

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
MAY 20, 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

II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE

Report from the CEAC Chairman – Danny Alberdi

III. CONSENT AGENDA

A. Approval of Minutes: April 15, 2010	3
B. Monthly Activity Reports	9
C. Pollution Recovery Fund Report	21
D. Gardinier Settlement Trust Fund Report	22
E. Legal Case Summary, May 2010	23
F. Amendment to Cooperative Agreement between the EPC and Hillsborough County for Cockroach Bay Aquatic Preserve Saltern Habitat Restoration.....	29

IV. EXECUTIVE DIRECTOR

A. EPC Board Workshop to discuss cost recovery recommendations and a request to hold a Public Hearing at a later date to consider amendments to Chapter 1-6, Services - Fee Schedule.....	31
B. Deep Horizon Oil Spill Update / EPC Responsibilities	
C. Fertilizer Rule Making Update	

V. AIR DIVISION

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VI. LEGAL DEPARTMENT

Summary of Select Environmental Bills in the 2010 Legislative Session	63
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Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

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APRIL 15, 2010 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, April 15, 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, and Kevin White.

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

Chairman Higginbotham called the meeting to order at 9:14 a.m., led in the pledge of allegiance, and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, reviewed the changes, including staff recommendation to move Item VI.A, final order hearing, Evelyn Romano, Warren Dixon, and Andrea Braboy versus city of Tampa (Tampa) Public Works Department and EPC, to the end of the agenda and a Board of County Commissioners request to defer Item V.A., EPC workshop to discuss cost recovery recommendations and request to hold a public hearing on May 12, 2010, from 1:30 p.m. to 3:30 p.m., to consider amendments to Chapter 1-6 (services-fee schedule). In response to Chairman Higginbotham, **Commissioner Beckner moved the changes, seconded by Commissioner White, and carried four to zero.** (Commissioners Ferlita, Norman, and Sharpe were absent.)

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, Daniel Alberdi Jr. - Mr. Alberdi outlined the CEAC meeting of April 12, 2010, involving discussion on the fertilizer ordinance and CEAC action to seek EPC authorization to send a letter to the Governor, Speaker of the House, and president of the Senate, requesting the legislature not pass legislation that would restrict the County ability to pass a more restrictive fertilizer ordinance. **Commissioner Beckner moved approval, seconded by Commissioner White, and carried four to zero.** (Commissioners Ferlita, Norman, and Sharpe were absent.)

CONSENT AGENDA

- A. Approval of minutes: March 3, 2010, EPC special meeting and March 18, 2010, EPC board meeting.
- B. Monthly activity reports.
- C. Pollution Recovery Fund report.

THURSDAY, APRIL 15, 2010

- D. Gardinier Settlement Trust Fund report.
- E. Quarterly customer service survey report.
- F. Legal case summary - April 2010.

Chairman Higginbotham called for a motion to approve the Consent Agenda. **Commissioner Beckner so moved, seconded by Commissioner White, and carried four to zero.** (Commissioners Ferlita, Norman, and Sharpe were absent.)

2010 SCIENCE FAIR RECIPIENTS OF THE EPC MERIT AWARD

Ms. Jessica Lopez, EPC, introduced Mes. Tatiana Henry, Kayla Lloyd, and Pragnya Kulkarni, who detailed their science projects. Commissioner Beckner offered laudatory remarks and inquired about internship opportunities for students. Dr. Garrity advised internship programs were available and would follow up with anyone interested in participating.

EXECUTIVE DIRECTOR

EPC Board Workshop to Discuss Cost Recovery Recommendations and Request to Hold a Public Hearing on May 12, 2010, from 1:30 p.m. to 3:30 p.m., to Consider Amendments to Chapter 1-6 (Services - Fee Schedule) - Deferred to a subsequent meeting.

Dr. Garrity read a citizen letter commending EPC staff and advertised festivities scheduled to celebrate the 40th anniversary of Earth Day.

Fertilizer Rulemaking Update and Request to Hold a Public Hearing on May 20, 2010, to Consider Adoption of a Fertilizer Use and Landscape Management Rule - Mr. Tom Ash, EPC, summarized the item, as provided in background material; noted the County and municipalities had impaired waters; reviewed Senate Bill 494; displayed a map; elucidated basic concepts included in ordinances around the State; recalled December 2009 EPC directives; described workshops held and efforts to create a model ordinance; and highlighted community comments and meetings held with various organizations/agencies. Responding to EPC member queries, Mr. Ash discussed meetings with local municipalities/committees and training program funding. Attorney Rick Muratti, EPC Legal Department, spoke on training programs and fees. Chairman Higginbotham called for a motion to set a public hearing for June 10, 2010. **Commissioner Beckner so moved.** In response to EPC General Counsel Richard Tschantz, Chairman Higginbotham agreed to proceed with the legislative session update before voting on the motion. (Resumed later in the meeting.)

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LEGAL DEPARTMENT

2010 Legislative Session Update - Attorney Tschantz expounded on the requirements of Senate Bill 382, House Bill 1445, and amendments imposing additional requisites on local governments before allowing creation/enforcement of stricter fertilizer ordinances.

Fertilizer Rulemaking Update and Request to Hold a Public Hearing on May 20, 2010, to Consider Adoption of a Fertilizer Use and Landscape Management Rule - RESUMED - In reply to Commissioner Higginbotham regarding the timeline, Attorney Tschantz and Dr. Garrity recommended setting the public hearing for June 2010. **Commissioner Hagan seconded the motion, which carried four to zero.** (Commissioners Ferlita, Norman, and Sharpe were absent.)

Final Order Hearing - Evelyn Romano, Warren Dixon, and Andrea Braboy Versus Tampa Public Works Department and EPC - Attorney Tschantz outlined the case history, involved parties, his role in the process, hearing officer proceedings, recommendation, appeal rights, EPC rules for proceeding, and purpose of the hearing before the EPC to hear arguments on exceptions filed by the parties; referred to background material; highlighted rules for proceeding, including public comment, testimony, and new evidence; and suggested the parties that filed exceptions, Ms. Romano and the EPC, should be given ten minutes each to argue their case and equal time should be given to the parties to respond to those exceptions. After oral arguments, Attorney Tschantz would give a recommendation and there could be deliberation on the hearing officer recommended order. **Commissioner White moved staff recommendation.** Following clarification of time limits, **Commissioner Beckner seconded the motion, which carried four to zero.** (Commissioners Ferlita, Norman, and Sharpe were absent.)

Attorney C. Warren Dixon III, 16006 Burnham Way, representing Ms. Romano, illustrated hearing officer requirements regarding testimony and discussed the subject property, adverse effects of bridge construction on Ms. Romano, hearing master determination, EPC Enabling Act, nuisance claims, flawed processes, evidence, and de novo proceedings.

Attorney Andrew Zodrow, EPC Legal Department, remarked on facts relevant for review, EPC role in the final decision-making process, new evidence/arguments, upholding/overturning hearing master recommendation, de novo review, evidence/testimony, and public safety issues. Attorney Douglas Manson, with the Manson Law Group, P.A., representing Tampa, commented on ample time for review/consideration of the issues, purpose of bridge construction, fairness

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to all parties, and the hearing master recommendation. Attorney Zodrow pointed out an error in the recommendation and suggested adopting the order with the exception of a sentence in Paragraph 80.

