

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
COMMISSIONER'S BOARD ROOM  
COUNTY CENTER 2<sup>ND</sup> FLOOR  
SEPTEMBER 16, 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**

<b><u>I. PUBLIC HEARING</u></b>	
Closure of the July 15, 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 fees.....	3
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Three (3) Minutes Are Allowed for Each Speaker (unless the Commission directs differently)	
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Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 16, 2010

**Subject:** Closure of the 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**  X

**Division:** Legal and Administrative Support Services

**Recommendation:** Close the public hearing, that was continued from the July 15, 2010 EPC meeting, without further action by the Commission.

**Brief Summary:** Pursuant to the EPC Act, the Commission must hold a noticed public hearing to approve a rule or rule amendment. A 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 now be closed without further action by the Commission at this time. Staff will bring this item to the Commission at a future date.

**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 allowed the budget process to be further discussed at a workshop so as to determine the actual impact on the EPC budget. The EPC staff requests that the public hearing now be closed without further action by the Commission at this time. Staff will bring this item to the Commission at a future date.

### **List of Attachments:**

None

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JULY 15, 2010 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, July 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, Rose Ferlita, Ken Hagan, Jim Norman, Mark Sharpe, and Kevin White (arrived at 9:08 a.m.).

Chairman Higginbotham called the meeting to order at 9:06 a.m.

PUBLIC HEARINGS

Continuation of the June 10, 2010, Public Hearing to Consider and Approve Adoption of a Fertilizer Use and Landscape Management Rule, Chapter 1-15, EPC Rules - EPC General Counsel Richard Tschantz outlined procedures and staff available for questions. After passing the gavel to Vice Chairman Beckner, commending everyone who worked on the item, and commenting on the importance of ensuring long-term protection and staff recommendation, which he perceived provided a rule that exceeded Florida Department of Environmental Protection (FDEP) requirements, **Chairman Higginbotham recommended striking Section 1-15.04(a), which stated no applicator shall apply fertilizer containing nitrogen and/or phosphorous to turf during the restricted season from June 1 through September 30, but leaving in the more restrictive aspects of the rule. Commissioner Hagan seconded the motion for discussion.** Commissioner Sharpe noted concerns with other areas of staff recommendation and asked about using the Cooperative Extension Office and grant funds for education. Dr. Richard Garrity, EPC Executive Director, explained staff agreed education was important and would seek grant funds and reported the Tampa Bay Estuary Program (TBEP) set aside funding for regional education on the issue. Commissioner Sharpe remarked on the importance of education/engaging the community, pet waste impacts, and efforts in other areas; opposed additional regulations that would impact an insignificant amount of nitrogen; and inquired about a study on what other communities had done and tracking the County program to measure impacts. Dr. Garrity described study considerations and efforts related to federal/State regulation compliance.

Commissioner Ferlita expressed concern with the motion, pointing to previous EPC staff direction. Chairman Higginbotham confirmed allowable action. Attorney Tschantz mentioned notice concerns, referenced the range of options, stated striking Section 1-15.04(a) was not a staff-proposed option, and opined the proposed action would be a substantial departure from the public notice/workshop discussions. Commissioner Ferlita expounded on concerns with the motion.

THURSDAY, JULY 15, 2010 - DRAFT MINUTES

Responding to Vice Chairman Beckner, Attorney Tschantz confirmed the motion resembled adoption of the FDEP model with no restrictions/bans or any options previously discussed. Discussion followed regarding public participation, staff options, differences between the Orange County model and the FDEP model, rainy season ban removal, and EPC language being stricter than the FDEP model. Commissioner Beckner opposed the motion and asked staff to explain environmental/fiscal impacts. Mr. Tom Ash, EPC, outlined estimated nitrogen load reductions/loads from County operated plants and mentioned the Tampa Bay Nitrogen Management Consortium, reasonable assurances, risks, and possible federal/State enforcement actions. Vice Chairman Beckner sensed inaction/lack of appropriate action to remove nitrogen from the bay would stunt job/industry growth. Mr. Ash reported staff opined taking action was the easiest/least expensive option. Vice Chairman Beckner inquired about costs if the County continued to create additional stormwater systems and how inaction to remove nitrogen loads would impact the County financially. Mr. Bob Gordon, Director, Public Works Department, remarked on costs, best management practices (BMP), impacts, and water quality improvement importance. Discussion ensued regarding capacity, infrastructure costs, nitrogen load contributors/removal, options, possible fines for not removing nitrogen, community buy-in, and the FDEP model.

Commissioner Sharpe preferred finding a way to resolve the issue with the community actively involved. In response to Commissioner Sharpe, Dr. Garrity and Mr. Ash explicated past changes to the fertilizer mix/labeling and noted no data was available on whether less nitrogen was going into the bay as a result of that change. Commissioner Sharpe was unsure how to resolve the issue, wanted to look at options, stressed concerns with taking action with no data on the results of each option, and favored finding a way to affect a change that had a larger impact. Attorney Tschantz replied to queries from Commissioner Hagan regarding appropriate action, noting all options were available for consideration but the language proposed to be struck was not a removable option and not part of previous direction/public workshops/notice, and said the language could be struck but would require notice for public input. Comments continued related to the motion, options, restriction removal, and e-mails/public comment received regarding a ban. Mr. Ash and Dr. Garrity responded to questions from Commissioner White regarding how the amount of nitrogen in the bay was measured, impacts of excess nitrogen, measurable differences between options, if other municipalities had bans and could provide figures on nitrogen load improvements, when the County would see measurable reductions, and studies conducted in other areas.

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Dr. Scott Emery, County Water Resources Advisor, was asked by the EPC to examine possible study approaches to answer questions regarding the use of nitrogen-based fertilizers, especially during the summer rainy season, and developed an outline that would allow the examination of individual lawns. In response to Commissioner White, Dr. Garrity noted the County was barely keeping up with State/federal regulation compliance, attributed compliance to a cooperative regional approach, and expected a 30-ton nitrogen reduction if Option 1 was adopted. Discussion followed on estimated tons to be reduced; other steps/tools to see a reduction; businesses/agriculture impacts; agriculture being exempt from the regulations; other products available to the fertilizer industry; the proposed study, including expected costs, time frame, and the University of Florida Institute of Food and Agricultural Sciences (IFAS) being contacted; and unintended consequences. Commissioner Sharpe supported the University of South Florida (USF) and IFAS being engaged and using grant funds. Responding to comments from Commissioner Sharpe, Dr. Garrity explained the rule called for a review after four years. Commissioner Sharpe expressed uncertainty with the four-year period. Chairman Higginbotham suggested amending the motion to address the study period. Attorney Tschantz recommended a separate motion to avoid having to revisit the rule.

Commissioner Sharpe confirmed that without the FDEP model there were no yard fertilizer distribution limits and the FDEP model included application restrictions. Mr. Ash spoke to green industry standards. Comments continued on Florida friendly BMPs, reducing the allowed nitrogen application amount, reduced impacts if homeowners were required to bag yard clippings, algae bloom spikes, education/community buy-in being essential, and enforcement. Following motion clarification, Commissioner Sharpe wanted to ensure the issue of reducing the allowed nitrogen application amount in Section 1-15.05(a) was addressed, an education component was included, and to mandate EPC work to with all partners to educate the public and ask retailers/wholesalers to educate the public. **Chairman Higginbotham agreed to include an education component.** Regarding proposed changes to Section 1-15.05(a), Mr. Ash cautioned on being less/more strict than the model ordinance. Commissioner Sharpe recommended proceeding with the studies.

Commissioner Ferlita opined the EPC Board was considering something other than the options suggested for workshop/public comment, was concerned the action was not enough, and perceived education/responsibility were paramount. Commissioner Norman was originally prepared to support the Orange County model as a good compromise to start, believed something needed to be done, and supported a study. Vice Chairman Beckner opposed the motion, felt the motion did not do enough for the environment or address the financial crisis, sensed

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Option 1 provided a cost-effective way to remove excess nitrogen, and referenced the Florida Yards and Neighborhoods handbook, which addressed nitrogen. The motion carried five to two; Commissioners Beckner and Ferlita voted no.

Commissioner Sharpe moved to require a study be conducted consisting of elements from IFAS, USF, and any other entity EPC believed might be helpful; try to acquire funds immediately for the payment of the study; and also ask for a report back at least annually, but would like to get some conclusion within two years; if that was not enough, would be willing to go to three but thought four was too long. Chairman Higginbotham clarified that would amend Section 1-15.15 to three years, change the word review to study, and include USF and IFAS. Commissioner Sharpe agreed. Commissioner Norman seconded the motion, which carried six to one; Commissioner Beckner voted no. Attorney Tschantz assumed staff had authority to remove exemptions that no longer applied. Commissioner Norman moved to support staff recommendation to give staff authority to go back and look at the rule, seconded by Commissioner Sharpe. (The motion was subsequently withdrawn.) Commissioner Beckner requested to reconsider the study vote. Commissioner Sharpe so moved, seconded by Commissioner White. Commissioner Norman withdrew his motion. The motion to reconsider carried seven to zero. Commissioner Sharpe asked to conduct the study as discussed earlier, seconded by Commissioner Norman, and carried seven to zero. Commissioner Norman moved to empower staff to go back and craft the language necessary to comply with the previous motion by Chairman Higginbotham and Commissioner Hagan, seconded by Commissioner Sharpe, and carried seven to zero.

