

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
SEPTEMBER 18, 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 Chairman - David Jellerson

III. CONSENT AGENDA

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VIII. FINANCE & ADMINISTRATION DIVISION

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

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JULY 17, 2008 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, July 17, 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, Rose Ferlita, Ken Hagan, Jim Norman, Mark Sharpe, and Kevin White.

Chairman Higginbotham called the meeting to order at 9:06 a.m.

Commissioner Blair led in the invocation. Cub Scout Pack 61, Den 11, Valrico, led in the pledge of allegiance to the flag.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, added an item from the Legal Department authorizing staff to establish September 18, 2008, as the date for a public hearing to consider amendments to Chapter 1-10, noise rule, which would be heard after the Consent Agenda. **Commissioner Sharpe moved the changes, seconded by Commissioner Blair, and carried seven to zero.**

PUBLIC COMMENT

Mr. August Muench Jr., 3031 Manatee Avenue, perceived the need to establish a Cockroach Bay sanctuary for uplands, planned to present the idea to the Southside rural community, noted more information was available at www.crabbyadventures.com, reviewed proposed partners, and opined the proposal would open the door for grant funding.

Mr. Steve Allison, 205 Woodbine Avenue, reviewed concerns regarding changes to the reasonable use clause; opined the change authorized EPC staff to make land use determinations, which he perceived should be a planning function with ultimate decision-making authority with the Board of County Commissioners (BOCC); recalled previous issues related to cattle ponds; and questioned why mitigation should be considered as a last resort.

Mr. David Storck, 6214 Fullenkamp Drive, commented on his family farm, discussed concerns regarding treatment of a neighbor by EPC staff related to requirements to fill a historic ditch, noted trees had died due to flooding on the property, and distributed an aerial photograph and documents related to the property. Chairman Higginbotham asked staff to meet with the individuals involved.

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Ms. Mary Bright, 10113 Cliff Circle, stressed the need to protect resources, green space, and wildlife due to economic conditions and stated now was not the time to weaken wetlands rules.

Ms. Marilyn Smith, County resident, expressed concern regarding the prayer, urged protection of the environment, perceived the EPC was included in the zoning process to ensure wetlands were safeguarded, opined wetlands were elemental to survival, and urged the EPC to not mess with the wetlands rule or the EPC budget.

Ms. Denise Layne, 2504 Ayers Hill Court, commented on budget cuts; noted wetlands being destroyed in the Lutz area; stated EPC staff was cut, which impacted the ability of EPC to do their job; requested staff contact Mr. Steve Kaplan, Lutz; opined EPC staff was doing their best with the resources they had; and stressed the importance of protecting the environment.

Ms. Dena Leavengood, 3007 West Chapin Avenue, discussed EPC budget cuts, urged support for a fully funded EPC, spoke regarding One Bay, distributed information, and noted the importance of ensuring wetlands were protected.

Mr. Joe Redner, 1310 Alicia Avenue, stressed the importance of having as many processes in place as possible to protect wetlands.

Ms. Janet Dougherty, 8214 Revels Road, expressed hope that the EPC Board would meet with Mr. Bart Weiss, Director, Strategic Water Management, Water Resource Services Department, regarding an initiative to give the EPC executive director the ability to single-handedly issue permits; perceived that should go before a governing board rather than a single person; spoke regarding yard waste being put into a significant wildlife habitat; showed an aerial of a property with citations; had requested a definition of beneficial use and the two-foot rule; and asked to meet with the EPC Board regarding the issue.

Mr. Herbert Belcher, 617 Penn National Road, perceived doing away with EPC or hampering them in any way did not make sense.

Responding to queries from Commissioner Blair, EPC General Counsel Richard Tschantz noted a pending citation relating to the issue mentioned by Mr. Storck and wanted to ensure EPC was kept in the correct posture in case the issue came before the EPC for administrative action.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Attorney Tschantz reviewed information related to pollution recovery fund (PRF) projects, as presented in

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background material, and noted recommendations related to the wetlands rule would be read during the public hearing. Commissioner Blair temporarily left the meeting at 9:38 a.m. to attend another meeting.

CONSENT AGENDA

- A. Approval of minutes: June 19, 2008.
- B. Monthly activity reports.
- C. PRF report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary: July 2008.
- F. Request for authority to take appropriate legal action against Pedro Olivera.

Commissioner Sharpe moved the Consent Agenda, seconded by Commissioner Hagan, and carried six to zero. (Commissioner Blair was out of the room.)

LEGAL DEPARTMENT

Authorize Staff to Establish September 18, 2008, as the Date for a Public Hearing to Consider Amendments to Chapter 1-10, Noise Rule - Attorney Tschantz presented the request. **Commissioner Sharpe moved staff recommendation, seconded by Commissioner Ferlita, and carried six to zero.** (Commissioner Blair was out of the room.)

Commissioner Ferlita asked staff to expound on comments from Mr. Storck. Attorney Tschantz stressed the issue was pending action and could come before the EPC. Commissioner Norman referenced customer service and dealing with the public in an informing way. Commissioner Ferlita mentioned complaints regarding the style in which an employee acted on an issue, noted residents expected good customer service despite cutbacks, and wanted an objective explanation of both sides. Chairman Higginbotham asked for feedback. Dr. Garrity agreed with comments and attempted to manage EPC with a customer-friendly atmosphere.

PUBLIC HEARING

Consider Amendments to Chapter 1-11, Wetlands Rule, Including Adoption of a Local Basis of Review, and Consider Amendments to Chapter 1-13, Delegation Rule, Allowing for Delegation of a Portion of the State Environmental Resource Permit (ERP) Program - Attorney Tschantz reviewed public notice and workshops

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held on the issue, noted a revised copy of the rule had been distributed, and said changes were minor nonsubstantive changes that were largely grammatical or wording changes. Chairman Higginbotham thanked everyone involved and acknowledged comments and input on the hybrid plan. Dr. Garrity offered appreciative comments regarding efforts of all involved in the process; stated the old rule had been criticized for being vague and not transparent; and reported the new rule was not more or less stringent than the existing rule and provided more definition, clarity, transparency, and a better understanding of the process and what qualified for obtaining impact approval.

Attorney Andrew Zodrow, EPC Legal Department, noted the hybrid model was adopted in August 2007, said a major component was future rule adoptions that would make the process more transparent, stated another main component was adoption of a basis of review for authorization of activities under the wetlands rule, and reported the hybrid plan had directed the EPC wetlands division to seek delegation with other permitting programs to streamline the permitting process. Based on that direction, staff drafted the rules being presented. Attorney Zodrow reviewed the proposed changes to Chapters 1-11 and 1-13, as presented in background material. Referencing Chapter 1-13, Attorney Zodrow noted the State would accept and certify EPC's stricter standards, and EPC would issue one permit that would address State and local rules. He reported the scope would be limited and would lay the groundwork for further delegations down the line, said staff was negotiating with Tallahassee and had not received a definite answer on the proposed rule, opined the rule met State rules, and perceived adoption was the first step. Staff recommendation was to adopt the proposed staff draft wetlands rule Sections 1-11.04, 1-11.05, and 1-11.06, incorporating a local basis of review; adopt the proposed staff draft Section 1-13.20 of the EPC delegation rule that was distributed; and authorize the executive director to execute the ERP State wetlands delegation agreement upon State approval.

The following people spoke in support of the changes: Dr. Rich Brown, 1214 Park Circle, representing the League of Women Voters board of directors; Ms. Cam Oberting, Taylor Road Civic Association; Ms. Karla Holding, 13813 Meadow Oaks Drive; and Ms. Layne. Comments included the importance of continued protection of the ecosystem, misinterpretation of the enabling act, differences between the EPC and the BOCC, the role of the EPC Board, League of Women Voter candidate forums, wasting time, EPC staff knowledge, funds spent to lure high-tech jobs to the County, importance of the environment to the economy, high-tech businesses being high water users, and the need to require on-site recycling.

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Attorney Michael Brooks, 500 East Kennedy Boulevard, Suite 200, distributed and reviewed a letter regarding suggested revisions to the reasonable use rule, expressed concern regarding the technical advisory group (TAG) vote, recalled comments from Dr. Garrity that classification and net environmental benefit would be part of the reasonable use criteria, stated those were not addressed, questioned how the Comprehensive (Comp) Plan could not be considered when evaluating reasonable use of land, and referenced points made by Mr. Allison related to highest and best use.

The following people spoke in support of the changes: Ms. Marcella O'Steen, P.O. Box 212, Balm; Ms. Mariella Smith, 108 Janie Street; Mr. Kevin Beckner, 12911 Vicksburg Drive; and Ms. Pamela Clouston, 1621 Thompson Road, representing Rural Lithia Area Neighborhood Defense. Comments related to lobbying by the development community, opposition to last minute change requests, maintaining protection, streamlining the process, avoiding duplication and weakening of protections, role of the EPC, complaints related to loss of business due to wetlands, and the need for environmentally friendly businesses.

Ms. Kelly Wishau, 3604 Cork Road, commented on perceived abuse of power by the EPC, flooding due to EPC required actions, property rights, and exemptions given by the Southwest Florida Water Management District (SWFWMD).

Ms. Dena Leavengood, Tampa, representing Tomorrow Matters, requested approval of staff recommendation, noted delays could add costs, and discussed visioning efforts in Hillsborough County.

Mr. David Campo, 8803 Crosswood Court, perceived duplication problems still existed and changes did nothing to address permits the development community processed and wanted a fair process.

Ms. Terry Flott, Seffner Community Alliance and United Citizens Action Network (U-CAN), stressed the role of the EPC was to protect wetlands, opined modifications to the rule would reduce wetlands protections, noted commitments to not weaken the rule, suggested eliminating EPC from the rezoning review process would be a mistake, commented on the TAG vote to not recommend classification of the wetlands, and suggested duplication did not exist.

Ms. Joy Ingram, 12349 Jess Walden Road, encouraged approval of staff recommendation.

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Mr. Bill Luchsinger, 4207 Woodside Manor Drive, supported wetlands, referenced budget cuts, questioned duplication of services, and recalled projects that impacted wetlands in which EPC was not involved.

Ms. Vivian Bacca, 413 El Greco Drive, U-CAN; Mr. Herbert Belcher, 617 Penn National Road; Ms. Bright; Ms. Beverly Griffiths, chairman, Tampa Bay Group of the Sierra Club; and Ms. Susan Watson, 3624 Windchime Lane, spoke in favor of the changes and commented on the Interstate 4 corridor plan, Hillsborough County being environmentally conscious, costs to repair damage, funds spent to save the Everglades, golf courses not being pro-environment, changes streamlining the process and creating transparency, and dedication to preservation.

Mr. Roy Davis, 3224 McIntosh Road, representing the agricultural community, expressed concern regarding lack of communication/cooperation between government departments.

Dr. Ann Hodgson, regional director, Florida Coastal Islands Sanctuaries Program, and Wetlands TAG member, supported staff recommendation and discussed attendance at TAG meetings and the importance of wetlands protection for good planning and quality of life.

Attorney Tschantz read the Wetlands Advisory Committee (WAC) and CEAC recommendations.

Chairman Higginbotham suggested discussing the Wishau issue at another time. Commissioner White referenced comments regarding Ms. Wishau having a SWFWMD permit for work being completed, wanted staff to work with Ms. Wishau and look into the matter, and commended citizens for their stance on protecting the environment. Commissioner Ferlita responded to comments related to encouraging bio-tech business to come to the area, impacts on the use of potable water, and importance of using reclaimed water; mentioned the Environmental Lands Acquisition and Protection Program referendum; perceived the WAC vote was a compromise; and opined EPC staff had created a well-defined definition of reasonable use and had streamlined the process. Commissioner Sharpe thanked everyone involved for their efforts, opposed weakening the rule, spoke regarding the need for high-tech jobs, and agreed with staff recommendation. Commissioner Blair recognized approvals by the Planning and Growth Management Department for development, stressed the importance of leaving an environment for the future, noted the environment brought jobs and new growth, pointed out Hillsborough County was at the bottom of new job creation, asked clarification of the WAC vote, recalled the final vote on the

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hybrid plan, applauded Dr. Garrity for efforts, referenced compliments of EPC staff, and opined the rule was not being weakened and was made more transparent.

Commissioner Norman questioned when wetlands classification would be added. Dr. Garrity explained the WAC had issues with classifying wetlands and staff found developing a classification system would be difficult. Commissioner Norman asked if staff planned to create a structure for that, perceived more definition was needed, suggested staff try to create a structure to make things clear, noted an electronic process was promised, referenced comments regarding the Comp Plan, and wanted the Planning Commission (PC) to come back to comment and for staff to continue to move forward. Chairman Higginbotham stated the electronic process was being implemented and mentioned safeguards in place.

After noting agreement with Commissioner Norman that work was never done, **Commissioner Ferlita moved staff recommendation to adopt the proposed draft wetlands rules in Chapter 1-11, including incorporating a local basis of review; adopt the proposed Chapter 1-13 rule amendments, the delegation rule; and authorize the executive director to execute the ERP delegation agreement upon State approval, seconded by Commissioner Sharpe.** In response to Commissioner Blair, Chairman Higginbotham noted efforts would continue. Commissioner Norman stressed his comments were toward specific improvements he did not see. Dr. Garrity confirmed staff was continuing to look at issues, developing action plans, and working with the internal performance auditor. **The motion carried seven to zero.**

Commissioner Norman wanted a definition of how wetlands classification would move forward, a due date on the electronic process, the PC executive director to provide an overview of how agencies would work together, and for those to be brought back within the next quarter. Commissioner Sharpe pointed out the process allowed for the WAC and others to weigh in on issues. He perceived Commissioner Norman's recommendation was for a classification to be developed and preferred not to direct that. Commissioner Norman stressed the need for certainty. Dr. Garrity clarified the recommendation from the mitigation subcommittee was to not create classifications. Commissioner Blair recalled discussions regarding classifications. Dr. Garrity confirmed EPC supported the mitigation subcommittee recommendation and noted opportunities to look at the quality of wetlands as mitigation was developed for a site. Attorney Tschantz explained the process of justifying impacts. Chairman Higginbotham

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suggested staff provide Commissioner Blair with a briefing. Commissioner Blair read comments from a WAC member.

