

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
COMMISSIONER'S BOARD ROOM  
COUNTY CENTER 2<sup>ND</sup> FLOOR  
MARCH 19, 2009  
9:00 AM**

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**I. PUBLIC COMMENT**

Three (3) Minutes Are Allowed for Each Speaker

**II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE**

Report from the CEAC Chairman – David Jellerson

**III. CONSENT AGENDA**

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| E. Tampa Bay Estuary Program \$40,000 Purchase Order for Bay-wide<br>Benthic Monitoring, 2008.....                 | 21 |
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| 2. 2601 Hillsborough, LLC, Owner and Charlie Mavros,<br>Owner and Operator of Sparkling Waters Car Wash            |    |
| 3. A-Team Demo   |    |

**IV. EXECUTIVE DIRECTOR**

**V. FINANCE AND ADMINISTRATION**

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

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FEBRUARY 19, 2009 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, February 19, 2009, 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, Jim Norman (arrived at 9:22 a.m.), Mark Sharpe, and Kevin White.

The following members were absent: Commissioners Rose Ferlita (schedule conflict) and Ken Hagan.

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, noted Item III.F., wetlands Internal Performance Auditor (IPA) quarterly report, was withheld for discussion by Commissioner Beckner and would be considered under the Wetlands Management Division section.

PUBLIC COMMENT

Mr. August Muench Jr., 3031 Manatee Avenue, thanked Dr. Garrity for meeting with him to discuss concerns regarding Cockroach Bay, would be meeting with the Planning and Growth Management Department about concerns, had started a preservation committee for Cockroach Bay, commented on tax dollars spent on Cockroach Bay and seagrass being destroyed, noted the need to send data to the Florida Department of Environmental Protection (FDEP) so State guidelines could be established, questioned destroying something future generations could enjoy, and referenced a booklet sent to EPC Board members.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Mr. Jellerson said the February 2, 2009, CEAC meeting included a review of bylaws/regulations and development of the planning calendar for the upcoming year, reviewed the two primary purposes of CEAC, and reported CEAC would be looking at Tampa Port Authority expansion plans, Cockroach Bay protections, water conservation, mangrove trimming, wetlands hybrid rule, and greenways. The 2009 pollution recovery fund (PRF) grant applications were now being accepted and information could be found on the EPC website.

THURSDAY, FEBRUARY 19, 2009 - DRAFT MINUTES

CONSENT AGENDA

- A. Approval of minutes: December 18, 2008; January 7, 2009; and January 15, 2009.
- B. Monthly activity reports.
- C. PRF report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summaries.
- F. Wetlands IPA quarterly report. **Withheld for discussion.**
- G. Request authority to take appropriate legal action against Clyde Munzel, Robert Phillips, and Phillips and Munzel Oil Company Incorporated.

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

EXECUTIVE DIRECTOR

New EPC Website - Ms. Elaine Deleeuw, EPC, demonstrated the updated EPC website. Chairman Higginbotham made laudatory remarks.

Environmental Protection Agency (EPA) Policy Establishing Numeric Nutrient Standard for Florida - Dr. Garrity commented on previous standards and confusion, said EPA and FDEP had accepted the definition created by the Tampa Bay Estuary Program, noted EPA had determined numeric nutrient quality standards were necessary for the rest of the State/country, stated FDEP aimed to set nutrient standards in the same time frames as EPA and to set standards for different regions, reported EPC rules included FDEP water quality standards, and would continue to monitor the issue.

Processed Yard Waste Workshop - Dr. Garrity reviewed the purpose of the workshop and those involved and announced the workshop was scheduled for March 5, 2009, at 6:00 p.m., at the EPC building in Sabal Park.

FINANCE AND ADMINISTRATION

EPC Vehicle Fleet Utilization - Ms. Kathy Fitzhugh, EPC, highlighted the report, including efforts/ideas to improve efficiency, Mercury Associates Incorporated fleet utilization study results, meetings to discuss the Fleet

THURSDAY, FEBRUARY 19, 2009 - DRAFT MINUTES

Management Department assuming operational responsibility for the EPC motor pool, formalization of an internal fleet utilization policy, and continuing efforts to improve efficiency.

WETLANDS MANAGEMENT DIVISION

Wetlands IPA Quarterly Report - Chairman Higginbotham suggested the report be a regular discussion item, rather than a Consent Agenda item. Mr. Robert Stetler, EPC, highlighted activities at the time of the audit and reviewed recommendations related to automation/streamlining, performance measures, interagency coordination, quality assurance/program enhancements, and customer service. In response to queries from Commissioner Norman regarding previous discussions about the use of waste from ditches, Mr. Stetler noted advances on that issue, an FDEP consent order, issues related to potential contamination, testing of materials, and a memorandum of understanding (MOU) with the Public Works Department giving discretion to move materials. Commissioner Norman recalled conversations about using materials for roadbeds and commented on canal dredging and the volume of materials hauled.

Mr. Hooshang Boostani, Director, EPC Waste Management Division, reported FDEP and the County had negotiated a consent order where FDEP would perform investigative work to ensure water was not contaminated. Commissioner Norman opined noncontaminated materials could be used. Mr. Boostani said use of the noncontaminated materials was at the discretion of the County. Commissioner Norman had not heard anything about systems in place. Dr. Garrity would meet with the Public Works Department and bring back a report. Chairman Higginbotham recommended discussions with the three municipalities about the MOU and new regulations and to bring back a report.

Joint Presentation with Planning Commission (PC) and Follow-up Discussion on Wetlands Protection and Long-Range Planning - Mr. Stetler highlighted the report, noting meetings held, participants, focus areas, EPC and PC contributions, site-specific examples, and EPC findings and commitment to interagency communication. Mr. Shawn College, PC, thanked Commissioner Norman for moving the process forward; commented on the PC perspective and the need for the PC and Metropolitan Planning Organization to inform EPC when plans were adopted and include EPC early in development of higher density transit corridors and station locations to avoid conflicts; discussed road connectivity; stressed the need for continued dialogue/coordination; and opined staff could meet growth and environmental goals with the application of findings. Commissioner Beckner commended efforts and noted the importance of

THURSDAY, FEBRUARY 19, 2009 - DRAFT MINUTES

coordination. Dr. Garrity offered laudatory remarks regarding staff efforts. Commissioner Norman referenced cooperation among organizations.

There being no further business, the meeting was adjourned at 10:06 a.m.

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

ATTEST:

PAT FRANK, CLERK

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

kr

**FY 09 - MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION**

**FEB    TOTAL**

**A. Public Outreach/Education Assistance**

|    |  |     |     |
|----|--|-----|-----|
| 1. | Phone calls                                      | 140 | 830 |
| 2. | Literature Distributed                           | -   | 50  |
| 3. | Presentations                                    | 1   | 5   |
| 4. | Media Contacts                                   | -   | 15  |
| 5. | Internet   | 57  | 303 |
| 6. | Host/Sponsor Workshops, Meetings, Special Events | 1   | 2   |

**B. Industrial Air Pollution Permitting**

|    |   |   |    |
|----|---|---|----|
| 1. | Permit Applications received (Counted by Number of Fees Received)   |   |    |
|    | a. Operating  | 7 | 46 |
|    | b. Construction   | 3 | 38 |
|    | c. Amendments   | - | -  |
|    | d. Transfers/Extensions   | 2 | 9  |
|    | e. General  | - | -  |
|    | f. Title V  | - | 9  |
| 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   | 3 | 27 |
|    | b. Construction ^1  | 1 | 48 |
|    | c. Amendments ^1  | - | -  |
|    | d. Transfers/Extensions ^1  | - | 5  |
|    | e. Title V Operating ^2   | 7 | 13 |
|    | f. Permit Determinations ^2   | 3 | 5  |
|    | g. General  | - | 14 |
| 3. | Intent to Deny Permit Issued  | - | -  |

**C. Administrative Enforcement**

|    |  |           |           |
|----|--|-----------|-----------|
| 1. | New cases received                           | 2         | 5         |
| 2. | On-going administrative cases                |           |           |
|    | a. Pending                                   | 3         | 3         |
|    | b. Active                                    | 15        | 15        |
|    | c. Legal                                     | 5         | 5         |
|    | d. Tracking compliance (Administrative)      | 13        | 13        |
|    | e. Inactive/Referred cases                   | -         | -         |
|    | <b>TOTAL</b>                                 | <b>36</b> | <b>36</b> |
| 3. | NOIs issued                                  | 1         | 8         |
| 4. | Citations issued                             | 1         | 1         |
| 5. | Consent Orders Signed                        | 1         | 4         |
| 6. | Contributions to the Pollution Recovery Fund | \$ 750    | \$ 6,678  |
| 7. | Cases Closed                                 | 1         | 7         |

**FY 09 - MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION**

**FEB    TOTAL**

**D. Inspections**

|  |    |    |
|--|----|----|
| 1. Industrial Facilities                                 | 15 | 62 |
| 2. Air Toxics Facilities                                 |    |    |
| a. Asbestos Emitters                                     | -  | -  |
| b. Area Sources (i.e. Drycleaners, Chrome Platers, etc.) | 3  | 4  |
| c. Major Sources   | 2  | 8  |
| 3. Asbestos Demolition/Renovation Projects               | 15 | 72 |

|   |    |     |
|---|----|-----|
| <b>E. Open Burning Permits Issued</b>                         | 3  | 7   |
| <b>F. Number of Division of Forestry Permits Monitored</b>    | 40 | 897 |
| <b>G. Total Citizen Complaints Received</b>                   | 56 | 269 |
| <b>H. Total Citizen Complaints Closed</b>                     | 62 | 265 |
| <b>I. Noise Sources Monitored</b>                             | 4  | 19  |
| <b>J. Air Program's Input to Development Regional Impacts</b> | -  | 10  |
| <b>K. Test Reports Reviewed</b>                               | 93 | 312 |
| <b>L. Compliance</b>  |    |     |
| 1. Warning Notices Issued                                     | 11 | 41  |
| 2. Warning Notices Resolved                                   | 8  | 25  |
| 3. Advisory Letters Issued                                    | 3  | 32  |
| <b>M. AOR's Reviewed</b>                                      | -  | 42  |
| <b>N. Permits Reviewed for NESHAP Applicability</b>           | -  | 4   |
| <b>O. Planning Documents coordinated for Agency Review</b>    | 2  | 6   |



