

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

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: November 10, 2010 EPC Board Meeting Agenda3
- B. Monthly Activity Reports (Nov. 2010).....5
- C. Pollution Recovery Fund Report (Nov. 2010).....17
- D. Gardinier Settlement Trust Fund Report (Nov. 2010).....18
- E. Legal Case Summary, December 2010.....19

IV. EPC AGENCY and DIVISION UPDATES

V. EXECUTIVE DIRECTOR

- A. (2) Grant Awards – Totaling \$72K (Tampa Bay Estuary Program)
- B. 24/7 On Call Efficiencies
- C. Great American Teach-In

VI. WASTE MANAGEMENT DIVISION

- A. Update – EPC Staff/Consultant Review - Energy Efficiency of the Roger Stewart Center25

VII. LEGAL AND ADMINISTRATIVE SERVICES DIVISION

- A. *Evelyn Romano, et.al v. City of Tampa, Department of Public Works and EPC* – Board Discussion Regarding Procedural Issues.....27
- B. Update – Legislative Policy Procedures.....31
- C. Update – Role of the Citizen's Environmental Advisory Committee (CEAC).....33

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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NOVEMBER 10, 2010 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Wednesday, November 10, 2010, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Al Higginbotham and Commissioners Kevin Beckner, Rose Ferlita (arrived at 9:08 a.m.), Mark Sharpe, and Kevin White.

The following members were absent: Commissioners Ken Hagan and Jim Norman.

Chairman Higginbotham called the meeting to order at 9:04 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, said there were no changes and pointed out Commissioner Beckner's modification to the distributed evaluation. **Commissioner Sharpe moved to approve the changes, seconded by Commissioner White, and carried four to zero.** (Commissioner Ferlita had not arrived; Commissioners Hagan and Norman were absent.)

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the CEAC Chairman, Danny Alberdi - Mr. Alberdi reported on the October 2010 and November 2010 CEAC meetings.

CONSENT AGENDA

- A. Approval of minutes: September 16, 2010, EPC board meeting.
- B. Monthly activity reports (September 2010 and October 2010).
- C. Pollution Recovery Fund report (September 2010 and October 2010).
- D. Gardinier Settlement Trust Fund report (September 2010 and October 2010).
- E. Legal case summary for October 2010 and November 2010.
- F. Amendment to the interlocal agreement between EPC and Hillsborough County for the provision of chemical analysis of water quality samples.

Chairman Higginbotham asked for a motion to approve the Consent Agenda. **Commissioner White so moved, seconded by Commissioner Beckner, and carried four to zero.** (Commissioner Ferlita had not arrived; Commissioners Hagan and Norman were absent.)

WEDNESDAY, NOVEMBER 10, 2010 - DRAFT MINUTES

EXECUTIVE DIRECTOR

Goals Update - Dr. Garrity thanked Board members and provided a presentation on the accomplishments, strategic plan, mission, vision, and core values.

EPC Priority Permitting Program - Ms. Diana Lee, Air Management Division, discussed the priority permitting program, NexLube Tampa LLC (NexLube) project, and objectives and introduced NexLube representatives. Mr. Enzo D'Angelo, NexLube, expounded on the project. Ms. Lee recognized Mr. Peter Aluotto, Director, Planning and Growth Management Department. Board members and Dr. Garrity offered comments.

WASTE MANAGEMENT DIVISION

Report on EPC's Green Team - Mr. Hooshang Boostani, Director, EPC Waste Management Division, reported on the green team history, recycling availability, green initiatives, building certification, and upcoming projects.

LEGAL AND ADMINISTRATIVE SERVICES DIVISION

Finalize Evaluation for the Executive Director - EPC General Counsel Richard Tschantz stated evaluation forms were circulated at the September 16, 2010, EPC meeting; noted an updated version; reviewed the evaluation, as supplied in background material; and recommended acceptance of the evaluation results. **Commissioner Ferlita made that motion, seconded by Commissioner White, and carried five to zero.** (Commissioners Hagan and Norman were absent.) Commissioner Ferlita offered appreciative comments.

There being no further business, the meeting was adjourned at 9:44 a.m.

