection (CSI)	-	-
c. Performance Audit Inspection (PAI)	-	1
d. Complaint Inspection (CRI)	-	-
e. Enforcement Reconnaissance Inspections (ERI)	-	-

F. INVESTIGATION/COMPLIANCE

1. Citizen Complaints		
a. Domestic	25	21
(i) Received	13	10
(ii) Closed	12	11
b. Industrial	33	15
(i) Received	16	7
(ii) Closed	17	8
2. Warning Notices		
a. Domestic	3	4
(i) Issued	1	4
(ii) Closed	2	-
b. Industrial	3	2
(i) Issued	1	1
(ii) Closed	2	1
3. Non-Compliance Advisory Letters	6	7
4. Environmental Compliance Reviews	171	145
a. Industrial	68	30
b. Domestic	103	115
5. Special Project Reviews	6	-

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

MAY JUN

G. RECORD REVIEWS

1.	Permitting Determination	3	6
2.	Enforcement	-	1

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

1.	Air division	76	69
2.	Waste Division	-	-
3.	Water Division	8	12
4.	Wetlands Division	-	5
5.	ERM Division	183	151
6.	Biomonitoring Reports	-	9
7.	Outside Agency	14	28

I. SPECIAL PROJECT REVIEWS

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

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

MAY JUN

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	38	52
Timeframes Met	97%	100%
Year to Date	99%	99%

Formal Wetland Delineation Surveys

Projects	9	11
Total Acres	59	124
Total Wetland Acres	19	15
# Isolated Wetlands < 1/2 Acre	4	1
Isolated Wetland Acreage	0.57	0.14

Construction Plans Approved

Projects	12	11
Total Wetland Acres	9	15
#Isolated Wetlands < 1/2 Acre	2	-
Isolated Wetland Acreage	0.11	0
Impacts Approved Acreage	0.09	1.38
Impacts Exempt Acreage	0	1.38

Mitigation Sites in Compliance

Ratio	192/198	187/193
Percentage	97%	97%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.50	0.50
Acreage of Water Quality Impacts	0.00	0.00
Acreage Restored	0.80	0.40

TPA Minor Work Permit

Permit Issued	18	28
Permits Issued Fiscal Year 2011	127	155
Cumulative Permits Issue Since TPA Delegation (07/09)	338	366

REVIEW TIMES

# of Reviews	283	252
% On Time	99%	96%
% Late	1%	4%

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

MAY JUN

A. General

1.	Telephone conferences	620	632
2.	Unscheduled Citizen Assistance	386	395
3.	Scheduled Meetings	340	251
4.	Correspondence	1,573	1,525
1/ 5.	Intergency Coordination	224	248
1/ 6.	Trainings	48	25
1/ 7.	Public Outreach/Education	-	4
1/ 8.	Quality Control	53	73

B. Assessment Reviews

1.	Wetland Delineations	21	17
2.	Surveys	9	13
3.	Miscellaneous Activities in Wetland	16	32
4.	Mangrove	1	3
5.	Notice of Exemption	3	5
6.	Impact/Mitigation Proposal	13	20
7.	Tampa Port Authority Reviews	72	68
8.	Wastewater Treatment Plants (FDEP)	-	-
9.	Development Regn'l Impact (DRI) Annual Report	-	-
10.	On-Site Visits	92	119
11.	Phosphate Mining	1	2
12.	Comp Plan Amendment (CPA)	1	-
1/ 13.	AG SWM	6	2
	Sub-Total		

Planning and Growth Management Review

14.	Land Alteration/Landscaping	-	-
15.	Land Excavation	-	-
16.	Rezoning Reviews	4	8
17.	Site Development	22	23
18.	Subdivision	17	16
19.	Wetland Setback Encroachment	1	-
20.	Easement/Access-Vacating	-	2
21.	Pre-Applications	47	49
1/ 22.	Agriculture Exemption	-	-
	Sub-Total		
	Total Assessment Review Activities		

C. Investigation and Compliance

1.	Warning Notices Issued	5	9
2.	Warning Notices Closed	8	9
1/ 3.	Complaints Closed	39	36
4.	Complaint Inspections	30	43
5.	Return Compliance Inspections for Open Cases	37	61

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

		<u>MAY</u>	<u>JUN</u>
6.	Mitigation Monitoring Reports	12	14
7.	Mitigation Compliance Inspections	15	42
8.	Erosion Control Inspections	10	22
9.	MAIW Compliance Site Inspections	4	7
10.	TPA Compliance Site Inspections	1	-
2/ 11	Mangrove Compliance Site Inspections	-	1
1/ 12	Conservation Easement Inspection	1	-