**FY 09 - MONTHLY ACTIVITIES REPORT  
WASTE MANAGEMENT DIVISION**

**FY TO  
FEB      DATE**

**A. ENFORCEMENT**

|    |  |          |           |
|----|--|----------|-----------|
| 1. | New cases received                                     | 6        | 6         |
| 2. | On-going administrative cases                          | 115      | 115       |
|    | Pending  | 8        | 8         |
|    | Active   | 32       | 32        |
|    | Legal  | 11       | 11        |
|    | Tracking Compliance (Administrative)                   | 50       | 50        |
|    | Inactive/Referred Cases                                | 14       | 14        |
| 3. | NOI's issued   | -        | 2         |
| 4. | Citations issued                                       | -        | 5         |
| 5. | Consent Orders and Settlement Letter Signed            | 1        | 7         |
| 6. | Civil Contributions to the Pollution Recover Fund (\$) | \$ 1,446 | \$ 21,948 |
| 7. | Enforcement Costs Collected (\$)                       | \$ 503   | \$ 9,286  |
| 8. | Cases Closed   | 1        | 5         |

**B. SOLID AND HAZARDOUS WASTE**

|    |   |     |       |
|----|---|-----|-------|
| 1. | FDEP Permits Received                                     | -   | 5     |
| 2. | FDEP Permits Reviewed                                     | -   | 5     |
| 3. | EPC Authorization for Facilities NOT Requiring DEP Permit | -   | 2     |
| 4. | Other Permits and Reports                                 |     |       |
|    | County Permits Received                                   | -   | 3     |
|    | County Permits Reviewed                                   | -   | 3     |
|    | Reports Received  | 20  | 159   |
|    | Reports Reviewed  | 34  | 168   |
| 5. | Inspections (Total)                                       | 209 | 2,500 |
|    | Complaints  | 12  | 78    |
|    | Compliance/Reinspections                                  | 9   | 87    |
|    | Facility Compliance                                       | 13  | 118   |
|    | Small Quantity Generator                                  | 175 | 2,212 |
|    | P2 Audits   | -   | 5     |
| 6. | Enforcement   |     |       |
|    | Complaints Received                                       | 15  | 83    |
|    | Complaints Closed   | 12  | 76    |
|    | Warning Notices Issued                                    | 1   | 6     |
|    | Warning Notices Closed                                    | 3   | 14    |
|    | Compliance Letters  | 70  | 299   |
|    | Letters of Agreement                                      | -   | 3     |
|    | Agency Referrals  | -   | 2     |
| 7. | Pamphlets, Rules and Material Distributed                 | 137 | 750   |

**FY 09 - MONTHLY ACTIVITIES REPORT  
WASTE MANAGEMENT DIVISION**

**FY TO  
FEB      DATE**

**C. STORAGE TANK COMPLIANCE**

|    |                                      |    |     |
|----|--------------------------------------|----|-----|
| 1. | Inspections                          |    |     |
|    | Compliance                           | 77 | 394 |
|    | Installation                         | 14 | 66  |
|    | Closure                              | 5  | 57  |
|    | Compliance Re-Inspections            | 23 | 67  |
| 2. | Installation Plans Received          | 7  | 49  |
| 3. | Installation Plans Reviewed          | 8  | 45  |
| 4. | Closure Plans & Reports              |    |     |
|    | Closure Plans Received               | 11 | 36  |
|    | Closure Plans Reviewed               | 6  | 32  |
|    | Closure Reports Received             | 9  | 34  |
|    | Closure Reports Reviewed             | -  | 39  |
| 5. | Enforcement                          |    |     |
|    | Non-Compliance Letters Issued        | 88 | 318 |
|    | Warning Notices Issued               | 1  | 15  |
|    | Warning Notices Closed               | 1  | 8   |
|    | Cases Referred to Enforcement        | 3  | 5   |
|    | Complaints Received                  | 3  | 9   |
|    | Complaints Investigated              | 3  | 7   |
|    | Complaints Referred                  | -  | 1   |
| 6. | Discharge Reporting Forms Received   | 2  | 15  |
| 7. | Incident Notification Forms Received | 15 | 75  |
| 8. | Cleanup Notification Letters Issued  | 2  | 15  |
| 9. | Public Assistance                    | -  | -   |

**D. STORAGE TANK CLEANUP**

|    |   |     |     |
|----|---|-----|-----|
| 1. | Inspections   | 41  | 199 |
| 2. | Reports Received  | 97  | 631 |
| 3. | Reports Reviewed  | 106 | 615 |
|    | Site Assessment Received                                      | 8   | 64  |
|    | Site Assessment Reviewed                                      | 11  | 58  |
|    | Source Removal Received                                       | -   | 15  |
|    | Source Removal Reviewed                                       | -   | 14  |
|    | Remedial Action Plans (RAP'S) Received                        | 8   | 53  |
|    | Remedial Action Plans (RAP'S) Reviewed                        | 5   | 51  |
|    | Site Rehabilitation Completion Order/No Further Action Rec'd  | 1   | 27  |
|    | Site Rehabilitation Completion Order/No Further Action Revw'd | 1   | 30  |
|    | Active Remediation/Monitoring Received                        | 37  | 250 |
|    | Active Remediation/Monitoring Reviewed                        | 38  | 241 |
|    | Others Received   | 43  | 222 |
|    | Others Reviewed   | 51  | 222 |

**E. RECORD REVIEWS**

|  |    |    |
|--|----|----|
|  | 10 | 87 |
|--|----|----|

**F. LEGAL PIR'S**

|  |   |    |
|--|---|----|
|  | 4 | 28 |
|--|---|----|

**G. PUBLIC INFORMATION PROJECTS**

|  |   |   |
|--|---|---|
|  | 1 | 7 |
|--|---|---|

**FY 09 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

**FY TO  
FEB      DATE**

**A. ENFORCEMENT**

|    |  |          |           |
|----|--|----------|-----------|
| 1. | New Enforcement Cases Received               | 5        | 25        |
| 2. | Enforcement Cases Closed                     | 5        | 17        |
| 3. | Enforcement Cases Outstanding                | 55       | 272       |
| 4. | Enforcement Documents Issued                 | 6        | 29        |
| 5. | Recovered Costs to the General Fund          | \$ 1,364 | \$ 2,972  |
| 6. | Contributions to the Pollution Recovery Fund | \$ 4,300 | \$ 18,859 |

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

|    |   |    |    |
|----|---|----|----|
| 1. | Permit Applications Received                    | 13 | 93 |
| a. | Facility Permit                                 | 3  | 15 |
|    | (i) Types I and II                              | -  | -  |
|    | (ii) Type III                                   | 3  | 15 |
| b. | Collection Systems - General                    | 6  | 36 |
| c. | Collection systems-Dry Line/Wet Line            | 4  | 42 |
| d. | Residuals Disposal                              | -  | -  |
| 2. | Permit Applications Approved                    | 11 | 96 |
| a. | Facility Permit                                 | 2  | 9  |
| b. | Collection Systems - General                    | 7  | 41 |
| c. | Collection systems-Dry Line/Wet Line            | 2  | 46 |
| 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                 | 34 | 34 |
| a. | Facility Permit                                 | 17 | 17 |
| b. | Collection Systems - General                    | 7  | 7  |
| c. | Collection systems-Dry Line/Wet Line            | 10 | 10 |
| d. | Residuals Disposal                              | -  | -  |
| 7. | Permit Determination                            | 2  | 8  |

**FY 09 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

|  | <b>FEB</b> | <b>FY TO<br/>DATE</b> |
|--|------------|-----------------------|
| 8. Special Project Reviews                       | -          | 1                     |
| a. Reuse   | -          | -                     |
| b. Residuals/AUPs                                | -          | 1                     |
| c. Others  | -          | -                     |
| <b>C. INSPECTIONS - DOMESTIC</b>                 | <b>112</b> |                       |
| 1. Compliance Evaluation                         | 17         | 77                    |
| a. Inspection (CEI)                              | 3          | 29                    |
| b. Sampling Inspection (CSI)                     | 14         | 48                    |
| c. Toxics Sampling Inspection (XSI)              | -          | -                     |
| d. Performance Audit Inspection (PAI)            | -          | -                     |
| 2. Reconnaissance                                | 53         | 235                   |
| a. Inspection (RI)                               | 7          | 39                    |
| b. Sample Inspection (SRI)                       | 2          | 2                     |
| c. Complaint Inspection (CRI)                    | 44         | 191                   |
| d. Enforcement Inspection (ERI)                  | -          | 3                     |
| 3. Engineering Inspections                       | 42         | 166                   |
| a. Reconnaissance Inspection (RI)                | 5          | 7                     |
| b. Sample Reconnaissance Inspection (SRI)        | -          | -                     |
| c. Residual Site Inspection (RSI)                | -          | 1                     |
| d. Preconstruction Inspection (PCI)              | 1          | 24                    |
| e. Post Construction Inspection (XCI)            | 36         | 134                   |
| f. On-site Engineering Evaluation                | -          | -                     |
| g. Enforcement Reconnaissance Inspection (ERI)   | -          | -                     |
| <b>D. PERMITTING/PROJECT REVIEW - INDUSTRIAL</b> | <b>37</b>  |                       |
| 1. Permit Applications Received                  | 2          | 10                    |
| a. Facility Permit                               | 2          | 7                     |
| (i) Types I and II                               | -          | -                     |
| (ii) Type III with Groundwater Monitoring        | -          | -                     |
| (iii) Type III w/o Groundwater Monitoring        | 2          | 7                     |
| b. General Permit                                | -          | -                     |
| 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       | -          | -                     |

