

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
JANUARY 17, 2008
9 AM**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

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

- I. PUBLIC COMMENT**
Three (3) Minutes Are Allowed for Each Speaker
- II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE**
Report from the Chair – David Jellerson
- III. CONSENT AGENDA**
- | | |
|--|----|
| A. Approval of Minutes: December 13, 2007 | 2 |
| B. Monthly Activity Reports | 8 |
| C. Pollution Recovery Trust Fund Report | 20 |
| D. Gardinier Settlement Trust Fund Report | 21 |
| E. Legal Case Summary | 22 |
| F. Status Report on EPC/PGM Process Review | 27 |
- IV. PUBLIC HEARING**
- | | |
|--|----|
| A. Consider Amendment, Section 1-11.12, to Chapter 1-11, Wetlands Rule | 28 |
|--|----|
- V. EXECUTIVE DIRECTOR**
Proclamation Recognizing Career of Alan Wright (Mr. River)
- VI. ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION**
Approval of Pollution Recovery Fund Project with the Tampa Bay Estuary Program
and Approval of the Declaration of Cooperation of the
Tampa Bay Nitrogen Management Consortium 32
- VII. AIR MANAGEMENT DIVISION**
Recognition – National Radon Poster Contest Competition 39

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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DECEMBER 13, 2007 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting and Public Hearing, scheduled for Thursday, December 13, 2007, 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 Brian Blair, Rose Ferlita (arrived at 9:14 a.m.), Ken Hagan (arrived at 9:49 a.m., schedule conflict), Jim Norman, Mark Sharpe, and Kevin White.

Chairman Higginbotham called the meeting to order at 9:03 a.m. Commissioner Blair led in the pledge of allegiance to the flag and gave the invocation.

PUBLIC COMMENT

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

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Mr. Jellerson stated the December 3, 2007, CEAC meeting was on the rules scheduled for public hearing. He would present the CEAC recommendation when those issues were discussed. The wetlands advisory committee convened for introductions following the CEAC meeting, since most of the wetlands advisory committee members also served on CEAC. The next wetlands advisory committee meeting would coincide with the next CEAC meeting.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, stated there were no changes to the agenda. **Commissioner Blair moved the Consent Agenda, seconded by Commissioner White, and carried five to zero.** (Commissioners Ferlita and Hagan had not arrived.)

CONSENT AGENDA

- A. Approval of minutes: November 15, 2007.
- B. Monthly activity reports.
- C. Pollution Recovery Fund report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary.

THURSDAY, DECEMBER 13, 2007 - DRAFT MINUTES

F. Request authority to take appropriate legal action against Medallion Convenience Store.

Commissioner Norman moved the Consent Agenda, seconded by Commissioner Sharpe, and carried five to zero. (Commissioners Ferlita and Hagan had not arrived.)

EXECUTIVE DIRECTOR'S REPORT

Dr. Garrity introduced Mr. Alain Watson, EPC staff, who reported on the Trademark Metals Recycling LLC (Trademark Metals) fire at the port two weeks ago, as provided in distributed material. EPC was reviewing the air permit issued by EPC and the stormwater permit issued by the State to ensure conditions were met. EPC had requested information regarding the emergency response plan to see how Trademark Metals handled fires and other emergencies and if EPC could offer recommendations. Water quality samples indicated the presence of metals and plastics; results would be presented to the EPC, Tampa Port Authority, and Trademark Metals. Dr. Garrity stated facilities such as Trademark Metals were not otherwise regulated for materials on site. EPC goals and objectives included an idea to develop a compliance assistance program for scrap yard facilities to minimize environmental impacts. Staff had presented the concept of the green flags program, which was a voluntary program with automotive recyclers, and the green star program for automotive repair shops, where a voluntary, incentive-based approach was developed for those types of industries..

Commissioner Norman did not want to create so many regulations that people could not do business; requested more explanation, with feedback from other people doing similar things in other communities before he would support that; and opined the approach needed to be reasonable. Dr. Garrity said staff would research what was occurring around the State, explained the programs would be patterned after the State Green Yards program, and clarified the suggestion was for a voluntary program to institute best management practices.

Dr. Garrity reported the Department of Environmental Protection (DEP) had published their notice of proposed rulemaking for delegation of the environmental resource permitting program to EPC. By the end of the month, EPC would submit its delegation package to DEP. The Environmental Protection Agency had issued a favorable audit about the EPC air toxics program. The EPC laboratory would be the last section to move to Sabal Park. The move had already begun. Once the move was completed, Dr. Garrity invited EPC members to tour the facility.

THURSDAY, DECEMBER 13, 2007 - DRAFT MINUTES

EPC General Counsel Richard Tschantz acknowledged a recent law school graduate from Vermont Law School who was volunteering legal work at EPC while seeking permanent employment.

ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION

Mr. Gordon Leslie, EPC staff, provided an update on State efforts to educate people on the better use of fertilizer, as provided in agenda material. The goal was to lessen the potential threat improper fertilizer use might have on water quality. Commissioner Sharpe asked if there was an alternative to Saint Augustine grass. Commissioner Blair suggested Bahia grass. Mr. Leslie said the three grasses included in the study were Saint Augustine, Bahia, and Bermuda, but he did not know if one was better. However, proper fertilization would provide a better lawn for the environment. Commissioner Ferlita explained fertilizer products were not being recalled. Mr. Leslie confirmed the rule was effective earlier in December 2007; however, existing stock could be sold through July 2009.

Commissioner Norman pointed out planned developments required Saint Augustine lawns, suggested classes to show proper fertilization techniques, and opined people wanted to be environmentally correct. Mr. Leslie explained homeowners associations were not experts and did not keep a close watch on what lawn services were doing. As part of the Institute of Food and Agricultural Sciences program, a model fertilizer use contract was being developed to stipulate how much fertilizer a lawn service should use. Staff would proceed with the educational program in cooperation with the University of South Florida, primarily in the spring. Commissioner Norman perceived emphasis should be placed on properties closest to water bodies and then move inland.

AIR MANAGEMENT DIVISION

Authorize Staff to Conduct Public Workshops to Amend Chapter 1-10, Noise Rule

- Dr. Garrity said the rule had not been updated in 30 years. Mr. Reginald Sanford, EPC staff, provided a brief presentation on Chapter 1-10 and asked for authorization to request a complete review of Chapter 1-10, using existing funds to contract an expert to assist staff. Mr. Sanford replied to queries from Commissioner Blair regarding complaints, noise, and enforcement. Dr. Garrity said \$15,000 had been budgeted to work with the University of Central Florida acting as a consultant to help write the rule and provide technical expertise. The rule used standards in place 30 years ago and had not kept up with instruments used to measure noise. The purpose was to make the program

THURSDAY, DECEMBER 13, 2007 - DRAFT MINUTES

consistent with the latest scientific measurements for noise, not to make the rule either more or less strict.

Perceiving the update was overdue, **Commissioner Ferlita moved to authorize staff to start the process.** Commissioner Norman did not object to bringing EPC into the present and providing abilities to do what they were supposed to do; however, he did not want to create many new rules as a result of one incident. **Commissioner Norman seconded the motion.** Dr. Garrity confirmed that was the intent. Commissioner Blair asked if staff could study what other governments were doing. Mr. Sanford explained staff began that over one year ago and needed authorization to proceed with the review of the entire rule. Commissioner Ferlita perceived updating the rule would provide more definition. Chairman Higginbotham agreed the rules should be reviewed and perceived sunseting should be a future discussion, so there would be a periodic review. **The motion carried six to zero.** (Commissioner Hagan had not arrived.) Mr. Jerry Campbell, Director, EPC Air Management Division, replied to queries from Commissioner Blair about the person who worked in the noise program and complaints.

WASTE MANAGEMENT DIVISION

Direct Inspection Program (DIP) Presentation - Ms. Kelley Boatwright, EPC staff, reported on the DIP pilot program, as provided in agenda material. The pilot project demonstrated a 43 percent increase in inspections performed.

