

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
COMMISSIONER'S BOARD ROOM  
COUNTY CENTER 2<sup>ND</sup> FLOOR  
APRIL 15, 2010  
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**  
Report from the CEAC Chairman – Danny Alberdi
- III. CONSENT AGENDA**
- A. Approval of Minutes: March 3, 2010 - EPC Special Meeting  
March 18, 2010 – EPC Board Meeting Agenda .....3
  - B. Monthly Activity Reports .....9
  - C. Pollution Recovery Fund Report .....21
  - D. Gardinier Settlement Trust Fund Report .....22
  - E. Quarterly Customer Service Survey Report.....23
  - F. Legal Case Summaries – April 2010 .....25
- IV. 2010 SCIENCE FAIR RECIPIENTS OF THE ENVIRONMENTAL  
PROTECTION COMMISSION MERIT AWARD .....31**
- V. EXECUTIVE DIRECTOR**
- A. EPC Board Workshop to discuss cost recovery recommendations and a request  
to hold a Public Hearing on May 12, 2010 from 1:30 – 3:30 p.m. to consider  
amendments to Chapter 1-6 (Services – Fee Schedule) .....33
  - B. Fertilizer Rulemaking Update and a Request to hold a Public Hearing on  
May 20, 2010 to consider adoption of a Fertilizer Use and Landscape  
Management Rule.....63
- VI. LEGAL DEPARTMENT**
- A. Final Order Hearing - *Evelyn Romano, Warren Dixon and Andrea Braboy vs.  
City of Tampa, Department of Public Works and EPC* .....71
  - B. 2010 Legislative Session Update.....73

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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MARCH 3, 2010 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING - DRAFT  
MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to Consider Arbitration of the Tampa Bay Water (TBW) Revised Optimized Regional Operations Plan Annual Report and the TBW Existing Consolidated Wellfields Water Use Permit Application Renewal, scheduled for Wednesday, March 3, 2010, at 2:32 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Al Higginbotham and Commissioners Kevin Beckner, Rose Ferlita, Ken Hagan, Jim Norman, Mark Sharpe, and Kevin White.

Chairman Higginbotham called the meeting to order at 2:32 p.m.

Dr. Richard Garrity, EPC Executive Director, stated the meeting was properly noticed, EPC had worked with TBW staff and consultants, and the recommendation was consistent with County staff not to arbitrate both items. **Commissioner Norman moved staff recommendation.** Chairman Higginbotham called for public comment; there was no response. **Commissioner Ferlita seconded the motion, which carried seven to zero.**

There being no further business, the meeting was adjourned at 2:34 p.m.

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

ATTEST:  
PAT FRANK, CLERK

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

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MARCH 18, 2010 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, March 18, 2010, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Al Higginbotham and Commissioners Kevin Beckner, Ken Hagan (arrived at 9:12 a.m.), Jim Norman, and Kevin White.

The following members were absent: Commissioners Rose Ferlita (illness) and Mark Sharpe (schedule conflict).

Chairman Higginbotham called the meeting to order at 9:07 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, stated there were no changes to the agenda.

Noting additional information he requested on Consent Agenda Items F, G, and H had not been provided to all EPC members, Chairman Higginbotham suggested allowing additional time for review and including background information to address the legal action items at the next meeting. EPC General Counsel Richard Tschantz clarified Chairman Higginbotham did not want to proceed with those items. Responding to Commissioner Norman regarding case resolution, Chairman Higginbotham discussed the reason for bringing the item before the EPC Board. Senior Assistant County Attorney Edward Helvenston remarked on the seriousness of/pending action regarding the case against Mr. Gregory Hart. In response to Commissioner Norman, Chairman Higginbotham called for public comment regarding the case against Ms. Kelly Wishau.

PUBLIC COMMENT

Ms. Kelly Wishau, County resident, expressed frustration with the issues surrounding her case and sought relief. Mr. David Storck, 6214 Fullenkamp Drive, spoke in support of Ms. Wishau and opined on the farmers' perception of the EPC. Mr. Roy Davis, 3224 McIntosh Road, requested additional time to present evidence. Discussion followed regarding the hearing process and anticipated action. Attorney Tschantz noted the purpose of the agenda item was to seek enforcement of settlement agreement terms, which were not in compliance. In response to Commissioner Norman, Mr. Davis touched on compliance efforts. Dr. Garrity reviewed the case history, including agreement terms, extensions, site inspections, and noncompliance. Regarding the case against Ms. Wishau, **Commissioner Norman moved to stay the action**

THURSDAY, MARCH 18, 2010

until July 1, 2010; if the case was not completely resolved by that date, the issue be brought back on the agenda, seconded by Commissioner White.

Mr. Davis displayed a photograph reflecting the property condition as of March 12, 2010. Attorney Tschantz responded to Commissioner Beckner regarding the appeal process/circuit court action. Dr. Garrity recalled attempts to meet with the parties to visit/inspect the site. Responding to Chairman Higginbotham, Dr. Garrity discussed requirements to qualify for use of the pollution recovery fund (PRF). Following comments concerning cooperation between the involved parties and penalties, Attorney Tschantz detailed the fines according to the settlement agreement terms. Commissioner Norman indicated the motion included to stay the penalties and all enforcement until July 1 unless EPC met with the parties and determined that the weather did not cooperate and additional time was needed. Following clarification, **the motion carried five to zero.** (Commissioners Ferlita and Sharpe were absent.) In response to comments regarding failed attempts to meet with EPC staff, Mr. Davis noted financial/economic difficulties and schedule conflicts.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, Daniel Alberdi Jr. - Mr. Alberdi reported on the March 2010 CEAC meeting, highlighting numeric nutrient standards, presentations, and plastic/paper bag disposal legislation.

CONSENT AGENDA

- A. Approval of minutes: February 18, 2010.
- B. Monthly activity reports.
- C. PRF report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summaries.
- F. Request authority to take appropriate legal action against Kelly Wishau.  
**Addressed during public comment.**
- G. Request authority to take appropriate legal action against Gregory Hart.
- H. Request authority to take appropriate legal action against Rainbow Food Mart of Tampa Incorporated and Abdel Karim A. Nabi.

Chairman Higginbotham called for a motion to approve the remaining items on the Consent Agenda. **Commissioner White so moved.** In response to Commissioner

THURSDAY, MARCH 18, 2010

Norman regarding a forum for discussion, Mr. Alberdi noted efforts to involve all parties. **Commissioner Beckner seconded the motion.** After clarifying Consent Agenda Item F was excluded, **the motion carried five to zero.** (Commissioners Ferlita and Sharpe were absent.)

PUBLIC HEARING

Consider Amendments to Chapter 1-13, Delegation Rule, Allowing for Delegation of a Portion of the State Environmental Resource Permit (ERP) Program - Attorney Andrew Zodrow, EPC Legal Department, provided an overview of Chapter 1-13, as supplied in background material. Staff requested the EPC approve Section 1-13.20 of the EPC delegation rule. Chairman Higginbotham called for public comment; there was no response. **Commissioner Beckner moved to approve, seconded by Commissioner White, and carried five to zero.** (Commissioners Ferlita and Sharpe were absent.)

EXECUTIVE DIRECTOR

Dr. Garrity read a citizen letter commending Mr. Marvin Blount, EPC.

Cost Recovery Recommendations and a Request to set a Public Hearing for the April 15, 2010, EPC Meeting, at 9:00 a.m., to Consider Amendments to Chapter 1-6, Services, Fee Schedule Rule - Mr. Christopher Dunn, Director, EPC Water Management Division, outlined a presentation, as furnished in background material; responded to Commissioner Beckner regarding fees, digital files, fee comparisons, and inflation adjustments; and noted the potential for incorporation of automatic biennial consumer price index inflation adjustments to prevent large-scale fee increases. Commissioner Beckner moved to move forward with a public hearing and asked Mr. Dunn to provide the information on fee comparisons with other counties. The motion died for lack of a second. Following comments on budget shortfalls and imposing fee increases during tough economic times, Commissioner Norman would not support the proposed increases and wanted to see the County take a position against fee increases. Discussion included challenging economic conditions, costs of doing business, budget reductions, and agency collaboration. Responding to EPC member comments, Dr. Garrity declared the request was to move forward with public hearings, increases would not be considered/voted on before the public hearing took place, and the EPC would hold a workshop to address proposed fee increases. In response to Chairman Higginbotham, Dr. Garrity would schedule an EPC workshop to address fee schedules. Commissioner Hagan agreed with comments related to increasing fees during tough economic times, would not support fee increases, and felt all EPC members should have an opportunity to

THURSDAY, MARCH 18, 2010

review/comment on the proposed increases before deciding. Discussion followed regarding inflation adjustment models, spending caps, fee increase stoppage, and motivations for paying increased service fees.

AIR MANAGEMENT DIVISION

Air Monitoring Update - Mr. Jerry Campbell, Director, EPC Air Management Division, highlighted a presentation, as presented in background material.

LEGAL DEPARTMENT

Legislative Session Update/ERP Delegation - Attorney Tschantz reported on House Bill (HB) 1445 related to fertilizer application rules/ordinance, proposed amendment to the Right to Farm Act, the omnibus/large jobs bill, and HB 1509, as supplied in background material; noted meetings attended/discussions; and touched on streamlining to prevent duplication of efforts.

There being no further business, the meeting was adjourned at 10:23 a.m.

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

CHAIRMAN OR VICE CHAIRMAN

ATTEST:

PAT FRANK, CLERK

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

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**FY 10 - MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION**

**MAR FY TO DATE**

**A. Public Outreach/Education Assistance**

1.	Phone calls	203	811
2.	Literature Distributed	301	324
3.	Presentations	2	10
4.	Media Contacts	1	4
5.	Internet	62	303
6.	Host/Sponsor Workshops, Meetings, Special Events	-	5

**B. Industrial Air Pollution Permitting**

1.	Permit Applications received (Counted by Number of Fees Received)		
	a. Operating	8	41
	b. Construction	-	31
	c. Amendments	-	2
	d. Transfers/Extensions	2	14
	e. General	-	-
	f. Title V	-	1
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	6	24
	b. Construction ^1	7	45
	c. Amendments ^1	-	1
	d. Transfers/Extensions ^1	2	2
	e. Title V Operating ^2	7	45
	f. Permit Determinations ^2	-	-
	g. General	-	3
3.	Intent to Deny Permit Issued	-	-

**C. Administrative Enforcement**

1.	New cases received	7	9
2.	On-going administrative cases		
	a. Pending	8	13
	b. Active	8	64
	c. Legal	1	15
	d. Tracking compliance (Administrative)	13	79
	e. Inactive/Referred cases	-	-
	<b>TOTAL</b>	<b>30</b>	<b>171</b>
3.	NOIs issued	-	3
4.	Citations issued	-	-
5.	Consent Orders Signed	3	10
6.	Contributions to the Pollution Recovery Fund	\$ 15,725	\$ 26,701
7.	Cases Closed	-	8

**FY 10 - MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION**

**MAR FY TO DATE**

**D. Inspections**

1. Industrial Facilities	14	73
2. Air Toxics Facilities		
a. Asbestos Emitters	-	-
b. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	1	9
c. Major Sources	7	31
3. Asbestos Demolition/Renovation Projects	14	83

**E. Open Burning Permits Issued**

3	10
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**F. Number of Division of Forestry Permits Monitored**

196	1,435
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**G. Total Citizen Complaints Received**

92	381
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**H. Total Citizen Complaints Closed**

90	356
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**I. Noise Sources Monitored**

6	23
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**J. Air Program's Input to Development Regional Impacts**

1	12
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**K. Test Reports Reviewed**

32	158
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**L. Compliance**

1. Warning Notices Issued	13	41
2. Warning Notices Resolved	15	29
3. Advisory Letters Issued	7	27

**M. AOR's Reviewed**

-	39
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**N. Permits Reviewed for NESHAP Applicability**

1	6
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**O. Planning Documents coordinated for Agency Review**

3	8
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**FY 10 - MONTHLY ACTIVITIES REPORT  
WASTE MANAGEMENT DIVISION**

**FY TO**  
**MAR      DATE**

**A. ENFORCEMENT**

1.	New cases received	-	11
2.	On-going administrative cases	118	724
	Pending	9	39
	Active	49	290
	Legal	9	55
	Tracking Compliance (Administrative)	45	280
	Inactive/Referred Cases	6	60
3.	NOI's issued	1	3
4.	Citations issued	2	11
5.	Consent Orders and Settlement Letter Signed	1	8
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ 100	\$ 28,116
7.	Enforcement Costs Collected (\$)	\$ -	\$ 10,125
8.	Cases Closed	2	20

**B. SOLID AND HAZARDOUS WASTE**

1.	FDEP Permits Received	1	3
2.	FDEP Permits Reviewed	1	3
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	-	13
4.	Other Permits and Reports		
	County Permits Received	9	50
	County Permits Reviewed	13	49
	Reports Received	18	162
	Reports Reviewed	41	180
5.	Inspections (Total)	227	2,886
	Complaints	27	130
	Compliance/Reinspections	14	64
	Facility Compliance	16	130
	Small Quantity Generator	170	2,559
	P2 Audits	-	3
6.	Enforcement		
	Complaints Received	29	152
	Complaints Closed	22	120
	Warning Notices Issued	2	19
	Warning Notices Closed	4	14
	Compliance Letters	83	388
	Letters of Agreement	-	-
	Agency Referrals	4	18
7.	Pamphlets, Rules and Material Distributed	128	581

**C. STORAGE TANK COMPLIANCE**

1.	Inspections		
	Compliance	81	410
	Installation	15	80
	Closure	15	84
	Compliance Re-Inspections	9	58

**FY 10 - MONTHLY ACTIVITIES REPORT  
WASTE MANAGEMENT DIVISION**

		<u>MAR</u>	<u>FY TO DATE</u>
2.	Installation Plans Received	10	80
3.	Installation Plans Reviewed	16	82
4.	Closure Plans & Reports		
	Closure Plans Received	8	68
	Closure Plans Reviewed	8	69
	Closure Reports Received	7	51
	Closure Reports Reviewed	14	41
5.	Enforcement		
	Non-Compliance Letters Issued	44	273
	Warning Notices Issued	6	28
	Warning Notices Closed	1	3
	Cases Referred to Enforcement	-	6
	Complaints Received	-	9
	Complaints Investigated	-	9
	Complaints Referred	-	-
6.	Discharge Reporting Forms Received	2	12
7.	Incident Notification Forms Received	7	55
8.	Cleanup Notification Letters Issued	2	12
9.	Public Assistance	-	-

**D. STORAGE TANK CLEANUP**

1.	Inspections	40	141
2.	Reports Received	86	494
3.	Reports Reviewed	97	520
	Site Assessment Received	7	45
	Site Assessment Reviewed	9	53
	Source Removal Received	4	12
	Source Removal Reviewed	3	12
	Remedial Action Plans (RAP'S) Received	6	43
	Remedial Action Plans (RAP'S) Reviewed	7	36
	Site Rehabilitation Completion Order/No Further Action Rec'd	4	23
	Site Rehabilitation Completion Order/No Further Action Revw'd	6	23
	Active Remediation/Monitoring Received	39	248
	Active Remediation/Monitoring Reviewed	48	267
	Others Received	26	123
	Others Reviewed	24	129

**E. RECORD REVIEWS**

**F. LEGAL PIR'S**

**G. PUBLIC INFORMATION PROJECTS**

22	94
-	11
-	-

**FY 10 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

**MAR      FY TO  
DATE**

**A. ENFORCEMENT**

1.	New Enforcement Cases Received	1	14
2.	Enforcement Cases Closed	6	18
3.	Enforcement Cases Outstanding	46	296
4.	Enforcement Documents Issued	3	24
5.	Recovered Costs to the General Fund	\$ 780	\$ 4,959
6.	Contributions to the Pollution Recovery Fund	\$ 1,872	\$ 12,812

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

1.	Permit Applications Received	12	76
	a. Facility Permit	1	19
	(i) Types I and II	-	6
	(ii) Type III	1	13
	b. Collection Systems - General	6	30
	c. Collection systems-Dry Line/Wet Line	5	25
	d. Residuals Disposal	-	2
2.	Permit Applications Approved	8	60
	a. Facility Permit	2	17
	b. Collection Systems - General	2	16
	c. Collection systems-Dry Line/Wet Line	3	26
	d. Residuals Disposal	1	1
3.	Permit Applications Recommended for Disapproval	2	3
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	2	3
	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	51	263
	a. Facility Permit	19	115
	b. Collection Systems - General	15	51
	c. Collection systems-Dry Line/Wet Line	17	95
	d. Residuals Disposal	-	-
7.	Permit Determination	2	11
8.	Special Project Reviews	2	8

