

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
AUGUST 20, 2009
9:00 AM**

**INVOCATION AND PLEDGE OF ALLEGIANCE
APPROVAL OF CHANGES TO THE AGENDA AND REMOVAL OF CONSENT
AGENDA ITEMS FOR DISCUSSION AS REQUESTED BY BOARD MEMBERS.**

I.	<u>PUBLIC COMMENT</u>	
	Three (3) Minutes Are Allowed for Each Speaker	
II.	<u>CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE</u>	
	Report from the CEAC Chairman – David Jellerson	
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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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JULY 16, 2009 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, July 16, 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, Rose Ferlita (arrived at 9:04 a.m.), Ken Hagan (arrived at 9:04 a.m.), Jim Norman, Mark Sharpe (arrived at 9:41 a.m.), and Kevin White.

Chairman Higginbotham called the meeting to order at 9:00 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.A., approval of June 18, 2009, minutes, had a scrivener's error to be addressed under the Citizens Environmental Advisory Committee (CEAC) section and there were information items added to Item IV, Executive Director.

PUBLIC COMMENT

After reporting international recognition the Tampa Bay area had received, Ms. Holly Greening, director, Tampa Bay Estuary Program (TBEP), defined the EPC water quality monitoring (WQM) program role in that recognition; discussed global seagrass status, nitrogen loading, long-term WQM, regulatory requirements, wastewater/stormwater discharge, total maximum daily load (TMDL) regulatory monitoring/reporting, and the program being cost-effective; and thanked the EPC for long-term support.

Attorney Frank Hearne, with Mechanik, Nuccio, Hearne, and Wester, referenced June 12, 2009, correspondence related to supporting Brownfields and landfill redevelopment; recognized sites/jobs created because of those programs; and requested EPC reconsider the proposed cuts.

Mr. Dan Jenkins, 4803 South Himes Avenue, displayed/commented on illegal truck washing facilities, which produced waste, dirty water, grease, and fluids settling in the environment/flowing into storm drains. He acknowledged working with the Department of Environmental Protection (DEP) and asked EPC to consider a way to stop those contractors. Responding to Commissioner Beckner, Dr. Garrity advised some of those facilities had been inspected and understood DEP might be creating a new rule to address temporary car wash businesses; however, the possibility of pollution to the stormwater drainage system should be addressed immediately. Mr. Christopher Dunn, Director, EPC Water Management Division, noted working with Mr. Jenkins and DEP to establish a process and problems with taking corrective action against mobile facilities.

THURSDAY JULY 16, 2009 - DRAFT MINUTES

Commissioner Beckner suggested a progress report with options at the next EPC meeting.

Ms. Antonia Singleton, 5417 Watson Road, supported EPC environmental efforts and discussed the importance of environment protection and preventive maintenance in keeping water and land healthy.

Ms. Marilyn Smith, County resident, expounded on departments/government agencies equally sharing County expenses and budget cuts, opining citizens wanted the EPC operational with good legal representation for protection.

CEAC

Report from the Chairman, David Jellerson - Mr. Jellerson reported the July 13, 2009, meeting was primarily pollution recovery fund (PRF) applicant presentations; explained reasons CEAC supported/approved the Executive Director budget proposal; and detailed the June 18, 2009, EPC minutes, scrivener's error, which was the CEAC requested deferring implementation of the Tom Koulianos Citizens Conservation Efficiency Award not staff.

CONSENT AGENDA

- A. Approval of minutes: June 18, 2009.
- B. Monthly activity reports.
- C. PRF report.
- D. Gardinier Settlement Trust Fund report.
- E. Quarterly customer service survey report.
- F. Legal case summaries.
- G. EPC Case 2007-2828E settlement summary.
- H. Budget questions/answers response.

Chairman Higginbotham called for a motion to accept the Consent Agenda with the correction to the minutes. **Commissioner Hagan so moved, seconded by Commissioner White, and carried six to zero.** (Commissioner Sharpe had not arrived.)

EXECUTIVE DIRECTOR

Following acknowledgement of correspondence received from Mr. Julio Piazza, Impex Global Automation Experts Limited Company, Dr. Garrity commended Mr. Dewitt Bruce, EPC, for an exemplary approach to inspecting best management

THURSDAY JULY 16, 2009 - DRAFT MINUTES

practices in auto repair shops for the nonregulatory Green Star program and recognized Ms. Mary Yeargan, EPC, for exceeding responsibilities wherever possible to restore contaminated sites, which resulted in the completion of two Brownfields sites in the city of Plant City (Plant City) and receiving federal stimulus funds to allow the Environmental Protection Agency (EPA) access to clean up petroleum contaminated sites. Dr. Garrity reported a project manager had been assigned, the job was currently out for bid, fieldwork was expected to begin August 17, 2009, and both sites were located within the Plant City midtown redevelopment vision plan and thanked staff for their efforts.

Florida Sterling Council Incorporated Strategy Update - Dr. Garrity referenced briefings related to structuring, the process, hiring a consultant, future actions, and costs.

Fee Evaluation and Cost-Sharing Services - Dr. Garrity expounded on fiscal year (FY) 2011 fee adjustments, which included evaluating program areas where fees could possibly be corrected/established, bringing back viable options in time to be adopted before the FY 2011 budget cycle, and fee adjustment examples. In regard to cost sharing and brainstorming ways to bring in money, Dr. Garrity mentioned attempts to consolidate Tampa Bay Water intensive water quality sampling with EPC activity and combining WQM with the Tampa Bay Nitrogen Management Consortium for monitoring efforts.

Recalling previous discussion regarding the Tampa Port Authority (TPA) and delegations, Commissioner Norman requested a report on EPC accepted delegations from other agencies and net differences of shortages if applicable, because he did not want local taxpayers paying someone else's bills. Discussion included compensation, TPA relationship, permit application fees covering the TPA funded position resulting from delegations, possible fee increases, efficiencies, delegation benefits, and possibly changing the fee split for EPC to keep all permitting fees. In answer to Commissioner Beckner, Dr. Garrity verified fees were built into the current budget. Ms. Joan Ohman, Director, EPC Finance and Administration, confirmed the current budget included the fees reviewed and delegation issues were addressed on page 45 of agenda material. In response to Commissioner Beckner, Ms. Ohman indicated fees would remain if dollars were restored to the budget.

ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION

Mr. Richard Boler, EPC, opined the greatest issue facing water pollution management was nutrient loading and touched on ongoing problems, how the Tampa Bay Nitrogen Management Consortium obligations compared with the County, and

THURSDAY JULY 16, 2009 - DRAFT MINUTES

nutrient management issues related to aquatic resources. He reviewed heavy rainfall effects, algae bloom impacts, impaired waters, basin management action plans, permit conditions, Florida watershed restoration, TMDL phosphorus and nitrogen graphs, stormwater issues, TBEP importance, strategy implementation in supporting seagrass, resource protection, and reasons for establishing the Tampa Bay Nitrogen Management Consortium/agencies involved and reported goals, developing Reasonable Assurance Document 2007-2012, 2007-2012 nitrogen load allocations, next steps, and the EPA being ordered to develop a numeric nutrient criteria. Responding to Chairman Higginbotham, Mr. Boler said those helping to prepare the reasonable assurance document came from local governments, phosphate/electrical industries, TBW, the County, EPC, and major cities.

LEGAL DEPARTMENT

Adopting Board of County Commissioner (BOCC) Policies and Report on Executive Director Policies - Attorney Rick Muratti, EPC Legal Department, explained the basis for the recommendations/modifications to be adopted, as outlined in background material; expounded on EPC policies/standard operating procedures status reports; and asked EPC to adopt the BOCC policies as EPC Board policies and amend EPC Board Policy 2007-01. Chairman Higginbotham called for a motion. **Commissioner Ferlita so moved, seconded by Commissioner White, and carried six to zero.** (Commissioner Hagan was out of the room.)

There being no further business, the meeting was adjourned at 10:00 a.m.

READ AND APPROVED: _____
CHAIRMAN OR VICE CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

ev

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

JUL TOTAL

A. Public Outreach/Education Assistance

1.	Phone calls	143	1,755
2.	Literature Distributed	1	151
3.	Presentations	-	11
4.	Media Contacts	1	25
5.	Internet	63	610
6.	Host/Sponsor Workshops, Meetings, Special Events	-	4

B. Industrial Air Pollution Permitting

1.	Permit Applications received (Counted by Number of Fees Received)		
	a. Operating	3	69
	b. Construction	2	74
	c. Amendments	-	-
	d. Transfers/Extensions	2	15
	e. General	-	-
	f. Title V	3	35
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	8	77
	b. Construction ^1	1	94
	c. Amendments ^1	-	-
	d. Transfers/Extensions ^1	3	13
	e. Title V Operating ^2	9	76
	f. Permit Determinations ^2	-	10
	g. General	-	14
3.	Intent to Deny Permit Issued	-	-

C. Administrative Enforcement

1.	New cases received	3	13
2.	On-going administrative cases		
	a. Pending	6	6
	b. Active	13	13
	c. Legal	3	3
	d. Tracking compliance (Administrative)	15	15
	e. Inactive/Referred cases	-	-
	TOTAL	37	37
3.	NOIs issued	2	16
4.	Citations issued	1	2
5.	Consent Orders Signed	2	12
6.	Contributions to the Pollution Recovery Fund	\$ 11,376	\$ 38,183
7.	Cases Closed	-	14

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

	<u>JUL</u>	<u>TOTAL</u>
D. Inspections		
1. Industrial Facilities	18	167
2. Air Toxics Facilities		
a. Asbestos Emitters	-	-
b. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	2	16
c. Major Sources	2	47
3. Asbestos Demolition/Renovation Projects	27	187
E. Open Burning Permits Issued	3	18
F. Number of Division of Forestry Permits Monitored	377	2,168
G. Total Citizen Complaints Received	36	524
H. Total Citizen Complaints Closed	43	524
I. Noise Sources Monitored	6	39
J. Air Program's Input to Development Regional Impacts	3	20
K. Test Reports Reviewed	38	628
L. Compliance		
1. Warning Notices Issued	2	78
2. Warning Notices Resolved	3	50
3. Advisory Letters Issued	3	56
M. AOR's Reviewed	17	77
N. Permits Reviewed for NESHAP Applicability	-	15
O. Planning Documents coordinated for Agency Review	2	14

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

	<u>JUL</u>	<u>FY TO DATE</u>
A. ENFORCEMENT		
1. New cases received	3	3
2. On-going administrative cases	121	121
Pending	10	10
Active	39	39
Legal	11	11
Tracking Compliance (Administrative)	49	49
Inactive/Referred Cases	12	12
3. NOI's issued	3	12
4. Citations issued	3	13
5. Consent Orders and Settlement Letter Signed	-	13
6. Civil Contributions to the Pollution Recover Fund (\$)	\$ -	\$ 37,209
7. Enforcement Costs Collected (\$)	\$ 114	\$ 14,268
8. Cases Closed	-	15