Historic Landfills Report - Dr. Garrity recalled EPC direction for staff to look at the large number of historic landfills in place before rules were established to see if those landfills were problems and what should be done. Mr. Ronald Cope, EPC staff, presented the report, as provided in agenda material; showed photographs of the sites when they were used as landfills and the current use; and highlighted goals, public information, and mapping. Commissioner White referenced a historic landfill site at 26th Street and Dr. Martin Luther King Jr. Boulevard, noted current homeowners were never told those homes were built on a landfill, and asked if a builder or anyone was required to disclose that information. Mr. Cope understood that would be a land transaction disclosure issue for private residences if the landfill was known. DEP investigated the Dr. Martin Luther King Jr. Village issue and concluded that was not the site of a historic landfill.

PUBLIC HEARINGS - 10:00 A.M. TIME CERTAIN

Consider Amendments to Chapter 1-3, Air Pollution Rule - Attorney Tschantz outlined the process. Mr. Campbell distributed an overhead presentation on

THURSDAY, DECEMBER 13, 2007 - DRAFT MINUTES

amendments regarding crematory provisions and adoption of State standards by reference, reviewed the recommendations listed in agenda material, and thanked citizens, crematory operators, and manufacturers for attending the meetings and assisting staff. Staff recommended EPC approve amendments to Section 1-3.53 for human and animal crematories and Section 1-3.26, department regulations, as proposed by staff. Mr. Jellerson said CEAC unanimously supported the proposed changes.

Chairman Higginbotham called for public comment. Ms. Rebecca Yebba, Cremation Center of Tampa Bay LLC, commented on interaction between the public and crematories and perceived everyone was pleased with the results.

Commissioner White said the recommendations were not cost prohibitive and were reasonable, prudent, and sound. Commissioner Ferlita asked the cost to replace the cap. Mr. Campbell said the estimate was \$300. Commissioner Norman said staff had developed a good ordinance. **Commissioner Blair moved the item, seconded by Commissioner White, and carried seven to zero.**

Consider Amendments to Chapter 1-2, Administrative Procedures Rule - Attorney Tschantz outlined the process. Mr. Campbell stated Section 1-2.051 allowed for enhanced public noticing of a project that seemed to be of particular interest to the public. Staff wanted to carry that over for air general permits as projects. Staff recommended adding Section 1-2.051(b) for air general permits to Chapter 1-2 to keep up with the State rule.

Chairman Higginbotham called for public comment. Mr. Jellerson said CEAC recommended approval. **Commissioner White moved the recommendation, seconded by Commissioner Blair, and carried six to zero.** (Commissioner Sharpe was out of the room.)

ADMINISTRATION

Update on Internal Audit Review of EPC/Planning and Growth Management Department Process - Mr. Tom Koulianos, Director, EPC Finance and Administration, stated no action was required and explained the internal performance auditor would present the draft report to EPC staff on December 30, 2007. The report and comments would be presented to EPC at the January 2008 meeting.

Request Authority to Change Start Time of EPC Meetings to 9:00 a.m. - Mr. Koulianos requested action to change the start time to 9:00 a.m., noting that would allow additional time to deal with complex issues. **Commissioner Blair moved the item, seconded by Commissioner Sharpe, and carried seven to zero.**

THURSDAY, DECEMBER 13, 2007 - DRAFT MINUTES

OFF-THE-AGENDA ITEM - STATE INVESTMENT FUNDS

Chairman Higginbotham said the Board of County Commissioners (BOCC) special meeting was scheduled for 11:00 a.m. Commissioner Norman perceived the BOCC should submit a letter from the Clerk of the Circuit Court to the County Attorney regarding State investment funds. Commissioner Blair moved to send that to the County Attorney that day, marked urgent priority. The motion died for lack of a second. Commissioner Ferlita expressed concern regarding procedure. Chairman Higginbotham said that matter would be discussed at the 11:00 a.m. BOCC meeting.

There being no further business, the meeting was adjourned at 10:38 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

sd

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION

December FY 2008

A. Public Outreach/Education Assistance:		
1. Phone Calls:		180
2. Literature Distributed:		<u>0</u>
3. Presentations:		<u>3</u>
4. Media Contacts:		<u>4</u>
5. Internet:		<u>62</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>0</u>
		<hr/>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		14
b. Construction:		<u>0</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>0</u>
e. General:		<u>2</u>
f. Title V:		<u>10</u>
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 :		18
b. Construction ¹ :		<u>0</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>0</u>
e. Title V Operating ² :		<u>5</u>
f. Permit Determinations ² :		<u>0</u>
g. General:		<u>5</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		<u>2</u>
2. On-going administrative cases:		
a. Pending:		8
b. Active:		<u>26</u>
c. Legal:		<u>1</u>
d. Tracking compliance (Administrative):		<u>14</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>49</u>

3.	NOIs issued:	<u>3</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>2</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$11,100.00</u>
7.	Cases Closed:	<u>3</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>9</u>
2.	Air Toxics Facilities:	<u>0</u>
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>0</u>
c.	Major Sources	<u>3</u>
3.	Asbestos Demolition/Renovation Projects:	<u>13</u>
E.	Open Burning Permits Issued:	<u>6</u>
F.	Number of Division of Forestry Permits Monitored:	<u>276</u>
G.	Total Citizen Complaints Received:	<u>54</u>
H.	Total Citizen Complaints Closed:	<u>45</u>
I.	Noise Sources Monitored:	<u>6</u>
J.	Air Program's Input to Development Regional Impacts:	<u>5</u>
K.	Test Reports Reviewed:	<u>0</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>10</u>
2.	Warning Notices Resolved:	<u>7</u>
3.	Advisory Letters Issued:	<u>6</u>
M.	AOR's Reviewed:	<u>0</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>0</u>
O.	Planning Documents coordinated for Agency review.	<u>7</u>

**FEES COLLECTED FOR AIR MANAGEMENT DIVISION
December FY 2008**

Total Revenue

1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$0.00
(b) all others	<u>\$0.00</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$0.00
(b) class A2 facility - 5 year permit	<u>\$0.00</u>
(c) class A1 facility - 5 year permit	<u>\$0.00</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$200.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$5,680.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$160.00</u>
4. Non-delegated permit revision for an air	<u>\$0.00</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$0.00</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$2,600.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$0.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$4,100.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$0.00</u>
8. Open burning authorization	<u>\$3,400.00</u>
9. Enforcement Costs	<u>\$0.00</u>

COMMISSION
 Brian Blair
 Rose V. Ferlita
 Ken Hagan
 Al Higginbotham
 Jim Norman
 Mark Sharpe
 Kevin White



Roger P. Stewart Center
 3629 Queen Palm Dr. • Tampa, FL 33619
 Ph: (813) 627-2600
 Fax Numbers (813):
 Admin. 627-2620 Waste 627-2640
 Legal 627-2602 Wetlands 627-2630
 Water 627-2670 ERM 627-2650
 Air 627-2660 Lab 272-5157

Executive Director
 Richard D. Garrity, Ph.D.

MEMORANDUM

DATE: January 8, 2008

TO: Tom Koulianos, Director of Finance and Administration

FROM: Mary Jo Howell, Executive Secretary, Waste Management Division
 through
 Hooshang Boostani, Director of Waste Management

SUBJECT: **WASTE MANAGEMENT'S DECEMBER 2007
 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT Done

1. New cases received	0
2. On-going administrative cases	112
a. Pending	4
b. Active	49
c. Legal	9
d. Tracking Compliance (Administrative)	34
e. Inactive/Referred Cases	16
3. NOI's issued	0
4. Citations issued	2
5. Consent Orders and Settlement Letters Signed	1
6. Civil Contributions to the Pollution Recovery Fund	\$5,031
7. Enforcement Costs collected	\$1,271
9. Cases Closed	1

B. SOLID AND HAZARDOUS WASTE

1. FDEP Permits (received/reviewed)	0/0
2. EPC Authorization for Facilities NOT requiring DEP permit	4/3
3. Other Permits and Reports	
a. County Permits	1/1
b. Reports	12/25
4. Inspections (Total)	953
a. Complaints	9
b. Compliance/Reinspections	9
c. Facility Compliance	25
d. Small Quantity Generator	910
e. P2 Audits	0
5. Enforcement	
a. Complaints Received/Closed	10/9
b. Warning Notices Issued/Closed	2/0
c. Compliance letters	13
d. Letters of Agreement	1
e. Agency Referrals	1
6. Pamphlets, Rules and Material Distributed	5