**FY 09 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

|                             | <b>FEB</b> | <b>FY TO<br/>DATE</b> |
|-----------------------------|------------|-----------------------|
| 3. Special Project Reviews  |            | 1                     |
| a. Facility Permit          | -          | 9                     |
| b. General Permit           | -          | -                     |
| 4. Permitting Determination | -          | -                     |
| 5. Special Project Reviews  | 35         | 189                   |
| a. Phosphate                | 7          | 23                    |
| b. Industrial Wastewater    | 13         | 74                    |
| c. Others                   | 15         | 92                    |

**E. INSPECTIONS - INDUSTRIAL**

|   | 37 |    |
|---|----|----|
| 1. Compliance Evaluation (Total)                | 16 | 53 |
| a. Inspection (CEI)                             | 16 | 53 |
| b. Sampling Inspection (CSI)                    | -  | -  |
| c. Toxics Sampling Inspection (XSI)             | -  | -  |
| d. Performance Audit Inspection (PAI)           | -  | -  |
| 2. Reconnaissance (Total)                       | 16 | 61 |
| a. Inspection (RI)                              | 8  | 32 |
| b. Sample Inspection (SRI)                      | -  | -  |
| c. Complaint Inspection (CRI)                   | 8  | 29 |
| d. Enforcement Inspection (ERI)                 | -  | -  |
| 3. Engineering Inspections (Total)              | 5  | 26 |
| a. Compliance Evaluation (CEI)                  | 5  | 24 |
| b. Sampling Inspection (CSI)                    | -  | -  |
| c. Performance Audit Inspection (PAI)           | -  | -  |
| d. Complaint Inspection (CRI)                   | -  | 2  |
| e. Enforcement Reconnaissance Inspections (ERI) | -  | -  |

**F. INVESTIGATION/COMPLIANCE**

|                       |    |     |
|-----------------------|----|-----|
| 1. Citizen Complaints | 40 | 202 |
| a. Domestic           | 31 | 163 |
| (i) Received          | 20 | 90  |
| (ii) Closed           | 11 | 73  |
| b. Industrial         | 9  | 39  |
| (i) Received          | 6  | 17  |
| (ii) Closed           | 3  | 22  |

**FY 09 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

|                                     | <b>FEB</b> | <b>FY TO<br/>DATE</b> |
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| 2. Warning Notices                  | 12         | 88                    |
| a. Domestic                         | 12         | 77                    |
| (i) Received                        | 9          | 46                    |
| (ii) Closed                         | 3          | 31                    |
| b. Industrial                       | -          | 11                    |
| (i) Received                        | -          | 6                     |
| (ii) Closed                         | -          | 5                     |
| 3. Non-Compliance Advisory Letters  | 30         | 78                    |
| 4. Environmental Compliance Reviews | 160        | 832                   |
| a. Industrial                       | 46         | 258                   |
| b. Domestic                         | 114        | 574                   |
| 5. Special Project Reviews          | -          | 6                     |

**G. RECORD REVIEWS**

|                             |   |    |
|-----------------------------|---|----|
| 1. Permitting Determination | 3 | 22 |
| 2. Enforcement              | - | 3  |

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

|                          |     |     |
|--------------------------|-----|-----|
| 1. Air division          | 46  | 286 |
| 2. Waste Division        | -   | -   |
| 3. Water Division        | 22  | 96  |
| 4. Wetlands Division     | -   | -   |
| 5. ERM Division          | 158 | 721 |
| 6. Biomonitoring Reports | 1   | 28  |
| 7. Outside Agency        | 27  | 164 |

**I. SPECIAL PROJECT REVIEWS**

|                      |   |    |
|----------------------|---|----|
|                      | 5 | 37 |
| 1. DRIs              | 1 | 10 |
| 2. ARs               | - | 5  |
| 3. Technical Support | 4 | 18 |
| 4. Other             | - | 4  |

**FY 09 - MONTHLY ACTIVITIES REPORT  
WETLANDS MANAGEMENT DIVISION**

**FY TO  
FEB      DATE**

**A. General**

|    |                                |     |       |
|----|--------------------------------|-----|-------|
| 1. | Telephone conferences          | 582 | 2,873 |
| 2. | Unscheduled Citizen Assistance | 46  | 236   |
| 3. | Scheduled Meetings             | 199 | 975   |
| 4. | Correspondence                 | 286 | 1,458 |

**B. Assessment Reviews**

|     |   |            |            |
|-----|---|------------|------------|
| 1.  | Wetland Delineations                          | 21         | 94         |
| 2.  | Surveys                                       | 16         | 91         |
| 3.  | Miscellaneous Activities in Wetland           | 24         | 122        |
| 4.  | Mangrove                                      | 5          | 34         |
| 5.  | Notice of Exemption                           | 1          | 14         |
| 6.  | Impact/Mitigation Proposal                    | 24         | 66         |
| 7.  | Tampa Port Authority Permit Applications      | 54         | 184        |
| 8.  | Wastewater Treatment Plants (FDEP)            | -          | 1          |
| 9.  | Development Regn'l Impact (DRI) Annual Report | 1          | 8          |
| 10. | Phosphate Mining                              | 6          | 12         |
| 11. | Comp Plan Amendment (CPA)                     | -          | 4          |
| 12. | Mitigation Agreements                         |            | 2          |
|     | <b>Sub-Total</b>                              | <b>152</b> | <b>632</b> |

**Planning and Growth Management Review**

|     |   |            |            |
|-----|---|------------|------------|
| 13. | Land Alteration/Landscaping               | -          | 10         |
| 14. | Land Excavation                           | -          | 3          |
| 15. | Rezoning Reviews                          | 10         | 80         |
| 16. | Site Development                          | 30         | 145        |
| 17. | Subdivision                               | 13         | 88         |
| 18. | Wetland Setback Encroachment              | 3          | 17         |
|     | <b>Sub-Total</b>                          | <b>56</b>  | <b>343</b> |
|     | <b>Total Assessment Review Activities</b> | <b>208</b> | <b>975</b> |

**Other Assessment Activities**

|     |                          |    |     |
|-----|--------------------------|----|-----|
| 19. | On-Site Visits           | 98 | 516 |
| 20. | Easement/Access-Vacating | -  | 4   |
| 21. | Pre-Applications         | 8  | 126 |

**FY 09 - MONTHLY ACTIVITIES REPORT  
WETLANDS MANAGEMENT DIVISION**

**FY TO**  
**FEB      DATE**

**C. Investigation and Compliance**

|     |                                   |    |     |
|-----|-----------------------------------|----|-----|
| 1.  | Complaints Received               | 20 | 115 |
| 2.  | Warning Notices Issued            | 6  | 34  |
| 3.  | Warning Notices Closed            | 6  | 12  |
| 4.  | Complaint Inspections             | 35 | 212 |
| 5.  | Return Compliance Inspections     | 27 | 126 |
| 6.  | Mitigation Monitoring Reports     | 79 | 179 |
| 7.  | Mitigation Compliance Inspections | 13 | 98  |
| 8.  | Erosion Control Inspections       | 38 | 128 |
| 9.  | MAIW Compliance Site Inspections  | 20 | 73  |
| 10. | TPA Compliance Site Inspections   | 8  | 17  |

**D. Enforcement**

|    |  |          |           |
|----|--|----------|-----------|
| 1. | Active Cases   | 27       | 27        |
| 2. | Legal Cases  | -        | -         |
| 3. | Number of "Notice of Intent to Initiate Enforcement" | 4        | 10        |
| 4. | Number of Citations Issued                           | -        | -         |
| 5. | Number of Consent Orders Signed                      | 1        | 17        |
| 6. | Administrative - Civil Cases Closed                  | 2        | 19        |
| 7. | Cases Referred to Legal Department                   | -        | 3         |
| 8. | Contributions to Pollution Recovery                  | \$ 1,499 | \$ 67,472 |
| 9. | Enforcement Costs Collected                          | \$ 898   | \$ 5,506  |

**E. Ombudsman**

|    |                     |    |    |
|----|---------------------|----|----|
| 1. | Agriculture         | 3  | 12 |
| 2. | Permitting Process  | -  | 1  |
| 3. | Rule Assistance     | -  | -  |
| 4. | Staff Assistance    | 22 | 27 |
| 5. | Miscellaneous/Other | 1  | 1  |



**FY 09 - MONTHLY ACTIVITIES REPORT  
WETLANDS MANAGEMENT DIVISION**

**FY TO  
FEB DATE**

**ASSESSMENT REPORT**

**Agriculture Exemption Report**

|  |   |      |
|--|---|------|
| # Agricultural Exemptions Reviews                    | - | 1    |
| # Isolated Wetlands Impacted                         | - | 3    |
| # Acres of Isolated Wetlands Impacted                | - | 0.34 |
| # Isolated Wetlands qualify for Mitigation Exemption | - | 3    |
| # Acres of Wetlands qualify for Mitigation Exemption | - | 0.34 |

**PGMD Reviews Performance Report**

|                |      |     |
|----------------|------|-----|
| # of Reviews   | 80   | 535 |
| Timeframes Met | 100% | 99% |
| Year to Date   | 99%  | 99% |

**Formal Wetland Delineation Surveys**

|                                |      |     |
|--------------------------------|------|-----|
| Projects                       | 13   | 60  |
| Total Acres                    | 104  | 949 |
| Total Wetland Acres            | 29   | 170 |
| # Isolated Wetlands < 1/2 Acre | 1    | 18  |
| Isolated Wetland Acreage       | 0.22 | 3.6 |

**Construction Plans Approved**

|                               |      |      |
|-------------------------------|------|------|
| Projects                      | 16   | 93   |
| Total Wetland Acres           | 21   | 215  |
| #Isolated Wetlands < 1/2 Acre | 3    | 43   |
| Isolated Wetland Acreage      | 0.56 | 7.89 |
| Impacts Approved Acreage      | 0.53 | 2.5  |
| Impacts Exempt Acreage        | 0    | 3.43 |

**Mitigation Sites in Compliance**

|            |         |         |
|------------|---------|---------|
| Ratio      | 196/207 | 196/207 |
| Percentage | 95%     | 95%     |

**ENFORCEMENT REPORT**

Measures taken to ensure the restoration or mitigation of wetland areas/surface waters damaged due to violations of environmental laws and regulations.

