

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
NOVEMBER 10, 2010
9:00 AM**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

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

- I. PUBLIC COMMENT**
Three (3) Minutes Are Allowed for Each Speaker (unless the Commission directs differently)
- II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE**
Report from the CEAC Chairman – Danny Alberdi
- III. CONSENT AGENDA**
 - A. Approval of Minutes: September 16, 2010 EPC Board Meeting3
 - B. Monthly Activity Reports (Sept & Oct, 2010).....7
 - C. Pollution Recovery Fund Report (Sept & Oct, 2010).....29
 - D. Gardinier Settlement Trust Fund Report (Sept & Oct, 2010).....31
 - E. Legal Case Summary, October and November 2010.....33
 - F. Amendment to Interlocal Agreement between Environmental Protection
Commission and Hillsborough County for Provision of Chemical Analysis
of Water Quality Samples.....43
- IV. EXECUTIVE DIRECTOR**
 - A. Goals Update
 - B. EPC Priority Permitting Program49
- V. WASTE MANAGEMENT DIVISION**
Report on EPC's Green Team – Hooshang Boostani51
- VI. LEGAL AND ADMINISTRATIVE SERVICES DIVISION**
Finalize – Evaluation for Executive Director – Richard Tschantz, Esq.....53

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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SEPTEMBER 16, 2010 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, September 16, 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 (arrived at 9:04 a.m.), Ken Hagan, Jim Norman, and Mark Sharpe.

The following member was absent: Commissioner Kevin White (schedule conflict).

Chairman Higginbotham called the meeting to order at 9:01 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

CHANGES TO THE AGENDA

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

PUBLIC HEARING

Closure of the July 15, 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 - EPC General Counsel Richard Tschantz requested the public hearing be opened/closed, recalling previous continuances to explore other options. Chairman Higginbotham called for a motion to open the public hearing. **Commissioner Beckner so moved, seconded by Commissioner Sharpe, and carried five to zero.** (Commissioner Ferlita had not arrived; Commissioner White was absent.) Chairman Higginbotham asked for a motion to close the public hearing. **Commissioner Beckner so moved, seconded by Commissioner Sharpe, and carried five to zero.** (Commissioner Ferlita had not arrived; Commissioner White was absent.)

PUBLIC COMMENT

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

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the CEAC Chairman, Danny Alberdi - Mr. Alberdi reported on the August 2, 2010, and September 13, 2010, CEAC meetings.

CONSENT AGENDA

- A. Approval of minutes: July 15, 2010, EPC board meeting, and August 4, 2010, special meeting.
- B. Monthly activity reports.

THURSDAY, SEPTEMBER 16, 2010 - DRAFT MINUTES

- C. Pollution Recovery Fund (PRF) report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary for August 2010 and September 2010.
- F. Amendment of original PRF agreement with Audubon of Florida for erosion control/oyster habitat creation project, Phase I.
- G. EPC 12-month transition plan.
- H. Request authority to take appropriate legal action against Glen Sussan Ford Ledford.
- I. Request authority to take appropriate action against Lambert Marine Construction LLC.

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

EXECUTIVE DIRECTOR

Annual Report - Dr. Garrity outlined the annual report, as provided in background material, and presented EPC customer testimonials.

AIR MANAGEMENT DIVISION

Escambia County Incident Command Center Visit - Mr. Alain Watson, EPC, gave a presentation, as supplied in background material.

WASTE MANAGEMENT DIVISION

National Pollution Prevention Week Proclamation - Mr. Gerry Javier, EPC, commented on the EPC pollution prevention program; noted Pollution Prevention Week was September 20-26, 2010; explained the focus was encouraging the use of reusable canvas bags rather than paper/plastic bags; and expounded on partnerships. Commissioner Beckner presented the proclamation to Ms. Linda Gillon, Library Services Department, and Attorney Rick Muratti, EPC Legal Department.

LEGAL AND ADMINISTRATIVE SERVICES DIVISION

Evaluation Process for Executive Director Discussion - Attorney Tschantz said an evaluation should be completed and submitted to Chairman Higginbotham for presentation at the next EPC meeting and stated appointments could be set for EPC Board members who wanted to meet with Dr. Garrity.

THURSDAY, SEPTEMBER 16, 2010 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 9:45 a.m.

READ AND APPROVED: _____
CHAIRMAN OR VICE CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

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

SEP

A. Public Outreach/Education Assistance

1.	Phone calls	195
2.	Literature Distributed	3
3.	Presentations	-
4.	Media Contacts	-
5.	Internet	71
6.	Host/Sponsor Workshops, Meetings, Special Events	1

B. Industrial Air Pollution Permitting

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

C. Administrative Enforcement

1.	New cases received	3
2.	On-going administrative cases	
	a. Pending	9
	b. Active	10
	c. Legal	2
	d. Tracking compliance (Administrative)	12
	e. Inactive/Referred cases	-
	TOTAL	33
3.	NOIs issued	2
4.	Citations issued	-
5.	Consent Orders Signed	4
6.	Contributions to the Pollution Recovery Fund	\$ 8,550
7.	Cases Closed	3

D. Inspections

1.	Industrial Facilities	23
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**FY 10 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

SEP

2.	Air Toxics Facilities	
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	-
	b. Major Sources	6
3.	Asbestos Demolition/Renovation Projects	15

E. Open Burning Permits Issued	1
F. Number of Division of Forestry Permits Monitored	328
G. Total Citizen Complaints Received	22
H. Total Citizen Complaints Closed	22
I. Noise Sources Monitored	4
J. Air Program's Input to Development Regional Impacts	4
K. Test Reports Reviewed	18
L. Compliance	
1. Warning Notices Issued	10
2. Warning Notices Resolved	3
3. Advisory Letters Issued	2
M. AOR's Reviewed	32
N. Permits Reviewed for NESHAP Applicability	-
O. Planning Documents coordinated for Agency Review	2

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

SEP

A. ENFORCEMENT

1. New cases received	1
2. On-going administrative cases	107
Pending	2
Active	50
Legal	11
Tracking Compliance (Administrative)	44
Inactive/Referred Cases	-
3. NOI's issued	13
4. Citations issued	-
5. Consent Orders and Settlement Letter Signed	2
6. Civil Contributions to the Pollution Recover Fund (\$)	\$3,360
7. Enforcement Costs Collected (\$)	\$1,230
8. Cases Closed	3

