

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COUNTY CENTER 26th FLOOR
CONFERENCE ROOM A
JUNE 19, 2008
9:00 AM**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

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

- I. PUBLIC COMMENT**
Three (3) Minutes Are Allowed for Each Speaker

- II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE**
Report from the Chair – David Jellerson

- III. CONSENT AGENDA**
 - A. Approval of Minutes: May 15, 2008 2
 - B. Monthly Activity Reports 7
 - C. Pollution Recovery Trust Fund Report 21
 - D. Gardinier Settlement Trust Fund Report 22
 - E. Legal Case Summary – June 2008 23
 - F. Request for Authority to Take Appropriate Legal Action Against:
Grace Poole-Yeager and Michael Rissell d/b/a MC Trucking 28
 - G. Authorize Staff to File for Party Status Regarding Progress Energy's
Transmission Line 29

- IV. EXECUTIVE DIRECTOR**
Presentation – Annual State of the Environment Report

- V. FINANCE and ADMINISTRATION**
Budget Presentation – Staff Recommendations to Meet Target Reductions Proposed
by County Administrator 30

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.

Visit our website at www.epchc.org

MAY 15, 2008 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, May 15, 2008, 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, Mark Sharpe, and Jim Norman.

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

Chairman Higginbotham called the meeting to order at 9:07 a.m. Commissioner Blair led in the pledge of allegiance to the flag and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, stated the Board would convene as the Board of County Commissioners after review of the changes; Item VIII, wetlands hybrid status update, would be heard after Item IV, special recognition, and a request for a public hearing for July 17, 2008, on the wetlands hybrid was added; the remainder of the agenda would be renumbered; and a memorial for Mr. Rick Wilkins, former Water Program Division Director, was added to the Executive Director's report. Chairman Higginbotham called for approval of the changes to the agenda. **Commissioner Sharpe moved the changes, seconded by Commissioner Norman, and carried four to zero.** (Commissioners Ferlita, Hagan, and White were absent.)

Chairman Higginbotham called a recess at 9:11 a.m. to hold a special Board of County Commissioners meeting (covered under separate minutes). **Commissioner Blair moved to adjourn, seconded by Commissioner Sharpe, and carried four to zero.** (Commissioners Ferlita, Hagan, and White were absent.) Chairman Higginbotham reconvened the meeting at 9:14 a.m.

PUBLIC COMMENT

Ms. Janet Kovach, 8214 Revels Road, discussed disposal of yard waste, utilized slides to show where the material was going, commented on the lack of permits and noncompliance, and noted complaints to EPC for four years. Ms. Kovach had met with Dr. Garrity and Mr. Hooshang Boostani, Director, EPC Waste Management Division, who issued a warning letter. The Solid Waste Management Department was aware of the issue and did not follow-through. Commissioner Norman opined appropriate action would be to refer the issue to the County Administrator and County Attorney to help in the cause. If the Solid Waste Management Department was not following through, the County Administrator and County Attorney needed to ensure they were engaged in whatever action was necessary to make the problem right. **Commissioner Norman moved to refer to the County Administrator under those terms.**

Responding to Commissioner Blair, Ms. Kovach stated the mulch should be tilled into the soil. The piles had been stacked for years. Trees were dead and

THURSDAY, MAY 15, 2008 - DRAFT MINUTES

there was leaching into the soil. The exemption occurred when utilized as a soil amendment. She reiterated EPC was taking corrective action and was working on the subject site and investigating two other sites; noted liabilities for waste; and stated violations were not issued, there was no fire suppression, and other alternatives were less costly and more environmentally beneficial. **The motion was seconded by Commissioner Blair.** Commissioner Blair requested to meet with Ms. Kovach.

Chairman Higginbotham asked to include in the motion to send the issue directly to the County Attorney. Commissioner Norman said that was included. Responding to Chairman Higginbotham, Ms. Kovach verified the terms of the contract with Consolidated Resource Recovery Incorporated were not being met. Commissioner Norman restated the motion. **The motion carried four to zero.** (Commissioners Ferlita, Hagan, and White were absent.) Commissioner Norman requested to include the minutes and Ms. Kovach's comments with the motion. Commissioner Blair agreed. Chairman Higginbotham directed Dr. Garrity to provide an update within 14 days on the issue and as meetings were held with the County Administrator and County Attorney, schedule a meeting with his office, provide an update, and include other EPC members that were interested. Dr. Garrity agreed and stated a warning notice was on the site, with corrective action due by June 7, 2008; he would provide a written report.

