

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
MARCH 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**

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

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FEBRUARY 15, 2007 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, February 15, 2007, at 10:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

The following member was absent: Chairman Brian Blair (illness).

Vice Chairman Higginbotham called the meeting to order at 10:00 a.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, added an item under the Executive Director's Report to provide an update on reclassification of part of the Alafia River. **Commissioner Sharpe moved the changes, seconded by Commissioner Ferlita, and carried six to zero.** (Chairman Blair was absent.)

CITIZENS COMMENTS

Ms. Terry Flott, Seffner, thanked EPC staff and the EPC Board for increasing wetland setbacks and developing a technical manual, referenced a *Tampa Tribune* survey, and perceived a greater portion of citizens were looking for better protection of wetlands for the future. Ms. Vivian Bacca, 413 El Greco Drive, thanked EPC staff for increasing wetland buffers and for any role the EPC had in the 2007 evaluation and appraisal report amendment encouraging the use of low-impact development techniques to improve drainage and conserve water, wanted to see concrete measures such as property tax rebates for citizens who installed cisterns to conserve water, and referenced the increasing use of green building techniques.

CONSENT AGENDA

- A. Approval of minutes: December 6, 2006, and December 14, 2006.
- B. Monthly activity reports.
- C. Pollution Recovery Fund (PRF) report.
- D. Gardinier Settlement Trust Fund report.

Legal case summaries for January 2007 and February 2007.

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F. Grant authority to pursue appropriate legal action against Bayside Home Builders Incorporated.

Commissioner Norman moved to approve the Consent Agenda, seconded by Commissioner Sharpe, and carried six to zero. (Chairman Blair was absent.) (Revisited later in the meeting.)

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report From the Chairman, David Jellerson - Mr. Jellerson reported the February 5, 2007, meeting included several new members, a review of the CEAC charter and bylaws, election of officers, and an update on proposed changes to Chapter 1-3, Air Pollution Rule, which CEAC recommended be approved; said a briefing was provided on wetland setbacks and buffers, and a thorough review was scheduled for March 5, 2007, due to complexity of the issue; and stated PRF applications were posted on the EPC website, approximately \$533,000 was available for grants, and applications were due by May 1, 2007.

CONSENT AGENDA - REVISITED

In response to Commissioner Norman, Attorney Rick Muratti, EPC Legal Department, confirmed a certified letter was sent to and received by Bayside Home Builders Incorporated. Commissioner Norman wanted to ensure notice was received by any company the County took action against.

PUBLIC HEARING

Consider Approving Amendments to Chapter 1-3, Air Pollution Rule - Vice Chairman Higginbotham explained the purpose of the public hearing. Attorney Muratti reviewed legal requirements for the public hearing and notice provided. Ms. Kay Strother, EPC staff, highlighted the rule change and areas regulated by Chapter 1-3 and noted the CEAC and EPC staff recommended approval. **Commissioner Ferlita moved to adopt as stated by Ms. Strother.** Vice Chairman Higginbotham called for public comment; there was no response. **Commissioner Sharpe seconded the motion, which carried six to zero.** (Chairman Blair was absent.)

EXECUTIVE DIRECTOR'S REPORT

Proclamation for Dedication and Renaming Artificial Reef - Dr. Garrity introduced the item and discussed awards received by Mr. Ted Adams, former Chamberlain High School teacher. Mr. Tom Ash, EPC staff, highlighted accomplishments by Mr. Adams. Vice Chairman Higginbotham presented a

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proclamation to the family honoring Mr. Adams and renaming the Port Tampa artificial reef the Ted Adams Reef.

Announcement of Request For New PRF Project Proposals - Dr. Garrity stated the new PRF application cycle began February 1, 2007, noted funds available, and reviewed deadlines.

Alafia River Reclassification Update - Dr. Garrity reported the Planning Commission had approved language reclassifying a portion of the Alafia River as Class I and stated a presentation could be brought back at the next EPC meeting to provide a complete understanding of the process, protections afforded, and extra requirements. Vice Chairman Higginbotham agreed.

ADMINISTRATION

Adoption of Board of County Commissioners (BOCC) Policies Update - Mr. Tom Koulianos, Director, EPC Finance and Administration, recalled direction for County agencies to adopt BOCC policies, noted a review by EPC staff of BOCC policies, and stated a presentation would be made at the March 2007 EPC meeting regarding policies EPC staff perceived would be appropriate to adopt. He explained adopting all BOCC policies could create enforcement issues, since all BOCC policies were not applicable to the EPC. Commissioner Norman looked forward to the presentation.

AIR MANAGEMENT DIVISION

Pump 'Em Up Outreach Initiative - Mr. Jerry Campbell, Director, EPC Air Management Division, introduced Ms. Dotti Groover, Take Charge Lifestyle Management Incorporated, who showed a video regarding Pump 'Em Up, a nationally recognized program started by Ms. Savannah Walters, Odessa. Ms. Walters commented on gas wasted by under-inflated tires and reasons people had under-inflated tires, referenced studies and legislation, and distributed tire gauges. Commissioners Hagan and Norman commended Ms. Walters for her efforts. Ms. Walters responded to queries from Commissioner Norman regarding the use of nitrogen in tires. Commissioner Norman recalled studies on nitrogen use and possible savings. Commissioners White and Ferlita thanked Ms. Walters for her leadership and diligence. (Resumed later in the meeting.)

OFF-THE-AGENDA ITEM - FORD AMPHITHEATRE WALL

Recognizing the wall was completed, Vice Chairman Higginbotham questioned if the County had anything in writing to help with monitoring and ensuring compliance. Dr. Garrity referenced sound monitoring, noted significant differences in sound levels, stated monitoring would continue, and reported an

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update would be provided in March 2007. Vice Chairman Higginbotham requested a copy of standards. Commissioner Sharpe left the meeting at 10:40 a.m. due to a schedule conflict. (Resumed later in the meeting.)

AIR MANAGEMENT DIVISION - RESUMED

Pump 'Em Up Outreach Initiative - RESUMED - Wanting to recognize Ms. Walters, **Commissioner White** moved to present Ms. Walters a proclamation for her hard work and diligence in Hillsborough County, seconded by Commissioner Hagan. Following comments, **Commissioner White** amended the motion to have that at the next regular BOCC meeting, if Ms. Walters was available, and suggested the item be a time certain. The motion carried five to zero. (Commissioner Sharpe had left the meeting; Chairman Blair was absent.)

OFF-THE-AGENDA ITEM - FORD AMPHITHEATRE WALL - RESUMED

Commissioner Norman recommended a site visit before the next EPC meeting. Commissioner Hagan stated he had visited the site and had been impressed.

Vice Chairman Higginbotham called for a motion to adjourn. **Commissioner Ferlita** so moved, seconded by **Commissioner White**, and carried five to zero. (Commissioner Sharpe had left the meeting; Chairman Blair was absent.)