Responding to Attorney Dixon, Attorney Tschantz advised of restrictions on rebuttal testimony. Attorney Dixon opined errors in the hearing master recommendation should be sufficient grounds for a remand.

Chairman Higginbotham called for public comment and reviewed procedural rules. Mr. Stephen Tocco, 8209 Pinewood Run Court, stated he was representing neighbors unable to attend the meeting, noted lack of communication between the applicant and affected residents, felt due process was disingenuous, and expressed concerns related to bridge size, effects to wetlands, traffic, air/noise pollution, and safety.

Ms. Romano, 19117 White Wing Place, appellant, detailed the reasons for opposing the bridge. Discussion ensued regarding hearing procedures and testimony limitations. Ms. Romano contended community concerns were not being addressed and asked the EPC start over and require Tampa to reapply for the bridge permit.

Mr. Marshall Adams, 8521 Herons Cove Place, spoke to inconvenient hearing times and restrictions on testimony/evidence submittal, thought the residents were poorly served by the proposed project, and sensed a loss of safety and environmental enjoyment.

Mr. Brad Van Rooyen, president of Promenade Homeowners' Association Incorporated and vice president of West Meadows Property Owners Association Incorporated, reiterated previous comments regarding meeting times, believed the residents did not have all the facts and questions had gone unanswered, commented on the shortage of natural spaces in the County, and urged the EPC to remand the case for reconsideration.

Mr. Charley Marino, 19112 Mandarin Grove, remarked on the hearing master recommendation; touched on traffic, proposed improvements, safety, and pedestrian mortality rates; and petitioned for a rehearing.

Ms. Andrea Braboy, 16006 Burnham Way, reviewed the Enabling Act; reported notice issues, hearing master proceedings, application errors, and safety concerns; and wanted a new hearing.

Attorney Zodrow noted the issues expressed by opposition testimony were not to be addressed by the EPC. Attorney Manson moved to strike public comment/testimony, discussed opportunities for community input and notice

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issues, did not see a reason for a remand, displayed an aerial photograph, illustrated the location of impact, and distributed a copy of the final order. Attorney Dixon summarized public comment/concerns. Responding to Commissioner White, Attorney Tschantz affirmed the request was to adopt the final order with the exception of the sentence in Paragraph 80 proposed for deletion. Discussion followed regarding de novo hearing procedures, permit expiration, evidence consideration, notice issues, and hearing times/attendance. Commissioner White voiced concerns regarding unfair treatment. Attorney Tschantz clarified rules related to remands and evidence. After acknowledging traffic issues and perceiving citizen concerns were not adequately addressed and the notification process was flawed, **Commissioner White moved to remand the case.** Upon thanking the residents for attending, empathizing with community concerns, and echoing comments from Commissioner White, **Commissioner Hagan seconded the motion, which carried four to zero.** (Commissioners Ferlita, Norman, and Sharpe were absent.)

There being no further business, the meeting was adjourned at 10:59 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**

APR FY TO DATE

A. Public Outreach/Education Assistance

1.	Phone calls	184	995
2.	Literature Distributed	-	324
3.	Presentations	2	12
4.	Media Contacts	6	10
5.	Internet	62	365
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	11	52
	b. Construction	7	38
	c. Amendments / Transfers / Extensions ^1	1	17
	e. General	2	2
	f. Title V	35	36
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	10	34
	b. Construction ^1	11	56
	c. Amendments / Transfers / Extensions ^1	3	6
	e. Title V Operating ^2	9	54
	f. Permit Determinations ^2	-	-
	g. General	9	12
3.	Intent to Deny Permit Issued	-	-

C. Administrative Enforcement

1.	New cases received	-	9
2.	On-going administrative cases		
	a. Pending	7	20
	b. Active	9	73
	c. Legal	1	16
	d. Tracking compliance (Administrative)	11	90
	e. Inactive/Referred cases	-	-
	TOTAL	28	199
3.	NOIs issued	1	4
4.	Citations issued	-	-
5.	Consent Orders Signed	-	10
6.	Contributions to the Pollution Recovery Fund	\$ 1,651	\$ 28,352
7.	Cases Closed	2	10

D. Inspections

1.	Industrial Facilities	11	84
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**FY 10 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

	<u>APR</u>	<u>FY TO DATE</u>
2. Air Toxics Facilities		
a. Asbestos Emitters	-	-
b. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	-	9
c. Major Sources	5	36
3. Asbestos Demolition/Renovation Projects	23	106
E. Open Burning Permits Issued	4	14
F. Number of Division of Forestry Permits Monitored	265	1,700
G. Total Citizen Complaints Received	84	465
H. Total Citizen Complaints Closed	75	431
I. Noise Sources Monitored	5	28
J. Air Program's Input to Development Regional Impacts	2	14
K. Test Reports Reviewed	31	189
L. Compliance		
1. Warning Notices Issued	8	49
2. Warning Notices Resolved	6	35
3. Advisory Letters Issued	16	43
M. AOR's Reviewed	2	41
N. Permits Reviewed for NESHAP Applicability	1	7
O. Planning Documents coordinated for Agency Review	8	16

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

APR **FY TO**
DATE

A. ENFORCEMENT

1.	New cases received	1	12
2.	On-going administrative cases	106	830
	Pending	2	41
	Active	50	340
	Legal	10	65
	Tracking Compliance (Administrative)	43	323
	Inactive/Referred Cases	1	61
3.	NOI's issued	8	11
4.	Citations issued	1	12
5.	Consent Orders and Settlement Letter Signed	4	12
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ 5,070	\$ 33,186
7.	Enforcement Costs Collected (\$)	\$ 1,069	\$ 11,194
8.	Cases Closed	14	34

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	1	4
2.	FDEP Permits Reviewed	1	4
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	-	13
4.	Other Permits and Reports		
	County Permits Received	12	62
	County Permits Reviewed	-	49
	Reports Received	14	176
	Reports Reviewed	-	180
5.	Inspections (Total)	200	3,086
	Complaints	27	157
	Compliance/Reinspections	7	71
	Facility Compliance	11	141
	Small Quantity Generator	155	2,714
	P2 Audits	-	3
6.	Enforcement		
	Complaints Received	24	176
	Complaints Closed	23	143
	Warning Notices Issued	5	24
	Warning Notices Closed	1	15
	Compliance Letters	64	452
	Letters of Agreement	-	-
	Agency Referrals	3	21
7.	Pamphlets, Rules and Material Distributed	122	703

C. STORAGE TANK COMPLIANCE

1.	Inspections		
	Compliance	51	461
	Installation	15	95
	Closure	10	94
	Compliance Re-Inspections	9	67

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

	APR	FY TO DATE
2. Installation Plans Received	3	83
3. Installation Plans Reviewed	-	82
4. Closure Plans & Reports		
Closure Plans Received	2	70
Closure Plans Reviewed	-	69
Closure Reports Received	2	53
Closure Reports Reviewed	-	41
5. Enforcement		
Non-Compliance Letters Issued	46	319
Warning Notices Issued	5	33
Warning Notices Closed	-	3
Cases Referred to Enforcement	-	6
Complaints Received	-	9
Complaints Investigated	-	9
Complaints Referred	-	-
6. Discharge Reporting Forms Received	3	15
7. Incident Notification Forms Received	1	56
8. Cleanup Notification Letters Issued	2	14
9. Public Assistance	-	-