B. SOLID AND HAZARDOUS WASTE

1. FDEP Permits Received	1	11
2. FDEP Permits Reviewed	3	11
3. EPC Authorization for Facilities NOT Requiring DEP Permit	-	4
4. Other Permits and Reports		
County Permits Received	-	10
County Permits Reviewed	-	11
Reports Received	25	309
Reports Reviewed	28	301
5. Inspections (Total)	256	3,817
Complaints	22	193
Compliance/Reinspections	13	155
Facility Compliance	41	278
Small Quantity Generator	179	3,183
P2 Audits	1	8
6. Enforcement		
Complaints Received	13	194
Complaints Closed	20	180
Warning Notices Issued	-	10
Warning Notices Closed	-	21
Compliance Letters	76	787
Letters of Agreement	1	6
Agency Referrals	4	10
7. Pamphlets, Rules and Material Distributed	115	1,618

C. STORAGE TANK COMPLIANCE

1. Inspections		
Compliance	102	843
Installation	19	129
Closure	16	125
Compliance Re-Inspections	24	199

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

		JUL	FY TO DATE
2.	Installation Plans Received	9	93
3.	Installation Plans Reviewed	8	94
4.	Closure Plans & Reports		
	Closure Plans Received	4	72
	Closure Plans Reviewed	4	72
	Closure Reports Received	5	71
	Closure Reports Reviewed	7	90
5.	Enforcement		
	Non-Compliance Letters Issued	92	731
	Warning Notices Issued	3	34
	Warning Notices Closed	2	11
	Cases Referred to Enforcement	2	10
	Complaints Received	4	20
	Complaints Investigated	4	18
	Complaints Referred	-	1
6.	Discharge Reporting Forms Received	1	29
7.	Incident Notification Forms Received	1	136
8.	Cleanup Notification Letters Issued	1	29
9.	Public Assistance	-	-

D. STORAGE TANK CLEANUP

1.	Inspections	38	373
2.	Reports Received	94	1,151
3.	Reports Reviewed	85	1,127
	Site Assessment Received	15	108
	Site Assessment Reviewed	13	98
	Source Removal Received	4	30
	Source Removal Reviewed	5	30
	Remedial Action Plans (RAP'S) Received	12	106
	Remedial Action Plans (RAP'S) Reviewed	7	98
	Site Rehabilitation Completion Order/No Further Action Rec'd	3	46
	Site Rehabilitation Completion Order/No Further Action Revw'd	3	50
	Active Remediation/Monitoring Received	42	475
	Active Remediation/Monitoring Reviewed	40	467
	Others Received	18	386
	Others Reviewed	17	385

E. RECORD REVIEWS

21	166
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F. LEGAL PIR'S

12	67
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G. PUBLIC INFORMATION PROJECTS

-	13
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**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

**JUL FY TO
DATE**

A. ENFORCEMENT

1. New Enforcement Cases Received	3	36
2. Enforcement Cases Closed	2	35
3. Enforcement Cases Outstanding	50	522
4. Enforcement Documents Issued	9	62
5. Recovered Costs to the General Fund	\$ 630	\$ 6,348
6. Contributions to the Pollution Recovery Fund	\$ 1,933	\$ 68,212

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received	17	165
a. Facility Permit	5	31
(i) Types I and II	2	5
(ii) Type III	3	26
b. Collection Systems - General	3	62
c. Collection systems-Dry Line/Wet Line	9	71
d. Residuals Disposal	-	1
2. Permit Applications Approved	12	157
a. Facility Permit	3	22
b. Collection Systems - General	7	66
c. Collection systems-Dry Line/Wet Line	2	68
d. Residuals Disposal	-	1
3. Permit Applications Recommended for Disapproval	-	1
a. Facility Permit	-	-
b. Collection Systems - General	-	1
c. Collection systems-Dry Line/Wet Line	-	-
d. Residuals Disposal	-	-
4. Permit Applications (Non-Delegated)	-	2
a. Recommended for Approval	-	2
5. Permits Withdrawn	-	-
a. Facility Permit	-	-
b. Collection Systems - General	-	-
c. Collection systems-Dry Line/Wet Line	-	-
d. Residuals Disposal	-	-
6. Permit Applications Outstanding	38	38
a. Facility Permit	17	17
b. Collection Systems - General	4	4
c. Collection systems-Dry Line/Wet Line	17	17
d. Residuals Disposal	-	-
7. Permit Determination	3	25

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

	JUL	FY TO DATE
8. Special Project Reviews	-	1
a. Reuse	-	-
b. Residuals/AUPs	-	1
c. Others	-	-

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	13	129
a. Inspection (CEI)	5	51
b. Sampling Inspection (CSI)	8	78
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance	78	550
a. Inspection (RI)	16	108
b. Sample Inspection (SRI)	-	5
c. Complaint Inspection (CRI)	61	430
d. Enforcement Inspection (ERI)	1	7
3. Engineering Inspections	25	315
a. Reconnaissance Inspection (RI)	1	12
b. Sample Reconnaissance Inspection (SRI)	-	-
c. Residual Site Inspection (RSI)	-	4
d. Preconstruction Inspection (PCI)	3	37
e. Post Construction Inspection (XCI)	21	262
f. On-site Engineering Evaluation	-	-
g. Enforcement Reconnaissance Inspection (ERI)	-	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received	5	26
a. Facility Permit	4	20
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	4	20
b. General Permit	-	1
c. Preliminary Design Report	1	5
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	1	5
2. Permits Recommended to DEP for Approval	-	-

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

	JUL	FY TO DATE
3. Special Project Reviews	-	14
a. Facility Permit	-	13
b. General Permit	-	1
4. Permitting Determination	-	-
5. Special Project Reviews	41	360
a. Phosphate	15	62
b. Industrial Wastewater	14	136
c. Others	12	162

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation (Total)	9	106
a. Inspection (CEI)	9	106
b. Sampling Inspection (CSI)	-	-
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance (Total)	24	145
a. Inspection (RI)	8	63
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	16	82
d. Enforcement Inspection (ERI)	-	-
3. Engineering Inspections (Total)	3	51
a. Compliance Evaluation (CEI)	3	49
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	59	570
a. Domestic	40	457
(i) Received	26	202
(ii) Closed	14	255
b. Industrial	19	113
(i) Received	9	58
(ii) Closed	10	55

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

	JUL	FY TO DATE
2. Warning Notices	14	158
a. Domestic	9	129
(i) Received	6	75
(ii) Closed	3	54
b. Industrial	5	29
(i) Received	1	17
(ii) Closed	4	12
3. Non-Compliance Advisory Letters	19	168
4. Environmental Compliance Reviews	159	1,682
a. Industrial	50	515
b. Domestic	109	1,167
5. Special Project Reviews	-	8

G. RECORD REVIEWS

1. Permitting Determination	9	52
2. Enforcement	1	7

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

1. Air division	55	561
2. Waste Division	1	1
3. Water Division	36	205
4. Wetlands Division	-	1
5. ERM Division	175	1,505
6. Biomonitoring Reports	10	61
7. Outside Agency	21	273

I. SPECIAL PROJECT REVIEWS

		72
1. DRIs	5	25
2. ARs	-	8
3. Technical Support	-	31
4. Other	3	8

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

**FY TO
JUL 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	63	889
Timeframes Met	98%	100%
Year to Date	99%	99%

Formal Wetland Delineation Surveys

Projects	6	109
Total Acres	113	1,617
Total Wetland Acres	7	270
# Isolated Wetlands < 1/2 Acre	3	36
Isolated Wetland Acreage	3.3	8.6

Construction Plans Approved

Projects	16	173
Total Wetland Acres	115	529
#Isolated Wetlands < 1/2 Acre	4	64
Isolated Wetland Acreage	0.66	13.86
Impacts Approved Acreage	1.06	5.91
Impacts Exempt Acreage	0.56	5.86

Mitigation Sites in Compliance

Ratio	194/204	194/204
Percentage	95%	95%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.73	11.13
Acreage of Wtaer Quality Impacts	1.00	1.00
Acreage Restored	3.10	12.20

General

Telephone Conferences	847	6,231
Scheduled Meetings	242	1,884
Unscheduled Citizen Assistance	356	1,443

REVIEW TIMES

# of Reviews	310	2,623
% On Time	94%	98%
% Late	6%	2%

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

**JUL FY TO
DATE**

A. General

1.	Telephone conferences	847	6,661
2.	Unscheduled Citizen Assistance	356	1,488
3.	Scheduled Meetings	242	2,075
4.	Correspondence	1,423	6,925
1/ 5.	Intergency Coordination	30	171
1/ 6.	Trainings	16	92
1/ 7.	Public Outreach/Education	2	6
1/ 8.	Quality Control	28	68

B. Assessment Reviews

1.	Wetland Delineations	19	189
2.	Surveys	14	166
3.	Miscellaneous Activities in Wetland	23	271
4.	Mangrove	3	55
5.	Notice of Exemption	-	23
6.	Impact/Mitigation Proposal	22	175
7.	Tampa Port Authority Permit Applications	56	448
8.	Wastewater Treatment Plants (FDEP)	-	2
9.	Development Regn'l Impact (DRI) Annual Report	6	25
10.	On-Site Visits	79	973
11.	Phosphate Mining	7	31
12.	Comp Plan Amendment (CPA)	-	15
1/ 13.	AG SWM		4
	Sub-Total	229	2,377

Planning and Growth Management Review

14.	Land Alteration/Landscaping	6	22
15.	Land Excavation	-	4
16.	Rezoning Reviews	10	144
17.	Site Development	32	289
18.	Subdivision	6	145
19.	Wetland Setback Encroachment	4	42
20.	Easement/Access-Vacating	-	4
21.	Pre-Applications	12	181
1/ 22.	Agriculture Exemption	-	6
	Sub-Total	70	837
	Total Assessment Review Activities	299	3,214

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

**FY TO
JUL DATE**

C. Investigation and Compliance

1.	Warning Notices Issued	9	89
2.	Warning Notices Closed	10	49
1/ 3.	Complaints Closed	22	123
4.	Complaint Inspections	38	405
5.	Return Compliance Inspections for Open Cases	33	304
6.	Mitigation Monitoring Reports	59	326
7.	Mitigation Compliance Inspections	56	275
8.	Erosion Control Inspections	23	242
9.	MAIW Compliance Site Inspections	8	169
10.	TPA Compliance Site Inspections	2	24
2/ 11.	Mangrove Compliance Site Inspections	2	2
1/ 12.	Conservation Easement Inspection	1	5

D. Enforcement

1.	Active Cases	21	21
2.	Legal Cases	-	-
3.	Number of "Notice of Intent to Initiate Enforcement"	4	15
4.	Number of Citations Issued	-	2
5.	Number of Consent Orders Signed	6	34
6.	Administrative - Civil Cases Closed	2	36
7.	Cases Referred to Legal Department	-	3
8.	Contributions to Pollution Recovery	\$ 3,250	\$ 98,221
9.	Enforcement Costs Collected	\$ 562	\$ 11,981

E. Ombudsman

1.	Agriculture	3	32
2.	Permitting Process & Rule Assistance	1	10
3.	Staff Assistance	-	82
4.	Citizen Assistance	1	9

1/ Reported activity beginning with April 2009.