**Enforcement Actions**

|   |   |      |
|---|---|------|
| Acreage of Unauthorized Wetland Impacts | - | 1.00 |
| Acres Restored                          | - | 1.00 |
| Acres Mitigated                         | - | 0.5  |

**Mitigation Sites in Compliance**

|            |   |       |
|------------|---|-------|
| Ratio      | - | 15/18 |
| Percentage | - | 83%   |

**FY 09 - MONTHLY ACTIVITIES REPORT  
WETLANDS MANAGEMENT DIVISION**

**FY TO  
FEB    DATE**

**Compliance Actions**

|   |      |      |
|---|------|------|
| Acreage of Unauthorized Wetland Impacts | 1.00 | 4.40 |
| Acreage of Water Quality Impacts        | 0.00 | 0.00 |
| Acreage Restored                        | 3.90 | 5.60 |

**General**

|                                |     |       |
|--------------------------------|-----|-------|
| Telephone Conferences          | 582 | 2,351 |
| Scheduled Meetings             | 199 | 784   |
| Unscheduled Citizen Assistance | 46  | 191   |

**REVIEW TIMES**

|              |      |       |
|--------------|------|-------|
| # of Reviews | 221  | 1,367 |
| % On Time    | 100% | 99%   |
| % Late       | 0%   | 1%    |

ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
POLLUTION RECOVERY TRUST FUND  
AS OF 02/29/09

|  | As of<br>2/28/09 |
|--|------------------|
| Beginning Fund Balance, 10/01/08           | \$ 908,910       |
| Interest Accrued                           | 38,901           |
| Deposits                                   | 115,553          |
| Disbursements                              | (94,512)         |
| Intrafund Budget Transfers to Project Fund | (443,301)        |
| Pollution Recovery Fund Balance            | \$ 525,551       |
| <br>                                       |                  |
| Encumbrances:                              |                  |
| Pollution Prevention/Waste Reduction (101) | \$ 3,842         |
| Artificial Reef Program                    | 114,051          |
| PRF Project Outreach                       | 60,967           |
| PRF Project Monitoring                     | 22,817           |
| Total Encumbrances                         | \$ 201,677       |
| <br>                                       |                  |
| Minimum Balance (Reserves)                 | \$ 120,000       |
| <br>                                       |                  |
| Balance Available 02/28/09                 | \$ 203,874       |

**PROJECT FUND**

|  | Project<br>Amount | Project<br>Balance |
|--|-------------------|--------------------|
| <b>Open Projects</b>                               |                   |                    |
| <b>FY 06 Projects</b>                              |                   |                    |
| COT Parks Dept/Cypress Point (97)                  | \$ 100,000        | \$ 100,000         |
| Bahia Beach Restoration (contract 04-03)           | 150,000           | 64,073             |
| Field Measurement for Wave Energy                  | 125,000           | 27,884             |
| Port of Tampa Stormwater Improvement               | 45,000            | 45,000             |
|  | \$ 450,000        | \$ 236,957         |
| <b>FY 07 Projects</b>                              |                   |                    |
| Tank Removal                                       | \$ 25,000         | \$ 2,870           |
| Agriculture Best Management Practice Impl          | 150,000           | 150,000            |
| Lake Thonotosassa Assessment                       | 75,000            | 75,000             |
| Natures Classroom Cap, PH III                      | 188,000           | 188,000            |
| Pollution Monitoring Appl Pilot Project            | 45,150            | 45,150             |
| Seagrass & Longshore Bar Recovery                  | 75,000            | 4,581              |
| Seawall Removal Cotanchobee Ft Brooke Park         | 100,000           | 100,000            |
| Knights Preserve                                   | 35,235            | -                  |
| Oyster Reef Shore/Stab & Enhance                   | 30,000            | 10,040             |
| Nitrogen Emission/Deposition Ratios, Air Pollution | 40,906            | 5,867              |
| Erosion Control/Oyster Bar Habitat Creation        | 75,000            | 75,000             |
| Remediation of Illegally Dumped Asbestos           | 4,486             | 4,486              |
|  | \$ 843,777        | \$ 660,994         |
| <b>FY 08 Projects</b>                              |                   |                    |
| Australian Pine Removal E.G. Simmons Park          | \$ 80,000         | \$ 80,000          |
| Restoration of MOSI                                | 125,000           | 81,234             |
| Invasive Plant Removal Egmont Key                  | 133,000           | 12,415             |
| Lake Magdalene Special Disposition District        | 66,954            | 37,541             |
| Testing Reduction of TMDL in Surface Water Flow    | 19,694            | 13,149             |
| Assessing Bacteria Lake Carroll                    | 101,962           | 101,962            |
|  | \$ 526,610        | \$ 326,301         |
| <b>FY 09 Projects</b>                              |                   |                    |
| Agriculture Pesticide Collection & Education Day   | \$ 24,000         | \$ 24,000          |
| Agriscience, Food & Natural Resources Department   | 2,275             | 2,275              |
| Great American Cleanup 2009                        | 12,830            | 12,830             |
| MacDill Phase 2 Seagrass Transplanting             | 79,196            | 79,196             |
| McKay Bay Sediment Quality                         | 55,000            | 55,000             |
| Mini FARMS BMP Implementation                      | 50,000            | 50,000             |
| Petrol Mart, Inc Tank Removal                      | 75,000            | 75,000             |
| Site Assessment & Removal of Contaminated Soils    | 25,000            | 25,000             |
| Wetland Restoration on County Owned Lands          | 120,000           | 120,000            |
|  | \$ 443,301        | \$ 443,301         |

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND  
AS OF 02/28/09**

|                                       |                    |
|---------------------------------------|--------------------|
| Fund Balance as of 10/1/08            | \$ 241,187         |
| Interest Accrued                      | 4,152              |
| Disbursements FY 09                   | -                  |
| <br>                                  |                    |
| Fund Balance                          | <u>\$ 245,339</u>  |
| <br>                                  |                    |
| Encumbrances Against Fund Balance:    |                    |
| SP634 Cockroach Bay ELAPP Restoration | 245,339            |
| <br>                                  |                    |
| Total Encumbrances                    | <u>\$ 245,339</u>  |
| <br>                                  |                    |
| Fund Balance Available 02/28/09       | <u><u>\$ -</u></u> |



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 19, 2009

**Subject:** Tampa Bay Estuary Program Purchase Order for Bay-wide Benthic Monitoring, 2008

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

**Division:** Water Management Division and Environmental Resources Management Division

**Recommendation:** Accept the \$40,000 Purchase Order from the Tampa Bay Estuary and direct staff to prepare a budget amendment.

**Brief Summary:** The Tampa Bay Estuary Program has issued a purchase order in the amount of \$40,000 to the Environmental Protection Commission to collect and analyze benthic samples from Tampa Bay and its tidal rivers for invertebrates and sediment contaminants. EPC has demonstrated expertise in performing this type of work and has accepted such purchase orders in the past.

**Financial Impact:** Increase EPC'S grant operating expenses and revenues by \$40,000 with zero impact on the bottom line.

**Background:** Staff recommends the Environmental Protection Commission accept the purchase order for \$40,000 from the Tampa Bay Estuary Program to collect and analyze benthic samples from Tampa Bay and its tidal rivers.

In *Charting The Course, the Comprehensive Conservation and Management Plan for Tampa Bay*, several actions items rely on baseline information for sediments constituents, contaminants and fauna. In support of these action items the Tampa Bay Estuary Program, (TBEP) has issued a purchase order to EPC provide the 2008 Bay-wide Benthic Monitoring data. EPC's Benthic Monitoring Program and EPC's Chemistry Laboratory have demonstrated expertise in this type of work. These methods and analysis are consistent with those performed by EPC monitoring programs and has been used to establish baseline values for sediment contamination and benthic communities though out Tampa Bay and its major tributaries.

Tampa Bay Estuary Program, (TBEP) is an independent regional alliance governed by a Policy Board composed of elected officials and a Management Board of top-level bay managers and administrators that provide leadership and guidance on wide range of Tampa Bay management issues. These boards receive input from technical and citizen advisory groups. In keeping with its mission, the TBEP sponsors scientific research to assist in the restoration and management of Tampa Bay.

This contract is presented in the form of Purchase Order Number 6511 from the Tampa Bay Estuary Program. The EPC will invoice the purchase order upon completion of the analysis of the 2008 samples and submission of the data to the TBEP (or their designated contractor).

**List of Attachments:**

Tampa Bay Estuary Program Purchase Order No. 6511

Scope of Work: Baywide Benthic Monitoring\_2008

COMMISSION

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

EXECUTIVE DIRECTOR

Richard D. Garrity, Ph.D.



Roger P. Stewart Center  
3629 QUEEN PALM DRIVE  
TAMPA, FL 33619  
PHONE (813) 627-2600

Fax Numbers (813):

|                 |                   |
|-----------------|-------------------|
| Admin. 627-2620 | Waste 627-2640    |
| Legal 627-2602  | Wetlands 627-2630 |
| Water 627-2670  | ERM 627-2650      |
| Air 627-2660    | Lab 272-5157      |

[www.epchc.org](http://www.epchc.org)

**PROPOSAL TO TAMPA BAY ESTUARY PROGRAM**

**BAYWIDE BENTHIC MONITORING**

**SCOPE OF WORK**

Prepared by:

**Richard Boler & David Karlen**

**Environmental Resources Management Division**

**February 27, 2009**

The Environmental Protection Commission of Hillsborough County (EPC) will continue to support its commitment to the Comprehensive Conservation and Management Plan for Tampa Bay into 2007-2008.