**FY 10 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

	<u>MAR</u>	<u>FY TO DATE</u>
a. Reuse	-	-
b. Residuals/AUPs	2	8
c. Others	-	-

**C. INSPECTIONS - DOMESTIC**

1. Compliance Evaluation	12	52
a. Inspection (CEI)	6	11
b. Sampling Inspection (CSI)	6	41
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance	13	263
a. Inspection (RI)	12	67
b. Sample Inspection (SRI)	1	1
c. Complaint Inspection (CRI)	-	193
d. Enforcement Inspection (ERI)	-	2
3. Engineering Inspections	-	104
a. Reconnaissance Inspection (RI)	-	7
b. Sample Reconnaissance Inspection (SRI)	-	-
c. Residual Site Inspection (RSI)	-	-
d. Preconstruction Inspection (PCI)	-	12
e. Post Construction Inspection (XCI)	-	85
f. On-site Engineering Evaluation	-	-
g. Enforcement Reconnaissance Inspection (ERI)	-	-

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

1. Permit Applications Received	1	20
a. Facility Permit	1	12
(i) Types I and II	-	4
(ii) Type III with Groundwater Monitoring	-	3
(iii) Type III w/o Groundwater Monitoring	1	5
b. General Permit	-	1
c. Preliminary Design Report	-	7
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	3
(iii) Type III w/o Groundwater Monitoring	-	4
2. Permits Recommended to DEP for Approval	-	-
3. Special Project Reviews	3	13
a. Facility Permit	3	12
b. General Permit	-	1
4. Permitting Determination	-	1
5. Special Project Reviews	54	218

**FY 10 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

	<b>MAR</b>	<b>FY TO DATE</b>
a. Phosphate	17	51
b. Industrial Wastewater	8	68
c. Others	29	99

**E. INSPECTIONS - INDUSTRIAL**

1. Compliance Evaluation (Total)	12	62
a. Inspection (CEI)	12	62
b. Sampling Inspection (CSI)	-	-
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance (Total)	5	61
a. Inspection (RI)	5	32
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	-	29
d. Enforcement Inspection (ERI)	-	-
3. Engineering Inspections (Total)	9	39
a. Compliance Evaluation (CEI)	9	39
b. Sampling Inspection (CSI)	-	-
c. Performance Audit Inspection (PAI)	-	-
d. Complaint Inspection (CRI)	-	-
e. Enforcement Reconnaissance Inspections (ERI)	-	-

**F. INVESTIGATION/COMPLIANCE**

1. Citizen Complaints	75	275
a. Domestic	63	225
(i) Received	38	132
(ii) Closed	25	93
b. Industrial	12	50
(i) Received	7	26
(ii) Closed	5	24
2. Warning Notices	33	101
a. Domestic	33	83
(i) Received	27	52
(ii) Closed	6	31
b. Industrial	-	18
(i) Received	-	9
(ii) Closed	-	9
3. Non-Compliance Advisory Letters	11	76
4. Environmental Compliance Reviews	152	929
a. Industrial	108	404
b. Domestic	44	525

**FY 10 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

	<u>MAR</u>	<u>FY TO DATE</u>
5. Special Project Reviews	8	25

**G. RECORD REVIEWS**

1. Permitting Determination	5	24
2. Enforcement	1	3

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

1. Air division	58	307
2. Waste Division	-	-
3. Water Division	27	113
4. Wetlands Division	-	-
5. ERM Division	176	1,029
6. Biomonitoring Reports	11	45
7. Outside Agency	26	137

**I. SPECIAL PROJECT REVIEWS**

1. DRIs	1	8
2. ARs	-	-
3. Technical Support	1	19
4. Other	-	2



**FY 10 - MONTHLY ACTIVITIES REPORT  
WETLANDS MANAGEMENT DIVISION**

**FY TO  
MAR DATE**

**ASSESSMENT REPORT**

**Agriculture Exemption Report**

# Agricultural Exemptions Reviews	-	1
# Isolated Wetlands Impacted	-	1
# Acres of Isolated Wetlands Impacted	-	0.11
# Isolated Wetlands qualify for Mitigation Exemption	-	1
# Acres of Wetlands qualify for Mitigation Exemption	-	0.11

**PGMD Reviews Performance Report**

# of Reviews	79	366
Timeframes Met	100%	100%
Year to Date	99%	99%

**Formal Wetland Delineation Surveys**

Projects	10	42
Total Acres	90	1,404
Total Wetland Acres	18	302
# Isolated Wetlands < 1/2 Acre	1	8
Isolated Wetland Acreage	0.14	1.24

**Construction Plans Approved**

Projects	20	88
Total Wetland Acres	48	98
#Isolated Wetlands < 1/2 Acre	2	8
Isolated Wetland Acreage	0.4	1.13
Impacts Approved Acreage	0.47	4.79
Impacts Exempt Acreage	0	0.71

**Mitigation Sites in Compliance**

Ratio	202/211	197/208
Percentage	96%	95%

**Compliance Actions**

Acreage of Unauthorized Wetland Impacts	0.75	4.65
Acreage of Water Quality Impacts	0.00	0.10
Acreage Restored	0.30	32.74

**General**

Telephone Conferences	643	3,815
Scheduled Meetings	332	1,688
Unscheduled Citizen Assistance	431	2,031

**REVIEW TIMES**

# of Reviews	275	1,396
% On Time	98%	98%
% Late	2%	2%

**FY 10 - MONTHLY ACTIVITIES REPORT  
WETLANDS MANAGEMENT DIVISION**

**MAR      FY TO  
            DATE**

**A. General**

1.	Telephone conferences	643	3,815
2.	Unscheduled Citizen Assistance	431	2,031
3.	Scheduled Meetings	332	1,688
4.	Correspondence	1,546	7,747
1/ 5.	Intergency Coordination	106	462
1/ 6.	Trainings	27	115
1/ 7.	Public Outreach/Education	5	16
1/ 8.	Quality Control	71	465

**B. Assessment Reviews**

1.	Wetland Delineations	9	77
2.	Surveys	11	67
3.	Miscellaneous Activities in Wetland	27	187
4.	Mangrove	4	20
5.	Notice of Exemption	3	14
6.	Impact/Mitigation Proposal	18	110
7.	Tampa Port Authority Permit Applications	70	328
8.	Wastewater Treatment Plants (FDEP)	-	1
9.	Development Regn'l Impact (DRI) Annual Report	1	7
10.	On-Site Visits	96	530
11.	Phosphate Mining	5	19
12.	Comp Plan Amendment (CPA)	-	27
1/ 13.	AG SWM	4	5
	<b>Sub-Total</b>	<b>248</b>	<b>1,392</b>

**Planning and Growth Management Review**

14.	Land Alteration/Landscaping	4	5
15.	Land Excavation	3	20
16.	Rezoning Reviews	29	84
17.	Site Development	26	129
18.	Subdivision	31	78
19.	Wetland Setback Encroachment	-	22
20.	Easement/Access-Vacating	-	3
21.	Pre-Applications	26	91
1/ 22.	Agriculture Exemption	-	3
	<b>Sub-Total</b>	<b>119</b>	<b>435</b>
	<b>Total Assessment Review Activities</b>	<b>367</b>	<b>1,827</b>

**C. Investigation and Compliance**

1.	Warning Notices Issued	6	37
2.	Warning Notices Closed	3	35
1/ 3.	Complaints Closed	41	188
4.	Complaint Inspections	60	220

**FY 10 - MONTHLY ACTIVITIES REPORT  
WETLANDS MANAGEMENT DIVISION**

		<u>MAR</u>	<u>FY TO DATE</u>
5.	Return Compliance Inspections for Open Cases	44	245
6.	Mitigation Monitoring Reports	34	150
7.	Mitigation Compliance Inspections	33	165
8.	Erosion Control Inspections	17	107
9.	MAIW Compliance Site Inspections	9	66
10.	TPA Compliance Site Inspections	3	46
2/ 11	Mangrove Compliance Site Inspections	-	5
1/ 12	Conservation Easement Inspection	5	14

**D. Enforcement**

1.	Active Cases	17	113
2.	Legal Cases	1	1
3.	Number of "Notice of Intent to Initiate Enforcement"	-	6
4.	Number of Citations Issued	1	2
5.	Number of Consent Orders Signed	5	13
6.	Administrative - Civil Cases Closed	11	33
7.	Cases Referred to Legal Department	1	1
8.	Contributions to Pollution Recovery	\$ 3,200	\$ 18,075
9.	Enforcement Costs Collected	\$ 728	\$ 3,467

**E. Ombudsman**

1.	Agriculture	4	21
2.	Permitting Process & Rule Assistance	3	12
3.	Staff Assistance	3	18
4.	Citizen Assistance	8	19

1/ Reported activity beginning with April 2009.

2/ Reported activity beginning with May 2009.

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**OF HILLSBOROUGH COUNTY  
POLLUTION RECOVERY TRUST FUND  
AS OF 03/31/10**

		As of 3/31/10
Beginning Fund Balance, 10/01/08	\$	555,831
Interest Accrued		13,117
Deposits		91,610
Disbursements		(114,519)
Intrafund Budget Transfers to Project Fund		(371,041)
Intrafund Budget Transfers from Project Fund		18,717
Pollution Recovery Fund Balance	\$	193,715
Encumbrances:		
Pollution Prevention/Waste Reduction (101)	\$	1,429
Artificial Reef Program		78,488
PRF Project Outreach		(4,983)
PRF Project Monitoring		88,620
Total Encumbrances	\$	163,554
Minimum Balance (Reserves)	\$	120,000
Balance Available 03/31/10	\$	(89,839)

**PROJECT FUND**

<b>Open Projects</b>	<b>Project Amount</b>		<b>Project Balance</b>	
FY 06 Projects				
Bahia Beach Restoration (contract 04-03)	150,000		26,113	
	\$	150,000	\$	26,113
FY 07 Projects				
Tank Removal	25,000	\$	1,570	
Agriculture Best Management Practice Impl	150,000		51,791	
Lake Thonotosassa Assessment	75,000		75,000	
Seawall Removal Cotanchobee Ft Brooke Park	100,000		100,000	
Erosion Control/Oyster Bar Habitat Creation	75,000		62,500	
Remediation of Illegally Dumped Asbestos	4,486		4,486	
	\$	429,486	\$	295,347
FY 08 Projects				
Australian Pine Removal E.G. Simmons Park	80,000	\$	27,125	close
Restoration of MOSI	125,000		1,636	
Invasive Plant Removal Egmont Key	133,000		12,415	
Lake Magdalene Special Disposition District	66,954		0	
Testing Reduction of TMDL in Surface Water Flow	19,694		7,479	
Assessing Bacteria Lake Carroll	101,962		1,649	reopen
	\$	526,610	\$	50,304
FY 09 Projects				
MacDill Phase 2 Seagrass Transplanting	79,196		17,745	
McKay Bay Sediment Quality	55,000		55,000	
Mini FARMS BMP Implementation	50,000		28,819	
Petrol Mart, Inc Tank Removal	75,000		75,000	
Site Assessment & Removal of Contaminated Soils	25,000		25,000	
Wetland Restoration on County Owned Lands	120,000		120,000	
	\$	404,196	\$	321,564
FY 10 Projects				
Basis of Review for Borrow Pit Applications	68,160	\$	68,160	
Effects of Restoration on Use of Habitat	84,081		84,081	
Artificial Wetland Cells	5,500		5,500	
East Lake Watershed	46,300		46,300	
Pilot Project for Outfall Water Quality Lake Mag	92,000		92,000	
Greenhouse Gas Inventory	75,000		75,000	
	\$	371,041	\$	371,041

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND  
AS OF 03/31/10**

Fund Balance as of 10/1/09	\$ 247,322
Interest Accrued	2,190
Disbursements FY 10	-
	<hr/>
Fund Balance	\$ 249,512
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	249,512
	<hr/>
Total Encumbrances	\$ 249,512
	<hr/>
Fund Balance Available 03/31/10	<u><u>\$ -</u></u>

**ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY**

**January - March 2010 QUARTERLY SURVEY CARD RESULTS**

Ratings are on a scale of one to five, where 5 is Excellent and 1 is Poor.

Division		Prompt Service	Profess'al Courteous	Concerns Addressed	Easy to find Person	EPC Rules Easy	EPC Website Friendly	Overall Satisf
Air	2 SURVEY CARDS - TOTAL POINTS	7.0	10.0	9.0	10.0	10.0	10.0	0.0
	AVERAGE	3.5	5.0	4.5	5.0	5.0	5.0	0.0
	Comments:	<i>We live behind a dam bar that is way to loud theres a guy that goes in there named Larry Hollar. He howls and laughs so loud I will try and work with the EPC to determine the source of air pollution in Brandon</i>						
Waste	0 SURVEY CARDS - TOTAL POINTS	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	AVERAGE	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	Comments:							
Water	1 SURVEY CARDS - TOTAL POINTS	1.0	1.0	1.0	1.0	1.0	0.0	1.0
	AVERAGE	1.0	1.0	1.0	1.0	1.0	0.0	1.0
	Comments:	<i>I am a very agitated citizen and property owner in this County. Since anonymous complaints are so widely accepted here, I'm voicing one now. I have serious issues with Mr. Bartlett. I have dealt with him in previous months on more than one property I'm involved with. However, after knowing what I know now, I had to voice my opinion. Protecting the environment is important but not with the use of inspectors like him. His tone and condescending words are out of line. He is clearly on a power kick and throws around his threats of legal action and demands as if they're going out of style. He has rarely been professional and actually quite offensive at times. After being so disgusted with him last fall, I voiced my opinion to some other park owners I have traded with. To my surprise, a local RV park owner also had run-ins with him and said that complaints were called in to EPC years ago about his harassing inspections. Then lo and behold, I mentioned his name to another County inspector last week doing while at one of my parks. To my surprise, he knew him and said Mr. Bartlett is a tenured county inspector who's very difficult to work with and causes problems between other agencies. And as for the "violations"...let's be reasonable here. Minor sewage leaks are not a reason to "stop the world" and call the Feds out, especially if they are fixed as soon as known about. He doesn't have a right to go nosing around on people's properties without letting my park staff know he is there. My taxes pay his salary and I damn sure don't want to know how much he is overpaid for being such a pain. Your agency is crippled with inspectors like him and we will be following up on this as we sit fit and fair.</i>						
Wetlands	2 SURVEY CARDS - TOTAL POINTS	9.0	10.0	10.0	10.0	9.0	9.0	9.0
	AVERAGE	4.5	5.0	5.0	5.0	4.5	4.5	4.5
	Comments:	<i>Bob Owens is very professional, timely and helpful. Margaret Hager is extremely knowledgable, detail oriented, excellent customer service.</i>						
EPC	1 SURVEY CARD - TOTAL POINTS	5	5	5	5	N/A	N/A	5
	AVERAGE	5	5	5	5	N/A	N/A	5
	Comments:	<i>Thanks for calling vendor who was slow in responding to my request.</i>						
	6 CARDS TOTAL EPC AVERAGE	3.7	4.3	4.2	4.3	4.0	4.8	2.5

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** April 15, 2010

**Subject:** Legal Case Summary for April 2010

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

**Division:** Legal Department

**Recommendation:** None, informational update.

**Brief Summary:** The EPC Legal Department provides a monthly list of all its pending civil matters, administrative matters, and cases that parties have asked for additional time to file an administrative challenge.

**Financial Impact:** No financial impact anticipated; informational update only.

**Background:** In an effort to provide the Commission a timely list of legal challenges, the EPC staff provides monthly updates. The updates not only can inform the Commission of pending litigation, but may be a tool to check for any conflicts they may have. The summaries generally detail civil and administrative cases where one party has initiated some form of civil or administrative litigation, as opposed to other Legal Department cases that have not risen to that level. There is also a listing of cases where parties have asked for additional time in order to allow them to decide whether they wish to file an administrative challenge to an agency action while we concurrently are attempting to negotiate a settlement.