2/ Reported activity beginning with May 2009.

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 07/31/09**

	<u>As of 7/31/09</u>
Beginning Fund Balance, 10/01/08	\$ 908,910
Interest Accrued	46,036
Deposits	245,122
Disbursements	(198,787)
Intrafund Budget Transfers to Project Fund	(443,301)
Intrafund Budget Transfers from Project Fund	34,233
Pollution Recovery Fund Balance	<u>\$ 592,213</u>
Encumbrances:	
Pollution Prevention/Waste Reduction (101)	\$ 2,263
Artificial Reef Program	50,527
PRF Project Outreach	38,274
PRF Project Monitoring	6,338
Total Encumbrances	<u>\$ 97,402</u>
Minimum Balance (Reserves)	\$ 120,000
Balance Available 07/31/09	<u><u>\$ 374,811</u></u>

PROJECT FUND

	<u>Project Amount</u>	<u>Project Balance</u>
Open Projects		
FY 06 Projects		
COT Parks Dept/Cypress Point (97)	\$ 100,000	\$ 100,000
Bahia Beach Restoration (contract 04-03)	150,000	55,657
Field Measurement for Wave Energy	125,000	9,884
Port of Tampa Stormwater Improvement	45,000	-
	<u>\$ 450,000</u>	<u>\$ 165,541</u>
FY 07 Projects		
Tank Removal	\$ 25,000	\$ 1,570
Agriculture Best Management Practice Impl	150,000	100,857
Lake Thonotosassa Assessment	75,000	75,000
Natures Classroom Cap, PH III	188,000	-
Pollution Monitoring Appl Pilot Project	45,150	6,773
Seagrass & Longshore Bar Recovery	75,000	30
Seawall Removal Cotanchobee Ft Brooke Park	100,000	100,000
Knights Preserve	35,235	-
Oyster Reef Shore/Stab & Enhance	30,000	35
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
	<u>\$ 843,777</u>	<u>\$ 369,618</u>
FY 08 Projects		
Australian Pine Removal E.G. Simmons Park	\$ 80,000	\$ 80,000
Restoration of MOSI	125,000	65,208
Invasive Plant Removal Egmont Key	133,000	12,415
Lake Magdalene Special Disposition District	66,954	27,330
Testing Reduction of TMDL in Surface Water Flow	19,694	13,149
Assessing Bacteria Lake Carroll	101,962	11,080
	<u>\$ 526,610</u>	<u>\$ 209,182</u>
FY 09 Projects		
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
	<u>\$ 443,301</u>	<u>\$ 443,301</u>

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
AS OF 07/31/09**

Fund Balance as of 10/1/08		\$ 241,187
Interest Accrued		4,965
Disbursements FY 09		-
Fund Balance		\$ 246,152
Encumbrances Against Fund Balance:		
SP634 Cockroach Bay ELAPP Restoration		246,152
Total Encumbrances		\$ 246,152
Fund Balance Available 07/31/09		\$ -



EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 20, 2009

Subject: Legal Case Summary for August 2009

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

Division: Legal Department

Recommendation: None, informational update.

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

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

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

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

EPC LEGAL DEPARTMENT MONTHLY REPORT
August 2009

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [0]

EXISTING ADMINISTRATIVE CASES [5]

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. A draft Environmental Impact Statement was issued by FERC and the EPC provided comments on the draft in early June 2009. (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 and the facility is going through foreclosure. (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)

Evelyn Romano et al. v. EPC and City of Tampa [LEPC09-005]: On March 7, 2009 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a wetland impact approval and mitigation agreement. The Legal Department granted the request and the Appellant has until April 30, 2009 to file an appeal in this matter. On April 27, 2009 the Appellant filed a Notice of Appeal and the matter has been transferred to a Hearing Officer to conduct an administrative hearing. The parties conducted a case management conference and set the final hearing date in this matter for December 10, 2009. The parties are proceeding through discovery but are still attempting to negotiate a settlement. (AZ)

Vertis, Inc. [LEPC09-009]: On April 22, 2009 Vertis, Inc. filed a Petition for Administrative Hearing to challenge Operating Permit #0570254-022-AF for its facility located at 4646 S. Grady Avenue in Tampa. The parties are negotiating. (RM)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [0]

EXISTING CIVIL CASES [14]

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)

Michael Robilotta [LEPC08-032]: On December 18, 2008 the EPC Board granted authority to take legal action against Respondent Michael Robilotta, owner and operator of the Old Estates Mobile Home Park, for violations of the EPC Act and EPC Rules Chapter 1-1, General Rules and Chapter 1-5, Water Pollution. Respondent failed to respond to the Citation issued on September 15, 2008 and also failed to respond to the Consent Order offered on November 3, 2008. The Citation became final and is enforceable in Circuit Court. One February 18, 2009 the EPC filed a Complaint in Circuit Court for civil penalties and injunctive relief. Due to lack of response the Clerk's office entered a default against Robilotta on May 7, 2009. (RM)

Fuego Churrascaria Steakhouse Corp. [LEPC08-027]: On November 13, 2008, the EPC Board granted authority to take legal action against Respondent Fuego Churrascaria Steakhouse Corp. for violations of the Noise Rule, Chapter 1-10. On March 18, 2008 staff hand delivered a Citation to Cease and Order to Correct Violation. Respondent failed to respond and the Citation became final and is enforceable in Circuit Court. On February 18, 2009 the EPC filed a Complaint in Circuit Court for civil penalties and injunctive relief. On April 24, 2009, the Clerk of Court granted the EPC's motion for default. The owner has recently entered negotiations with the EPC. (RM)

Realty Group, LLC., SRJ Enterprises, LLC and Surinder Joshi [LEPC08-028]: On November 13, 2008, the EPC Board granted authority to take legal action against the Defendants for unresolved violations of several EPC Rules including the Waste Management Rule, Chapter 1-7, the Storage Tank Rule, Chapter 1-12, and the Water Quality Rule, Chapter 1-5 at the 301 Truck Stop. On April 23, 2009, the EPC Legal Department filed a lawsuit seeking all corrective actions as well as assessment of civil penalties and costs in the matter. The parties are in negotiations concerning a settlement of the 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)

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)

Miley's Radiator Shop [LEPC06-011]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Miley's Radiator Shop, Calvin Miley, Jr., Calvin Miley, Sr., and Brenda Joyce Miley Tyner for waste management violations for improper storage and handling of car repair related wastes on the subject property. In addition, a citation was entered against the respondents on October 28, 2005 requiring specific corrective actions. The Respondents have not complied with the citation. The EPC is preparing to file a lawsuit for the referenced violations. (AZ)

Petrol Mart, Inc. [LEPC07-018]: Authority to take appropriate action against Petrol Mart, Inc. to seek corrective action, appropriate penalties and recover administrative costs for improperly abandoned underground storage tanks and failure to address petroleum contamination was granted on June 21, 2007. The owner of the property is insolvent and the corporation inactive; however, the Waste Management Division intends on obtaining a judgment and lien on the property for the appropriate corrective actions. The Legal Department filed a civil lawsuit on September 26, 2007. The defendant was served with the lawsuit on October 12, 2007. The Court entered a default on November 9, 2007 for the Defendant's failure to respond. The EPC Legal Department set this matter for trial on March 26, 2008. The Court ruled in favor of EPC and entered a Default Judgment against the Defendant awarding all corrective actions, penalties of \$116,000 and costs of \$1,780. In the event the corrective actions are not completed the court also authorized the EPC to contract to have the site cleaned and to add those costs to the lien on the property. PRF monies were allocated in November 2008 to assist in remediating the site. (AZ)

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)

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)

Spencer Farms, Inc. [LEPC09-004]: On March 19, 2009 the EPC Board granted authority to take legal action against the Respondent for violations of the EPC Act, Chapter 1-7 EPC Rules and Chapter 62-770, F.A.C. A Citation of Violation was issued on June 27, 2009, the Respondent failed to appeal the citation and it became a final order of the Agency enforceable in Court. The violations have not been corrected. (AZ)

2601 Hillsborough, LLC and Charlie Mavros [LEPC09-006]: On March 19, 2009 the EPC Board granted authority to take legal action against the Respondents for violations of various wastewater regulations in Chapters 62-620, 62-660, and 62-4, F.A.C. A Citation of Violation was issued on November 25, 2008, the Respondents failed to appeal the citation and it became a final order of the Agency enforceable in Court. The violations have not been corrected and a lawsuit will be filed. (RM)

Hindu Religious Center, Inc. [LEPC09-008] : On April 16, 2009 the EPC Board granted authority to take legal action against the Respondent for violations of the EPC Act and Chapter 1-10, Rules of the EPC (Noise Pollution). In September 2008 Respondent and EPC staff entered into a Consent Order to address the violations. Respondent has failed to comply with the corrective measures contained therein and, as a result, continues to violate the EPC noise standards. The Center has begun to modify the facility in an effort to comply with the Consent Order and EPC will evaluate the recent upgrades. The lawsuit will not be filed if the remedies are effective. (RM)

U.S. Bankruptcy Court in re Jerry A. Lewis [LEPC09-011]: On May 1, 2009 the U.S. Bankruptcy Court Middle District of Florida filed a Notice of Chapter 13 Bankruptcy Case regarding Jerry A. Lewis. On May 26, 2009, the EPC filed a Proof of Claim with the Court. The EPC's basis for the claim is a recorded judgment lien awarded in Civil Court against Mr. Lewis concerning unauthorized disposal of solid waste. (AZ)

RECENTLY RESOLVED CIVIL CASES [3]

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. On May 6, 2009, The EPC Legal Department filed a lawsuit seeking an injunction and recovery of penalties and costs for failure to assess the petroleum contamination. The parties entered into a settlement and the legal case has been closed. (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 violations have been addressed and the site is currently in compliance. The legal case has been closed. (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. Although the parties are in negotiations to settle the case, the EPC has not been contacted by Mr. Olivera recently and the EPC Legal Department filed a Motion for Default on April 7, 2009 for failure to timely respond to the civil lawsuit. The parties entered into an agreement, a partial release and satisfaction of Consent Order as to the monetary payment was issued and the case has been dismissed in Circuit Court. (AZ)

C. OTHER OPEN CASES [6]

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

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)

Tandem 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)

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 subsequent requests for extension through August 27, 2009. (RM)

GI Entertainment & Restaurant Group LLC [LEPC09-002]: On February 13, 2009 the Appellant (Green Iguana) 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, regarding noise violations. The request was denied and the party has until March 26, 2009, to file an appeal. An appeal was filed on March 13, 2009 and the parties are negotiating. (RM)

OneSteel [LEPC09-010]: On April 30, 2009 the Petitioner (OneSteel) filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Construction Permit. The request was granted and the Petitioner has until July 14, 2009 to file a petition for administrative hearing. Petitioner requested and was granted a second extension of time. The Petitioner shall have until August 13, 2009 to file a petition in this matter. (RM)

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

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 20, 2009

Subject: First Amendment to the First Amended Interlocal Agreement with Hillsborough County to cap funding associated with assisting the County with compliance with its National Pollutant Discharge Elimination System (NPDES) Permit

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

Division: Waste Management Division

Recommendation: Approve First Amendment to the First Amended Interlocal Agreement for Chair's signature

Brief Summary: Hillsborough County and the EPC entered into an Interlocal Agreement dated November 21, 2001 and a First Amended Interlocal Agreement on September 7, 2005. The agreement provides for the EPC to assist the County in complying with the County's stormwater pollution ordinance and the County's NPDES permit. Due to budgetary issues, a First Amendment to the First Amended Interlocal Agreement is being recommended to cap funding at \$60,044.00 annually until such time that the budget allows for automatic increases in the annual funding at a rate equal to BOCC-approved merit and market equity increases to be reinstated.