B. SOLID AND HAZARDOUS WASTE

1. FDEP Permits Received	-
2. FDEP Permits Reviewed	-
3. EPC Authorization for Facilities NOT Requiring DEP Permit	-
4. Other Permits and Reports	
County Permits Received	24
County Permits Reviewed	17
Reports Received	10
Reports Reviewed	20
5. Inspections (Total)	176
Complaints	15
Compliance/Reinspections	8
Facility Compliance	7
Small Quantity Generator	146
P2 Audits	-
6. Enforcement	
Complaints Received	14
Complaints Closed	17
Warning Notices Issued	-
Warning Notices Closed	-
Compliance Letters	55
Letters of Agreement	-
Agency Referrals	5
7. Pamphlets, Rules and Material Distributed	71

C. STORAGE TANK COMPLIANCE

1. Inspections	
Compliance	90
Installation	14
Closure	8
Compliance Re-Inspections	9

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

SEP

2.	Installation Plans Received	10
3.	Installation Plans Reviewed	7
4.	Closure Plans & Reports	
	Closure Plans Received	2
	Closure Plans Reviewed	4
	Closure Reports Received	3
	Closure Reports Reviewed	15
5.	Enforcement	
	Non-Compliance Letters Issued	42
	Warning Notices Issued	5
	Warning Notices Closed	-
	Cases Referred to Enforcement	1
	Complaints Received	-
	Complaints Investigated	-
	Complaints Referred	-
6.	Discharge Reporting Forms Received	4
7.	Incident Notification Forms Received	12
8.	Cleanup Notification Letters Issued	4

D. STORAGE TANK CLEANUP

1.	Inspections	32
2.	Reports Received	80
3.	Reports Reviewed	82
	Site Assessment Received	10
	Site Assessment Reviewed	12
	Source Removal Received	2
	Source Removal Reviewed	1
	Remedial Action Plans (RAP'S) Received	13
	Remedial Action Plans (RAP'S) Reviewed	12
	Site Rehabilitation Completion Order/No Further Action Rec'd	1
	Site Rehabilitation Completion Order/No Further Action Revw'd	1
	Active Remediation/Monitoring Received	31
	Active Remediation/Monitoring Reviewed	35
	Others Received	23
	Others Reviewed	21

E. RECORD REVIEWS

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F. LEGAL PIR'S

-

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

SEP

A. ENFORCEMENT

1.	New Enforcement Cases Received	-
2.	Enforcement Cases Closed	6
3.	Enforcement Cases Outstanding	39
4.	Enforcement Documents Issued	1
5.	Recovered Costs to the General Fund	\$ 250
6.	Contributions to the Pollution Recovery Fund	\$ 500

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	14
	a. Facility Permit	6
	(i) Types I and II	2
	(ii) Type III	4
	b. Collection Systems - General	4
	c. Collection systems-Dry Line/Wet Line	4
	d. Residuals Disposal	-
2.	Permit Applications Approved	16
	a. Facility Permit	3
	b. Collection Systems - General	6
	c. Collection systems-Dry Line/Wet Line	7
	d. Residuals Disposal	-
3.	Permit Applications Recommended for Disapproval	-
	a. Facility Permit	-
	b. Collection Systems - General	-
	c. Collection systems-Dry Line/Wet Line	-
	d. Residuals Disposal	-
4.	Permit Applications (Non-Delegated)	-
	a. Recommended for Approval	-
5.	Permits Withdrawn	-
	a. Facility Permit	-
	b. Collection Systems - General	-
	c. Collection systems-Dry Line/Wet Line	-
	d. Residuals Disposal	-
6.	Permit Applications Outstanding	50
	a. Facility Permit	15
	b. Collection Systems - General	13
	c. Collection systems-Dry Line/Wet Line	22
	d. Residuals Disposal	-
7.	Permit Determination	2
8.	Special Project Reviews	-

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

SEP

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

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	15
a. Inspection (CEI)	2
b. Sampling Inspection (CSI)	13
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	43
a. Inspection (RI)	12
b. Sample Inspection (SRI)	1
c. Complaint Inspection (CRI)	30
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections	17
a. Reconnaissance Inspection (RI)	1
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	2
e. Post Construction Inspection (XCI)	14
f. On-site Engineering Evaluation	-
g. Enforcement Reconnaissance Inspection (ERI)	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received	4
a. Facility Permit	-
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
b. General Permit	1
c. Preliminary Design Report	3
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	3
2. Permits Recommended to DEP for Approval	-
3. Special Project Reviews	-
a. Facility Permit	-
b. General Permit	-
4. Permitting Determination	-
5. Special Project Reviews	39

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

SEP

a. Phosphate	12
b. Industrial Wastewater	4
c. Others	23

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation (Total)	12
a. Inspection (CEI)	12
b. Sampling Inspection (CSI)	-
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	32
a. Inspection (RI)	7
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	25
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections (Total)	5
a. Compliance Evaluation (CEI)	5
b. Sampling Inspection (CSI)	-
c. Performance Audit Inspection (PAI)	-
d. Complaint Inspection (CRI)	-
e. Enforcement Reconnaissance Inspections (ERI)	-

F. INVESTIGATION/COMPLIANCE

1. Citizen Complaints	52
a. Domestic	25
(i) Received	16
(ii) Closed	9
b. Industrial	27
(i) Received	18
(ii) Closed	9
2. Warning Notices	14
a. Domestic	14
(i) Received	9
(ii) Closed	5
b. Industrial	-
(i) Received	-
(ii) Closed	-
3. Non-Compliance Advisory Letters	15
4. Environmental Compliance Reviews	71
a. Industrial	34
b. Domestic	37

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

SEP

5. Special Project Reviews	4
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G. RECORD REVIEWS

1. Permitting Determination	1
2. Enforcement	2

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

1. Air division	74
2. Waste Division	-
3. Water Division	23
4. Wetlands Division	-
5. ERM Division	227
6. Biomonitoring Reports	3
7. Outside Agency	42

I. SPECIAL PROJECT REVIEWS

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

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

SEP

ASSESSMENT REPORT

Agriculture Exemption Report

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

PGMD Reviews Performance Report

# of Reviews	61
Timeframes Met	98%
Year to Date	99%

Formal Wetland Delineation Surveys

Projects	11
Total Acres	109
Total Wetland Acres	35
# Isolated Wetlands < 1/2 Acre	-
Isolated Wetland Acreage	0

Construction Plans Approved

Projects	14
Total Wetland Acres	1
# Isolated Wetlands < 1/2 Acre	-
Isolated Wetland Acreage	0
Impacts Approved Acreage	0
Impacts Exempt Acreage	0

Mitigation Sites in Compliance

Ratio	192/200
Percentage	96%

Compliance Actions

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

General

Telephone Conferences	658
Scheduled Meetings	262
Unscheduled Citizen Assistance	356