There being no further business, the meeting was adjourned at 11:40 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____

Deputy Clerk

kr

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION

July FY 2008

A. Public Outreach/Education Assistance:

1. Phone Calls:	214
2. Literature Distributed:	0
3. Presentations:	0
4. Media Contacts:	4
5. Internet:	62
6. Host/Sponsor Workshops, Meetings, Special Events	0

B. Industrial Air Pollution Permitting

1. Permit Applications Received (Counted by Number of Fees Received):

a. Operating:	10
b. Construction:	23
c. Amendments:	0
d. Transfers/Extensions:	1
e. General:	8
f. Title V:	0

2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (Counted by Number of Fees Collected) - ²(Counted by Number of Emission Units affected by the Review):

a. Operating ¹ :	4
b. Construction ¹ :	11
c. Amendments ¹ :	0
d. Transfers/Extensions ¹ :	1
e. Title V Operating ² :	38
f. Permit Determinations ² :	0
g. General:	0

3. Intent to Deny Permit Issued:

	0
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C. Administrative Enforcement

1. New cases received:

	2
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2. On-going administrative cases:

a. Pending:	3
b. Active:	18
c. Legal:	3
d. Tracking compliance (Administrative):	12
e. Inactive/Referred cases:	0

Total 36

3. NOIs issued:

	3
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4. Citations issued:

	0
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5.	Consent Orders Signed:	<u>0</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$4,450.00</u>
7.	Cases Closed:	<u>2</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>11</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>1</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>3</u>
c.	Major Sources	<u>1</u>
3.	Asbestos Demolition/Renovation Projects:	<u>23</u>
E.	Open Burning Permits Issued:	<u>3</u>
F.	Number of Division of Forestry Permits Monitored:	<u>343</u>
G.	Total Citizen Complaints Received:	<u>74</u>
H.	Total Citizen Complaints Closed:	<u>75</u>
I.	Noise Sources Monitored:	<u>5</u>
J.	Air Program's Input to Development Regional Impacts:	<u>6</u>
K.	Test Reports Reviewed:	<u>114</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>7</u>
2.	Warning Notices Resolved:	<u>5</u>
3.	Advisory Letters Issued:	<u>10</u>
M.	AOR's Reviewed:	<u>5</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
July 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>\$3,840.00</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>\$7,600.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$480.00</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>\$3,400.00</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>\$0.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$3,000.00</u>
8. Open burning authorization	<u>\$2,800.00</u>
9. Enforcement Costs	<u>\$283.32</u>

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION

August FY 2008

A. Public Outreach/Education Assistance:		
1. Phone Calls:		132
2. Literature Distributed:		<u>0</u>
3. Presentations:		<u>3</u>
4. Media Contacts:		<u>2</u>
5. Internet:		<u>62</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>1</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		4
b. Construction:		<u>11</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>0</u>
e. General:		<u>5</u>
f. Title V:		<u>10</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (Counted by Number of Fees Collected) - (Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		13
b. Construction ¹ :		<u>11</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>1</u>
e. Title V Operating ² :		<u>0</u>
f. Permit Determinations ² :		<u>0</u>
g. General:		<u>8</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:		5
b. Active:		<u>15</u>
c. Legal:		<u>3</u>
d. Tracking compliance (Administrative):		<u>14</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>37</u>
3. NOIs issued:		<u>0</u>
4. Citations issued:		<u>0</u>

5.	Consent Orders Signed:	<u>2</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$13,100.00</u>
7.	Cases Closed:	<u>1</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>9</u>
2.	Air Toxics Facilities:	
	a. Asbestos Emitters	<u>0</u>
	b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>2</u>
	c. Major Sources	<u>8</u>
3.	Asbestos Demolition/Renovation Projects:	<u>14</u>
E.	Open Burning Permits Issued:	<u>3</u>
F.	Number of Division of Forestry Permits Monitored:	<u>294</u>
G.	Total Citizen Complaints Received:	<u>53</u>
H.	Total Citizen Complaints Closed:	<u>46</u>
I.	Noise Sources Monitored:	<u>5</u>
J.	Air Program's Input to Development Regional Impacts:	<u>1</u>
K.	Test Reports Reviewed:	<u>0</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>14</u>
2.	Warning Notices Resolved:	<u>4</u>
3.	Advisory Letters Issued:	<u>2</u>
M.	AOR's Reviewed:	<u>21</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>2</u>
O.	Planning Documents coordinated for Agency review.	<u>2</u>

**FEES COLLECTED FOR AIR MANAGEMENT DIVISION
August 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>\$750.00</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>\$2,840.00</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>\$3,200.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$400.00</u>
4. Non-delegated permit revision for an air	<u>\$0.00</u>
	<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>\$1,800.00</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>\$1,500.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$1,500.00</u>
8. Open burning authorization	<u>\$1,800.00</u>
9. Enforcement Costs	<u>\$6,197.09</u>

WASTE MANAGEMENT'S JULY 2008 AGENDA INFORMATION

ENFORCEMENT

New cases received	0
On-going administrative cases	105
Pending	1
Active	45
Legal	11
Tracking Compliance (Administrative)	34
Inactive/Referred Cases	14
NOI's issued	0
Citations issued	0
Consent Orders and Settlement Letters Signed	5
Civil Contributions to the Pollution Recovery Fund (\$)	7,397
Enforcement Costs collected (\$)	4,161
Cases Closed	6

SOLID AND HAZARDOUS WASTE

FDEP Permits received	0
FDEP Permits reviewed	1
EPC Authorization for Fac.'s NOT requiring DEP permit	1
Other Permits and Reports	
County Permits received	6
County Permits reviewed	6
Reports received	55
Reports reviewed	45
Inspections (Total)	187
Complaints	22
Compliance/Reinspections	17
Facility Compliance	17
Small Quantity Generator	131
P2 Audits	0
Enforcement	
Complaints Received	22
Complaints Closed	22
Warning Notices Issued	3
Warning Notices Closed	0
Compliance letters	39
Letters of Agreement	1
Agency Referrals	0
Pamphlets, Rules and Material Distributed	118

STORAGE TANK COMPLIANCE

Inspections	
Compliance	62
Installation	21
Closure	12
Compliance Re-Inspections	9
Installation Plans Received	18
Installation Plans Reviewed	15
Closure Plans & Reports	
Closure Plans Received	9
Closure Plans Reviewed	9
Closure Reports Received	4
Closure Reports Reviewed	4
Enforcement	
Non-compliance Letters Issued	49
Non-compliance Letters Closed	0
Warning Notices Issued	6
Warning Notices Closed	0
Cases referred to Enforcement	0
Complaints Received	0
Complaints Investigated	0
Complaints Referred	0
Discharge Reporting Forms Received	5
Incident Notification Forms Received	15
Cleanup Notification Letters Issued	4
Public Assistance	10+

STORAGE TANK CLEANUP

Inspections	16
Reports Received	113
Reports Reviewed	115
Site Assessment received	3
Site Assessment reviewed	8
Source Removal received	4
Source Removal reviewed	5
Remedial Action Plans (RAP's) received	15
Remedial Action Plans (RAP's) reviewed	8
Site Rehab. Completion Order/No Further Action	5
Site Rehab. Completion Order/No Further Action	6
Active Remediation/Monitoring received	53
Active Remediation/Monitoring reviewed	58
Others received	33
Others reviewed	30

RECORD REVIEWS	21
PUBLIC INFORMATION PROJECTS	2

WASTE MANAGEMENT'S AUGUST 2008 AGENDA INFORMATION

ENFORCEMENT

New cases received	1
On-going administrative cases	108
Pending	4
Active	47
Legal	11
Tracking Compliance (Administrative)	32
Inactive/Referred Cases	14
NOI's issued	3
Citations issued	0
Consent Orders and Settlement Letters Signed	2
Civil Contributions to the Pollution Recovery Fund (\$)	\$6,470
Enforcement Costs collected (\$)	\$1,448
Cases Closed	2

SOLID AND HAZARDOUS WASTE

FDEP Permits received	1
FDEP Permits reviewed	1
EPC Authorization for Fac.'s NOT requiring DEP permit	0
Other Permits and Reports	2
County Permits received	3
County Permits reviewed	2
Reports received	36
Reports reviewed	38
Inspections (Total)	188
Complaints	22
Compliance/Reinspections	9
Facility Compliance	14
Small Quantity Generator	142
P2 Audits	1
Enforcement	
Complaints Received	26
Complaints Closed	16
Warning Notices Issued	0
Warning Notices Closed	2
Compliance letters	48
Letters of Agreement	1
Agency Referrals	2
Pamphlets, Rules and Material Distributed	140

STORAGE TANK COMPLIANCE

Inspections	
Compliance	123
Installation	20
Closure	20
Compliance Re-Inspections	9
Installation Plans Received	7
Installation Plans Reviewed	6
Closure Plans & Reports	
Closure Plans Received	9
Closure Plans Reviewed	8
Closure Reports Received	9
Closure Reports Reviewed	9
Enforcement	
Non-compliance Letters Issued	86
Non-compliance Letters Closed	
Warning Notices Issued	0
Warning Notices Closed	4
Cases referred to Enforcement	1
Complaints Received	1
Complaints Investigated	1
Complaints Referred	0
Discharge Reporting Forms Received	8
Incident Notification Forms Received	15
Cleanup Notification Letters Issued	8
Public Assistance	200+

STORAGE TANK CLEANUP

Inspections	32
Reports Received	101
Reports Reviewed	115
Site Assessment received	7
Site Assessment reviewed	7
Source Removal received	1
Source Removal reviewed	1
Remedial Action Plans (RAP's) received	11
Remedial Action Plans (RAP's) reviewed	12
Site Rehab. Completion Order/No Further Action	2
Site Rehab. Completion Order/No Further Action	2
Active Remediation/Monitoring received	47
Active Remediation/Monitoring reviewed	59
Others received	33
Others reviewed	34

RECORD REVIEWS	23
LEGAL PIR's	5
PUBLIC INFORMATION PROJECTS	0

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	3
2. Enforcement Cases Closed:	4
3. Enforcement Cases Outstanding:	51
4. Enforcement Documents Issued:	3
5. Recovered costs to the General Fund:	\$ 875.00
6. Contributions to the Pollution Recovery Fund:	\$ 6,000.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Granite Commercial Ctr.	Construction w/out a permit	\$ 4,000.00
b. Dixons MHP	Improper operation/Failure to maintain/Discharging raw sewage	\$ 2,000.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	24
a. Facility Permit:	3
(i) Types I and II	0
(ii) Types III	3
b. Collection Systems-General	14
c. Collection Systems-Dry Line/Wet Line:	7
d. Residuals Disposal:	0
2. Permit Applications Approved:	27
a. Facility Permit:	4
b. Collection Systems-General:	11
c. Collection Systems-Dry Line/Wet Line:	12
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:	1
a. Facility Permit:	0
b. Collection Systems-General:	1
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0

6.	Permit Applications Outstanding:	28
a.	Facility Permit:	11
b.	Collection Systems-General:	7
c.	Collection Systems-Dry Line/Wet Line:	10
d.	Residuals Disposal:	0
7.	Permit Determination:	5
8.	Special Project Reviews:	0
a.	Reuse:	0
b.	Residuals/AUPs:	0
c.	Others:	0
 C. INSPECTIONS - DOMESTIC		
1.	Compliance Evaluation:	12
a.	Inspection (CEI):	4
b.	Sampling Inspection (CSI):	8
c.	Toxics Sampling Inspection (XSI):	0
d.	Performance Audit Inspection (PAI):	0
2.	Reconnaissance:	54
a.	Inspection (RI):	22
b.	Sample Inspection (SRI):	0
c.	Complaint Inspection (CRI):	28
d.	Enforcement Inspection (ERI):	4
3.	Engineering Inspections:	31
a.	Reconnaissance Inspection (RI):	0
b.	Sample Reconnaissance Inspection (SRI):	0
c.	Residual Site Inspection (RSI):	0
d.	Preconstruction Inspection (PCI):	6
e.	Post Construction Inspection (XCI):	25
f.	On-site Engineering Evaluation:	0
g.	Enforcement Reconnaissance Inspection (ERI):	0
 D. PERMITTING/PROJECT REVIEW - INDUSTRIAL		
1.	Permit Applications Received:	2
a.	Facility Permit:	0
(i)	Types I and II	0
(ii)	Type III with Groundwater Monitoring:	0
(iii)	Type III w/o Groundwater Monitoring:	1
b.	General Permit:	1

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:	0
3. Special:	3
a. Facility Permits:	2
b. General Permits:	1
4. Permitting Determination:	0
5. Special Project Reviews:	54
a. Phosphate:	12
b. Industrial Wastewater:	23
c. Others:	19
E. INSPECTIONS - INDUSTRIAL	40
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:	18
a. Inspection (RI):	8
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	9
d. Enforcement Reconnaissance Inspections (ERI):	1
3. Engineering Inspections:	12
a. Compliance Evaluation (CEI):	12
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:	30
(i) Received:	16
(ii) Closed:	14
b. Industrial:	8
(i) Received:	2
(ii) Closed:	6

2.	Warning Notices:	
	a. Domestic:	12
	(i) Received:	5
	(ii) Closed:	7
	b. Industrial:	4
	(i) Received:	0
	(ii) Closed:	4
3.	Non-Compliance Advisory Letters:	24
4.	Environmental Compliance Reviews:	126
	a. Industrial:	34
	b. Domestic:	92
5.	Special Project Reviews:	0
G. RECORD REVIEWS		
1.	Permitting:	1
2.	Enforcement:	0
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:		
1.	Air Division:	0
2.	Waste Division:	0
3.	Water Division:	0
4.	Wetlands Division:	0
5.	ERM Division:	0
6.	Biomonitoring Reports:	0
7.	Outside Agency:	0
I. SPECIAL PROJECT REVIEWS:		
1.	DRIs:	4
2.	ARs:	0
3.	Technical Support:	1
4.	Other:BMP Related	3

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	1
2. Enforcement Cases Closed:	3
3. Enforcement Cases Outstanding:	50
4. Enforcement Documents Issued:	3
5. Recovered costs to the General Fund:	\$ 612.00
6. Contributions to the Pollution Recovery Fund:	\$ 2,380.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Hawk Landing	Placement of C/S in service w/out acceptance letter	\$ 500.00
b. Brighthouse Networks	Placement of C/S in service w/out acceptance letter	\$ 500.00
c. Tomato Thyme Corp.	Expired permit; Const/oper/ modifying facility w/o permit	\$ 1,000.00
d. Bay Hills Village Condo	Expired permit	\$ 380.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	26
a. Facility Permit:	1
(i) Types I and II	0
(ii) Types III	1
b. Collection Systems-General	16
c. Collection Systems-Dry Line/Wet Line:	9
d. Residuals Disposal:	0
2. Permit Applications Approved:	21
a. Facility Permit:	0
b. Collection Systems-General:	13
c. Collection Systems-Dry Line/Wet Line:	8
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:	33
a. Facility Permit:	12
b. Collection Systems-General:	10
c. Collection Systems-Dry Line/Wet Line:	11
d. Residuals Disposal:	0
7. Permit Determination:	7
8. Special Project Reviews:	0
a. Reuse:	0
b. Residuals/AUPs:	0
c. Others:	0
C. INSPECTIONS - DOMESTIC	94
1. Compliance Evaluation:	8
a. Inspection (CEI):	4
b. Sampling Inspection (CSI):	2
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	2
2. Reconnaissance:	46
a. Inspection (RI):	12
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	34
d. Enforcement Inspection (ERI):	0
3. Engineering Inspections:	40
a. Reconnaissance Inspection (RI):	0
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	0
d. Preconstruction Inspection (PCI):	4
e. Post Construction Inspection (XCI):	36
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	0

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	29
1. Permit Applications Received:	2
a. Facility Permit:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	2
(iii) Type III w/o Groundwater Monitoring:	0
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:	0
3. Special:	0
a. Facility Permits:	0
b. General Permits:	0
4. Permitting Determination:	0
5. Special Project Reviews:	27
a. Phosphate:	3
b. Industrial Wastewater:	15
c. Others:	9
E. INSPECTIONS - INDUSTRIAL	29
1. Compliance Evaluation:	12
a. Inspection (CEI):	12
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	12
a. Inspection (RI):	5
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	7
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	5
a. Compliance Evaluation (CEI):	5
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:	46
a. Domestic:	35
(i) Received:	16
(ii) Closed:	19
b. Industrial:	11
(i) Received:	5
(ii) Closed:	6
2. Warning Notices:	8
a. Domestic:	7
(i) Received:	3
(ii) Closed:	4
b. Industrial:	1
(i) Received:	1
(ii) Closed:	0
3. Non-Compliance Advisory Letters:	18
4. Environmental Compliance Reviews:	151
a. Industrial:	51
b. Domestic:	100
5. Special Project Reviews:	4

G. RECORD REVIEWS

1. Permitting:	3
2. Enforcement:	1

H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:

1. Air Division:	70
2. Waste Division:	0
3. Water Division:	14
4. Wetlands Division:	0
5. ERM Division:	155
6. Biomonitoring Reports:	6
7. Outside Agency:	36

**EPC Wetlands Management Division
Backup AGENDA
July, 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
July 2008	0	0	0	0	0
Year to Date	2	2	0.11	1	0.06

PGMD Reviews Performance Report

# of Reviews	Timeframes met	Year to Date
186	99%	99%

Formal Wetland Delineation Surveys

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
July 2008	18	267	63	5	1.67
Since April 2008	63	958	183	25	7.16

Construction Plans Approved

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Impacts Approved Acreage	Impacts Exempt Acreage
July 2008	28	15.62	7	0.78	0.94	0.15
Since April 2008	92	85.29	34	6.54	14.87	13.36

Mitigation Sites in Compliance

199/207	96%
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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>
11.0	11.0	.10	15/18 (83%)

Compliance Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored
.3	1.10	1.10

General

Telephone Conferences	Scheduled Meetings	Unscheduled Citizen Assistance
651	198	48

WETLAND REPORT FOR REVIEW TIME 2008

Month	# Of Reviews	% On Time	% Late
December			
November			
October			
September			
August			
July	331	98%	2%
June	339	96%	4%
May	328	95%	5%
April	311	98%	2%
March	341	97%	3%
February	461	98%	2%
January	582	99%	1%

