

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
OCTOBER 18, 2007
9 AM**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

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

I. PUBLIC COMMENT

Chairman's Statement: The Board welcomes comments from citizens about any issue or concern. Your opinions are valued in terms of providing input to the Board members. However, it is requested at the same time when you address the Board that comments are not directed personally against a Commissioner or staff member, but rather directed at the issues. This provides a mutual respect between the Board members and the public. When addressing the Board please state your name and address and speak clearly into the microphone. Three (3) minutes are allowed for each speaker.

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Report from the Chair – David Jellerson

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

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SEPTEMBER 20, 2007 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting and Public Hearing, scheduled for Thursday, September 20, 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, Al Higginbotham, Jim Norman, Mark Sharpe, and Kevin White.

The following member was absent: Commissioner Ken Hagan.

Chairman Blair called the meeting to order at 9:05 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, clarified the proclamation was Item IV, not Item VI. **Commissioner White moved approval, seconded by Commissioner Norman, and carried six to zero.** (Commissioner Hagan was absent.)

PUBLIC COMMENT

EPC General Counsel Richard Tschantz requested Ms. Helga Sanchez, 12917 Shadow Run Boulevard, president of the Shadow Run Homeowners Association, withhold her comments until the Daniel and Celina Jozsi versus James Winterroth and EPC issue was addressed. Ms. Marilyn Smith, County resident, opined EPC was loosening a rule that should not be loosened; stated the word reasonable provided a way to get out of a contract and should be eliminated from the new wetland rule; perceived Southwest Florida Water Management District (SWFWMD) was not the County guardian; recalled SWFWMD permitted an engineering firm to fill a live, viable creek; and pointed out SWFWMD had ignored EPC staff who had worked to restore the creek.

PROCLAMATION

National Pollution Prevention Week Proclamation - Mr. Hooshang Boostani, Director, EPC Waste Management Division, stated the week of September 17-23, 2007, was proclaimed National Pollution Prevention Week to promote pollution prevention as an effective tool against pollution. Pollution prevention displays were set up in the County Center lobby and Roger P. Stewart Center for people to receive pollution prevention information. Chairman Blair presented the proclamation proclaiming the week of September 17-23, 2007, as Hillsborough County Pollution Prevention Week, to Mr. Gerardo Javier, EPC staff.

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CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report From the Chairman, David Jellerson - Mr. Jellerson reported on the September 10, 2007, CEAC meeting, noting EPC staff provided an update of the wetlands hybrid plan. Most of the meeting focused on the review of the pollution recovery fund (PRF) grant applications. Grant recommendations would be presented to EPC in October 2007, along with EPC staff recommendations.

CONSENT AGENDA

- A. Approval of minutes: August 16, 2007, and September 6, 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 South Bay Corporation and Industrial Park Incorporated and The James Group LLC.
- G. Authorize contract to remove and dispose of illegally dumped asbestos.

Commissioner Norman moved the Consent Agenda, seconded by Commissioner White, and carried six to zero. (Commissioner Hagan was absent.)

PUBLIC HEARING

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 - Attorney Rick Muratti, EPC Legal Department, explained the process, gave a brief explanation of the case, reminded EPC members that Chapter 1-2 only allowed the EPC to reject, reverse, or modify the hearing officer findings of fact, if the finding was not supported by competent substantial evidence in the record, suggested public comment be held according to Chapter 1-2 after the initial oral arguments, and recommended ten minutes for each of the three attorneys, allow public comment, and two or three minutes for rebuttal.

Following discussion, Chairman Blair preferred ten minutes for each attorney and three minutes for rebuttal, with public comment before rebuttal. Attorney Marsha Rydberg, 201 North Franklin Street, Suite 1625, representing the Jozsis, objected to procedure. Noting there had been a public comment section, **Commissioner Norman moved to leave the time as the attorney suggested, make it three parts, and open the opportunity as Chairman Blair suggested--ten, ten, and three minutes--as laid out earlier. Commissioner White seconded the motion.** Attorney Muratti agreed each party should have an

opportunity to be heard. Chairman Blair said the motion was for ten minutes, three minutes, and public comment. **The motion carried six to zero.** (Commissioner Hagan was absent.) Chairman Blair stated no new evidence could be presented and arguments should relate to issues reasonably raised in the exceptions to the recommended order.

Attorney Andrew Zodrow, EPC Legal Department, representing the Division Director, EPC Wetlands Management Division, explained the administrative hearing and appeal process and noted EPC was bound by the decision of the hearing officer, as long as that decision was based on competent evidence. The way the hearing officer made the findings of fact prevented them from being changed. The appellants did not challenge any individual findings of fact. The conclusions of law provided that exceptions to conclusions of law were to be limited to the hearing officer's application of the existing rules to the facts as found. The appellant alleged standing in the appeal, which created an evidentiary question; the hearing officer found no standing.

Attorney Margaret Craig, with Bricklemyer, Smolker, and Bolves, P.A., representing the respondent, Mr. James Winterroth, outlined the case history and EPC rules and stated the hearing officer considered the evidence and rejected the appellants contentions regarding flooding of their property. Allegations regarding devaluation of their property were directly contradicted by documentation from the Property Appraiser's Office. Standing required more than proximity, and even an adjacent property owner must demonstrate adverse impacts. Attorney Craig agreed with Attorneys Muratti and Zodrow's explanation of the law regarding standing and governing the EPC review of recommended orders. Attorney Craig had submitted a proposed final order through Attorney Muratti for EPC consideration, which adopted the findings of fact and conclusions of law of the hearing officer and rejected the exceptions filed by the appellants, and requested EPC consider the proposed final order.

Regarding public comment, Attorney Craig objected to Ms. Jozsi being allowed to make any public comment, since she was a party in the case and was represented by counsel. Attorney Muratti recommended EPC witnesses not discuss the matter during the hearing.

Attorney Rydberg distributed written information; confirmed information was not new evidence; opined the hearing officer reached for a legalese concept of standing, because the Jozsis proved a home could be built on the site without impacting the wetlands; commented on standing, administrative review, notice, and hearing officer findings of fact; and perceived encroaching into the wetlands would create a precedent that would destroy land around the lake.

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In answer to Commissioner Norman, Attorney Muratti said there would be no harm in allowing Ms. Jozsi to speak, if new evidence was not presented. **Commissioner Sharpe moved to allow her to speak, so long as she stuck with the record, seconded by Commissioner Higginbotham, and carried six to zero.** (Commissioner Hagan was absent.)

Chairman Blair called for public comment. The following people supported the appellants' position: Ms. Sanchez, president, Shadow Run Homeowners Association; Ms. Michelle Jimenez-Rivera, County resident; Ms. Jozsi; Mr. Bradley Schafer, business professor, University of South Florida; and Mr. Jerry Siebel, retired college professor, who submitted a timeline of events. Issues included wetlands protection, equal application of the law, property values, other property owners forced to downsize and configure their residences, cost to mitigate and reestablish and maintain wetlands destroyed by others, errors made by EPC, and evidence presented for the amended order.