Continuation of the June 16, 2010, 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 - Attorney Tschantz introduced the item. Dr. Garrity recalled previous recommendations to delay the item until the next fiscal year due to the state of the economy and for EPC staff to meet with Mr. Mike Merrill, Interim County Administrator, to try to use the 12-month plan to eliminate EPC furlough days; outlined previous action to refer that to the Board of County Commissioners budget workshop scheduled later in the day; and suggested a continuance to the next EPC meeting. Chairman Higginbotham called for a motion to continue. Commissioner Norman so moved, seconded by Commissioner White, and carried six to zero. (Commissioner Sharpe was out of the room.)



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PUBLIC COMMENT

Ms. Holly Greening, director, TBEP, thanked the EPC Board for fertilizer ordinance consideration and stated the TBEP policy board had approved funding for a regional education campaign and a study similar to what was just approved.

Mr. Edward Ross, County resident, expressed disappointment with fertilizer ordinance action.

Councilwoman Linda Saul-Sena, city of Tampa City Council, relayed gratitude for EPC staff attempts to explain options and to Commissioners Beckner and Ferlita for opposing the motion and felt the action taken did not serve the community well.

Ms. Vivian Bacca, 413 El Greco Drive, submitted/reviewed information related to impacts to alligators due to vitamin deficiencies created by runoff, excess development, and chemical reactions.

Dr. Garrity responded to queries from Commissioner Sharpe regarding buffering between homes and waterways.

CHANGES TO THE AGENDA

Dr. Garrity added an air quality update to Item V, Executive Director.

CONSENT AGENDA

- A. Approval of Minutes: June 10, 2010, EPC regular meeting and June 16, 2010, EPC special meeting.
- B. Monthly activity reports.
- C. Pollution Recovery Fund report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary, July 2010.
- F. Request for authority to take appropriate legal action against Ahmed Lakhani, Roberto Diaz, and L and D Petroleum Incorporated.
- G. Staff report on current status of wetland rule violations at property owned by Kelly Wishau.

Chairman Higginbotham called for a motion to approve the Consent Agenda. **Commissioner Sharpe so moved, seconded by Commissioner Beckner.** Commissioner

THURSDAY, JULY 15, 2010 - DRAFT MINUTES

Norman thanked all parties involved on the Kelly Wishau item. **The motion carried seven to zero.**

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the CEAC Chairman, Daniel Alberdi Jr. - Dr. Garrity noted there was no meeting in July 2010.

EXECUTIVE DIRECTOR

Dr. Garrity read letters applauding EPC staff efforts.

Discussion regarding the September 2010 Furlough Day - Dr. Garrity reported efficiencies/vacancies provided for sufficient funds to eliminate the September 9, 2010, furlough day. Responding to Commissioner White, Attorney Tschantz advised Mr. Eric Johnson, Management Services Administrator, said the cancellation would not conflict with County services. Commissioner White recommended the Communications Department include in the furlough day announcement that EPC would be working.

Air Quality Update - Mr. Jerry Campbell, Director, EPC Air Management Division, provided an update on air quality, as provided in background material.

There being no further business, the meeting was adjourned at 10:57 a.m.

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

CHAIRMAN OR VICE CHAIRMAN

ATTEST:

PAT FRANK, CLERK

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

kr

AUGUST 4, 2010 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING - DRAFT  
MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to Request Authorization and Contract(s) for the Energy, Environment, and Economics (E3) Fall Forum planned for September 17, 2010, scheduled for Wednesday, August 4, 2010, at 2:45 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, Mark Sharpe, and Kevin White.

The following member was absent: Commissioner Jim Norman.

Chairman Higginbotham called the meeting to order at 3:18 p.m.

Mr. Jerry Campbell, Director, EPC Air Management Division, and energy management and sustainability workgroup member, outlined the recommendation and summarized forum history, contract participants, and financial impacts, as provided in background material. Mr. Campbell and Commissioner Ferlita replied to queries from Chairman Higginbotham regarding revenues, expenditure projections, deficits, reserve funds, and the business plan. Believing there would be adequate sponsorships and perceiving she could acquire sponsorships for revenue shortfalls, Commissioner Ferlita announced a personal commitment for the difference in the event of a deficit. Responding to Chairman Higginbotham, Mr. Campbell expounded on the keynote speaker. Mr. Daniel Klein, Chief Deputy Clerk to the Board, Clerk of the Circuit Court (Clerk's Office), expressed appreciation for working with the EPC and touched on authorizing advance payments. Commissioner Ferlita commented on commitment dollars and a mislabeled agenda item.

Mr. Campbell read the recommended motion to authorize the EPC Executive Director to approve EPC to proceed with the E3 Fall Forum and authorize Dr. Richard Garrity, EPC Executive Director, to negotiate and execute a contract(s) with the David A. Straz Jr. Center for the Performing Arts (Straz Center) and other individuals or organizations associated with hosting the same; authorize the collection of fees associated with the forum, including registrations and other revenue; and authorize advance payments to the Straz Center and other individuals or organizations associated with hosting the E3 Fall Forum, subject to the Clerk's Office approval, if necessary. Responding to Commissioner Ferlita, County Attorney Renee F. Lee was comfortable with comments relating to guidance. **Commissioner Ferlita made that motion, seconded by Commissioner Beckner, and carried five to zero.** (Commissioner Hagan was out of the room; Commissioner Norman was absent.)

WEDNESDAY, AUGUST 4, 2010

There being no further business, the meeting was adjourned at 3:26 p.m.

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

ATTEST:  
PAT FRANK, CLERK

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

ssg

MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION

July FY 2010

A. Public Outreach/Education Assistance:

1. Phone Calls:	211
2. Literature Distributed:	1
3. Presentations:	0
4. Media Contacts:	0
5. Internet:	63
6. Host/Sponsor Workshops, Meetings, Special Events	0

B. Industrial Air Pollution Permitting

1. Permit Applications Received (Counted by Number of Fees Received):

a. Operating:	3
b. Construction:	0
c. Amendments:	0
d. Transfers/Extensions:	2
e. General:	0
f. Title V:	3

2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (<sup>1</sup>Counted by Number of Fees Collected) - (<sup>2</sup>Counted by Number of Emission Units affected by the Review):

a. Operating <sup>1</sup> :	11
b. Construction <sup>1</sup> :	2
c. Amendments/Transfers/Extensions <sup>1</sup> :	0
d. Title V Operating <sup>2</sup> :	0
e. Permit Determinations <sup>2</sup> :	1
f. General:	0

3. Intent to Deny Permit Issued: 0

C. Administrative Enforcement

1. New cases received:	1
2. On-going administrative cases:	
a. Pending:	8
b. Active:	14
c. Legal:	1
d. Tracking compliance (Administrative):	10
e. Inactive/Referred cases:	0
Total	29

3. NOIs issued: 1

4. Citations issued: 0

5. Consent Orders Signed: 1

6.	Contributions to the Pollution Recovery Fund:	\$0.00
7.	Cases Closed:	2
D.	Inspections:	
1.	Industrial Facilities:	14
2.	Air Toxics Facilities:	
a.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	0
b.	Major Sources	0
3.	Asbestos Demolition/Renovation Projects:	34
E.	Open Burning Permits Issued:	5
F.	Number of Division of Forestry Permits Monitored:	330
G.	Total Citizen Complaints Received:	26
H.	Total Citizen Complaints Closed:	29
I.	Noise Sources Monitored:	3
J.	Air Program's Input to Development Regional Impacts:	5
K.	Test Reports Reviewed:	48
L.	Compliance:	
1.	Warning Notices Issued:	5
2.	Warning Notices Resolved:	13
3.	Advisory Letters Issued:	1
M.	AOR's Reviewed:	4
N.	Permits Reviewed for NESHAP Applicability:	0
O.	Planning Documents coordinated for Agency review.	0

MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION

August FY 2010

A. Public Outreach/Education Assistance:		
1. Phone Calls:		184
2. Literature Distributed:		<u>155</u>
3. Presentations:		<u>1</u>
4. Media Contacts:		<u>0</u>
5. Internet:		<u>62</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>0</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		3
b. Construction:		<u>18</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>2</u>
e. General:		<u>1</u>
f. Title V:		<u>0</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ( <sup>1</sup> Counted by Number of Fees Collected) - ( <sup>2</sup> Counted by Number of Emission Units affected by the Review):		
a. Operating <sup>1</sup> :		5
b. Construction <sup>1</sup> :		<u>13</u>
c. Amendments/Transfers/Extensions <sup>1</sup> :		<u>1</u>
d. Title V Operating <sup>2</sup> :		<u>0</u>
e. Permit Determinations <sup>2</sup> :		<u>0</u>
f. General:		<u>1</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		<u>1</u>
2. On-going administrative cases:		
a. Pending:		8
b. Active:		<u>13</u>
c. Legal:		<u>1</u>
d. Tracking compliance (Administrative):		<u>11</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>33</u>
3. NOIs issued:		<u>1</u>
4. Citations issued:		<u>0</u>
5. Consent Orders Signed:		<u>3</u>

6.	Contributions to the Pollution Recovery Fund:	\$8,550.00
7.	Cases Closed:	0
D.	Inspections:	
1.	Industrial Facilities:	15
2.	Air Toxics Facilities:	
a.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	0
b.	Major Sources	3
3.	Asbestos Demolition/Renovation Projects:	28
E.	Open Burning Permits Issued:	4
F.	Number of Division of Forestry Permits Monitored:	293
G.	Total Citizen Complaints Received:	28
H.	Total Citizen Complaints Closed:	28
I.	Noise Sources Monitored:	5
J.	Air Program's Input to Development Regional Impacts:	2
K.	Test Reports Reviewed:	18
L.	Compliance:	
1.	Warning Notices Issued:	12
2.	Warning Notices Resolved:	3
3.	Advisory Letters Issued:	1
M.	AOR's Reviewed:	60
N.	Permits Reviewed for NESHAP Applicability:	1
O.	Planning Documents coordinated for Agency review.	2



**ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION  
JULY, 2010**

**A. ENFORCEMENT**

1. New Enforcement Cases Received:	0
2. Enforcement Cases Closed:	17
3. Enforcement Cases Outstanding:	46
4. Enforcement Documents Issued:	1
5. Recovered costs to the General Fund:	\$ 988.25
6. Contributions to the Pollution Recovery Fund:	\$ 4,165.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Bamboo Express Chinese Restaurant	Improper Operation/Failure to maintain	\$ 165.00
b. Plantain Products	Industrial WW discharge/ Operation w/out a permit	\$ 4,000.00

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

1. Permit Applications Received:	13
a. Facility Permit:	1
(i) Types I and II	0
(ii) Types III	2
b. Collection Systems-General	6
c. Collection Systems-Dry Line/Wet Line:	5
d. Residuals Disposal:	0
2. Permit Applications Approved:	6
a. Facility Permit:	0
b. Collection Systems-General:	3
c. Collection Systems-Dry Line/Wet Line:	3
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	1
a. Facility Permit:	0
b. Collection Systems-General:	1
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated):	0
a. Recommended for Approval:	0
5. Permits Withdrawn:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0

6.	Permit Applications Outstanding:	57
a.	Facility Permit:	17
b.	Collection Systems-General:	18
c.	Collection Systems-Dry Line/Wet Line:	22
d.	Residuals Disposal:	0
7.	Permit Determination:	2
8.	Special Project Reviews:	0
a.	Reuse:	0
b.	Residuals/AUPs:	0
c.	Others:	0
<b>C. INSPECTIONS - DOMESTIC</b>		
1.	Compliance Evaluation:	9
a.	Inspection (CEI):	2
b.	Sampling Inspection (CSI):	7
c.	Toxics Sampling Inspection (XSI):	0
d.	Performance Audit Inspection (PAI):	0
2.	Reconnaissance:	39
a.	Inspection (RI):	14
b.	Sample Inspection (SRI):	1
c.	Complaint Inspection (CRI):	24
d.	Enforcement Inspection (ERI):	0
3.	Engineering Inspections:	16
a.	Reconnaissance Inspection (RI):	1
b.	Sample Reconnaissance Inspection (SRI):	0
c.	Residual Site Inspection (RSI):	0
d.	Preconstruction Inspection (PCI):	3
e.	Post Construction Inspection (XCI):	12
f.	On-site Engineering Evaluation:	0
g.	Enforcement Reconnaissance Inspection (ERI):	0
<b>D. PERMITTING/PROJECT REVIEW - INDUSTRIAL</b>		
1.	Permit Applications Received:	0
a.	Facility Permit:	0
(i)	Types I and II	0
(ii)	Type III with Groundwater Monitoring:	0
(iii)	Type III w/o Groundwater Monitoring:	0
b.	General Permit:	0

c. Preliminary Design Report:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0
2. Permits Recommended to DEP for Approval:	0
3. Special:	0
a. Facility Permits:	0
b. General Permits:	0
4. Permitting Determination:	0
5. Special Project Reviews:	38
a. Phosphate:	11
b. Industrial Wastewater:	9
c. Others:	18
<b>E. INSPECTIONS - INDUSTRIAL</b>	<b>22</b>
1. Compliance Evaluation:	10
a. Inspection (CEI):	10
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	5
a. Inspection (RI):	3
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	2
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	7
a. Compliance Evaluation (CEI):	7
b. Sampling Inspection (CSI):	0
c. Performance Audit Inspection (PAI):	0
d. Complaint Inspection (CRI):	0
e. Enforcement Reconnaissance Inspections (ERI):	0
<b>F. INVESTIGATION/COMPLIANCE</b>	
1. Citizen Complaints:	
a. Domestic:	22
(i) Received:	13
(ii) Closed:	9
b. Industrial:	9
(i) Received:	7
(ii) Closed:	2

2. Warning Notices:	
a. Domestic:	5
(i) Issued:	1
(ii) Closed:	4
b. Industrial:	0
(i) Issued:	0
(ii) Closed:	0
3. Non-Compliance Advisory Letters:	7
4. Environmental Compliance Reviews:	166
a. Industrial:	44
b. Domestic:	122
5. Special Project Reviews:	6
<b>G. RECORD REVIEWS</b>	
1. Permitting:	9
2. Enforcement:	0
<b>H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:</b>	
1. Air Division:	77
2. Waste Division:	0
3. Water Division:	18
4. Wetlands Division:	0
5. ERM Division:	152
6. Biomonitoring Reports:	10
7. Outside Agency:	134
<b>I. SPECIAL PROJECT REVIEWS:</b>	6
1. DRIs:	3
2. ARs:	0
3. Technical Support:	3
4. Other:	

**ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION  
AUGUST, 2010**

**A. ENFORCEMENT**

1. New Enforcement Cases Received:	0
2. Enforcement Cases Closed:	2
3. Enforcement Cases Outstanding:	44
4. Enforcement Documents Issued:	1
5. Recovered costs to the General Fund:	\$ -
6. Contributions to the Pollution Recovery Fund:	\$12,975.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
1. Sparkling Waters Car Wash	Modification w/out a permit	\$ 2,100.00
2. M & B Products, Inc.	Operation w/out a permit	\$ 10,875.00

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

	17
1. Permit Applications Received:	0
a. Facility Permit:	3
(i) Types I and II	0
(ii) Types III	3
b. Collection Systems-General	7
c. Collection Systems-Dry Line/Wet Line:	7
d. Residuals Disposal:	0
2. Permit Applications Approved:	19
a. Facility Permit:	5
b. Collection Systems-General:	10
c. Collection Systems-Dry Line/Wet Line:	4
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated):	0
a. Recommended for Approval:	0
5. Permits Withdrawn:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0

6. Permit Applications Outstanding:	55
a. Facility Permit:	15
b. Collection Systems-General:	15
c. Collection Systems-Dry Line/Wet Line:	25
d. Residuals Disposal:	0
7. Permit Determination:	3
8. Special Project Reviews:	0
a. Reuse:	0
b. Residuals/AUPs:	0
c. Others:	0
<b>C. INSPECTIONS - DOMESTIC</b>	
1. Compliance Evaluation:	15
a. Inspection (CEI):	4
b. Sampling Inspection (CSI):	11
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	33
a. Inspection (RI):	8
b. Sample Inspection (SRI):	3
c. Complaint Inspection (CRI):	22
d. Enforcement Inspection (ERI):	0
3. Engineering Inspections:	20
a. Reconnaissance Inspection (RI):	5
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	0
d. Preconstruction Inspection (PCI):	5
e. Post Construction Inspection (XCI):	10
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	0
<b>D. PERMITTING/PROJECT REVIEW - INDUSTRIAL</b>	33
1. Permit Applications Received:	2
a. Facility Permit:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0
b. General Permit:	0

c. Preliminary Design Report:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	2
2. Permits Recommended to DEP for Approval:	0
3. Special:	0
a. Facility Permits:	0
b. General Permits:	0
4. Permitting Determination:	0
5. Special Project Reviews:	31
a. Phosphate:	11
b. Industrial Wastewater:	5
c. Others:	15
<b>E. INSPECTIONS - INDUSTRIAL</b>	
1. Compliance Evaluation:	9
a. Inspection (CEI):	9
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	11
a. Inspection (RI):	9
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	2
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	0
a. Compliance Evaluation (CEI):	0
b. Sampling Inspection (CSI):	0
c. Performance Audit Inspection (PAI):	0
d. Complaint Inspection (CRI):	0
e. Enforcement Reconnaissance Inspections (ERI):	0
<b>F. INVESTIGATION/COMPLIANCE</b>	
1. Citizen Complaints:	
a. Domestic:	20
(i) Received:	9
(ii) Closed:	11
b. Industrial:	10
(i) Received:	5
(ii) Closed:	5

