

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
DECEMBER 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 CEAC Chairman – David Jellerson

III. CONSENT AGENDA

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 Scott Grantham, wastewater treatment plant operator
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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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NOVEMBER 13, 2008 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, November 13, 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, Jim Norman, Mark Sharpe, and Kevin White.

The following member was absent: Commissioner Ken Hagan (schedule conflict).

Chairman Higginbotham called the meeting to order at 9:20 a.m. Commissioner Blair led in the pledge of allegiance to the flag and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, stated there were no changes to the agenda. Chairman Higginbotham called for a motion to approve. **Commissioner Ferlita so moved, seconded by Commissioner Sharpe, and carried six to zero.** (Commissioner Hagan was absent.)

PUBLIC COMMENT

Mr. Dale Tucker, Odessa, noted attempts to build a home on property in Odessa and issues related to a ditch on the property, perceived EPC was dictating what kind of home he could build on the property, suggested filling in the ditch, referenced problems with trees on the property, opined the County would save money by not having to maintain the ditch, mentioned reports related to the property, and perceived the impact to the environment, if any, would be minimal. Commissioner Blair expressed hope that staff could work with Mr. Tucker. Commissioner Norman referred the matter to staff to find a resolution. Dr. Garrity agreed to meet with Mr. Tucker.

Mr. Byron Burrows, Tampa Electric Company, submitted and reviewed a letter of appreciation regarding EPC staff efforts. Commissioner Blair offered laudatory remarks regarding staff efforts.

Ms. Janet Dougherty, 8214 Revels Road, presented and reviewed documents regarding complaints related to property owned by Mr. Paul Savich and comments made about her at recent meetings, requested an independent public audit, and noted being chastised for making public comments.

Mr. Peter Nelson, 2806 West Paxton Avenue, president, Mothers Organics Incorporated (Mothers), addressed comments made at the last EPC meeting regarding Mothers, reviewed time frames related to business procedures and invalid complaints, noted site visits and efforts to obtain authorizations by EPC, and highlighted perceived benefits to the County provided by Mothers.

THURSDAY, NOVEMBER 13, 2008 - DRAFT MINUTES

Mr. Mark LaFon, manager, Natural Soil Solutions LLC, urged support for responsible recycling of yard waste, yard trash, and vegetative debris through composting and commented on the benefits of using compost materials.

Mr. Carmel Monti, 530 Key Royale Drive, Holmes Beach, vice president, Mothers, discussed aspects of recycling versus other methods of handling organic waste and recycling/composting efforts.

Chairman Higginbotham commended Mothers for their work and asked Dr. Garrity and staff to review efforts. Commissioner Sharpe would be asking the Internal Performance Auditor to review the County process for complaints, how the County dealt with issues, and possible improvements; wanted to have an inventory of how the County was dealing with waste and possible future improvements; and requested a review of companies that might want to participate in an improved program. Commissioner Blair urged everyone to visit Mothers and agreed the County needed to be aggressive on recycling.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Mr. Jellerson stated the CEAC and EPC staff were in agreement on the pollution recovery fund (PRF) grant award recommendations, thanked applicants for their interest and CEAC members for efforts, and urged the EPC Board to support the recommendations.

Chairman Higginbotham recognized EPC General Counsel Richard Tschantz for his appointment to the Florida Local Environmental Resource Agencies Incorporated.

CONSENT AGENDA

- A. Approval of minutes: September 18, 2008.
- B. Monthly activity reports.
- C. PRF report.
- D. Gardinier Settlement Trust Fund report.
- E. Customer service survey report.
- F. Legal case summaries: October and November 2008.
- G. Request for authority to take appropriate legal action against Fuego Churrascaria Steakhouse Corporation, SJ Realty Group LLC, and SRJ Enterprises Incorporated.
- H. Mercury air monitoring contract.
- I. Permitting guidelines manual update.

THURSDAY, NOVEMBER 13, 2008 - DRAFT MINUTES

J. Response to EPC Board member comments regarding EPC meetings of July 17, 2008, and September 18, 2008.

Chairman Higginbotham called for a motion to approve the Consent Agenda. **Commissioner White so moved, seconded by Commissioner Sharpe, and carried five to zero.** (Commissioner Ferlita was out of the room; Commissioner Hagan was absent.)

AIR MANAGEMENT DIVISION

Open Burning Multilateral Operating Agreement - Mr. Marvin Blount, EPC staff, reviewed aspects of the open burning multilateral operating agreement, noted coordination of efforts and annual meetings, referenced efforts to avoid air quality impacts and protect public safety, commented on regulation of controlled burns and organizations involved, and introduced partners.

Ms. Lisa Matyi, Florida Division of Forestry, distributed materials related to open burning rules and regulations; discussed cooperative efforts, certified burning programs, and authorizations issued; and stressed the importance of allowing open burning.

Fire Chief Bill Nesmith, Fire Rescue Department, was happy to be part of the partnership, which was formed to protect the quality of the environment and the lives, property, and general welfare of citizens; remarked on shared resources and benefits to County citizens; and opined the public health, safety, and environmental quality were better served by having the agreement.

Mr. Hugh Gramling, executive director, Tampa Bay Wholesale Growers, and chairman, Agriculture Economic Development Council, reviewed benefits to farmers and the environment and appreciated the responsibility shown by EPC. Commissioner Blair thanked Mr. Gramling for efforts in the agriculture community and Ms. Matyi and Chief Nesmith for information provided. Ms. Matyi responded to queries from Commissioner Blair regarding authorizations needed for bonfires/campfires. Dr. Garrity commended the efforts of Mr. Blount.

ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION

2008 PRF Project Approvals - Ms. Laura Thorne, EPC staff, highlighted the PRF process; noted applications received, which were reviewed by EPC staff and CEAC; and referenced PRF funds available, total amount of funds needed for the nine projects recommended for approval, and total amount of funding remaining after approval of the nine projects. Staff recommended concurrence with EPC staff and CEAC recommendations to approve nine projects and deny eight projects and to authorize the EPC chairman to execute grant agreements, nonmaterial changes, and extensions. Ms. Thorne responded to queries from

THURSDAY, NOVEMBER 13, 2008 - DRAFT MINUTES

Chairman Higginbotham regarding the MacDill Air Force Base, Phase II, seagrass transplanting project. **Commissioner Sharpe moved to approve, seconded by Commissioner White, and carried five to zero.** (Commissioner Blair was out of the room; Commissioner Hagan was absent.)

LEGAL DEPARTMENT

Florida Gas Pipeline Expansion, Approval for EPC to Intervene in Certification
- After noting there was an existing gas pipeline and the expansion would be a parallel pipeline and commenting on notice, Attorney Tschantz reviewed staff recommendation to allow EPC staff to intervene in the regulatory administrative process and noted the Board of County Commissioners had authorized the County to do the same. Referencing meetings held in the past, the need for as much protection as possible, and pipelines near an elementary school, **Commissioner Norman moved to do as much as possible to keep the public informed with what was going on.** Attorney Tschantz was checking to see how much authority the County had. Commissioner Norman wanted as much voice to the project as possible, opined the matter was a public safety issue, and suggested giving EPC as much authority as possible to intervene. **Commissioner Sharpe seconded the motion, which carried six to zero.** (Commissioner Hagan was absent.)

EXECUTIVE DIRECTOR

Tom Koulianos Citizens Conservation Efficiency Award Criteria - Dr. Garrity recalled adoption of the award and requests for criteria to be created and reviewed the purpose of the award, eligibility, evaluation criteria, nomination procedures, and award selection. Staff recommended creation of the award to be given annually under the criteria and specifications detailed in background material and summarized in the presentation. **Commissioner Blair moved the item, seconded by Commissioner Norman, and carried six to zero.** (Commissioner Hagan was absent.) Commissioner Blair asked staff to review requirements for a project to have proven effectiveness or impact over the course of several years, offered laudatory comments regarding Mr. Koulianos, and appreciated staff efforts.

Dr. Garrity recognized small quantity generator program staff, who were awarded the North American Hazardous Materials Management Association National Program Excellence Award; read a letter regarding service provided by EPC air permitting program staff; and noted the EPC legislative tour would be held December 4, 2008.

THURSDAY, NOVEMBER 13, 2008 - DRAFT MINUTES

OFF-THE-AGENDA ITEM - DIGITAL TELEVISION SIGNAL

Referencing a presentation from Mr. Michael Copps, Federal Communications Commission, on the pending loss of television communication and suggesting staff start an early outreach program, **Commissioner Norman moved to direct the matter to the County Administrator to best direct the Neighborhood Relations Office, Communications Department, and so on, seconded by Commissioner Ferlita.** Chairman Higginbotham recommended including public education on the disposal of televisions. **Commissioner Norman agreed.** Commissioner Blair commended Commissioner Norman for efforts and suggested placing information in employee paychecks and sending a letter to the municipalities. **Commissioner Norman agreed.** Commissioner Ferlita offered laudatory comments regarding efforts. Dr. Garrity noted the Solid Waste Management Department had a program to accept televisions and information on that could be included in outreach efforts. Following clarification, **the motion carried five to zero.** (Commissioner Sharpe was out of the room; Commissioner Hagan was absent.)

There being no further business, the meeting was adjourned at 10:22 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

kr

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION

October FY 2009

A. Public Outreach/Education Assistance:		
1. Phone Calls:		174
2. Literature Distributed:		<u>0</u>
3. Presentations:		<u>0</u>
4. Media Contacts:		<u>11</u>
5. Internet:		<u>62</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>0</u>
		<hr/>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		18
b. Construction:		<u>16</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>3</u>
e. General:		<u>0</u>
f. Title V:		<u>1</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		5
b. Construction ¹ :		<u>8</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>3</u>
e. Title V Operating ² :		<u>0</u>
f. Permit Determinations ² :		<u>1</u>
g. General:		<u>14</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		<u>2</u>
2. On-going administrative cases:		
a. Pending:		8
b. Active:		<u>16</u>
c. Legal:		<u>3</u>
d. Tracking compliance (Administrative):		<u>14</u>
e. Inactive/Referred cases:		<u>0</u>
Total		<u>41</u>

3.	NOIs issued:	<u>0</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>0</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$1,376.00</u>
7.	Cases Closed:	<u>0</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>24</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>1</u>
c.	Major Sources	<u>4</u>
3.	Asbestos Demolition/Renovation Projects:	<u>16</u>
E.	Open Burning Permits Issued:	<u>1</u>
F.	Number of Division of Forestry Permits Monitored:	<u>277</u>
G.	Total Citizen Complaints Received:	<u>62</u>
H.	Total Citizen Complaints Closed:	<u>64</u>
I.	Noise Sources Monitored:	<u>6</u>
J.	Air Program's Input to Development Regional Impacts:	<u>3</u>
K.	Test Reports Reviewed:	<u>27</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>6</u>
2.	Warning Notices Resolved:	<u>9</u>
3.	Advisory Letters Issued:	<u>11</u>
M.	AOR's Reviewed:	<u>27</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>1</u>
O.	Planning Documents coordinated for Agency review.	<u>1</u>

**FEES COLLECTED FOR AIR MANAGEMENT DIVISION
October FY 2009**

	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>\$3,280.00</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>\$9,666.67</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$80.00</u>
4. Non-delegated permit revision for an air	<u>\$0.00</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$0.00</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$2,400.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$600.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$300.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$1,000.00</u>
8. Open burning authorization	<u>\$600.00</u>
9. Enforcement Costs	<u>\$2,650.00</u>

**EPC Wetlands Management Division
Backup AGENDA
October, 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
October 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
151	99%	99%

Formal Wetland Delineation Surveys

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
October 2008	16	146	33	3	0.78
Since April 2008	111	1735	300	66	12.68

Construction Plans Approved

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Impacts Approved Acreage	Impacts Exempt Acreage
October 2008	17	22	14	3.14	0.34	0.34
Since April 2008	164	211	66	16.4	24.98	16.29

Mitigation Sites in Compliance

192/202	95%
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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>
.50	.50	.25	15/18 (83%)

Compliance Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored
.80	0	.10

General

Telephone Conferences	Scheduled Meetings	Unscheduled Citizen Assistance
644	192	67

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

A. General	Totals
1. Telephone Conferences	644
2. Unscheduled Citizen Assistance	67
3. Scheduled Meetings	192
4. Correspondence	425
B. Assessment Reviews	
1. Wetland Delineations	27
2. Surveys	28
3. Miscellaneous Activities in Wetland	37
4. Mangrove	15
5. Notice of Exemption	6
6. Impact/ Mitigation Proposal	15
7. Tampa Port Authority Permit Applications	43
8. Wastewater Treatment Plants (FDEP)	0
9. DRI Annual Report	2
10. On-Site Visits	101
11. Phosphate Mining	2
12. CPA	3
Planning Growth Management Review	
13. Land Alteration/Landscaping	1
14. Land Excavation	2
15. Rezoning Reviews	33
16. Site Development	48
17. Subdivision	29
18. Wetland Setback Encroachment	8
19. Easement/Access-Vacating	3
20. Pre-Applications	51
C. Investigation and Compliance	
1. Complaints Received	21
2. Warning Notices Issued	4
3. Warning Notices Closed	2
4. Complaint Inspections	52
5. Return Compliance Inspections	15
6. Mitigation Monitoring Reports	23
7. Mitigation Compliance Inspections	24
8. Erosion Control Inspections	46
9. MAIW Compliance Site Inspections	13
10. TPA Compliance Site Inspections	2
D. Enforcement	
1. Active Cases	28
2. Legal Cases	1
3. Number of "Notice of Intent to Initiate Enforcement"	2
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	4

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

6. Administrative - Civil Cases Closed	5
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$58,448.00
9. Enforcement Costs Collected	\$458.00
E. Ombudsman	
1. Agriculture	3
2. Permitting Process	0
3. Rule Assistance	0
4. Staff Assistance	1
5. Miscellaneous/Other	0

WETLAND REPORT FOR REVIEW TIME 2008

Month	# Of Reviews	% On Time	% Late
December			
November			
October	367	99%	1%
September	292	98%	2%
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%

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION

November FY 2009

A. Public Outreach/Education Assistance:		
1. Phone Calls:		154
2. Literature Distributed:		<u>0</u>
3. Presentations:		<u>2</u>
4. Media Contacts:		<u>1</u>
5. Internet:		<u>60</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>1</u>
		<hr/>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		5
b. Construction:		<u>8</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>1</u>
e. General:		<u>0</u>
f. Title V:		<u>1</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		2
b. Construction ¹ :		<u>22</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>0</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		<u>0</u>
2. On-going administrative cases:		
a. Pending:		7
b. Active:		<u>18</u>
c. Legal:		<u>3</u>
d. Tracking compliance (Administrative):		<u>13</u>
e. Inactive/Referred cases:		<u>0</u>
Total		<u>41</u>

3.	NOIs issued:	<u>2</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>0</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$376.00</u>
7.	Cases Closed:	<u>1</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>8</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>0</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>17</u>
E.	Open Burning Permits Issued:	<u>1</u>
F.	Number of Division of Forestry Permits Monitored:	<u>193</u>
G.	Total Citizen Complaints Received:	<u>47</u>
H.	Total Citizen Complaints Closed:	<u>50</u>
I.	Noise Sources Monitored:	<u>2</u>
J.	Air Program's Input to Development Regional Impacts:	<u>2</u>
K.	Test Reports Reviewed:	<u>36</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>3</u>
2.	Warning Notices Resolved:	<u>0</u>
3.	Advisory Letters Issued:	<u>6</u>
M.	AOR's Reviewed:	<u>14</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
November FY 2009**