D. Enforcement

1.	Active Cases	30	13
2.	Legal Cases	5	5
3.	Number of "Notice of Intent to Initiate Enforcement"	2	3
4.	Number of Citations Issued	-	-
5.	Number of Consent Orders Signed	2	2
6.	Administrative - Civil Cases Closed	3	2
7.	Cases Referred to Legal Department	5	5
8.	Contributions to Pollution Recovery	\$ 550	\$ 450
9.	Enforcement Costs Collected	\$ 467	\$ -

E. Ombudsman

1.	Agriculture	10	3
2.	Permitting Process & Rule Assistance	6	2
3.	Staff Assistance	5	7
4.	Citizen Assistance	2	2

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 POLLUTION RECOVERY TRUST FUND
10/1/2010 through 5/31/2011**

REVENUE

Balance (beginning)	\$	620,687
Interest Accrued	\$	6,307
Deposits	\$	87,880
Refunds from closed Projects	\$	76,571
Revenue Total	\$	791,445

EXPENDITURES

Project Management (EPE06009)	\$	59,645
Artificial Reef (EPE03025)	\$	83,505
Expenditures Total	\$	143,150

ENCUMBRANCES

FY 11 Project Obligations	\$	-
Project Monitoring (EPE06009)	\$	69,825
Artificial Reef Program (EPE03025)	\$	59,925
Encumbrances Total	\$	129,750

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	\$	193,645
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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	-
	\$ 152,694	\$ 10,065
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	\$ 30,126
#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	\$ 264,607

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 POLLUTION RECOVERY TRUST FUND
10/1/2010 through 6/30/2011**

REVENUE

Balance (beginning)	\$	620,687
Interest Accrued	\$	8,383
Deposits	\$	124,935
Refunds from closed Projects	\$	76,571
Revenue Total	\$	830,576

EXPENDITURES

Project Management (EPE06009)	\$	67,133
Artificial Reef (EPE03025)	\$	94,964
Expenditures Total	\$	162,097

ENCUMBRANCES

FY 11 Project Obligations	\$	-
Project Monitoring (EPE06009)	\$	62,337
Artificial Reef Program (EPE03025)	\$	48,466
Encumbrances Total	\$	110,803

RESERVES

Minimum Balance	\$	120,000
PROJ. FY12 Budget: Artificial Reef & Project Management	\$	260,159
Remediation of Illegally Dumped Asbestos (EPE03045)	\$	5,000
Reserves Total	\$	385,159

NET POLLUTION RECOVERY FUND	\$	172,517
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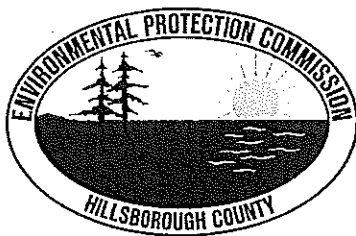
PROJECT	Project Amount	Project Balance
FY 06 Projects		
#04-03 - Bahia Beach Restoration	150,000	303
	\$ 150,000	\$ 303
FY 07 Projects		
#06-04A - Erosion Control/Oyster Bar Habitat Creation	75,000	-
	\$ 75,000	\$ -
FY 08 Projects		
#07-03 - Invasive Plant Removal Egmont Key	133,000	10,065
#07-05 - Testing Reduction of TMDL in Surface Water F	19,694	-
	\$ 152,694	\$ 10,065
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	74,740
	\$ 329,196	\$ 141,202
FY 10 Projects		
#09-01 - Basis of Review for Borrow Pit Applications	\$ 68,160	\$ 12,389
#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	15,751
	\$ 371,041	\$ 227,770

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 GARDINIER SETTLEMENT TRUST FUND
10/1/2010 - 5/31/2011**

Fund Balance as of 10/1/10	\$ 252,021
Interest Accrued	1,276
Disbursements FY 11	-
Fund Balance	<u>\$ 253,297</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 253,297
Total Encumbrances	<u>\$ 253,297</u>
Fund Balance Available	<u><u>\$ -</u></u>

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 GARDINIER SETTLEMENT TRUST FUND
10/1/2010 - 6/30/2011**

Fund Balance as of 10/1/10	\$ 252,021
Interest Accrued	1,735
Disbursements FY 11	-
Fund Balance	<u>\$ 253,756</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 253,756
Total Encumbrances	<u>\$ 253,756</u>
Fund Balance Available	<u><u>\$ -</u></u>



EPC Agenda Item Cover Sheet

Date of EPC Meeting: July 28, 2011

Subject: Legal Case Summary for June & July 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: June & July 2011 EPC Legal Case Summary

**EPC LEGAL DEPARTMENT MONTHLY REPORT
June & July 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 and the administrative hearing began on July 7 and concluded on July 13, 2011. The Recommended Order will be filed in accordance with Chapter 1-2, Rules of the EPC. (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 has been set for trial the week of September 19, 2011. . (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.

