

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
OCTOBER 20, 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.	<u>PUBLIC COMMENT</u>	
	Three (3) Minutes Are Allowed for Each Speaker (unless the Commission directs differently)	
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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.

Visit our website at www.epchc.org

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 20, 2011

Subject: Citizens Environmental Advisory Committee (CEAC) Proposed Bylaw Amendments

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

Division: CEAC

Recommendation: Approve the proposed Bylaw Amendments as recommended by the Committee.

Brief Summary: The CEAC Chairman will request the Commission consider adopting the Committee's proposed Bylaw Amendments. These amendments were approved by the Committee members at the September 12, 2011 CEAC meeting.

Financial Impact: None.

List of Attachments: 2011 Proposed Bylaw Amendments

HILLSBOROUGH COUNTY
CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE
BYLAWS

ARTICLE I - NAME AND PURPOSE

SECTION 1: The name of this organization shall be the Hillsborough County Citizens Environmental Advisory Committee (Committee). This Committee was established by the members of the Environmental Protection Commission (EPC), Hillsborough County, Florida in March, 1988. As used in these Bylaws, "the Environmental Protection Commission", "Commission", and "EPC" refers to the Board of County Commissioners of Hillsborough County, sitting as the Environmental Protection Commission.

SECTION 2: The purposes and scope of the activities of this Committee shall be the following:

- A. To review and evaluate county environmental issues as requested by the EPC.
- B. To initiate proposals and forward them to the EPC as recommendations for action.

ARTICLE II - MEMBERSHIP

SECTION 1: The Committee shall be made up of a cross-section of citizens residing within Hillsborough County. The membership of the Hillsborough County Citizens Environmental Advisory Committee shall consist of a maximum of seventeen (17) members, two to be appointed by each EPC Commissioner, and one each to be appointed by the Mayors or City Council of the cities of Tampa, Plant City and Temple Terrace.

SECTION 2: Pursuant to appointments made by the individual EPC Commissioners and City Officials, members of this Committee shall serve for a two-year term, beginning January 1 and terminating December 31 of the second calendar year or until such time as a new appointment is made by the EPC Commissioner or the applicable City

SECTION 3: Any member missing more than 3 meetings in the calendar year without just cause, upon confirmation by the majority of the Committee, will result in a request by the Chairman to the appointing commissioner (or city) to appoint a new member or to reaffirm the existing member.

SECTION 4: Each CEAC member has certain duties and responsibilities in the public trust and as further established by CEAC Policy, to wit:

A. Regularly attend meetings at the appointed time;

B. Adequately prepare for meetings by reviewing the Agenda and any supporting documents and being versed on the issues to come before the Committee;

C. Comply with laws governing public service, including Florida's Government-in-the-Sunshine law and the Code of Ethics for Public Officers and Employees;

D. Refrain from unethical conduct and/or improper conflicts of interests or undue influence in the representation of a third party in conducting business with the agency. Allegations of misconduct against any member can be brought to the attention of the Chair. The Chair shall bring such allegations to the attention of the Committee, and the Committee shall decide by majority vote if these allegations warrant further discussion by the members. If after discussion, the Committee determines by majority vote that an allegation has merit, a recommendation by the Chair shall be made to the appointing Commissioner or City to remove the offending member and appoint a new member.

E. Voting on all issues before the Committee except in the case of a voting conflict of interest pursuant to Section 112.31 (3), Florida Statutes, which requires that a Committee member recuse him or herself in the event of conflicts of interest; and the CEAC member with the conflict of interest will explain to the other CEAC members the nature of the conflict.

ARTICLE III - MEETINGS

SECTION 1: Notice of the time, place and purpose of all regular and special meetings shall be mailed or e-mailed to each member of the Committee not less than five days before such meeting.

SECTION 2: A majority of the total members of the entire Committee shall constitute a quorum for the transaction of any business at any regular meeting of the Committee. A majority of those Committee members designated by the Chairman of the Committee to attend any special meeting shall constitute a quorum for the transaction of business at any special meeting of the Committee.

SECTION 3: Only the appointed members shall be entitled to vote at any meeting of the Committee.

SECTION 4: CEAC will designate a person to be in charge of taking minutes at their meetings. ~~The An~~ EPC staff liaison from EPC's Legal Department shall assist with recording equipment and will maintain all Committee records at 3629 Queen Palm Drive Tampa, FL 33619.

ARTICLE IV - OFFICERS

SECTION 1: The members of the Committee shall nominate and elect from their own membership, the following officers at the first regular meeting of the calendar year.

- A. Chairman
- B. Vice-Chairman

SECTION 2: The terms of office for all officers shall be one year beginning at the first regular Committee meeting of the year and terminating at the last regular Committee meeting of the year, or until their successors are elected at the next regular meeting of the Committee.

SECTION 3: Any officer may be re-elected for the same office.

SECTION 4: A vacancy in any office may be filled by the Committee at any regular meeting.

SECTION 5 : Duties:

- A. Chairman:

The Chairman shall preside at all meetings of the Committee and conduct all meetings of the Committee. He or she shall forward action taken by the Committee to the EPC for whatever action the EPC deems appropriate. The Chairman shall appoint subcommittees as appropriate and deemed necessary by the Committee, and notify the EPC of such appointments.

- B. Vice-Chairman:

In the absence of the Chairman or in the event of his or her inability to act, the Vice-Chairman shall exercise all powers and duties of the Chairman.

ARTICLE V - AMENDMENTS

SECTION 1 : These bylaws may be amended by the two-thirds vote of the membership present and voting at any regular meeting of the Committee after notice of such proposals for an amendment has been given to all members as provided in these bylaws. All such amendments shall be subject to approval by the EPC.

ARTICLE VI - RULES OF PROCEDURE

SECTION 1: All meetings of the Committee shall be conducted in an informal manner unless otherwise specified in these bylaws.

SECTION 2: Agenda items are to be determined by priorities as set by the full Committee. All requests from the EPC shall be honored. A conceptual annual agenda subject template will be developed at the January meeting and formalized at the February meeting.

ARTICLE VII - RIGHTS AND PRIVILEGES

SECTION 1: No member shall possess any right, interest, or privilege which may be transferable by that member to any individual.

SECTION 2: Any right, interest or privilege afforded to a member shall cease upon termination of the member's service.

ARTICLE VIII - OFFICIAL POSITION

SECTION 1: Members will from time to time be asked to give their opinions regarding matters that have been or will be considered by the Committee. No member shall be prohibited from stating their individual opinion on any matter; however, in doing so, each member shall take care to make clear that the opinion expressed is their own and does not constitute the official position of the Committee.

