

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

**JULY 15, 2010
9:00 AM**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

**APPROVAL OF CHANGES TO THE AGENDA AND REMOVAL OF CONSENT
AGENDA ITEMS WITH QUESTIONS, AS REQUESTED BY BOARD MEMBERS**

I. PUBLIC HEARINGS

- A. Continuation of the June 10, 2010 Public Hearing before the Commission to consider and approve adoption of a Fertilizer Use and Landscape Management Rule, Chapter 1-15, Rules of the EPC.....3
- B. Continuation of the June 16, 2010 Public Hearing before the Commission to amend Chapter 1-6 (Services – Fee Schedule) to adjust the current fees collected by the EPC and to establish additional compliance fees5

II. PUBLIC COMMENT

Three (3) Minutes Are Allowed for Each Speaker (unless the Commission directs differently)

III. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE

Report from the CEAC Chairman – Danny Alberdi

IV. CONSENT AGENDA

- A. Approval of Minutes: June 10, 2010
- Approval of Minutes: June 16, 2010 Special Meeting7
- B. Monthly Activity Reports15
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- D. Gardinier Settlement Trust Fund Report28
- E. Legal Case Summary, July 201029
- F. Request for authority to take appropriate legal action against Ahmed Lakhani, Roberto Diaz and L&D Petroleum, Inc.....35
- G. Staff report on current status of wetland rule violations at property owned by Ms. Kelly Wishau.....37

V. EXECUTIVE DIRECTOR

- A. Discussion regarding the September 2010 Furlough Day

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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EPC Agenda Item Cover Sheet

Date of EPC Meeting: July 15, 2010

Subject: Continuation of the June 10, 2010 Public Hearing before the Commission to consider and approve adoption of a Fertilizer Use and Landscape Management Rule.

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

Division: Water Management Division

Recommendation: Continue the remainder of the public hearing from June 10, 2010, and approve a new Fertilizer Use and Landscape Management Rule, Chapter 1-15, Rules of the EPC.

Brief Summary: Pursuant to the EPC Act, the EPC Board must hold a noticed public hearing to approve, repeal, or amend a rule. The Legislature has mandated that all local jurisdictions that have nutrient impaired waters must adopt a local fertilizer regulation to address nutrient impairments. The EPC is proposing a fertilizer regulation that is more stringent than the State's model fertilizer code, to better protect the water quality of Hillsborough County. The EPC Board commenced a public hearing on June 10, 2010. All public comment was taken and was closed, but due to time constraints a final vote was postponed until July 15, 2010, to allow Commissioners more time to discuss and vote on the draft rule.

Financial Impact: No Financial Impact.

Background: Section 403.9337, of the Florida Statutes, in part, requires cities and counties that have nutrient-impaired waters to adopt at a minimum the Florida Department of Environmental Protection's (DEP) Model Ordinance regarding fertilizer regulation. Nutrient impaired waters lead to algae blooms and other conditions that reduce water quality, water clarity, and can lead to the loss of seagrasses and other essential habitat for aquatic species. In an effort to have a consistent rule throughout the County and to reduce nitrogen pollution in our local waters, the EPC staff has been drafting a fertilizer rule that is more stringent than the DEP's model and that would apply within the County and the three cities.

At the December 17, 2009 EPC meeting, the Board directed the staff to go forward with public workshops regarding a rule that considered a range of regulatory concepts from the Tampa Bay Estuary Program Model through the Orange County Ordinance. The EPC Board commenced a public hearing on June 10, 2010. The staff recommended that the EPC Board approve a rule that provides for a rainy season application restriction, a rainy season sales restriction, a landscape plant exemption, and also encourages the use of slow and controlled release nitrogen fertilizer products. Additionally, EPC staff will establish a strong educational program. All public comment was taken and is closed. The hearing will re-commence on July 15, 2010, to allow Commissioners more time to discuss the draft rule, ask questions, and vote. See the agenda item dated June 10, 2010, for additional information.

List of Attachments: None.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: July 15, 2010

Subject: Public Hearing to amend Chapter 1-6 (Services – Fee Schedule) to adjust the current fees collected by the EPC and to establish additional compliance fees.

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

Division: Finance and Administration

Recommendation: Continue the public hearing until August 19, 2010 on proposed amendments to the Chapter 1-6 (Services – Fee Schedule).

Brief Summary: Pursuant to the EPC Act, the Commission must hold a noticed public hearing to approve a rule or rule amendment. The public hearing regarding adjustments to the EPC Services – Fee Schedule Rule Chapter 1-6 was noticed and opened at a special meeting of the EPC on June 16, 2010. The hearing was then continued to the regular meeting on July 15, 2010. The EPC staff requests that the public hearing again be continued to regular EPC meeting on August 19, 2010.

Financial Impact: None based on the staff's current recommendation.

