

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
COMMISSIONER'S BOARD ROOM  
SEPTEMBER 20, 2007  
9 AM**

**AGENDA**

<b>INVOCATION AND PLEDGE OF ALLEGIANCE</b>	
<b>APPROVAL OF CHANGES TO THE AGENDA AND REMOVAL OF CONSENT AGENDA ITEMS WITH QUESTIONS, AS REQUESTED BY BOARD MEMBERS</b>	
<b>I. <u>PUBLIC COMMENT</u></b>	
<b>II. <u>CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE</u></b>	
Report from the Chair – David Jellerson	
<b>III. <u>CONSENT AGENDA</u></b>	
A. Approval of Minutes: August 16 & September 6, 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
F. Request Authority to Take Appropriate Legal Action Against: South Bay Corporation & Industrial Park, Inc. and The James Group, LLC.	29
G. Authorize Contract to Remove and Dispose of Illegally Dumped Asbestos	30
<b>VI. <u>PROCLAMATION</u></b>	
National Pollution Prevention Week Proclamation – (P2 Week)	38
<b>V. <u>PUBLIC HEARING</u></b>	
Public Hearing to Review the Hearing Officer's Recommended Order, Hear Oral Argument from the Parties, and Render a Final Order in the Case of Daniel and Celina Jozsi vs. James Winterroth and EPC	39
<b>VI. <u>ADMINISTRATION</u></b>	
Consider Staff Recommendation to Authorize Staff to Conduct Time Study for the Purpose of Amending Chapter 1-6 (Fee Schedule)	42
<b>VII. <u>EXECUTIVE DIRECTOR</u></b>	
Wetlands Hybrid Plan Update:	
A. Hybrid Plan Milestones	43
B. Request for Oct. 18, 2007 Public Hearing – Ch.1-11 Ag. Rule Amendment	45
C. Hybrid Plan Technical Advisory Group Update & Stakeholder Selection Options	46
D. Tampa Port Authority "Minor Works Permits" Delegation	49
E. Water Management District Performance Review of MOU	51
<b>VIII. <u>ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION</u></b>	
Consider Approval of Seagrass Management Action Plan	57

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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AUGUST 16, 2007 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting and Public Hearing, scheduled for Thursday, August 16, 2007, at 9:00 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.

Chairman Blair called the meeting to order at 9:03 a.m., led in the pledge of allegiance to the flag, gave the invocation, and announced seating had been provided in the 26th floor conference room for overflow capacity and staff would sign in anyone who wished to speak.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Mr. Jellerson stated the August 6, 2007, CEAC meeting involved a review of ongoing issues regarding the Wetland Management Division Program, completion of hearing presentations for the pollution recovery fund (PRF) grant applications, updates on program evaluation efforts for the Wetland Management Division program, review of the hybrid option and proposed rule changes and recommendation not to eliminate the Wetlands Management Division, supported the hybrid model, and encouraged the EPC Board to move forward to improve the process. The next meeting would involve evaluation of the PRF proposals to prepare funding recommendations to the EPC Board.

CONSENT AGENDA

- A. Approval of minutes: July 26, 2007.
- B. Monthly activity reports.
- C. PRF report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary.
- F. Request authority to take appropriate legal action against Gas Mart Incorporated and G.W. Partners Limited 2

PUBLIC COMMENT

EPC General Counsel Richard Tschantz stated comments would be taken on Consent Agenda items and comments regarding the wetlands would be taken during the public hearing.

THURSDAY, AUGUST 16, 2007 - DRAFT MINUTES

Ms. Marilyn Smith, County resident, questioned why a seawall was built with committee monies, which was against committee standards. Ms. Terry Flott, County resident, disagreed with the sign-in sheet process perceiving it caused confusion for the public and suggested reconsidering the process at future meetings. **Commissioner White moved the Consent Agenda, seconded by Commissioner Higginbotham.** Ms. Denise Layne, executive director, Coalition 4 Responsible Growth Incorporated, reiterated comments by Ms. Flott, perceived a legal quagmire had been created on notice, and requested to send a letter to the Board of County Commissioners (BOCC) asking to restore 5 percent of 10 percent of the budget because 5 percent was based on duplication. Ms. Lisa Rodriguez, 1808 Lido Drive, suggested the public hearings be held in the evening in an auditorium where the public could feel part of the meetings. **The motion carried seven to zero.**

PUBLIC HEARING

Public Hearing Regarding Rulemaking to Adopt the Proposed EPC Wetland Hybrid Rules within Chapter 1-11 or Eliminate the Wetland Management Division Rules within the Wetlands Rule Chapter 1-11, Part I, and the Mangrove Trimming and Preservation Rule Chapter 1-14 - Attorney Tschantz stated the public hearing was properly noticed, noted action would be taken to amend the EPC rules, reviewed action taken at the July 26, 2007, EPC meeting, stated minor changes to the proposed amendments consistent with EPC vote at the July 26, 2007, meeting could be considered, and outlined the procedures to move forward. Commissioner Norman suggested the public hear Board discussion before taking public comment. Attorney Tschantz agreed and suggested to announce lunch recess because the meeting was scheduled from 9:00 a.m. to 12 noon. Chairman Blair said the meeting would proceed to 12 noon and reconvene at 1:30 p.m. Attorney Tschantz suggested a motion. **Commissioner Ferlita moved that the meeting break for lunch, reconvene at 1:30 p.m., and continue as long as it took, seconded by Commissioner Sharpe, and carried seven to zero.**

Dr. Richard Garrity, EPC Executive Director, stated the presentation would include a recap and updates to the hybrid proposal, noted meetings held with stakeholders, workshops on the rules, and meetings with groups and the agricultural community, perceived the proposal was an improvement to the process, thanked Chairman Blair for voicing concerns on the issue, provided an overview of benefits of the hybrid approach, and introduced Ms. Christina Bryant, Wetlands Ombudsman. Ms. Bryant stated she would work as a liaison between the EPC Wetlands Management Division and citizens who needed assistance going through the process. Attorney Andrew Zodrow, EPC Legal

THURSDAY, AUGUST 16, 2007 - DRAFT MINUTES

Department, provided an overview of the changes to the rules, as provided in background material.

Chairman Blair allowed former commissioner Jan Platt to speak because she had a family emergency. Ms. Platt suggested creating a balanced Blue Ribbon Committee that would take one year to look at the history and reasons for the rules and look at Dr. Garrity's proposed changes regarding eliminating the Wetlands Management Division, other changes, impacts to the environment, and financial impacts to the EPC as well as to whom responsibility would be delegated.

Commissioner Norman stated he pursued a parallel track of elimination of the Wetland Management Division, perceived politics had filtrated through EPC, assured the Board was not in the pocket of developers, noted other agencies reviewed projects before being heard by the BOCC and decisions were based on facts, read and submitted a letter from Southwest Florida Water Management District (SWFWMD) regarding isolated wetlands, referenced a newspaper article regarding protecting half-acre wetlands, stated scientists stated the plan had value because it was agreed to years ago, noted commissioners had asked on numerous occasions to look at the system, and stated the Auditor General hired an environmental performance auditor to ensure SWFWMD was running properly.

After passing the gavel to Vice Chairman Higginbotham, Chairman Blair moved to accept Dr. Garrity's hybrid plan with the provision that the County performance auditor work with EPC toward the goals and objectives sought, which was improving the environment, protecting the wetlands in the most efficient, effective manner possible; and that the EPC Board authorize the Chairman to write a letter to SWFWMD asking their performance auditor to work with the County performance auditor to achieve the goals and objectives that were sought. **Vice Chairman Higginbotham recommended tabling the motion until public comment was heard.** Dr. Garrity responded to questions from Vice Chairman Higginbotham regarding whether the hybrid would degrade protection of wetlands, if the problems could be corrected, whether the rules developed were consistent, and if oversight of the mangroves had been eliminated or reassigned. In reply to Commissioner Ferlita, Dr. Garrity stated he was comfortable having a different standard for agriculture and coordinating with SWFWMD to satisfy minimization requirements, noted the Wetlands Management Division could not be operated on a monthly basis, requested one year to implement and give quarterly updates, and said the documents would turn into a concrete plan through rule adoption. Following discussion regarding not weakening the ability to protect local wetlands or the environment, steps taken beyond what other agencies had done, the hybrid option providing a basis

THURSDAY, AUGUST 16, 2007 - DRAFT MINUTES

to protect the environment, conversations with Dr. Garrity regarding working on a plan, and improving the wetlands program, Attorney Tschantz stated the motion to table Chairman Blair's motion needed a second. **Commissioner White seconded the motion, which carried six to zero.** (Commissioner Hagan was out of the room.)

Chairman Blair called for public comment. The following people spoke to the issue: Ms. Janet Hiltz, County resident; Mr. Matthew McCullough, County resident; Mr. James Harvey, 2226 Greenwich Drive; Mr. William Bailey, County resident; Mr. David Storck, County resident; Ms. Terry Flott, County resident, who submitted information; Mr. Roy Davis, 3224 McIntosh Road; Ms. Denise Layne, executive director, Coalition 4 Responsible Growth Incorporated, who submitted information; Ms. Marcella Osteen, County resident; and Ms. Mariella Smith, County resident, who submitted information. Comments included a problem with wetlands flooding the property, multiple checks and balances, value of wetlands, squeezing larger programs and deferring maintenance, obtaining an independent third-party review, duplication, and loss of PRF money. Some citizens perceived the hybrid option might not work because it involved stakeholders and more time was needed to work on changes to the wetland rules.

Responding to Commissioner Ferlita regarding clarification of the parameters, Attorney Tschantz stated if there was no material deviation from Board direction of the July 26, 2007, meeting, changes could be made; material change would start a new process and required republishing.

The following people spoke to the issue: Ms. Lisa Rodriguez, 1808 Lido Drive; Ms. Nancy O'Conner, Durant; Ms. Suzanne Cooper, Tampa Bay Regional Planning Council; Ms. Jeanette Doyle, Apollo Beach; Ms. Vivian Warren, 3010 West Mason Street; and Ms. Mary Bright, 10113 Cliff Circle. Comments included Florida hometown democracy being the reason for losing control of government, creation of a balanced Blue Ribbon Committee to perform a one-year study of the existing Wetlands Management Division responsibilities, proposed changes by Dr. Garrity, elimination of the water quality monitoring program, Tampa Bay Estuary and north canal in Apollo beach, and limiting Commissioners time to speak.