2. Warning Notices:	
a. Domestic:	5
(i) Issued:	3
(ii) Closed:	2
b. Industrial:	1
(i) Issued:	0
(ii) Closed:	1
3. Non-Compliance Advisory Letters:	14
4. Environmental Compliance Reviews:	148
a. Industrial:	39
b. Domestic:	109
5. Special Project Reviews:	5
<b>G. RECORD REVIEWS</b>	
1. Permitting:	4
2. Enforcement:	4
<b>H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:</b>	
1. Air Division:	87
2. Waste Division:	0
3. Water Division:	18
4. Wetlands Division:	0
5. ERM Division:	188
6. Biomonitoring Reports:	10
7. Outside Agency:	32
<b>I. SPECIAL PROJECT REVIEWS:</b>	2
1. DRIs:	2
2. ARs:	0
3. Technical Support:	0
4. Other:	0



# WASTE MANAGEMENT

**July 2010**

## **A. ADMINISTRATIVE ENFORCEMENT**

1.	New Cases Received	6
2.	On Going Cases	104
	a. Pending	6
	b. Active	42
	c. Legal	11
	d. Tracking Compliance	45
	e. Inactive/Referred Cases	0
3.	NOI's Issued	4
4.	Citations Issued	0
5.	Consent Orders Signed	4
6.	Contributions to the Pollution Recovery Fund	\$21,478
7.	Enforcement Costs Collected	\$4,825
9.	Cases Closed	6

## **B. SOLID AND HAZARDOUS WASTE**

1.	FDEP Permits (received/reviewed)	1/0
2.	EPC Authorization for Facilities NOT requiring DEP permit	3/2
3.	Other Permits and Reports	
	a. County Permits	11/20
	b. Reports	32/22
4.	Inspections (Total)	182
	a. Complaints	16
	b. Compliance/Re-inspections	12
	c. Facility Compliance	35
	d. Small Quantity Generator	119
	e. P2 Audits	0
5.	Enforcement	
	a. Complaints Received/Closed	19/16
	b. Warning Notices Issued/Closed	1/3
	c. Compliance Letters	55
	d. Letters of Agreement	0
	e. Agency Referrals	8
6.	Pamphlets, Rules and Material Distributed	76

**C. STORAGE TANK COMPLIANCE**

1. Inspections	
a. Compliance	57
b. Installation	14
c. Closure	13
d. Compliance Re-inspections	7
2. Installation Plans Received/Reviewed	4/2
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	1/1
b. Closure Reports Received/Reviewed	6/8
4. Enforcement	
a. Non-compliance Letters Issued	32
b. Warning Notices Issued/Closed	2/0
c. Cases referred to Enforcement	1
d. Complaints Received/Investigated	1/1
e. Complaints Referred	0
5. Discharge Reporting Forms Received	1
6. Incident Notification Forms Received	11
7. Cleanup Notification Letters Issued	1

**D. PETROLEUM CLEANUP**

1. Inspections	29
2. Reports Received/Reviewed	75 / 86
a. Site Assessment	9 / 12
b. Source Removal	1 / 2
c. Remedial Action Plans (RAP's)	7 / 5
d. Site Rehabilitation Completion Order/ No Further Action Order	3 / 3
e. Active Remediation/Monitoring	36 / 42
f. Others	19 / 22

**E. PUBLIC RECORDS REQUESTS - 27**

**C. STORAGE TANK COMPLIANCE**

1. Inspections	
a. Compliance	57
b. Installation	14
c. Closure	13
d. Compliance Re-inspections	7
2. Installation Plans Received/Reviewed	4/2
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	1/1
b. Closure Reports Received/Reviewed	6/8
4. Enforcement	
a. Non-compliance Letters Issued	32
b. Warning Notices Issued/Closed	2/0
c. Cases referred to Enforcement	1
d. Complaints Received/Investigated	1/1
e. Complaints Referred	0
5. Discharge Reporting Forms Received	1
6. Incident Notification Forms Received	11
7. Cleanup Notification Letters Issued	1

**D. PETROLEUM CLEANUP**

1. Inspections	29
2. Reports Received/Reviewed	75 / 86
a. Site Assessment	9 / 12
b. Source Removal	1 / 2
c. Remedial Action Plans (RAP's)	7 / 5
d. Site Rehabilitation Completion Order/ No Further Action Order	3 / 3
e. Active Remediation/Monitoring	36 / 42
f. Others	19 / 22

**E. PUBLIC RECORDS REQUESTS - 27**

# WASTE MANAGEMENT

August 2010

## A. ADMINISTRATIVE ENFORCEMENT

1.	New Cases Received	6
2.	On Going Cases	109
	a. Pending	10
	b. Active	43
	c. Legal	11
	d. Tracking Compliance	45
	e. Inactive/Referred Cases	0
3.	NOI's Issued	2
4.	Citations Issued	2
5.	Consent Orders Signed	0
6.	Contributions to the Pollution Recovery Fund	\$0
7.	Enforcement Costs Collected	\$1,228
9.	Cases Closed	1

## B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits (received/reviewed)	0/1
2.	EPC Authorization for Facilities NOT requiring DEP permit	0/2
3.	Other Permits and Reports	
	a. County Permits	24/11
	b. Reports	15/25
4.	Inspections (Total)	256
	a. Complaints	24
	b. Compliance/Re-inspections	16
	c. Facility Compliance	25
	d. Small Quantity Generator	191
	e. P2 Audits	0
5.	Enforcement	
	a. Complaints Received/Closed	26/26
	b. Warning Notices Issued/Closed	4/1
	c. Compliance Letters	76
	d. Letters of Agreement	0
	e. Agency Referrals	3
6.	Pamphlets, Rules and Material Distributed	103

**C. STORAGE TANK COMPLIANCE**

1. Inspections	
a. Compliance	108
b. Installation	19
c. Closure	14
d. Compliance Re-inspections	5
2. Installation Plans Received/Reviewed	7/3
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	8/7
b. Closure Reports Received/Reviewed	4/9
4. Enforcement	
a. Non-compliance Letters Issued	71
b. Warning Notices Issued/Closed	1/0
c. Cases referred to Enforcement	1
d. Complaints Received/Investigated	2/2
e. Complaints Referred	0
5. Discharge Reporting Forms Received	5
6. Incident Notification Forms Received	14
7. Cleanup Notification Letters Issued	5

**D. PETROLEUM CLEANUP**

1. Inspections	30
2. Reports Received/Reviewed	75/89
a. Site Assessment	12/16
b. Source Removal	1/2
c. Remedial Action Plans (RAP's)	8/5
d. Site Rehabilitation Completion Order/ No Further Action Order	2/4
e. Active Remediation/Monitoring	34/40
f. Others	18/22

**E. PUBLIC RECORDS REQUESTS - 31**

**EPC Wetlands Management Division  
Backup AGENDA  
July 2010**

**Assessment Report**

**Agriculture Exemption Report**

	# Agricultural exemptions reviewed	# isolated wetlands impacted	# acres of isolated wetlands impacted	# isolated wetlands qualify for mitigation exemption	# acres of wetlands qualify for mitigation exemption
July 2010	0	0	0	0	0
Since January 2008	4	6	0.55	5	0.51

**PGMD Reviews Performance Report**

# of Reviews	Timeframes met	Since April 2008
61	98%	99%

**Formal Wetland Delineation Surveys**

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
July 2010	9	158	18	1	0.44
Since April 2008	294	5279	1010	127	23.9

**Construction Plans Approved**

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Total Impacts Approved Acreage	Impacts Exempt Acreage
July 2010	14	44	1	0.44	1.58	1.57
Since April 2008	480	905	134	31.12	38.78	24.73

### Mitigation Sites in Compliance

198/205	96%
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### Compliance/Enforcement Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored/Created
1.21	0	0.60