READ AND APPROVED: _____

CHAIRMAN OR VICE CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

ssg

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

NOV

A. Public Outreach/Education Assistance

1.	Phone calls	230
2.	Literature Distributed	200
3.	Presentations	1
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	2
	c. Amendments / Transfers / Extensions	0
	d. Title V Operating:	7
	e. Permit Determinations	5
	f. General	0
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	15
	b. Construction ^1	19
	c. Amendments / Transfers / Extensions^1	0
	d. Title V Operating ^2	0
	e. Permit Determinations	0
	g. General	1
3.	Intent to Deny Permit Issued	0

C. Administrative Enforcement

1.	New cases received	3
2.	On-going administrative cases	
	a. Pending	9
	b. Active	13
	c. Legal	1
	d. Tracking compliance (Administrative)	8
	e. Inactive/Referred cases	0
	TOTAL	31
3.	NOIs issued	3
4.	Citations issued	0
5.	Consent Orders Signed	0
6.	Contributions to the Pollution Recovery Fund	\$ -
7.	Cases Closed	2

D. Inspections

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

NOV

1.	Industrial Facilities	17
2.	Air Toxics Facilities	
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	1
	b. Major Sources	13
3.	Asbestos Demolition/Renovation Projects	16
E. Open Burning Permits Issued		2
F. Number of Division of Forestry Permits Monitored		201
G. Total Citizen Complaints Received		69
H. Total Citizen Complaints Closed		73
I. Noise Sources Monitored		4
J. Air Program's Input to Development Regional Impacts		3
K. Test Reports Reviewed		43
L. Compliance		
1.	Warning Notices Issued	8
2.	Warning Notices Resolved	9
3.	Advisory Letters Issued	7
M. AOR's Reviewed		0
N. Permits Reviewed for NESHAP Applicability		2
O. Planning Documents coordinated for Agency Review		3

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

NOV

A. ENFORCEMENT

1.	New cases received	1
2.	On-going administrative cases	107
	Pending	2
	Active	50
	Legal	10
	Tracking Compliance (Administrative)	45
	Inactive/Referred Cases	-
3.	NOI's issued	2
4.	Citations issued	-
5.	Consent Orders and Settlement Letter Signed	2
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ 3,083
7.	Enforcement Costs Collected (\$)	\$ 970
8.	Cases Closed	2

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	1
2.	FDEP Permits Reviewed	1
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	1
4.	Other Permits and Reports	
	County Permits Received	44
	County Permits Reviewed	15
	Reports Received	16
	Reports Reviewed	19
5.	Inspections (Total)	334
	Complaints	17
	Compliance/Reinspections	21
	Facility Compliance	25
	Small Quantity Generator	271
	P2 Audits	-
6.	Enforcement	
	Complaints Received	19
	Complaints Closed	19
	Warning Notices Issued	3
	Warning Notices Closed	5
	Compliance Letters	22
	Letters of Agreement	-
	Agency Referrals	2
7.	Pamphlets, Rules and Material Distributed	3

C. STORAGE TANK COMPLIANCE

1.	Inspections	
	Compliance	80
	Installation	8
	Closure	12
	Compliance Re-Inspections	4

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

NOV

2.	Installation Plans Received	1
3.	Installation Plans Reviewed	1
4.	Closure Plans & Reports	
	Closure Plans Received	2
	Closure Plans Reviewed	1
	Closure Reports Received	6
	Closure Reports Reviewed	10
5.	Enforcement	
	Non-Compliance Letters Issued	43
	Warning Notices Issued	9
	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	7
8.	Cleanup Notification Letters Issued	1

D. STORAGE TANK CLEANUP

1.	Inspections	28
2.	Reports Received	68
3.	Reports Reviewed	51
	Site Assessment Received	6
	Site Assessment Reviewed	5
	Source Removal Received	1
	Source Removal Reviewed	2
	Remedial Action Plans (RAP'S) Received	8
	Remedial Action Plans (RAP'S) Reviewed	4
	Site Rehabilitation Completion Order/No Further Action Rec'd	4
	Site Rehabilitation Completion Order/No Further Action Revw'd	2
	Active Remediation/Monitoring Received	33
	Active Remediation/Monitoring Reviewed	21
	Others Received	16
	Others Reviewed	17

E. RECORD REVIEWS

12

F. LEGAL PIR'S

5

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

NOV

A. ENFORCEMENT

1.	New Enforcement Cases Received	-
2.	Enforcement Cases Closed	1
3.	Enforcement Cases Outstanding	37
4.	Enforcement Documents Issued	-
5.	Recovered Costs to the General Fund	\$ -
6.	Contributions to the Pollution Recovery Fund	\$ 900