Background:

Pursuant to the Hillsborough County Environmental Protection Act (EPC Act) Section 5.2, the Commission must hold a noticed public hearing to approve a rule or rule amendment. The EPC conducted a Public Hearing on June 16, 2010 to amend the EPC Services – Fee Schedule Rule Chapter 1-6.

At the June 16, 2010 Commission meeting, the Commission voted to recommend the BOCC flag the EPC budget to adjust the current proposed FY 2011 budget. The Commission then voted to continue the cost recovery public hearing until July 15, 2010 pending further budget discussions. A second continuance of the public hearing until August 19, 2010 would allow the budget process to be finalized so as to determine the actual impact on the EPC budget.

List of Attachments:

None

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JUNE 10, 2010 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting and Public Hearing, scheduled for Thursday, June 10, 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, Rose Ferlita, Ken Hagan, Jim Norman, Mark Sharpe, and Kevin White.

Chairman Higginbotham called the meeting to order at 9:06 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, stated there were no changes to the agenda. Chairman Higginbotham called for a motion to approve the agenda. **Commissioner White so moved, seconded by Commissioner Ferlita, and carried seven to zero.**

PUBLIC COMMENT

Mr. Roy Davis, 3224 McIntosh Road, needed additional time to present evidence, said work continued at the property of Ms. Kelly Wishau, and wanted to return at the next scheduled meeting. After discussing the time frame, Commissioner Norman and Dr. Garrity understood the item would be referred to EPC administration. Discussion included providing a fair hearing and time constraints. **Commissioner Norman moved to refer the item over to the agenda for the next meeting, seconded by Commissioner Sharpe.** Commissioner Ferlita expressed concern with continuances. Following clarification, **the motion carried seven to zero.**

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, Daniel Alberdi Jr. - Mr. Alberdi outlined the CEAC meeting of June 7, 2010; noted an office of sustainability and air quality standards update was received; and discussed the proposed fertilizer ordinance and action taken, which included cancellation of the July 2010 meeting.

CONSENT AGENDA

- A. Approval of minutes: May 20, 2010.
- B. Monthly activity reports.
- C. Pollution Recovery Fund report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary - June 2010.

THURSDAY, JUNE 10, 2010 - DRAFT MINUTES

Chairman Higginbotham called for a motion to approve the Consent Agenda. **Commissioner Sharpe so moved, seconded by Commissioner Norman, and carried seven to zero.**

PUBLIC HEARING

Conduct a Public Hearing to Consider and Approve Adoption of a Fertilizer Use and Landscape Management Rule, Chapter 1-15, Rules of the EPC - Chairman Higginbotham reviewed procedures for public comment. Commissioner Sharpe discussed the importance of the issue and willingness to hear all speakers. In response to Chairman Higginbotham, EPC General Counsel Richard Tschantz stated the meeting was properly noticed and recommended staff provide a summary of the new rule. Discussion ensued regarding the procedures.

Mr. Tom Ash, EPC, summarized the rule, as provided in background material. Attorney Rick Muratti, EPC Legal Department, recalled EPC direction for rule creation, which included concepts from the Orange County model and the Tampa Bay Estuary Program (TBEP); detailed procedures for creating the draft rule with State model language; talked about waterway protection from fertilizer containing nitrogen or phosphorous; presented the rule summary, as provided in background material; and explained options. Dr. Garrity expressed appreciation and reviewed staff recommendation to pass a fertilizer rule with a rainy season application/sales restriction and a landscape plant exemption, encourage slow and controlled release products, a strong educational program, and consistent regional restrictions that protect Tampa Bay and all Hillsborough County waters.

The following people spoke in opposition to the use and sales ban: Mr. Hugh Gramling, representing the Agriculture Economic Development Council; Ms. Michelle Williamson, representing the Hillsborough County Farm Bureau; and Mr. Harold Falls, 3005 Via Roma Court.

Mr. Jerry Coe, County resident, supported the ban, referred to a federal waste study, and requested intervention.

The following people offered comments in opposition to the ban: Messrs. Chris Wible, Scotts Miracle-Gro Company, and Barry Troutman and Mark Lanteigne, ValleyCrest Landscape Maintenance Incorporated; Ms. Mary Hartney, Florida Fertilizer and Agrichemical Association Incorporated president; Mr. Joe Welch, Massey Services Incorporated; Meses. Judi Whitson, 1304 Williams Road, and Erica Santella, TruGreen Incorporated; Mr. Darrin Higgins, TruGreen Incorporated; Ms. Diane McBride, County resident; and Messrs. Geraldo Mattioli, County resident; Dave Johnson, Scott's Lawn Service Incorporated; Patrick Marsh, John Deere Landscapes

THURSDAY, JUNE 10, 2010 - DRAFT MINUTES

Incorporated; Clint Hartle, Scotts Miracle-Gro Company; and Ken Miller, County resident.