REVIEW TIMES

# of Reviews	264
% On Time	96%
% Late	4%

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

SEP

A. General

1.	Telephone conferences	658
2.	Unscheduled Citizen Assistance	356
3.	Scheduled Meetings	262
4.	Correspondence	1,410
1/ 5.	Intergency Coordination	98
1/ 6.	Trainings	14
1/ 7.	Public Outreach/Education	5
1/ 8.	Quality Control	78

B. Assessment Reviews

1.	Wetland Delineations	14
2.	Surveys	21
3.	Miscellaneous Activities in Wetland	30
4.	Mangrove	2
5.	Notice of Exemption	-
6.	Impact/Mitigation Proposal	14
7.	Tampa Port Authority Permit Applications	55
8.	Wastewater Treatment Plants (FDEP)	-
9.	Development Regn'l Impact (DRI) Annual Report	-
10.	On-Site Visits	98
11.	Phosphate Mining	4
12.	Comp Plan Amendment (CPA)	4
1/ 13.	AG SWM	2
	Sub-Total	244

Planning and Growth Management Review

14.	Land Alteration/Landscaping	1
15.	Land Excavation	2
16.	Rezoning Reviews	5
17.	Site Development	20
18.	Subdivision	13
19.	Wetland Setback Encroachment	1
20.	Easement/Access-Vacating	-
21.	Pre-Applications	17
1/ 22.	Agriculture Exemption	-
	Sub-Total	59
	Total Assessment Review Activities	303

C. Investigation and Compliance

1.	Warning Notices Issued	3
2.	Warning Notices Closed	5
1/ 3.	Complaints Closed	28
4.	Complaint Inspections	34

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

SEP

5.	Return Compliance Inspections for Open Cases	27
6.	Mitigation Monitoring Reports	28
7.	Mitigation Compliance Inspections	39
8.	Erosion Control Inspections	14
9.	MAIW Compliance Site Inspections	10
10.	TPA Compliance Site Inspections	35
2/ 11.	Mangrove Compliance Site Inspections	-
1/ 12.	Conservation Easement Inspection	1

D. Enforcement

1.	Active Cases	13
2.	Legal Cases	2
3.	Number of "Notice of Intent to Initiate Enforcement"	1
4.	Number of Citations Issued	-
5.	Number of Consent Orders Signed	2
6.	Administrative - Civil Cases Closed	6
7.	Cases Referred to Legal Department	2
8.	Contributions to Pollution Recovery	\$ 325
9.	Enforcement Costs Collected	\$ 300

E. Ombudsman

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

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

OCT

A. Public Outreach/Education Assistance

1.	Phone calls	233
2.	Literature Distributed	-
3.	Presentations	-
4.	Media Contacts	-
5.	Internet	62
6.	Host/Sponsor Workshops, Meetings, Special Events	-

B. Industrial Air Pollution Permitting

1.	Permit Applications received (Counted by Number of Fees Received)	
	a. Operating	1
	b. Construction	8
	c. Amendments / Transfers / Extensions	-
	d. Title V Operating:	1
	e. Permit Determinations	-
	f. General	1
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ^1 (Counted by Number of Fees Collected) - ^2 Counted by Number of emission Units affected by the Review)	
	a. Operating ^1	5
	b. Construction ^1	7
	c. Amendments / Transfers / Extensions^1	1
	d. Title V Operating ^2	48
	e. Permit Determinations	-
	g. General	1
3.	Intent to Deny Permit Issued	-

C. Administrative Enforcement

1.	New cases received	3
2.	On-going administrative cases	
	a. Pending	10
	b. Active	10
	c. Legal	2
	d. Tracking compliance (Administrative)	9
	e. Inactive/Referred cases	-
	TOTAL	31
3.	NOIs issued	3
4.	Citations issued	-
5.	Consent Orders Signed	-
6.	Contributions to the Pollution Recovery Fund	\$ -
7.	Cases Closed	5

D. Inspections

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

OCT

1.	Industrial Facilities	10
2.	Air Toxics Facilities	
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	1
	b. Major Sources	6
3.	Asbestos Demolition/Renovation Projects	14
E. Open Burning Permits Issued		2
F. Number of Division of Forestry Permits Monitored		244
G. Total Citizen Complaints Received		64
H. Total Citizen Complaints Closed		45
I. Noise Sources Monitored		8
J. Air Program's Input to Development Regional Impacts		4
K. Test Reports Reviewed		33
L. Compliance		
1.	Warning Notices Issued	14
2.	Warning Notices Resolved	3
3.	Advisory Letters Issued	9
M. AOR's Reviewed		3
N. Permits Reviewed for NESHAP Applicability		1
O. Planning Documents coordinated for Agency Review		3

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

OCT

A. ENFORCEMENT

1.	New cases received	2
2.	On-going administrative cases	108
	Pending	3
	Active	49
	Legal	11
	Tracking Compliance (Administrative)	45
	Inactive/Referred Cases	-
3.	NOI's issued	1
4.	Citations issued	-
5.	Consent Orders and Settlement Letter Signed	4
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ 775
7.	Enforcement Costs Collected (\$)	\$ 957
8.	Cases Closed	2

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	1
2.	FDEP Permits Reviewed	-
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	-
4.	Other Permits and Reports	
	County Permits Received	20
	County Permits Reviewed	36
	Reports Received	14
	Reports Reviewed	16
5.	Inspections (Total)	257
	Complaints	15
	Compliance/Reinspections	23
	Facility Compliance	28
	Small Quantity Generator	191
	P2 Audits	-
6.	Enforcement	
	Complaints Received	14
	Complaints Closed	14
	Warning Notices Issued	1
	Warning Notices Closed	2
	Compliance Letters	68
	Letters of Agreement	-
	Agency Referrals	4
7.	Pamphlets, Rules and Material Distributed	118

C. STORAGE TANK COMPLIANCE

1.	Inspections	
	Compliance	69
	Installation	6
	Closure	11
	Compliance Re-Inspections	9

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

OCT

2.	Installation Plans Received	1
3.	Installation Plans Reviewed	2
4.	Closure Plans & Reports	
	Closure Plans Received	6
	Closure Plans Reviewed	4
	Closure Reports Received	4
	Closure Reports Reviewed	4
5.	Enforcement	
	Non-Compliance Letters Issued	46
	Warning Notices Issued	6
	Warning Notices Closed	3
	Cases Referred to Enforcement	1
	Complaints Received	-
	Complaints Investigated	-
	Complaints Referred	-
6.	Discharge Reporting Forms Received	1
7.	Incident Notification Forms Received	10
8.	Cleanup Notification Letters Issued	1