### TPA Minor Work Permits

Permits Issued For June 2010	Permits Issued Since October 2009
34	140

**EPC WETLANDS MANAGEMENT DIVISION  
BACKUP AGENDA  
July 2010**

A. General	Totals
1. Telephone Conferences	654
2. Unscheduled Citizen Assistance	417
3. Scheduled Meetings	207
4. Correspondence	1259
5. Interagency Coordination	118
6. Trainings	26
7. Public Outreach/Education	
8. Quality Control	84
B. Assessment Reviews	
1. Wetland Delineations	15
2. Surveys	18
3. Miscellaneous Activities in Wetland	39
4. Mangrove	2
5. Notice of Exemption	1
6. Impact/ Mitigation Proposal	7
7. Tampa Port Authority Permit	57
8. Wastewater Treatment Plants (FDEP)	0
9. DRI Annual Report	2
10. On-Site Visits	137
11. Phosphate Mining	7
12. CPA	0
13. Pre-Applications	10
14. AG SWM	0
Planning Growth Management Review	
15. Land Alteration/Landscaping	1
16. Land Excavation	1
17. Rezoning Reviews	18
18. Site Development	27
19. Subdivision	18
20. Wetland Setback Encroachment	5
21. Easement/Access-Vacating	0
22. Agriculture Exemption	0
C. Investigation and Compliance	
1. Warning Notices Issued	6
2. Warning Notices Closed	8
3. Complaints Closed	19
4. Complaint Inspections	31
5. Return Compliance Inspections for open cases	27
6. Mitigation Monitoring Reports	27
7. Mitigation Compliance Inspections	31
8. Erosion Control Inspections	11
9. MAIW Compliance Site Inspections	9
10. TPA Compliance Site Inspections	6
11. Mangrove Compliance Site Inspections	1
12. Conservation Easement Inspection	3
D. Enforcement	
1. Active Cases	15
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	0
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	1
6. Administrative - Civil Cases Closed	9
7. Cases Referred to Legal Department	2
8. Contributions to Pollution Recovery	\$800.00
9. Enforcement Costs Collected	\$419.00
E. Ombudsman	
1. Agriculture	5
2. Permitting Process & Rule Assistance	2
3. Citizen Assistance	2
4. Staff Assistance	3



**WETLAND REPORT FOR REVIEW TIME 2010**  
**(Overall Reviews)**

<b>Month</b>	<b># Of Reviews</b>	<b>% On Time</b>	<b>% Late</b>
December			
November			
October			
September			
August			
July	271	95%	5%
June	228	96%	4%
May	258	98%	2%
April	278	97%	3%
March	275	98%	2%
February	237	97%	3%
January	235	97%	3%

**EPC Wetlands Management Division  
Backup AGENDA  
August 2010**

**Assessment Report**

**Agriculture Exemption Report**

	# Agricultural exemptions reviewed	# isolated wetlands impacted	# acres of isolated wetlands impacted	# isolated wetlands qualify for mitigation exemption	# acres of wetlands qualify for mitigation exemption
August 2010	1	1	0.23	1	0.23
Since January 2008	5	7	0.78	6	0.74

**PGMD Reviews Performance Report**

# of Reviews	Timeframes met	Since April 2008
58	100%	99%

**Formal Wetland Delineation Surveys**

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
August 2010	11	141	45	0	0
Since April 2008	305	5420	1055	127	23.9

**Construction Plans Approved**

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Total Impacts Approved Acreage	Impacts Exempt Acreage
August 2010	21	11	2	0.34	0.26	0.26
Since April 2008	501	916	136	31.46	39.04	24.99

### Mitigation Sites in Compliance

193/201	96%
---------	-----

### Compliance/Enforcement Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored/Created
.60	0	96

### TPA Minor Work Permits

Permits Issued For August 2010	Permits Issued Since October 2009
16	156

**EPC WETLANDS MANAGEMENT DIVISION  
BACKUP AGENDA  
August 2010**

A. General	Totals
1. Telephone Conferences	700
2. Unscheduled Citizen Assistance	435
3. Scheduled Meetings	249
4. Correspondence	1514
5. Interagency Coordination	94
6. Trainings	19
7. Public Outreach/Education	0
8. Quality Control	60
B. Assessment Reviews	
1. Wetland Delineations	19
2. Surveys	20
3. Miscellaneous Activities in Wetland	36
4. Mangrove	6
5. Notice of Exemption	5
6. Impact/ Mitigation Proposal	12
7. Tampa Port Authority Permit	49
8. Wastewater Treatment Plants (FDEP)	0
9. DRI Annual Report	4
10. On-Site Visits	116
11. Phosphate Mining	4
12. CPA	2
13. Pre-Applications	13
14. AG SWM	1
<b>Planning Growth Management Review</b>	
15. Land Alteration/Landscaping	0
16. Land Excavation	1
17. Rezoning Reviews	15
18. Site Development	21
19. Subdivision	15
20. Wetland Setback Encroachment	1
21. Easement/Access-Vacating	0
22. Agriculture Exemption	0
C. Investigation and Compliance	
1. Warning Notices Issued	7
2. Warning Notices Closed	7
3. Complaints Closed	16
4. Complaint Inspections	31
5. Return Compliance Inspections for open cases	34
6. Mitigation Monitoring Reports	26
7. Mitigation Compliance Inspections	38
8. Erosion Control Inspections	33
9. MAIW Compliance Site Inspections	20
10. TPA Compliance Site Inspections	19
11. Mangrove Compliance Site Inspections	0
12. Conservation Easement Inspection	0
D. Enforcement	
1. Active Cases	15
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	2
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	3
6. Administrative - Civil Cases Closed	4
7. Cases Referred to Legal Department	2
8. Contributions to Pollution Recovery	\$5,678.00
9. Enforcement Costs Collected	\$496.00
E. Ombudsman	
1. Agriculture	1
2. Permitting Process & Rule Assistance	7
3. Citizen Assistance	0
4. Staff Assistance	3

**WETLAND REPORT FOR REVIEW TIME 2010  
(Overall Reviews)**

<b>Month</b>	<b># Of Reviews</b>	<b>% On Time</b>	<b>% Late</b>
December			
November			
October			
September			
August	282	96%	4%
July	271	95%	5%
June	228	96%	4%
May	258	98%	2%
April	278	97%	3%
March	275	98%	2%
February	237	97%	3%
January	235	97%	3%

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**OF HILLSBOROUGH COUNTY  
POLLUTION RECOVERY TRUST FUND  
AS OF 08/31/10**

		As of 8/31/10
Beginning Fund Balance, 10/01/09	\$	555,831
Interest Accrued		22,043
Deposits		488,519
Disbursements		(217,395)
Intrafund Budget Transfers to Project Fund		(371,041)
Intrafund Budget Transfers from Project Fund		119,300
Pollution Recovery Fund Balance	\$	597,257
Encumbrances:		
Pollution Prevention/Waste Reduction (101)	\$	1,429
Artificial Reef Program		20,659
PRF Project Outreach		(6,083)
PRF Project Monitoring		48,686
Total Encumbrances	\$	64,691
Minimum Balance (Reserves)	\$	120,000
Balance Available 08/31/10	\$	412,566

**PROJECT FUND**

	Project Amount		Project Balance
<b>Open Projects</b>			
<b>FY 06 Projects</b>			
Bahia Beach Restoration (contract 04-03)	150,000		23,718
	\$ 150,000	\$	23,718
<b>FY 07 Projects</b>			
Tank Removal	25,000	\$	1,570
Agriculture Best Management Practice Impl	150,000		-
Seawall Removal Cotanchobee Ft Brooke Park	100,000		-
Erosion Control/Oyster Bar Habitat Creation	75,000		-
Remediation of Illegally Dumped Asbestos	4,486		4,486
	\$ 354,486	\$	6,056
<b>FY 08 Projects</b>			
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
<b>FY 09 Projects</b>			
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
<b>FY 10 Projects</b>			
Basis of Review for Borrow Pit Applications	68,160	\$	68,160
Effects of Restoration on Use of Habitat	84,081		69,914
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		74,751
	\$ 371,041	\$	356,625

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND  
AS OF 08/31/10**

Fund Balance as of 10/1/09	\$ 247,322
Interest Accrued	4,069
Disbursements FY 10	-
Fund Balance	<u>\$ 251,391</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 251,391
Total Encumbrances	<u>\$ 251,391</u>
Fund Balance Available 08/31/10	<u><u>\$ -</u></u>





## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 16, 2010

**Subject:** Legal Case Summary for August 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:** August 2010 EPC Legal Case Summary

## EPC LEGAL DEPARTMENT MONTHLY REPORT

August 2010

### A. ADMINISTRATIVE CASES

#### *NEW ADMINISTRATIVE CASES [ 0 ]*

#### *EXISTING ADMINISTRATIVE CASES [ 2 ]*

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. The settlement was executed on July 20, 2010, and the permits will issue shortly. The case is closed via a Final Order dated July 21. (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. The parties submitted memoranda of law on the legal issues and scheduled an oral argument for August 18, 2010. (AZ)

#### *RECENTLY RESOLVED ADMINISTRATIVE CASES [ 2 ]*

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 had 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 corrective actions have been performed by the Homeowners Association and the Appellant no longer lives in the area. Based on the corrective actions being completed the citation was withdrawn and the case was closed. (AZ)