	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>\$5,800.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$5,640.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$0.00</u>
4. Non-delegated permit revision for an air	<u>\$0.00</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$0.00</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$1,000.00</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>\$500.00</u>
8. Open burning authorization	<u>\$600.00</u>
9. Enforcement Costs	<u>\$0.00</u>

WASTE MANAGEMENT'S NOVEMBER 2008 AGENDA INFORMATION

ENFORCEMENT

New cases received	0
On-going administrative cases	110
Pending	2
Active	35
Legal	11
Tracking Compliance (Administrative)	48
Inactive/Referred Cases	14
NOI's issued	0
Citations issued	0
Consent Orders and Settlement Letters Signed	1
Civil Contributions to the Pollution Recovery Fund (\$)	\$4,750
Enforcement Costs collected (\$)	\$847
Cases Closed	1

SOLID AND HAZARDOUS WASTE

FDEP Permits received	2
FDEP Permits reviewed	0
EPC Authorization for Fac.'s NOT requiring DEP permit	1
Other Permits and Reports	0
County Permits received	0
County Permits reviewed	0
Reports received	24
Reports reviewed	35
Inspections (Total)	368
Complaints	11
Compliance/Reinspections	24
Facility Compliance	37
Small Quantity Generator	295
P2 Audits	1
Enforcement	
Complaints Received	11
Complaints Closed	17
Warning Notices Issued	1
Warning Notices Closed	1
Compliance letters	48
Letters of Agreement	1
Agency Referrals	0
Pamphlets, Rules and Material Distributed	96

STORAGE TANK COMPLIANCE

Inspections	
Compliance	60
Installation	15
Closure	9
Compliance Re-Inspections	6
Installation Plans Received	13
Installation Plans Reviewed	4
Closure Plans & Reports	
Closure Plans Received	8
Closure Plans Reviewed	5
Closure Reports Received	4
Closure Reports Reviewed	10
Enforcement	
Non-compliance Letters Issued	52
Warning Notices Issued	1
Warning Notices Closed	1
Cases referred to Enforcement	0
Complaints Received	5
Complaints Investigated	4
Complaints Referred	1
Discharge Reporting Forms Received	2
Incident Notification Forms Received	15
Cleanup Notification Letters Issued	2
Public Assistance	0

STORAGE TANK CLEANUP

Inspections	39
Reports Received	103
Reports Reviewed	87
Site Assessment received	19
Site Assessment reviewed	12
Source Removal received	2
Source Removal reviewed	2
Remedial Action Plans (RAP's) received	8
Remedial Action Plans (RAP's) reviewed	4
Site Rehab. Completion Order/No Further Action	8
Site Rehab. Completion Order/No Further Action	4
Active Remediation/Monitoring received	31
Active Remediation/Monitoring reviewed	23
Others received	35
Others reviewed	43

RECORD REVIEWS	20
LEGAL PIR's	12
PUBLIC INFORMATION PROJECTS	1

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	5
2. Enforcement Cases Closed:	3
3. Enforcement Cases Outstanding:	54
4. Enforcement Documents Issued:	3
5. Recovered costs to the General Fund:	\$ 180.00
6. Contributions to the Pollution Recovery Fund:	\$ 500.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. North A Street Condos	Placement of c/s in service without acceptance letter	\$ 500.00

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	11
c. Collection Systems-Dry Line/Wet Line:	14
d. Residuals Disposal:	0
2. Permit Applications Approved:	23
a. Facility Permit:	0
b. Collection Systems-General:	14
c. Collection Systems-Dry Line/Wet Line:	9
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:	38
	a. Facility Permit:	9
	b. Collection Systems-General:	9
	c. Collection Systems-Dry Line/Wet Line:	20
	d. Residuals Disposal:	0
7.	Permit Determination:	1
8.	Special Project Reviews:	0
	a. Reuse:	0
	b. Residuals/AUPs:	0
	c. Others:	0
C. INSPECTIONS - DOMESTIC		
1.	Compliance Evaluation:	11
	a. Inspection (CEI):	7
	b. Sampling Inspection (CSI):	4
	c. Toxics Sampling Inspection (XSI):	0
	d. Performance Audit Inspection (PAI):	0
2.	Reconnaissance:	37
	a. Inspection (RI):	5
	b. Sample Inspection (SRI):	0
	c. Complaint Inspection (CRI):	32
	d. Enforcement Inspection (ERI):	0
3.	Engineering Inspections:	29
	a. Reconnaissance Inspection (RI):	0
	b. Sample Reconnaissance Inspection (SRI):	0
	c. Residual Site Inspection (RSI):	1
	d. Preconstruction Inspection (PCI):	7
	e. Post Construction Inspection (XCI):	21
	f. On-site Engineering Evaluation:	0
	g. Enforcement Reconnaissance Inspection (ERI):	0
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL		
1.	Permit Applications Received:	3
	a. Facility Permit:	0
	(i) Types I and II	0
	(ii) Type III with Groundwater Monitoring:	0
	(iii) Type III w/o Groundwater Monitoring:	3
	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:	
a. Facility Permits:	0
b. General Permits:	0
4. Permitting Determination:	0
5. Special Project Reviews:	41
a. Phosphate:	4
b. Industrial Wastewater:	16
c. Others:	21

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation:	6
a. Inspection (CEI):	6
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	9
a. Inspection (RI):	5
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	4
d. Enforcement Reconnaissance Inspections (ERI):	0
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:	35
a. Domestic:	29
(i) Received:	15
(ii) Closed:	14
b. Industrial:	6
(i) Received:	2
(ii) Closed:	4

2. Warning Notices:	17
a. Domestic:	15
(i) Received:	7
(ii) Closed:	8
b. Industrial:	1
(i) Received:	1
(ii) Closed:	0
3. Non-Compliance Advisory Letters:	10
4. Environmental Compliance Reviews:	144
a. Industrial:	33
b. Domestic:	111
5. Special Project Reviews:	0

G. RECORD REVIEWS

1. Permitting:	12
2. Enforcement:	0

H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:

1. Air Division:	44
2. Waste Division:	0
3. Water Division:	14
4. Wetlands Division:	0
5. ERM Division:	128
6. Biomonitoring Reports:	6
7. Outside Agency:	25

I. SPECIAL PROJECT REVIEWS:

1. DRIs:	1
2. ARs:	1
3. Technical Support:	3
4. Other:	4

**EPC Wetlands Management Division
Backup AGENDA
November, 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
November 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
110	100%	99%

Formal Wetland Delineation Surveys

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
November 2008	7	79	29	2	0.27
Since April 2008	118	1814	329	68	12.95

Construction Plans Approved

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Impacts Approved Acreage	Impacts Exempt Acreage
November 2008	24	103	12	2.16	0.26	1.75
Since April 2008	188	314	78	18.56	25.24	18.04

Mitigation Sites in Compliance

196/206	95%
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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>
.50	.50	.25	15/18 (83%)

Compliance Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored
.80	0	.10

General

Telephone Conferences	Scheduled Meetings	Unscheduled Citizen Assistance
548	165	38

**WETLAND REPORT FOR REVIEW TIME 2008
(Overall Reviews)**

Month	# Of Reviews	% On Time	% Late
December			
November	297	99%	1%
October	367	99%	1%
September	292	98%	2%
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
November 2008**

A. General	Totals
1. Telephone Conferences	548
2. Unscheduled Citizen Assistance	38
3. Scheduled Meetings	165
4. Correspondence	253
B. Assessment Reviews	
1. Wetland Delineations	17
2. Surveys	22
3. Miscellaneous Activities in Wetland	21
4. Mangrove	4
5. Notice of Exemption	4
6. Impact/ Mitigation Proposal	10
7. Tampa Port Authority Permit Applications	36
8. Wastewater Treatment Plants (FDEP)	0
9. DRI Annual Report	1
10. On-Site Visits	121
11. Phosphate Mining	3
12. CPA	1
Planning Growth Management Review	
13. Land Alteration/Landscaping	2
14. Land Excavation	1
15. Rezoning Reviews	10
16. Site Development	27
17. Subdivision	13
18. Wetland Setback Encroachment	3
19. Easement/Access-Vacating	1
20. Pre-Applications	22
C. Investigation and Compliance	
1. Complaints Received	21
2. Warning Notices Issued	6
3. Warning Notices Closed	2
4. Complaint Inspections	39
5. Return Compliance Inspections	30
6. Mitigation Monitoring Reports	30
7. Mitigation Compliance Inspections	5
8. Erosion Control Inspections	14
9. MAIW Compliance Site Inspections	8
10. TPA Compliance Site Inspections	0
D. Enforcement	
1. Active Cases	25
2. Legal Cases	1
3. Number of "Notice of Intent to Initiate Enforcement"	0
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	3

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

6. Administrative - Civil Cases Closed	2
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$4,200.00
9. Enforcement Costs Collected	\$1,821.00

E. Ombudsman

1. Agriculture	2
2. Permitting Process	0
3. Rule Assistance	0
4. Staff Assistance	2
5. Miscellaneous/Other	0

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 11/30/08**

	<u>As of 11/30/08</u>
Beginning Fund Balance, 10/01/08	\$ 908,910
Interest Accrued	12,733
Deposits	76,771
Disbursements	(38,493)
Intrafund Budget Transfers to Project Fund	
Pollution Recovery Fund Balance	<u>\$ 959,921</u>
 Encumbrances:	
Pollution Prevention/Waste Reduction (101)	\$ 3,842
Artificial Reef Program	146,554
PRF Project Outreach	77,098
PRF Project Monitoring	30,860
Total Encumbrances	<u>\$ 258,354</u>
 Minimum Balance (Reserves)	 \$ 120,000
 Balance Available 11/30/08	 <u>\$ 581,567</u>

PROJECT FUND

	Project Amount	Project Balance
Open Projects		
FY 06 Projects		
COT Parks Dept/Cypress Point (97)	\$ 100,000	\$ 100,000
Bahia Beach Restoration (contract 04-03)	150,000	64,776
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
	<u>\$ 450,000</u>	<u>\$ 239,407</u>
FY 07 Projects		
Agr Pesticide Collection & Education Day	\$ 24,000	\$ 2,075
Tank Removal	25,000	2,870
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	4,581
Seawall Removal Cotanchobee Ft Brooke Park	100,000	100,000
Analysis of Bacteria & Beach Closures	125,000	10
Knights Preserve	35,235	11,614
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
	<u>\$ 1,041,662</u>	<u>\$ 704,894</u>
FY 08 Projects		
Australian Pine Removal E.G. Simmons Park	\$ 80,000	\$ 80,000
Restoration of MOSI	125,000	113,233
Invasive Plant Removal Egrmont Key	133,000	12,415
Lake Magdalene Special Disposition District	66,954	37,541
Testing Reduction of TMDL in Surface Water Flow	19,694	13,665
Assessing Bacteria Lake Carroll	101,962	101,962
Tampa Bay Nitrogen Consortium	5,000	200
	<u>\$ 531,610</u>	<u>\$ 359,016</u>

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
AS OF 11/30/08**

Fund Balance as of 10/1/08	\$ 241,187		
Interest Accrued	1,347		
Disbursements FY 09	-		
	<hr/>		
Fund Balance	\$ 242,534		
Encumbrances Against Fund Balance:		Start	Expiration
		Date	Date
SP627 Tampa Bay Scallop Restoration	\$ 115	8/29/03	12/31/07
SP636 Fantasy Island	8	1/20/05	12/31/07
SP634 Cockroach Bay ELAPP Restoration	242,411	3/10/05	1/31/08
	<hr/>		
Total Encumbrances	\$ 242,534		
	<hr/>		
Fund Balance Available 11/30/08	<u>\$ -</u>		



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 18, 2008

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

EPC LEGAL DEPARTMENT MONTHLY REPORT
December 2008

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [1]

Florida Gas Transmission Co., LLC [LEPC08-029]: On October 31, 2008 Florida Gas Transmission Company, LLC filed an application for an order granting a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline and compression facilities and to acquire pipeline facilities. On November 13, 2008 the EPC Board granted the Legal Dept. authority to intervene in the FERC certification process to protect the interests of Hillsborough County's environment. The EPC filed its motion to intervene on November 26, 2008. (RT/RM).

EXISTING ADMINISTRATIVE CASES [3]

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

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

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

RECENTLY RESOLVED ADMINISTRATIVE CASES 0]

B. CIVIL CASES

NEW CIVIL CASES [2]

Fuego Churrascaria Steakhouse Corp. [LEPC08-027]: On November 13, 2008, the EPC Board granted authority to take legal action against Respondent Fuego Churrascaria Steakhouse Corp. for violations of the Noise Rule, Chapter 1-10. On March 18, 2008 staff hand delivered a Citation to Cease and Order to Correct Violation. Respondent failed to respond and the Citation became final and is enforceable in Circuit Court. The EPC is preparing to file a lawsuit in this matter. (RM)

SJ Realty Group, LLC., SRJ Enterprises, LLC and Surinder Joshi [LEPC08-028]: On November 13, 2008, the EPC Board granted authority to take legal action against the Defendants for unresolved violations of several EPC Rules including the Waste Management Rule, Chapter 1-7, the Storage Tank Rule, Chapter 1-12, and the Water Quality Rule, Chapter 1-5. The EPC is preparing to file a lawsuit in this matter. (AZ)

EXISTING CIVIL CASES [16]

Adam Chowdhury [LEPC08-023]: Authority to take appropriate legal action against Adam Chowdhury for failure to comply with the terms of a Settlement Letter which the Respondent entered into to resolve a violation of EPC Waste Management Rule Chapter 1-7 was granted on September 18, 2008. The Respondent failed to make the agreed upon payment of \$1,550.00 in penalties and \$1,019.76 in costs to the EPC. The EPC is attempting to recover the money. (AZ)

Grace E. Poole and Michael Rissell [LEPC08-015]: Authority to take appropriate legal action against Grace E. Poole and Michael Rissell for failure to properly assess petroleum contamination in accordance with EPC and State regulations was

granted on June 19, 2008. The property owner and/or other responsible party are required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (AZ)

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

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

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. The restaurant/bar facility has been shut down and the owners vacated the business in April 2008; as no activity has restarted, the Air Division and Legal have decided to close the case. (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)

Rusty's Pallet Services, Inc. [LEPC07-019]: On June 21, 2007 authority was granted to take appropriate action against Rusty's Pallet Services, Inc. to compel compliance with the Rules of the EPC regarding an ongoing dust nuisance caused by the business activities and to seek appropriate penalties and administrative costs. The facility shut-down, but penalties were still due under the Consent Order. In March of 2008 an amendment to the Consent Order was executed and the legal matter was presumed resolved, but the facility has not complied with the new payment plan in the Consent Order, thus the legal case is re-activated as of September 10, 2008, and the EPC will prepare a complaint. (RM)

Mary Elizabeth Lewis and Jerry Arien 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. An Order Dismissing the Chapter 13 Bankruptcy case was issued by the Court on 10/03/08. This case is closed. (AZ)

C. OTHER OPEN CASES [8]

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

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

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

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

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

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

Cory Packaging, Inc d/b/a Master Packaging [LEPC08-024]: On October 15, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operation Permit issued to them by the EPC on October 6, 2008. The Legal Department granted the request for extension of time and the Petitioner has until December 22, 2008, to file a petition in this matter. On October 29, 2008, the Petition asked that the extension be extended until February 28, 2009, due to the need for testing of the facility. The Legal Department determined that good cause was demonstrated and granted the extension until February 28, 2008 (RM)

Lazzara Yachts of North America, Inc. [LEPC08-025]: On November 3, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Construction Permit issued to them on October 22, 2008. The Legal Department granted the request for extension of time and the Petitioner shall have until December 22, 2008 to file a petition in this matter. (RM)

Lazzara Yachts of North America, Inc. [LEPC08-026]: On November 3, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operating Permit issued to them on October 22, 2008. The Legal Department granted the request for extension of time and the Petitioner shall have until December 22, 2008 to file a petition in this matter. (RM)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 18, 2008

Subject: Request authority to take appropriate legal action against Scott Grantham.