Ms. Vivian Bacca, 413 El Greco Drive, commented on an article in the *St. Petersburg Times* regarding the Florida Department of Environmental Protection not forcing Raytheon to pick up the toxic plume, backup information regarding the Technical Advisory Group position paper for mitigation banks, and enforcement taken against the builder who was accused of illegally removing mangroves. She questioned whether EPC meetings would be held monthly, noting the website did not specify why meetings were postponed.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Vice Chairman, Dr. Wayne Eckleberger - Dr. Eckleberger reported the May 2008 and April 2008 meetings involved an update on the Brownfields program and CF Industries regarding the gypsum stack, environmental restoration, and protection activities. CEAC expressed a desire to understand Environmental Lands Acquisition and Protection Program issues, and County Administrator Patricia G. Bean and Mr. Dick Eckenrod had agreed to attend the June 2, 2008, CEAC meeting. Dr. Dale Maryman was elected as the CEAC representative for the Hillsborough County Water Conservation Technical Advisory Committee. The 2008 pollution recovery program grant application deadline was May 1, 2008, and CEAC would review applications, interview proposals, and present funding recommendations to the Board. The next CEAC meeting was scheduled for June 2, 2008.

UNSENT AGENDA

- A. Approval of minutes: March 20, 2008.

THURSDAY, MAY 15, 2008 - DRAFT MINUTES

- B. Monthly activity reports.
- C. Pollution Recovery Fund (PRF) report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summaries: April 2008 and May 2008.
- F. Third quarterly hybrid update report.
- G. Acceptance of cashier's check in escrow, E-Suites Hotel LLC.
- H. Request authority to take appropriate legal action against D.J.P. Investments Incorporated.

Chairman Higginbotham called for a motion to approve the Consent Agenda. **Commissioner Norman so moved, seconded by Commissioner Sharpe, and carried four to zero.** (Commissioners Ferlita, Hagan, and White were absent.)

SPECIAL RECOGNITION

Clean Air Month Proclamation and Review of Clean Air Month Activities - Mr. Terry Campbell, Director, EPC Air Management Division, presented the item. Mr. Mark Thornton, Director; Mr. Alex Martinez, Senior Park Director; Mr. John Brill, Administrator, Parks, Recreation, and Conservation Department; and Ms. Joan Hallgren, EPC staff accepted a proclamation declaring May 2008 as Clean Air Month. Mr. Brill thanked EPC staff, commented on community and upcoming events, and thanked Parks, Recreation, and Conservation staff.

Clean Air Month Photography Contest - Ms. Barbara Motte, EPC staff, presented the Seventh Annual Clean Air Month photography contest awards and invited the EPC and the public to view artwork provided to the EPC by the students of Hillsborough County. The following students were recognized for art work: third place, Ms. Jennifer Adcock, Alonso High School; second place, Ms. Jessica Ramos, Blake High School; first place, Ms. Hanna LeHeup, Blake High School; and best of show, Ms. Andrea Espina, Wharton High School. Each student described their art work. Ms. Motte recognized Mr. Thomas Ziegelhofer, vice principal for curriculum, Blake High School, and Ms. Phyllis Alexandroff, supervisor, Hillsborough County school art education, who thanked the teachers and Ms. Motte for their hard work. Commissioner Blair thanked participants and teachers.

WETLANDS MANAGEMENT DIVISION

Wetlands Hybrid Status Update - Mr. Bob Stetler, EPC staff, reviewed hybrid goals, progress report, hybrid deliverables, and process for new rules, as outlined in background material. EPC General Counsel Richard Tschantz viewed the meetings and public workshops scheduled, as detailed in background material. He requested authority to hold a public workshop and hearing on July 17, 2008, to amend Chapter 1-11, Wetlands Rule, and Chapter 1-13, Delegation Rule, pursuant to the hybrid plan. **Commissioner Blair moved**

THURSDAY, MAY 15, 2008 - DRAFT MINUTES

the item requested by legal counsel Attorney Tschantz, seconded by Commissioner Sharpe.

Commissioner Blair commented on the internal audit report and online applications, suggested maintaining local control and maximizing what Southwest Florida Water Management District was doing, unless relief was requested legislatively. Responding to Commissioner Blair, Dr. Garrity said the concept was to afford the opportunity of mitigation banks to individuals who needed them and have mitigation banks around the County where impacts existed. Mr. Stetler explained for Commissioner Blair, the Rooms to Go client used one big box, which did not fit into the wetlands system and caused demise for the plan of that site. The potential client had the flexibility to separate the buildings, which could eliminate wetland impacts on the site; the building size was approximately 14 acres. **The motion carried four to zero.** (Commissioners Ferlita, Hagan, and White were absent.) Dr. Garrity thanked Mr. Stetler and Technical Advisory Committee members.

EXECUTIVE DIRECTOR

Memorial for Mr. Rick Wilkins - Dr. Garrity utilized slides to provide Mr. Wilkins work history with EPC.

