

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
FEBRUARY 15, 2007
10 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. CITIZEN'S COMMENTS**
- II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**
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- III. CONSENT AGENDA**
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 - C. Pollution Recovery Trust Fund Report 26
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 - E. Legal Case Summaries: Jan. & Feb. 2007 28
 - F. Grant Authority to Pursue Appropriate Legal Action Against:
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- IV. PUBLIC HEARING**
Consider Approving Amendments to Chapter 1-3 (Air Pollution Rule) 40
- V. EXECUTIVE DIRECTOR**
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- VII. AIR MANAGEMENT DIVISION**
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Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

Visit our website at www.epchc.org

DECEMBER 6, 2006 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider Arbitration of the Tampa Bay Water (TBW) Application to Modify the Downstream Enhancements Project Water Use Permit, scheduled for Wednesday, December 6, 2006, at 2:11 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Brian Blair and Commissioners Rose Ferlita, Ken Hagan, Al Higginbotham, Jim Norman, Mark Sharpe, and Kevin White.

Chairman Blair called the meeting to order at 2:11 p.m.

Mr. Anthony D'Aquila, EPC staff, reviewed EPC concerns; noted EPC staff perceived the application was deficient, evaluated different affects and outcomes, and relied on the presumption that the application would not meet Southwest Florida Water Management District (SWFWMD) standards; discussed minimum flow and levels; and reviewed staff recommendation not to arbitrate the item, to endorse the continuation of monitoring programs, and request a letter from the EPC Chairman to the TBW chairman requesting EPC staff be allowed to attend all permit meetings with SWFWMD. Also, included with the letter would be documentation on what EPC found deficient with the application to help TBW understand EPC concerns. In response to Commissioner Norman, Mr. D'Aquila clarified EPC concerns in contrast to concerns from the city of Tampa Mayor. **Commissioner Norman moved staff recommendation, seconded by Commissioner Sharpe, and carried seven to zero.** In response to Chairman Blair, Dr. Richard Garrity, EPC Executive Director, had no comments to add.

There being no further business, the meeting was adjourned at 2:19 p.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

kc

DECEMBER 14, 2006 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, December 14, 2006, at 1:30 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Brian Blair and Commissioners Rose Ferlita, Ken Hagan, Al Higginbotham, Mark Sharpe, and Kevin White (arrived at 1:38 p.m.).

The following member was absent: Commissioner Jim Norman (schedule conflict).

Chairman Blair called the meeting to order at 1:36 p.m. Commissioner Sharpe led in the pledge of allegiance to the flag and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, deleted Consent Agenda Item F.3., Shree Krishna Incorporated and Brooks Property Incorporated, because settlement had been reached. Noting a January 2007 EPC meeting might not be needed, Dr. Garrity suggested changing the public hearing date to February 2007 for Consent Agenda Item G., establish date for public hearing to amend chapter 1-3, air pollution rule.

CONSENT AGENDA

- A. Approval of minutes: September 26, 2006.
- B. Monthly activity reports.
- C. Pollution recovery fund report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary.
- F. Grant authority to pursue appropriate legal action against:
 - (1) Hendry Corporation;
 - (2) Phillips and Munzel Oil Company and Shell Oil Company; and
 - (3) Shree Krishna Incorporated and Brooks Property Incorporated. **Deleted from the agenda.**
- G. Establish date for public hearing to amend Chapter 1-3, air pollution rule.

Chairman Blair called for a motion to approve the Consent Agenda along with the changes. **Commissioner Ferlita so moved, seconded by Commissioner White, and carried six to zero.** (Commissioner Norman was absent.)

CITIZENS COMMENTS

Chairman Blair called for public comment. The following people expressed concern regarding the Hillsborough River: Mr. Ed Ross, Community Stepping Stones; Mr. Philip Compton, 1430 East Park Circle, speaking for Meses. Chrystal Hutchison, Florida Consumer Action Network (FCAN), Mariette Coulter, 6812 Diana Court, Apartment 302-C, and Janet Stanley, 7500 North Ola Avenue; Mr. Tom Krumreich, FCAN; Ms. Libby Cray, FCAN; Ms. Elizabeth Taylor, 1430 East Park Circle; and Ms. Sarah Capps, 2001 East Mulberry Drive. They discussed the need for fresh water minimum flow levels (mfl) for the lower Hillsborough River to ensure viability of the river and wildlife, expressed concern regarding the proposed mfl put forward by Southwest Florida Water Management District (SWFWMD), commented on management criteria for setting mfl, opined three of the five recommendations were not being met, and pointed out the proposal would cut the State standard for dissolved oxygen in half.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Mr. Jellerson said Dr. Garrity would provide a report on the environmental summit held in October 2006; noted CEAC reviewed issues brought to the summit; pointed out as result of issues related to water resources, CEAC requested presentations on water conservation from the County and city of Tampa (Tampa); and reported the County and Tampa had robust water preservation programs and had reduced per-capita consumption below the national average. Water conservation information could be found on County and Tampa websites. Tampa Wholesale Nursery and Riverview Flower Farm had received conservation awards for environmental leadership promoting progressive environmental practices in agriculture. CEAC would elect officers for 2007 at the next CEAC meeting.

LEGAL DEPARTMENT

CEAC Appointments - As requested by Chairman Blair, EPC General Counsel Richard Tschantz reviewed the purpose and makeup of CEAC, explained appointments were for two calendar years and appointments served at the pleasure of EPC Board members, and noted appointments needed by January 2007.

In reply to Dr. Garrity, Attorney Tschantz and Commissioner Ferlita confirmed the Consent Agenda was approved with the changes to the agenda.

EXECUTIVE DIRECTOR'S REPORT

First Annual Environmental Summit - Dr. Garrity introduced EPC staff and distributed a slide presentation and summary of the environmental summit,

which would become an annual event. Interest had been expressed regarding wetland buffers, expansion of highways, beltway issue, watershed discharge, bay water quality, watering rules, rezoning, and reduction of greenhouse gases and air quality standards. That information would be used as agency goals and to set objectives for agency priority.

ADMINISTRATION

Establish EPC Legal Contingency Fund - Mr. Thomas Koulianos, Director, Finance and Administration Department, commented on rare occasions when outside attorneys were retained as expert witnesses for litigation. Last year, EPC needs were coordinated with the contingency fund established for the County Attorney. Noting the County Attorney's Office might need all their contingency funds in 2007 due to eminent domain issues, Mr. Koulianos asked for authorization to request the Board of County Commissioners (BOCC) establish an EPC litigation fund to retain attorneys or expert witnesses for litigation. Chairman Blair said the request was to take \$200,000 out of reserves. Those dollars would not be spent without BOCC approval. Mr. Koulianos clarified the money would come from the BOCC reserves. Commissioner White made that motion. The motion died for lack of a second. Commissioner Ferlita opined the worst message to send violators was that the County did not have funds for enforcement. Commissioner Higginbotham asked if funding generated by fines could be used for legal needs. Dr. Garrity explained those funds were limited to restoring polluted areas in Hillsborough County. Chairman Blair called for a motion to schedule the EPC legal contingency fund for the BOCC agenda. **Commissioner White so moved, seconded by Commissioner Ferlita, and carried five to zero.** (Commissioner Hagan was out of the room; Commissioner Norman was absent.)

WETLANDS MANAGEMENT DIVISION

Tampa Port Authority (TPA) Delegation - Mr. Danny Alberdi, EPC staff, defined sovereign submerged lands; requested authority to continue discussion with the TPA over delegation of minor work permitting, noting TPA would retain authority over large permits. Instead of dealing with two agencies, the ~~County~~ would deal with one agency, which would keep review fees down. The issue would come back to the EPC for approval of the interlocal agreement and creation of a position, which would be funded by TPA, for a trial and training period. The issue would then go to TPA for final approval of the interlocal agreement and the budgetary earmarking of funds for the trial and training period, after which the issue would return to the BOCC to establish the position that would be created and filled through the Civil Service Board.

THURSDAY, DECEMBER 14, 2006 - DRAFT MINUTES

In reply to Chairman Blair, Mr. Alberdi explained TPA intended fees to cover permitting costs. Dr. Garrity confirmed after the trial and training period, EPC would vote whether to proceed. Commissioner Ferlita stated TPA was looking forward to the process, because there was a duplication of staff. Chairman Blair called for a motion to allow the process to move forward. Following discussion, **Commissioner Ferlita so moved, seconded by Commissioner White, and carried five to zero.** (Commissioner Hagan was out of the room; Commissioner Norman was absent.)

ENVIRONMENTAL RESOURCES MANAGEMENT (ERM) DIVISION

Report on Lower Hillsborough River MFL - Dr. Garrity said the report related to citizen comments expressed at the beginning of the meeting. Dr. Gerold Morrison, EPC ERM Division, distributed and reviewed a slide presentation and explained the process was at an important SWFWMD stage to establish mfl for the Hillsborough River from the dam north of Rowlett Park to the mouth of the river near Platt Street. Maintaining adequate fresh water flows into Tampa Bay was important, particularly due to low salinity habitats. Dr. Morrison commented on increases in fresh water drawn from the reservoir above the dam and increases in the number of days when no fresh water came over the dam to the lower river. The draft mfl report was currently going through a SWFWMD-funded peer review process by technical experts. Recommendations would be presented to the SWFWMD governing board, which would make a decision on the proposed mfl. Dr. Morrison reviewed issues expressed by EPC staff. No action was required; however, staff might request action after SWFWMD made a decision.

Commissioner Sharpe asked what more EPC could do to show concern. Dr. Garrity said staff had received confirmation that SWFWMD would send EPC comments to the peer review panel. Drs. Garrity and Morrison would meet with the SWFWMD director and general counsel to express EPC concerns, and if they perceived SWFWMD comments were inappropriate, they would return to the EPC in the spring, and EPC could issue an administrative challenge at that point. Dr. Garrity said the recommended mfl would result in dissolved oxygen levels below State standards. Commissioner Higginbotham agreed with Commissioner Sharpe and asked to be apprised. Dr. Garrity said the proposal was tied to Tampa Bay Water needs for diverting water elsewhere.

Dr. Garrity said EPC could forego the January 2007 meeting and meet in February 2007.

