

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

COMMISSIONER'S BOARD ROOM

JULY 26, 2007

10 AM

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

**APPROVAL OF CHANGES TO THE AGENDA AND REMOVAL OF CONSENT
AGENDA ITEMS WITH QUESTIONS, AS REQUESTED BY BOARD MEMBERS**

- I. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**
Report from the Chair – David Jellerson
- II. CONSENT AGENDA**
- | | |
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| A. Approval of Minutes: June 21, 2007 | 2 |
| B. Monthly Activity Reports | 11 |
| C. Pollution Recovery Trust Fund Report | 22 |
| D. Gardinier Settlement Trust Fund Report | 23 |
| E. Legal Case Summary | 24 |
- III. COMMISSIONER REQUEST**
Wetland Program Discussion with Dr. Garrity Presenting a Proposal to
Streamline and Improve EPC's Wetland Regulatory Activities (Comm. Blair) 29
- IV. PUBLIC COMMENT (45 Minutes)**
- V. BOARD DISCUSSION**

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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JUNE 21, 2007 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, June 21, 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, and Kevin White (arrived at 10:09 a.m.).

Chairman Blair called the meeting to order at 10:03 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

CONSENT AGENDA

- A. Approval of minutes: April 19, 2007; May 2, 2007; and May 17, 2007.
- B. Monthly activity reports.
- C. Pollution Recovery Fund (PRF) report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary.
- F. Request authority to take appropriate legal action against:
 - 1. Rusty's Pallet Services Incorporated
 - 2. Petrol Mart Incorporated
- G. Request authority to conduct public hearing to amend Chapter 1-12, Storage Tank Rule

Chairman Blair called for a motion to approve the Consent Agenda. **Commissioner Ferlita so moved, seconded by Commissioner Sharpe, and carried six to zero.** (Commissioner White had not arrived.)

CITIZENS COMMENTS

Mr. Philip Compton, chairman, Friends of the River, discussed reasons for restoring the Hillsborough River and requested meeting with the EPC Board in the future on the issue. Chairman Blair offered laudatory remarks to Mr. Compton and Friends of the River.

Mr. Tom Krumreich, representing Florida Consumer Action Network, informed he was involved in phone canvassing that reached citizens whose health was affected by the ecosystem; concurred with the agreement between the Friends of the River, Southwest Florida Water Management District (SWFWMD), and the city of Tampa (Tampa) to provide minimum flow equivalent to 20 cubic feet per second (cfs) and 24 cfs during April, May, and June; and expressed the need to work together. Commissioner Norman commented on the history of Tampa Bay

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Water (TBW) and noted the Board of County Commissioners pushed for alternative water resources in the region.

Ms. Pamela Prysner, 18335 Lithia Town Road, perceived limiting the authority of the EPC Wetlands Management Division would be detrimental to the County, stated water was precious and development placed strains on water, and opined now was not the time to start reducing and influencing input on wetlands.

Mr. John Hendershot, 8210 La Serena Drive, stated natural wetlands filtered man-made biological and chemical pollutants from the water, which flowed into the Hillsborough River, Tampa Bay, the gulf, and the ocean; emphasized EPC rules and procedures were important for the protection of the wetlands and drinking water quality; and commented on restoring minimum flow and renewing the estuary. Ms. Barbara Fernandez, resident of south Brandon, discussed wetland protection and stated the EPC Board should support wetland protection.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Mr. Jellerson reported the CEAC was preparing to review applications for PRF grants, \$760,000 was in the fund, and 11 applications were received totaling about \$1.1 million. A field visit was conducted to help committee members understand how funded projects were implemented and how they fared after completion. Mr. Jellerson said recommendations would be presented in a few months and thanked applicants for their proposals, which were posted on the EPC website.

CITIZENS COMMENTS - RESUMED

Attorney John Grandoff, with Hill, Ward, and Henderson, Suite 3700, Bank of America Plaza, discussed reasons for eliminating EPC wetlands jurisdiction, suggested jurisdiction remain with SWFWMD and the Army Corps of Engineers, stated the EPC rule would increase the cost of development and with a tangible benefit to the environment, noted the wetlands would be protected by 66 other counties in Florida, and asked for support of the proposal to make the process more efficient and effective.

Dr. Rich Brown, Friends of the River and Tampa Bay Group of the Sierra Club, pointed out he had been working with the scientist from TBW and SWFWMD and reported EPC staff followed science best on minimum flows and wetlands and suggested keeping the function of oversight with EPC.