The following people offered comments in support of the ban: Messrs. Robert Ehrlich, 3037 Samara Drive, and Sean Ehrlich, Tampa Bay Group of the Sierra Club (Sierra Club) intern.

Ms. Marti Daltry, Ft. Myers Sierra Club, distributed information used for public outreach education in Lee County and expressed the importance of education at the point-of-sale.

The following people commented in opposition to the ban: Messrs. Davis, Tampa Wholesale Nursery Incorporated, and Mike Reid, TruGreen Incorporated.

Ms. Cris Costello, Sierra Club, supported the ban and reviewed/distributed information provided by the University of Florida, Institute of Food and Agricultural Sciences (IFAS).

Mr. Donald McCullum, TruGreen Incorporated, understood citizen concern for property values and water quality; thought fertilizer application without education would take place; and perceived taking the best management practices away increased risk to waterways.

The following people spoke in opposition to the ban: Mr. Gaylon Pfeiffer, BASF Corporation and Florida Fertilizer and Agrichemical Association Incorporation chairman; Ms. Jillian Baker, County resident; Messrs. Charles Christmas, Scotts Miracle-Gro Company, and Frank Coughenour, city of Plant City utilities operations manager; Ms. Katie Maxwell, representing Chemical Dynamics Incorporated; and Mr. Jeff Fellingner, TruGreen Incorporated.

The following people offered comments in support of the ban: Mr. Howard Johnston, 1201 North Riverhills Drive, and Mses. Beverly Griffiths, Sierra Club chairman, and Nanette O'Hara, the TBEP.

Mr. Chris Walter, licensed fishing guide and charter captain, remarked on water quality/fishing improvements and conflicting opinions and opposed the ban.

Mr. Michael Holsinger, Sarasota County resident, distributed information, opined every fertilizer application was a potential pollution event, and to reduce potential pollution, the County needed to reduce the frequency of fertilizer application.

THURSDAY, JUNE 10, 2010 - DRAFT MINUTES

Ms. Elizabeth Taylor, County resident, distributed information and referenced algae blooms, the importance of lakes and rivers, articles, and the safe use of lawn products.

The following people spoke in support of the ban: Mr. Anthony D'Aquila, 1302 East Park Circle, and Dr. Richard Brown, representing the Friends of the River and Sierra Club.

Mr. Richard Ghent, 4622 West Browning Avenue, expressed concern regarding public policy foundation; remarked on ground nutrients, public/private partnerships, the EPC technical support document, lack of compelling data, reliance on experts, turf grass/stormwater filter, and philosophy; perceived a positive impact through education; and opposed the ban.

Mr. Tim Daley, Organic World Solutions Corporation, detailed a ban-compliant product, composition, and endorsements.

The following people offered comments in support of the ban: Ms. Mariella Smith, County resident, and Mr. Emmanuel Roux, County resident.

Ms. Stephanie Shatila, Florida Pest Control, expounded on water quality and fertilizer control/application/use and suggested the retail ban and education.

Mr. Dan Gerber reviewed research data from the Florida Department of Environmental Protection (FDEP), Department of Agriculture and Consumer Services (DACS), and IFAS, reflecting the application/sales ban was substantially more stringent than the model ordinance, and reported lack of scientific evidence supporting the ban.

Mr. Tom Krumreich, representing Florida Consumer Action Network Incorporated, discussed water protection, fertilizer options, compliance with new federal regulations, control of runoff, past experience, and concerns and supported the ban to control introduction of nitrogen and phosphorous into the waterways.

Ms. Mary Kay Ross, County resident, remarked on information and education, opposed the ban, perceived citizens deserved to choose and were obligated to learn, and commented on volunteer hours, education, and Cooperative Extension Office services.

The following people expressed support of the ban: Ms. Ingrid Smith, 5605 North Suwannee Avenue, and Mr. Edward Ross, 7901 North Klondyke Street.

Mr. Gary Smiley, representing Grow Green of Central Florida Incorporated and Egg Products Incorporated, described Sweet Tea Products as organic and

THURSDAY, JUNE 10, 2010 - DRAFT MINUTES

an alternative to fertilizer and mentioned approval/use by Pinellas County, research, effectiveness, and cost.

The following people spoke in support of the ban: Mses. Mary Bright, County resident, and Marianna Musotto, 309 Pine Bluff Drive.

Ms. Linda Demler, County resident, explained utilization of a trace element mix that fed the microlife of the soil and phosphate was a finite resource and should be used for growing food versus grass.