THURSDAY, DECEMBER 14, 2006 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 2:33 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

sd

MONTHLY ACTIVITIES REPORT
 AIR MANAGEMENT DIVISION
 December FY 2006

A.	Public Outreach/Education Assistance:	211
	1. Phone Calls:	<u>60</u>
	2. Literature Distributed:	<u>2</u>
	3. Presentations:	<u>5</u>
	4. Media Contacts:	<u>63</u>
	5. Internet:	<u>0</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:	<u>8</u>
	b. Construction:	<u>13</u>
	c. Amendments:	<u>0</u>
	d. Transfers/Extensions:	<u>1</u>
	e. General:	<u>2</u>
	f. Title V:	<u>0</u>
	2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):	
	a. Operating ¹ :	<u>2</u>
	b. Construction ¹ :	<u>10</u>
	c. Amendments ¹ :	<u>1</u>
	d. Transfers/Extensions ¹ :	<u>0</u>
	e. Title V Operating ² :	<u>0</u>
	f. Permit Determinations ² :	<u>0</u>
	g. General:	<u>4</u>
	3. Intent to Deny Permit Issued:	<u>1</u>
<hr/>		
C.	Administrative Enforcement	
	1. New cases received:	<u>5</u>
	2. On-going administrative cases:	
	a. Pending:	<u>10</u>
	b. Active:	<u>15</u>
	c. Legal:	<u>4</u>
	d. Tracking compliance (Administrative):	<u>29</u>
	e. Inactive/Referred cases:	<u>0</u>

	Total	<u>58</u>
3.	NOIs issued:	<u>3</u>
4.	Citations issued:	<u>1</u>
5.	Consent Orders Signed:	<u>3</u>
6.	Contributions to the Pollution Recovery Fund:	\$8,000.00
7.	Cases Closed:	<u>0</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>6</u>
2.	Air Toxics Facilities:	2
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>10</u>
E.	Open Burning Permits Issued:	<u>3</u>
F.	Number of Division of Forestry Permits Monitored:	<u>296</u>
G.	Total Citizen Complaints Received:	<u>45</u>
H.	Total Citizen Complaints Closed:	<u>48</u>
I.	Noise Sources Monitored:	<u>3</u>
J.	Air Program's Input to Development Regional Impacts:	<u>1</u>
K.	Test Reports Reviewed:	<u>33</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>7</u>
2.	Warning Notices Resolved:	<u>12</u>
3.	Advisory Letters Issued:	<u>11</u>
M.	AOR's Reviewed:	<u>8</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>1</u>

**FEES COLLECTED FOR AIR MANAGEMENT DIVISION
December FY 2006**

Total Revenue

1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$0.00
(b) all others	\$0.00
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$0.00
(b) class A2 facility - 5 year permit	\$0.00
(c) class A1 facility - 5 year permit	\$0.00
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$1,840.00
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$6,000.00
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	\$160.00
4. Non-delegated permit revision for an air	\$0.00
5. Non-delegated permit transfer of ownership, name change or extension	\$0.00
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$3,000.00
(b) for structure greater than 50,000 sq ft	\$0.00
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$300.00
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$2,000.00
8. Open burning authorization	\$5,400.00
9. Enforcement Costs	\$2,244.00

MONTHLY ACTIVITIES REPORT
 AIR MANAGEMENT DIVISION
 January FY 2007

A.	Public Outreach/Education Assistance:		
	1. Phone Calls:	190	
	2. Literature Distributed:	9	
	3. Presentations:	1	
	4. Media Contacts:	0	
	5. Internet:	62	
	6. Host/Sponsor Workshops, Meetings, Special Events	0	
B.	Industrial Air Pollution Permitting		
	1. Permit Applications Received (Counted by Number of Fees Received):		
	a. Operating:	0	
	b. Construction:	0	
	c. Amendments:	0	
	d. Transfers/Extensions:	0	
	e. General:	2	
	f. Title V:	0	
	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 :	1	
	b. Construction ¹ :	4	
	c. Amendments ¹ :	0	
	d. Transfers/Extensions ¹ :	0	
	e. Title V Operating ² :	0	
	f. Permit Determinations ² :	0	
	g. General:	1	
	3. Intent to Deny Permit Issued:	0	
C.	Administrative Enforcement		
	1. New cases received:	1	
	2. On-going administrative cases:		
	a. Pending:	8	
	b. Active:	16	
	c. Legal:	4	
	d. Tracking compliance (Administrative):	27	
	e. Inactive/Referred cases:	0	
	Total	55	
	3. NOIs issued:	3	

4. Citations issued:	<u>1</u>
5. Consent Orders Signed:	<u>1</u>
6. Contributions to the Pollution Recovery Fund:	<u>\$1,000.00</u>
7. Cases Closed:	<u>4</u>
D. Inspections:	
1. Industrial Facilities:	<u>25</u>
2. Air Toxics Facilities:	
a. Asbestos Emitters	<u>3</u>
b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>6</u>
c. Major Sources	<u>2</u>
3. Asbestos Demolition/Renovation Projects:	<u>18</u>
E. Open Burning Permits Issued:	<u>9</u>
F. Number of Division of Forestry Permits Monitored:	<u>268</u>
G. Total Citizen Complaints Received:	<u>43</u>
H. Total Citizen Complaints Closed:	<u>35</u>
I. Noise Sources Monitored:	<u>4</u>
J. Air Program's Input to Development Regional Impacts:	<u>1</u>
K. Test Reports Reviewed:	<u>92</u>
L. Compliance:	
1. Warning Notices Issued:	<u>8</u>
2. Warning Notices Resolved:	<u>22</u>
3. Advisory Letters Issued:	<u>13</u>
M. AOR's Reviewed:	<u>3</u>
N. Permits Reviewed for NESHAP Applicability:	<u>1</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
January FY 2007

Total Revenue

1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$0.00
(b) all others	\$0.00
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$0.00
(b) class A2 facility - 5 year permit	\$0.00
(c) class A1 facility - 5 year permit	\$0.00
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$4,000.00
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$0.00
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	
4. Non-delegated permit revision for an air	\$0.00
5. Non-delegated permit transfer of ownership, name change or extension	\$0.00
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$3,200.00
(b) for structure greater than 50,000 sq ft	\$600.00
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$300.00
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$3,000.00
8. Open burning authorization	\$2,800.00
9. Enforcement Costs	\$379.41

M E M O R A N D U M

DATE: February 6, 2007

TO: Tom Koulianos, Director of Finance and Administration

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

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

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	2
2. On-going administrative cases	114
a. Pending	9
b. Active	53
c. Legal	5
d. Tracking Compliance (Administrative)	33
e. Inactive/Referred Cases	14
3. NOI's issued	0
4. Citations issued	0
5. Consent Orders and Settlement Letters Signed	0
6. Civil Contributions to the Pollution Recovery Fund	\$1,000.00
7. Enforcement Costs collected	\$576.00
9. Cases Closed	3

B. SOLID AND HAZARDOUS WASTE

1. FDEP Permits (received/reviewed)	2/0
2. EPC Authorization for Facilities NOT requiring DEP permit	1/0
3. Other Permits and Reports	0
a. County Permits	0/0
b. Reports	50/43
4. Inspections (Total)	624
a. Complaints	26
b. Compliance/Reinspections	16
c. Facility Compliance	30
d. Small Quantity Generator	551
e. P2 Audits	1
5. Enforcement	
a. Complaints Received/Closed	29/26
b. Warning Notices Issued/Closed	2/5
c. Compliance letters	81
d. Letters of Agreement	0
e. Agency Referrals	6
6. Pamphlets, Rules and Material Distributed	273

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	98
b. Installation	09
c. Closure	14
d. Compliance Re-Inspections	17
2. Installation Plans Received/Reviewed	07/11
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	05/06
b. Closure Reports Received/Reviewed	03/06
4. Enforcement	
a. Non-compliance Letters Issued/Closed	62/37
b. Warning Notices Issued/Closed	03/00
c. Cases referred to Enforcement	01
d. Complaints Received/Investigated	01/01
e. Complaints Referred	00
5. Discharge Reporting Forms Received	08
6. Incident Notification Forms Received	06
7. Cleanup Notification Letters Issued	00
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	15
2. Reports Received/Reviewed	113/137
a. Site Assessment	14/15
b. Source Removal	6/6
c. Remedial Action Plans (RAP's)	10/8
d. Site Rehabilitation Completion Order/ No Further Action Order	05/06
e. Active Remediation/Monitoring	52/71
f. Others	26/31
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 29

F. PUBLIC INFORMATION PROJECTS - 3

M E M O R A N D U M

DATE: January 5, 2007

TO: Tom Koulianos, Director of Finance and Administration

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

**SUBJECT: WASTE MANAGEMENT'S DECEMBER 2006
AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	3
2. On-going administrative cases	112
a. Pending	9
b. Active	52
c. Legal	5
d. Tracking Compliance (Administrative)	32
e. Inactive/Referred Cases	14
3. NOI's issued	0
4. Citations issued	0
5. Consent Orders and Settlement Letters Signed	3
6. Civil Contributions to the Pollution Recovery Fund	\$11,050.00
7. Enforcement Costs collected	\$2,352
9. Cases Closed	3

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	42/38
2. EPC Authorization for Facilities NOT requiring DEP permit	2
3. Other Permits and Reports	2
a. County Permits	1/2
b. Reports	37/37
4. Inspections (Total)	1442
a. Complaints	15
b. Compliance/Reinspections	7
c. Facility Compliance	16
d. Small Quantity Generator	1404
e. P2 Audits	0
5. Enforcement	
a. Complaints Received/Closed	16/12
b. Warning Notices Issued/Closed	2/2
c. Compliance letters	15
d. Letters of Agreement	0
e. Agency Referrals	2
6. Pamphlets, Rules and Material Distributed	18

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	125
b. Installation	13
c. Closure	13
d. Compliance Re-Inspections	08
2. Installation Plans Received/Reviewed	06/04
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	04/04
b. Closure Reports Received/Reviewed	02/04
4. Enforcement	
a. Non-compliance Letters Issued/Closed	81/25
b. Warning Notices Issued/Closed	01/01
c. Cases referred to Enforcement	01
d. Complaints Received/Investigated	00/00
e. Complaints Referred	00
5. Discharge Reporting Forms Received	02
6. Incident Notification Forms Received	06
7. Cleanup Notification Letters Issued	00
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	26
2. Reports Received/Reviewed	121/83
a. Site Assessment	10/6
b. Source Removal	5/6
c. Remedial Action Plans (RAP's)	10/11
d. Site Rehabilitation Completion Order/ No Further Action Order	06/04
e. Active Remediation/Monitoring	70/41
f. Others	20/15
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 25