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
July 2008**

	Totals
A. General	
1. Telephone Conferences	651
2. Unscheduled Citizen Assistance	48
3. Scheduled Meetings	198
4. Correspondence	348
B. Assessment Reviews	
1. Wetland Delineations	33
2. Surveys	20
3. Miscellaneous Activities in Wetland	24
4. Mangrove	3
5. Notice of Exemption	2
6. Impact/ Mitigation Proposal	21
7. Tampa Port Authority Permit Applications	13
8. Wastewater Treatment Plants (FDEP)	1
9. DRI Annual Report	4
10. On-Site Visits	84
11. Phosphate Mining	2
12. CPA	0
Planning Growth Management Review	
13. Land Alteration/Landscaping	1
14. Land Excavation	0
15. Rezoning Reviews	12
16. Site Development	52
17. Subdivision	35
18. Wetland Setback Encroachment	4
19. Easement/Access-Vacating	2
20. Pre-Applications	46
C. Investigation and Compliance	
1. Complaints Received	31
2. Warning Notices Issued	9
3. Warning Notices Closed	1
4. Complaint Inspections	82
5. Return Compliance Inspections	34
6. Mitigation Monitoring Reports	11
7. Mitigation Compliance Inspections	24
8. Erosion Control Inspections	38
9. MAIW Compliance Site Inspections	4
10. TPA Compliance Site Inspections	0
D. Enforcement	
1. Active Cases	23
2. Legal Cases	1
3. Number of "Notice of Intent to Initiate Enforcement"	2
4. Number of Citations Issued	1
5. Number of Consent Orders Signed	6
6. Administrative - Civil Cases Closed	6
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$14,300.00
9. Enforcement Costs Collected	\$1,345.00
E. Ombudsman	
1. Agriculture	1
2. Permitting Process	2
3. Rule Assistance	0
4. Staff Assistance	0
5. Miscellaneous/Other	1

**EPC Wetlands Management Division
Backup AGENDA
August, 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
August 2008	0	0	0	0	0
Year to Date	2	2	0.11	1	0.06

PGMD Reviews Performance Report

# of Reviews	Timeframes met	Year to Date
172	99%	99%

Formal Wetland Delineation Surveys

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
August 2008	14	246	44	17	1.54
Since April 2008	77	1204	227	42	8.70

Construction Plans Approved

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Impacts Approved Acreage	Impacts Exempt Acreage
August 2008	25	47.53	9	2.15	2.14	0.1
Since April 2008	117	132.82	43	8.69	17.01	13.46

Mitigation Sites in Compliance

194/200	96%
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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>
1.0	1.5	.10	15/18 (83%)

Compliance Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored
1.9	0	1.2

General

Telephone Conferences	Scheduled Meetings	Unscheduled Citizen Assistance
622	225	49

WETLAND REPORT FOR REVIEW TIME 2008

Month	# Of Reviews	% On Time	% Late
December			
November			
October			
September			
August	283	98%	2%
July	331	98%	2%
June	339	96%	4%
May	328	95%	5%
April	311	98%	2%
March	341	97%	3%
February	461	98%	2%
January	582	99%	1%

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
August 2008**

A. General	Totals
1. Telephone Conferences	622
2. Unscheduled Citizen Assistance	49
3. Scheduled Meetings	225
4. Correspondence	323
B. Assessment Reviews	
1. Wetland Delineations	26
2. Surveys	24
3. Miscellaneous Activities in Wetland	27
4. Mangrove	3
5. Notice of Exemption	4
6. Impact/ Mitigation Proposal	24
7. Tampa Port Authority Permit Applications	24
8. Wastewater Treatment Plants (FDEP)	2
9. DRI Annual Report	6
10. Land Alteration/Landscaping	5
11. Land Excavation	0
12. Phosphate Mining	3
13. Rezoning Reviews	25
14. CPA	0
15. Site Development	44
16. Subdivision	31
17. Wetland Setback Encroachment	6
18. Easement/Access-Vacating	1
19. Pre-Applications	46
20. On-Site Visits	97
C. Investigation and Compliance	
1. Complaints Received	24
2. Warning Notices Issued	5
3. Warning Notices Closed	1
4. Complaint Inspections	46
5. Return Compliance Inspections	32
6. Mitigation Monitoring Reports	9
7. Mitigation Compliance Inspections	27
8. Erosion Control Inspections	61
9. MAIW Compliance Site Inspections	0
10. TPA Compliance Site Inspections	0
D. Enforcement	
1. Active Cases	27
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	2
6. Administrative - Civil Cases Closed	3
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$1,800.00
9. Enforcement Costs Collected	\$535.00
E. Ombudsman	
1. Agriculture	4
2. Permitting Process	0
3. Rule Assistance	1
4. Staff Assistance	0
5. Miscellaneous/Other	0

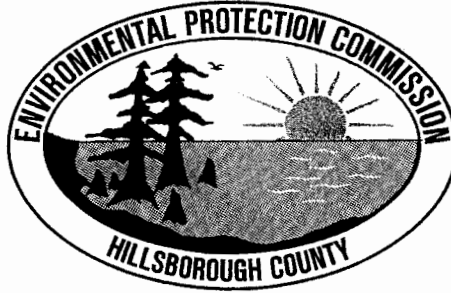
**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 08/31/08**

	As of 8/31/08
Beginning Fund Balance, 10/01/07	\$ 1,112,615
Interest Accrued	84,503
Deposits	414,283
Disbursements	(174,942)
Intrafund Budget Transfers to Project Fund	(531,610)
Pollution Recovery Fund Balance	\$ 904,849
Encumbrances:	
Pollution Prevention/Waste Reduction (101)	\$ 6,422
Artificial Reef Program	28,169
PRF Project Monitoring	14,348
Total Encumbrances	\$ 48,939
Minimum Balance (Reserves)	\$ 120,000
Balance Available 08/31/08	\$ 735,910

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	91,814
Tampa Shoreline Restoration	30,000	1,747
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 Cotanchobee Ft Brooke Park	100,000	100,000
Analysis of Bacteria & Beach Closures	125,000	10
Knights Preserve	35,235	28,193
Oyster Reef Shore/Stab & Enhance	30,000	10,040
Nitrogen Emission/Deposition Ratios, Air Pollution	40,906	5,867
Erosion Control/Oyster Bar Habitat Creation	75,000	75,000
Remediation of Illegally Dumped Asbestos	4,486	4,486
	\$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	72,708
Lake Magdalene's Management Plan	66,954	66,954
Testing Reduction of TMDL in Surface Water Flow	19,694	14,534
Assessing Bacteria Lake Carroll	101,962	101,962
Tampa Bay Nitrogen Consortium	5,000	200
	\$531,610	\$461,358

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



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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 AUGUST 31, 2008

Fund Balance as of 10/01/07	\$248,370
Interest Accrued	8,353
Disbursements FY08	(14,853)

Fund Balance	\$241,870
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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	241,749	03/10/05	01/31/08
Total of Encumbrances	\$241,870		
Fund Balance Available 08/31/08	\$ - 0 -		



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 18, 2008

Subject: Legal Case Summary for August 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: **August 2008 EPC Legal Case Summary**

EPC LEGAL DEPARTMENT MONTHLY REPORT
August 2008

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [0]

EXISTING ADMINISTRATIVE CASES [4]

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)

Conrad Yelvington Distributors, Inc. v. EPC [LEPC08-004]: On February 7, 2008, Conrad Yelvington Distributors, Inc. filed a formal petition challenging a draft Air Operating Permit Renewal (No. 7770473-008-AO). The parties have met to discuss the matter and the case was put in an informal abeyance in an effort to resolve matters.

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)

RECENTLY RESOLVED ADMINISTRATIVE CASES [1]

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. On July 31, 2008 the Appellant voluntarily dismissed the appeal and the Hearing Officer relinquished jurisdiction back to the EPC on August 14, 2008. The case is closed. (AZ)

B. CIVIL CASES

NEW CIVIL CASES [1]

Pedro Olivera [LEPC08-021]: Authority to take appropriate legal action against Pedro Olivera for unauthorized wetland and mangrove impacts was granted on July 17, 2008 at the EPC Board meeting. Mr. Olivera conducted several unauthorized wetland activities on his property and several of the violations remain unresolved. The parties are currently negotiating a settlement of case. (AZ)

EXISTING CIVIL CASES [16]

Grace E. Poole and Michael Rissell [LEPC08-015]: Authority to take appropriate legal action against Grace E. Poole and Michael Rissell for failure to properly assess petroleum contamination in accordance with EPC and State regulations was granted on June 19, 2008. The property owner and/or other responsible party are required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (AZ)

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

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

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. On June 19, 2008, the EPC Legal Department filed a civil lawsuit in small claims court seeking a judgment to recover the money. The Court set a pretrial conference/mediation for July 22, 2008. EPC Legal Counsel proposed a settlement offer and is awaiting a response from the Defendant. (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. (RM)

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

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)

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

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

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

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

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 was scheduled for June 13, 2008 and a second one on July 8, 2008. (AZ)

RECENTLY RESOLVED CIVIL CASES [1]

Gas Mart, Inc. [LEP07-029]: Authority to take appropriate action against Gas Mart, Inc. and G.W. Partners, Ltd. 2 for failure to properly assess and remediate petroleum contamination on the 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. On July 17, 2008 the Defendants entered into a consent order with the EPC and on July 22, 2008 the EPC filed a Notice of Dismissal. The case has been closed. (AZ)

C. OTHER OPEN CASES [9]

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

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

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

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

Kelly L. Wishau [LEPC08-013]: On May 22, 2008 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a Citation to Cease and Order to Correct Violation issued on April 25, 2008 regarding unauthorized wetland impacts. The extension was granted and the Appellant had until July 3, 2008 to file an Appeal. A second request for extension of time was filed and granted. The Appellant had until August 4, 2008 to file an appeal in this matter. On August 4, 2008, the Appellant filed a third request for extension of time which was granted. The Appellant has until September 29, 2008 to file a petition in this matter. (AZ)

Hess Corporation [LEPC08-017]: On July 9, 2008 the Appellant filed a request for an extension of time to file a Petition for Administrative Hearing to challenge an Air Division draft Title V Revision permit issued on June 26, 2008. The Legal Dept. granted the request and the Appellant has until August 19, 2008 to file a petition in this matter. (RM)

Hess Corporation [LEPC08-018]: On July 9, 2008 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge an Air Division draft construction permit issued on June 26, 2008. The Legal Dept. granted the request and the Appellant has until August 19, 2008 to file a petition in this matter. (RM)

Pedro Olivera [LEPC08-019]: On July 11, 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 Violations issued on July 3, 2008 for unauthorized wetland impacts. The Legal Dept. granted the request and the Appellant has until August 26, 2008 to file an Appeal in this matter. (AZ)

Tandum Holdings Corp. [LEPC08-020]: On July 29, 2008 the Appellant filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a Notice of Violation issued on July 3, 2008 for unauthorized discharge of domestic and industrial wastewater to the ground and failure to comply with monitoring requirements. The Legal Dept. granted the request and the Appellant has until September 29, 2008 to file a petition in this matter. (RM)

P. Daniel Alberdi [LEPC08-022]: On August 7, 2008 The Appellant filed a request for a decision of the Executive Director and a request for an extension of time to challenge the final agency action regarding the re-delineation of wetlands on property controlled by Richard Sapp. The Legal Dept. issued an Order Denying Request for Extension of Time and Order Dismissing Appeal with Leave to Amend. The Appellant has until Sept. 3, 2008 to file an amended appeal. (AZ)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 18, 2008

Subject: Legal Case Summary for September 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: **September 2008 EPC Legal Case Summary**

EPC LEGAL DEPARTMENT MONTHLY REPORT
September 2008

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [0]

EXISTING ADMINISTRATIVE CASES [4]

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)

Conrad Yelvington Distributors, Inc. v. EPC [LEPC08-004]: On February 7, 2008, Conrad Yelvington Distributors, Inc. filed a formal petition challenging a draft Air Operating Permit Renewal (No. 7770473-008-AO). The parties have met to discuss the matter and the case was put in an informal abeyance in an effort to resolve matters.

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)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [0]

EXISTING CIVIL CASES [17]

Grace E. Poole and Michael Rissell [LEPC08-015]: Authority to take appropriate legal action against Grace E. Poole and Michael Rissell for failure to properly assess petroleum contamination in accordance with EPC and State regulations was granted on June 19, 2008. The property owner and/or other responsible party are required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (AZ)

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

Ecoventure New Port I, LLC [LEPC08-006]: Authority to take appropriate legal action against Ecoventure New Port I,

LLC for failure to assess petroleum contamination in accordance with EPC and State regulations was granted on March 20, 2008. The property owner is required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (AZ)

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. On June 19, 2008, the EPC Legal Department filed a civil lawsuit in small claims court seeking a judgment to recover the money. The Court set a pretrial conference/mediation for July 22, 2008. The parties tentatively settled the matter based on a reduced payment plan. Upon final payment being made in September the EPC Legal Department will file a voluntary dismissal. (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. (RM)

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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)

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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)

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RECENTLY RESOLVED CIVIL CASES [0]

C. OTHER OPEN CASES [9]

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

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

in this matter. (AZ)

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

Hess Corporation [LEPC08-017]: On July 9, 2008 the Appellant filed a request for an extension of time to file a Petition for Administrative Hearing to challenge an Air Division draft Title V Revision permit issued on June 26, 2008. The Legal Dept. granted the request and the Appellant has until August 19, 2008 to file a petition in this matter. (RM)

Hess Corporation [LEPC08-018]: On July 9, 2008 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge an Air Division draft construction permit issued on June 26, 2008. The Legal Dept. granted the request and the Appellant has until August 19, 2008 to file a petition in this matter. (RM)

Pedro Olivera [LEPC08-019]: On July 11, 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 Violations issued on July 3, 2008 for unauthorized wetland impacts. The Legal Dept. granted the request and the Appellant has until August 26, 2008 to file an Appeal in this matter. No appeal was timely filed and the Citation has become a final order of the EPC. (AZ)

Tandum Holdings Corp. [LEPC08-020]: On July 29, 2008 the Appellant filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a Notice of Violation issued on July 3, 2008 for unauthorized discharge of domestic and industrial wastewater to the ground and failure to comply with monitoring requirements. The Legal Dept. granted the request and the Appellant has until September 29, 2008 to file a petition in this matter. (RM)

P. Daniel Alberdi [LEPC08-022]: On August 7, 2008 The Appellant filed a request for a decision of the Executive Director and a request for an extension of time to challenge the final agency action regarding the re-delineation of wetlands on property controlled by Richard Sapp. The Legal Dept. issued an Order Denying Request for Extension of Time and Order Dismissing Appeal with Leave to Amend. The Appellant has until Sept. 3, 2008 to file an amended appeal. The EPC received an amended appeal and request for extension of time which is being reviewed by the Legal Department. (AZ)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 18, 2008

Subject: Wetland Hybrid Quarterly Report

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

Division: Executive Director

Recommendation: Informational Report

Brief Summary: Attached is the fourth quarterly and final report of the Wetlands Hybrid Plan which covers the progress the EPC staff has made in implementing the Plan from May 15, 2008 through August 2008.