**List of Attachments:** April 2010 EPC Legal Case Summary

## EPC LEGAL DEPARTMENT MONTHLY REPORT

April 2010

### A. ADMINISTRATIVE CASES

#### NEW ADMINISTRATIVE CASES [ 0 ]

#### EXISTING ADMINISTRATIVE CASES [ 5 ]

**Martini Island Land Co.** [LEPC07-023]: On August 29, 2007, the Appellant filed a request for an extension of time to file an appeal to challenge a Citation to Cease and Order to Correct that was issued by the Water Mgmt Division. The request was granted and the Appellant had until September 21, 2007 to file an appeal. On Sept. 21, 2007 the Appellant did file an Appeal challenging the Citation to Cease and Order to Correct. The parties are negotiating and the facility is going through foreclosure. (RM)

**Michael and Jemimah Ruhala v. DEP and EPC** [LEPC08-012]: On May 16, 2008, the Ruhalas filed Chp. 120 petitions against two wastewater treatment permits the DEP Parks Department requested and received modifications on for an expanded effluent sprayfield system at the Hillsborough River State Park. The parties conducted settlement negotiations twice in June and the DEP is investigating reasonable modifications. The parties placed the case in a brief abeyance in an effort to seek settlement. (RM)

**Evelyn Romano et al. v. EPC and City of Tampa** [LEPC09-005]: On March 7, 2009 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a wetland impact approval and mitigation agreement. The Legal Department granted the request and the Appellant has until April 30, 2009 to file an appeal in this matter. On April 27, 2009 the Appellant filed a Notice of Appeal and the matter has been transferred to a Hearing Officer to conduct an administrative hearing. The parties conducted a case management conference and set the final hearing date in this matter for January 7, 2010. The parties conducted the administrative appeal on January 7, 2010 and the Hearing Officer issued his recommendation on February 19, 2010 upholding the Executive Director's decision. A final hearing before the Commission is scheduled during the regular April Commission meeting. (AZ)

**Vertis, Inc.** [LEPC09-009]: On April 22, 2009 Vertis, Inc. filed a Petition for Administrative Hearing to challenge Operating Permit #0570254-022-AF for its facility located at 4646 S. Grady Avenue in Tampa. The parties are negotiating. (RM)

**Eva El-Najidawi** [LEPC09-023]: On November 19, 2009 Appellant filed a request for an extension of time to file an appeal regarding a revocation letter that was issued on September 15, 2009. The request was granted and the Appellant had until December 21, 2009 to file a Notice in this matter. On December 21, 2009 the Appellant filed a Notice of Appeal in this matter and the case will be transferred to a Hearing Officer to conduct an administrative hearing. The parties are discussing the possibility of settlement. (AZ)

#### RECENTLY RESOLVED ADMINISTRATIVE CASES [ 0 ]

### B. CIVIL CASES

#### NEW CIVIL CASES [ 2 ]

**Greg Hart** [LEPC10-004]: On March 18, 2010 the Commission granted authority to take legal action against the Respondent Greg Hart for violations of the EPC Act, Chapter 1-11, Rules of the EPC, and the terms of a conservation easement encumbering the Respondents' property. The case involves wetland violations and prohibited impacts in a conservation easement. (AZ)

**Rainbow Food Mart of Tampa, Inc. and Abdel Karim A. Nabi** [LEPC10-005]: On March 18, 2010 the Commission granted authority to take legal action against the Defendants/Respondents for violations of the EPC Act, Chapter 1-7, EPC Rules, and Chapter 62-770, F.A.C. for unresolved petroleum contamination on the Respondents' property. (AZ)

**EXISTING CIVIL CASES: [ 15 ]**

**Michael Robilotta** [LEPC08-032]: On December 18, 2008 the EPC Board granted authority to take legal action against Respondent Michael Robilotta, owner and operator of the Old Estates Mobile Home Park, for violations of the EPC Act and EPC Rules Chapter 1-1, General Rules and Chapter 1-5, Water Pollution. Respondent failed to respond to the Citation issued on September 15, 2008 and also failed to respond to the Consent Order offered on November 3, 2008. The Citation became final and is enforceable in Circuit Court. One February 18, 2009 the EPC filed a Complaint in Circuit Court for civil penalties and injunctive relief. Due to lack of response the Clerk's office entered a default against Robilotta on May 7, 2009. (RM)

**Fuego Churrascaria Steakhouse Corp.** [LEPC08-027]: On November 13, 2008, the EPC Board granted authority to take legal action against Respondent Fuego Churrascaria Steakhouse Corp. for violations of the Noise Rule, Chapter 1-10. On March 18, 2008 staff hand delivered a Citation to Cease and Order to Correct Violation. Respondent failed to respond and the Citation became final and is enforceable in Circuit Court. On February 18, 2009 the EPC filed a Complaint in Circuit Court for civil penalties and injunctive relief. On April 24, 2009, the Clerk of Court granted the EPC's motion for default. The owner has recently entered negotiations with the EPC. (RM)

**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. Although the parties are in negotiations concerning a settlement of the matter the Defendant has filed bankruptcy. The EPC Legal Department is monitoring the bankruptcy and researching appropriate remedies to get the site into compliance. On February 11, 2010, the Court dismissed the Bankruptcy case and the EPC civil lawsuit will proceed accordingly.. (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)

**Ecoventure New Port I, LLC** [LEPC08-006]: Authority to take appropriate legal action against Ecoventure New Port I, LLC for failure to assess petroleum contamination in accordance with EPC and State regulations was granted on March 20, 2008. The property owner is 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)

**Miley's Radiator Shop** [LEPC06-011]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Miley's Radiator Shop, Calvin Miley, Jr., Calvin Miley, Sr., and Brenda Joyce Miley Tyner for waste management violations for improper storage and handling of car repair related wastes on the subject property. In addition, a citation was entered against the respondents on October 28, 2005 requiring specific corrective actions. The Respondents have not complied with the citation. The EPC is preparing to file a lawsuit for the referenced violations. (AZ)

**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)

**Medallion Convenience Stores, Inc. and MDC6, LLC** [LEPC07-034]: The Commission granted authority to take appropriate action against Medallion Convenience Stores, Inc. and MDC6, LLC on December 13, 2007 for failure to comply with a consent order. The consent order required the facility to submit a Discharge Report Form for petroleum

discharge and submit proof of an N.P.D.E.S. permit for de-watering activities at the site. The EPC is attempting to negotiate a settlement in this matter. (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. 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 draft order has been sent to the judge for execution. (RM)

**2601 Hillsborough, LLC and Charlie Mavros** [LEPC09-006]: On March 19, 2009 the EPC Board granted authority to take legal action against the Respondents for violations of various wastewater regulations in Chapters 62-620, 62-660, and 62-4, F.A.C. A Citation of Violation was issued on November 25, 2008, the Respondents failed to appeal the citation and it became a final order of the Agency enforceable in Court. The violations have not been corrected and a lawsuit will be filed. (RM)

**Hindu Religious Center, Inc.** [LEPC09-008]: On April 16, 2009 the EPC Board granted authority to take legal action against the Respondent for violations of the EPC Act and Chapter 1-10, Rules of the EPC (Noise Pollution). In September 2008 Respondent and EPC staff entered into a Consent Order to address the violations. Respondent has failed to comply with the corrective measures contained therein and, as a result, continues to violate the EPC noise standards. The Center has begun to modify the facility in an effort to comply with the Consent Order, but remedies have not been effective and a complaint was filed in Circuit Court on October 8, 2009. A settlement, via a Court executed Consent Final Judgment, was entered on March 25, 2010. (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)

**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. (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 of the EPCA Act and EPC Rules, Chapter 1-1. A Notice of violation 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)

**Florida Gas Transmission Company, LLC** [LEPC10-002]: On January 26, 2010, Petitioner Florida Gas Transmission Company, LLC served upon EPC a Summon to Show Cause, Notice of Eminent Domain and Notice of Hearing for a Petition in Eminent Domain filed on December 30, 2009 naming the EPC as a Defendant in the case. (AZ)

#### **RECENTLY RESOLVED CIVIL CASES [ 0 ]**

#### **C. OTHER OPEN CASES [ 12 ]**

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.

**Patco Transport, Inc.** [LEPC09-012]: On July 2, 2009 the Appellant filed a request for an extension of time to file an Appeal regarding a Citation of Violation that was issued by the EPC on June 9, 2009. The request was granted and the

Appellant has until August 31, 2009 to file an appeal in this matter. (AZ)

**Separation Technologies LLC** [LEPC09-014]: On September 11, 2009 Petitioner Separation Technologies LLC filed a request for an extension of time to challenge draft Air Operating Permit #0571326-003-AO. The request was granted and Petitioner has until November 9, 2009 to file a petition in this matter. A subsequent request for a second extension of time was filed by the Petitioner. The request was granted and the Petitioner has until December 28, 2009 to file a petition in this matter. (RM)

**Heron Holdings, Inc.** [LEPC09-018]: On October 27, 2009, the Appellant filed a request for an extension of time to file an Appeal regarding a Citation of Violation and Order to Correct that was issued on September 30, 2009. The request was granted and the Appellant had until January 18, 2010 to file an appeal in this matter. On January 19, 2010 the EPC withdrew the Citation against Heron Holdings, Inc. and this case has been closed. (AZ)

**Caracara, LLC a/k/a Karakara, LLC** [LEPC09-019]: On October 27, 2009, the Appellant filed a request for an extension of time to file an Appeal regarding a Citation of Violation and Order to Correct that was issued on September 30, 2009. The request was granted and the Appellant had until January 18, 2010 to file an appeal in this matter. On January 7, 2010 the Appellant filed a second request for an extension of time. The request was granted and the Appellant has until April 19, 2010 to file an appeal in this matter. (AZ)

**Trademark Nitrogen Corp.** [LEPC09-025]: On November 24, 2009 Petitioner Trademark Nitrogen Corp. filed a request for an extension of time to challenge a draft air operating/construction permit issued on November 23, 2009. The request was granted and the Petitioner had until January 7, 2010 to file a petition in this matter. The Petitioner did not file a Petition in this matter and this case has been closed. (RM)

**Gulf Marine Repair Corporation** [LEPC09-026]: On November 24, 2009 Petitioner Gulf Marine Repair Corp. filed a request for an extension of time to challenge a draft air construction permit issued on October 23, 2009. The request was not timely filed and the extension was denied with leave to amend. Petitioner did not file an amended request and this case has been closed. (RM)

**Gulf Coast Metals Co., Inc.** [LEPC09-028]: On November 30, 2009 Petitioner Gulf Coast Metals Co., Inc. filed a request for an extension of time to challenge a draft air construction permit issued on November 10, 2009. The request was not timely filed and the request was denied with leave to amend. All matters have been resolved, a final permit has been issued and the case is closed. (RM)

**International Ship Repair and Marine Services, Inc.** [LEPC09-029]: On December 4, 2009 Petitioner International Ship Repair and Marine Services, Inc. filed a request for an extension of time to challenge a draft Title V air permit issued on November 20, 2009. The request was granted and the Petitioner had until January 6, 2010 to file a petition in this matter. The Petitioner filed two subsequent requests for extensions of time and was granted an extension until February 25, 2010 to file a petition. Subsequently, the Petitioner filed for an additional extension of time. The request was granted and the Petitioner has until April 12, 2010 to file a petition in this matter. (RM)

**TRANSFLO Terminal Services, Inc.** [LEPC09-030]: On December 23, 2009 the Petitioner submitted a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Construction Permit. The Legal Department granted the request and the Petitioner has until January 29, 2010 to file a petition in this matter. A second request for an extension of time was granted through March 15, 2009. (RM)

**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)

**Bob Toto (a.k.a Robert A. Toto)** [LEPC10-006]: On March 24, 2010 the Appellant filed a request for an extension of time to file a Notice of Appeal regarding a Citation to Cease and Order to Correct Violation that was issued on February 22, 2010. The request was granted and the Appellant has until May 13, 2010 to file a Notice of Appeal in this matter. (AZ)

**Cory Packaging (dba Master Packaging)** [LEPC10-007]: On March 23, 2010 the Petitioner filed a request for an extension of time to challenge a draft air permit #0570293-021-AC. The request was granted and the Petitioner has until April 30, 2010 to file a petition in this matter. (RM)

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** April 15, 2010

**Subject:** Acknowledging three students recipients of EPC's Merit Award at the 2010 Science Fair

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

**Division:** Agency Wide

**Recommendation:** Acknowledge student award.

**Brief Summary:** On February 25, 2010 staff of the EPC recognized three students for their outstanding science project at the 30<sup>th</sup> Annual HC Regional Science and Engineering Fair.

**Financial Impact:** Financial Impact to xx Fund is \$75 to be paid out of existing funds.

### **Background:**

On February 25, 2010 staff of the EPC recognized three students for their outstanding science project at the 30<sup>th</sup> Annual HC Regional Science and Engineering Fair.

The students are as follows: Tatiana Henry, Kayla Lloyd, and Pragnya Kulkarni. The three students received an EPC certificate and will receive U.S. Savings bonds for receiving EPC's Environmental Merit Award.

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** April 15, 2010

**Subject:** EPC Board Workshop to discuss cost recovery recommendations and a request to hold a Public Hearing on May 12, 2010 from 1:30-3:30 pm. to consider amendments to Chapter 1-6 (Services – Fee Schedule) to include an overall fee schedule adjustment to comply with county policy and other fee updates.

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

**Division:** Executive Director

**Recommendation:** Request Commission set a Public Hearing to consider amendments to Chapter 1-6 (Services – Fee Schedule), and authorize appropriate public notice.

**Brief Summary:** Pursuant to the EPC Act, the EPC Board must hold a noticed public hearing to approve a rule or rule amendment. The EPC staff requests that the EPC Board approve holding a public hearing on May 12, 2010 from 1:30-3:30 pm. to amend the Services – Fee Schedule Rule Chapter 1-6 to adopt a Consumer Price Index inflation adjustment and other reasonable fee updates.

**Financial Impact:** It is estimated that approximately \$290,000. will be collected from the inflation fee adjustment in FY 2011. If all other proposed updates are approved we would expect to collect another \$280,000. We propose that these additional revenues be used to partially offset proposed FY 2011 budget reductions.

### **Background:**

Pursuant to the Hillsborough County Environmental Protection Act (EPC Act) Section 5.2, the EPC Board must hold a noticed public hearing to approve a rule or rule amendment. The EPC staff requests that the EPC Board approve holding a public hearing on May 12, 2010 from 1:30-3:30 pm. to amend the Services – Fee Schedule Rule Chapter 1-6 to ensure appropriate cost recovery for certain EPC programs.

Last March during the FY 2010 budget process, staff planned to propose updates to EPC's user fees. Due to economic considerations, staff delayed the user fee cost recovery plan until March 2010. At the July 16, 2009, EPC monthly meeting the Executive Director advised the EPC Board that we would evaluate our fee schedule and bring back viable cost recovery recommendations to be adopted in time to be considered during the FY 2011 budget cycle.

During the last year staff has evaluated our fee schedule and is recommending an overall 20% inflation adjustment to comply with County Policy 03.02.02.09 and other updates where fees are not currently collected. EPC's last major fee schedule adjustment was in 2003.

These fee schedule recommendations were presented at the March 18, 2010 EPC Board meeting and it was requested that we hold a Board workshop to discuss the fees at the next regularly scheduled EPC monthly meeting on April 15, 2010.

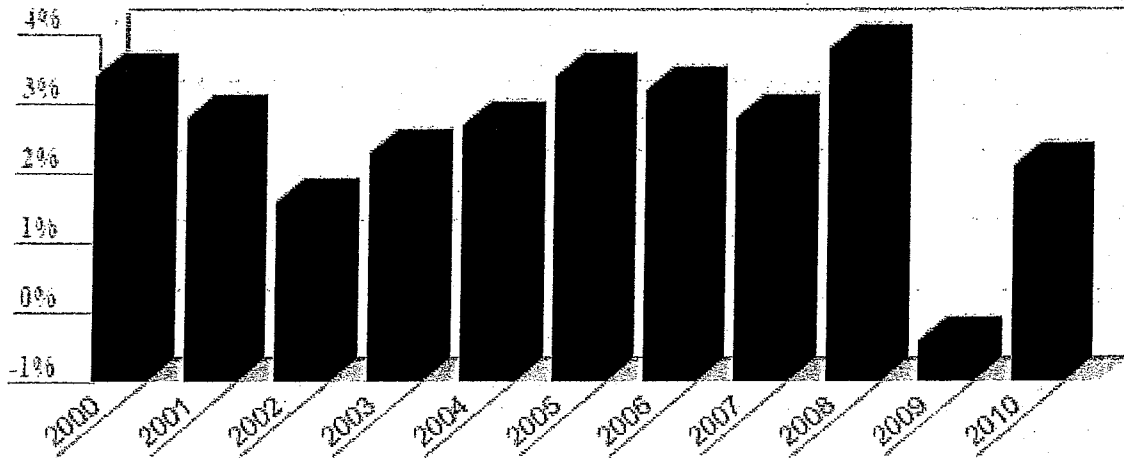
**List of Attachments:**

1. Annual Inflation Rate Chart and Graph for the period 2000-2010.
2. March, 2009 response/report to the Board's request for information on fees charged by other comparable counties.