D. STORAGE TANK CLEANUP

1.	Inspections	18
2.	Reports Received	82
3.	Reports Reviewed	70
	Site Assessment Received	13
	Site Assessment Reviewed	11
	Source Removal Received	1
	Source Removal Reviewed	-
	Remedial Action Plans (RAP'S) Received	9
	Remedial Action Plans (RAP'S) Reviewed	5
	Site Rehabilitation Completion Order/No Further Action Rec'd	3
	Site Rehabilitation Completion Order/No Further Action Revw'd	2
	Active Remediation/Monitoring Received	42
	Active Remediation/Monitoring Reviewed	37
	Others Received	14
	Others Reviewed	15

E. RECORD REVIEWS

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F. LEGAL PIR'S

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

OCT

A. ENFORCEMENT

1.	New Enforcement Cases Received	1
2.	Enforcement Cases Closed	1
3.	Enforcement Cases Outstanding	38
4.	Enforcement Documents Issued	1
5.	Recovered Costs to the General Fund	\$ 1,513
6.	Contributions to the Pollution Recovery Fund	\$ 3,000

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	13
	a. Facility Permit	-
	(i) Types I and II	-
	(ii) Type III	2
	b. Collection Systems - General	9
	c. Collection systems-Dry Line/Wet Line	2
	d. Residuals Disposal	-
2.	Permit Applications Approved	7
	a. Facility Permit	-
	b. Collection Systems - General	3
	c. Collection systems-Dry Line/Wet Line	4
	d. Residuals Disposal	-
3.	Permit Applications Recommended for Disapproval	-
	a. Facility Permit	-
	b. Collection Systems - General	-
	c. Collection systems-Dry Line/Wet Line	-
	d. Residuals Disposal	-
4.	Permit Applications (Non-Delegated)	-
	a. Recommended for Approval	-
5.	Permits Withdrawn	-
	a. Facility Permit	-
	b. Collection Systems - General	-
	c. Collection systems-Dry Line/Wet Line	-
	d. Residuals Disposal	-
6.	Permit Applications Outstanding	56
	a. Facility Permit	17
	b. Collection Systems - General	19
	c. Collection systems-Dry Line/Wet Line	20
	d. Residuals Disposal	-
7.	Permit Determination	3
8.	Special Project Reviews	3

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

OCT

a. Reuse	1
b. Residuals/AUPs	2
c. Others	-

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	10
a. Inspection (CEI)	-
b. Sampling Inspection (CSI)	10
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	12
a. Inspection (RI)	10
b. Sample Inspection (SRI)	2
c. Complaint Inspection (CRI)	-
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections	27
a. Reconnaissance Inspection (RI)	5
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	3
e. Post Construction Inspection (XCI)	19
f. On-site Engineering Evaluation	-
g. Enforcement Reconnaissance Inspection (ERI)	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received	4
a. Facility Permit	-
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
b. General Permit	-
c. Preliminary Design Report	-
(i) Types I and II	1
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	3
2. Permits Recommended to DEP for Approval	-
3. Special Project Reviews	-
a. Facility Permit	-
b. General Permit	-
4. Permitting Determination	-
5. Special Project Reviews	42

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

OCT

a. Phosphate	11
b. Industrial Wastewater	12
c. Others	19

E. INSPECTIONS - INDUSTRIAL

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

F. INVESTIGATION/COMPLIANCE

1. Citizen Complaints	
a. Domestic	56
(i) Received	29
(ii) Closed	27
b. Industrial	33
(i) Received	24
(ii) Closed	9
2. Warning Notices	
a. Domestic	5
(i) Issued	-
(ii) Closed	5
b. Industrial	-
(i) Issued	-
(ii) Closed	-
3. Non-Compliance Advisory Letters	7
4. Environmental Compliance Reviews	139
a. Industrial	47
b. Domestic	92

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

OCT

5. Special Project Reviews	7
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G. RECORD REVIEWS

1. Permitting Determination	7
2. Enforcement	1

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

1. Air division	80
2. Waste Division	1
3. Water Division	22
4. Wetlands Division	-
5. ERM Division	169
6. Biomonitoring Reports	11
7. Outside Agency	57

I. SPECIAL PROJECT REVIEWS

1. DRIs	1
2. ARs	-
3. Technical Support	5
4. Other	4

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

OCT

ASSESSMENT REPORT

Agriculture Exemption Report

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

PGMD Reviews Performance Report

# of Reviews	26
Timeframes Met	100%
Year to Date	99%

Formal Wetland Delineation Surveys

Projects	7
Total Acres	134
Total Wetland Acres	33
# Isolated Wetlands < 1/2 Acre	3
Isolated Wetland Acreage	0.64

Construction Plans Approved

Projects	13
Total Wetland Acres	7
# Isolated Wetlands < 1/2 Acre	3
Isolated Wetland Acreage	0.54
Impacts Approved Acreage	4.39
Impacts Exempt Acreage	0.45

Mitigation Sites in Compliance

Ratio	186/195
Percentage	95%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	1.70
Acreage of Water Quality Impacts	0.00
Acreage Restored	0.30

General

Telephone Conferences	686
Scheduled Meetings	276
Unscheduled Citizen Assistance	314

REVIEW TIMES

# of Reviews	249
% On Time	93%
% Late	7%

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

OCT

A. General

1.	Telephone conferences	686
2.	Unscheduled Citizen Assistance	314
3.	Scheduled Meetings	276
4.	Correspondence	1,270
1/ 5.	Intergency Coordination	114
1/ 6.	Trainings	13
1/ 7.	Public Outreach/Education	-
1/ 8.	Quality Control	72

B. Assessment Reviews

1.	Wetland Delineations	13
2.	Surveys	12
3.	Miscellaneous Activities in Wetland	32
4.	Mangrove	6
5.	Notice of Exemption	1
6.	Impact/Mitigation Proposal	10
7.	Tampa Port Authority Permit Applications	52
8.	Wastewater Treatment Plants (FDEP)	-
9.	Development Regn'l Impact (DRI) Annual Report	1
10.	On-Site Visits	74
11.	Phosphate Mining	5
12.	Comp Plan Amendment (CPA)	-
1/ 13.	AG SWM	1
	Sub-Total	

Planning and Growth Management Review

14.	Land Alteration/Landscaping	1
15.	Land Excavation	-
16.	Rezoning Reviews	3
17.	Site Development	15
18.	Subdivision	10
19.	Wetland Setback Encroachment	4
20.	Easement/Access-Vacating	-
21.	Pre-Applications	17
1/ 22.	Agriculture Exemption	-
	Sub-Total	
	Total Assessment Review Activities	