Carmen Smith Barkett vs. Anthony Ekonomou and EPC [11-EPC-003]: On July 15, 2011 the Appellant filed a request for an extension of time to challenge a Consent Order that was executed on July 6, 2011. The extension was granted and the Appellant has until August 16, 2011 to file an Appeal in this matter. (AZ)

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. A fourth request for an extension was filed and granted through June 27, 2011. On June 24, 2011, the Petitioner withdrew its request for the extension of time based upon mutually agreed upon permit language. The permits issued on June 24, 2011 and the Legal case has been closed. (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: July 28, 2011

Subject: Request for authority to take appropriate legal action against Automated Petroleum and Energy Company, Inc. and Sailfish Real Estate, LLC.

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

Division: Waste Management

Recommendation: Grant authority to pursue appropriate legal action and grant Executive Director settlement authority.

Brief Summary: Sailfish Real Estate, LLC (SRE) owns real property located at 612 West Lumsden Road, Brandon, Florida (Property). Automated Petroleum and Energy Company, Inc. (APEC) owns and operates a retail vehicular refueling station on the Property known as Mobil - Lumsden #556. A petroleum discharge was discovered on the Property on March 13, 2009. The petroleum discharge issues were eventually remediated, but APEC and SRE have not resolved the appropriate penalties and staff costs for the past violations.

Financial Impact: There is no immediate financial impact anticipated for this item. Funding is budgeted within the general fund monies. EPC will seek to recover the costs of any litigation.

Background:

Sailfish Real Estate, LLC (SRE) owns real property located at 612 West Lumsden Road, Brandon, Florida (Property). Automated Petroleum and Energy Company, Inc. (APEC) owns and operates a retail vehicular refueling station on the Property known as Mobil - Lumsden #556. A petroleum discharge was discovered on the Property on March 13, 2009. Petroleum contaminated soils and/or groundwater were required to be properly assessed by submitting a Site Assessment Report (SAR) within 270 days of the discharge date and be properly remediated in accordance with Chapter 1-7, Rules of the EPC and Chapter 62-770, Florida Administrative Code (F.A.C.).

On June 15, 2009, EPC staff sent a letter to APEC and SRE advising the Property was required to be assessed in accordance with Chapter 1-7, Rules of the EPC and Chapter 62-770, F.A.C. and requested SRE to contact the EPC's Petroleum Cleanup Department. On August 4, 2009, EPC staff sent a letter to APEC and SRE advising that a notice of field activities had not been received and the SAR was due to EPC staff by December 13, 2009. A timely response was not received to either of these letters.

On August 10, 2010, EPC staff issued Citations of Violation and Orders to Correct to APEC and SRE for failing to initiate and complete a SAR within 270 days. On February 28, 2011, an incomplete SAR was received and on March 3, 2011, EPC staff sent a letter to APEC and SRE's consultant specifically identifying items need to complete the SAR. The letter directed that a SAR Addendum be submitted by May 5, 2011. On April 13, 2011, EPC staff received the SAR Addendum which completed the SAR and on May 5, 2011 DEP executed Site Rehabilitation Completion Order.

The violations have been corrected in that the discharge was assessed and found no further action was required pursuant to Chapter 62-770, F.A.C., however, a complete SAR was not received until over 16 months after the DEP and EPC regulatory deadline. Pursuant to the EPC Act, the EPC is entitled to recover its costs of investigation and to assess a penalty for failing to comply with EPC and DEP rules.

APEC has a history of past violations of EPC rules, particularly storage tank compliance and petroleum cleanup. EPC staff requests authority to take appropriate legal action, including litigation, against Automated Petroleum and Energy Company, Inc. and Sailfish Real Estate, LLC and additionally to grant the Executive Director settlement authority.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: July 28, 2011

Subject: Request for authority to take appropriate legal action against PATCO Transport, Inc. and Chip Investment 2, LLC.

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

Division: Waste Management

Recommendation: Grant authority to pursue appropriate legal action and grant Executive Director settlement authority.

Brief Summary: CHIP Investment 2, LLC is the property owner of real property located at 10615 East Highway 92, Tampa, Florida (Property). PATCO Transport, Inc. operates a transportation business on the Property. In 2006 PATCO Transport, Inc. was excavating a solid waste filled area for the purpose of development without an EPC Director's Authorization (Authorization), which is required pursuant to Chapter 1-7, Rules of the EPC. In 2006, PATCO applied for and was issued Authorization to develop a solid waste filled area to include the construction of an office building and warehouse. On June 9, 2009, A Citation of Violation and Order to Correct was issued to PATCO for failure to adhere to the general and specific conditions of the Authorization, in violation of Chapter 1-7, Rules of the EPC. PATCO remains in violation of the Director's Authorization and Chip Investment 2 is in violation as the property owner of a contaminated area.