There being no further business, the meeting was adjourned at 10:44 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

kc

MONTHLY ACTIVITIES REPORT
 AIR MANAGEMENT DIVISION
 February FY 2007

A. Public Outreach/Education Assistance:		
1. Phone Calls:		189
2. Literature Distributed:		<u>57</u>
3. Presentations:		<u>7</u>
4. Media Contacts:		<u>9</u>
5. Internet:		<u>56</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>1</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		16
b. Construction:		<u>4</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>1</u>
e. General:		<u>3</u>
f. Title V:		<u>1</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		2
b. Construction ¹ :		<u>0</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>0</u>
e. Title V Operating ² :		<u>8</u>
f. Permit Determinations ² :		<u>0</u>
g. General:		<u>2</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		<u>1</u>
2. On-going administrative cases:		
a. Pending:		5
b. Active:		<u>16</u>
c. Legal:		<u>4</u>
d. Tracking compliance (Administrative):		<u>23</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>48</u>
3. NOIs issued:		<u>1</u>

4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>1</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$2,000.00</u>
7.	Cases Closed:	<u>6</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>20</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>5</u>
c.	Major Sources	<u>2</u>
3.	Asbestos Demolition/Renovation Projects:	<u>17</u>
E.	Open Burning Permits Issued:	<u>8</u>
F.	Number of Division of Forestry Permits Monitored:	<u>255</u>
G.	Total Citizen Complaints Received:	<u>64</u>
H.	Total Citizen Complaints Closed:	<u>61</u>
I.	Noise Sources Monitored:	<u>6</u>
J.	Air Program's Input to Development Regional Impacts:	<u>4</u>
K.	Test Reports Reviewed:	<u>126</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>8</u>
2.	Warning Notices Resolved:	<u>18</u>
3.	Advisory Letters Issued:	<u>10</u>
M.	AOR's Reviewed:	<u>0</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>2</u>

**FEES COLLECTED FOR AIR MANAGEMENT DIVISION
February 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	<u>\$0.00</u>
2.	Non-delegated operation permit for an air pollution source	
	(a) class B or smaller facility - 5 year permit	\$0.00
	(b) class A2 facility - 5 year permit	<u>\$0.00</u>
	(c) class A1 facility - 5 year permit	<u>\$0.00</u>
3.	(a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$1,240.00</u>
	(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$7,276.00</u>
	(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$320.00</u>
4.	Non-delegated permit revision for an air	<u>\$0.00</u>
5.	Non-delegated permit transfer of ownership, name change or extension	<u>\$0.00</u>
6.	Notification for commercial demolition	
	(a) for structure less than 50,000 sq ft	\$2,800.00
	(b) for structure greater than 50,000 sq ft	<u>\$300.00</u>
7.	Notification for asbestos abatement	
	(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$1,200.00</u>
	(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$1,000.00</u>
8.	Open burning authorization	<u>\$2,400.00</u>
9.	Enforcement Costs	<u>\$0.00</u>

M E M O R A N D U M

DATE: March 6, 2007

TO: Tom Koulianos, Director of Finance and Administration

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

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

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	6
2. On-going administrative cases	115
a. Pending	8
b. Active	54
c. Legal	5
d. Tracking Compliance (Administrative)	33
e. Inactive/Referred Cases	15
3. NOI's issued	0
4. Citations issued	3
5. Consent Orders and Settlement Letters Signed	3
6. Civil Contributions to the Pollution Recovery Fund	\$17,350.00
7. Enforcement Costs collected	\$1,301.00
9. Cases Closed	4

B. SOLID AND HAZARDOUS WASTE

1. FDEP Permits (received/reviewed)	1/1
2. EPC Authorization for Facilities NOT requiring DEP permit	0/0
3. Other Permits and Reports	
a. County Permits	4/4
b. Reports	41/37
4. Inspections (Total)	297
a. Complaints	30
b. Compliance/Reinspections	14
c. Facility Compliance	27
d. Small Quantity Generator	224
e. P2 Audits	2
5. Enforcement	
a. Complaints Received/Closed	25/33
b. Warning Notices Issued/Closed	7/2
c. Compliance letters	91
d. Letters of Agreement	0
e. Agency Referrals	8
6. Pamphlets, Rules and Material Distributed	240

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	47
b. Installation	13
c. Closure	10
d. Compliance Re-Inspections	09
e. Emergency Preparedness Inspections	593
2. Installation Plans Received/Reviewed	13/11
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	01/02
b. Closure Reports Received/Reviewed	03/10
4. Enforcement	
a. Non-compliance Letters Issued/Closed	26/30
b. Warning Notices Issued/Closed	04/02
c. Cases referred to Enforcement	01
d. Complaints Received/Investigated	02/01
e. Complaints Referred	00
5. Discharge Reporting Forms Received	01
6. Incident Notification Forms Received	03
7. Cleanup Notification Letters Issued	03
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	28
2. Reports Received/Reviewed	89/108
a. Site Assessment	15/18
b. Source Removal	0/0
c. Remedial Action Plans (RAP's)	8/10
d. Site Rehabilitation Completion Order/ No Further Action Order	03/03
e. Active Remediation/Monitoring	45/56
f. Others	18/21
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 21

F. PUBLIC INFORMATION PROJECTS - 2

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION
Feb-07**

A. ENFORCEMENT

1. New Enforcement Cases Received:		4
2. Enforcement Cases Closed:		2
3. Enforcement Cases Outstanding:		59
4. Enforcement Documents Issued:		2
5. Recovered costs to the General Fund:	\$ 915.00	
6. Contributions to the Pollution Recovery Fund:	\$ 7,500.00	
<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Firestone	Placement of C/S in service w/o acceptance letter	\$ 500.00
b. Townhomes at Raintree	Construction without a permit	\$ 1,000.00
c. Bearss Park WWTP	WW Effluent discharges	\$ 6,000.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:		37
a. Facility Permit:		0
(i) Types I and II		0
(ii) Types III		0
b. Collection Systems-General		20
c. Collection Systems-Dry Line/Wet Line:		17
d. Residuals Disposal:		0
2. Permit Applications Approved:		35
a. Facility Permit:		5
b. Collection Systems-General:		13
c. Collection Systems-Dry Line/Wet Line:		17
d. Residuals Disposal:		0
3. Permit Applications Recommended for Disapproval:		0
a. Facility Permit:		0
b. Collection Systems-General:		0
c. Collection Systems-Dry Line/Wet Line:		0
d. Residuals Disposal:		0
4. Permit Applications (Non-Delegated):		0
a. Recommended for Approval:		0
5. Permits Withdrawn:		0
a. Facility Permit:		0
b. Collection Systems-General:		0
c. Collection Systems-Dry Line/Wet Line:		0
d. Residuals Disposal:		0

6. Permit Applications Outstanding:	98
a. Facility Permit:	13
b. Collection Systems-General:	50
c. Collection Systems-Dry Line/Wet Line:	35
d. Residuals Disposal:	0
7. Permit Determination:	2
8. Special Project Reviews:	0
a. Reuse:	0
b. Residuals/AUPs:	0
c. Others:	0
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation:	11
a. Inspection (CEI):	2
b. Sampling Inspection (CSI):	8
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	1
2. Reconnaissance:	40
a. Inspection (RI):	7
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	32
d. Enforcement Inspection (ERI):	1
3. Engineering Inspections:	46
a. Reconnaissance Inspection (RI):	4
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	0
d. Preconstruction Inspection (PCI):	13
e. Post Construction Inspection (XCI):	29
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	0
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	
1. Permit Applications Received:	1
a. Facility Permit:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	1
b. General Permit:	0

c. Preliminary Design Report:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0
2. Permits Recommended to DEP for Approval:	2
3. Special:	
a. Facility Permits:	0
b. General Permits:	0
4. Permitting Determination:	0
5. Special Project Reviews:	41
a. Phosphate:	2
b. Industrial Wastewater:	13
c. Others:	26
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation:	7
a. Inspection (CEI):	7
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	20
a. Inspection (RI):	11
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	9
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	5
a. Compliance Evaluation (CEI):	5
b. Sampling Inspection (CSI):	0
c. Performance Audit Inspection (PAI):	0
d. Complaint Inspection (CRI):	0
e. Enforcement Reconnaissance Inspections (ERI):	0
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints:	
a. Domestic:	20
(i) Received:	13
(ii) Closed:	7
b. Industrial:	10
(i) Received:	5
(ii) Closed:	5

2.	Warning Notices:	
	a. Domestic:	10
	(i) Received:	1
	(ii) Closed:	9
	b. Industrial:	4
	(i) Received:	3
	(ii) Closed:	1
3.	Non-Compliance Advisory Letters:	16
4.	Environmental Compliance Reviews:	
	a. Industrial:	49
	b. Domestic:	142
5.	Special Project Reviews:	0
G.	RECORD REVIEWS	5
1.	Permitting:	3
2.	Enforcement:	2
H.	ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:	
1.	Air Division:	74
2.	Waste Division:	0
3.	Water Division:	15
4.	Wetlands Division:	0
5.	ERM Division:	129
6.	Biomonitoring Reports:	7
7.	Outside Agency:	43
I.	SPECIAL PROJECT REVIEWS:	
1.	DRIs:	4
2.	ARs:	1
3.	Technical Support:	4
4.	Other:	0