Background: Hillsborough County Ordinance 94-15 was implemented to specifically empower the County to manage storm sewer discharges and the quality of surface and groundwater resources, and provide for the regulation and prevention of illicit discharges and illegal connections to the County's stormwater system. The County is also required, pursuant to its National Pollution Discharge Elimination Source (NPDES) permit from the Department of Environmental Protection, to ensure that facilities in the County which connect to and discharge into the County stormwater system, meet pollution standards. To ensure enforcement of the aforementioned pollution requirements and laws were implemented, Hillsborough County and the Environmental Protection Commission of Hillsborough County (EPC) entered into an Interlocal Agreement dated November 21, 2001. The County utilizing the EPC enforcement expertise in water pollution matters to manage, in part, the above ordinance and permit conditions. Some of the tasks are as follows: providing the County information about facilities that EPC routinely inspects and which have been the subject of complaints, providing the County data from the EPC's collection and analysis of water samples collected throughout Tampa Bay, providing background and incident specific information on water quality, and providing the County water sampling data from the EPC's complaint inspection procedures whenever there is potential contamination or adverse impacts to surface waters in the County. The County then uses the data to, among other things, assist all facilities that use small quantities of hazardous materials to ensure that any wastes from such facilities are properly handled and disposed of.

The First Amendment to the First Amended Interlocal Agreement provides for the County Public Works Department (Stormwater) to cap the funding to the EPC in the amount of \$60,044.00 annually which the EPC uses to partially fund a position to implement the agreement.

**FIRST AMENDMENT TO THE
FIRST AMENDED INTERLOCAL AGREEMENT**

Between the

Environmental Protection Commission of Hillsborough County (“EPC”)

And

Hillsborough County (the “County”)

To Assist with Compliance Efforts Required by the County’s National Pollutant Discharge
Elimination System (NPDES) Permit

THIS FIRST AMENDMENT to the First Amended Interlocal Agreement is made and entered into by and between Hillsborough County, a political subdivision of the State of Florida (“COUNTY”) and the Environmental Protection Commission of Hillsborough County (“EPC”), a local government agency.

W I T N E S S E T H:

WHEREAS, the COUNTY and the EPC entered into an Interlocal Agreement for assistance with the COUNTY’S NPDES permit requirement to assure compliance with stormwater system regulations dated November 21, 2001; and,

WHEREAS, the County and the EPC entered into a First Amended Interlocal Agreement (“First Amended Agreement”) dated September 7, 2005, which superseded the Interlocal Agreement in its entirety; and,

WHEREAS, the County and EPC desire to amend the First Amended Agreement to revise the funding requirements.

NOW, THEREFORE, the County and EPC hereby agree as follows:

1. Part III, Paragraph 5 of the First Amended Agreement is replaced in its entirety and hereby amended to read as follows:
 5. As consideration for EPC’s coordination and implementation of activities relating to the County’s NPDES compliance and enforcement, pollution prevention, and other services referenced in this agreement, the parties agree that for the duties described herein the COUNTY shall fund EPC in the amount of \$60,044.00 annually per fiscal year, starting with the fiscal year beginning October 1, 2009. The COUNTY shall pay the amount in quarterly installments during the fiscal year. County funding for the period from April 1, 2009 to September 30, 2009 shall total \$30,022.00, payable in two quarterly installments. EPC shall demonstrate through documentation that, at a minimum, the equivalent

functions of one full-time employee's work was provided for the NPDES Compliance and Enforcement Program. And, as agreed in this agreement, the functions shall include:

- a) Regularly inspecting and monitoring high-risk facilities, and maintaining a database of facilities and their respective management of hazardous materials and wastes;
- b) Overseeing (stormwater) pollution prevention recommendations to SQG's and high-risk facilities to reduce potential for hazardous waste spills into the County's stormwater system;
- c) Leading in enforcement cases and activities and assisting in achieving compliance with violations of Ordinance #94-15;
- d) Participating in various organizations whose mission includes NPDES compliance, pollution prevention, and enforcement. If the County specifies specific organizations, EPC will be reimbursed for the costs of memberships and travel related expenses; and
- e) Preparing an annual report of EPC's NPDES related activities for the County's use in the County's Annual NPDES report.

2. This First Amendment shall become effective, retroactively, April 1, 2009.

3. All other terms and conditions of the First Amended Agreement shall remain in full force and effect, except as expressly amended herein.

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IN WITNESS WHEREOF, the COUNTY and EPC have caused this First Amendment to the First Amended Agreement to be executed as of the dates set forth below.

ATTEST:

PAT FRANK
CLERK OF CIRCUIT COURT

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Ken Hagan, Chairman
Board of County Commissioners

Date: _____

Approved by County Attorney
As to form and legal sufficiency

By: _____
Senior Assistant County Attorney

ATTEST:

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOORUGH
COUNTY

By: _____
WITNESS

By: _____
Al Higginbotham, Chairman
Environmental Protection Commission

Date: _____

By: _____
WITNESS

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By: _____
EPC Counsel



EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 20, 2009

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

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

Division: Wetlands and Watersheds

Recommendation: Approve Interlocal Agreement between the Environmental Protection Commission of Hillsborough County and Hillsborough County for Provision of Chemical Analysis of Water Quality Samples for Chair's signature

Brief Summary: Through its National Pollution Discharge Elimination System (NPDES) permits the County is obliged to provide to the State an assessment of ambient surface water quality. The County is able to satisfy this requirement by utilizing the comprehensive water quality monitoring program of the EPC. This agreement provides a cost sharing relationship between EPC and the County for these monitoring activities. This Interlocal Agreement extends this relationship, but at a lower funding level, for FY 2010 via a new Interlocal Agreement with an expiration date of September 30, 2010.

Financial Impact: By this agreement, the County will fund EPC laboratory services for NPDES analysis and TMDL collection and analysis by an amount not to exceed \$75,000.

Background: Through its National Pollution Discharge Elimination System (NPDES) permits the County is obliged to provide to the State an assessment of ambient surface water quality. Additionally, the County is required to comply with Total Maximum Daily Load (TMDL) regulations. The County is able to satisfy these requirements by utilizing the comprehensive water quality monitoring program of the EPC. This agreement provides a cost sharing relationship between EPC and the County for these monitoring activities. The parties have had an Interlocal Agreement with two amendments for these services since March of 2002. This Interlocal Agreement extends this relationship for FY 2010 via a new Interlocal Agreement with an expiration date of September 30, 2010. The new funding level has dropped approximately \$50,000 from FY 2009 and the proposed funding level for FY 2010 is \$75,000.

List of Attachments: New Interlocal Agreement

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

THIS INTERLOCAL AGREEMENT, hereinafter referred to as "Agreement" is made and entered into by and between Hillsborough County, a political subdivision of the State of Florida ("COUNTY") and the Environmental Protection Commission of Hillsborough County ("EPC"), a political subdivision of the State of Florida.

WITNESSETH:

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

WHEREAS, it is the purpose of the Cooperation Act to provide a means by which the COUNTY and EPC may exercise their respective powers, privileges and authority which they may have separately, but which pursuant to this Agreement and the Cooperation Act they may exercise collectively; and,

WHEREAS, the EPC is a local government environmental agency created by Special Act 84-446, Laws of Florida as amended, that implements various environmental regulatory programs and conducts activities designed to prevent and minimize pollution; and,

WHEREAS, EPC's activities include, but are not limited to, environmental monitoring, collection, and analysis in Hillsborough County, to determine compliance with environmental laws and regulations and the health of our environment; and,

WHEREAS, the COUNTY is also required, pursuant to its National Pollution Discharge Elimination Source (NPDES) permit, to ensure that facilities in the COUNTY which connect to and discharge into the COUNTY Stormwater system, meet pollution standards and required periodic routine monitoring in order to measure the success of Stormwater treatment/management in Hillsborough County; and,

WHEREAS, the COUNTY currently benefits from EPC's surface water quality monitoring programs, sharing of data, information, and laboratory services; and,

WHEREAS, the EPC and the COUNTY have determined that it is in the best interest of both parties to have the EPC perform, in addition to the NPDES water quality analysis,

additional water quality sampling to assist the COUNTY's analysis of the implications of Total Maximum Daily Load (TMDL) regulations that the COUNTY must comply with, on selective Stormwater related discharges or areas; and,

WHEREAS, the EPC and the COUNTY agree that a contractual agreement evidencing their understanding and efforts to their respective environmentally related activities will benefit both the EPC and the COUNTY, as well as facilitate a more efficient allocation of resources to achieve a common goal of good surface water quality; and

WHEREAS, the EPC and the COUNTY entered into an original Interlocal Agreement (Original Agreement) for NPDES sampling on March 20th, 2002; and

WHEREAS, the EPC and the COUNTY entered into a First Amendment to the Agreement on September 21, 2005, adding TMDL sampling and additional funding to the Agreement with an expiration date of September 30, 2008; and

WHEREAS, the EPC and the COUNTY entered into a Second Amendment to the Agreement on September 18, 2008, providing continued funding and extending the Original Agreement until September 30, 2009; and

WHEREAS, the EPC and the COUNTY agree that extending the Original Agreement by an additional year, but with reduced funding, through a new Interlocal Agreement (Agreement), as opposed to a third amendment, will continue to benefit both the EPC and the COUNTY, as well as facilitate a more efficient allocation of resources;

NOW, THEREFORE, the COUNTY and EPC hereby agree as follows:

This is an agreement for EPC laboratory services for NPDES analysis and TMDL collection and analysis, to be funded by the COUNTY in an amount not to exceed \$75,000.

PART I - EPC RESPONSIBILITIES

- a) EPC will perform water sample analysis on environmental samples related to COUNTY Stormwater management and/or the COUNTY's federal NPDES permit ("NPDES samples"). The cost to the County for such analysis shall not exceed \$15,000 per budget year.