In response to Chairman Higginbotham and following comments regarding EPC discussion and scheduled meetings, **Commissioner White moved to continue to the next EPC meeting.** Commissioner Sharpe requested representatives from FDEP, IFAS, and DACS be present to answer questions; remarked on waterway improvement percentages and residential contributions; and wanted additional time. Commissioner Norman opposed a continuance, pointed out lack of notice and decision delays, perceived the EPC had a responsibility to make a decision, and commented on public presence. Commissioner Sharpe talked about the ordinance passing and becoming effective in 2011, was not satisfied a ban was warranted, and wanted more information on the Sarasota and Orange County models. Dr. Garrity was prepared to review the statistics. Commissioner Ferlita expressed appreciation to the public, inquired about further public comment, and suggested an evening meeting.

Discussion ensued regarding a continuance, EPC debate, and further public comment. In reply to Commissioner Ferlita, Commissioner White restated the motion and established the continuance was to the next EPC meeting scheduled on July 15, 2010. Commissioner Beckner requested clarification regarding further public input and supported the continuance. In response to Commissioner Ferlita, Attorney Tschantz stated all comments should be held at the public hearing so any challenge to the rule would be part of the record. Following discussion regarding fairness, the process, balance/unintended consequences, pending questions, public input, the motion, individual research, a potential amendment, and public expectation, **Commissioner Ferlita seconded the motion.** Attorney Tschantz asserted public comment was closed and the EPC would not accept further public input and suggested going directly into reopening the public hearing at the next EPC meeting. Responding to Commissioner Sharpe, Dr. Garrity recalled EPC direction to bring back a rule considering the TBEP and Orange County models and noted available options. Following clarification, **the motion carried six to one; Commissioner Norman voted no.**

THURSDAY, JUNE 10, 2010 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 12:07 p.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____

Deputy Clerk

lg

JUNE 16, 2010 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING - DRAFT
MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to Request a Public Hearing to Amend Chapter 1-6, Services, Fee Schedule, to adjust the current fees collected by the EPC and establish additional compliance fees, scheduled for Wednesday, June 16, 2010, at 2:13 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

The following member was absent: Commissioner Mark Sharpe.

Chairman Higginbotham called the meeting to order at 2:13 p.m.

Dr. Richard Garrity, EPC Executive Director, stated the meeting was properly noticed; reviewed the May 20, 2010, EPC meeting regarding the cost recovery plan and budget summary; recalled the fiscal year 2011 budget, staff action to curtail costs, and fee adjustment consideration; recommended the EPC be provided one-time funds from the 12-month plan in the amount of \$292,000 to eliminate all EPC furlough days; and requested the item be considered for flagging at the July 15, 2010, budget workshop.

Chairman Higginbotham called for public comment. Ms. Marilyn Smith, County resident, agreed with Dr. Garrity and perceived the EPC should be given latitude to make decisions that benefit the public. **Commissioner Beckner moved staff recommendation, seconded by Commissioner White.** Interim County Administrator Mike Merrill responded to questions from Commissioner Norman regarding the \$292,000 furlough day funding and fee increase delays. Commissioner Ferlita commented on options relating to the 12-month plan and fee increases. Commissioner Norman expressed the desire for fairness to County and EPC employees. Mr. Merrill said County furlough days would also be eliminated next year. **The motion carried six to zero.** (Commissioner Sharpe was absent.)

WEDNESDAY, JUNE 16, 2010 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 2:21 p.m.

READ AND APPROVED: _____
CHAIRMAN OR VICE CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

ssg

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

JUN

A. Public Outreach/Education Assistance

1.	Phone calls	196
2.	Literature Distributed	8
3.	Presentations	2
4.	Media Contacts	-
5.	Internet	3
6.	Host/Sponsor Workshops, Meetings, Special Events	-

B. Industrial Air Pollution Permitting

1.	Permit Applications received (Counted by Number of Fees Received)	
	a. Operating	3
	b. Construction	6
	c. Amendments / Transfers / Extensions	1
	d. General	-
	e. Title V	-
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	13
	b. Construction ^1	6
	c. Amendments / Transfers / Extensions^1	-
	d. Title V Operating ^2	8
	e. Permit Determinations	2
	g. General	3
3.	Intent to Deny Permit Issued	-

C. Administrative Enforcement

1.	New cases received	4
2.	On-going administrative cases	
	a. Pending	9
	b. Active	13
	c. Legal	1
	d. Tracking compliance (Administrative)	11
	e. Inactive/Referred cases	-
	TOTAL	34
3.	NOIs issued	4
4.	Citations issued	-
5.	Consent Orders Signed	1
6.	Contributions to the Pollution Recovery Fund	\$ 98,900
7.	Cases Closed	1

D. Inspections

1.	Industrial Facilities	15
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**FY 10 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