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

A. General	Totals
1. Telephone Conferences	773
2. Unscheduled Citizen Assistance	80
3. Scheduled Meetings	225
4. Correspondence	549
B. Assessment Reviews	
1. Wetland Delineations	53
2. Surveys	70
3. Miscellaneous Activities in Wetland	41
4. Impact/ Mitigation Proposal	25
5. Tampa Port Authority Permit Applications	40
6. Wastewater Treatment Plants (FDEP)	1
7. DRI Annual Report	7
8. Land Alteration/Landscaping	7
9. Land Excavation	4
10. Phosphate Mining	6
11. Rezoning Reviews	25
12. CPA	1
13. Site Development	71
14. Subdivision	96
15. Wetland Setback Encroachment	1
16. Easement/Access-Vacating	1
17. Pre-Applications	42
18. On-Site Visits	203
C. Investigation and Compliance	
1. Complaints Received	26
2. Complaints Closed	45
3. Warning Notices Issued	15
4. Warning Notices Closed	11
5. Complaint Inspections	35
6. Return Compliance Inspections	27
7. Mitigation Monitoring Reports	15
8. Mitigation Compliance Inspections	48
9. Erosion Control Inspections	47
D. Enforcement	
1. Active Cases	20
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	3
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	3
6. Administrative - Civil Cases Closed	0
7. Cases Referred to Legal Department	2
8. Contributions to Pollution Recovery	\$12,799.00
9. Enforcement Costs Collected	\$921.00

WETLAND REPORT FOR REVIEW TIMES 2007

MONTH	# OF REVIEWS	% On Time	% Late	% Early
FEBRUARY	373	35%	7%	58%
JANUARY	490	43%	15%	42%

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 02/28/07**

Balance as of 10/01/06	*	\$1,933,214
Interest Accrued		40,640
Deposits	FY07	133,571
Disbursements	FY07	(\$140,956)
Intrafund Transfer 910		(\$1,041,903)
Total		<u>\$924,566</u>
Water & Coastal Area Restoration & Maint.		2,808
Pollution Recovery Fund Balance		<u><u>\$921,758</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	103
Simmons Park Invasive Plant Removal	3,364
Water Drop Patch/Girl Scouts	3,023
Artificial Reef Program	108,150
Pollution Prevention/Waste Reduction (101)	21,752
PRF Project Monitoring	30,179
Total	<u>192,757</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 \$ 192,757

Minimum Balance 120,000

Balance Available 02/28/07 \$609,001

* 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
 Ken Hagan
 Al Higginbotham
 Jim Norman
 Mark Sharpe
 Kevin White



Roger P. Stewart Center
 3629 Queen Palm Dr. • Tampa, FL 33619
 Ph: (813) 627-2600

Fax Numbers (813):
 Admin. 627-2620 Waste 627-2640
 Legal 627-2602 Wetlands 627-2630
 Water 627-2670 ERM 627-2650
 Air 627-2660 Lab 272-5157

Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF FEBRUARY 28, 2007

Fund Balance as of 10/01/06	\$ 280,512
Interest Accrued	4,878
Disbursements FY07	34,707

Fund Balance	\$ 250,683
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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	197,862
 Total of Encumbrances	 \$ 250,683

Fund Balance Available February 28, 2007	\$ - 0 -
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EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 15, 2007

Subject: Legal Case Summary for March 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: March 2007 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT
March 2007

A. ADMINISTRATIVE CASES

NEW CASES [0]

EXISTING CASES [6]

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. The parties have agreed upon permit language and the Petition was withdrawn on February 27, 2007. (RM)

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 April 2, 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 was scheduled for February 27, 2007. The mediation resulted in an impasse and the parties are preparing for the final hearing. (AZ)

RECENTLY RESOLVED CASES [2]

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 recently settled the matter through entry of a consent order. (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. The parties recently settled the matter through entry of a consent order. (AZ)

B. CIVIL CASES

NEW CASES [1]

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

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 was due in March 2007. The Appellants filed the initial brief and the Appellees EPC and James Winterroth requested additional time to file their answer brief. The request for additional time was based on the Court's order requiring the record be supplemented. (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 Thaeer 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 Transpartz, 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. A consent final judgment was agreed upon and executed on February 16, 2007. (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. On December 18, 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. The Plaintiffs did not serve the lawsuit against the EPC until March 1, 2007. The EPC's response is due by March 21, 2007. (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. The Petitioner filed a fifth request for extension of time. The request was granted and Petitioner has until March 21, 2007 to file a petition regarding this matter. (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. Petitioner filed a request for an additional extension of time to respond to a recently issued draft permit. The request was granted and Petitioner has until March 30, 2007 to file a petition in this matter. (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. Petitioner has filed a request for an additional extension of time. The request was granted and Petitioner has until March 29, 2007 to file a petition in this matter. (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. Petitioner filed a second request for an extension of time. The request was granted and Petitioner shall have until March 19, 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. Petitioner filed a second request for an extension of time. The request was granted and Petitioner shall have until March 19, 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: March 15, 2007

Subject: Request for authority to take appropriate legal action against Mohammad F. Bhadelia, Donice A. Bhadelia and Dwayne Gillispie

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

Division: Wetlands Management

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

Brief Summary: Mohammad F. and Donice A. Bhadelia own property located at 5932 Bruton Road, Folio #080282.0000, S27-T27-R21, Plant City, in Hillsborough County, Florida. Within the Property are areas of wetlands under the jurisdiction of the Environmental Protection Commission (EPC). Chapter 1-11, Wetlands, Rules of the EPC, prohibits impacts to wetlands without the authorization of the EPC Executive Director. Dwayne Gillispie and the property owners are responsible for violations of the EPC Wetland Rule Chapter 1-11.

Background: On October 30, 2006, Donice A. Bhadelia and Dwayne L. Gillispie were issued Warning Notice #30661 on-site for clearing and filling wetlands on the Property without the authorization of the Executive Director. Pursuant to Section 1-11.05, development within wetlands, including clearing and filling, is prohibited unless authorized in writing by the EPC Executive Director. No authorization to impact the wetlands was provided for the responsible parties.

On December 13, 2006, EPC legal staff sent a "Corrective Actions" letter and advised Mr. Gillispie to restore the wetlands or submit an application for wetland impacts by January 12, 2007. On January 19, 2007, EPC staff conducted a compliance inspection that revealed no evidence of fill removal or any corrective actions. To date the EPC has not received an application for wetland impacts and no corrective actions have been performed. The responsible parties have failed to adequately respond to staff's requests.

Dwayne L. Gillispie, Donice A. and Mohammed F. Bhadelia have violated Chapter 1-11, Rules of the EPC, and Section 17 of the Hillsborough County Environmental Protection Act by clearing and filling wetlands without the appropriate authorization. Therefore, EPC staff is requesting authority to take appropriated legal action to compel compliance with the EPC Act and Rules of the EPC.

List of Attachments: none



EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 15, 2007

Subject: Presentation by Live Nation Regarding the Ford Amphitheater

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

Division: Air Management Division

Recommendation: For information only

Brief Summary: A representative of Live Nation will address the EPC Board regarding the improvements to the Ford Amphitheater to reduce sound levels at nearby residential properties.

Background: Live Nation has complied with the requirements of the Settlement Agreement (SA) by designing and constructing a sound wall, lowering the lawn speakers, and installing electronic limiters on those speakers. Live Nation has taken additional measures to mitigate sound by constructing a second wing wall on the west side of the stage to further control sound and by modifying speaker placement on the stage. Live Nation also complied with all interim measures for sound abatement in the SA, and all other provisions such as a \$50,000 contribution for EPC monitoring and convening a Community Advisory Committee.