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	103
b. Installation	18
c. Closure	12
d. Compliance Re-Inspections	22
2. Installation Plans Received/Reviewed	13/13
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	10/10
b. Closure Reports Received/Reviewed	07/08
4. Enforcement	
a. Non-compliance Letters Issued/Closed	73
b. Warning Notices Issued/Closed	02/00
c. Cases referred to Enforcement	00
d. Complaints Received/Investigated	02/02
e. Complaints Referred	00
5. Discharge Reporting Forms Received	00
6. Incident Notification Forms Received	25
7. Cleanup Notification Letters Issued	00
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	36
2. Reports Received/Reviewed	108/78
a. Site Assessment	7/4
b. Source Removal	06/06
c. Remedial Action Plans (RAP's)	18/9
d. Site Rehabilitation Completion Order/ No Further Action Order	00/01
e. Active Remediation/Monitoring	61/43
f. Others	16/15
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 15

F. PUBLIC INFORMATION PROJECTS - 2

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION
DECEMBER, 2007**

A. ENFORCEMENT

1. New Enforcement Cases Received:	4
2. Enforcement Cases Closed:	4
3. Enforcement Cases Outstanding:	60
4. Enforcement Documents Issued:	6
5. Recovered costs to the General Fund:	\$ 1,095.00
6. Contributions to the Pollution Recovery Fund:	\$ 4,500.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. The Alagon on Bayshore	Placement of c/s in service w/out acceptance letter	\$ 500.00
b. Toufayan Bakery	Industrial wastewater discharge/ Improper operation/Failure to maintain	\$ 3,500.00
c. Neptune MHP WWTP	Violation of permit conditions/ Improper disposal of sludge	\$ 500.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	32
a. Facility Permit:	3
(i) Types I and II	0
(ii) Types III	3
b. Collection Systems-General	11
c. Collection Systems-Dry Line/Wet Line:	18
d. Residuals Disposal:	0
2. Permit Applications Approved:	33
a. Facility Permit:	9
b. Collection Systems-General:	9
c. Collection Systems-Dry Line/Wet Line:	15
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated):	0
a. Recommended for Approval:	0

5. Permits Withdrawn:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
6. Permit Applications Outstanding:	83
a. Facility Permit:	10
b. Collection Systems-General:	36
c. Collection Systems-Dry Line/Wet Line:	37
d. Residuals Disposal:	0
7. Permit Determination:	3
8. Special Project Reviews:	0
a. Reuse:	0
b. Residuals/AUPs:	0
c. Others:	0
C. INSPECTIONS - DOMESTIC	91
1. Compliance Evaluation:	7
a. Inspection (CEI):	2
b. Sampling Inspection (CSI):	5
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	52
a. Inspection (RI):	13
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	38
d. Enforcement Inspection (ERI):	1
3. Engineering Inspections:	32
a. Reconnaissance Inspection (RI):	0
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	0
d. Preconstruction Inspection (PCI):	11
e. Post Construction Inspection (XCI):	21
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	0

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	27
1. Permit Applications Received:	0
a. Facility Permit:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0
b. General Permit:	0
c. Preliminary Design Report:	1
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	1
2. Permits Recommended to DEP for Approval:	0
3. Special:	1
a. Facility Permits:	1
b. General Permits:	0
4. Permitting Determination:	0
5. Special Project Reviews:	35
a. Phosphate:	5
b. Industrial Wastewater:	19
c. Others:	11
E. INSPECTIONS - INDUSTRIAL	23
1. Compliance Evaluation:	10
a. Inspection (CEI):	10
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	9
a. Inspection (RI):	3
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	6
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	4
a. Compliance Evaluation (CEI):	4
b. Sampling Inspection (CSI):	0
c. Performance Audit Inspection (PAI):	0
d. Complaint Inspection (CRI):	0
e. Enforcement Reconnaissance Inspections (ERI):	0

F. INVESTIGATION/COMPLIANCE		
1.	Citizen Complaints:	36
	a. Domestic:	31
	(i) Received:	20
	(ii) Closed:	11
	b. Industrial:	5
	(i) Received:	2
	(ii) Closed:	3
2.	Warning Notices:	12
	a. Domestic:	8
	(i) Received:	4
	(ii) Closed:	4
	b. Industrial:	4
	(i) Received:	0
	(ii) Closed:	4
3.	Non-Compliance Advisory Letters:	15
4.	Environmental Compliance Reviews:	157
	a. Industrial:	51
	b. Domestic:	106
5.	Special Project Reviews:	3
G. RECORD REVIEWS		
1.	Permitting:	2
2.	Enforcement:	0
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:		
1.	Air Division:	80
2.	Waste Division:	0
3.	Water Division:	6
4.	Wetlands Division:	0
5.	ERM Division:	126
6.	Biomonitoring Reports:	7
7.	Outside Agency:	20
I. SPECIAL PROJECT REVIEWS:		
1.	DRIs:	2
2.	ARs:	1
3.	Technical Support:	0
4.	Other:	0

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
December 2007**

*R/S
11/9/07*

A. General	Totals
1. Telephone Conferences	491
2. Unscheduled Citizen Assistance	59
3. Scheduled Meetings	189
4. Correspondence	471
B. Assessment Reviews	
1. Wetland Delineations	17
2. Surveys	27
3. Miscellaneous Activities in Wetland	22
4. Mangrove	3
5. Notice of Exemption	0
6. Impact/ Mitigation Proposal	18
7. Tampa Port Authority Permit Applications	12
8. Wastewater Treatment Plants (FDEP)	1
9. DRI Annual Report	1
10. Land Alteration/Landscaping	4
11. Land Excavation	1
12. Phosphate Mining	4
13. Rezoning Reviews	17
14. CPA	5
15. Site Development	62
16. Subdivision	30
17. Wetland Setback Encroachment	7
18. Easement/Access-Vacating	1
19. Pre-Applications	57
20. On-Site Visits	128
C. Investigation and Compliance	
1. Complaints Received	24
2. Warning Notices Issued	4
3. Warning Notices Closed	4
4. Complaint Inspections	39
5. Return Compliance Inspections	48
6. Mitigation Monitoring Reports	18
7. Mitigation Compliance Inspections	20
8. Erosion Control Inspections	10
9. MAIW Compliance Site Inspections	26
10. TPA Compliance Site Inspections	0
D. Enforcement	
1. Active Cases	33
2. Legal Cases	1
3. NOI's	2
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	5
6. Administrative - Civil Cases Closed	4
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$3,500.00
9. Enforcement Costs Collected	\$1,261.00
E. Ombudsman	
Agriculture	3
Permitting Process	0
Rule Assistance	0
Staff Assistance	0
Miscellaneous/Other	1

WETLAND REPORT FOR REVIEW TIME 2007

Month	# Of Reviews	% On Time	% Late	% Early
December	472	95%	5%	-----
November	519	48%	3%	49%
October	437	23%	8%	69%
September	337	19%	7%	74%
August	451	25%	3%	67%
July				
June				
May	427	30.5%	2.5%	67%
April	442	25%	3%	72%
March	443	42%	3%	55%
February	373	35%	7%	58%
January	490	43%	15%	42%

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
FY 08**

	<u>As of 12/31/07</u>
Beginning Fund Balance, 10/01/07	\$ 1,112,615
Interest Accrued	16,354
Deposits	102,405
Disbursements	(37,231)
Intrafund Budget Transfers to Project Fund	(526,610)
Pollution Recovery Fund Balance	<u>\$ 667,533</u>
Encumbrances:	
Pollution Prevention/Waste Reduction (101)	\$ 8,002
Artificial Reef Program	140,098
PRF Project Monitoring	40,124
Total Encumbrances	<u>\$ 188,224</u>
Minimum Balance (Reserves)	\$ 120,000
Balance Available, 12/31/07	<u>\$ 359,309</u>