In rebuttal, Attorney Zodrow outlined the EPC role, stated the appellants' representative did not indicate why the findings of fact made by the hearing officer were not based on competent evidence, and pointed out information presented could not be considered, even if the EPC Board had a different opinion. Attorney Zodrow agreed with the terms and language of the proposed order submitted by Attorney Craig.

Attorney Craig stated the purpose of the hearing and explained the hearing officer's recommended order must be upheld when the standard of review and law were applied.

Attorney Rydberg perceived the hearing officer failed to make a finding of fact regarding precedent, and thus, the EPC Board could make the finding about that, and opined the hearing officer made an inaccurate conclusion of law regarding standing and notice.

Attorney Muratti recommended EPC adopt the hearing officer recommended order in full, and reject the Jozsis exceptions for the reasons discussed. Chapter 120 proceedings applied in case law as opposed to land use law under Chapter 163. The respondent had not proved standing, because they had not proved injury. In reply to Commissioner Higginbotham, Attorney Muratti explained EPC wetland rules were established to look at flooding of other wetlands-- environmental impacts, not property impacts.

After hearing the testimony and reading the information, Commissioner Ferlita perceived the appellant had not showed standing, because she had not seen any evidence of environmental impacts; property values or impact on property

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values was mentioned, but wetland rules did not deal with property values and economic considerations; and the appellant had not presented competent substantial evidence of future flooding impacts. The previous owner impacted wetlands on the property, and the current owner was trying to address restoration. Commissioner Ferlita said the EPC was to determine whether the hearing officer conclusions and recommended orders were based on competent substantial evidence and findings of fact. Based on that, **Commissioner Ferlita moved to support the conclusions of the hearing officer, seconded by Commissioner Sharpe.** Commissioner Norman asked what the next step would be for the perceived injured party. Attorney Muratti said if the appellants wanted to further challenge the final order, the next step was the Second District Court of Appeals. Regarding notice and rights of neighbors, Commissioner Ferlita said if the issue were zoning, the neighbor would have every right to oppose the request on a different basis. **The motion carried six to zero.** (Commissioner Hagan was absent.)

ADMINISTRATION

Consider Staff Recommendation to Authorize Staff to Conduct a Time Study for the Purpose of Amending Chapter 1-6, Fee Schedule - Mr. Tom Koulianos, Director, EPC Finance and Administration, explained staff usually would prepare the time and motion study, do the analyses of costs for various activities performed, and present recommended fee changes to EPC. Since the last time analyses were prepared in 2003, staff wanted EPC support to perform the analyses, which would be completed at no additional cost using existing staff. The process would take six months. If adjustments to the fee schedule were necessary, staff would present the recommendations in the spring of 2008. **Commissioner White moved to authorize staff to conduct the study, seconded by Commissioner Higginbotham, and carried five to zero.** (Commissioner Norman was out of the room; Commissioner Hagan was absent.)

EXECUTIVE DIRECTOR

WETLANDS HYBRID PLAN UPDATE

Hybrid Plan Milestones - Dr. Garrity updated EPC on the milestones for the next year, as provided in agenda material. Three items had been completed. Dr. Garrity had anticipated having Department of Environmental Protection (DEP) delegation by the end of 2007. Discussions with DEP had been positive, but DEP had innumerable public notification requirements built into their delegation process, because of which the actual delegation would not take place until approximately May 2008.

Request for October 18, 2007, Public Hearing, Chapter 1-11 Agriculture Rule Amendment - Attorney Tschantz asked authorization to go forward and hold the workshops and come back to EPC on October 18, 2007. **Commissioner Ferlita moved as requested, seconded by Commissioner Sharpe, and carried five to zero.** (Commissioner White was out of the room; Commissioner Hagan was absent.)

Hybrid Plan Technical Advisory Group Update and Stakeholder Selection Options - Mr. Robert Stetler, EPC staff, explained the technical advisory group would consist of an inner circle of experts to help staff look at certain controversial and complex subjects. Staff would decide how those recommendations might change policy or develop rules and present those to EPC for approval. Many of the members served in advisory groups used by other agencies. The technical advisory group would address difficult issues like mitigation banking, wetlands classifications, et cetera.

Attorney Tschantz said the second part of the item required EPC action to set up the outer group or stakeholder group, whose purpose would be to comment on the proposed rules or issues brought up under the hybrid plan. Staff would listen to those comments and decide whether they should be included in the proposed rules. Possible options to select the stakeholder group were (1) asking CEAC to serve in the capacity of stakeholder committee; (2) creating a new wetland advisory stakeholder committee selected by EPC; or (3) holding regular advertised stakeholder meetings where all interested stakeholders could attend and comment on rule amendment proposals and regulatory processes and evaluate comprehensive wetland issues throughout the hybrid implementation period.

Commissioner Sharpe stated Option 1 would also provide Option 3, because EPC established CEAC and interested parties could speak during public comment; public notice could be made, so people could attend the CEAC meeting when a specific item was discussed. Attorney Tschantz said additional notice might be required but could be done. Commissioner Sharpe moved to opt for Option 1, which was to use CEAC, but also publicly notice meetings where the hybrid was being discussed, so that other interested parties would have every opportunity to make their voices heard. Commissioner Ferlita seconded the motion for discussion. (The second was subsequently withdrawn.) Commissioner Ferlita said if CEAC members found the meetings became too lengthy and did not want to be involved in part of that, a subcommittee could be considered for specific issues, with appointments by EPC members. The suggestion was not an amendment to the motion.

Commissioner Higginbotham was leaning toward setting up another group. Commissioner Norman wanted a more independent review of issues, like the Board of County Commissioners (BOCC) Citizens Advisory Committee (CAC). A competent subcommittee set up by the CAC would also work, which would include appointments by the BOCC, and would have merit. The CAC met in the County Center, brought in experts, and were sophisticated in their approach to issues.

Chairman Blair commented on the number of people who wanted to become involved in the process. Commissioner Ferlita urged that municipalities be represented. Commissioner Norman perceived a new committee should be established and that municipalities should be asked to appoint a representative. **Commissioner Ferlita made a substitute motion to create a new committee dealing specifically with the hybrid and issues that would ensue from that, the same composition and makeup as the CEAC committee, and each EPC member and three cities had the opportunity to appoint new members, the old members, or whatever they chose in terms of formulation, so in fact it was a new committee but perhaps with some of the same players.** Commissioner Higginbotham supported the motion.