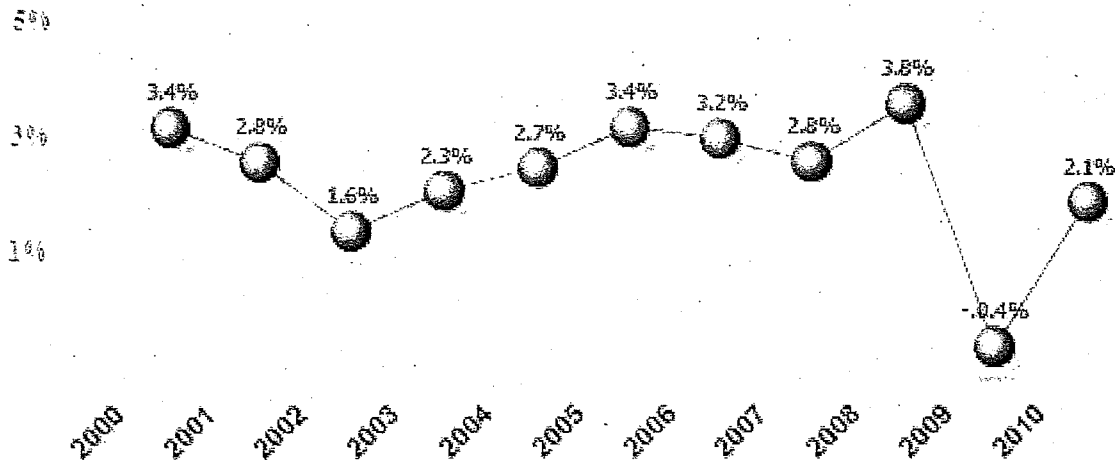
## Current Inflation Rates: 2000-2010

The chart, graph and table of **inflation rates** displays annual rates from 2000-2010. Rates of inflation are calculated using the Current Consumer Price Index published monthly by the Bureau of Labor Statistics (BLS). For 2010, the most recent monthly data (12-month based) is used in the chart and graph.

### Annual Inflation Rate Chart (2000-2010)



### Inflation Rates Graph (2000-2010)



**Dunn, Chris**

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**From:** Ohman, Joan  
**Sent:** Friday, March 27, 2009 2:51 PM  
**To:** Fesler, Tom  
**Cc:** Arends, Cheryl; Garrity, Rick; Fitzhugh, Kathy; McElroy, Evelyn; EPC-Directors  
**Subject:** RE: BOCC Information Request on Fees  
**Attachments:** MB Requested Info for BOCC 3-4-09 AA#54750.pdf; BOCC Requested Info 3-4-09 AA#54750.pdf

Tom,

This is in response to the Board's request for information on fees charged by the various County departments, and how they compare to the fees from other urbanized Florida counties. In general, the EPC Board has approved fees that attempt to recover one hundred percent of the cost of a particular service. However, there are services, such as citizen complaint investigations, where no fee exists. In this exercise we attempted to compare only those services we charge for against like services in other counties.

Overall we found that EPC fees are typically less than comparable fees elsewhere. We also found that other agencies charge for certain compliance activities or local authorizations that EPC's fees do not cover. There are exceptions in the individual programs and that is detailed in the report.

If you need any further information regarding our fees or the content of this report, please let me know.

Joan Ohman  
Director, Finance and Administration  
Environmental Protection Commission of  
Hillsborough County  
3629 Queen Palm Drive  
Tampa, Florida 33619  
[ohmanj@epchc.org](mailto:ohmanj@epchc.org)  
(813) 627-2600 ext 1057

-----Original Message-----

**From:** Rubenstein, Richard  
**Sent:** Monday, March 09, 2009 7:16 AM  
**To:** Klein, Daniel; VanArsdall, Rick; Fitzhugh, Kathy; Garrity, Rick; Pergola, Joseph; Kelly, Janice; Papin, Thomas; Aluotto, Peter; Gray, Gene; Herrig, Bill; Karet, Mark; Richardson, Gloria; Zambito, Robert; Gordon, Bob; Harris, Howard; Kelly, MIke; Nutt, Frederick; Ramos, Mitchell; Boldissar, Barry; Johnson, Nate; Hudson, Lori; Reed, Ray; Rogoff, David; Shukla, Bindi; Wise, Norma; Sheahan, John; Vanderploog, Paul; Hernandez, Alice; Nesmith, William; Rogers, Ronald; Armstrong, Bill; Kouveras, Alan; Finney, Louis; Jimenez, Michael; Tedder, Carol; Barge, Dexter; Hickey, Melanie; Gillon, Linda; Herold, Sheryl; Stines, Joe; Adams, Vernard; Bailey, Dick; Kuntz, Chuck; Thornton, Mark; [plancom.org.execdir](http://plancom.org.execdir);  
[plancom.org.pulliamf](http://plancom.org.pulliamf)

Cc: Arends, Cheryl; Concepcion, Steve; Fesler, Tom; Gadson, Yolanda; Jessie, Pamela; Johnson, Eric; Matadial, Roshanee; McQuay, Carrie; Troupe, Charnetta  
Subject: BOCC Information Request on Fees  
Importance: High

At the March 4th regular Board meeting, the BOCC directed staff to compile information relating to fees charged by County departments and to report back on these fees. In order to comply with the Board's request in a timely manner, we are requesting your assistance in compiling the required information for your department as detailed on the attachment.

As indicated, please provide the requested information in two separate .pdf files - one containing the information included under the "Board Requested Information" section, and the other containing the information in the "Additional Information Requested by the Management and Budget Department." Please provide the information per the attachment for each fee assessed by your department to Tom Fesler no later than March 27, 2009.

Please call Tom Fesler at 276-8282 if you have any questions.

Your cooperation is greatly appreciated!

Your feedback is very important to us! Please take a moment to tell us how we are doing:

<http://hcbocc.websurveyor.net/wsb.dll/16/MB-POS-Survey.htm>

Rich Rubenstein  
Manager, Systems and Revenue  
Hillsborough County Management and Budget Department P.O. Box 1110, 26th Floor Tampa, FL 33601

Phone: (813) 272-6572

Fax: (813) 272-7005

email: [rubensteinr@hillsboroughcounty.org](mailto:rubensteinr@hillsboroughcounty.org)

**Board Information Request**  
**Request at March 4, 2009 Board Meeting**  
**Due Date: March 27, 2009**  
**AA# 54750**

**Environmental Protection Commission of Hillsborough County**

**Board Requested Information:**

- What are the services for which you charge fees?  
See attached **Rules of the Environmental Protection Commission of Hillsborough County, Chapter 1-6 Services-Fee Schedule**  
  
For Delegated activities see attached summary of Florida Department of Environmental Protection (FDEP) Permit Processing Fee Schedule, Chapter 62.4.050, F.A.C.
  
- What is the amount of each fee?  
See attached **Rules of the Environmental Protection Commission of Hillsborough County, Chapter 1-6 Services-Fee Schedule**  
  
For Delegated activities see attached summary of Florida Department of Environmental Protection (FDEP) Permit Processing Fee Schedule, Chapter 62.4.050, F.A.C.
  
- What is the unit cost or other measurable cost for each fee?  
The current EPC fee schedule has been in place since October 1, 2003 and is based upon a comprehensive time study conducted over a six month time period of all permit applications and other activities of a non-delegated or non-contract nature. An average cost (base rate plus benefits) for each job classification was calculated, as well as an overhead (operating costs) and indirect hourly rate (administrative costs). These overall rates were then applied to the fee study worksheets to calculate fees to recover staff time and administrative and operating costs.  
  
Delegated activity fees are established by FDEP's Permit Processing Fee Schedule, Chapter 62.4.050, F.A.C.

- How do each of these fees compare to other counties, cities, and boards?  
**For EPC's Chapter 1-6, please see attached spreadsheets comparing fees to counties similar in size and/or population.**

**For most the Air and Water fees, EPC uses the State's fee schedule as part of the delegation agreement with the Florida Department of Environmental Protection. This is the same practice as used by the other comparable counties(i.e. Broward, Dade, Jacksonville and Orange) which also have State delegation. In Air, EPC keeps 80% of the fees and returns 20% to the State, and in Water EPC keeps 70%. Again, it is the same in the comparable counties.**

**The other fees for Air and Water, as well as Waste and Wetlands are in the attached table. We attempted to match up comparable fees for the other Counties, but, keep in mind they are not identical services. Each County has their own methodology for characterizing project size and the duration of the authorization, both of which affect the fee. Still, we tried to match them in the tables for this exercise.**

- What are the cost recovery goals for each fee?  
**Rates are calculated to recover staff time and administrative and operating costs spent on a particular fee type.**
- Have we been keeping up with these recovery goals?  
**Each EPC Division examined their fee schedule in a 2005 review. Chapter 1-6 was evaluated and there was a consensus from the Air, Waste, Water and Wetland Divisions that the fees were adequate as costs had not changed substantially since the last update in 2003.**
- If we have not been keeping up with recovery goals, what is the amount for each fee which is gone and collected? **N/A**
- Can we go back ten years? A shorter time period to start with may be acceptable.  
**N/A**

**RULES OF THE  
ENVIRONMENTAL PROTECTION  
COMMISSION of HILLSBOROUGH  
COUNTY**

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



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

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

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

**1-6.01 DECLARATION AND INTENT**

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

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

**1-6.02 AIR MANAGEMENT**

**A. Stationary source permitting**

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

(a) Construction permit for an air pollution source

(i) New source review or prevention of significant deterioration	\$480
(ii) All others	\$960
(b) Operation permit for an air pollution source for 5 yrs	
(i) Minor facility	\$1245
(1) Application review	\$795
(2) Compliance	\$450
(ii) Synthetic minor facility	\$1645
(1) Application review	\$795
(2) Compliance	\$850
(iii) Major facility	\$2645
(1) Application review	\$795
(2) Compliance	\$1850
(c) Revise an air pollution source permit	\$380
(d) Transfer of ownership, name change, and extension of expiration date for each air permit	\$45

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

**(a) Construction permits**

(i) Source with PSD or NAA, 100 tons/yr or more	\$750
(ii) Source without PSD or NAA, 100 tons/yr or more	\$5000
(iii) Source 50 tons/yr but less than 100	\$4500
(iv) Source 25 tons/yr but less than 50	\$2000
(v) Source 5 tons/yr but less than 25	\$1000
(vi) Source less than 5 tons/yr	\$250
(vii) Minor modification	\$250
(viii) Minor modification, original permit fee less than \$30	\$50
(ix) Transfer of ownership/permit	\$50
(x) Time extension on permit	\$50

**(b) Operation permits**

(i) Major source	no fee
(ii) Minor source - stack sample	\$1500
(iii) Minor source - other source	\$1000
(iv) Minor source - no sample	\$750
(v) Minor modifications	\$250
(vi) Transfer of permit ownership	\$50

- (vii) Time extension on permit \$50
- (viii) Variable form permitting standards or conditions \$2000

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

**B. Asbestos notification\***

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

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

**C. Open burning authorization**

- 1. Two (2) acres or less \$400
- 2. Greater than two (2) acres \$600

**1-6.03 WASTE MANAGEMENT**

**A. Solid waste**

- 1. Construction permits
  - (a) Class I or class II facility 5 year permit \$3300
    - (i) Application review \$800
    - (ii) Compliance \$2500
  - (b) Class III facility - 5 year \$2500

- permit
  - (i) Application review \$500
  - (ii) Compliance \$2000
- (c) Resource recovery/ Incinerator - 5 years \$2500
  - (i) Application review \$500
  - (ii) Compliance \$2000
- (d) Construction & demolition debris disposal - 5 year permit \$2500
  - (i) Application review \$500
  - (ii) Compliance \$2000
- (e) Waste processing facility - 5 year permit \$2000
  - (i) Application review \$500
  - (ii) Compliance \$1500
- (f) Compost facility - 5 year permit \$2000
  - (i) Application review \$500
  - (ii) Compliance \$1500
- (g) All other solid waste management facilities - 5 years \$2000
  - (i) Application review \$500
  - (ii) Compliance \$1500
- 2. Operation permits
  - (a) Class I or class II facility - 5 year permit \$3100
    - (i) Application review \$600
    - (ii) Compliance \$2500
  - (b) Class III facility - 5 year permit \$2500
    - (i) Application review \$500
    - (ii) Compliance \$2000
  - (c) Resource recovery/ Incinerator - 5 year permit \$2500
    - (i) Application review \$500
    - (ii) Compliance \$2000
  - (d) Construction & demolition debris disposal - 5 year permit \$2500
    - (i) Application review \$500
    - (ii) Compliance \$2000
  - (e) Waste processing facility - 5 year permit \$2000
    - (i) Application review \$500

(ii) Compliance	\$1500		(e) All other solid waste management facilities - 5 year permit	\$2200
(f) Compost facility - 5 year permit		\$2000	(i) Application review	\$500
(i) Application review	\$500		(ii) Compliance	\$1700
(ii) Compliance	\$1500			
(g) All other solid waste management facilities - 5 years		\$2000	5. Modifications	
(i) Application review	\$500		(a) Minor modifications	
(ii) Compliance	\$1500		(i) Corrections, minor changes which will not involve new work, or new work locations, which will not alter, replace or eliminate permit requirements	\$0
			(ii) Transfer, time extension, minor changes which involve new work, or new work locations which will alter, replace or eliminate permit requirements.	\$100
3. Closure/long term care permits			(b) Substantial modifications shall require the appropriate application review fee in conformance with Section 1-6.03, 1 through 4.	
(a) Class I or class II facilities - 5 year permit		\$1000		
(i) Application review	\$500		6. Small quantity hazardous waste generators**	
(ii) Compliance	\$500		(a) Annual notification/verification fee	\$40
(b) Class III facility - 5 year permit		\$1000		
(i) Application review	\$500		<b>**NOTE: These Environmental Protection Commission fees will normally be collected by the Hillsborough County Tax Collector.</b>	
(ii) Compliance	\$500			
(c) Construction & demolition debris disposal - 5 year permit		\$1000	B. Storage tanks	
(i) Application review	\$500		1. Storage tank installation and upgrade plan reviews	\$150
(ii) Compliance	\$500			
(d) All other solid waste management facilities - 5 year permit		\$1000		
(i) Application review	\$500		<b>1-6.04 WATER MANAGEMENT</b>	
(ii) Compliance	\$500		A. The following application and compliance fees apply to permits that are to be reviewed pursuant to the authority of Chapter 84-446, Laws of Florida, and not pursuant to permit delegation from the FDEP:	
			1. Domestic wastewater source permits	
4. Director's Authorization - facilities not otherwise requiring a solid waste permit issued by the FDEP			(a) Preliminary design report review	\$2500
(a) Old landfill development-5 year permit		\$2800	(b) Facility permit for 5 years	
(i) Application review	\$800		(i) Types I & II	\$2940
(ii) Compliance	\$2000		(a) Application review	\$1850
(b) Recovered materials processing facility		\$2200	(b) Compliance	\$1090
(i) Application review	\$500		activities	
(ii) Compliance	\$1700			
(c) Yard trash processing facility		\$2200		
(i) Application review	\$500			
(ii) Compliance	\$1700			
(d) One time on site disposal - residential		\$100		