D. STORAGE TANK CLEANUP

1. Inspections	19	160
2. Reports Received	75	569
3. Reports Reviewed	71	591
Site Assessment Received	9	54
Site Assessment Reviewed	8	61
Source Removal Received	1	13
Source Removal Reviewed	3	15
Remedial Action Plans (RAP'S) Received	8	51
Remedial Action Plans (RAP'S) Reviewed	5	41
Site Rehabilitation Completion Order/No Further Action Rec'd	3	26
Site Rehabilitation Completion Order/No Further Action Revw'd	2	25
Active Remediation/Monitoring Received	29	277
Active Remediation/Monitoring Reviewed	30	297
Others Received	25	148
Others Reviewed	23	152

E. RECORD REVIEWS

23	117
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F. LEGAL PIR'S

-	11
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G. PUBLIC INFORMATION PROJECTS

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

APR **FY TO**
DATE

A. ENFORCEMENT

1.	New Enforcement Cases Received	4	18
2.	Enforcement Cases Closed	1	19
3.	Enforcement Cases Outstanding	51	347
4.	Enforcement Documents Issued	2	26
5.	Recovered Costs to the General Fund	\$ -	\$ 4,959
6.	Contributions to the Pollution Recovery Fund	\$ -	\$ 12,812

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	15	91
	a. Facility Permit	2	21
	(i) Types I and II	-	6
	(ii) Type III	2	15
	b. Collection Systems - General	8	38
	c. Collection systems-Dry Line/Wet Line	5	30
	d. Residuals Disposal	-	2
2.	Permit Applications Approved	12	72
	a. Facility Permit	2	19
	b. Collection Systems - General	7	23
	c. Collection systems-Dry Line/Wet Line	3	29
	d. Residuals Disposal	-	1
3.	Permit Applications Recommended for Disapproval	-	3
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	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	54	317
	a. Facility Permit	19	134
	b. Collection Systems - General	16	67
	c. Collection systems-Dry Line/Wet Line	19	114
	d. Residuals Disposal	-	-
7.	Permit Determination	2	13
8.	Special Project Reviews	-	8

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

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

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	11	63
a. Inspection (CEI)	3	14
b. Sampling Inspection (CSI)	8	49
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance	27	290
a. Inspection (RI)	11	78
b. Sample Inspection (SRI)	-	1
c. Complaint Inspection (CRI)	16	209
d. Enforcement Inspection (ERI)	-	2
3. Engineering Inspections	22	126
a. Reconnaissance Inspection (RI)	-	7
b. Sample Reconnaissance Inspection (SRI)	-	-
c. Residual Site Inspection (RSI)	-	-
d. Preconstruction Inspection (PCI)	5	17
e. Post Construction Inspection (XCI)	17	102
f. On-site Engineering Evaluation	-	-
g. Enforcement Reconnaissance Inspection (ERI)	-	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received	3	23
a. Facility Permit	3	15
(i) Types I and II	-	4
(ii) Type III with Groundwater Monitoring	-	3
(iii) Type III w/o Groundwater Monitoring	3	8
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	-	13
a. Facility Permit	-	12
b. General Permit	-	1
4. Permitting Determination	-	1
5. Special Project Reviews	19	237

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

	APR	FY TO DATE
a. Phosphate	5	56
b. Industrial Wastewater	7	75
c. Others	7	106

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation (Total)	15	77
a. Inspection (CEI)	15	77
b. Sampling Inspection (CSI)	-	-
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance (Total)	6	67
a. Inspection (RI)	6	38
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	-	29
d. Enforcement Inspection (ERI)	-	-
3. Engineering Inspections (Total)	8	47
a. Compliance Evaluation (CEI)	8	47
b. Sampling Inspection (CSI)	-	-
c. Performance Audit Inspection (PAI)	-	-
d. Complaint Inspection (CRI)	-	-
e. Enforcement Reconnaissance Inspections (ERI)	-	-

F. INVESTIGATION/COMPLIANCE

1. Citizen Complaints	60	335
a. Domestic	47	272
(i) Received	23	155
(ii) Closed	24	117
b. Industrial	13	63
(i) Received	7	33
(ii) Closed	6	30
2. Warning Notices	13	114
a. Domestic	12	95
(i) Received	5	57
(ii) Closed	7	38
b. Industrial	1	19
(i) Received	1	10
(ii) Closed	-	9
3. Non-Compliance Advisory Letters	16	92
4. Environmental Compliance Reviews	159	1,088
a. Industrial	34	438
b. Domestic	125	650

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

	<u>APR</u>	<u>FY TO DATE</u>
5. Special Project Reviews	6	31

G. RECORD REVIEWS

1. Permitting Determination	5	29
2. Enforcement	1	4

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

1. Air division	51	358
2. Waste Division	-	-
3. Water Division	18	131
4. Wetlands Division	-	-
5. ERM Division	168	1,197
6. Biomonitoring Reports	7	52
7. Outside Agency	40	177

I. SPECIAL PROJECT REVIEWS

1. DRIs	10	18
2. ARs	-	-
3. Technical Support	-	19
4. Other	-	2

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

FY TO
APR 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	77	443
Timeframes Met	99%	99%
Year to Date	99%	99%

Formal Wetland Delineation Surveys

Projects	4	46
Total Acres	80	1,484
Total Wetland Acres	10	312
# Isolated Wetlands < 1/2 Acre	-	8
Isolated Wetland Acreage	0	1.24

Construction Plans Approved

Projects	14	102
Total Wetland Acres	6	104
#Isolated Wetlands < 1/2 Acre	5	13
Isolated Wetland Acreage	0.76	1.89
Impacts Approved Acreage	0.06	4.85
Impacts Exempt Acreage	0.01	0.72

Mitigation Sites in Compliance

Ratio	199/209	199/209
Percentage	95%	95%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	1.20	5.85
Acreage of Water Quality Impacts	0.00	0.10
Acreage Restored	1.60	34.34

General

Telephone Conferences	674	4,489
Scheduled Meetings	302	1,990
Unscheduled Citizen Assistance	378	2,409

REVIEW TIMES

# of Reviews	278	1,674
% On Time	97%	97%
% Late	3%	3%

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

**APR FY TO
 DATE**

A. General

1.	Telephone conferences	674	4,489
2.	Unscheduled Citizen Assistance	378	2,409
3.	Scheduled Meetings	302	1,990
4.	Correspondence	1,582	9,329
1/ 5.	Interagency Coordination	95	557
1/ 6.	Trainings	12	127
1/ 7.	Public Outreach/Education	2	18
1/ 8.	Quality Control	122	587