Commissioner Sharpe opined EPC should defer to the standing committee, noted CEAC bylaws, purpose, and scope, and pointed out CEAC was tasked with looking at environmental issues. Commissioner Ferlita stated she had withdrawn her second to Commissioner Sharpe's motion. Following discussion, Commissioner Norman suggested the meetings be held on the same day as CEAC meetings. **Commissioner Ferlita agreed. Commissioner Higginbotham seconded the motion.** Chairman Blair said the motion provided a choice for EPC members to ask their CEAC appointments to remain on the new technical board or choose other individuals that would like to get involved. **The substitute motion carried four to one; Commissioner Sharpe voted no.** (Commissioner White was out of the room; Commissioner Hagan was absent.) Chairman Blair said one representative would be included for each municipality, and they would have the option of keeping their same representative. Attorney Tschantz requested appointments by the October 2007 EPC meeting.

Tampa Port Authority (TPA) Minor Works Permits Delegation - Dr. Garrity said TPA approved a delegation agreement and had passed that to EPC, which EPC could endorse. Commissioner Ferlita stated TPA would delegate the process for minor work permits to EPC staff, and TPA would salary one EPC employee. As the TPA representative, Commissioner Ferlita said everyone was delighted about the delegation, because duplication would be eliminated. Mr. Koulianos

explained revenue and expenditure would be included in the recommended budget for 2008. The Civil Service Board had been cooperative in fast tracking the position through the Civil Service system to save one individual identified for reduction in workforce at the end of the month. Attorney Tschantz requested authorization for Dr. Garrity to enter into the interlocal agreement with the TPA executive director. **Commissioner Higginbotham so moved, seconded by Commissioner Ferlita, and carried five to zero.** (Commissioner White was out of the room; Commissioner Hagan was absent.)

SWFWMD Performance Review of Memorandum of Understanding (MOU) - Dr. Garrity introduced the item. Attorney Tschantz recalled EPC action to have a performance review by the SWFWMD internal operator of the MOU between EPC and SWFWMD staff about how to mitigate and monitor compliance and other things EPC did with SWFWMD and the wetland program to avoid duplication. The exchange of letters to carry that out was provided in agenda material, page 53. SWFWMD decided not to assign their internal auditor to do that, but SWFWMD would be cooperative and provide data or anything needed for the County to accomplish that. Dr. Garrity had since had a conversation with Mr. Richard Owen, SWFWMD, and they agreed to have staff-to-staff review of the MOU and present results to the EPC.

Commissioner Norman opined there had been a breakdown in communication, because SWFWMD perceived the County was asking the SWFWMD performance auditor to do the work. Chairman Blair concurred and recalled the intent had been for SWFWMD to assist. Dr. Garrity stated SWFWMD had voted on the issue before receiving the letter from EPC; he would meet with SWFWMD. Commissioner Ferlita clarified she did not support the intent, she supported the verbalization of what she had asked Dr. Garrity to repeat, and then supported the motion; however, Dr. Garrity did not need to provide an interpretation that was different from the transcript and the language in the motion.

Commissioner Norman referenced the new hybrid plan and explained he had attempted to get a baseline for the wetlands to learn whether the new plan was good or bad for the environment. Staff could provide that information in writing. Commissioner Ferlita said a new process or reconfiguration needed a record of accomplishment before a valid assessment or evaluation could be provided; benchmarks were imposed in the hybrid plan.

Dr. Garrity said that new measurements had been discussed to show what the new hybrid plan was accomplishing for the environment, environmental protection, and wetland resources. Agencies had not embarked on those type measurements. Dr. Garrity and Mr. Stetler had discussed additional measurements to provide

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what EPC members were discussing and would present that information to EPC. In response to Chairman Blair, Attorney Tschantz explained SWFWMD had said if the County wanted to audit the MOU, SWFWMD would provide data and information necessary to carry out the audit but would not conduct the audit. Mr. Stetler said EPC had a good tracking system but had not asked the right questions in that system; those things were being built into the system now. Staff would provide an update.

ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION

Consider Approval of Seagrass Management Action Plan - Mr. Tom Ash, EPC staff, presented the item and requested approval of the plan to provide staff the tool to help manage the seagrass resources within the County. A comprehensive update would be presented in April 2008. Chairman Blair stated *The Tampa Tribune* had written a good article on improvement of the seagrasses. In reply to Commissioner Higginbotham, Mr. Ash said approval would implement the process to continue studying pole and troll. Following discussion, **Commissioner Higginbotham moved approval of staff recommendation, seconded by Commissioner Ferlita, and carried five to zero.** (Commissioner White was out of the room; Commissioner Hagan was absent.) As requested by Chairman Blair, Dr. Garrity said Pinellas County Environmental Foundation was a main contributor to support funding the plan.

There being no further business, the meeting was adjourned at 11:24 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

sd

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION

September FY 2007

A. Public Outreach/Education Assistance:		
1. Phone Calls:		165
2. Literature Distributed:		<u>2</u>
3. Presentations:		<u>0</u>
4. Media Contacts:		<u>2</u>
5. Internet:		<u>60</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>1</u>
		<hr/>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		6
b. Construction:		<u>5</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>1</u>
e. General:		<u>2</u>
f. Title V:		<u>10</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		9
b. Construction ¹ :		<u>0</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>1</u>
e. Title V Operating ² :		<u>0</u>
f. Permit Determinations ² :		<u>0</u>
g. General:		<u>0</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		<u>4</u>
2. On-going administrative cases:		
a. Pending:		7
b. Active:		<u>24</u>
c. Legal:		<u>2</u>
d. Tracking compliance (Administrative):		<u>16</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>49</u>
3. NOIs issued:		<u>2</u>
4. Citations issued:		<u>0</u>

5.	Consent Orders Signed:	<u>2</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$33,833.00</u>
7.	Cases Closed:	<u>3</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>12</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>0</u>
c.	Major Sources	<u>2</u>
3.	Asbestos Demolition/Renovation Projects:	<u>14</u>
E.	Open Burning Permits Issued:	<u>2</u>
F.	Number of Division of Forestry Permits Monitored:	<u>342</u>
G.	Total Citizen Complaints Received:	<u>49</u>
H.	Total Citizen Complaints Closed:	<u>35</u>
I.	Noise Sources Monitored:	<u>11</u>
J.	Air Program's Input to Development Regional Impacts:	<u>1</u>
K.	Test Reports Reviewed:	<u>0</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>7</u>
2.	Warning Notices Resolved:	<u>2</u>
3.	Advisory Letters Issued:	<u>9</u>
M.	AOR's Reviewed:	<u>19</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>2</u>
O.	Planning Documents coordinated for Agency review.	<u>1</u>