(ii) Type III		\$930
review (a) Application	\$380	
(b) Compliance activities	\$550	
(c) Permit modifications		
(i) Minor modification involving construction activity		\$750
(ii) Substantial modification		\$1750
(d) Residual site application		\$1445
2. Collection systems		
(a) General permit		
(i) Less than 10 EDU		\$230
(ii) 10 or more EDU		\$460
(a) Application review	\$230	
(b) Compliance (10 or more EDU)	\$230	
(b) Standard permit		
(i) Less than 10 EDU		\$270
(ii) 10 or more EDU		\$500
(a) Application review	\$270	
(b) Compliance	\$230	
3. Industrial wastewater source permits		
(a) Preliminary design report		
(i) Major facility		\$2500
(ii) Minor facility		\$1000
(b) Facility permit for 5 years		
(i) Minor facility		\$1000
(ii) Major facility		\$3000
(a) Application review	\$2455	
(b) Compliance activities	\$545	
(c) General permits		\$275
(d) Permit modifications		
(i) Minor modification involving construction activity		\$750
(ii) Substantial modification		\$1750
4. EPC authorization for facilities not requiring a FDEP permit which may discharge pollutants or contaminants into waters of the county		\$2200

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

#### 1-6.05 WETLANDS MANAGEMENT

*1. Land excavation permits		
(a) New and expansion		\$870
(b) Extension and renewal		\$650
*2. Rezoning application		\$300
*3. Subdivision applications		
(a) Preliminary		\$370
(b) Master plan		\$750
(c) Construction		\$490
(d) Final plat		\$200
(e) Minor subdivision plans		\$230
(f) As-build verification		\$300
*4 Tampa Port Authority		
(a) Minor form		\$150
(b) Standard form		\$300
*5. Phosphate mining		
(a) Annual review and inspection		\$375
(b) Unit review and reclamation		\$3500
(c) Bimonthly inspections (6 per year)		\$310
(d) Administrative Review		\$100
(e) Land Alteration		\$500
(f) Amendments to Mining/ Reclamation		
(i) Changes within the mining unit		\$1000
(ii) Addition of adjacent acreage		***
*6. Development of regional impact		\$1200
*7. Commercial site development application		\$500
*8. Natural Resources		\$270
*9. Miscellaneous activities in wetlands		
(a) Nuisance species removal		No fee

	(b) Dock, boardwalks, riprap, etc.	\$150
10.	Wetland delineation	
	(a) Less than 250 L.F.	\$150
	(b) 250 L.F. or greater	\$150 + .20 L.F
11.	Wetland mitigation	
	(a) Single family homes (review and monitoring reports)	\$850
	(i) Review	\$500
	(ii) 7 monitoring reports	\$350
**	(b) Commercial/subdivision-forested	\$4975
	(i) Review	\$2500
	(ii) 11 monitoring reports	\$2475
	(c) Commercial/subdivision - herbaceous	\$4075
	(i) Review	\$2500
	(ii) 7 monitoring reports	\$1575
	(d) Agricultural - Forested	\$1050
	(i) Review	\$500
	(ii) Monitoring	\$550
	(e) Agricultural - Herbaceous	\$850
	(i) Review	\$500
	(ii) Monitoring	\$350
	(f) Amendment to mitigation plan	
	(i) Changes in configuration/location	\$500
	(ii) Changes in elevations/planting scheme	\$100
	(g) Phosphate mining within a previously approved mitigation application	
	(i) Addition of adjacent area or additional wetland impact request	****
12.	Mangrove Trimming and Alteration	
	(a) Trimming permit per Ch. 1-14.06	\$225
	(b) Compliance / monitoring fee for staged trimming for each trim event	\$50
	(c) Other Trimming and Alteration permit	
	Single family	\$1,050
	(i) Review	\$500
	(ii) 11 monitoring reports	\$550
	(d) Other Trimming and Alteration permit	
	Commercial / subdivision	\$4,975

(i) Review	\$2500
(ii) 11 monitoring reports	\$2475
(e) Professional Mangrove Trimmer fee per Ch. 1-14.08	
First time registration fee	\$50
Annual renewal fee	\$25

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

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

\*\*\*Minimum \$500 or Straight Line Pro-Rata Fee whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mining unit divided by 2500, multiplied by the fee required by Rule 1-6.05.5(b)

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

**Definitions:**

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

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

settling ponds.

Section History – amended February 16, 2006

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

**1-6.06 OTHER MISCELLANEOUS CHARGES**

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

**1-6.07 FEE WAIVERS**

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

**1-6.08 PROHIBITIONS**

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

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

ADOPTED 2/28/85  
Effective 03/15/85  
Amended 02/28/86

ENVIRONMENTAL PROTECTION  
COMMISSION of HILLSBOROUGH  
COUNTY

Applicable State Fees Used by EPC per  
Delegation Agreements

## CHAPTER 62-4-PERMITS

### PART I GENERAL

- 62-4.001 Scope of Part I. (Effective 10/1/07)
- 62-4.020 Definitions. (Effective 4/3/03)
- 62-4.021 Transferability of Definitions. (Effective 8/31/88)
- 62-4.030 General Prohibition. (Effective 8/31/88)
- 62-4.040 Exemptions. (Effective 8/31/88)
- 62-4.050 Procedure to Obtain Permits and other Authorizations; Applications. (Effective 10/31/07)
- 62-4.052 Regulatory Program and Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters. (Effective 10/31/07)
- 62-4.055 Permit Processing. (Effective 8/16/98)
- 62-4.060 Consultation. (Effective 8/31/88)
- 62-4.070 Standards of Issuing or Denying Permits; Issuance; Denial. (Effective 3/28/91)
- 62-4.080 Modification of Permit Conditions. (Effective 3/19/90)
- 62-4.090 Renewals. (Effective 4/18/95)
- 62-4.100 Suspension and Revocation. (Effective 8/31/88)
- 62-4.110 Financial Responsibility. (Effective 8/31/88)
- 62-4.120 Transfer of Permits. (Effective 4/16/01)
- 62-4.130 Transferability of Definitions. (Effective 8/31/88)
- 62-4.050 Review. (Effective 8/31/88)
- 62-4.160 Permit Conditions. (Effective 7/11/93)

### PART II SPECIFIC PERMITS; REQUIREMENTS

- 62-4.200 Scope of Part II. (Effective 10/1/07)
- 62-4.210 Construction Permits. (Effective 8/31/88)
- 62-4.220 Operation Permit for New Sources. (Effective 8/31/88)
- 62-4.240 Permits for Water Pollution Sources. (Effective 10/4/89)
- 62-4.242 Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement. (Effective 5/15/02)
- 62-4.243 Exemptions from Water Quality Criteria. (Effective 8/31/88)
- 62-4.244 Mixing Zones; Surface Waters. (Effective 12/13/05)
- 62-4.246 Sampling, Testing Methods, and Method Detection Limits for Water Pollution Sources. (Effective 6/13/93)
- 62-4.249 Preservation of Rights. (Effective 8/31/88)
- 62-4.250 Water Pollution Temporary Operation Permits; Conditions. (Effective 9/13/89)

### PART III PROCEDURES FOR GENERAL PERMITS

- 62-4.510 Scope of Part III (Effective 10/1/07)
- 62-4.520 Definition. (Effective 7/11/90)
- 62-4.530 Procedures. (Effective 3/19/90)
- 62-4.540 General Conditions for All General Permits. (Effective 8/31/88)

### PART I GENERAL

#### 62-4.001 Scope of Part I.

This part sets forth procedures on how to obtain a permit from the State of Florida Department of Environmental Protection. This part also provides requirements and procedures for the issuance, denial, renewal, extension, transfer, modification, suspension, and revocation of any permit required by the Department of Environmental Protection. Except as otherwise provided in Chapter 62-343 or 62-346, F.A.C., or in the rules of the water management districts adopted by reference under Chapter 62-330, F.A.C., this part shall not apply to activities regulated under Part IV of Chapter 373, F.S. However, this Part shall continue to apply to those activities grandfathered under Sections 373.414(11), (12)(a), (13), (14), (15), (16), and 373.4145(6), F.S. This Part shall not preclude the application of any other permit requirements or procedures for certain types of facilities as contained in other chapters of Title 62, F.A.C.

*Specific Authority 373.026, 373.043, 373.044, 373.109, 373.113, 373.4145, 373.418, 403.021, 403.031, 403.061, 403.087, 403.088 FS. Law Implemented 373.026, 373.044, 373.109, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14),*



Delegated Air Permit Fees  
 Construction Permits

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Source with PSD or NAA, 100 ton/yr or more	\$ 750
Source without PSD or NAA, 100 tons/yr or more	5,000
Source 50 tons/yr but less than 100	4,500
Source 25 tons/yr but less than 50	2,000
Source 5 tons/yr but less than 25	1,000
Source less than 5 tons/yr	250
Minor modification	250
Minor modification, original permit fee less than \$30	50
Transfer of ownership/permit	50
Time extension on permit	50

Operation Permits

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Major source	\$ no fee *
Minor source-stack sample	1,500
Minor source-other source	1,000
Minor source-no sample	750
Minor modifications	250
Transfer of permit ownership	50
Time extension on permit	50
Variable form permitting standards or conditions	2,000

\*Work here is reimbursed through State contract.

Delegated Water Permit Fees  
Collection Systems

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Construction permit for domestic w/w collection system/transmission system	
Domestic Wastewater collection/transmission system serving 10 or more	\$500
Domestic wastewater collection/transmission system serving less than 10	300

General Permit	
General permits requiring PE or Geologist certification	250
General permits not requiring PE or Geologist certification	100
Transfers of permits or time extensions	50
Minor technical changes of issued permits less than \$300	50
Minor technical changes of issued permit \$300 or over	250

Domestic W/W Facility Operation Permits

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Preliminary design report reviews for Types I,II and III domestic w/w facilities	
Treatment plant w/wo reuse/disposal system	
Type I	\$5,000
Type II	3,750
Type III	1,200
Residuals/septage management facility	
Type I	7,500
Type II	4,000
Type III	1,200

Wastewater permits for Types I,II and III domestic w/w facilities	
Treatment plant w/wo reuse/disposal system	
Type I	5,000
Type II	3,000
Type III	1,000

Reuse/land application system and associated transmission/distribution Facilities, when applied for separately from the treatment facility	
Type I	5,000
Type II	3,000
Type III	1,000
Residuals/septage management facility	
Type I	7,500
Type II	4,000
Type III	1,000

Wastewater permits for Type II facilities with permitted capacity of less than 10,000 Gallons per day	
	\$ 600

Minor revisions to wastewater permits for domestic w/w facilities	
Type I	\$ 500
Type II	300
Type III	100

Construction Permit for domestic wastewater collection/transmission system	
Domestic wastewater collection/transmission system serving 10 or more	\$ 500
Domestic wastewater collection/transmission system serving less than 10	300

#### Industrial Wastewater Facility Permits

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Industrial wastewater treatment facilities which discharge processed wastewater	
Non-surface water discharge- Citrus processing, textiles, organic chemicals	\$6,000
Non-surface water discharge-Cement mfg, leather tanning, glass mfg	4,000
Non-surface water discharge-Bulk oil terminals, dairy products, timber products	2,000
Non-surface water discharge-Animal feeding operations	
Egg production facility major	2,500
Egg production facility other	1,500
Design daily flow of greater than 500,000 gpd	4,000
Greater than 100,000 gpd up to 500,000 gpd	2,500
Greater than 50,000 gpd up to 100,000 gpd	1,500
Design flow of 50,000 gpd or less	750
Facilities recycling greater than 10,000 gpd	550
Facilities recycling 10,000 or less	100
Minor revision for facilities which have no discharge to surface or ground waters	100
Industrial wastewater general and generic permits	
Requiring PE or PG certification	500
Not requiring PE or PG certification	100
Collection systems for industrial wastewater treatment facilities	500

**ENVIRONMENTAL PROTECTION  
COMMISSION of HILLSBOROUGH  
COUNTY**

**EPC Fee Comparison With Other  
Counties**

Environmental Protection Commission Fee Schedule	February 16, 2006 effective 2/24/06	Broward	Duval	Pinellas	Miami-Dade	Orange
NC = Not comparable.						
<b>1-6.02 AIR MANAGEMENT</b>						
<b>A. Stationary source permitting</b>						
1. The following application and compliance fees apply to permits that are to be reviewed pursuant to the authority of Chapter 84-446, Laws of Florida, and not pursuant to full permit delegation from the Florida Department of Environmental Protection (FDEP) except as provided in subsection A.2 below. The fees for the non-delegated facilities are as follows:						
(a) Construction permit for an air pollution source.						
(i) New source review or prevention of significant deterioration.						
(ii) All others	\$ 480					
(b) Operation permit for an air pollution source for 5 yrs*	\$ 960					
(i) Minor facility	\$ 1,245					
(1) Application review	\$ 795					
(2) Compliance	\$ 450					
(ii) Synthetic minor facility	\$ 1,645					
(1) Application review	\$ 795					
(2) Compliance	\$ 850					
(iii) Major facility	\$ 2,645					
(1) Application review	\$ 795					
(2) Compliance	\$ 1,850					
(c) Revise an air pollution source permit	\$ 380					
(d) Transfer of ownership, name change, and extension of expiration date for each air permit.*	\$ 45					
2. Air permits being reviewed and processed pursuant to full permit delegation from FDEP shall be subject to the processing fees set forth in section 62-4.050 F.A.C., as summarized below, and shared with FDEP as agreed.						
(a) Construction permits						
(i) Source with PSD or NAA, 100 tons/yr or more	\$ 750	Same	Same	NC	Same	NC
(ii) Source without PSD or NAA, 100 tons/yr or more	\$ 5,000	Same	Same	NC	Same	NC
(iii) Source 50 tons/yr but less than 100	\$ 4,500	Same	Same	NC	Same	NC
(iv) Source 25 tons/yr but less than 50	\$ 2,000	Same	Same	NC	Same	NC
(v) Source 5 tons/yr but less than 25	\$ 1,000	Same	Same	NC	Same	NC
(vi) Source less than 5 tons/yr	\$ 250	Same	Same	NC	Same	NC
(vii) Minor modification	\$ 250	Same	Same	NC	Same	NC
(viii) Minor modification, original permit fee less than \$30	\$ 50	Same	Same	NC	Same	NC

EPC received full delegation of air permitting from the State in 1993, and since that time we use the State's fee schedule listed under Section 1-6.02 A.2. The fees listed under 1-6.02A.1. are local fees that were in effect prior to delegation and are no longer applicable for the purpose of this study.