The SA provided for an enforcement "stand down" during the construction of the wall and for a monitoring period of at least 10 concerts after completion of construction to evaluate the effectiveness of the wall. However, those provisions do not extend beyond December 31, 2006 without mutual written agreement of both EPC and Live Nation. Due to unexpected delays in wall construction, EPC staff and Live Nation were unable to conduct monitoring to evaluate the wall before that deadline.

The SA provides that, after construction of the wall and anytime after December 31, 2006, Live Nation may elect to petition the EPC for a variance to the current EPC sound level limits.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 15, 2007

Subject: Adoption of BOCC Policies

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

Division: Finance and Administration

Recommendation: 1) Adopt the attached list of BOCC policies as EPC Board Policies and
2) Approve the attached EPC Board Policy governing the adoption of the BOCC policies.

Brief Summary: At the November 15, 2006 BOCC meeting, the Hillsborough County Attorney's Office indicated that for the EPC to be subject to BOCC policies, the EPC must adopt them as they are an independent government from the BOCC. The attached lists are those policies appropriate for the EPC to adopt and an EPC Board policy for the administration of the BOCC policies.

Background: At a BOCC meeting dated August 2, 2006, the Administrator presented an amendment to an existing BOCC policy # 01.19.00 (Public Awareness, Awards & Sponsorship Activities). The BOCC approved the policy amendment. The Commission also approved having this policy apply to the Environmental Protection Commission of Hillsborough County (EPC) and Planning Commission. Finally, at that same meeting the BOCC requested the County Attorney's Office report back to the BOCC regarding whether all BOCC policies apply to all or must be adopted by all the Boards and Councils the BOCC is involved in. EPC staff commenced a review of the policies. At the November 15, 2006 BOCC meeting, the Hillsborough County Attorney's Office indicated that for the EPC to be subject to BOCC policies, the EPC must adopt them as they are an independent government from the BOCC.

At the EPC Board meeting on February 15, 2007, EPC staff I indicated that it was preparing a list of BOCC policies the EPC Board should consider for adoption in March. EPC staff gave an advance copy of the list to the Commission on February 27, 2007. The policies EPC staff proposes for adoption are highlighted in yellow. Those not highlighted are not proposed for adoption as they do not pertain to the EPC or are so detailed as to who in the County (not EPC) must implement the policy, that it did not seem appropriate to adopt a policy that could not be implemented by the EPC.

To further assist in the administration of the BOCC policies the EPC will adopt, the EPC staff proposes an EPC Board policy for adoption that indicates that the BOCC policies are now EPC policies, and where applicable to substitute "EPC Board" for "BOCC", "EPC" for "Hillsborough County", and

“Executive Director” for “Administrator.” The words won’t physically be changed, just the reading of the policy. These EPC Board adopted policies shall be posted with existing policies on the EPC Intranet for all the staff to access.

The EPC Board has approved a few policies that are already in effect, such as the Notification Letter to Parties that May be Sued and the EPC’s Rules of Order. Those shall remain in full effect.

List of Attachments: **BOCC Policies proposed for Adoption**
 EPC Board Policy Governing the Adoption of BOCC Policies

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



Roger P. Stewart Center
3629 Queen Palm Dr. • Tampa, FL 33619
Ph: (813) 627-2600

Fax Numbers (813):
Admin. 627-2620 Waste 627-2640
Legal 627-2602 Wetlands 627-2630
Water 627-2670 ERM 627-2650
Air 627-2660 Lab 272-5157

Executive Director
Richard D. Garrity, Ph.D.

Memorandum

TO: EPC Commissioners

FROM: Tom Koulianos, EPC Director of Finance and Administration

SUBJECT: Draft list of BOCC Policies to adopt

DATE: February 27, 2007

At the Environmental Protection Commission of Hillsborough County (EPC) Board meeting on February 15, 2007, I indicated that I would provide you a list of BOCC policies the EPC Board should consider for adoption. As you may recall, at the November 15, 2006 BOCC meeting, the Hillsborough County Attorney's Office indicated to you that for the EPC to be subject to BOCC policies, the EPC must adopt them as they are an independent government from the BOCC.

EPC staff has been working to review the numerous policies and we present the attached list of BOCC policies for your consideration in advance of the March 15, 2007 EPC Board meeting. The policies EPC staff proposes for adoption are highlighted in yellow. Those not highlighted are not proposed for adoption as they do not pertain to the EPC or are so detailed as to who must implement the policy, that it did not seem appropriate to adopt a policy that could not be implemented by the EPC. Also attached is a draft EPC Board policy to administer the adoption of the BOCC policies.

Please review the two attachments and provide any comments to me at your earliest convenience. We hope to finalize this agenda item by March 7, 2007, but obviously would welcome comments beyond that date.

Enclosures

cc: Renee Lee, County Attorney
Commissioners' Aides

Policies & Plans: Board of County Commissioners

Section Number	Subject
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Board of County Commissioners

- 01.01.00.00 Rules of Order - Board of County Commissioners
- 01.02.01.00 Scheduling Of Board Of County Commissioners Regular Meetings
- 01.02.03.00 Continuance Of Land Use Hearings
- 01.02.05.00 Scheduling Public Hearings
- 01.02.06.00 Scheduling Of Official Meetings, Taking Into Consideration Religious Holiday
- 01.02.07.00 Use of Boardroom
- 01.03.01.00 Policy for Making Awards to Appointees by the Board of County Commissioners
- 01.04.01.00 [REDACTED]
- 01.04.02.00 Commissioner's Assistant Positions - Job Description, Pay Range, and Compensation Pay Guide
- 01.05.01.00 Policy for Making Citizen Appointments to Boards, Councils, Committees and Authorities
- 01.05.02.00 Residency Requirements for Board Appointees
- 01.06.01.00 Automobile Allowance for County Commissioners
- 01.06.02.00 Cellular Telephone Equipment and Fax Machines Assigned to Board of County Commissioners
- 01.07.00.00 Requests for Citizen Appearances before the Board of County Commissioners
- 01.08.00.00 Consultant Firm Appearance at Board Meetings
- 01.09.00.00 Capital Outlay Expenditure - Board of County Commissioners
- 01.10.00.00 Anonymous Complaints
- 01.11.00.00 Courthouse Security Inspection Policy
- 01.12.00.00 Naming of County-Owned Buildings, Parks, and Property
- 01.13.00.00 Displays, Posters, Exhibits and Notices at County Facilities
- 01.14.00.00 Use of County Center Conference Center
- 01.15.00.00 Flying the MIA-POW Flag at the County Center
- 01.16.00.00 Process for the Investigation and Response to Citizen Comments, Complaints and/or Requests for Services Filed with the Board of County Commissioners
- 01.17.00.00 Commissioner-Aide Contact of Administration Employees
- 01.18.00.00 Lobbying Ordinance Enforcement
- 01.19.00.00 Public Awareness, Awards & Sponsorship Activities
- 01.20.00.00 Travel Approval for the County Administrator, County Attorney and County Internal Performance Auditor & Listing of Travel on the B.O.C.C. Agenda

General

- 02.01.00.00 Use of the County Seal
- 02.02.00.00 Bomb Threat Policy
- 02.02.01.00 Commissioners' Offices Security Policy
- 02.03.00.00 Drug Free Workplace for Agencies Receiving Contractual Funds Through Community Services and Planning Policy
- 02.04.00.00 Expert Witness Fees as Taxable Costs
- 02.05.00.00 Board of County Commissioners Abuse Policy
- 02.06.00.00 Individual Commissioner Requests for the County Administrator
- 02.07.00.00 Annual Subscription Fee for Board of County Commissioners Agendas

- 02.08.00.00 Videotape and Cablecast Policy
- 02.09.00.00 BOCC Taking Position on Constitutional Amendments
- 02.10.00.00 Prohibition of Smoking in County-Owned or Leased Facilities and Vehicles
- 02.11.00.00 Performance Audit Policy
- 02.11.01.00 Individual Commissioner Requests for the Internal Performance Auditor
- 02.11.02.00 Citizens Advisory Committee Requests for Studies, Performance Audits, or Budget Reviews to be Provided by the Internal Performance Auditor and Events
- 02.12.00.00 Political Activities of Non-Profits
- 02.13.00.00 SLAPP Suits
- 02.14.00.00 Abstention from Selected Recognition and Events