**Objective:** Under this contract EPC will complete the analysis 64 sediment samples from Tampa Bay for silt-clay proportionality, sediment chemistry and benthic macroinvertebrates. Sample locations will be consistent with the 2002 Benthic Re-design decisions. Samples collection responsibilities will be distributed among the program partners.

**Methods:** Field and laboratory methods including quality assurance and quality control will be consistent with those adopted for the *Tampa Bay Benthic Monitoring Program*.

**Deliverables:** At the completion of this contract EPCHC will provide the TBEP with a completed dataset of all analysis results for the 2008 sampling period. EPC anticipates delivery of the dataset to TBEP by Nov. 15, 2009.

**Costs Breakdown:** The total cost for processing 64 sediment samples for silt-clay proportionality is.....\$10,000.

The total cost for processing 64 sediment chemistry samples (for trace metals, organochlorine pesticides, polycyclic hydrocarbons and polychlorinated biphenyls and data entry) and 64 benthic macroinvertebrates samples (for sorting, identifications, quality assurance by taxonomic specialists as necessary, and data entry), is.....\$30,000.

**Tampa Bay Estuary Program**  
**100 8th Avenue SE**  
**MS: I-1/NEP**  
**St. Petersburg, FL 33701**  
**Ph (727) 893-2765**  
**Fax (727) 893-2767**

**PURCHASE ORDER**

**TO:**

Hillsborough County EPC  
 Attn: Richard Boler  
 3629 Queen Palm Drive  
 Tampa, FL 33619

**627-2650**

**P.O. Number 6511**

**Date 2/24/2009**

**Requisitioned by Ron Hosler for**

**Ed Sherwood**

**Ship Via Best Way**

**Terms Net 30 Days**

**SHIP TO:**

*Same as above*

**Purchase order number must appear  
 on all forms relating to this order.**

| <b>QTY</b> | <b>UNIT</b> | <b>DESCRIPTION</b>   | <b>PRICE</b> | <b>AMOUNT</b> |
|------------|-------------|--|--------------|---------------|
|            |             | Blanket Purchase Order for EPC/IC to support the Baywide Benthic Monitoring Program.<br><br>See the attached scope of work.<br><br>Deliverables are due no later than November 15, 2009. |              | \$40,000.00   |
|            | 307 1482    |  |              |               |

**TOTAL DUE \$40,000.00**

**AUTHORIZED BY**

*Holly Greening*





## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 19, 2009

**Subject:** Tampa Bay Estuary Program Purchase Order to Support Sediment Quality Action Plan for McKay Bay

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

**Division:** Water Management Division and Environmental Resources Management Division

**Recommendation:** Accept the \$40,000 Purchase Order from the Tampa Bay Estuary and direct staff to prepare a budget amendment.

**Brief Summary:** The Tampa Bay Estuary Program has issued a purchase order in the amount of \$40,000 to the Environmental Protection Commission to collect and analyze benthic sediments samples from McKay Bay for sediment contaminants. EPC has demonstrated expertise in performing this type of work and has accepted such purchase orders in the past.

**Financial Impact:** Increase EPC'S grant operating expenses and revenues by \$40,000 with zero impact on the bottom line.

**Background:** The Environmental Protection Commission of Hillsborough County (EPC) seeks to continue our commitment as a partner in the Tampa Bay Estuary Program. Staff recommends the Environmental Protection Commission accept the purchase order for \$40,000 from the Tampa Bay Estuary Program to collect and analyze benthic sediments samples from McKay Bay for sediment contaminants.

The Tampa Bay Sediment Quality Assessment Group (SQAG), organized through the TBEP, has identified 9 priority areas within Tampa Bay for development of sediment quality action plans. At the October 2007 SQAG meeting, McKay Bay was ranked as the highest priority area for additional research and development of a sediment quality action plan. The intent of this sampling effort is to support the next steps in achieving the recommendations adopted by the SQAG for McKay Bay necessary to development of a sediment quality action plan.

Tampa Bay Estuary Program, (TBEP) is an independent regional alliance governed by a Policy Board composed of elected officials and a Management Board of top-level bay managers and administrators that provide leadership and guidance on wide range of Tampa Bay management issues. These boards receive input from technical and citizen advisory groups. In keeping with its mission, the TBEP sponsors scientific research to assist in the restoration and management of Tampa Bay.

This contract is presented in the form of Purchase Order Number 6512 from the Tampa Bay Estuary Program. EPC will invoice in two installments subsequent to the acceptance by the TBEP of the analytical results submitted by EPC. The invoices will be proportional to the workload of the respective sampling events.

**List of Attachments:**

Tampa Bay Estuary Program Purchase Order No. 6512

Scope of Work: Support of the Sediment Quality Action Plan for the McKay Bay system.

COMMISSION

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



Roger P. Stewart Center  
3629 QUEEN PALM DRIVE  
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PHONE (813) 627-2600

Fax Numbers (813):

|                 |                   |
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| Legal 627-2602  | Wetlands 627-2630 |
| Water 627-2670  | ERM 627-2650      |
| Air 627-2660    | Lab 272-5157      |

[www.epchc.org](http://www.epchc.org)

EXECUTIVE DIRECTOR  
Richard D. Garrity, Ph.D.

**SCOPE OF WORK  
PROPOSAL TO TAMPA BAY ESTUARY PROGRAM  
SUPPORT OF THE SEDIMENT QUALITY ACTION PLAN  
FOR THE MCKAY BAY SYSTEM.**

**Prepared by:  
Richard Boler & David Karlen  
Environmental Resources Management Division**

The Environmental Protection Commission of Hillsborough County (EPC) continues to support our commitment to the Comprehensive Conservation and Management Plan for Tampa Bay as developed and administered by the Tampa Bay Estuary Program (TBEP) and its partners.

The Tampa Bay Sediment Quality Assessment Group (SQAG), organized through the TBEP, has identified 9 priority areas within Tampa Bay for development of sediment quality action plans. At the October 2007 SQAG meeting, McKay Bay was ranked as the highest priority area for additional research and development of a sediment quality action plan. The intent of this SCOPE OF WORK is to support the next steps in achieving the recommendations adopted by the SQAG for McKay Bay.

**Objective:** EPC will collect sediment samples from a total of 120 locations in MacKay Bay. Sample collection will occur as two discrete sampling events. EPC will analyze sediment samples from each of the 120 locations for silt-clay proportionality. EPC will analyze eighty (80) sediment samples, a subset of the 120 locations, for chemical contaminants, i.e. organic compounds and metals. All collection and analyses will utilize established methods, consistent

with other benthic sediment work conducted by EPC for the TBEP. All work will be conducted with strict adherence to all applicable quality assurance and quality control protocols.

**Methods and Timelines:** The first sampling event will take place in the Spring of 2009. Eighty (80) sampling locations, selected through a random selection process, will be provided to EPC. EPC will collect and preserve sufficient quantities and replicates of sediment samples to accommodate all analyses. Field methods, including applicable quality assurance and quality control, will be consistent with those adopted for the *Tampa Bay Benthic Monitoring Program* as described in Courtney et al. (1995). Silt-clay proportionality analysis will be performed on sediment samples from all eighty (80) sampling locations using the method described in the EPA guidance document, *Environmental Monitoring And Assessment Program (EMAP), Laboratory Methods*, C.J. Strobel<sup>3</sup>, et.al (1995). Sediment samples from forty (40) of the eighty (80) sediment quality sites will be randomly selected by TBEP to be analyzed by EPC for chemical contaminants. Chemical contaminants include selected EPA priority pollutant metals and selected EPA priority pollutant organic compounds. Standard analytical methods, including EPA Method 8080 for organics and poly-chlorinated biphenyls (PCBs), EPA Method 8270 for polycyclic aromatic hydrocarbons (PAHs), and EPA Method 200.7 for metals will be used to determine chemical contaminants. Additional compounds that have been identified as 'contaminants of concern' (COC) by the TBEP may be included in the analyses at the discretion of the EPC's laboratory based on time constraints, availability of funds and analytical capability.

The second sampling event will take place in the Fall of 2009 and will be comprised of 40 sampling locations. Sample locations will be provided to EPC, based on the results of the first sampling event. EPC will collect and preserve sufficient quantities and replicates of sediment samples to accommodate all described analyses. All 40 sediment samples will be analyzed for silt-clay proportionality and chemical contaminants using the methods and protocols as described above for the first sampling event.

**Deliverables:** Collection will begin within 3 weeks of a Purchase Order being accepted by EPC. EPC will provide the results of the all analyses, as described above, for each sampling event within three (3) months of collection. The Purchase Order will be deemed complete when EPCHC has provided to the TBEP a complete dataset of all analytical results for the sediment sampling activities described above and TBEP has accepted the results as complete and derived in accordance with the methods described in this SCOPE OF WORK.

**Costs Breakdown and Invoicing:**

The total cost for collecting and preserving 120 sediment samples for silt-clay proportionality analysis and 80 sediment samples for chemical contaminant analyses

is: ..... \$5,000.00

The total cost for processing 120 sediment samples for silt-clay proportionality is:

..... \$8,000.00

The total cost for processing 80 sediment chemistry samples for chemical contaminants (trace metals, organochlorine pesticides, polycyclic hydrocarbons and polychlorinated biphenyls and data entry), is: ..... \$27,000.00

EPC will invoice in two installments subsequent to the acceptance by the TBEP of the analytical results submitted by EPC. The invoices will be proportional to the workload of the respective sampling events.