Environmental Protection Commission		February 16, 2006 effective 2/24/06					
Fee Schedule		Broward	Duval	Pinellas	Miami-Dade	Orange	
NC = Not comparable.							
<b>1-6.02 AIR MANAGEMENT</b>							
(ix) Transfer of ownership/permit		Same	Same	NC	Same	NC	
(x) Tim extension on permit	\$ 50	Same	Same	NC	Same	NC	
*_b) Operation permits	\$ 50	Same	Same	NC	Same	NC	
(i) Major source	no fee	Same	Same	NC	Same	NC	
(ii) Minor source-stack sample	\$ 1,500	Same	Same	NC	Same	NC	
(iii) Minor source-other source	\$ 1,000	Same	Same	NC	Same	NC	
(iv) Minor source-no sample	\$ 750	Same	Same	NC	Same	NC	
(v) Minor modifications	\$ 250	Same	Same	NC	Same	NC	
(vi) Transfer of permit ownership	\$ 50	Same	Same	NC	Same	NC	
(vii) Time extension on permit	\$ 50	Same	Same	NC	Same	NC	
(viii) Variable form permitting standards or conditions	\$ 2,000	Same	Same	NC	Same	NC	
*NOTE: Major sources will pay a Title V fee pursuant to Section 62-213 F.A.C. If EPC and DEP have an agreement to share this fee, then no additional fee will be required under this rule. However, if there is not fee sharing agreement, then fees listed in section 1-6.02 A.1. above shall apply for Title V sources.							
<b>B. Asbestos notification*</b>							
1. Notification for commercial demolition							
(a) For structures less than 50,000 gross sq ft	\$ 200	NC	NC	\$300-\$700	\$ 100	NC	
(b) For structures 50,000 gross sq ft and greater	\$ 300	NC	NC	\$900-\$1,200	\$ 100	NC	
2. Notification for asbestos abatement							
(a) Renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$ 300	\$100 (160-420 sq ft)	NC	\$300	\$ 500	NC	
(b) Renovation greater than 1000 linear feet or 1000 sq ft	\$ 500	\$1,000 per 1,000 sq ft > 2,000 sq ft)	NC	\$400-\$1,000	\$ 500	NC	
(c) Annual notifications for facilities where renovation of asbestos containing material is expected to exceed 160 sq ft or 260 linear feet in a calendar year.	\$ 500	NC	NC	NC	NC	NC	
<b>C. Open burning authorization</b>							
1. Two (2) acres or less							
	\$ 400	NC	NC	NC	\$95 (5 piles)	\$ 70	
2. Greater than two (2) acres							
	\$ 600	NC	NC	NC	\$315 (annual permits)	\$ 70	

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Environmental Protection Commission Fee Schedule NC = Not Comparable. 1-6.03 WASTE MANAGEMENT	February 16, 2006 effective 2/24/06	Broward	Duval	Pinellas	Miami-Dade	Orange
<b>A. Solid Waste</b>						
<b>1. Construction permits</b>						
(a) Class I or class II facility - 5 year permit	\$ 800	\$ 16,000	NC	NC	10,000	\$ 9,785 + \$2,987/yr
(i) Application review	\$ 2,500					
(ii) Compliance	\$ 500					
(b) Class III facility - 5 year permit	\$ 2,000	\$ 12,000	NC	NC	6,000	\$ 8,446 + \$2,987/yr
(i) Application review	\$ 500					
(ii) Compliance	\$ 2,000					
(c) Resource recovery/Incinerator - 5 years	\$ 500	\$ 8,000	NC	NC	3,000	\$ 6,592 + \$927/yr
(i) Application review	\$ 2,000					
(ii) Compliance	\$ 500					
(d) Construction & demolition debris disposal - 5 year permit	\$ 500	\$ 8,500	NC	NC	6,000	\$ 8,446 + \$2,987/yr
(i) Application review	\$ 2,000					
(ii) Compliance	\$ 500					
(e) Waste processing facility - 5 year permit	\$ 1,500	\$ 8,000	NC	NC	2,000	\$ 6,592 + \$927/yr
(i) Application review	\$ 500					
(ii) Compliance	\$ 1,500					
(f) Compost facility - 5 year permit	\$ 500	\$ 11,000	NC	NC	5,000	\$ 6,592 + \$927/yr
(i) Application review	\$ 1,500					
(ii) Compliance	\$ 500					
(g) All other solid waste management facilities - 5 years	\$ 500	\$ 7,000	NC	NC	1,000	\$ 6,592 + \$927/yr
(i) Application review	\$ 1,500					
(ii) Compliance	\$ 500					
<b>2. Operation permits</b>						
(a) Class I or class II facility - 5 years permit	\$ 600	\$ 16,000	NC	NC	10,000	\$ 5,768 + \$2987/yr
(i) Application review	\$ 2,500					
(ii) Compliance	\$ 500					
(b) Class III facility - 5 years permit	\$ 2,000	\$ 10,000	NC	NC	4,000	\$ 5,150 + \$2987/yr
(i) Application review	\$ 500					
(ii) Compliance	\$ 2,000					
(c) Resource recovery/Incinerator - 5 years permit	\$ 500	\$ 7,000	NC	NC	\$1,000 - \$4,000 +	\$ 4,326 + \$927/yr
(i) Application review	\$ 2,000					
(ii) Compliance	\$ 500					
(d) Construction & demolition debris disposal - 5 year permit	\$ 500	\$ 7,000	NC	NC	2,200	\$ 5,150 + \$2987/yr
(i) Application review	\$ 2,000					
(ii) Compliance	\$ 500					
(e) Waste processing facility - 5 year permit	\$ 1,500	\$ 7,000	NC	NC	\$1000 - \$4000 +	\$ 4,326 + \$927/yr
(i) Application review	\$ 500					
(ii) Compliance	\$ 1,500					
(f) Compost facility - 5 year permit	\$ 500	\$ 9,000	NC	NC	\$3000 - \$6000 +	\$ 4,326 + \$927/yr
(i) Application review	\$ 1,500					
(ii) Compliance	\$ 500					
(g) All other solid waste management facilities - 5 years	\$ 500	\$ 6,500	NC	NC	\$500 - \$3500 +	\$ 4,327 + \$927/yr
(i) Application review	\$ 1,500					
(ii) Compliance	\$ 500					

Environmental Protection Commission Fee Schedule	February 16, 2006 effective 2/24/06	Broward	Duval	Pinellas	Miami-Dade	Orange
NC = Not Comparable.						
1-6.03 WASTE MANAGEMENT						
(i) Application review	\$ 500					
(ii) Compliance	\$ 1,500					
3. Closure/long term care permits						
(a) Class I or class II facility - 5 year permit						
(i) Application review	\$ 1,000	\$ 11,500	NC	NC	8,000	\$1,236/yr
(ii) Compliance	\$ 500					
(b) Class III facility - 5 year permit						
(i) Application review	\$ 1,000	\$ 10,000	NC	NC	4,500	\$1,236/yr
(ii) Compliance	\$ 500					
(c) Construction & demolition debris disposal - 5 year permit						
(i) Application review	\$ 1,000	\$ 8,500	NC	NC	3,000	\$1,236/yr
(ii) Compliance	\$ 500					
(d) All other solid waste management facilities - 5 year permit						
(i) Application review	\$ 1,000	\$ 7,000	NC	NC	NC	\$1,236/yr
(ii) Compliance	\$ 500					
4. Director's Authorization - facilities not otherwise requiring a solid waste permit issued by the FDEP						
(a) Old landfill development - 5 year permit						
(i) Application review	\$ 800	NC	NC	NC	\$2,650 - \$5,475	NC
(ii) Compliance	\$ 2,000					
(b) Recovered materials processing facility						
(i) Application review	\$ 500	NC	NC	NC	NC	NC
(ii) Compliance	\$ 1,700					
(c) Yard trash processing facility						
(i) Application review	\$ 2,200	\$ 7,000	NC	NC	2,000	NC
(ii) Compliance	\$ 500					
(d) One time on site disposal - residential						
(i) Application review	\$ 100	NC	NC	NC	NC	NC
(ii) Compliance	\$ 1,700					
(e) All other solid waste management facilities - 5 year permit						
(i) Application review	\$ 2,200	NC	NC	NC	NC	NC
(ii) Compliance	\$ 500					
(iii) Application review	\$ 1,700					
5. Modifications						
(a) Minor modifications						
(i) Corrections, minor changes which will not involve new work, or new work locations, which will not alter, replace or eliminate permit requirements.	\$ -	\$ 500			250	\$4,326 - \$5,768
(ii) Transfer, time extension, minor changes which involve new work, or new work locations which will alter, replace or eliminate permit requirements.	\$ 100	\$1500 + 50% Substantial Mod Fee			50% Substantial Mod Fee	NC
(b) Substantial modifications which require the appropriate application review fee in conformance with Section 1-6.03, 1 through 4.	\$ 100	\$3000 + Application Fee			100% Full Application Fee	\$6,592 - \$9,785



Environmental Protection Commission Fee Schedule	February 16, 2006 effective 2/24/06	Broward	Duval	Pinellas	Miami-Dade	Orange
NC = Not Comparable.						
<b>1-6.03 WASTE MANAGEMENT</b>						
6. Small quantity hazardous waste generators**						
(a) Annual notification/Verification fee	\$ 40	\$ 250-300	\$ 150-1470	gen funds	100-2800	gen funds
<b>**NOTE:</b> These Environmental Protection Commission fees will normally be collected by the Hillsborough County Tax Collector.						
<b>B. Storage tanks</b>						
1. Storage tank installation and upgrade plan reviews	\$ 150	Higher	NC	NC	Higher	NC

Environmental Protection Commission	February 16, 2006			
Fee Schedule	effective 2/24/06			
NC = Not comparable.				
<b>1-6.04 WATER MANAGEMENT</b>				
<b>A. The following application and compliance fees apply to permits that are to be reviewed pursuant to the authority of Chapter 84-446, Laws of Florida, and not pursuant to permit delegation from the FDEP:</b>				
1. Domestic wastewater source permits				
(a) Preliminary design report review		\$ 2,500		
(b) Facility permit for 5 years		\$ 2,940		
(i) Types I & II				
(a) Application review		\$ 1,850		
(b) Compliance activities		\$ 1,090		
(i) Type III				
(a) Application review		\$ 930		
(b) Compliance activities		\$ 380		
(c) Permit modifications		\$ 550		
(i) Minor modification involving construction activity		\$ 750		
(ii) Substantial modification		\$ 1,750		
(d) Residual site application		\$ 1,445		
2. Collection systems				
(a) General permit				
(i) Less than 10 EDU		\$ 230		
(ii) 10 or more EDU		\$ 460		
(a) Application review		\$ 230		
(b) Compliance (10 or more EDU)		\$ 230		
(b) Standard permit				
(i) Less than 10 EDU		\$ 270		
(ii) 10 or more EDU		\$ 500		
(a) Application review		\$ 270		
(b) Compliance (10 or more EDU)		\$ 230		
3. Industrial wastewater source permits				
(a) Preliminary design report				
(i) Major facility		\$ 2,500		
(ii) Minor facility		\$ 1,000		
(b) Facility permit for 5 years				
(i) Minor facility		\$ 1,000		

At least four other Counties have Specific Operating Agreements with FDEP for delegation of Domestic Wastewater Program Authority. Included in the Water fee evaluation is Broward, Miami-Dade County, Palm Beach County and Sarasota County. All four County programs reviewed utilize the state fees for FDEP permits established in Chapter 62-4 and Chapter 62-620.

Like EPC's Water Program, all four County programs are required by FDEP to split the state permit fees for delegated facilities between the FDEP and the Local Program, with the FDEP receiving 30% and the Local Program receiving 70% of the fees.

Broward, Miami-Dade County, Palm Beach County and Sarasota County all assess additional fees for plan reviews, wastewater licenses, "record drawing" reviews and/or annual operating permits.

Environmental Protection Commission Fee Schedule	February 16, 2006 effective 2/24/06						
NC = Not comparable.							
<b>1-6.04 WATER MANAGEMENT</b>							
(ii) Major facility				\$ 3,000			
(a) Application review				\$ 2,455			
(b) Compliance activities				\$ 545			
(c) General permits							
(d) Permit modifications				\$ 275			
(i) Minor modification involving construction activity				\$ 750			
(ii) Substantial modification				\$ 1,750			
4. EPC authorization for facilities not requiring a FDEP permit which may discharge pollutants or contaminants into waters of the county.						\$ 2,200	
B. Water permits being reviewed and processed by the Commission pursuant to permit delegation from the FDEP shall be subject to the processing fees set forth in section 62-4.050 F.A.C., although the compliance fees above may also apply as appropriate.							

Environmental Protection Commission Fee Schedule	February 16, 2006 effective 2/24/06	Broward	Duval	Pinellas	Miami-Dade	Orange
NC-Not comparable.						
<b>1-6.05 WETLANDS MANAGEMENT</b>						
1. Land excavation permits						
*(a) New and expansion	\$ 870	As part of Dev. Review	NC	As part of Dev. Review	Incorp. Into Dev. Review Fee	Incorp. Into Dev. Review Fee
*(b) Extension and renewal	\$ 650	Incorp. Into Dev. Review Fee	NC	As part of Dev. Review	Incorp. Into Dev. Review Fee	Incorp. Into Dev. Review Fee
2. Rezoning application						
*(a) CU, CP, IP, MHP/RVP, conditional use	\$ 300	Incorp. Into Dev. Review Fee	NC	As part of Dev. Review	Incorp. Into Dev. Review Fee	Incorp. Into Dev. Review Fee
*(b) All others						
3. Subdivision applications						
*(a) Preliminary	\$ 370	Incorp. Into Dev. Review Fee	NC	As part of Dev. Review	Incorp. Into Dev. Review Fee	Incorp. Into Dev. Review Fee
*(b) Master Plan	\$ 750	Incorp. Into Dev. Review Fee	NC	As part of Dev. Review	Incorp. Into Dev. Review Fee	Incorp. Into Dev. Review Fee
*(c) Construction	\$ 490	Incorp. Into Dev. Review Fee	NC	As part of Dev. Review	\$200 - \$23,000 <sup>g</sup>	Incorp. Into Dev. Review Fee
*(d) Final plat	\$ 200	Incorp. Into Dev. Review Fee	NC	As part of Dev. Review	Incorp. Into Dev. Review Fee	Incorp. Into Dev. Review Fee
*(e) Minor subdivision plans	\$ 230	Incorp. Into Dev. Review Fee	NC	As part of Dev. Review	Incorp. Into Dev. Review Fee	Incorp. Into Dev. Review Fee
*(f) As-built verification	\$ 300	Incorp. Into Dev. Review Fee	NC	As part of Dev. Review	Incorp. Into Dev. Review Fee	Incorp. Into Dev. Review Fee
4. Tampa Port Authority						
*(a) Minor form (site inspection required)	\$ 150	Non-delegated sources	Non-delegated sources	Non-delegated sources	Non-delegated sources	Non-delegated sources
*(b) Standard form	\$ 300	Non-delegated sources	Non-delegated sources	Non-delegated sources	Non-delegated sources	Non-delegated sources
5. Phosphate mining						
*(a) Annual review and inspection	\$ 375	NC	NC	NC	NC	NC
*(b) Unit review and reclamation	\$ 3,500	NC	NC	NC	NC	NC
*(c) Bimonthly inspections (\$ 6 per year)	\$ 310	NC	NC	NC	NC	NC
*(d) Administrative review	\$ 100	NC	NC	NC	NC	NC
*(e) Land alteration	\$ 500	NC	NC	NC	NC	NC
*(f) Amendments to Mining/Reclamation	\$ 1,000	NC	NC	NC	NC	NC
*(g) Changes within the mining unit	***	NC	NC	NC	NC	NC
*(h) Addition of adjacent acreage		NC	NC	NC	NC	NC
*6. Development of regional impact	\$ 1,200	\$4,464 - \$9,360 <sup>h</sup>	NC	Incorp. Into Dev. Review Fee	Incorp. Into Dev. Review Fee	Incorp. Into Dev. Review Fee
7. Commercial site development application	\$ 500	Incorp. Into Dev. Review Fee	NC	As part of Dev. Review	\$200 - \$23,000 <sup>g</sup>	Incorp. Into Dev. Review Fee
8. Natural Resources	\$ 270	Incorp. Into Dev. Review Fee	NC	As part of Dev. Review	\$ 345 SF	Incorp. Into Dev. Review Fee
9. Miscellaneous activities in wetlands						
*(a) Nuisance species removal	No fee	NC	NC	NC	No Fee	NC
*(b) Dock, boardwalks, riprap, etc.	\$ 150	\$250 - \$400 <sup>h</sup>	NC	\$275 - \$875 SF <sup>g</sup>	\$60 - \$135 <sup>h</sup>	\$115 - \$177 <sup>h</sup>
10. Wetland delineation						
*(a) Less than 250 L.F.	\$ 150	\$35 + \$30/acre	NC	\$125 SF	\$1035 SF	\$665 S.F.
*(b) 250 L.F. or greater	\$150 + 20 L.F.		NC	\$245 COM	\$1380 COM	\$875 - \$1030 COM <sup>1</sup>
11. Wetland mitigation						
*(a) Single family homes (review and monitoring reports)	\$ 850	\$400 - \$4,000 <sup>4</sup>	NC	Incorp. Into Dev. Review Fee	\$200 - \$23,000 <sup>g</sup>	\$540
*(i) Review	\$ 500		NC			
*(ii) 7 monitoring reports	\$ 350	40% annually of Initial Fee	NC		Incorporated into Fee	
***(b) Commercial/subdivision-forested	\$ 4,975	\$400 - \$4,000 <sup>4</sup>	NC	Incorp. Into Dev. Review Fee	\$200 - \$23,000 <sup>g</sup>	\$1236 - \$4,326 <sup>1</sup>
*(i) Review	\$2,500		NC			
*(ii) 11 monitoring reports	\$2,475	40% annually of Initial Fee	NC		Incorporated into Fee	
*(c) Commercial/subdivision-herbaceous	\$ 4,075	\$400 - \$4,000 <sup>4</sup>	NC	Incorp. Into Dev. Review Fee	\$200 - \$23,000 <sup>g</sup>	Same as above
*(i) Review	\$2,500		NC			
*(ii) 7 monitoring reports	\$1,575	40% annually of Initial Fee	NC		Incorporated into Fee	
*(d) Agricultural - Forested	\$ 1,050	\$400 - \$4,000 <sup>4</sup>	NC	Incorp. Into Dev. Review Fee	\$200 - \$23,000 <sup>g</sup>	Same as above
*(i) Review	\$ 500		NC			
*(ii) Monitoring	\$ 550	40% annually of Initial Fee	NC		Incorporated into Fee	
*(e) Agricultural - Herbaceous	\$ 850	\$400 - \$4,000 <sup>4</sup>	NC	Incorp. Into Dev. Review Fee	\$200 - \$23,000 <sup>g</sup>	Same as above