PROJECT FUND	Project Amount	Project Balance
Open Projects		
FY 06 Projects		
COT Parks Dept/Cypress Point (97)	100,000	\$ 100,000
Bahia Beach Restoration (contract 04-03)	150,000	150,000
Tampa Shoreline Restoration	30,000	9,101
Field Measurement for Wave Energy	125,000	27,884
Port of Tampa Stormwater Improvement	45,000	45,000
FY 07 Projects		
Agr Pesticide Collection & Education Day	24,000	\$ 2,075
Tank Removal	25,000	25,000
Industrial Facility Stormwater Inspection Prg	28,885	28,885
Agriculture Best Management Practice Impl	150,000	150,000
Lake Thonotosassa Assessment	75,000	75,000
Natures Classroom Cap, PH III	188,000	188,000
Pollution Monitoring Appl Pilot Project	45,150	45,150
Exper Land-Based Seagrass Nursery	20,000	20,000
Seagrass & Longshore Bar Recovery	75,000	15,613
Seawall Removal Cotanchobee Ft Brooke Park	100,000	100,000
Analysis of Bacteria & Beach Closures	125,000	125,000
Knights Preserve	35,235	30,104
Oyster Reef Shore/Stab & Enhance	30,000	10,040
Nitrogen Emission/Deposition Ratios, Air Pollution	40,906	40,906
Erosion Control/Oyster Bar Habitat Creation	75,000	75,000
Remediation of Illegally Dumped Asbestos	4,486	4,486
FY 08 Projects		
Australian Pine Removal E.G. Simmons Park	80,000	80,000
Restoration of MOSI	125,000	125,000
Invasive Plant Removal Egmont Key	133,000	133,000
Lake Magdalene's Management Plan	66,954	66,954
Testing Reduction of TMDL in Surface Water Flow	19,694	19,694
Assessing Bacteria Lake Carroll	101,962	101,962
	<u>526,610</u>	

COMMISSION
 Brian Blair
 Rose V. Ferlita
 Ken Hagan
 Al Higginbotham
 Jim Norman
 Mark Sharpe
 Kevin White



Roger P. Stewart Center
 3629 Queen Palm Dr. • Tampa, FL 33619
 Ph: (813) 627-2600
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 Legal 627-2602 Wetlands 627-2630
 Water 627-2670 ERM 627-2650
 Air 627-2660 Lab 272-5157

Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF DECEMBER 31, 2007

Fund Balance as of 10/01/07	\$248,370
Interest Accrued	1,651
Disbursements FY07	(5,861)

Fund Balance \$244,160

Encumbrances Against Fund Balance:		Start Date	Expiration Date
SP627 Tampa Bay Scallop Restoration	\$ 4,906	08/29/03	12/31/07
SP636 Fantasy Island	4,208	01/20/05	12/31/07
SP634 Cockroach Bay ELAPP Restoration	235,046	03/10/05	01/31/08
Total of Encumbrances	\$244,160		

Fund Balance Available 12/31/2007 \$ - 0 -



EPC Agenda Item Cover Sheet

Date of EPC Meeting: January 17, 2008

Subject: Legal Case Summary for January 2008

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

Division: Legal Department

Recommendation: None, informational update.

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

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

Background: In an effort to provide the Commission a timely list of pending 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 pending 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: January 2008 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT
January 2008

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [0]

EXISTING ADMINISTRATIVE CASES [5]

Carolina Holdings, Inc. v. EPC [LCHP04-008]: A proposed final agency action letter denying an application for authorization to impact wetlands was sent on May 7, 2004. Carolina Holdings, Inc. requested an extension of time to file an appeal. The EPC entered an Order Granting the Request for Extension of Time on June 3, 2004 and the deadline for filing an appeal was July 2, 2004. On July 2, 2004, Carolina Holdings, Inc. filed an appeal challenging the decision denying the proposed wetland impacts. The parties have conducted mediation to attempt to resolve the matter without a hearing. The applicant re-submitted the new final site plan for re-zoning determination. Hillsborough County denied the re-zoning application. The applicant has filed a Chapter 70, F.S. dispute resolution challenge of the County's re-zoning decision. On October 4, 2006 the parties jointly responded to the Hearing Officer that the matter would continue to be held in abeyance until at least January 8, 2007. The parties responded to the Hearing Officer again stating the proposed development is still under dispute with Hillsborough County. The next status report is due on December 28, 2007. (AZ)

Irshaid Oil, Inc. [LEPC06-006]: On March 15, 2006, Mr. Nasser Irshaid filed a request for extension of time to file an appeal to challenge a Citation of Violation and Order to Correct issued by EPC on February 28, 2006, regarding waste issues. The Legal Dept. granted the request and provided the Appellant with a deadline of June 19, 2006 in which to file an appeal. On June 8, 2006 Appellant filed a second request for extension of time. It was determined that the request did not show good cause and the request was denied. Mr. Irshaid had until July 19, 2006 to file an appeal. On July 10, 2006 Mr. Irshaid filed an insufficient Notice of Appeal which was dismissed with leave to amend. Mr. Irshaid had until July 28, 2006 to file an amended appeal. Mr. Irshaid filed an appeal on July 18, 2006. A Hearing Officer was appointed on August 14, 2006. The Case Management Conference was held on Sept. 6, 2006. The Case was held in abeyance until May 24, 2007, and a status conference was scheduled for July 31, 2007 but has since been cancelled pending settlement discussions. No final hearing has been set pending possible settlement. (AZ)

Daniel A. and Celina Jozsi [LEPC06-031]: On October 17, 2006, the Jozsis filed a Notice of Appeal and Objection to an Amended Consent Order entered on September 27, 2006. The Legal Department has issued a letter acknowledging the appeal. A mediation was conducted on February 27, 2007. The mediation resulted in an impasse. The parties conducted a final hearing on the week of April 2, 2007. The Hearing Officer's Recommended Order was entered on May 31, 2007. The Jozsis filed exceptions to the Hearing Officer's recommendation and responses were also filed. The matter was transferred back to the Commission for adoption of a Final Order at the September 20, 2007 regular board meeting. On September 20, 2007 a Public Hearing was held before the Commission to consider the Hearing Officer's recommendation and render a Final Order in this case. The Commission upheld the Hearing Officer's recommendation and a Final Order was executed on October 1, 2007. On October 29, 2007, Appellants filed a Notice of Appeal of the Final Order in the Second District Court. (AZ)

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

He Il Cho v. EPC [LEPC07-031]: Appellant filed an extension of time and shortly thereafter an appeal on December 4, 2007, challenging a citation the EPC issued regarding noise violations at the now closed El Chaparro Mexican restaurant (on N. Florida Avenue). The parties are negotiating. (RM)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [1]

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)

EXISTING CIVIL CASES [10]

Julsar, Inc. [LEPC04-014]: Authority to take appropriate action against Julsar, Inc. for illegally removing over 11,400 square feet of regulated asbestos-containing ceiling material was granted on May 20, 2004. A Notice of Violation has issued and was received in early 2007. A Final Order was issued on June 1, 2007, and it was not appealed. The EPC filed a lawsuit to compel compliance on October 9th. (RM)

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

Jozsi, Daniel A. and Celina v. EPC and Winterroth [LEPC05-025]: Daniel A. and Celina Jozsi requested an appeal of a Consent Order entered into between James Winterroth and the EPC Executive Director. The appeal was not timely filed and the EPC dismissed the appeal. On December 8, 2005, the Jozsis appealed the order dismissing the appeal to the circuit court. The appeal was transferred to the Second District Court of Appeal (2DCA). The EPC transferred the record to the 2DCA on Aug. 24, 2006. On Sept. 27, 2006 the EPC and James Winterroth entered into an Amended Consent Order. The Jozsis were provided the right to challenge the Amended Order. The Jozsis filed an appeal of the Amended Consent Order on Oct. 17, 2006 (see related case LEPC06-031). On October 19, 2006 the EPC filed a Motion to Dismiss the Second DCA appeal. The Court denied the Motion to Dismiss the appeal. The Appellants filed the initial brief and the Appellees EPC and James Winterroth requested additional time to file their answer brief. The request for additional time was based on the Court's order requiring the record be supplemented. The parties have all filed briefs. Appellee James Winterroth filed a Status Report and Suggestion of Mootness. The Court entered an order consolidated this case with the appeal case of the final order referenced above in the administrative cases. (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)

Phillips & Munzel Oil Co., Inc. [LEPC06-034] Authority to take appropriate action including filing a civil lawsuit was granted by the Commission on December 14, 2006. The Respondent is currently not in compliance with underground storage tank regulations. The EPC is attempting to negotiate a settlement in this matter. (AZ)