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)

### B. CIVIL CASES

#### *NEW CIVIL CASES [ 1 ]*

Adam Lakhani, L&D Petroleum and Roberto Diaz (Chevron 41) [LEPC10-015]: On July 15, 2010 the Commission granted authority to take legal action against the parties for violations of the EPC Act, Chapter 1-7, Rules of the EPC, and Chapter 62-770, F.A.C. for unresolved petroleum contamination on property owned and managed by the parties. The parties are negotiating a settlement of the case. (AZ)

#### *EXISTING CIVIL CASES [ 15 ]*

Greg and Karin Hart [LEPC10-004]: On March 18, 2010 the Commission granted authority to take legal action against the Defendants Mr. and Mrs. Greg Hart for 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. The case was consolidated with a related Hillsborough County case seeking an injunction. 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 occurred on July 16, 2010 but resulted in an impasse. The parties are preparing for trial. (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. On 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)

**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. The parties are discussing settlement. (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. The default was not accepted. (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 [ 2 ]***

**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 due to other reasons and the EPC filed a Voluntary Dismissal on June 30, 2010 and the case has been closed. (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)

#### **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 had until November 9, 2009 to file a petition in this matter. A subsequent request was granted and the Petitioner had until December 28, 2009 to file a petition in this matter. The permit was issued and the EPC will close 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. The Petitioner did not file another request, but permit terms are still being negotiated. (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)

**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. This and a second request were granted and the Petitioner had until June 17, 2010, and then to until July 19, 2010 to file a petition in this matter. The extensions expired, but a negotiated permit issued on July 23, 2010. This matter is closed. (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 had until July 23, 2010 to file a petition in this matter. The Petitioner filed a request for a second extension of time. The request was granted and the filing deadline was extended to September 6, 2010. (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. EPC filed a motion for summary judgment which will be presented to the Civil Service Board in mid-August.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 16, 2010

**Subject:** Legal Case Summary for September 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:** September 2010 EPC Legal Case Summary

**EPC LEGAL DEPARTMENT MONTHLY REPORT**  
**September 2010**

**A. ADMINISTRATIVE CASES**

***NEW ADMINISTRATIVE CASES [ 0 ]***

***EXISTING ADMINISTRATIVE CASES [ 1 ]***

**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. The parties submitted memoranda of law on the legal issues and scheduled an oral argument for August 18, 2010. Oral argument was heard on August 18, 2010. (AZ)

***RECENTLY RESOLVED ADMINISTRATIVE CASES [ 1 ]***

**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. The settlement was executed on July 20, 2010, and the permits will issue shortly. The case is closed via a Final Order dated July 21. (RM)

**B. CIVIL CASES**

***NEW CIVIL CASES [ 0 ]***

***EXISTING CIVIL CASES [ 16 ]***

**Greg and Karin Hart** [LEPC10-004]: On March 18, 2010 the Commission granted authority to take legal action against the Defendants Mr. and Mrs. Greg Hart for 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. The case was consolidated with a related Hillsborough County case seeking an injunction. 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 occurred on July 16, 2010 but resulted in an impasse. The parties are preparing for trial. (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)

**Realty Group, LLC., SRJ Enterprises, LLC and Surinder Joshi** [LEPC08-028]: On November 13, 2008, the EPC

Board granted authority to take legal action against the Defendants for unresolved violations of several EPC Rules including the Waste Management Rule, Chapter 1-7, the Storage Tank Rule, Chapter 1-12, and the Water Quality Rule, Chapter 1-5 at the 301 Truck Stop. On April 23, 2009, the EPC Legal Department filed a lawsuit seeking all corrective actions as well as assessment of civil penalties and costs in the matter. A non-jury trial was conducted on June 14, 2010. The Court issued a final judgment against the previous owners on June 15, 2010 directing the Defendant to complete all corrective actions and to pay \$7,098.26 in costs and \$95,390.00 in penalties. The property has been acquired by a new owner after a foreclosure. The EPC Legal Department is in negotiations with the new owner concerning a settlement. (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 (no suit was filed against the Baizans). The Defendants have only partially complied with the CFJ, thus a hearing was held on April 28, 2008, wherein the judge awarded the EPC additional penalties. A second hearing was held on January 25, 2010, for a second contempt proceeding and additional penalties. The Judge found the Defendants in contempt and levied stipulated penalties/costs, and a contempt order was executed by the judge on March 15. (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 was filed on June 30, 2010. The parties entered into a CFJ settlement on August 23, 2010. This case will be closed. (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. The default was not accepted. On August 27, 2010, the EPC filed a Motion for a Court ordered default. (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)

**ADAM LAKHANI, L&D PETROLEUM AND ROBERTO DIAZ (CHEVRON 41)** [LEPC10-015]: On July 15, 2010 the Commission granted authority to take legal action against the parties for violations of the EPC Act, Chapter 1-7, Rules of the EPC, and Chapter 62-770, F.A.C. for unresolved petroleum contamination on property owned and managed by the parties. The parties are negotiating a settlement of the case. (AZ)

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

#### **C. OTHER OPEN CASES [9]**

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)

**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. The Petitioner did not file another request, but permit terms are still being negotiated. EPC issued the Revised Draft Title Permit to ISR September 3, 2010. This case will be closed. (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)

**Roshini Investments, LLC** [LEPC10-008]: On April 9, 2010 the Appellant submitted a request for an extension of time to file a Notice of Appeal to challenge a Citation of Violation and Order to Correct Issued by the EPC on March 19, 2010. The request was granted and the Appellant had until May 12, 2010 to file an Appeal. Three subsequent requests for extensions of time were filed and granted. The parties are working to resolve the issues and the appellant has until November 8, 2010 to file a petition in this matter. (AZ)

**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. On June 30, 2010 the parties entered into a consent order and the matter has been closed. (AZ)

**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 had until July 23, 2010 to file a petition in this matter. The Petitioner filed a request for a second extension of time. The request was granted and the filing deadline was extended to September 6, 2010. (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. EPC filed a motion for summary judgment. The Civil Service Board granted the EPC's motion for summary judgment on August 18, 2010 and a written order issued on August 25, 2010. This appeal will be closed.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 16, 2010

**Subject:** Amendment of original Pollution Recovery Fund (PRF) agreement with Audubon of Florida for Erosion Control/Oyster Habitat Creation Project, Phase 1

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

**Division:** Water Management Division

**Recommendation:** EPC Staff recommends that the Board approve the amendment to the original PRF agreement for project number 06-04A to allow the contractor to be added as a co-grantee and to add a no-cost time extension.

**Brief Summary:** Audubon Society d/b/a Audubon of Florida has requested to add their contractor, Reef Innovations, Inc., as a co-grantee in order to maximize the allotted funds.

**Financial Impact:** No Financial Impact

**Background:** PRF money in the amount of \$75,000 was approved by the EPC Board on September 26, 2006 to be awarded to the National Audubon Society d/b/a Audubon of Florida for a project entitled, "EROSION CONTROL/OYSTER HABITAT CREATION PROJECT, Phase 1." The principal objective of this project is to control shoreline erosion on the south side of Bird Island. Erosion from storm wave action and ship boat wakes is threatening the long-term existence of the Richard T. Paul Alafia Bank Bird Sanctuary Islands. This project is Phase 1 of a multi-year effort to provide erosion control structures along the shoreline of Bird and Sunken Islands. Phase 1 would place 80-pound perforated polygonal habitat protection devices (PPHPDs) linearly in shallow water offshore of the south side of Bird Island. Shoreward of the devices, oyster shell would be added to provide additional substrate for oyster spat to attach, cementing the shell material and creating a heavy erosion control structure.

Audubon local staff requested to have their contractor, Reef Innovations, Inc., added as a co-grantee which will help stretch the PRF dollars, and minimize the admin/overhead Audubon would have to pay to other entities.

All permits were recently received; construction is planned for this fall, to ensure enough time to complete the project in its entirety another time extension has been requested until November of 2011.

**List of Attachments:** Third amendment to the agreement

**THIRD AMENDMENT TO THE AGREEMENT between  
The ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY**

**And**

**NATIONAL AUDUBON SOCIETY d/b/a AUDUBON OF FLORIDA**

**And**

**REEF INNOVATIONS, INC.**

**THIS THIRD AMENDMENT TO THE AGREEMENT** is made and entered into on the date noted by the last signatory below by and between the **NATIONAL AUDUBON SOCIETY doing business as AUDUBON OF FLORIDA**, a 501 C-3 non-profit corporation, non-governmental agency within the state of Florida, hereinafter referred to as **GRANTEE**, and **REEF INNOVATIONS, INC.**, hereinafter referred to as **CO-GRANTEE**;

**WITNESSETH**

**WHEREAS**, GRANTEE, submitted an application for funding from the EPC Pollution Recovery Fund, entitled "**EROSION CONTROL/OYSTER HABITAT CREATION PROJECT, Phase 1.**" This project is Phase 1 of a multi-year effort to provide erosion control structures along the shoreline of Bird and Sunken Islands. Phase 1 would place 80-pound perforated polygonal habitat protection devices (PPHPDs) linearly in shallow water offshore of the south side of Bird Island. Shoreward of the devices, oyster shell would be added to provide additional substrate for oyster spat to attach, cementing the shell material and creating a heavy erosion control structure.