The following people spoke to the issue: Ms. Marilyn Smith, County resident; Mr. Terrell Dossey, County resident; Mr. Mike Peterson, on behalf of the Greater Tampa Association of Realtors; Mr. Kevin Beckner, County resident; and Ms. Cam Oberting, Taylor Road Civic Association. Comments included potential to destroy the food chain, EPC funding, and gratitude for pushing the issue.

THURSDAY, AUGUST 16, 2007 - DRAFT MINUTES

Chairman Blair called a recess at 12:03 p.m. and reconvened the meeting at 1:37 p.m.

The following people spoke to the issue: Mr. Kent Safriet, Hopping Green and Sams, on behalf of Mr. Stephen Dibbs; Ms. Janet Kovach, 8214 Revels Road, who submitted information to Chairman Blair; Mr. Joseph Narkiewicz, 2918 West Kennedy Boulevard; Mr. Dominick Gebbia, County resident; Mr. Grant Walters, Upper Tampa Bay Alliance Board; Mr. Ron Bent, County resident; Ms. Pamela Prysner, 18335 Lithia Town Road; Ms. Vivian Bacca, 413 El Greco Drive; Ms. Gail Scott, County resident; Mr. Gerard Caddick, 4016 West Inman Avenue; and Councilwoman Mary Mulhern, 2527 West Watrous Avenue. Comments included perception that the permitting process would not change, developers providing inaccurate information to the County, duplication, drinking water source and water levels, response to customer calls, and appointing a Blue Ribbon Committee.

The following people spoke to the issue: Mr. Chris Hart, 1101 Channelside Drive; Ms. Peggy Land, 6115 Scooner Way, who submitted information; Mr. Hugh Grambling, 1311 South Parsons Avenue; Mr. Shawn Crocker, Florida Strawberry Growers Association and Florida Farm Bureau Federation; Mr. Robert Nelson, County resident; Ms. Charlotte Nelson, County resident; Ms. Amanda Bowers, County resident; Mr. Jay Muffly, County resident; and Mr. Tom Aderhold, 5215 Wilcox Road, who submitted information. Comments included stronger wetland protection, stewardship, and reevaluation of leadership.

The following people spoke to the issue: Ms. Barbara Dowling, County resident; Mr. Philip Compton, chairman, Friends of the River; Ms. Lynn McGarvey, County resident; Mr. Wolford Johnson, 4625 West Longfellow Avenue; Ms. Ann Johnson; 4625 West Longfellow Avenue; Ms. Ann Paul, Audubon of Florida; Ms. Deborah Cope, former chairman, Tampa Bay Group of the Sierra Club, who submitted information; Ms. Beverly Griffiths, chairman, Tampa Bay Group of the Sierra Club; and Ms. Gaye Townsend, 19905 Long Leaf Drive. Concerns included reinstating five EPC positions, steering development around wetlands, perception due to large campaign contributions from developers, and no protection for citizen harm to their own land.

The following people spoke to the issue: Ms. Karla Holding, small business owner; Ms. Harriett Wright, Suncoast Chapter of Florida; Mr. Thomas LaFountain, 9804 North 54th Street; Ms. Dottie Grover, County resident; Mr. Thomas Grover, County resident; Mr. Terry Neal, 4703 River Hills Drive; Dr. Rich Brown, representing the League of Women Voters; Ms. Glenda Piasecki, County resident; Ms. Loretta Hodgdon, County resident; Ms. Jan Smith,

THURSDAY, AUGUST 16, 2007 - DRAFT MINUTES

president, Lutz Civic Association; and Mr. Monte Belote, 11004 Forest Hills Drive. Comments included not weakening wetland protection, perception the EPC was being duplicated, benefits of an independent task force, protection from contamination, safe environment, and stormwater runoff.

The following people spoke to the issue: Ms. Darlene Hall, 19259 Blount Road; Mr. Jim Wilson, County resident; Ms. Chris Schad, County resident; Mr. Al Davis, Pinellas County; Ms. Karin Hoppmann, County resident; Ms. Cecilia McKiernan, 402 Columbia Drive; and Ms. Mary Ann Cufone, Environmental Attorney. Comments included local oversight, support for a Blue Ribbon Committee, initiate an independent study through Dr. Garrity's proposal, and listening to the citizens.

Dr. Garrity reviewed staff recommendation. Commissioner Ferlita submitted e-mails from Ms. Jadel Kerr, noting e-mails in favor; perceived Dr. Garrity's proposal addressed duplication, streamlining, and efficiency; read a portion of letters from Tampa Port Authority and Florida Department of Environmental Protection; referenced a letter from U.S. Representative Kathy Castor; commented on Dr. Garrity's proposal compromise; and supported the hybrid proposal. Commissioner Higginbotham recommended including a representative from the municipalities on the Blue Ribbon Committee. Commissioner Sharpe commented on the value for protection of wild life and wetlands and maintenance of the Wetlands Management Division, supported the hybrid option, and asked if a motion was needed to bring Commissioner Blair's motion back to the table. Attorney Tschantz responded in the affirmative. **Commissioner Sharpe made that motion, seconded by Commissioner Ferlita.**

Ms. Alba E. Mas, director, SWFWMD, responded to questions from Commissioner Norman regarding one-half acre and isolated wetlands. Commissioner Norman referenced comments in prior minutes on duplication, rebutted comments regarding standards and approvals by other agencies, perceived the plan should have previously been in place, and wanted to ensure the motion included the EPC Board would write the SWFWMD Chairman to ask the County performance auditor work with SWFWMD performance auditor for oversight of the program. Chairman Blair concurred. Commissioner Hagan perceived the hybrid option was a good start, liked the one stop permitting and audit of the development review process, online application, wetlands ombudsman, agreed with Commissioner Norman, and commented on property tax initiative. Commissioner White thanked citizens for comments and Dr. Garrity and Attorney Tschantz for the meetings and noted the hybrid option was a starting point and would support it. In reply to Chairman Blair, Ms. Mas stated the memorandum of

THURSDAY, AUGUST 16, 2007 - DRAFT MINUTES

understanding (MOU) required EPC to follow-up on complaints for SWFWMD. **The motion carried seven to zero.**

After passing the gavel to Vice Chairman Higginbotham, **Chairman Blair restated his previous motion.** In reply to Commissioner Ferlita, Attorney Tschantz stated the motion was not a substantial deviation and was part of the hybrid option and asked for clarification on duties of the SWFWMD auditor. Chairman Blair explained the duties included maximizing the taxpayer dollars without weakening the rules. Attorney Tschantz wanted to ensure the motion included adopting the rules to Chapter 1-11, Sections 1-11.09, 1-11.10, and 1-11.11 of the first phase of the hybrid implementation. **Chairman Blair agreed.**

Commissioner Sharpe expressed concern with the auditors setting the rules. Chairman Blair recognized the internal performance auditor had less experience in the Wetlands Management Division and since EPC worked with SWFWMD information could be shared, which would reduce the learning curve significantly. Vice Chairman Higginbotham asked the maker of the motion to separate the motions. Chairman Blair agreed. Commissioner Norman perceived the issue was accountability. **Chairman Blair moved to accept Dr. Garrity's hybrid plan, which was duly seconded.** Attorney Tschantz suggested including in the motion to move forward with the first phase of the hybrid rules that implemented that plan which was Chapter 1-11, Sections 1-11.09, 1-11.10, and 1-11.11. **Chairman Blair agreed. The motion carried seven to zero.**

**Chairman Blair moved there be a provision that the County performance auditor work with EPC toward the goals and objectives that had been laid out in the hybrid plan that was to protect the environment, not to weaken it, and the wetlands not to weaken that, in the most efficient and effective manner, and authorize the EPC Chairman to write a letter to SWFWMD asking their performance auditor work with the County performance auditor to help achieve those goals. Commissioner Norman seconded the motion.** In reply to Commissioner Sharpe, Chairman Blair said a committee was already being established within the hybrid plan, the performance auditor would be able to learn from the SWFWMD auditor, and there was no intention to weaken the rules. Dr. Garrity stated the internal auditor would help in EPC's interaction with Planning and Growth Management Department in the development review process and would also work with the committee. Commissioner Ferlita would not support the motion perceiving too much intermingling was being done. Noting the MOU between the two agencies, Attorney Tschantz suggested the motion include the performance auditor of SWFWMD would conduct a process review of the MOU between the two agencies. Commissioner Norman perceived the EPC needed to move forward, the performance auditors needed to look at all of the



THURSDAY, AUGUST 16, 2007 - DRAFT MINUTES

operations, and the County and SWFWMD performance auditors needed to report on how the plan was moving forward each year. Dr. Garrity said he was looking for the internal auditor to help find ways to streamline or provide process review. **Chairman Blair said that could be added and to include the suggestion of Attorney Tschantz. The motion failed three to four; Commissioners Ferlita, Higginbotham, Sharpe, and White voted no.**

**Chairman Blair moved to have the performance auditor, as Attorney Tschantz stated, work with the MOU. Attorney Tschantz clarified the motion to have a performance review by the SWFWMD internal auditor of the MOU between SWFWMD and EPC. The motion was seconded by Commissioner Sharpe and carried six to one; Commissioner Norman voted no.**

There being no further business, the meeting was adjourned at 4:52 p.m.

READ AND APPROVED: \_\_\_\_\_

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: \_\_\_\_\_  
Deputy Clerk

ssg

SEPTEMBER 6, 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 Proposed Environmental Resource Permit Application For Expansion of the Regional Surface Water Treatment Plant, scheduled for Thursday, September 6, 2007, at 2:04 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

The following members were absent: Commissioners Ken Hagan (schedule conflict) and Jim Norman (schedule conflict).

Chairman Blair called the meeting to order at 2:04 p.m.

Mr. Anthony D'Aquila, EPC staff, reviewed staff recommendation not to arbitrate the application. **Commissioner Ferlita moved to support staff recommendation not to arbitrate, seconded by Commissioner Sharpe, and carried five to zero.** (Commissioners Hagan and Norman were absent.)