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	13
	a. Facility Permit	-
	(i) Types I and II	-
	(ii) Type III	4
	b. Collection Systems - General	3
	c. Collection systems-Dry Line/Wet Line	6
	d. Residuals Disposal	-
2.	Permit Applications Approved	11
	a. Facility Permit	-
	b. Collection Systems - General	7
	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	58
	a. Facility Permit	21
	b. Collection Systems - General	15
	c. Collection systems-Dry Line/Wet Line	22
	d. Residuals Disposal	-
7.	Permit Determination	1
8.	Special Project Reviews	-

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

NOV

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

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	7
a. Inspection (CEI)	1
b. Sampling Inspection (CSI)	6
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	31
a. Inspection (RI)	3
b. Sample Inspection (SRI)	1
c. Complaint Inspection (CRI)	27
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections	23
a. Reconnaissance Inspection (RI)	3
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	2
e. Post Construction Inspection (XCI)	17
f. On-site Engineering Evaluation	1
g. Enforcement Reconnaissance Inspection (ERI)	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received	-
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	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
2. Permits Recommended to DEP for Approval	-
3. Special Project Reviews	-
a. Facility Permit	-
b. General Permit	1
4. Permitting Determination	-
5. Special Project Reviews	31

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

NOV

a. Phosphate	8
b. Industrial Wastewater	9
c. Others	14

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)	12
a. Inspection (RI)	2
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	10
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections (Total)	7
a. Compliance Evaluation (CEI)	7
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	21
(i) Received	10
(ii) Closed	11
b. Industrial	18
(i) Received	10
(ii) Closed	8
2. Warning Notices	
a. Domestic	4
(i) Issued	3
(ii) Closed	1
b. Industrial	3
(i) Issued	3
(ii) Closed	-
3. Non-Compliance Advisory Letters	6
4. Environmental Compliance Reviews	130
a. Industrial	29
b. Domestic	101

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

NOV

5. Special Project Reviews	8
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G. RECORD REVIEWS

1. Permitting Determination	6
2. Enforcement	-

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

1. Air division	73
2. Waste Division	-
3. Water Division	10
4. Wetlands Division	-
5. ERM Division	200
6. Biomonitoring Reports	6
7. Outside Agency	30

I. SPECIAL PROJECT REVIEWS

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

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

NOV

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	49
Timeframes Met	100%
Year to Date	99%

Formal Wetland Delineation Surveys

Projects	13
Total Acres	64
Total Wetland Acres	23
# Isolated Wetlands < 1/2 Acre	0
Isolated Wetland Acreage	0

Construction Plans Approved

Projects	9
Total Wetland Acres	0.23
#Isolated Wetlands < 1/2 Acre	0
Isolated Wetland Acreage	0
Impacts Approved Acreage	0.03
Impacts Exempt Acreage	0

Mitigation Sites in Compliance

Ratio	185/194
Percentage	95%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.60
Acreage of Water Quality Impacts	0.00
Acreage Restored	0.70

General

Telephone Conferences	539
Scheduled Meetings	261
Unscheduled Citizen Assistance	248

REVIEW TIMES

# of Reviews	208
% On Time	96%
% Late	4%

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

NOV

A. General

1.	Telephone conferences	539
2.	Unscheduled Citizen Assistance	248
3.	Scheduled Meetings	261
4.	Correspondence	1,117
1/ 5.	Intergency Coordination	127
1/ 6.	Trainings	27
1/ 7.	Public Outreach/Education	19
1/ 8.	Quality Control	40

B. Assessment Reviews

1.	Wetland Delineations	14
2.	Surveys	14
3.	Miscellaneous Activities in Wetland	21
4.	Mangrove	6
5.	Notice of Exemption	2
6.	Impact/Mitigation Proposal	22
7.	Tampa Port Authority Permit Applications	39
8.	Wastewater Treatment Plants (FDEP)	-
9.	Development Regn'l Impact (DRI) Annual Report	5
10.	On-Site Visits	89
11.	Phosphate Mining	4
12.	Comp Plan Amendment (CPA)	-
1/ 13.	AG SWM	-
	Sub-Total	