Financial Impact: No Financial Impact

Background: In order to keep the Commission and the public informed, EPC staff has made quarterly reports to the Commission regarding the progress of the Wetlands Hybrid Plan. Each task of the approved Wetlands Hybrid was assigned to staff and work groups were assembled and tasked with specific requirements and deadlines. This is the fourth quarterly and final report and includes:

Milestone Chart

4th Quarter Report May-August 2008

Action Plan for the TAG Recommendations

Action Plan for the IPA Recommendations

Tag = Technical Advisory Group

IPA = Internal Performance Audit

List of Attachments: EPC Wetlands Hybrid Implementation Quarterly Report

Wetlands Hybrid Project Timeline

Project Start Date: #####

Today's Date: #####

Project Name	Responsible Party	Estimated Finish	Days Left until Completion	Description
1 Board gives direction	Garrity	26-Jul-07	Completed	Sets public hearing for August 16th to amend Ch 1-11
2 Designate Wetlands Ombudsman	Garrity	27-Jul-07	Completed	Christine Bryant selected as Ombudsman
3 Budget submitted - FTE cuts	Koulianos	27-Jul-07	Completed	5 FTEs cut in Wetlands Division
4 Request assistance from Auditor	Garrity	30-Jul-07	Completed	Request assistance from Internal Performance Auditor
5 Host technical rule workshops	Garrity	10-Aug-07	Completed	Meet w/ CEAC & Stakeholders
6 Revised Ch. 1-11 presented to Board	Garrity	16-Aug-07	Completed	Bring revised Ch 1-11 to EPC Board for Approval
7 First meeting with Int. Auditor	Team	24-Aug-07	Completed	
8 WMD MOU Review	Tschantz	24-Aug-07	Completed	Draft letter re WMD audit help
9 Technical Advisory Group	Stetler	30-Aug-07	Completed	Compile Initial TAC
10 Ombudsman Desc	Stetler	30-Aug-07	Completed	Ombudsman Job Description
11 Tampa Port Authority Delegation	Zodrow	20-Sep-07	Completed	Accept TPA delegation; target date
12 Process Review w/ Auditor (update)	Koulianos	20-Sep-07	Completed	
13 Stakeholders Advisory Group	Tschantz	20-Sep-07	Completed	
14 Milestones for year	Zodrow	20-Sep-07	Completed	
15 Request auth. to conduct fee study	Koulianos	20-Sep-07	Completed	
16 Agriculture Draft Rule	Zodrow	20-Sep-07	Completed	
17 Online Application Forms	DeLeeuw	30-Sep-07	Completed	Forms - Mangrove, Exemption, Misc./Post Online
18 Online Application Committee	DeLeeuw	30-Sep-07	Completed	Form Committee w/ EPC staff
19 New Wetlands Measurements	Stetler	18-Oct-07	Completed	
20 Agriculture rule public hearing	Zodrow	15-Nov-07	Completed	
21 Quarterly Report to Board	Garrity	15-Nov-07	Completed	Presented to Board at Nov EPC Meeting
22 Public Works Agreement Draft	Stetler	15-Nov-07	Completed	Draft under review for finalization
23 Staff Review of EPC/WMD MOU	Stetler	13-Dec-07	Completed	
24 DEP Delegation Petition/ACOE Gen. Permit	Stetler	13-Dec-07	Completed	Bring update and delegation submittal to EPC Board
25 Agricultural Wetland Record Keeping	Stetler	31-Jan-08	Completed	
26 Quarterly Report to Board	Garrity	20-Mar-08	Completed	
27 Process Review Update to Board	Koulianos	20-Mar-08	Completed	
28 Quarterly Report to Board	Garrity	15-May-08	Completed	
29 Fee Study	Koulianos	15-May-08	Completed	Data is collected, Recommendations to follow
30 Wetland Review Timeframes	Tschantz	15-May-08	Completed	Adopted by Board Policy
31 Modify Wetland Record Keeping	Stetler	15-May-08	Completed	

Wetlands Hybrid Project Timeline

Project Start Date: #####

Today's Date: #####

Project Name	Responsible Party	Estimated Finish	Days Left until Completion	Description
32 Action Plans for Internal Auditor	Stetler	31-May-08	Completed	Plans for Auditor recommendations
33 TAG Briefing to CEAC/WAC	Stetler	2-Jun-08	Completed	Briefings on Mitigation, classification and Process
34 Tech Advisory Group-Final Recommendations	Stetler	2-June-08	Completed	"White Papers" to be completed
35 Applicant's Handbook	Stetler	19-Jun-08	Completed	Draft completed May 1, 2008
36 Request Public Hearing on Ch. 1-11 & 1-13	Zodrow	19-Jun-08	Completed	Delegation language and add "other surface waters"
37 Workshop Changes to Ch. 1-11 & 1-13	Zodrow	1-Jul-08	Completed	Workshops held June 17 & July 9, 2008
38 CEAC/WAC to Develop Recommendations	Stetler	7-Jul-08	Completed	
39 Public Hearing on Ch. 1-11 & 1-13	Zodrow	17-Jul-08	Completed	Rule Amendments adopted including BOR
40 Request Public Hearing on Ch. 1-11, BOR	Zodrow	17-Jul-08	Completed	
41 CEAC/WAC Recommendations to the Board	Stetler	17-Jul-08	Completed	
42 Workshop Basis of Review	Zodrow	1-Aug-08	Completed	No additional meeting required
43 CEAC/WAC Meeting	Stetler	4-Aug-08	Completed	Additional input prior to public hearing
44 Basis of Review; Reasonable Use Guidelines	Stetler	21-Aug-08	Completed	Draft completed May 1, 2008
45 Annual Report to Board	Garity	21-Aug-08	Completed	On Agenda for September 2008 EPC Board Meeting
46 Public Hearing on Ch. 1-11, BOR	Zodrow	21-Aug-08	Completed	Completed under July 17, 2009 deadline

**EPC Wetlands Hybrid Implementation
4th Quarterly and Final Report
May 16, 2008 – August 21, 2008**

Amendments to Chapter 1-11, Wetlands Rule and Chapter 1-13, Delegation Rule

Implementation of the Hybrid resulted in a number of Rule Amendments:

Effective August 16, 2007, Chapter 1-11 was amended to provide for noticed and non-noticed exemptions for selected activities. In addition, rules concerning permitting small or nominal wetland impacts were adopted and defined as Miscellaneous Activities.

Select exemptions from "Reasonable Use" and Mitigation, for bona fide agricultural activities were adopted into Chapter 1-11, Wetlands Rule on January 17th, 2008.

Amendments to Chapter 1-11, Wetlands Rule and Chapter 1-13, Delegation Rule were adopted at the July 17, 2008 EPC Board meeting. These amendments included the adoption of the Basis of Review, which contains the standard for Reasonable Use, the addition of the language "and other surface waters", and language necessary to facilitate the partial regulatory delegation of the DEP Environmental Resource Permitting program (ERP).

Technical Advisory Group

Twenty members were selected for the group and the first meeting was held October 19, 2007. A list of agenda topics to be covered in upcoming meetings was discussed. The members were assigned to subcommittees based upon their topic interests:

- Process – Basis of Review, Applicant's Handbook, reasonable use, review process, timeframes and deadlines, project prioritization, internal consistency, consistency with other agencies, revised fee schedule, checklists for incoming projects.
- Mitigation Banking - Consider taking steps to encourage the development of private and/or public banks, net environmental benefit, pros and cons of encouraging banks.
- Wetland Classification – Consider developing a wetland classification system that would aid in the planning, siting and designing of land development projects, systems used by Federal, State or other local agencies that would serve as a model, net environmental benefit, pros and cons of creating such a system.

- Agricultural Exemptions – Review draft amendment to Chapter 1-11 regarding agricultural exemptions from reasonable use and mitigation and make recommendations. A “white paper” was produced with recommendations and this subcommittee was discontinued.

The TAG utilized a webpage via the Tampa Bay Estuary Atlas website where reports and documents could be posted for review. The entire group met once a month, with subcommittees meeting as required.

Each subcommittee produced a “white paper” providing observations and recommendations on the issues they covered. These were presented to the Wetlands Advisory Committee and the Citizens Environmental Advisory Committee (WAC/CEAC) on June 2, 2008. WAC/CEAC then developed recommendations, based on that work product, and presented them to the Board at the July 17, 2008 meeting.

EPC staff reviewed the “white papers” and developed an action plan in response to the recommendations. The TAG Action Plan is attached to this final report.

The participation of the TAG members in this process is greatly appreciated by EPC staff.

Tampa Port Authority Delegation

The delegation agreement between the Tampa Port Authority and EPC was executed November 15, 2007. The agreement covers “minor works” activities such as docks, rip rap, and maintenance dredging. EPC staff is currently assigned at the TPA for cross training.

Basis of Review

The staff completed the Basis of Review which explains how wetland lines are established; the criteria used to determine if a requested wetland impact will be approved or denied, including guidelines for determining “reasonable use” and engineering criteria; how proposed mitigation is evaluated; and what constitutes a Miscellaneous Activity in wetlands.

The TAG and WAC/CEAC reviewed and commented on the Basis of Review and it was posted to the EPC website for public comment. Public Workshops were held on June 17, 2008 and July 9, 2008 to present proposed changes to Chapter 1-11, Wetlands Rule and Chapter 1-13, Delegation Rule. This included the adoption of the Basis of Review, which contains the standard for Reasonable Use. A Public Hearing was held at the July 17, 2008 EPC Board meeting, after which, the Board voted to adopt the Basis of Review in Chapter 1-11.

Applicant's Handbook

The staff completed a draft of the Applicant's Handbook. This manual has been created to assist applicants in all phases of the Wetland Management Division's review process. The first section explains the Division's responsibilities and EPC's relationship with other governmental entities. All statutes and rules used by the agency are listed and included for the applicant's convenience. The second section covers definitions from the EPC rules and other applicable statutes. Section three describes the pre-application process. Field delineations are covered in the fourth section. This includes EPC and Southwest Florida Water Management District (SWFWMD) delineations, scaled site plans, informal and aerial determinations, timeframes and disputes. Section five covers all aspects of the wetland impact and mitigation review. Miscellaneous Activities in Wetlands permitting is covered in section six. Exemptions to Chapters 1-11, the Wetland Rule and 1-14, the Mangrove Rule are covered in section seven. Section eight covers bona fide agricultural activities. In section nine, reviews for agencies other than the EPC are discussed. This includes the Tampa Port Authority (TPA), the Florida Department of Environmental Protection (FDEP), the Regional Planning Council (RPC) and Hillsborough County's Planning and Growth Management Department (PGMD). Finally, the role of the Wetland Management Division Ombudsman is described in section ten. Application forms and detailed instructions for filling them out are included in each appropriate section, along with the review process and criteria used to evaluate each application.

The draft Applicant's Handbook was posted to the EPC website on May 19, 2008. An e-mail link was established and users are encouraged to make comments and suggestions to improve the value and usability of this document. Staff is currently reviewing information provided to date and anticipates that the Handbook will continue to evolve and improve over time.

Bona Fide Agricultural Activities

Select exemptions from "Reasonable Use" and Mitigation, for bona fide agricultural activities were proposed for Chapter 1-11, Wetlands Rule. Two public workshops were held to discuss the proposed rule changes. A Public Hearing was held at the November 15, 2007 EPC Board meeting. Recommendations from TAG, WAC and CEAC groups were presented. The Board voted to adopt the staff's proposed rule amendment language. The staff has formed a workgroup to develop a tracking system for the wetland impacts approved under the newly adopted agricultural exemptions to allow for routine reporting to the Board. EPC and SWFWMD staff will conduct pre-application meetings, known as "pre-screens," for all proposed agricultural land conversions in order to guide applicants through the regulatory process.

Wetlands Advisory Committee/Stakeholders

Each Commissioner appointed two people to represent them on the Wetlands Advisory Committee. With the exception of two people, the membership of this committee was the same as the CEAC. The current CEAC chair was elected to chair this committee. The TAG "white papers" were presented to the WAC/CEAC on June 2, 2008 for their review and comment. WAC/CEAC also provided input to the amendments to Chapter 1-11, Wetland Rule and Chapter 1-13, Delegation Rule and recommended approval of the proposed rule language to the Board at the July 17, 2008 EPC Board meeting.

The participation of the WAC/CEAC members in this process is greatly appreciated by EPC staff.

Ombudsman

Engineering Specialist, Christina Bryant was selected as ombudsman to serve as a neutral liaison between the citizens and staff of the Wetlands Division in order to provide an amenable solution to various types of conflicts or issues encountered. In addition, the ombudsman will assist applicants in obtaining appropriate reviews for agricultural projects as well as miscellaneous activities authorizations. An electronic tracking system has been developed and implemented and approximately 33 issues have been handled to date.

On-line Application Forms

Two online forms have been created and posted to the web site and are ready for public use. "Notice of Exempt Activities in Wetlands," and "Application for Nuisance Vegetation Removal in Wetlands" can both be filled out and submitted electronically, as no fee is required for these reviews. The "Mangrove Trimming Application," "Professional Mangrove Trimmer Registration," "Application To Perform Miscellaneous Activities In Wetlands," "Wetlands Delineation Request," and "Mitigation Agreement" forms are available on the website, however electronic submission of these forms will require a system upgrade to allow applicants to pay review fees online. Detailed instructions for filling out these forms are in the Applicant's Handbook, which is posted for use on the EPC website.

DEP Delegation

The petition for partial regulatory delegation of the Environmental Resource Permitting program (ERP) was signed by Dr. Garrity and sent to DEP Tallahassee on January 10, 2008. It included a draft delegation agreement. This starts a time clock that allows DEP time to review the petition for completeness and request additional information. Once the DEP has received all necessary information, DEP has 180 days to either grant or deny the petition. EPC staff is in

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direct contact with the DEP Tallahassee staff reviewing the petition. DEP Tallahassee completed their initial review and submitted a request for additional information. EPC staff responded to this request and submitted additional information. DEP has submitted a second request, which staff is responding to. It is anticipated that this submittal will complete the petition and DEP can then proceed to have the delegation agreement approved and signed.

Process Audit

The Office of the Internal Performance Auditor (IPA) completed the process audit. A beneficial two day workshop with EPC and PGMD staff was held on November 19 and 20, 2007 to identify and prioritize issues and to recommend actions for positive change. The final report was delivered to the Board at the March 2008 EPC Board meeting. The IPA Action Plan is attached to this final report. Many of the action items have already been implemented or are already underway.

Public Works Agreement

An agreement entitled "Wetland Impact Authorization for Hillsborough County Department of Public Works" was sent to Robert Gordon on November 29, 2007. The agreement authorizes Public Works and Roads and Streets Maintenance to conduct certain cleaning and maintenance activities within wetlands without having to obtain approvals for each individual project.

SWFWMD MOU Review

An internal study of the EPC/SWFWMD MOU was conducted by EPC and SWFWMD staff. The MOU was reviewed to look at the activities covered, to determine if both agencies were complying with the terms and if any changes needed to be made. A study report with recommendations was delivered to the Board at the March 2008 EPC meeting. The senior management at SWFWMD is currently reviewing the report to determine if changes to the MOU are necessary.

On-going SWFWMD Coordination

Staff is now attending monthly Tampa Service Office supervisory staff meetings. Currently, the main topics of discussion at these meetings include: staff coordination, cross training, policy issues, coordination and consistency on UMAM and wetland delineations. Staff is also attending all monthly coordination meetings on SWFWMD Agricultural Ground and Surface Water Management program (AGSWM).

ACOE Contract

Wetlands and surface water permitting is also conducted by the U.S. Army Corps of Engineers under the federal Clean Water Act. The EPC anticipates that the "Programmatic General Permit SAJ-96" from the Army Corps of Engineers will be included in the DEP ERP delegation. Activities addressed by this permit include regulation of private single family piers and appurtenances, shoreline stabilization, minor structures and maintenance dredging at single family docks in waters of the U.S. located in Hillsborough County.

Phosphate Mining Coordination

EPC staff continues to improve coordination with both applicants and County and State regulatory staffs regarding application review and compliance for phosphate operations. Electronic submittal of mitigation plans by the applicant and management of electronic reviews through PGMD will streamline the process. The ability to utilize GIS data for project boundaries, wetland lines and wetland mitigation areas will soon be available. Staffs of EPC, the Bureau of Mine Reclamation and PGMD are working more closely on site inspections and review comments.

Technical Advisory Group

Note to Commissioners

From Wetlands Director

Commissioners: This Technical Advisory Group included many of the local scientists that are both experts in wetland ecology and wetland regulations. We had very spirited discussions on a variety of subjects and the group articulated their opinions into "White Papers" that served as their recommendations to the EPC Executive Director for program improvements. We are providing here, a list of action items the EPC staff will implement or research as requested by the TAG and reflected in their white papers. Some of the recommendations have been rejected as they were deemed to potentially or realistically weaken the current EPC wetlands rules for example, "the classification of wetlands". Additionally, certain issue discussions resulted in either contradictory conclusions amongst the group members or the group was unable to establish a clear direction for EPC staff to follow. The process improvements contemplated in the Hybrid at your direction were intended to make the EPC wetland rules more transparent, more easily followed and better defined. A comprehensive list of issues raised by the TAG and EPC's responses to each of those issues is being posted on the EPCHC.org web site. Attached to the action plan is a set of statistics associated the TAG effort, providing a complete listing of the meeting dates and products produced by this totally voluntary membership.

Action Plan for TAG Recommendations

1) Issue: SWFWMD Memorandum Of Understanding (MOU)

- a) MOU should be created to address joint training of appropriate staff members at EPC and SWFWMD. The goal is to maximize the consistency between the two agencies in the delineation and UMAM process.
- b) The MOU should be modified to address the development of a joint training course specifically for private sector/NGO interested parties.