Environmental Protection Commission Fee Schedule	February 16, 2006 effective 2/24/06	Broward	Duval	Pinellas	Miami-Dade	Orange
NC-Not comparable.						
<b>1-6.05 WETLANDS MANAGEMENT</b>						
(i) Monitoring	\$ 500					
(i) Review	\$ 360					
(f) Amendment to mitigation plan						
(i) Changes in configuration/location		40% annually of Initial Fee			Incorporated into Fee	
(ii) Changes in elevations/planting scheme	\$ 500					
(g) Phosphate mining	\$ 100					
(i) Addition of adjacent area to previously approved mitigation application	****					
<b>12. Mangrove Trimming and Alteration</b>						
(a) Trimming permit per Ch. 1-14.06	\$ 225			\$400 COM		NC
(b) Compliance/monitoring fee				\$200 SF	\$195 - \$2,990 <sup>5</sup>	NC
for staged trimming for each trim event	\$ 50					NC
(c) Other Trimming and Alteration permit						NC
Single family					\$195 - \$2,990 <sup>5</sup>	NC
(i) Review	\$ 500					NC
(ii) 11 monitoring reports	\$ 560					NC
(d) Other Trimming and Alteration permit						NC
Commercial/subdivision						NC
(i) Review	\$ 2,500				\$195 - \$2,990 <sup>5</sup>	NC
(ii) 11 monitoring reports	\$ 2,475					NC
(c) Professional Mangrove Trimmer:						NC
fee per Ch. 1-14.08						NC
First time registration fee	\$ 50				\$550 - \$650 <sup>8</sup>	NC
Annual renewal fee	\$ 25				\$550 - \$650 <sup>8</sup>	NC
* Denotes EPC Fees collected by the Planning and Growth Management Department for EPC.						
**Only this subsection of Rule 1-6.05.11 applies if the application contains a request for authorization to impact both forested and herbaceous wetlands.						
***Minimum \$500 or Straight Line Pro-Rata Fee whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mining unit divided by 2500, multiplied by the fee required by Rule 1-6.05.5(b)						
****Minimum \$700 or Straight Line Pro-Rata Fee whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mitigation application, divided by 2500, multiplied by the fee required by Rule 1-6.05.11 (b) or (c) as applicable.						
SF = Single Family Residential						
COM = Commercial Property						
ATF = After The Fact						
1 = Varies based on acres						
2 = Based Square Feet						
3 = Based on newly or resubmitted						
4 = Based on Cubic Yards Dredge Material						
5 = Based upon nature of project						
6 = Based on construction cost						
7 = Repeat Assessment						
8 = Based on Certification						

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** April 15, 2010

**Subject:** Request for a Public Hearing before the Commission on May 20, 2010, to consider adoption of a Fertilizer Use and Landscape Management Rule.

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

**Division:** Executive Director's Report

**Recommendation:** Receive brief update regarding fertilizer rulemaking and request the Commission conduct a public hearing on May 20<sup>th</sup> to consider adoption of a rule. Also authorize appropriate public notice.

**Brief Summary:** EPC staff will provide a brief status report on the draft Fertilizer Use and Landscape Management rule and request Commissioners conduct a public hearing on May 20<sup>th</sup> to consider adopting a rule. The EPC staff has conducted three fertilizer rulemaking workshops and has and will continue to meet with interested parties.

**Financial Impact:** Newspaper publication cost of the public hearing date.

**Background:** Senate Bill 494 became effective July 1, 2009. Section 403.9337, of the Florida Statutes (created by SB 494), in part, requires cities and counties that have nutrient-impaired waters to adopt at a minimum the Florida Department of Environmental Protection's (FDEP) Model Ordinance, published in "Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions," a publication of the FDEP and UF-IFAS, dated January 2009.

While the EPC is not required to adopt the Model Ordinance, all three cities and the County would be required to adopt ordinances based on nutrient-impaired waters that flow through all four local government jurisdictions. This could lead to four different and possibly confusing fertilizer regulations in Hillsborough County. In an effort to have a consistent rule in the County and to reduce nitrogen pollution in our local waters, the EPC has been drafting a fertilizer rule that is more stringent than the FDEP's model and that would apply within all four jurisdictions. After three March workshops and many stakeholder meetings, the EPC is continuing to meet with interested parties, will conduct meetings with the FDEP and the Department of Agriculture and Consumer Services (FDACS), and will continue to take written public comment. Additionally, the EPC will send FDEP, FDACS, and UF-IFAS the draft rule and supporting documentation so that we may consider any comments they have.

EPC staff will provide a brief status report on the fertilizer rulemaking and will request the Commissioners set a public hearing on May 20<sup>th</sup> to consider adopting a rule. A draft rule is attached, but it is anticipated that the rule will keep evolving until prior to the May public hearing as we continue to take comments from more parties, including FDEP, FDACS, and UF-IFAS.

**List of Attachments:** Draft Fertilizer Use and Landscape Management Rule Chapter 1-15,  
Rules of the EPC.



**\*\* The EPC Commission instructed EPC staff to develop a rule based on two possible concepts: a Tampa Bay Estuary Program option (restrict summer application and summer sales) and an Orange County option (restrict summer application, unless certified). When the EPC Commission considers the rule they will choose between these options, or any combination of them.**

**DRAFT as of 3-24-2010  
 RULES OF THE  
 ENVIRONMENTAL PROTECTION  
 COMMISSION  
 OF HILLSBOROUGH COUNTY**

**CHAPTER 1-15  
 FERTILIZER USE AND LANDSCAPE  
 MANAGEMENT**

- 1-15.01 Findings of Fact and Statement of Intent
- 1-15.02 Definitions
- 1-15.03 Applicability
- 1-15.04 Weather and Seasonal Restrictions
- 1-15.05 Fertilizer Content and Application Rate
- 1-15.06 Impervious Surfaces and Mode of Application
- 1-15.07 Fertilizer-Free Zones
- 1-15.08 Management of Grass Clippings and Vegetative Material
- 1-15.09 Exemptions
- 1-15.10 Certification and Training
- 1-15.11 Retail Sale of Fertilizer Containing Nitrogen or Phosphorous
- 1-15.12 Enforcement and Penalty
- 1-15.13 Recommendations and Additional Information
- 1-15.14 Variances
- 1-15.15 Agency Review

**1-15.01 FINDINGS OF FACT AND STATEMENT OF INTENT**

(a) As a result of impairment to Hillsborough County’s surface waters caused by excessive nutrients, or, as a result of increasing levels of nitrogen in the surface and/or ground water within the aquifers or springs within Hillsborough County, the Commission has determined that the use of fertilizers creates a risk of adverse effects on surface and/or ground water. Accordingly, the Commission finds that additional management measures, including but not limited to those contained in the most recent edition of the “Florida-Friendly Best Management Practices for

Protection of Water Resources by the Green Industries,” are required by this rule.

(b) The intent of this rule is to regulate the proper use of fertilizers by any applicator; require proper training of commercial and institutional fertilizer applicators and landscape maintenance companies by establishing training and licensing requirements; establish a prohibited application period; specify allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, exemptions, and training and licensing requirements. The rule requires the use of best management practices (BMPs) which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers and improper landscape maintenance practices. These secondary and cumulative effects have been observed in and on Hillsborough County’s stormwater and drainage conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies, whether they are natural or artificial. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural, and economic well-being of Hillsborough County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and artificial stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

Section History – Adopted [insert date]; Effective [insert date].

**1-15.02 DEFINITIONS**

For this rule, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

(a) “Executive Director” means the Environmental Director of the Commission, or his or her designee.

(b) “Application” or “Apply” means the actual physical deposit of fertilizer to turf or landscape plants.

(c) "Applicator" means any person who applies fertilizer on turf and/or landscape plants in Hillsborough County.

(d) "Commission" means the Environmental Protection Commission of Hillsborough County.

(e) "Best Management Practices" or "BMP" means turf and landscape practices which minimize the negative environmental impacts of installation and maintenance of landscapes.

(f) "Enforcement Officer", "Official", or "Inspector" means any designated employee or agent of the Commission whose duty it is to enforce rules adopted by the Commission and any designated employee of Hillsborough County or a municipality designated to enforce the Commission's rule or their own similar ordinance.

(g) "Commercial Fertilizer Applicator" means any person who applies fertilizer on turf and/or landscape plants in Hillsborough County in exchange for money; goods, services or other valuable consideration.

(h) "Fertilize", "Fertilizing", or "Fertilization" means the act of applying fertilizer to turf, specialized turf, or landscape plants.

(i) "Fertilizer" means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil. For purposes of this rule, when referring to "fertilizers" it can include both those that contain nitrogen ("N") or phosphorous ("P"), and fertilizers that do not contain those substances. Nonetheless, this rule may use the following abbreviations also to reflect a specific type of content-based fertilizer: "N-fertilizer", "P-fertilizer", or fertilizer that contains either N and/or P - "N/P-fertilizer".

(j) "Granular" means composed of small grains or particles.

(k) "Institutional Applicator" means any person, other than a non-commercial or commercial applicator, that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners and managers of public lands, schools, parks, religious institutions, utilities, industrial or business

sites and any residential properties maintained in condominium and/or common ownership.

(l) "Impervious Surface" means a surface that has been compacted or covered with a layer of material so that it is highly resistant or prevents infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as conventionally surfaced streets, sidewalks, parking lots, and other similar surfaces.

(m) "Landscape Plant" means any native or exotic tree, shrub, ornamental, or groundcover (excluding turf).

(n) "Landscape Maintenance" means activities carried out to manage and maintain landscape plants and turf including but not limited to mowing, edging, and trimming.

(o) "Low Maintenance Zone" means an area a minimum of six (6) feet wide adjacent to surface waters which is planted with non-turf grass vegetation and managed in order to minimize the need for fertilization, watering, mowing, etc.

(p) "Pasture" means land used for livestock grazing that is managed to provide feed value.

(q) "Person" means any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of such, jointly or severally.

(r) "Commission-Approved Best Management Practices (BMP) Training Program" means a training program approved by the Commission that includes, at a minimum, the BMPs associated with proper mowing, trimming, irrigation, and landscape debris management.

(s) "Restricted Season" means June 1st through September 30th.

(t) "Site Supervisor" means the direct supervisor of landscape maintenance personnel.

(u) "Slow" or "Controlled Release" fertilizer means a fertilizer containing a plant nutrient in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant significantly longer than a referenced "rapidly available nutrient fertilizer."

(v) "Specialized Turf" means areas of turf used for athletic fields, golf courses, golf course practice areas, and other private or public athletic fields.

(w) "Specialized Turf Manager" means a person responsible for fertilizing or directing the fertilization of specialized turf.

(x) "Surface Water" means those waters as identified by section 62-340.600, Florida Administrative Code, which include waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. They shall include, but not be limited to, bays, rivers, streams, lakes, ponds, swamps, wetlands, canals, springs, impoundments and all other waters or bodies of water, including fresh, brackish or saline, tidal or intermittent, which are located, either entirely or partially, within the geographic boundaries of Hillsborough County.

(y) "Turf", "Sod", or "Lawn" means a piece of grass-covered soil held together by the roots of the grass.

(z) "Vegetable Garden" means an area dedicated to the cultivation of edible plants or individual trees that produce edible food products.

**Section History** – Adopted [insert date]; Effective [insert date].

### **1-15.03            APPLICABILITY**

This rule shall be applicable to and shall regulate any and all applicators of fertilizer, areas of application of fertilizer, and landscape maintenance activities within Hillsborough County, unless such applicator or activity is specifically exempted by the terms of this rule from the regulatory provisions of this rule. Exemptions are located in section 1-15.09.

**Section History** – Adopted [insert date]; Effective [insert date].

### **1-15.04            WEATHER AND SEASONAL RESTRICTIONS**

(a) No applicator shall apply fertilizers containing nitrogen and/or phosphorous to turf and/or landscape plants during the restricted season from June 1 – September 30.

(b) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants if it is raining or within the time period during which a flood watch or warning, or a tropical

storm watch or warning, or a hurricane watch or warning is in effect for any portion of Hillsborough County, issued by the National Weather Service, or if rain greater than or equal to 2 inches in a 24 hour period is likely.

**Section History** – Adopted [insert date]; Effective [insert date].

### **1-15.05            FERTILIZER CONTENT AND APPLICATION RATE**

(a) N/P-fertilizers shall be applied to turf and/or landscape plants at the recommended rate per the Florida Department of Environmental Protection's (FDEP) "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries", December 2008, as revised, with no more than four (4) pounds of nitrogen per 1000 ft<sup>2</sup> applied in any calendar year.

(b) No fertilizer containing phosphorus shall be applied to turf and/or landscape plants in Hillsborough County, except where phosphorus deficiency has been demonstrated in the soil underlying the turf and/or landscape plants by a soil analysis test performed by a State of Florida-certified laboratory. Any person who obtains such a soil analysis test showing a phosphorus deficiency and who wishes to apply phosphorus to turf and/or landscape plants shall mail a copy of the test results to the Executive Director prior to the application of phosphorous.

(c) Nitrogen fertilizer shall not be applied on newly established turf or new landscape plants for the first 30 days.

(d) Granular fertilizers containing nitrogen applied to turf and/or landscape plants within Hillsborough County shall contain no less than 50% slow release nitrogen per guaranteed analysis label.

(e) Liquid fertilizers containing nitrogen applied to turf and/or landscape plants within Hillsborough County shall not be applied at a rate that exceeds 0.5 lbs/1000 ft<sup>2</sup> per application.

**Section History** – Adopted [insert date]; Effective [insert date].

### **1-15.06            IMPERVIOUS SURFACES AND MODE OF APPLICATION**

(a) Fertilizer shall not be applied or otherwise deposited on any impervious surfaces. Any fertilizer applied or deposited, either intentionally or accidentally, on any impervious surface shall be

immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container. Fertilizer shall not be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, drainage conveyances, roadways, or surface waters.

(b) Spreader deflector shields are required when applying fertilizer by use of any broadcast or rotary spreader. Deflector shields must be positioned such that fertilizer granules are deflected away from all impervious surfaces and surface waters.

Section History – Adopted [insert date]; Effective [insert date].

#### **1-15.07 FERTILIZER-FREE ZONES**

Fertilizer shall not be applied within ten (10) feet from the landward extent of any surface water as identified in section 62-340.600(2), Florida Administrative Code. For example, you may not apply fertilizer within ten feet of the top of bank of any surface water or the top of a seawall.

Section History – Adopted [insert date]; Effective [insert date].

#### **1-15.08 MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATERIAL**

It shall be a violation of this section for any person to wash, sweep, blow or otherwise cause grass clippings, vegetative material, and/or vegetative debris to be deposited into stormwater drains, ditches, drainage conveyances, surface waters, or roadways.

Section History – Adopted [insert date]; Effective [insert date].

#### **1-15.09 EXEMPTIONS**

(a) The following activities are exempt from this regulation:

(1) Golf courses. For all golf courses, the provisions of the Florida Department of Environmental Protection (FDEP) document, “BMPs for the Enhancement of Environmental Quality on Florida Golf Courses, January 2007,” as updated, are required and shall be followed when applying fertilizer to golf courses.

(2) Bona fide farm operations as defined in the Florida Right to Farm Act, section 823.14, Florida Statutes.

(b) Section 1-15.04(a) shall not apply to fertilizer applications on or the use of:

(1) Specialized turf, including but not limited to, privately and publicly operated athletic fields. Specialized turf managers are required to follow the Best Management Practices embodied in the “Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries”, as updated.

(2) Vegetable gardens, owned by individual property owners or a community, provided that fertilizer application rates do not exceed UF/IFAS recommendations per SP103 Florida Vegetable Gardening Guide, December 2008, as revised.