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

kc

MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION

August FY 2007

A. Public Outreach/Education Assistance:		
1. Phone Calls:		200
2. Literature Distributed:		<u>0</u>
3. Presentations:		<u>1</u>
4. Media Contacts:		<u>0</u>
5. Internet:		<u>62</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>0</u>
		<hr/>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>0</u>
b. Construction:		<u>3</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>0</u>
e. General:		<u>0</u>
f. Title V:		<u>0</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ( <sup>1</sup> Counted by Number of Fees Collected) - ( <sup>2</sup> Counted by Number of Emission Units affected by the Review):		
a. Operating <sup>1</sup> :		<u>17</u>
b. Construction <sup>1</sup> :		<u>10</u>
c. Amendments <sup>1</sup> :		<u>2</u>
d. Transfers/Extensions <sup>1</sup> :		<u>0</u>
e. Title V Operating <sup>2</sup> :		<u>11</u>
f. Permit Determinations <sup>2</sup> :		<u>0</u>
g. General:		<u>4</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:		<u>4</u>
b. Active:		<u>24</u>
c. Legal:		<u>4</u>
d. Tracking compliance (Administrative):		<u>15</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>47</u>
3. NOIs issued:		<u>2</u>

4.	Citations issued:	0
5.	Consent Orders Signed:	2
6.	Contributions to the Pollution Recovery Fund:	\$4,833.00
7.	Cases Closed:	2
D.	Inspections:	
1.	Industrial Facilities:	22
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	0
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	2
c.	Major Sources	15
3.	Asbestos Demolition/Renovation Projects:	15
E.	Open Burning Permits Issued:	7
F.	Number of Division of Forestry Permits Monitored:	458
G.	Total Citizen Complaints Received:	53
H.	Total Citizen Complaints Closed:	42
I.	Noise Sources Monitored:	8
J.	Air Program's Input to Development Regional Impacts:	5
K.	Test Reports Reviewed:	32
L.	Compliance:	
1.	Warning Notices Issued:	19
2.	Warning Notices Resolved:	19
3.	Advisory Letters Issued:	3
M.	AOR's Reviewed:	18
N.	Permits Reviewed for NESHAP Applicability:	0

**FEES COLLECTED FOR AIR MANAGEMENT DIVISION  
August FY 2007**

	<b>Total Revenue</b>
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$0.00
(b) all others	\$0.00
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$0.00
(b) class A2 facility - 5 year permit	\$0.00
(c) class A1 facility - 5 year permit	\$0.00
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$5,800.00
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	
4. Non-delegated permit revision for an air	\$0.00
	\$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	\$4,400.00
(b) for structure greater than 50,000 sq ft	
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$300.00
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$500.00
8. Open burning authorization	\$3,200.00
9. Enforcement Costs	\$1,025.00

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



Roger P. Stewart Center  
 3629 Queen Palm Dr. • Tampa, FL 33619  
 Ph: (813) 627-2600  
 Fax Numbers (813):  
 Admin. 627-2620 Waste 627-2640  
 Legal 627-2602 Wetlands 627-2630  
 Water 627-2670 ERM 627-2650  
 Air 627-2660 Lab 272-5157

Executive Director  
 Richard D. Garrity, Ph.D.

**MEMORANDUM**

**DATE:** September 11, 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 AUGUST 2007  
 AGENDA INFORMATION**

**A. ADMINISTRATIVE ENFORCEMENT**

1. New cases received	2
2. On-going administrative cases	114
a. Pending	4
b. Active	51
c. Legal	8
d. Tracking Compliance (Administrative)	35
e. Inactive/Referred Cases	16
3. NOI's issued	1
4. Citations issued	0
5. Consent Orders and Settlement Letters Signed	1
6. Civil Contributions to the Pollution Recovery Fund	\$7,770.00
7. Enforcement Costs collected	\$788.00
9. Cases Closed	2

**B. SOLID AND HAZARDOUS WASTE**

1. FDEP Permits (received/reviewed)	1/0
2. EPC Authorization for Facilities NOT requiring DEP permit	4/2
3. Other Permits and Reports	
a. County Permits	9/9
b. Reports	39/51
4. Inspections (Total)	296
a. Complaints	31
b. Compliance/Reinspections	28
c. Facility Compliance	25
d. Small Quantity Generator	211
e. P2 Audits	1
5. Enforcement	
a. Complaints Received/Closed	30/44
b. Warning Notices Issued/Closed	10/3
c. Compliance letters	81
d. Letters of Agreement	0
e. Agency Referrals	1
6. Pamphlets, Rules and Material Distributed	355

**C. STORAGE TANK COMPLIANCE**

1. Inspections	
a. Compliance	97
b. Installation	13
c. Closure	16
d. Compliance Re-Inspections	23
2. Installation Plans Received/Reviewed	13/13
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	05/06
b. Closure Reports Received/Reviewed	04/05
4. Enforcement	
a. Non-compliance Letters Issued/Closed	55/51
b. Warning Notices Issued/Closed	03/00
c. Cases referred to Enforcement	01
d. Complaints Received/Investigated	04/04
e. Complaints Referred	00
5. Discharge Reporting Forms Received	03
6. Incident Notification Forms Received	05
7. Cleanup Notification Letters Issued	02
8. Public Assistance	200+

**D. STORAGE TANK CLEANUP**

1. Inspections	36
2. Reports Received/Reviewed	133/139
a. Site Assessment	12/17
b. Source Removal	02/02
c. Remedial Action Plans (RAP's)	15/13
d. Site Rehabilitation Completion Order/ No Further Action Order	01/02
e. Active Remediation/Monitoring	71/69
f. Others	32/36
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  
AUGUST, 2007**

**A. ENFORCEMENT**

1. New Enforcement Cases Received:	2
2. Enforcement Cases Closed:	6
3. Enforcement Cases Outstanding:	65
4. Enforcement Documents Issued:	8
5. Recovered costs to the General Fund:	\$ 1,590.00
6. Contributions to the Pollution Recovery Fund:	\$12,500.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Oaks at Stone Ftn.	Construction w/out permit	\$ 4,000.00
b. Sun Tampa East d/b/a Tampa East RV Resort	Continuation of EPC Case/ CO #01-20273DW closed 8-17-07	\$ 2,500.00
c. The Village Shop. Ctr.	Placement of c/s in service w/o acceptance letter	\$ 500.00
d. Telecom Park Lot 7F	Placement of c/s in service w/o acceptance letter	\$ 500.00
e. Texaco-Cswy. & 78th	Construction w/o a permit	\$ 4,000.00
f. Mansour Industries Jamal Citgo	Expired permit	\$ 1,000.00

**B. PERMITTING/PROJECT REVIEW - DOMESTIC**

1. Permit Applications Received:	25
a. Facility Permit:	5
(i) Types I and II	0
(ii) Types III	5
b. Collection Systems-General	13
c. Collection Systems-Dry Line/Wet Line:	7
d. Residuals Disposal:	0
2. Permit Applications Approved:	33
a. Facility Permit:	1
b. Collection Systems-General:	21
c. Collection Systems-Dry Line/Wet Line:	11
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0

4. Permit Applications (Non-Delegated):	1
a. Recommended for Approval:	1
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:	67
a. Facility Permit:	13
b. Collection Systems-General:	36
c. Collection Systems-Dry Line/Wet Line:	18
d. Residuals Disposal:	0
7. Permit Determination:	10
8. Special Project Reviews:	0
a. Reuse:	0
b. Residuals/AUPs:	0
c. Others:	0
<b>C. INSPECTIONS - DOMESTIC</b>	
1. Compliance Evaluation:	19
a. Inspection (CEI):	2
b. Sampling Inspection (CSI):	13
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	4
2. Reconnaissance:	56
a. Inspection (RI):	5
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	51
d. Enforcement Inspection (ERI):	0
3. Engineering Inspections:	49
a. Reconnaissance Inspection (RI):	7
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	0
d. Preconstruction Inspection (PCI):	9
e. Post Construction Inspection (XCI):	33
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	0

<b>D. PERMITTING/PROJECT REVIEW - INDUSTRIAL</b>	<b>64</b>
1. Permit Applications Received:	9
a. Facility Permit:	8
(i) Types I and II	2
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	6
b. General Permit:	1
c. Preliminary Design Report:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0
2. Permits Recommended to DEP for Approval:	1
3. Special:	3
a. Facility Permits:	3
b. General Permits:	0
4. Permitting Determination:	0
5. Special Project Reviews:	52
a. Phosphate:	6
b. Industrial Wastewater:	25
c. Others:	21
<b>E. INSPECTIONS - INDUSTRIAL</b>	<b>23</b>
1. Compliance Evaluation:	4
a. Inspection (CEI):	4
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	15
a. Inspection (RI):	4
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	11
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	4
a. Compliance Evaluation (CEI):	4
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:	41
(i) Received:	18
(ii) Closed:	23
b. Industrial:	11
(i) Received:	5
(ii) Closed:	6
2. Warning Notices:	
a. Domestic:	9
(i) Received:	5
(ii) Closed:	4
b. Industrial:	6
(i) Received:	5
(ii) Closed:	1
3. Non-Compliance Advisory Letters:	23
4. Environmental Compliance Reviews:	
a. Industrial:	69
b. Domestic:	117
5. Special Project Reviews:	1

**G. RECORD REVIEWS**

1. Permitting:	0
2. Enforcement:	0

**H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:**

1. Air Division:	79
2. Waste Division:	0
3. Water Division:	16
4. Wetlands Division:	2
5. ERM Division:	146
6. Biomonitoring Reports:	8
7. Outside Agency:	30

**I. SPECIAL PROJECT REVIEWS:**

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

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

A. General	Totals
1. Telephone Conferences	757
2. Unscheduled Citizen Assistance	82
3. Scheduled Meetings	204
4. Correspondence	445
B. Assessment Reviews	
1. Wetland Delineations	43
2. Surveys	34
3. Miscellaneous Activities in Wetland	33
4. Impact/ Mitigation Proposal	19
5. Tampa Port Authority Permit Applications	35
6. Wastewater Treatment Plants (FDEP)	5
7. DRI Annual Report	7
8. Land Alteration/Landscaping	0
9. Land Excavation	0
10. Phosphate Mining	6
11. Rezoning Reviews	22
12. CPA	2
13. Site Development	82
14. Subdivision	70
15. Wetland Setback Encroachment	2
16. Easement/Access-Vacating	0
17. Pre-Applications	40
18. On-Site Visits	132
C. Investigation and Compliance	
1. Complaints Received	36
2. Complaints Closed	49
3. Warning Notices Issued	6
4. Warning Notices Closed	6
5. Complaint Inspections	61
6. Return Compliance Inspections	47
7. Mitigation Monitoring Reports	10
8. Mitigation Compliance Inspections	40
9. Erosion Control Inspections	49
D. Enforcement	
1. Active Cases	31
2. Legal Cases	2
3. Number of "Notice of Pending Enforcement"	4
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	7
6. Administrative - Civil Cases Closed	9
7. Cases Referred to Legal Department	2
8. Contributions to Pollution Recovery	\$3,700.00
9. Enforcement Costs Collected	\$1,248.00

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
POLLUTION RECOVERY TRUST FUND  
AS OF 08/31/07**

Balance as of 10/01/06	*		\$1,933,214
Interest Accrued		103,038	
Deposits	FY07	316,535	
Disbursements	FY07	(\$251,612)	
Intrafund Transfer 910		(\$1,045,733)	
Interfund Transfer 910		\$37,169	
Total			<u>\$1,092,611</u>
Water & Coastal Area Restoration & Maint.		2,808	
 Pollution Recovery Fund Balance			 <u><u>\$1,095,519</u></u>

**Old Encumbrances**

		Start Date	Exp Date
Water Drop Patch/Girl Scouts	3,023	11/8/2004	9/1/2007
Artificial Reef Program	24,344		
Pollution Prevention/Waste Reduction (101)	18,082		
PRF Project Monitoring	5,296		
Total	<u>50,745</u>		

**Save Our Canals**

	\$ 3,830	9/26/2006	5/2/2007
Experimental Land Based Segrass Nursery	20,000	8/1/2006	8/1/2007
Seagrass Restoration & Longshore Bar Recovery	75,000	5/4/2006	5/4/2008
Nature's Classroom Phase III	188,000	7/3/2006	7/3/2008
2005 State of the River	4,727	7/19/2006	1/19/2008
Seawall Removal Fort Brooke Park	100,000	10/29/2006	4/29/2008
Analysis of Sources of Fecal Indicator Bacteria	125,000	7/3/2006	1/3/2008
Pollution Monitoring Pilot Project	45,150	7/25/2006	1/25/2008
Industrial Facilities Stormwater Inspection Program	28,885	7/3/2006	1/3/2008
Agriculture Pesticide Collection	24,000	7/3/2006	1/3/2008
Knights Preserve	35,235	6/14/2006	12/14/2007
Agriculture Best Mgmt Practice Implementation	150,000	1/31/2007	1/31/2010
Oyster Reef Shoreline	30,000	5/2/2007	Open End
Nitrogen Emission/Deposition	40,906	4/19/2007	10/19/2008
Lake Thonotosassa Muck Removal	75,000	2/27/2007	8/27/2008
Erosion Control/Oyster Bar Habitat Creation	75,000	5/17/2007	11/17/2008
Tank Removal	25,000	TBD	TBD
Total	<u>1,045,733</u>		

**Total of Encumbrances** \$ 50,745

**Minimum Balance** 120,000

**Balance Available 07/31/07** \$924,774

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

Brazilian Pepper (92)	\$ 26,717	7/19/2000	6/1/2006
COT Parks Dept/Cypress Point (97)	100,000	12/6/2005	TBD
Bahia Beach Restoration (contract 04-03)	150,000	8/19/2004	3/1/2008
Tampa Shoreline Restoration	30,000	3/2/2005	5/31/2007
Field Measurement for Wave Energy	51,251	4/20/2005	12/31/2007
Water & Coastal Area Restoration & Maint.	5,285	6/7/2005	12/31/2006
Port of Tampa Stormwater Improvement	45,000	3/1/2006	3/1/2008
Natures Classroom Capital Campaign	44,000	6/6/2005	6/6/2006
Total	<u>\$ 452,253</u>		

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



Roger P. Stewart Center  
 3629 Queen Palm Dr. • Tampa, FL 33619  
 Ph: (813) 627-2600  
 Fax Numbers (813):  
 Admin. 627-2620 Waste 627-2640  
 Legal 627-2602 Wetlands 627-2630  
 Water 627-2670 ERM 627-2650  
 Air 627-2660 Lab 272-5157

Executive Director  
 Richard D. Garrity, Ph.D.

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

Fund Balance as of 10/01/06	\$280,512
Interest Accrued	11,616
Disbursements FY07	(46,553)

Fund Balance \$ 245,575

Encumbrances Against Fund Balance:		Start Date	Expiration Date
SP627 Tampa Bay Scallop Restoration	\$ 10,767	08/29/03	12/31/07
SP636 Fantasy Island	4,208	01/20/05	12/31/07
SP634 Cockroach Bay ELAPP Restoration	230,600	03/10/05	01/31/08
Total of Encumbrances	\$245,575		

Fund Balance Available August 31, 2007 \$ - 0 -



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 20, 2007

**Subject:** Legal Case Summary for September 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:** September 2007 EPC Legal Case Summary



**EPC LEGAL DEPARTMENT MONTHLY REPORT**  
**September 2007**

**A. ADMINISTRATIVE CASES**

**NEW ADMINISTRATIVE CASES [ 0 ]**

**EXISTING ADMINISTRATIVE CASES [ 4 ]**

**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 September 20, 2007 regular board meeting. (AZ)

**RECENTLY RESOLVED ADMINISTRATIVE CASES [ 0 ]**

**B. CIVIL CASES**

**NEW CIVIL CASES [ 0 ]**

**EXISTING CIVIL CASES [ 11 ]**

**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, the EPC is preparing a complaint. (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)

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

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

**Rusty's Pallet Services, Inc.** [LEPC07-019]: On June 21, 2007 authority was granted to take appropriate action against Rusty's Pallet Services, Inc. to compel compliance with the Rules of the EPC regarding an ongoing dust nuisance caused by the business activities and to seek appropriate penalties and administrative costs. The facility plans to move to a new paved location to minimize dust, thus the EPC is renegotiating a settlement, but failure to timely settle will result in the filing of a law suit. (RM)

## RECENTLY RESOLVED CIVIL CASES [ 0 ]

### C. OTHER OPEN CASES [ 8 ]

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

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

**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. The parties entered into a Consent Order on August 17, 2007 and the case has been closed. (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)

**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. No timely petition was filed, but the Air Mgmt Division is working with the applicant on acceptable permit conditions. (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 and the petitioner had until September 4, 2007 to settle or file a petition. A third request for an extension of time was filed and the petitioner has until November 5, 2007 to settle or file a petition. (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. (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. A second extension request was filed on August 3, 2007. The request was granted and the Appellant has until September 26, 2007 to file a notice of Appeal. (RM)

**Cory Packaging, Inc. (f.k.a. Master Packaging, Inc.)** [LEPC07-021]: On August 8, 2007 the Petitioner requested an extension of time to file a petition for administrative hearing to challenge an Air permit issued to them. The request has been granted and the Petitioner has until October 8, 2007 to file. (RM)

**Gaetano Cacciatore, Inc.** [LEPC07-022]: On August 7, 2007 the Petitioner requested an extension of time to file a petition for administrative hearing to challenge an Air permit issued to them. The request has been granted and the Petitioner has until October 1, 2007 to file. (RM)

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



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 20, 2007

**Subject:** Request for authorization to take legal action against South Bay Corporation & Industrial Park, Inc. and The James Group, LLC.

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

**Division:** Water Management Division

**Recommendation:** Grant authority to pursue legal action and also to allow for settlement authority.

**Brief Summary:** South Bay Corporation & Industrial Park, Inc., owns and is the permittee of the wastewater treatment facility ("WWTF") located at 12612 U.S. 41 South, Gibsonton, FL, that serves The James Group's property, which is adjacent to and directly West of The James Group's property. The WWTF is has been operating without a valid permit since June 18, 2006, but otherwise largely in compliance with applicable rules and regulations.

**Financial Impact:** The EPC cannot estimate the amount that any litigation may cost, but EPC will seek to recover any costs through a court order.

### Background:

South Bay Park & Industrial Park, Inc. ("South Bay") owns the real property located at 12612 U.S. 41 South, Gibsonton, Florida, on which resides a 0.006 million gallons per day three month average daily flow permitted capacity domestic wastewater treatment plant ("WWTF"). The WWTF serves The James Group's property whose address is 12514 U.S. Highway 41 South, Gibsonton, Florida, and is directly East and adjacent to South Bay's property and the WWTF. The WWTF is operated under EPC Permit No. FLA012195 that expired on June 17, 2006.

Facility operates under FDEP Permit No. FLA012195, which was issued on June 18, 2001, and expired on June 17, 2006 ("Permit"). The WWTF has operated without a valid permit since June 18, 2006. While South Bay holds the Permit, the James Group actually operates the Facility pursuant to a Sewage Treatment System Easement and Use Agreement. On June 29, 2007, EPC issued Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment ("NOV") to both South Bay and The James Group for operating the WWTF without a valid permit and it requires both parties to within 60 days either submit an application to operate the WWTF or to install a permitted septic tank system. The NOV also required payment of \$5,000 in civil penalties and \$650 cost reimbursement within 30 days of receipt of the NOV. Neither party responded to the NOV, thus on July 27, 2007, EPC issued a Final Order to South Bay and The James Group approving and adopting the NOV as the Final Order of the EPC. To date, neither South Bay nor The James Group have responded to either the NOV or the Final Order. Therefore, EPC staff recommends pursuing appropriate legal action for enforcement of the Final Order and the Permit in civil court, and for authorization to settle this matter without further Board action if appropriate.

**List of Attachments:** None.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 20, 2007

**Subject:** Illegally Dumped Asbestos Removal and Disposal Contract

**Consent Agenda**  X       **Regular Agenda** \_\_\_\_\_ **Public Hearing** \_\_\_\_\_

**Division:** Air Management Division

**Recommendation:** Approve the contract and authorize the Chairman to execute the contract.

**Brief Summary:** EPC approved on May 21, 1998 the expenditure of up to \$5,000 for asbestos removal and disposal services of illegally dumped asbestos, up to \$5,000, with a private contractor. The remaining funds available under the original Pollution Recovery Fund (PRF) account are \$4,486.00. This contract is for the continuation of asbestos removal services using a different licensed contractor, LVI Services Inc.

**Financial Impact:** Financial Impact to the asbestos PRF Fund is up to \$4,486.00 to be paid out of the balance of existing funds.

**Background:** Through the Pollution Recovery Fund (PRF) process, the EPC approved on May 21, 1998, the expenditure of up to \$5,000 for removal and disposal services of illegally dumped asbestos. The PRF money was granted to the EPC Air Management Division for the purpose of having an emergency fund to pay for the removal and disposal of asbestos containing material that is illegally dumped. The EPC Air Management Division subcontracted with an asbestos removal service (a private contractor), but now seeks to hire a new contractor. The EPC Air Management Project Director reviews each potential case of illegal dumping to determine the risk of materials dumped on public lands becoming a health risk. If the Air Management Division Director determines that the materials are a risk to the public or the environment, then the EPC may use the subcontractor, LVI Services, to remove and dispose of asbestos containing materials until a responsible party is found and clean up cost are recovered, and as the budget permits.