- b) EPC retains the right to impose restrictions on this workload if it conflicts with EPC's existing programs, holidays, equipment problems, staff shortages, furloughs, space shortages, emergency situations, budget shortfalls, etc. Without modification to this agreement, EPC will not perform any new analysis that it does not currently perform, and will not perform any analysis requiring staff overtime or weekend work.

- c) EPC will provide all pre-cleaned sample collection bottles with labels or ID tags if so desired by the COUNTY at no additional charge.

- d) EPC will bill the COUNTY for the NPDES samples at the rates listed on the EPC's most current annually revised Laboratory Analysis Costs listing, attached as Exhibit #1 and made part of this Agreement. These costs are adjusted each year on January 1 to reflect official U.S. inflationary trends and/or any other revisions needed to more closely reflect changing analytical costs. EPC will bill the COUNTY on a quarterly basis for the NPDES lab services.
- e) EPC will provide the COUNTY with final laboratory reports in a timely manner in an electronic format based on existing EPC software. This information will be e-mailed directly to Hillsborough County's Public Works Department (Specialized Services Unit). Data from EPC's other routine surface water-monitoring program will also be made available annually or more frequently at no charge to the COUNTY.
- f) The EPC via the Wetlands and Watersheds Management Division shall collect water quality samples for the TMDL study. The EPC via the Water Management Division's Laboratory shall analyze these samples in addition to the samples it currently analyzes for NPDES compliance. The EPC will provide the results of these sample analyses to the COUNTY through the Watershed Atlas in a timely manner.
- g) The EPC Water Management Division's Laboratory will process the samples requested by the COUNTY, but further conditioned as follows:
 - 1) In order to accommodate the workload and to facilitate timely implementation of the COUNTY's TMDL study, the COUNTY will provide annual funding of \$60,000 to the EPC. The number of TMDL samples is limited to an amount that can be performed within the \$60,000 funding, but may not exceed 240 samples per year and 20 samples per month.
 - 2) The samples relating to the TMDL study will be analyzed for the following parameters: Chlorophyll, including pheophytin, Enterococci, Fecal Coliform, Ammonia, Total Kjeldahl Nitrogen, Nitrate-Nitrite, Organic Nitrogen, Total Nitrogen, Ortho-phosphorus, Total Phosphorus and color.
 - 3) Cost for NPDES samples will be determined on a per analysis basis, according rate schedule in the Laboratory Analysis Costs listing (Exhibit #1) and is not to exceed \$15,000 per year.
 - 4) The COUNTY may not submit more than 15 NPDES samples in any given month.
 - 5) Any increase in the sampling level will be subject to EPC approval.
- h) This Agreement is solely intended to pay for the cost of the agreed upon TMDL and NPDES samples, but does not specify what staffing level is required at the EPC to accomplish the mission. Nonetheless, the EPC is expected to perform the following functions:
 - a) Maintaining, calibrating, and performing quality assurance audits on the field equipment used to collect additional surface water samples from locations within

Hillsborough County for which water quality information is needed to support the TMDL implementation programs;

- b) Collecting, preserving, maintaining proper chain of custody, and delivering the samples to the laboratory;
- c) Preparing chemical reagents, maintaining inventories of laboratory equipment and supplies, maintaining sample logs and compiling statistical data;
- d) Performance of laboratory tests to determine the chemical, physical and microbiological characteristics of water samples using standard chromatographic, atomic absorption and/or colorimetric analytical techniques; and
- e) Assisting in data entry and database management tasks necessary to incorporate information from the additional samples into the EPC water quality database.

PART II - COUNTY RESPONSIBILITIES

- a) The COUNTY shall periodically (annually and quarterly, for TMDL and NPDES, respectively, as detailed in this Agreement) reimburse EPC through the use of an IOC process, and/or other accounting procedures, resulting in the actual transfer of funds to EPC. The IOC, prepared by EPC, will charge the COUNTY's expense index code and credit EPC's established revenue index code. Total funding for this contract is not to exceed \$75,000 (details of funding below).

1) The COUNTY through its Public Works Specialized Services Unit, as consideration for EPC's laboratory services relating to the COUNTY's NPDES programs, will provide the EPC annual funding of not to exceed \$15,000 billed on a quarterly basis by means of an Inter-Organization Charge form (IOC) process, resulting in the actual transfer of the funds to EPC.

2) As consideration for the TMDL water quality samples that EPC will collect and analyze to provide technical support for the COUNTY'S TMDL implementation, the COUNTY will provide the EPC annual funding of \$60,000 billed annually in October at the beginning of each COUNTY fiscal year by means of an Inter-Organization Charge form (IOC) process, resulting in the actual transfer of the funds to EPC. The COUNTY will share in the responsibility for sample collection, at a minimum by coordinating with the EPC staff as to when and where to collect samples.

- b) The COUNTY agrees to abide by all of the provisions in Part I and will make every attempt to notify EPC Laboratory staff of planned sampling events so that EPC can prepare for these samples and make the actual laboratory analytical process more efficient.
- c) Unless otherwise provided for in this Agreement, the COUNTY shall be responsible for all field related sample collections, field quality procedures, chain of custody documentation, sample deliveries to EPC, and sample holding time or sample preservation issues

PART III - MUTUAL CONSIDERATION

- a) EPC and COUNTY staff will review the implementation of the program on a regularly scheduled basis to determine whether additional coordination might improve the effectiveness of the program.
- b) The COUNTY and EPC have evaluated the potential impact on EPC, the parameters of concern, and the costs of analysis on lake and stream samples on a monthly and storm-event basis. It is perceived that benefits of such an agreement will accrue to the COUNTY by providing ready access to state-approved, top-quality laboratory services, and EPC will also benefit by obtaining a more comprehensive and consistent database of information regarding the status of water quality in Hillsborough County.
- c) The COUNTY and EPC may amend this Agreement at such time as specifics are agreed upon by both parties.
- d) This Agreement shall be effective from October 1, 2009 through September 30, 2010.

PART IV - RECORDING:

The Clerk of the Board of County Commissioners for the COUNTY is hereby authorized and directed, after approval of this Agreement by the respective governing bodies of the COUNTY and EPC and the execution thereof by the duly qualified and authorized representatives of each of the parties hereto, to file this Agreement with the Clerk of the Circuit Court of Hillsborough County, Florida, for recording in the public records of Hillsborough County, Florida.

PART V - MISCELLANEOUS

This Interlocal Agreement supersedes the Interlocal Agreement dated March 20, 2002 and its subsequent amendments, the First Amendment to the Interlocal Agreement dated September 21, 2005 and the Second Amendment to the Interlocal Agreement dated September 18, 2008.

IN WITNESS WHEREOF, the COUNTY and EPC have caused this Interlocal Agreement for Provision of Chemical Analysis of Water Quality Samples to be approved as of the dates noted below.

ATTEST:

PAT FRANK
CLERK OF CIRCUIT COURT

HILLSBOROUGH COUNTY
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Ken Hagan, Chairman
Board of County Commissioners

(OFFICIAL SEAL)

Date: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

ATTEST:

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH
COUNTY

By: _____
WITNESS

By: _____
Al Higginbotham, Chairman
Environmental Protection Commission

Date: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
EPC Attorney

EXHIBIT #1

COMMISSION

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



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 635-8061

EXECUTIVE DIRECTOR

Richard D. Garrity, Ph.D.

www.epchc.org

DATE: December 15, 2008

SUBJECT: Estimated Year 2009 Laboratory Analysis Costs

The analysis cost includes manpower, equipment, chemicals, and supplies but does not include the cost of collection. These costs reflect a 4.25% increase over 2008 prices due to inflation.

PART I: METALS (Total or Dissolved)

- | | |
|--|-----------|
| 1. Air Tox Samples: | \$ 61.75 |
| Antimony, Arsenic, Beryllium, Cadmium, Chromium, Cobalt, Lead,
Manganese, Nickel, Selenium. | |
| 2. Lead on HiVol: | \$ 57.24 |
| 3. Water Monitoring: | \$ 114.29 |
| Arsenic, Calcium, Chromium, Copper, Iron, Lead, Magnesium, Potassium,
Sodium. | |
| 4. Benthic Monitoring: | \$ 86.05 |
| Aluminum, Antimony, Arsenic, Cadmium, Chromium, Copper, Iron, Lead,
Manganese, Nickel, Selenium, Silver, Tin, Zinc. | |

PART II: MICROBIOLOGICAL/BIOLOGICAL

- | | |
|---|----------|
| 1. Fecal Coliform(MF) | \$ 19.09 |
| 2. Enterococci | \$ 24.63 |
| 3. Total Chlorophyll (a, b, c & Total) | \$ 11.89 |
| 4. Corrected Chlorophyll (a, b, c, Total, corrected a, pheophytin)..... | \$ 14.40 |
| 5. BOD 5 | \$ 13.29 |
| 6. CBOD 5 | \$ 71.56 |
| 7. D.O.(Lab) | \$ 10.66 |

PART III: PHYSICAL

1. Color	\$ 7.67
2. Conductivity	\$ 8.87
3. Suspended Solids	\$ 11.04
4. Dissolved Solids	\$ 11.57
5. Total Solids	\$ 11.57
6. Turbidity(NTU)	\$ 6.54
7. pH	\$ 12.31
8. Salinity(Calc from Chloride)	\$ 9.51

PART IV: NUTRIENTS

1. Nitrate NO3 (Calculated)	\$ 96.42
2. Nitrate Nitrite NO2 NO3	\$ 13.62
3. Nitrite NO2	\$ 82.79
4. Ammonia NH	\$ 16.44
5. Nitrogen (Organic) (Calculated)	\$ 28.61
6. Nitrogen (Total) (Calculated)	\$ 25.79
7. Total Kjeldahl Nitrogen TKN	\$ 12.17
8. Phosphorous Total.....	\$ 12.17
9. Phosphate Ortho.....	\$ 9.81
10. Ammonia(Un-Ionized--NH3 + Lab pH)	\$ 28.75
11. Silica(Dissolved)	\$ 11.26

PART V: MINERALS (INORGANIC)

1. Chloride Cl	\$ 9.51
2. Fluoride F	\$ 14.27
3. Sulfate SO4	\$ 12.28
4. Chlorine.	\$ 7.03

PART VI: ORGANICS

1. Benthic Samples (soil – OCP, PCB, PAH).....	\$ 234.12
2. Monitoring Run (liquid – OCP, PCB, OPP).....	\$ 173.49
3. PAH & PET Scan – liquid	\$ 120.88
4. PAH & PET Scan – soil	\$ 176.95
5. Individual Pesticide/PCB	\$ 156.50
6. Chlorinated Herbicides	\$ 98.58

PART VII: AIR TESTING

1. Microscopy	\$ 27.58
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EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 20, 2009

Subject: Revised Lead Air Quality Standard

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

Division: Air Management

Recommendation: "Informational Report"

Brief Summary: On October 15, 2008, the US EPA substantially lowered the national ambient air quality standard for lead. In doing so the US EPA has allowed the State and local air pollution control agencies such as EPC, until September of this year to evaluate their areas and make recommendations. One area of concern for EPC has been east Tampa in the immediate vicinity of a battery recycling facility now owned by Envirofocus Technologies. EPC staff and a representative of Envirofocus Technologies have prepared a brief informational report for the EPC Board on this matter.