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

Division: Water Management Division

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

Brief Summary: EPC is seeking to enforce the terms of Consent Order 07-2858DW with Scott Grantham, a certified wastewater treatment plant operator, wherein Mr. Grantham was to make monthly payments to EPC for civil penalties and costs associated with failing to maintain wastewater treatment plant records as required to show compliance with the EPC Act and EPC Rule 1-1.04(1).

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: EPC entered into Consent Order 07-2858DW with Scott Grantham, a State-certified wastewater treatment plant operator, on January 15, 2008, for violations concerning the failure to maintain wastewater treatment plant records as required to show compliance with the EPC Act and EPC Rule 1-1.04(1). Under the Consent Order terms, Mr. Grantham was to take a continuing education unit (CEU) course in ethics and to make 12 monthly payments of \$100 each beginning February 1, 2008, to EPC to reimburse EPC's costs of \$599 and a civil penalty of \$601. The Consent Order also allowed for any unpaid balance to become immediately due and owing to EPC if Mr. Grantham failed to timely make an agreed payment. As of December 4, 2008, Mr. Grantham completed the CEU work and has made six payments totaling \$600, but has failed to make any of the five payments since August 1, 2008. EPC staff informed Mr. Grantham of missed payment(s) on August 6 and 22, 2008, October 23 and 30, 2008, and attempted service via certified mail dated September 4, 2008, which was returned to EPC as unclaimed. Additionally, EPC staff informed Mr. Grantham that failure to pay to EPC the remaining \$600 balance may result in EPC pursuing this amount through litigation, during which costs and penalties may increase. EPC has not received a response from Mr. Grantham or a representative since his last payment on June 13, 2008.

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



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 18, 2008

Subject: Request authority to take appropriate legal action against Michael Robilotta, owner and operator of the Old Estates Mobile Home Park.

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

Division: Water Management Division

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

Brief Summary: EPC is seeking to enforce the terms of a Citation to Cease and Order to Correct Violation dated July 28, 2008, issued to Michael Robilotta, owner of the Old Estates Mobile Home Park located at 12414 S. US Highway 41, folio number 050767-0000, in Hillsborough County, for failing to properly operate and maintain on-site treatment systems ("OSTDSs" or "septic tank systems") so as to cause or allow untreated or partially treated domestic wastewater to the ground and/or surface waters of the State.

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: EPC issued Citation to Cease and Order to Correct Violation 06-3754DW (the "Citation") to Michael Robilotta as owner of the Old Estates Mobile Home Park, a 12-unit park located at 12414 S. US Highway 41, folio number 050767-0000, in Hillsborough County, on July 28, 2008, and after Mr. Robilotta failed to claim the Citation via certified mail, EPC staff posted it on-site on August 26, 2008. The Citation alleged Mr. Robilotta violated the EPC Act, and EPC Rules 1-1.06, 1-1.07, and 1-5.02, by failing to properly operate and maintain at least three OSTDSs and allowing unpermitted discharges of domestic wastewater as evidenced by the following: On August 7, 2007, Unit 3 was discharging untreated domestic wastewater to an estuary that empties into Tampa Bay; on June 12 and 30, 2008, a washing machine adjacent to Unit 5 discharged wastewater to the estuary; untreated domestic wastewater discharges from various OSTDSs to the ground on January 31, 2007, August 7 and 8, 2007, September 7, 2007, October 3, 2007, October 11 and 31, 2007, November 5, 2007, January 15, 2008, April 14, 2008, and June 12 and 30, 2008.

The Citation included Orders to Correct requiring: the immediate cessation of all unpermitted domestic wastewater discharges; the immediate need to inspect the integrity of all units' wastewater piping; the need to have all OSTDSs inspected by a licensed septic tank contractor and report the results to EPC/HCHD within 30 days, and; to be in compliance with all applicable

wastewater rules by October 31, 2008. Mr. Robilotta failed to respond to the Citation and it became a final findings of fact, laws, and corrective measures on or about September 15, 2008. EPC also offer a consent order to Mr. Robilotta on November 3, 2008, to which EPC staff did not receive a response.

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



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 18, 2008

Subject: Sabal Park Second Floor North, Revised Build-Out Proposal

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

Division: Environmental Resources Management

Recommendation: Informational Report

Brief Summary: Build-out of the 2nd Floor North at the Roger Stewart Complex, Sabal Park, was funded at \$155,000. In light of staffing reductions at EPC, project has been significantly down-sized to primarily focus on network services functions and much less funds are required to complete. With Board concurrence, EPC staff will continue coordination with Architectural Services, Real Estate Department, to complete build-out project.

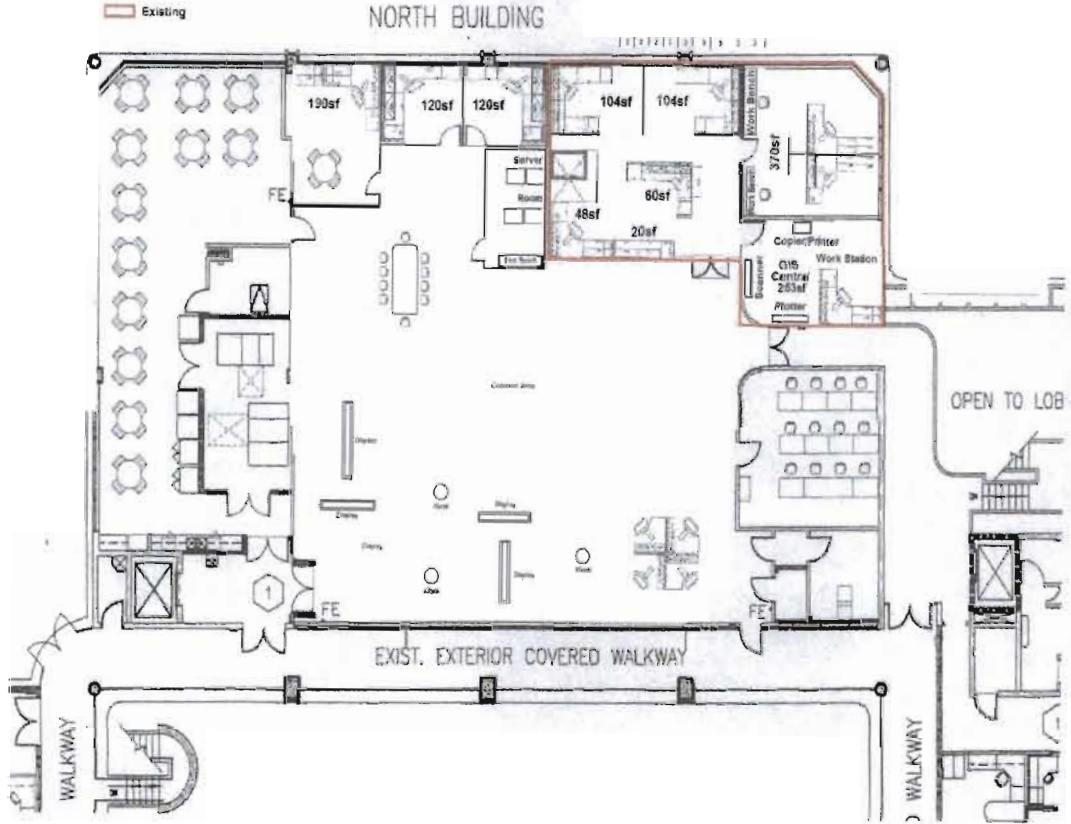
Financial Impact: Financial Impact to CP70035604 Fund, "New Roger Stewart Complex" is estimated at \$60,000 to be paid out of existing funds. No additional funds required.

Background: EPC initiated relocation of offices from Ybor City to the Roger Stewart Complex, Sabal Park, in 2004. The major build-out projects to facilitate this move were: a storage building to house EPC watercraft and trailers and ambient monitoring support equipment; build-out of the environmental laboratories (chemistry and benthic) in the 1st Floor North Building; and build-out of the 2nd Floor North Building. The storage building was completed in 2007, the environmental laboratories were completed in 2008, and a partial completion of 2nd Floor North was completed in 2008. Due to staff reductions, the full build out of the 2nd Floor North was significantly down-sized, and now reflects construction of a dedicated server room to house the agency computer server systems, three offices to accommodate ERM Division staff, and the re-location of the agency Geographic Information System staff and equipment to the 2nd Floor North Building.

Build-out of the 2nd Floor North at the Roger Stewart Complex, Sabal Park, was originally funded at \$155,000. In light of staffing reductions at EPC, project has been significantly down-sized, and much less funds are required to complete. With Board concurrence, EPC staff will continue coordination with Architectural Services, Real Estate Department, to complete build-out project. Financial Impact to CP70035604 Fund, "New Roger Stewart Complex" is estimated at \$60,000 to be paid out of existing funds. No additional funds required.

List of Attachments: Discussion Draft Floor Plan of Revised Build-Out

Second Floor NORTH BUILDING





EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 18, 2008

Subject: Legislative Eco-Tour Review

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

Division: Executive

Recommendation: No recommendations-Information only

Brief Summary: Dr. Garrity will present a brief review of the Legislative Eco-Tour

Financial Impact: No Financial Impact

Background: Dr. Garrity will make a brief 5 or 10 minute presentation using powerpoint slides to summarize the Legislative Eco-Tour held at EPC on December 4, 2008.

List of Attachments: 1 attachment Eco- Tour Slide

ANNUAL EPC LEGISLATIVE DELEGATION ECO-TOUR

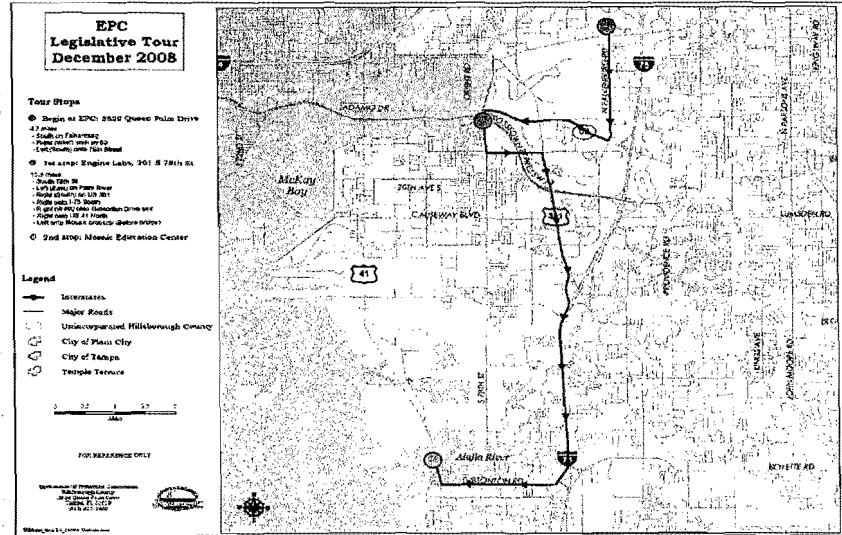
December 4, 2008

AGENDA

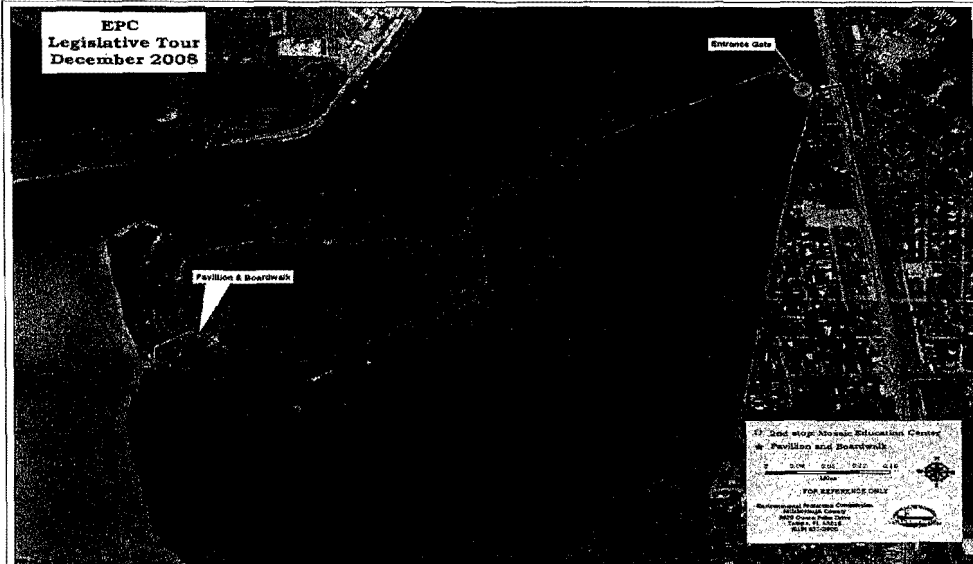
**8:30 – 9:00 Open House at EPC – RPS Center, Sabal Park:
Energy Efficiency Display and Lab Tour**

**9:15 – 9:45 Tour "Green Star" Facility:
*Engine Lab of Tampa, Inc.***

**10:00 – 11:00 Tour Mosaic Coastal Education Center:
Air and Water Quality Monitoring Demo
Visit Habitat Restoration Project –
*Rich Paul Island Sanctuaries, Alafia River***



Mosaic Environmental Education Center





EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 18, 2008

Subject: Egmont Key

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

Division: Executive Director's Report / ERM

Recommendation: Authorize staff to draft a letter to the Governor and Legislature expressing support for the continued funding of the FDEP staff management on Egmont Key.

Brief Summary: In order to comply with Governor Crist's mandate to reduce the state budget for FY09-10, the Florida Department of Environmental Protection's Division of Recreation and Parks proposes to return management of Egmont Key to the federal government. This action could have many implications for the citizens and environmental resources of Hillsborough County.

Financial Impact: No Financial Impact at This Time

Background:

In order to comply with Governor Crist's mandate to reduce the state budget for FY09-10, the Florida Department of Environmental Protection's Division of Recreation and Parks proposes to return management of Egmont Key to the federal government. This action could have many implications for the citizens and environmental resources of Hillsborough County. The island is currently co-managed by the United States Fish & Wildlife Service, the Florida Department of Environmental Protection, and the United States Coast Guard. The FDEP / Florida Park Service staff is currently the only permanent presence on the island with law enforcement capability. Loss of this resident presence could have serious implications for the historical and natural resources of Hillsborough County. Staff recommends drafting a letter of support to the Governor and Legislature for continued funding of the FDEP management of Egmont Key.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 18, 2008

Subject: Florida Consumer Fertilizer Program and Tampa Bay Estuary Program (TBEP)
“Model Ordinance”

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

Division: Environmental Resources Management

Recommendation: Approve actions in support of TBEP “Model Ordinance”, to wit:

- a. Refer to County Administrator for BOCC Consideration
- b. Joint EPC and County Staff to Initiate Workshops on Model Ordinance to Develop Input from Stakeholders
- c. EPC Staff to Support TBEP Regional Coordination Process
- d. EPC Staff to Develop Quarterly Progress Report for EPC Board Information/Action

Brief Summary: EPC and TBEP staff will provide a brief update on recent developments concerning urban fertilizer use including the final report of the Florida Consumer Fertilizer Task Force; action in the 2008 Legislature session; and recent activity by the Tampa Bay Estuary Program.