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

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	<u>\$0.00</u>
(b) all others	<u>\$0.00</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	<u>\$0.00</u>
(b) class A2 facility - 5 year permit	<u>\$0.00</u>
(c) class A1 facility - 5 year permit	<u>\$0.00</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$2,640.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$7,160.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$80.00</u>
4. Non-delegated permit revision for an air	<u>\$0.00</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$0.00</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$3,800.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$300.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$600.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$2,000.00</u>
8. Open burning authorization	<u>\$1,200.00</u>
9. Enforcement Costs	<u>\$779.35</u>

MEMORANDUM

DATE: October 10, 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 SEPTEMBER 2007
AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	1
2. On-going administrative cases	116
a. Pending	4
b. Active	53
c. Legal	9
d. Tracking Compliance (Administrative)	34
e. Inactive/Referred Cases	16
3. NOI's issued	2
4. Citations issued	0
5. Consent Orders and Settlement Letters Signed	3
6. Civil Contributions to the Pollution Recovery Fund	\$8,695.00
7. Enforcement Costs collected	\$1,321.00
9. Cases Closed	3

B. SOLID AND HAZARDOUS WASTE

1. FDEP Permits (received/reviewed)	0/1
2. EPC Authorization for Facilities NOT requiring DEP permit	0/3
3. Other Permits and Reports	
a. County Permits	8/8
b. Reports	32/27
4. Inspections (Total)	249
a. Complaints	30
b. Compliance/Reinspections	23
c. Facility Compliance	12
d. Small Quantity Generator	183
e. P2 Audits	1
5. Enforcement	
a. Complaints Received/Closed	21/22
b. Warning Notices Issued/Closed	4/2
c. Compliance letters	85
d. Letters of Agreement	0
e. Agency Referrals	2
6. Pamphlets, Rules and Material Distributed	161

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	76
b. Installation	06
c. Closure	07
d. Compliance Re-Inspections	16
2. Installation Plans Received/Reviewed	21/30
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	11/08
b. Closure Reports Received/Reviewed	08/09
4. Enforcement	
a. Non-compliance Letters Issued/Closed	47/38
b. Warning Notices Issued/Closed	03/02
c. Cases referred to Enforcement	02
d. Complaints Received/Investigated	00/00
e. Complaints Referred	00
5. Discharge Reporting Forms Received	04
6. Incident Notification Forms Received	25
7. Cleanup Notification Letters Issued	04
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	30
2. Reports Received/Reviewed	123/120
a. Site Assessment	7/7
b. Source Removal	1/1
c. Remedial Action Plans (RAP's)	15/10
d. Site Rehabilitation Completion Order/ No Further Action Order	04/04
e. Active Remediation/Monitoring	64/62
f. Others	32/36
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 24

F. PUBLIC INFORMATION PROJECTS - 2

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	5
2. Enforcement Cases Closed:	4
3. Enforcement Cases Outstanding:	63
4. Enforcement Documents Issued:	5
5. Recovered costs to the General Fund:	\$ 1,076.00
6. Contributions to the Pollution Recovery Fund:	\$ 3,000.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
1. Causeway Center	Construction without a permit	\$ 2,000.00
2. Bloomingdale Commercial Center	Construction without a permit	\$ 1,000.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	23
a. Facility Permit:	6
(i) Types I and II	1
(ii) Types III	5
b. Collection Systems-General	9
c. Collection Systems-Dry Line/Wet Line:	8
d. Residuals Disposal:	0
2. Permit Applications Approved:	20
a. Facility Permit:	5
b. Collection Systems-General:	8
c. Collection Systems-Dry Line/Wet Line:	7
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated):	0
a. Recommended for Approval:	0
5. Permits Withdrawn:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0

6.	Permit Applications Outstanding:	70
	a. Facility Permit:	14
	b. Collection Systems-General:	37
	c. Collection Systems-Dry Line/Wet Line:	19
	d. Residuals Disposal:	0
7.	Permit Determination:	2
8.	Special Project Reviews:	1
	a. Reuse:	0
	b. Residuals/AUPs:	0
	c. Others:	1
C. INSPECTIONS - DOMESTIC		
1.	Compliance Evaluation:	9
	a. Inspection (CEI):	0
	b. Sampling Inspection (CSI):	6
	c. Toxics Sampling Inspection (XSI):	0
	d. Performance Audit Inspection (PAI):	3
2.	Reconnaissance:	38
	a. Inspection (RI):	9
	b. Sample Inspection (SRI):	0
	c. Complaint Inspection (CRI):	26
	d. Enforcement Inspection (ERI):	3
3.	Engineering Inspections:	35
	a. Reconnaissance Inspection (RI):	5
	b. Sample Reconnaissance Inspection (SRI):	0
	c. Residual Site Inspection (RSI):	0
	d. Preconstruction Inspection (PCI):	11
	e. Post Construction Inspection (XCI):	19
	f. On-site Engineering Evaluation:	0
	g. Enforcement Reconnaissance Inspection (ERI):	0
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL		
1.	Permit Applications Received:	6
	a. Facility Permit:	1
	(i) Types I and II	1
	(ii) Type III with Groundwater Monitoring:	0
	(iii) Type III w/o Groundwater Monitoring:	0
	b. General Permit:	1

c. Preliminary Design Report:	4
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	4
2. Permits Recommended to DEP for Approval:	0
3. Special:	5
a. Facility Permits:	4
b. General Permits:	1
4. Permitting Determination:	0
5. Special Project Reviews:	60
a. Phosphate:	6
b. Industrial Wastewater:	29
c. Others:	25
E. INSPECTIONS - INDUSTRIAL	34
1. Compliance Evaluation:	10
a. Inspection (CEI):	10
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	19
a. Inspection (RI):	8
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	11
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	5
a. Compliance Evaluation (CEI):	5
b. Sampling Inspection (CSI):	0
c. Performance Audit Inspection (PAI):	0
d. Complaint Inspection (CRI):	0
e. Enforcement Reconnaissance Inspections (ERI):	0
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints:	
a. Domestic:	29
(i) Received:	15
(ii) Closed:	14
b. Industrial:	12
(i) Received:	7
(ii) Closed:	5

2.	Warning Notices:	
	a. Domestic:	11
	(i) Received:	7
	(ii) Closed:	4
	b. Industrial:	7
	(i) Received:	1
	(ii) Closed:	6
3.	Non-Compliance Advisory Letters:	19
4.	Environmental Compliance Reviews:	164
	a. Industrial:	30
	b. Domestic:	134
5.	Special Project Reviews:	0
G. RECORD REVIEWS		
1.	Permitting:	5
2.	Enforcement:	0
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:		
1.	Air Division:	54
2.	Waste Division:	0
3.	Water Division:	12
4.	Wetlands Division:	0
5.	ERM Division:	148
6.	Biomonitoring Reports:	5
7.	Outside Agency:	56
I. SPECIAL PROJECT REVIEWS:		
1.	DRIs:	2
2.	ARs:	1
3.	Technical Support:	5
4.	Other:	0