This Agreement is for an amount not to exceed \$4,486 (four thousand four hundred and eight-six) to provide all labor, equipment, materials, permits, supervision, and disposal costs required to properly dispose of non-friable asbestos containing materials in Hillsborough County on a case by case basis.

The EPC Air Management Division recommends the execution of the contract to allow for the future removal of illegally dumped asbestos.

**List of Attachments:** Agreement Between the Environmental Protection Commission of Hillsborough County and LVI Environmental Services, Inc.

**AGREEMENT BETWEEN  
THE ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY**

**And  
LVI ENVIRONMENTAL SERVICES, INC.**

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2007, by and between the **ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY**, whose address is 3629 Queen Palm Drive, Tampa, FL 33619, herein after referred to as the EPC, a political subdivision of Florida and a local governmental agency established by Chapter 84-446, Laws of Florida, and **LVI ENVIRONMENTAL SERVICES, INC.**, a Florida-registered corporation, whose address is 4719 Oak Fair Blvd. Tampa, FL 33610, herein after referred to as **SUBCONTRACTOR**;

**WITNESSETH**

**WHEREAS, SUBCONTRACTOR LVI ENVIRONMENTAL SERVICES, INC.**, submitted a response to bid related to a project from the Hillsborough County Pollution Recovery Fund awarded to the EPC Air Management Division, entitled "Remediation of Illegally Dumped Non-Hazardous Asbestos material " (Project);

**WHEREAS, SUBCONTRACTOR** accepts a two (2) year agreement to perform the asbestos removal duties on behalf of the EPC further detailed below;

**WHEREAS**, the EPC approved on May 21, 1998 the expenditure of up to \$5,000 for this purpose by the EPC Air Management Division;

**WHEREAS**, the EPC and the EPC Air Management Division entered into an intra-office agreement approved on April 26, 2002, allowing the Air Management Division to contract for asbestos removal services up to \$5,000 with a private contractor;

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, the parties hereto agree as follows:

1. In accordance with the agreement dated April 26, 2002, the EPC Air Management Project Director will review of each potential case of illegal dumping to determine the risk of materials dumped on public lands becoming regulated. If the Air Management Division Director determines that the materials are a risk to the public or the environment, then that Director may determine the use of the funds to be appropriate and therefore request **SUBCONTRACTOR** to remove and

dispose of asbestos containing materials.

2. This Agreement is for an amount not to exceed \$4,486 (four thousand four hundred and eighty-six) to provide all labor, equipment, materials, permits, supervision, and disposal costs required to properly dispose of non-friable asbestos containing materials in Hillsborough County on a case by case basis.

3. This Agreement is effective upon the date of execution by the last signatory and continues until all authorized monies are expended, or the Agreement is cancelled, or two years from the date of execution of this Agreement, whichever occurs first. If mutually agreed to in future written agreement modifications or amendments and as funding is available, this Agreement can be continued annually.

4. SUBCONTRACTOR shall use reasonable efforts and provide the necessary resources to conduct the work described, including the conditions herein.

5. SUBCONTRACTOR will maintain a record of all uses of the up to \$4, 486.00 in EPC Pollution Recovery Funds for the Project, including costs and expenditures sufficient for any pre and post audit that may be required.

6. Upon being directed by the EPC to perform removal and disposal, SUBCONTRACTOR agrees to dispatch trained personnel and equipment within five days, or sooner if circumstances dictate otherwise (e.g., material is on a roadway and is in danger of being pulverized), and complete the legal removal and disposal of the material.

7. SUBCONTRACTOR shall comply with the additional following condition:

- (a) SUBCONTRACTOR is to obtain all necessary federal, state, and local permits or authorizations prior to performing project and agrees to submit appropriate asbestos notification to the EPC in accordance with 40 CFR 61, Subpart M. The notification fee in Chapter 1-6 of the Rules of the EPC shall be waived. Entry into this agreement does not waive SUBCONTRACTOR's obligation to comply with all federal, state, and local laws and regulations.
- (b) As soon as possible, but no later than one day prior to the commencement of the cleanup, the SUBCONTRACTOR will submit to the EPC for approval, the cost per ton as previously negotiated to include, among other things, labor and supervision, equipment/supplies/vehicle cost, disposal fee, and permit fees, as well as any additional costs for final air clearance sampling (as appropriate), water and electric (as



- appropriate), or other anticipated costs necessary to complete the cleanup.
- (c) Where applicable, SUBCONTRACTOR is to provide documentation to the EPC prior to beginning the Project that it has acquired all necessary permits, authorizations, and property access agreements where applicable.
  - (d) All invoices shall document, among other things, shall detail the number of tons of asbestos containing material that was collected and disposed of, water and electric charges (as appropriate), where the asbestos containing waste was disposed of, and the cost per ton for collection and disposal to include labor, materials, equipment, supervision, OSHA air monitoring (as appropriate) and insurance necessary to complete the work.
  - (e) SUBCONTRACTOR agrees to provide to the EPC a final asbestos close-out packet as soon as possible following the conclusion of the cleanup to include final air clearance sample results (as appropriate), waste shipment manifest documentation, dump tickets, detailed daily worker log sheets specifying specific precautions taken during the cleanup process, asbestos worker and supervisor training certification/documentation for all employees that participated in the cleanup, and any other pertinent information, as appropriate.

8. After meeting all noted conditions, EPC agrees to reimburse SUBCONTRACTOR in the amount per ton of asbestos containing material as provided in the attached cost chart attached as Appendix A with a Project minimum, based on actual landfill or certified weight tickets, typically within 30 days of receipt of an invoice for the completed project. Upon receipt by the EPC Administrative Contact of an appropriate invoice and supporting documentation from SUBCONTRACTOR, EPC shall promptly process and reimburse SUBCONTRACTOR up to and not to exceed a total of \$4,486. If EPC has any questions or needs additional information to ensure that the reimbursement is appropriate under this Agreement, SUBCONTRACTOR shall arrange to provide the additional information as needed and prior to reimbursement. The cost per ton is at a negotiated cost (see Appendix A) that includes, among other things, labor and supervision cost, equipment/supplies/vehicle cost, disposal fee, and permit fee.

9. SUBCONTRACTOR and its agents shall maintain appropriate records of all services rendered pursuant to this Agreement, including costs and expenditures sufficient for any pre- and post- audit that may be required. All documents are public records and will be maintained subject to the public records law (Chp. 119, F.S.).

10. SUBCONTRACTOR agrees that no change in SUBCONTRACTOR's key personnel or significant decrease in the level of participation of key personnel may occur without written notice to the EPC and written approval from the EPC. Key personnel are:

- (a) Project Manager: Tom Coon, LVI ENVIRONMENTAL INC., 4719 Oak Fair Blvd., Tampa, FL 33610.
- (b) EPC Project Director: Jerry Campbell, EPC Air Mgmt. Division, 3629 Queen Palm Drive, Tampa, FL 33619, (813) 627-2600, Ext. 1253, Fax (813) 627-2660.
- (c) EPC Administrative Contact: Evelyn McElroy, EPC Air Mgmt. Division, 3629 Queen Palm Drive, Tampa, FL 33619, (813) 627-2600, Ext. 1027, Fax (813) 627-2660.

11. By this Agreement the parties intend to establish the relationship of independent contractor. Each party and the officers, employees, and agents thereof shall not be deemed by virtue of this Agreement to be the officers, agents, or employees of the other party. Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its respective officers, agents, and employees arising from the duties related to this Agreement. Notwithstanding any provision in this Agreement, all issues relating to liability, including but not limited to waivers or assumptions of liability, in this Agreement are subject to, may not be contrary to, and are limited by the sovereign immunity laws, including but not limited to section 768.28, Florida Statutes.

12. SUBCONTRACTOR shall not subcontract, assign, or transfer any work under this Agreement without the prior written consent of the EPC's Project Director. SUBCONTRACTOR agrees to be responsible for the fulfillment of all work elements included in any subcontract consented to by the EPC and agrees to be responsible for the payment of all monies due under any subcontract that are not specifically provided for in this Agreement. It is understood and agreed by SUBCONTRACTOR that the EPC shall not be liable to any subcontractor for any expenses or liabilities incurred under the subcontract that are not specifically provided for in this Agreement and that SUBCONTRACTOR shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract that are not specifically provided for in this Agreement.

13. (a) This Agreement may be canceled in writing by EPC without prior notice, for refusal by the SUBCONTRACTOR to allow public access to all documents, papers, letter, or other material subject to the provisions of Chapter 119, Florida Statutes and made or received in conjunction with the Agreement. The EPC or other authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for five (5) years following Agreement completion.

(b) This Agreement may be canceled by either party upon no less than 30 days written notice, upon cause; notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery.

(c) In case of a cancellation, all unobligated funds as of the date of notice shall be returned to

EPC within 15 days for deposit in the Pollution Recovery Fund; and all documents, records, work accomplished, equipment, and other items prepared, purchased, or acquired pursuant to this agreement and in the possession of SUBCONTRACTOR shall be immediately forwarded and turned over to EPC.

(d) No changes, transfers, assignments, extensions, or other modifications of this Agreement shall be valid unless the same are in writing and signed by all parties.

(e) If SUBCONTRACTOR is cited, warned, or otherwise notified of or for having an environmental violation by any regulatory body, the EPC shall be notified within 15 days of the citation, warning, or other noticing document. A violation may be grounds for cancellation of this Agreement.

14. If any provision of this Agreement is found invalid or unenforceable by any court of competent jurisdiction, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this Agreement which shall continue in full force and effect, provided the rights and obligations of the parties contained herein are not materially prejudiced and that the intentions of the parties can continue to be effected. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida.

15. No person, on the grounds of race, creed, color, national origin, age, sex, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.

16. To the extent required by law, SUBCONTRACTOR will be self-insured against, or will secure and maintain during the life of this Agreement, Worker's Compensation Insurance for all of SUBCONTRACTOR's employees connected with the work of this project and, in case any work is subcontracted, SUBCONTRACTOR shall require the subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees unless such employees are covered by the protection afforded by SUBCONTRACTOR. Such self-insurance program or insurance coverage shall comply fully with the Florida Worker's Compensation law. In case any class of employees engaged in hazardous work under this Agreement is not protected under Worker's Compensation statutes, SUBCONTRACTOR shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the EPC, for the protection of the employees not otherwise protected.