**WHEREAS**, the EPC determined that funding in the amount of \$75,000 for GRANTEE's Project was an appropriate and worthy expenditure of public funds on September 26, 2006;

**WHEREAS**, the parties entered into the a Pollution Recovery Fund Agreement (**AGREEMENT**) on May 17, 2007, with an initial expiration date of November 17, 2008;

**WHEREAS**, the parties entered into a First Amendment to the **AGREEMENT** to extend the expiration date until November 17, 2009.

**WHEREAS**, the parties entered into a Second Amendment to the **AGREEMENT** to extend the expiration date until November 17, 2010

**WHEREAS**, the GRANTEE has requested the **AGREEMENT** expiration date be extended a third time without a break in the **AGREEMENT** until November 17, 2011, due to unforeseen delays.

**WHEREAS**, the GRANTEE has request that a co-grantee be joined to the agreement in an effort to minimize over-head costs and streamline payments.

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, the parties hereto agree to the following amendments:

1. This Third Amendment to the **AGREEMENT** is effective from September 16, 2010 and the

AGREEMENT expires whenever one of the following events occurs first: a) all authorized monies are expended and all tasks are completed and a letter of completion is issued by the EPC, or b) the Agreement is cancelled pursuant to Paragraph 10, or c) until **November 17, 2011**. All tasks and conditions must be completed and all invoices submitted by the expiration date in order to receive full funding. The Scope of Services is automatically amended to reflect the amended expiration date of the Third Amendment to the AGREEMENT.

2. This Third agreement adds Reef Innovations, Inc., a private entity, as a co-grantee to perform all aspects of the scope of work, attached to the original agreement.

3. GRANTEE and CO-GRANTEE agree that the entire amount allocated to this project is \$75,000 and the EPC is not obligated to pay any amount in excess of that, even if there are disputes between GRANTEE and CO-GRANTEE as to who should receive payment for certain aspects of the project. GRANTEE and CO-GRANTEE shall coordinate to ensure the invoices to EPC reflect who did what work and who should be paid for the work.

4. Except as noted in paragraph 1, 2, and 3 above, all other provisions of the amended AGREEMENT and any attachments remain unchanged and in full force and effect.

5. No additional funds are requested by the GRANTEE for requesting an extension on the project entitled: **EROSION CONTROL/OYSTER HABITAT CREATION PROJECT, PHASE 1**.

**ENVIRONMENTAL  
PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY**

**NATIONAL AUDUBON  
SOCIETY d/b/a AUDUBON OF  
FLORIDA**

By: \_\_\_\_\_  
Al Higginbotham, EPC Chair

By: \_\_\_\_\_  
David Anderson, Executive Director

Date: \_\_\_\_\_

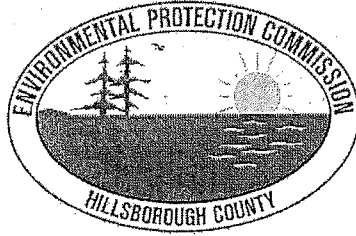
Date: \_\_\_\_\_

**REEF INNOVATIONS, INC.**

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 16, 2010.

**Subject:** EPC's 12-Month Transition Plan

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

**Division:** Entire Agency

**Recommendation:** Accept EPC's 12-Month Transition Plan which was signed by the Executive Director and the County Administrator on August 24, 2010.

**Brief Summary:** In response to budgetary constraints, staff completed a 12-Month Transition Plan worksheet. Staff met with BOCC budget staff on August 24, 2010 to discuss the plan and ultimately agree to it. It was signed by both parties on August 24, 2010.

**Financial Impact:** Depending on future implementation of plan components, the EPC would be able to continue core agency functions without increased reliance on the general fund revenue source. If parts of the Plan are not realized, additional reductions in staff and services may be necessary.

**Background:** To provide a means for county government entities to adjust their budgets, personnel and services in a smooth manner, the County Administrator enacted a program for such entities to submit, for approval, a 12-Month Transition Plan. The EPC three-part Plan calls for continuing evaluation of current available resources to gain efficiencies, adjusting user fees based on Board policy and obtaining funding for agency activities from outside sources through contracts and grants. EPC's 12-Month Transition Plan was presented to BOCC budget staff for review and was ultimately executed between the Executive Director and the County Administrator on August 24, 2010.

**List of Attachments:** EPC's 12-Month Transition Plan

**HILLSBOROUGH COUNTY  
PROGRAM TRANSITION PLAN  
October 1, 2010 – September 30, 2011**

**PROGRAM NAME:** Environmental Protection Commission 12 Month Plan

**DEPARTMENT(S):** Environmental Protection Commission

**RESPONSIBLE DIRECTOR(S):** Dr. Richard Garrity

**PROGRAM DESCRIPTION:** *Brief description of clients served, services provided, and providers*

The Environmental Protection Commission serves the citizens of Hillsborough County to control and regulate activities which are or may reasonably be expected to cause pollution or contamination of air, water, soil and property, or cause excessive and unnecessary noise. During the FY11 budget preparation process, EPC proposed adjusting user fees pursuant to the Board Policy on "User Fees and Cost Recovery". However, during the Public Hearing on the fee adjustment, the EPC Executive Director recommended to the EPC Board that fee adjustments be delayed due to the economic situation and that instead the EPC utilize a one-time advance of funds from the County Administrator's "12 Month Plan" to be used solely to eliminate furlough days in FY11. The EPC Board voted unanimously to forward this to the BOCC Board for flagging. Subsequently, the item was flagged at the July 15, 2010 BOCC Budget workshop and then approved during the July 28, 2010 Budget Reconciliation workshop.

**CURRENT FUNDING SOURCES AND ANY PROGRAM-SPECIFIC REVENUES:**

- Countywide General Fund
- State of Florida Tag Fee Program
- Gardiner Settlement Fund; Pollution Recovery Program
- Hazardous Waste Surcharge Fee; Phosphate Mining Impact Fees
- Permit Fees – Air, Waste, Water and Wetland
- Federal and State Air Grants & Contracts; State Petroleum Cleanup and Compliance Grants
- Federal Resource Management Grants
- Inter-Local Agreements – Hillsborough County, City of Tampa

**DESIRED OUTCOME OF TRANSITION PLAN:** *Describe opportunities to contract out services, transfer to or partner with other governmental and/or non-profit providers, and/or to modify County provision of service. Describe measurable outcomes in terms of new and future clients served, level of service, cost savings, efficiencies, and revenue enhancement*

The result of EPC's transition plan will be to maintain (and enhance) the agency's level of service without further increased reliance on the Countywide General Fund. Staff will continue looking for efficiency options in all aspects of agency operation to streamline activities to better serve the citizens. Ongoing during the transition, staff has recommended adjustments in fees (pursuant to Board Policy on "User Fees and Cost Recovery") under Chapter 1-6, Services-Fee Schedule to more accurately reflect the true expense in managing various activities (user fees) and reduce tax payer reliance. Staff is also pursuing cross media sharing of personnel, increased coordination with county services such as IT and communications, privatization where it make sense and taking advantage of our Sterling Management review to pursue other efficiencies. Additionally, staff is continually seeking grant and contract opportunities in all operational areas to enhance service and environmental stewardship.



DESCRIBE THE TRANSITION PLAN:

Who will lead the transition evaluation process? Dr. Richard Garrity

Give details of the evaluation process: Staff is encouraged to propose concepts and ideas to improve efficiency and service. This activity is on-going. Staff has already presented the proposed fee schedule adjustments to the EPC Board, but has recommended delaying the fee adjustments this year because of general economic conditions. Staff will actively pursue grant and contract opportunities as well as all other activities described in the Desired Outcome section above.

Describe the nature of any policies, procedures, ordinances, resolutions or applicable law that may restrict or limit the transition; how they may be addressed and what authorization may be required: \_\_\_\_\_

Any fee adjustments proposed in the next 12 months will be recommended pursuant to Board policy. All other activities will also be conducted following Board policy.

Describe stakeholders and the nature of their participation in the evaluation and transition process: \_\_\_\_\_

The parties impacted by any proposed fee adjustments will have an opportunity to voice their opinions in a public hearing format. If additional changes are made such as further re-organization, privatization or reduction-in-force the public will have input during EPC meetings and BOCC Budget Public Hearings.