Planning and Growth Management Review

14.	Land Alteration/Landscaping	1
15.	Land Excavation	2
16.	Rezoning Reviews	6
17.	Site Development	28
18.	Subdivision	10
19.	Wetland Setback Encroachment	-
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	7
2.	Warning Notices Closed	5
1/ 3.	Complaints Closed	23
4.	Complaint Inspections	23

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

NOV

5.	Return Compliance Inspections for Open Cases	18
6.	Mitigation Monitoring Reports	45
7.	Mitigation Compliance Inspections	28
8.	Erosion Control Inspections	25
9.	MAIW Compliance Site Inspections	11
10.	TPA Compliance Site Inspections	11
2/ 11	Mangrove Compliance Site Inspections	4
1/ 12	Conservation Easement Inspection	1

D. Enforcement

1.	Active Cases	15
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	1
6.	Administrative - Civil Cases Closed	3
7.	Cases Referred to Legal Department	2
8.	Contributions to Pollution Recovery	\$ 425
9.	Enforcement Costs Collected	\$ -

E. Ombudsman

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

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 POLLUTION RECOVERY TRUST FUND
10/1/2010 through 11/30/2010**

REVENUE

Balance (beginning)	\$	620,687
Interest Accrued	\$	2,326
Deposits	\$	13,688
Refunds from closed Projects	\$	76,571
Revenue Total	\$	713,272

EXPENDITURES

Project Management (EPE06009)	\$	13,347
Artificial Reef (EPE03025)	\$	18,692
Expenditures Total	\$	32,039

ENCUMBRANCES

FY 11 Project Obligations	\$	-
Project Monitoring (EPE06009)	\$	116,123
Artificial Reef Program (EPE03025)	\$	124,738
Encumbrances Total	\$	240,861

RESERVES

Minimum Balance	\$	120,000
FY12 Budget: Artificial Reef & Project Management	\$	-
Remediation of Illegally Dumped Asbestos (EPE03045)	\$	5,000
Reserves Total	\$	125,000

NET POLLUTION RECOVERY FUND	\$	315,372
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PROJECT	Project Amount	Project Balance
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 F	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	25,303
#08-04 - Mini FARMS BMP Implementation	50,000	28,819
#08-08 - Site Assessment & Removal of Contaminated S	25,000	8,690
#08-03 - Wetland Restoration on County Owned Lands	120,000	106,000
	\$ 329,196	\$ 186,557
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 Ma	92,000	92,000
#09-06 - Greenhouse Gas Inventory	75,000	50,751
	\$ 371,041	\$ 332,625

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 11 GARDINIER SETTLEMENT TRUST FUND
10/1/2010 - 11/30/2010**

Fund Balance as of 10/1/10	\$ 252,021
Interest Accrued	424
Disbursements FY 11	-
Fund Balance	<u>\$ 252,445</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 252,445
Total Encumbrances	<u>\$ 252,445</u>
Fund Balance Available 11/30/10	<u><u>\$ -</u></u>



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 16, 2010

Subject: Legal Case Summary for December 2010

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

Division: Legal and Administrative Services

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: December 2010 EPC Legal Case Summary



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 16, 2010

Subject: EPC Calendar & Initiatives for 2011

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

Division: Executive Director

Recommendation: Informational Report

Brief Summary: The Agency staff will offer proposed topics for discussion for EPC meetings for the year 2011. They will be arranged by calendar quarter to match activities and events in the community. In addition they will highlight a number of ongoing and planned initiatives.

Financial Impact: No Financial Impact

Background: The EPC Board meets each month and towards the end of the year the Executive Director presents an annual report on the EPC and the environment. This overview report is a look back on the previous twelve months and only generally presents priorities going forward. This presentation will be an opportunity for the Board to see what staff is planning for the 2011 meetings and provide input as needed.

The EPC prides itself on being able to adapt to meet new environmental challenges. Whether it is addressing the 177 individual impairments in our waters, or the tenfold more stringent airborne lead standard, EPC must be ready to respond. As we tighten our belts, we must be prepared to do so with fewer resources. This climate compels us to look for newer more efficient ways to run the Agency. Thus we are once again thinking of initiatives to improve the overall protection of our natural resources and to better our service to the public.

This brief informational presentation will describe some of these Agency's initiatives for 2011 and provide the opportunity for the Board and the public to give staff some feedback.

List of Attachments: None.