EPC Action: EPC is currently consulting with SWFWMD staff to develop a joint training program, in addition to the yearly FDEP (Florida Department of Environmental Protection) training sessions that both agencies currently attend. Training may also be available for consultants and scientists through the FDEP and TREEO (University of Florida).

2) Issue: Hydroperiods

- a) The Sub-committee recommends adding hydroperiod (SHW/NP/etc) information as the SWFWMD does not currently recognize EPC determinations of these values.
- b) The entire process described above should include provisions for the incorporation of updates and changes that may occur in the future.

EPC Action: Agreed, EPC will enter discussions with SWFWMD regarding hydroperiods, with a goal for achieving consistency between the agencies.

3) Issue: Applicant's Handbook

- a) The Applicant's Handbook should include information making it clear to the Applicant that the wetland line established by EPC (or SWFWMD/FDEP) may not be identical with one established by the Federal Government.
- b) EPC staff should stay abreast of the federal process, and modify future editions of the Applicant's Handbook to reflect changes in the Federal approach, as these become finalized.

EPC Action: Acknowledged. Future revisions to the Applicants Handbook will address this issue.

4) Issue: Comprehensive Plan

The head of EPC's Wetlands Division review EPC's obligations under the Comprehensive Planning Process. He/she should determine which obligations are beyond the mandates provided within the Agency's Enabling Act and which are outside the technical expertise of the EPC Wetlands Staff. Following this, the Head of EPC's Wetlands Division should initiate a process to rectify/rescind those obligations which are outside of the mandates of the Wetlands Rule and/or outside of Staff expertise.

EPC Action: Agreed, EPC will undertake research of applicable processes.

5) Issue: Municipalities

Effort should be made between EPC and each municipality to develop an inter-local agreement for the consideration/incorporation of EPC comments and regulatory obligations within each Municipality's evaluation procedures for construction plans

EPC Action: EPC has initiated efforts to meet with municipalities to further coordinate development reviews. A determination will be made regarding the need for inter-local agreements.

Action Plan for TAG Recommendations

6) Issue: Quality Control

- a) Applicants should be sent a letter/email (applicant preference) notifying them that their submittal is incomplete and they have (# to be determined – suggestion: 30 days consistent with water management district time frames) to supplement the application and make it 'complete'. Providing a 'grace period' to complete incomplete submittals would enhance the perception of 'fairness' of the EPC application process.

EPC Action: Currently when a wetland impact and mitigation proposal does not meet the requirements of Ch. 1-11, the applicants are informed, typically at the Mitigation Review Meeting; however, that application may stay open indefinitely until applicant provides additional information. A deadline to provide additional information or revise the proposal will be considered for development.

- b) The current application "form" is perceived to be difficult to use and we recommend that it be replaced with an 'application checklist' similar to the wetlands jurisdictional delineation request form.

EPC Action: Acknowledged. Future revisions to the Applicants Handbook will address this issue. A revised application form will be created with this proposed checklist included and will be available in an online format.

7) Issue: Mitigation Committee Meetings

Eliminate the applicant 'stepping out of the meeting' while the permit decision is being made regarding the project; the meetings should be collegial and closed door discussions should be avoided. If there is broad disagreement among EPC staff and a permit decision cannot be rendered the same day, the EPC staff should identify during the meeting the regulatory or design questions at issue, and identify additional information that may be needed to allow them to make a decision pending receipt of it. Applicants typically attend meetings with various technical and legal representatives present at substantial cost. Such investments in time and technical expertise should be mutually respected and every opportunity should be taken to identify any technical or legal questions and resolve them during the meeting. Comprehensive meeting notes should be taken during the meeting and provided to all participants similar to the Southwest Florida Water Management District process.

EPC Action: The opportunity for the different sides to caucus is important to a constructive meeting. The exact mechanics of how this is done will be reviewed. Mitigation Meeting summary sheets with direction on what information is necessary to justify the project are provided to the applicants after the meeting.

8) Issue: Mitigation Banks

Address in future updates to the current Memorandum of Understanding (MOU) with SWFWMD and future MOU's with the FDEP protocol for mitigation banks.

EPC Action: EPC will evaluate the existing SWFWMD MOU to determine if modifications in regards to mitigation banking are appropriate.

ACTION PLAN IMPLEMENTATION OF INTERNAL PERFORMANCE AUDIT RECOMMENDATIONS

At the direction of the Environmental Protection Commission, the Hillsborough County Internal Performance Auditor's office (IPA) performed a process audit to identify opportunities for streamlining the wetlands development review process without undermining EPC's ability to effectively achieve its purpose of protecting the County's wetlands.

As part of the audit process, a workshop was held that included staff from the Planning and Growth Management Department (PGM) as well as staff from EPC's Wetlands Management Division. Recommendations from staff at the workshop, together with recommendations from the IPA staff, were included in the IPA's report No. 08-01: *Opportunities for Streamlining and Improving the Wetlands Development Review Process*. In response to these recommendations, the staff of the Wetlands Management Division of the EPC (Division staff), with the assistance of other EPC staff, have prepared the following Action Plan.

PART I: OPPORTUNITIES FOR STREAMLINING IDENTIFIED BY WORKGROUP:

I. Automation of processes to the fullest extent possible.

One potential efficiency identified by the workgroup is the use of electronic or automated systems to more quickly complete transmittal of applications for review or of correspondence related to the applications. EPC staff will explore efficiencies in staff time that may be possible using online resources and will identify optimal levels of implementation. Potential areas include:

- A. Permits Plus: Division staff have obtained access to this program and have received training from county ITS, allowing staff to confirm receipt of payment directly rather than requesting PGM staff to send the information via fax, providing greater efficiency in staff time.
- B. Coordination with PGM staff regarding use of Hillsborough County PGM Document STORE (Storage & Technology Online Research Environment), which uses Optix, a document management system.
 - 1. PGM staff are in the process of updating procedures for site intake and use of the Optix system, including testing of an electronic submittal process and updated workflow system. EPC staff will be coordinating with PGM staff regarding new procedures that are being implemented. The Division will

explore electronic review using Optix / PGM STORE to determine the extent to which efficiencies in Division staff time can be realized.

Testing by EPC staff will be initiated in phases, with levels of implementation determined by resource availability and training. Efficiency of staff time, cost, and quality of review will be evaluated throughout the process to determine optimal level of implementation. It is important to note that target dates are subject to modification, as many stages are dependent upon action by other parties (such as PGM and county ITS staff), and that unforeseen items may arise during PGM's testing period with the new system.

- a. Setup - Division staff have met with PGM staff to determine the initial needs such as staff access, workflow process, etc.
 - b. Training – Due to budgetary constraints, classroom training will not be provided by PGM at this time. PGM staff have provided basic training manuals; a test group of EPC staff will become familiar with the program and will assess further training needs. When the test group gains proficiency with use of the program, further in-house training will be provided by those staff.
 - c. Test period – After 6 months, staff will reassess training needs and identify any additional resources needed.
 - d. Identify methods of tracking costs associated with printing those portions of applications where hard copy is required to assess the impact on the Division's budget.
 - e. Identify ways to track efficiencies (track distribution, review time, and completion (comments delivered) for hard copy vs. electronic review.
2. The following is a general outline of implementation phases. PGM is currently testing the new procedures for electronic submittal of applications as well as electronic review of applications; intermediate steps may become necessary as details emerge:
- a. Phase I – Commenting and Tracking Status in Optix
 - i. Electronic submittal of comments (in progress)

Previous method of comment submittal was hard copy via courier. Division staff received several requests for copies of project comments that PGM staff were not able to locate, but had been submitted via courier prior to the due date. December 2007 – Division staff

commenced scanning correspondence and submitting comments to PGM via email (pgmcomments@hillsboroughcounty.org). Division staff have noted a decrease in the amount of requests for "replacement" comments, indicating increased quality control and efficiency of staff time.

ii. Direct upload of comments to Optix by Division staff (Anticipated November 2008)

Improved timeliness of comment submittal;

- Possible with current scanning system, but will be more efficient when software is installed to allow creation of .pdf directly by staff rather than scanning hard-copy documents.
- Staff will be able to submit comments via the electronic comment sheet in Optix once logins for the reviewers are created by County ITS. This will require that reviewing staff have full access to Optix and will be dependent on outcome of PGMD staff testing of electronic submittal and review process.

iii. Update project status in Optix using workflow notification feature (Anticipated December 2008)

This allows the applicant to track project status by logging into Optix (an improvement in customer service). This will be possible once setup and training is complete.

b. Phase II - Testing Phase - Electronic review of less complex projects (Anticipated testing period Jan 2009 – June 2009)

Testing phase will commence once Division staff have become proficient with comment submittal and workflow notifications. Review of rezonings and other applications that typically have less complex plan sets will be implemented to identify potential problems and additional resources needed to perform an electronic review of more complex plan sets. Initiation of Phase II will be dependent on outcome of PGM staff testing of electronic submittal and review process.

- Hard copy will still be received and used as comparison for efficiency of electronic review.
- Begin utilization of workflow notification for project assignment, though the Division's current internal tracking system will continue.

- It is anticipated that Phase II will run for a minimum of six months, to allow for training and acclimation to the system and to allow time for troubleshooting.
- At the end of Phase II, Division staff will evaluate any changes in efficiency of staff time and will reassess any further resources needed to achieve gains in efficiency.

c. Phase III – Full Electronic review of less complex applications

Hard-copy applications would not be received for these projects. It is anticipated that staff would require hard copy of some plan sheets; printing these sheets in-house would require the resources to do so quickly and economically. An assessment of efficiency with respect to cost and staff time for printing will be needed.

d. Phase IV – Full Electronic review of all plans

Full electronic review would require the ability to annotate plans and to print large plan sheets in an economical fashion, as well as hardware sufficient to support viewing large plan sheets (such as larger monitors) and providing the ability to view supporting documentation at the same time as the plans (such as drainage or geotechnical reports).

3. To date, the following have been implemented or completed:

- a. Division staff are currently scanning documents and sending documents to PGM staff via email,
- b. Optix workflow notification tree for Division staff has been determined and is in process,
- c. Coordination with PGM staff regarding setup of templates for electronic submittals; noted items needed by Division staff for review, provided updated sufficiency checklist and information summary sheet, and
- d. One account has been set up for Division staff to access Optix via web.

C. Internal Document Management System (Oculus)

1. The Division will be utilizing Oculus for archiving projects; this will provide efficiency in storage space, as well as increasing efficiency with respect to staff time for document retrieval (for both project review and compliance activity). Training has been conducted and plans for archiving files into the system are under development by all Divisions at EPC.

II. Eliminating certain reviews of projects where no wetlands are found

A recommendation was made in the workgroup to eliminate Division staff review of Preliminary Plat and Preliminary Plan applications in situations where a "no wetlands" determination has been issued by Division staff and documentation provided to PGMD staff by the applicant. The applicant will be provided an information sheet that will direct them to the Applicants' Handbook for items to be addressed at the construction plan review and will provide contact information for Division staff (Target January 2009).

III. Improving communication between EPC and PGM staff

- A. Wetlands Division staff are attending the Development Review Committee meetings on a weekly basis – the increased attendance and participation in this process has facilitated understanding between the two agencies. Currently, these duties are shared by several staff, which will result in greater understanding of each agency's processes by staff in addition to facilitating interpersonal communication between the agencies.
- B. Wetlands Division staff have already noted an increase in general communication between the two agencies. Division staff recently hosted a meeting with PGM Natural Resources Unit staff to develop standard replanting requirements for wetland setback encroachments. Draft standards have been completed by Division staff and forwarded to Natural Resources for review. The standards will allow Natural Resources to provide clear guidance to applicants for setback encroachments. The Division staff and Natural Resources staff plan to meet quarterly; the next meeting is targeted for the third quarter of 2008.

IV. Exploring the feasibility of consolidating certain activities and improving coordination.

Although PGMD and Wetlands Division staff were unable to identify any reviews that could be consolidated due to the different focus of the respective regulations, Division staff will meet with PGM staff over the next six months to identify areas where coordinated reviews could gain efficiencies. For example, the Wetlands Division Engineering staff initiated meetings with PGM Stormwater staff in order to identify potential situations where conflicts may arise between stormwater rules and Chapter 1-11 (for example, restriction of flow into a basin), and discuss methods to resolve the conflicts early in the design process. Another activity to explore possible coordination is investigation of upland flooding complaints that also cause extended

impoundment of water in wetlands. Continued coordination for identifying efficiencies will be discussed at quarterly meetings.

V. Substituting Division staff's attendance at pre-submittal conferences with a packet containing pertinent information unless attendance is specifically requested

Division staff are available to meet with applicants on a pre-application basis at any time. PGM staff provide the agenda and basic information regarding projects scheduled for regular pre-submittal conferences at PGM. Division staff then provide a memo which gives basic information such as existence of approved wetland lines and noting whether or not Division staff need to review the project. However, this does consume several hours of staff time per week. Providing a basic informational sheet describing the Division's review process and how to contact staff to obtain current information may be a significant efficiency with respect to staff time. The information sheet will be created (target November 2008) and feedback will be requested from PGM staff as well as the applicants regarding the information sheet. Comments and concerns will be considered and the efficiency of this strategy will be reassessed at the end of six months.

PART II: IMPROVEMENTS RECOMMENDED BY IPA

I. Developing and reporting outcome-based goals, performance measures, and indicators that show how effective the process and its individual components have been in protecting the County's wetlands.

The Division staff have initiated a monitoring program to assess the efficiency of wetland protection by tracking the acreage of wetlands impacted. In May 2008, Division staff began to report Assessment and Enforcement/Compliance activities with the monthly Backup Agenda for the EPC Board meeting (see attached). Included in these reports are data that will assist the division in monitoring the effectiveness of certain rule changes from 2007-2008 as well as to document the wetlands falling under the protection of EPC's rules that are exempt under the State's.

A. Assessment Report: Data to be monitored include the total project acreage, total acreage of wetlands on site, the acreage of wetland impacts proposed, the acreage of wetland impacts proposed per exemption, and the acreage of wetland impacts approved. Data will be obtained from sources such as:

1. Wetland surveys: Approved surveys of the wetland line will be used to track data including total project acreage, total wetland acreage, and the number and acreage of isolated wetlands less than 0.5 acres,

2. Wetland impact/mitigation applications: Although it may not be possible to determine the acreage of wetland impacts avoided by the applicant prior to the application process, the acreage of wetland impacts proposed with these applications will be tracked and compared with the acreage of wetland impacts approved,
 3. Exemptions per Chapter 1-11.11: While wetland impacts conducted under the Standard Exemption, Chapter 1-11.11(1)(a), require no notice and will be unable to be tracked fully, impacts proposed under the Noticed Exemption, Chapter 1-11.11(1)(b) will be monitored,
 4. Agricultural exemptions per Chapter 1-11.12: The Agriculture Exemption Report, and
 5. PGMD project reviews: EPC staff have begun to collect data from projects received from PGMD, such as construction plans, and may obtain data from additional sources, such as the project information summary sheet which will be included with the template for electronic transmittal of applications.
- B. Enforcement/Compliance Report: Data from enforcement/compliance activity (acreage of unauthorized wetland impacts, acres restored or mitigated)
1. The Division is tracking the acreage of unauthorized wetland impacts, the acreage of wetlands restored and/or mitigated through enforcement activity, and the percentage of those sites in compliance with the conditions of the enforcement document.
 2. The number of wetland mitigation areas in compliance with conditions of authorization.
 3. The Division staff will conduct random compliance inspections on a representative sample of approved construction sites that have wetlands that were not approved for impact. Staff will develop criteria to determine if the wetland function has been protected after the construction on the site has occurred. This will provide a performance measure and feedback for the development review process.

II. Enhancing the current quality assurance program, possibly by instituting a formalized external or internal peer review process, in order to help ensure that reviews are consistently conducted in accordance with applicable standards, policies and procedures

A. Training

1. To ensure quality, all Wetlands Division staff are provided initial training including identification of hydric soils, wetland hydrology, plant identification, and interpretation and compliance with EPC's rules, including those state rules that are adopted by reference. Documentation of the initial and subsequent training will be included in the employees' personnel files.
2. The Wetlands Division conducts ongoing internal training sessions, including discussions and presentations at weekly staff meetings and technical training sessions that encompass both classroom and field exercises. Topics include cross-training with both assessment and compliance staff to ensure the ability to allocate staff as needed as determined by the workload.
3. External training is conducted as opportunities are available, with emphasis on training that satisfies requirements for MOU's and training that involves no added expenses. Recently completed training events attended by staff include Field Identification of Hydric Soils and Wetland and Other Surface Water Delineation courses taught by Federal and State experts in those fields. The goal is to attend this type of technical training annually, to keep staff training in line with current technical standards.

B. Quality Control

1. Division staff will develop a policy for more consistent supervisory assessment of staff review.
2. Internal peer review of projects will be utilized to ensure consistency of application of policies and standards for all staff.
3. External peer review was initiated in October 2007 with the creation of a Technical Advisory Group. Recommendations from the TAG were included in an Action Plan.
4. Permanent delineation training sites are being developed on ELAPP lands to ensure consistency and accuracy in wetland determinations.

These sites will be verified by FDEP Tallahassee staff in charge of wetland delineations.

C. Interagency Coordination Meetings

1. SWFWMD Monthly Supervisory Meeting – topics may include compliance with the Memorandum of Understanding between SWFWMD and EPC, consistency of rule interpretation between agency staff, cross-training opportunities and coordination regarding project review.
2. ERP Advisory Group Meetings – topics may include rule changes and development
3. State Stormwater Rule Meetings – rule changes regarding water quality and quantity

III. Identifying ways to reduce the amount of applications requiring resubmittal

- A. Pre-application conferences – The Wetlands Division has a dedicated staff member available to meet with applicants by appointment at the RPS Center at any time prior to submittal. In addition, applicants attending a pre-submittal conference at PGMD offices will be provided an informational sheet which will include information for submittal as well as contact information for Division staff should assistance be desired.
- B. Basis of Review – the Basis of Review adopted by the EPC in July 2008 will provide criteria used by the Division to determine compliance with Chapter 1-11, Rules of the EPC.
- C. Applicants' Handbook – contains information regarding the submittal process, items needed for staff to complete review of applications, and certain information that staff require to make a recommendation of approval for applications. The Applicants' Handbook is available on the EPC website.
- D. Sufficiency Checklist – Items needed for Division staff to complete review have been added to the sufficiency checklist already in use by PGMD staff. If the items in question are not included with the application, PGMD intake staff may decline the application for submittal or review staff may declare the application insufficient for review.
- E. Division staff will schedule a publicized workshop for applicants (both consultants and general public), to provide opportunities for questions. Suggestions for future revisions to the Applicants' Handbook will be accepted and considered.

Note: Below is an example sheet of the new wetlands tracking system including information from the agricultural rule, PGMD reviews, mitigation compliance and enforcement.

**EPC Wetlands Management Division
Backup AGENDA
July, 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
July 2008	0	0	0	0	0
Year to Date	2	2	0.11	1	0.06

PGMD Reviews Performance Report

# of Reviews	Timeframes met	Year to Date
186	99%	99%

Formal Wetland Delineation Surveys

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
July 2008	18	267	63	5	1.67
Since April 2008	63	958	183	25	7.16

Construction Plans Approved

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Impacts Approved Acreage	Impacts Exempt Acreage
July 2008	28	15.62	7	0.78	0.94	0.15
Since April 2008	92	85.29	34	6.54	14.87	13.36

Mitigation Sites in Compliance

199/207	96%
---------	-----

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	Mitigation Sites in Compliance
11.0	11.0	.10	15/18 (83%)

Compliance Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored
3	1.10	1.10

General

Telephone Conferences	Scheduled Meetings	Unscheduled Citizen Assistance
651	198	48



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 18, 2008

Subject: Quarterly Customer Survey Card Results

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

Division: Finance and Administration Division

Recommendation: Informational Report

Brief Summary: Staff is providing the results of the Customer Service Survey Cards for the quarter ended June 30, 2008. The survey results indicate a very good level of customer satisfaction. Many of them praise individual staff members. Customers that had issues and provided contact information were contacted by management personnel and the issues were addressed.

Financial Impact: No Financial Impact

List of Attachments: April – June 2008 Quarterly Customer Satisfaction Survey Results

**ENVIRONMENTAL PROTECTION COMMISSION
APRIL - JUNE 2008 QUARTERLY SURVEY CARD RESULTS**

Ratings are on a scale of one to five, where 5 is Excellent and 1 is Poor.

Division		Prompt Service	Profess'al Courteous	Concerns Addressed	Easy to find Person	EPC Rules Easy	EPC Website Friendly	Overall Satisf
Administration	2 SURVEY CARDS - TOTAL POINTS	9.0	9.0	9.0	9.0	4.0	4.0	9.0
	AVERAGE	4.5	4.5	4.5	4.5	4.0	4.0	4.5
Air Division	3 SURVEY CARDS - TOTAL POINTS	15.0	15.0	15.0	15.0	15.0	15.0	15.0
	AVERAGE	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Comments: Excellent service, very courteous; Louise Scott, Madlein Mishriki and Joan Hallgren.								
Legal	1 SURVEY CARDS - TOTAL POINTS	5.0	5.0	5.0	5.0	5.0	5.0	5.0
	AVERAGE	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Comments: Andy Zodrow did a great job at the Wetland Rule workshop.								
Waste Division	23 SURVEY CARDS - TOTAL POINTS	112.0	113.0	94.0	107.0	85.0	53.0	111.0
	AVERAGE	4.9	4.9	4.9	4.9	4.7	4.8	4.8
Comments: -Very friendly and helpful. -Never received call back concerning request for file review. I had to call again but that's o.k. -Mary Jo Howell had files ready and was prompt to my request. -Excellent service, thank you. -Mary Jo Howell was helpful as always. -Always on top of the game. -Very efficient. -Fast, timely service, Thanks. -Thanks.								
Wetlands	12 SURVEY CARDS - TOTAL POINTS	36.0	36.0	36.0	36.0	34.0	29.0	38.0
	AVERAGE	4.5	4.5	4.5	4.0	3.8	3.6	4.2
Comments: -Mike Thompson was not concerned about why the County did not send the info. He was concerned about solving our problem. Very helpful. -Thanking Wendy (Raszman) for her help. -Thanking Wendy (Raszman) and Kristen (Schaugaard-Green) for their help. -Thanking Kristen (Schaugaard-Green) and others for their help. -"Little Manatee River is now a ditch...explain how we could lose our river when mining operations were given permits which let to the demise of the river." Could not find an email address to contact Wetlands. <i>Contacted by T. D'Aquila 5/29/08</i> -Kim Tapley is a credit to your organization. -Wendy (Raszman) very friendly/helpful. Mike Thompson very helpful on phone and in person. ✓ -Send several emails and no one has contacted me.								
41 CARDS	TOTAL EPC AVERAGE	4.8	4.8	4.8	4.7	4.5	4.5	4.7



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 18, 2008

Subject: Request for authority to take appropriate legal action against Adam Chowdhury

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

Division: Waste Management Division

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

Brief Summary: Adam Chowdhury operated DEP Facility #298734730, a retail fuel facility with three underground storage tanks (UST's). The property is located at 2202 E. Bearss Avenue, (folio #034927-0100), Tampa, Hillsborough County, Florida. The property had numerous storage tank rule violations throughout 2007. On May 2, 2008 the property owner entered into a Settlement Letter that addressed the EPC Storage Tank Rule Chapter 1-12 violations. The Respondent has failed to make any payments agreed to in the Settlement Letter.

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: Adam Chowdhury operated DEP Facility #298734730, a retail fuel facility with three underground storage tanks (UST's). The property is located at 2202 E. Bearss Avenue, (folio #034927.0100), Tampa, Hillsborough County, Florida. The property had numerous storage tank rule violations throughout 2007. The Respondent failed to perform necessary release detection to prevent petroleum contamination on the property. In addition, among other violations, the Respondent failed to obtain necessary financial responsibility for the storage tank system. On May 2, 2008 the Respondent entered into a Settlement Letter that addressed the EPC Storage Tank Rule Chapter 1-12 violations. The Settlement Letter provided for payment of \$1,019.76 for administrative costs and payment of \$1,550.00 for settlement of penalties.

The Respondent has failed to make any payments agreed to in the Settlement Letter. The Settlement Letter constitutes an order of the agency and is enforceable as such. The only mechanism for achieving compliance is through civil litigation. Several correspondences were sent requesting payment but no satisfactory responses were received.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 18, 2008

Subject: Second Amended Interlocal Agreement with Hillsborough County to continue assisting the County with compliance with its National Pollutant Discharge Elimination System Permit and TMDL Regulations

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

Division: Environmental Resources Management Division

Recommendation: Approve for Chairman's signature, the Second Amendment to the Interlocal Agreement between the EPC and Hillsborough County for Provision of Chemical Analysis of Water Quality Samples related to County Stormwater Management. The BOCC approved this same amendment on August 20, 2008.

Brief Summary: The EPC currently provides laboratory services for the County's Public Works Department for NPDES stormwater and Total Maximum Daily Load (the latter added in the September 2005 amendment) State and Federal compliances issues. The second amendment will extend the Interlocal Agreement for one year through September 30, 2009.

Financial Impact: The EPC will receive up to \$125,107 from Hillsborough County.

Background. On March 20, 2002 the Environmental Protection Commission (EPC) Board executed an Interlocal Agreement with the Hillsborough County (Public Works Department -Stormwater Management Section) allowing EPC's laboratory to perform water sample analysis related to County Stormwater Management duties and in support of the County's National Pollution Discharge Elimination System (NPDES) permit. On September 21, 2005, the EPC and the County amended the Interlocal Agreement to perform additional water quality sampling to assist the County's analysis of the implications of the Total Maximum Daily Loads (TMDL) regulations. There are roughly 120 impaired water segments requiring sampling and the DEP and the EPA are establishing approximately 150 TMDLs for Hillsborough County waters between 2004 and 2011. The first amendment provided EPC funding for operating costs, equipment, and two Environmental Scientists to perform the sampling and analysis. The first amendment will expire on September 30, 2008.

With this second amendment to the Interlocal Agreement with Hillsborough County, the Interlocal Agreement and the First Amendment will be extended one year (September 30, 2009) and the County will provide funding up to \$125,107 in FY09 which is comprised of \$117, 107 for the continued funding of two permanent Environmental Scientists I positions, plus \$8,000 in operating costs.

The BOCC has already approved this Second Amendment at its Board meeting on August 20, 2008. Staff recommends that the EPC Chair sign the amendment upon approval by the EPC Board.

List of Attachments: Second Amended to the Interlocal Agreement

**SECOND AMENDMENT TO THE
INTERLOCAL AGREEMENT**
Between the
Environmental Protection Commission of Hillsborough County
and
Hillsborough County
For Provision of Chemical Analysis of Water Quality Samples

THIS SECOND AMENDMENT ("Amendment") to the Interlocal Agreement dated March 20, 2002, ("Agreement") is made and entered into by and between Hillsborough County, a political subdivision of the State of Florida ("COUNTY") and the Environmental Protection Commission of Hillsborough County ("EPC"), a political subdivision of the State of Florida.

WITNESSETH:

WHEREAS, the COUNTY and the EPC entered into an Interlocal Agreement for Chemical Analysis of Water Quality Samples dated March 20, 2002; and,

WHEREAS, the COUNTY and the EPC entered into a First Amendment to the Agreement on September 21, 2005, extending the Agreement expiration deadline to September 30, 2008; and,

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

WHEREAS, the EPC and the COUNTY have determined that it is in the best interest of both parties to continue to have the EPC perform, in addition to the ongoing water quality analysis provided in the original Agreement, additional water quality sampling to assist the COUNTY's analysis of the implications of Total Maximum Daily Load (TMDL) regulations that the COUNTY must comply with, on selective stormwater related discharges or areas; and,

WHEREAS, EPC and the COUNTY agree that a second amendment to the Agreement extending the Agreement for an additional one year will continue to benefit both EPC and the COUNTY, as well as facilitate a more efficient allocation of resources to achieve a common goal of good surface water quality.

NOW, THEREFORE, the COUNTY and EPC hereby amend the Agreement and the First Amendment as follows:

1. Part II subsection (e)(1) of the Agreement and the First Amendment shall be amended to read as follows:

PART II – COUNTY RESPONSIBILITIES

e)1) The First Amendment to the Agreement provided for the County to fund the salaries for two Environmental Scientist 1 positions at EPC. These two salaries shall not exceed a combined \$117,107, including benefits, for the period from October 1, 2008 to September 30, 2009.

2. Part III subsection (d) of the Agreement and the First Amendment shall be amended to read as follows:

PART III – MUTUAL CONSIDERATIONS

d) The First Amendment to the Agreement is due to expire September 30, 2008. The parties agree that the Agreement and the First Amendment will be extended for an additional one year, until September 30, 2009, but may be terminated pursuant to Part I (b) or may be extended as agreed upon in a future amendment.

2. The remainder of the Agreement and the First Amendment to the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the COUNTY and EPC have caused this Second Amendment to the Interlocal Agreement for Provision of Chemical Analysis of Water Quality Samples dated March 20, 2002, to be effective as of the later date noted below.

ATTEST:

PAT FRANK
CLERK OF CIRCUIT COURT

HILLSBOROUGH COUNTY
BOARD OF COUNTY COMMISSIONERS

By: Maureen K. Ditt
Deputy Clerk

By: Mark Sharpe - Vice-Chairman
~~Ken Hagan, Chairman~~ Mark Sharpe
Board of County Commissioners

(OFFICIAL SEAL)



Date: August 20, 2008

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [Signature]
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY FLORIDA
DOCUMENT NO. 08-1239

ATTEST:

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH
COUNTY

By: _____
WITNESS

By: _____
Al Higginbotham, Chairman
Environmental Protection Commission

Date: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
EPC Attorney



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 18, 2008

Subject: Tampa Bay Estuary Program Partnership with EPC

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

Division: Executive Director

Recommendation: Informational Report

Brief Summary: Holly Greening, Executive Director of the Tampa Bay Estuary Program (TBEP) will provide an overview of the Program's partnership with the EPC and a summary of the goals, projects and initiatives of the TBEP for the upcoming year.

Financial Impact: No additional funds required

Background: Holly Greening, Executive Director of the Tampa Bay Estuary Program (TBEP) will provide an overview of the Program's partnership with the EPC and a summary of the goals, projects and initiatives of the TBEP for the upcoming year.

Ms. Greening will discuss the TBEP structure as a regional alliance among local and regional partners with guidance and major funding from EPA to provide stewardship for Tampa Bay as an environmental resource

TBEP works to coordinate the overall protection and restoration of the bay with assistance and support from its many formal and informal partners. TBEP monitors progress in achieving the goals of the Comprehensive Conservation and Management Plan (CCMP) by regularly summarizing and evaluating information provided by program participants. In 2006, TBEP released the first revision of *Charting The Course*, assessing progress in implementing the Plan's original goals, and incorporating new or emerging action areas.

TBEP leverages the resources of program partners by financing cutting-edge research into key problems impacting the bay; sponsoring demonstration projects to test innovative solutions to these problems; providing "Mini-Grants" to community groups to engage the public in bay restoration; and developing educational programs targeting key segments of the bay community – including teachers, boaters and homeowners.

Ms. Greening will present the TBEP's "hold the line" strategy concerning nitrogen loading to Tampa Bay; and the methodology aimed at achieving compliance with the EPA established Total Maximum Daily Load (TMDL). This strategy will also provide "Reasonable Assurance" to DEP that Tampa Bay will continue to meet targets for chlorophyll and water clarity.

By facilitating the Nitrogen Management Consortium and the Hillsborough River Development Working Group, the TBEP provides a framework for the development of Basins Management Action Plans (BMAP). In addition, the TBEP has held a series of workshops to develop regional guidelines for summer use of consumer fertilizer a means to abate nitrogen loading and achieve water quality benefits. To that end, the TBEP with the assistance of the legal staff of affiliated partners will develop a draft model ordinance for consideration of adoption by local governments and will contact DEP and EPA regarding possible regulatory (TMDL) credit for adoption of and compliance with such an ordinance.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 18, 2008

Subject: National Pollution Prevention Week Proclamation

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

Division: Waste Management Division

Recommendation: Proclaim this week of September 15 – September 21, 2008 as Pollution Prevention Week in Hillsborough County

Brief Summary: The third week in September is recognized as National Pollution Prevention (P2) Week. It is a time when businesses, environmental groups, and citizens join forces for a common cause. This year efforts are being focused toward energy conservation by providing energy saving tips and exchanging incandescent bulbs for energy efficient compact fluorescent bulbs.

Financial Impact: No Financial Impact

Background: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 18, 2008

Subject: Public hearing to approve amendments to the Noise Rule Chapter 1-10, Rules of the EPC.