Mr. Compton stated Florida environment was the primary force that drove local economy, noted people would only retire in Hillsborough County if offered a natural environment that had been preserved, stressed every acre of wetland

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was essential, noted EPC staff was needed to work with citizens and the development community, and disagreed EPC efforts were duplicative.

Ms. Terry Flott, Seffner Community Alliance, voiced concern with the constant changing of meeting procedures, noting it was confusing and gave the public the impression the Board did not want to hear what people had to say. She urged the EPC Board to follow procedures and policies so citizens would know what to expect. Chairman Blair explained he extended an invitation for people to speak on wetlands who were not at the last meeting.

AIR MANAGEMENT DIVISION

Clean Air Month Photography Awards - Ms. Barbara Mott, EPC staff, introduced the photography contest promoting Clean Air Month. Chairman Blair presented the following students with a certificate of achievement and a U.S. Savings Bond for their excellence in environmental photography: third place, Ms. Jordan Haviland, Wharton High School; second place, Mr. Josh Fletcher, Durant High School; first place, Ms. Julissa Alvarado, Blake High School; and best of show, Ms. Bryn Lenny, H. B. Plant High School. Ms. Dana Warner, Wharton High School, Ms. Linda Galgani, Blake High School, and Mr. Tom Ziegelhoffer, Assistant Principal, Blake High School Magnet Program, thanked the EPC Board for the recognition and teachers for encouraging student involvement. Ms. Mott thanked the EPC Board for supporting the annual event.

PUBLIC HEARING

Consider Mosaic's Request for Waiver of Conservation Easement Requirement - EPC General Counsel Richard Tschantz stated the item was properly noticed and met the rule criteria and staff recommended granting the waiver. Chairman Blair called for public comment; there was no response. **Commissioner White moved staff recommendation, seconded by Commissioner Ferlita, and carried six to zero.** (Commissioner Hagan was out of the room.)

COMMISSIONER'S REQUEST (Continued from May)

Wetland Program Discussions with Presentations by SWFWMD, EPC, and Planning and Growth Management Department (PGMD) - Mr. Richard Owen, Regulatory Programs, SWFWMD, provided follow-up comments on the environmental resource permit (ERP) program; noted work to achieve statewide consistency within the program, including protection and restoration of natural systems; emphasized the program was governed by Florida Statutes, adopted by State legislature, and SWFWMD adopted the rules to implement the program; pointed out the program addressed resource management, water quality, water quantity, flooding issues,

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environmental wetlands, and sovereign submerged lands; stated the Administrative Procedures Act was governed by Florida Statute 120; discussed ERP categories; and mentioned a memorandum of understanding with EPC that addressed wetland delineation, compliance investigations, mitigation monitoring, and preapplication meetings. Mr. Owen was willing to discuss the opportunities regarding eliminating duplication and improving efficiencies and responded to queries from Chairman Blair regarding delegation and jurisdiction to Hillsborough County, monitoring enforcement for wetland delineation, whether ERP mitigation sites required inspection to ensure compliance, substantial gain and improvement to wetlands and how the gain occurred, and mitigation success.

Mr. Owen verified for Commissioner White there was an increase of over 10,000 acres of wetlands in the 16-county area overseen by SWFWMD and a 536-acre increase in Hillsborough County from 2002-2006 under the ERP program and responded to queries regarding duplication of services within the 16 counties, whether requests by other counties were considered, State mandates, and cutbacks. In reply to Commissioner Higginbotham, Mr. Owen said success involved survival rate of the species within the area and whether permitted water levels had been met and the system was consistent with the permit issued. Commissioner Higginbotham requested the history on the oldest mitigated wetland in the State to see if the results were achieved for mitigation. Mr. Owen would come back with information. Commissioner Sharpe asked would it be helpful if the EPC Board took responsibility for the permits involving wetlands. Mr. Owen was willing to discuss options; if EPC took responsibility, he requested all the issues associated with the proposed development be handled, not a portion. Commissioner Ferlita commented the wetlands delegation update status report would be additional data that could determine what would and would not work.