JUN

2.	Air Toxics Facilities	
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	-
	b. Major Sources	7
3.	Asbestos Demolition/Renovation Projects	15
E. Open Burning Permits Issued		3
F. Number of Division of Forestry Permits Monitored		312
G. Total Citizen Complaints Received		26
H. Total Citizen Complaints Closed		28
I. Noise Sources Monitored		2
J. Air Program's Input to Development Regional Impacts		1
K. Test Reports Reviewed		28
L. Compliance		
1.	Warning Notices Issued	2
2.	Warning Notices Resolved	2
3.	Advisory Letters Issued	2
M. AOR's Reviewed		17
N. Permits Reviewed for NESHAP Applicability		3
O. Planning Documents coordinated for Agency Review		-

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

JUN

A. ENFORCEMENT

1.	New cases received	5
2.	On-going administrative cases	105
	Pending	4
	Active	43
	Legal	11
	Tracking Compliance (Administrative)	47
	Inactive/Referred Cases	-
3.	NOI's issued	4
4.	Citations issued	-
5.	Consent Orders and Settlement Letter Signed	5
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$1,250
7.	Enforcement Costs Collected (\$)	\$1,538
8.	Cases Closed	2

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	40
2.	FDEP Permits Reviewed	41
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	1
4.	Other Permits and Reports	
	County Permits Received	23
	County Permits Reviewed	21
	Reports Received	16
	Reports Reviewed	17
5.	Inspections (Total)	200
	Complaints	21
	Compliance/Reinspections	21
	Facility Compliance	21
	Small Quantity Generator	137
	P2 Audits	-
6.	Enforcement	
	Complaints Received	22
	Complaints Closed	22
	Warning Notices Issued	5
	Warning Notices Closed	4
	Compliance Letters	68
	Letters of Agreement	-
	Agency Referrals	1
7.	Pamphlets, Rules and Material Distributed	100

C. STORAGE TANK COMPLIANCE

1.	Inspections	
	Compliance	149
	Installation	9
	Closure	11
	Compliance Re-Inspections	4

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

JUN

2.	Installation Plans Received	5
3.	Installation Plans Reviewed	11
4.	Closure Plans & Reports	
	Closure Plans Received	4
	Closure Plans Reviewed	5
	Closure Reports Received	7
	Closure Reports Reviewed	15
5.	Enforcement	
	Non-Compliance Letters Issued	61
	Warning Notices Issued	1
	Warning Notices Closed	-
	Cases Referred to Enforcement	1
	Complaints Received	-
	Complaints Investigated	-
	Complaints Referred	-
6.	Discharge Reporting Forms Received	2
7.	Incident Notification Forms Received	5
8.	Cleanup Notification Letters Issued	2

D. STORAGE TANK CLEANUP

1.	Inspections	44
2.	Reports Received	94
3.	Reports Reviewed	81
	Site Assessment Received	14
	Site Assessment Reviewed	14
	Source Removal Received	1
	Source Removal Reviewed	-
	Remedial Action Plans (RAP'S) Received	10
	Remedial Action Plans (RAP'S) Reviewed	6
	Site Rehabilitation Completion Order/No Further Action Rec'd	9
	Site Rehabilitation Completion Order/No Further Action Revw'd	9
	Active Remediation/Monitoring Received	40
	Active Remediation/Monitoring Reviewed	31
	Others Received	20
	Others Reviewed	21

E. RECORD REVIEWS

30

F. LEGAL PIR'S

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

JUN

A. ENFORCEMENT

1.	New Enforcement Cases Received	-
2.	Enforcement Cases Closed	-
3.	Enforcement Cases Outstanding	58
4.	Enforcement Documents Issued	-
5.	Recovered Costs to the General Fund	\$ 106
6.	Contributions to the Pollution Recovery Fund	\$ 165

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	13
a.	Facility Permit	4
	(i) Types I and II	-
	(ii) Type III	4
b.	Collection Systems - General	4
c.	Collection systems-Dry Line/Wet Line	5
d.	Residuals Disposal	-
2.	Permit Applications Approved	10
a.	Facility Permit	5
b.	Collection Systems - General	1
c.	Collection systems-Dry Line/Wet Line	4
d.	Residuals Disposal	-
3.	Permit Applications Recommended for Disapproval	1
a.	Facility Permit	1
b.	Collection Systems - General	-
c.	Collection systems-Dry Line/Wet Line	-
d.	Residuals Disposal	-
4.	Permit Applications (Non-Delegated)	-
a.	Recommended for Approval	-
5.	Permits Withdrawn	-
a.	Facility Permit	-
b.	Collection Systems - General	-
c.	Collection systems-Dry Line/Wet Line	-
d.	Residuals Disposal	-
6.	Permit Applications Outstanding	51
a.	Facility Permit	15
b.	Collection Systems - General	16
c.	Collection systems-Dry Line/Wet Line	20
d.	Residuals Disposal	-
7.	Permit Determination	5
8.	Special Project Reviews	-