North American Hazardous Materials Management Association (NAHMMA) Awards - EPC staff was provided the NAHMMA award for outstanding service in promoting pollution prevention and the reduction of hazardous components in the waste stream. Dr. Garrity thanked EPC staff for winning the award and recognized Ms. Michelle Jenkins, Ms. Kelly Boatwright, and Mr. Gerry Javier.

Artificial Reef Ward and Video - Mr. Tom Ash, EPC staff, showed a video on reefs prior to construction, invertebrate life, and various organisms. Responding to Commissioner Blair, Mr. Ash stated eight sites were permitted in Tampa Bay, which were not totally built out, and discussed expansion and permitting. Chairman Higginbotham commented on global positioning system coordinates availability for fishermen. Dr. Garrity said the map sites were provided by the Tampa Bay Estuary program.

Water Resource Services Regarding Tampa Electric Company Crossing - Dr. Garrity stated a letter was received from Mr. Ebrahim Maidani, Water Resource Services Department, complimenting Mr. Andy Zodrow and Ms. Kelly Holland, EPC staff, for professional review and expeditious response for an in-house project.

Hillsborough Green List - Dr. Garrity commented on the green list on the County website including a list of EPC projects, and thanked Ms. Jeannette Figari, Mr. Reggie Sanford, and Mr. Gerry Javier, for helping with the list. Javier stated County departments had implemented environmentally friendly initiatives to advance policies to create less dependency on energy and service resources that promoted the development of green programs and utilized slides to highlight the School Bus Retrofit and Green Star programs.

THURSDAY, MAY 15, 2008 - DRAFT MINUTES

AIR MANAGEMENT DIVISION

Noise Rule Update - Mr. Campbell recalled in December 2007, the Board authorized EPC staff to proceed with rule revisions and updates. He utilized slides to provide an update on monitoring equipment, staff training, noise monitoring standard operating manual, solicited expert input on the EPC rule, and rule revisions. A second workshop would be held with local experts, following which staff would complete draft language and host public forums. Staff wanted to return to the EPC in August 2008 to seek permission to hold a public hearing and present the revised Charter 1-10 to the Board at the September 2008 meeting.

Ozone Standard Update - Mr. Campbell reviewed the item, as detailed in background material, and responded to Commissioner Blair regarding measures that could be taken to lower the emission to meet the new ozone standard.

LEGAL DEPARTMENT

Legislative Update - Attorney Rick Muratti, EPC Legal Department, provided a legislative update on the 2008 legislative session, as outlined in background material. Responding to Commissioner Blair, Mr. Boostani explained Leadership Energy and Environmental Design was a nonprofit organization that created the green building. Chairman Higginbotham thanked staff for developments to the hybrid program and artificial reef program.

There being no further business, the meeting was adjourned at 10:43 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

ssg

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION

May FY 2008

A. Public Outreach/Education Assistance:		
1. Phone Calls:		190
2. Literature Distributed:		<u>300</u>
3. Presentations:		<u>12</u>
4. Media Contacts:		<u>15</u>
5. Internet:		<u>63</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>5</u>
		<hr/>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>11</u>
b. Construction:		<u>1</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>1</u>
e. General:		<u>2</u>
f. Title V:		<u>4</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 :		<u>16</u>
b. Construction ¹ :		<u>18</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>0</u>
e. Title V Operating ² :		<u>0</u>
f. Permit Determinations ² :		<u>0</u>
g. General:		<u>2</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		<u>3</u>
2. On-going administrative cases:		
a. Pending:		<u>2</u>
b. Active:		<u>22</u>
c. Legal:		<u>4</u>
d. Tracking compliance (Administrative):		<u>15</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>43</u>
3. NOIs issued:		<u>1</u>

4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>2</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$7,600.00</u>
7.	Cases Closed:	<u>1</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>21</u>
2.	Air Toxics Facilities:	<u>0</u>
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>3</u>
c.	Major Sources	<u>7</u>
3.	Asbestos Demolition/Renovation Projects:	<u>15</u>
E.	Open Burning Permits Issued:	<u>0</u>
F.	Number of Division of Forestry Permits Monitored:	<u>45</u>
G.	Total Citizen Complaints Received:	<u>66</u>
H.	Total Citizen Complaints Closed:	<u>65</u>
I.	Noise Sources Monitored:	<u>3</u>
J.	Air Program's Input to Development Regional Impacts:	<u>1</u>
K.	Test Reports Reviewed:	<u>81</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>7</u>
2.	Warning Notices Resolved:	<u>14</u>
3.	Advisory Letters Issued:	<u>15</u>
M.	AOR's Reviewed:	<u>1</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>1</u>
O.	Planning Documents coordinated for Agency review.	<u>3</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
May FY 2008

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	<u>\$0.00</u>
(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	<u>\$0.00</u>
(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>\$1,640.00</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>\$1,470.40</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$0.00</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>\$1,200.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$1,500.00</u>
8. Open burning authorization	<u>\$600.00</u>
9. Enforcement Costs	<u>\$3,932.28</u>

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION
MAY, 2008**

A. ENFORCEMENT

1. New Enforcement Cases Received:	4
2. Enforcement Cases Closed:	3
3. Enforcement Cases Outstanding:	54
4. Enforcement Documents Issued:	3
5. Recovered costs to the General Fund:	\$ 1,570.00
6. Contributions to the Pollution Recovery Fund:	\$ 2,500.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Fletcher & 20th St. Retail	Placement of c/s in service without acceptance letter	\$ 500.00
b. Silver Dollar Resort	Failure to meet effluent limits	\$ 2,000.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	19
a. Facility Permit:	2
(i) Types I and II	1
(ii) Types III	1
b. Collection Systems-General	6
c. Collection Systems-Dry Line/Wet Line:	11
d. Residuals Disposal:	0
2. Permit Applications Approved:	21
a. Facility Permit:	3
b. Collection Systems-General:	7
c. Collection Systems-Dry Line/Wet Line:	11
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	1
a. Facility Permit:	0
b. Collection Systems-General:	1
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:	29
a.	Facility Permit:	8
b.	Collection Systems-General:	5
c.	Collection Systems-Dry Line/Wet Line:	16
d.	Residuals Disposal:	0
7.	Permit Determination:	4
8.	Special Project Reviews:	0
a.	Reuse:	0
b.	Residuals/AUPs:	0
c.	Others:	0
C.	INSPECTIONS - DOMESTIC	96
1.	Compliance Evaluation:	9
a.	Inspection (CEI):	2
b.	Sampling Inspection (CSI):	7
c.	Toxics Sampling Inspection (XSI):	0
d.	Performance Audit Inspection (PAI):	0
2.	Reconnaissance:	52
a.	Inspection (RI):	14
b.	Sample Inspection (SRI):	0
c.	Complaint Inspection (CRI):	38
d.	Enforcement Inspection (ERI):	0
3.	Engineering Inspections:	35
a.	Reconnaissance Inspection (RI):	2
b.	Sample Reconnaissance Inspection (SRI):	0
c.	Residual Site Inspection (RSI):	1
d.	Preconstruction Inspection (PCI):	8
e.	Post Construction Inspection (XCI):	23
f.	On-site Engineering Evaluation:	1
g.	Enforcement Reconnaissance Inspection (ERI):	0
D.	PERMITTING/PROJECT REVIEW - INDUSTRIAL	61
1.	Permit Applications Received:	5
a.	Facility Permit:	5
(i)	Types I and II	2
(ii)	Type III with Groundwater Monitoring:	2
(iii)	Type III w/o Groundwater Monitoring:	1
b.	General Permit:	0
c.	Preliminary Design Report:	0
(i)	Types I and II	0
(ii)	Type III with Groundwater Monitoring:	0
(iii)	Type III w/o Groundwater Monitoring:	0

2. Permits Recommended to DEP for Approval:	3
3. Special:	0
a. Facility Permits:	0
b. General Permits:	0
4. Permitting Determination:	1
5. Special Project Reviews:	52
a. Phosphate:	15
b. Industrial Wastewater:	25
c. Others:	12
E. INSPECTIONS - INDUSTRIAL	26
1. Compliance Evaluation:	14
a. Inspection (CEI):	14
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	4
a. Inspection (RI):	2
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	2
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	8
a. Compliance Evaluation (CEI):	8
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:	
a. Domestic:	
(i) Received:	21
(ii) Closed:	31
b. Industrial:	
(i) Received:	3
(ii) Closed:	3
2. Warning Notices:	
a. Domestic:	
(i) Received:	17
(ii) Closed:	13
b. Industrial:	
(i) Received:	2
(ii) Closed:	3

3. Non-Compliance Advisory Letters:	21
4. Environmental Compliance Reviews:	189
a. Industrial:	67
b. Domestic:	122
5. Special Project Reviews:	4
G. RECORD REVIEWS	
1. Permitting:	6
2. Enforcement:	1
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:	
1. Air Division:	85
2. Waste Division:	0
3. Water Division:	9
4. Wetlands Division:	0
5. ERM Division:	172
6. Biomonitoring Reports:	6
7. Outside Agency:	29
I. SPECIAL PROJECT REVIEWS:	2
1. DRIs:	1
2. ARs:	0
3. Technical Support:	1
4. Other:	0