(3) Yard waste compost or mulch.

(4) Tree root injection fertilization.

(5) **[DELETE IF COMMISSION WANTS CONSISTENCY WITH PINELLAS]**Landscape plants, except for immediately prior to or during any weather event described in section 1-15.04.

(6) Value added products, including but not limited to, small, hand-held spray fertilizers and topsoil bags that contain N/P-fertilizer usually intended for potted plants or ornamental plants. These products may not be applied to turf during the restricted season.

(7) **[INSERT IF SUMMER APPLICATION BY CERTIFIED COMMERCIAL APPLICATORS ONLY IS DESIRED]** Commercial applicators trained and certified in accordance with section 1-15.10 may apply fertilizer containing nitrogen to turf during the restricted season. All certifications must be current. All restricted season applications by commercial applicators must comply with all other provisions of this rule, including but not limited to the application rates.

(8) Theme parks, zoos, and botanical gardens that have an NPDES permit, that follow a BMP manual or similar manual to protect water quality, and whose applicators are IFAS-BMP certified.

(c) **[DELETE IF SUMMER SALES RESTRICTION IS NOT APPROVED]** Retail or wholesale fertilizer sellers may sell products containing nitrogen and/or phosphorus to any person exempted under 1-15.09 during the restricted season.

Section History – Adopted [insert date]; Effective [insert date].

#### 1-15.10 CERTIFICATION AND TRAINING

(a) All commercial applicators, as well as government and institutional landscape applicators, shall abide by and successfully complete a University of Florida Institute of Food and Agricultural Sciences (IFAS)-approved Best Management Practices training program within three hundred and sixty five (365) days of adoption of this rule or within 60 days of being hired, whichever is later. The training is based on the Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries manual and the provision of this rule. Landscape maintenance staff are required to keep a copy of the BMP Certificate of Completion with them during landscape maintenance activities and shall present the certificate to the Commission or any authorized local government official, upon request.

(b) All commercial and institutional applicators, site supervisors, and managers of professional landscape maintenance companies, government and institutional landscape supervisors, and any employee of a lawn and landscape maintenance company performing landscape maintenance shall abide by best management practices for which they have been trained or certified and must comply with the provisions of this rule.

(c) In the event of a conflict between the BMPs and any law, the law shall prevail. Failure to follow any fertilizer BMP is a violation of this rule.

(d) A vehicle decal issued by the Executive Director or other authorized organization indicating that the company is in compliance with the training and certification requirements herein shall be affixed and maintained on the exterior of all vehicles and/or trailers used by the company in connection with landscape maintenance activities and/or the application of fertilizer within the area regulated by this rule. The vehicle and trailer decals shall be provided by the Executive Director or other authorized organization upon submittal of demonstration of compliance of the company with the requirements herein. The Commission may charge a nominal fee for issuance of a decal, for administration of training and certification, or for administration of compliance with this rule.

Section History – Adopted [insert date]; Effective [insert date].

#### 1-15.11 RETAIL SALE OF FERTILIZER CONTAINING NITROGEN OR PHOSPHOROUS

[DELETE ALL BUT sub-(b) IF NO SUMMER SALES RESTRICTION and re-title the section]

(a) Effective June 1, 2011, no person shall sell, at retail, any lawn or landscape fertilizer, liquid or granular, within Hillsborough County that contains any amount of nitrogen or phosphorous during the restricted season from June 1 – September 30, unless otherwise provided for and/or exempted in this rule.

(b) Granular fertilizers containing nitrogen sold at retail within Hillsborough County shall contain no less than 50% slow release nitrogen per guaranteed analysis label.

(c) Displays of non-exempt lawn and landscape fertilizers containing nitrogen or phosphorous shall not be allowed on the sales area of the retail store during the restricted season.

(d) During the restricted season, retailers shall post a notice stating that the use of non-exempt lawn and landscape N/P-fertilizers in Hillsborough County is restricted in accordance with this rule.

Section History – Adopted [insert date]; Effective [insert date].

#### 1-15.12 ENFORCEMENT AND PENALTY

(a) Violations of this rule may be enforced in accordance with the Hillsborough County Environmental Protection Act and/or enforced in accordance with any other agreement between the Commission and any other State or local government.

(b) Enforcement of this rule shall be tolled for 12 months from the effective date of this rule, in order to allow the Commission to educate the public and landscape industry regarding this rule.

Section History – Adopted [insert date]; Effective [insert date].

#### 1-15.13 RECOMMENDATIONS AND ADDITIONAL INFORMATION

(a) A voluntary six (6) foot low-maintenance, “no-mow” zone is strongly recommended

from those areas described as fertilizer-free zones in section 1-15.07 to reduce the potential for N/P-fertilizer residue entering adjacent water bodies and wetlands. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. No vegetative material shall be deposited or left remaining in this zone or in the water. Care should be taken to prevent the overspray of aquatic weed products in this zone.

(b) It is recommended that the application of fertilizer for properties using reclaimed water service be reduced in accordance with the nutrient level contained in the reclaimed water. This information is available through the County and municipal water departments.

(c) The Commission strongly recommends the establishment of training programs using Spanish-speaking certified BMP trainers.

(d) The Commission recommends that private homeowners become familiar with and utilize the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods Handbook (September 2009) when applying fertilizer.

(e) Fertilizers sold within Hillsborough County shall meet the requirements set forth in Rule 5E-1.003(2), Florida Administrative Code, *Labeling Requirements For Urban Turf Fertilizers*.

**Section History** – Adopted [insert date]; Effective [insert date].

#### **1-15.14 VARIANCES**

(a) All requests for a variance(s) from the requirements of this rule shall be made in writing to the Executive Director on an EPC fertilizer variance form. The Executive Director may require the applicant for a variance to provide such information as necessary to carry out the purpose of this rule. The Executive Director may approve, approve with conditions or deny requests for variances. A variance may be granted if strict application of this rule would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant.

(b) Variances may be issued by the Executive Director only upon satisfaction of the following:

(1) A showing of good and sufficient cause by the applicant and that the cause is not self-imposed, and

(2) A determination by the Executive Director that the variance is the minimum necessary to afford relief, and

(3) A determination by the Executive Director that failure to grant the variance would result in a practical difficulty or a physical hardship affecting the applicant's economic use of the property, (e.g. condemnation, abandonment, eviction, foreclosure, or extended illness that has lead to lawn deterioration) and

(4) A determination by the Executive Director that the granting of the variance will not result in threats to the health, safety and welfare of the residents of the County or conflict with existing local laws or ordinances.

(c) Any person aggrieved by the decision of the Executive Director may appeal pursuant to the provisions of Chapter 1-2, Rules of the Commission.

**Section History** – Adopted [insert date]; Effective [insert date].

#### **1-15.15 AGENCY REVIEW**

Within 4 years of the effective date of this rule, the Commission shall review the effectiveness of the rule and whether any changes are merited.

**Section History** – Adopted [insert date]; Effective [insert date].

#### **Rule History:**

Adopted and Effective xx/xx/2010



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** April 15, 2010

**Subject:** *Evelyn Romano, Warren Dixon and Andrea Braboy vs. City of Tampa, Department of Public Works, and EPC - Final Order Hearing*

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

**Division:** Wetland Management Division and Legal Department

**Recommendation:** Review the Hearing Officer's Recommended Order, Hear Oral Argument from the Parties, and Render a Final Order.

**Brief Summary:** On April 27, 2009, Evelyn Romano et. al, filed an appeal challenging an EPC wetland impact authorization to the City of Tampa for the construction of the New Tampa Boulevard Extension. The parties conducted an administrative hearing on January 7, 2010. The Hearing Officer's Recommended Order found in favor of the City of Tampa and the EPC, thus upholding the wetland impact authorization for the project. Exceptions to the Recommended Order were timely filed by Evelyn Romano and the EPC. Pursuant to Chapter 1-2, Rules of the EPC, the Commission must review the exceptions and adopt, reject, reverse, or modify the Recommended Order or the Commission can remand the case for more fact finding. The parties have an opportunity to present oral argument at the Final Order hearing. A Final Order must be approved by the Commission after hearing the arguments.

**Financial Impact:** No Financial Impact Anticipated

### **Background:**

On January 2, 2008, the Executive Director issued a Wetland Permit approving an estimated 2.2 acres of wetland impact for the construction of the NTBE which begins at the current western dead-end of New Tampa Boulevard in New Tampa and bridges over I-75 to Commerce Boulevard. The Wetland Permit included the findings that (1) the "proposed impact to the wetland is necessary for the reasonable use of the Applicant's property" and (2) the mitigation plan "would provide adequate protection of the environmental benefits" of the wetland, meaning the mitigation proposed satisfied the requirements under Sections 1-11.08 and 1-11.09(1)(b), Rules of the EPC. The Appellant filed a Notice of Appeal pursuant to EPC Rule 1-2.30(b) challenging the Wetland Permit. The Appellant then filed her appeal pursuant to Section 9 of the EPC enabling act, Chapter 84-446, Laws of Florida, challenging the Executive Director's approval. The issues are whether the Appellant has standing to challenge the decision and, if so, whether Tampa has provided reasonable assurance that the "proposed impact to the wetland is

necessary for the reasonable use” of Tampa’s property under the EPC Act, the EPC Wetland Rule Chapter 1-11, and Chapter III of the adopted “Basis of Review For Authorization of Activities Pursuant to Chapter 1-11 – Wetlands.

An Administrative Hearing was conducted on January 7, 2010. The Hearing Officer, issued a Recommended Order on February 19, 2010. The Hearing Officer found that based on the facts and the law, the Appellant lacks standing to bring this appeal and even if the Appellant had standing, the appeal fails on the merits. The Hearing Officer recommends a Final Order be issued dismissing the appeal and that the permit be issued for a time period of two years and two months after the date of the Final Order. The Appellant and the Executive Director filed exceptions to the Recommended Order.

Pursuant to Chapter 1-2.35, Rules of the EPC, Counsel for the parties may present oral argument to the Commission on issues raised in the exceptions to the Recommended Order. The Commission may set a time limit for each party to address them. The Commission must adopt, reject, reverse, or modify the Recommended Order via a Final Order or the Commission may remand the case for more fact finding. If there is no remand, the Commission is charged with issuing a Final Order after hearing argument from all the parties during the Commission meeting. Even though this is not a public hearing, the Commission has the discretion to allow the public to comment. If the public does comment on the case, the parties have an opportunity for a brief closing argument. No evidence may be taken by the Commission.

It is recommended that each party be given no more than 10 minutes to provide oral argument as to the issues reasonably raised in the exceptions to the Recommended Order and an equal time for response to the exceptions. The Commission will then discuss and vote on the matter. Chapter 1-2.35, Rules of the EPC explains that the “Commission may reject, reverse or modify a finding of fact only if it finds that the fact is not supported by substantial competent evidence in the record.” Furthermore, nothing in the Final Order can be contrary to the EPC Act or rules. Subsequent to the Board meeting, a Final Order will then be drafted, executed by the Chairman, and issued to the parties based on the decision of the Commission.

**List of Attachments:** Recommended Order, Exceptions, and Response to the Exceptions available on-line.





## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** April 15, 2010

**Subject:** 2010 EPC Legislative Session Update

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

**Division:** Legal Department

**Recommendation:** Receive staff report.

**Brief Summary:** The 2010 Florida Legislative Session runs from March 2 through April 30, 2010. The EPC staff continues to track, analyze, and comment on relevant bills pursuant to the continuing EPC Board Policy No. 2007-02. Currently, the EPC staff is aware of a few proposed bills that may impact the EPC and other local government regulatory powers as it relates to wetland regulations and fertilizer regulations.

**Financial Impact:** None.

**Background:** The 2010 Florida Legislative Session commenced on March 2, 2010 and will close on April 30, 2010. The EPC staff tracks dozens of environmental and administrative bills and comments on them to the County's Public Affairs Office and the Florida Association of Counties. The EPC Board approved a legislative strategy (Policy No. 2007-02) on March 15, 2007, that gives staff continuing direction to monitor and comment on bills that impact the functions of the EPC. When there is a bill of major concern, the EPC staff seeks authorization from the Chair and/or the full EPC Board to issue a position letter regarding the bill to our local legislative delegation and other elected officials. Additionally, on December 17, 2009, the EPC Board authorized EPC staff to work with the Legislative members to help ensure full funding for the Inland Protection Trust Fund (which supports the Petroleum Cleanup Program). Early in this session the EPC staff has already encountered many bills of interest, some of which attempt to weaken local government powers.

1. **FERTILIZER BILL – HB 1445 and SB 2546.** Prior to the Legislative session, a few draft bills amending the year-old fertilizer law were being debated. Currently, there are at least two sponsored bills since the session has started (HB 1445 and SB 2546). These proposed glitch bills tighten up how local governments can pass more stringent local fertilizer rules. Last year SB 494, now Sec. 403.9337, Florida Statutes, was passed and it required all local governments with nutrient impaired waters to pass at minimum the DEP's fertilizer model code within the local government's jurisdiction. The current law also provides for how a local government can pass a more stringent local rule. These bills would add additional conditions to the existing law mainly to make it more difficult to pass a more stringent

fertilizer rule than the DEP model. Among other things, HB 1445, sponsored by Rep. Nelson, requires that if a local government wants to adopt a more stringent fertilizer ordinance/rule, they must do the following:

- 1) Implement a comprehensive program to address nonpoint source nutrient pollution. If the government can show that the comprehensive program is not enough to address the nutrient problems, then it may pursue a stricter rule. The bill goes on to describe potential comprehensive steps a government can take, such as actions adopted in a basin management action plan, adoption of Florida-Friendly landscaping ordinance, or implementing low-impact development practices.
- 2) The local government must convene a workgroup of diverse parties detailed in the bill (e.g. local government representative, agricultural representative, retail representative, DEP representative, etc.) that must conduct “a review and [provide] a report that addresses the economical and technical feasibility of enforcing the proposed additional or more stringent standards.”
- 3) The local government must include in the public record, the scientifically documented vulnerability of the waters to nutrient enrichment due to geology, hydrology, climate, etc.
- 4) Finally, if two or more entities (IFAS, DACS, or DEP) question the scientific basis of the proposed standards, the local government must address those concerns “to the maximum extent practicable.”

Thus, the hurdle would be much higher for local governments to create a more stringent fertilizer rule. Senate Bill 2546, sponsored by Senator Baker, has most of the concepts of items number one and three above regarding having a comprehensive plan in place to address nonpoint sources and documenting the vulnerability of the waters, prior to creating a stricter rule. Finally, SB 2546 mandates that all local governments adopt, at minimum, the DEP model by January 1, 2011, or within 6 months of an impaired water being listed. The current law has no deadline to adopt the model. In general SB 2546 is not as onerous as HB 1445. EPC staff is currently drafting a rule that would be stricter than the DEP model. Depending on the effective date, a law that may pass from the current session could necessitate the EPC to take additional steps to create a more protective rule.

**2. JOBS BILL (ENVIRONMENTAL PERMITTING) – SB 1752 and HB 1509.** The Senate Select Committee on Florida’s Economy has proposed an omnibus economic stimulus bill date February 3, 2010, that has some environmental permitting matters of concern to local governments. The bill has some language to encourage local governments to seek delegation of the Florida environmental resource permitting (ERP) program issued by the FDEP and Water Management Districts (i.e., wetland and stormwater permitting) so the local governments can administer the state program in their jurisdiction. It also provides more avenues to challenge the denial of delegation by allowing an appeal to the Florida Governor and Cabinet. The bill also contained language that may have eliminated local government regulatory powers. If a local government does not seek ERP delegation by June 1, 2011, then the local government would be barred from requiring persons from acquiring a local permit if it is substantially similar to what the state ERP requires. This bill not only impacts the EPC, but it could impact the County’s permitting program that also handles wetland impacts and stormwater management. The language was favorably amended in the Senate version and passed unanimously. The House bill is pending.

3. **REGULATION OF WETLAND ON AGRICULTURAL LANDS.** Committee meetings have been held to discuss a bill that would prevent local government from regulating wetlands on agricultural lands. This language has been proposed in the past, sometimes grandfathering existing local programs, and has failed. This year the proposal appears to grandfather any regulations passed prior to 2003. The EPC did pass some wetland regulations in 2007, though favorable to agriculture, could be nullified under this bill.

**List of Attachments:** None

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