EPC LEGAL DEPARTMENT MONTHLY REPORT
December 2010

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [0]

EXISTING ADMINISTRATIVE CASES [2]

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 the Hearing Officer entered his recommended order on November 15, 2010. The matter will be heard in the future. (AZ)

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)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [1]

6503 US Highway 301, LLC [LEPC10-021]: On November 4, 2010, the EPC Legal Department filed a Complaint for Civil Penalties and Injunctive Relief against the new owner Defendant 6503 US Highway 301, LLC. This case is a continuation of the previous action against SJ Realty for environmental violations at the former 301 Truckstop site on Highway 301. (AZ)

EXISTING CIVIL CASES [14]

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 parties have been sent back to mediation but are also preparing for trial. (AZ)

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. SJ Realty is appealing the foreclosure and this case will remain open pending the results of the appeal. (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 [1]

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)

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.

Johnson Controls Battery Group, Inc. [LEPC10-23]: On November 17, 2010, the Petitioner filed a request for an extension to file a petition challenging an Air Construction permit. The request was granted and the Petitioner has until December 17, 2010 to file a petition in this matter. (RM)

U.S.H. & B Corporation [LEPC10-022]: On November 8, 2010 the Petitioner filed a request for an extension of time to file a petition challenging the Notice of Permit Denial issued on November 3, 2010. The request was granted and the Petitioner has until February 16, 2011 to file a petition in this matter. (RM)

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. No appeal was filed and the case has been closed. (AZ)

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

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)

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. A permit was issued in this case and Petitioner withdrew their extension request on November 4, 2010. The case has been closed. (RM)

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 16, 2010

Subject: Energy Efficiency of the Roger P. Stewart Center

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

Division: Agency wide

Recommendation: None

Brief Summary: EPC won an Energy Star and Leadership in Energy & Environmental Design (LEED) Assessment at a Florida Local Environmental Resource Agencies workshop earlier this year. Staff provided information for the Energy Star and LEED Assessment and accompanied representatives of the company conducting the assessment for a walk-through of the Roger P. Stewart Center. In addition, staff met with Facilities Maintenance to discuss the assessment while it was ongoing. The assessment has been completed and a draft copy of the results has been provided to staff. The update includes findings of the building sustainability consultant and their recommendations. Staff will also provide an update on Facilities Maintenance planned improvements at the Roger P. Stewart Center that will have a positive impact on the building's Energy Star and LEED Assessment rating.

Financial Impact: No Financial Impact

Background: None

List of Attachments: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 16, 2010

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

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

Division: Legal and Administrative Services

Recommendation:

Brief Summary: On April 27, 2009, Evelyn Romano et. al, filed an appeal challenging an EPC wetland impact authorization to the City of Tampa for the construction of the New Tampa Boulevard Extension. The parties conducted an administrative hearing on January 7, 2010. The Hearing Officer's Recommended Order found in favor of the City of Tampa and the EPC, thus upholding the wetland impact authorization for the project. On May 20, 2010 the Commission Remanded the case back to the Hearing Officer to make additional Findings of Fact. On November 15, 2010, the Hearing Officer issued his Recommended Order After Remand. The case is scheduled to come before the Commission for Final Order at the January 27, 2011 regularly scheduled Commission meeting. Counsel for Appellant Evelyn Romano has requested a venue change for the Final Order Hearing. This is a procedural issue that should be decided by the Commission prior to the scheduled January 27, 2011 Final Order Hearing date. Appellant's Counsel has also requested 20 minutes for his initial oral argument rather than the recommended 10 minutes per party. There are three parties in this proceeding. The Commission should decide these two procedural issues prior to the Final Order Hearing.

Financial Impact: Financial Impact of change of venue for Final Hearing unknown at this time.

Background: Per the attached e-mails from the respective counsel for the parties, the Commission should take up the two procedural issues requested: A change of venue for the Final Order Hearing date of January 27, 2011 and increasing counsel's initial oral argument time from 10 minutes per side to 20 minutes.

List of Attachments: For the Appellant: Warren Dixon e-mail dated November 24, 2010
For the City of Tampa: Douglas Manson e-mail dated December 8, 2010
For the EPC: Andrew Zodrow e-mail dated December 8, 2010

Tschantz, Rick

subject: FW: E. Romano vs. COT and EPC - Filing of Exceptions

From: Warren Dixon [<mailto:Skylaw@verizon.net>]
Sent: Wednesday, November 24, 2010 8:19 AM
To: Dixon Warren
Cc: Tschantz, Rick; Zodrow, Andy; Douglas Manson; Figari, Jeannette; Rosemarie Hernandez; Romano Evelyn
Subject: Re: E. Romano vs. COT and EPC - Filing of Exceptions

Corrected text below.