Financial Impact: No Financial Impact at present.

Background:

FDACS Rulemaking. At the direction of the Governor’s office, the Florida Department of Agriculture and Consumer Services (FDACS) took action to revise fertilizer content standards (reduce nitrogen and phosphorus) for use in “consumer/urban turf” settings. These new rules were developed in cooperation with manufacturers and the Institute of Food and Agricultural Science (IFAS). The Urban Turf Fertilizer Rule was promulgated by FDACS on August 30, 2007, with an effective date of December 31, 2007. The purpose of the new fertilizer rules, mainly through mandatory reformulation of fertilizers and improved instructions and guidelines in labeling, was to lessen the threat for fertilizers as a potential source for water pollution on a state-wide scale

Fertilizer Task Force. The Florida Consumer Fertilizer Task Force was created by the Florida Legislature on July 1, 2007, The Task Force was comprised of thirteen appointed members representing local governments, fertilizer industry, water management districts, FDACS, IFAS, and the environmental community. The Task Force held a series of six open workshops around the state, and has completed its work by presenting a final report to the Legislature on January 15, 2008. Among a series of other recommendations (see Attachment 1), the final report

recommended creation of a state model ordinance for local governments to use regarding fertilizer application, but that local governments maintain their authority to adopt local ordinances for fertilizer use that are stricter than the state model ordinance, if justified by local water quality conditions. Basically, local governments can add more stringent provisions to the model ordinance or create an entirely more stringent rule, but only if they can show they have an impaired water, they already have an more stringent ordinance adopted as part of a BMAP initiative, or if the Environmental Regulatory Commission deems that the more stringent provision is based on sound science.

2008 Legislative Session. Many of the Florida Consumer Fertilizer Task Force's recommendations were memorialized with changes in Senate Bill 2352. The bill proposed creating the "Protection of Urban and Residential Environments and Water Act." The bill would have required all local governments to adopt the "Florida Friendly Fertilizer Use on Urban Landscapes Model Ordinance" (found in the task force final report) by October 1, 2008. The only exception is if the local government has a rule in place prior to July 1, 2008, then they are grandfathered. Additionally, the bill also established a limited certification category for commercial fertilizer application under the FDACS that required one to be educated on fertilizer application, turf types, water quality issues, irrigation issues, pesticides, and local ordinance compliance. There were provisions for fees and disciplinary action.

The bill differed from the Task Force report, in that the bill mandated adoption of the model ordinance, as opposed to the Task Force proposal to require the use of the model rule only if a local government chooses to adopt any fertilizer rules. Senate Bill 2352 died in the Committee on Community Affairs.

Tampa Bay Estuary Program. The TBEP proposed to take a lead role in developing regional guidelines for all the Tampa Bay local governments to consider. At the March 20, 2008, EPC Board meeting, the Board endorsed a letter of support to the TBEP on behalf of that effort (Attachment 2) At the request of its Policy Board, the TBEP staff coordinated four workshops on residential fertilizer use guidelines from April 8 – June 10, 2008. From those workshops, a Model Ordinance for the Tampa Bay area was developed. See the TBEP Letter of Transmittal (Attachment 3) and the Model Ordinance (Attachment 4) for details. In summary, the Model Ordinance proposes:

- a. Training and Regional Certification of Commercial and Institutional Fertilizer Applicators;
- b. Restricted Season for Fertilizer Application;
- c. Fertilizer-Free Zones;
- d. Low Maintenance Zones;
- e. Best Management Practices;

Among other recommendations and details.

List of Attachments:

1. Summary of Florida Consumer Task Force Recommendations
2. Letter of support to the Tampa Bay Estuary Program
3. TBEP Letter of Transmittal
4. TBEP "Model Ordinance"
5. Sample of Summer Safe Product blend

Key recommendations adopted by the Legislature's Task Force include:

1. Support for the current DACS labeling requirements for urban turf fertilizers, Rule 5E-1.003(2), and that the Rule serve as the statewide guideline for formulations, with the understanding that the rule will be reviewed and revised based on updated science by December 31, 2012.
2. Expansion of the Limited Commercial Landscape Maintenance (LCLM) certification established in Chapter 482, F.S. and additional authority to require all commercial applicators to have an appropriate certification based on modifying existing LCLM to include fertilizer best management practices (BMP's) and by adding BMP's and updates to continuing education requirements. In addition, the Task Force recommended that the Legislature modify Chapter 482 to authorize DACS to require limited certification for those who only apply fertilizer commercially (a new "Limited Commercial Fertilizer Applicator Certification" LCFAC). The Task Force recognized that the existing Green Industry BMP training network, including DEP, IFAS, industry and private training providers could conduct the training necessary for obtaining this new certification.
3. A model ordinance concerning the use of nonagricultural fertilizer for use by local governments who choose to adopt an ordinance as directed by the Legislature. The Task Force recommended that Local Governments can adopt additional or more stringent provisions to the model ordinance provided the local government can demonstrate they meet at least one of the following criteria:
 - They have verified impaired waters and are facing existing or possible Total Maximum Daily Loads (TMDL) requirements (under state and federal laws); or
 - They have verified harm to human health or harm to the environment that warrants additional consumer fertilizer requirements; or
 - That they will improve water quality or prevent future impacts of consumer fertilizers on the environment.
4. Support of public education regarding fertilizer use based on six best practices for lawn care elements developed by the Institute of Food and Agricultural Sciences (IFAS), as well as a set of supplemental landscape management tips. The six best practices are:
 - Choose a fertilizer designed for lawns.
 - Apply fertilizer when grass is actively growing.
 - Apply fertilizer to the lawn and keep off other surfaces and away from water.
 - Mow lawn at highest lawnmower setting.
 - Use water wisely through proper irrigation.
 - Spot treatments for pests and weed problems.
5. Continued support of ongoing research projects on consumer fertilizer management, and support for future research on "real-world" assessment of fertilizer nutrient leaching and runoff from existing urban residential lawns, assessment of nutrient leaching and runoff from ground cover, native landscapes, and other alternative landscapes, and a mass balance or "box model" study to assess the ultimate sinks, fate and chemical transformations of N and P in turf, soil, and shallow groundwater systems. The Task Force recommended that the Legislature direct the DACS Best Management Practices Research Extension Coordinating Committee (BRECC) to address the research recommendations from the Task Force.
6. A dedicated source of funding be provided for education and training initiatives that address the appropriate application of consumer fertilizers, and that the Florida Legislature authorize DACS to increase the tonnage fee on the sale of nitrogen and phosphorus up to \$1.00 per ton, with the recommendation that DACS will determine the exact amount of the increase, not to exceed \$1.00/ton, by conducting a rule making initiative with affected interests. The Task Force recommends that an amount of money equal to or greater than the percent of sales of consumer fertilizers be used for funding consumer fertilizer training and education initiatives. Following a unanimous adoption of the draft recommendations at the January 11, 2008 meeting, the Task Force authorized DACS to transmit this Final Report and adjourned. Information on the meetings, deliberations, public comments submitted, and support documents can be found at <http://consensus.fsu.edu/Fertilizer-Task-Force/index.html>.

COMMISSION
Bryan Bizer
Rose V. Farrell
Ken Hogan
Al Higginbotham
Jan Nunez
Mark Sharpe
Kevin White



Steger J. Stewart Center
1000 Green Palm Dr. • Tampa, FL 33609
PH: 813 637 2600
Fax Numbers (813):
Admin: 637-2620 Waste: 637-2641
Legal: 637-3002 Planning: 637-2640
Water: 637-2670 ERM: 637-2174
Air: 637-2660 Lab: 372 9157

April 3, 2008

Executive Director
Richard D. Gerrity, Ph.D.

Ms. Deborah Getzoff, Chair
Tampa Bay Estuary Program Policy Board
100 8th Avenue Southeast
St. Petersburg, Florida 33701

Dear Ms. Getzoff:

Subject: Participation of the EPC in the TBEP's Workshops on Developing Guidelines for Fertilizer Use in the Region

As a member of the Technical Advisory Committee and Management Board for the Tampa Bay Estuary Program (TBEP), the Environmental Protection Commission of Hillsborough County (EPC) fully supports the Policy Board's recent decision for the TBEP to facilitate a series of workshops to develop technically-based guidelines for residential fertilizer use throughout the Tampa Bay region.

A growing body of information on impaired waters throughout the state, including many in watersheds flowing into Tampa Bay, confirms that nutrient pollution is a major concern in maintaining state water quality standards. At the EPC we recognize that the constituents in residential fertilizer can be carried to natural waterbodies in runoff from residential yards. Fertilizer use in residential areas is therefore an important consideration when looking at ways to possibly lessen the sources for nutrient pollution in natural water bodies.

Developing a consistent set of guidelines and educational materials for local governments, citizens, and lawn care professionals to use for protection of our natural waterbodies can be of great value to the various local governments in the Tampa Bay region, and to the bay and its watersheds.

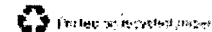
The EPC looks forward to contributing to the effort, particularly in the area of education and outreach, which we believe will be critical components to the long-range success of maintaining clean water in the Tampa Bay area.

Sincerely,


Commissioner Al Higginbotham
EPC Chairman

cc: Richard Gerrity, PhD, Executive Director, EPC
Holly Greening, Executive Director, TBEP
EPC Board Members

www.epcnc.org
E-Mail: epinfo@epcnc.org
AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER





TO: Tampa Bay Estuary Program Policy Board Members
FROM: Holly Greening, TBEP Executive Director
RE: Letter of Transmittal
DATE: November 25, 2008
CC: TBEP Management Board members

Attached is the finalized Model Ordinance Regulating Non-Agricultural Fertilizer Use in the Tampa Bay Region, incorporating the revisions you recommended and approved at the November 14, 2008 meeting. Chief among the changes resulting from that meeting are:

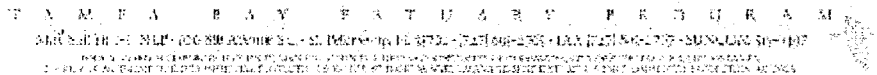
- The addition of Point-of-Sale restrictions prohibiting retail sale of Nitrogen and Phosphorous fertilizers for lawns and landscape plants from June 1-Sept. 30 of each year;
- Deletion of the exemption allowing use of deflector shields on broadcast spreaders to apply fertilizer as close as 3 feet from a water body;
- The addition of Institutional and Government Applicators among those required to obtain certification and training in Best Management Practices, and;
- Deletion of criminal penalties for violating the ordinance.

Additional wording changes and modification of definitions, per your recommendations, also have been incorporated in the final Model Ordinance.

Implementation of this ordinance could reduce nitrogen loadings to Tampa Bay by as much as 84 tons per year, assuming a moderate level (50%) of compliance. This could be a significant factor in our collective efforts to meet new federal and state regulatory limits on nitrogen loadings to the bay.

Additionally, since the cost of removing nitrogen from the bay through stormwater treatment projects ranges from \$40,000-\$200,000 per ton (according to the treatment method used), preventing the introduction of nitrogen through fertilizer restrictions could result in a substantial cost savings to local governments.

The following table summarizes both the expected nitrogen reductions for the portion of your community within the Tampa Bay watershed, as well as the potential cost savings.



**Estimated Nitrogen Reductions to Tampa Bay and
Cost Savings with Moderate (50%) Compliance
with the Model Fertilizer Ordinance**

COMMUNITY	NITROGEN REDUCTION	COST SAVINGS
Hillsborough County (unincorporated areas only)	30 tons	\$1.2-\$6.0 Million
Manatee County (unincorporated areas only)	8 tons	\$320,000-\$1.6 Million
Pinellas County (unincorporated areas only)	6 tons	\$240,000-\$1.2 Million
Clearwater (area within Tampa Bay watershed only)	1.5 tons	\$60,000-\$300,000
St. Petersburg	7 tons	\$280,000-\$1.4 Million
Tampa	8 tons	\$320,000-\$1.6 Million

Information from your staff related to existing costs for nitrogen removal associated with stormwater treatment projects reinforce the potential cost-benefits of preventing nitrogen from entering Tampa Bay and other surface waters. For example:

- The City of St. Petersburg is currently spending \$100,000 per year for an alum treatment system to remove 4 tons of nitrogen annually from Lake Maggiore. This project's total capital cost is \$20 million.
- Pinellas County is investing nearly \$10 million in capital funds to remove 7.6 tons of nitrogen from Lakes Tarpon and Seminole – a per ton cost of nearly \$50,000 per ton. The annual Operation and Maintenance cost of these stormwater treatment systems is estimated at almost \$600,000. In the case of Lake Tarpon, studies have shown that lawn fertilizers contribute nearly 80 percent of the excess nitrogen.
- Hillsborough County expects to spend \$2.7 million to design a stormwater treatment system to remove about 1.5 tons of nitrogen annually from runoff flowing to the Alafia River.

Thank you for entrusting the Tampa Bay Estuary Program with the important task of facilitating development of this Model Ordinance for consideration by your governments. I would be happy to give a presentation on the ordinance, and the supporting technical information, to your boards. This strong ordinance promotes regional consistency in licensing of lawn care professionals and education and compliance of homeowners, and represents a potentially significant contribution toward our mutual goal of a healthy Tampa Bay.

Model Ordinance

ORDINANCE NO. _____
CLEAN WATER COUNTY FERTILIZER USE AND APPLICATION CODE

AN ORDINANCE REGULATING THE USE OF FERTILIZERS CONTAINING NITROGEN AND/OR PHOSPHORUS WITHIN CLEAN WATER COUNTY; PROVIDING FOR ENFORCEMENT AND PENALTY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, INCLUDING AN IMPLEMENTATION PERIOD.

WHEREAS, surface water runoff leaves residential neighborhoods, commercial centers, industrial areas, and other lands of Clean Water County with low permeability soils; and

WHEREAS, base flow runoff flows from residential neighborhoods, commercial centers, industrial areas, and other lands of Clean Water County with high permeability soils; and

WHEREAS, surface water and baseflow runoff enter into natural and artificial stormwater and drainage conveyances and natural water bodies in Clean Water County; and

WHEREAS, Clean Water County's natural and artificial stormwater and drainage conveyances regulate the flow of stormwater to prevent flooding; and

WHEREAS, this ordinance is part of a multi-pronged effort by Clean Water County to reduce nutrient leaching into runoff through such policies as, but not limited to, stormwater management, water conservation, conversion from septic systems to central sewage treatment, public education, and development standards as set forth in the Clean Water County Land Development Regulations; and

WHEREAS, the detrimental effects of nutrient-laden runoff are magnified in a coastal community such as Clean Water County, due to the proximity of stormwater and drainage conveyances to coastal and estuarine waters; and

WHEREAS, nutrients are commonly found in various forms as a Fertilizer for turf and landscape application and if applied improperly, may contribute to pollution in natural water bodies; and

WHEREAS, nutrient-laden runoff containing nitrogen and phosphorous fosters undesirable plant and algae growth in natural water bodies resulting in poor water quality; and

WHEREAS, the quality of our streams, lakes, rivers, Tampa Bay and the Gulf of Mexico is critical to environmental, economic, and recreational prosperity and to the health, safety, and welfare of the citizens of Clean Water County; and

WHEREAS, the amount of Fertilizer applied should be the minimum necessary for the turf and landscape to meet initial establishment and subsequent growth needs; and

WHEREAS, it is generally recognized that many Florida soils are naturally high in phosphorus; and Model Regional Fertilizer Ordinance

WHEREAS, state and federal limits on the amount of nutrients permitted in designated impaired waters, including significant portions of the Tampa Bay ecosystem, may require local governments to make significant investments in water quality improvement projects;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CLEAN WATER COUNTY, FLORIDA:

ARTICLE _____. FERTILIZER USE AND APPLICATION

SECTION 1. This Ordinance establishes and enacts Ordinance No. _____ as codified in Sections _____ through _____ of the Clean Water County Code

Findings of Fact

As a result of adverse impacts to Clean Water County waters caused by excessive nutrients resulting from the incorrect or unnecessary application of fertilizers containing phosphorus and/or nitrogen, the Clean Water County (Board of County Commissioners or City Council) has determined that the lands and waters of Clean Water County are at particularly high risk for adverse effects to surface and ground water from such fertilizer containing phosphorus/nitrogen not applied in accordance with best management practices established by the Florida Department of Environmental Protection and the University of Florida Institute of Agricultural Sciences.

SECTION 3. Section No. _____ of the Clean Water County Code is hereby restated as follows:

SECTION _____. Short Title.

This Article is referred to as the "Clean Water County Fertilizer Use and Application Code."

SECTION 4. Section No. _____ of the Clean Water County Code is hereby restated as follows:

SECTION _____. Purpose and Intent.

This Ordinance regulates the proper use of Fertilizers by any Applicator and requires proper training of Commercial and Institutional Fertilizer Applicators by establishing a Restricted Season for fertilizer application, fertilizer-free zones, low maintenance zones, exemptions, training and licensing requirements. The Ordinance requires the use of Best Management Practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of Fertilizers. These secondary and cumulative effects have been observed in and on Clean Water County's natural and artificial stormwater and drainage conveyances, rivers, lakes, canals, estuaries, interior freshwater wetlands, and Tampa Bay. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of Clean Water County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and artificial stormwater and drainage conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in Fertilizer, will help improve and maintain water and habitat quality.

SECTION 5. Section No. _____ of the Clean Water County Code reads:

SECTION _____. Definitions.

For this Article, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

"Administrator" means the Clean Water County Administrator, or an administrative official of Clean Water County government designated by the County Administrator to administer and enforce the provisions of this Article.

"Application" or "Apply" means the actual physical deposit of Fertilizer to Turf or Landscape Plants.

"Applicator" means any Person who applies Fertilizer on Turf and/or Landscape Plants in Clean Water County.

"Article" means Chapter ____, Article ____ of the Clean Water County Code of Ordinances, as amended, unless otherwise specified.

"Board" means the Board of County Commissioners of Clean Water County, Florida.

"Best Management Practices" means turf and landscape practices which minimize the negative environmental impacts of installation and maintenance of landscapes.

"Code Enforcement Officer, Official, or Inspector" means any designated employee or agent of Clean Water County whose duty it is to enforce codes and ordinances enacted by Clean Water County.

"Commercial Fertilizer Applicator" means any Person who applies Fertilizer on Turf and/or Landscape Plants in Clean Water County in exchange for money; goods, services or other valuable consideration.

"Fertilize," "Fertilizing," or "Fertilization" means the act of applying Fertilizer to Turf, specialized Turf, or Landscape Plants.

"Fertilizer" means any substance or mixture of substances, including pesticide/fertilizer mixtures such as "weed and feed" products, that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

"Institutional Applicator" means any Person, other than a non-commercial or commercial Applicator (unless such definitions also apply under the circumstances), that applies Fertilizer for the purpose of maintaining turf and/or landscape Plants. Institutional Applicators shall include, but shall not be limited to, owners and managers of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

"Landscape Plant" means any native or exotic tree, shrub, or groundcover (excluding turf).

"Low Maintenance Zone" means an area a minimum of six (6) feet wide adjacent to water courses which is planted with non-turf grass vegetation and managed in order to minimize the need for fertilization, watering, mowing, etc.

"Pasture" means land used for livestock grazing that is managed to provide feed value.

"Person" means any natural Person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

"Restricted Season" means June 1st through September 30th.

"Clean Water County Approved Best Management Practices Training Program" means a training program approved by the Clean Water County Administrator that includes at a minimum, the most current version of the "*Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002*," as revised and the more stringent requirements set forth in this Article.

"Specialized Turf Manager" means a Person responsible for Fertilizing or directing the Fertilization of a golf course or publicly owned athletic field.

"Surface Water" means fresh, brackish, saline or tidal waters, including but not limited to bays, rivers, lakes, streams, wetlands, springs, impoundments, canals and other artificial water bodies.

"Turf," "Sod," or "Lawn" means a piece of grass-covered soil held together by the roots of the grass.

SECTION 6. Section No. _____ of the Clean Water County Code is hereby amended to read as follows:

SECTION _____. Applicability.

This Ordinance shall be applicable to and shall regulate any and all applicators of Fertilizer and areas of application of Fertilizer within the jurisdiction of Clean Water County, unless such applicator is specifically exempted by the terms of this Ordinance from the regulatory provisions of this Ordinance. This Ordinance shall be prospective only, and shall not impair any existing contracts.

SECTION 7. Section No. _____ of the Clean Water County Code reads as follows:

SECTION _____. Timing of Application.

No applicator shall Apply Fertilizers containing nitrogen and phosphorous to Turf and/or Landscape Plants during the Restricted Season.

SECTION 8. Section No. _____ of the Clean Water County Code reads as follows:

SECTION _____. Fertilizer Content and Application Rate.

(a) It is recommended that no fertilizer containing phosphorus be applied to Turf and/or Landscape Plants within Clean Water County at any time unless a soil test conducted by a licensed professional demonstrates a phosphorus deficiency and the type of landscape material that is intended to be planted require phosphorus.

(b) No nitrogen fertilizer shall be applied on newly established turf for the first 30 days.

(c) Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary, following the recommendations contained in the *Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002*.

SECTION 9. Section No. _____ of the Clean Water County Code hereby reads as follows:

SECTION _____. Impervious Surface

Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces. Any Fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to Turf or any other legal site, or returned to the original or other appropriate container. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or surface waters.

SECTION 10. Section No. _____ of the Clean Water County Code is hereby amended to read as follows:

SECTION _____. Fertilizer-Free Zones.

Fertilizer shall not be applied within ten (10) feet of any surface water, or from the top of a seawall. If more stringent Clean Water County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations.

SECTION 11. Section No. _____ of the Clean Water County Code is hereby amended to read as follows:

SECTION _____. Low Maintenance Zone.

A voluntary six (6) foot low-maintenance, “no-mow” zone is strongly encouraged, but not mandated, from any above-described surface water or from the top of a seawall to reduce the potential for fertilizer residue entering such water bodies and wetlands. If more stringent Clean Water County Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No vegetative material shall be deposited or left remaining in this zone or water. Care should be taken to prevent the overspray of aquatic weed products in this zone.

SECTION 12. Section No. _____ of the Clean Water County Code reads as follows:

SECTION _____. Management of Grass Clippings and Vegetative Material

In no case shall grass clippings, vegetative material, and/or vegetative debris either intentionally or accidentally, be washed, swept, or blown off into stormwater drains, ditches, conveyances, surface waters, or roadways.

SECTION 13. Section No. _____ of the Clean Water County Code reads as follows:

SECTION _____. Exemptions.

The provisions set forth above in Section Nos. 54-1025 through 54-1031 of this Ordinance shall not apply to:

(a) Golf courses. For all golf courses, the provisions of the Florida Department of Environmental Protection (FDEP) document, *"BMPs for the Enhancement of Environmental Quality on Florida Golf Courses, January 2007,"* as updated, shall be followed when applying fertilizer to golf courses. All other Specialized Turf Managers shall apply the concepts and principles embodied in the *"Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002"* while maintaining the health and function of their turf and landscape plants; and

(b) bona fide farm operations as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes.

(c) The provisions set forth above in Section 54-1025 through 54-1031 of this Article shall not apply to other properties not subject to or covered under the Florida Right to Farm Act that have Pastures used for grazing livestock.

SECTION 14. Section _____ of the Clean Water County Code reads as follows:

SECTION _____. Certification and Training.

(a) All Site Supervisors and managers of professional lawn care companies, as well as government and institutional landscape supervisors, shall abide by and successfully complete a County approved Best Management Practices training program within one-hundred eighty (180) days of adoption of this ordinance. This training shall include the most current version of the *"Florida Green Industries Best Management Practices for Protection of Water Resources in Florida, June 2002,"* as revised and shall include the more stringent requirements set forth in Sections _____ through _____ of this Article. Upon successful completion, a Certificate of Completion will be provided. A list of approved training programs shall be maintained by County on the County Fertilizer Management website.

(b) Employees of lawn and landscape maintenance companies who are not site supervisors or managers shall also be trained in the above-referenced BMPs by the company or a contractor of the company within ninety (90) days of being employed by the company; the training shall include but not be limited to, proper mowing, proper fertilization practices, mulching, and debris removal. Such training may be provided by a BMP-certified site supervisor or manager employed by the company. Training shall be required of all personnel of such companies within six (6) months of the adoption of new or revised BMPs or local ordinance requirements.

(c) A vehicle decal issued by Clean Water County indicating that the company is in compliance with the training and certification requirements herein shall be affixed and maintained on the exterior of all vehicles and/or trailers used by the company in connection with the application of Fertilizer within the area regulated by this Article. The vehicle and trailer decals shall be provided by Clean Water County upon submittal of demonstration of compliance of the company with the requirements herein.

(d) Certifications issued to employees of lawn and landscape maintenance companies by other Tampa Bay communities with equivalent fertilizer ordinances will be recognized in Clean Water County as meeting the certification and training requirements herein.

(e) The County strongly encourages the establishment of training programs using Spanish-speaking certified BMP trainers.

(d) Private homeowners are encouraged to be familiar with and to utilize the recommendations of the University of Florida IFAS *Florida Yards and Neighborhoods* program when applying fertilizer.

SECTION 15. Section _____ of the Clean Water County Code is hereby renumbered to _____ and amended to read as follows:

SECTION 15. Licensing of Commercial Applicators.

(a) In addition to any current or future training or education requirements mandated by the State of Florida and/or County, all Commercial Fertilizer Applicators shall obtain a Certificate of Completion from a County approved Best Management Practices training program prior to obtaining a Clean Water County Local Business Tax Certificate for any category of occupation which may apply any fertilizer to turf and/or landscape plants. Commercial Fertilizer Applicators shall provide proof of completion of an approved training program to the County Tax Collector's office within 180 days of the effective date of this ordinance.

(b) All Commercial Fertilizer Applicators applying for a new or holding an existing Local Business Tax Certificate shall ensure that all Applicators employed under the Tax Certificate receive the necessary training in accordance with Section _____ of this Article and abide by all provisions of this Article. All new employees serving as Applicators shall receive the necessary training in accordance with Section _____ of this Article within 90 days of employment and during this 90-day period shall work under the physical supervision of an applicator who has successfully completed a County approved Best Management Practices training program.

SECTION 16. Sale of Fertilizer Containing Nitrogen or Phosphorous

(a) Effective one-hundred eighty (180) days from adoption of this ordinance, no person, firm, corporation, franchise, or commercial establishment shall sell at retail any lawn or landscape fertilizer, liquid or granular, within Clean Water County that contains any amount of nitrogen or phosphorous during the Restricted Season.

(b) Displays of lawn and landscape fertilizers containing nitrogen or phosphorous shall not be permitted on the sales floor or the exterior of the store during the Restricted Season.

(c) It is recommended that retailers post a notice stating that the use of lawn and landscape fertilizers in Clean Water County is restricted in accordance with this ordinance.

SECTION 17. Reclaimed Water Use

It is strongly encouraged that application of fertilizer for properties using reclaimed water service be reduced in accordance with the nutrient level contained in the reclaimed water. This information is available through the Clean Water County Utilities Department.

SECTION 18. Enforcement and Penalty.

It is the intent hereof that the administrative and civil penalties imposed through execution of this Article be of such amount as to ensure immediate and continued compliance with this Article.

- (a) Clean Water County has the authority to enforce any provision of this Article per Chapter ____, Article ____ of the Clean Water County Code of Ordinances and per provisions of Chapter 162, Florida Statutes. Each day of any such violation shall constitute a separate and distinct offense.
- (b) The Code Enforcement Officer or designated inspectors shall be authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this Article in order to insure compliance with the provisions of this Article. The Code Enforcement Officer or designated inspector shall make all observations during their inspections from areas accessible by the public, unless specific permission is granted by a property owner to come on their property, or a search warrant is obtained from a court of competent jurisdiction.
- (c) A Code Enforcement Officer is authorized to issue a Citation to a Person when, based upon personal investigation, the Officer has reasonable cause to believe that the Person has violated this Article. Prior to issuing a Citation, a Code Enforcement Officer may provide a Warning Notice to the Person. If the Person has been previously issued a Warning Notice or Citation for the same prohibited activity, the Code Enforcement Officer may immediately issue a Citation.
- (e) After issuing a Citation to an alleged violator, the Code Enforcement Officer shall deposit the original Citation and one copy of the Citation with the Clerk of the Court.
- (f) The Person issued the Citation may contest the Citation by contacting the Clerk of the Court within 30 calendar days of the Citation date and requesting a hearing. The Clerk shall then schedule a hearing in the County Court and shall provide written notice of the hearing to the Person and to the Code Enforcement Officer.
- (g) If the Person issued the Citation elects not to contest the Citation, the person shall pay the applicable civil penalty to the Clerk of the Court within 30 days after issuance of the Citation.
- (h) If the Person issued the Citation neither pays the civil penalty within the time allowed nor requests a hearing to contest the Citation, the Person shall be deemed to have waived their right to contest the Citation and judgment may be entered against the Person for an amount up to the maximum civil penalty.
- (j) The civil penalty for a civil infraction shall not exceed \$500.00 per violation.
- (k) By resolution the Board shall amend, as needed, the amount of any civil penalty for a civil infraction.
- (l) Notwithstanding any other provisions of this Article for enforcement or penalties, the Board may also enforce this Article by actions at law or in equity for damages and injunctive relief. In the event the Board prevails in any such action, the Board shall be entitled to an award of its costs.
- (m) The County may seek a lien on the property when the Person cited for a violation fails to pay the amount entered as a judgment.

SECTION 19. Section No. _____ of the Clean Water County Code is hereby renumbered to _____ as follows:

SECTION 20. Codification.

This ordinance shall be deemed an amendment to the Clean Water County Code of Ordinances.

SECTION 21. Section No. _____ of the Clean Water County Code is hereby renumbered to _____ as follows:

SECTION 22. Severability Clause.

If any section, subsection, sentence, clause, phrase or word of this Article is for any reason, held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this Article; and it shall be construed to have been the intent to adopt this Article without such unconstitutional, invalid, or inoperative part therein; and the remainder of this Article, after the exclusion of such part or parts, shall be deemed to be held valid as if such part or parts had not been included herein.

SECTION 23. Section No. _____ of the Clean Water County Code is hereby renumbered to _____ and amended to read as follows:

SECTION 24 . Effective Date.

This Ordinance shall be effective immediately upon filing with the Office of the Secretary of State of Florida. However, a one-hundred eighty (180) day implementation period is hereby established in order to accomplish the following:

(a) The establishment of a Clean Water County approved list of Best Management Practices training programs.

(b) For Commercial Fertilizer Applicators, Institutional Applicators and other users and Applicators of Fertilizer as set forth in this Ordinance to become familiar with the provisions of this Ordinance, provide a reasonable period for compliance with the terms of this Ordinance. No Citations, Notices to Appear, Code Enforcement Notice of Violations or other enforcement procedures shall be instituted until a one-hundred eighty (180) day implementation period has passed; however, Warning Notices may be issued during the implementation period.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF CLEAN WATER COUNTY, FLORIDA, THIS _____ DAY OF , A.D.

Summer-Safe Florida-Friendly Fertilizer

FLORIDA SAFE PROBLEM SOLVER



0-0-16 +8% Mg
PROFESSIONAL LANDSCAPE FERTILIZER
Staged Nutrient Release (SNR®)

UP TO **180** DAYS

Nitrogen
and
Phosphorus
Free

FEATURES

- + CONTAINS CONTROLLED RELEASE POTASH (K)
- + CONTAINS CONTROLLED RELEASE MAGNESIUM (Mg)
- + HIGH Mg FOR INCREASED COLOR
- + MICRO-NUTRIENTS FROM COATED & UNCOATED SOURCES

BENEFITS

- + PROVIDES SUPPORT FOR STURDY, HEALTHY TURF
- + PROMOTED HEALTHY COLOR
- + ENHANCES COLOR
- + QUICK RESPONSE AND LONG TERM FEED

GUARANTEED ANALYSIS

SOLUBLE POTASH (K₂O) 14.00%
TOTAL MAGNESIUM (Mg) 8.00%
6.00% WATER SOLUBLE MAGNESIUM
BORON 0.2%
CHLORINE, NOT MORE THAN 1.00%
COPPER (Cu) 0.2%
IRON (Fe) 2.00%
0.01% WATER SOLUBLE IRON
MANGANESE (Mn) 1.00%
0.01% WATER SOLUBLE MANGANESE (Mn)

COATED EPIC: Polypore Coated Sulfuric Salts, Polypore Coated Magnesium Salts,
24 lbs of Potash Magnesia, Magnesia in Sulfuric, Sodium Boron, Copper Boron, Van Sulfuric,
Magnesia Source
1.000 Lbs - 200 Sulfuric Salts + Potash
5.000 Lbs - 200 Sulfuric Magnesia in

0-0-16-180-DYN

BROADCAST BED RATE (CUPS)

BROADCAST RATE	CUPS (250g=1 CUP)		
	LOW	MED	HIGH
CUPS PER 100 SQ. FT.	1	1 1/4	1 1/2

TREES & SHRUBS RATE (GRAMS)

TREE/SHRUB SIZE	CUPS (1 1/2 TBSP, 30g=1 CUP)		
	LOW	MED	HIGH
1	1/2	3/4	1
2	1	1 1/4	1 1/2
3	1 1/2	2 1/2	3
5	4	5	6

CAUTION!

KEEP OUT OF REACH OF CHILDREN
HARMFUL IF SWALLOWED!
This material contains manganese sulfate.
Breaching dust may be harmful to respiratory system, nervous system and kidneys.

APPLICATION RATE (LBS./1,000 SQ. FT.)

POUNDS PER 1,000 SQUARE FEET		
LOW	MED	HIGH
8	12	16

DIRECTIONS FOR USE

DYNAMITE Professional Landscape fertilizers are specially formulated for use on turf, ornamental, and landscape plants.
For Turf use a rotary spreader or chest spreader application method to apply the fertilizer. Apply one to two times a year as needed to maintain plant growth. You may need to adjust the setting depending on walking speed, type of spreader, conditions, and product.
For Ornamental and Landscape plants use a measuring spoon, or hand application. For new planting, the fertilizer may be incorporated into the soil prior to planting or applied to the top of the soil around the plant after planting. For best results apply mulch after fertilization.

For Trees and Shrubs spread fertilizer evenly on the ground around the plant from the outer edge (crip line) of the leaves inward to the trunk. Cover the fertilizer with a 1/2 inch of soil or mulch.

CONTAINS:



Control Label
Lett-2010-0050A

NET WEIGHT
50 LBS.
(22.7 KG)

MANUFACTURED FOR: ENVIRO-SAFE LABORATORIES, INC.
1579 BARBER RD. SARASOTA, FL 34240.
PHONE: 800.322.8666 FAX: 941.377.3633
E1130

DISCLAIMER
The Hillsborough County EPC does not endorse one product over another.
This is merely an example of a possible lawn care alternative

Fertilizer

Recommendations

for the Tampa Bay Region



In November 2008, the Tampa Bay Estuary Program's Policy Board approved a model ordinance regulating non-agricultural use of fertilizer in the Tampa Bay region. The ordinance was the result of a series of stakeholder workshops coordinated by TBEP that involved some 42 agencies, organizations, and special interest groups.

Local governments are encouraged, but not required to adopt the ordinance, which:

Restricts application of Nitrogen and Phosphorous on lawn and landscape plants from June 1-September 30, the summer rainy season.

Prohibits application of Nitrogen or Phosphorous fertilizer within 10 feet of a water body.

Restricts the retail sale of lawn fertilizers containing Nitrogen and Phosphorous during the summer.

Establishes a licensing and certification program for lawn care professionals

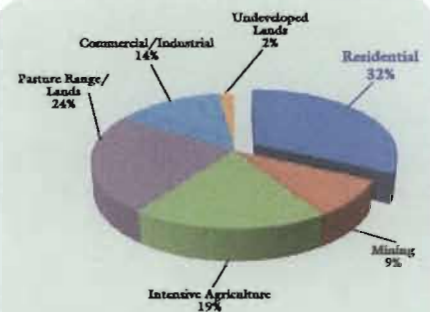
Encourages waterfront property owners to plant ground covers, shrubs or other plants instead of turf grass in a 6-foot-wide "no mow" zone along the water's edge.

Urges local governments to provide information about the nitrogen content of reclaimed water to customers using reclaimed for lawn irrigation.

Nitrogen is the primary pollutant in Tampa Bay. Residential runoff, including fertilizer residues, accounts for about 32% of the nitrogen carried in stormwater to the bay.

TBEP research indicates that moderate compliance (50%) with a fertilizer ordinance could reduce Nitrogen loadings from Hillsborough County to Tampa Bay by 30 tons a year, and save millions in costly stormwater treatment projects.

The model ordinance, and supporting documents, can be viewed at <http://www.tbep.tech.org/Fertilizer/FertilizerHomePage.html>.



Urban runoff, including lawn fertilizers, comprises about 32% of the nitrogen carried in stormwater to the bay. Too much nitrogen causes algae growth that clouds the water and prevents sunlight from reaching seagrasses.





EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 18, 2008

Subject: Overview of waste management and waste recycling in Hillsborough County

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

Division: Waste Management Division

Recommendation: Accept informational report on recycling and support proposed follow-up at the staff level to hold fact finding meeting(s) with involved parties addressing beneficial reuse and recycling of processed yard trash

Brief Summary: Based on EPC Board Member discussions from the November EPC meeting, EPC staff in cooperation with Hillsborough County Solid Waste Management Department staff will provide an overview of recycling of the waste stream within Hillsborough County.

Financial Impact: No Financial Impact

Background: A number of discussions have arisen at EPC Board Meetings addressing the management, reuse, recycling and potential disposal of yard trash mulch within the County. These discussions led to Board Members expressing interest in the broader issue of recycling of solid waste in general. Board Members then requested EPC evaluate its role in recycling and report on what activities are being done to address recycling of the overall waste stream generated and managed within the County. This report is a joint report with Hillsborough County Solid Waste Management Department staff to provide an overview of the recycling of the majority of the solid waste within Hillsborough County.

List of Attachments: STAFF REPORT - WASTE MANAGEMENT AND WASTE RECYCLING IN HILLSBOROUGH COUNTY

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Rose V. Ferlita
Ken Hagan
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Air 627-2660 Lab 272-5157

Executive Director
Richard D. Garrity, Ph.D.

STAFF REPORT

WASTE MANAGEMENT AND WASTE RECYCLING IN HILLSBOROUGH COUNTY

During the November 2008, EPC Board meeting, discussions arose related to the existence of a mulch land application site located on Hobbs Road in Hillsborough County and the operation of an EPC permitted Yard Trash Processing Facility known as Mother's Organics. At the conclusion of those discussions, it was requested that EPC staff look into the state of solid waste management and solid waste recycling in Hillsborough County. The information provided in this memorandum is being presented in order to address these issues.

It should be understood that although the EPC's solid waste related programs have been developed and are operated in order to encourage solid waste recycling where appropriate, the agency's role is that of the local environmental regulatory agency having enforcement responsibilities in matters related to the management of solid and hazardous waste. Pursuant to the EPC's enabling act and the applicable EPC Rules, it is the EPC's responsibility to ensure that the design, maintenance, operation and closure of solid waste management facilities operating in Hillsborough County remain compliant with applicable federal, State and local environmental regulations and that the environment is not negatively impacted by facility activities.

In order to overview solid waste management and recycling in Hillsborough County, a general understanding of what is considered solid waste as well as the relevant subcategories of solid waste must be established. Therefore, the following regulatory definitions are being provided.

Pursuant to Chapter 1-7, Rules of the EPC, which adopts Chapter 62-701, Florida Administrative Code (F.A.C.), Solid Waste is defined as follows:

"Sludge unregulated under the federal Clean Water Act or Clean Air Act; sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Materials not regulated as solid waste pursuant to this chapter are: recovered materials;

nuclear source or byproduct materials regulated under Chapter 404, F.S., or under the Federal Atomic Energy Act of 1954 as amended; suspended or dissolved materials in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; regulated air emissions; and fluids or wastes associated with natural gas or crude oil exploration or production."

As a very general material type, the State identifies Recyclable Material which simply means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

To further clarify and identify waste materials that have known recycling potential and value, the F.A.C. defines what is known as Recovered Materials. A sub-category of solid waste, and the majority of the material that is recycled in Hillsborough County, Recovered Materials include metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for disposal. Recovered materials as described above are not solid waste. Facilities that manage these materials are exempt from the need to obtain a solid waste management facility permit provided the materials being managed meet several criteria that are outlined in the F.A.C.

Section 403.706 of the Florida Statutes (F.S.) established two goals for waste reduction and recycling in the State. Counties with populations greater than 75,000 were required to meet a 30% adjusted waste reduction rate for all municipal solid waste (MSW) by the end of calendar year 1994. Counties with populations less than 75,000 could elect to provide residents with the "opportunity to recycle" in lieu of achieving the 30% goal. All counties were required to initiate a recycling program that was designed to recover a majority of the newspaper, glass, aluminum cans, plastic bottles and steel cans from the solid waste stream.

The Energy, Climate Change, and Economic Security Act of 2008 (House Bill 7135), signed into law by the Governor, created Section 403.7032, F.S., which establishes a new statewide recycling goal of 75% to be achieved by the year 2020. The statute directs the Department of Environmental Protection (FDEP) to develop a program to achieve the goal and to submit it to the Legislature for approval by January 1, 2010.

Attached, please find a copy of a detailed report prepared by Chris Snow, with the Hillsborough County Solid Waste Management Department. Mr. Snow's report provides details related to the current status of

the County's recycling programs as well as information related to the future of those programs with regard to the new 75% goal.

The recycling and reuse of solid waste in Hillsborough County is accomplished through a co-existence of both public and private facilities. In fulfilling its obligations, the EPC regulates and monitors these sites and facilities through the permitting and compliance programs that have been partially delegated to the agency by the State. The facility types included within the EPC's authority:

- I. Waste Processing Facilities. These types of facilities require permitting through the FDEP and the EPC and are those that process solid waste through various means but do not dispose of solid waste on-site. These sites include materials recovery facilities, transfer stations, and volume reduction facilities, but do not include used oil processing facilities, waste tire processing facilities, soil treatment facilities, yard trash processing facilities that are exempt for state permitting requirements, incinerators or combustors, and solid waste composting facilities, each of which is regulated under separate rules.

In Hillsborough County, there are a number of Waste Processing Facilities, both publicly and privately owned and operated. The publicly owned facilities include:

1. Hillsborough County's Northwest Transfer Station;
2. Hillsborough County's South County Transfer Station;
3. City of Tampa's McKay Bay Transfer Station.

The privately owned Waste Processing Facilities operating in Hillsborough County include:

1. Plant City Waste Processing Facility, owned by Paragon Development Group;
2. Metro Recycling, owned by Republic Services of Florida;
3. Tampa Materials Transfer, owned by Waste Services of Florida, Inc.;
4. WMIF Tampa Materials Recovery Facility, owned by Waste Management Inc., of Florida.

- II. Solid Waste Composting Facilities. These facilities also require permitting through the FDEP and the EPC and are facilities where solid waste is processed using composting technology through physical turning, windrowing, aeration or other mechanical handling of organic matter.

Within the County only one (1) solid waste composting facility exists which is the Busch Gardens Composting Facility owned and operated by Busch Entertainment within the grounds of the Busch Gardens theme park.

III. Yard Trash Processing Facilities. Yard Trash Processing Facility is a general term used to identify sites or facilities that function as Yard Trash Recycling Facilities, which are sites at which yard trash is mulched; composted; or otherwise processed into useable materials, and sites that function as Yard Trash Transfer Stations.

These sites are exempt from the need to obtain a solid waste permit from the FDEP provided that they meet a number of criteria that are outlined in the State regulation but pursuant to Chapter 1-7, Rules of the Commission, the construction and operation of these facilities does require an EPC Authorization.

In the County, both publicly and privately owned Yard Trash Processing Facilities operate in accordance with EPC Authorizations.

The Hillsborough County Solid Waste Management Department owns and operates three (3) facilities:

1. Northwest Yard Trash Processing Facility;
2. South County Yard Trash Processing Facility;
3. Falkenburg Yard Trash Processing Facility

For further, more detailed information related to the County's Yard Trash recycling activities, please see the attached report prepared by Chris Snow, with the Hillsborough County Solid Waste Management Department.

In addition to those publicly held sites operated by Hillsborough County, the City of Tampa's Department of Solid Waste maintains one (1) Authorized site used for the collection of yard trash, the City of Tampa's Manhattan Brush site functions as a Yard Trash Transfer Station providing a location for City residents and commercial entities to dispose of yard trash and land clearing debris.

Several privately operated Yard Trash Processing Facilities also exist within the County:

1. Mother's Organics Yard Trash Processing, owned by Mother's Organics, Inc.;
2. Farkas Land Clearing and Development Yard Trash Processing Facility, owned by Mr. George Farkas, Jr.;

3. Mad Dog Mulching Yard Trash Processing Facility, owned by Mr. Carlos Macho

4. Mid-Florida Tree Service Yard Trash Processing Facility, owned by Mr. Timothy K. Jones.

IV. Agricultural Reuse. An area related to the management and reuse of processed yard trash or mulch has been termed **agricultural reuse**. Agricultural reuse sites are sites upon which mulch is land applied at varying depths for the purpose of beneficial reuse as a soil enrichment and/or soil amendment. Controversy and some regulatory uncertainty developed recently and an EPC enforcement case was initiated related to one such site known as the Hobb's Road site.

The uncertainty related to the regulations that may apply to the reuse of mulch at these sites stems from the existence of several FDEP policy statements which allow for the unrestricted land application of mulch for beneficial reuse purposes to depths up to 24". The State policies also allow for the reuse of mulch at depths in excess of 24" provided that what the FDEP terms an agricultural use plan exists that demonstrates that a thicker amount of mulch is beneficial for some project. The FDEP's most recent policy statement dated JAN 5, 2006, pertaining to the land application of mulch states:

"The land application of mulch generated from clean vegetative debris will be presumed to be a beneficial use of a product, rather than disposal of a waste, as long as it is spread no more than two feet thick (that is, spread so that the total amount of mulch on the ground does not exceed two feet) and is not used to fill water bodies or wetlands. In such cases, the setback provisions of Rule 62-701.300, F.A.C., will not apply, nor will it be necessary to demonstrate that the land application is a normal farming operation. This presumption can be overcome on a case-by-case basis if District staff has reason to believe that the land application is actually a form of disposal or is causing a nuisance. Conversely, land application of more than two feet thick will be presumed to be disposal of solid waste. This presumption can also be overcome on a case-by-case basis; for example if an agricultural use plan demonstrates that a thicker amount of mulch is beneficial for some project, we would treat this as a beneficial use (or normal farming operation) just as we always have."

Recognizing, based on the allowances provided in the State's policy, that the potential for inconsistencies related to the regulation and restriction of the use of mulch material exists and in order avoid any future regulatory confusion, the EPC is currently considering the most appropriate and reasonable means

of monitoring mulch land application sites. In considering the viable options it is the EPC's intent to remain aware not only of the need to safeguard the County's natural resources but also the possible impacts any increase in regulation may have on the agricultural community while staying cognizant of the provisions of the State's Right To Farm Act, The Right To Farm Act Ch. 823.14, F.S. To address these matters, within the coming months, the EPC plans to coordinate a workshop or perhaps even a series of workshops involving representatives of involved regulatory agencies, regulated entities both public and private, agriculture, and concerned or interested citizens. The workshop would include staff presentations explaining and clarifying present rules and policies, legal analysis of existing rules and future rule possibilities, the status of state rule making on this subject, and industry interests and recommendations. Through conducting the workshop it is anticipated that a reasonable plan for the regulation and/or monitoring of these sites can be developed.

Further, and also in an effort to address the current regulatory complications associated with mulch reuse, the FDEP is currently considering revisions to Chapter 62-709, F.A.C., which is the State regulation addressing solid waste composting and yard trash recycling. The currently proposed revisions to the Rule essentially codify the provisions of the current FDEP policies associated with the land application of yard trash mulch with some added clarifications. If approved at the State level, it is the EPC's intent to adopt the revised version of Chapter 62-709.

For further information related to the County's yard trash recycling activities, which includes the County's participation in agricultural reuse projects, please see the attached report prepared by Chris Snow, with the Hillsborough County Solid Waste Management Department.

V. Recovered Materials Processing Facilities. Recovered materials processing facilities are facilities engaged solely in the storage, processing, resale, or reuse of recovered materials. These facilities are not considered solid waste management facilities and do not require a State solid waste permit provided that the following conditions, which are outlined in the Rule are met.

1. A majority of the recovered materials at a facility are sold, used, or reused within one year;
2. The recovered materials or facility operations do not impact other properties, surface water, groundwater or air;
3. The recovered materials are not hazardous wastes; and

4. The facility is registered with the Department as is prescribed by law.

Facilities operating in Hillsborough County that are considered recovered materials processing facilities are all privately owned sites and include the following facility types:

1. Scrap metal recycling and export facilities;
2. Plastics, cardboard and paper recycling facilities;
3. Automotive salvage yards.

VI. Old Landfill Redevelopment Projects. An area wherein the recycling of solid waste is encouraged and promoted by the EPC and one that may not be readily apparent is that of the agency's Director's Authorization and Redevelopment Program. This is the agency's program through which the redevelopment of historic solid waste disposal sites is accomplished.

As part of the redevelopment proposals that are approved through this program is the reuse of material known as recovered screen material (RSM). RSM results from the excavation and processing, through mechanical screening, of solid waste from an old landfill site. This material, which resembles soil, is, after chemical analysis, reused on the redevelopment site as structural fill thereby recycling an appreciable portion of the waste that has been removed and significantly reducing the volume of waste requiring costly disposal.

Currently, the EPC holds active Authorizations on thirty three (33) old landfill redevelopment sites and since the initiation of the EPC's program, sixty six (66) Authorizations have been approved.

Even though the EPC is involved with many of the varied sites and facilities that process and recycle portions of the solid waste stream, it should again be understood that the agency's role is that of the local environmental regulatory agency. Notwithstanding the fact that the EPC encourages the recycling of solid waste and that its regulatory programs have been developed so as not deter the reclamation and recovery of reusable materials, it is the agency's primary responsibility to ensure compliance with applicable environmental regulations at the solid waste management facilities operating in Hillsborough County.

It is hoped that the information provided in this report and the attached report from the Hillsborough County Solid Waste Management Department has adequately addressed the questions and concerns related to the management and recycling of solid waste in Hillsborough County that have arisen. If you require additional information or details

related to any of the EPC's programs or activities, please feel free to contact Waste Management at any time.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 18, 2008

Subject: Progress Report – EPC Brownfields Activities

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

Division: Waste Management Division

Recommendation: Informational Report

Brief Summary: Staff providing a brief summary of activities and accomplishments related to the EPC's administration of the Brownfields Redevelopment program in Hillsborough County.

Financial Impact: No Financial Impact

Background: Since the EPC's delegation of the State's Brownfields Program in the June 2004, the redevelopment of a number of sites has been completed. This has resulted in previously under-utilized and/or non-utilized properties being returned to productive beneficial use, increasing tax revenues to Hillsborough County.

List of Attachments: EPC 2008 Annual Report for Brownfields

Environmental Protection Commission of Hillsborough County



BROWNFIELDS

2008 Annual Report

November 20, 2008

Waste Management Division
3629 Queen Palm Drive
Tampa, FL 33619
(813) 627-2600
www.epchc.org

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Environmental Protection Commission
of Hillsborough County
2008 Brownfields Annual Report

The Environmental Protection Commission of Hillsborough County (EPC) received delegation from the Florida Department of Environmental Protection (FDEP) in June 2004 to administer the brownfields program in Hillsborough County.

There are four local governments that can designate brownfields within the county, including unincorporated Hillsborough County, the City of Tampa, the City of Temple Terrace and the City of Plant City. The following is an update on designations and other Brownfields activities in Hillsborough County over which EPC has primary responsibility for oversight through the delegation agreement with FDEP. Please see Table I for designated areas in Hillsborough County for which EPC has designated authority and Table II for those properties which have executed a Brownfield Site Rehabilitation Agreement (BSRA) with the EPC. Please see Attachments 1 and 2 for maps of Brownfield locations.

Hillsborough County

Designations:

Since November 2007 Hillsborough County designated two Brownfield Areas for which EPC is responsible under the delegation agreement, Tampa Tank and Kracker Road.

The Tampa Tank site is located east of Highway 41 adjacent to the former Chloride Battery site in Tampa. In addition to impacts from this off-site source, the property has soil impacted with arsenic, which is being addressed under the BSRA. The execution of the BSRA facilitated the sale of the property to Padgett-Swann Machinery Company, which specializes in propeller, pump and valve fabrication and repair for marine and other heavy industries. This redevelopment will result in the creation of 12 permanent jobs.

The Kracker Road site is located west of Highway 41 in Gibsonton, south of Tampa. The site is composed of 112 acres and was previously used by Hartz Mountain as a distribution center for small pets, pet products, and was the location of their tropical fish farm. For site assessment purposes, the area has been segregated into three sites and three separate BSRA's have been executed. The BSRA for Parcel A encompasses a historic unpermitted landfilled area, the BSRA for Parcel B is the site of a former waste water treatment plant, and the BSRA for Parcel C encompasses the former fish farm area. Future plans for the site include warehousing and storefront development totaling 1.5 million square feet industrial, 275,000 square feet retail, 50,000 square feet retail/flex use and 225,000 square feet flex space, at a redevelopment investment of \$73.8 million.

Pending designations:

There is one pending application for designation by unincorporated Hillsborough County, the Kinder Morgan site, which will be managed by the FDEP due to a previous FDEP enforcement action at that site.

Prospective designations:

The former Hudson Nursery will apply for designation once an agreement with the development partner is finalized.

Other activities:

In June 2008, Hillsborough County, Planning and Growth Management Department, received \$300,000 in supplemental funding for their EPA Revolving Loan Fund Program (RLF), which brings the total funding to date to over \$1 million. In 2008, the Westshore Community Development Corporation (WCDC) was awarded a loan for up to \$525,000 and a \$200,000 grant from the RLF for cleanup activities associated with an old landfilled area on which an affordable housing development is proposed. The cleanup will be managed under the BSRA for that site.

Updates on previously designated areas and sites with executed BSRAs:**City of Tampa****Designations:**

The City of Tampa has designated two brownfield areas since November 2007 for which the EPC has responsibility under the designation agreement, Central Park Village and Panattoni/IKEA.

Central Park Village was designated in December 2007. The project was delayed due to a Florida Supreme Court case involving Tax Increment Financing. The court case has been resolved and the project is set to proceed. The initial phase of redevelopment will be a 160-unit, \$26 million senior citizen housing complex named The Ella, after entertainer Ella Fitzgerald.

The Panattoni/IKEA site was also designated in December 2007. For years, the city of Tampa has pledged to redevelop the Adamo corridor, which stretches between Tampa and Brandon. The development of the new IKEA site, adjacent to Ybor City, site will go a long way towards facilitating that promise. The property was originally developed as a cannery in 1936 (Figure 1) and operated until 1981, after which a number of tenants occupied the facility until the present and was recently characterized as a "gritty industrial site between the Port of Tampa and Ybor City". Panattoni Development Company purchased the property for \$11.2 million, rezoned the property and entered the Brownfield program. The site was razed and made pad ready for IKEA (Figure 2). The environmental issues were managed by soil removal and the use engineering and institutional controls. To date, a total of \$354,306 of voluntary cleanup tax credits have been awarded under the Brownfield program and an SRCO with conditions will be issued in the near future.

The site was sold to IKEA for \$25.4 million and construction has begun on the new IKEA store, which will include a 353,000 square foot retail facility with a 300 seat restaurant, scheduled to open during summer of 2009. This project has created 500 construction jobs and will create 400 new in store jobs, with an ad valorem tax benefit of \$1.3 million and untold sales tax revenues. This is the third Florida location for the Swedish retailer.

Pollution Prevention measures were considered during the planning and execution of the project including recycling of 75% of the debris from the razing of the old facility, planting 600 trees around the property, and the installation of a reflective roof to lower energy consumption.

For information or reproductions, contact the Tampa-Hillsborough County Public Library System.



Figure 1. Panattoni/IKEA, early development, 1936, view from south



Figure 2. Panattoni/IKEA, Recent development, 2008, view from northeast Post environmental remediation

Updates on previously designated areas and sites with executed BSRAs:

Hillsborough Community College received their unconditional SRCO on May 7, 2008 for the former W. T. Edwards Hospital site. The site is ready for expansion of the Dale Mabry campus.

McKibbon Hotel Group, executed a BSRA, initiated site assessment and cleanup, and most of the construction has been completed for the proposed redevelopment (Figure 3).

Environmental issues include former petroleum storage tank contamination, a historic unpermitted landfill, and non-petroleum contamination. Formerly the site of at least three rental car facilities, **Avion Park of Westshore** will be a complex of three mid-rise hotels, four restaurants, 30,000 sq. ft. of retail stores and over 400,000 sq. ft. of office space. The ad valorem tax benefit of this redevelopment is estimated at \$1.7 million/year and

100 jobs will be created by the hotels alone.

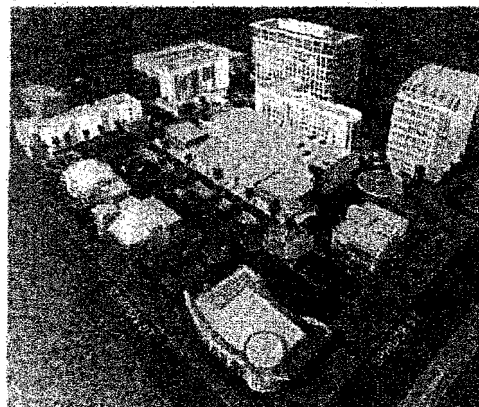


Figure 3. Avion Park at Westshore artist rendering

The Hendry Corporation site is located at Hooker's Point in Tampa. This property was originally a Tampa Electric power generating station and an above ground tank farm. The BSRA was executed with the EPC for the site in August 2008 and the assessment of the property is on going.

The Westshore Community Development Corporation (WCDC) property was designated a brownfield area by the City of Tampa on November 8, 2007. Hillsborough County transferred ownership of the property to the WCDC after which, a BSRA was executed with the EPC. The property was transferred at no cost and was placed in a land trust. In exchange for the property, 57 affordable housing units are planned for the property (Figure 4). These homes will have restrictions on their future value to ensure they remain affordable. The homebuyers will have a long term lease on the land and will own their home. This type of affordable development is a first for the Tampa Hillsborough County area and is being evaluated as a model for future redevelopment. The WCDC is also the recipient of EPA Revolving Loan Fund and Grant monies through Hillsborough County.



Figure 4
Artist Rendering Westshore Landings One

Channelside Holdings is the site of a former paint manufacturing facility located east of Port Tampa. In addition to contamination from the paint manufacturing operations, the property was previously used as a solid waste disposal area during the early 1900s. They have executed a BSRA and completed an extensive soil removal and dewatering project in a former Above Ground Tank farm area. They are currently implementing a supplemental assessment and are working to obtain off-site access.

JVS Contracting, Inc. (former 43rd St. Bay Drum) executed a BSRA and completed an extensive soil removal and sampling program and are monitoring the groundwater and conducting additional soil sampling. JVS Contracting is a utility and demolition contractor. Operations at the facility include the storage and maintenance of heavy construction equipment, processing of concrete and dirt from construction and demolition projects, and the production of road base, screenings and stone to be used on various projects.

Port Tampa had approximately 600 acres of port owned property, in the vicinity of Hooker's Point, designated in January 2001 (Figure 5). The recently began discussions concerning the redevelopment of a former scrap yard into a fuel blending facility. Negotiations are ongoing, but a BSRA is expected to be executed before the end of 2008.