C. Investigation and Compliance

1.	Warning Notices Issued	12
2.	Warning Notices Closed	5
1/ 3.	Complaints Closed	29
4.	Complaint Inspections	36

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

OCT

5.	Return Compliance Inspections for Open Cases	37
6.	Mitigation Monitoring Reports	10
7.	Mitigation Compliance Inspections	26
8.	Erosion Control Inspections	21
9.	MAIW Compliance Site Inspections	24
10.	TPA Compliance Site Inspections	13
2/ 11	Mangrove Compliance Site Inspections	-
1/ 12	Conservation Easement Inspection	11

D. Enforcement

1.	Active Cases	15
2.	Legal Cases	2
3.	Number of "Notice of Intent to Initiate Enforcement"	3
4.	Number of Citations Issued	1
5.	Number of Consent Orders Signed	1
6.	Administrative - Civil Cases Closed	2
7.	Cases Referred to Legal Department	2
8.	Contributions to Pollution Recovery	\$ 4,705
9.	Enforcement Costs Collected	\$ 415

E. Ombudsman

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

**OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 09/30/10**

		As of 9/30/10
Beginning Fund Balance, 10/01/09	\$	555,831
Interest Accrued		23,979
Deposits		501,254
Disbursements		(242,941)
Intrafund Budget Transfers to Project Fund		(371,041)
Intrafund Budget Transfers from Project Fund		157,622
Pollution Recovery Fund Balance	\$	624,704
Encumbrances:		
Pollution Prevention/Waste Reduction (101)	\$	1,380
Artificial Reef Program		6,152
PRF Project Outreach		(6,083)
PRF Project Monitoring		37,694
Total Encumbrances	\$	39,143
Minimum Balance (Reserves)	\$	120,000
FY11 Budget: Artificial Reef (EPE03025) & PRF Project Management (EPE06009)	\$	272,900
Remediation of Illegally Dumped Asbestos (EPE03045)	\$	5,000
Balance Available 09/30/10	\$	187,661

PROJECT FUND

	Project Amount		Project Balance
Open Projects			
FY 06 Projects			
#04-03 - Bahia Beach Restoration	150,000		23,718
	\$ 150,000	\$	23,718
FY 07 Projects			
#06-05A - Tank Removal	25,000	\$	1,570
#06-11 - Agriculture Best Management Practice Impl	150,000		-
#06-04A - Erosion Control/Oyster Bar Habitat Creation	75,000		-
	\$ 250,000	\$	1,570
FY 08 Projects			
#07-01 - Australian Pine Removal E.G. Simmons Park	80,000	\$	-
#07-04 - Restoration of MOSI	125,000		1,636
#07-03 - Invasive Plant Removal Egmont Key	133,000		12,415
#07-05 - Testing Reduction of TMDL in Surface Water Flow	19,694		7,479
#07-06 - Assessing Bacteria Lake Carroll	101,962		1
	\$ 459,656	\$	21,531
FY 09 Projects			
#08-05 - MacDill Phase 2 Seagrass Transplanting	79,196		17,745
#08-01 - McKay Bay Sediment Quality	55,000		42,825
#08-04 - Mini FARMS BMP Implementation	50,000		28,819
#08-09 - Petrol Mart, Inc. Tank Removal	75,000		75,000
#08-08 - Site Assessment & Removal of Contaminated Soils	25,000		25,000
#08-03 - Wetland Restoration on County Owned Lands	120,000		120,000
	\$ 404,196	\$	309,389
FY 10 Projects			
#09-01 - Basis of Review for Borrow Pit Applications	68,160	\$	68,160
#09-02 - Effects of Restoration on Use of Habitat	84,081		69,914
#09-03 - Artificial Wetland Cells	5,500		5,500
#09-05 - East Lake Watershed	46,300		46,300
#09-04 - Pilot Project for Outfall Water Quality Lake Mag	92,000		92,000
#09-06 - Greenhouse Gas Inventory	75,000		74,751
	\$ 371,041	\$	356,625

**OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 10/31/10 (ESTIMATED)
ESTIMATED - FY 10 RECONCILIATION NOT YET COMPLETED**

		As of 10/31/10
Beginning Fund Balance, 10/01/09	\$	620,687
Interest Accrued		-
Deposits		9,280
Disbursements		(13,551)
Intrafund Budget Transfers to Project Fund		-
Intrafund Budget Transfers from Project Fund		76,571
Pollution Recovery Fund Balance	\$	<u>692,987</u>
 Encumbrances:		
Pollution Prevention/Waste Reduction (101)	\$	-
Artificial Reef Program		135,737
PRF Project Outreach		-
PRF Project Monitoring		123,611
Total Encumbrances	\$	<u>259,348</u>
 Minimum Balance (Reserves)	\$	120,000
FY11 Budget: Artificial Reef (EPE03025) & PRF Project Management (EPE06009)	\$	-
Remediation of Illegally Dumped Asbestos (EPE03045)	\$	5,000
Balance Available 10/31/10	\$	<u>308,639</u>

PROJECT FUND

	Project Amount	Project Balance
Open Projects		
FY 06 Projects		
#04-03 - Bahia Beach Restoration	150,000	20,918
	\$ 150,000	\$ 20,918
FY 07 Projects		
#06-04A - Erosion Control/Oyster Bar Habitat Creation	75,000	50,000
	\$ 75,000	\$ 50,000
FY 08 Projects		
#07-04 - Restoration of MOSI	125,000	1,636
#07-03 - Invasive Plant Removal Egmont Key	133,000	12,415
#07-05 - Testing Reduction of TMDL in Surface Water Flow	19,694	7,479
	\$ 277,694	\$ 21,530
FY 09 Projects		
#08-05 - MacDill Phase 2 Seagrass Transplanting	79,196	17,745
#08-01 - McKay Bay Sediment Quality	55,000	42,825
#08-04 - Mini FARMS BMP Implementation	50,000	28,819
#08-08 - Site Assessment & Removal of Contaminated Soils	25,000	8,690
#08-03 - Wetland Restoration on County Owned Lands	120,000	110,000
	\$ 329,196	\$ 208,079
FY 10 Projects		
#09-01 - Basis of Review for Borrow Pit Applications	68,160	68,160
#09-02 - Effects of Restoration on Use of Habitat	84,081	69,914
#09-03 - Artificial Wetland Cells	5,500	5,500
#09-05 - East Lake Watershed	46,300	46,300
#09-04 - Pilot Project for Outfall Water Quality Lake Mag	92,000	92,000
#09-06 - 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 09/30/10**