Describe the specific milestones, i.e., dates and deliverables, of the evaluation process and measurable results that will be reported in monthly updates: \_\_\_\_\_

Staff will submit monthly updates on all activities relating to this plan. Staff plans to submit fee adjustment proposal to the EPC Board prior to FY12-13 budget submittal.


Describe the process of soliciting and evaluating proposals (if applicable) to provide the services: \_\_\_\_\_

The EPC is continually evaluating providing services to outside groups and departments and has an excellent record in this regard. Similarly, we are also engaged in evaluating proposals to provide services to our agency. We are presently evaluating a proposal from the County Communications Department to provide outreach and education services that were previously provided by a laid off employee.

If there are alternatives that will be examined, describe how their relative strengths and weaknesses will be evaluated: EPC is undergoing a thorough management and operational evaluation utilizing the principles of the Sterling Management Process. The process incorporates measurement of agency activities and processes.

Signatures:

County Administrator:



Date:

8/24/10

EPC Executive Director:



Date:

8/24/2010

BOCC Approval Date: July 28, 2010, Budget Reconciliation workshop

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 16, 2010

**Subject:** Request for authority to take appropriate legal action against Glen Sussan Ford Ledford

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

**Division:** Wetlands Management Division

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

**Brief Summary:** Glen Sussan Ford Ledford owns real property where she is responsible for unauthorized mangrove impacts. Ms. Ledford entered into a Consent Order to resolve the violation. Ms. Ledford has failed to comply with the terms of Consent Order #2007-3565E and, as a result, is in violation of Chapter 84-446, as amended, Laws of Florida.

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

**Background:** On March 7, 2008, Ms. Ledford entered into a Consent Order with the Executive Director of the Environmental Protection Commission of Hillsborough County (EPC) in resolution of Warning Notice #2007-3565E for prohibited mangrove impacts in Hillsborough County. To date, the EPC has not received the outstanding balance of \$800.00 in penalties and \$402.00 in administrative costs pursuant to the agreed upon settlement. No adequate response has been made and the EPC Executive Director is seeking authority to file a civil suit to recover the administrative costs and penalties if necessary.

**List of Attachments:** None

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 16, 2010

**Subject:** Request for authority to take appropriate legal action against Lambert Marine Construction.

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

**Division:** Wetlands Management Division

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

**Brief Summary:** Lambert Marine Construction, Inc. was responsible for unauthorized construction of six dock structures within wetlands and other surface waters. Lambert Marine Construction, Inc. entered into a settlement to resolve the violations. The company has failed to comply with the terms of Settlement Letters #2006-3694, 3695, 3697E and #2006-3319, 3687, 3690E and, as a result, is in violation of Chapter 84-446, as amended, Laws of Florida.

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

**Background:** On April 24, 2008, Lambert Marine Construction, Inc. entered into two Settlement Letters with the Executive Director of the Environmental Protection Commission of Hillsborough County (EPC) in resolution of Warning Notices issued to property owners for unauthorized dock construction. To date, the EPC has not received the outstanding balance of \$2,050.00 pursuant to the agreed upon settlement. No adequate response has been made and the EPC Executive Director is seeking authority to file a civil suit to recover the administrative costs and penalties if necessary.

**List of Attachments:** None

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 16, 2010

**Subject:** Escambia Incident Command Center Visit

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

**Division:** EPC Air Management

**Recommendation:** Informational Report

**Brief Summary:** Presentation on the lessons learned and information gathered from Escambia County officials and local oil response operations at the Florida Deepwater Horizon Response Branch 1 Office. EPC staff and Hillsborough County Emergency Management staff spent two days in Escambia County to observe the recovery operations and discuss the local challenges posed by an incident of this scale.

**Financial Impact:** \$303 in travel expenses.

**Background:** On August 11, 2010, EPC and HCEM staff arranged a visitation to the Florida Deepwater Horizon Response Branch 1 Office located in Pensacola, Florida. This command was responsible for response operations in Escambia and Santa Rosa Counties. The FDEM provided a Mobile Command Post to coordinate reconnaissance and track clean-up activities. The USCG, BP along with Escambia County Environmental Bureau and numerous other agencies and contractors coordinated the operational activities that included open water and shoreline assessment teams, beach clean-up crews, boom strategy and the vessels of opportunity program. At the time of our visit, staff had the opportunity to observe the operational briefing under the Incident Command Structure and discuss lessons learned with the local Escambia County Environmental Bureau officials. We were also able to meet with the Escambia County Director of Emergency Management and tour their EOC.

The magnitude of the incident overwhelmed the established Area Contingency Plan. From the local perspective resources were misdirected, response delayed and public anxiety heightened.

Briefly stated, there were challenges and issues related to communication and coordination between the Unified Area Command in Mobile, AL and local officials. Information flowed much more smoothly once the local Response Branch Offices were established in the beginning of July. Responses to local impacts were more effective and timely with a better understanding of how local currents and tidal flows determined impact areas and protection strategies. The response to future incidents must include local input to established plans as well as command and control. State and local officials must familiarize themselves with the established plans, their roles and the rules and regulations governing oil spill responses.

**List of Attachments:** None

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 16, 2010

**Subject:** National Pollution Prevention Week Proclamation

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

**Division:** Waste Management Division

**Recommendation:** Proclaim the week of September 20 – September 26, 2010 as Pollution Prevention Week in Hillsborough County

**Brief Summary:** The third week in September is recognized as National Pollution Prevention (P2) Week. It is a time when businesses, environmental groups, and citizens join forces for a common cause. This year, EPC is focusing its efforts toward encouraging citizens to use reusable canvas bags and discouraging the use of plastic/paper, single-use disposable bags. Displays will be setup at the Roger P. Stewart Center, Hillsborough County Center, and, in partnership with the Tampa-Hillsborough County Public Library System, a display will also be at the Seffner Library. Reusable canvas bags will be provided at all the displays.

**Financial Impact:** No Financial Impact

**Background:** None

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 16, 2010

**Subject:** EPC Executive Director's Annual Evaluation

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

**Division:** Legal and Administrative Services Division

**Recommendation:** Receive evaluation forms.

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

Please complete the evaluation forms and return them to Commissioner Higginbotham's office by October 7, 2010. The results will be compiled and presented during the next EPC Board meeting, currently scheduled for October 21, 2010.

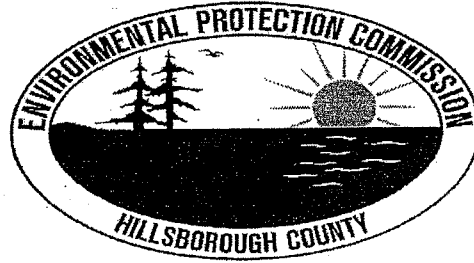
**Financial Impact:** None.

**Background:** N/A

**List of Attachments:**

Memorandum to EPC Board Members dated 9/16/2010  
Summary Assessment Ranking Cover Sheet  
Assessment Sheet

COMMISSION  
KEVIN BECKNER  
ROSE V. FERLITA  
KEN HAGAN  
AL HIGGINBOTHAM  
JIM NORMAN  
MARK SHARPE  
KEVIN WHITE



ROGER P. STEWART CENTER  
3629 Queen Palm Dr. · Tampa, FL 33619  
Ph: (813) 627-2600

FAX NUMBERS (813):			
ADMIN	627-2620	WASTE	627-2640
LEGAL	627-2602	WETLANDS	627-2630
WATER	627-2670	ERM	627-2650
AIR	627-2660	LAB	272-5157

Executive Director  
RICHARD D. GARRITY, Ph.D

Date: September 16, 2010  
To: EPC Board Members  
From: Richard T. Tschantz, Esq.,  
Director Legal & Administrative Services Division  
Subject: Annual Evaluation of EPC Executive Director

Enclosed please find an evaluation form used in the past to evaluate the performance of the EPC Executive Director, Dr. Richard Garrity. Dr. Garrity will be scheduling appointments with each Commissioner to discuss the accomplishments of the agency.

Please complete the evaluation forms and return them to Commissioner Higginbotham's office by October 7, 2010. The results will be compiled and included in the agenda backup for the next EPC meeting scheduled for October 21, 2010.

If you have any questions, please contact me at 627-2600 ext. 1056.

cc: Dr. Richard Garrity



# PERFORMANCE EVALUATION

OCTOBER 21, 2010

DR. RICK GARRITY

EXECUTIVE DIRECTOR

ENVIRONMENTAL PROTECTION COMMISSION

## SUMMARY ASSESSMENT

Ranking – Behaviors & Accomplishments

HIGHEST

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

LOWEST

**RICHARD GARRITY, PhD  
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION  
EVALUATION**

OCTOBER 21, 2010

**BEHAVIORS**

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

**ACCOMPLISHMENT OF GOALS**

Commissioner	Regulatory Effectiveness	Regulatory Efficiency	Coordination with Regulatory Partners	Partnering for Better Compliance	Outreach

Comments: