

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
JUNE 21, 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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APRIL 19, 2007 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting and Public Hearing, scheduled for Thursday, April 19, 2007, at 10:00 a.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 (arrived at 10:37 a.m.), and Kevin White.

Chairman Blair called the meeting to order at 10:05 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, added environmental resource permit delegation and mitigation success to Item VI, Executive Director's report. **Commissioner White moved the changes, seconded by Commissioner Norman, and carried six to zero.** (Commissioner Sharpe had not arrived.)

CITIZENS COMMENTS

Ms. Vivian Bacca, 413 El Greco Drive, commented on legislation that had the potential of eliminating local EPC regulations and monitoring, recalled discussions regarding duplication of services, discussed a report received by the Board of County Commissioners (BOCC) regarding a memorial for veterans, and proposed the creation of a living memorial by designating each of the seven seagrass management areas to veterans, with an individual memorial page, which could be accessed by Internet users.

Ms. Jeanette Doyle, 903 Chipaway Drive, perceived the riparian buffer strip model was a testimony to limiting and reducing excessive sediments, organic material, nutrients, mercury, and other metals and pesticides; stated EPC had effectively regulated nutrients from water by requiring buffers to protect wetland systems; understood EPC regulations were specific for Hillsborough County and eliminated costly and less effective stormwater management programs; opined future generations could inherit polluted water, flooding, diminished or costly substitutes for wetlands and crowded, sprawling, and congested development due to lack of support for EPC; and asked the EPC Board to perpetuate the livable community plan by protecting the EPC agency.

Ms. Mariella Smith, 108 Janie Street, expressed disappointment with BOCC action the prior week for refusing to defend the EPC against legislation that would strip the agency of the ability to protect local wetlands.

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Mr. Bill Leuzinger, 4207 Woodside Manor Drive, stated he was proud to be a resident of Hillsborough County where the majority of the Board kept campaign promises and made laws based on fact and study and realized the mandate to preserve taxpayer money and reduce duplication.

Mr. Stephen Allison discussed the difficulty of having wetland regulations dispersed among four bureaucracies, perceived increased regulations increased the cost to the consumer and provided job security, and opined streamlining permitting and avoiding duplication would be good as long as public safeguards were protected.

Ms. Julianne Bent, 18301 Cypress Stand Circle, perceived ensuring development happened in an environmentally-friendly way was a joint responsibility, understood and agreed standards must be high and consistent and the quality of the environment must be measurable, opined having another highly paid agency involved with a random assessment of the environmental impact was not necessary, stated EPC was a valuable asset, and asked the purpose of duplicating State work and guidelines.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Ms. Mariella Smith, CEAC member, stated the April 2, 2007, meeting included a legislative update, demonstration of a new online, open-burn mapping feature available on the EPC website, and an update on pollution recovery fund (PRF) projects. CEAC voted unanimously to recommend EPC oppose House Bill 957, which would have State regulations supersede local wetland requirements and potentially result in the elimination of the EPC Wetlands Management Division. In preparation for review of PRF grant applications, CEAC was planning to include a tour of past projects. Application forms for PRF grants had been posted on the EPC website. Approximately \$533,000 PRF grant funds were available. Applications were due by May 1, 2007.

Chairman Blair asked Dr. Garrity to provide a list of current expenses that could be covered in whole or in part by PRF to reduce costs on the General Fund. Dr. Garrity agreed.

CONSENT AGENDA

A. Approval of minutes: March 7, 2007, and March 15, 2007.

Monthly activity reports.

C. PRF report.

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- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary.
- F. Crematory permitting update.
- G. Wetland review time frames.
- H. Request authority to take appropriate legal action against Bengal Petroleum Incorporated and Mohammed Rahman.

Commissioner White moved the Consent Agenda, seconded by Commissioner Hagan, and carried six to zero. (Commissioner Sharpe had not arrived.)

PUBLIC HEARING

Southwest Florida Water Management District (SWFWMD) Conservation Easement Waiver Request - EPC General Counsel Richard Tschantz reviewed the request and EPC rules and staff recommendation to issue the waiver. Chairman Blair called for public comment; there was no response. **Commissioner Ferlita moved to approve as stated, seconded by Commissioner Norman, and carried six to zero.** (Commissioner Sharpe had not arrived.)

PROCLAMATION

Clean Air Month Proclamation - Mr. Jerry Campbell, Director, EPC Air Management Division, reviewed the purpose of Clean Air Month and the theme, Clean Air for a Healthier Hillsborough; stated the Clean Air Fair would occur on Thursday, May 3, 2007, at Poe Plaza. Ms. Taylor Ikin, Tampa artist, and Jeff Sims, EPC staff, accepted the proclamation declaring May 2007 as Clean Air Month and offered comments. Ms. Ikin displayed a painting of Alderman Ford in celebration of Clean Air Month; each Board member would receive a signed reproduction of the painting.

Ms. Barbara Mott, EPC staff, said an environmental art essay called clearing the air was on display at the Roger P. Stewart Center through the month of August 2007. The essay was comprised of 40 pieces of artwork provided by Hillsborough County students. Four students would be honored for excellence in art photography during the EPC June 2007 meeting. Ms. Mott invited the public to tour the exhibit.

EXECUTIVE DIRECTOR'S REPORT

ew Agency Brochure Presentation and Earth Day Announcement - Dr. Garrity submitted the educational informational brochure produced by EPC and stated Earth Day would be celebrated in Lowry Park on April 22, 2007, as an annual

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reminder that everyone was responsible for the environment. Citizens were encouraged to renew personal commitments to build a healthier, brighter future.

Environmental Resource Permit (ERP) Delegation and Mitigation Success - Dr. Garrity outlined the concept of ERP delegation and explained the Department of Environmental Protection (DEP) and SWFWMD worked on the permit and split their activities. Part of EPC goals and objectives was to move toward delegation whenever possible. Staff developed a concept of partnering with Hillsborough County, specifically the Planning and Growth Management Department (PGMD), to jointly review stormwater and environmental issues. Dr. Garrity asked that EPC and the County Administrator jointly investigate the feasibility of entering into ERP delegation agreements with DEP and SWFWMD according to ERP rules and to bring back options for delegation, together with the economic impact and whether that was feasible from an economic perspective. If successful, Hillsborough County would have a streamlined process and good protection of environmental resources and eliminate any real or perceived overlap or duplication.

Chairman Blair perceived the request would be a start for a unified concept, whether State mandates or EPC rules would be followed, and commented on *The Tampa Tribune* article by Mr. Mike Salinero as an example of how misinformation was disseminated.

After reading information from the agency brochure regarding environmental protection and program efficiency and noting Dr. Garrity was embracing the responsibility of delegation but separate and apart from anything that might happen in the current legislative session, **Commissioner Ferlita moved what Dr. Garrity requested and wholeheartedly supported that concept, seconded by Commissioner White.** Commissioner Norman said EPC was finding creative ways to stop duplication and reaching out to other agencies to do the job, trying to have a one-stop shop, moving away from ad valorem taxes, and reducing costs; perceived similar action should occur throughout government; and expressed hope that the BOCC would support a thorough investigation of all aspects.

Commissioner Sharpe supported the motion and perceived the legislation attempt was not to strengthen environmental regulations at the local level; however, the attempt to streamline, strengthen, and provide more local control was good. Mr. Peter Aluotto, Director, PGMD, supported the concept. **The motion carried seven to zero.**

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Chairman Blair said Hillsborough County tributaries and watershed areas were in many counties, noted the need for a unified approach, opined scientific proof was needed to indicate the job was not getting done and having EPC enforce State regulations was good, and suggested Ms. Smith write SWFWMD and DEP and ask if they could prove scientifically what they did worked.

Commissioner Sharpe said his objective was to maintain the stronger standards of EPC and work with the State. Dr. Garrity said the State rule, under which EPC would apply for delegation, would allow the local program to keep its stricter standards. Commissioner Ferlita agreed that was the intent of the motion.

Dr. Garrity said a check of mitigation projects showed 92.5 percent compliance. Staff would keep working with the 7.2 percent projects not in compliance until they were successful. Chairman Blair pointed out a 30-acre gain of wetlands last year, and the SWFWMD report showed a net gain of over 212 acres of wetlands from 1999 through 2003.

ENVIRONMENTAL RESOURCES MANAGEMENT (ERM) DIVISION

Lower Hillsborough River Minimum Flow Levels (MFL) Report - Mr. Anthony D'Aquila, EPC staff, utilized slides and maps to present the report, which focused on the lower Hillsborough River. Sligh Avenue to the base of the dam was the most estuarine and biologically productive segment of the river. SWFWMD proposed the minimum flow equivalent to 20 cubic feet per second (cfs) of fresh water, which might be adjusted based on varying hydraulic conditions. The proposed mfl doubled the current mfl established in 1999. The peer review panel, hired by SWFWMD, supported increasing the mfl to 24 cfs for the specific time frame of April through June, which was the most critical for juvenile estuarine fish as they migrated upstream and the heaviest demand for fresh water. Staff recommended EPC endorse the 24 cfs finding of the peer review panel.

Commissioner Norman referenced the potential impact to the city of Tampa (Tampa), perceived Tampa would have to purchase water from TBW at a higher volume, and expressed hope that a balance would be sought for Tampa. Dr. Garrity agreed the issue would be costly for Tampa; staff would try to do as Commissioner Norman suggested.

Seagrass Management Plan Report - Dr. Gerold Morrison, Director, EPC ERM Division, submitted a slide presentation and presented the report, as detailed in background material. Staff recommended EPC accept the draft seagrass management plan and authorize staff to seek public input on the plan and

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proposed actions. The draft plan would be revised based on public input during the process and submitted for approval. Chairman Blair wanted to have a financial impact study. Commissioner Norman asked if feedback had been received from municipalities. Dr. Garrity said a letter had been sent to policy board members; he would follow-up. **Commissioner White moved the request, seconded by Commissioner Norman, and carried five to zero.** (Commissioners Hagan and Sharpe were out of the room.)

Fertilizer Use Education Program Discussion - Dr. Garrity introduced the item. Mr. Robert Stetler, EPC staff, provided a brief history and presented the report detailed in background material. The Department of Agriculture was working to develop a rule that would be issued in the spring that required labeling provide better information on slow-release fertilizers. Staff asked for the allowability to move forward in the effort to join with the Institute of Food and Agricultural Sciences and others for an educational effort. Commissioner Norman opined people would purchase environmentally friendly products and suggested working with large suppliers to label a specific area to make finding those products easy for the majority of people who would not read package labels. Mr. Stetler agreed and asked for authorization for staff to enter into the public outreach program. **Commissioner Ferlita made that motion, seconded by Commissioner Norman, and carried six to zero.** (Commissioner Hagan was out of the room.)