B. Assessment Reviews

1.	Wetland Delineations	15	92
2.	Surveys	10	77
3.	Miscellaneous Activities in Wetland	32	219
4.	Mangrove	14	34
5.	Notice of Exemption	1	15
6.	Impact/Mitigation Proposal	22	132
7.	Tampa Port Authority Permit Applications	51	379
8.	Wastewater Treatment Plants (FDEP)	2	3
9.	Development Regn'l Impact (DRI) Annual Report	1	8
10.	On-Site Visits	88	618
11.	Phosphate Mining	5	24
12.	Comp Plan Amendment (CPA)	13	40
1/ 13.	AG SWM	-	5
	Sub-Total	254	1,646

Planning and Growth Management Review

14.	Land Alteration/Landscaping	4	9
15.	Land Excavation	1	21
16.	Rezoning Reviews	8	92
17.	Site Development	36	165
18.	Subdivision	17	95
19.	Wetland Setback Encroachment	-	22
20.	Easement/Access-Vacating	5	8
21.	Pre-Applications	24	115
1/ 22.	Agriculture Exemption	-	3
	Sub-Total	95	530
	Total Assessment Review Activities	349	2,176

C. Investigation and Compliance

1.	Warning Notices Issued	12	49
2.	Warning Notices Closed	2	37
1/ 3.	Complaints Closed	52	240
4.	Complaint Inspections	59	279

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

		<u>APR</u>	<u>FY TO DATE</u>
5.	Return Compliance Inspections for Open Cases	23	268
6.	Mitigation Monitoring Reports	35	185
7.	Mitigation Compliance Inspections	45	210
8.	Erosion Control Inspections	6	113
9.	MAIW Compliance Site Inspections	10	76
10.	TPA Compliance Site Inspections	21	67
2/ 11	Mangrove Compliance Site Inspections	3	8
1/ 12	Conservation Easement Inspection	1	15

D. Enforcement

1.	Active Cases	18	113
2.	Legal Cases	1	1
3.	Number of "Notice of Intent to Initiate Enforcement"	2	8
4.	Number of Citations Issued	-	2
5.	Number of Consent Orders Signed	3	16
6.	Administrative - Civil Cases Closed	3	36
7.	Cases Referred to Legal Department	1	2
8.	Contributions to Pollution Recovery	\$ 3,034	\$ 21,109
9.	Enforcement Costs Collected	\$ 435	\$ 3,902

E. Ombudsman

1.	Agriculture	2	23
2.	Permitting Process & Rule Assistance	3	15
3.	Staff Assistance	3	21
4.	Citizen Assistance	2	21

- 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 04/30/10**

		As of 4/30/10
Beginning Fund Balance, 10/01/09	\$	555,831
Interest Accrued		12,411
Deposits		109,528
Disbursements		(139,934)
Intrafund Budget Transfers to Project Fund		(371,041)
Intrafund Budget Transfers from Project Fund		119,300
Pollution Recovery Fund Balance	\$	286,095
Encumbrances:		
Pollution Prevention/Waste Reduction (101)	\$	1,429
Artificial Reef Program		63,263
PRF Project Outreach		(5,258)
PRF Project Monitoring		81,973
Total Encumbrances	\$	141,407
Minimum Balance (Reserves)	\$	120,000
Balance Available 04/30/10	\$	24,688

PROJECT FUND

	Project Amount	Project Balance
Open Projects		
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	18,072
Seawall Removal Cotanchobee Ft Brooke Park	100,000	20,251
Erosion Control/Oyster Bar Habitat Creation	75,000	62,500
Remediation of Illegally Dumped Asbestos	4,486	4,486
	\$ 354,486	\$ 106,879
FY 08 Projects		
Australian Pine Removal E.G. Simmons Park	\$ 80,000	\$ 27,125
Restoration of MOSI	125,000	1,636
Invasive Plant Removal Egmont Key	133,000	12,415
Testing Reduction of TMDL in Surface Water Flow	19,694	7,479
Assessing Bacteria Lake Carroll	101,962	1,649
	\$ 459,656	\$ 50,304
FY 09 Projects		
MacDill Phase 2 Seagrass Transplanting	79,196	17,745
McKay Bay Sediment Quality	55,000	42,825
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	\$ 309,389
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 04/30/10**

Fund Balance as of 10/1/09	\$ 247,322
Interest Accrued	2,058
Disbursements FY 10	-
Fund Balance	<u>\$ 249,380</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 249,380
Total Encumbrances	<u>\$ 249,380</u>
Fund Balance Available 04/30/10	<u><u>\$ -</u></u>



EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 20, 2010

Subject: Legal Case Summary for May 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: May 2010 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT
May 2010

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [0]

EXISTING ADMINISTRATIVE CASES [4]

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. On April 27, 2010 the EPC issued a Notice of Change of Agency Action withdrawing the Citation and dismissing the Appeal. The case has been closed. (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 an informal abeyance in an effort to seek settlement and a settlement is being circulated for execution. (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 was held during the April EPC regular meeting. On April 15, 2010 the Commission voted to remand the matter back to the Hearing Officer. (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. On April 15, 2010, the Petitioner withdrew its Petition of Administrative Hearing and the case has been closed. (RM)

RECENTLY RESOLVED ADMINISTRATIVE CASES [1]

Eva El-Najdawi [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. On March 29, 2010 the parties entered into a Settlement Agreement and the case has been closed. (AZ)

B. CIVIL CASES

NEW CIVIL CASES [0]

EXISTING CIVIL CASES: [17]

Greg Hart [LEPC10-004]: On March 18, 2010 the Commission granted authority to take legal action against the Defendants Mr. and Mrs. 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. On March 29, 2010, the EPC filed a civil lawsuit in Circuit Court. A Case Management Conference is scheduled with the judge for May 24, 2010. (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 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. On April 19, 2010 the EPC filed a civil lawsuit in Circuit Court against the Defendants. (AZ)

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. A non-jury trial has been scheduled for the week of June 14, 2010. (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. On April 27, 2010, the EPC filed a civil lawsuit against the Defendant. (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 contempt order was executed by the judge on March 15. (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. A minor amendment to the CFJ is being executed. (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. On May 5, 2010 the EPC filed a civil lawsuit in Circuit Court against the Defendant. (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 [11]

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 had until April 19, 2010 to file an appeal in this matter. A third request for an extension of time was granted and the Appellant has until July 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)

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)

Highway 92 Corporation [LEPC10-009]: On April 20, 2010, the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a Citation of Violation and Order to Correct issued on April 6, 2010. The request was granted and the Appellant has until June 28, 2010 to file a Notice of Appeal in this matter. (AZ)

Trademark Metals Recycling, LLC [LEPC10-010]: On May 3, 2010 the Petitioner filed a request for an extension of time to challenge an Air Operating Permit issued on April 19, 2010. The request was granted and the Petitioner has until June 17, 2010 to file a petition in this matter. (RM)

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 20, 2010

Subject: Amendment to Cooperative Agreement between the EPC and Hillsborough County for Cockroach Bay Aquatic Preserve Saltern Habitat Restoration

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

Division: Water Management Division

Recommendation: Approve First Amendment to the Cooperative Agreement between the EPC and Hillsborough County for Cockroach Bay Aquatic Preserve Saltern Habitat Restoration and authorize Chair's signature

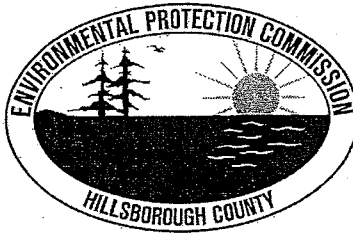
Brief Summary: The US Fish and Wildlife Service granted \$25,000 to the EPC to restore saltern habitat on land owned by the County via ELAPP at the Cockroach Bay Aquatic Preserve on Tampa Bay. During periods of inundation, salt barrens (salterns) serve as foraging areas for fish and wading birds including important sport fish such as snook and tarpon. The EPC proposes to amend the Cooperative Agreement dated November 4, 2009 to expand the County's scope of work regarding the restoration.