**Tampa Bay Estuary Program**  
**100 8th Avenue SE**  
**MS: I-1/NEP**  
**St. Petersburg, FL 33701**  
**Ph (727) 893-2765**  
**Fax (727) 893-2767**

**PURCHASE ORDER**

**TO:**

EPC of Hillsborough County  
 Attn: Richard Boler  
 3629 Queen Palm Drive  
 Tampa, FL 33619  
**813-627-2650**

**P.O. Number** 6512

**Date** 3/6/2009

**Requisitioned by** Ron Hosler for  
 Ed Sherwood

**Ship Via** Best Way

**Terms** Net 30 Days

**SHIP TO:**

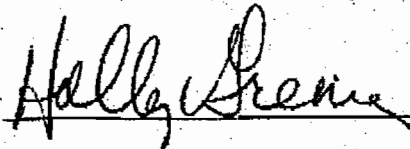
Same as above

*Purchase order number must appear  
 on all forms relating to this order.*

| QTY | UNIT | DESCRIPTION   | PRICE | AMOUNT      |
|-----|------|---|-------|-------------|
|     |      | SUPPORT OF THE SEDIMENT QUALITY ACTION<br>PLAN<br>FOR THE MCKAY BAY SYSTEM<br><br>See the attached scope of work for deliverables.<br><br>306-1473 = 30,000<br>33606 - 133600 = 10,000<br>0 |       | \$40,000.00 |

**TOTAL DUE** \$40,000.00

AUTHORIZED BY





## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 19, 2009

**Subject:** Legal Case Summary for March 2009

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

**Division:** Legal Department

**Recommendation:** None, informational update.

**Brief Summary:** The EPC Legal Department provides a monthly list of all its pending civil matters, administrative matters, and cases that parties have asked for additional time to file an administrative challenge.

**Financial Impact:** No financial impact anticipated; informational update only.

**Background:** In an effort to provide the Commission a timely list of legal challenges, the EPC staff provides monthly updates. The updates not only can inform the Commission of pending litigation, but may be a tool to check for any conflicts they may have. The summaries generally detail civil and administrative cases where one party has initiated some form of civil or administrative litigation, as opposed to other Legal Department cases that have not risen to that level. There is also a listing of cases where parties have asked for additional time in order to allow them to decide whether they wish to file an administrative challenge to an agency action while we concurrently are attempting to negotiate a settlement.

**List of Attachments:** March 2009 EPC Legal Case Summary

**EPC LEGAL DEPARTMENT MONTHLY REPORT**  
**February 2009**

**A. ADMINISTRATIVE CASES**

**NEW ADMINISTRATIVE CASES [ 0 ]**

**EXISTING ADMINISTRATIVE CASES [ 4 ]**

**Florida Gas Transmission Co., LLC** [LEPC08-029]: On October 31, 2008 Florida Gas Transmission Company, LLC filed an application for an order granting a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline and compression facilities and to acquire pipeline facilities. On November 13, 2008 the EPC Board granted the Legal Dept. authority to intervene in the FERC certification process to protect the interests of Hillsborough County's environment. The EPC filed its motion to intervene on November 26, 2008. In the next few months a draft Environmental Impact Statement will be issued by FERC that all interested parties should review and comment on. (RT/RM).

**Martini Island Land Co.** [LEPC07-023]: On August 29, 2007, the Appellant filed a request for an extension of time to file an appeal to challenge a Citation to Cease and Order to Correct that was issued by the Water Mgmt Division. The request was granted and the Appellant had until September 21, 2007 to file an appeal. On Sept. 21, 2007 the Appellant did file an Appeal challenging the Citation to Cease and Order to Correct. The parties are negotiating. (RM)

**Conrad Yelvington Distributors, Inc. v. EPC** [LEPC08-004]: On February 7, 2008, Conrad Yelvington Distributors, Inc. filed a formal petition challenging a draft Air Operating Permit Renewal (No. 7770473-008-AO). The parties have met to discuss the matter and the case was put in an informal abeyance in an effort to resolve matters. A draft permit has been negotiated and the EPC awaits the permittee's withdrawal of its petition before the permit will issue. On February 11, 2009 the Petitioner filed a Withdrawal of Petition and the case has been closed. (RM)

**Michael and Jemimah Ruhala v. DEP and EPC** [LEPC08-012]: On May 16, 2008, the Ruhalas filed Chp. 120 petitions against two wastewater treatment permits the DEP Parks Department requested and received modifications on for an expanded effluent sprayfield system at the Hillsborough River State Park. The parties conducted settlement negotiations twice in June and the DEP is investigating reasonable modifications. The parties placed the case in a brief abeyance in an effort to seek settlement. (RM)

**RECENTLY RESOLVED ADMINISTRATIVE CASES [ 0 ]**

**B. CIVIL CASES**

**NEW CIVIL CASES [ 1 ]**

**Phillips & Munzel Oil Co., Inc. Robert G. Phillips, Individually, and Clyde W. Munzel Individually** [LEPC09-003]: On February 19, 2009 the EPC Board granted authority to take legal action against the Respondents for violations of the EPC Act, Chapter 1-7, EPC Rules and Chapter 62-770, FAC. Citations of Violation were issued on June 25, 2008, the Respondents failed to appeal the citations and they became final orders of the Agency enforceable in Court. The violations have not been corrected. (AZ)

**EXISTING CIVIL CASES [ 15 ]**

**Michael Robilotta** [LEPC08-032]: On December 18, 2008 the EPC Board granted authority to take legal action against Respondent Michael Robilotta, owner and operator of the Old Estates Mobile Home Park, for violations of the EPC Act and EPC Rules Chapter 1-1, General Rules and Chapter 1-5, Water Pollution: Respondent failed to respond to the Citation issued on September 15, 2008 and also failed to respond to the Consent Order offered on November 3, 2008. The Citation became final and is enforceable in Circuit Court. On February 18, 2009 the EPC filed a Complaint in Circuit Court for civil penalties and injunctive relief. (RM)

**Fuego Churrascaria Steakhouse Corp.** [LEPC08-027]: On November 13, 2008, the EPC Board granted authority to take legal action against Respondent Fuego Churrascaria Steakhouse Corp. for violations of the Noise Rule, Chapter 1-10. On March 18, 2008 staff hand delivered a Citation to Cease and Order to Correct Violation. Respondent failed to respond and



the Citation became final and is enforceable in Circuit Court. On February 18, 2009 the EPC filed a Complaint in Circuit Court for civil penalties and injunctive relief. (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. The EPC is preparing to file a lawsuit in this matter. (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)

**Letty Cueva and Patricia Vaca (Causeway Station)** [LEPC08-005]: Authority to take appropriate legal action against Letty Cueva and Patricia Vaca for failure to comply with the terms of the Consent Order entered on December 21, 2004 was granted on March 20, 2008. The Consent Order required the Defendants to submit and complete a Post Active Remediation Monitoring Plan (PARMP) or to submit and complete a Remedial Action Plan (RAP) and submit a \$500.00 penalty to the EPC. The EPC is attempting to re-negotiate a settlement to resolve the matter. (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. (AZ)

**U-Haul Company of Florida** [LEPC04-016]: Authority to take appropriate action against U-Haul Company of Florida for failure to conduct a landfill gas investigation and remediation plan was granted September 18, 2003. The EPC Legal Department filed a lawsuit on September 3, 2004 and the case is progressing through discovery. The parties attended a court ordered mediation on May 15, 2007. The parties are in settlement discussions concerning the preparation and implementation of a Remedial Action Plan to address the landfill gas danger at the facility. (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)

**Kenneth Fisher v. EPC and Ahmed Lakhani** [LEPC07-014]: Kenneth Fisher filed a civil lawsuit seeking to foreclose on a property that the EPC has a judgment lien. The Legal Department filed its answer on June 8, 2007 responding to the lawsuit by stating its lien is superior to the Plaintiffs. (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. (AZ)

**Medallion Convenience Stores, Inc. and MDC6, LLC** [LEPC07-034]: The Commission granted authority to take appropriate action against Medallion Convenience Stores, Inc. and MDC6, LLC on December 13, 2007 for failure to comply with a consent order. The consent order required the facility to submit a Discharge Report Form for petroleum discharge and submit proof of an N.P.D.E.S. permit for de-watering activities at the site. The EPC is attempting to

negotiate a settlement in this matter. (AZ)

**Chase Home Finance, LLC** [LEPC08-001]: Chase Home Finance LLC filed a civil lawsuit seeking to foreclose on a property that the EPC has a judgment lien. The Legal Department filed its answer on January 24, 2008 responding to the lawsuit. (AZ)

**Tranzparts, Inc. and Scott Yaslow** [LEPC06-012]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Tranzparts, Inc., Scott Yaslow, and Ernesto and Judith Baizan to enforce the agency requirement that various corrective actions and a Preliminary Contamination Assessment Plan be conducted on the property for discharges of oil/transmission fluid to the environment. The EPC entered a judicial settlement (consent final judgment [CFJ]) with Tranzparts and Yaslow only on February 16, 2007. The Defendants have only partially complied with the CFJ, thus the case has been re-opened in the Circuit Court in order to enforce the CFJ and hold the Defendants in contempt. A hearing was held on April 28, 2008, wherein the judge awarded the EPC additional penalties. The Legal Dept. filed a proposed Supplemental Judgment with the Court. The Court entered the Order on May 15, 2008, and the Defendants have yet to pay any supplemental costs or penalties. (RM)

**D.J.P. Investments, Inc.** [LEPC08-011]: On May 15, 2008 the EPC Board granted authority to take appropriate legal action against Defendant D.J.P. Investments, Inc. for failure to initiate and complete site rehabilitation activities in accordance with EPC and State regulations for petroleum contamination at the facility owned and operated by the Defendant. The EPC is attempting to obtain appropriate corrective actions. (AZ)

**Pedro Olivera** [LEPC08-021]: Authority to take appropriate legal action against Pedro Olivera for unauthorized wetland and mangrove impacts was granted on July 17, 2008 at the EPC Board meeting. Subsequently, the parties entered into a consent order which provided for corrective actions as well as payment of appropriate penalties and recovery of staff costs. The Defendant failed to comply with several of the provisions outlined in the Order and on January 16, 2009 the EPC Legal Dept. filed a Complaint against the Defendant in Circuit Court. The parties are in negotiations to settle the case. (AZ)