Bayside Home Builders, Inc [LEPC07-008]: Authority to take appropriate action against the parties was granted by the Commission on February 15, 2007, for failure to comply with a Consent Order payment schedule for asbestos violations. The EPC filed a lawsuit to compel compliance on October 9th. (RM)

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

Petrol Mart, Inc. [LEPC07-018]: Authority to take appropriate action against Petrol Mart, Inc. to seek corrective action, appropriate penalties and recover administrative costs for improperly abandoned underground storage tanks and failure to address petroleum contamination was granted on June 21, 2007. The owner of the property is insolvent and the corporation inactive; however, the Waste Management Division intends on obtaining a judgment and lien on the property for the appropriate corrective actions. The Legal Department filed a civil lawsuit on September 26, 2007. The defendant was served with the lawsuit on October 12, 2007. The Court entered a default on November 9, 2007 for the Defendant's failure

to respond. The EPC Legal Department is preparing to set the matter for a trial to obtain a default judgment. (AZ)

South Bay Corporation & Industrial Park, Inc. and The James Group [LEPC07-025]: Authority to take appropriate action against South Bay Corporation and the James Group for operating a wastewater treatment facility without a valid permit was granted on September 20, 2007. The parties are seeking settlement. (RM)

Gas Mart, Inc. [LEP07-029]: Authority to take appropriate action against Gas Mart, Inc. G.W. Partners, Ltd. for failure to properly assess and remediate petroleum contamination at their property was granted on August 16, 2007. The EPC staff is attempting to negotiate an amicable settlement with the parties prior to filing the civil lawsuit. (AZ)

RECENTLY RESOLVED CIVIL CASES [0]

C. OTHER OPEN CASES [14]

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

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

Agrium U.S., Inc. [LEPC07-012]: On May 3, 2007 Petitioner filed a request for extension of time to file a petition for administrative hearing regarding an Air Operating Permit denial. Subsequently, the Petitioner has been granted additional extensions of time. The fifth request for extension was granted in part and the Petitioner has until February 8, 2008 to file a petition in this matter. (RM)

Angelo's Aggregate Materials, Ltd [LEPC07-015]: On May 30, 2007, Petitioner filed a request for an informal conference regarding a Notice of Violation issued by the Air Mgmt. Division regarding dust issues. The parties are negotiating. (RM)

Southern HealthCare Management, LLC d/b/a Bayshore Pointe Nursing & Rehab Center [LEPC07-016]: On May 30, 2007, Petitioner filed a request for a waiver or variance from noise regulations for an emergency power generator. (RM)

Southern HealthCare Management, LLC d/b/a Bayshore Pointe Nursing & Rehab Center [LEPC07-017]: On May 31, 2007, Appellant filed an extension of time to file a Notice of Appeal regarding an Air Mgmt. Division citation issued to the facility for noise violations from its emergency generator. The Petitioner has been granted three prior requests for extensions of time and has filed a fourth request. The Legal Dept. has determined that the request shows good cause for the extension and the Petitioner shall have until January 21, 2008 to file an appeal. (RM)

Separation Technologies LLC [LEPC07-026]: On September 24, 2007 the Petitioner requested 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 November 26, 2007 to file. The extension has expired without the party filing a challenge, but a draft permit issued on December 4, 2007. The EPC Legal file will be closed. (RM)

Bay Hills Village Condominium Association, Inc. [LEPC07-027]: On September 26, 2007 the Petitioner requested an extension of time to file a petition for administrative hearing to challenge a Notice of Violation issued on September 4, 2007. The request was granted and the Petitioner had until November 26, 2007 to file. No extension was filed thus the Notice of Violation will become final. (RM)

B. Kalra [LEPC07-028]: On September 11, 2007, Appellant, B. Kalra, filed an appeal with the Civil Service Board challenging the Notice of Dismissal which was issued on Sept. 7, 2007. A Motion for Summary Final Judgment was filed on October 19, 2007 and a hearing on the motion has been scheduled for November 14, 2007. The EPC's motion was approved and the employees Civil Service appeal was dismissed. The Final Summary Judgment was issued on December 7,

2007 and the case has been closed. (RM)

Mother's Organics [LEPC07-030]: On November 14, 2007 Appellant Mother's Organics requested an extension of time to file a notice of appeal to challenge a Citation of Violation and Order to Correct. The request was denied and the appellant was granted until November 30, 2007 to file an appeal. On November 29, 2007 the Appellant filed a second request for extension of time citing cancellation of a scheduled meeting by EPC staff. The request was denied and the appellant was granted until December 10, 2007 to file an appeal. The Appellant entered into a Consent Agreement on December 27, 2007 and the case has been closed. (AZ)

Hess Corporation [LEPC07-032]: On November 29, 2007, Petitioner Hess Corporation requested an extension of time to file a petition for administrative hearing to challenge a draft permit. The request was granted and the Petitioner has until January 10, 2008 to file a petition. (RM)

William H. Stanton [LEPC07-033]: On December 4, 2007 Appellant William H. Stanton requested an extension of time to file a notice of appeal to challenge a Citation of Violation and Order to Correct. The request was denied and the appellant was granted until December 14, 2007 to file an appeal. The operator of Mother's Organics, a Yard Trash Operating Facility, entered into a Consent Agreement on December 27, 2007 to correct the violations and the EPC has withdrawn the Citation entered against the property owner, William H. Stanton. (AZ).

Kinder Morgan Port Sutton Terminal LLC [LEPC07-035]: On December 6, 2007 Petitioner Kinder Morgan requested an extension of time to file a petition for an administrative hearing to challenge an Air permit. The request has been granted and the Petitioner has until February 11, 2008 to file a petition. (RM)

Swati, Inc. [LEPC07-036]: On December 21, 2007, the Appellant Swati, Inc. filed a request for an extension of time to file a notice of appeal to challenge a Citation of Violation and Order to Correct issued on December 3, 2007, regarding a petroleum cleanup matter. The Legal Dept. granted the request and the Appellant has until January 31, 2008 to file an appeal in this matter. (AZ)

Mosaic Fertilizer, LLC [LEPC07-037]: On December 21, 2007, the Petitioner Mosaic Fertilizer, LLC filed a request for an extension of time to file a petition for an administrative hearing to challenge a draft air pollution permit. The Legal Dept. granted the request and the Petitioner has until March 31, 2008 to file a petition in this matter. (RM)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: January 17, 2008

Subject: Audit Review of EPC/PGM Process

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

Division: Finance and Administration

Recommendation: Informational Only

Brief Summary: EPC and Audit Staff met on January 9, 2008 to discuss the "Draft Findings and Recommendations". The Final Audit Report will be completed and delivered to Dr. Garrity within the next two weeks. The Audit Report will be presented to the EPC Board at the next regularly scheduled EPC Meeting.

Background:



EPC Agenda Item Cover Sheet

Date of EPC Meeting: January 17, 2008

Subject: Public hearing to approve amendments to the Wetlands Rule, Ch. 1-11, Rules of the EPC concerning exemptions for certain bona fide agricultural activities .

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

Division: Wetlands Management Division and Legal Department

Recommendation: Hold a public hearing and approve adoption the attached proposed new Section 1-11.12 of the Wetlands Rule, Ch. 1-11, Rules of the EPC.

Brief Summary: Pursuant to the EPC Act, the EPC Board must hold a noticed public hearing to approve, repeal or amend a rule. At the August 16, 2007 regular EPC meeting the EPC Board approved the Hybrid Model presented by staff. In accordance with the Hybrid Model, the staff proposes amendments to the EPC Wetland Rule Chapter 1-11 that provide for certain exemptions for bona fide agricultural activities in Hillsborough County.

Financial Impact: No Financial Impact.

Background: On August 16, 2007, the EPC Board approved the Hybrid Model, a plan to streamline and clarify the EPC's wetlands regulatory rule, Chapter 1-11, Rules of the EPC. As part of the Hybrid Model, the EPC will consider Section 1-11.12 providing for the exemption of certain bona fide agricultural activities from portions of EPC's review of wetland impacts. Staff held informal public workshops on September 24, 2007, October 30, 2007 and December 18, 2007 and consulted with the public and the Agricultural Economic Development Council. The staff has prepared a draft rule section proposed for adoption at the January 17, 2008 regular meeting. The rule provides for some wetland impacts arising out of certain bona fide agricultural activities being exempt from the reasonable use test of the EPC Wetland Rule. These wetland impacts include impacts approved through a state and federal program referred to as the Agricultural Ground and Surface Water Management (AGSWM) program; wetland impacts authorized under certain state exemptions; and impacts to small isolated wetlands. Another set of wetland impacts arising out of certain bona fide agricultural activities would be exempt from the mitigation requirements of the EPC Wetland Rule. These wetland impacts include impacts to isolated wetlands no greater than one quarter acre in size or if the applicant proposes mitigation through the state environmental resource permitting process. The proposed amendments were developed in accordance with the approved Hybrid Model.