Financial Impact: There is no immediate financial impact anticipated for this item. Funding is budgeted within the general fund monies. EPC will seek to recover the costs of any litigation.

Background:

On March 1, 2006, EPC staff conducted an onsite complaint investigation regarding the excavation by PATCO Transport, Inc. of a solid waste filled area located on the Property. The side walls of the excavated area revealed a definite solid waste interval containing, but not limited to brick, concrete block, lumber (including treated lumber), piping and metal scrap. It is a violation of Chapter 1-7, Waste Management Rule to excavate, modify or develop a solid waste filled area without an EPC Executive Director's Authorization.

On March 1, 2006, EPC sent PATCO Transport, Inc. by certified mail, Warning Notice #2006-3387H for failure to obtain a valid Director's Authorization prior to site construction activities, in violation of Chapter 1-7, Rules of the EPC. Corrective actions directed PATCO to cease all site construction activities and obtain a valid Director's Authorization. On April 17, 2006, PATCO Transport, Inc.'s consultant submitted to EPC an application for an Executive Director's Authorization to develop a solid waste filled area to include the construction of an office building and a warehouse.

On November 20, 2006, EPC staff issued PATCO, Director's Authorization # EPC/DA-OLC-042706 (Authorization). The Authorization contained specific and general conditions for development on a solid waste filled area. The Authorization included a Notice of Rights and opportunity to challenge any conditions. No administrative appeal was filed and the Authorization, and all conditions contained within it, became a Final Order of the EPC by operation of law.

On November 13, 2007, EPC staff conducted an onsite inspection and observed that the septic tank system had been installed in a location other than that which had been approved by the Authorization and which had been previously observed. Also, the Landfill Gas (LFG) Mitigation System was not installed as indicated in the approved drawings. In addition, the south end of the north cell of the pond had eroded and exposed the pond liner. These activities/ and conditions were in violation of the Authorization. Subsequent inspections documented numerous other violations, including but not limited to: failing to investigate, monitor and evaluate Landfill Generated Gas (LFG) during development and the construction activities to ensure worker safety and the safety of the public; failure to monitor LFG according to the schedule; failure to convert from a passive venting system to an active system when monitoring wells exhibited LFG reading above the action level of 20% of the lower explosive limit; failure to provide modification of LFG system; failure to provide analysis or disposal/reuse information for the Recovered Screen Material (RSM);, notification reports; failure to provide as-builts prior to site design changes, etc.

On June 9, 2009, the EPC Executive Director issued Citations of Violation and Order to Correct (Citation) to PATCO Transport, Inc. and the property owner for failure to comply with the conditions of the Authorization and for violations existing on the property. To date, PATCO Transport, Inc. and Chip Investments 2 have not resolved the violations and continue to be in violation of the EPC Waste Management Rule Chapter -17. Staff recommends initiation of appropriate legal action to compel PATCO and Chip Investments 2 to comply with the existing Citations.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: July 28, 2011

Subject: Request for authority to take appropriate legal action against CRF - Panther V, LLC.

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

Division: Wetlands Management Division

Recommendation: Grant authority to pursue appropriate legal action and grant Executive Director settlement authority.

Brief Summary: CRF – Panther V, LLC was authorized to impact a wetland area pursuant to the terms of an EPC wetland impact approval and Mitigation Agreement # 2007304271. CRF – Panther V, LLC has failed to comply with the terms of the Agreement and, as a result, is in violation of Chapter 84-446, as amended, Laws of Florida and the EPC Wetland Rule Chapter 1-11.

Financial Impact: There is no immediate financial impact anticipated for this item. Funding is budgeted within the general fund monies. EPC will seek to recover the costs of any litigation.

Background: On July 10, 2007, CRF – Panther V, LLC entered into a Mitigation Agreement with the Environmental Protection Commission of Hillsborough County (EPC) authorizing wetland impacts. The Mitigation Agreement included a requirement to perform mitigation pursuant to Section 1-11.08, Rules of the EPC. The EPC staff confirmed that the wetlands were filled and developed but the wetland mitigation area has not been timely constructed. As a condition of the approval of the wetland impacts, CRF – Panther V, LLC agreed to maintain financial security for the construction of the wetland mitigation areas. The EPC is an obligee of a performance bond for the amount of \$43,282.00 issued by the surety Platte River Insurance Company. The EPC staff's records indicate the wetland mitigation has not been completed. The EPC has sent multiple demand letters to the applicant seeking to resolve the matter and no adequate response has been made. The EPC Executive Director is seeking authority to demand the release of funds on Performance Bond #41107648 and to take appropriate legal action to compel corrective actions and to recover the administrative costs and penalties.