LEGAL DEPARTMENT

Alafia River and Tampa Bypass Canal Reclassification Update - Attorney Tschantz presented the item. Commissioner Higginbotham wanted to ensure stakeholders were brought to the table and took exception to the manner in which stakeholders had been requested to meet. Stakeholders had been overlooked along the Alafia River, which included the Riverview, Plant City, Ruskin, and Sun City Center Chambers of Commerce. The issue was not whether the river would be reclassified, but that stakeholders be brought to the table. Commissioner Norman expressed concern that EPC would be placed in a position of being against its residents without hearing from them. Commissioner Higginbotham pointed out the issue of septic tanks along the river and the potential of Hillsborough County having to run new sewer lines to replace septic tanks and the financial impact to Hillsborough County. Chairman Blair agreed with Commissioners Higginbotham and Norman.

Robert McConnell, Tampa Bay Water (TBW) staff, clarified the Comprehensive plan amendment was to approve the procedure to get started with the process, which included stakeholder meetings. Therefore, approval would approve the

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process itself, not the outcome of the process. Meetings were occurring with stakeholders to identify and understand potential issues so they could be addressed in the petition. TBW had extended the completion date to August 2007. Commissioner Higginbotham wanted to ensure stakeholders had proper contact.

Commissioner Norman said there was a difference of opinion about the process and wanted to ensure things were done correctly that would affect large segments of the population and wanted to depend on EPC professionals to ensure input from everyone affected. Commissioner Sharpe said the early report did not anticipate a substantive economic impact; however, the question would then become, who would pay if there was an economic impact. Hillsborough County would want to ensure the cost was shared. Mr. McConnell said the procedure was a State process to align the State classification with current use for potable water supply. As part of the reclassification effort, the public input procedure was a long process. Commissioner Sharpe suggested meeting with stakeholders collectively rather than one-on-one.

There being no further business, the meeting was adjourned at 11:58 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

sd

MAY 2, 2007 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider Arbitration of the Tampa Bay Water (TBW) Proposed Environmental Resource Permit Application For Infrastructure Improvements at the Brandon Urban Dispersed Wellfield and the Proposed Modifications to the TBW Optimized Regional Operations Plan, scheduled for Wednesday, May 2, 2007, at 2:03 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 2:03 p.m.

Mr. Gorden Leslie, EPC staff, recommended no arbitration. **Commissioner Ferlita moved staff recommendation, seconded by Commissioner Sharpe, and carried seven to zero.**

There being no further business, the meeting was adjourned at 2:05 p.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

sd

MAY 17, 2007 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, May 17, 2007, at 10:00 a.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 (arrived at 10:14 a.m.), and Kevin White (arrived at 10:06 a.m.).

Chairman Blair called the meeting to order at 10:04 a.m. and led in the pledge of allegiance to the flag.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, noted a summary distributed for Item IV, Executive Director's report. **Commissioner Norman moved the changes, seconded by Commissioner White, and carried six to zero.** (Commissioner Sharpe had not arrived.)

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Mr. Jellerson stated the May 7, 2007, CEAC meeting included a review of the recently concluded legislative session, a presentation on homeowner fertilizer use, and discussion regarding the pollution recovery fund (PRF) grant program. The main focus of the CEAC over the next few meetings would be to review PRF grant applications and prepare recommendations. To assure a thorough and competent review, CEAC had scheduled on-site inspections of past PRF grantees and projects. Mr. Jellerson noted a seagrass management plan public meeting scheduled for May 31, 2007, at 6:00 p.m., at the South Shore Regional Library.

CONSENT AGENDA

Approval of minutes: March 7, 2007; March 15, 2007; and April 11, 2007.

Monthly activity reports.

PRF report.

Gardinier Settlement Trust Fund report.

Legal case summary.

Authorize the Executive Director to execute a compliance contract with the Florida Department of Environmental Protection (FDEP). (Petroleum storage tank compliance contract.)

Commissioner White moved approval, seconded by Commissioner Ferlita, and carried six to zero. (Commissioner Sharpe had not arrived.)

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EXECUTIVE DIRECTOR'S REPORT

Dr. Garrity recognized Mr. Byron Bartlett, EPC staff, the Hillsborough County Health Department, and the University of South Florida for efforts related to raw sewage discharge investigations near Ben T. Davis Municipal Beach. Mr. Bartlett discussed the Ben T. Davis Municipal Beach investigation and sampling locations, reviewed photographs and investigation efforts, and noted raw sewage discharge was found and corrected with the help of the city of Tampa (Tampa) and the Florida Department of Transportation. Dr. Garrity highlighted Mr. Bartlett's efforts to find the discharge.

Dr. Garrity noted May 2007 was Clean Air Month and acknowledged efforts by the EPC Air Management Division. Mr. Jerry Campbell, Director, EPC Air Management Division, referenced adverse affects from wildfires, advisories and data provided by EPC staff, and poor air quality and showed a map of fire locations, a satellite picture of smoke, and a chart of air quality in Hillsborough County.

Dr. Garrity recognized Mr. Whit Council, EPC Waste Management Division, who worked with the underground storage tank program and read an e-mail from the Water Resource Services Department regarding efforts by Mr. Council.

Dr. Garrity referenced action taken by the EPC Board related to the Honeywell cleanup. Mr. Hooshang Boostani, Director, EPC Waste Management Division, provided an update on cleanup activity at Honeywell, noted Honeywell purchased the property in June 2006, mentioned Brownfields designation in August 2006 enabling Honeywell to acquire a cleanup agreement with FDEP, recalled soil and lake contamination that was now being cleaned, distributed a letter sent to the community regarding cleanup efforts, stated Honeywell was now paying property taxes for the property, and said a representative was appointed as a point of contact for the neighborhood. Chairman Blair referenced efforts by EPC staff. Mr. Boostani recognized the involvement of code enforcement, the Planning and Growth Management Department (PGMD), and the Hillsborough County Sheriff's Office.

COMMISSIONERS' REQUEST

Question and Answer Session With Southwest Florida Water Management District (SWFWMD) and EPC - Chairman Blair recalled discussions with staff regarding the protection and conservation of wetlands in the County, stated the purpose of the meeting was for the EPC Board to become more acquainted with the various regulatory agencies and the permitting process, and called for public comment.

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Ms. Darlene Hall, 19259 Blount Road, stressed the need for the local EPC to protect the environment and water resources, mentioned watersheds, and pointed out waterways were connected and affected one another.

Former Commissioner Jan Platt asked the EPC Board to think of the next generation, discussed creation of policies dealing with wetlands and the EPC, noted the need for wetlands for recharge areas, perceived drinking water was a precious resource, and pointed out Hillsborough County was the source of water for Pinellas County. Chairman Blair opined nobody wanted to destroy the wetlands and mentioned wetlands gained. Dr. Garrity explained enactment of the EPC rule caused those gains. Ms. Platt recalled comments about shifting responsibilities to SWFWMD who was responsible for many counties while the local EPC was only responsible for one County. Commissioner Ferlita offered appreciative comments. Commissioner Norman referenced possible budget cuts, attempts to discuss things that would not impact wetlands and the environment, and efforts to gather information to make the best decision possible. Ms. Platt recalled similar issues in the past. Commissioner Sharpe recognized the County was anticipating severe cutbacks, stated he did not want to burden future generations, and confirmed the idea was to collect information and look for ways to be more efficient.

Ms. Gail Scott, 18935 Dorman Road, encouraged keeping the local EPC and reported the local EPC was the only agency to help during previous problems with dumping, destruction of wetlands, and fires. Mr. Ronald Bent, 10832 Celtic Wood Drive, referenced work on projects and being educated on wetland permitting; recalled opposition to projects from EPC, efforts to leave the wetlands intact, and benefits to the environment; and opined having multiple agencies slowed the permitting process, was costly, and discouraged needed development.

Ms. Vivian Bacca, 413 El Greco Drive, mentioned attendance at a climate change conference in Tampa; perceived the time had come for the Tampa Bay region to plan for climate change, to implement policies to reduce the carbon footprint, and to plan for the sea rise and global warming; wanted EPC to work to get more detailed maps; and expressed hope that the County would send someone to the Governor's climate change commission in July 2007.

Ms. Julianne Bent, 18301 Cypress Stand Circle, stated she lived in a home surrounded by a conservation area, understood the importance of laws enabling protection, and asked the County to address duplication.

Mr. Walid Hatoum, 4608 Westford Circle, recalled working with SWFWMD as a County employee, discussed efforts to balance and streamline the permitting

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process, and requested the County continue efforts to improve and streamline the process.

Ms. Beverly Griffiths, 7201 Alafia Ridge Road, chairman, Tampa Bay Group of the Sierra Club, supported the role of EPC as the foremost agency responsible for local wetlands permitting, discussed other EPC responsibilities, referenced discussions regarding budget cuts, perceived EPC should be commended for their excellent record and reputation, opined now was the time to trim the PGMD budget and raise permitting fees, stressed the need for responsible wetlands protection, and suggested overdevelopment was consuming remaining land and water.

Attorney Kent Safriet, Hopping, Green, and Sams, P.A., encouraged the elimination of duplicative services; referenced the special legislative session that could affect the County budget; perceived EPC was a triple layer of regulation, counterproductive, increased costs for developers, and affected affordable housing; and distributed a suggested motion.

Ms. Denise Caron, 4255 West Humphrey Street, Unit 1622, disagreed with comments that EPC was the most effective agency due to their budget size, recalled comments regarding efforts related to the Ford Amphitheatre, asked how EPC could expect to outperform SWFWMD who had a budget of \$49.8 million, discussed the SWFWMD mission, and suggested deleting duplicative portions of wetlands management would allow savings to be passed on to taxpayers.

Ms. Denise Layne, 2504 Ayers Hill Court, noted Attorney Safriet's law firm sponsored the recent bad wetlands amendment, perceived the EPC Board's responsibility and duty was to protect the EPC, and thanked County citizens for efforts to oppose the amendment. Chairman Blair explained EPC staff was allowed to defend House Bill 957 in Tallahassee.

Ms. Mariella Smith, 108 Janie Street, mentioned discussions on unfunded mandates and rollbacks, stated the EPC Board responsibility was to protect the environment, and referenced developers wanting to lower standards.

Mr. Dimitri Artzibushev, developer, expressed concern that many people did not realize the process and discussed duplication, time frames, vague rules, value added by wetlands, and the need for criteria and rules for permitting.

Commissioner White recalled being told EPC did not attend development review committee meetings. Dr. Garrity noted a new policy instituted that EPC would attend every meeting. Ms. Jadell Kerr, Director, EPC Wetlands Management Division, explained EPC did not attend development review committee meetings

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for many years due to not having information available to make a decision at the meeting and reported EPC had agreed to attend meetings when needed.