**ENVIRONMENTAL PROTECTION  
COMMISSION OF HILLSBOROUGH  
COUNTY**

**SUBCONTRACTOR  
LVI ENVIRONMENTAL SERVICES, INC.**

By: \_\_\_\_\_  
Brian Blair, Chairman of the EPC

By: Tom Coon  
Tom Coon, Vice President

Date: \_\_\_\_\_

Date: 8/23/07

**APPENDIX A**  
**COST CHART BY QUANTITY ABATED**

**PRICING:**

The total supervision, labor, materials, OSHA air monitoring, equipment, disposal, and insurance costs necessary to complete this work as specified herein, shall be the sum of. . .

<b>Quantity in tons (acm waste)</b>	<b>Labor/Supervision</b>	<b>Equipment/Supplies</b>	<b>Disposal</b>	<b>Total Cost</b>
1-3	\$1200.00	\$500.00	\$250.00	\$1950.00
4-6	\$1900.00	\$700.00	\$575.00	\$3175.00
7-9	\$2500.00	\$1000.00	\$800.00	\$4300.00
10 or more	\$3050.00	\$1500.00	\$1425.00	\$5975.00

Prices above are based on materials being located in a central location and not spread out over a large area. If project requires a large area to be cleaned up a price will be agreed upon by the EPC and LVI prior to work beginning.

All final air clearance samples to be provided by a third party consultant (if required).  
LVI to provide water and electric (if required).

**SCHEDULE:**

To be determined per project.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 20, 2007

**Subject:** National Pollution Prevention Week Proclamation

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** Waste Management Division

**Recommendation:** Proclaim the week of September 17 – 23, 2007 as Pollution Prevention Week in Hillsborough County

**Brief Summary:** The third week in September is recognized as National Pollution Prevention (P2) Week. It is a time when businesses, environmental groups, and citizens join forces for a common cause. This year, efforts are being focused toward the health, lodging, and educational industries as to how they can help reduce or eliminate pollution sources from their respective facilities.

**Financial Impact:** No financial impact

**Background:**



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 20, 2007

**Subject:** Daniel and Celina Jozsi vs. James Winterroth and EPC Final Order hearing.

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** Wetland Management Division and Legal Department

**Recommendation:** Review the Hearing Officer's Recommended Order, Hear Oral Argument from the Parties, and Render a Final Order.

**Brief Summary:** On October 17, 2006, Daniel and Celina Jozsi filed an appeal challenging an Amended Consent Order (an agency settlement) entered into between James Winterroth and the EPC Executive Director regarding violations of the wetlands rule, Chapter 1-11, Rules of the EPC. The parties conducted an administrative hearing during the week of April 2, 2007. The Hearing Officer's Recommended Order found in favor of Winterroth and the EPC, thus upholding the Amended Consent Order. Pursuant to Chapter 1-2, Rules of the EPC, the Commission must adopt, reject, reverse, or modify the Recommended Order or the Commission can remand the case for more fact finding. The three parties have an opportunity to present oral argument on September 20, 2007. A Final Order must be approved by the Commission after hearing the arguments.

**Financial Impact:** No Financial Impact Anticipated

**Background:** Daniel and Celina Jozsi requested a Section 9 administrative appeal of a Consent Order entered into between James Winterroth and the EPC Executive Director regarding violations of the wetlands rule, Chapter 1-11, Rules of the EPC. The appeal was not timely filed and the EPC dismissed the appeal. On December 8, 2005, the Jozsis filed a judicial appeal of the order dismissing the appeal to the circuit court. The judicial appeal was transferred to the Second District Court of Appeal and that issue of timeliness is still before the Second District Court of Appeal. Nonetheless, on September 27, 2006, the EPC and James Winterroth entered into an Amended Consent Order. The Jozsis filed another Section 9 administrative appeal of the Amended Consent Order on October 17, 2006. The parties conducted an administrative hearing on the Section 9 appeal of the Amended Consent Order during the week of April 2, 2007.

The facts of the case are generally as follows. On November 21, 1996, Mr. and Mrs. Mayer entered into a consent order with the EPC for clearing and filling a seepage slope wetland on their undeveloped property in the Shadow Run Subdivision and adjacent to Lake Grady without EPC authorization. Mr. James Winterroth purchased the property from the Mayers, and on

August 30, 2005 he entered into a Consent Order with the EPC to take over the corrective actions that the Mayers did not fulfill. On September 27, 2006, Mr. Winterroth entered into an Amended Consent Order with the EPC that allows certain fill to remain in the wetland to allow for development of a single family home. The Amend Consent Order also requires Mr. Winterroth to restore portions of the wetland, remove exotics/nuisance vegetation, remove a limited amount of fill, stabilize the soil, and replant wetland vegetation. The appellants, Mr. and Mrs. Jozsi, live adjacent to the undeveloped Winterroth property. They challenged the Amended Consent Order on the grounds that allowing the fill to remain and allowing a proposed home and associated structures would lead to flooding or drainage impacts to their adjacent property. The parties conducted a final hearing during the week of April 2, 2007.

The Hearing Officer, Vanessa Cohn, issued a Recommended Order on May 31, 2007. The Hearing Officer found that that no competent, substantial evidence was presented that supports the Jozsis' allegation of injury in fact (e.g. - flooding or drainage impacts) and that the impacted seepage slope wetlands did not provide any significant flood water attenuation. Based on those findings, the Hearing Officer concluded that the Jozsis' have failed to show they have standing to appeal the Amended Consent Order because they did not "provide any evidence they will suffer injury from the proposed [amended] consent order." Finally, the Hearing Officer ruled that the "EPC enter a Final Order dismissing the Notice of Appeal of the Appellants based on lack of standing. In addition, the Final Order should incorporate the findings and conclusions contained within the Amended Consent Order."

The Jozsis filed exceptions to the Hearing Officer's Recommended Order and the EPC and Mr. Winterroth filed a joint response to those exceptions. Generally, the Jozsis state in the exceptions to the Recommended Order that the Hearing Officer applied the wrong legal standard for standing and that they have standing for an appeal as they are adjacent owners to the property in question. The Jozsis argue there will be, among other things, a decrease in the value of their home, drainage problems, and water quality problems on Lake Grady. The EPC and Mr. Winterroth responded to the exceptions and generally argued that the Commission cannot reevaluate the quantity or quality of the evidence, but may determine if it is competent and substantial. Thus, the EPC and Mr. Winterroth argue that the Commission may not modify the Hearing Officer's findings if they are supported by competent, substantial evidence, even if the Commission could reach an opposite conclusion based on the record. The Recommended Order, Exceptions, and Response to the Exceptions were directly filed with each Commissioner. The Hearing Officer's Recommended Order was transferred back to the Commission and is now before the Commission for consideration, along with the Exceptions and Response to the exceptions.

This unique final hearing process conducted by the Commission is facilitated by an impartial counsel to assist them in the process. Rick Muratti will assist the Commission in that process, while Andrew Zodrow shall be counsel and advocate for the EPC Wetlands Management Division. Counsel for the EPC, the Jozsis, and Mr. Winterroth may present oral argument to the Commission on issues raised in the exceptions to the Recommended Order. The Commission may set a time limit for each party to address them. The Commission must adopt, reject, reverse, or modify the Recommended Order via a Final Order or the Commission may remand the case for more fact finding. Pursuant to section 1-2.35, Rules of the EPC, assuming there is no remand, the Commission is charged with issuing a Final Order after hearing argument from all the parties during the Commission meeting dated September 20, 2007. Even though this is not a public hearing, the Commission has the discretion to allow the public to comment. If the public does comment on the case, the parties have an opportunity for a brief closing argument. No evidence may be taken by the Commission.



It is recommended that each of the three parties be given no more than 10 minutes to provide oral argument as to the issues reasonably raised in the exceptions to the Recommended Order. The Commission will then discuss and vote on the matter. Section 1-2.35, Rules of the EPC explains that the "Commission may reject, reverse or modify a finding of fact only if it finds that the fact is not supported by substantial competent evidence in the record." Furthermore, nothing in the Final Order can be contrary to the EPC Act or rules. Subsequent to the Board meeting, a Final Order will then be drafted, executed by the Chairman, and issued to the parties based on the decision of the Commission.

**List of Attachments:** Recommended Order, Exceptions, and Response to the Exceptions shall be provided as a supplement via compact disk to all Commissioners and all parties.

cc: Andrew Zodrow, Counsel for EPC  
Marsha Rydberg, Counsel for Jozsis  
Margaret Craig, Counsel for Winterroth



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 20, 2007

**Subject:** Consider Staff Recommendation to Conduct Time Study and Fee Revisions.

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  **Public Hearing** \_\_\_\_\_

**Division:** Finance and Administration

**Recommendation:** Concur with staff recommendation to conduct six month time study in order to recommend revisions to Chapter 1-6 (Fee Schedule)

**Financial Impact:** No Financial Impact

**Background:** The last time study and fee revisions were conducted in 2003. Staff is recommending that a six month study be conducted to determine average times required to provide certain user related services. At the conclusion of the six month period, updated actual costs and overhead and indirect costs for providing these services shall be calculated. Recommended revisions to Chapter 1-6 (Fee Schedule) will then be presented at a Public Hearing. Since considerable staff time will be involved in this process we are seeking EPC Board approval to conduct this study. The study will be conducted utilizing existing staff and no additional resources will be required.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 20, 2007

**Subject:** Wetlands hybrid project timeline.

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** EPC Legal Department and Wetlands Management Division

**Recommendation:** Information Report

**Brief Summary:** On August 16, 2007, in approving the wetland hybrid model, the Executive Director was requested to present timelines for completing tasks associated with the hybrid proposal. Below are the timeframe goals for accomplishing various projects assigned to the EPC staff.

**Financial Impact:** None.

**Background:** The following are the estimated timeframes that are intended to be completed under the wetland hybrid proposal:

Designate Wetlands Ombudsman	Completed
Revised Ch.1-11 adopted by Board	Completed
Established Technical Advisory Group	Completed
Tampa Port Authority Delegation	20-Sep-07
Stakeholders Advisory Group	20-Sep-07
Develop Online Application System	30-Sep-07
Agriculture rule public hearing	18-Oct-07
Public Works MOU	15-Nov-07
Submit DEP Delegation to state	13-Dec-07
Process Review Update to Board	13-Dec-07
Staff Review of EPC/WMD MOU	13-Dec-07
Quarterly Report to Board	21-Feb-08
Applicant's Handbook	21-Feb-08

Quarterly Report to Board	15-May-08
Mitigation Banking	15-May-08
ACOE Agreement	15-May-08
DEP Delegation finalized	15-May-08
Basis of Review: Reasonable Use Guidelines established	15-May-08
Wetland Review Timeframes by rule	15-May-08
Annual Report to Board	21-Aug-08

**List of Attachments:** None



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 20, 2007

**Subject:** Request to hold a public hearing on October 18, 2007 to approve amendments to the Wetlands Rule, Ch. 1-11, Rules of the EPC.