Financial and Fiscal

- 03.00.01.00 Petty Cash and Change Funds
- 03.00.02.00 Library Refund Policy
- 03.01.01.00 Board of County Commissioners' Policy for Authorization and Reimbursement for Travel
- 03.01.02.00 Approval Authority for Travel by Circuit and County Judges
- 03.01.03.00 Grant Application Tracking
- 03.01.04.00 Acceptance of Credit Cards, Charge Cards, and Debit Cards for Payment of County Fees and Charges for Service
- 03.01.05.00 Purchasing Card Program
- 03.01.06.00 Direct Purchase of Construction Material
- 03.02.01.00 Policy on Bids for Capital Improvement Projects 10% or More In Excess of Estimated Construction Costs
- 03.02.02.00 Policy for Capital Improvement Budget and Five-Year Program
- 03.02.02.01 Budget Submissions
- 03.02.02.02 Use of Excess Fund Balance
- 03.02.02.03 Earmarking of Funds
- 03.02.02.04 Self Insurance Fund
- 03.02.02.05 Pay-As-You-Go Funding of Capital Improvement Projects
- 03.02.02.06 Prioritization of Capital Projects
- 03.02.02.07 Minimizing the Expense of Financing Capital Projects
- 03.02.02.08 Operating Impact of Capital Projects
- 03.02.02.09 User Fees and Cost Recovery
- 03.02.02.10 Recovery of Indirect Costs
- 03.02.02.11 Anticipated Revenue Shortfalls
- 03.02.02.12 Fleet Maintenance
- 03.02.02.13 Pay Comparability with Public and Private Employers
- 03.02.02.14 Performance Pay
- 03.02.02.15 Performance Measurement
- 03.02.02.16 Multi-Year Projection of Operating Funds
- 03.02.02.17 Budgetary Position Control
- 03.02.02.18 Budget Override Authority
- 03.02.02.19 Balanced Budget
- 03.02.02.20 Budgetary Control
- 03.02.02.21 Fiscal Year
- 03.02.02.22 Reserve for Cash Balance (Stabilization Funds)
- 03.02.02.23 Fact Based Decision Making
- 03.02.02.24 Service and Program Delivery
- 03.02.02.25 Budget Adjustment for Turnover Savings
- 03.02.02.26 Use of Capital Project Appropriations

03.02.02.27 Budgetary Reappropriations
03.02.03.00 Environmental Land Acquisition Program (ELAP) Fund
03.02.04.00 Reserve for Catastrophic Emergencies
03.02.05.00 Reserve for Contingency
03.02.06.00 Debt Management Policy
03.02.06.01 Policy Concerning Conduit Private Activity Bond Issuance
03.02.07.00 Minimum Contract Provisions and Filing Requirements
03.03.01.00 Water and Wastewater Financial Policy
03.03.02.00 Bad Debt Write-Offs for Utilities Enterprise Fund
03.03.03.00 Senior Citizen Exemption - Water and Wastewater Utility Bills
03.03.04.00 Policy for Increasing Water and Wastewater Customer Account Deposits
03.03.05.00 Community Investment Tax Financial Policies
03.03.06.00 Adjustment to Water/Wastewater Bills Due to Unexplained Usage Registered by County Meter
03.03.07.00 Selection Of Applicants For Work-Study Internship Program Funded Through The Interest Earnings Of The Fund Accruing The Payment Of Penalties For The Violation Of Mandatory Water Use Restrictions, As Promulgated Through Rules Of The Southwest Florida Water
03.03.08.00 Claims Committee Authorization
03.04.01.00 Policy for Refund of Animal Control Fees and/or Deposits
03.04.01.01 Refund Policy for Public Utilities Department
03.04.01.02 Refund Policy for Purchase of Plans and Specifications for Construction Projects
03.04.01.03 Refund Policy for the Building Department
03.04.01.04 Policy for Return of Water and Wastewater Customer Account Deposits
03.04.01.05 Reimbursement of Legal Expenses
03.04.01.06 Refund of Impact Fees
03.04.02.00 User Charges for Water and Wastewater Services Fee Schedule
03.04.02.01 Hillsborough County Low Pressure Sewer System
03.04.03.00 Revised Fee Schedule Department of Planning and Growth Management
03.04.03.01 (Obsolete - Effective February 18, 2004). Please see Board Policy #03.04.03.00 for fees. - Revised Fee Schedule - Development Review Department
03.04.04.00 Future of Hillsborough Comprehensive Plan Fee Schedule
03.04.07.00 Schedule of Rates, Fees and Charges for Solid Waste Collectors Customers and for Users of County Disposal Facilities
03.04.08.00 Animal Services Fee Schedule
03.04.09.00 Fee Schedule for Hillsborough County Parks and Recreation Department
03.04.10.00 Private Fire Protection Systems Readiness to Serve Charge
03.04.11.00 Policy for Sale of Bench Mark Books
03.04.13.00 Fees for Installation of Traffic Control Devices
03.04.14.00 Fees for Copies of Public Records
03.04.15.00 Fee Schedule for Services Performed by the Environmental Protection Commission
03.04.16.00 Building Department Fee Schedule
03.04.17.00 Fee Schedule for the Real Estate Department
03.04.18.00 Fee Schedule - Hillsborough County Health Department
03.04.19.00 Fee Schedule - Hillsborough County Emergency Medical Services
03.04.20.01 The Writing Off of Un-collectible Accounts Receivables for the Fire Rescue Department
03.04.21.00 Monthly Fee - 911 Emergency Telephone System
03.04.22.00 Admission Fees to the Museum of Science and Industry
03.04.23.00 Fee Schedule for Engineering Services
03.04.24.00 Guidelines for Use of Phosphate Severance Taxes
03.04.25.00 Ser Fee and Sponsorship Schedule for Hillsborough County Economic Development Department- Small Business Information Center
03.05.01.00 Policy on Change Orders to Contracts for Construction and Consultants

- 03.05.02.00 Selection and Contracting for Professional Services
 - 03.05.03.00 Policy on Architectural/Engineering Firm Selection Process
 - 03.05.04.00 Policy for Performance and Payment Bond on Construction Projects Not Exceeding \$100,000
 - 03.05.05.00 Policy to Establish and Authorize Approval for Final Payment on Construction Projects
 - 03.05.06.00 Selection of Auditors
-

Human Services

- 04.02.00.00 Poverty Guidelines
 - 04.05.00.00 Capital Funding for Outside Agencies
 - 04.06.00.00 Rescinded
-

Intergovernmental

- 05.01.00.00 Industrial Development Authority Revenue Bond Applicants - Compliance with Equal Employment Opportunity and Affirmation Action Program
-

Management Information System

- 06.01.00.00 Automation and Telecommunications
-

Personnel (Human Resources)

- 07.02.01.00 Payroll Deductions for the Board of County Commissioners Payroll
 - 07.04.01.01 Board of County Commissioners - Insurance Committee Organization and Responsibilities
 - 07.05.01.00 Holiday Schedule
 - 07.09.01.00 Administrative Procedures for The Whistle-Blower Act (8112.3188 (B))
 - 07.10.00.00 Designation of Code Inspectors and Code Enforcement Officers
 - 07.11.00.00 Productivity Award Program (Formerly Employee Suggestion Program)
 - 07.12.00.00 Workplace Violence Prevention Policy
 - 07.13.00.00 Anti-Fraternization Policy
 - 07.14.00.00 Health Insurance Portability and Accountability Act (HIPAA) Privacy Policy
-

Property and Equipment

- 08.01.00.01 Policy for Use of County-Owned Real Estate
 - 08.01.00.02 Energy Efficiency / Conservation
 - 08.01.01.00 Sale of County Owned Surplus Real Property Policy
 - 08.01.01.01 Donations of Computer Equipment Declared as Surplus
 - 08.01.02.00 Dedication Plaques for New County Facilities
 - 08.01.03.00 Payment by Petitioner to the County for Improvements in Right Of Way Being Vacated
 - 08.02.01.00 Tangible Personal Property Control Policy
 - 08.02.02.00 Policy for the Control of Tangible Personal Property Classified as Sensitive Property
 - 08.02.03.00 Licensing of County-Owned Land, Buildings, and Other Facilities for Placement of Communication Facilities by Private Telecommunication Providers
 - 08.02.04.00 Public Facility/Co-Location Policy
 - 08.02.05.00 Establishing Partnerships for the Operation of Recreational Facilities
 - 08.03.01.00 Filtering Non-Library Internet Access on Hillsborough County-Owned Computer Equipment
-

Regulatory Services

- 09.01.00.01 Hillsborough County Road Maintenance and Construction Policies
- 09.01.01.01 Authorization for Temporary Closure of County Roads
- 09.01.01.03 Design Criteria for Bridge Construction
- 09.01.01.04 Policy on Landscaping within Road Rights-Of-Way
- 09.01.01.05 Relief from County Impact Fees

09.01.02.01 Drainage Easements
09.01.03.01 Installation of Traffic Control Signs
09.01.04.01 Installation of Roadside Memorial Marker Signs
09.02.01.01 Waiver of Fees for Issuance of Building Permits in Hardship Cases Caused by Natural Disaster
09.03.00.01 Vested Right Special Use Permit
09.03.00.02 Land Use Meeting Agenda Policy
09.03.00.03 Reporting of Building Activity in the Event of a Downturn in the Building Industry
09.03.00.04 Bus Pass Subsidy Program
09.03.06.00 Siting and Development for Public Facilities
09.06.01.00 Policy for Dead Animal Removal
09.06.02.00 Release of Unclaimed Animals for Medical Research Projects and Teaching
09.06.03.00 Processing of Impounded Animal
09.06.04.00 Policy to Establish Appeal Procedures for Owners of Dangerous Dogs
09.07.01.00 Water and Wastewater Service Application and Treatment Facilities Expansion Policy
09.07.02.01 Fire Hydrant Locations
09.07.03.01 Policy on Deferral of Sewer Charges for Newly Constructed Homes
09.07.03.02 Interim Wastewater Treatment Plant Policy
09.07.03.03 Sewage Grinder Pumps Serving Single Family Homes
09.07.04.00 Policy on Deferral of Sewer Charges for Newly Constructed Homes
09.07.05.00 Filing Small Claim Suits for Overdue Accounts - Public Utilities Department
09.07.06.00 Adjustment to Water/Wastewater Bills Due to Leaks in Customer's Plumbing
09.07.07.00 Funding Reclaimed Water Improvement Unit (RWIU) Projects
09.07.08.00 Mandatory Wastewater Connection Policy
09.07.09.00 Enforcement of Mandatory Water Use Restrictions
09.08.01.00 Irrevocable Letters of Credit or Payment Bonds in Lieu of Cash Deposits for Franchise Refuse Collectors
09.09.00.00 Notification of Violations of Tampa Bay Water's Amended and Restated Interlocal Agreement
09.12.01.00 Local Displacement Policy
09.13.01.00 Draft of Ordinances
09.13.02.00 Payment for Outside Legal Services and Court Appointed Attorneys
09.14.00.00 Proposed Appointments by County Administrator
09.15.00.00 Occupational License Requirements for Charitable, Educational and Non-Profit Groups
09.16.00.00 Establishing Partnerships for the Operation of Recreational Facilities
09.17.00.00 Hillsborough County Policy on Recovery of Costs for Damages to County Roadway Facilities/Property
09.18.00.00 ELAPP Less Than Fee Acquisition Policy

Other (Miscellaneous)

10.02.00.00 Advertising Annual Real Property and Personal Property Delinquent Tax Lists
10.03.00.00 Purchase of Bottled Drinking Water
10.04.00.00 Recognition of County Contributions to Not-For-Profit Corporations
10.05.00.00 Active Military Combat Duty and Veterans Disability Grant



EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 15, 2007

Subject: Reclassification of the Alafia and the Tampa Bypass Canal to Class I

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

Division: Legal Department and Environmental Resource Management Division

Recommendation: Receive status report

Brief Summary: An amendment has been proposed to the Hillsborough County Comprehensive Plan seeking support from the County and EPC in evaluating the possibility of reclassifying portions of the Alafia River and the Tampa Bypass Canal to a Class I designation. Class I (potable water supply) is the highest designated use classification for a water body. This designation affords additional protection to surface waters and also adds additional environmental standards. This briefing will go over the process for a water body to be considered for designation as Class I, lists the additional protections, and illustrate additional compliance standards.

Background: In May of 2006, Hillsborough County's Planning and Growth Management Department (PGMD) staff indicated that it had been working with Tampa Bay Water (TBW) to craft language to amend the Comprehensive Plan regarding this water reclassification issue. The recent version of the language proposed to the BOCC at the February 28, 2007 workshop is as follows:

[draft CARE] Policy 3.12:

Consistent with the Clean Water Act, Hillsborough County shall support the established process involving the Florida Department of Environmental Protection and the Florida Environmental Regulation Commission for evaluation and potential reclassification of the Alafia River generally upstream of the of Bell Shoals Road and the Tampa Bypass Canal, including the Harney Canal, generally upstream of Structure 160 to Class I for potable water use.

EPC has been asked to assist in the evaluation. While increased environmental protection for the Alafia River and the Tampa Bypass Canal (TBC) is a laudable goal, the State's petition process is rigorous and the end result could involve additional criteria for the regulated community to comply with and additional criteria for the EPC to enforce. The driving force behind this change is to more stringently protect two major sources of drinking water for the region: the Alafia River and the Tampa Bypass Canal.

The Florida Department of Environmental Protection (DEP) has a rule (Chapter 62-302, FAC) that defines and regulates various classifications of surface waters in Florida. The EPC adopted those standards in its own local rule, Chapter 1-5, Rules of the EPC. All waters in Florida are designated as Class III waters, unless otherwise detailed in Chapter 62-302. Class III waters are designated for "Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife." Class I waters are designated for potable water supply. Currently, in Hillsborough County, only portions of the Hillsborough River are designated as Class I waters. Through the process proposed in the Comp Plan amendment, portions of the Alafia River and Tampa Bypass Canal would be evaluated for reclassification from Class III to Class I. Tampa Bay Water explained in a letter to PGMD on February 9, 2007, that those two waterways are among a small group of surface water bodies in Florida that provide public drinking water supplies but are not designated as Class I. TBW reasons that entities who promote alternative sources of water supply should favor the reclassification.

In order to reclassify a water body, one must petition the DEP, pursuant to 62-302.400(6) – (9), F.A.C. If approved by DEP staff, the petition is presented to the Environmental Regulation Commission (ERC) for final approval and adoption. The ERC must make a finding that the proposed reclassification will establish the present and future most beneficial use of the waters. The ERC must also find that the proposed reclassification is "clearly in the public interest." The petition must describe the attainability of the proposed designated use based "upon consideration of environmental, technological, social, economic and institutional factors." In the above case, two petitions must be filed with the DEP, one each for the Alafia River and Tampa Bypass Canal. Boundaries of the proposed reclassification are to be determined during the preliminary studies, but the general boundary is described in the draft CARE 3.12 policy above.

Examples of some higher standards the segments would have to meet for a Class I water body are generally described below. A full description can be found in section 62-302.530, F.A.C.