Financial Impact: By this amendment, the EPC will fund the County's Parks, Recreation and Conservation Department an additional \$4,000 for a total amount not to exceed \$25,000, using federal grant money provided to the EPC.

Background: Through an agreement dated September 3, 2009, the US Fish and Wildlife Service (USFWS) granted \$25,000 to the EPC to assist in restoring the hydrology on land recently purchased by the County via its Environmental Lands Acquisition and Protection Program. The land has been added to the Cockroach Bay Aquatic Preserve on Tampa Bay. The area contains approximately 10 acres of saltern habitat. Salt barrens (aka salterns) forms in areas where brackish water moves in during very high tides and evaporates, creating open stretches of salty, dry soil. During periods of inundation, salt barrens serve as foraging areas for fish and wading birds including important sport fish such as snook and tarpon. Funding established in the USFWS Agreement will be used to conduct an engineering survey of the property and to fill in drainage ditches and remove berms to restore the historic sheetflow from the surrounding upland and high marsh areas to the currently impacted saltern sites. A minimum of a 100 foot buffer area will be established where exotic plants will be removed to lessen the chance to re-establish in the filled ditch areas. This proposal represents the first phase of a larger scale restoration project comprised of three phases on the site and an adjacent site. EPC and the County entered into a Cooperative Agreement on November 4, 2009, wherein the County would receive \$21,000

of the total \$25,000. The EPC and County now propose amending the Cooperative Agreement to adjust the scope to allow the County to maximize use of the grant. Originally the EPC was going to acquire all necessary permits and oversee the project; however the opportunity has been offered to allow this project to be added to the larger Lost River Preserve Project so now the EPC will pay the County \$25,000 to have the Parks, Recreation and Conservation Department use the funds to hire a contractor to assist in the design plans, earthwork, exotics removal, and maintenance and in acquiring all necessary permits.

List of Attachments: Proposed First Amendment to the Cooperative Agreement between EPC and Hillsborough County



EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 20, 2010

Subject: EPC Board Workshop to discuss cost recovery recommendations and a request to hold a Public Hearing at a later date to consider amendments to Chapter 1-6, Services – Fee Schedule.

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

Division: Executive Director

Recommendation: That the Commission set a Public Hearing to consider amendments to Chapter 1-6 (Services – Fee Schedule), on June 16, 2010 at 2 p.m. during a regularly scheduled BOCC meeting and authorize appropriate public notice.

Brief Summary: As directed by the Commission, conduct a board workshop to discuss a Consumer Price Index inflation adjustment and new Air and Wastewater compliance fees for the EPC. Additionally, the EPC staff requests that the EPC Board approve holding a public hearing on June 16, 2010 at 2:00 p.m. during a regularly scheduled BOCC meeting to amend the Services – Fee Schedule Rule Chapter 1-6 to adopt the inflation adjustment and new fees.

Financial Impact: It is estimated that approximately \$266,000 will be collected from the inflation fee adjustment in FY 2011. If the Air and Wastewater compliance fees are approved we would expect to collect another \$250,000. We propose that these additional revenues be used to partially offset proposed FY 2011 budget reductions.

Background:

At the July 16, 2009, EPC monthly meeting the Executive Director advised the EPC Board that staff would evaluate EPC's fee schedule and bring back viable cost recovery recommendations to be adopted and considered during the FY 2011 budget process.

During the last year staff has evaluated the fee schedule and is recommending an overall 20% inflation adjustment to comply with County Policy 03.02.02.09 and new Air and Wastewater compliance fees.

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 in April. At the April meeting the cost recovery item was pulled from the Agenda and rescheduled for the May 20, 2010 regularly scheduled EPC meeting.

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 June 16, 2010 at 2:00 p.m. during a regularly scheduled BOCC meeting to amend the Services – Fee Schedule Rule Chapter 1-6 to ensure appropriate cost recovery for certain EPC programs.

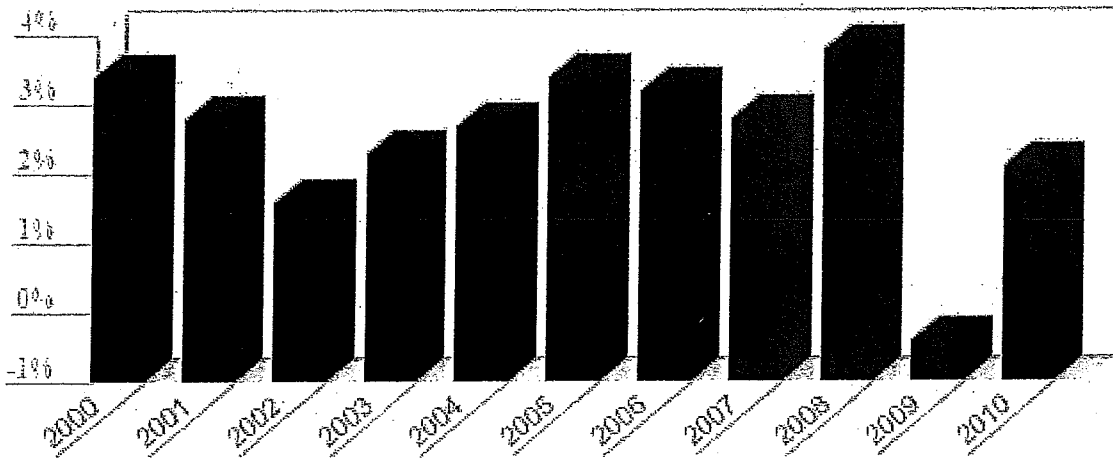
List of Attachments:

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.