On Nov 24, 2010, at 08:11, Dixon Warren wrote:

The Appellant will file Exceptions on Nov. 28.

At the April 15, 2010 meeting of the EPC, approximately 45 people attended from the neighborhoods directly affected by the New Tampa Boulevard Extension project. The attendees were concerned enough to charter a bus in order to attend; and many had to take time off from work. One of the attendees requested that future meetings, if any, addressing this matter, be held in evenings. There was discussion among the Commissioners; some were favorable to the idea, and one suggested that perhaps such meetings could be held within the community.

I request that we broach this topic with the Commissioners for the upcoming meeting; interest in this matter runs very high in the community. An evening meeting would assist folks to attend; as would holding the meeting within the community (such as at the New Tampa Library, at one of the public schools (Clarke Elementary, Liberty Middle School, Freedom High School, Tampa Palms Elementary, or Lawton Chiles Elementary), or at the Compton park club house in Tampa Palms. Adequate after-hours parking is available at each of these locations.

Also, Appellant requests 20 minutes to make initial oral argument to the Commissioners, rather than the 10 minutes allotted during the April 15 meeting.

Warren Dixon
813-558-0252
CWD3Law@verizon.net

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MANSON LAW GROUP, P.A.
Environmental Law

Laura Jacobs Donaldson
Douglas Manson
Pamela Pfeifer*
Michael E. Wynn

December 8, 2010

1101 W. Swann Avenue
Tampa, Florida 33606
Ph: 813-514-4700
Fax: 813-514-4701
*Not Licensed to Practice Law

Environmental Protection Commission
Hillsborough County Commission Board
Roger P. Stewart Center
3629 Queen Palm Drive
Tampa, Florida 33619-1309

Attention: Richard Tschantz, EPC General Counsel

Re: Romano v. EPC and City of Tampa

Dear Commission Board:

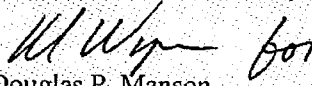
On November 19, 2010, Richard Tschantz requested that all parties to this matter reserve January 27, 2011, as the date this matter would likely be heard by the Commission Board. On November 24, 2010, counsel for Appellant, Evelyn Romano, requested that the Commission Board consider a change of venue and time from the January 27, 2010, 9:00 a.m. meeting in downtown Tampa, to an evening meeting to be held in a North Tampa neighborhood, and that counsel for Romano be allotted 20 minutes for oral argument instead of the customary 10 minutes. At a December 7, 2010, telephonic conference between Mr. Tschantz and respective counsel for the parties, it was agreed that the City of Tampa and EPC, would have the opportunity to submit their respective positions regarding Romano's request. Additionally, all parties agreed not to make oral argument on these issues at the December 16, 2010, Commission Board meeting.

Pursuant to Mr. Tschantz's November 19, 2010, instructions, the City of Tampa has adjusted its schedule and reserved January 27, 2011, as the hearing date for this matter. In addition, numerous members of the public are in support of the New Tampa Bypass Extension, and plan on attending the meeting. Many of these individuals have also reserved January 27, 2011 at 9:00 a.m. on their calendars. The public at large is well aware that Commission meetings customarily begin at 9:00 a.m. at 601 E. Kennedy Blvd. in downtown Tampa. This is an established process. Changing the venue and time would not only create a logistic and technical challenge for the Commission, but more importantly members of the public who have made arrangements to attend or anticipate attending the January 27, 2011 meeting at the regularly scheduled location and time. Therefore, the City of Tampa requests that this matter be heard on January 27, 2011 at 9:00 a.m. in downtown Tampa as previously communicated by Mr. Tschantz.

With regard to the amount of time allotted for oral argument, the City of Tampa would request that counsel for each party be allotted the same amount of time for oral argument. Although the City of Tampa and EPC are both respondents, there are distinctions in their respective arguments. Therefore, Tampa requests that each party receive, twenty minutes for oral argument and five minutes for rebuttal.