Class I	Class III
Potable Water Supply	Propagation of Fish and Wildlife
Hillsborough River (City of Tampa Water Treatment Plant Dam to Flint Creek & Cow House Creek (Hillsborough River to source)	All other fresh waters and most marine waters, except for Class II (shellfish) areas
Higher standard for certain metals (arsenic, Thallium, Barium, Beryllium, Iron)	Lower standard
Higher standard for fluorides	Lower standard
Standard for Total Dissolved Solids	No standard
Higher standard for Chlorides	Lower standard
Several Organic Chemicals (15) with higher standards: these include certain pesticides and PCB's	Lower standard

If the reclassification were to occur, the following are some of the ramifications:

- Additional Habitat and Shoreline Protection - Pursuant to the County's Land Development Code, any Class I water is a "preservation area" and all preservation areas are protected by a 50' setback, rather than a 30' setback
- Additional Water Quality Protection - Class I water body is given higher water quality standards to meet in Chp. 62-302, F.A.C. and Chp. 1-5, Rules of the EPC

- Potentially Safer Potable Water Supply – the Alafia and TBC are already used by TBW as water supplies, but requiring higher WQ standards for the bodies may give more protection
- If a reclassified body was found to violate Class I standards, it may be designated as an impaired water body pursuant to 62-303, F.A.C.
- If designated as impaired, Total Maximum Daily Loads (TMDLs) will need to be created and implemented for the pollutants causing impairment
- It may cost local governments and any other parties that could impact water quality (entities that discharge into the waters) additional money and effort to comply with the TMDLs
- DEP, SWFWMD and EPC would enforce the stricter Class I water quality standards
- Entities that seek to discharge to a surface water and or construct near a surface water may have to comply with more stringent NPDES and ERP permit conditions regarding water quality for a Class I
- Some General Permits and exemptions may not be available to those who seek to develop or operate near or in the water – thus less streamlined permitting for some smaller wetland and wastewater projects

The EPC staff finds merit in the concept of reclassifying these water bodies, but also feels that a full evaluation will be necessary to understand the environmental, economic and policy ramifications. The language proposed for the Comprehensive Plan appears to allow such evaluation.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 15, 2007

Subject: Review of the EPC Legislative Strategy and Process

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

Division: Legal Department and Executive Director

Recommendation: Review the EPC Legislative Strategy and Process.

Brief Summary: On February 16, 2006, the EPC approved an "EPC Legislative Strategy and Process." In light of the EPC having three new Commissioners, the staff brings the Legislative Strategy and Process back for review and consideration.

Background: The past few legislative sessions have generated a multitude of environmental bills that required immediate analysis and comment to the County's Public Affairs Office, especially in the last few days of the Legislative session. At the February 2006 EPC meeting, staff proposed to provide some guidance to lobbyists and some authorization to the Executive Director and the EPC Chair to act on the Board's behalf in circumstances where a position is needed before the full Board can vote on the proposed legislation. In response, the Commission approved the attached EPC Legislative Strategy and Process on a continuing basis on February 16, 2006.

In light of the EPC having three new Commissioners, the staff brings the Legislative Strategy and Process back for review and consideration.

List of Attachments: EPC Legislative Strategy and Process

EPC LEGISLATIVE STRATEGY and PROCESS

Approved February 16, 2006, on a continuing basis

1. APPROVE THE EPC LEGISLATIVE STRATEGY (below).
2. AUTHORIZE THE CHAIR TO ISSUE POSITION LETTERS IN CONSULTATION WITH THE EXECUTIVE DIRECTOR. EPC STAFF ON BEHALF OF CHAIR WILL NOTIFY FULL BOARD VIA E-MAIL OF ANY SUCH ACTION AND CC: BOARD WITH THE LETTER.
3. ON EMERGENCY LEGISLATIVE SITUATIONS, CHAIR MAY AUTHORIZE THE EXECUTIVE DIRECTOR OR HIS DESIGNEES AND THE BOCC PUBLIC AFFAIRS OFFICE OR ITS DESIGNEES FOR LOBBYING SUPPORT.

EPC LEGISLATIVE STRATEGY FOR THE FLORIDA LEGISLATURE

1. EPC ACT – **Support** any legislation that is consistent with, maintains, or strengthens the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, (EPC Act). **Oppose** any legislation that is inconsistent with or weakens the EPC Act.
2. EPC RULES - **Support** any legislation that is consistent with, maintains, or strengthens the Rules of the EPC, promulgated pursuant to the EPC Act. **Oppose** any legislation that is inconsistent with or weakens the Rules of the EPC.
3. EPC JURISDICTION - **Support** any legislation that maintains or strengthens the EPC regulatory jurisdiction. **Oppose** any legislation that is inconsistent with, weakens, or seeks to erode the regulatory jurisdiction of the EPC.
4. FUNDING - **Support** any legislation or appropriations that assist in funding the EPC and EPC-funded projects. **Oppose** any legislation or appropriations that reduce the funding of the EPC and EPC-funded projects.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 15, 2007

Subject: Wetland Permitting Timeframes

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

Division: Wetlands Management Division

Recommendation: Provided for Information Only

Brief Summary: The Wetlands Management Division reviews land development applications in concert with the development review sections of the various jurisdictions that occur within Hillsborough County. As such, review timeframes targeted by the Division are reflective of the timeframes codified in the land development codes of the individual jurisdictions. For those applications where the wetland limits are to be determined or where wetland impacts are sought, a separate review process through EPC is required. Although the Wetland Rule does not specifically speak to a timeframe for reviewing these EPC-specific actions, an internal clock of 30 calendar days has been established and is provided for in the Division's operating guidelines.

Background: Since the adoption of Chapter 1-11, Wetlands, Rules of the EPC, the Wetlands Management Division has been providing comments pertaining to land development applications pending with Hillsborough County Planning and Growth Management, the City of Tampa, the City of Temple Terrace, the City of Plant City and the Tampa Port Authority. The Wetlands Management Division staff welcomes the opportunity to be involved in the earliest stages of project review as we have found that in most cases, projects can be guided such that they are designed around existing wetlands, thereby avoiding wetland impacts all together.

Upon adoption of the Wetland Rule in 1985, the EPC and representatives from the development community determined that a concurrent review with the various jurisdictions would streamline and increase the efficiency of the permitting process. By working through the land development review sections of the various jurisdictions, there was the added benefit of preventing avoidable wetland impacts during the earliest stages of design. As a result, EPC review is a requirement of the various land development codes and, therefore, EPC comments are provided pursuant to the timeframes prescribed therein.

The majority of reviews performed by the Division are conducted in concert with Hillsborough County Planning and Growth Management (PGM). These timeframes are severely abbreviated when compared to state and federal timeframes. State timeframes provide for a 90-day review period while construction comments for PGM are required to be returned to PGM in 20 working days. All PGM-required resubmittals following the submittal of the original application are to be reviewed and comments returned in 10 working days.

List of Attachments: PGM Review Timeframes
Section 403.0876, Florida Statutes (Permit; processing)

WETLAND REVIEW TYPES, ACTIVITIES, AND TIMEFRAMES FOR REVIEW

Review Type	Field Visit Required	Environmental Scientist Review Required	Engineering Review Required	Time Frames for Review
Wetland Delineation**	X			30 calendar days
Wetland Survey Approval**		X		10 working days
Miscellaneous Activities in Wetlands** (docks, stormwater, boardwalks, transmission lines, etc.)	X	X	X	30 calendar days
Wetland Impacts/Mitigation**	X	X	X	30 calendar days
Rezoning	X	X		10 working days
Subdivision Certified Parcel	X	X		5 working days
Platted Subdivision Without Improvements	X	X		5 working days
Platted Subdivision With Improvements	X	X		5 working days
Preliminary Plat	X	X	X	15 working days
Subdivision Construction Plans		X	X	20 working days
Final Plat		X		10 working days
As-builts	X	X		10 working days
Commercial Site Preliminary Plan	X	X		15 working days
Commercial Site Construction Plan		X	X	20 working days
Minor Commercial Site Construction	X	X	X	10 working days
Natural Resources Other	X	X		10 working days
Natural Resources Grubbing	X	X		10 working days
Agricultural Exemption	X	X		5 working days
Land Excavation	X	X	X	20 working days
Access management	X	X		10 working days
Phosphate Mining	X	X	X	45 working days
Tampa Port Authority	X	X		14 calendar days
DRI		X		14 working days
ERP		X	X	30 calendar days
USACOE		X	X	14 calendar days
WWTP		X		30 calendar days

** indicates EPC Authorization



Select Year: 2006

The 2006 Florida Statutes

[Title XXIX](#)
PUBLIC HEALTH

[Chapter 403](#)
ENVIRONMENTAL CONTROL

[View Entire Chapter](#)

403.0876 Permits; processing.--

(1) Within 30 days after receipt of an application for a permit under this chapter, the department shall review the application and shall request submittal of all additional information the department is permitted by law to require. If the applicant believes any departmental request for additional information is not authorized by law or departmental rule, the applicant may request a hearing pursuant to ss. [120.569](#) and [120.57](#). Within 30 days after receipt of such additional information, the department shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information. If the applicant believes the request of the department for such additional information is not authorized by law or departmental rule, the department, at the applicant's request, shall proceed to process the permit application.