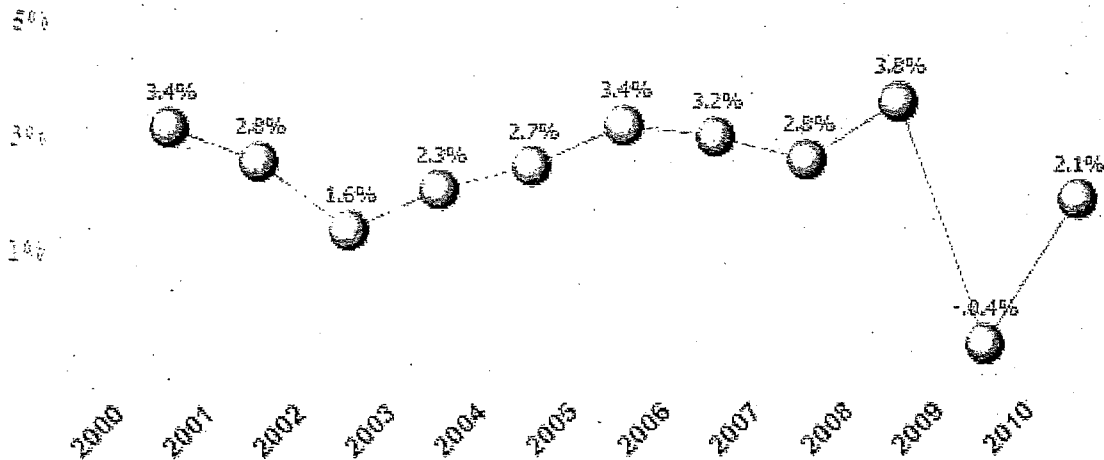
Current Inflation Rates: 2000-2010

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)



Attachment 2

Dunn, Chris

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
(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; Hennig, Bill; Karst, 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; Sheahen, 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;
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

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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	
(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	
3. Closure/long term care permits		
(a) Class I or class II facilities - 5 year permit		\$1000
(i) Application review	\$500	
(ii) Compliance	\$500	
(b) Class III facility - 5 year permit		\$1000
(i) Application review	\$500	
(ii) Compliance	\$500	
(c) Construction & demolition debris disposal - 5 year permit		\$1000
(i) Application review	\$500	
(ii) Compliance	\$500	
(d) All other solid waste management facilities - 5 year permit		\$1000
(i) Application review	\$500	
(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		\$2800
(i) Application review	\$800	
(ii) Compliance	\$2000	
(b) Recovered materials processing facility		\$2200
(i) Application review	\$500	
(ii) Compliance	\$1700	
(c) Yard trash processing facility		\$2200
(i) Application review	\$500	
(ii) Compliance	\$1700	
(d) One time on site disposal - residential		\$100

(e) All other solid waste management facilities - 5 year permit		\$2200
(i) Application review	\$500	
(ii) Compliance	\$1700	

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		\$0
(ii) Transfer, time extension, minor changes which involve new work, or new work locations which will alter, replace or eliminate permit requirements.		\$100
(b) Substantial modifications shall require the appropriate application review fee in conformance with Section 1-6.03, 1 through 4.		

6. Small quantity hazardous waste generators**

(a) Annual notification/verification fee		\$40
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****NOTE: These Environmental Protection Commission fees will normally be collected by the Hillsborough County Tax Collector.**

B. Storage tanks

1. Storage tank installation and upgrade plan reviews		\$150
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1-6.04 WATER MANAGEMENT

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		
(a) Preliminary design report review		\$2500
(b) Facility permit for 5 years		
(i) Types I & II		\$2940
(a) Application review	\$1850	
(b) Compliance activities	\$1090	

(ii) Type III		\$930
(a) Application review	\$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

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

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

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

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

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.						
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.						
(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								
1-6.02 AIR MANAGEMENT								
(ix) Transfer of ownership/permit								
(x) Tim extension on permit	\$ 50			Same				NC
*(b) Operation permits	\$ 50			Same				NC
(i) Major source	no fee			Same				NC
(ii) Minor source-stack sample	\$ 1,500			Same				NC
(iii) Minor source-other source	\$ 1,000			Same				NC
(iv) Minor source-no sample	\$ 750			Same				NC
(v) Minor modifications	\$ 250			Same				NC
(vi) Transfer of permit ownership	\$ 50			Same				NC
(vii) Time extension on permit	\$ 50			Same				NC
(viii) Variable form permitting standards or conditions	\$ 2,000			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. Asbestos notification*								
1. Notification for commercial demolition								
(a) For structures less than 50,000 gross sq ft	\$ 200		NC			\$300-\$700	\$	100 NC
(b) For structures 50,000 gross sq ft and greater	\$ 300		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			\$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
C. Open burning authorization								
1. Two (2) acres or less								
	\$ 400		NC					NC
2. Greater than two (2) acres								
	\$ 600		NC					NC
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	\$ 70		\$95 (5 piles)					\$ 70
	\$ 70		\$315 (annual permits)					\$ 70

Environmental Protection Commission		February 16, 2006		Broward		Duval		Pinellas		Miami-Dade		Orange	
Fee Schedule		effective 2/24/06											
NC = Not Comparable.													
1-6.03 WASTE MANAGEMENT													
A. Solid Waste													
1. Construction permits													
(a) Class I or class II facility - 5 year permit		\$ 800		\$ 16,000	NC					10,000		\$ 9,765	+\$2,987/yr
(i) Application review		\$ 2,500		\$ 12,000	NC					6,000		\$ 8,446	+\$2,987/yr
(ii) Compliance		\$ 500											
(b) Class III facility - 5 year permit		\$ 2,000		\$ 8,000	NC					3,000		\$ 6,592	+\$927/yr
(i) Application review		\$ 500											
(ii) Compliance		\$ 2,000											
(c) Resource recovery/incinerator - 5 years		\$ 2,000		\$ 8,000	NC					2,000		\$ 6,592	+\$927/yr
(i) Application review		\$ 500											
(ii) Compliance		\$ 2,000											
(d) Construction & demolition debris disposal - 5 year permit		\$ 500		\$ 8,500	NC					6,000		\$ 8,446	+\$2,987/yr
(i) Application review		\$ 500											
(ii) Compliance		\$ 2,000											
(e) Waste processing facility - 5 year permit		\$ 1,500		\$ 11,000	NC					5,000		\$ 6,592	+\$927/yr
(i) Application review		\$ 500											
(ii) Compliance		\$ 1,500											
(f) Compost facility - 5 year permit		\$ 1,500		\$ 7,000	NC					1,000		\$ 6,592	+\$927/yr
(i) Application review		\$ 500											
(ii) Compliance		\$ 1,500											
(g) All other solid waste management facilities - 5 years		\$ 500		\$ 6,500	NC							\$ 4,327	+\$927/yr
(i) Application review		\$ 500											
(ii) Compliance		\$ 1,500											
2. Operation permits													
(a) Class I or class II facility - 5 years permit		\$ 600		\$ 16,000	NC					10,000		\$ 5,768	+\$2,987/yr
(i) Application review		\$ 2,500											
(ii) Compliance		\$ 500											
(b) Class III facility - 5 years permit		\$ 2,000		\$ 10,000	NC					4,000		\$ 5,150	+\$2,987/yr
(i) Application review		\$ 500											
(ii) Compliance		\$ 2,000											
(c) Resource recovery/incinerator - 5 years permit		\$ 2,000		\$ 7,000	NC					\$1,000 - \$4,000 +		\$ 4,326	+\$927/yr
(i) Application review		\$ 500											
(ii) Compliance		\$ 2,000											
(d) Construction & demolition debris disposal - 5 year permit		\$ 500		\$ 7,000	NC					2,200		\$ 5,150	+\$2,987/yr
(i) Application review		\$ 500											
(ii) Compliance		\$ 2,000											
(e) Waste processing facility - 5 year permit		\$ 1,500		\$ 7,000	NC					\$1000 - \$4000 +		\$ 4,326	+\$927/yr
(i) Application review		\$ 500											
(ii) Compliance		\$ 1,500											
(f) Compost facility - 5 year permit		\$ 1,500		\$ 9,000	NC					\$3000 - \$6000 +		\$ 4,326	+\$927/yr
(i) Application review		\$ 500											
(ii) Compliance		\$ 1,500											
(g) All other solid waste management facilities - 5 years		\$ 2,000		\$ 6,500	NC					\$500 - \$3500 +		\$ 4,327	+\$927/yr
(i) Application review		\$ 500											
(ii) Compliance		\$ 1,500											