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

A. General	Totals
1. Telephone Conferences	651
2. Unscheduled Citizen Assistance	57
3. Scheduled Meetings	219
4. Correspondence	368
B. Assessment Reviews	
1. Wetland Delineations	45
2. Surveys	16
3. Miscellaneous Activities in Wetland	28
4. Impact/ Mitigation Proposal	26
5. Tampa Port Authority Permit Applications	24
6. Wastewater Treatment Plants (FDEP)	0
7. DRI Annual Report	1
8. Land Alteration/Landscaping	1
9. Land Excavation	3
10. Phosphate Mining	9
11. Rezoning Reviews	13
12. CPA	15
13. Site Development	54
14. Subdivision	38
15. Wetland Setback Encroachment	3
16. Easement/Access-Vacating	0
17. Pre-Applications	25
18. On-Site Visits	151
C. Investigation and Compliance	
1. Complaints Received	41
2. Complaints Closed	51
3. Warning Notices Issued	11
4. Warning Notices Closed	13
5. Complaint Inspections	41
6. Return Compliance Inspections	38
7. Mitigation Monitoring Reports	3
8. Mitigation Compliance Inspections	29
9. Erosion Control Inspections	48
D. Enforcement	
1. Active Cases	31
2. Legal Cases	1
3. Number of "Notice of Pending Enforcement"	2
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	6
6. Administrative - Civil Cases Closed	5
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$5,525.00
9. Enforcement Costs Collected	\$971.00

WETLAND REPORT FOR REVIEW TIME 2007

Month	# Of Reviews	% On Time	% Late	% Early
December				
November				
October				
September	337	19%	7%	74%
August	451	25%	3%	67%
July				
June				
May	427	30.5%	2.5%	67%
April	442	25%	3%	72%
March	443	42%	3%	55%
February	373	35%	7%	58%
January	490	43%	15%	42%

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 09/30/07**

Balance as of 10/01/06	*	\$1,933,214
Interest Accrued	113,526	
Deposits	FY07 346,771	
Disbursements	FY07 (\$273,552)	
Intrafund Transfer 910	(\$1,050,219)	
Interfund Transfer 910	\$37,169	
Total		<u>\$1,106,909</u>
Water & Coastal Area Restoration & Maint.	2,808	
Pollution Recovery Fund Balance		<u><u>\$1,109,717</u></u>

Old Encumbrances

		Start Date	Exp Date
Water Drop Patch/Girl Scouts	3,023	11/8/2004	9/1/2007
Artificial Reef Program	9,921		
Pollution Prevention/Waste Reduction (101)	13,912		
PRF Project Monitoring	1,950		
Total	<u>28,806</u>		

Save Our Canals

	\$ 3,830	9/26/2006	5/2/2007
Asbestos	\$ 4,486		
Experimental Land Based Seagrass 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>1,050,219</u>		

Total of Encumbrances \$ 28,806

Minimum Balance 120,000

Balance Available 09/30/07 \$960,911

* 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



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

Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF SEPTEMBER 30, 2007

Fund Balance as of 10/01/06	\$280,512
Interest Accrued	12,691
Disbursements FY07	(46,553)

Fund Balance \$ 246,650

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	231,675	03/10/05	01/31/08
Total of Encumbrances	\$246,650		

Fund Balance Available Sept. 30, 2007 \$ - 0 -



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 18, 2007

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

EPC LEGAL DEPARTMENT MONTHLY REPORT
October 2007

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [1]

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 had until September 21, 2007 to file an appeal. On Sept. 21, 2007 the Appellant did file an Appeal challenging the Citation to Cease and Order to Correct. (RM)

EXISTING ADMINISTRATIVE CASES [3]

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)

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 Jozsis filed exceptions to the Hearing Officer's recommendation and responses were also filed. The matter was transferred back to the Commission for adoption of a Final Order at the September 20, 2007 regular board meeting. On September 20, 2007 a Public Hearing was held before the Commission to consider the Hearing Officer's recommendation and render a Final Order in this case. The Commission upheld the Hearing Officer's recommendation and a Final Order was executed on October 1, 2007. (AZ)

RECENTLY RESOLVED ADMINISTRATIVE CASES [1]

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 reached an agreement and the Appellant filed a Notice of Withdrawal on Sept. 11, 2007. The case has been closed. (RM)

B. CIVIL CASES

NEW CIVIL CASES [1]

South Bay Corporation & Industrial Park, Inc. and The James Group [LEPC07-025]: Authority to take appropriate action against South Bay Corporation and the James Group for operating a wastewater treatment facility without a valid permit was granted on September 20, 2007. The parties are seeking settlement. (RM)

EXISTING CIVIL CASES [9]

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 filed a lawsuit to compel compliance on October 9th. (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)

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 filed a lawsuit to compel compliance on October 9th. (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. The Legal Department filed a civil lawsuit on September 26, 2007. The Legal Department is currently waiting for the defendant to be served with the lawsuit. (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 is

moving 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 [2]

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 settled the matter via a Consent Order on October 4, 2007. The legal case will be closed. (RM)

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 settled the matter via Consent Order on October 1, 2007. The legal case will be closed. (RT)

C. OTHER OPEN CASES [12]

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)

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 settled the matter via a Consent Order on October 4, 2007. The legal case will be closed. (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. The EPC issued an agreed upon permit (Permit No. 0570061-010-AO) on September 11, 2007. The legal case will be closed. (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. Petitioner requested a third extension of time which has been granted. They will have until November 20, 2007 to file a petition. (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. On October 4th a second request for extension was filed. (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. The petitioner filed for a second extension of time which has been granted. The Petitioner has until November 21, 2007 to file. (RM)

St. Joseph's Hospital, Inc. [LEPC07-024]: On September 21, 2007 the Petitioner requested an extension of time to file a petition for administrative hearing to challenge a draft permit. The request was granted and the Petitioner has until October 26, 2007 to file. (RM)

Separation Technologies LLC [LEPC07-026]: On September 24, 2007 the Petitioner requested an extension of time to file a petition for administrative hearing to challenge a draft air construction permit. The request was granted and the Petitioner has until November 26, 2007 to file. (RM)

Bay Hills Village Condominium Association, Inc. [LEPC07-027]: On September 26, 2007 the Petitioner requested an extension of time to file a petition for administrative hearing to challenge a Notice of Violation issued on September 4, 2007. The request was granted and the Petitioner has until November 26, 2007 to file.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 18, 2007

Subject: On-line Wetlands Permit Application - Demonstration

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

Division: Finance and Administration

Budgetary Impact: None

Summary:

The Wetlands Hybrid Plan includes the implementation of an on-line application system. There are two (2) categories of applications. Those requiring a fee submittal and those that do not include a fee. Our MIS staff has developed a simplified, user-friendly, on-line application for those that do not require a fee submittal. These can be completed on-line and submitted electronically or printed and mailed in. This type of application will be demonstrated to the Board during today's meeting.