(2)(a) A permit shall be approved or denied within 90 days after receipt of the original application, the last item of timely requested additional material, or the applicant's written request to begin processing the permit application.

(b) The failure of the department to approve or deny a permit for an underground injection well, within the 90-day time period shall not result in the automatic approval or denial of the permit and shall not prevent the inclusion of specific permit conditions which are necessary to ensure compliance with applicable statutes and rules. If the department fails to approve or deny such a permit within the 90-day period, the applicant may petition for a writ of mandamus to compel the department to act consistently with applicable regulatory requirements.

(c) The failure of the department to approve or deny an application for an operation permit for a major source of air pollution, as defined in s. [403.0872](#), within the 90-day time period shall not result in the automatic approval or denial of the permit and shall not prevent the inclusion of specific permit conditions which are necessary to ensure compliance with applicable statutes and rules. If the department fails to approve or deny an operation permit for a major source of air pollution within the 90-day period specified in s. [403.0872](#), the applicant or a party who participated in the public comment process may petition for a writ of mandamus to compel the department to act.

(d) Permits issued pursuant to s. [403.088](#) or s. [403.0885](#) shall be processed in accordance with s. [403.0885\(3\)](#).

(3)(a) The department shall establish a special unit for permit coordination and processing to provide expeditious processing of department permits which the district offices are unable to process expeditiously and to provide accelerated processing of certain permits or renewals for economic and operating stability. The ability of the department to process applications under this subsection in a more timely manner than allowed by subsections (1) and (2) is dependent upon the timely exchange of information between the applicant and the department and the intervention of outside parties as allowed by law. An applicant may request the processing of its permit application by the special unit if the application is from an area of high unemployment or low per capita income, is from a business or industry that is the primary employer within an area's labor market, or is in an industry with respect to which the complexities involved in the review of the application require special skills uniquely available in the headquarters office. The department may require the applicant to waive the 90-day time limitation for department issuance or denial of the permit once for a period not to exceed 90 days. The department may require a special fee to cover the direct cost of processing special applications in addition to normal permit fees and costs. The special fee may not exceed \$10,000 per permit required. Applications for renewal permits, but not applications for initial permits, required for facilities pursuant to the Electrical Power Plant Siting Act or the Florida Electric Transmission Line Siting Act may be processed under this subsection. Personnel staffing the special unit shall have lengthy experience in permit processing.

(b) At the applicant's discretion and notwithstanding any other provisions of chapter 120, a permit processed under this subsection is subject to an expedited administrative hearing pursuant to ss. [120.569](#) and [120.57](#). To request such hearing, the applicant must notify the Division of Administrative Hearings, the department, and all other parties in writing within 15 days after his or her receipt of notice of assignment of an administrative law judge from the division. The division shall conduct a hearing within 45 days after receipt of the request for such expedited hearing.

History.--s. 2, ch. 80-66; s. 25, ch. 84-338; s. 13, ch. 86-186; s. 14, ch. 88-393; s. 6, ch. 92-132; s. 4, ch. 93-94; s. 73, ch. 93-213; s. 364, ch. 94-356; s. 131, ch. 96-410; s. 1006, ch. 97-103; s. 69, ch. 2006-230.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 15, 2007

Subject: Crematory Permitting Update

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

Division: Air Management

Recommendation:

For information only.

Brief Summary:

Staff will make a brief presentation on the air pollution permitting of human and animal crematories locating in Hillsborough County. Recent changes in the State's environmental rules streamlined the authorization process for certain businesses including crematories. As a result, crematory operators no longer have to get construction permits or go through a public notice prior to operating. Two facilities have announced their intention to set up in the Ybor City area and some residents have expressed their concerns to the Agency.

Background:

As part of a legislative initiative, the Florida Department of Environmental Protection revised the State permitting process to eliminate the requirement for crematories and other minor air pollution sources to obtain a public noticed construction permit. They now go straight to what is called a general permit. As a result, these facilities now construct and operate with just a 30 day notice to the EPC staff. In effect they are simply advising us they feel they are eligible to construct/operate at the location of their choosing under the State's revised procedures, and neither staff nor the public have the opportunity to consider additional precautions. EPC's local noticing rule does provide a notification mechanism for affected neighborhoods, but it does not provide a legal point of entry.

EPC staff received two notifications since the beginning of the year for crematories to operate in the Ybor City area. The first was Cremation Center of Tampa Bay at 1410 N. 26th St. and the second is Ybor Funeral and Cremation Center at 3822 East 7th Avenue. The first one is final and the second goes final March 20, 2007. Staff is attempting to work with concerned citizens and hosted a public meeting the evening of March 8, 2007.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 15th, 2007

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

Division: Environmental Resources Management

Recommendation: Authorize EPC staff to participate in a public education effort, in cooperation with the Florida Yards and Neighborhoods program and the Hillsborough County Public Works Department, regarding new rules from Florida Department of Agriculture & Consumer Services on slow release, controlled release and low/no phosphate fertilizers for lawn applications.

Brief Summary: The Florida Department of Agriculture & Consumer Services (FDACS) is currently developing a state-wide rule that will be applicable to all lawn fertilizers and their labeling. The rule will define "slow release" and "controlled release" of nutrients for lawn fertilizers and require labeling to coincide with the new criteria. Additionally, the phosphorus content of lawn fertilizers will be either very low or none depending on final rule language. The University of Florida's Institute of Food and Agricultural Sciences, through its Florida Yards and Neighborhoods (FY&N) program will produce educational aids to disseminate information to the public on these new label requirements and the benefits of using slow release and low-no phosphorus fertilizers. EPC staff can assist in making these informational packets available to the public through retail stores, citizen educational forums and internet advertising.

Background: During a Feb. 28, 2007, workshop on comprehensive plan amendments, a question was raised regarding the County's ability to regulate the sale or uses of lawn fertilizers and pesticides. Legally, it does appear possible to regulate the use of fertilizers for lawn applications, and a number of local governments in Florida have developed ordinances requiring the use of "slow release" fertilizers and application of fertilizers in low rainfall periods of the year. These local ordinances, while well meaning, are very difficult to enforce. No known precedent exists for disallowing the use of any particular fertilizer or pesticide product. Federal controls have significantly limited the pesticides available to the consumer and strictly monitors the sale, licensing and labeling of the more powerful, potentially environmentally dangerous chemicals to licensed & certified users only.

A state-wide fertilizer rule, which is currently in development by the FDACS, specifically adopts standards for "slow release" and "controlled release" fertilizer products. The rule will also significantly reduce the allowable phosphorus content for all lawn fertilizers. The proposed fertilizer rule criteria were developed, in part, to aid the public in identifying appropriate and more environmentally safe products. The rule may also require language warning the user of consequences of excessive fertilization to aquatic environments. Once the new rule language is finalized and formally adopted by the State, EPC staff can participate in advertising the new rule criteria through a cooperative arrangement with the Florida Yards and Neighborhoods program. The Hillsborough County Public Works Department's stormwater management and adopt-a-pond programs have also expressed an interest in participating in this educational effort, which could help the County maintain compliance with the requirements of its MS4 stormwater management permit.

List of Attachments: None