Financial Impact: Financial impact to EPC for additional lead monitoring is to be paid by additional EPA grant dollars. No additional general fund monies are to be required.

Background: EPC has been monitoring the air for lead since the 1980's. When EPA mandated lead-free gasoline, EPC shut down most of their monitors. The exception was the lead monitoring in the industrial area of east Tampa around an automobile battery recycling facility now owned by Envirofocus Technologies. Since 1990 EPC has maintained a number of monitors around the recycling plant and several exceedances have been recorded over the years. Each time the operation was required to make corrections they did so.

This past year EPA tightened the lead standard by a factor of ten and thus Envirofocus Technologies will be required to make further reductions of emissions from their facility. EPC staff and Envirofocus Technologies will be discussing the further clean up of their operation.

List of Attachments: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 20, 2009

Subject: National Pollution Prevention Week Proclamation

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

Division: Waste Management Division

Recommendation: Proclaim this week of September 20 – September 26, 2009 as Pollution Prevention Week in Hillsborough County

Brief Summary: The third week in September is recognized as National Pollution Prevention (P2) Week. It is a time when businesses, environmental groups, and citizens join forces for a common cause. This year, EPC is partnering with Hillsborough County's Library Services and Solid Waste Management Department and focusing efforts toward energy conservation by providing energy saving tips and exchanging incandescent bulbs for energy efficient compact fluorescent bulbs.

Financial Impact: No Financial Impact

Background: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 20, 2009

Subject: Truck Washing Activities Presentation

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

Division: Water Management Division

Recommendation: Continue to investigate and manage mobile washing activities on a complaint basis, evaluating each activity with current best management practices (BMPs)

Brief Summary: During the July 2009, EPC meeting, an individual spoke during the public comment period and expressed concern and requested action concerning mobile washing of trucks. Commissioner Beckner requested that staff provide a report regarding this activity at the next EPC meeting.

Financial Impact: No Financial Impact

Background: In 2007, Mr. Jenkins, representing a local stationary truck wash, filed a complaint against several mobile truck washing activities. The complaint alleged that wastewater resulting from the washing of trucks was allowed to discharge to the storm sewer or ground resulting in significant pollution. EPC staff investigated each complaint and found that washing activities, when BMPs were in place, resulted in a de-minimis impact to surface and ground waters. Where BMPs were not implemented, appropriate follow up was performed to bring the activity into compliance.

Representatives of the local stationary truck wash continued to assert their claim that mobile washing of trucks contributes significant pollution to surface and ground waters. So, in early 2008, EPC and FDEP staff statewide formed a workgroup for the purpose of revising existing BMPs. In addition, a Plan of Action was developed. The final revisions to the BMPs were released as part of the Plan of Action in June 2008. By July 2008, all elements of the Plan of Action had been implemented.

During the July 2009, EPC meeting Mr. Jenkins appeared during the public comment period to voice his belief that not enough was being done to curtail these mobile washing operations. Commissioner Becker requested that EPC staff provide a report concerning this issue at the next (August 2009) meeting

List of Attachments: Truck Washing BMPs, Plan of Action, Mobile Wash Presentation



Florida Department of Environmental Protection

Recommended Best Management Practices for Mobile Vehicle and Equipment Washing

Background

Mobile vehicle and equipment washing involves washing at a location where vehicles are based (such as a trucking company, warehouse, bus station, vehicle dealership, fairgrounds, etc.) or at an intermediate location where the washing crew and vehicle owners meet solely for the purpose of washing vehicles (such as a business parking lot, gas station, etc.). In contrast, a stationary washing facility is a permanent fixed location where vehicles are driven for washing. Stationary facilities may include commercial car washes for passenger vehicles and commercial or industrial vehicle wash facilities for large trucks and heavy equipment.

Mobile vehicle washing may be performed by commercial washing contractors who temporarily set up washing equipment at the vehicle owner's facility, or by the owner's employees. This type of mobile washing frequently involves fleet vehicles and may include large trucks and heavy equipment. Mobile washing at an intermediate location frequently involves passenger vehicles and is often conducted as a charity or fund raising activity by schools, churches, and youth organizations. It may also be performed as a small-scale business.

Wastewater (including wash water) from any type of vehicle and equipment cleaning can contain significant amounts of substances such as oil and grease, petroleum products, suspended solids such as dirt and grit, heavy metals, detergents, and other pollutants. These contaminants may cause pollution of surface water or ground water and result in violations of water quality standards if the wastewater is not properly managed. Therefore, persons involved in washing operations and the owners of property where washing occurs should follow appropriate Best Management Practices (BMPs), such as those described in this document.

Best Management Practices (BMPs)

BMPs are actions designed to help reduce the amount of pollutants discharged to the environment by improving overall waste management practices and to comply with environmental regulations. The recommended BMPs in this guidance document may be used for any type of mobile washing activity. However, these BMPs are specifically intended to provide guidance for fleet vehicle and heavy equipment washing because those activities can potentially have greater environmental impacts than smaller-scale washing activities.

Recommended Best Management Practices
for Mobile Vehicle and Equipment Washing

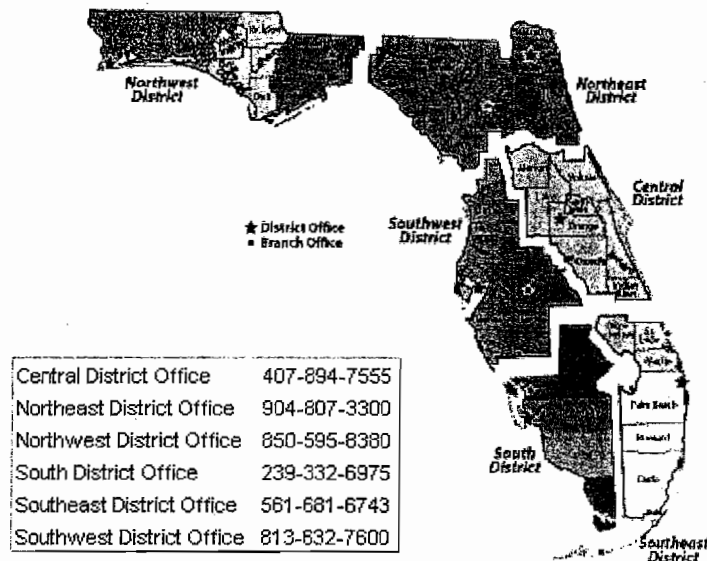
Specific BMPs for Mobile Washing

The following BMPs are recommended to help reduce the amount of pollutants discharged throughout mobile washing procedures and improve the efficiency of the process:

1. Before performing any washing activities
 - a. determine how wastewater will be collected and disposed, and
 - b. obtain all necessary permits and authorizations.
2. Identify the specific location where you will be disposing wastewater.
3. Identify all stormwater drains, grassy swales and ditches and locate sanitary sewer manholes at the proposed wash area.
4. Observe the slope of the ground at the proposed facility to determine the direction of runoff flow in order to identify an area where washwater can be contained for collection without the possibility of release of a pollutant into the waters of the state of Florida.
5. Only cosmetic washing should be performed, unless a mobile zero discharge closed-loop wash system with an enclosed wash facility is used. Cosmetic washing is defined as washing the exterior of a vehicle, tractor/trailer, or equipment with a biodegradable detergent only for the purpose of removing dirt. Cosmetic washing does not include interior washing, washing of the undercarriage of the vehicle or equipment, engine degreasing, or the use of strongly acidic or strongly alkaline cleaners. Chrome and aluminum brighteners can only be used if they are hand applied and removed by wiping, and are not part of the wash process.
6. Before using a wastewater recycling or pretreatment unit such as an oil/water separator, filtration system, etc., make sure you understand the waste streams that are generated. Identify proper disposal methods for these wastes, and consider disposal costs before starting a job. Some units, especially those that separate oil from water, may generate waste such as waste oil that require special storage and handling practices.
7. Consider contracting with a company that can provide appropriate treatment and disposal of your wastes. This may save you time and money associated with purchasing, permitting, and using your own wastewater treatment equipment. In some cases, you may be able to reduce the liability that comes with the generation and disposal of hazardous waste.
8. Minimize the amount of wastewater generated by using high pressure, low volume washing techniques and equipment.
9. Cosmetic vehicle or equipment washing should be performed on an impermeable surface (such as concrete, asphalt, plastic, etc.), where available. The impermeable area should be large enough to minimize runoff to grassy or bare soil areas.
10. Vehicles should not be washed near uncovered repair areas or chemical storage facilities such that chemicals can be transported in wash water runoff. All wash water runoff should be drained away from a shop repair area or chemical storage facility.
11. Washing and related cleaning activities should minimize flaking of paint chips, or any other potentially hazardous materials from vehicles and equipment. Actions that minimize flaking and chipping may include using lower water pressure and/or avoiding harsh chemicals or solvents.

Recommended Best Management Practices
for Mobile Vehicle and Equipment Washing

12. Solids and other debris should be collected and properly disposed to prevent storm water contamination.
13. Use only the minimum amount of detergents and cleaners that will get the job done. Use products that are labeled "phosphate free" and are rapidly biodegradable. Detergents and soaps used in washing activities should be approximately pH neutral. Avoid using cleaning products if the package label
 - a. has a warning that the product is strongly alkaline or strongly acidic, or
 - b. indicates the product contains petroleum products or distillates, or
 - c. contains chlorinated solvents.
14. Train personnel on chemical use, safety and waste disposal practices.
15. Records of the volume of wastewater generated and disposed should be kept for regulatory spot checks and to provide confirmation to facility owners and customers that wastewater is being properly handled.
16. If a spill of cleaning products occurs:
 - a. stop the source of the spill immediately;
 - b. contain the spill until cleanup is complete;
 - c. use containment booms if the spill may reach a storm drain;
 - d. cover a liquid spill with an absorbent material;
 - e. keep the area well ventilated;
 - f. dispose cleanup materials properly; and
 - g. do not use emulsifiers or dispersants.
17. Spills that cause offsite environmental impact or are of a significant volume should be reported to the local Florida Department of Environmental Protection (FDEP) District Office or the city/county environmental program as soon as possible.