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: June 6, 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 MAY 2008
 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	1
2. On-going administrative cases	111
a. Pending	6
b. Active	47
c. Legal	14
d. Tracking Compliance (Administrative)	29
e. Inactive/Referred Cases	15
3. NOI's issued	0
4. Citations issued	0
5. Consent Orders and Settlement Letters Signed	0
6. Civil Contributions to the Pollution Recovery Fund	\$2,000.00
7. Enforcement Costs collected	\$650.00
9. Cases Closed	4

B. SOLID AND HAZARDOUS WASTE

1. FDEP Permits (received/reviewed)	00/00
2. EPC Authorization for Facilities NOT requiring DEP permit	02/02
3. Other Permits and Reports	
a. County Permits	00/00
b. Reports	25/43
4. Inspections (Total)	183
a. Complaints	25
b. Compliance/Reinspections	11
c. Facility Compliance	38
d. Small Quantity Generator	108
e. P2 Audits	1
5. Enforcement	
a. Complaints Received/Closed	27/16
b. Warning Notices Issued/Closed	01/00
c. Compliance letters	37
d. Letters of Agreement	0
e. Agency Referrals	1
6. Pamphlets, Rules and Material Distributed	107

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	144
b. Installation	17
c. Closure	13
d. Compliance Re-Inspections	19
2. Installation Plans Received/Reviewed	11/11
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	05/05
b. Closure Reports Received/Reviewed	07/10
4. Enforcement	
a. Non-compliance Letters Issued/Closed	106
b. Warning Notices Issued/Closed	00/00
c. Cases referred to Enforcement	01
d. Complaints Received/Investigated	01/01
e. Complaints Referred	00
5. Discharge Reporting Forms Received	03
6. Incident Notification Forms Received	15
7. Cleanup Notification Letters Issued	03
8. Public Assistance	00

D. STORAGE TANK CLEANUP

1. Inspections	31
2. Reports Received/Reviewed	143/126
a. Site Assessment	07/05
b. Source Removal	06/05
c. Remedial Action Plans (RAP's)	18/22
d. Site Rehabilitation Completion Order/ No Further Action Order	02/01
e. Active Remediation/Monitoring	64/51
f. Others	46/42
3. State Cleanup	
a. Active Sites	NO LONGER
b. Funds Dispersed	ADMINISTERED

E. RECORD REVIEWS - 16

F. PUBLIC INFORMATION PROJECTS - 1

**EPC Wetlands Management Division
Backup AGENDA
May, 2008**

Assessment Report

Agriculture Exemption Report

	# Agricultural exemptions reviewed	# isolated wetlands impacted	# acres of isolated wetlands impacted	# isolated wetlands qualify for mitigation exemption	# acres of wetlands qualify for mitigation exemption
May 2008	0	0	0	0	0
Year to Date	1	1	0.06	1	0.06

PGMD Reviews Performance Report

# of Reviews	Timeframes met	Year to Date
163	99%	99%

Formal Wetland Delineation Surveys

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
May 2008	11	40.15	13.70	2	0.70
Since April 2008	30	393.46	49.23	13	3.88

Construction Plans Approved

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Impacts Approved	Impacts Exempt
May 2008	24	30.99	11	1.59	13.46	11.89
Since April 2008	43	37.57	15	2.72	13.46	11.89

Mitigation Sites in Compliance

193/206	94%
---------	-----

Enforcement Report

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

Enforcement Actions

Acreage of Unauthorized Wetland Impacts	Acres Restored	Acres Mitigated	<i>Mitigation Sites in Compliance</i>
0	0	2.0	15/18 (83%)

Compliance Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored
1.64	0	.75

General

Telephone Conferences	Scheduled Meetings	Unscheduled Citizen Assistance
786	260	52

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
May2008**

A. General	Totals
1. Telephone Conferences	786
2. Unscheduled Citizen Assistance	52
3. Scheduled Meetings	260
4. Correspondence	373
B. Assessment Reviews	
1. Wetland Delineations	19
2. Surveys	16
3. Miscellaneous Activities in Wetland	13
4. Mangrove	6
5. Notice of Exemption	4
6. Impact/ Mitigation Proposal	20
7. Tampa Port Authority Permit Applications	29
8. Wastewater Treatment Plants (FDEP)	0
9. DRI Annual Report	0
10. On-Site Visits	158
11. Phosphate Mining	1
12. CPA	0
Planning Growth Management Review	
13. Land Alteration/Landscaping	4
14. Land Excavation	0
15. Rezoning Reviews	52
16. Site Development	34
17. Subdivision	23
18. Wetland Setback Encroachment	2
19. Easement/Access-Vacating	3
20. Pre-Applications	21
C. Investigation and Compliance	
1. Complaints Received	22
2. Warning Notices Issued	12
3. Warning Notices Closed	8
4. Complaint Inspections	59
5. Return Compliance Inspections	33
6. Mitigation Monitoring Reports	68
7. Mitigation Compliance Inspections	24
8. Erosion Control Inspections	41
9. MAIW Compliance Site Inspections	0
10. TPA Compliance Site Inspections	0
D. Enforcement	
1. Active Cases	29
2. Legal Cases	1
3. Number of "Notice of Intent to Initiate Enforcement"	4
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	3
6. Administrative - Civil Cases Closed	0
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$1,300.00
9. Enforcement Costs Collected	\$406.00
E. Ombudsman	
1. Agriculture	7
2. Permitting Process	1
3. Rule Assistance	0
4. Staff Assistance	1
5. Miscellaneous/Other	0

WETLAND REPORT FOR REVIEW TIME 2008

Month	# Of Reviews	% On Time	% Late
December			
November			
October			
September			
August			
July			
June			
May	328	95%	5%
April	311	98%	2%
March	341	97%	3%
February	461	98%	2%
January	582	99%	1%

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 05/31/08

0

	As of 5/31/08
Beginning Fund Balance, 10/01/07	\$ 1,112,615
Interest Accrued	72,729
Deposits	333,758
Disbursements	(122,336)
Intrafund Budget Transfers to Project Fund	(531,610)
Pollution Recovery Fund Balance	\$ 865,156
Encumbrances:	
Pollution Prevention/Waste Reduction (101)	\$ 8,002
Artificial Reef Program	59,296
PRF Project Monitoring	22,376
Total Encumbrances	\$ 89,674
Minimum Balance (Reserves)	\$ 120,000
Balance Available, 05/31/08	\$ 655,482

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	94,978
Tampa Shoreline Restoration	30,000	1,746
Field Measurement for Wave Energy	125,000	27,884
Port of Tampa Stormwater Improvement	45,000	45,000
	\$450,000	\$269,608
FY 07 Projects		
Agr Pesticide Collection & Education Day	24,000	\$ 2,075
Tank Removal	25,000	7,593
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	1,316
Seagrass & Longshore Bar Recovery	75,000	15,613
Seawall Removal Colanchobee Ft Brooke Park	100,000	100,000
Analysis of Bacteria & Beach Closures	125,000	10
Knights Preserve	35,235	30,002
Oyster Reef Shore/Stab & Enhance	30,000	10,040
Nitrogen Emission/Deposition Ratios, Air Pollution	40,906	23
Erosion Control/Oyster Bar Habitat Creation	75,000	75,000
Remediation of Illegally Dumped Asbestos	4,486	4,486
	\$1,041,662	\$733,193
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	72,707
Lake Magdalene's Management Plan	66,954	66,954
Testing Reduction of TMDL in Surface Water Flow	19,694	16,832
Assessing Bacteria Lake Carroll	101,962	101,962
Tampa Bay Nitrogen Consortium	5,000	200
	\$531,610	\$463,655

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.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF MAY 31, 2008

Fund Balance as of 10/01/07	\$248,370
Interest Accrued	7,151
Disbursements FY08	(14,854)

Fund Balance \$240,667

Encumbrances Against Fund Balance:		Start Date	Expiration Date
SP627 Tampa Bay Scallop Restoration	\$ 113	08/29/03	12/31/07
SP636 Fantasy Island	8	01/20/05	12/31/07
SP634 Cockroach Bay ELAPP Restoration	240,546	03/10/05	01/31/08
Total of Encumbrances			
	\$240,667		
Fund Balance Available 05/31/08			
	\$ - 0 -		



EPC Agenda Item Cover Sheet

Date of EPC Meeting: June 19, 2008

Subject: Legal Case Summary for June 2008

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: June 2008 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT
June 2008

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [1]

Michael and Jemimah Ruhala v. DEP and EPC [LEPC08-012]: 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 placed the case in a brief abeyance in an effort to seek settlement. (RM)

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. A status report was due on December 28, 2007. The parties conducted a status conference on February 27, 2008. The Hearing Officer entered an order holding the case in abeyance until August 1, 2008 but no later. (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. (See below civil case) (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)

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 had until January 31, 2008 to file an appeal in this matter. The Appellant filed two subsequent requests for extensions of time which were granted and the Appellant had until May 5, 2008 to file an appeal. On May 5, 2008 Appellant SWATI, Inc. filed a Notice of Appeal

challenging the Citation of Violation and Order to Correct. The Legal Dept. will set the matter for hearing. (AZ)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [2]

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

Mary Elizabeth Lewis and Jerry Arlen Lewis [LEPC08-014]: EPC, a creditor in this Chapter 13 Bankruptcy action, received an Order from the Court dated May 22, 2008, providing the procedures of adequate protection payments to secured creditors. In response, to the order, EPC filed a Proof of Claim on June 6, 2008. A creditor's hearing is scheduled for June 13, 2008. (AZ)

EXISTING CIVIL CASES [16]

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

Ecoventure New Port I, LLC [LEPC08-006]: Authority to take appropriate legal action against Ecoventure New Port I, LLC for failure to assess petroleum contamination in accordance with EPC and State regulations was granted on March 20, 2008. The property owner is required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (AZ)

Site Development & Asphalt Paving, Inc. [LEPC08-007]: Authority to take appropriate legal action against Site Development & Asphalt Paving, Inc. for failure to comply with the terms of Consent Order #2005-2223E which the Defendant entered into to resolve a violation of EPC Wetland Rule Chapter 1-11 was granted on March 20, 2008... The Respondent failed to make the agreed upon payment of \$1,500 in penalties and \$982 in costs to the EPC. The EPC is attempting to recover the money. (AZ)

Cee Jay Holdings, LLC d/b/a/ Coquina Blue Bar & Grill [LEPC08-008]: Authority to take appropriate legal action against Cee Jay Holdings, LLC for violations of the EPC Noise Rule, Chapter 1-10 was granted on March 20, 2008. On January 28, 2008 the EPC issued the Defendant a Citation to Cease and Order to Correct Violation. The Defendant failed to respond to the Citation and therefore it has become a Final Order of the EPC enforceable in Circuit Court.

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 and subsequently filed an amended complaint on February 12, 2008. The Defendant did not timely respond to the amended complaint and the Legal Dept. filed a Motion for Default which was entered by the Court on March 17, 2008. (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 parties have all filed briefs. Appellee James Winterroth filed a Status Report and Suggestion of Mootness. The Appellants have filed a judicial appeal in the Second District Court of Appeal of the Final Order dismissing the administrative appeal. (See above administrative case) The Court entered an order consolidating this case with the appeal case of the Final Order referenced above in the administrative cases. The Appellants have filed the initial brief and reply brief and the EPC and property owner have filed the answer briefs. The parties are waiting for the decision of the court. (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)

Bayside Home Builders, Inc [LEPC07-008]: Authority to take appropriate action against the parties was granted by the Commission on February 15, 2007, for failure to comply with a Consent Order payment schedule for asbestos violations. The EPC filed a lawsuit to compel compliance on October 9th and subsequently filed an amended complaint on February 12, 2008. The Defendant has not timely responded to the amended complaint, thus the Legal Dept. filed a Motion for Default which was entered by the Court on March 17, 2008. (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 set this matter for trial on March 26, 2008. The Court ruled in favor of EPC and entered a Default Judgment against the Defendant awarding all corrective actions, penalties of \$116,000 and costs of \$1,780. In the event the corrective actions are not completed the court also authorized the EPC to contract to have the site cleaned and to add those costs to the lien on the property. (AZ)

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 James Group entered into a Consent Order on April 28, 2008; this case will be closed. (RM)

Gas Mart, Inc. [LEPC07-029]: Authority to take appropriate action against Gas Mart, Inc. and G.W. Partners, Ltd. 2 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. The Defendant's failure to respond to staff's repeated attempts to negotiate a settlement resulted in the Legal Dept. filing a Complaint/Petition for Enforcement with the Court on April 9, 2008. (AZ)

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

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

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

RECENTLY RESOLVED CIVIL CASES [0]

C. OTHER OPEN CASES [5]

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)

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. The Consent Order was executed on May 15, 2008. The Legal case will be closed. (RM)

Anthony Barretto and Mini Barreto [LEPC08-009]: On March 13, 2008 the Appellants filed a request for an extension of time to file a Notice of Appeal to challenge a Citation of Violation and Order to Correct issued on March 5, 2008 regarding a petroleum cleanup matter. The Legal Dept. granted the request and the Appellants have until July 25, 2008 to file a Notice of Appeal in this matter. (AZ)

Melnico Corporation [LEPC08-010]: On March 13, 2008 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a Citation of Violation and Order to Correct issued on March 5, 2008 regarding a petroleum cleanup matter. The Legal Dept. granted the request and the Appellants have until July 25, 2008 to file a Notice of Appeal in this matter. (AZ)

Kelly L. Wishaw [LEPC08-013]: On May 22, 2008 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a Citation to Cease and Order to Correct Violation issued on April 25, 2008 regarding unauthorized wetland impacts. The extension was granted and the Appellant has until July 3, 2008 to file an Appeal. (AZ)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: June 19, 2008

Subject: Request for authority to take appropriate legal action against Grace Poole-Yeager and Michael Rissell d/b/a MC Trucking

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

Division: Waste Management

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

Brief Summary: Grace Poole-Yeager is the property owner of real property located at 8846 Mobley Road, Tampa, Florida (Property). Grace Poole-Yeager leased the Property to Michael Rissell d/b/a MC Trucking. In 2003, approximately 80 gallons of diesel fuel leaked onto the soils. Cleanup of the discharge has not been completed and the Property is not in compliance with the EPC Act and Rules of the EPC, Chapter 1-7 and Chapter 62-770, Florida Administrative Code.