We are continuing to develop the type of application requiring a fee submittal and working with Bank of America (an approved vendor of the County), and the Clerk's office to evaluate the acceptance of credit and debit cards.

Periodic updates to the on-line system will be presented to the Board as they are developed.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 18, 2007

Subject: Evaluation of the Executive Director

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

Division: Finance and Administration

Budgetary Impact: None

Summary:

Evaluation forms will be distributed during the meeting. These forms have been used in the past to evaluate the performance of the Executive Director. Dr. Garrity will be scheduling appointments with each Commissioner to discuss the accomplishments of the agency.

Please, complete the evaluation forms and return them to Commissioner Blair's office November 2, 2007. We will compile the scores and present the results during the EPC Board meeting on November 15, 2007.

List of Attachments: 3 Pages

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



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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.

Date: October 18, 2007

To: EPC Board Members

From: Thomas M. Koulianos CPA, Director Finance and Administration

Subject: Evaluation of Executive Director

Enclosed, please find an evaluation form used in the past to evaluate the performance of the Executive Director. My understanding is that the Executive Director is scheduling appointments with each of you to discuss the agency's accomplishments.

Please complete the evaluation forms and return them to Commissioner Blair's office by November 2, 2007. I will compile them and the results will be included in the agenda backup for the EPC meeting scheduled for November 15, 2007.

If you have any questions, please contact me at 627-2600 ext. 1028.

cc: Dr. Richard D. Garrity

PERFORMANCE EVALUATION

October 18, 2007

DR. RICK GARRITY

EXECUTIVE DIRECTOR

ENVIRONMENTAL PROTECTION COMMISSION

SUMMARY ASSESSMENT

Ranking – Behaviors & Accomplishments

HIGHEST

5. Behaviors/Accomplishments are outstanding and as such are obvious to others in county government and to members of the Community.
4. Behaviors/Accomplishments are excellent and recognized as more than just competent in that expectations are exceeded in the area of responsibility.
3. Behaviors/Accomplishments are good in that expectations are consistently met for the areas of responsibility.
2. Behaviors/Accomplishments are adequate but fall below expectations for the area of responsibility.
1. Behaviors/Accomplishments are below an acceptable level of expectations for the area of responsibility.

LOWEST

**DR. RICK GARRITY
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION
ASSESSMENT**

BEHAVIORS							
Leadership	Communication	Responsiveness	Respect & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization

ACCOMPLISHMENT OF GOALS				
Regulatory Effectiveness	Regulatory Efficiency	Coordination with Regulatory Partners	Partnership for Better Compliance	Outreach

Comments:



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 18, 2007

Subject: Request to hold a public hearing on November 15, 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 November 15, 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 November 15, 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 Section 1-11.12 providing for the exemption of certain bona fide agricultural activities from portions of EPC's review of wetland impacts. Staff held an informal public workshop on September 24, 2007 and presented the rule to the Agricultural Economic Development Council on September 12th. Further public discussions will be necessary in order to properly develop this rule. An additional informal public workshop is scheduled for October 30, 2007.

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 November 15, 2007, at 9 a.m.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 18, 2007

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

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

Division: Legal Department

Recommendation:

Staff requests holding a public hearing at the EPC Board Meeting on November 15, 2007, to consider amendments of Chapter 1-12, (Storage Tank Rule), Rules of the EPC.

Brief Summary:

Pursuant to the EPC Act, the EPC Board must hold a noticed public hearing to approve or amend a rule. The EPC staff requests that the Board approve holding a Storage Tank Rule amendment public hearing at its regularly scheduled meeting on November 15, 2007.

Financial Impact: No financial impact anticipated.

Background:

Pursuant to the Hillsborough County Environmental Protection Act (EPC Act) Section 5.2, the EPC Board must hold a noticed public hearing to approve a rule or rule amendment. The EPC staff requests that the Board approve holding the rule amendment public hearing at the regularly scheduled meeting on November 15, 2007.

The proposed amendment updates the rule by re-adopting the state approved above-ground storage tank regulations. The state previously amended its rule by creating a separate section of the Florida Administrative Code for the above ground storage tank regulations. This amendment updates the EPC's rules to comply with that update. The proposed amendment does not increase or decrease the EPC's regulatory powers. These state rules are already in effect and are being implemented by the EPC pursuant to its agreements with the Florida Department of Environmental Protection.

List of Attachments: Draft Rule

- DRAFT RULE -

**ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-12
STORAGE TANK RULE**

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

1-12-10.00 INTENT

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

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

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

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

Section History - amended _____, 2007
Effective _____, 2007

1-12-20.00 INTERPRETATION

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

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

1-12-61.20 DEFINITIONS

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

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.30 APPLICABILITY

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

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.40 REGISTRATION AND FINANCIAL RESPONSIBILITY

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

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.45 NOTIFICATION AND REPORTING

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

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

Section History – amended _____, 2007
Effective _____, 2007

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

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

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

1-12-61.50 PERFORMANCE STANDARDS FOR STORAGE TANK SYSTEMS

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

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.60 RELEASE DETECTION STANDARDS

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

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.70 REPAIRS, OPERATION, AND MAINTENANCE

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

Section History – amended _____, 2007
Effective _____, 2007

1-12-61.71 RECORDKEEPING

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

Section History – amended _____, 2007
Effective _____, 2007

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

**1-12-61.80 OUT-OF-SERVICE AND
CLOSURE REQUIREMENTS-**

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

Section History – amended _____, 2007

Effective _____, 2007

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

RESPONSE

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

Section History – amended _____, 2007

Effective _____, 2007

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

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

Section History – amended _____, 2007

Effective _____, 2007

Adopted 4/04/91

Amended 6/16/92

Amended 10/15/98

Amended _____



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 18, 2007

Subject: Wetlands Advisory Committee Selections

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

Division: Legal Department and Wetlands Management Division

Recommendation: Each Commissioner shall appoint two members to the EPC's Wetlands Advisory Committee (a.k.a. stakeholders group).

Brief Summary: During the EPC Board meeting dated September 20, 2007, the EPC voted on the make-up of the new Hybrid Plan Wetlands Advisory Committee. Each Commissioner shall appoint two stakeholders to the committee and each of the three municipalities shall appoint one member to the Committee, for a total of 17 stakeholders. The Commissioners agreed to consider their Citizen's Environmental Advisory Committee (CEAC) appointees for the new committee, but they were not required to use those appointees. The Commissioners were sent a reminder to select appointees and then to announce them at the October EPC Board meeting.