Recommended Best Management Practices
for Mobile Vehicle and Equipment Washing

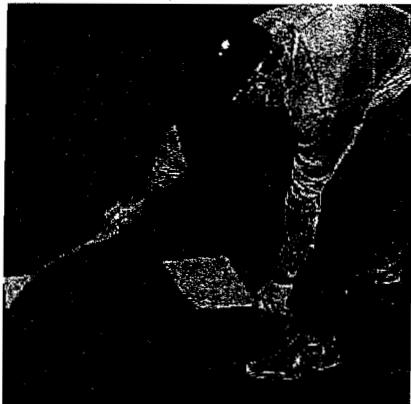
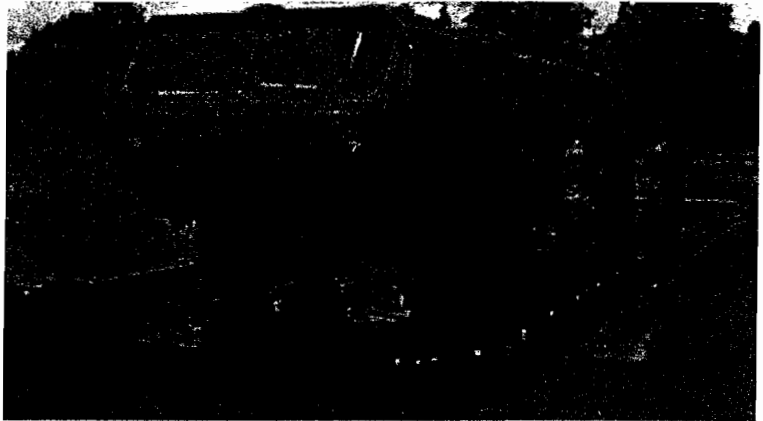
Wastewater Containment Methods

In many instances it is necessary to collect the wastewater prior to the disposal and/or treatment of the water. Below are a few suggested practices to collect or contain the wastewater created in the washing process:



1. **Containment Booms** – Protective barriers can be placed around a storm drain in order to prevent water from entering the drain. They are normally used in order to prevent wastewater from entering a stormwater drain and to pool the wastewater around drain for later collection. However, one potential problem with berms is that they can be ineffective or less effective when the storm drain is located at the bottom of a slope or if there is a large amount of wastewater generated.

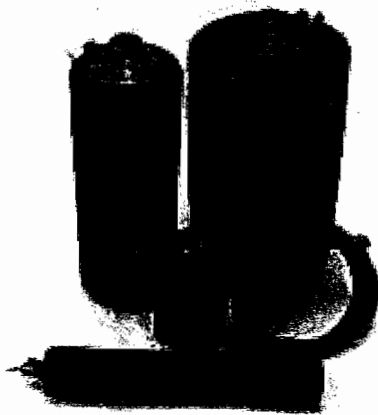
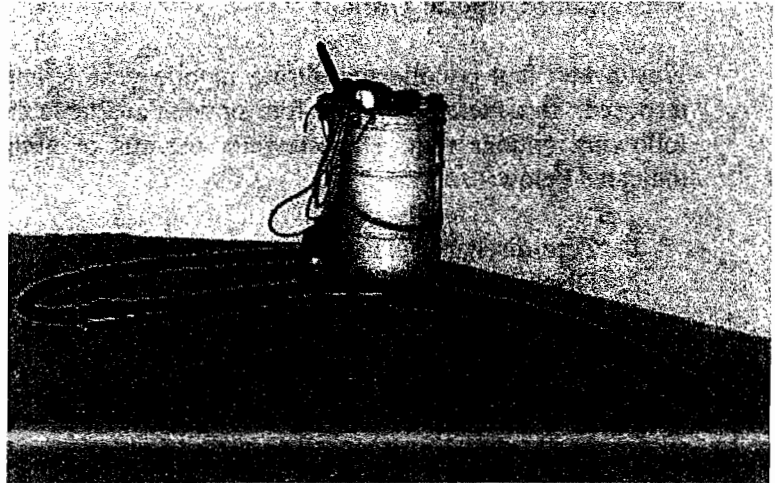
2. **Containment Pools** – A containment pool is a temporary structure built to provide an immediate work area for the washing operation. They allow the wastewater to be collected so that pollutants do not enter the storm system and can be built for a variety of sizes, as large as a truck and trailer.



3. **Storm Drain Covers and Mats** – Storm drain covers and mats are items that are placed on top of a storm drain grate in order to seal the drain off from the wastewater and allow the water to collect on top of the drain until it can be collected and properly disposed. They can consist of a variety of devices, including magnetic vinyl mats, PVC drain covers, polyurethane mats, and others. Many times, the covers and mats are used in conjunction with a vacuum pump for the most efficient collection and disposal of the water.

Recommended Best Management Practices
for Mobile Vehicle and Equipment Washing

4. **Vacuums and Pumps** – Devices such as wet/dry vacuums, sump pumps, and vacuum pumps can be used to collect wastewater created by a washing operation. Many vacuum devices include a vacuum boom, which is an attachment that rests flush on the ground and allows the wastewater to be collected through small holes located on the bottom of the boom. Also, for ease of use, many vacuum devices are designed with a second hose that can run from the pump to disposal area, such as a sanitary sewer or a holding tank.



5. **Inflatable Pipe Plug** – Inflatable pipe plugs are similar to the covers and mats listed above in that they prevent wastewater from entering the storm sewer system by blocking the entrance. However, unlike mats and covers, the inflatable plug is inserted into the storm drain pipe and uses the inlet structure below the grate to collect the wastewater. Once inserted, the plug is inflated so that it fits snugly in the pipe. At the end of the washing operation, the wastewater can then be collected using a pump device. Inflatable plugs should only be used on private property and should not be used in public storm drain inlets or pipes.

6. **Onsite Swales** – Shallow, grassy low areas designed to collect runoff and allow it to seep into the ground without discharging to a stormwater system or to otherwise leave the site. Such onsite swales may provide an additional wastewater collection or disposal option.



Recommended Best Management Practices
for Mobile Vehicle and Equipment Washing

Wastewater Disposal Options

Wastewater that is collected during mobile vehicle and equipment washing must be properly disposed. In general, there are four options available for the disposal of the water. Some of the following options require wastewater permits or authorization from a wastewater utility, as indicated below:

1. Zero-discharge closed-loop water recycling
2. Discharge to a municipal sanitary sewer system (requires authorization from the sanitary wastewater utility)
3. Discharge to land or ground (may require authorization from FDEP or the city/county environmental program)
4. Discharge to surface water (requires an NPDES permit from FDEP, and is typically not practical)

1. Zero-Discharge Closed-Loop Water Recycling Systems

A closed-loop system uses recycled water and has zero or negligible discharge. Stationary systems such as car washing facilities generally require a permit from FDEP. Mobile closed-loop water recycling systems can provide adequate wastewater collection and treatment without having to obtain a permit, provided that wastewater is properly disposed. However, one possible problem is that closed-loop water recycling systems may use chemicals to help remove solids from the waste. When systems use these chemicals, they commonly generate sludge which must be handled safely and disposed in a manner that will not cause pollution of the waters of the state. Another common issue is that the closed-loop recycling systems may have a reservoir to store the recycled water for reuse. It may be necessary to dispose of the reservoir water periodically as oil, grease, and other pollutants accumulate. The following steps should be followed for safe handling and disposal of the sludge and the contaminated reservoir water generated by these systems:

- a. Wastewater from a closed-loop system must be either discharged to a municipal sanitary wastewater system (with prior authorization) or disposed at a commercial industrial wastewater treatment facility.
- b. The sludge generated in these systems seldom is designated as a hazardous waste, and it can usually be disposed in a sanitary landfill. To be sure, check with the local FDEP District Office or the city/council environmental program and/or landfill operator.
- c. If the sludge is considered a hazardous waste, it must be disposed through a permitted treatment, storage, and disposal (TSD) facility.

2. Discharge to a Municipal Sanitary Sewer System

Discharges to a municipal sewerage system receive treatment by the municipal treatment facility before they are finally discharged to the environment (rivers, lakes, sea water, or the land). Wherever practicable, FDEP recommends that discharging wastewater from mobile washing to the sanitary sewer. For fleet washing activities, discharge to the sanitary sewer will be the most economical and best alternative. Discharges to a sanitary sewer must have prior approval from the wastewater utility, and may require some pretreatment. In addition, this disposal method must be approved by the property owner(s) prior to discharge.

Recommended Best Management Practices
for Mobile Vehicle and Equipment Washing

3. Discharge to Land or Ground

Discharges to the ground must be treated to prevent ground water pollution. A grassy ground surface can provide treatment for small (i.e. minimal ponding and no runoff) and infrequent discharges. Regardless of the number and type of vehicle washing activity, all discharges to ground water must comply with state ground water standards. In some areas of the state, such as those over sole source aquifers, discharge to ground may not be allowed or may require further controls. In those sensitive areas, closed-loop water recycling or other disposal options would be necessary. If the wastewater is to be diverted to landscaped areas, damage to plants and soil can be avoided by minimizing or eliminating the use of soaps, detergents, and chemicals. Any solids that would be visible on the ground after discharge must be filtered out of the waste stream. In addition, minimizing the use of water can prevent wastewater overflowing from these areas. Repeated discharges to landscaped areas may result in an accumulation of contaminants, thus damaging vegetation and increasing contaminant levels in the soil. **Note: If wastewater is repeatedly discharged to the same land area, FDEP may require the facility or the washing contractor to obtain a wastewater permit.** Contact the local FDEP District Office or the city/county environmental program prior to discharge for more information.

4. Discharge to Surface Water

Discharge of wastewater to stormwater systems (such as drains, ditches, retention areas) or to surface water (such as lakes, rivers, streams, canals, bays, or to the ocean) is prohibited without an NPDES wastewater permit. Therefore, this option is generally not feasible. NPDES wastewater permits typically require a high degree of treatment to meet water quality standards, along with extensive (and costly) monitoring. For more information concerning the permitting requirements involved in discharging to surface water, please contact the local FDEP office.

**Florida Department of Environmental Protection (DEP)
Mobile Truck, Vehicle and Equipment Washing
Plan of Action June 2008**

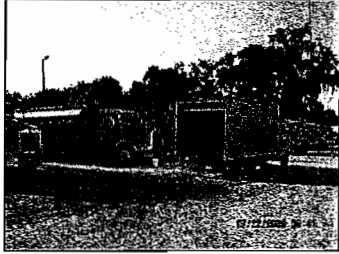
ISSUE: Mobile truck, vehicle and equipment washing can generate wastewater contaminated with detergents, oils, grease, and heavy metals. This document provides a plan of action to address potential discharges from such activities. An implementation schedule will be included in the finalized plan.