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

Background: On February 20, 2003, Department of Environment Protection Bureau of Emergency Response (BER) investigated a leak of diesel fuel on property owned by Grace E. Poole-Yeager (Yeager). BER incident summary report stated that the Property owner leased the Property to Michael Rissell d/b/a MC Trucking (Rissell). Rissell parked a semi-tractor on the Property. Rissell estimated that approximately 80 gallons of diesel fuel leaked from the parked truck and discharged onto the soil. BER referred this incident to the EPC to ensure that proper cleanup procedures were undertaken by the responsible parties.

On March 18, 2003, EPC staff sent a letter to Rissell advising that a Site Assessment (SA) must be initiated within 30 days and two copies of a Site Assessment Report (SAR) must be submitted within 270 days. On March 30, 2004, EPC staff sent a letter to Rissell advising that a SA had not been initiated and a SAR had not been completed. On April 27, 2004, EPC staff received a Source Removal Report (SRR) dated May 7, 2003 prepared by EnviroTrac. On May 17, 2004, EPC staff sent a letter to Rissell advising that the SRR was incomplete and that a SRR Addendum was required to be submitted in order to address the incomplete items within 60 days. No adequate response was received.

On November 23, 2004, EPC staff issued a Warning Notice to Rissell for failing to fully complete site rehabilitation activities in accordance with Chapter 62-770, F.A.C. and Chapter 1-7, Rules of the EPC. A copy of the Warning Notice also sent to Yeager.

On June 7, 2005 EPC staff issued Citations of Violations and Orders to Correct to Yeager and Rissell for failing to complete cleanup activities in accordance with Chapter 1-7, Rules of the EPC and Chapter 62-770, Florida Administrative Code. No appeal was filed and the citations became final orders of the agency enforceable in court.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: June 19, 2008

Subject: Progress Energy Florida, Inc. transmission corridor upgrade

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

Division: Legal Department

Recommendation: Authorize EPC staff to file for party status regarding Progress Energy Florida, Inc.'s certification application for a transmission line corridor upgrade through Hillsborough County from the Lake Tarpon Substation to the Griffin Substation in order to ensure compliance with appropriate environmental regulations.

Brief Summary: Progress Energy Florida will submit a Site Certification Application for a transmission line corridor upgrade running through northern Hillsborough County from Oldsmar in Pinellas County to the Griffin Substation in Polk County. The Florida Department of Environmental Protection will hold a required Certification Hearing in this matter to determine certification and appropriate certification conditions for the project. EPC has jurisdiction over certain construction practices regarding the project. In order to preserve its jurisdiction, monitor the certification process and include appropriate conditions of certification, EPC should file for party status under Ch. 403.527, F.S.

Financial Impact: No financial impact anticipated.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: June 19, 2008

Subject: EPC Budget

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

Division: Finance and Administration

Recommendation: Approve Staff Recommendation to Meet Target Budget Reductions

Brief Summary: The County Administrator's recommended budget includes a reduction of \$821,999 to the EPC Budget. Staff will present a plan to reach the requested reduction, with the least impact on the Agency's ability to meet our core mission. The presentation will include specific recommended reductions and the service impacts associated with each of them. Recommended reductions will result in the following impacts to current service levels:

- Air Quality Data Evaluation
- Eliminate Dedicated Efforts to Coordinate Environmental Impacts with the Health Department
- Reduced Level of Air Toxics Complaint Response
- Reduction of Waste Water Permitting and Compliance Capabilities
- Reduced Level of Benthic Water Quality Analysis
- Reduced Level of Water Quality Monitoring
- Reduction in Network Administration
- Reduction in Financial Support Services

In order to achieve the reductions recommended by staff, the following items will require flagging during the Budget Workshop process:

- Accept the FY09 proposed elimination of senior staff market equity increases resulting in a savings of \$32,270
- Convert ½ the cost of Outreach/Education position from General Fund to Pollution Recovery Fund resulting in a reduction of \$45,335 to General Revenue Fund
- Reinstate Tampa Port Authority delegation position. The position will be funded ½ year by Port Authority and remainder of year by user fees, resulting in a surplus to General Revenue Fund of \$8,880.