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

**Bayside Home Builders, Inc** [LEPC07-008]: Authority to take appropriate action against the parties was granted by the Commission on February 15, 2007, for failure to comply with a Consent Order payment schedule for asbestos violations. The EPC filed a lawsuit to compel compliance on October 9th and subsequently filed an amended complaint on February 12, 2008. The Defendant has not timely responded to the amended complaint, thus the Legal Dept. filed a Motion for Default which was entered by the Court on March 17, 2008. The Defendant entered into a Consent Final Judgment with the EPC on February 23, 2009 to pay cost and penalties and the case has been closed. (RM)

**Julsar, Inc.** [LEPC04-014]: Authority to take appropriate action against Julsar, Inc. for illegally removing over 11,400 square feet of regulated asbestos-containing ceiling material was granted on May 20, 2004. A Notice of Violation has issued and was received in early 2007. A Final Order was issued on June 1, 2007, and it was not appealed. The EPC filed a lawsuit to compel compliance on October 9<sup>th</sup> and subsequently filed an amended complaint on February 12, 2008. The Defendant did not timely respond to the amended complaint and the Legal Dept. filed a Motion for Default which was entered by the Court on March 17, 2008. The Defendant resolved all outstanding issues and on February 11, 2009 the EPC filed a Notice of Voluntary Dismissal without Prejudice. The case is closed. (RM)

#### **C. OTHER OPEN CASES [13]**

The following is a list of cases assigned to EPC Legal that are not in litigation, but the party or parties have asked for an extension of time to file for administrative litigation in the hope of negotiating a settlement or the parties have requested a waiver or variance.

**Notice of Intent to Initiate Litigation Against EPC, Billy Williams, Claimant** [LEPC05-013]: On April 29, 2005 McCurdy and McCurdy, LLP submitted to EPC a Notice of Intent to Initiate Litigation Against Governmental Entity Re: Hillsborough County Environmental Protection Commission on behalf of Mr. Billy Williams, Claimant, for damages sustained on or about December 15-18, 2003. The Notice alleges that Mr. Williams sustained serious bodily injuries and property damage as the result of EPC's actions and inactions with regard to alleged fugitive emissions released into the air by Coronet Industries. The suit could have been filed October 2005 but has not yet been filed. (RT)

**Anthony Barretto and Mini Barreto** [LEPC08-009]: On March 13, 2008 the Appellants 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 March 5, 2008 regarding a petroleum cleanup matter. The Legal Dept. granted the request and the Appellants have until July 25, 2008 to file a Notice of Appeal in this matter. (AZ)

**Melnico Corporation** [LEPC08-010]: On March 13, 2008 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 March 5, 2008 regarding a petroleum cleanup matter. The Legal Dept. granted the request and the Appellants have until July 25, 2008 to file a Notice of Appeal in this matter. (AZ)

**Kelly L. Wishau** [LEPC08-013]: On May 22, 2008 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a Citation to Cease and Order to Correct Violation issued on April 25, 2008 regarding unauthorized wetland impacts. The extension was granted and the Appellant had until July 3, 2008 to file an Appeal. A second request for extension of time was filed and granted. The Appellant had until August 4, 2008 to file an appeal in this matter. On August 2, 2008, the Appellant filed a third request for extension of time which was granted. The Appellant has until November 3, 2008 to file a petition in this matter. On November 3, 2008 the Appellant submitted a fourth request for extension of time. The extension request was granted and the Appellant has until December 22, 2008 to file an Appeal. The Defendant failed to challenge the Citation and it became a Final Order on December 22, 2008. (AZ)

**Tandum Holdings Corp.** [LEPC08-020]: On July 29, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a Notice of Violation (NOV) issued on July 3, 2008 for unauthorized discharge of domestic and industrial wastewater to the ground and failure to comply with monitoring requirements. The Legal Dept. granted the request and the Petitioner has until September 29, 2008 to file a petition in this matter. The Petitioner failed to file a timely petition to challenge the NOV, thus the EPC issued a Final Order on December 5, 2008. The parties are still seeking settlement options. (RM)

**Cory Packaging, Inc d/b/a Master Packaging** [LEPC08-024]: On October 15, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operation Permit issued to them by the EPC on October 6, 2008. The Legal Department granted the request for extension of time and the Petitioner has until December 22, 2008, to file a petition in this matter. On October 29, 2008, the Petition asked that the extension be extended until February 28, 2009, due to the need for testing of the facility. The Legal Department determined that good cause was demonstrated and granted the extension until February 28, 2008, but no timely challenge was filed. (RM)

**Lazzara Yachts of North America, Inc.** [LEPC08-025]: On November 3, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Construction Permit issued to them on October 22, 2008. The Legal Department granted the request for extension of time and the Petitioner was granted until December 22, 2008 to file a petition in this matter. This deadline was extended until January 30, 2009. The Petitioner requested a third extension of time which was granted and the deadline extended to March 16, 2009. (RM)

**Lazzara Yachts of North America, Inc.** [LEPC08-026]: On November 3, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operating Permit issued to them on October 22, 2008. The Legal Department granted the request for extension of time and the Petitioner was granted until December 22, 2008 to file a petition in this matter. This deadline was extended until January 30, 2009. The Petitioner requested a third extension of time which was granted and the deadline extended to March 16, 2009. (RM)

**General Chemical LLC** [LEPC08-030]: On December 4, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operating Permit renewal issued on December 1, 2008. The Legal Department granted the request and the Petitioner has until February 11, 2009 to file a petition in this matter. (RM)

**Building Materials Corporation of America** [LEPC08-031]: On December 12, 2008 the Petitioner (d/b/a GAF Materials) filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operating Permit. The Legal Department granted the request and the Petitioner had until February 17, 2009 to file a petition in this matter. The outstanding issues have been resolved, a final permit will be issued and the case will closed. (RM)

**CSX Transportation, Inc.** [LEPC08-033]: On December 23, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a Notice of Permit Issuance for a renewed Federally Enforceable State Operating Permit. The Legal Department granted the request and the Petitioner had until March 6, 2009 to file a

petition in this matter. The Petitioner filed a second request for extension of time which was granted and the deadline for filing was extended until April 6, 2009. (RM)

**TRANSFLO Terminal Services, Inc.** [LEPC09-001]: On January 22, 2009 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operating Permit. The Legal Department granted the request and the Petitioner has until March 30, 2009 to file a petition in this matter. (RM)

**GI Entertainment & Restaurant Group LLC** [LEPC09-002]: On February 13, 2009 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a Citation to Cease and Order to Correct Violation issued on February 9, 2009. The request was denied and the party has until March 26, 2009, to file an appeal. (RM)



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 19, 2009

**Subject:** Request for authority to take appropriate legal action against Spencer Farms, Inc.

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

**Division:** Waste Management Division

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

**Brief Summary:** Spencer Farms, Inc. owns real property located at 6198 Edina Street, Wimauma, Florida. Two Aboveground Storage Tank Systems were located on separate areas of the property. The closure assessment indicated petroleum contaminant concentrations exceeding soil and groundwater cleanup target levels at both locations. Cleanup of the discharge has not been completed and the property is not in compliance with the EPC Act and Rules of the EPC, Chapter 1-7 and Chapter 62-770, Florida Administrative Code.

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

**Background:** On October 5, 2005, Spencer Farms, Inc. (SFI) closed two Aboveground Storage Tank Systems on the property. Tank #1 was a 10,000 gallon tank installed in 1983 and was located on the east part of the property. Tank #2 was a 3,000 gallon tank installed in 1990 and was located on the west part of the property. On November 8, 2005 a Discharge Report Form was submitted for soil and groundwater target level exceedences at both locations on the property. The Closure Report for the tank removals was received on December 15, 2005. The discovery of soil and groundwater concentration above cleanup target levels requires a Site Assessment (SA) be initiated within 30 days and a Site Assessment Report (SAR) be submitted within 270 days. A SAR was not timely submitted and on June 27, 2006, a Citation of Violation and Order to Correct (Citation) was issued to SFI. The Citation directed SFI to initiate a SA within 20 days and submit a SAR within 180 days of receipt of the Citation. On January 5, 2007, EPC staff received the SAR. The SAR was incomplete and on January 24, 2007, EPC staff sent a letter to the Vice President of SFI directing that a SAR Addendum be completed and submitted to EPC within 60 days. Subsequent conversations and letters were sent on February 6, 2008, June 17, 2008 and August 7, 2008 directing that a SAR Addendum be submitted to EPC. The Citation has not been appealed and is now a final order by operation of law. The violations have not been corrected.

**List of Attachments:** None

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 19, 2009

**Subject:** Request authority to take appropriate legal action against 2601 Hillsborough, LLC as the property owner and Charlie Mavros as the owner and operator of Sparkling Waters Car Wash.

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

**Division:** Water Management Division

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

**Brief Summary:** EPC is seeking to enforce the terms of a Final Order dated January 30, 2009, issued to 2601 Hillsborough, LLC as the property owner and Charlie Mavros as the owner and operator of the Sparkling Waters Car Wash located at 8611 N. Dale Mabry Highway, Tampa, for an unpermitted and unauthorized discharge of car wash wastewater to the ground and for converting one of the six wand car wash bays into a rollover car wash bay without the appropriate permit from the EPC.

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

**Background:** Through a State delegation of wastewater regulation from the DEP to the EPC, the EPC issued Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment (NOV) #07-0030IW to 2601 Hillsborough, LLC as the property owner and Charlie Mavros as the owner and operator of Sparkling Waters Car Wash, a car wash business located at 8611 N. Dale Mabry Highway, Tampa, folio number 024157-0000, in Hillsborough County, on November 25, 2008.