List of Attachments: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: July 28, 2011

Subject: Davis Productivity Award Project

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

Division: Air Management Division

Recommendation: Informational Report

Brief Summary: Gasoline Vapor Recovery systems are used at bulk terminals to recover gasoline in lieu of flaring (burning) the vapors from truck loading operations. By recovering the fumes and condensing it back to liquid gasoline, we save thousands of gallons of gasoline at each terminal every year. This recovered product also generates tax revenue which was recognized by the Tax Watch through the Davis Productivity Awards this spring. EPC staff partnered with the private sector and the Florida Department of Environmental Protection to encourage one such conversion here in Tampa, and won an award. Staff and gasoline terminal representatives will make a brief presentation regarding completed and future projects at their facilities. To conclude the presentation, Commissioner Murman will present a commendation.

Financial Impact: No Financial Impact

Background:

EPC Staff, FDEP staff, and Kinder Morgan-Central Florida Pipeline worked collaboratively to replace a flare unit that burns displaced vapor from tanker truck loading operations with a Vapor Recovery Unit (VRU) to condense the vapors back into liquid gasoline for sale. The end result was the recovery of approximately 250,000 gallons per year of gasoline. Sterlin Woodard, EPC Staff, received the Davis Productivity Award by Florida Tax Watch and the Florida Council of 100 in June of 2011 for the project. In addition to the gasoline recovered, tax revenues will increase approximately \$130,000 per year. Due to the success of the Kinder Morgan project, other gasoline terminals have expressed an interest in similar vapor recovery projects.

Representatives from Kinder Morgan, who completed the project, Murphy Oil, who are interested in a new project, and Mr. Woodard will give a brief presentation.

List of Attachments: none

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: July 28, 2011

Subject: Hillsborough County Government Energy and Sustainability Plan

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

Division: Air Management Division

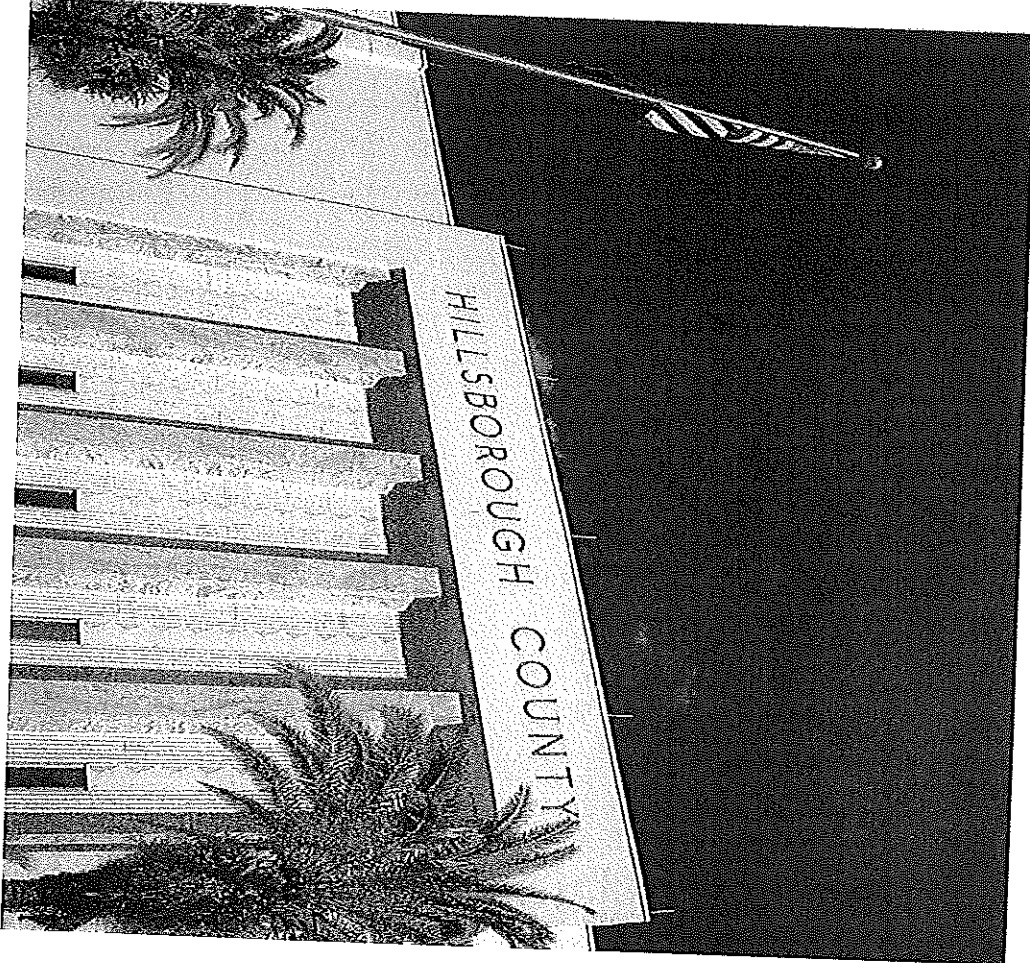
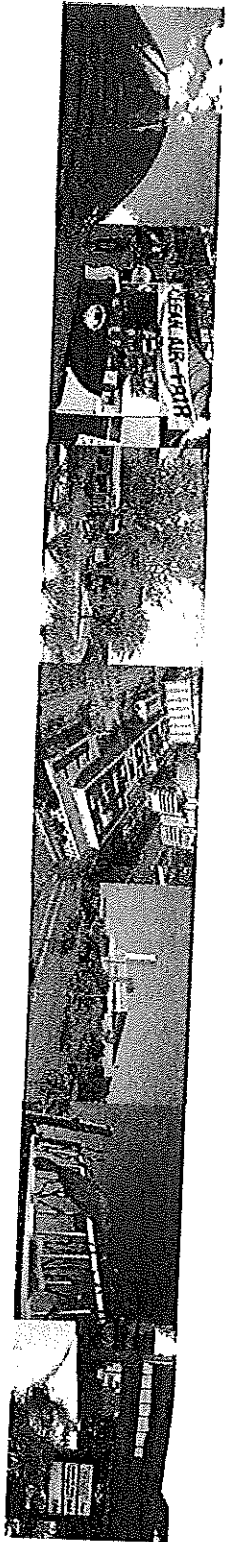
Recommendation: Informational Report