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** Wetlands Management Division and Legal Department

**Recommendation:** Hold a public hearing at the EPC Board Meeting on October 18, 2007, at 9 a.m., to consider amendments to the Wetlands Rule, Ch. 1-11, 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 Ch. 1-11, EPC Wetland Rule amendment public hearing at its regularly scheduled meeting on October 18, 2007, at 9 a.m. The rule amendment will involve agricultural issues as it relates to implementation of the Hybrid Plan approved at the EPC August 16, 2007 Board Meeting.

**Financial Impact:** No Financial Impact.

**Background:** On August 16, 2007, the EPC Board approved the Hybrid Model, a plan to streamline and clarify the EPC's wetlands regulatory rule, Chapter 1-11, Rules of the EPC. As part of the Hybrid Plan, the EPC will consider an amendment to Section 1-11.12 providing for the exemption of certain bona fide agricultural activities from portions of EPC's review of wetland impacts. The rule will undergo an informal public workshop on September 24, 2007 and will be presented to the Agricultural Economic Development Council.

Pursuant to Section 5.2 of the Hillsborough County Environmental Protection Act (EPC Act), 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 October 18, 2007, at 9 a.m.

**List of Attachments:** None



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 20, 2007

**Subject:** Hybrid Technical Advisory Group Update & Stakeholder Selection Options

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** Executive Director

**Recommendation:** Choose a method to select a Wetlands Advisory Committee or “Stakeholder” Committee to evaluate comprehensive wetland issues over a one year period.

**Brief Summary:** As part of the Hybrid Plan, a Wetlands Advisory Committee will be formed to evaluate comprehensive wetlands issues over the next year. Dr. Garrity will propose various options to the Board to select the committee.

**Financial Impact:** No Financial Impact.

**Background:** As one of the Customer Service changes in the approved Hybrid Plan, a Wetlands Advisory Committee will be created to evaluate comprehensive wetlands issues over the next year. The Committee will consist of an “inner circle” of technical experts and an “outer circle” of stakeholders. The technical experts, selected by Dr. Garrity, are known as the Technical Advisory Group and will be presented to the Commission at the meeting. The outer circle, known as the Stakeholders, will be selected by the Commission. There are several options that can be considered by the Commission in selecting the Stakeholder group. Three possible options are as follows:

1. Ask the existing Citizens Environmental Advisory Committee (CEAC) to serve in the capacity of the Stakeholder Committee.
2. Create a new Wetland Advisory “Stakeholder” Committee selected by the Commission.

3. Hold regular periodic advertised Stakeholder meetings where all interested stakeholders can attend and comment on rule amendment proposals, regulatory processes and evaluate comprehensive wetland issues throughout the Hybrid implementation period.

These and other options can be discussed at the meeting.

**List of Attachments:** Technical Advisory Group list

**Technical Advisory Group  
Environmental Protection Commission  
Hybrid Project**

<b>Appointee</b>	<b>Affiliation</b>	<b>Title</b>	<b>Years of Experience</b>	<b>Company/Department</b>
Armstrong, Marty PhD.	Private	President	>20	Armstrong Inc
Cook, Lee	Private	Consultant	>20	Quest
Courtney, Chuck	Private	Vice President	38	King Engineering Associates
Dougherty, Derek	Private	Professional Engineer	22	Brooks & Amaden, Inc.
Emory, Scott PhD.	Private	President	30	EIH Inc.
Evans, Rhonda	Gov	Chief Scientist Environmental Program	>20	Environmental Protection Agency Pinellas County Dept. of Environmental Mgmt.
Fehrman, Eric	Gov	Manager	10	Agriculture Economic Dev. Com. Hillsborough County
Gran, Steve	Gov	Director, AEDC Water Atlas,	9	
Griffin, Jim	Gov	Intergovernmental	>20	University of South Florida
Hodgson, Ann PhD.	Public	Director	>10	Audubon
Hubbell, Pete	Private	President Director of Tampa Service Office	>20	Water Resource Associates
Mas, Alba	Gov		>20	SWFWMD- Tampa Service Office
Meryman, Dale PhD	Private	President	38	Meryman Environmental, Inc. Hillsborouogh County Public Works/Stormwater
Mickel, Jason	Gov	Lakes Advisory	10	
Neldner, Tim	Private	Vice President	>20	Biological Research Associates
Tom Crisman PhD.	Gov	Professor	15	University of South Florida
Tom Ries	Private	Vice President	>20	Scheda Ecological Associates, Inc.
Wayne Richardson	Private	Consultant	10	Hills & Associates, Inc.





## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 20, 2007

**Subject:** Authorize the Executive Director to enter into an interlocal agreement delegating Tampa Port Authority permitting authority over “minor work permits” to the Environmental Protection Commission.

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** Wetlands Management Division / Legal Department

**Recommendation:** Authorize the Executive Director to enter into an interlocal agreement delegating Tampa Port Authority permitting authority over “minor work permits” to the Environmental Protection Commission

**Brief Summary:** The Tampa Port Authority (Port Authority) currently has jurisdiction to review impacts to submerged lands within the Port District. The Port Authority is intending on delegating Port Authority permitting authority over “minor work permits” to the EPC to streamline permitting and avoid confusion for applicants.

**Financial Impact:** No additional funds required because the Port Authority has agreed to fund the position for at least 18 months with funds not-to-exceed \$80,000 the first year.

**Background:** During the past year, the Port Authority and EPC have been working on the terms of an interlocal agreement for the delegation of permitting authority for the minor work permits to EPC. This transfer will create a “one-stop” permitting process that should increase efficiency, consolidate residential reviews essentially within one agency, and eliminate confusion as to the responsible agency.

The Port Authority has permitting authority over the filling, dredging, development, and construction of submerged lands located within the Port District, defined as Hillsborough County, and bordering on or in the “waters of the district.” The term “waters of the district” is defined in the Port Authority’s Enabling Act as “*all waters within the Port District which are affected by the ebb and flow of the tide; Lake Thonotosassa; Lake Keystone; and those portions of the Hillsborough River, Alafia River, and Little Manatee River within the Port District upstream from Tampa Bay to the limits of sovereign submerged land ownership.*” However, the Port Authority does not have jurisdiction on non-navigable lakes in Hillsborough County. Activities in wetlands on these waterbodies are currently reviewed by the EPC.

The Port Authority's Enabling Act creates two types of permits; standard work permits and minor work permits. Minor work permits are limited to "projects of such extent and nature that they may be expected to have no significant environmental or hydrographic impact." The Port Authority's Enabling Act further requires that the Port Authority forward copies of both types of permit applications to the EPC for comments or objections. EPC then reviews applications for possible impact to wetlands, sea grasses, and shoreline vegetation as well as water quality and submerged resources. After review of the application and site visit, EPC transmits its comments, conditions or objections by letter to the Port Authority. This process includes the sovereign lakes of Keystone and Thonotosassa; however, EPC issues authorizations for docks on non-sovereign lakes in Hillsborough County. Therefore, applicants are often uncertain as to which permitting agency has jurisdiction over their Hillsborough County project

The proposed delegation from the Port authority would only be for minor work permits, which include residential docks and seawalls as well as minimal maintenance dredge and fill projects. The new EPC minor work permit application process should expedite the permitting process by consolidating in one governmental entity the responsibilities for issuing minor work permits and inspection for wetlands impacts thereby eliminating duplication of effort and resources. The Port Authority will retain permitting jurisdiction over all standard work permits such as channel dredging, marinas, and commercial marine structures.

The Port Authority and EPC held a workshop on November 9, 2006 on the proposed delegation and terms of the interlocal agreement. The terms of the interlocal agreement include: a) the Port Authority and EPC staffs conducting joint training to ensure that EPC staff members are qualified to review minor work permit applications; the Port Authority funding, not-to-exceed \$80,000 the first year, for training designated EPC staff; and EPC assuming responsibility to manage and issue permits. In addition, the Port Authority and EPC will undertake a permit fee study to ensure that EPC recovers its costs for handling the minor work permit applications. On September 10, 2007, the Port Authority conducted a noticed public hearing to receive public comment on the proposed delegation. Staff recommends the EPC authorize the Executive Director to enter into an interlocal agreement wherein the EPC Wetlands Management Division and the Executive Director will be delegated authority over Port Authority minor work permits.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 20, 2007

**Subject:** EPC/SWFWMD 2005 Memorandum of Understanding – Performance Review

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** Legal Department

**Recommendation:** Informational Report

**Brief Summary:** After passage of the Hybrid Plan on August 16, 2007, the Commission passed a motion to have a performance review conducted by the SWFWMD auditor of the Memorandum of Understanding between the SWFWMD and EPC. On August 28, 2007 the SWFWMD Governing Board voted not to have its inspector general conduct this review. The Water Management District offered to provide any data or information necessary should the County seek to undertake this review from an outside auditor. Dr. Garrity has arranged with the SWFWMD Deputy Executive Director of Resource Regulation to coordinate a staff to staff review of the MOU and will report back to the Commission on the results.

**Financial Impact:** No Financial Impact

**Background:** After passage of the Hybrid Plan on August 16, 2007, the Commission passed a motion to have a performance review conducted by the SWFWMD auditor of the Memorandum of Understanding between the SWFWMD and EPC. The verbatim transcript of the motion is attached for review. On August 29, 2007 Dr. Garrity followed up on this motion and sent the attached letter requesting this review to SWFWMD's Executive Director. The request was brought to the SWFWMD's Governing Board and discussed in detail. The Governing Board voted not to have its inspector general conduct this review due to workload and budgetary constraints. SWFWMD's Executive Director sent the attached letter of August 31, 2007 indicating this result and offering his staff's cooperation in providing and data and information necessary should the county choose to seek an outside auditor for this purpose. Dr. Garrity has arranged with the Deputy Executive Director of Resource Regulation to coordinate a staff to staff review of the MOU and will report back to the Commission on the results.

**List of Attachments:** August 16, 2007 motions via verbatim transcript  
August 29, 2007 letter from Dr. Garrity to Dave Moore  
August 31, 2007 response from Dave Moore to Dr. Garrity  
with attached Governing Board minutes

**Environmental Protection Commission  
August 16, 2007 Public Hearing  
Approved Motions (2)**

**First motion:**

>>BRIAN BLAIR: I MOVE THAT WE ACCEPT DR. GARRITY'S HYBRID PLAN WITH THE -- WELL, THAT WE ACCEPT DR. GARRITY'S PLAN, AND WOULD YOU LIKE TO STATE THE -

>>RICHARD TSCHANTZ: AND MOVE FORWARD -

>>BRIAN BLAIR: WITH RULE NUMBER --  
TSCHANTZ YEAH, AND MOVE FORWARD WITH THE FIRST PHASE OF THE HYBRID RULES THAT IMPLEMENTS THAT PLAN, WHICH IS 1-11.09, .10, AND .11 THAT WAS PRESENTED TO YOU TODAY.

>>BRIAN BLAIR: EXACTLY.

>>AL HIGGINBOTHAM: WE HAVE A MOTION ON THE FLOOR.  
IF THERE ARE NO FURTHER QUESTIONS, RECORD YOUR VOTES.

>>RECORDING SECRETARY: **THE MOTION CARRIED 7-0.**

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**Second motion:**

>>BRIAN BLAIR: OKAY.  
THEN I'LL MAKE A SUBSTITUTE MOTION THAT WE HAVE OUR PERFORMANCE AUDITOR, AS MR. TSCHANTZ STATED, TO WORK WITH THE LETTER OF UNDERSTANDING, TO WORK WITH THE MOU.  
IS THAT HOW YOU PHRASED IT?

>>RICHARD TSCHANTZ: TO HAVE A PERFORMANCE REVIEW BY THE SWFWMD INTERNAL AUDITOR OF THE MOU BETWEEN SWFWMD AND EPC.

>>BRIAN BLAIR: CORRECT.  
AND IF YOU FEEL THAT YOU WANT ANYTHING ELSE DONE, PLEASE BRING IT BACK TO THE BOARD.  
>> SECOND.

>>BRIAN BLAIR: OKAY.

>>AL HIGGINBOTHAM: WE HAVE A MOTION.

>>RECORDING SECRETARY: **MOTION CARRIED.**  
I'M SORRY.

>>ROSE FERLITA: **CARRIED 6-1.**

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



Roger P. Stewart Center  
3629 Queen Palm Dr. • Tampa, FL 33619  
Ph: (813) 627-2600  
Fax Numbers (813):  
Admin. 627-2620 Waste 627-2640  
Legal 627-2602 Wetlands 627-2630  
Water 627-2670 ERM 627-2650  
Air 627-2660 Lab 272-5157

Executive Director  
Richard D. Garrity, Ph.D.

August 29, 2007

Dave Moore  
Executive Director  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, FL

Re: Memorandum of Understanding Between the Southwest Florida Water Management District and the Environmental Protection Commission of Hillsborough County Regarding Coordination of Regulatory Activities, dated October 19, 2005

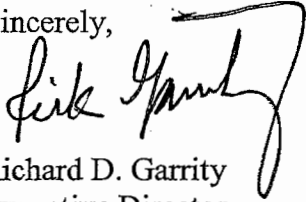
Dear Mr. Moore:

As you know, the District and the EPC entered into the Memorandum of Understanding (MOU) referred to above on October 19, 2005 in order to coordinate regulatory activities between our two agencies. The MOU was incorporated by reference into Rule 40D-4.091, F.A.C. Our agencies have been operating under the MOU now for almost two years. As you also are aware, the Board of the EPC has recently been discussing the issue of improving efficiency and eliminating perceived duplicative regulation between the EPC and its State and Regional partners. Along these lines, the EPC met on August 16, 2007 and unanimously approved the attached Hybrid Option Plan for our agency to implement over the next year. We have had several discussions with you and your staff over the last few months while we were developing the plan and we will be working hard to successfully implement its provisions.

At the August 16<sup>th</sup> meeting, the EPC discussed the MOU. The Commission voted to request that the District ask its Internal Auditor to conduct a performance review of the MOU between the District and EPC. Please accept this correspondence as the Commission's formal request to conduct such a review. I will commit my staff's full cooperation with the District's auditor. Please let me know if the District is willing to

accept this request for a performance review of the provisions of the MOU and whether you need any further information to obtain the necessary authorization.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Garrity", written over a horizontal line.

Richard D. Garrity  
Executive Director

cc: EPC Board  
Bob Stetler, EPC  
Tom Koulianos, EPC  
Richard Owen, SWFWMD  
Kurt Fritsch, SWFWMD



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# Southwest Florida Water Management District

**Barrow Service Office**  
170 Century Boulevard  
Barrow, Florida 33830-7700  
(863) 534-2448 or  
1-800-492-7662 (FL only)  
SUNCOM 572-6200

**Leclanto Service Office**  
Suite 226  
3600 West Sovereign Path  
Leclanto, Florida 34461-8070  
(352) 527-8131

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)  
On the Internet at: WaterMatters.org

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(841) 377-3722 or  
1-800-320-3503 (FL only)  
SUNCOM 531-6900

**Tampa Service Office**  
7501 Highway 301 North  
Tampa, Florida 33637-6769  
(813) 885-7481 or  
1-800-836-0797 (FL only)  
SUNCOM 578-2070

August 31, 2007

- Judith C. Whitehead**  
Chair, Hernando
- Nell Combee**  
Vice Chair, Polk
- Todd Pressman**  
Secretary, Pinellas
- Jennifer E. Clonchey**  
Treasurer, Hillsborough
- Thomas G. Dabney**  
Sarasota
- Patricia M. Glass**  
Manatee
- Heidi E. McCree**  
Hillsborough
- Ronald E. Oakley**  
Pasco
- Sally Parks**  
Pinellas
- Maritza Rovira-Porlino**  
Hillsborough
- Patsy C. Symons**  
DeSoto

- David L. Moore**  
Executive Director
- William S. Blenky**  
General Counsel

Richard D. Garrity, Ph.D., Executive Director  
Hillsborough County Environmental Protection Commission  
Roger P. Stewart Center  
3629 Queen Palm Drive  
Tampa, Florida 33619

Dear Dr. Garrity:

*Richte*

I am writing in response to your August 29, 2007 letter regarding the Memorandum of Understanding (MOU) between the Southwest Florida Water Management District and the Environmental Protection Commission of Hillsborough County regarding coordination of regulatory activities.

At its August 28, 2007 meeting, the District Governing Board was provided a staff briefing on the recent actions of the Hillsborough County Environmental Protection Commission (EPC) concerning its wetlands protection program, including the motion passed by the EPC Board at its August 16, 2007 meeting to request the District's inspector general conduct a performance review of the MOU. The Governing Board voted to not have its inspector general conduct this review. Rather, the Board expressed that this responsibility lies with Hillsborough County and the County should seek an outside auditor.

As you requested in your recent phone conversation with my staff, enclosed is a verbatim record of the motion that was passed by the Governing Board.

I want to emphasize to you that we will provide any data and information necessary should the County pursue conducting an audit on its own initiative. In addition, we look forward to working with the EPC in the further development and implementation of the "Hybrid Plan" approved by the EPC Board.

Sincerely,

David L. Moore  
Executive Director

DLM:RSO:cls  
Enclosure

cc: Governing Board Members  
Kurt Fritz, Inspector General  
Richard S. Owen, Deputy Executive Director

REC'D

SEP 05 2007

ENV. PROT. COMM.  
OF H.C.

SWFWMD Governing Board Meeting, August 28, 2007

Motion heard at the end of the Regulation Committee:

Mr. Owen explained that Hillsborough County asked to have our Inspector general, Kurt Fritsch, assist them in conducting an audit of their activities under an existing Memorandum of Understanding we have with them where they assist us in applying our wetlands regulation program in Hillsborough County.

Ms. Closshey said she would like to make a few comments. She said in her point of view the responsibility for that audit would lie with Hillsborough County and she would like for them to know now that it is generally the consensus of the Board, if we are in agreement with that, and let them (Hillsborough County) go ahead and seek an outside auditor. Of course, our agency would be cooperative and assist in any aspect of the audit that would be necessary, but I would like to give them some feedback, because this is an issue they are wrestling with and we could save everyone a lot of time if that is where we generally are because when we look at the workload that we already provided to our inspector general office in general we would have to go through a complete revamping of that and what would we do about those very valuable services to our own District if we were to substitute that in lieu of our own workload. Our budget is already established at the current workload and that would cause us such undo hardship.

Ms. McCree said, if that were in a form of a motion, she would second it.

Ms. Closshey said that is a motion. Ms. McCree seconded the motion. The motion carried. For the record, Mr. Pressman recused himself from voting on the item.





## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** September 20, 2007

**Subject:** Seagrass Management Action Plan

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** Environmental Resources Management

**Recommendation:** Approve the Seagrass Management Action Plan

**Brief Summary:** In order to support initiatives for seagrass protection and restoration efforts within the Hillsborough County portion of Tampa Bay and in accordance with Chapter 1-11, Rules of the EPC, staff of the EPC have developed a seagrass management action plan which focuses on protecting certain seagrass resources in Hillsborough County waters. The EPC Board accepted a draft version of the plan on April 19, 2007 and directed staff to take public comment on the plan.

**Financial Impact:** No Financial Impact for approving the development and adoption of the plan. Any future financial impacts would be related to implementation of any number of recommended actions including, but not limited to: establishing a Pole & Troll zone for seagrass protection within the Cockroach Bay Aquatic Preserve; installing associated signage; encouraging greater on-water enforcement of state and local environmental laws in the coastal waters by law enforcement agencies.

**Background:** Seagrasses have been identified as critical resources in many estuary management programs because of the habitat they provide for many important fish and shellfish species and because they contribute to estuarine productivity, help to stabilize bay-bottom sediments, and serve as sensitive early-warning indicators of water quality degradation. Furthermore, healthy seagrasses support local tourism and fishing industries. In the case of Tampa Bay, the Tampa Bay Estuary Program (TBEP) has adopted a number of quantitative seagrass protection and restoration goals as part of its overall bay management program. In order to support initiatives for seagrass protection and restoration efforts within the Hillsborough County portion of Tampa Bay and in accordance with Chapter 1-11, Rules of the EPC, staff of the EPC have developed a Seagrass Management Action Plan which is focused on issues affecting seagrass resources in Hillsborough County waters. The EPC Board accepted a draft version of the plan on April 19, 2007 and directed staff to take public comment on the plan. The plan has been presented at public workshops and the EPC staff has taken public comment on the plan.

EPC staff recommends approval of the Seagrass Management Action Plan.

**List of Attachments:** Seagrass Management Action Plan to be provided in a supplemental packet