Pursuant to Section 5.2 of the Hillsborough County Environmental Protection Act (EPC Act), the EPC Board must hold a noticed public hearing to approve a rule or rule amendment. The EPC staff requests that the Board approve the attached rule amendments at a public hearing at the regularly scheduled meeting on January 17, 2008.

List of Attachments: Proposed Section 1-11.12, Rules of the EPC

- Rule Draft -

Proposed for adoption Jan. 17, 2008

**RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-11
WETLANDS**

**1-11.12 BONA FIDE AGRICULTURAL
ACTIVITIES**

(1) The following exemptions apply to development within wetlands as a result of bona fide agricultural activities. Bona fide agricultural activities include necessary farming operations which are normal and customary for the area, such as site preparation, clearing, fencing, contouring to prevent soil erosion, soil preparation, plowing, planting, harvesting, and construction of access and internal roads, bridges, or culverts to facilitate these operations; construction or maintenance of irrigation and drainage ditches; and construction, operation or maintenance of agricultural use ponds. The following exemptions do not include activities such as logging or timbering in wetlands, construction of permanent or temporary structures such as non-agricultural buildings or residences, or any similar non-agricultural uses of land even if related to bona fide agricultural activities. The applicant for any of the following wetland impacts must apply with the Wetlands Management Division to utilize the following exemptions under a Miscellaneous Activities in Wetlands authorization or under mitigation review as applicable.

(a) Reasonable Use exemption: The following wetland impacts satisfy the reasonable use requirement set forth in Section 1-11.07:

(i) Wetland impacts where the wetland impacts are addressed in a Southwest Florida Water Management District (District) approved Resource Management System (RMS) plan or a Natural Resource Conservation Service approved RMS plan implemented pursuant to the Agricultural Ground and Surface Water

Management program (AGSWM). The applicant for wetland impacts must fully implement the terms of the RMS plan to be eligible for this exemption. The conditions contained in the RMS plan shall be included in any approval as an order of the Executive Director and shall be enforceable as such pursuant to Section 17 of the EPC enabling act.

(ii) Where the impact is to an isolated non-forested wetland no greater than one quarter (1/4) acre in size and the impact is authorized in writing by the District through use of any of the state exemptions in Subsections 40D-4.051(7), (8)(a), (8)(d), (8)(m), (9)(d), or (9)(e), F.A.C.

(iii) Any activities constituting development as defined in this rule within isolated non-forested wetlands no greater than one quarter (1/4) acre in size. An applicant may increase wetlands impacts under this Section up to a one half (1/2) acre isolated non-forested wetland where the wetland impact does not involve converting wetlands or other jurisdictional surface waters to uplands and the impact incorporates the requirements set forth in Section 8.01.06A of the Land Development Code. The total cumulative area of wetland impacts on the property under this exemption shall not exceed one half (1/2) acre. The impact must also be authorized by a state exemption or an Environmental Resource Permit issued by the District. In the event wetland impacts are authorized in those wetlands in the future pursuant to Chapter 1-11, the previously impacted wetland area shall be mitigated as an undisturbed wetland for purposes of Section 1-11.08.

(b) Mitigation exemption:

(i) Wetland impacts that are limited to fully isolated wetlands or other surface waters one quarter (1/4) acre or less in size, are exempt from the mitigation requirements under Section 1-11.08, unless the total proposed wetland impacts to isolated wetlands on the agricultural land cumulatively exceed one half (1/2) acre in size. This exemption does not apply where the wetland is used by threatened or endangered species, or the wetland is located in an area of

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

state critical concern designated pursuant to Chapter 380, F.S.

(ii) Any wetland impacts authorized under Section 1-11.12(1)(a) that are proposed for mitigation pursuant to the uniform mitigation assessment methodology and are incorporated into an ERP shall be exempt from Section 1-11.08. The conditions of the ERP mitigation shall be included in any approval as an order of the Executive Director and shall be enforceable as such pursuant to Section 17 of the EPC enabling act. The mitigation must be located within Hillsborough County. However, if mitigation is otherwise required by the Wetland Rule Chapter 1-11 and the District does not require mitigation, an applicant must still comply with Section 1-11.08 for those wetland impacts and provide the appropriate mitigation.

(iii) To be eligible for this exemption under this Section the property must remain in a bona fide agricultural use for at least seven (7) years from the date of the impact. In the event the wetland impact area is taken out of agricultural use and the land converts to other uses such as residential or non-agriculture commercial use within seven (7) years, the wetlands that were impacted pursuant to the exemption must be re-created in substantially the same location and in substantially the same condition, or the impacted wetlands must be mitigated pursuant to Section 1-11.08. If the property owner sells or conveys the property, the property owner shall ensure that future property owners are aware that the area must be re-created or mitigated as provided above in the event the area converts to a non-agricultural use. The approval letter shall be recorded in the public records to serve as notice to future owners.

(2) Conditions and limitations applicable to all above exempt activities:

(a) Further subdivision of a property after the adoption of this rule shall not entitle present or future owners to wetland impact thresholds greater than the areas eligible under the area of original common ownership.

(b) These exemptions do not apply to any filling activity using anything other than

clean fill as defined in Sections 62-701.200(38) or (15), or 62-701.730(15), F.A.C.

(c) Development under these exemptions shall not cause offsite adverse impacts, including flooding, or otherwise affect the local hydrology so as to adversely affect other wetlands.

(d) Fish ponds constructed under this Section shall not be eligible for the exemption in Section 1-11.11(1)(b)(iii).

(e) These exemptions do not apply to wetlands created, enhanced, or restored as mitigation for wetlands or surface water impacts under a permit issued by the Executive Director, DEP, District or United States Army Corps of Engineers.

(f) The development under these exemptions shall include best management practices for erosion, turbidity and other pollution control to prevent violations of state or Commission water quality standards.

(g) These exemptions do not apply to activities reviewed under the Mangrove Trimming and Preservation Rule Chapter 1-14.

(h) These exemptions do not imply exemption from obtaining all proper permits or complying with regulations of other federal, state or local agencies.

Section History -- adopted _____, 200_;

Effective date: _____

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: January 17, 2008

Subject: Pollution Recovery Fund Project with the Tampa Bay Estuary Program and Declaration of Cooperation of the Tampa Bay Nitrogen Management Consortium

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

Division: Environmental Resources Management Division

Recommendation: Approve and authorize the Chairman to sign the Declaration of Cooperation of the Tampa Bay Nitrogen Management Consortium and approve use of the Pollution Recovery Fund (PRF) for funding of the Tampa Bay Estuary Program's Nitrogen Management Consortium PRF project, on a one-time basis, not to exceed \$5,000.

Brief Summary: The Tampa Bay Nitrogen Management Consortium (NMC) is a unique partnership of regional governments and key industries in Tampa Bay organized under the aegis of the Tampa Bay Estuary Program in 1996. The NMC developed and implemented a collaborative nitrogen management strategy to improve the health of Tampa Bay. The Declaration of Cooperation represents the second update to this strategy. The EPC staff recommends use of Pollution Recovery Fund money for this project. The Citizens Environmental Advisory Committee reviewed this project and approved it on January 7, 2008.

Financial Impact: Financial Impact to the EPC Pollution Recovery Fund is \$5,000 to be paid out of existing funds. No additional funds required.

Background: In August 1996, the Tampa Bay Estuary Program's governmental partners joined with key industries in the Tampa Bay region to create a unique public/private partnership known as the Tampa Bay Nitrogen Management Consortium (NMC) for the express purpose of developing a Consortium Action Plan to meet the "hold the line" water quality target. The original Action Plan consisted of more than 100 projects which collectively reduced or precluded nitrogen discharges to the bay by an estimated 134 tons/year between 1995 and 1999. The Action Plan, entitled *Partnership for Progress*, was the core of a larger nitrogen management strategy that included: the baywide seagrass restoration/preservation goal; chlorophyll and nitrogen reduction targets for each major bay segment; apportionment of responsibility for meeting the nitrogen reduction targets; and a process to track whether the targets were being met.

The initial strategy was revised and submitted to the Florida Department of Environmental Regulation (FDEP) in July 2002. In November 2002, the FDEP concluded that the Tampa Bay Estuary Program's nitrogen management strategy provided "Reasonable Assurance" that the

state water quality criteria for nutrients would be met. The U.S. Environmental Protection Agency (EPA) in the meantime continues to recognize a 1998 action by FDEP that proposed a total maximum load of nitrogen that could be discharged to the bay annually and still meet state standard water quality criteria. Both FDEP's Reasonable Assurance determination and the total maximum nitrogen loading recognized by EPA are based on statistical modeling and data analyses done by the Tampa Bay Estuary Program and its partners.

In October, 2007, the NMC initiated development of the second revision to the strategy, represented within the Declaration of Cooperation as the Tampa Bay Nitrogen Management Strategy 2007 Update to the Reasonable Assurance Document. This 2007 Update will:

- 1) provide an update on implementation of the Tampa Bay Nitrogen Management Strategy;
- 2) provide adequate documentation to allow FDEP a finding of Reasonable Progress pursuant to Florida Administrative Code section 62-303.600; and
- 3) request an extension of the determination that the Strategy will continue to provide reasonable assurance that the Strategy will adequately address impairment of designated uses related to nutrients in Tampa Bay.

This 2007 Update will be followed with a revised 2009 Reasonable Assurance document by July 31, 2009, which will include nitrogen loading allocations to categories of nitrogen sources by major bay segment, and facility-specific and municipal sanitary and storm sewer systems (MS-4) specific allocations within each major bay segment. Documented load reductions from permitted and non-permitted projects undertaken or planned will be incorporated into the allocation process. This document will be supported by the Assessment and Allocation Report, which will provide the basis for the determination of waste load allocations for all members. Consistent with the NMC's consensus approach, each member is asked to participate in funding the Assessment and Allocation Report to develop technically sound, equitable allocations. The estimated total cost of \$100,000 will be shared equally among NMC members at a cost not to exceed \$5,000 per member to be paid by January 31, 2008. The EPC staff supports this effort and requests that the Commission use the Pollution Recovery Fund (PRF), outside of the normal applications deadlines, to fund this project for a total not to exceed \$5,000 granted to the Tampa Bay Estuary Program for the NMC's above describe project. The Citizens Environmental Advisory Committee has reviewed this project and approved it on January 7, 2008. Furthermore, the NMC requests that each party approves and signs the above described and attached Declaration.

List of Attachments: Declaration of Cooperation of the Tampa Bay Nitrogen Management Consortium (without Exhibits A, B, and C, for brevity)

**DECLARATION OF COOPERATION OF THE
TAMPA BAY NITROGEN MANAGEMENT CONSORTIUM**

SUSTAINING THE RECOVERY OF THE TAMPA BAY ESTUARY

From the uppermost reaches of Old Tampa Bay and Hillsborough Bay to the mouth of the bay at Egmont Key, the Tampa Bay estuary is made up of a variety of habitats where fish and other wildlife find shelter and food. They range from lush underwater beds of seagrasses, to tidal marshes and mangrove swamps. Abundant and healthy habitats are critical to the health of the bay. Without them, Tampa Bay would lack the diversity of fish, birds and other wildlife that contribute to the natural wonder of the region and is essential to its economic vitality.

Environmental scientists who advise the Tampa Bay Estuary Program agree that submerged seagrass is among the most important habitats because it serves as shelter, nursery, and food source for a diverse variety of species and stabilizes the bay bottom. Restoration of seagrass habitat is the top priority goal of the Estuary Program. The key to restoring seagrass is improving and then maintaining adequate water clarity that allows light to penetrate into the shallow waters of the bay where seagrasses grow. And the key to maintaining water clarity is preventing excessive nitrogen – a nutrient necessary for plant growth – from entering the bay and stimulating the growth of microscopic algae that cloud the water and prevents light from reaching the seagrasses.

Water clarity in Tampa Bay declined markedly in the 1950s, 60s, and 70s as rapid population growth led to increased discharges of partially treated sewage with large amounts of nitrogen. Algae blooms and fish kills were common and almost 50% of seagrass in the bay died off as a result of insufficient light. Unregulated dredge and fill operations contributed to the problem by further clouding the water.

The year 1979 marked a turning point in the condition of the bay when the City of Tampa upgraded the Howard F. Curren Plant at Hookers Point to advanced wastewater treatment which increased nutrient removal and sharply reduced the amount of nitrogen being discharged into the bay. Across the bay, the City of St. Petersburg pioneered the country's first large-scale reclaimed wastewater program, reclaiming water for irrigation of lawns and golf courses rather than discharging it into the bay.

The quality of bay waters responded quickly to the sharp reduction in nitrogen loading. Concentrations of chlorophyll – an indicator of the amount of algae suspended in the water – dropped dramatically in all major segments of the bay between 1982 and 1984. In Hillsborough Bay alone, the average chlorophyll concentrations fell from 37 units of chlorophyll in 1982 to 13 units in 1984. Seagrasses responded more slowly to the improving water clarity, but expanded to 25,200 acres by 1990 from a low point of 21,600 acres in 1982.

The Tampa Bay National Estuary Program (NEP) was established in 1991 to help local governments, agencies, and other stakeholders in the Tampa Bay area develop a plan to sustain the recovery of Tampa Bay. The NEP partners adopted a Comprehensive Conservation and Management Plan in December 1996 that included measurable goals for restoring seagrasses and related targets for reducing nitrogen discharges to the bay. The parties unanimously adopted a "hold the line" target on nitrogen discharges that capped the load at a level that would ensure adequate water clarity and light to sustain seagrass recovery. Local government and agency partners in the NEP reinforced their commitment to achieving the goals through an Interlocal Agreement adopted in 1998.

In August 1996, the NEP's governmental partners joined with key industries in the Tampa Bay region to create a unique public/private partnership known as the Tampa Bay Nitrogen Management Consortium for the express purpose of developing a Consortium Action Plan to meet the "hold the line" target. The original Action Plan consisted of more than 100 projects which collectively reduced or precluded nitrogen discharges to the bay by an estimated 134 tons/year between 1995 and 1999. The Action Plan, entitled *Partnership for Progress*, was the core of a larger nitrogen management strategy that included: the baywide seagrass restoration/preservation goal; chlorophyll and nitrogen reduction targets for each major bay segment; apportionment of responsibility for meeting the nitrogen reduction targets; and a process to track whether the targets were being met.

In November 2002, the Florida Department of Environmental Protection (FDEP) concluded that the Tampa Bay Estuary Program's nitrogen management strategy provided reasonable assurance that the state water quality criteria for nutrients would be met. The U.S. Environmental Protection Agency (EPA) in the meantime continues to recognize a 1998 action by FDEP that proposed a total maximum load of nitrogen that could be discharged to the bay annually and still meet state standard water quality criteria. Both FDEP's reasonable assurance determination and the total maximum nitrogen loading recognized by EPA are based on statistical modeling and data analyses done by the Estuary Program and its partners.

The remarkable recovery of the Tampa Bay ecosystem after decades of decline is unprecedented among urban estuaries worldwide. The rebound in water quality and ecological health of the bay is even more remarkable in light of the strong population growth during the recovery period. FDEP, EPA, the Consortium and other partners in the Estuary Program want to continue the success of the collaborative nitrogen management strategy spearheaded by the Estuary Program and the Consortium. At the same time the regulated members of the Consortium recognize the duties of FDEP and EPA to administer the environmental regulations for which they are responsible and that FDEP and EPA may not issue discharge permits without limitations that ensure compliance with the total maximum nitrogen load recognized by EPA.

It is in the interest of all stakeholders to continue this successful approach to bay management and avoid a potential free-for-all of administrative challenges and lawsuits in which no one benefits and which risk derailing twenty-five years of progress toward the bay's recovery.