SECTION 2: There shall only be one official position of the Committee which shall be the position adopted by a majority vote of the Committee. When the official position of the Committee is requested of a member in the absence of the Chair, the official position of the Committee shall be presented by the member.

amended 07/24/95

amended 05/18/00

amended 03/16/06

amended 12/17/09

amended 10/20/11

AUGUST 18, 2011 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, August 18, 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 9:04 a.m.), Lesley Miller Jr., Sandra Murman, and Mark Sharpe.

The following members were absent: Commissioners Ken Hagan and Al Higginbotham.

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

CHANGES TO THE AGENDA

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

PUBLIC COMMENT

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

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, Daniel Alberdi Jr. - Mr. Alberdi reported on the August 1, 2011, CEAC meeting, including a presentation about on-site sewer systems, and stated the bylaws subcommittee recommendations had been received, would be discussed at the September 2011 CEAC meeting, and presented to the EPC subsequent to that.

CONSENT AGENDA

- A. Approval of minutes: July 28, 2011.
- B. Monthly activity reports.
- C. Pollution Recovery Fund (PRF) report, July 2011.
- D. Gardinier Settlement Trust Fund report, July 2011.
- E. Legal case summary, August 2011.
- F. Request for authority to take appropriate legal action against John M. and Joanna Roberts.
- G. Request for authority to take appropriate legal action against Peter L. Kadyk/Eco Wood Systems Incorporated.

THURSDAY, AUGUST 18, 2011 - DRAFT MINUTES

Chairman Beckner sought a motion to approve the Consent Agenda. **Commissioner Murman moved approval, seconded by Commissioner Miller, and carried five to zero.** (Commissioners Hagan and Higginbotham were absent.)

AIR MANAGEMENT DIVISION

Central Florida Pipeline Jet Fuel Spill Update - Mr. Alain Watson, EPC, highlighted background material and described spill/containment areas, cleanup efforts, pipeline protection, water quality testing, information availability on the EPC website, and collaborations with other agencies.

Ambient Air Monitoring Near Mosaic Phosphogypsum Stack - Dr. Garrity outlined the item and noted representatives from Mosaic Fertilizer LLC (Mosaic) were present. Mr. Sean McGinnis, EPC, expanded on background material. Mr. Randy Penn, environmental manager, Florida Department of Health (DOH), Division of Environmental Health, Bureau of Radiation Control, expounded on the study, explaining alpha particles, gamma rays, and Environmental Protection Agency guidelines, as summarized in background material. Mr. McGinnis advised the information was supplied to school administrators, and based on DOH recommendations, EPC staff sought to continue the study and monitoring to reconcile/evaluate seasonal results variations.

Responding to Commissioner Miller, Mr. Jeff Stewart, Mosaic, stated phosphogypsum stacks were placed on the east side of U.S. Highway 41 in 1990. Following discussion, Commissioner Miller wanted continued gypsum site studies in that area. Dr. Garrity asserted additional monitors would be placed at school sites to obtain current data.

WASTE MANAGEMENT DIVISION

Groundwater Protection and Groundwater Cleanup in Hillsborough County - Mr. Andy Schipfer, EPC, summarized a presentation, as furnished in background material. Regarding contaminated properties, Chairman Beckner questioned the total acreage of land available for economic redevelopment. Mr. Hooshang Boostani, Director, EPC Waste Management Division, explained many properties were already developed and existing businesses operated as cleanup activities progressed. Responding to Chairman Beckner, Dr. Garrity would provide a report on the undeveloped lands available for potential economic development. EPC member comments included the importance of determining lands available to attract businesses and unidentified Brownfield properties.

THURSDAY, AUGUST 18, 2011 - DRAFT MINUTES

WATER MANAGEMENT DIVISION

Update on Proposed Numeric Nutrient Criteria - Dr. Garrity introduced Mr. Richard Boler, EPC, and remarked on his years of service and experience. Mr. Boler detailed a presentation, as supplied in background material. Dialogue began relative to wildlife, nitrogen impaired waterways, metric standards/criteria, environmental tours/meetings on location, and the surface water improvement and management (SWIM) program. Discussion ensued regarding efforts to recruit support for SWIM program funding. Chairman Beckner offered appreciative comments. Mr. Boler noted participation in the Sterling management mentoring program.

LEGAL AND ADMINISTRATIVE SERVICES DIVISION

Pasco County Landfill Update - EPC General Counsel Richard Tschantz reviewed the item, as outlined in background material, and responded to Commissioner Murman concerning monitoring process progression and corresponding with the Florida Department of Environmental Protection. Following recommendations of Commissioner Crist to meet with the Pasco County Board of County Commissioners (BOCC) or to effectuate legislation, Attorney Tschantz stated the EPC could send a letter to the Pasco BOCC. Commissioner Crist preferred a joint meeting.

Memorandum of Understanding (MOU) Between the County and EPC for Exotics Removal and Mangrove Enhancement Work at Bahia Beach - Attorney Tschantz summarized the item, as provided in background material. Staff recommended the EPC approve the MOU between EPC and Parks and Recreation Services and to authorize PRF funding of \$56,700 to fund the project. **Commissioner Murman moved approval, seconded by Commissioner Miller, and carried five to zero.** (Commissioners Hagan and Higginbotham were absent.)

EXECUTIVE DIRECTOR

Dr. Garrity asserted he and Attorney Tschantz would be making a presentation to the public/private collaborative task force on regulatory streamlining on August 19, 2011.

THURSDAY, AUGUST 18, 2011 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 10:21 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

yc

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

AUG SEP

A. Public Outreach/Education Assistance

1.	Phone calls	130	208
2.	Literature Distributed	0	32
3.	Presentations	1	5
4.	Media Contacts	1	2
5.	Internet	63	128
6.	Host/Sponsor Workshops, Meetings, Special Events	1	1

B. Industrial Air Pollution Permitting

1.	Permit Applications received (Counted by Number of Fees Received)		
	a. Operating	1	2
	b. Construction	7	1
	c. Amendments / Transfers / Extensions	1	3
	d. Title V Operating:	15	1
	e. Permit Determinations	3	3
	f. General	4	2
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ^1 (Counted by Number of Fees Collected) - ^2 Counted by Number of emission Units affected by the Review)		
	a. Operating ^1	14	1
	b. Construction ^1	6	7
	c. Amendments / Transfers / Extensions^1	1	0
	d. Title V Operating ^2	11	24
	e. Permit Determinations	0	4
	f. General	6	6
3.	Intent to Deny Permit Issued	0	0