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

Division: Air Management Division and Legal Department

Recommendation: Hold a public hearing and approve amendments to the Noise Rule Chapter 1-10.

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 December 13, 2007 regular EPC meeting the EPC Board authorized EPC staff to review the Noise Rule Chapter 1-10 to bring it up-to-date with current industry standards and to ensure it is enforceable. The proposed amendments reflect current scientific standards for sound measurement; change the method of measuring sound from L_{max} to L_{eq}; change certain sound level limits, hours of compliance, and locations for measuring compliance; clarify the intent to regulate stationary, not mobile, sources; update definitions; and clarify exemptions.

Financial Impact: No financial impact.

Background: The EPC noise rule, which sets limits for outdoor sound levels at receiving residential, commercial, and industrial property, is approximately 30 years old. The proposed amendments to Chapter 1-10, Rules of the EPC (Noise Rule) are intended to reflect the best science available to measure sound and to ensure that the rule is enforceable. The revision proposed to accomplish this goal is to change from a measurement criteria or metric known as maximum instantaneous sound pressure level (L_{max}) to an equivalent continuous sound pressure level measured for a 10-minute period of time (L_{eq} 10 minutes). Additionally the proposed amendments change certain sound level limits, hours of compliance, and locations for measuring compliance; clarify the intent to regulate stationary, not mobile, sources; defer to the City of Tampa enforcement of entertainment related noise in certain parts of the City; update and add definitions; and clarify and condense the exemptions.

EPC staff held informal public workshops on July 17, 2008 and August 27, 2008. Staff also met with a group of technical experts and retained an acoustical consultant for data analysis and technical advice. Two presentations were made to the Citizens' Environmental Advisory Committee, and they voted unanimously in favor of the proposed rule amendments. 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. This public hearing was noticed in the newspaper on September 4, 2008. The EPC staff requests that the Board approve the attached rule amendments at a public hearing at the regularly scheduled meeting on September 18, 2008.

List of Attachments: Proposed Noise Rule Chapter 1-10, Rules of the EPC

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

**CHAPTER 1-10
NOISE POLLUTION**

- 1-10.00 Intent**
- 1-10.01 Definitions**
- 1-10.02 Prohibitions(Repealed)**
- 1-10.03 Sound Level Limits**
- 1-10.04 ExemptionsExceptions to Sound Level Limits**
- 1-10.05 Competitive Motor Vehicle Eventss**
- 1-10.06 Waiver or Variances for Cultural Events**
- 1-10.07 Sport Shooting, Law Enforcement and Military Training and Certification Ranges**
- 1-10.08 Methodology**

1-10.00 INTENT

Chapter 1-10 is intended to regulate noise pollution originating from stationary sources and traveling outdoors to other receiving properties. It is not the intent of this rule to regulate noises under all circumstances.

Section History - new September xx, 2008
Effective September xx, 2008

1-10.01 DEFINITIONS

(1) Definitions contained in Chapter 84-446, Laws of Florida, as amended, (EPC Act) apply to this rule.

(2) The following specific definitions shall apply to this rule:

(a) A-Weighted Sound Level - The sound pressure level decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dBA.

(a)(b) Background Sound Pressure Level - The equivalent sound pressure

level of all encompassing noise present in the environment in the absence of sound from the source in question.

(b) Commercial Property - All property which is used primarily for the sale of merchandise or goods, or for the performances of a service, or for office or clerical work.

(c) Cultural Event - ~~Any event drawing a large attendance for entertainment, amusement, enlightenment or recreation purposes, which in the determination of the Commission, has or is likely to become a community event integrated into accepted social practices or traditions.~~

(d) Decibel (dB) - ~~The~~ A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter), in which the levels of various acoustical quantities are expressed. Typical quantities so expressed are sound pressure level, noise level, and sound power level.

(e) East Bay Raceway - A one-third (1/3) mile dirt track located at 6311 Burts Road in Hillsborough County.

~~with regular races on nights, and one special racing event not to exceed six consecutive weeks annually.~~

(e)(f) Emergency - Any occurrence or set of circumstances involving actual or imminent physical trauma, natural resource damage, or property damage which demands immediate action.

(f)(g) Emergency Work Response - Any work action performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, including training exercises related to emergency response.

(h) Industrial Property - Any property which is used primarily for manufacturing, processing, or distribution ~~an airport.~~

(i) Leq - Abbreviation for the equivalent sound pressure level which means the constant

sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying sound.

~~Noise~~—Any sound which causes or tends to cause an adverse psychological or physiological effect on humans.*

~~Noise Nuisance~~—

a. ~~Sound which is or may be harmful or injurious to the health or welfare of any person, or [subsection stricken]* is of such character and level as to be detectable by a considerable number of persons so as to interfere with their health, repose, or safety or to cause severe annoyance or discomfort.~~

b. ~~Sound which meets the definitions of Section 2, Hillsborough County Ordinance 84 4, as amended.~~

(g)(i) Octave Band - All of the components in a sound spectrum whose frequencies are between two sine wave components separated by an octave.

(h)(k) Public Right-Of-Way - Any street, avenue, boulevard, highway, sidewalk, or alley or similar place normally accessible to the public which is owned or controlled by a government entity.

(i)(l) Real Property Line - An imaginary line along the ground surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property divisions.

(m) Residential Property - All property ~~on which designed for people to live and sleep, parkland, hospitals, schools, nursing homes, or that and~~ which is not commercial or industrial as defined in this rule, including but not limited to the homes, dwellings, individual plots within a mobile home park assigned by the owner of the park, hospitals, shelters designed for human habitation, schools, nursing homes, and parks that have sleeping accommodations. Residential

property must be located (sited) in conformance with applicable county or municipal zoning and land use provisions. For purposes of this rule, a legal non-conforming residential use is considered in conformance, and therefore residential property.

(j)(n) RMS (Root Mean Square) Sound Pressure - The square root of the time averaged square of the sound pressure.

(k)(o) Sound - An oscillation or alteration in pressure, stress, particle displacement, particle velocity, or other physical parameter, in an elastic medium; or, an auditory sensation evoked by the alterations described above. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(l)(p) Sound Level - The weighted sound pressure level obtained by the use of a metering characteristic and weighting scale as specified in American National Standards Institute specifications for sound level meters ANSI S1.4-1983 (R2006), or in successor publications or amendments, including but not limited to ANSI S1.4A-1985 (R2006). If the weighting employed is not indicated, the A-weighting shall apply.

(m)(q) Sound Level Meter - A device used to measure sound pressure level, or weighted sound pressure level, or octave band sound pressure level, and this device is of Type 2 or better, as specified in the American National Standards Institute Publication S1.4-1983 (R2006) or its successor publication or amendments, including but not limited to ANSI S1.4A-1985 (R2006).

(n)(r) Sound Pressure - The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by the presence of energy, which accompanies the passage of a sound wave.

(o) Sound Pressure Level - The sound pressure level of a sound is 20 Twenty times the logarithm to the base 10 of the ratio of the RMS

~~sound pressure of this sound to the reference pressure of 20 micropascals. The sound pressure level is expressed denoted SPL and is expressed in decibels.~~

~~(p)(s) **Spectator Events** — Activities involving competitive sports and parades.~~

~~(q) **Sport Shooting Range** - An area designated and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar type of sport, law enforcement, or military shooting.~~

~~(t)
 (r)(u) **Stationary Source** - Any facility or activity that has the potential to emit sound and exists at or is designed to be operated as a unit at a fixed location, although parts of the source may move while the source is in operation. This includes but is not limited to all commercial and industrial facilities, e.g., remote control vehicle facilities and relocatable rock crushing operations.~~

~~**Unamplified Human Voice** **Sound** - human vocal sound that is not amplified by any mechanical or electronic means.~~

~~(s)(v)
 Section History - amended September xx, 2008
 Amendment Effective September xx, 2008~~

~~(t) **Ybor City Entertainment District** — Land area north of the right of way of the CSX rail line along 6th Avenue, west of 22nd Street, south of Palm Avenue, and east of Nuecic Parkway.~~

~~**1-10.02 PROHIBITIONS**~~

~~**A. Noise Nuisance Prohibited** — No person shall generate, cause, let, permit, allow, or allow to continue any noise nuisance. If a noise nuisance is generated or continues after the property owner is notified by the EPC or a law enforcement officer, then the property owner, even if he or she did not generate the noise, will be deemed to have allowed the noise nuisance to continue.~~

~~**B. Maximum Sound Levels For Receiving Land** — Sound levels which exceed the limits set forth in this rule for the receiving land when measured at or within the property line of the receiving land are declared to be noise pollution as defined by Section 3(21) of Chapter 84-446, Laws of Florida.~~

~~**C. Lawn Equipment.** — Commercial operation of motorized lawn, garden, or other outdoor maintenance equipment is prohibited between the hours of 10:00 P.M. and 7:00 A.M.~~

1-10.03 SOUND LEVEL LIMITS

(1) Sound levels limits pursuant to this rule shall be measured with a sound level meter as an Leq for a 10-minute period of time. Sound levels which exceed the limits set forth in this rule for the receiving land when measured at or within the property line of the receiving land, or as measured at the locations described in 1-10.03(1) or 1-10.03(4), are a violation of this rule. The point of sound level compliance for receiving residences or other sleeping accommodations on agricultural and park land shall be measured at a distance no greater than 150 feet from the receiving residence or sleeping accommodation.

~~(2)A. **By Receiving Land Use Sound Level Limits.** — Unless otherwise specified in this rule, the below limits in this sub-section and sub-section 1-10.03(4) shall be measured using the A-Weighted Sound Level (dBA).~~

Receiving Land Use Category	Time	Sound Level Limit, dBA
Residential	7 a.m.-10 p.m.	60
	10 p.m.- 7 a.m.	55
Commercial	<u>At all times</u>	65
	7 a.m. 10 p.m.	60
Industrial	10 p.m.- 7 a.m.	60
	At All Times	<u>75</u>

(3)B. Octave Band Residential Sound Level Limit.— In addition to the standards sound level limits of 1-10.03A(2), for any source of sound which impacts on residential property, the maximum allowable sound level limit for the individual octave bands whose centers are 63, 125, and 250 and 500 Hertz (Hz) shall not exceed ~~65~~ the below listed decibel levels dB, measured as an Leq for a 10-minute period of time:

Octave Band	Time	Sound Level Limit - dB
63 Hz	7 a.m.-11 p.m.	70
63 Hz	11 p.m.- 7 a.m.	65
125 Hz	7 a.m.-11 p.m.	64
125 Hz	11 p.m.- 7 a.m.	59
250 Hz	7 a.m.-11 p.m.	57
250 Hz	11 p.m.- 7 a.m.	53

(4)C. Air Conditioning and Air Handling Equipment, Pumps and Compressors Sound Level Limit. - No person shall operate or cause to be operated any air conditioning or air-handling equipment, or any pumps and compressors, in such a manner as to exceed 55 dBA as an Leq for a 10-minute period of time, measured from a distance of 40 feet or more from the source any of the following sound levels across a residential real property line at any time of the day or night:

Measurement Location	Sound Level Limit
Any point on neighboring property line	60
Center of neighboring patio	55

~~Outside the neighboring living area window nearest the equipment location~~ 55

D. Ybor City Entertainment District
 1. Sound levels generated by entertainment or musical events within the Ybor City Entertainment District, regardless of time of day, shall not exceed 65 dBA when received at any point on the boundary of the Ybor City Entertainment District as defined in Section 1-10.01 B.21.

2. The maximum allowable sound levels for the individual octave bands whose centers are 63, 125, 250 and 500 Hertz shall not exceed 75 dB when received at any point on the boundary of the Ybor City Entertainment District as defined in Section 1-10.01B. 21.

3. Entertainment or musical events within the Ybor City Entertainment District shall be regulated by the City of Tampa under their noise ordinance, except as provided in Sections 1-10.03 D.1. and 2.E.(5) The Florida State Fairgrounds is subject to the sound level limits in this section and to all other provisions of this rule.

(6) No person shall generate, cause, let, permit, allow, or allow to continue any violation of this rule. If the same type of violation continues after the property owner is notified by the Environmental Protection Commission (EPC) or a law enforcement officer, then the property owner, even if he or she did not generate sound, will be deemed to have allowed the violation to continue.

Section History – amended September xx, 2008
 Amendment Effective September xx, 2008

1-10.04 EXCEPTIONS EXEMPTIONS

It is not the intent of this Rule to regulate noises under all circumstances. However, aAny

of the following exempt activities or sources listed in this section remain subject to any other laws, regulations, codes or ordinances. The following activities or sources are exempt from the requirements of this ~~Rule~~ and the EPC's noise nuisance laws:

(1) ~~The emission of sound from a person or any mechanical device, apparatus, or equipment for the purpose of alerting persons to the existence of an emergency, or sounds generated in the performance of emergency response duties work, including training or.~~

(2) ~~The unamplified sound of the human voice.~~

(3) ~~The unamplified sounds of animals.~~

~~(4)-(4)~~

~~Except as conditioned below, Reasonable reasonable operation of equipment or conduct of activities normal related to residential or agricultural communities, including but not limited to, such as lawn care, soil cultivation, maintenance of trees, hedges and gardens, and refuse collections, the use of lawn mowers, saws and tractors, street sweepers, mosquito fogging, tree trimming and limb chipping, and other normal community operations. Commercial operation of motorized lawn, garden, or other outdoor maintenance equipment is exempt between the hours of 7 a.m. and 10 p.m.~~

~~(2)-(5)~~

~~D. Normally occurring sounds on church occurring at places of religious worship or school grounds during and related to church those religious or school sponsored activities.~~

~~(E-6) Except where regulated elsewhere in this rule, Events events directly related to Gasparilla, Fourth of July, New Year's Eve, Guavaween, the Super Bowl, the Strawberry Festival, the Hillsborough County Fair, all federal holidays, or officially authorized spectator events parades, competitive sporting events, and the two week Florida State Fair but for any concerts at the Amphitheatre during that same two weeks.~~

(7) ~~The lowing of cattle, the clucking of fowl, the neighing of horses, the baying of hounds and~~

~~other normal sounds of animals.~~

Mobile sources, including but not limited to:

(a) ~~mMotor vehicles, including operating on a public right of way, and recreational motorized vehicles, and their associated stereos or other sound generating devices attached to the vehicles, operating off public rights of way, provided the original manufacturer's exhaust system has not been modified so as to increase noise levels during operation of the off road vehicle. This does not include racing vehicles and racing venues addressed elsewhere in this rule, nor does it include slamming of dump truck tailgates or unloading of vehicles; and~~

(b)

~~the operation of trains, ships, personal watercraft, and aircraft Personal watercraft, including amphibious craft when operated upon the waterways within Hillsborough County pursuant to Chapter 327.65, Florida Statutes.~~

(8) ~~Common carrier stations, including but not limited to bus stations, transit malls, train stations, ships' wharves and docks, and airports.~~

(9) ~~Shooting ranges, except as provided in Section 1-10.07, and the shooting sounds associated with paintball facilities.~~

~~6)-~~

~~Sport shooting ranges and shooting ranges operated solely for the purpose of law enforcement and military training and certification;~~

(10) ~~The operation of trains, ships, and aircraft.~~

Noise pollution generated by the Florida Department of Transportation arising from activities at existing or future transportation facilities, or appurtenances thereto, on the State Highway System, pursuant to Section 335.02 (4), F.S.

(11) ~~Construction activities occurring between the hours of 7 a.m. and 6 p.m. Monday through Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m. and 6 p.m. Sunday are exempt if reasonable precautions are taken to abate the noise pollution generated from those activities. Reasonable~~

precautions shall include but not be limited to ~~noise~~ noise pollution abatement measures such as enclosure of the ~~noise~~ noise pollution source, use of acoustical blankets, and change in work practice. Construction activities occurring at all other times shall be subject to this Rule.

(12) Noise pollution originating from within residential structures.

(13) Noise pollution originating from entertainment or musical events in the Central Business District, the Ybor City Historic District, and the Channel District, as delineated in the City of Tampa Code of Ordinances.

(14) Athletic, musical, other school events, or practice for them, conducted under the auspices of public or private schools, but not limited to activities on school grounds.