Responsible Section	Action Item/Implementation Schedule
Industrial Wastewater Section	1) Research how other states' address discharges from mobile washing. Contact state and local governments as needed. By May 31, 2008 2) Finalize BMPs. Send draft to Districts for review prior to finalizing. Draft sent May 22, 2008. Finalize by June 12, 2008 3) Distribute BMPs to DEP district offices and NPDES Storm Water Section. By June 13, 2008 4) Notify in writing the Florida Trucking Association that wastewater discharges from mobile truck, vehicle and equipment washing operations must use appropriate best management practices (such as the DEP BMPs) and be disposed in accordance with federal, state and local law. Facilities that conduct these activities are responsible for obtaining appropriate permit coverage. By June 20, 2008
Compliance Evaluation Section	1) Coordinate industrial wastewater compliance and enforcement priorities with DEP District offices. Ongoing after receipt of BMPs by the Districts
NPDES Stormwater Section	1) Transmit the BMPs via email to the Phase I and II Municipal Separate Storm Sewer System (MS4)* contacts. In addition, remind MS4 permittees that discharges of mobile truck, vehicle and equipment wastewater into the stormwater management system are considered illicit discharges. Permittees are required to conduct reactive inspections and take appropriate enforcement actions to correct or eliminate illicit discharges. By June 30, 2008 2) Notify in writing all Sector P "Transportation Facilities**" with active Multi-Sector Generic Permit (MSGP) coverage that wastewater discharges from mobile truck, vehicle and equipment washing operations are not authorized under the MSGP. The responsible authority must obtain coverage under a separate NPDES permit if they discharge to waters of the state or through a MS4. Wastewater discharges to groundwater must use appropriate best management practices and be disposed of in accordance with federal, state and local law. By July 11, 2008 3) Advise the DEP District Offices to forward complaints from mobile truck and vehicle and equipment washing operations to the local MS4 contact as appropriate for investigation. If the facility or activity is not located within the jurisdiction of a Phase I or II MS4, the DEP District Office will be responsible for responding to the complaint. Ongoing after receipt of BMPs by the Districts and local programs
DEP District Offices and Local Programs	1) Implement plan, including written notification of responsible authorities at public and private facilities such as the Florida State Fairgrounds where mobile truck, vehicle and equipment washing operations may result in discharge to an MS4 without obtaining required authorization or where such discharge may be prohibited. Discharges from these activities should be disposed via sanitary sewer or collected and disposed of properly. Ongoing after receipt of BMPs by Districts and local programs

*MS4 = A publicly owned conveyance or system of conveyances like roads with stormwater systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains. An MS4 is typically a city or county but it can also include FDOT, universities, local sewer districts, hospitals, military bases and prisons. Visit http://www.dep.state.fl.us/water/stormwater/npdes/MS4_1.htm for additional information.

**Sector P "Transportation Facilities" = This industrial sector includes facilities engaged in local or long distance trucking, rail lines, and U.S. Postal Service maintenance facilities involved in vehicle equipment maintenance (repairs, painting, fueling, equipment cleaning operations).

MOBILE WASHING ACTIVITIES



Presentation for the Environmental Protection Commission
August 20, 2009

Frederick Nassar



Responsibilities of the Water Compliance/Enforcement Section

■ Monitor Stationary Point Sources of Water Pollution

- Domestic and Industrial Wastewater Treatment Facilities
- Phosphate Mining and Chemical Facilities
- Agriculture Operations (ex. Dairies, Animal Feeding)
- Approximately 200 Facilities in Hillsborough County
- Conduct Over 500 Inspections per Year
- Review over 1500 Discharge Monitoring Reports per Year

■ Investigate Citizen's Complaints

- Perform over 500 Investigations and Follow-ups per Year
- Mobile Washing is Managed as Part of EPC's Complaint Response



Responsibilities of the Water Compliance/Enforcement Section

■ **Pursue Enforcement for Non-Compliant Activities**

- Average Over 50 Cases per Year
- Average of \$145,000 in Penalties per Year

■ **Special Projects and Surveys**

- Dairy Survey
- Port of Tampa Survey
- Plant City Survey
- Ben T. Davis Project
- BMAP Pollution Source Tracking



Mobile Washing Activities

Mobile Versus Stationary Washing

- **Mobile washing occurs when a company brings its washing equipment to a location to wash equipment**
 - Must comply with BMPs or obtain a permit
 - Moves from site to site
 - Only cosmetic wash allowed under BMP
 - No discharge of wastewater to storm or surface water

- **Stationary washing occurs when equipment to be cleaned is moved to a central location**
 - Washing equipment remains stationary
 - Usually requires a permit or other authorization
 - Wide range of washing allowed



Mobile Washing Activities

Common Mobile Washing Activities:

Trucks/Fleet	Pressure Washing
Automobiles	of Buildings
Parking Lots	Heavy Equipment
Carpet Cleaning	

Over 80 companies provide pressure or power washing services in Hillsborough County (source: Hillsborough Tax Collector)



Mobile Washing Timeline

- Historically mobile washing has been regulated with Best Management Practices (BMP) through EPC's compliant response (approx. 8-10 per year)
- In late 2007, Mr. Jenkins, representing a local stationary truck wash, contacted EPC staff with concerns related to mobile washing of trucks
- EPC investigated each of Mr. Jenkins' complaints and found that most wash activities were performed in substantial compliance with BMPs and posed a de-minimis risk to ground and surface water.
- In early 2008, Mr. Jenkins continued to assert that these mobile washing activities were causing water pollution by not containing all wastewater generated
- EPC staff re-evaluated each concern with no change in outcome



Mobile Washing Timeline con't

- EPC and FDEP (local and Tallahassee) staff met with representatives of the stationary wash facility
- A statewide workgroup including EPC staff reviewed and revised washing BMPs in response to previous concerns
- The BMPs and a Plan of Action were finalized in June 2008
- By the end of July 2008, the components of the Plan of Action were implemented.
- Current status: Respond to mobile washing through EPC 's complaint response evaluating each site on a case by case basis using current BMPs and regulations



Tampa Bay Truck Wash



Ultra Pure



❖ This picture was taken in 2007. A follow up inspection in July 2009, indicated washing was discontinued in 2008.



Fedex



Photo taken by Jenkins in 2007



Blocked drain with recovery



Johnson Bros.

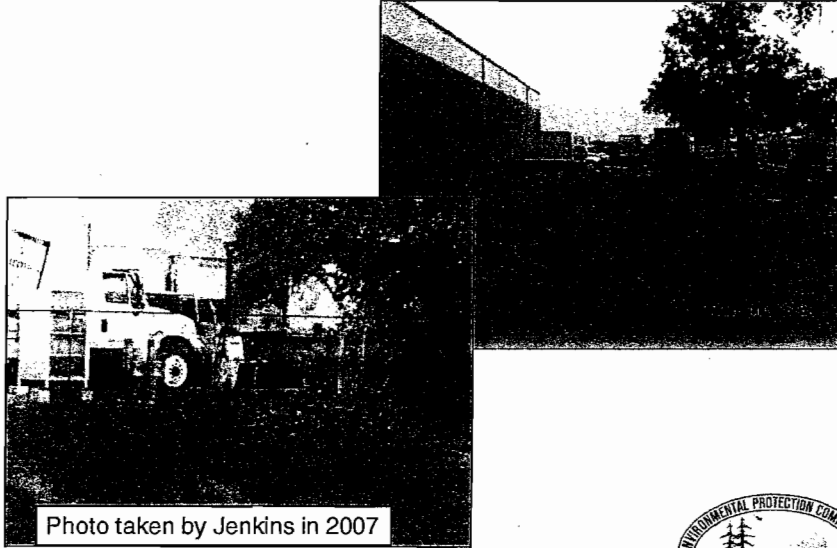


Photo taken by Jenkins in 2007



Conclusions

1. Mobile washing activities are wide spread within the county and occur everyday at various times.
2. Washing activities are intermittent at any particular location and results in de-minimis impacts to ground and surface water.
3. The photos that Mr. Jenkins' presented last month do not necessarily represent current conditions since the photos are two years old.
4. There are clear differences between mobile washing and stationary washing sources. The real concern is economics rather than environmental



Recommendation and Options

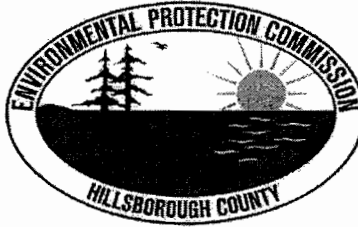
Recommendation:

- EPC staff does not believe that mobile washing activities complying with current BMPs pose a significant source of water pollution. The current response and management of these activities is appropriate.
It is recommended that mobile washing activities continue to be investigated on a complaint basis.

Options:

- Establish a formal permitting and compliance program for mobile washers
- Establish a self monitoring compliance program for mobile washers
- Establish a self monitoring compliance program for clients of mobile washers





EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 20, 2009

Subject: IPA Action Plan-Fiscal Year 2009 3rd Quarterly Report

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

Division: Wetlands Management Division

Recommendation: Informational Report

Brief Summary: The Wetlands Management Division is presenting updates for the third quarter

Financial Impact: No Financial Impact

Background: Pursuant to the EPC Board's approval of the Wetlands Hybrid Plan in 2007, an Internal Process Audit was conducted by Hillsborough County's auditor. The intent of the audit was to improve and streamline the regulatory permitting process; specifically as to how the EPC Wetlands Division reviews permits through its participation with Planning Growth Management in the land development permit process. An Action Plan for implementation of the audit recommendations was developed to address inefficiencies identified during the audit process as well as improving inter-agency coordination.

Electronic review of land development projects is being tested in two phases. Phase I, in which electronic comments by EPC are being uploaded to Optix (PGMD's document management system) thus allowing applicants and PGMD staff to receive simultaneous and expedient information has been completed. Phase II, which is currently in progress allows for electronic review of select projects in order to test existing hardware and software issues related to further implementation of Optix. Areas that need improvement are now mainly technical computer issues. Those issues have been identified and EPC staff continues to work with PGM staff to address those areas of concern.

On June 23, 2009, a formal delegation agreement was executed by the TPA and EPC to allow EPC to issue certain minor work permits. This delegation has resulted in one stop permitting for many projects such as docks, boat lifts and maintenance dredging. EPC staff received 18 months of on-site training at TPA focused on combining submerged lands requirements with environmental considerations. A fee study is currently underway to ensure EPC recovers the cost of this delegated program. Obtaining TPA delegation is an important step towards further delegation for similar activities from the FDEP. These delegations will allow EPC to review and approve or deny projects previously reviewed by four separate local, state and federal agencies.

On July 30, 2009, EPC held a public Post Hybrid Workshop as directed by the audit. The workshop outlined the streamlining, efficiencies and rule changes that have occurred since implementation of the Hybrid Plan. The workshop was well attended by environmental professionals and concerned citizens. Workshop participants offered suggestions and ideas for further improving the process. Feedback was mainly focused on technical computer issues.

Performance measures were outlined in the audit in order to provide meaningful numbers for wetland protection. The measures include documenting numbers of small isolated wetlands, wetland acreage impacts, use of exemptions implemented by the Hybrid Rules, mitigation compliance, on-time reviews of applications, and agriculture project coordination.

The majority of the recommendations as outlined in the Action Plan have been implemented.

Recommendation: Informational

List of Attachments: None

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