Discussion ensued regarding shifting fees, charging full costs, delegation agreement, eliminating duplication, and staffing. Commissioner Higginbotham asked whether the regulations were the same for the EPC, Department of Environmental Protection, and SWFWMD. Mr. Owen said there were similarities for some of the issues and addressed SWFWMD appeal process and expenses incurred by Broward County. Commissioner Higginbotham perceived the concern was unnecessary duplication, efficiency that saved dollars, and improving customer service. Commissioner Norman mentioned if the EPC Board took responsibility, the State would benefit in savings, because they would keep the ad valorem taxes. Mr. Owen and Dr. Richard Garrity, EPC Executive Director, responded to queries from Chairman Blair regarding whether SWFWMD

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had local offices, uniform State mandate, who determined water quality, and how many agencies reviewed the wetland permitting process.

Ms. Jadell Kerr, Director, EPC Wetlands Management Division, reviewed the intent of the wetland rule and gave an overview of the program. Ms. Kerr and Dr. Garrity responded to queries from EPC Board members concerning the amount of half-acre permits protected last year, whether incomplete applications slowed down the process, mitigation used as a last resort, wetlands classification, finding ways to further delineate various wetlands, developing a checklist and placing information online, mitigation success, and litigation. Dr. Garrity clarified the wetland rule.

Mr. Dan Blood, PGMD staff, noted he had worked with EPC staff on the delegation and permitting process and stated regulations in the Land Development Code (LDC) for stormwater was part of the review process. In response to Commissioner White, Mr. Blood explained PGMD had some of the same criteria as SWFWMD and conducted local reviews.

Mr. Richard Cabrera, PGMD, gave a brief overview of the duplication process between SWFWMD and the PGMD stormwater review team, which included design of stormwater ponds, function of internal stormwater management systems, post construction, and biannual inspections. Commissioner Higginbotham was interested in studying the testimony heard and conducting a meeting to come to a conclusion. Commissioner Ferlita expressed concern with taking responsibility to avoid duplication and accepting delegation, perceived the feasibility study should be finished, and was not prepared to take action. Commissioner Norman recalled in previous meetings he told citizens if they wanted things to remain the same to contact their State Representative or Legislative Delegation, because the Board of County Commissioners was no longer in charge of cost cutting, were now mandated to make cuts, and had directed the County Administrator to find cuts and bring a recommendation, which he would support, because it could no longer be avoided. After listening to the testimony from SWFWMD, EPC, and PGMD staff; discussion on budget cuts, looking at the Wetlands Management Division budget, and having no justification for duplication of services, **Commissioner White moved to eliminate the duties of the EPC regarding the Wetlands Division as well as amending the County's LDC and Comprehensive Plan to mirror that of SWFWMD.** Commissioner Hagan agreed with Commissioners Norman and White, stated he heard from constituents regarding cuts or changes in departments, noted changes in property taxes would have an affect, and perceived the time had come to start making tough decisions on changes to be made. Commissioner Sharpe advised it would be a mistake to act without allowing Dr. Garrity to complete the task of

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looking at duplication and finding a way to streamline. The EPC was mandated by the County Administrator to make reductions and the reductions were made, which did not call for the elimination of the Wetlands Management Division; Commissioner Sharpe would not support the motion. Commissioner Ferlita compelled the EPC Board to reconsider, think cautiously, and wait until the results were received from Dr. Garrity. Perceiving no luxury to move slowly, noting EPC Wetlands Management Division budget request had increased, and referencing SWFWMD requirements for permits, **Commissioner Hagan seconded the motion.**

In response to Commissioner Ferlita, Dr. Garrity and Mr. Tom Koulianos, Director, EPC Finance and Administration confirmed there had not been an increase requested other than what the County Administrator suggested, which included merit increases, market equity, changes to retirement contribution, and other insurances. The Wetlands Management Division generated \$1.1 million to \$1.2 million in revenues and the net impact was about \$700,000 to \$800,000, not \$2 million. Dr. Garrity requested to make the feasibility study update before a decision was made. (Resumed later in the meeting.)

EXECUTIVE DIRECTOR'S REPORT - STATUS REPORTS

Wetlands Delegation Update and Wetlands Advisory Group - Dr. Garrity provided an update on wetlands delegation, concepts for long term, and a new hybrid option, as provided in background information.