Section History – amended September xx, 2008
Amendment Effective September xx, 2008

1-10.05— COMPETITIVE MOTOR VEHICLES EVENTS

A. Motor Vehicles Operated at Facilities for Competitive Events—

(1) Sound Level Limits -

1. (a) Sound levels from facilities holding competitive motor vehicle events shall be subject to the sound level limits of subsections 1-10.03(2) and (3), except for East Bay Raceway. All motor vehicles operated at facilities permitted for competitive motor vehicle events are exempt from complying with Section 1-10.03 A.

(b) Sound levels from competitive motor vehicle events at East Bay Raceway shall not exceed 78 dBA as an Lmax, measured with a sound level meter at or within receiving residential property.

2. Noise levels from competitive motor vehicle events shall not exceed 68 dBA when measured at or within the property line of residential properties, except as provided in paragraph A.3.

3. Noise levels from racing activities at East Bay Raceway shall not exceed 78 dBA at the nearest residential property lines.(c) In the

event East Bay Raceway adds a new racing event at its existing track, builds a new facility, or expands or relocates its existing racetrack then that new racing event and/or new, relocated, or expanded facility is subject to the sound level limits in subsections 1-10.03(2) and (3).

4. Vehicles shall use noise attenuating devices. The type of noise attenuating device utilized is dependent upon, but not limited to, vehicle characteristics, available technology, and conditions set by the Environmental Director pursuant to Section 1-10.05 B. Noise attenuating devices may include, but are not limited to, directed exhausts, exhaust mufflers, turbochargers, superchargers, airfoils, diverter vanes, body design, and tire design.

B.(2) Authorization Required -

No person shall construct, alter, expand, or operate any installation or facility for competitive motor vehicle events without first providing documentation and assurance of compliance with Section 1-10.05 A., and without first receiving a permit by Letter of Authorization from the Environmental Director.(a) Compliance with all applicable requirements of section 1-10.05 shall be demonstrated by completing a Competitive Motor Vehicle Events form provided by EPC staff and submitting it to the EPC Executive Director:

(1) prior to construction, alteration, or expansion of any competitive motor vehicle racing facility; and

(2) annually, by November 1 of each year for all racing activities planned for the following calendar year.

The Competitive Motor Vehicle Events form is maintained by the Air Management Division.

(b) Any racing facility submitting a complete Competitive Motor Vehicle Events form, including all requirements of this section, shall be eligible to operate unless the Executive Director makes a written decision of ineligibility within 45 days of receipt of the complete form, except new or modified race tracks will require a

modeling demonstration as described in subsection 1-10.05(3)(a) be affirmatively approved by the Executive Director prior to operation or construction. Any incomplete form shall be returned to the applicant for further information, and the 45-day EPC review will restart upon Executive Director's receipt of the amended form. Any person aggrieved by the decision of the EPC Executive Director may challenge the decision pursuant to Section 9 of the EPC Act and Section 1-2.30, Rules of the EPC.

(3) General Requirements for All Motor Vehicle Racing Facilities.

(a) In addition to the form required above, no person shall begin construction or begin operation of a new racing facility, or begin alteration or expansion of a racing facility existing as of the date of this rule without first submitting a written demonstration of ability to comply with the sound level limits in Section 1-10.05(1)(a). The demonstration shall include but not be limited to modeling by an acoustical expert to demonstrate compliance. The demonstration will be reviewed by EPC staff, and construction, alteration or expansion can not commence prior to approval by the Executive Director. The Competitive Motor Vehicle Events form shall be submitted in conjunction with the demonstration.

(b) All motor vehicles participating in racing events shall be inspected by designated raceway personnel prior to each race to ensure that appropriate sound-attenuating mufflers are being used during the racing event and all preliminary race activities. A written record of the following information shall be maintained: the date, time and place of inspection; the person performing the inspection; description of vehicle inspected; and results of the inspection.

(c) The Competitive Motor Vehicle Events form will include the following information for all races scheduled for the next calendar year:

(1) Name, address, and telephone number of the person, firm, corporation, or other entity responsible for the racing events.

(2) Name and telephone number of a responsible party who may be reached during all racing events.

(3) Location, dates and times of all racing events for that calendar year, including the beginning and ending times of the races, and the number and types of vehicles in the races.

(4) Descriptions of all measures, methods, and work practices used to reduce the volume of noise pollution generated by the racing events.

(5) Provisions for employee training, including familiarization with the requirements of this rule.

(6) Provisions for trackside and boundary noise pollution monitoring.

(d) All records of operations, inspections and noise pollution monitoring shall be retained on site for a minimum of two years and made available to EPC staff upon request.

(e) All racing facilities shall allow EPC personnel access to the premises at reasonable times to copy records, inspect or monitor the operations to determine compliance with EPC rules.

(f) Any deviation from the hours of operation or dates of operation shall be reported to EPC staff within 24 hours of the occurrence.

(4) Specific Requirements for East Bay Raceway.

(a) During East Bay Raceway's current annual race event, which is not to exceed six consecutive weeks, the races shall end by 10:30 p.m. with a one-hour extension for delays.

(b) East Bay Raceway's regular season races on Friday and Saturday nights shall end by 11:30 p.m. with a thirty-minute extension for delays. Regular season Sunday races are for emergency make-up only and are allowed from 5

p.m. to 10:30 p.m.

(c) East Bay Raceway shall keep records of race stop times for each race day, and the number and types of vehicles participating in each event.

Section History – amended September xx, 2008
Amendment Effective September xx, 2008

1. The request for a Letter of Authorization shall be in writing and shall contain at a minimum the following information and attachments:

a. Name, address, and telephone number of the person, firm, corporation, or association requesting authorization. In the case of a firm, corporation or association, the request shall include the names of its Board of Directors, members, and owners.

b. Name and telephone numbers of a responsible party who may be reached at all times during the occurrence of any competitive motor vehicle event.

c. Identification of sanctioning body and name and telephone number of representative.

d. Location, dates and times of commencement and termination of competitive motor vehicle events, including practice heats.

e. Descriptions of the numbers of competitive motor vehicle events planned, number of vehicles participating in each type of event and type of vehicles involved.

f. Descriptions of measures, methods, and techniques which will be used to reduce the volume of noise generated by the event, including description and representative illustrations and plans for the enclosure or barrier system or process and performance parameters.

g. Plans for operator/employee training and familiarization with requirements of this rule.

h. Provisions for trackside and boundary noise monitoring.

i. Design features, equipment, work practices, or operational methods to reduce the

volume of noise generated by the competitive motor vehicle events.

3. Upon reasonable assurance that the requested competitive motor vehicle events will be in compliance with Section 1-10.05 A., and upon payment of any applicable fee pursuant to Chapter 1-6, the Environmental Director will issue a Letter of Authorization for the event with such conditions as may be necessary, which shall include but not be limited to, date and time of operation, reporting requirements, and monitoring requirements.

1-10.06 WAIVER OR VARIANCE S FOR CULTURAL EVENTS

Persons may apply for a waiver or variance to all or a portion of this rule by filing an application pursuant to section 1-2.50, Rules of the EPC.

Section History – amended September xx, 2008
Amendment Effective September xx, 2008

The sponsors of a cultural event, which will occur infrequently and which reasonably may not meet the noise standards and regulations provided above, may submit a request for a waiver to the Commission, along with proposed precautions and conditions. The sponsors shall also provide 15 days' written notice to each Registered Neighborhood Organization within one mile of the proposed event, including a description of the event and proposed conditions, the name and telephone number of a contact for more information, and the date and time when the matter will be considered by the Commission. EPC staff shall review the proposal and comment on the reasonable expectations of compliance or non-compliance with the provisions of this rule and the likely impacts to the surrounding community. The proposal, along with staff's comments, shall be reviewed by the Commission at an advertised public hearing. Any waiver granted will specify which provisions of the rule are waived, the times for which they are waived, and any additional conditions which apply.

B. All requirements for cultural events

~~waivers shall be separate, and in addition to, the requirements set forth in Hillsborough County Ordinance #89-42 regarding Entertainment Festival Permits.~~

1-10.07 SPORT SHOOTING, LAW ENFORCEMENT AND MILITARY TRAINING AND CERTIFICATION RANGES

(1) The EPC recognizes that the field of shooting ranges is primarily regulated by the State, but for the exceptions provided for in Section 823.16, F.S. and as further detailed in section 1-10.07(2).

(2) Compliance Demonstration Required

(a) Any sport shooting range constructed or in initial operation after December 19, 2000 shall submit to the ~~Environmental Executive~~ Director for review and approval, a ~~noise-sound~~ study, performed by a member of the National Council of Acoustical Consultants, or the National Institute of Noise Control Engineers, demonstrating compliance with ~~this rule~~ the A-scale sound level limits in Section 1-10.03. The ~~noisesound~~ study shall be submitted within 30 days of completion of construction or initial operation.

(b) The ~~noisesound~~ study shall consist of ~~noisesound~~ readings taken 500 feet from the real property line of the sport shooting range, or the real property line of the nearest residential property, whichever is closer, on the north, south, east and west sides of the sport shooting range. Readings shall be taken when the range is operating at maximum capacity. One set of readings shall be taken between the hours of 7 a.m. to 10 p. m., and a second set between the hours of 10 p.m. and 7 a.m. Sound levels shall be measured on the A-scale only, using a sound level meter as defined by this rule. Meteorological conditions during each test must be submitted as part of the study.

(c) Any sport shooting range that is constructed or in initial operation after December 19, 2000, and either fails to submit a ~~noisesound~~

~~study or the study fails to demonstrate compliance with the standards in this rule shall be subject to and must comply with all standards and provisions of this rule~~ the EPC Act and the A-scale sound level limits in Section 1-10.03.

Section History - amended September xx, 2008
Amendment Effective September xx, 2008

1-10.08 METHODOLOGY

EPC staff maintains standard operating procedures for measuring sound levels and analyzing them in accordance with the provisions of this rule. These procedures are not adopted by this rule and may be revised as necessary to address updated standards applicable to the measurement and analysis of sound levels.

Section History - new September xx, 2008
Effective September xx, 2008

Adopted 6/10/76

Amended 4/13/78

Amended 9/1/82

Amended 11/15/84

Amended 11/11/88

Amended 10/05/89

Amended 05/23/90

Amended 05/22/91

Amended 06/20/95

Amended 01/17/96

Amended 12/19/00

Amended 08/19/04

Amended via Circuit Court Ruling 02/25/05

Amended xx/xx/08 and Effective xx/xx/08

~~* In Accordance with a 13th Judicial Circuit Court ruling in Case No. 04-11404 on 2/25/05 section 1-10.01(B) was amended as reflected by the strikethrough formatting below:~~

~~8. Noise Any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans.~~

~~9. Noise Nuisance-~~

~~a. Sound which~~

~~(2) unreasonably interferes with the enjoyment of life, property, or outdoor recreation of a reasonable person with normal sensitivities, or~~



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 18, 2008

Subject: Staff Report on Cockroach Bay Marine Sanctuary Citizen Proposal

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

Division: ERM

Recommendation: Informational Report Only

Brief Summary: This report is to update the Board on the proposal of Mr. Gus Muench to create a "Cockroach Bay Marine Sanctuary". Staff was instructed to report back on the feasibility of this proposal and what would be involved if it were to be pursued.

Financial Impact: No Financial Impact

Background: During the public comment period of the July 17, 2008 EPC Board meeting, Mr. Gus Muench proposed his concept of establishing a Cockroach Bay Marine Sanctuary. This sanctuary would, according to Mr. Muench, afford additional environmental protections within the existing Cockroach Bay Aquatic Preserve. Staff was instructed to report back on the feasibility of this proposal and what would be involved if it were to be pursued. The report staff will be giving addresses the differences between an aquatic preserve and marine sanctuary, the current levels of resource protection in the area, which agencies currently have jurisdiction in the aquatic preserve, and the differences between what this citizen is proposing and what the current public/private stakeholder groups, such as the "Pole and Troll Task Force", are evaluating as possible management action plans.

This is an informational report only. There is no financial impact.

List of Attachments: No Attachments



EPC Agenda Item Cover Sheet

Date of EPC Meeting: September 18, 2008

Subject: Executive Director's Evaluation

Consent Agenda _____ **Regular Agenda** ___X___ **Public Hearing** _____

Division: Finance and Administration Division

Budgetary Impact: None

Summary:

Evaluation forms were distributed on August 27, 2008. As of September 11, 2008, three evaluation forms were completed and provided to Commissioner Higginbotham's office. Staff has compiled the three evaluation forms submitted and the results indicate an average score of 4.54 in Behavior Dimensions and an average score of 4.27 in Accomplishment of Goals Dimensions. The scores are on a scale of 1 through 5, with 5 representing the highest possible score. The FY09 budget as submitted by EPC does not provide merit or market equity increases for un-classified senior management staff. Therefore, there is no financial impact associated with this item. Staff recommends acceptance of the evaluation results.

List of Attachments: Evaluation Summary Assessment (5 pages)

PERFORMANCE EVALUATION

September 18, 2008

DR. RICK GARRITY

EXECUTIVE DIRECTOR

ENVIRONMENTAL PROTECTION COMMISSION

SUMMARY ASSESSMENT

Ranking – Behaviors & Accomplishments

HIGHEST

5. Behaviors/Accomplishments are outstanding and as such are obvious to others in county government and to members of the Community.
4. Behaviors/Accomplishments are excellent and recognized as more than just competent in that expectations are exceeded in the area of responsibility.
3. Behaviors/Accomplishments are good in that expectations are consistently met for the areas of responsibility.
2. Behaviors/Accomplishments are adequate but fall below expectations for the area of responsibility.
1. Behaviors/Accomplishments are below an acceptable level of expectations for the area of responsibility.

LOWEST

**DR. RICK GARRITY
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION
ASSESSMENT**

	BEHAVIORS									
	Leadership	Communication	Responsiveness	Respect & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization		
Brian Blair	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rose Ferlita	5.0	5.0	5.0	5.0	4.75	5.0	5.0	5.0	5.0	5.0
Ken Hagan	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Al Higginbotham	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Jim Norman	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Mark Sharpe	5.0	5.0	5.0	5.0	4.0	5.0	5.0	4.0	4.0	4.0
Kevin White	4.0	4.0	5.0	4.0	4.0	4.0	4.0	4.0	4.0	3.0
Average	4.67	4.67	5.0	4.67	4.25	4.67	4.67	4.34	4.0	4.0

4.54

**DR. RICK GARRITY
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION
ASSESSMENT**

ACCOMPLISHMENT OF GOALS					
	Regulatory Effectiveness	Regulatory Efficiency	Coordination with Regulatory Partners	Partnering for Better Compliance	Outreach
Brian Blair	N/A	N/A	N/A	N/A	N/A
Rose Ferlita	5.0	5.0	5.0	5.0	5.0
Ken Hagan	N/A	N/A	N/A	N/A	N/A
Al Higginbotham	N/A	N/A	N/A	N/A	N/A
Jim Norman	N/A	N/A	N/A	N/A	N/A
Mark Sharpe	4.0	4.0	5.0	4.0	5.0
Kevin White	3.0	3.0	3.0	4.0	4.0
<i>Average</i>	4.0	4.0	4.34	4.34	4.67

4.27

Commissioner's Comments

Commissioner Ferlita:

See Comments Attached

Commissioner Sharpe:

“Works well with others!”

PERFORMANCE EVALUATION
September 18, 2008

**DR. RICK GARRITY
EXECUTIVE DIRECTOR
ENVIRONMENTAL PROTECTION COMMISSION**

Summary Assessment

Attachment to evaluation ratings.

Dr. Garrity has been very receptive to requests from his EPC Board. Anything we have suggested has been well received. He has made every effort possible to have budget issues and policy issues result in positive outcomes. He had been an excellent Director and a very obvious team player. He has accomplished many good things over the last year given all the economic challenges we have faced. I am grateful to him for that.

Over these last few months, the struggling economy has created many budgetary hardships on department directors. Dr. Garrity has responded to that issue with leadership, commitment and a willingness to set an example in terms of internal efforts to minimize expenses. His upper management has followed that example by showing a willingness to forego increases. The category regarding "Quality of Staff Work" increased from a rating of 4.0 last year to a 4.75 rating this year. I commend them for their efforts to follow the level of professionalism that Dr. Garrity has exemplified. I am not familiar with any internal goals they may have focused on and/or achieved, so I felt a 4.75 was fair. Thanks to Dr. Garrity for his leadership and to his staff for following that leadership.

I look forward to continuing to work with Dr. Garrity to accomplish more environmental goals for our County.