Brief Summary: Summary of the Hillsborough County Government Energy and Sustainability Plan that was a project of the County's Workgroup on Energy Management and Sustainability. Staff will make a brief presentation and seek Board direction as needed.

Financial Impact: No Financial Impact

Background: This will be a brief summary of the Energy and Sustainability Plan (ESP) that was coordinated by EPC, but was a project of the County Workgroup on Energy Management and Sustainability, chaired by Commissioner Sharpe. The project began last summer and concluded in June 2011. The ESP is an overview of energy use and greenhouse gas emissions for county operations and facilities and contains proposed "Action Items" to help the county reduce energy use and air emissions for the future. The summary will contain a powerpoint presentation. Other county personnel involved in the project, as well as the outside consultant, will be present at the meeting should specific questions arise.

List of Attachments: Executive Summary from ESP



Hillsborough County Government Energy and Sustainability Plan

Overview and Proposals

May 2011

Authors:
Dr. Heike Naigur
Matt Zirkelbach
Jonathan Brewer


 **Carbon Solutions America**
CREATING THE ENERGY AND ENVIRONMENTAL SOLUTIONS OF TOMORROW

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Acknowledgements

This report benefits from the work and input of many individuals and our appreciation goes out to numerous people. Feedback and data were gratefully received from: Margaret Rush (Environmental Protection Commission), Jerry Campbell (Environmental Protection Commission), Dr. Richard Garrity (Environmental Protection Commission), Ernie Hutman (Fleet Department), Randy Klindworth (Energy Manager), Thomas Fass (Facilities Management Services Department), Byron Burrows (TECO), Ken Griffin (Public Utilities), Randy Sears (Public Utilities), Megan Miller (Public Utilities), Sandra Fernandez-McCain (Public Utilities), Buz Barbour (Public Works), Donald Riek (Sheriff's Office), Evelin Cabeza (Fleet Department), Sandra Fernandez-McCain (Public Utilities), Jason Gorrie (Coventia Energy), Glenn Hoag (Coventia Energy). Our intern Victor Echevarria is thanked for his work. We are grateful for the comprehensive analysis provided by the Quest Ecology team: Autumn Schwab, Melanie Higgins. All efforts are very much appreciated.



Executive Summary

Hillsborough County initiated the development of a comprehensive plan – the Energy and Sustainability Plan (ESP). The ESP also includes the County’s updated greenhouse gas inventory, carbon storage potential in County land and updates the County for any future legislative mandates or policies on climate change.

For years, Hillsborough County government has been making strides to reduce its energy needs, resulting in costs savings and protection of the local environment. To date, the County implemented over 120 initiatives related to energy and sustainability issues. Hillsborough County established its first greenhouse gas (GHG) inventory for the 1990 base year; this work was used as a valuable foundation to track GHG emission reductions over nearly two decades. The ESP will help to track greenhouse gas emissions for specific facilities that report their emissions under the Environmental Protection Agency (EPA) GHG reporting rule. Regular tracking of GHG emissions will facilitate reporting in the future, particularly if the current EPA rule is expanded. The ESP also contains a modest outreach and education plan that provides the general approach to communicate and encourage sustainability initiatives within the County. For example, energy challenge programs are a good way of promoting energy efficiency and conservation.

The Hillsborough ESP is viewed as a living document that constitutes the County’s blueprint to plan for and adapt to a more sustainable future concerning energy reliability, resource conservation and climate change. The analysis was based on aspects of implementation costs, cost savings, staff time and emissions avoided within five sectors. The Prioritized Actions shown below were ranked highest based on the needs assessment, implementation time and priority.

Prioritized Actions:

LEADERSHIP, POLICIES AND PLANNING

1. LPP 1.1: Set Energy and GHG Reduction Goal.
2. LPP 1.2: Create Sustainability Vision and Mission.
3. LPP 2.1: Assign permanent staff for Office of Sustainability.
4. LPP 2.2: Coordinate Energy Management Team.
5. LPP 2.3: Incorporate Environmental Preferable Procurement Policy.
6. LPP 4.1: Employee Outreach and Education Program.

ENERGY AND ENVIRONMENTAL PROTECTION

1. EWF 1.2: Reduce electricity usage of County owned buildings by 10% over 5 years.
2. EWF 1.4: Assess Sheriff’s Office electricity usage.
3. EWF 1.6: Consider Lighting Timers at Athletic Fields.
4. EWF 1.7: Continue to reduce electricity peak demand.
5. EWF 2.1: Reduce Office Water Consumption by 1% each year.
6. EWF 3.1: Purchase more fuel efficient trucks.
7. EWF 3.2: Increase Fleet Economy by 10% within 5 years.

SECTOR 3: NATURAL ENVIRONMENT

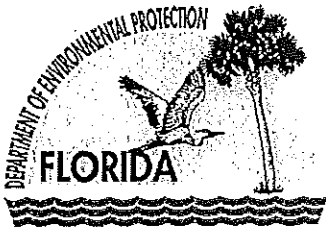
1. NE 1.1: Pilot Project to Assess Feasibility of Forestry Offsets.
2. NE 1.3: Expand Urban Forests.

SECTOR 4: TRANSPORTATION

1. T 1.2: Increase Participation in Employee Commuter Programs.
2. T 2.1: Expand Infrastructure for Low Carbon Fuels.

SECTOR 5: WASTE

1. W 2.2: Expand current waste to energy initiatives.
2. W 1.1: Develop and promote ambitious waste reduction goal.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

April 8, 2011

Jerry R. Campbell, P.E., Director
Hillsborough County Environmental Protection Commission
Air Management Division
Roger P. Stewart Center
3629 Queen Palm Drive
Tampa, Florida 33619

Re: **Compliance and Enforcement Program Performance Review**

Dear Mr. Campbell:

As you know, the Bureau of Air Regulation visited your office on September 27 and 28, 2010, to conduct the on-site segment of our biennial review of your air compliance assurance program. The intent of this review is to ensure consistency in the air compliance programs across the State, identify any training needs of District Offices or Local Programs and make recommendations for program improvement. I am enclosing the final report, which has been revised to reflect your comments received April 1, 2011.

If you have any questions or additional comments, please feel free to contact me or Jim Pennington at (850)717-9102.

Sincerely,

Trina Vielhauer
Deputy Director
Division of Air Resource Management

TLV/jkp

cc: Jim Pennington, DEP
Attachment

**PERFORMANCE REVIEW OF THE AIR COMPLIANCE AND ENFORCEMENT PROGRAM
ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY
AIR MANAGEMENT DIVISION**

Conducted by:

Florida Department of Environmental Protection
Division of Air Resource Management / Bureau of Air Regulation
2600 Blair Stone Road MS #5505
Tallahassee, FL 32399-2400

April 2011

FINAL

Biennial Performance Review
For the Calendar Year 2009 – 2010 Review Cycle

Onsite Visit: September 29 – 30, 2010

Recommendations

BAR recommends the following actions for EPCHC's air program:

- Continue to update the databases in a timely manner for asbestos, compliance and enforcement data. Notify BAR of any needed ARMS training as the need occurs.
- Continue to attend and participate in the monthly Air Compliance and Enforcement teleconferences.
- Increase participation in the annual workshops so that EPCHC's successes are shared at the state, region and national levels.

Feedback

The County recommends the following actions for BAR:

- Promote State-wide consistency in air compliance and enforcement.
- Continue to improve the ARMS database so that it is even more user-friendly and accessible to local programs.
- Provide hands-on ARMS training.
- Provide EASIIR training.
- Consider updating the State's rules pertaining to odors.

Closing Statement

The Environmental Protection Commission of Hillsborough County maintains a responsive and attentive air compliance and enforcement program in spite of resource reductions. The EPCHC is a national leader in many aspects of air pollution prevention and control and has developed a successful program without substantially limiting the regulated community's ability to compete in the market place.

Contact Information

Environmental Protection Commission of Hillsborough County
Air Management Division
Roger P. Stewart Center
3629 Queen Palm Drive
Tampa, FL 33619-1309
Phone: 813-627-2600
Main Fax: 813-627-2620

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

Science and Ecosystem Support Division
Enforcement and Investigations Branch
980 College Station Road
Athens, Georgia 30605-2720

June 9, 2011

Mr. Jerry Campbell, P.E., Air Management Director
Environmental Protection Commission of Hillsborough County
3629 Queen Palm Drive
Tampa, Florida 33619

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ENV. PROT. COMM. OF H.C.

SESD Project No. 11-0517

Dear Mr. Campbell:

On March 22 and 23, 2011, Greg Noah and Tim Slagle, Environmental Protection Agency, Region 4, Science and Ecosystems Support Division (SESD), conducted a technical systems audit (TSA) of the Environmental Protection Commission of Hillsborough County's (EPCHC), ambient air monitoring program. The data collection period covered by the audit was calendar year 2010. The Technical Systems Audit Questionnaire, Air Quality Systems data reports, and prior years' audit reports were used in conducting the audit. The Technical Systems Audit Questionnaires completed for this audit are attached.

I appreciate your agency's participation in this audit as well as your resolve to rapidly address the issues that were identified. Please provide a written response with corrective action or comment within 30 days. If you have any questions regarding the attached audit report, please contact Greg Noah at (706) 355-8635.

Sincerely,

A handwritten signature in cursive script that reads "Laura Ackerman".

Laura Ackerman, Chief
Superfund and Air Section

cc: Doug Neeley, APTMD w/attachment
Todd Rinck, APTMD w/attachment
Tim Slagle, SESD w/attachment
Thomas Tamanini, EPC w/attachment
Richard Arbes, FDEP w/attachment

United States Environmental Protection Agency
Region 4

Science and Ecosystem Support Division
980 College Station Road
Athens, Georgia 30605-2720



**Environmental Protection Commission of Hillsborough
County Ambient Air Monitoring Program
2011 Technical Systems Audit**

**Tampa, Florida
March 22-23, 2011**

SESD Project Identification Number: 11-0517

Required By:
40 Code of Federal Regulations
Part 58, Appendix A

SESD Project Leader: Gregory W. Noah
Enforcement and Investigations Branch
980 College Station Road
Athens, Georgia 30605-2720

EXECUTIVE SUMMARY

The monitoring staff at the Environmental Protection Commission of Hillsborough County (EPCHC) operates an excellent ambient air monitoring program. The agency excels in technical expertise, data completeness, data review, and quality assurance. The EPCHC has been a leader in piloting new EPA projects and instrumentations. The audit confirms that the monitoring data is complete and is of good quality. However, there are a few areas of recommendation identified that should be addressed. Findings that should receive priority include the succession planning for the Quality Assurance Manager position and the development of a standard operating procedure consistent with the implementation of the Oculus data management system. EPA recommendations are highlighted in bold in the report.

INTRODUCTION

On March 22 and 23, 2011, Greg Noah and Tim Slagle, Environmental Protection Agency, Region 4, Science and Ecosystems Support Division (SESD), conducted a technical systems audit (TSA) of the Environmental Protection Commission of Hillsborough County's ambient air monitoring program. The audit was conducted according to the provisions of 40 CFR Part 58. Using the National Ambient Air Systems (NAAS) Technical Systems Audit Questionnaire, the EPA Air Quality System (AQS) data reports for calendar year 2010, the technical systems audit, field, laboratory, and data review procedures were reviewed during the audit of the EPCHC office and monitoring sites. EPCHC staff interviewed for the audit included: Tom Tamanini, Clemente Lopez, and Missy Smith. The auditors also visited the Sydney (120573002), Kenly (120570100), and East Bay (120570109) ambient air monitoring sites.

AUDIT RESULTS AND RECOMMENDATIONS

Network Design and Siting

The EPCHC staff operates a network of 10 active monitors. The criteria monitors in operation are: 4-O₃, 1-CO, 4-SO₂, 2-NO₂, 4-PM₁₀, 5-PM_{2.5}, and 4-Pb. The 2010 network review was completed and available for review. In addition to monitoring for the National Ambient Air Quality Standards, the agency samples for PM_{2.5} speciation in the Chemical Speciation Network and monitors for air toxics. EPCHC operates one NCore monitoring site which is the Sydney site. No deficiencies were found in the network with respect to network design, and no deficiencies were noted during the examination of the monitoring sites.

The Sydney (120573002), Kenly (120570100), and East Bay (120570109) ambient air monitoring sites were visited during this audit. The monitoring sites were well organized and the operators are cross trained on several different

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