F. PUBLIC INFORMATION PROJECTS - 3

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	5
2. Enforcement Cases Closed:	3
3. Enforcement Cases Outstanding:	59
4. Enforcement Documents Issued:	8
5. Recovered costs to the General Fund:	\$380.00
6. Contributions to the Pollution Recovery Fund:	\$2,000.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Walgreens	Construction w/o a permit	\$1,000.00
b. Kings Gate	Construction w/o a permit	\$1,000.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	40
a. Facility Permit:	3
(i) Types I and II	3
(ii) Types III	0
b. Collection Systems-General	17
c. Collection Systems-Dry Line/Wet Line:	20
d. Residuals Disposal:	0
2. Permit Applications Approved:	27
a. Facility Permit:	10
b. Collection Systems-General:	10
c. Collection Systems-Dry Line/Wet Line:	6
d. Residuals Disposal:	1
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:	96
a. Facility Permit:	18
b. Collection Systems-General:	43
c. Collection Systems-Dry Line/Wet Line:	35
d. Residuals Disposal:	0
7. Permit Determination:	4
8. Special Project Reviews:	0
a. Reuse:	0
b. Residuals/AUPs:	0
c. Others:	0
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation:	15
a. Inspection (CEI):	2
b. Sampling Inspection (CSI):	8
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	5
2. Reconnaissance:	55
a. Inspection (RI):	14
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	40
d. Enforcement Inspection (ERI):	1
3. Engineering Inspections:	46
a. Reconnaissance Inspection (RI):	9
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	1
d. Preconstruction Inspection (PCI):	10
e. Post Construction Inspection (XCI):	26
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	0
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	61
1. Permit Applications Received:	4
a. Facility Permit:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	1
(iii) Type III w/o Groundwater Monitoring:	2
b. General Permit:	1
c. Preliminary Design Report:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0

2. Permits Recommended to DEP for Approval:	1
3. Special:	0
a. Facility Permits:	0
b. General Permits:	0
4. Permitting Determination:	0
5. Special Project Reviews:	56
a. Phosphate:	4
b. Industrial Wastewater:	26
c. Others:	26
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation:	12
a. Inspection (CEI):	12
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	15
a. Inspection (RI):	4
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	11
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	3
a. Compliance Evaluation (CEI):	3
b. Sampling Inspection (CSI):	0
c. Performance Audit Inspection (PAI):	0
d. Complaint Inspection (CRI):	0
e. Enforcement Reconnaissance Inspections (ERI):	0
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints:	
a. Domestic:	24
(i) Received:	12
(ii) Closed:	12
b. Industrial:	14
(i) Received:	7
(ii) Closed:	7

2. Warning Notices:	
a. Domestic:	16
(i) Received:	11
(ii) Closed:	5
b. Industrial:	4
(i) Received:	1
(ii) Closed:	3
3. Non-Compliance Advisory Letters:	25
4. Environmental Compliance Reviews:	180
a. Industrial:	61
b. Domestic:	119
5. Special Project Reviews:	0
G. RECORD REVIEWS	3
1. Permitting:	3
2. Enforcement:	0
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:	
1. Air Division:	81
2. Waste Division:	0
3. Water Division:	12
4. Wetlands Division:	0
5. ERM Division:	160
6. Biomonitoring Reports:	6
7. Outside Agency:	42
I. SPECIAL PROJECT REVIEWS:	1
1. DRIs:	0
2. ARs:	1
3. Technical Support:	0
4. Other:	0

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
December 2006**

A. General	Totals
1. Telephone Conferences	725
2. Unscheduled Citizen Assistance	86
3. Scheduled Meetings	176
4. Correspondence	497
B. Assessment Reviews	
1. Wetland Delineations	31
2. Surveys	61
3. Miscellaneous Activities in Wetland	35
4. Impact/ Mitigation Proposal	35
5. Tampa Port Authority Permit Applications	47
6. Wastewater Treatment Plants (FDEP)	0
7. DRI Annual Report	3
8. Land Alteration/Landscaping	9
9. Land Excavation	1
10. Phosphate Mining	7
11. Rezoning Reviews	19
12. CPA	2
13. Site Development	72
14. Subdivision	93
15. Wetland Setback Encroachment	4
16. Easement/Access-Vacating	2
17. Pre-Applications	38
18. On-Site Visits	176
C. Investigation and Compliance	
1. Complaints Received	22
2. Warning Notices Issued	10
3. Warning Notices Closed	10
4. Complaint Inspections	41
5. Return Compliance Inspections	47
6. Mitigation Monitoring Reports	25
7. Mitigation Compliance Inspections	30
8. Erosion Control Inspections	42
D. Enforcement	
1. Active Cases	25
2. Legal Cases	1
3. NOI's	3
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	3
6. Administrative - Civil Cases Closed	8
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$5,050.00
9. Enforcement Costs Collected	\$1,385.00

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

A. General	Totals
1. Telephone Conferences	757
2. Unscheduled Citizen Assistance	175
3. Scheduled Meetings	220
4. Correspondence	505
B. Assessment Reviews	
1. Wetland Delineations	56
2. Surveys	74
3. Miscellaneous Activities in Wetland	31
4. Impact/ Mitigation Proposal	27
5. Tampa Port Authority Permit Applications	50
6. Wastewater Treatment Plants (FDEP)	4
7. DRI Annual Report	2
8. Land Alteration/Landscaping	2
9. Land Excavation	2
10. Phosphate Mining	3
11. Rezoning Reviews	44
12. CPA	0
13. Site Development	64
14. Subdivision	99
15. Wetland Setback Encroachment	3
16. Easement/Access-Vacating	0
17. Pre-Applications	33
18. On-Site Visits	244
C. Investigation and Compliance	
1. Complaints Received	48
2. Complaints Closed	0
3. Warning Notices Issued	10
4. Warning Notices Closed	16
5. Complaint Inspections	52
6. Return Compliance Inspections	45
7. Mitigation Monitoring Reports	5
8. Mitigation Compliance Inspections	41
9. Erosion Control Inspections	49
D. Enforcement	
1. Active Cases	21
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	4
6. Administrative - Civil Cases Closed	10
7. Cases Referred to Legal Department	0
8. Contributions to Pollution Recovery	\$2,265.00
9. Enforcement Costs Collected	\$1,938.00

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 01/31/07**

Balance as of 10/01/06	*		\$1,933,214
Interest Accrued		30,055	
Deposits	FY07	106,547	
Disbursements	FY07	(\$114,838)	
Intrafund Transfer 910		(\$1,041,903)	
Total			<u>\$913,075</u>
Water & Coastal Area Restoration & Maint.		2,808	
Pollution Recovery Fund Balance			<u><u>\$910,267</u></u>

Old Encumbrances

Remedial Illegal Dump Asbestos (66)	4,486
USF Seagrass Restoration (99)	26
HCC Seagrass Restoration	3,319
Agr Pesticide Collection (100)	18,355
Riverview Library Invasive Plant Removal	10,000
Simmons Park Invasive Plant Removal	3,364
Water Drop Patch/Girl Scouts	3,023
Artificial Reef Program	121,124
Pollution Prevention/Waste Reduction (101)	21,752
PRF Project Monitoring	33,426
Total	<u>218,875</u>

FY2006 Approved Projects

HCC Land Based Sea Grass Nursery	20,000
Seagrass Restoration & Longshore Bar Recovery	75,000
Nature's Classroom Phase III	188,000
2005 State of the River	4,727
Seawall Removal Fort Brooke Park	100,000
Analysis of Sources of Fecal Indicator Bacteria	125,000
Pollution Monitoring Pilot Project	45,150
Industrial Facilities Stormwater Inspection Program	28,885
Agriculture Pesticide Collection	24,000
Knights Preserve	35,235
Agriculture Best Mgmt Practice Implementation	150,000
Oyster Reef Shoreline	30,000
Nitrogen Emission/Deposition	40,906
Lake Thonotosassa Muck Removal	75,000
Erosion Control/Oyster Bar Habitat Creation	75,000
Tank Removal	25,000
Total	<u>1,041,903</u>

Total of Encumbrances \$ 218,875

Minimum Balance 120,000

Balance Available 1/31/07 \$571,392

* 10-002-910 Projects included in 10/01/06 Balance

Brazilian Pepper (92)	\$ 26,717
COT Parks Dept/Cypress Point (97)	100,000
Bahia Beach Restoration (contract 04-03)	150,000
Tampa Shoreline Restoration	30,000
Field Measurement for Wave Energy	51,251
Water & Coastal Area Restoration & Maint.	5,285
Port of Tampa Stormwater Improvement	45,000
Natures Classroom Capital Campaign	44,000
Total	<u>\$ 452,253</u>

COMMISSION
 Brian Blair
 Rose V. Ferlita
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 Al Higginbotham
 Jim Norman
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 Water 627-2670 ERM 627-2650
 Air 627-2660 Lab 272-5157

Executive Director
 Richard D. Garrity, Ph.D.

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

Fund Balance as of 10/01/06	\$ 280,512
Interest Accrued	3,610
Disbursements FY07	34,707

Fund Balance	\$ 249,415
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Encumbrances Against Fund Balance:

SP625 Marsh Creek/Ruskin Inlet	\$ 25,900
SP627 Tampa Bay Scallop Restoration	22,613
SP636 Fantasy Island	4,208
SP630 E.G. Simmons Park	100
SP634 Cockroach Bay ELAPP Restoration	196,594
Total of Encumbrances	\$ 249,415

Fund Balance Available January 31, 2007	\$ - 0 -
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EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 15, 2007

Subject: Legal Case Summary for January 2007

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

Division: Legal Department

Recommendation: None, informational update.

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

Background: In an effort to provide the Commission a timely list of pending legal challenges, the EPC staff provides monthly updates. The updates not only can inform the Commission of pending litigation, but may be a tool to check for any conflicts they may have. The summaries generally detail pending civil and administrative cases where one party has initiated some form of civil or administrative litigation, as opposed 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 or to negotiate a settlement.

List of Attachments: January 2007 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT
January 2007

A. ADMINISTRATIVE CASES

NEW CASES [0]

EXISTING CASES [8]

Carolina Holdings, Inc. v. EPC [LCHP04-008]: A proposed final agency action letter denying an application for authorization to impact wetlands was sent on May 7, 2004. Carolina Holdings, Inc. requested an extension of time to file an appeal. The EPC entered an Order Granting the Request for Extension of Time on June 3, 2004 and the current deadline for filing an appeal was July 2, 2004. On July 2, 2004, Carolina Holdings, Inc. filed an appeal challenging the decision denying the proposed wetland impacts. The parties are still in negotiations. A pre-hearing conference was conducted on September 22, 2004 to discuss the case. The parties have conducted mediation to attempt to resolve the matter without a hearing. The applicant has re-submitted the new final site plan for re-zoning determination and the EPC is waiting for the decision. Hillsborough County denied the re-zoning application and the EPC staff is waiting to see what new action the applicant takes. The applicant has filed a Chapter 70, F.S. dispute resolution challenge of the County's re-zoning decision. The parties have agreed to wait until at least June 9, 2006 for resolution of the dispute resolution proceeding before moving this case forward. On October 4, 2006 the parties jointly responded to the Hearing Officer that the matter would continue to be held in abeyance until at least January 8, 2007. (AZ)

EPC vs. USACOE and Florida Department of Environmental Protection [LEPC05-005]: On February 11, 2005 EPC requested additional time to file an appeal of the FDEP's intent to issue an Environmental Resource Permit (ERP) permitting the dredging and deepening of the Alafia River Channel. The FDEP provided the EPC until March 16, 2005 to file the appeal. On February 17, 2005, the EPC board authorized the EPC Legal Department to file the appeal challenging the proposed FDEP permit. The EPC filed its request for a Chapter 120, F.S. administrative hearing challenging the conditions imposed in the permit on March 16, 2005. The parties have sought an additional extension of time to continue negotiations. The parties are in negotiations to resolve the case. (AZ)

Envirofocus Technologies, LLC (f/k/a Gulf Coast Recycling) v. EPC and DEP [LCHP06-002]: On January 4, 2006, the EPC received a petition for hearing from Gulf Coast Recycling regarding certain conditions in a draft air operations permit the EPC issued to them. The parties are meeting to try to agree upon appropriate conditions to minimize the release of lead to the environment. On June 1, 2006, Gulf Coast Recycling transferred the facility to a new owner, Envirofocus Technologies, LLC, who has indicated a willingness to improve the facility but the case remains open until resolution of the application. The permit, the renewal application, and the petition against the permit have all been transferred into Envirofocus Technologies name and the EPC is processing the permit renewal request. (RM)

Medallion Convenience Stores, Inc. [LEPC05-023]: On August 10, 2005, Medallion Convenience Stores, Inc. filed a request for extension of time to file an appeal of a Citation of Violation and Order to Correct for unresolved assessment and remediation of contamination at a gasoline service station located at 12302 Balm Riverview Road. Ultimately on June 15, 2006 the Respondent timely filed an appeal. The matter was consolidated with the below case and the appeals have been assigned to one hearing officer. The parties are currently in negotiations to resolve the matter. (AZ)

MDC 6, LLC [LEPC05-022]: (See above case) On August 10, 2005, MDC 6, LLC filed a request for extension of time to file an appeal of a Citation of Violation and Order to Correct for unresolved assessment and remediation of contamination at a gasoline service station located at 12302 Balm Riverview Road. Ultimately on June 15, 2006, the Respondent timely filed an appeal. The matter was consolidated with the above case and the appeals were assigned to one hearing officer. (AZ)

Irshaid Oil, Inc. [LEPC06-006]: On March 15, 2006, Mr. Nasser Irshaid filed a request for extension of time to file an appeal to challenge a Citation of Violation and Order to Correct issued by EPC on February 28, 2006, regarding waste issues. The Legal Dept. granted the request and provided the Appellant with a deadline of June 19, 2006 in which to file an appeal. On June 8, 2006 Appellant filed a second request for extension of time. It was determined that the request did not show good cause and the request was denied. Mr. Irshaid had until July 19, 2006 to file an appeal. On July 10, 2006 Mr. Irshaid filed an insufficient Notice of Appeal which was dismissed with leave to amend. Mr. Irshaid had until July 28, 2006 to file an amended appeal. Mr. Irshaid filed an appeal on July 18, 2006. A Hearing Officer was appointed on August 14, 2006. The Case Management Conference was held on Sept. 6, 2006. A second case management conference is scheduled for December 11, 1006. No final hearing has been set pending possible settlement. (AZ)

Mantua Manufacturing Company [LEPC06-027: On September 27, 2006 Mantua Manufacturing Co., a metal coating operation that emits air pollutants, filed a petition for administrative hearing challenging the Notice of Permit Denial that was issued to them on September 19, 2006. The parties are negotiating. (RM)

Daniel A. and Celina Jozsi [LEPC06-031]: On October 17, 2006, the Jozsis filed a Notice of Appeal and Objection to an Amended Consent Order entered on September 27, 2006. The Legal Department has issued a letter acknowledging the appeal. The Hearing Officer has been assigned. The EPC has sent the Appellant interrogatories and requests for production of documents. The final hearing date has been scheduled for April 2, 2007. The parties are conducting discovery and are preparing for the final hearing. A mediation has been scheduled for February 27, 2007. (AZ)

RECENTLY RESOLVED CASES [1]

Rentokil Initial Environmental Services, Inc. [EPC05-021]: On August 8, 2005, Rentokil Initial Environmental Services, Inc. filed a request for extension of time to file an appeal of a Citation of Violation and Order to Correct for unresolved petroleum contamination violations existing at a gasoline service station located at 12302 Balm Riverview Road. Ultimately on June 12, 2006 the Respondent timely filed an appeal. The matter was consolidated with two other cases referenced above. The Citation for this respondent has been withdrawn and matter has been closed as to this party. (AZ)

B. CIVIL CASES

NEW CASES [1]

Hendry Corporation [LEPC06-033]: On November 16, 2006, the EPC Board authorized the EPC to file a lawsuit against the Hendry Corporation for multiple violations of state air pollution regulations and for failure to comply with a Consent Order regarding ship repair facility operation and maintenance. The parties are negotiating a settlement. (RM)

EXISTING CASES [9]

Integrated Health Services [LIHSF00-005]: IHS, a Delaware corporation, filed for bankruptcy and noticed EPC as a potential creditor. IHS is a holding company that acquired a local nursing home, which operation includes a domestic wastewater treatment plant that is not in compliance. The Debtor filed a motion requesting that utility companies be required to continue service so that their residents can continue without relocation. (RT)

Tampa Bay Shipbuilding [LEPC04-011]: Authority to take appropriate action against Tampa Bay Shipbuilding for violations of permit conditions regarding spray painting and grit blasting operations, exceeding the 12 month rolling total for interior coating usage and failure to conduct visible emission testing was granted on March 18, 2004. The parties are currently in negotiations. (RT)

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. Staff is currently drafting a Notice of Violation. (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. (AZ)

Jozsi, Daniel A. and Celina v. EPC and Winterroth [LEPC05-025]: Daniel A. and Celina Jozsi requested an appeal of a Consent Order entered into between James Winterroth and the EPC Executive Director. The appeal was not timely filed and the EPC dismissed the appeal. On December 8, 2005, the Jozsis appealed the order dismissing the appeal to the circuit court. The appeal was transferred to the Second District Court of Appeal (2DCA). The EPC transferred the record to the 2DCA on Aug. 24, 2006. On Sept. 27, 2006 the EPC and James Winterroth entered into an Amended Consent Order. The Jozsis were provided the right to challenge the Amended Order. The Jozsis filed an appeal of the Amended Consent Order on Oct. 17, 2006 (see related case LEPC06-031). On Oct. 19, 2006 the EPC filed a Motion to Dismiss the 2DCA appeal. The Court denied the Motion to Dismiss the appeal and the Appellants' brief is due in March 2007. (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)

Ryaid Suleiman, et al. (Kings Food Mart) [LEPC06-026]: Authority was granted on September 26, 2006 to pursue appropriate legal action against Respondents Ryaid Suleiman, Siham Jaber, Nader Jaber, Nina Jaber, Maher Jaber and Thaer Jaber for violations of the EPC Storage Tank Rule. Citations were entered against the respondents on March 29, 2005. No appeal of the citations was filed and they became final orders of the Commission. The EPC Legal Dept. is preparing to file a lawsuit to compel compliance with the Final Orders. (AZ)

Transpartz, Inc., Scott Yaslow, and Ernesto and Judith Baizan [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 a Preliminary Contamination Assessment Plan be conducted on the property for discharges of oil/transmission fluid to the environment. On July 21, 2006 the responsible parties entered into a settlement that required them to perform all the necessary corrective actions and to pay \$15,000 in penalties and \$2,400.00 in administrative costs. The case was closed in August 2006. The responsible parties have not performed any corrective actions and continue to operate the facility in violation of the applicable rules. On October 20, 2006 the Legal Department filed a lawsuit seeking injunctive relief and requesting civil penalties and costs. The parties are in negotiations to resolve the case and the EPC filed for a default judgment as the Defendants failed to answer the Complaint. (RM)

Dwayne Gillispie and Donice Bhadelia [LEPC06-032]: On November 13, 2006 the Plaintiffs filed and served a lawsuit against three EPC employees for alleged violations of federal civil rights. Plaintiffs are also seeking a declaratory judgment in federal court concerning EPC wetland regulations. The EPC Legal Department filed motions to dismiss each EPC employee defendant on December 8, 2006. The Plaintiffs amended their lawsuit to include the EPC as a defendant. The Legal Department re-filed the motions to dismiss the individual lawsuits and the EPC is waiting for the court to respond. The three employee defendants also requested the court sanction the Plaintiffs for the frivolous lawsuits. (AZ / RT)

RECENTLY RESOLVED CASES [2]

Cornerstone Abatement and Demolition Co. [LEPC04-013]: Authority to take appropriate action against Cornerstone Abatement and Demolition Co. for failing to properly handle and remove regulated asbestos-containing material was granted on May 20, 2004. The parties settled the case on December 7, 2006 through entry of a Settlement Letter for \$6,000.00 in penalties and assessment of the EPC's costs in resolving the case. (AZ)

Lewis 8001 Enterprises, Inc. [LEPC04-012]: Authority to take appropriate action against Lewis 8001 Enterprises, Inc. was granted on May 20, 2004. Lewis 8001 Enterprises, Inc. has failed to remove improperly stored solid waste from its property. The responsible party failed to respond to the Legal Department's requests and on February 3, 2005 a lawsuit was filed compelling compliance and to recover penalties and costs for the violations. On November 1, 2005, the Legal Department filed a Motion for Default for failure to timely respond. The Default was entered on November 2, 2005. The parties negotiated a settlement to resolve the outstanding issues. On January 10, 2007, the parties entered into a stipulated judgment where all corrective would be performed by April 10, 2007 and the Defendants would pay \$5,563.00 in costs and \$20,000.00 in penalties with an additional \$40,000.00 in stipulated penalties in the event the work is not timely completed. (AZ)

C. OTHER OPEN CASES [7]

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.

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)

Alcoa Extrusions, Inc. [LEPC06-007]: On March 20, 2006, Alcoa Extrusions, Inc. filed a request for an extension of time to file a petition for an administrative hearing concerning a Title V draft Air permit. The Legal Dept. granted the extension request and the Petitioner has until May 22, 2006 to file a petition. On May 10, 2006, the petitioner filed a second request for an extension of time, the request was granted and the petitioner had until August 21, 2006 to file a petition in this matter. On August 10, 2006, Petitioner filed a third request for an extension of time. The request was granted and the Petitioner had until November 20, 2006 to file a petition. A fourth request for an extension of time was entered on November 10, 2006. The request was granted and petitioner has until February 19, 2007 to file a petition. (RT)

James Hardie Building Products, Inc. [LEPC06-018]: On June 1, 2006, James Hardie Building Products, Inc. filed a request for an extension of time to file a Petition for Administrative Hearing regarding a combined Air operation and Construction permit. The request was granted and the Petitioner has until August 4, 2006 to file a petition in this matter. Due to ongoing settlement talks, a extensions has been approved through February 23, 2007. (RM)

Sun Tampa East, LLC d/b/a Tampa East RV Resort [LEPC06-029]: On October 2, 2006 Tampa East RV Resort filed a request for an extension of time to file a petition for administrative hearing with regard to a Notice of Permit Denial. Petitioner has until February 12, 2007 to file a petition in this matter and the parties are negotiating a settlement. (RM)

Hendry Corporation [LEPC06-035]: On December 1, 2006, the EPC issued a Notice of Violation to Hendry Corporation for multiple violations of state air pollution regulations at their ship repair facility. Hendy requested an

extension of time and the EPC has granted extensions through March 5, 2007. The parties are negotiating a settlement. (RM)

Gulf Sulphur Services [LEPC07-001]: On January 2, 2007 Gulf Sulphur Services filed a request for an extension of time to file a petition for administrative hearing with regard to a draft air permit #0570082-012-AO. An extension of time was granted through February 7, 2007.

Gulf Sulphur Services [LEPC07-002]: On January 2, 2007 Gulf Sulphur Services filed a request for an extension of time to file a petition for administrative hearing with regard to a draft air permit #0570100-012-AO. An extension of time was granted through February 7, 2007.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 15, 2007

Subject: Legal Case Summary for February 2007

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

Division: Legal Department

Recommendation: None, informational update.

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

Background: In an effort to provide the Commission a timely list of pending legal challenges, the EPC staff provides monthly updates. The updates not only can inform the Commission of pending litigation, but may be a tool to check for any conflicts they may have. The summaries generally detail pending civil and administrative cases where one party has initiated some form of civil or administrative litigation, as opposed 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 or to negotiate a settlement.

List of Attachments: February 2007 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT
February 2007

A. ADMINISTRATIVE CASES

NEW CASES [0]

EXISTING CASES [8]

Carolina Holdings, Inc. v. EPC [LCHP04-008]: A proposed final agency action letter denying an application for authorization to impact wetlands was sent on May 7, 2004. Carolina Holdings, Inc. requested an extension of time to file an appeal. The EPC entered an Order Granting the Request for Extension of Time on June 3, 2004 and the current deadline for filing an appeal was July 2, 2004. On July 2, 2004, Carolina Holdings, Inc. filed an appeal challenging the decision denying the proposed wetland impacts. The parties are still in negotiations. A pre-hearing conference was conducted on September 22, 2004 to discuss the case. The parties have conducted mediation to attempt to resolve the matter without a hearing. The applicant has re-submitted the new final site plan for re-zoning determination and the EPC is waiting for the decision. Hillsborough County denied the re-zoning application and the EPC staff is waiting to see what new action the applicant takes. The applicant has filed a Chapter 70, F.S. dispute resolution challenge of the County's re-zoning decision. The parties have agreed to wait until at least June 9, 2006 for resolution of the dispute resolution proceeding before moving this case forward. On October 4, 2006 the parties jointly responded to the Hearing Officer that the matter would continue to be held in abeyance until at least January 8, 2007. (AZ)

EPC vs. USACOE and Florida Department of Environmental Protection [LEPC05-005]: On February 11, 2005 EPC requested additional time to file an appeal of the FDEP's intent to issue an Environmental Resource Permit (ERP) permitting the dredging and deepening of the Alafia River Channel. The FDEP provided the EPC until March 16, 2005 to file the appeal. On February 17, 2005, the EPC board authorized the EPC Legal Department to file the appeal challenging the proposed FDEP permit. The EPC filed its request for a Chapter 120, F.S. administrative hearing challenging the conditions imposed in the permit on March 16, 2005. The parties have sought an additional extension of time to continue negotiations. The parties are in negotiations to resolve the case. (AZ)

Envirofocus Technologies, LLC (f/k/a Gulf Coast Recycling) v. EPC and DEP [LCHP06-002]: On January 4, 2006, the EPC received a petition for hearing from Gulf Coast Recycling regarding certain conditions in a draft air operations permit the EPC issued to them. The parties are meeting to try to agree upon appropriate conditions to minimize the release of lead to the environment. On June 1, 2006, Gulf Coast Recycling transferred the facility to a new owner, Envirofocus Technologies, LLC, who has indicated a willingness to improve the facility but the case remains open until resolution of the application. The permit, the renewal application, and the petition against the permit have all been transferred into Envirofocus Technologies name and the EPC is processing the permit renewal request. (RM)

Medallion Convenience Stores, Inc. [LEPC05-023]: On August 10, 2005, Medallion Convenience Stores, Inc. filed a request for extension of time to file an appeal of a Citation of Violation and Order to Correct for unresolved assessment and remediation of contamination at a gasoline service station located at 12302 Balm Riverview Road. Ultimately on June 15, 2006 the Respondent timely filed an appeal. The matter was consolidated with the below case and the appeals have been assigned to one hearing officer. The parties are currently in negotiations to resolve the matter. (AZ)

MDC 6, LLC [LEPC05-022]: (See above case) On August 10, 2005, MDC 6, LLC filed a request for extension of time to file an appeal of a Citation of Violation and Order to Correct for unresolved assessment and remediation of contamination at a gasoline service station located at 12302 Balm Riverview Road. Ultimately on June 15, 2006, the Respondent timely filed an appeal. The matter was consolidated with the above case and the appeals were assigned to one hearing officer. (AZ)

Irshaid Oil, Inc. [LEPC06-006]: On March 15, 2006, Mr. Nasser Irshaid filed a request for extension of time to file an appeal to challenge a Citation of Violation and Order to Correct issued by EPC on February 28, 2006, regarding waste issues. The Legal Dept. granted the request and provided the Appellant with a deadline of June 19, 2006 in which to file an appeal. On June 8, 2006 Appellant filed a second request for extension of time. It was determined that the request did not show good cause and the request was denied. Mr. Irshaid had until July 19, 2006 to file an appeal. On July 10, 2006 Mr. Irshaid filed an insufficient Notice of Appeal which was dismissed with leave to amend. Mr. Irshaid had until July 28, 2006 to file an amended appeal. Mr. Irshaid filed an appeal on July 18, 2006. A Hearing Officer was appointed on August 14, 2006. The Case Management Conference was held on Sept. 6, 2006. The Case is in abeyance until February 12, 2007. No final hearing has been set pending possible settlement. (AZ)

Mantua Manufacturing Company [LEPC06-027]: On September 27, 2006 Mantua Manufacturing Co., a metal coating operation that emits air pollutants, filed a petition for administrative hearing challenging the Notice of Permit Denial that was issued to them on September 19, 2006. The parties are negotiating. (RM)

Daniel A. and Celina Jozsi [LEPC06-031]: On October 17, 2006, the Jozsis filed a Notice of Appeal and Objection to an Amended Consent Order entered on September 27, 2006. The Legal Department has issued a letter acknowledging the appeal. The Hearing Officer has been assigned. The EPC has sent the Appellant interrogatories and requests for production of documents. The final hearing date has been scheduled for April 2, 2007. The parties are conducting discovery and are preparing for the final hearing. A mediation has been scheduled for February 27, 2007. (AZ)

RECENTLY RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [10]

Integrated Health Services [LIHSF00-005]: IHS, a Delaware corporation, filed for bankruptcy and noticed EPC as a potential creditor. IHS is a holding company that acquired a local nursing home, which operation includes a domestic wastewater treatment plant that is not in compliance. The Debtor filed a motion requesting that utility companies be required to continue service so that their residents can continue without relocation. (RT)

Tampa Bay Shipbuilding [LEPC04-011]: Authority to take appropriate action against Tampa Bay Shipbuilding for violations of permit conditions regarding spray painting and grit blasting operations, exceeding the 12 month rolling total for interior coating usage and failure to conduct visible emission testing was granted on March 18, 2004. The parties are currently in negotiations. (RT)

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. (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. (AZ)

Jozsi, Daniel A. and Celina v. EPC and Winterroth [LEPC05-025]: Daniel A. and Celina Jozsi requested an appeal of a Consent Order entered into between James Winterroth and the EPC Executive Director. The appeal was not timely filed and the EPC dismissed the appeal. On December 8, 2005, the Jozsis appealed the order dismissing the appeal to the circuit court. The appeal was transferred to the Second District Court of Appeal (2DCA). The EPC transferred the record to the 2DCA on Aug. 24, 2006. On Sept. 27, 2006 the EPC and James Winterroth entered into an Amended Consent Order. The Jozsis were provided the right to challenge the Amended Order. The Jozsis filed an appeal of the Amended Consent Order on Oct. 17, 2006 (see related case LEPC06-031). On Oct. 19, 2006 the EPC filed a Motion to Dismiss the 2DCA appeal. The Court denied the Motion to Dismiss the appeal and the Appellants' brief is due in March 2007. (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)

Ryaid Suleiman, et al. (Kings Food Mart) [LEPC06-026]: Authority was granted on September 26, 2006 to pursue appropriate legal action against Respondents Ryaid Suleiman, Siham Jaber, Nader Jaber, Nina Jaber, Maher Jaber and Thaer Jaber for violations of the EPC Storage Tank Rule. Citations were entered against the respondents on March 29, 2005. No appeal of the citations was filed and they became final orders of the Commission. The EPC Legal Dept. is preparing to file a lawsuit to compel compliance with the Final Orders. (AZ)

Transpartz, Inc., Scott Yaslow, and Ernesto and Judith Baizan [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 a Preliminary Contamination Assessment Plan be conducted on the property for discharges of oil/transmission fluid to the environment. On July 21, 2006 the responsible parties entered into a settlement that required them to perform all the necessary corrective actions and to pay \$15,000 in penalties and \$2,400.00 in administrative costs. The case was closed in August 2006. The responsible parties have not performed any corrective actions and continue to operate the facility in violation of the applicable rules. On October 20, 2006 the Legal Department filed a lawsuit seeking injunctive relief and requesting civil penalties and costs. The parties are in negotiations to resolve the case, nonetheless the EPC filed for a default judgment as the Defendants failed to answer the Complaint and the Clerk issued a default in the matter. (RM)

Dwayne Gillispie and Donice Bhadelia [LEPC06-032]: On November 13, 2006 the Plaintiffs filed and served a lawsuit against three EPC employees for alleged violations of federal civil rights. Plaintiffs are also seeking a declaratory judgment in federal court concerning EPC wetland regulations. The EPC Legal Department filed motions to dismiss each EPC employee defendant on December 8, 2006. The Plaintiffs amended their lawsuit to include the EPC as a defendant. The Legal Department re-filed the motions to dismiss the individual lawsuits and the EPC is waiting for the court to respond. The three employee defendants also requested the court sanction the Plaintiffs for the frivolous lawsuits. (AZ / RT)

Hendry Corporation [LEPC06-033]: On November 16, 2006, the EPC Board authorized the EPC to file a lawsuit against the Hendry Corporation for multiple violations of state air pollution regulations and for failure to comply with a Consent Order regarding ship repair facility operation and maintenance. The parties are negotiating a settlement. (RM)

RECENTLY RESOLVED CASES [0]

C. OTHER OPEN CASES [9]

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

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)

Alcoa Extrusions, Inc. [LEPC06-007]: On March 20, 2006, Alcoa Extrusions, Inc. filed a request for an extension of time to file a petition for an administrative hearing concerning a Title V draft Air permit. The Legal Dept. granted the extension request and the Petitioner has until May 22, 2006 to file a petition. On May 10, 2006, the petitioner filed a second request for an extension of time, the request was granted and the petitioner had until August 21, 2006 to file a petition in this matter. On August 10, 2006, Petitioner filed a third request for an extension of time. The request was granted and the Petitioner had until November 20, 2006 to file a petition. A fourth request for an extension of time was entered on November 10, 2006. The request was granted and petitioner has until February 19, 2007 to file a petition. (RT)

James Hardie Building Products, Inc. [LEPC06-018]: One June 1, 2006, James Hardie Building Products, Inc. filed a request for an extension of time to file a Petition for Administrative Hearing regarding a combined Air operation and Construction permit. The request was granted and the Petitioner has until August 4, 2006 to file a petition in this matter. Due to ongoing settlement talks, a extensions has been approved through February 23, 2007. (RM)

Sun Tampa East, LLC d/b/a Tampa East RV Resort [LEPC06-029]: On October 2, 2006 Tampa East RV Resort filed a request for an extension of time to file a petition for administrative hearing with regard to a Notice of Permit Denial. Petitioner has until February 12, 2007 to file a petition in this matter and the parties are negotiating a settlement. (RM)

Hendry Corporation [LEPC06-035]: On December 1, 2006, the EPC issued a Notice of Violation to Hendry Corporation for multiple violations of state air pollution regulations at their ship repair facility. Hendry requested an extension of time and the EPC has granted extensions through March 5, 2007. The parties are negotiating a settlement. (RM)

Gulf Sulphur Services [LEPC07-001]: On January 2, 2007 Gulf Sulphur Services filed a request for an extension of time to file a petition for administrative hearing with regard to a draft air permit #0570082-012-AO. An extension of time was granted through February 7, 2007. (RM)

Gulf Sulphur Services [LEPC07-002]: On January 2, 2007 Gulf Sulphur Services filed a request for an extension of time to file a petition for administrative hearing with regard to a draft air permit #0570100-012-AO. An extension of time was granted through February 7, 2007. (RM)

Kinder Morgan Operating LP "C" [LEPC07-003]: On January 19, 2007 Kinder Morgan Operating LP "C" filed a request for an extension of time with regard to draft air permit #0570024-013-AC. An extension of time was granted through March 26, 2007. (RM)

Separation Technologies [LEPC07-004]: On February 1, 2007, Separation Technologies LLC filed a request for an extension of time to file a petition for administrative hearing with regard to a draft air permit #0571326-001-AC. An extension of time was granted through March 7, 2007. (RM)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 15, 2007

Subject: Request for authority to take appropriate legal action against Bayside Home Builders, Inc.

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

Division: Air Management Division

Recommendation: Grant EPC staff authority to take appropriate legal action, including but not limited to a civil law suit, and authorization to settle a civil suit.

Brief Summary: Bayside Home Builders, Inc. signed a Consent Order effective on October 11, 2005 in settlement of violations involving improper removal, handling and disposal of asbestos containing materials. Penalties in the amount of \$4,000.00 and EPC costs in the amount \$1,216.30 are outstanding. An Amended Consent Order was signed on September 21, 2006 to provide Bayside Home Builders an extended payment schedule. Bayside Home Builders has again defaulted on the payments, thus EPC staff is requesting authority to take appropriate legal action.

Background:

During an inspection of an asbestos removal project at South Moody Townhomes at 1005 S. Moody Avenue, Tampa, conducted on January 12, 2006, EPC staff observed that three hundred sixty-eight square feet of regulated asbestos containing material (RACM) was improperly removed, handled and disposed of by Bayside Home Builders, Inc. (Contractor). The Contractor did not use water during the removal and disposed of the asbestos containing debris as hurricane debris, in violation of federal, state and local regulations governing asbestos removal. Laboratory analysis of the samples taken at the site revealed they contained 60% chrysotile asbestos.

Bayside Home Builders has made only one payment of \$521.63 under the amended payment schedule, and is in violation of the Amended Consent Order. Therefore, we are requesting authority to take appropriate legal action to compel compliance with the Rules of the EPC, and the ability to settle any civil lawsuit.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 15, 2007

Subject: Public hearing to consider and approve amendments to Chapter 1-3, Rules of the EPC

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

Division: Air Management Division

Recommendation: Hold a public hearing to consider and approve amendments to Chapter 1-3, Rules of the EPC (Air Pollution Rule) and adopt and incorporate select State rules.

Brief Summary: Pursuant to the EPC Act, the EPC Board must hold a noticed public hearing to approve a rule or rule amendment. The amendments to our air pollution rule only include non-substantive corrections, inclusion of a more complete history of EPC Board approval dates for past versions of the rule, and a new section 1-3.26 which adopts all the State regulations that the EPC is required to administer under its contractual obligations with the Florida Department of Environmental Protection. These amendments do not increase or reduce the EPC's regulatory powers, they merely clarify which State rules the EPC is already required to administer and currently does administer in Hillsborough County.

Background: Pursuant to the Hillsborough County Environmental Protection Act (EPC Act) Section 5(2), the EPC Board must hold a noticed public hearing to approve a rule or rule amendment. The notice of this meeting was timely published in a newspaper of general circulation. On December 14, 2006, the EPC approved holding a public hearing on February 15, 2007, to consider and approve rule amendments. The amendments only include non-substantive corrections, inclusion of a more complete history of EPC Board approval dates for past versions of the rule, and a new section 1-3.26 which adopts all the State regulations that the EPC is required to administer and annually re-adopt under its contractual obligations (found in the Specific Operating Agreement) with the Department of Environmental Protection (FDEP).

The FDEP agreement requires the EPC to annually re-adopt all the FDEP's air pollution rules. These amendments do not increase or reduce the EPC's regulatory powers, they merely clarify which FDEP rules the EPC is already required to administer and currently does administer in Hillsborough County. Thus, proposed section 1-3.26, in one centralized rule section, adopts and incorporates all FDEP air pollution rule changes since our last Chp. 1-3 amendment in October 2002 and it adopts other FDEP rules that the EPC is required to administer. These FDEP rules are already in effect and must be administered by the EPC pursuant to its FDEP delegation, even if they were not included in the rule.

List of Attachments: Proposed Amendments to Chapter 1-3, Rules of the EPC

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

**CHAPTER 1-3
STATIONARY AIR POLLUTION
SOURCES AND AMBIENT AIR QUALITY
STANDARDS**

PART 1

- 1-3.10 Statement of Intent
- 1-3.11 Declarations of Legislative Findings
- 1-3.12 Definitions

PART 2

- 1-3.20 Circumvention Prohibited
- 1-3.21 Permits Required
- 1-3.22 Prohibitions
- 1-3.23 Necessary Precautions
- 1-3.24 Public Notification
- 1-3.25 Excess Emissions
- 1-3.26 Department Regulations

PART 3

- 1-3.30 Ambient Air Quality Standards
- 1-3.31 Designation of Air Pollution Status of Area

PART 4

- 1-3.40 New Source Review

PART 5

- 1-3.50 Emission Limiting and Performance Standards
- 1-3.51 Particulate Emissions
- 1-3.52 Visible Emissions
- 1-3.53 Specific Source Emissions

PART-6

- 1-3.60 Source Sampling and Monitoring

PART 1

1-3.10 STATEMENT OF INTENT

1. The Commission promulgates this rule for the purpose of implementing the intent of the Florida Legislature as declared in Chapter 84-446, Laws of Florida, as amended or recodified (Act), to insure the atmospheric purity and freedom of the air of Hillsborough County from contaminants or synergistic agents injurious to human, plant, or animal life, which unreasonably interfere with comfortable enjoyment of life or property or the conduct of business. In so doing, the Commission recognizes that the Florida Department of Environmental Protection (Department) has environmental regulatory and enforcement authority pursuant to Chapter 403, Florida Statutes, and that the remedies of the Department under that chapter are available to the Commission as an approved local program pursuant to Chapter 403.182, F.S. It is the intent of the Commission to require compliance with the Department's permitting rules and emission limits in Hillsborough County, except as may be otherwise provided herein, so as to further the policies of preventing significant deterioration, protecting air quality existing at the time the Department adopted its standards, and of upgrading or enhancing air quality. Where a new or increased source of air pollution poses a possibility of degrading existing high air quality or ambient air quality established by this rule, the Director shall not recommend issuance of a Department permit for such source or proposed source until he has received reasonable assurance that such source, construction or development will not violate this rule.

2. Standards and provisions of the Department, as here adopted, are incorporated in the form existing on the date of adoption of this rule or relevant amendment. When Commission rules are more stringent or restrictive than Department rules, the Commission rules shall apply.

3. Department rules, as adopted herein and incorporated by reference, shall be interpreted consistently with official Department policy. For purposes of this rule, official Department

policy shall include written policy statements signed by the Secretary of the Department or his/her designee. Other documented representations of Department policy may be used in support of a policy interpretation, but shall not themselves be official policy.

Section History - New and effective 02/26/86; amended and effective 09/14/88; amended and effective 06/25/98; readopted and effective 08/19/99; amended 09/19/02 and effective 10/15/02; amended 02/xx/07 and effective 02/xx/07.

1-3.11 DECLARATION OF LEGISLATIVE FINDINGS

The Commission hereby finds that emissions into the atmosphere of Hillsborough County in excess of, or contributing to an exceedance of, the standards hereinafter provided may reasonably be expected to cause air pollution prohibited by Section 17 of the Act. The Commission also finds that emissions, while in compliance with source specific emission limiting standards, may at times constitute nuisances as defined by Section 3(8) and prohibited by Section 16 of the Act.

Section History - New and effective 02/26/86; amended and effective 09/14/88; readopted and effective 06/25/98; readopted and effective 08/19/99.

1-3.12 DEFINITIONS

1. Definitions contained in the Act, apply to this rule.

2. With the exception of the definitions for "Air Pollution," and "Particulate Matter," definitions contained in Section 62-210.200, F.A.C., shall, to the extent applicable apply to this rule.

3. The following specific definitions shall apply to this rule:

(a) "Director" shall mean the Director of the Commission or his authorized agent.

(b) "Objectionable odor" shall mean any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, or which creates a nuisance as defined by the Act.

(c) "Stationary source" shall mean any building, structure, equipment, facility, or installation which emits or may emit an air pollutant and exists at or is designed to be operated as a unit at a fixed location, although parts of the source may move while the source is in operation.

(d) "Vapor-tight gasoline tank truck" shall mean a gasoline tank truck, which has demonstrated within the 12 preceding months that its product delivery tank will sustain a pressure change of not more than 750 pascals (75mm of water) within 5 minutes after it is pressurized to 4500 pascals (450mm of water). This capability is to be demonstrated using the pressure test procedure specified in EPA Reference Method 27.

Section History - New and effective 02/26/86; amended and effective 09/14/88; amended and effective 06/25/98; readopted and effective 08/19/99; amended 09/19/02 and effective 10/15/02.

PART 2

1-3.20 CIRCUMVENTION PROHIBITED

No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.

Section History - New and effective 02/26/86; readopted and effective 06/25/98; readopted and effective 08/19/99.

1-3.21 PERMITS REQUIRED

1. No air pollution source may be constructed, modified or operated in Hillsborough County without a valid permit as may be required by the Department pursuant to Chapters 62-210, 212, 213 and 214, F.A.C., Chapter 62-4, F.A.C., or as may be otherwise required by this rule.

2. Application for or renewal of a permit, or copy where appropriate, shall be submitted to the Director for his review, pursuant to Department and Commission requirements, and recommendation according to this rule. Reasonable assurances shall be provided that all Department and Commission standards have or will be met by the applicant or the activity sought to be permitted. Activities under Citation at the time of application shall have the

Citation resolved prior to the Director recommending approval of an application involving the same activity.

3. No air pollution source may be constructed, modified or operated in Hillsborough County in violation of any conditions specified on the permit, whether issued by the Commission or by the Department, or certification authorizing the activity or as may be incorporated by reference within the conditions of the permit authorizing the activity. Violation of any such permit or certification condition is a violation of this rule.

Section History - New and effective 02/26/86; amended and effective 06/25/98; amended and effective 08/19/99; amended 09/19/02 and effective 10/15/02.

1-3.22 PROHIBITIONS

1. No person may build, erect, construct, or implant any new source or operate, modify or re-build an existing source, or by any other means release or take action which would result in the release of air pollutants into the atmosphere of the County which will result in or contribute to, ambient air concentrations greater than ambient air quality standards as defined in this rule.

2. No person shall cause, let, permit, suffer or allow the discharge into the atmosphere of any pollutant from any source or activity in excess of emission standards herein established.

3. No person shall cause, let, permit, suffer or allow the discharge into the atmosphere of any pollutant from any source or activity that causes or tends to cause or to contribute to an objectionable odor.

Section History - New and effective 02/26/86; amended and effective 06/25/98; readopted and effective 08/19/99.

1-3.23 NECESSARY PRECAUTIONS

No person shall store, pump, handle, process, load, unload or use in any process or installation volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems as may be necessary.

Section History - New and effective 02/26/86; readopted and effective 06/25/98; readopted and effective 08/19/99.

1-3.24 PUBLIC NOTIFICATION

1. Construction and Operating Permits.

(a) Pursuant to Chapter 62-110.106 F.A.C., a Notice of Application and Notice of Proposed Agency Action for any air pollution permit may require public notice in a newspaper of general circulation by the applicant at the applicant's expense. In such instance, the notice must be published in a newspaper that meets the requirements of 50.011 and 50.031, F.S. Any Notice of Application shall be in addition to any public notice required under Chapter 62-110.106(7), F.A.C.

(b) Applicants shall give written notice to each Neighborhood Organization registered with the EPC which lies within one mile of any proposed activity under consideration for a construction permit. At the Director's discretion, applicants may be directed to provide the same written notice to Neighborhood Organizations further than one mile from the proposed activity for activities to be covered by a construction permit. Applicants shall, at the Director's discretion, give written notice to each Neighborhood Organization registered with the EPC, which lies within one mile of any proposed activity under consideration for an operation permit. Also, at the Director's discretion, applicants may be directed to provide the same written notice to Neighborhood Organizations further than one mile from the proposed activity for activities to be covered by an operation permit. The EPC will provide the applicant with the affected Neighborhood Organization list, and within 10 days of receipt of this list, the applicant will provide the EPC written evidence that the Neighborhood Organizations were notified. The notice to the Neighborhood Organizations shall include a description of the air emission source, the nature of the air emissions, the proposed startup date and the name of a contact person at the EPC for further information.

(c) Applicants shall post a sign at the location of any proposed activity under consideration for a construction permit. At the Director's discretion, applicants may be directed to post the same sign for activities to be covered by an operation permit. The EPC will provide

the applicant with the sign. It must be posted conspicuously on the property, so as to be readily viewable from the busiest adjacent public roadway. The applicant must pick up and post the sign within 15 days of submitting an application, and leave it posted on-site for no less than 30 days.

2. General and Relocatable Permits. Applicants who intend to use an air general permit in Hillsborough County, or move a facility classified as a relocatable facility to a location in Hillsborough County for the first time at that location, shall post a sign at the facility. The EPC will provide the facility with a sign. It must be posted conspicuously on the property so as to be readily viewable from the busiest adjacent public roadway. The facility must pick up and post the sign within 5 days of submitting notification to EPC, and the sign must remain posted for 30 days, or for the duration of the operation if it is less than 30 days.

Section History - New and effective 06/25/98; amended and effective 08/19/99; amended 09/19/02 and effective 10/15/02.

1-3.25 EXCESS EMISSIONS

1. Excess emissions specifically allowed by Chapter 62-210, F.A.C., shall not be violations of this rule unless they are determined to be nuisances. The Director may request written verification that any such emissions fall within the designated conditions.

2. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may be reasonably prevented during start-up, shut down, or malfunction, are prohibited.

Section History - New and effective 02/26/86; amended and effective 06/25/98; readopted and effective 08/19/99.

1-3.26 DEPARTMENT REGULATIONS

The Commission acknowledges and reaffirms all existing rule adoptions, incorporations, and references in Chapter 1-3. In conformance with an operating agreement with the Department, which generally allows the Commission to act on

behalf of the Department for certain air pollution permitting and enforcement matters, the Commission herein adopts and incorporates the following State regulations: Chapters 62-204, 62-210, 62-212, 62-213, 62-214, 62-257, 62-296, and 62-297, Florida Administrative Code.

Section History - New 02/xx/07 and effective 02/xx/07.

PART 3

1-3.30 AMBIENT AIR QUALITY STANDARDS

1. Standards established in Chapter 62-204, F.A.C., are adopted and hereby incorporated by reference.

2. Sampling and analysis of contaminants in this section shall be performed in accordance with the State of Florida Department of Environmental Protection "State-Wide Quality Assurance Plan, January 1985".

Section History - New and effective 02/26/86; amended and effective 06/25/98; amended and effective 08/19/99.