Sincerely,

MANSON LAW GROUP, P.A.


Douglas P. Manson
Counsel for City of Tampa

Tschantz, Rick

Subject: FW: Romano vs. COT and EPC

From: Zodrow, Andy
Sent: Wednesday, December 08, 2010 2:12 PM
To: Rosemarie Hernandez; Tschantz, Rick; Dixon Warren; Michael Wynn
Cc: Figari, Jeannette; Garrity, Rick
Subject: RE: Romano vs. COT and EPC

Mr. Tschantz,

I have conferred with the Executive Director of the EPC regarding the request to change the venue and time of the Final Order hearing in this matter. The Executive Director and I do not have any comment or opinion as to the final location and time of the final public hearing on this matter. We would leave that to the discretion of the Commission. In addition, I would request that each party be allotted an equal amount of time to speak at oral argument in front of the Commission at the final hearing. I have no further requests regarding the procedures for the final hearing in this matter.

Thank you,

Andrew Zodrow
EPC Assistant Counsel
Environmental Protection Commission
3629 Queen Palm Dr.
Tampa, FL 33619
(813) 627-2600, ext. 1055
fax (813) 627-2602

EPC: an agency with values of environmental stewardship, integrity, honesty, and a culture of fairness and cooperation

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 16, 2010

Subject: Review of the EPC Legislative Strategy and Process

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

Division: Legal and Administrative Services

Recommendation: Information Only. Review the EPC Legislative Strategy and Process.

Brief Summary: On February 16, 2006, the EPC approved an ongoing "EPC Legislative Strategy and Process." It was amended in 2007 and was discussed again in 2009. In light of the EPC having three new Commissioners, the staff will bring the EPC Legislative Strategy and Process to the Commission to update the Commission on this policy.

Financial Impact: No Financial Impact Anticipated

Background: Florida's Legislature generates a multitude of bills that address environmental protection, administrative law, and local government powers. These bills require immediate analysis and comment to the County's Public Affairs Office and the Florida Association of Counties, especially in the last days of a Legislative session. At the February 2006 EPC meeting, the Commission approved ongoing guidance to the EPC staff regarding lobbying efforts and limited authorizations to the Executive Director and the EPC Chair to act on the Board's behalf in circumstances where a position is needed before the full Board can vote on proposed legislation. The process was slightly amended in March of 2007 and can be found in EPC Board Policy 2007-02 (attached). The general process was also discussed in 2009 when critical funding issues regarding the Inland Protection Trust Fund needed to be addressed.

Generally, the EPC process gives lobbyists and staff the authorization to support any legislation that is consistent with, maintains, or strengthens the EPC Act, EPC Rules, jurisdiction, and funding and the authorization to oppose any legislation that is inconsistent with or weakens the EPC Act, EPC Rules, jurisdiction, or funding.

List of Attachments: EPC Legislative Strategy and Process (EPC Board Policy No. 2007-02)

EPC BOARD POLICY – Number 2007-02

SUBJECT: Legislative Strategy and Process

EFFECTIVE DATE: March 15, 2007

SUPERSEDES: February 16, 2006

Purpose: To provide guidance to EPC staff, the County's Public Affairs Office, and any EPC/County lobbyists.

Policy:

1. Approve the EPC Legislative strategy (below).
2. Authorize the Chair to issue position letters in consultation with the Executive Director. EPC staff on behalf of Chair will notify full board via e-mail of any such action and copy the EPC Board with the letter.
3. On emergency (rush) Legislative situations, Chair may authorize the Executive Director or his designees and the BOCC Public Affairs Office or its designees for lobbying support.

EPC LEGISLATIVE AGENDA FOR THE FLORIDA LEGISLATURE

1. EPC ACT – **Support** any legislation that is consistent with, maintains, or strengthens the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, (EPC Act). **Oppose** any legislation that is inconsistent with or weakens the EPC Act.
2. EPC RULES - **Support** any legislation that is consistent with, maintains, or strengthens the Rules of the EPC, promulgated pursuant to the EPC Act. **Oppose** any legislation that is inconsistent with or weakens the Rules of the EPC.
3. EPC JURISDICTION - **Support** any legislation that maintains or strengthens the EPC regulatory jurisdiction. **Oppose** any legislation that is inconsistent with, weakens, or seeks to erode the regulatory jurisdiction of the EPC.
4. FUNDING - **Support** any legislation or appropriations that assist in funding the EPC and EPC-funded projects. **Oppose** any legislation or appropriations that reduce the funding of the EPC and EPC-funded projects.