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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	\$ 1,000	\$ 11,500	NC	NC	8,000	\$1,236/yr
(i) Application review	\$ 500					
(ii) Compliance	\$ 500					
(b) Class III facility - 5 year permit	\$ 1,000	\$ 10,000	NC	NC	4,500	\$1,236/yr
(i) Application review	\$ 500					
(ii) Compliance	\$ 500					
(c) Construction & demolition debris disposal - 5 year permit	\$ 1,000	\$ 8,500	NC	NC	3,000	\$1,236/yr
(i) Application review	\$ 500					
(ii) Compliance	\$ 500					
(d) All other solid waste management facilities - 5 year permit	\$ 1,000	\$ 7,000	NC	NC	NC	\$1,236/yr
(i) Application review	\$ 500					
(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	\$ 2,800	NC	NC	NC	\$2,650 - \$5,475	NC
(i) Application review	\$ 800					
(ii) Compliance	\$ 2,000					
(b) Recovered materials processing facility	\$ 2,200	NC	NC	NC	NC	NC
(i) Application review	\$ 500					
(ii) Compliance	\$ 1,700					
(c) Yard trash processing facility	\$ 2,200	\$ 7,000	NC	NC	2,000	NC
(i) Application review	\$ 500					
(ii) Compliance	\$ 1,700					
(d) One time on site disposal - residential	\$ 100	NC	NC	NC	NC	NC
(e) All other solid waste management facilities - 5 year permit	\$ 2,200	NC	NC	NC	NC	NC
(i) Application review	\$ 500					
(ii) Compliance	\$ 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	\$ 1500 + 50% Substantial Mod Fee			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	\$3000 + Application 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				100% Full Application Fee	\$6,592 - \$9,785

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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						
6. Small quantity hazardous waste generators** (a) Annual notification/verification fee	\$ 40	\$ 250-300	\$ 150-1470	gen funds	100-2800	gen funds
**NOTE: These Environmental Protection Commission fees will normally be collected by the Hillsborough County Tax Collector.						
B. Storage tanks						
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.					
1-6.04 WATER MANAGEMENT					
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					
(a) Preliminary design report review			\$ 2,500		
(b) Facility permit for 5 years					
(i) Types I & II			\$ 2,940		
(a) Application review		\$ 1,850			
(b) Compliance activities		\$ 1,090			
(i) Type III					
(a) Application review		\$ 380		\$ 930	
(b) Compliance activities		\$ 550			
(c) Permit modifications					
(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.	
1-6.04 WATER MANAGEMENT	
(ii) Major facility	
(a) Application review	\$ 3,000
(b) Compliance activities	\$ 2,455
(c) General permits	\$ 545
(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.						
1-6.05 WETLANDS MANAGEMENT						
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 ⁵	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 ³	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 ⁶	Incorp. Into Dev. Review Fee
*8. Natural Resources	\$ 270	Incorp. Into Dev. Review Fee	NC	As part of Dev. Review	\$ 345 SF \$690 CU/M	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 ⁵	NC	\$275 - \$575 SF ⁵	\$60 - \$135 ⁵	\$115 - \$177 ⁵
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	\$1360 COM	\$875 - \$1030 COM ¹
11. Wetland mitigation						
(a) Single family homes (review and monitoring reports)	\$ 850	\$400 - \$4,000 ⁴	NC	Incorp. Into Dev. Review Fee	\$200 - \$23,000 ⁶	\$540
(i) Review	\$ 500		NC			
(ii) 7 monitoring reports	\$ 350	40% annually of Initial Fee	NC			
*(b) Commercial/subdivisions-forested	\$ 4,975	\$400 - \$4,000 ⁴	NC	Incorporated into Fee	Incorporated into Fee	
(i) Review	\$2,500		NC			
(ii) 11 monitoring reports	\$2,475	40% annually of Initial Fee	NC			
(c) Commercial/subdivision-herbaceous	\$ 4,075	\$400 - \$4,000 ⁴	NC	Incorp. Into Dev. Review Fee	Incorporated into Fee	Same as above
(i) Review	\$2,500		NC			
(ii) 7 monitoring reports	\$1,575	40% annually of Initial Fee	NC			
(d) Agricultural - Forested	\$ 1,050	\$400 - \$4,000 ⁴	NC	Incorp. Into Dev. Review Fee	Incorporated into Fee	Same as above
(i) Review	\$ 500		NC			
(ii) Monitoring	\$ 550	40% annually of Initial Fee	NC			
(e) Agricultural - Herbaceous	\$ 850	\$400 - \$4,000 ⁴	NC	Incorp. Into Dev. Review Fee	Incorporated into Fee	Same as above

Environmental Protection Commission Fee Schedule	February 16, 2006 effective 2/24/06	Broward	Duval	Pinellas	Miami-Dade	Orange
NC-Not comparable: 1-6.05 WETLANDS MANAGEMENT						
(i) Review	\$ 500					
(ii) Monitoring	\$ 350					
(f) Amendment to mitigation plan		40% annually of Initial Fee			Incorporated into Fee	
(i) Changes in configuration/location	\$ 500					
(ii) Changes in elevations/planning scheme	\$ 100					
(g) Phosphate mining						
(i) Addition of adjacent area to previously approved mitigation application	****					
12. Mangrove Trimming and Alteration						
(a) Trimming permit per Ch. 1-14.06	\$ 225		\$100	\$400 COM		NC
(b) Compliance/monitoring fee for staged trimming for each trim event	\$ 50			\$200 SF	\$195 - \$2,990 ⁵	NC
(c) Other Trimming and Alteration permit Single family	\$ 1,050				\$195 - \$2,990 ⁵	NC
(i) Review	\$ 500					NC
(ii) 11 monitoring reports	\$ 550					NC
(d) Other Trimming and Alteration permit Commercial/subdivision	\$ 4,975				\$195 - \$2,990 ⁵	NC
(i) Review	\$2,500					NC
(ii) 11 monitoring reports	\$2,475					NC
(e) Professional Mangrove Trimmer fee per Ch. 1-14.06						NC
First time registration fee	\$ 50					NC
Annual renewal fee	\$ 25					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: May 20, 2010

Subject: Clean Air Month Update

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

Division: Air Management Division

Recommendation: Informational Report

Brief Summary: Once again EPC is celebrating the month of May as Clean Air Month this year. On May 6, 2010, EPC was proud to host the 9th Annual Clean Air Fair in downtown Tampa. The *Clean Air Fair* is the signature public outreach event annually organized by EPC and was expanded this year to include over 35 exhibitors with an estimated attendance of over 1,000 visitors. EPC also hosted the 9th Annual EPC Clean Air Month Photo Contest in conjunction with the Hillsborough County School System. The contest was eligible to all Hillsborough County high school students and the winning photographs are being recognized during the EPC meeting.