Financial Impact: No Financial Impact Anticipated

Background: As one of the customer service changes in the approved Hybrid Plan dated August 16, 2007, a Wetlands Advisory Committee (a.k.a. – stakeholders group) is being created to evaluate comprehensive local wetland regulatory issues over the next year. This committee is a diverse sunshine group that will review the Hybrid Plan and make suggestions for future wetland rulemaking and wetland permitting process improvements. They will also review the suggestions of the Executive Director's technical advisory group that was presented to the Board at the September Board meeting.

During the EPC Board meeting dated September 20, 2007, the EPC approved a structure for the Wetlands Advisory Committee. Each Commissioner shall appoint two stakeholders to the committee and each of the three municipalities shall appoint one member to the Committee, for a total of 17 stakeholders. The EPC Board voted to use the Citizen's Environmental Advisory Committee (CEAC) as the core group, subject to each Commissioner being free to either use their original appointees on the CEAC or replace either or both to serve on the Wetland Advisory Committee. It was directed that the committee could meet on the same day as CEAC to economize staff and appointee time (typically the first Monday of each month from 3:00 to 5:00 p.m. at the Roger P. Stewart Center).

The Commissioners were sent a reminder via e-mail on October 9th to make appointments. During the October Board meeting the EPC staff will compile the appointees' names and begin to schedule meetings shortly thereafter.

List of Attachments: 2007 CEAC Appointee List

CEAC MEMBER APPOINTMENT LIST (as of January 2007)

	Appointment (month/year)	Term Expiration Date
Commissioner Blair		
Willis K.C. Bowick	March 2006	December 31, 2007
Mark Spada	January 2007	December 31, 2008
Commissioner Ferlita		
David Jellerson	January 2006	December 31, 2007
Wofford Johnson	January 2007	December 31, 2008
Commissioner Hagan		
Dr, Wayne Echelberger	January 2006	December 31, 2007
Doug Meyer	January 2006	December 31, 2007
Commissioner Norman		
Roy Davis	January 2006	December 31, 2007
George Parker, Jr.	January 2006	December 31, 2007
Commissioner White		
Cam Oberting	January 2006	December 31, 2007
Annie Sutton	January 2006	December 31, 2007
Commissioner Sharpe		
Deborah Cope	January 2006	December 31, 2007
Mariella Smith	January 2007	December 31, 2008
Commissioner Higginbotham		
Tommy Brock	January 2007	December 31, 2008
Dale Meryman	January 2007	December 31, 2008
City of Tampa		
Hallie Calig	January 2006	December 31, 2007
City of Temple Terrace		
Sharon Terrill	January 2006	December 31, 2007
City of Plant City		
Harold Falls	January 2007	December 31, 2008



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 18, 2007

Subject: Review and Approval of Selected 2007 Pollution Recovery Fund Projects

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

Division: Environmental Resources Management

Recommendation: Concur with staff recommendations for approval of 7 of the 11 Pollution Recovery Fund (PRF) Projects

Brief Summary: The EPC staff and the Citizen's Environmental Advisory Committee (CEAC) have been reviewing eleven 2007 Pollution Recovery Fund applications since May 2007. After extensive review, both the staff and CEAC jointly recommend approving 5 of the projects as described in the attached project summary. Four of the projects are recommended for denial by both staff and CEAC. Two remaining projects are recommended for approval by EPC staff but were rejected by CEAC.

Financial Impact: The Financial Impact for approving the EPC staff recommended projects would be to reduce the PRF balance available for projects as of September 30, 2007 from \$960,911 to \$347,818.30 thereby approving a total expenditure of \$613,092.70 for new projects.

Background: EPC staff and CEAC have reviewed the Calendar Year 2007 Pollution Recovery Fund project applications. Each application is reviewed for legal sufficiency (compliance with the EPC Act and Chapter 1-9 Rules of the EPC), technical merit (i.e. - can the project get permitted and is it based on sound scientific knowledge), and financial requirements. A total of eleven applications were received this year. Both EPC staff and CEAC are recommending approval of 5 projects and denial of 4 of the projects, as described in the attached project summary list. The remaining two projects are recommended for approval by EPC staff but are recommended for denial by CEAC. All PRF projects are funded through money the EPC collects through settlement or litigation of environmental violations.

In summary, EPC staff requests that the Board:

- 1) Approve 5 listed projects as denoted by the "√" mark (see attached).
- 2) Deny 4 listed projects as denoted by the "X" (see attached).
- 3) Approve the 2 remaining projects that EPC staff alone also recommends for approval.

It should also be noted that last year the EPC Board authorized the Chair, on a continuing basis, to execute the approved PRF agreements in substantially the same format as the form PRF Agreement drafted by the Legal Department. Furthermore, the EPC Chair, after staff consultation, is also empowered to execute future PRF amendments that involve non-material changes or reasonable deadline extensions as may be necessary from time to time. The minor amendments will not involve changes in funding.

List of Attachments: 2007 PRF Project Summary List & 2007 Synopsis of Recommendations

2007 Pollution Recovery Fund Project Summary

Total PRF Funds <u>Available</u> for Projects:	\$ 960,911.00 (As of 9/30/07)
Total PRF Funds <u>Approved</u> for Projects:	\$ 613,092.70
Total Remaining <u>Available</u> for Projects:	\$ 347,818.30

5 Projects Recommended for Approval by both EPC / CEAC

4 Projects Recommended for Denial by both EPC / CEAC

2 Projects Recommended for Approval by EPC but Denial by CEAC

- √ Australian Pine Removal at E.G. Simmons Park
 - EPC Staff & CEAC Recommend Approval for \$80,000 (CEAC Vote 15-0-0)
 - Removal of large exotic / invasive trees by professional tree service
 - Decreases seed source and future spread of exotics to neighboring public lands

- √ Restoration of MOSI Wetland and Upland Habitat
 - EPC Staff & CEAC Recommend Approval for \$125,000 (CEAC Vote 15-0-0)
 - Exotic plant removal and restoration of 25 acre parcel adjacent to MOSI parking lots
 - Enhancement of educational opportunities focused on variety of Florida native habitats

- √ Testing Reduction of TMDL in Surface Water Flow
 - EPC Staff & CEAC Recommend Approval for \$19,694 (CEAC Vote 15-0-0)
 - Measure & document ability of aquatic vegetation to treat stormwater from Curiosity Creek WS
 - Assess measures to alleviate potential sources of groundwater contamination

- √ Invasive Plant Removal on Egmont Key
 - EPC Staff & CEAC Recommend Approval for \$133,000 (CEAC Vote 15-0-0)
 - Project will help restore 244 acres of barrier island habitat through invasive plant removal
 - Re-establishment of Florida native plants will provide critical bird and Gopher tortoise habitat