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

JUN

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

C. INSPECTIONS - DOMESTIC

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

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

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

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

JUN

a. Phosphate	6
b. Industrial Wastewater	16
c. Others	14

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation (Total)	14
a. Inspection (CEI)	13
b. Sampling Inspection (CSI)	1
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	11
a. Inspection (RI)	2
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	9
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections (Total)	6
a. Compliance Evaluation (CEI)	6
b. Sampling Inspection (CSI)	-
c. Performance Audit Inspection (PAI)	-
d. Complaint Inspection (CRI)	-
e. Enforcement Reconnaissance Inspections (ERI)	-

F. INVESTIGATION/COMPLIANCE

1. Citizen Complaints	25
a. Domestic	20
(i) Received	13
(ii) Closed	7
b. Industrial	5
(i) Received	3
(ii) Closed	2
2. Warning Notices	15
a. Domestic	11
(i) Received	3
(ii) Closed	8
b. Industrial	4
(i) Received	1
(ii) Closed	3
3. Non-Compliance Advisory Letters	11
4. Environmental Compliance Reviews	150
a. Industrial	38
b. Domestic	112

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

JUN

5. Special Project Reviews	4
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G. RECORD REVIEWS

1. Permitting Determination	2
2. Enforcement	-

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

1. Air division	70
2. Waste Division	-
3. Water Division	18
4. Wetlands Division	-
5. ERM Division	197
6. Biomonitoring Reports	2
7. Outside Agency	38

I. SPECIAL PROJECT REVIEWS

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

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

JUN

ASSESSMENT REPORT

Agriculture Exemption Report

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

PGMD Reviews Performance Report

# of Reviews	41
Timeframes Met	100%
Year to Date	99%

Formal Wetland Delineation Surveys

Projects	6
Total Acres	96
Total Wetland Acres	14
# Isolated Wetlands < 1/2 Acre	1
Isolated Wetland Acreage	0.15

Construction Plans Approved

Projects	7
Total Wetland Acres	3
#Isolated Wetlands < 1/2 Acre	1
Isolated Wetland Acreage	0.93
Impacts Approved Acreage	1.14
Impacts Exempt Acreage	0.01

Mitigation Sites in Compliance

Ratio	196/204
Percentage	96%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.70
Acreage of Wtaer Quality Impacts	0.00
Acreage Restored	0.10

General

Telephone Conferences	660
Scheduled Meetings	275
Unscheduled Citizen Assistance	305

REVIEW TIMES

# of Reviews	228
% On Time	96%
% Late	4%

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

JUN

A. General

1.	Telephone conferences	660
2.	Unscheduled Citizen Assistance	305
3.	Scheduled Meetings	275
4.	Correspondence	1,364
1/ 5.	Interagency Coordination	101
1/ 6.	Trainings	32
1/ 7.	Public Outreach/Education	4
1/ 8.	Quality Control	54

B. Assessment Reviews

1.	Wetland Delineations	14
2.	Surveys	9
3.	Miscellaneous Activities in Wetland	32
4.	Mangrove	1
5.	Notice of Exemption	4
6.	Impact/Mitigation Proposal	14
7.	Tampa Port Authority Permit Applications	56
8.	Wastewater Treatment Plants (FDEP)	-
9.	Development Reg'n'l Impact (DRI) Annual Report	1
10.	On-Site Visits	99
11.	Phosphate Mining	3
12.	Comp Plan Amendment (CPA)	1
1/ 13.	AG SWM	9
	Sub-Total	243

Planning and Growth Management Review

14.	Land Alteration/Landscaping	4
15.	Land Excavation	-
16.	Rezoning Reviews	17
17.	Site Development	17
18.	Subdivision	12
19.	Wetland Setback Encroachment	-
20.	Easement/Access-Vacating	-
21.	Pre-Applications	-
1/ 22.	Agriculture Exemption	-
	Sub-Total	50
	Total Assessment Review Activities	293

C. Investigation and Compliance

1.	Warning Notices Issued	11
2.	Warning Notices Closed	1
1/ 3.	Complaints Closed	24
4.	Complaint Inspections	20

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

JUN

5.	Return Compliance Inspections for Open Cases	37
6.	Mitigation Monitoring Reports	39
7.	Mitigation Compliance Inspections	24
8.	Erosion Control Inspections	14
9.	MAIW Compliance Site Inspections	12
10.	TPA Compliance Site Inspections	4
2/ 11	Mangrove Compliance Site Inspections	-
1/ 12	Conservation Easement Inspection	2

D. Enforcement

1.	Active Cases	18
2.	Legal Cases	2
3.	Number of "Notice of Intent to Initiate Enforcement"	1
4.	Number of Citations Issued	-
5.	Number of Consent Orders Signed	2
6.	Administrative - Civil Cases Closed	4
7.	Cases Referred to Legal Department	2
8.	Contributions to Pollution Recovery	\$ 1,050
9.	Enforcement Costs Collected	\$ 398