Financial Impact: No Financial Impact

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

On May 6, 2010, EPC was proud to host the 9th Annual Clean Air Fair at Poe Plaza in downtown Tampa. The aim of the event was to promote a healthy environment through public education and was an opportunity to recognize environmentally-conscious organizations and companies. The *Clean Air Fair* is the signature public outreach event annually organized by EPC and was expanded this year to include over 35 exhibitors with an estimated attendance of over 1,000 visitors. EPC established this year's theme for Clean Air Month as "*SEEing is Believing ... Clean Air through Sustainability and Energy Efficiency*". Therefore, several of this year's exhibitors were demonstrating their efforts to reduce environmental impacts through the use of innovative energy efficiencies. Increased participation for the event was encouraged through the donation of products from several local businesses which were utilized at the event as prize drawings and complimentary handouts.

EPC also hosted the 9th Annual EPC Clean Air Month Photo Contest in conjunction with the Hillsborough County School System. The annual environmental photography competition is offered to high school students in an effort to recognize Clean Air Month and encourage increased awareness of environmental concerns. The goal of the competition was to inspire the imagination of young artists to consider environmental issues facing the community. The winning photographs are being recognized during the EPC meeting. The winners and selected honorable mentions representing 4 local high schools were displayed at the *Clean Air Fair* and will also appear in the EPC lobby.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: May 20, 2010

Subject: Summary of Select Environmental Bills in the 2010 Legislative Session

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

Division: Legal Department

Recommendation: Receive staff report.

Brief Summary: The 2010 Florida Legislative Session ran from March 2 through April 30, 2010. The EPC staff tracked, analyzed, and commented on relevant bills pursuant to the continuing EPC Board Policy No. 2007-02.

Financial Impact: None.

Background: The 2010 Florida Legislative Session commenced on March 2, 2010 and closed on April 30, 2010. The EPC staff tracked dozens of environmental and administrative bills and commented on them to the County's Public Affairs Office and the Florida Association of Counties. The following is a summary of select environmental bills of interest:

SB 550 – Environmental Protection. Senate Bill 550 by Senator Constantine is an omnibus water bill that includes the creation of new Chapter VII of 373, F.S. to consolidate all water use law in one section of the Florida Statutes. This effort has failed multiple times in the past few years, but this year it passed both houses. Additionally, the bill mandates that the Department of Health set up an evaluation program for Onsite Sewage Treatment and Disposal Systems (OSTDS or septic tanks) and provides additional standards for septic tanks.

HB 1445 – Fertilizer. This is a multi-issue Florida Department of Agriculture and Consumer Services (FDACS) bill. This bill 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. As the bill has continued to be amended the conditions have become less onerous, but still make it difficult to pass a more stringent local fertilizer rule, plus it may require recently passed local fertilizer rules to be re-drafted. Among other things, HB 1445, sponsored by Rep. Nelson, requires that if a local government wants to adopt a more stringent fertilizer ordinance/rule, the local government must do the following: 1) Implement a comprehensive program to address nonpoint source nutrient pollution (implement BMAPs, low-impact development, enforce FL Friendly landscaping laws, etc.); 2) Include in the public record the need for the more stringent rule based on local climate, geology, hydrology, etc. Additionally, this bill pre-empts local governments from regulating the sale of fertilizer, thus no summer sales bans would be allowed. Finally, the bill prohibits local government from restricting certified applicators from applying fertilizer in the summer if the applicator assesses the lawn and determines it needs fertilizer. This bill was approved by the House and was been sent to the Senate for consideration, but the bill died in messages.

SB 382 – Fertilizer. This is a multi-issue FDACS bill. On the last day of the session, the Senate tried to make this bill, especially the fertilizer provisions, similar to HB 1445. However, a firearms amendment and other amendments delayed the approval of the bill and it was never reconciled with House version and thus the bill died.

SB 602 – Contamination Notification/Site Rehabilitation. This is very detailed contamination notification bill that requires the DEP to notice various entities upon discovery of contamination. The local government must be notified by the DEP also, and then the local government is required to send out notification to affected homeowners associations. The bill was approved by the Senate, but died in messages to the House.

HB 1509 - Relating to Economic Development. HB 1509 initially was very similar to the omnibus jobs bill in SB 1752 (see below) and included language requiring local governments to seek State wetlands (ERP) delegation or lose their local program. HB 1509 has been laid on the table and substituted for SB 1752 and it SB 1752 it was approved by the House on April 28, 2009 (see below).

SB 1752 - Relating to Economic Development. Senate Bill 1752, the “jobs bill” proposes to “streamline” certain aspects of the environmental regulatory process. The original version of the bill required even the most complicated environmental permit applications to be approved or denied within 30 days after receipt, as opposed to the current 90 days. It approves permits by default after 30 days and it applies to both state and local environmental permits. The bill also required local governments to apply for State delegation of the ERP program by June 2011 or be prohibited from implementing a local wetland regulatory program. On March 25th the bill was amended on the Senate Floor by Senators Storms and Gaetz to delete and improve the most egregious of the anti-environmental provisions noted above. Thus, there is no longer a 30 day permit issuance deadline. Also, it now reads that only DEP grants ERP delegation to local governments, not the WMDs. Also, local governments will not lose their wetland programs if they do not apply for delegation. Finally, the bill creates more appellate rights for local governments who are denied ERP delegation. This bill was passed by the Senate and the House. The law takes effect once the Governor signs it.

SB 2592 and HB 1385 - Petroleum Contamination Site Cleanup. SB 2529 is proposed by Senator Baker. It takes away the use of IPTF funding for clean-up of sites that are proposed to be paved over for DOT roadways. It also takes away the use of IPTF funding for secondary containment of underground storage tanks (UST). It makes more petroleum contaminated sites eligible for natural attenuation, as opposed to physical clean-up, assuming studies show the plume has not migrated off-site and the plume must be stable or shrinking. Also local governments cannot deny a building permit based on the existence of petroleum contamination if the construction involves a tanks upgrade. The bill was laid on the table in favor of HB 1385. HB 1385 passed both houses with slight difference from SB 2592, including language regarding extending some petroleum tank upgrade deadlines for facilities that have an order from the DEP.

HB 7103 - Agriculture (see also SB 2074 – identical). This bill pre-empts local governments from wetland regulation on agricultural property (locals cannot adopt or enforce rules), but it also has a grandfathering provision for local wetland laws established pre-July 2003. This bill also has stormwater fee amendments and an agriculture fence provision that exempts local government regulation and fees for a fence installation. This agricultural bill allows for additional materials to be open-burned by agricultural operations which impacts air quality. The bill has passed both the House and Senate. It is another effort to pre-empt local government regulation.

Inland Protection Trust Fund. The Inland Protection Trust Fund (which supports the Petroleum Cleanup Program) is proposed to be funded by the legislators at approximately \$120 million. Historically, the program has been funded in the low \$200M to the mid \$100M range, but in the 2009 session the Legislature only allocated \$10M. Last year they also used a \$90M bond to keep the program afloat. Any decrease in funding delays petroleum contamination clean-up and threatens groundwater quality.

List of Attachments: None