Mr. Thomas Szarvas, 800 South Dakota Avenue, mentioned dealing with wetlands and environmental issues, noted confusion and duplication, and urged the removal of EPC from environmental permitting to streamline the process. Mr. William Leuzinger, 4207 Woodside Manor Drive, discussed budget cuts, perceived the question was what could be afforded, highlighted duplication and increases in insurance and taxes, and asked the County to be leaders and make the hard choice to get rid of duplication. Mr. Robert Anderson, 2914 West Paris Street, referenced high taxes, the need to spend tax dollars wisely, and duplication of services and pointed out State agencies had more resources.

Mr. Stephen Dibbs, 5277 Erlich Road, recognized the value of wetlands, referenced filling of wetlands in prior years, discussed mitigation, perceived the issue was how to protect wetlands, opined the EPC Wetlands Management Division was an overlapping layer of bureaucratic waste of taxpayer dollars, and discussed the EPC wetlands rules.

Mr. Steve Allison, resident, supported pursuit of good governance, cared about wetlands protection and management, opined a single agency regulating wetlands was appropriate, wanted smarter regulation, mentioned distinctions between how various agencies treated wetlands, perceived part of the equation should be to consider how wetlands were created, discussed reasonable use and mitigation, and realized innovation and creativity rarely resulted from government regulation.

Commissioner Norman moved to extend the day to at least 12:30 p.m., seconded by Commissioner Sharpe, and carried seven to zero.

Mr. Gregory Hall, 19259 Blount Road, referenced news articles on doing away with EPC, discussed personal experiences with EPC, and supported EPC due to more stringent standards.

Senator Ronda Storms recalled congestion mitigation and air quality funding received after wildfires in Texas, discussed development in the County, perceived failed wetlands protection would increase stormwater projects and flooding and the issue was local control, and stated developers did not want to pay for transportation, school, or stormwater concurrency and wanted relief from wetlands mitigation.

Commissioner Norman questioned if State agencies would give up permitting fees if the decision was made to have local control. Senator Storms supported local control and delegation and opined SWFWMD would not be supportive of

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delegation. Commissioner Norman stated he was prepared to have conversations with Dr. Garrity and the County Administrator regarding permitting. Senator Storms perceived that if the legislature failed to act, the citizens would. Commissioner Sharpe expressed concern that something would be done in the name of saving dollars that would cost more to fix later, said the goal was to streamline, appreciated comments regarding budget cuts, opined a balance was needed, and suggested the point was to continue to provide tougher and smarter protection at the local level. Senator Storms recalled public comments, perceived standards were measurable, and referenced a wetlands issue in the Bloomingdale area. Chairman Blair pointed out a net gain in wetlands. Commissioner Sharpe opined the net gain was due to EPC. In response to Chairman Blair, Dr. Garrity confirmed the uniform mitigation assessment method came from the State legislature.

Commissioner White referenced mitigation comments and conversations with Dr. Garrity, stated the entire community could not be judged by one project, was unsure if State rules would be good enough, and wanted protection but not duplicative services. Chairman Blair noted EPC did a good job on oversight. Commissioner Ferlita stated the EPC Board was charged with being efficient in how citizens were represented, recalled requests for a feasibility study on streamlining duplication, and opined local rule was best. Senator Storms reminded everyone the Clean Water Act was coming and those elements would need to be enforced, stated EPC was created by the legislature but rules were promulgated locally, and said the great thing about local control was the ability to strengthen or loosen rules.

Mr. Edward Giunta, 1111 North West Shore Boulevard, expressed concern with property taxes, noted he had not heard anybody say not to protect the wetlands, mentioned duplication, stated EPC and SWFWMD did a good job, perceived the question was the need for both, and asked the County to look at the process. Attorney Vincent Marchetti, 100 North Tampa Street, discussed standards and their subjective nature and suggested at least three agencies were doing the same thing. Mr. Lance Ponton, Cordoba Development Company, perceived one agency should head environmental issues and duplication should be stopped for efficiency.

Mr. David Moore, executive director, SWFWMD, discussed the environmental resource permit (ERP) program, stated staff from the five water management districts and FDEP met quarterly to look at potential enhancements, said the RP contemplated the full coordination and integration of federal and State programs and allowed for local governments to be more restrictive than the State, reported the County had chosen to have their own program, explained

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SWFWMD tried to ensure the process was streamlined to eliminate duplication, discussed history of the relationship between EPC and SWFWMD, noted SWFWMD had experience in delegating programs, and recalled failed efforts to delegate the ERP in Pinellas County.

In response to Chairman Blair, Dr. Garrity relayed SWFWMD handled the bulk of permits. Commissioner Norman recalled previous discussions regarding building department fees and perceived the County needed to look at fees compared to costs and a report was needed on the success of delegation. Mr. Moore mentioned efforts to increase fees and stated SWFWMD recovered less than 20 percent of costs for the ERP and less than 5 percent for the water use permitting program. Chairman Blair confirmed millage was paid to support SWFWMD. Commissioner Sharpe asked if SWFWMD was willing to discuss better coordination between the two agencies and to eliminate duplication without eliminating more stringent regulations, wanted to look toward some form of classification of wetlands, and perceived keeping things local was important. Mr. Moore stated SWFWMD was always willing to listen to ways to enhance or streamline the process. Chairman Blair questioned if Mr. Moore supported passing permitting down to EPC or SWFWMD handling permitting and EPC handling oversight. Mr. Moore was willing to listen to suggestions.

Mr. Bob Gordon, Director, Public Works Department, recalled a special assignment from the EPC Board; noted a conflict of interest as a SWFWMD, EPC, FDEP, and Army of Corp of Engineers permittee; distributed information prepared by Mr. Martin Montalvo, Public Works Department; and supported the concept of a one-stop shop for permitting. Mr. Gordon responded to queries related to oversight and changes to the permitting process that could help address transportation issues.

Responding to Chairman Blair, Mr. Moore noted SWFWMD had offices in Tampa, Sarasota, Bartow, and Brooksville. Mr. William Vorstadt, FDEP, stated FDEP would work with EPC if delegation was pursued, the program was not fully funded by permit fees, and funding was received from other sources. Commissioner Norman opined a report was needed to show budget increases if delegations were taken over. In answer to Commissioner Ferlita, Mr. Vorstadt referenced meetings with EPC to discuss what would be feasible to achieve delegation. Commissioner Ferlita perceived the burden of responsibility to EPC would be to streamline the process and wanted to ensure FDEP supported that. Chairman Norman stated the County was not in the position to increase budgets and was looking at duplication and streamlining budgets; a full report was needed to know the downside of delegating. Mr. Vorstadt said a budget analysis could be provided.

THURSDAY, MAY 17, 2007 - DRAFT MINUTES

Chairman Blair opined the EPC Board should study the issues and at the next EPC meeting bring back questions or parties who did not get a chance to speak. Dr. Garrity stated the mission from the last meeting was to look at the feasibility of delegation, which included an economic impact analysis to determine costs, and Ms. Kerr could make a presentation at the next EPC meeting; noted staff would continue to look at feasibility, streamlining the permitting process, and the EPC rule to find ways to allow creativity while minimizing impacts; and announced the next EPC meeting was scheduled for June 21, 2007. Chairman Blair wanted information on what happened in Pinellas County, referenced problems with minimum flow levels at the Hillsborough River, and perceived a water summit was needed. Commissioner Sharpe asked for a report at the next EPC meeting on the issue of minimizing impacts versus mitigation.

There being no further business, the meeting was adjourned at 12:30 p.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

kc

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION

May FY 2007

| | | |
|--|--|-----------|
| A. Public Outreach/Education Assistance: | | |
| 1. Phone Calls: | | 221 |
| 2. Literature Distributed: | | <u>0</u> |
| 3. Presentations: | | <u>1</u> |
| 4. Media Contacts: | | <u>1</u> |
| 5. Internet: | | <u>62</u> |
| 6. Host/Sponsor Workshops, Meetings, Special Events | | <u>11</u> |
| | | |
| B. Industrial Air Pollution Permitting | | |
| 1. Permit Applications Received (Counted by Number of Fees Received): | | |
| a. Operating: | | <u>1</u> |
| b. Construction: | | <u>8</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>7</u> |
| b. Construction ¹ : | | <u>10</u> |
| c. Amendments ¹ : | | <u>0</u> |
| d. Transfers/Extensions ¹ : | | <u>0</u> |
| e. Title V Operating ² : | | <u>5</u> |
| f. Permit Determinations ² : | | <u>0</u> |
| g. General: | | <u>3</u> |
| | | |
| 3. Intent to Deny Permit Issued: | | <u>0</u> |
| | | |
| C. Administrative Enforcement | | |
| 1. New cases received: | | <u>0</u> |
| | | |
| 2. On-going administrative cases: | | |
| a. Pending: | | <u>8</u> |
| b. Active: | | <u>17</u> |
| c. Legal: | | <u>4</u> |
| d. Tracking compliance (Administrative): | | <u>21</u> |
| e. Inactive/Referred cases: | | <u>0</u> |
| | | |
| Total | | <u>50</u> |
| | | |
| 3. NOIs issued: | | <u>2</u> |

| | | |
|----|---|-------------------|
| 4. | Citations issued: | <u>1</u> |
| 5. | Consent Orders Signed: | <u>2</u> |
| 6. | Contributions to the Pollution Recovery Fund: | <u>\$3,500.00</u> |
| 7. | Cases Closed: | <u>0</u> |
| D. | Inspections: | |
| 1. | Industrial Facilities: | <u>19</u> |
| 2. | Air Toxics Facilities: | <u>0</u> |
| | a. Asbestos Emitters | <u>0</u> |
| | b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...) | <u>7</u> |
| | c. Major Sources | <u>3</u> |
| 3. | Asbestos Demolition/Renovation Projects: | <u>21</u> |
| E. | Open Burning Permits Issued: | <u>4</u> |
| F. | Number of Division of Forestry Permits Monitored: | <u>11</u> |
| G. | Total Citizen Complaints Received: | <u>72</u> |
| H. | Total Citizen Complaints Closed: | <u>46</u> |
| I. | Noise Sources Monitored: | <u>9</u> |
| J. | Air Program's Input to Development Regional Impacts: | <u>5</u> |
| K. | Test Reports Reviewed: | <u>64</u> |
| L. | Compliance: | |
| 1. | Warning Notices Issued: | <u>12</u> |
| 2. | Warning Notices Resolved: | <u>1</u> |
| 3. | Advisory Letters Issued: | <u>4</u> |
| M. | AOR's Reviewed: | <u>9</u> |
| N. | Permits Reviewed for NESHAP Applicability: | <u>9</u> |

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
May FY 2006

| | <u>Total Revenue</u> |
|---|----------------------|
| 1. Non-delegated construction permit for an air pollution source | |
| (a) New Source Review or Prevention of Significant Deterioration sources | <u>\$0.00</u> |
| (b) all others | <u>\$0.00</u> |
| 2. Non-delegated operation permit for an air pollution source | |
| (a) class B or smaller facility - 5 year permit | <u>\$0.00</u> |
| (b) class A2 facility - 5 year permit | <u>\$0.00</u> |
| (c) class A1 facility - 5 year permit | <u>\$0.00</u> |
| 3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here) | <u>\$3,800.00</u> |
| (b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here) | <u>\$840.00</u> |
| (c) Delegated General Permit (20% is forwarded to DEP and not included here) | <u>\$160.00</u> |
| 4. Non-delegated permit revision for an air | <u>\$0.00</u> |
| 5. Non-delegated permit transfer of ownership, name change or extension | <u>\$0.00</u> |
| 6. Notification for commercial demolition | |
| (a) for structure less than 50,000 sq ft | <u>\$2,400.00</u> |
| (b) for structure greater than 50,000 sq ft | <u>\$0.00</u> |
| 7. Notification for asbestos abatement | |
| (a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos | <u>\$300.00</u> |
| (b) renovation greater than 1000 linear feet or 1000 sq ft | <u>\$3,000.00</u> |
| 8. Open burning authorization | <u>\$1,200.00</u> |
| 9. Enforcement Costs | <u>\$1,009.00</u> |

M E M O R A N D U M

DATE: June 12, 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 MAY 2007
AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

| | |
|---|------------|
| 1. New cases received | 4 |
| 2. On-going administrative cases | 116 |
| a. Pending | 6 |
| b. Active | 53 |
| c. Legal | 9 |
| d. Tracking Compliance (Administrative) | 32 |
| e. Inactive/Referred Cases | 16 |
| 3. NOI's issued | 1 |
| 4. Citations issued | 2 |
| 5. Consent Orders and Settlement Letters Signed | 3 |
| 6. Civil Contributions to the Pollution Recovery Fund | \$1,700.00 |
| 7. Enforcement Costs collected | \$8,686.00 |
| 9. Cases Closed | 5 |

B. SOLID AND HAZARDOUS WASTE

| | |
|--|-------|
| 1. FDEP Permits (received/reviewed) | 0/0 |
| 2. EPC Authorization for Facilities NOT requiring DEP permit | 1/3 |
| 3. Other Permits and Reports | |
| a. County Permits | 4/4 |
| b. Reports | 34/48 |
| 4. Inspections (Total) | 279 |
| a. Complaints | 33 |
| b. Compliance/Reinspections | 16 |
| c. Facility Compliance | 26 |
| d. Small Quantity Generator | 204 |
| e. P2 Audits | 0 |
| 5. Enforcement | |
| a. Complaints Received/Closed | 32/27 |
| b. Warning Notices Issued/Closed | 4/8 |
| c. Compliance letters | 124 |
| d. Letters of Agreement | 1 |
| e. Agency Referrals | 4 |
| 6. Pamphlets, Rules and Material Distributed | 185 |

C. STORAGE TANK COMPLIANCE

| | |
|---|--------|
| 1. Inspections | |
| a. Compliance | 163 |
| b. Installation | 05 |
| c. Closure | 06 |
| d. Compliance Re-Inspections | 17 |
| 2. Installation Plans Received/Reviewed | 09/09 |
| 3. Closure Plans & Reports | |
| a. Closure Plans Received/ Reviewed | 08/07 |
| b. Closure Reports Received/Reviewed | 06/10 |
| 4. Enforcement | |
| a. Non-compliance Letters Issued/Closed | 101/54 |
| b. Warning Notices Issued/Closed | 00/00 |
| c. Cases referred to Enforcement | 03 |
| d. Complaints Received/Investigated | 00/00 |
| e. Complaints Referred | 00 |
| 5. Discharge Reporting Forms Received | 01 |
| 6. Incident Notification Forms Received | 05 |
| 7. Cleanup Notification Letters Issued | 01 |
| 8. Public Assistance | 200+ |

D. STORAGE TANK CLEANUP

| | |
|---|---------------------------|
| 1. Inspections | 28 |
| 2. Reports Received/Reviewed | 112/92 |
| a. Site Assessment | 14/9 |
| b. Source Removal | 04/12 |
| c. Remedial Action Plans (RAP's) | 14/12 |
| d. Site Rehabilitation Completion Order/ No Further Action Order | 02/02 |
| e. Active Remediation/Monitoring | 55/39 |
| f. Others | 23/29 |
| 3. State Cleanup | |
| a. Active Sites | NO LONGER ADMINISTERED |
| b. Funds Dispersed | |

E. RECORD REVIEWS - 23

F. PUBLIC INFORMATION PROJECTS - 0

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

A. ENFORCEMENT

| | |
|--|-------------|
| 1. New Enforcement Cases Received: | 3 |
| 2. Enforcement Cases Closed: | 6 |
| 3. Enforcement Cases Outstanding: | 61 |
| 4. Enforcement Documents Issued: | 8 |
| 5. Recovered costs to the General Fund: | \$ 1,940.00 |
| 6. Contributions to the Pollution Recovery Fund: | \$ 7,000.00 |

| <u>Case Name</u> | <u>Violation</u> | <u>Amount</u> |
|---------------------------|--|---------------|
| 1. Regent Commerce Ctr. | Placement of c/s in service w/out acceptance letter | \$ 500.00 |
| 2. Dr. Saleh Office Bldg. | Construction w/out a permit | \$ 1,500.00 |
| 3. Sheldon Road Dental | Construction w/out a permit | \$ 4,000.00 |
| 4. LPSS Maintenance Shop | Construction w/out a permit | \$ 1,000.00 |

B. PERMITTING/PROJECT REVIEW - DOMESTIC

| | |
|---|----|
| 1. Permit Applications Received: | 23 |
| a. Facility Permit: | 4 |
| (i) Types I and II | 0 |
| (ii) Types III | 4 |
| b. Collection Systems-General | 6 |
| c. Collection Systems-Dry Line/Wet Line: | 13 |
| d. Residuals Disposal: | |
| 2. Permit Applications Approved: | 21 |
| a. Facility Permit: | 2 |
| b. Collection Systems-General: | 6 |
| c. Collection Systems-Dry Line/Wet Line: | 13 |
| d. Residuals Disposal: | 0 |
| 3. Permit Applications Recommended for Disapproval: | 1 |
| a. Facility Permit: | 1 |
| b. Collection Systems-General: | 0 |
| c. Collection Systems-Dry Line/Wet Line: | 0 |
| d. Residuals Disposal: | 0 |
| 4. Permit Applications (Non-Delegated): | |
| 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: | 74 |
| a. Facility Permit: | 13 |
| b. Collection Systems-General: | 37 |
| c. Collection Systems-Dry Line/Wet Line: | 24 |
| d. Residuals Disposal: | 0 |
| 7. Permit Determination: | 3 |
| 8. Special Project Reviews: | |
| a. Reuse: | 0 |
| b. Residuals/AUPs: | 0 |
| c. Others: | 0 |
| C. INSPECTIONS - DOMESTIC | |
| 1. Compliance Evaluation: | 12 |
| a. Inspection (CEI): | 2 |
| b. Sampling Inspection (CSI): | 6 |
| c. Toxics Sampling Inspection (XSI): | 0 |
| d. Performance Audit Inspection (PAI): | 4 |
| 2. Reconnaissance: | 60 |
| a. Inspection (RI): | 9 |
| b. Sample Inspection (SRI): | 0 |
| c. Complaint Inspection (CRI): | 47 |
| d. Enforcement Inspection (ERI): | 4 |
| 3. Engineering Inspections: | 49 |
| a. Reconnaissance Inspection (RI): | 2 |
| b. Sample Reconnaissance Inspection (SRI): | 0 |
| c. Residual Site Inspection (RSI): | 0 |
| d. Preconstruction Inspection (PCI): | 13 |
| e. Post Construction Inspection (XCI): | 34 |
| f. On-site Engineering Evaluation: | 0 |
| g. Enforcement Reconnaissance Inspection (ERI): | 0 |

| | |
|--|----|
| D. PERMITTING/PROJECT REVIEW - INDUSTRIAL | 29 |
| 1. Permit Applications Received: | 3 |
| a. Facility Permit: | 0 |
| (i) Types I and II | 0 |
| (ii) Type III with Groundwater Monitoring: | 0 |
| (iii) Type III w/o Groundwater Monitoring: | 0 |
| b. General Permit: | 0 |
| c. Preliminary Design Report: | 0 |
| (i) Types I and II | 0 |
| (ii) Type III with Groundwater Monitoring: | 1 |
| (iii) Type III w/o Groundwater Monitoring: | 2 |
| 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: | 25 |
| a. Phosphate: | 0 |
| b. Industrial Wastewater: | 14 |
| c. Others: | 11 |
| E. INSPECTIONS - INDUSTRIAL | |
| 1. Compliance Evaluation: | 8 |
| a. Inspection (CEI): | 8 |
| b. Sampling Inspection (CSI): | 0 |
| c. Toxics Sampling Inspection (XSI): | 0 |
| d. Performance Audit Inspection (PAI): | 0 |
| 2. Reconnaissance: | 17 |
| a. Inspection (RI): | 4 |
| b. Sample Inspection (SRI): | 0 |
| c. Complaint Inspection (CRI): | 13 |
| d. Enforcement Reconnaissance Inspections (ERI): | 0 |
| 3. Engineering Inspections: | 6 |
| a. Compliance Evaluation (CEI): | 6 |
| 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: | 46 |
| (i) Received: | 23 |
| (ii) Closed: | 23 |
| b. Industrial: | 16 |
| (i) Received: | 7 |
| (ii) Closed: | 9 |
| 2. Warning Notices: | |
| a. Domestic: | 15 |
| (i) Received: | 11 |
| (ii) Closed: | 4 |
| b. Industrial: | 7 |
| (i) Received: | 7 |
| (ii) Closed: | 0 |
| 3. Non-Compliance Advisory Letters: | 19 |
| 4. Environmental Compliance Reviews: | 177 |
| a. Industrial: | 88 |
| b. Domestic: | 89 |
| 5. Special Project Reviews: | 0 |

G. RECORD REVIEWS

| | |
|-----------------|----|
| 1. Permitting: | 3 |
| 2. Enforcement: | 10 |

H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:

| | |
|---------------------------|-----|
| 1. Air Division: | 68 |
| 2. Waste Division: | 0 |
| 3. Water Division: | 12 |
| 4. Wetlands Division: | 0 |
| 5. ERM Division: | 152 |
| 6. Biomonitoring Reports: | 5 |
| 7. Outside Agency: | 30 |

I. SPECIAL PROJECT REVIEWS:

| | |
|-----------------------|---|
| 1. DRIs: | 5 |
| 2. ARs: | 0 |
| 3. Technical Support: | 0 |
| 4. Other: | 0 |

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 05/31/07**

| | | |
|---|------|--------------------|
| Balance as of 10/01/06 | * | \$1,933,214 |
| Interest Accrued | | 72,210 |
| Deposits | FY07 | 226,291 |
| Disbursements | FY07 | (\$199,708) |
| Intrafund Transfer 910 | | (\$1,041,903) |
| Interfund Transfer 910 | | \$37,169 |
| Total | | <u>\$1,027,273</u> |
| Water & Coastal Area Restoration & Maint. | | 2,808 |

Pollution Recovery Fund Balance \$1,024,465

Old Encumbrances

| | |
|--|---------------|
| Water Drop Patch/Girl Scouts | 3,023 |
| Artificial Reef Program | 62,196 |
| Pollution Prevention/Waste Reduction (101) | 18,595 |
| PRF Project Monitoring | <u>18,835</u> |
| Total | 102,649 |

| | |
|---|---------------|
| Experimental Land Based Seagrass 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 | <u>25,000</u> |
| Total | 1,041,903 |

Total of Encumbrances \$ 102,649

Minimum Balance 120,000

Balance Available 05/31/07 \$801,816

* 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 \$ 452,253

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
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 Admin. 627-2620 Waste 627-2640
 Legal 627-2602 Wetlands 627-2630
 Water 627-2670 ERM 627-2650
 Air 627-2660 Lab 272-5157

Executive Director
 Richard D. Garrity, Ph.D.

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

| | |
|-----------------------------|------------|
| Fund Balance as of 10/01/06 | \$ 280,512 |
| Interest Accrued | 8,293 |
| Disbursements FY07 | (34,707) |

| | |
|--------------|------------|
| Fund Balance | \$ 254,098 |
|--------------|------------|

Encumbrances Against Fund Balance:

| | |
|---------------------------------------|-----------|
| SP627 Tampa Bay Scallop Restoration | \$ 22,613 |
| SP630 E.G. Simmons Park | 100 |
| SP636 Fantasy Island | 4,208 |
| SP634 Cockroach Bay ELAPP Restoration | 227,177 |

| | |
|-----------------------|------------|
| Total of Encumbrances | \$ 254,098 |
|-----------------------|------------|

| | |
|-------------------------------------|----------|
| Fund Balance Available May 31, 2007 | \$ - 0 - |
|-------------------------------------|----------|



EPC Agenda Item Cover Sheet

Date of EPC Meeting: June 21, 2007

Subject: Legal Case Summary for June 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.

Financial Impact: No financial impact anticipated; informational update only.

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 to other Legal Department cases that have not risen to that level. There is also a listing of cases where parties have asked for additional time in order to allow them to decide whether they wish to file an administrative challenge to an agency action while we concurrently are attempting to negotiate a settlement.

List of Attachments: June 2007 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT

June 2007

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [0]

EXISTING ADMINISTRATIVE CASES [5]

Carolina Holdings, Inc. v. EPC [LCHP04-008]: A proposed final agency action letter denying an application for authorization to impact wetlands was sent on May 7, 2004. Carolina Holdings, Inc. requested an extension of time to file an appeal. The EPC entered an Order Granting the Request for Extension of Time on June 3, 2004 and the deadline for filing an appeal was July 2, 2004. On July 2, 2004, Carolina Holdings, Inc. filed an appeal challenging the decision denying the proposed wetland impacts. The parties have conducted mediation to attempt to resolve the matter without a hearing. The applicant re-submitted the new final site plan for re-zoning determination. Hillsborough County denied the re-zoning application. The applicant has filed a Chapter 70, F.S. dispute resolution challenge of the County's re-zoning decision. On October 4, 2006 the parties jointly responded to the Hearing Officer that the matter would continue to be held in abeyance until at least January 8, 2007. (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 May 24, 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 a possible settlement. (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. A mediation was conducted on February 27, 2007. The mediation resulted in an impasse. The parties conducted a final hearing on the week of April 2, 2007. The Hearing Officer's Recommended Order was entered on May 31, 2007. The parties have the opportunity to file exceptions to the Hearing Officer's recommendation and then responses to the exceptions. The matter will then be transferred back to the Commission for adoption of a Final Order at the June 2007 regular meeting. (AZ)

Martin Marietta Aggregates vs. EPC [LEPC07-005]: On March 9, 2007 Martin Marietta Aggregates filed a Petition for Administrative Hearing challenging the EPC's Notice of Denial regarding air construction permit number 0571214-005-AC. (RM)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [1]

Kenneth Fisher v. EPC and Ahmed Lakhani [LEPC07-014]: Kenneth Fisher filed a civil lawsuit seeking to foreclose on a property that the EPC has a judgment lien. The Legal Department is preparing to file an answer responding to the lawsuit stating its lien is superior to the Plaintiffs. (AZ)

EXISTING CIVIL CASES [9]

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 conducting settlement 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 and was received in early 2007. A Final Order will be issued in early June. (RM)

U-Haul Company of Florida [LEPC04-016]: Authority to take appropriate action against U-Haul Company of Florida for failure to conduct a landfill gas investigation and remediation plan was granted September 18, 2003. The EPC Legal Department filed a lawsuit on September 3, 2004 and the case is progressing through discovery. The parties attended a court ordered mediation on May 15, 2007. The parties are in settlement discussions concerning the preparation and implementation of a Remedial Action Plan to address the landfill gas danger at the facility. (AZ)

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

Miley's Radiator Shop [LEPC06-011]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Miley's Radiator Shop, Calvin Miley, Jr., Calvin Miley, Sr., and Brenda Joyce Miley Tyner for waste management violations for improper storage and handling of car repair related wastes on the subject property. In addition, a citation was entered against the respondents on October 28, 2005 requiring specific corrective actions. The Respondents have not complied with the citation. The EPC is preparing to file a lawsuit for the referenced violations. (AZ)

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)

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)

Bayside Home Builders, Inc [LEPC07-008]: Authority to take appropriate action against the parties was granted by the Commission on February 15, 2007, for failure to comply with a Consent Order payment schedule for asbestos violations. The EPC is preparing a lawsuit to compel compliance. (RM)

Bengal Petroleum #111 and #112, Inc.[LEPC07-011]: Authority to take appropriate action against Bengal Petroleum to seek appropriate penalties and recover administrative costs for previously existing violations was granted on April 19, 2007. The Respondent has failed to agree to a negotiated settlement for the previous existing violations and the EPC Waste Management Division is seeking penalties. (AZ)

RECENTLY RESOLVED CIVIL CASES [1]

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 Thae 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. was preparing to file a lawsuit to compel compliance with the Final Orders but the parties signed a settlement letter on May 2, 2007 addressing the violations and settling the matter. (AZ)

C. OTHER OPEN CASES [11]

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

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

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. Multiple extensions of time have been granted. A recent additional request for extension of time to file a petition for hearing was denied and the Petitioner has until approximately June 7 to file a petition in this matter. The parties are still negotiating. (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)

In re: Mosaic Fertilizer, LLC (Lonesome Mining Unit 19) Variance Request [LEPC07-009]: In accordance with Chapter 1-2, Rules of the EPC, Mosaic Fertilizer, LLC filed a request for a variance from the application of Rule 1-11.08(6)(e)requiring a conservation easement over wetland mitigation for a drag line crossing. The matter will be set for a public hearing in June 2007. (AZ)

Tampa Armature Works, Inc. [LEPC07-010]: On April 18, 2007 Petitioner filed a request for extension of time to file a petition for administrative hearing regarding an Air Operating Permit. The request was granted and the Petitioner has until June 19, 2007 to file a petition in this matter. (RM)

Agrium U.S., Inc. [LEPC07-012]: On May 3, 2007 Petitioner filed a request for extension of time to file a petition for administrative hearing regarding an Air Operating Permit denial. The request was granted and the Petitioner has until July 6, 2007 to settle or file a petition in this matter. (RM)

Alto Construction Co., Inc. [LEPC07-013]: On May 22, 2007, Petitioner filed an extension of time to file a petition for administrative hearing regarding an Air General Permit denial. The request was granted and the

Petitioner has until July 9, 2007 to settle or file a petition in this matter. (RM)

Angelo's Aggregate Materials, Ltd [LEPC07-015]: On May 30, 2007, Petitioner filed a request for an informal conference regarding a Notice of Violation issued by the Air Mgmt. Division regarding dust issues. The parties are negotiating. (RM)

Southern HealthCare Management, LLC d/b/a Bayshore Pointe Nursing & Rehab Center [LEPC07-016]: On May 30, 2007, Petitioner filed a request for a waiver or variance from noise regulations for a emergency power generator. The matter is proposed to be heard by the Board on August 16, 2007. (RM)

Southern HealthCare Management, LLC d/b/a Bayshore Pointe Nursing & Rehab Center [LEPC07-017]: On May 31, 2007, Petitioner filed an extension of time to file a petition for administrative hearing regarding an Air Mgmt. Division citation issued to the facility for noise violations from its emergency generator. (RM)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: June 21, 2007

Subject: Request for authority to take appropriate legal action against Rusty's Pallet Services, 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: **Rusty's Pallet Services, Inc.** Warning Notices were issued on June 30, 2005 and January 25, 2006, for causing a dust nuisance to neighboring property. On December 27, 2006, a Citation was issued to cease the activities which are causing excessive dust emissions. Rusty's Pallet Services has not entered into a Consent Order or taken satisfactory steps to minimize excess dust emissions from their business activities, thus EPC staff is requesting authority to take appropriate legal action.

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

Background:

On November 29, 2004, in response to several citizen complaints, EPC staff inspected Rusty's Pallet Services, Inc., located at 5315 North 37th Street, and determined it to be the source of a dust nuisance to adjacent property. The grounds of the facility are unpaved and dust is generated by worker activities and truck traffic entering and exiting the property. From June 2005 through January 2006, EPC staff received additional complaints and responded by issuing two warning notices in an attempt to bring the facility into compliance. During each inspection staff has either verified an ongoing dust nuisance or observed the potential for nuisance due to the conditions at the facility. Subsequent complaints were later received and in response staff offered Rusty's Pallet Services a Letter of Agreement which detailed the corrective actions necessary to mitigate the dust impacts. Rusty's Pallet Services did not respond to the document and did not implement all required corrective measures.

On December 27, 2006, Rusty's Pallet Services was issued a Citation to cease causing a dust nuisance. The Respondent did not appeal the Citation within the specified timeframe, and has yet to adequately address the dust nuisance caused by their business activities. 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: June 21, 2007

Subject: Request for authority to take appropriate legal action against Petrol Mart, Inc. and its successors and assigns.

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

Division: Waste Management

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

Brief Summary: Petrol Mart, Inc. (f/k/a Run In Food Stores, Inc.) was dissolved in bankruptcy and was the property owner of a retail fuel station known as Petrol Mart #115 (formerly Gas World #16) located at 625 South Collins Street, Plant City, Florida. The gas station is currently closed and has four regulated underground storage tanks (UST's) which are unmaintained and not in compliance with the EPC Act and Rules of the EPC, Chapter 1-12 and Chapter 62-761, Florida Administrative Code.

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

Background: On May 6, 2005, a compliance inspection was performed at the referenced facility. The UST's have been out of service since August 10, 2002 and should have been properly closed within 2 years. EPC issued a Warning Notice on August 3, 2005 to Petrol Mart for violations of Chapter 1-12, Storage Tank Rule. The violations included failure to have third party liability insurance, failure to upgrade or permanently close single walled systems that are out-of-service for more than 2 years, failure to provide records (i.e. Certificate of Financial Responsibility) for 2 years, and failure to display a current registration placard. EPC was informed that Petrol Mart was in the process of being dissolved in bankruptcy and all matters concerning the property (Property) would be handled by a Receiver. No corrections were made and the case was forwarded to enforcement on September 13, 2005. A Notice of Intent to Initiate Enforcement (NOI) was sent to the appointed Receiver of the Property. It outlined the violations and requested a response within 10 days. On November 22, 2005, the Property was removed from the Receivership Estate and abandoned to Angela Esposito, Trustee of Petrol Mart, Inc. To date, EPC has received no evidence that any of the violations have been corrected. Therefore, we are requesting authority to take appropriate legal action to compel compliance with the EPC Act and Rules of the EPC.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: June 21, 2007

Subject: Request for a public hearing to approve amendments to Chp. 1-12 (Storage Tank Rule), Rules of the EPC.

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

Division: Legal Department

Recommendation:

Staff requests holding a public hearing at the EPC Board Meeting on July 26, 2007, to consider amendments of Chapter 1-12, (Storage Tank Rule), Rules of the EPC.

Brief Summary:

Pursuant to the EPC Act, the EPC Board must hold a noticed public hearing to approve or amend a rule. The EPC staff requests that the Board approve holding a Storage Tank Rule amendment public hearing at its regularly scheduled meeting on July 26, 2007.

Financial Impact: No financial impact anticipated.

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 EPC staff requests that the Board approve holding the rule amendment public hearing at the regularly scheduled meeting on July 26, 2007.

The purpose of the amendment to Chapter 1-12, Rules of the EPC (Storage Tank Rule) is to update the EPC's rules regulating above-ground storage tanks containing petroleum product. Previously the EPC regulated above-ground storage tanks through implementation of the state rule Chapter 62-761, F.A.C. but the state recently adopted a separate above-ground storage tank rule in Chapter 62-762, F.A.C.. Nothing substantive will change through this rule amendment but it will allow the EPC to fulfill its obligations under the state contract to perform these services in Hillsborough County.

List of Attachments: Draft Rule

- DRAFT RULE -

**ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-12
STORAGE TANK RULE**

- 1-12-10.00 Intent
- 1-12-20.00 Interpretation
- 1-12-61.20 Definitions
- 1-12-61.30 Applicability
- 1-12-61.40 Registration and Financial
Responsibility
- 1-12-61.45 Notification and Reporting
- 1-12-61.48 EPC Installation or Upgrade Plan
Review Fee
- 1-12-61.50 Performance Standards for
Storage Tank Systems
- 1-12-61.60 Release Detection Standards
- 1-12-61.70 Repairs, Operation, and
Maintenance
- 1-12-61.71 Recordkeeping
- 1-12-61.80 Out-Of-Service and Closure
Requirements
- 1-12-61.82 Incident and Discharge Response

1-12-10.00 INTENT

(1) Pursuant to the Florida Legislature's determination in Section 376.30 F.S. that the storage, transportation and disposal of pollutants is a hazardous undertaking, that their discharge poses a great threat to the environment, and that the state interest in regulating their storage, transportation and disposal outweighs the burden imposed on such facilities, the Florida Department of Environmental Protection (DEP or Department) adopted Chapters 62-761 and 62-762, F.A.C. The Commission intends to facilitate the delegation of DEP's program regulating stationary tanks by adopting a rule incorporating appropriate sections of the

Department's rules so as to establish a mechanism by which the Commission can effectively implement and enforce DEP's regulations under its own authority, as well as by any delegated authority.

(2) It is the Commission's intent to assist in the state's effort to assure protection of surface and groundwater's in Hillsborough County by implementing the standards for construction, installation, maintenance, registration, removal and disposal of storage tank systems. It is not the Commission's intent at this time to implement regulations more stringent than those of DEP.

(3) By incorporating by reference provisions of DEP's rules, the Commission intends that any provision requiring notice, submissions, or demonstration to the Department be read to also require notice, copies of submissions or demonstration directly to the Commission's Executive Director and that any provision requiring approval or authorizing action of the Department shall be read to also require approval or authorize action of the Commission's Executive Director, unless otherwise specifically provided herein.

Section History - amended , 2007
Effective , 2007

1-12-20.00 INTERPRETATION

The Commission will apply the Department's interpretations of its regulations here adopted by reference where possible; however, any action or position taken by the Commission or its Executive Director in conflict with a Department interpretation or policy applying such regulations will not be invalidated unless the interpretation or policy was formally issued by the Department in writing prior to the Commission's or Executive Director's action.

Section History - amended October 15, 1998
Effective October 15, 1998

1-12-61.20 DEFINITIONS

The Commission adopts for purposes of this rule the definitions contained in Sections 62-761.200 and 62-762.201, F.A.C. The definitions adopted by the Legislature in Section 376.301 F.S. also apply, as well as the definitions contained in Chapter 84-446, Laws of Florida, as amended or recodified.

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.30 APPLICABILITY

The provisions and standards of this rule apply only to the owners and operators of facilities identified by Sections 62-761.300 and 62-762.301, F.A.C. as subject to Chapter 62-761 and Chapter 62-762, F.A.C.

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.40 REGISTRATION AND FINANCIAL ESPONSIBILITY

The owners of facilities identified by Sections 62-761.400 and 62-762.401, F.A.C. are required to register with the Department as provided in that section. Where the registrant is not the property owner, the name of the property owner shall also be given to the Commission.

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.45 NOTIFICATION AND REPORTING

The provisions of Sections 62-761.450 and 62-762.451, F.A.C. are adopted by reference.

A copy of any building plans which include the installation or upgrade of storage tanks systems shall be submitted to the Commission for review concurrent to submitting an application for a County or municipal building permit.

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.48 EPC INSTALLATION OR UPGRADE PLAN REVIEW FEE

Applicable application fees for an installation or upgrade plan review required under this rule shall be provided in Chapter 1-6, Rules of the Commission.

Section History – amended October 15, 1998
Effective October 15, 1998

1-12-61.50 PERFORMANCE STANDARDS FOR STORAGE TANK SYSTEMS

The provisions of Sections 62-761.500, 62-761.510, 62-762.501 and 62-762.511, F.A.C. are adopted by reference.

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.60 RELEASE DETECTION STANDARDS

The provisions of Sections 62-761.600, 62-761.610, and 62-761.640, 62-762.601, 62-762.611 and 62-762.641, F.A.C. are adopted by reference.

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.70 REPAIRS, OPERATION, AND MAINTENANCE

The provisions of Sections 62-761.700 and 62-762.701, F.A.C. are adopted by reference.

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.71 RECORDKEEPING

The provisions of Sections 62-761.710 and 62-762.711, F.A.C. are adopted by reference.

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.80 OUT-OF-SERVICE AND

CLOSURE REQUIREMENTS-

The provisions of Sections 62-761.800 and 62-762.801, F.A.C. are adopted by reference.

Section History – amended _____, 2007
Effective _____, 2007

**1-12-61.82 INCIDENT AND DISCHARGE
RESPONSE**

The provisions of Sections 62-761.820 and 62-762.821 F.A.C. are adopted by reference.

Section History – amended _____, 2007
Effective _____, 2007

**1-12-61.85 ALTERNATIVE
REQUIREMENTS AND
EQUIPMENT APPROVALS**

The provisions of Sections 62-761.850 and 62-762.851, F.A.C. are adopted by reference, and although the Commission shall be given copies of any request when submitted to the Department, and shall review and comment to the Department, the decision whether to approve or deny will be the Department's.

Section History – amended _____, 2007
Effective _____, 2007

Adopted 4/04/91

Amended 6/16/92

Amended 10/15/98

Amended _____



EPC Agenda Item Cover Sheet

Date of EPC Meeting: June 21, 2007

Subject: Clean Air Month Photography Contest

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

Division: Air Management

Recommendation: N/A

Brief Summary: EPC staff will announce the finalists of the 6th Annual Clean Air Month photography contest.

Background:

6th Annual Clean Air Month Photography Contest Finalists

Finalists:

Bryn Lenny – 12th grade
Plant High School
Clean Air for Us to Share

Julissa Alvanado – 12th Grade
Blake High School
Royal Gasoline

Josh Fletcher - 12th grade
Durant High School
Contagion

Jordan Haviland – 11th grade
Wharton High School
Everything is Peaceful

Honorable Mentions:

India Terr – 9th grade
Plant City High School
Untitled

Jessica Collado – 11th grade
Alonso High School
Untitled

Hanna LeHeup – 11th grade
Blake High School
Flight



EPC Agenda Item Cover Sheet

Date of EPC Meeting: June 21, 2007

Subject: Mosaic Fertilizer, LLC Wetland Rule Waiver Request

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

Division: Wetlands Management Division and Legal Department

Recommendation: Hold a public hearing and approve Mosaic Fertilizer, LLC's waiver request.

Brief Summary: In accordance with Chapter 1-11, Rules of the EPC, Mosaic Fertilizer, LLC filed a permit application to impact wetlands to allow for a dragline access corridor associated with Mosaic's Lonesome Mining Unit 19 application. As part of the requirements to obtain a wetland permit, the EPC rules require applicants to provide a conservation easement to protect mitigation that offsets the proposed impact. In lieu of recording a conservation easement, Mosaic Fertilizer, LLC filed a waiver application. Mosaic Fertilizer, LLC requests a waiver of section 1-11.08(6)(e), Rules of the EPC. This rule requires a permanent conservation easement for a mitigation area which alone or cumulatively exceeds 0.5 acres. EPC staff recommends granting the waiver as all wetlands proposed for disturbance, including the wetlands identified in Exhibit A, have been approved for impact by EPC pursuant to the April 26, 2005 Life of Mine Conceptual Approval Letter. In accordance with Mosaic's long-term mining plan, the wetlands are expected to be re-impacted for actual mining purposes pursuant to the life of mine approval at a subsequent time when Mosaic's future Lonesome Mining Unit 18, along with its associated EPC mitigation plan, is approved. At that time, Mosaic will convey a permanent conservation easement for the mitigation for the impact to the same wetland systems.

Financial Impact: No financial impact anticipated.