Fund Balance as of 10/1/09	\$ 247,322
Interest Accrued	4,428
Disbursements FY 10	-
Fund Balance	<u>\$ 251,750</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 251,750
Total Encumbrances	<u>\$ 251,750</u>
Fund Balance Available 09/30/10	<u><u>\$ -</u></u>

**ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF 10/31/10 (ESTIMATED)
 ESTIMATED - FY 10 RECONCILIATION NOT YET COMPLETED**

Fund Balance as of 10/1/10	\$ 97,176
Interest Accrued	-
Disbursements FY 11	-
	\$ 97,176
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 97,176
	\$ 97,176
	\$ -



EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 10, 2010

Subject: Legal Case Summary for October 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: **October2010 EPC Legal Case Summary**

EPC LEGAL DEPARTMENT MONTHLY REPORT
October 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. The parties are submitting additional memoranda regarding the entry of the Remand Order. (AZ)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [3]

Boyce E. Slusmeyer [LEPC10-019]: On Sept 20 2001 the EPC staff received authority to take legal action for failure to comply with an Executive Director's Citation and Order to Correct Violation for the failure to initiate a cleanup of a petroleum contaminated property. The Court entered a Consent Final Judgment on March 13, 2003. The Defendant has failed to perform the appropriate remedial actions for petroleum contamination on the property. The EPC is currently drafting a new civil complaint to compel corrective actions and to recover administrative costs and penalties. (AZ)

Lambert Marine Construction, LLC. [LEPC10-017]: On September 16, 2010 the Commission granted authority to take legal action against Defendant Lambert Marine Construction, Inc. for failure to comply with the terms of an agreed upon Settlement Letter. (AZ)

Glenn Sussan Ford Ledford [LEPC10-018]: On September 16, 2010 the Commission granted authority to take legal action against Defendant Glen Sussan Ford Ledford for failure to comply with the terms of a signed Consent Order. (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 EPC Legal Department filed a Motion for Partial Summary Judgment in the case. The matter will be heard on November 22, 2010. The parties are preparing for trial. (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. The matter is being set for a final evidentiary hearing to obtain a judgment. (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 did not respond to the complaint and 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. The Default was issued on September 30, 2010. (RM)

Charles H. Monroe, individually, and MPG Race Track LTD [LEPC09-017]: On September 17, 2009 the EPC Board granted authority to take legal action against Respondents for violations of the EPC Act and EPC Rule Chapter 1-11. A Citation was issued on June 29, 2009, the Respondent failed to appeal the citation and it became a final order of the Agency enforceable in Court. (AZ)

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, and did not object to the quiet title action. Plaintiff filed a Motion for Summary of Judgment. On October 4, 2010 the Court granted the Motion for Summary Judgment and issued a Final Judgment Quieting Title. The case has been closed. (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 [1]

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 have settled the case and the matter is closed. (AZ)

C. OTHER OPEN CASES [10]

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)

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. On September 30, 2010 the Petitioner filed a second request for an extension of time. The request was granted and the Petition has until January 4, 2011 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.

LMJ Investments, LLP, Monique M. Agia, Lisa Agia Individually and as Trustees of the Agia Children Irrevocable Trust [LEPC10-016]: On September 8, 2010 the Appellant filed a request for an extension of time to file an Appeal of a denial of a wetland impact. The request was granted and the Appellant has until October 4, 2010 to file an Appeal in this matter. On October 4, 2010, the Appellant filed a second request for an extension of time until October 8, 2010. The request has been granted. (AZ)

Kyriacos "Charlie" Mavros [EPC10-020]: On October 4, 2010 the Petitioner filed a request for extension of time to challenge a wastewater permit denial. The request was granted and the Petitioner has until November 18, 2010 to file a petition in this matter. (RM)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 10, 2010

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

**EPC LEGAL DEPARTMENT MONTHLY REPORT
November 2010**

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [1]

LMJ Investments, LLP, Monique M. Agia, Lisa Agia Individually and as Trustees of the Agia Children Irrevocable Trust [LEPC10-016]: On September 8, 2010 the Appellant filed a request for an extension of time to file an Appeal of a denial of a wetland impact. The request was granted and the Appellant has until October 4, 2010 to file an Appeal in this matter. On October 4, 2010, the Appellant filed a second request for an extension of time until October 8, 2010. The request was granted, and on October 8, 2010 an Appeal was filed. The case will be assigned to a Hearing Officer who will conduct an administrative hearing. (AZ)

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. The parties submitted additional memoranda regarding the entry of the Remand Order and are awaiting a ruling from the Hearing Officer. (AZ)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [0]

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 EPC Legal Department filed a Motion for Partial Summary Judgment in the case. The matter will be heard on November 22, 2010. The parties are preparing for trial. (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. The EPC voluntarily dismissed the case on October 25, 2010, based on the facility being shut down and demolished as part of a foreclosure action. (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. The matter is set for a final evidentiary hearing on December 20, 2010 to obtain a judgment. (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 requiring the facility to temporarily shut down until the facility is remediated. (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 did not respond to the complaint and 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. The Default was issued on September 30, 2010. (RM)

Charles H. Monroe, individually, and MPG Race Track LTD [LEPC09-017]: On September 17, 2009 the EPC Board granted authority to take legal action against Respondents for violations of the EPC Act and EPC Rule Chapter 1-11. A Citation was issued on June 29, 2009, the Respondent failed to appeal the citation and it became a final order of the Agency enforceable in Court. (AZ)

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)

Boyce E. Slusmeyer [LEPC10-019]: On Sept 20 2001 the EPC staff received authority to take legal action for failure to comply with an Executive Director's Citation and Order to Correct Violation for the failure to initiate a cleanup of a petroleum contaminated property. The Court entered a Consent Final Judgment on March 13, 2003. The Defendant has failed to perform the appropriate remedial actions for petroleum contamination on the property. The EPC filed a lawsuit on October 7, 2010 seeking injunctive relief and recovery of costs and penalties. The EPC is waiting for the lawsuit to be served. (AZ)

Lambert Marine Construction, LLC. [LEPC10-017]: On September 16, 2010 the Commission granted authority to take legal action against Defendant Lambert Marine Construction, Inc. for failure to comply with the terms of an agreed upon Settlement Letter. (AZ)

Glenn Sussan Ford Ledford [LEPC10-018]: On September 16, 2010 the Commission granted authority to take legal action against Defendant Glen Sussan Ford Ledford for failure to comply with the terms of a signed Consent Order. On October 21, 2010 the EPC filed a Statement of Claim in County Court (Small Claims Court) and a Notice to Appear for Pretrial Conference/Mediation was issued by the Court. (AZ)