COMMISSIONER'S REQUEST (Continued from May) - RESUMED

Wetland Program Discussions with Presentations by SWFWMD, EPC, and PGMD - RESUMED - Perceiving more time was needed to go through the entire process, noting a decision would have a dramatic impact on wetlands and water quality, and observing Dr. Garrity's proposal would provide cost savings, allow the process to be streamlined, improve the process, allow greater protection, and allow local governments oversight over the wetlands, **Commissioner Sharpe made a substitute motion to adopt the measures recommended by Dr. Garrity.** Dr. Garrity recommended a concept of one-stop permitting and cooperation of PGMD, EPC, and SWFWMD with further staff interaction and collocation of staff. The agencies involved would be able to economize, because the duplicative parts of the review would be eliminated. **The motion was seconded by Commissioner Ferlita.** Chairman Blair requested a time frame. Attorney Tschantz explained the EPC Board could only move forward with the original motion, which would amend Chapter 1-11 and require an official published notice of a rule amendment at another meeting. Commissioner Higginbotham would not support the motion, because he did not have the information on other areas and items

that needed to be addressed in the budget, had no interest in diminishing wetland regulations, expressed concern with the perception of how the EPC Board was treating citizens in the field, wanted more information pertaining to the new hybrid option, and would not support closure of the Wetlands Division. Attorney Tschantz restated the legal ramifications. Following discussion on cost to taxpayers, moving forward with the main motion, and streamlining the process, **the substitute motion failed two to five; Chairman Blair and Commissioners Hagan, Higginbotham, Norman, and White voted no.** Commissioner White restated the main motion. Commissioner Norman asked Commissioner White if he would include the parallel process mentioned by Commissioner Hagan. **Commissioner White agreed.** Commissioner Hagan wanted the reduction associated with both proposals to go forward, if the EPC Board moved forward with the original motion, he wanted the \$2,080,000 included in that as far as a reduction; if the second area went forward with the one-stop shop, he wanted to know the savings associated with that as well. **The main motion carried four to three; Commissioners Ferlita, Higginbotham, and Sharpe voted no.** Chairman Blair stated public comment would be taken after the Budget Workshop.

There being no further business, the meeting was adjourned at 12:29 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

ssg

JUNE 21, 2007 - ENVIRONMENTAL PROTECTION COMMISSION CONTINUED - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Continued Meeting, scheduled for Thursday, June 21, 2007, at 1:53 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Brian Blair (arrived at 1:59 p.m.) and Commissioners Ken Hagan, Al Higginbotham, Mark Sharpe, and Kevin White (arrived at 2:00 p.m.).

The following members were absent: Commissioners Rose Ferlita and Jim Norman.

Vice Chairman Higginbotham called the meeting to order at 1:53 p.m., understood some people had been unable to address EPC before the noon recess, and called for public comment.

Ms. Vivian Bacca, 413 El Greco Drive, expressed the hope that when the EPC Board considered the local wetlands regulation program, they would remember the environment was a quality of life issue measure in the strategic plan adopted by the Board of County Commissioners on June 20, 2007; referenced a Supreme Court decision; discussed the need for wetlands protection; stated protection was cheaper than restoration; pointed out the EPC had protected wetlands even before their value in maintaining stormwater protection and biological diversity was completely understood; and requested EPC to keep the local wetland regulation system to protect Hillsborough County resources. Ms. Bacca stated she had submitted four articles to Vice Chairman Higginbotham regarding the value of biodiversity and wetland mitigation banking on the human element.

Ms. Marcella O'Steen, 15133 Carlton Lake Road, opined the EPC had reached its nadir when some EPC Board members wanted to vote to eliminate EPC, asked how she could comment on the EPC Wetlands Division after it had been eliminated, and expressed outrage by the action of the EPC Board that morning.

Ms. Beverly Griffiths, Tampa Bay Group of the Sierra Club (Sierra Club) chairman, stated she also had been denied the opportunity to speak during the EPC morning session regarding wetlands because she had spoken at the prior meeting, commented on the billions of dollars in property damages that wetlands saved by absorbing flood waters and serving as buffers during coastal storms and filtering pollution and removing sediment from surface water, pointed out the destruction of wetlands eliminated or severely minimized their function and values. The Sierra Club supported EPC as the wetland delineation and wetland agency. Ms. Griffiths expressed outrage by the EPC Board action and stated she would be talking to the press.

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Chairman Blair assumed the chair, stated no one wanted any type of wetland destruction, pointed out Florida was improving wetlands and had gained 32,000 acres in a five-year period, and said the purpose of the Southwest Florida Water Management District (SWFWMD) was to ensure wetlands were protected. Anyone wanting to pursue that issue further was urged to go to SWFWMD or Florida Fish and Wildlife Conservation Commission to see data that wetlands were being protected.