1-3.31 DESIGNATION OF AIR POLLUTION STATUS OF AREA

Designations of Hillsborough County pursuant to Chapter 62-204, F.A.C. regarding the ambient standards of Section 1-3.30 above and Prevention of Significant Deterioration areas, are hereby adopted by reference.

Section History - New and effective 06/25/98; amended 09/19/02 and effective 10/15/02.

PART 4

1-3.40 NEW SOURCE REVIEW

Provisions contained in Chapter 62-212, F.A.C., pertinent to Hillsborough County, are adopted and hereby incorporated by reference.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02.

PART 5

1-3.50 EMISSION LIMITING AND PERFORMANCE STANDARDS

Provisions contained in Chapters 62-204 and 62-296, F.A.C., pertinent to Hillsborough County, are adopted and hereby incorporated by

reference, except for Sections 62-296.320(4)(b) 2. and 62-296.513(1)(c), F.A.C., and except as may be modified herein.

Section History - New and effective 02/26/86; amended and effective 06/25/98; readopted and effective 08/19/99; amended 09/19/02 and effective 10/15/02.

1-3.51 PARTICULATE EMISSIONS

The particulate emission limits under RACT in Sections 62-296.700 through 62-296.712, F.A.C., shall apply to all new and existing emission units. In situations where the particulate emission limits under RACT, pursuant to Section 62-296.700, F.A.C., are less restrictive than process weight limits pursuant to Section 62-296.320, F.A.C., process weight limits shall apply, except as provided in Section 62-296.700(3), F.A.C.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02.

1-3.52 VISIBLE EMISSIONS

1. Visible emissions in Hillsborough County from a single source or combination of sources sharing a common discharge point shall not have an opacity equal to or greater than 20% except as otherwise specifically provided in these rules. The ability to comply with all other standards does not relieve a source from this 20% opacity standard.

2. A 5% opacity standard shall apply in Hillsborough County to the following types of stationary sources: loading or unloading of materials to or from containers such as railcars, trucks, ships, storage structures and stockpiles; permanent conveyor systems; storage of materials in structures such as silos or enclosed bins, which have a storage capacity of fifty cubic yards or more; crushing, grinding, sizing and screening operations; and static drop transfer points. The deadline for compliance with this standard shall be within 180 days of the effective date of this rule for existing sources, and on the effective date of the rule for new sources.

(a) Sources exempt from this standard are:

(1) Emissions of particulate matter from open stockpiles of materials, vehicular traffic and other emissions from roads and plant grounds;

(2) Construction and road maintenance activities;

(3) Sulfur storage and handling facilities covered by Department Rule 62-296.411, F.A.C.;

(4) Sources with specific RACT emission limiting standards greater than 5% as set forth in Department Rule 62-296.711(2)(c), F.A.C.;

(5) When material is being discharged to the hold of a ship from a conveyor system, an opacity of 10% will be allowed when the conveyor and/or hatch covering is moved; and

(6) Facilities for grinding and screening of vegetation and yard waste material.

3. Annual visible emissions tests, conducted in accordance with EPA Method 9, shall be required of the permitted sources subject to the standards in this section or subject to Rule 62-296.320(4)(b) 1., F.A.C.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02.

1-3.53 SPECIFIC SOURCE EMISSIONS

1. Emissions for the following specific sources shall have the following limits in Hillsborough County regardless of provisions otherwise contained in this rule or in Chapters 62-204 through 62-297 F.A.C., unless the provisions of Chapters 62-204 through 62-297, F.A.C., are more stringent.

(a) Sulfuric acid plants or plant sections manufacturing sulfuric acid - 10% opacity except for a 30 minute period during plant start-up, with opacity for such period allowed up to 40%.

(b) Nitric acid plants producing weak nitric acid (50 to 70%) by pressure or atmospheric pressure process - no visible emissions (5% opacity).

(c) Existing fossil fuel steam generators - sulfur dioxide emissions from liquid fuel shall

be limited to 1.1 pounds per million BTU heat input.

(d) Fossil fuel steam generators - visible emissions are limited to 20% opacity except for either one six-minute period per hour during which opacity shall not exceed 27 percent, or one two minute period per hour during which opacity shall not exceed 40 percent. The option selected shall be specified in the emission unit's construction and operation permits.

(e) Bulk gasoline terminals - loading of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks.

(f) Municipal Waste Incinerators - mercury and dioxin/furan emissions shall be controlled by combustion practices, operation and maintenance, and operation of a carbon injection system. An alternative would be to install a continuous emission monitor for the pollutant mercury and adjust the carbon feed rate accordingly. This continuous emission monitor shall be installed and operated in accordance with a promulgated USEPA Performance Specification. Any such alternative must be approved by the Executive Director prior to implementation.

The need to retain this requirement shall be reviewed by EPC and affected facilities five years from the effective date of this rule.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02.

PART 6

1-3.60 SOURCE SAMPLING AND MONITORING

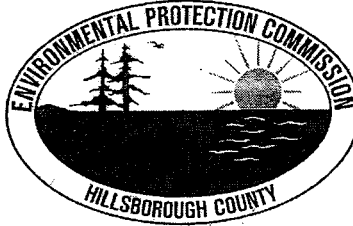
Source sampling and monitoring shall be performed in compliance with Department and EPA requirements so as to determine as accurately as possible actual operational emissions.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02.

Rule History:

Adopted and Effective 07/25/68
Amended 06/17/69 and Effective 07/07/69
Amended 08/29/72 and Effective 09/25/72
Amended 09/25/72 and Effective 09/25/72
Amended 06/02/75 and Effective 07/01/75

Amended 09/11/75 and Effective 09/12/75
Adopted-Amended and Effective 02/26/86
Amended and Effective 08/07/86
Amended and Effective 09/14/88
Amended and Effective 06/25/98
Amended and Effective 08/19/99
Amended and Effective 10/19/00
Amended 09/19/02 and Effective 10/15/02
Amended 02/xx/07 and Effective 02/xx/07



EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 15, 2007

Subject: Dedication & Renaming of Artificial Reef

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

Division: Environmental Resources Management

Recommendation: Approve proclamation to re-name the Port Tampa Reef in Old Tampa Bay to the "Ted Adams Reef" in memory of Chamberlain High School marine science teacher Ted Adams.

Brief Summary: Mr. Adams was the founder of the Chamberlain High School "Chief Reef Project". He and his students have been building and deploying artificial reef units for EPC's Port Tampa Reef for 20 years as part of their science curriculum. Mr. Adams lost his battle with cancer in February of 2006 and staff would like to honor his memory on this 20th anniversary of the Artificial Reef Program.

Background: Each year, for the past twenty years, Mr. Ted Adams and his marine science students from Chamberlain High School have participated in the "Chief Reef Project". This innovative program allowed students to build (using mostly concrete and limestone) and deploy their own artificial reef units on the EPC's Port Tampa Artificial Reef located just west of Picnic Island Park in Old Tampa Bay. The students were able to experience hands on learning and habitat creation by mixing the concrete, riding on a boat, and actually sinking their very own reef unit in the bay. In addition, students were afforded the opportunity to snorkel and see the reefs and all the associated marine life attracted to them in their new environment. When Mr. Adams lost his battle with cancer on February 23, 2006, staff felt it would be fitting to honor his memory, on this 20th anniversary of the Artificial Reef Program, by re-naming the Port Tampa Reef, the "Ted Adams Reef".



EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 15, 2007

Subject: Announcement of New Pollution Recovery Fund Application Cycle and Call for Project Proposals

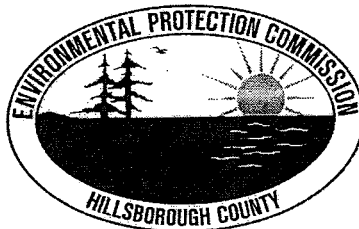
Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____

Division: Environmental Resources Management

Recommendation: No Commission action is required. This item is intended to inform the Commission that the annual cycle for accepting Pollution Recovery Fund (PRF) applications began on February 1, 2007 and that applications for proposed projects seeking PRF funding will be accepted by staff until the May 1, 2007 deadline.

Brief Summary: The Environmental Protection Commission of Hillsborough County announces the availability of approximately \$533,000 of unallocated money in its Pollution Recovery Fund. This fund, created by the Florida Legislature, is to be used for projects that will "restore polluted areas of the county to the condition they were in before pollution occurred ... mitigate the effects of pollution, or ... otherwise enhance pollution control activities." For this funding program, the legislature defined "polluted areas" as sites impacted by a variety of human activities (ditching, draining, dredging, filling, etc.), as well as by the discharge of conventional pollutants.

Background: The EPC wishes to expend the available PRF funds for projects that are cost effective and environmentally beneficial to the citizens of Hillsborough County. Completed applications meeting the requirements of Section 19(5) Chapter 84-446 Laws of Florida, and received by EPC on or before May 1, 2007 at 5:00 p.m. will be considered. Applications will be reviewed by EPC technical staff, after which the Executive Director and the Citizens Environmental Advisory Committee will make recommendations regarding each project to the EPC Board. It is anticipated that selections for funding will be made on or about October 2007.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 15, 2007

Subject: "Pump 'Em Up" Outreach Initiative

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

Division: Air Management Division

Recommendation: For Information Only

Brief Summary: Dotti Groover of Take Charge!!! Lifestyle Management, Inc., a small health education company, is excited and honored to introduce "Pump 'Em Up", a youth-driven organization which brings awareness to the importance and benefits of using alternative forms of transportation, and the need for proper vehicle care.

Background:

Savannah Walters is an exceptional teen in our community who is focused and passionate about our air quality. She has started an organization called "Pump 'Em Up". Pump 'Em Up, educates youth and adults on the importance of proper tire inflation in order to save gas and reduce vehicle emissions. This simple but important step helps clean our air, which in turn helps to improve the quality of life for individuals with asthma, COPD, or other respiratory health concerns.

Alternative modes of transportation and education on proper vehicle maintenance are activities that are encouraged by the creative group of teens who participate in Pump 'Em Up projects.

This group is also engaged in the "Before You Go" campaign, which educates drivers on how to properly pump up their tires before traveling over busy holiday vacations, which are peak travel times.

List of Attachments: None