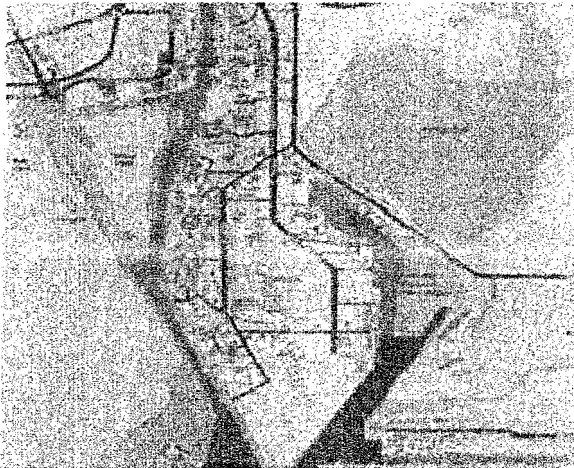


Figure 5. Hooker's Point Brownfield Area.
Areas highlighted in green are Port owned property

Pending designations:

Designation applications are pending on Crosland Varela and the first public meeting has been held as part of the designation process. The site is a former historic unpermitted landfill and is located directly west of the Westshore Community Development Corporation project. The reuse is a proposed mixed-use development consisting of 350 luxury apartments and 12,000 sf of retail located within the heart of Tampa's Westshore district, situated just ½ mile from International Mall (Figure 6). The proposed 5-story building will have an attached parking structure. The southern portion of the property will be developed into affordable senior housing at a later date.



Figure 6. Crosland Varela, proposed Brownfield Area

City of Temple Terrace:

There are currently no Brownfield projects within Temple Terrace. However, the Temple Terrace City Council voted unanimously to move forward with negotiations on the redevelopment of two antiquated shopping centers with the Atlanta-based partnership of The Vlass Group, MJ Lant Developments Inc. and Marketplace Advisors Inc. The partnership has proposed a \$150-million mixed-use project at the corner of Bullard Parkway and 56th Street. The development team is best known for such projects as Altamonte Town Center in Altamonte, Fla., and Atlantic Station in Atlanta, Ga.

City of Plant City:

Plant City recently completed their first Brownfield designation in February 2008. This was initiated by the municipality and the area wide designation encompasses all of the Lakeside Station property, with a total of 1200 acres with primarily zoned industrial (Figure 7). The property was a phosphate mine in the 1930s and has impacts from the mining activities and from the former Coronet Facility, located to the south. EPA, FDEP, EPC and the property owner have been in discussions over appropriate cleanup criteria.



Figure 7. Lakeside Station, 1200 acres, Plant City

Contacts for Brownfield Redevelopment in Hillsborough County:

Mary E. Yeargan	Environmental Protection Commission 3629 Queen Palm Drive Tampa, FL 33619 813-627-2600, x1303 yearganm@epchc.org
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Charner Reese	Hillsborough County PGMD 601 E. Kennedy Blvd. Tampa, FL 33602 813-272-5828 reesec@hillsboroughcounty.org
Daniel Fahey	City of Tampa 4010 W. Spruce St. Tampa, FL 33607 813-348-1094 daniel.fahey@tampagov.net
Kim Leinbach	City of Temple Terrace 11250 N. 56 th St. Temple Terrace, FL 33687 813-989-7176 kleinbach@templeterrace.com
James R. McDaniel	City of Plant City Community Services Director 302 W. Reynolds St. Plant City, FL 33564 813-659-4200, x4139 jmcdaniel@plantcitygov.com

Table I: Designated Brownfield Areas managed by EPC

Area	Site Name	Address	City	Resolution Date	Folio	Acreage
BF 290101000	Tampa Port Authority	Hooker's Point Area	Tampa	1/4/2001	multiple	600
BF 290501000	Hillsborough Community College	4014 MLK Blvd	Tampa	2/10/2005	109054.0010	29.9
BF 290502000	Hillsborough Community College	4010 N. Lois	Tampa	2/10/2005	109072.0000	7.3
BF 290503000	Channelside Holdings LLC	11010-1026 19th St.	Tampa	5/26/2005	189598.0000, 189577.0020	8
BF 290602000	JVS Contracting	11608 N. 43rd St.	Tampa	4/27/2006	160406.0100	5
BF 290601000	Grand Central at Kennedy	1120-1208 E. Kennedy	Tampa	4/27/2006	190183.0000, 190184.0000, 190185.0000, 190186.0000, 190187.0000, 190195.0000, 190198.0000	5
BF 290603000	Circle Tampa Ventures	10420 N. McKinley	Tampa	9/7/2006	140491.0000, 140490.0000	28
BF 290607000	McKibbon Hotel Group (Avion)	O'Brien & W. Spruce	Tampa	12/14/2006	112035.0000, 112033.0000, 112031.0000, 112036.5000	18.89
BF 290702000	Hendry Corp. (TECO)	1650 Hemlock St.	Tampa	4/12/2007	198755.1100	31.97
BF 290705000	Westshore Community Dev. Corp.	4102 W. Spruce St.	Tampa	11/8/2007	110985.0000	3.7
	Central Park Village	1202 N. Governor St.	Tampa	12/20/2007	multiple	28.9
BF 290703000	Panattoni/IKEA	1103 N. 22nd Ave.	Tampa	12/20/2007	188639.0000	29.36
BF 290704000	Tampa Tank	5103 36th Ave.	Tampa	12/11/2008	147123.0100, 147121.1000	4.31

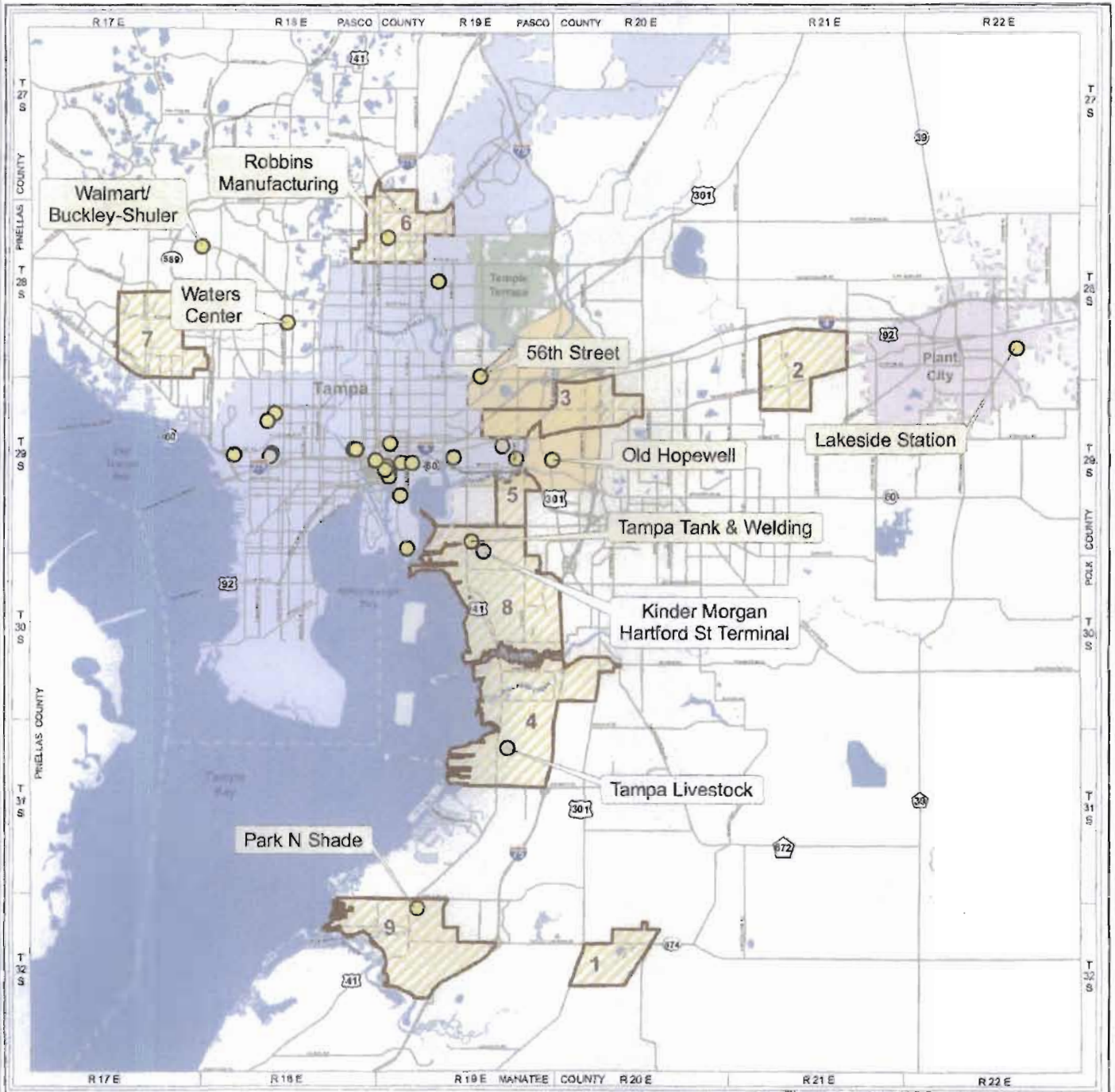
Table I: Designated Brownfield Areas managed by EPC

					051436.0000, 050853.0000, 050854.0000, 050855.0000, 050856.0000, 050860.0000, 050864.0300, 050865.0000	
BF 290802000	Kracker Rd. (Hartz Mtn.)	12602 S. US Hwy 41	Gibsonton	4/22/2008		111.84
	Lakeside Station	US 92 and Park Rd.	Plant City	2/25/2008	multiple	1200

Table II: Brownfield Sites with executed BSRAs managed by EPC

Area	Site Name	Address	City	BSRA executed	SRCO Issue Date	Acreage
BF 290501001	Hillsborough Community College	4014 MLK Blvd	Tampa	11/29/2005	5/7/2008	29.9
BF 290503001	Channelside Holdings LLC	11010-1026 19th St.	Tampa	12/20/2005		8
BF 290602001	JVS Contracting	11608 N. 43rd St.	Tampa	5/3/2006		5
BF 290603001	Circle Tampa Ventures	10420 N. McKinley	Tampa	9/20/2006	5/31/2007	28
BF 290607001	McKibbon Hotel Group (Avion)	O'Brien & W. Spruce	Tampa	12/20/2006		18.89
BF 290702001	Hendry Corp. (TECO)	1650 Hemlock St.	Tampa	8/8/2008		31.97
BF 290705001	Westshore Community Dev. Corp.	4102 W. Spruce St.	Tampa	1/30/2008		3.7
BF 290703001	Panattoni/IKEA	1103 N. 22nd Ave.	Tampa	12/20/2007		29.36
BF 290704001	Tampa Tank	5103 36th Ave.	Tampa	12/27/2008		4.31
BF 290802001	Kracker Rd/ Parcel A/ folio 50853	12602 S. US Hwy 41	Gibsonton	8/6/2008		29.73
BF 290802002	Kracker Rd/ Parcel B/ folio 50865	12602 S. US Hwy 41	Gibsonton	9/2/2008		8.49
BF 290802002	Kracker Rd/ Parcel C/ multiple folios	12602 S. US Hwy 41	Gibsonton	9/2/2008		73.62

Hillsborough County Designated Brownfields



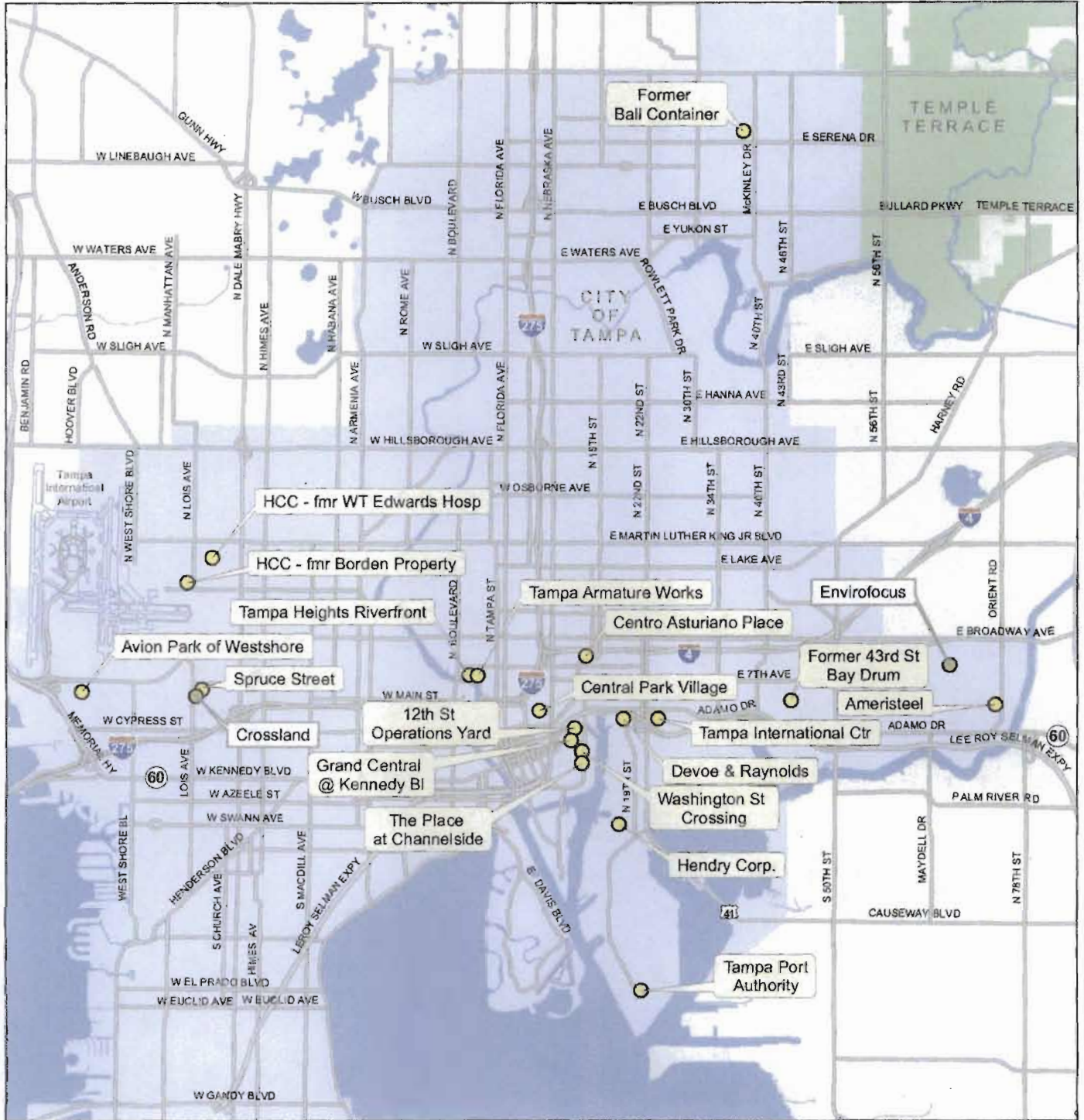
Brownfields & CDBG Areas

- Brownfield Locations**
- Approved
- Proposed
- BOCC/EPA Brownfields Assessment Pilot Grant
- BOCC CDBG Target Areas



Ref Num	CDBG Name	Acres	Parcel Count
1	Wimauma	2,534.24	1,038
2	Dover	4,221.25	1,756
3	East Lake - Orient Park	4,179.43	3,149
4	Gibsonton	9,394.97	3,971
5	Palm River	1,254.46	2,199
6	USF	3,831.58	3,451
7	Town 'N Country	4,511.26	9,890
8	Causeway	9,759.54	3,716
9	Ruskin	6,946.10	3,452

Hillsborough County Designated Brownfields



City of Tampa Brownfields

Brownfield Locations Jurisdictions

- Approved
- Proposed
- Tampa
- Temple Terrace
- Unincorporated County