E. Ombudsman

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

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 06/30/10**

		As of 6/30/10
Beginning Fund Balance, 10/01/09	\$	555,831
Interest Accrued		17,292
Deposits		206,122
Disbursements		(175,443)
Intrafund Budget Transfers to Project Fund		(371,041)
Intrafund Budget Transfers from Project Fund		119,300
Pollution Recovery Fund Balance	\$	352,061
 Encumbrances:		
Pollution Prevention/Waste Reduction (101)	\$	1,429
Artificial Reef Program		42,939
PRF Project Outreach		(5,258)
PRF Project Monitoring		67,532
Total Encumbrances	\$	106,642
 Minimum Balance (Reserves)	 \$	 120,000
 Balance Available 06/30/10	 \$	 125,419

PROJECT FUND

	Project Amount		Project Balance
Open Projects			
FY 06 Projects			
Bahia Beach Restoration (contract 04-03)	150,000		23,718
	\$ 150,000	\$	23,718
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	\$	-
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
	\$ 459,656	\$	21,531
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 06/30/10**

Fund Balance as of 10/1/09	\$ 247,322
Interest Accrued	3,104
Disbursements FY 10	-
Fund Balance	<u>\$ 250,426</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 250,426
Total Encumbrances	<u>\$ 250,426</u>
Fund Balance Available 06/30/10	<u><u>\$ -</u></u>



EPC Agenda Item Cover Sheet

Date of EPC Meeting: July 15, 2010

Subject: Legal Case Summary for July 2010

Consent Agenda X **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: July 2010 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT

July 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)

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. On April 20, 2010 the EPC Legal Department received a Notice of Appeal in this matter. The Appeal was transferred to a Hearing Officer. on June 3, 2010. The case has been placed in abeyance due to recent foreclosure action on the subject property. (AZ)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

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 was scheduled with the judge for May 24, 2010 and the parties were directed to complete mediation within sixty days. Mediation has been scheduled for July 16, 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. The parties are negotiating a settlement of the case. (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 facility shutdown do to other reasons and the EPC filed a Voluntary Dismissal on June 30, 2010 and the case has been closed. (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. A non-jury trial was conducted on June 14, 2010. The Court issued a final judgment against the previous owners on June 15, 2010 directing the Defendant to complete all corrective actions and to pay \$7,098.26 in costs and \$95,390.00 in penalties. (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. The Defendant did not respond to the lawsuit and the EPC Legal Department filed a Motion for Default on June 1, 2010. The Clerk of Court issued a Default on June 4, 2010. (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)

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 Mayros [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 was filed on June 30, 2010. (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 was executed in May 2010. (RM)

U.S. Bankruptcy Court in re Jerry A. Lewis [LEPC09-011]: On May 1, 2009 the U.S. Bankruptcy Court Middle District of Florida filed a Notice of Chapter 13 Bankruptcy Case regarding Jerry A. Lewis. On May 26, 2009, the EPC filed a Proof of Claim with the Court. The EPC's basis for the claim is a recorded judgment lien awarded in Civil Court against Mr. Lewis concerning unauthorized disposal of solid waste. The EPC is preparing to seek relief from the bankruptcy stay to get an award of stipulated penalties from the state court. The site remains out of compliance with applicable EPC solid waste regulations. (AZ)

Dubliner North, Inc. [LEPC09-015]: On September 17, 2009 the EPC Board granted authority to take legal action against Respondent for violations of the EPC Act and EPC Rules, Chapter 1-10. A Citation to Cease and Order to Correct Violation was issued on July 24, 2009, the Respondent failed to appeal the citation and it became a final order of the Agency enforceable in court. On May 5, 2010 the EPC filed a civil lawsuit in Circuit Court against the Defendant. The Defendant has not responded to the complaint, even after asking for additional time, thus the EPC filed a Motion for Default on June 29, 2010. (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)

12414 Highway 41, LLC v. EPC and Hillsborough. [LEPC10-011]: Plaintiff is moving to quiet title on a property they recently acquired that the EPC is actively seeking penalties for wastewater violations (see Robilotta above). The EPC responded to the complaint, discharged the lis pendens, but did not object to the quiet title action. (RM)

RECENTLY RESOLVED CIVIL CASES [0]

C. OTHER OPEN CASES [12]

The following is a list of cases assigned to the EPC Legal Department that are not in litigation, but a party has asked for an extension of time to file for administrative litigation in the hope of negotiating a settlement prior to forwarding the case to a Hearing Officer. The below list may also include waiver or variance requests.