RECENTLY RESOLVED CIVIL CASES [3]

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 entered into a CFJ settlement on August 23, 2010. This case will be closed. (RM)

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, and did not object to the quiet title action. Plaintiff filed a Motion for Summary of Judgment. On October 4, 2010 the Court granted the Motion for Summary Judgment and issued a Final Judgment Quieting Title. The case has been closed. (RM)

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. The matter has been settled. (AZ)

C. OTHER OPEN CASES [8]

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)

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. After the extension of time expired a resolution was reached and the permit issued. This matter will be closed. (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. On September 30, 2010 the Petitioner filed a second request for an extension of time. The request was granted and the Petition has until January 4, 2011 to file a petition in this matter. (RM)

Kyriacos "Charlie" Mavros [EPC10-020]: On October 4, 2010 the Petitioner filed a request for extension of time to challenge a wastewater permit denial. The request was granted and the Petitioner has until November 18, 2010 to file a petition in this matter. (RM)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 10, 2010

Subject: Amendment to Interlocal Agreement between the Environmental Protection Commission and Hillsborough County for Provision of Chemical Analysis of Water Quality Samples

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

Division: Water Management Division

Recommendation: Approve First Amendment to Interlocal Agreement between the EPC and Hillsborough County for Provision of Chemical Analysis of Water Quality Samples and authorize Chair's signature

Brief Summary: Through its National Pollution Discharge Elimination System (NPDES) permits the County is obliged to provide to the State an assessment of ambient surface water quality. An existing Interlocal Agreement provides a cost sharing relationship between EPC and the County for NPDES and TMDL water quality monitoring activities. Both governments propose an extension to the existing Interlocal Agreement at the same funding level. The proposed First Amendment has an expiration date of September 30, 2012.

Financial Impact: The EPC will receive from the County an amount not to exceed \$75,000 for each of FY2011 and FY2012.

Background: Through its National Pollution Discharge Elimination System (NPDES) permits the County is obliged to provide to the State an assessment of ambient surface water quality. Additionally, the County is required to comply with Total Maximum Daily Load (TMDL) regulations. The County is able to satisfy these requirements by utilizing the comprehensive water quality monitoring program of the EPC. An existing Interlocal Agreement provides a cost sharing relationship between EPC and the County for NPDES analysis and TMDL collection and analysis activities. The parties have maintained a relationship for these EPC laboratory services via Interlocal Agreements since March of 2002. The most recent Interlocal Agreement was executed on September 2, 2009. This proposed First Amendment to Interlocal Agreement extends this relationship for two years with an expiration date of September 30, 2012. The funding level remains at the existing level of \$75,000 for each of FY 2011 and FY2012.

List of Attachments: First Amendment to the Interlocal Agreement between the Environmental Protection Commission of Hillsborough County and Hillsborough County for Provision of Chemical Analysis of Water Quality Samples

**FIRST AMENDMENT TO THE
INTERLOCAL AGREEMENT**

**Between the
Environmental Protection Commission of Hillsborough County
and
Hillsborough County
For Provision of Chemical Analysis of Water Quality Samples**

THIS FIRST AMENDMENT ("Amendment") to the Interlocal Agreement for Chemical Analysis of Water Quality Samples dated September 2, 2009, ("Agreement") is made and entered into by and between Hillsborough County, a political subdivision of the State of Florida ("COUNTY") and the Environmental Protection Commission of Hillsborough County ("EPC"), a political subdivision of the State of Florida.

WITNESSETH:

WHEREAS, the COUNTY and the EPC entered into the Agreement dated September 2, 2009; and,

WHEREAS, the Agreement expires on September 30, 2010; and

WHEREAS, it is the purpose and intent of this Amendment, the parties hereto, and Section 163.01, Florida Statutes, known and referred to as the Florida Interlocal Cooperation Act of 1969 ("Cooperation Act"), to permit and authorize the COUNTY and EPC to make the most efficient use of their respective powers, resources, authority and capabilities by enabling them to cooperate on the basis of mutual advantage and thereby provide the services and efforts provided for herein in the manner that will best utilize existing resources, powers and authority available to each of them; and,

WHEREAS, the EPC and the COUNTY have determined that it is in the best interest of both parties to continue to have the EPC perform certain water quality analysis and water quality sampling, and other tasks described in the Agreement; and,

WHEREAS, EPC and the COUNTY agree that a First Amendment to the Agreement extending the Agreement for an additional two years will continue to benefit both EPC and the COUNTY, as well as facilitate a more efficient allocation of resources to achieve a common goal of good surface water quality.

NOW, THEREFORE, the COUNTY and EPC hereby amend the Agreement as follows:

1. Part III subsection d) ("Mutual Considerations") of the Agreement shall be amended to read as follows:

PART III. d) This Agreement shall be effective from October 1, 2010 through September 30, 2012.

2. Calendar Year 2010 Laboratory Costs per sample are located on Attachment A. This attachment supersedes any previous attachment or exhibit related to lab costs. Pursuant to Agreement Part I. d) this attachment will continue to be amended annually.

3. This First Amendment is subject to funding availability. All funding specified shall be on a per fiscal year basis. In the event sufficient budget funds are not available for a new fiscal period, the COUNTY shall promptly notify the EPC in writing of such occurrence and the Agreement shall terminate on the last day of current fiscal period without penalty or expense to the COUNTY.

4. The remainder of the Agreement shall remain in full force and effect. If this First Amendment is executed after October 1, 2010, the entire Agreement will be retroactive and effective on October 1, 2010.

IN WITNESS WHEREOF, the COUNTY and EPC have caused this First Amendment to the Interlocal Agreement for Provision of Chemical Analysis of Water Quality Samples dated September 2, 2009, to be effective as of October 1, 2010.

ATTEST:

PAT FRANK
CLERK OF CIRCUIT COURT

HILLSBOROUGH COUNTY
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Ken Hagan, Chairman
Board of County Commissioners

(OFFICIAL SEAL)

Date: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

ATTEST:

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH
COUNTY

By: _____
WITNESS

By: _____
Al Higginbotham, Chairman

Environmental Protection Commission

Date: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
EPC Attorney

Attachment A

COMMISSION

KEVIN BECKNER
ROSE FERLITA
KEN HASAN
AL HIGGINBOTHAM
JIM NORMAN
MARK SHARPE
KEVIN WHITE

EXECUTIVE DIRECTOR

Richard D. Garrity, Ph.D.