The NOV alleged 2601 Hillsborough, LLC and Charlie Mavros violated Rules 62-620.300(1), (2), and (3) and 62-660.803(5)(a) and (d), and (6), Florida Administrative Code (F.A.C.), by discharging car wash wastewater to the ground via the facility's irrigation system without a permit from EPC and Rules 62-4.030, 62-4.540(2), 62-620.300(5), and 62-660.803(2)(b), F.A.C., by deviating from the permitted activity, as evidenced by one of six wand car wash bays being converted into a rollover car wash bay without the appropriate permit from the EPC. On February 4, 2009, EPC staff observed the rollover car wash bay had subsequently been taken out of service.

The NOV included Orders for Corrective Action requiring: the immediate compliance with all Department rules regarding industrial wastewater treatment systems and to not return the rollover car wash bay into service without an appropriate permit from the EPC; the immediate cessation of the discharge of car wash water from the on-site irrigation system and severance of the connection between the car wash and irrigation system; to ensure all wastewater is properly managed and disposed; the payment of \$3,000 for administrative penalties for the violations above; and, the payment of \$630 for reimbursement of EPC staff costs and expenses. 2601 Hillsborough, LLC and Charlie Mavros did not file a responsive pleading to request a hearing therefore the NOV was adopted into a Final Order on January 30, 2009, which was not appealed.

Therefore, EPC staff recommends that you grant authority to pursue appropriate legal action and grant Executive Director settlement authority.





## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 19, 2009

**Subject:** Request for authority to take appropriate legal action against A-Team Demo, Incorporated.

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

**Division:** Air Management Division

**Recommendation:** Grant EPC staff authority to take appropriate legal action, including but not limited to a civil law suit, and authorization to settle a civil suit, against A-Team Demo and any corporate officers.

**Brief Summary:** A-Team Demo, Inc is the owner and operator of a demolition company in the state of Florida. A-Team Demo has a history of asbestos violations for which the Air Management staff took enforcement and on September 16, 2009, EPC and A-Team Demo entered into a Consent Order (settlement). Among other requirements in the Consent Order, A-Team Demo must make monthly payments to the EPC to satisfy agreed upon penalties and costs. A-Team Demo has only made a few payments and now is delinquent. Air Management staff was subsequently informed by letter that A-Team Demo has ceased all operations.

**Background:** Pursuant to a delegation agreement with the Florida Department of Environmental Protection, all demolition projects and all projects involving the removal or disturbance of regulated asbestos-containing material conducted in Hillsborough County are subject to the prohibitions and conditions of the EPC Act and rules promulgated thereunder, the Florida Administrative Code, and the National Emission Standard for the Hazardous Air Pollutant Asbestos, 40 CFR 61, Subpart M. (Asbestos NESHAP). On April 4, 2007, EPC staff inspected and found a demolition project in progress at the corner of Faulkenberg Road and Leroy Ave. The trailer homes being demolished belonged to Hillsborough Community College who contracted with A-Team Demo to take care of all aspects of the demolition project. Laboratory analysis of samples from the site and an after-the-fact survey revealed the roof coating and linoleum contained 5% - 15% chrysotile asbestos. EPC staff did not receive a notification and fee for the project, and a thorough inspection was not performed prior to beginning the project as required by rule. It was also determined that A-Team Demo was not licensed to remove, handle, or dispose of asbestos and failed to take the required actions, resulting in violations of the Asbestos NESHAP, adopted by reference in Rule 62-204.800, F.A.C., and Section 1-3.26, Rules of the EPC.

An agreement (aka Consent Order) was subsequently reached with A-Team Demo on September 16, 2009, for the violations and as such, the A-Team Demo was to make monthly installment payments of \$376.47 for penalties and staff costs. The payments were not completed and EPC staff was informed on February 25, 2009 that the A-Team Demo has ceased all operations. EPC staff is seeking authority to sue the company and potentially its corporate officers in the event the company defaults on the agreement as detailed in the Consent Order or if it has any new environmental violations.

**List of Attachments:** None

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 19, 2009

**Subject:** FY 10-FY 11 Budget Request

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

**Division:** Finance and Administration Division

**Recommendation:** Approve Submittal of Budget Request and Budget Process Recommended by Staff

**Brief Summary:** EPC submitted a continuation level budget request to the County Administrator on March 2, 2009 totaling \$15,462,388 for FY 10 and \$15,545,694 for FY 11 with 151 positions for each year. Approximately 50% of the funding is from the General Fund, in addition, 13% is from Fees and Other Charges, 18% from Grants and Contracts and the remainder, 9%, is from Special/Restricted funding. In addition, desired decision units are requested with an overall impact in FY 10 of \$14,313 and in FY 11 a reduction of (\$38,893).

Due to the significant budget reductions in the past few years, staff requests that prior to the adoption of the Administrator's Recommended Budget, if necessary, that EPC staff have the opportunity to revise its submission based on the most current information. Any impact resulting from the Administrator's recommended modifications to the budget will be presented to the EPC Board.

**Financial Impact:** No Financial Impact

**Background:**

**List of Attachments:** None

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 19, 2009

**Subject:** Status report on storm water/ditch maintenance MOU's for City Governments

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

**Division:** Wetland Management Division

**Recommendation** Informational Report

**Brief Summary:** Pursuant to the EPC Board's approval of the Wetlands Hybrid Plan in 2008 the Wetlands Staff entered into discussions with Hillsborough County's Public Works Department to develop and Memo of Understanding that provided a streamlined process for the County to conduct normal and customary maintenance dredging and vegetation clearing in storm-water and ditch systems. At the February 19<sup>th</sup>, 2009 EPC Board meeting it was suggested that the cities of Tampa, Temple Terrace and Plant City may also benefit from such an agreement.

Discussions with each of the three cities have been productive and may lead to development of MOU's with at least two of the cities in question.

**Financial Impact** No Financial Impact

**List of Attachments:** None

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 19, 2008

**Subject:** County Storm Water System Sediments Disposal and Reuse Update

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

**Division:** Waste Management Division

**Recommendation:**

No staff recommendations. Provided to the Board for informational purposes only.

**Brief Summary:**

Staff are providing a brief informational update with regard to the County's management of storm water system sediments.

**Background:**

Beginning in April 2001, the Hillsborough County Public Works Department's Transportation Maintenance Division (TMD) suspended the regular maintenance of storm water systems (roadway ditches, swales, and catch basins) while resolving issues with the Florida Department of Environmental Protection (FDEP) regarding the management of the storm water sediment street sweepings stockpiles at the four Road Maintenance Units. In order to address alleged violations of State solid waste regulations created by the unpermitted and long term stockpiling of the materials, the County entered into a Consent Order (OGC Case No. 01-1651) with the FDEP on December 2, 2005.

Staff are providing a brief informational update with regard to the status of the FDEP's Consent Order and the County's storm water system maintenance program.

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 19, 2008

**Subject:** Yard Trash and Processed Yard Trash Workshop Summary

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

**Division:** Waste Management Division

**Recommendation:**

No staff recommendations. Provided to the Board for informational purposes only.

**Brief Summary:**

Staff are providing a brief summary of the Yard Trash and Processed Yard Trash workshop held on March 5, 2009.

**Background:**

Based on an apparent need to provide clarification to concerned and affected parties with regard to the regulation of the reuse and disposal of yard trash and processed yard trash in Hillsborough County, the EPC sponsored a public workshop, which was open to all. The workshop was conducted in order to provide an overview and to clarify regulations, policies and procedures related to the management, recycling and reuse of yard trash and processed yard trash in Hillsborough County.

The workshop was utilized as a forum to explain how current regulations and policies are interpreted and applied in Hillsborough County and to provide an overview of possible future regulations and to discuss how those regulations may be applied and how they might impact yard trash recycling and reuse in Hillsborough County.

Staff are providing a brief summary of the workshop and its outcome.

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 19, 2009

**Subject:** Urban Fertilizer Management Fact-Finding Discussions

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

**Division:** Environmental Resources Management

**Recommendation:** Informational Report

**Brief Summary:** Consistent with previous Board direction, EPC staff is actively engaged in fact-finding discussions within the community on managing residential fertilizer use in Hillsborough County

**Financial Impact:** No Financial Impact

**Background:** Since receiving direction from the Board in January 2009 to work closely with Hillsborough County staff and the community on managing fertilizer use in residential settings, EPC staff is leading a Technical Staff Coordination (TSC) Group on the issue. The TSC Group has held two "fact-finding" meetings (on February 24<sup>th</sup> and March 3<sup>rd</sup>) thus far, and the Group will meet for a third time in mid-April. The TSC Group includes representation from several county departments, along with a representative from the University of Florida/IFAS extension service to Hillsborough County.

To date, the TSC Group has focused on developing consensus for key issues such as public education and outreach programs on fertilizer use, and possible training/certification programs for companies that apply fertilizer in residential settings. The TSC Group will soon begin reaching out to neighboring communities around Tampa Bay to achieve a consistent approach for managing residential fertilizer use in the Tampa Bay area. Most recently, representatives from the TSC Group participated in a meeting of the county's Agricultural Economic Development Council held in Valrico, where residential fertilizer use was a topic for discussion.

**List of Attachments:** None

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** March 19, 2009

**Subject:** 2009 Legislative Session – Environmental Update

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

**Division:** Legal Department

**Recommendation:** Informational Report Only

**Brief Summary:** The EPC staff is tracking numerous environmental and administrative bills during the current Legislative Session. The EPC General Counsel will provide a briefing on some of the environmental and administrative bills that could potentially impact the EPC.

**Financial Impact:** No financial impact

**Background:** The 2009 Florida Legislative Session began on Tuesday March 3, 2009, and will end on May 1, 2009. The Environmental Protection Commission (EPC) staff is tracking numerous environmental and administrative bills and various committee deliberations during the Legislative Session. Additionally, EPC staff is providing analysis and comments to the County's Public Affairs Office and the Florida Association of Counties staff. The EPC General Counsel will provide a briefing on some of the environmental and administrative bills that could potentially impact the EPC.

**List of Attachments:** None.

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