Patco Transport, Inc. [LEPC09-012]: On July 2, 2009 the Appellant filed a request for an extension of time to file an Appeal regarding a Citation of Violation that was issued by the EPC on June 9, 2009. The request was granted and the Appellant has until August 31, 2009 to file an appeal in this matter. (AZ)

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

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)

International Ship Repair and Marine Services, Inc. [LEPC09-029]: On December 4, 2009 Petitioner International Ship Repair and Marine Services, Inc. filed a request for an extension of time to challenge a draft Title V air permit issued on November 20, 2009. The request was granted and the Petitioner had until January 6, 2010 to file a petition in this matter. The Petitioner has requested several extensions which were granted and currently has until July 14, 2010 to file a petition in this matter. (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)

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)

Roshini Investments, LLC [LEPC10-008]: On April 9, 2010 the Appellant submitted a request for an extension of time to file a Notice of Appeal to challenge a Citation of Violation and Order to Correct Issued by the EPC on March 19, 2010. The request was granted and the Appellant had until May 12, 2010 to file an Appeal. On May 10, 2010 the Appellant filed a second request for an extension which was granted. The Appellant had until June 11, 2010 to file a Notice of Appeal in this matter. A third request for an extension was submitted on June 9, 2010, the extension was granted and the Appellant has until August 10, 2010 to file a Notice of Appeal. (AZ)

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 had until June 17, 2010 to file a petition in this matter. The Petitioner filed a request for a second extension. The request was granted and the Petitioner has until July 19, 2010 to file a petition in this matter. (RM)

Master-Halco, Inc. [LEPC10-012]: On June 2, 2010 the Petitioner filed a request for an extension of time to challenge an Air Operating Permit issued on May 21, 2010. The request was granted and the Petitioner has until July 23, 2010 to file a petition in this matter. (RM)

Pine Oaks Mobile Home Park, LLC [LEPC10-013]: On July 1, 2010 the Petitioner filed a request for an extension of time to challenge a domestic wastewater permit denial. The request was granted and the Petitioner has until October 6, 2010 to file a petition in this matter. (RM)

Pwu-Sheng Liu vs. EPC [LEPC 10-014]: Civil Service appeal of an employee dismissal.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: July 15, 2010

Subject: Request for authority to take appropriate legal action against Ahmed Lakhani, Roberto Diaz and L&D Petroleum, Inc.

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

Division: Waste Management Division

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

Brief Summary: On August 14, 2008, a discharge of petroleum product was discovered on property owned and operated by the above named parties located at 18215 U.S. Highway 41 North, Tampa, in Hillsborough County. The Responsible Parties have failed to properly assess the petroleum contamination in accordance with EPC and state regulations.

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

Background: Ahmed Lakhni, Roberto Diaz and L & D Petroleum, Inc. (LDPI) own property located at 18215 U.S. Highway 41 North, Tampa, in Hillsborough County, Florida. LDPI operates an automotive vehicular re-fueling facility on the property. On August 14, 2008 a discharge of petroleum was discovered on the property. A Site Assessment (SA) was required by law to be initiated by September 13, 2008 and a Site Assessment Report (SAR) was required by law to be submitted to EPC by May 14, 2009. Although a Notices of Intent to Initiate Enforcement and Citations of Violations and Orders to Correct were issued to the parties, a complete SAR has not been received by EPC staff. A complete SAR is required and any remediation activities to abate the discharge must be completed in order for the violations to be resolved. The property continues to be in violation of state and local Petroleum Contamination Rules, Chapter 62-770, Florida Administrative Code and Chapter 1-7, Rules of the EPC.

List of Attachments: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: July 15, 2010

Subject: Staff report on current status of wetland rule violations at property owned by Ms. Kelly Wishau

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

Division: Wetlands Management Division

Recommendation: None.

Brief Summary: Ms. Wishau owns real property located at 3604 Cork Road, Plant City, Florida. Within the property are jurisdictional wetlands. Ms. Wishau had unauthorized wetland impacts on her property, including dredging, filling, and clearing in wetlands. On June 18, 2009 the parties entered into a settlement for her to perform corrective actions and to pay stipulated penalties in the event the corrective actions were not timely completed. On March 15, 2010, the EPC voted unanimously to provide Ms. Wishau additional time until July 1, 2010 to perform the required corrective actions at her property. On June 16, 2010, the EPC staff confirmed the corrective actions at Ms. Wishau's property have been completed.

Financial Impact: None.

Background: On June 18, 2009 the parties entered into a settlement for Ms. Wishau to perform corrective actions and to pay a \$4,500.00 stipulated penalties in the event the corrective actions were not timely completed. On March 15, 2010, the EPC voted unanimously to provide Ms. Wishau additional time until July 1, 2010 to perform the required corrective actions at her property and, if that work was then completed by that date, the stipulated penalty would be waived. On June 16, 2010, the EPC staff confirmed the corrective actions at Ms. Wishau's property have been completed and the site is currently in compliance.

List of Attachments: None

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