Background: Mosaic Fertilizer, LLC filed permit applications to impact wetlands, more precisely identified on Map 35 of the Wetland Mitigation Plan submitted to the EPC on April 3, 2007, and reconstruction for same, to allow for a dragline access corridor associated with Mosaic's Lonesome Mining Unit 19 application (Application No. 1106.11P). As noted in the Wetland Mitigation Plan, all wetlands proposed for disturbance, including the subject wetlands, have been approved for impact by EPC pursuant to the April 26, 2005 Life of Mine Conceptual Approval Letter ("LoM Approval"). Of the wetland systems identified, 5.53 acres are proposed

to be impacted for a temporary 200-foot dragline access corridor required to relocate a dragline from a Four Corners to Lonesome mining unit. In accordance with Mosaic's long-term mining plan, the wetland systems are expected to be re-impacted for actual mining purposes pursuant to the LoM Approval at a subsequent time when Mosaic's future Lonesome Mining Unit 18, along with its associated EPC mitigation plan, is approved. At that time, Mosaic will provide permanent mitigation for the impact to the same wetland systems.

Mosaic Fertilizer, LLC requested a waiver of section 1-11.08(6)(e), Rules of the EPC to avoid establishing a conservation easement for the mitigation area.

Section 1-11.08(6) states in part

Where wetlands are or may be adversely impacted by development, an acceptable mitigation plan shall include detailed plans designed to compensate for any adverse impact to the environmental benefits and shall comply with Commission rules and Rules 62-345.200-.900, F.A.C. All such mitigation must also comply with the following:

e. a recorded designation in the Official Records of Hillsborough County as a permanent conservation easement as defined in section 704.06, F.S., whenever the mitigation area(s) alone or cumulatively exceed 0.5 acres.

Mosaic Fertilizer, LLC requests a waiver of the above rule section for their proposed wetland impact based on the principles of fairness. Any person may ask for a variance or waiver to a rule or a rule amendment at anytime. This waiver is requested pursuant to section 1-2.50, Rules of the EPC and states as follows:

1-2.50 REQUEST FOR VARIANCE OR WAIVER

(a) Upon application, the Executive Director may recommend to the Commission that a variance or waiver be granted from the provisions of the rules adopted pursuant to Chapter 84-446, where the applicant demonstrates:

(1) A substantial hardship as defined by section 120.542, F.S., or that a violation of the principles of fairness as defined by section 120.542, F.S., would occur, and

(2) The purpose of the underlying rule can be, or has been, achieved by other means, and

(3) The provision from which the variance or waiver is being sought did not originate with the DEP where the variance must be considered by the DEP pursuant to section 403.201, F.S. or the variance or waiver must be considered by the DEP or the Southwest Florida Water Management District pursuant to Chapter 120, F.S. Additionally, the Commission does not process variances or waivers of state-delegated rules.

(b) The application must specify the rule for which the variance or waiver is requested, the type of action requested, the specific facts that would justify a variance or waiver, and the reasons why and the manner by which the purposes of the underlying rule would still be met.

(c) Notice of the application must be published by the applicant in a newspaper of general circulation summarizing the factual basis for the application, the date of the Commission hearing, and information regarding how interested persons can review the application and provide comment.

(d) The Commission will consider the application, the Executive Director's recommendation, and the comments of the public at a public hearing during a Commission meeting. The Commission shall grant, in whole or part, or deny the application by written decision supported by competent substantial evidence. The Commission may impose additional conditions in a variance or waiver.

Mosaic requests a waiver based on a substantial hardship, violation of the principles of fairness and that the purpose of the underlying rule will be achieved by other means. Without a variance from the requirements of Rule 1-11.08.6.e., Mosaic will be required to record a conservation easement on the reconstructed wetlands even though they are planned to be impacted again at a later date for mining. The mitigation wetlands created as a result of the mining mitigation plan and, in accordance with Rule 1-11.08.6.e., will be subject to a recorded conservation easement.

The result is that Mosaic will be required to record a conservation easement that the parties know now will need to be vacated to permit mining in this area, as the impacts to these wetlands for mining, as noted above, have already been conceptually approved by EPC. Such a requirement will result in the expenditure of wasteful and unnecessary legal costs and presents a substantial hardship to Mosaic.

In addition, the purpose underlying this rule will be achieved because mitigation will be provided for the same wetland systems as part of the mining mitigation plan. Those mitigation wetlands will have the protection of the conservation easements, and thus, the purpose of the rule will be achieved.

Finally, the provision for which a variance is sought in this application – Rule 1-11.08.6.e. – did not originate with the Florida Department of Environmental Protection (“FDEP”), nor is it a provision of the variance which requires consideration by FDEP or the Southwest Florida Water Management District. Consequently, this requirement of Rule 1-2.50 is not pertinent to the present application. Through this request, Mosaic has demonstrated that application of Rule 1-11.08.6.e. to the reconstructed wetlands would impose a substantial hardship to Mosaic and that even if this variance is granted the underlying purpose of Rule 1-11.08.6.e. will still be met.

List of Attachments:

- 1) Mosaic Fertilizer, LLC Waiver Request
- 2) Proposed Waiver Order

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

**In re: Mosaic Fertilizer, LLC
Petition for Waiver**

Case No. LEPC07-009

**FINAL ORDER ON APPLICATION FOR CHAPTER 1-2 RULE OF THE
ENVIRONMENTAL PROTECTION COMMISSION WAIVER**

BACKGROUND

On April 23, 2007, Mosaic Fertilizer, LLC (Mosaic) submitted a waiver request to the Environmental Protection Commission of Hillsborough County (EPC) under section 1-2.50, Rules of the EPC. Mosaic requested a waiver of section 1-11.08(6)(e), Rules of the EPC. This rule requires a permanent conservation easement over any wetland mitigation area in excess of 0.5 acres proposed as compensation for a permitted wetland impact.

Section 1-11.08(6) states in part

Where wetlands are or may be adversely impacted by development, an acceptable mitigation plan shall include detailed plans designed to compensate for any adverse impact to the environmental benefits and shall comply with Commission rules and Rules 62-345.200-.900, F.A.C. All such mitigation must also comply with the following:

e. a recorded designation in the Official Records of Hillsborough County as a permanent conservation easement as defined in section 704.06, F.S., whenever the mitigation area(s) alone or cumulatively exceed 0.5 acres.

Mosaic requests a waiver of the above rule section for their proposed wetland impact based on the existence of a substantial hardship.

FINDINGS OF FACT

1. In accordance with Chapter 1-11, Rules of the EPC, applicant Mosaic Fertilizer, LLC filed permit applications to impact wetlands, more precisely identified on Map 35 of the Wetland Mitigation Plan submitted to the EPC on April 3, 2007, and reconstruction for same, to allow for a dragline access corridor associated with Mosaic's Lonesome Mining Unit 19 application (Application No. 1106.11P).

2. The wetland impacts are associated with a temporary dragline crossing. Impacts to 5.53 acres of wetlands are proposed for a 200' wide dragline walkpath and are

depicted in Exhibit A of the application for wetland impacts, "Map 35 - EPCHC Wetlands Requested For Impact - Dragline Walkpath." These impacts were included in the impact and mitigation plan for Lonesome Mining Unit 19, and a mitigation agreement was signed by the Executive Director on April 25, 2007. Chapter 1-11 requires any mitigation in excess of 0.5 acres to be protected by a conservation easement in order to permanently protect the mitigation area.

3. The EPC received the waiver application on April 23, 2007, from Mosaic. Mosaic requested a waiver of section 1-11.08(6)(e), Rules of the EPC. This rule requires a permanent conservation easement for mitigation areas which alone or cumulatively exceed 0.5 acres in size proposed to offset wetlands impacts.

4. Pursuant to section 1-2.50(3), Rules of the EPC, Mosaic published notice of the waiver application and the June 21, 2007 public hearing in the Tampa Tribune on June 7, 2007.

5. Pursuant to section 1-2.50(4), the Commissioners considered the application, the Executive Director's recommendation, and the comments of the public at a regular meeting of the EPC on June 21, 2007.

6. Mitigation for the wetland impacts will consist of restoration of the walkpath area, which is to be restored within 30 days of passage of the dragline through the walkpath. A conservation easement over the mitigation areas would therefore consist of a 200' wide portion of the wetlands, which have previously received conceptual authorization for impacts associated with mining.

CONCLUSIONS OF LAW

7. This variance is requested pursuant to section 1-2.50, Rules of the EPC, which states as follows:

1-2.50 REQUEST FOR VARIANCE OR WAIVER

(a) Upon application, the Executive Director may recommend to the Commission that a variance or waiver be granted from the provisions of the rules adopted pursuant to Chapter 84-446, where the applicant demonstrates:

(1) A substantial hardship as defined by section 120.542, F.S., or that a violation of the principles of fairness as defined by section 120.542, F.S., would occur, and

(2) The purpose of the underlying rule can be, or has been, achieved by other means, and

(3) The provision from which the variance or waiver is being sought did not originate with the DEP where the variance must be considered by the DEP pursuant to section 403.201, F.S. or the variance or waiver must be considered by the DEP or the Southwest Florida Water Management District pursuant to Chapter 120, F.S. Additionally, the Commission does not process variances or waivers of state-delegated rules.

(b) The application must specify the rule for which the variance or waiver is requested, the type of action requested, the specific facts that would

justify a variance or waiver, and the reasons why and the manner by which the purposes of the underlying rule would still be met.

(c) Notice of the application must be published by the applicant in a newspaper of general circulation summarizing the factual basis for the application, the date of the Commission hearing, and information regarding how interested persons can review the application and provide comment.

(d) The Commission will consider the application, the Executive Director's recommendation, and the comments of the public at a public hearing during a Commission meeting. The Commission shall grant, in whole or part, or deny the application by written decision supported by competent substantial evidence. The Commission may impose additional conditions in a variance or waiver.

8. Section 1-2.50, Rules of the EPC, among other things, requires that an applicant for a waiver show that "purpose of the underlying rule can be, or has been, achieved by other means" and that a "substantial hardship as defined by section 120.542, F.S. . . would occur." While section 120.542, F.S. is not the enabling legislation for the EPC variance provision, it is persuasive and the EPC adopted the statute's definitions for hardship and fairness. Section 120.542, F.S. provides that before an agency can grant a variance, the petitioner must demonstrate that the purpose of the underlying statute will be or has been achieved by other means and that either the application of the rule would create a substantial hardship or that it would violate principles of fairness.

9. As noted in the Wetland Mitigation Plan, all wetlands proposed for disturbance, including the wetlands identified in Exhibit A, have been previously approved for impact by EPC pursuant to the April 26, 2005 Life of Mine Conceptual Approval Letter ("LoM Approval").

10. In accordance with Mosaic's long-term mining plan, the wetland systems identified in Exhibit A are expected to be re-impacted for actual mining purposes pursuant to the LoM Approval at a subsequent time when Mosaic's future Lonesome Mining Unit 18, along with its associated EPC mitigation plan, is approved.