To help ensure continued recovery of vital seagrass habitat and the successful nitrogen management strategy that makes it possible, local governments, agencies, and industry members of the Nitrogen Management Consortium declare their intent to work together over the next 18 months to provide FDEP with an updated reasonable assurance document, ensuring that state water quality criteria for nutrients will continue to be met in the bay. The partners commit further to develop an equitable allocation of responsibility for achieving nitrogen reduction targets as well as the total maximum loading of nitrogen to each major bay segment. The amount of nitrogen discharge (i.e. load) allocated to each municipal and industrial facility will take into consideration expected growth in population and/or demand for manufactured products. The Consortium partners accept that the agreed-upon allocations of nitrogen load will be the basis for future permitting of nitrogen discharges from municipal and industrial facilities.

Additional background on the history and documentation of the Tampa Bay nitrogen management strategy may be found in Exhibit "A". The commitment of Consortium members to update the reasonable assurance document is provided in greater specificity below.

MEMBERS OF THE TAMPA BAY NITROGEN MANAGEMENT CONSORTIUM SPECIFICALLY DECLARE THEIR INTENT TO COOPERATE AS FOLLOWS TO ENSURE CONTINUING RECOVERY OF THE TAMPA BAY ESTUARY:

Section 1: The Consortium hereby approves the 2007 Update to Reasonable Assurance Document attached as Exhibit "B" which documents reasonable progress toward bay segment-specific nutrient targets and seagrass restoration goals adopted by the Tampa Bay Estuary Program (formerly the NEP) and approved by FDEP; and

Section 2: Members of the Consortium pledge to participate in developing a 2009 Reasonable Assurance Document that includes revised allocations by major bay segment to categories of nonpoint sources of nitrogen (categorical load allocations -- LA) and to specific wastewater facilities and Municipal Separate Storm Sewer Systems (facility-specific wasteload allocations -- WLA) (Table 4 in Exhibit "B"). The cumulative total nitrogen load for all wasteload allocations (WLA) and load allocations (LA) will not exceed the assimilative capacity for a bay segment, as defined in the federally-recognized TMDL for Tampa Bay (Table 3 of Exhibit "B"). The revised allocations will be technically supported by an Assessment and Allocation Report; and

Section 3: The Consortium will submit the 2009 Reasonable Assurance Document to FDEP by July 31, 2009, which will include a request that FDEP approve continued implementation of the Tampa Bay nitrogen management strategy as reasonable assurance that potential impairment of designated uses related to nutrients in Tampa Bay are and will continue to be adequately addressed through 2012; and

Section 4: The Consortium will develop and implement a set of guiding principles in order to fairly and equitably establish wasteload allocations for affected entities, including new or expanded discharges due to growth; and it will include in the 2009 Reasonable Assurance Document a resolution signed by Consortium members accepting the revised load allocations established for Consortium members and acknowledging that the facility-specific wasteload allocations will be adopted by FDEP as Water Quality-Based Effluent Limitations; and

Section 5: The Consortium pledges to continue to identify and implement projects to achieve the cumulative nitrogen management targets for Tampa Bay; and

Section 6: FDEP will conduct an initial assessment of Reasonable Progress based on actual loads to each bay segment and will defer the evaluation of facility-specific loadings until July 2009 to allow TN load allocations to individual permitted sources and to categories of nonpoint sources to be developed and finalized for inclusion in the 2009 Reasonable Assurance Document addressing nutrient management in Tampa Bay major bay segments. Under this approach, FDEP would acknowledge that Reasonable Progress is being achieved as long as the Consortium's efforts to revise the allocations remain on schedule, pursuant to Florida Administrative Code 62-303.600; and

Section 7: The Consortium acknowledges that FDEP will use interim wasteload allocations to establish effluent limits for permits that come up for renewal before July 2009. The interim wasteload allocations will be based upon the most recent loading information available, taking into account recent growth and variability in discharge due to rainfall and other factors.

Section 8: To encourage voluntary efforts which further the attainment of the adopted nitrogen reduction/management goals, FDEP and the Southwest Florida Water Management District agree to exercise reasonable flexibility within the framework of their rules and regulations, including serious consideration of petitions for variances from applicants, in processing permit applications for projects implementing the Tampa Bay nitrogen management strategy. The U.S. EPA finds the Consortium's recommendations to develop preliminary and final reasonable assurance documents including nitrogen wasteload allocations for permitted facilities combined with FDEP's permitting strategy to be acceptable (Exhibit "C"); and

Section 9: Consistent with the Consortium's consensus approach, each member pledges to participate in funding the Assessment and Allocation Report to develop technically-sound, equitable allocations. The estimated total cost of \$100,000 will be shared equally among Consortium members at a cost not to exceed \$5,000 per member to be paid by January 31, 2008 or as soon thereafter as possible. To ensure the accuracy and completeness of the Assessment and Allocation Report and the Estuary Program's Action Plan Data Base, each member of the Consortium further pledges to provide the Estuary Program and the contractor responsible for preparing the Assessment and Allocation Report with information and data necessary to adequately describe the member's nitrogen reductions projects and to provide documentation supporting the estimated nitrogen reductions where additional documentation is necessary. This Declaration shall take effect upon the last date of Execution.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: Thursday January 17, 2008

Subject: Student recognition for winning National Radon Poster contest competition

Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____
Under "Special Recognition"

Division: NA

Recommendation: Accept presentation.

Brief Summary: Daniel Carr, a sixth-grade home-schooled student from Tampa, was the first place State winner of the Florida Department of Health 2007 Radon Poster contest. Daniel's poster went on to take second place nationally, in Washington, D.C.

Financial Impact: None

Background: Radon is a naturally occurring, invisible, odorless and radioactive gas emitted from soils and is the leading cause of lung cancer among non-smokers annually. With the goal of emphasizing the risk of indoor radon exposure, the Florida Department of Health held a statewide poster contest. The first place winner was from Tampa and a ninth grader from Tallahassee and eighth grader from Hollywood both received honorable mentions. The Tampa winner's poster was forwarded for inclusion in the 2008 National Radon Poster Contest and received second place nationally.

List of Attachments: None

FOR IMMEDIATE RELEASE
December 14, 2007

Contact: Candy Sims, Public Information Officer
Broward County Health Department
(954) 467-4784

**FLORIDA DEPARTMENT OF HEALTH ANNOUNCES STATE WINNERS OF THE
2007 NATIONAL RADON POSTER CONTEST**

Student from Academy of Arts and Science in Hollywood received honorable mention

TALLAHASSEE – The Florida Department of Health (DOH) and Broward County Health Department are honored to announce the state winners of the 2007 Radon Poster Contest. The statewide contest emphasizes the risks of indoor radon exposure. The first place winner, Daniel Carr, is a sixth-grade home schooled student from Tampa. His poster, “Can Your House Pass the Test”, is a colorful and imaginative presentation of the importance of testing homes. Raimy Engle, a ninth grader at John Paul II Catholic School in Tallahassee, and Sara Garcia, an eighth grader at the Academy of Arts and Science in Hollywood, all received honorable mention. The winning poster entries were forwarded to the United States Environmental Protection Agency and the National Safety Council for inclusion in the 2008 National Radon Poster Contest. The winner of the national contest will receive an all-expense paid trip to Washington, D.C., to attend the national awards ceremony in January 2008.

“Because exposure to indoor radon can cause serious health effects, I am proud of these students who have worked hard to help us educate Floridians about the dangers of radon,” Dr. Lisa Conti, Director of Division of Environmental Health, said. “I urge all of you to protect your health by testing your home for radon now.”

Radon is a naturally occurring, invisible, odorless and radioactive gas emitted from soils. It is the leading cause of lung cancer among non-smokers and the second leading cause over all, causing approximately 21,000 American deaths annually. In Florida, high levels of radon have been found in all types of buildings. The only way to find out if radon is a problem is to test. Once discovered, the only way to protect against a radon problem is to install and operate a radon reduction system.

DOH promotes, protects and improves the health of all people in Florida. To find out more about radon, contact the DOH Radon Hotline at 1-800-543-8279 or visit the DOH radon website at radon.doh.state.fl.us which also features the poster entries. The winning poster for the national contest will be posted to the National Safety Council’s web site, www.nsc.org/issues/radon/radon_poster.htm.

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