Roger F. Stewart Center
3829 QUEEN PALM DRIVE
TAMPA, FL 33619
PHONE (813) 627-2600

Fax Numbers (813):

Admin. 627-2630	Waste 627-2640
Legal 627-2602	Wetlands 627-2630
Water 627-2570	ERM 627-2620
Air 627-2660	Lab 627-2651

www.spchc.org

2010 Laboratory Costs, per sample for Hillsborough County NPDES/TMDL agreement.

Parameter	Stormwater cost
Enterococci	\$29.03
Fecal Coliform	\$23.09
Ammonia	\$17.21
Kjeldahl Nitrogen	\$15.56
Nitrates	\$35.40
Nitrates/Nitrites	\$17.70
Nitrites	\$35.40
Ortho Phosphates	\$10.69
Silica	\$41.24
Total Phosphorus	\$16.14
BOD	\$27.00
CBOD	\$27.96
Chloride	\$12.97
Chlorophyll Total	\$8.82
Chlorophylla Corr	\$11.86
Color	\$9.29
Conductivity	\$6.20
Fluoride	\$16.37
pH	\$6.20
Sulfates	\$12.88
Total Dissolved Solids	\$12.68
Total Suspended Solids	\$4.82
Turbidity	\$8.10

On January 1, 2011, all pricing will be increased by 1.03% to reflect increased supply costs.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 10, 2010

Subject: Priority Permitting Program

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

Division: Executive Director Report

Recommendation: Informational Report

Brief Summary: EPC receives requests every year to impact the environment, and must evaluate them in accordance with federal, state and local rules. Some of these requests are associated with projects of significant public benefit, are time-sensitive, or create jobs and are formally approved through a written EPC authorization or a state permit delegated to EPC. EPC has a history of working with the County's Planning and Growth Management Department (PGM) and Economic Development to fast track significant projects, yet the Agency felt it could do more. In an effort to be more responsive and sensitive to the economic impact of these projects, EPC has formed a team of reviewers to evaluate these types of projects in the most efficient and holistic manner possible and without sacrificing any resource protection.

Financial Impact: No fiscal impact to the general fund is anticipated.

Background: EPC is the primary environmental regulatory agency serving Hillsborough County. Requests to impact the air, water or soils of this County generally must run through EPC for some type of review. Some of these requested impacts involve projects of significant public benefit, are time sensitive and/or create jobs. In order to be responsive to these requests, EPC has formed a team of seasoned professionals who will give these requests priority.

EPC has local jurisdiction; and in order to streamline certain reviews, the Agency has taken delegation of certain Federal, State and Port Authority permitting. In the past, EPC has worked with applicants and assisted them in meeting deadlines and will continue to do so. This team however, should allow the EPC to take a more holistic view of a particular project, and thus do a better and more timely job of reviewing it. This will benefit the applicant as well as the environment.

This past summer EPC received an application from an international company, NexLube, that wants to invest \$100,000,000 dollars in a manufacturing facility here in Tampa. When completed, the factory will create 75 permanent jobs. The facility will refine waste oil and the review was complex. By using this team approach, EPC was able to issue our approvals in half the normal time. A representative from NexLube will appear at the Board presentation to say a few words about their experience.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 16, 2010

Subject: Recycling and Green Initiatives at EPC

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

Division: Agency-wide

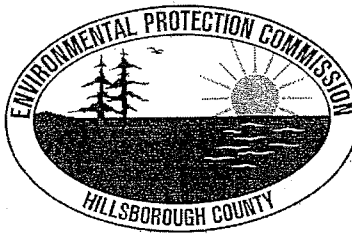
Recommendation: None.

Brief Summary: Presentation provides a background of how the recycling efforts have been enhanced at the Roger P. Stewart Center through the formation of the recycling team comprised of in-house EPC staff. The recycling group has since evolved into the Green Team that not only includes recycling at the work place but also involves identifying ways to make the EPC office more resource efficient in cooperation with Facilities Maintenance and to pursue upgrading the Roger P. Stewart Center to Leadership in Energy and Environmental Design (LEED) standards.

Financial Impact: None

Background: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 10, 2010

Subject: EPC Executive Director's Annual Evaluation

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

Division: Legal and Administrative Services Division

Financial Impact: No Financial Impact

Background: Evaluation forms were distributed on September 16, 2010. As of November 2, 2010, four (4) evaluation forms were completed and provided to Commissioner Higginbotham's office.

Staff has compiled the evaluation forms submitted and the results indicated an average score of 4.24 in Behavior Dimensions and an average score of 4.3 in Accomplishment of Goals Dimensions. The scores are on a scale of 1 through 5, with 5 representing the highest possible score.

The FY 11 budget as adopted, does not provide merit or market equity increases for EPC staff. Therefore, there is no financial impact associated with this item.

Staff recommends acceptance of the evaluation results.

List of Attachments:

Evaluation Summary Assessment – Behaviors & Accomplishment of Goals

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

	BEHAVIORS							
	Leadership	Communication	Responsiveness	Respect & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization
Kevin Beckner	4	4	5	5	4	4	4	4
Rose Ferlita	5	5	5	5	4.75	5	5	5
Ken Hagan	—	—	—	—	—	—	—	—
Al Higginbotham	—	—	—	—	—	—	—	—
Jim Norman	—	—	—	—	—	—	—	—
Mark Sharpe	3	4	4	4	4	4	3	3
Kevin White	4	4	5	4	4	4	4	4
Average	4	4.25	4.75	4.5	4.18	4.25	4	4

4.24

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

	ACCOMPLISHMENT OF GOALS				
	Regulatory Effectiveness	Regulatory Efficiency	Coordination with Regulatory Partners	Partnering for Better Compliance	Outreach
Kevin Beckner	—	—	—	—	—
Rose Ferlita	5	5	5	5	5
Ken Hagan	—	—	—	—	—
Al Higginbotham	—	—	—	—	—
Jim Norman	—	—	—	—	—
Mark Sharpe	4	4	4	4	4
Kevin White	4	4	4	4	4
<i>Average</i>	4.3	4.3	4.3	4.3	4.3

4.3

Commissioner's Comments

Commissioner Beckner:

There are no documented beginning benchmarks that allow me to objectively justify a rating allocation for each category. It is my expectation that in the future, specific goals will have beginning benchmarks that will allow me to appropriately measure the attainment of a goal. It is evident that the assessment tool needs to be redesigned.

Commissioner Ferlita:

It's difficult to directly evaluate the work quality of staff since I don't directly supervise their performance.

Commissioner Sharpe:

Need to be better at problem solving. Put positive spin on enforcing rules and regulations.