11. Mosaic has demonstrated a substantial hardship due to potential complication due to the need to submit an application to vacate the conservation easement (without any reliance that such a vacation would be approved) and additional expenditures involved in preparation, recording, and subsequent application to vacate the conservation easement.

12. Mosaic has demonstrated the underlying purpose of the rule will be achieved.

13. Mosaic has demonstrated that the provision from which the waiver is being sought did not originate with the DEP where the variance must be considered by the DEP pursuant to section 403.201, F.S. and that the waiver does not need to be considered by the DEP or the SWFWMD pursuant to Chapter 120, F.S.

ORDER

14. For the foregoing reasons, the requested waiver from sections 1-11.08(6)(e), Rules of the EPC is granted.

NOTICE OF RIGHTS

The EPC's proposed action on this waiver shall become final unless a timely appeal via writ of *certiorari* to the 13th Judicial Circuit is filed with any appropriate fee. A copy of the appeal must be provided to the EPC Legal Department, 3629 Queen Palm Dr., Tampa, Florida 33619.

DONE AND ORDERED this _____ of _____, 2007 in Tampa, Florida.

Brian Blair
EPC Chairmain

Environmental Protection Commission
Of Hillsborough County
3629 Queen Palm Drive
Tampa, Florida 33619
(813) 627-2600



EPC Agenda Item Cover Sheet

Date of EPC Meeting: June 21, 2007

Subject: Minimum Flows and Levels Rulemaking by the Southwest Florida Water Management District for the Lower Hillsborough River, Tampa Bypass Canal, and Sulphur Springs

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

Division: Environmental Resource Management Division and Legal Department

Recommendation: Informational report. After further analysis, EPC staff may present a recommendation during the EPC Board meeting.

Brief Summary: At the meeting of the Southwest Florida Water Management District on June 26, 2007, the Governing Board may approve Minimum Flow Rules for the Lower Hillsborough River, Tampa Bypass Canal, and Sulphur Springs. Additionally, the Board may approve a recovery strategy for the proposed minimum flow for the Lower Hillsborough River. EPC staff has voiced ecological concerns over limited aspects of the proposed minimum flows for the Lower Hillsborough River and the Tampa Bypass Canal. Tampa Bay Water may challenge a portion of the rules. EPC staff intends to provide an informational report and will await any direction the EPC Board suggests.

Financial Impact: No financial impact anticipated.

Background: The Legislature has empowered the water management districts to establish minimum flows and levels (MFLs) for water bodies such as rivers, aquifers, and lakes. Section 373.042(1)(a), F.S. states:

(1) Within each section, or the water management district as a whole, the department or the governing board shall establish the following: (a) Minimum flow for all surface watercourses in the area. The minimum flow for a given watercourse shall be the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

The general intent of an MFL is to protect the "water resources or ecology of the area" from significant harm. For example, a minimum flow may help ensure the vitality of a certain population of fish, may protect a manatee habitat, may help reduce saline conditions, etc. At the meeting of the Southwest Florida Water Management District (SWFWMD) on June 26, 2007, the Governing Board may approve of minimum flow rules for the Lower Hillsborough River, Tampa Bypass Canal, and Sulphur Springs. In conjunction with the MFL rule adoptions, the

Governing Board intends to authorize adoption of a recovery strategy for the proposed minimum flow for the Lower Hillsborough River. Over approximately the next nine years, this strategy allows the City of Tampa and the SWFWMD to gradually comply with the MFL for the Lower Hillsborough River using a mix of sources of water including, but not limited to, Sulphur Springs, Blue Sink, the Tampa Bypass Canal, and the Harney Canal.

In discussions with SWFWMD, the EPC staff has voiced concerns over some aspects of the proposed MFL rules for the Lower Hillsborough River and the Tampa Bypass Canal. Generally, the EPC staff supports the proposed amended MFL of 20 cubic feet per second (cfs) from July through March and 24 cfs from April through June for the Lower Hillsborough River. Nonetheless, the EPC staff is further evaluating a proposed seasonal adjustment (April – June) correlated to measured stream flow at a site miles upstream of the dam that may result in the 24 cfs being greatly reduce below even 20 cfs depending on a formula that would allow the 24 cfs to be reduced incrementally if the upstream flow is low. The 24 cfs during the dry season is proposed to protect the survival of juvenile fish species that depend on lower salinity water near the base of the dam in the Hillsborough River. Staff believes that the 24 cfs represents the “significant harm” threshold for the biological indicator, a viewpoint that is supported by the SWFWMD’s scientific peer review panel report.

The EPC staff is also continuing to evaluate the proposed rule establishing a zero cfs MFL for the Tampa Bypass Canal/Palm River at Structure 160 (just north of State Road S60 on the canal). The SWFWMD peer review panel suggested that setting no MFL was appropriate at this time. A zero cfs MFL to the Tampa Bypass Canal/Palm River will make it more difficult to amend that rule-based figure, if anticipated restoration projects in the Palm River and McKay Bay merit additional flows in the future.

Pursuant to state law, approval to initiate rulemaking and subsequent publication of a rule triggers a 21-day rule challenge period for interested parties to file a challenge to the three MFLs or the recovery strategy. The EPC staff is not prepared to make a recommendation on this issue at this time. Due to the upcoming meeting free period and the potential for the challenge deadline to close before the EPC’s next meeting on July 26, EPC staff may suggest holding a special meeting to take further action in July. Tampa Bay Water may challenge a portion of the rules, based on different concerns (impact to TBW’s potable supplies in the Tampa Bypass Canal). EPC staff intends to provide an informational report and will await any direction the EPC Board suggests.

List of Attachments: None

EPC WETLANDS MONTHLY WORKSHEET

| General | Enforcement | Compliance | Assessment | Engineering | Admin | Totals |
|--|-------------|------------|------------|-------------|-------|----------|
| Telephone Conferences | | | 292 | | 411 | 703 |
| Unscheduled Citizen Assistance | | | 38 | | 21 | 59 |
| Scheduled Meetings | | 4 | 146 | 49 | 74 | 273 |
| Correspondence | 28 | 19 | 504 | | | 551 |
| Assessment Reviews | | | | | | |
| Wetland Delineations | | | 76 | | | 76 |
| Surveys | | | 47 | | | 47 |
| Miscellaneous Activities in Wetland | | | 55 | | | 55 |
| Impact/ Mitigation Proposal | | | 34 | | | 34 |
| Tampa Port Authority Permit Applications | | | 35 | | | 35 |
| Wastewater Treatment Plants (FDEP) | | | 2 | | | 2 |
| DRI Annual Report | | | 6 | | | 6 |
| Land Alteration/Landscaping | | | | | | 0 |
| Land Excavation | | | | | | 0 |
| Phosphate Mining | | | 6 | | | 6 |
| Rezoning Reviews | | | 24 | | | 24 |
| CPA | | | 3 | | | 3 |
| Site Development | | | 76 | | | 76 |
| Subdivision | | | 75 | | | 75 |
| Wetland Setback Encroachment | | | 5 | | | 5 |
| Easement/Access-Vacating | | | 3 | | | 3 |
| Pre-Applications | | | 54 | | | 54 |
| On-Site Visits | | 62 | 173 | 2 | | 237 |
| Investigation and Compliance | | | | | | |
| Complaints Received | | 47 | | | | 47 |
| Complaints Closed | | 75 | | | | 75 |
| Warning Notices Issued | | 11 | | | | 11 |
| Warning Notices Closed | | 30 | | | | 30 |
| Complaint Inspections | | 70 | | | | 70 |
| Return Compliance Inspections | | 52 | | | | 52 |
| Mitigation Monitoring Reports | | 19 | | 9 | | 28 |
| Mitigation Compliance Inspections | | 13 | 2 | 1 | | 16 |
| Erosion Control Inspections | | 52 | | | | 52 |
| Enforcement | | | | | | |
| Active Cases | 22 | | | | | 22 |
| Legal Cases | 2 | | | | | 2 |
| Number of "Notice of Intent to Initiate Enforcement" | 3 | | | | | 3 |
| Number of Citations Issued | | | | | | 0 |
| Number of Consent Orders Signed | 3 | | | | | 3 |
| Administrative - Civil Cases Closed | 4 | | | | | 4 |
| Cases Referred to Legal Department | 2 | | | | | 2 |
| Contributions to Pollution Recovery | \$18,748 | | | | | \$18,748 |
| Enforcement Costs Collected | \$1,187 | | | | | \$1,187 |

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

| | Totals |
|---|-------------|
| A. General | |
| 1. Telephone Conferences | 703 |
| 2. Unscheduled Citizen Assistance | 59 |
| 3. Scheduled Meetings | 273 |
| 4. Correspondence | 551 |
| B. Assessment Reviews | |
| 1. Wetland Delineations | 76 |
| 2. Surveys | 47 |
| 3. Miscellaneous Activities in Wetland | 55 |
| 4. Impact/ Mitigation Proposal | 34 |
| 5. Tampa Port Authority Permit Applications | 35 |
| 6. Wastewater Treatment Plants (FDEP) | 2 |
| 7. DRI Annual Report | 6 |
| 8. Land Alteration/Landscaping | 0 |
| 9. Land Excavation | 0 |
| 10. Phosphate Mining | 6 |
| 11. Rezoning Reviews | 24 |
| 12. CPA | 3 |
| 13. Site Development | 76 |
| 14. Subdivision | 75 |
| 15. Wetland Setback Encroachment | 5 |
| 16. Easement/Access-Vacating | 3 |
| 17. Pre-Applications | 54 |
| 18. On-Site Visits | 237 |
| C. Investigation and Compliance | |
| 1. Complaints Received | 47 |
| 2. Complaints Closed | 75 |
| 3. Warning Notices Issued | 11 |
| 4. Warning Notices Closed | 30 |
| 5. Complaint Inspections | 70 |
| 6. Return Compliance Inspections | 52 |
| 7. Mitigation Monitoring Reports | 28 |
| 8. Mitigation Compliance Inspections | 16 |
| 9. Erosion Control Inspections | 52 |
| D. Enforcement | |
| 1. Active Cases | 22 |
| 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 | 4 |
| 7. Cases Referred to Legal Department | 2 |
| 8. Contributions to Pollution Recovery | \$18,748.00 |
| 9. Enforcement Costs Collected | \$1,187.00 |

WETLAND REPORT FOR REVIEW TIMES 2007

| MONTH | # OF REVIEWS | % On Time | % Late | % Early |
|--------------|---------------------|------------------|---------------|----------------|
| MAY | 427 | 30.5% | 2.5% | 67% |
| APRIL | 442 | 25% | 3% | 72% |
| MARCH | 443 | 42% | 3% | 55% |
| FEBRUARY | 373 | 35% | 7% | 58% |
| JANUARY | 490 | 43% | 15% | 42% |