C. Administrative Enforcement

1.	New cases received	0	1
2.	On-going administrative cases		
	a. Pending	3	2
	b. Active	11	9
	c. Legal	2	2
	d. Tracking compliance (Administrative)	11	14
	e. Inactive/Referred cases	0	0
	TOTAL	27	27
3.	NOIs issued	1	3
4.	Citations issued	0	0
5.	Consent Orders Signed	1	1
6.	Contributions to the Pollution Recovery Fund	#####	#####
7.	Cases Closed	0	0

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

AUG SEP

D. Inspections

1. Industrial Facilities	17	26
2. Air Toxics Facilities		
a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	3	9
b. Major Sources	4	4
3. Asbestos Demolition/Renovation Projects	23	20

E. Open Burning Permits Issued

2	1
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F. Number of Division of Forestry Permits Monitored

293	250
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G. Total Citizen Complaints Received

29	22
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H. Total Citizen Complaints Closed

30	17
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I. Noise Sources Monitored

4	0
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J. Air Program's Input to Development Regional Impacts

9	1
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K. Test Reports Reviewed

44	42
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L. Compliance

1. Warning Notices Issued	1	11
2. Warning Notices Resolved	5	1
3. Advisory Letters Issued	8	0

M. AOR's Reviewed

39	32
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N. Permits Reviewed for NESHAP Applicability

7	1
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O. Planning Documents coordinated for Agency Review

7	1
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**FY 11 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

AUG SEP

A. ENFORCEMENT

1.	New cases received	1	-
2.	On-going administrative cases	105	97
	Pending	10	9
	Active	38	36
	Legal	10	10
	Tracking Compliance (Administrative)	46	42
	Inactive/Referred Cases	-	-
3.	NOI's issued	2	2
4.	Citations issued	-	-
5.	Consent Orders and Settlement Letter Signed	1	4
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ 618	\$ 16,173
7.	Enforcement Costs Collected (\$)	\$ -	\$ 2,443
8.	Cases Closed	1	7

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	2	1
2.	FDEP Permits Reviewed	3	1
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	0	0
4.	Other Permits and Reports		
	County Permits Received	22	24
	County Permits Reviewed	12	18
	Reports Received (SW/HW + SQG)	24	16
	Reports Reviewed (SW/HW + SQG)	19	11
5.	Inspections (Total)	231	243
	Complaints (SW/HW + SQG)	10	13
	Compliance/Reinspections (SW/HW + SQG)	30	18
	Facility Compliance	31	25
	Small Quantity Generator Verifications	160	187
	P2 Audits	0	0
6.	Enforcement (SW/HW + SQG)		
	Complaints Received	9	13
	Complaints Closed	8	15
	Warning Notices Issued	0	0
	Warning Notices Closed	3	1
	Compliance Letters	73	62
	Letters of Agreement	0	0
	Agency Referrals	0	4
7.	Pamphlets, Rules and Material Distributed	55	98

C. STORAGE TANK COMPLIANCE

1.	Inspections		
	Compliance	98	61
	Installation	15	11
	Closure	12	10
	Compliance Re-Inspections	4	9
2.	Installation Plans Received	6	5

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

	<u>AUG</u>	<u>SEP</u>
3. Installation Plans Reviewed	9	4
4. Closure Plans & Reports		
Closure Plans Received	7	4
Closure Plans Reviewed	7	4
Closure Reports Received	4	5
Closure Reports Reviewed	4	4
5. Enforcement		
Non-Compliance Letters Issued	48	47
Warning Notices Issued	3	1
Warning Notices Closed	-	4
Cases Referred to Enforcement	1	-
Complaints Received	-	1
Complaints Investigated	-	1
Complaints Referred	-	-
6. Discharge Reporting Forms Received	4	1
7. Incident Notification Forms Received	3	15
8. Cleanup Notification Letters Issued	4	1

D. STORAGE TANK CLEANUP

1. Inspections	22	30
2. Reports Received	88	85
3. Reports Reviewed	89	69
Site Assessment Received	16	13
Site Assessment Reviewed	9	12
Source Removal Received	2	2
Source Removal Reviewed	4	5
Remedial Action Plans (RAP'S) Received	14	7
Remedial Action Plans (RAP'S) Reviewed	18	-
Site Rehabilitation Completion Order/No Further Action Rec'd	3	4
Site Rehabilitation Completion Order/No Further Action Revw'd	2	3
Active Remediation/Monitoring Received	39	34
Active Remediation/Monitoring Reviewed	42	34
Others Received	14	25
Others Reviewed	14	15

E. RECORD REVIEWS

11	12
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F. LEGAL PIR'S

8	11
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**FY 11 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

AUG SEP

A. ENFORCEMENT

1.	New Enforcement Cases Received	-	-
2.	Enforcement Cases Closed	1	-
3.	Enforcement Cases Outstanding	41	39
4.	Enforcement Documents Issued	1	1
5.	Recovered Costs to the General Fund	\$ 336	\$-
6.	Contributions to the Pollution Recovery Fund	\$ 2,000	\$-

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	12	18
	a. Facility Permit	3	4
	(i) Types I and II	-	-
	(ii) Type III	3	4
	b. Collection Systems - General	4	6
	c. Collection systems-Dry Line/Wet Line	5	8
	d. Residuals Disposal	-	-
2.	Permit Applications Approved	11	13
	a. Facility Permit	5	3
	b. Collection Systems - General	3	5
	c. Collection systems-Dry Line/Wet Line	3	5
	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)	-	1
	a. Recommended for Approval	-	1
5.	Permits Withdrawn	-	-
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
6.	Permit Applications Outstanding	31	33
	a. Facility Permit	9	7
	b. Collection Systems - General	7	8
	c. Collection systems-Dry Line/Wet Line	15	18
	d. Residuals Disposal	-	-
7.	Permit Determination	2	5
8.	Special Project Reviews		
	a. Reuse	-	-

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

	<u>AUG</u>	<u>SEP</u>
b. Residuals/AUPs	-	1
c. Others	1	-

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	14	13
a. Inspection (CEI)	8	5
b. Sampling Inspection (CSI)	6	8
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance	40	36
a. Inspection (RI)	4	6
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	35	30
d. Enforcement Inspection (ERI)	1	-
3. Engineering Inspections	17	18
a. Reconnaissance Inspection (RI)	2	1
b. Sample Reconnaissance Inspection (SRI)	-	-
c. Residual Site Inspection (RSI)	-	1
d. Preconstruction Inspection (PCI)	1	-
e. Post Construction Inspection (XCI)	14	16
f. On-site Engineering Evaluation	-	-
g. Enforcement Reconnaissance Inspection (ERI)	-	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received	5	2
a. Facility Permit	5	2
(i) Types I and II	1	-
(ii) Type III with Groundwater Monitoring	2	1
(iii) Type III w/o Groundwater Monitoring	2	1
b. General Permit	-	-
c. Preliminary Design Report	-	-
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	-	-
2. Permits Recommended to DEP for Approval	2	-
3. Special Project Reviews	-	2
a. Facility Permit	-	2
b. General Permit	-	-
4. Permitting Determination	-	-
5. Special Project Reviews	57	65
a. Phosphate	13	11

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

	<u>AUG</u>	<u>SEP</u>
b. Industrial Wastewater	7	15
c. Others	37	39

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation (Total)	12	19
a. Inspection (CEI)	12	17
b. Sampling Inspection (CSI)	-	2
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance (Total)	27	13
a. Inspection (RI)	5	3
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	22	9
d. Enforcement Inspection (ERI)	-	1
3. Engineering Inspections (Total)	13	15
a. Compliance Evaluation (CEI)	13	15
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	28	38
(i) Received	11	21
(ii) Closed	17	17
b. Industrial	34	13
(i) Received	18	5
(ii) Closed	16	8
2. Warning Notices		
a. Domestic	6	3
(i) Issued	2	3
(ii) Closed	4	-
b. Industrial	1	-
(i) Issued	-	-
(ii) Closed	1	-
3. Non-Compliance Advisory Letters	9	7
4. Environmental Compliance Reviews		
a. Industrial	113	28
b. Domestic	25	100
5. Special Project Reviews	4	1

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

AUG SEP

G. RECORD REVIEWS

1.	Permitting Determination	6	6
2.	Enforcement	1	1

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

1.	Air division	84	63
2.	Waste Division	-	-
3.	Water Division	16	29
4.	Wetlands Division	-	-
5.	ERM Division	189	165
6.	Biomonitoring Reports	5	5
7.	Outside Agency	17	14

I. SPECIAL PROJECT REVIEWS

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

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

AUG SEP

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	59	53
Timeframes Met	100%	100%
Year to Date	99%	99%

Formal Wetland Delineation Surveys

Projects	12	9
Total Acres	324	210
Total Wetland Acres	55	53
# Isolated Wetlands < 1/2 Acre	3	5
Isolated Wetland Acreage	0.84	0.66

Construction Plans Approved

Projects	15	14
Total Wetland Acres	324	11
#Isolated Wetlands < 1/2 Acre	1	1
Isolated Wetland Acreage	0.09	0.3
Impacts Approved Acreage	12.22	0.11
Impacts Exempt Acreage	4.87	0.011

Mitigation Sites in Compliance

Ratio	174/182	172/181
Percentage	96%	95%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.30	0.20
Acreage of Water Quality Impacts	0.00	0.00
Acreage Restored	0.50	0.20

TPA Minor Work Permit

Permit Issued	32	19
Permits Issued Fiscal Year 2011	200	219
Cumulative Permits Issue Since TPA Delegation (07/09)	411	430

REVIEW TIMES

# of Reviews	255	260
% On Time	99%	99%
% Late	1%	1%

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

AUG SEP

A. General

1.	Telephone conferences	661	581
2.	Unscheduled Citizen Assistance	376	362
3.	Scheduled Meetings	398	324
4.	Correspondence	1,952	1,442
1/ 5.	Intergency Coordination	299	350
1/ 6.	Trainings	32	34
1/ 7.	Public Outreach/Education	2	-
1/ 8.	Quality Control	54	36

B. Assessment Reviews

1.	Wetland Delineations	15	17
2.	Surveys	14	9
3.	Miscellaneous Activities in Wetland	37	16
4.	Mangrove	7	6
5.	Notice of Exemption	2	-
6.	Impact/Mitigation Proposal	22	10
7.	Tampa Port Authority Reviews	69	38
8.	Wastewater Treatment Plants (FDEP)	1	2
9.	Development Reg'n'l Impact (DRI) Annual Report	2	1
10.	On-Site Visits	105	93
11.	Phosphate Mining	6	7
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	9	12
17.	Site Development	19	24
18.	Subdivision	14	22
19.	Wetland Setback Encroachment	6	1
20.	Easement/Access-Vacating	-	-
21.	Pre-Applications	44	53
1/ 22.	Agriculture Exemption	1	-
	Sub-Total		
	Total Assessment Review Activities		

C. Investigation and Compliance

1.	Warning Notices Issued	3	2
2.	Warning Notices Closed	3	3
1/ 3.	Complaints Closed	30	23
4.	Complaint Inspections	38	39
5.	Return Compliance Inspections for Open Cases	38	25

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

		<u>AUG</u>	<u>SEP</u>
6.	Mitigation Monitoring Reports	16	20
7.	Mitigation Compliance Inspections	46	44
8.	Erosion Control Inspections	21	3
9.	MAIW Compliance Site Inspections	34	10
10.	TPA Compliance Site Inspections	25	13
2/ 11	Mangrove Compliance Site Inspections	1	-
1/ 12	Conservation Easement Inspection	-	3

D. Enforcement

1.	Active Cases	9	11
2.	Legal Cases	5	4
3.	Number of "Notice of Intent to Initiate Enforcement"	1	1
4.	Number of Citations Issued	1	-
5.	Number of Consent Orders Signed	3	3
6.	Administrative - Civil Cases Closed	2	7
7.	Cases Referred to Legal Department	5	4
8.	Contributions to Pollution Recovery	\$ 1,153	\$ 1,980
9.	Enforcement Costs Collected	\$ 957	\$ 511

E. Ombudsman

1.	Agriculture	9	7
2.	Permitting Process & Rule Assistance	8	4
3.	Staff Assistance	6	3
4.	Citizen Assistance	4	5

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 POLLUTION RECOVERY TRUST FUND
10/1/2010 through 9/30/2011**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 620,687	Artificial Reef	\$ 143,430	Minimum Balance	\$ 120,000	
Interest	\$ 11,382	Project Monitoring	\$ 129,470	PROJ. FY 12 Budgets	\$ 260,159	
Deposits	\$ 161,950	FY 11 Projects	\$ -	Asbestos Removal	\$ 5,000	
Refunds	\$ 76,571					
Total	\$ 870,590	Total	\$ 272,900	Total	\$ 385,159	\$ 212,531

PROJECT	Project Amount	Project Balance
FY 06 Projects		
#04-03 - Bahia Beach Restoration	150,000	303
	\$ 150,000	\$ 303
FY 08 Projects		
#07-03 - Invasive Plant Removal Egmont Key	133,000	10,065
	\$ 133,000	\$ 10,065
FY 09 Projects		
#08-05 - MacDill Phase 2 Seagrass Transplanting	79,196	2,090
#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 Soils	25,000	700
#08-03 - Wetland Restoration on County Owned Lands	120,000	54,220
	\$ 329,196	\$ 111,132
FY 10 Projects		
#09-01 - Basis of Review for Borrow Pit Applications	\$ 68,160	\$ 4,654
#09-02 - Effects of Restoration on Use of Habitat	84,081	43,621
#09-03 - Artificial Wetland Cells	5,500	5,500
#09-05 - East Lake Watershed	46,300	27,291
#09-04 - Pilot Project for Outfall Water Quality Lake Mag	92,000	92,000
#09-06 - Greenhouse Gas Inventory	75,000	10,751
	\$ 371,041	\$ 183,817
		\$ 305,317

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 GARDINIER SETTLEMENT TRUST FUND
10/1/2010 - 9/30/2011**

Fund Balance as of 10/1/10	\$ 252,021
Interest Accrued	2,222
Disbursements FY 11	-
Fund Balance	<u>\$ 254,243</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 254,243
Total Encumbrances	<u>\$ 254,243</u>
Fund Balance Available	<u><u>\$ -</u></u>

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 20, 2011

Subject: Legal Case Summary for September and October 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: **September and October 2011 EPC Legal Case Summary**

EPC LEGAL DEPARTMENT MONTHLY REPORT
September and October 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 has been filed in accordance with Chapter 1-2, Rules of the EPC. The parties are in negotiations regarding a settlement. (AZ)

CIVIL CASES

Peter L. Kadyk/Eco Wood Systems, Inc. [11-EPC-007]: On August 18, 2011, the Commission granted authority to pursue appropriate legal action against Defendant Peter L. Kadyk/Eco Wood Systems, Inc. for failure to comply with the terms of a signed Consent Order to resolve Chapter 1-11 violations. (AZ)

John M. and Joanna Roberts [11-EPC-006]: On August 18, 2011, the Commission granted authority to pursue appropriate legal action against Defendants John and Joanna Roberts for violations of Chapter 1-11, Rules of the EPC. On October 10, 2011 the property owners settled the case in a consent order. The case will be closed. (AZ)

PATCO and Chip Investment 2 [11-EPC-005]: On July 28, 2011, the EPC staff received authority to take legal action for various solid waste/landfill violations. The parties settled the matter with a Consent Order and the case has been closed. (AZ)

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. On September 6, 2011 the EPC received a signed settlement in the form of a consent order. The case is being closed. (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 second mediation on January 21, 2011, resulted in a very limited partial settlement with EPC and full settlement with the County. A jury trial was held the week of September 19, 2011. The jury returned a verdict in favor of the EPC. Defendants filed a motion for new trial and an appeal. (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 Commission 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. On August 8, 2011, the EPC filed a Notice of Voluntary Dismissal but will continue to monitor compliance with the Mediated Settlement Agreement. (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 appealed the foreclosure but the appeal has been dismissed. The case is being closed. (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. The enforcement case is being closed based on the corrective actions being performed at the site. (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.

Motiva Enterprises LLC [11-EPC-004]: On July 25, 2011 the Petitioner filed a request for an extension of time to a petition to challenge the concurrent draft Construction/TitleV Operating Permit and the Title V Air Operation Permit for the Port Tampa terminal. The extension was granted and the Petitioner has until October 31, 2011 to file a petition in this matter. (RM)

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. No appeal has been filed and the case is being closed. (AZ)

Roshni 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. No appeal was filed and the administrative case is closed. (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. No appeal was filed and the administrative case is closed. (AZ)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 20, 2011

Subject: EPC Annual Report

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

Division: Executive Director's Office

Recommendation: Informational Report

Brief Summary: Every year the Executive Director delivers to the Board a report on the environment and the Agency. It includes information on air and water quality as well as a look back at significant environmental events and milestones. In addition, this update describes the EPC staff's efforts to improve performance in carrying out its core mission.

Financial Impact: No Financial Impact

Background: This annual report is an attempt to update the Board on environmental conditions within the County as it relates to air and water quality. Significant milestones will be detailed and future challenges will be highlighted.

It also describes the staff's work over the past 12 months to be more efficient in the delivery of their services. The Agency's annual customer survey will be discussed and a summary of outside audits will be provided.

List of Attachments: None.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 20, 2011

Subject: State Contracts for Air and Waste Divisions

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

Division: Air and Waste Management

Recommendation: Board ratify letter sent to local legislative delegation concerning continuing funding of Petroleum Underground Tanks contracts, and authorize a similar letter supporting continuing funding for Ambient Air Monitoring and Major Air Pollution Source Permitting/Compliance.

Brief Summary: For nearly two decades, EPC has contracted with the State to assist in the clean up and inspection of leaking underground petroleum tanks. The Florida Department of Environmental Protection (DEP) has proposed eliminating portions and severely cutting back others to the point the program is in jeopardy. On the Air side, the Florida DEP has proposed eliminating the monitoring contract and again substantially cutting the permitting/compliance funding. This would put at risk the partnership the EPC and DEP set up some 19 years ago.

Financial Impact: The action requested today (sending a letter to the delegation) will not have any financial impact. If the DEP's proposal is passed by the legislature, then the EPC would stand to lose a significant portion of their nearly two million dollar State contracts for FY 13.

Background: Leaking underground petroleum tanks represent a serious threat to our County's primary source of potable water. It is estimated that while 1200 contaminated sites have been remediated under the EPC's Tanks Program, another 1200 remain to be cleaned up. In addition, follow up inspections are necessary to ensure continuing compliance for petroleum storage tank systems. Both elements are funded through a State contract and have been in place for over 20 years.

State Air contracts have been in place since 1993 to assist with ambient air monitoring requirements and permitting/compliance of industrial sources of air pollution. With these contracts, EPC dropped their duplicative local fee and began sharing the State's. As a result, the federal's, the State's and the EPC's permitting requirements were combined into one program with a single fee. Local industry has saved millions in fees since and the program has received national recognition. More importantly air pollution emissions from these industrial sources have dropped over time and the air quality has gotten better.

Attachments: Letter to Chairman Seth McKeel from Commissioner Beckner dated September 26, 2011.

COMMISSION
Kevin Beckner – Chairman
Lesley "Les" Miller – Vice Chairman
Victor Crist
Ken Hagan
Al Higginbotham
Sandy Murman
Mark Sharpe



Roger P. Stewart Center
3629 Queen Palm Dr. Tampa, FL 3
Ph: (813) 627-2600

Fax Numbers (813):
Admin 627-2620 Waste 627
Legal 627-2602 Wetlands 627
Water 627-2670 Air 627
Lab 635-8061

Executive Director
Richard D. Garrity, Ph.D.

September 26, 2011

To Chairman Seth McKeel:

I am sending you this letter with the enclosed fact sheets related to two important local environmental programs under consideration for reduction or total elimination as part of a proposed state budget.

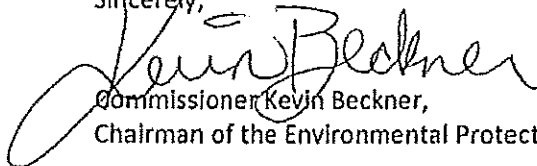
The State is proposing to abandon the Storage Tank Compliance Programs at the county level in favor of independent privately contracted roving inspectors; and to reduce by nearly half the number of county level Petroleum Cleanup Programs in favor of hiring additional State employees and private contractors. The local and county environmental agencies throughout Florida have partnered with the Florida Department of Environmental Protection (FDEP) since the late 1980s to administer the Petroleum Cleanup Program and the Petroleum Storage Tanks Compliance Program. Local programs are compensated for the administration of these two programs through contracts with FDEP. The funding source is The Inland Protection Trust Fund (IPTF) which was created in 1986 by levying a tax on every barrel of petroleum or petroleum products brought to or produced in State of Florida.

The petroleum programs have been highly successful in addressing cleanup of old petroleum contaminations as well as preventing new discharges into the environment and are considered a model for other States to emulate through the years. The county and local environmental agencies are a major reason for this success. Unfortunately, the county and local contracts have fallen prey to recent budget cuts to the tune of 30 to 50 percent in recent years and are now threatened for substantial cuts of up to complete elimination for the coming year.

The enclosed fact sheets will provide you with information about the effectiveness of the local petroleum programs and the adverse impact to the local economy and the environment should they be reduced or eliminated.

As chairman of the Environmental Protection Commission of Hillsborough County, I wanted to bring this issue to your attention and ask for your leadership and assistance in protecting these valuable local natural resource protection programs.

Sincerely,



Commissioner Kevin Beckner,
Chairman of the Environmental Protection Commission of Hillsborough County

cc: Hillsborough County Local Legislative Delegation
Attachment: Fact Sheets

An agency with values of environmental stewardship, integrity, honesty, and a culture of fairness and cooperation.

www.epchc.org

E-Mail: epcinfo@epchc.org

AN AFFIRMATIVE ACTION – EQUAL OPPORTUNITY EMPLOYER



EPC Agenda Item Cover Sheet

Date of EPC Meeting: 10/20/11

Subject: Redevelopment Opportunities in Hillsborough County

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

Division: Waste Management

Recommendation: Continue working with County Economic Development staff and the Tampa Hillsborough Economic Development Corporation

Brief Summary: During the EPC monthly meeting in August, Commissioner Beckner asked staff to report back to the board how much land was available for commercial/industrial development. This information should include developable land as well as brownfields designated properties. This report is a verbal update on the status of this project.

Financial Impact: Not determined.

Background: The EPC has met with county Economic Development staff, county GIS staff, and Mr. Randy Smith of the Tampa Hillsborough Economic Development Corporation (EDC) concerning redevelopment opportunities in Hillsborough County. These partners have initiated a mapping project to identify available properties within Hillsborough County prime for development and redevelopment. Included in this map will be a layer containing all the designated Brownfield Areas.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 20, 2011

Subject: Annual Fertilizer and Landscape Management Rule Update and PRF allocation

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

Division: Water Management

Recommendation: Informational Report and Request for Pollution Recovery Funds to be used for Commission-mandated Study of Rule Effectiveness on Water Quality

Brief Summary: Chapter 1-15, Rules of the EPC was adopted July 20, 2010 and the Commission directed EPC staff to provide annual updates on the progress of implementation as well as to acquire funding to conduct a scientific study of the effectiveness of local rules on meeting water quality objectives. This presentation will serve as the first annual update and will recommend that \$50,000 from the EPC's Pollution Recovery Fund be approved for funding (in-part) the mandated study.

Financial Impact: Financial impact of \$50,000 from the Pollution Recovery Fund to be paid to the Tampa Bay Estuary Program's selected contractor to offset additional stormwater monitoring related to the study in Hillsborough County.

Background: Chapter 1-15, Rules of the EPC was adopted July 20, 2010. The rule implements fertilizer and landscape management regulations approved by the Commission in order to protect regional water quality. Rule section 1-15.14 requires the EPC staff to conduct a study within three years of passage of the rule. Additionally, when the Commission passed the rule, they instructed staff to provide annual updates on the progress of implementation of the rule and to acquire funding to conduct a scientific study of the effectiveness of local rules on meeting water quality objectives.

This presentation will serve as the first annual update and staff will recommend that \$50,000 from the EPC's Pollution Recovery Fund (PRF) be approved to pay for (in-part) the mandated study. By contributing \$50,000 from PRF, staff will be able to leverage an additional \$100,000 in EPA funding and an additional \$100,000 from Pinellas County. The independent study being conducted by Applied Ecology, Inc., the University of Florida, and the University of Central Florida is expected to contribute significantly to the scientific knowledge of the fate of urban fertilizers, their contribution to stormwater nutrient loading, and real-world fertilizer application practices on a neighborhood scale.

List of Attachments: No Attachments

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 20, 2011

Subject: EPC Executive Director's Annual Evaluation

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

Division: Legal and Administrative Services Division

Recommendation: Receive evaluation forms.

Brief Summary: Evaluation forms will be distributed during the EPC Board meeting. These forms have been used in the past to evaluate the performance of the EPC Executive Director, Dr. Richard Garrity. In the near future, Dr. Garrity will be scheduling appointments with each Commissioner to discuss the accomplishments of the agency and present appropriate data to assist the Commissioners in objectively measuring his performance.

Please complete the evaluation forms and return them to Commissioner Beckner's office by November 7, 2011. The results will be compiled and presented during the next EPC Board meeting, currently scheduled for November 17, 2011.

Financial Impact: None.

Background: N/A

List of Attachments: Assessment Ranking Cover Sheet
Assessment Sheet

PERFORMANCE EVALUATION

Richard Garrity, Ph.D., Executive Director
Environmental Protection Commission of Hillsborough County

October 20, 2011

Ranking: Behaviors & Accomplishments

HIGHEST

- 5 - Behaviors/Accomplishments are outstanding and as such are obvious to others in County government and to members of the Community.
- 4 - Behaviors/Accomplishments are excellent and recognized as more than just competent in that expectations are exceeded in the area of responsibility.
- 3 - Behaviors/Accomplishments are good in that expectations are consistently met for the areas of responsibility.
- 2 - Behaviors/Accomplishments are adequate but fall below expectations for the area of responsibility.
- 1 - Behaviors/Accomplishments are below an acceptable level of expectations for the area of responsibility.

LOWEST

**DR. RICK GARRITY
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION
ASSESSMENT
October 2011**

BEHAVIORS							
Leadership	Communication	Responsiveness	Respect & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization

ACCOMPLISHMENT OF GOALS			
Improve Regulatory Compliance	Improve Employee Satisfaction	Improve Customer Satisfaction	Improve Process Performance

PERFORMANCE MEASURES			
Permitting	Compliance	Environmental Complaint Investigations	Enforcement
			Monitoring

Comments:

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 20, 2011

Subject: LMJ Investments and Agia vs. EPC – Stipulated Order Relinquishing Jurisdiction to the Executive Director for a Limited Duration

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

Division: Legal and Administrative Services

Recommendation: Approve execution of the Stipulated Order.

Brief Summary: The parties in the above-referenced case filed a “Joint Motion For Order Relinquishing Jurisdiction To Executive Director for Limited Duration” on October 12, 2011. The motion agreed to by both parties asks that the Commission give jurisdiction back to the Executive Director and authorize the Executive Director to settle the case on behalf of the EPC. If a settlement is not reached in 60 days, then the jurisdiction is automatically returned to the Commission to conduct a public hearing and render a final order.

Financial Impact: No financial impact is anticipated by executing the Order.

Background: The facts presented in this agenda item are intentionally vague, as the Commission sits in a judicial capacity in this matter and the parties are trying to resolve the matter without having to require the Commission to rule on the dispute. Thus it is prudent to limit the details at this point in the process.

In August of 2009, LMJ Investments, LLP, Monique Agia, Lisa Agia, and Trustees of the Agia Children Irrevocable Trust (“LMJ”) submitted to the EPC an application for wetland impacts for the construction of an access roadway as part of a residential development near the intersection of the Suncoast Parkway and Lutz Lake Fern Road. The application also requested authorization for wetland impacts for the construction of a commercial development in the same vicinity. In August of 2010, the EPC Executive Director issued a “Determination Letter” that authorizes the wetland impacts for the roadway to access the residential development and denied the wetland impacts for the commercial development. On October 8, 2010, LMJ appealed the portion of the Determination Letter that denied impacts to wetlands associated with the commercial development. A Section 9 Appeal (an administrative hearing conducted similar to a civil trial) was heard in July of 2011 and the assigned hearing officer rendered a recommended order on September 14, 2011 holding in favor of LMJ. The hearing officer relinquished jurisdiction in the case to the Commission to render a final order.

Once the Commission has jurisdiction in a Section 9 Appeal, typically, the parties would then file exceptions to recommended order and then responses to those exceptions. Finally, the parties would then argue their exceptions and responses before the Commission asking that a final order be adopted affirming, reversing, or modifying the hearing officer's recommended order.

In the instant case, the parties are proposing to enter into a settlement without need for filing the exceptions and responses and without conducting a public hearing before the Commission. The parties filed a "Joint Motion For Order Relinquishing Jurisdiction To Executive Director for Limited Duration" on October 12, 2011 (see attachment 1). The motion agreed to by both parties asks that the Commission give jurisdiction back to the Executive Director and authorize the Executive Director to settle the case on behalf of the EPC Commission and Executive Director. The motion proposes that the parties will have 60 days to reach a settlement. If the settlement is not reached in 60 days, then the jurisdiction is automatically returned to the Commission to conduct a public hearing and render a final order. Additionally, the parties will have the rule-mandated timeframes to file exceptions and responses before the hearing is conducted.

As Rick Tschantz and Andrew Zodrow are the trial advocates in this case for the EPC, Rick Muratti has been assigned as counsel for the Commission to assist in processing the last stage of this case. Mr. Muratti has reviewed the proposed Stipulated Order Relinquishing Jurisdiction To The Executive Director for A Limited Duration and recommends adding an additional requirement to the stipulated order. The additional requirement is that that the parties file a joint status report just before the end of the 60 days. The status report should indicate if the parties believe settlement is unlikely and should also indicate what date a public hearing may be needed. Counsel for the Commission recommends execution of the version of the proposed Stipulated Order with the minor amendment (see attachment 2).

- List of Attachments:**
- 1) Joint Motion For Order Relinquishing Jurisdiction To Executive Director for Limited Duration
 - 2) Proposed Stipulated Order Relinquishing Jurisdiction To The Executive Director for A Limited Duration

**BEFORE THE ENVIRONMENTAL PROTECTION COMMISSION OF
HILLSBOROUGH COUNTY**

**LMJ INVESTMENTS, LLLP, MONIQUE M. AGIA,
LISA AGIA, INDIVIDUALLY and as TRUSTEES
OF THE AGIA CHILDREN IRREVOCABLE TRUST,**

Appellants,

EPC Case No: LEPC10-016

vs.

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY,**

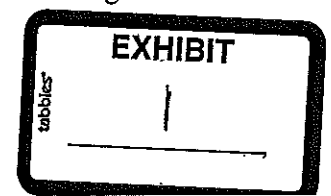
Respondent.

**JOINT MOTION FOR ORDER RELINQUISHING JURISDICTION
TO EXECUTIVE DIRECTOR FOR LIMITED DURATION**

The Respondent Executive Director for the ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY (EPC) by and through his undersigned attorney, pursuant to Part IV of Chapter 1-2, Rules of the EPC, hereby files this Joint Motion for entry of an Order Relinquishing Jurisdiction to the Executive Director for a Limited Duration and states as follows:

1. On September 14, 2011, the assigned Hearing Officer entered the Recommended Order recommending that the EPC overturn the Executive Director's denial of a proposed 4.23 acres of wetland impacts for the construction of a commercial development on property owned by the Appellants along Lutz Lake Fern Road in Hillsborough County as identified in the August 24, 2010 "Conceptual Authorization of Wetland Impacts For Access Road To LMJ Parcel."

2. Pursuant to Section 1-2.35(a), Rules of the EPC, the parties have ten (10) calendar days to file exceptions to the Recommended Order. On September 26, 2011, the EPC granted an extension of time until October 3, 2011 to file exceptions in this matter. On October 3, 2011, the EPC granted



a second extension of time until October 10, 2011 to file exceptions in this matter. Subsequently on October 10, 2011, the EPC granted a third extension of time until October 14, 2011 to file exceptions in this matter.

3. The parties are currently in discussions regarding a potential settlement of the case. The parties seek an Order relinquishing jurisdiction of the administrative challenge to the Executive Director for purposes of entering into a Stipulated Settlement Agreement to settle the above styled case. The parties request that the Order Relinquishing Jurisdiction authorize the Executive Director to enter into a settlement that is binding upon the EPC and the Executive Director in lieu of a Final Order being entered in this matter. The parties request that the Order further limit the time of the relinquishment of jurisdiction to sixty (60) days, after which time, if the parties have not entered into a binding settlement, the matter be returned to the EPC for purposes of conducting a public hearing in accordance with Section 1-2.35, Rules of the EPC. Should it be necessary to return jurisdiction to the EPC at the conclusion of the sixty (60) days, the standard timeframes for filing exceptions (10 days) and responses thereto (10 days) in Section 1-2.35, Rules of the EPC shall become effective. The undersigned has contacted counsel for the Appellants who has stated s/he is in agreement with this motion.

CONCLUSION

Therefore, the parties request that the EPC enter the Stipulated Order Relinquishing Jurisdiction attached hereto as Exhibit "A." Respectfully submitted this 12th day of October 2011.

/S/
T. ANDREW ZODROW, ESQ.

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was sent via electronic mail to **Kevin Beckner**, at BecknerK@HillsboroughCounty.ORG; **Ricardo Muratti, Esq.**, Assistant Counsel and attorney for the EPC, at murattir@epchc.org; **Marcia Parker Tjoflat, Esq.**, mpt@papmet.com; **Nicholas Dyal, Esq.**, ndyal@papmet.com; **Daniel L. Molloy, Esq.**, dan@mjlw.us; and **William Jung, Esq.** at wjung@jungandsisco.com on this 12th day of October 2011.

/s/

T. Andrew Zodrow, Esquire
Environmental Protection Commission
3629 Queen Palm Drive
Tampa, FL 33619
Telephone: (813) 627-2600
Facsimile: (813) 627-2602
E-mail: zodrowa@epchc.org
Florida Bar No.: 0080055

**BEFORE THE ENVIRONMENTAL PROTECTION COMMISSION OF
HILLSBOROUGH COUNTY**

**LMJ INVESTMENTS, LLLP, MONIQUE M. AGIA,
LISA AGIA, INDIVIDUALLY and as TRUSTEES
OF THE AGIA CHILDREN IRREVOCABLE TRUST,**

Appellants,

EPC Case No: LEPC10-016

vs.

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY,**

Respondent.

**SRIPULATED ORDER RELINQUISHING JURISDICTION
TO THE EXECUTIVE DIRECTOR FOR A LIMITED DURATION**

THIS CAUSE, having come before the Environmental Protection Commission of Hillsborough County (Commission) pursuant to Section 9 of chapter 84-446, Laws of Florida, as amended (EPC Act) and upon the Joint Motion for entry of an Order Relinquishing Jurisdiction to the Executive Director for a Limited Duration, and the Commission having considered the Joint Motion, it is thereupon,

ORDERED, that jurisdiction of the above styled administrative challenge is relinquished to the Executive Director for purposes of entering into a Stipulated Settlement Agreement to settle the above styled case. This Order authorizes the Executive Director to enter into a settlement agreement that is binding upon the Commission and the Executive Director in lieu of a Final Order being entered in this matter. The jurisdiction in this matter is relinquished for a period of sixty (60) days, after which time, if the parties have not entered into a binding settlement, the matter shall be returned to the Commission for purposes of conducting a public hearing in accordance with Section 1-2.35,

EXHIBIT "A"

Rules of the EPC. Should it be necessary to return jurisdiction to the Commission at the conclusion of the sixty (60) days, the standard timeframes for filing exceptions (10 days) and responses thereto (10 days) in Section 1-2.35, Rules of the EPC shall become effective.

DONE and ORDERED this _____ day of _____, 2011

Kevin Beckner, Chairman

Environmental Protection
Commission of Hillsborough County

TO: **Andrew Zodrow, Esq., zodrowa@epchc.org**
Marcia Parker Tjoflat, Esq., mpt@papmet.com
Nicholas Dyal, Esq., ndyal@papmet.com
Daniel L. Molloy, Esq., dan@mjlaw.us
William Jung, Esq., wjung@jungandsisco.com
Richard Tschantz, Esq., Tschantzr@epchc.org

**BEFORE THE ENVIRONMENTAL PROTECTION COMMISSION OF
HILLSBOROUGH COUNTY**

**LMJ INVESTMENTS, LLLP, MONIQUE M. AGIA,
LISA AGIA, INDIVIDUALLY and as TRUSTEES
OF THE AGIA CHILDREN IRREVOCABLE TRUST,**

Appellants,

EPC Case No: LEPC10-016

vs.

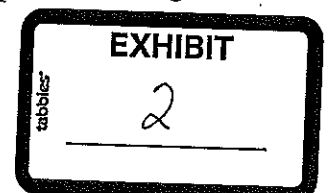
**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY,**

Respondent.

**STIPULATED ORDER RELINQUISHING JURISDICTION
TO THE EXECUTIVE DIRECTOR FOR A LIMITED DURATION**

THIS CAUSE, having come before the Environmental Protection Commission of Hillsborough County (Commission) pursuant to Section 9 of chapter 84-446, Laws of Florida, as amended (EPC Act) and upon the Joint Motion for entry of an Order Relinquishing Jurisdiction to the Executive Director for a Limited Duration, and the Commission having considered the Joint Motion at its meeting on October 20, 2011, it is thereupon,

ORDERED, that jurisdiction of the above-styled administrative challenge is relinquished to the Executive Director for purposes of entering into a Stipulated Settlement Agreement to settle the above-styled case. This Order authorizes the Executive Director to enter into a settlement agreement that is binding upon the Commission and the Executive Director in lieu of a final order being entered in this matter. The jurisdiction in this matter is relinquished for a period of sixty (60) days from October 20, 2011, after which time, if the parties have not entered into a binding settlement, the matter shall be returned to the Commission for purposes of conducting a public hearing in



accordance with Section 1-2.35, Rules of the EPC. Should it be necessary to return jurisdiction to the Commission at the conclusion of the sixty (60) days, the standard timeframes for filing exceptions (10 days) and responses thereto (10 days) in Section 1-2.35, Rules of the EPC shall become effective.

Additionally, the parties shall file a joint status report no later than fifty-five (55) days from execution of this Order if the matter has not yet been settled, indicating whether a final order public hearing is needed and what Commission meeting date for the public hearing is preferred.

DONE and ORDERED this _____ day of _____, 2011

Kevin Beckner, Chairman

Environmental Protection
Commission of Hillsborough County

TO: **Andrew Zodrow, Esq.**, zodrowa@epchc.org
Marcia Parker Tjoflat, Esq., mpt@papmet.com
Nicholas Dyal, Esq., ndyal@papmet.com
Daniel L. Molloy, Esq., dan@mjlaw.us
William Jung, Esq., wjung@jungandsisco.com
Richard Tschantz, Esq., Tschantzr@epchc.org

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