Ms. Darlene Hall, County resident who lived on a lake bordered by wetlands, discussed first-hand experience on the issues discussed; stated flooding occurred on property that did not have wetland protection; recommended anyone who lived on a lake or surrounding wetlands or property should be aware of how lakes interacted with each other; opined local oversight was necessary; recalled SWFWMD had proposed new minimum flow levels (mfl) below wetland standards but through the efforts of the neighborhood and EPC, SWFWMD adopted wetland mfl standards that helped protect the remaining wetlands; perceived budget cuts should not be made at the price of the environment and wetlands; and encouraged the EPC Board to consider the other option provided by Dr. Richard Garrity, EPC Executive Director.

Chairman Blair reiterated SWFWMD was local, with an office near the fairgrounds, and stated there would be a public hearing and nothing would be done to harm wetlands. **Commissioner Higginbotham moved for adjournment and asked to move into the budget meeting, seconded by Commissioner White, and carried five to zero.** (Commissioners Ferlita and Norman were absent.)

There being no further business, the meeting was adjourned at 2:06 p.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____

Deputy Clerk

sd

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION

June FY 2007

A. Public Outreach/Education Assistance:		
1. Phone Calls:		207
2. Literature Distributed:		<u>0</u>
3. Presentations:		<u>0</u>
4. Media Contacts:		<u>0</u>
5. Internet:		<u>60</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>1</u>
		<hr/>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		3
b. Construction:		<u>2</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>4</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 :		4
b. Construction ¹ :		<u>4</u>
c. Amendments ¹ :		<u>4</u>
d. Transfers/Extensions ¹ :		<u>1</u>
e. Title V Operating ² :		<u>0</u>
f. Permit Determinations ² :		<u>0</u>
g. General:		<u>2</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		<u>2</u>
2. On-going administrative cases:		
a. Pending:		9
b. Active:		<u>19</u>
c. Legal:		<u>4</u>
d. Tracking compliance (Administrative):		<u>17</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>49</u>
3. NOIs issued:		<u>1</u>

4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>1</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$20,000.00</u>
7.	Cases Closed:	<u>5</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>20</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>0</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>16</u>
E.	Open Burning Permits Issued:	<u>1</u>
F.	Number of Division of Forestry Permits Monitored:	<u>434</u>
G.	Total Citizen Complaints Received:	<u>47</u>
H.	Total Citizen Complaints Closed:	<u>40</u>
I.	Noise Sources Monitored:	<u>8</u>
J.	Air Program's Input to Development Regional Impacts:	<u>1</u>
K.	Test Reports Reviewed:	<u>26</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>14</u>
2.	Warning Notices Resolved:	<u>39</u>
3.	Advisory Letters Issued:	<u>10</u>
M.	AOR's Reviewed:	<u>42</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>0</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
June FY 2007

Total Revenue

1.	Non-delegated construction permit for an air pollution source	
	(a) New Source Review or Prevention of Significant Deterioration sources	\$480.00
	(b) all others	\$0.00
2.	Non-delegated operation permit for an air pollution source	
	(a) class B or smaller facility - 5 year permit	\$0.00
	(b) class A2 facility - 5 year permit	\$0.00
	(c) class A1 facility - 5 year permit	\$0.00
3.	(a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$7,160.00
	(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$2,240.00
	(c) Delegated General Permit (20% is forwarded to DEP and not included here)	\$80.00
4.	Non-delegated permit revision for an air	\$0.00
5.	Non-delegated permit transfer of ownership, name change or extension	\$0.00
6.	Notification for commercial demolition	
	(a) for structure less than 50,000 sq ft	\$1,200.00
	(b) for structure greater than 50,000 sq ft	\$400.00
7.	Notification for asbestos abatement	
	(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$600.00
	(b) renovation greater than 1000 linear feet or 1000 sq ft	\$2,000.00
8.	Open burning authorization	\$1,800.00
9.	Enforcement Costs	

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.

MEMORANDUM

DATE: July 10, 2007

TO: Tom Koulianos, Director of Finance and Administration

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

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

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	0
2. On-going administrative cases	114
a. Pending	2
b. Active	53
c. Legal	9
d. Tracking Compliance (Administrative)	34
e. Inactive/Referred Cases	16
3. NOI's issued	2
4. Citations issued	1
5. Consent Orders and Settlement Letters Signed	3
6. Civil Contributions to the Pollution Recovery Fund	\$2,675.00
7. Enforcement Costs collected	\$2,422.00
9. Cases Closed	3

B. SOLID AND HAZARDOUS WASTE

1. FDEP Permits (received/reviewed)	2/0
2. EPC Authorization for Facilities NOT requiring DEP permit	0/1
3. Other Permits and Reports	
a. County Permits	0/0
b. Reports	48/41
4. Inspections (Total)	198
a. Complaints	22
b. Compliance/Reinspections	17
c. Facility Compliance	32
d. Small Quantity Generator	125
e. P2 Audits	2
5. Enforcement	
a. Complaints Received/Closed	21/23
b. Warning Notices Issued/Closed	5/1
c. Compliance letters	77
d. Letters of Agreement	0
e. Agency Referrals	3
6. Pamphlets, Rules and Material Distributed	190

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	79
b. Installation	18
c. Closure	17
d. Compliance Re-Inspections	45
2. Installation Plans Received/Reviewed	15/07
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	08/03
b. Closure Reports Received/Reviewed	11/03
4. Enforcement	
a. Non-compliance Letters Issued/Closed	54/97
b. Warning Notices Issued/Closed	02/00
c. Cases referred to Enforcement	01
d. Complaints Received/Investigated	00/00
e. Complaints Referred	00
5. Discharge Reporting Forms Received	04
6. Incident Notification Forms Received	05
7. Cleanup Notification Letters Issued	04
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	40
2. Reports Received/Reviewed	99/87
a. Site Assessment	9/8
b. Source Removal	03/04
c. Remedial Action Plans (RAP's)	14/10
d. Site Rehabilitation Completion Order/ No Further Action Order	04/04
e. Active Remediation/Monitoring	52/40
f. Others	17/21
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 32

F. PUBLIC INFORMATION PROJECTS - 2

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	6
2. Enforcement Cases Closed:	8
3. Enforcement Cases Outstanding:	63
4. Enforcement Documents Issued:	9
5. Recovered costs to the General Fund:	\$ 650.00
6. Contributions to the Pollution Recovery Fund:	\$ 9,050.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Sheldon/Waters Ph. 2	Construction w/out a permit	\$ 3,000.00
b. Santa Sweets	Violation of permit conditions	\$ 2,800.00
c. L & D Petroleum	Industrial wastewater discharge/ Unpermitted discharge/Operation w/out permit	\$ 1,750.00
d. Swann Avenue Townhomes	Placement of c/s in service w/out acceptance letter	\$ 500.00
e. Gardens at South Bay	Placement of c/s in service w/out acceptance letter	\$ 500.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	34
a. Facility Permit:	7
(i) Types I and II	0
(ii) Types III	7
b. Collection Systems-General	14
c. Collection Systems-Dry Line/Wet Line:	13
d. Residuals Disposal:	0
2. Permit Applications Approved:	29
a. Facility Permit:	6
b. Collection Systems-General:	12
c. Collection Systems-Dry Line/Wet Line:	11
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):	0
a. Recommended for Approval:	0

5.	Permits Withdrawn:	1
	a. Facility Permit:	0
	b. Collection Systems-General:	1
	c. Collection Systems-Dry Line/Wet Line:	0
	d. Residuals Disposal:	0
6.	Permit Applications Outstanding:	78
	a. Facility Permit:	13
	b. Collection Systems-General:	39
	c. Collection Systems-Dry Line/Wet Line:	26
	d. Residuals Disposal:	0
7.	Permit Determination:	5
8.	Special Project Reviews:	0
	a. Reuse:	0
	b. Residuals/AUPs:	0
	c. Others:	0
C. INSPECTIONS - DOMESTIC		
1.	Compliance Evaluation:	14
	a. Inspection (CEI):	1
	b. Sampling Inspection (CSI):	11
	c. Toxics Sampling Inspection (XSI):	0
	d. Performance Audit Inspection (PAI):	2
2.	Reconnaissance:	54
	a. Inspection (RI):	15
	b. Sample Inspection (SRI):	0
	c. Complaint Inspection (CRI):	38
	d. Enforcement Inspection (ERI):	1
3.	Engineering Inspections:	45
	a. Reconnaissance Inspection (RI):	2
	b. Sample Reconnaissance Inspection (SRI):	0
	c. Residual Site Inspection (RSI):	0
	d. Preconstruction Inspection (PCI):	14
	e. Post Construction Inspection (XCI):	29
	f. On-site Engineering Evaluation:	0
	g. Enforcement Reconnaissance Inspection (ERI):	0

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received:	5
a. Facility Permit:	0
(i) Types I and II	2
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	1
b. General Permit:	2
c. Preliminary Design Report:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0
2. Permits Recommended to DEP for Approval:	2
3. Special:	2
a. Facility Permits:	0
b. General Permits:	2
4. Permitting Determination:	1
5. Special Project Reviews:	45
a. Phosphate:	3
b. Industrial Wastewater:	18
c. Others:	24

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation:	5
a. Inspection (CEI):	5
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	18
a. Inspection (RI):	6
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	12
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:	45
a. Domestic:	32
(i) Received:	18
(ii) Closed:	14
b. Industrial:	13
(i) Received:	7
(ii) Closed:	6
2. Warning Notices:	17
a. Domestic:	12
(i) Received:	7
(ii) Closed:	5
b. Industrial:	5
(i) Received:	1
(ii) Closed:	4
3. Non-Compliance Advisory Letters:	24
4. Environmental Compliance Reviews:	138
a. Industrial:	22
b. Domestic:	116
5. Special Project Reviews:	0
G. RECORD REVIEWS	7
1. Permitting:	6
2. Enforcement:	1
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:	
1. Air Division:	92
2. Waste Division:	2
3. Water Division:	13
4. Wetlands Division:	0
5. ERM Division:	151
6. Biomonitoring Reports:	3
7. Outside Agency:	25
I. SPECIAL PROJECT REVIEWS:	
1. DRIs:	1
2. ARs:	0
3. Technical Support:	4
4. Other:	

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

A. General	Totals
1. Telephone Conferences	675
2. Unscheduled Citizen Assistance	82
3. Scheduled Meetings	243
4. Correspondence	458
B. Assessment Reviews	
1. Wetland Delineations	62
2. Surveys	62
3. Miscellaneous Activities in Wetland	47
4. Impact/ Mitigation Proposal	30
5. Tampa Port Authority Permit Applications	20
6. Wastewater Treatment Plants (FDEP)	0
7. DRI Annual Report	1
8. Land Alteration/Landscaping	1
9. Land Excavation	0
10. Phosphate Mining	6
11. Rezoning Reviews	31
12. CPA	0
13. Site Development	70
14. Subdivision	49
15. Wetland Setback Encroachment	6
16. Easement/Access-Vacating	0
17. Pre-Applications	55
18. On-Site Visits	148
C. Investigation and Compliance	
1. Complaints Received	27
2. Warning Notices Issued	13
3. Warning Notices Closed	8
4. Complaint Inspections	49
5. Return Compliance Inspections	31
6. Mitigation Monitoring Reports	34
7. Mitigation Compliance Inspections	38
8. Erosion Control Inspections	50
D. Enforcement	
1. Active Cases	32
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	2
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	4
6. Administrative - Civil Cases Closed	0
7. Cases Referred to Legal Department	2
8. Contributions to Pollution Recovery	\$19,599.00
9. Enforcement Costs Collected	\$2,691.00

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 06/30/07

Balance as of 10/01/06	*		\$1,933,214
Interest Accrued		92,750	
Deposits	FY07	277,615	
Disbursements	FY07	(\$213,775)	
Intrafund Transfer 910		(\$1,041,903)	
Interfund Transfer 910		\$37,169	
Total			<u>\$1,085,070</u>
Water & Coastal Area Restoration & Maint.		2,808	
Pollution Recovery Fund Balance			<u><u>\$1,087,878</u></u>

Old Encumbrances

Water Drop Patch/Girl Scouts		3,023	
Artificial Reef Program		51,265	
Pollution Prevention/Waste Reduction (101)		18,595	
PRF Project Monitoring		15,707	
Total		<u>88,590</u>	

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		25,000	
Total		<u>1,041,903</u>	

Total of Encumbrances \$ 88,590

Minimum Balance 120,000

Balance Available 06/30/07 \$879,288

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

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

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 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 JUNE 30, 2007

Fund Balance as of 10/01/06	\$ 280,512
Interest Accrued	10,517
Disbursements FY07	(34,707)

Fund Balance	\$ 256,322
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Encumbrances Against Fund Balance:

SP627 Tampa Bay Scallop Restoration	\$ 22,613
SP636 Fantasy Island	4,208
SP634 Cockroach Bay ELAPP Restoration	229,501

Total of Encumbrances	\$ 256,322
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Fund Balance Available June 30, 2007	\$ - 0 -
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EPC Agenda Item Cover Sheet

Date of EPC Meeting: July 26, 2007

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

EPC LEGAL DEPARTMENT MONTHLY REPORT
July 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. The parties responded to the Hearing Officer again stating the proposed development is still under dispute with Hillsborough County. The next status report is due on December 28, 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 was held in abeyance until May 24, 2007 since that time, a status conference has been scheduled for July 31, 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 August 7, 2007 land use 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. On July 10, 2007 the Petitioner filed a Withdrawal of Petition for Administrative Hearing based on the imminent issuance of an acceptable permit. The permit has been issued and the case has been closed. (RM)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [2]

Petrol Mart, Inc. [LEPC07-018]: Authority to take appropriate action against Petrol Mart, Inc. to seek corrective action, appropriate penalties and recover administrative costs for improperly abandoned underground storage tanks and failure to address petroleum contamination was granted on June 21, 2007. The owner of the property is insolvent and the corporation inactive; however, the Waste Management Division intends on obtaining a judgment and lien on the property for the appropriate corrective actions. (AZ)

Rusty's Pallet Services, Inc. [LEPC07-019]: On June 21, 2007 authority was granted to take appropriate action against Rusty's Pallet Services, Inc. to compel compliance with the Rules of the EPC regarding an ongoing dust nuisance caused by the business activities and to seek appropriate penalties and administrative costs. (RM)

EXISTING CIVIL CASES [10]

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 was issued on June 1, 2007, and it was not appealed. (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 October 19, 2006 the EPC filed a Motion to Dismiss the Second DCA 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. A lawsuit was filed on June 25, 2007. The EPC is waiting for the response. (AZ)

Kenneth Fisher v. EPC and Ahmed Lakhani [LEPC07-014]: Kenneth Fisher filed a civil lawsuit seeking to foreclose on a property that the EPC has a judgment lien. The Legal Department filed its answer on June 8, 2007 responding to the lawsuit by stating its lien is superior to the Plaintiffs. (AZ)

RECENTLY RESOLVED CIVIL CASES [0]

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. The extension of time ran in March 2007, but the parties continued to negotiate and satisfactory permits were issued to the applicant in July; the matter is closed. (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. A petition was filed, but 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. Hendry requested an extension of time and the EPC had 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. On June 21, 2007 the Commission approved Mosaic Fertilizer, LLC's request for a variance and the case has been closed. (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 had 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 had until July 6, 2007 to settle or file a petition in this matter. A second request for extension of time was filed by the Petitioner. The request was granted and petitioner has until September 4, 2007 to settle or file a petition. (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. A new general permit application was filed, the applicant qualified for the general permit, and on July 11 the applicant indicated they did not want to pursue a challenge of the denial. The case is closed. (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 an 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, Appellant filed an extension of time to file a Notice of Appeal regarding an Air Mgmt. Division citation issued to the facility for noise violations from its emergency generator. The request was granted and Petitioner has until August 15, 2007 to file a Notice of Appeal. (RM)

COMMISSION

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Rose Fertita
Ken Hagan
Al Higginbotham
Jim Norman
Mark Sharpe
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June 29, 2007

Hillsborough County Environmental Protection Commission

Dear Commissioners:

The Environmental Protection Commission (EPC) Board and Dr. Garrity, Executive Director, have been working for several months on issues affecting wetland permitting and oversight. As Chairman of the EPC, I met with Dr. Garrity yesterday to discuss the next step in this process. Dr. Garrity explained that he and his staff are working with the Department of Environmental Protection and the South West Florida Water Management District to develop a plan that will assure wetland protection, streamline the permitting process, and eliminate duplication. He is hopeful that this plan will save taxpayer money and provide improved efficiencies and service to the citizens.

I believe we should give Dr. Garrity the opportunity to attempt to accomplish this goal. He expects to be able to present a draft of a revised wetlands proposal in July. He has asked us to allow him additional time until the August 13th meeting to see if his efforts can be successful. At that time, we could re-visit our recent vote if it seems appropriate.

Please let me know if there is an objection to this Agenda.

Kindest Regards,

Brian Blair
Chairman, EPC

Cc: Dr. Richard Garrity
Richard Tschantz, Esq.