Approved by: EPC Board
Re-approval date: March 15, 2007



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 16, 2010

Subject: Citizens Environmental Advisory Committee summary

Consent Agenda

Regular Agenda

Public Hearing

Division: Legal and Administrative Services

Recommendation: Information only, no action required.

Brief Summary: EPC staff will brief the Commission on the Citizens Environmental Advisory Committee (CEAC) bylaws and functions.

Financial Impact: None.

Background:

Since March 1988, the Environmental Protection Commission (EPC) has a standing sunshine committee that discusses various environmental topics on a monthly basis called the Citizens Environmental Advisory Committee (CEAC). Pursuant to CEAC bylaws, the committee is made up of 17 appointees who serve two year terms. Each EPC Commissioner appoints two appointees and each of the three cities appoints one person. The bylaws generally describe CEAC's duties, but over time CEAC has acquired additional discretionary functions.

Article I, Section 2 of the CEAC bylaws state, "The purposes and scope of the activities of this Committee shall be the following: A. To review and evaluate county environmental issues as requested by the [Commission]. B. To initiate proposals and forward them to the [Commission] as recommendations for action." Generally, CEAC invites environmental professionals (e.g. – EPC staff, private citizens, other agency staff) to brief them on current environmental topics. When an action is merited CEAC requests that the Commission take action or requests the Commission authorize CEAC to send a letter on a topic of interest, such as legislation. Additionally, but not provided for in the bylaws, CEAC reviews EPC draft rules and Pollution Recovery Fund applications. Typically, CEAC will take a position on EPC draft rules and on whom to grant Pollution Recovery Fund money and then the CEAC position is communicated by the CEAC Chair to the Commission at a regularly scheduled EPC Board meeting.

Attached is a list of current appointees to CEAC, including appointments from former Commissioners. Luann Finely with the Clerk of BOCC Records will interact with the Commissioners to ensure new appointments to CEAC are made. With three new Commissioners and Commissioner Hagan being elected to a different district, it is anticipated that many appointment or reappointments to CEAC will be made in the near future.

List of Attachments: List of current CEAC appointees

**CITIZEN ENVIRONMENTAL ADVISORY COMMITTEE
2011 Commissioner Appointee Options**

COMMISSIONER/MUNICIPALITY APPOINTEES	CURRENT TERM OF SERVICE	ACTION OPTIONS
Commissioner Beckner		
Daniel Alberdi, Jr.	January 1, 2009 - December 31, 2010	replace or reappoint
Kim Koleos	January 1, 2009 - December 31, 2010	replace or reappoint
Commissioner Ferlita (New: Commissioner Murman)		
David Jellerson	January 1, 2010 – December 31, 2011	replace or appoint
Vicki Kenyon	January 1, 2009 – December 31, 2010	replace or appoint
Commissioner Hagan (New: Commissioner Crist)		
Wayne Echelberger, Ph.D.	January 1, 2010 – December 31, 2011	replace or appoint
Joy Ingram	January 1, 2009 – December 31, 2010	replace or appoint
Commissioner Norman (New district: Commissioner Hagan)		
Joy Davis	January 1, 2008 – December 31, 2009	replace or appoint
George Parker, Jr.	January 1, 2008 – December 31, 2009	replace or appoint
Commissioner White (New: Commissioner Miller)		
Cam Oberting	January 1, 2010 – December 31, 2011	replace or appoint
Melanie Higgins	February 3, 2009 – December 31, 2010	replace or appoint
Commissioner Sharpe		
Deborah Cope	January 1, 2010 – December 31, 2011	no action required
Ann Hodgson, Ph.D.	January 1, 2009 – December 31, 2010	replace or reappoint
Commissioner Higginbotham		
Jeremy Burris	October 17, 2008 – December 31, 2010	replace or reappoint
Dale Meryman	September 2, 2009 – December 31, 2010	replace or reappoint
City of Tampa		
Hallie Calig	January 1, 2010 – December 31, 2011	no action
City of Temple Terrace		
James P. Harris, Sr.	July 6, 2010 – December 31, 2011	no action
City of Plant City		
Harold Falls	January 1, 2011 – December 31, 2012	no action