- √ Assessing Sources of Indicator Bacteria & Pathogens at Lake Carroll
 - EPC Staff & CEAC Recommend Approval for \$101,961.70 (CEAC Vote 14-0-1)
 - Project proposes to determine the dominant sources of bacteria to freshwater lake
 - Establish relationships between indicator bacteria, stormwater, and sewage inputs

X Raintree Lakes Feasibility Study

- EPC Staff & CEAC Recommend Denial (\$25,000) (CEAC Vote 15-0-0)
- There should be sufficient existing information to determine BMP for this site
- Past approvals for similar projects should preclude the need for a study

X Community Action Problem Solving

- EPC Staff & CEAC Recommend Denial (\$56,644) (CEAC Vote 15-0-0)
- Applicant could not specify what the final deliverable product would be
- Project manager resigned from organization so leadership was unclear

X Pump 'em Up Hillsborough

- EPC Staff & CEAC Recommend Denial (\$206,325) (CEAC Vote 15-0-0)
- Salaries and administrative costs seemed disproportionate to net environmental benefit
- Project has merit. Staff can continue to help applicant develop project for future application

X Keep Our Waters Beautiful

- EPC Staff & CEAC Recommend Denial (\$129,424.35) (CEAC Vote 14-0-1)
- High cost/benefit ratio for chosen technology would yield only one unit installation
- Alternative technologies exist resulting in significant savings over chosen unit

√/X Effects of Reduced Oxygen Concentrations on Fish in Estuarine Waters

- EPC Staff Recommends Approval for \$100,000 / CEAC Recommends Denial (\$164,168)
- CEAC Vote 15-0-0
- Staff feels this is important information to have specific to current and future water use issues in the Hillsborough River, Tampa Bypass Canal, McKay Bay, and Alafia River
- CEAC feels this is unnecessary research and that this information is already available

√/X Lake Magdalene's Management Plan and Restoration Project

- EPC Staff Recommends Approval / CEAC Recommends Denial (\$66,954)
- CEAC Vote 13-0-2
- Staff is recommending approval for \$53,437. This amount will allow for the Hydrilla removal and the educational components of the project only.
- Staff feels this project would have benefits beyond the lake itself and could improve downstream waters in Sweetwater Creek and eventually Tampa Bay.
- CEAC is concerned that this is a private lake and should be restored by the residents and that use of PRF monies would set a precedent for future use of public funds on private lakes.

2007 PROJECT REQUESTS FOR POLLUTION RECOVERY FUND

1. EFFECTS OF REDUCED OXYGEN CONCENTRATIONS ON FISH IN ESTUARINE WATERS OF HILLSBOROUGH COUNTY

APPLICANT: Florida Fish and Wildlife Conservation Commission (FWC)

This 2 year project aims to provide information on fish distribution and functioning in relation to dissolved oxygen concentration in estuarine areas (particularly tidal rivers) that have been impaired because of hypoxic conditions. In this respect, the project's results will be useful to guide restoration efforts for affected regions of these rivers. The project will concentrate on data and specimens collected from the estuarine portions of the Hillsborough River, the Tampa Bypass Canal, McKay Bay and the Alafia River.

PRF Request: \$164,168

Total Cost: \$ 279,930

EPC Staff Recommendation: Approve / \$100,000

Project Manager: Marin Greenwood

Phone: 727-896-8626 ext. 2104

CEAC Recommendation: Denial 15-0

Staff recommends approval at \$100,000 provided that the data has at least one end-user and is not just stored on a shelf. Contract should specify a published report which the applicant had planned to do anyway. Applicant has agreed to a reduction in funding with only a slightly modified methodology. Some of the concerns expressed by CEAC members included that this was a typical study which has been done before; that there is ample research data already available; that the study would be repetitive; and since a minimum flow level has been established for the Hillsborough River the study may not be necessary.

2. RAINTREE LAKES FEASIBILITY STUDY

APPLICANT: City of Temple Terrace

This 18 month project is intended to evaluate chronic incidence of accumulation of debris after rainfall and identify technology to contain litter, oils and metals. The project location is the north outfall of 54" storm drain extending under the 6000 block of Fowler Avenue and into the Raintree Lake system. In addition to trapping the pollution, once the most effective means is identified focus can also turn to locating sources.

PRF Request: \$25,000

Total Cost: \$25,000

EPC Staff Recommendation: Denial

Project Manager: Steve Hodge

Phone: 813-989-7011

CEAC Recommendation: Denial 15-0

Both staff & CEAC feel that PRF funds should not be used for a feasibility study in this case. The City of Temple Terrace should already know the best technology for this particular application since they know the target pollutants (litter, stormwater runoff, etc.) and have received funding for similar projects in the past.

3. **AUSTRALIAN PINE REMOVAL AT E.G. SIMMONS PARK**
APPLICANT: Hillsborough County Parks, Recreation and Conservation

This 18 month project will reduce biological pollution at E.G. Simmons Park by removing Australian pine (*Casuarina sp.*), an exotic invasive plant species. This will reduce seed source of this species and decrease the likelihood of neighboring public and private lands becoming infested. The project location is E.G. Simmons Regional Park, 2401 19th Avenue, Ruskin, Florida.

PRF Request: \$80,000

Total Cost: \$105,500

EPC Staff Recommendation: Approve

Project Manager: Jennifer Roberts

Phone: 813-671-7754 ext. 203

CEAC Recommendation: Approve 15-0

Staff & CEAC feel this is an important continuation of Parks' efforts to remove invasive/exotic plants at E.G. Simmons Park and to help prevent the spread of these plants via their seed source to neighboring ELAPP properties such as Wolf Branch and Bahia Beach.

4. **RESTORATION OF MOSI WETLAND AND UPLAND HABITAT**
APPLICANT: Museum of Science and Industry (MOSI)

This project will alleviate the pollution of the uplands and wetland habitats through plant selection, exotic plant removal, trash removal and public education for future stewardship. Education programs will be put in place to help the public understand the process of restoration and pollution control by using natural resources. The project location is MOSI's 75 acre campus.

PRF Request: \$125,000

Total Cost: \$200,000

EPC Staff Recommendation: Approve

Project Manager: Alicia Slater-Haase

Phone: 813-987-6017

CEAC Recommendation: Approve 15-0

Staff & CEAC feel this is a unique opportunity to restore and educate a large number of citizens per year on the value of Florida native habitats and their proper management. Since the applicant was confident that the staff funding requested would only be used to "kick-start" the program and that it would be self-sufficient thereafter, both staff and CEAC are comfortable funding this project.

5. **TESTING REDUCTION OF TMDL IN SURFACE WATER FLOW THROUGH F100C WETLAND IN FOREST HILLS, TAMPA**
APPLICANT: Schreuder, Inc.

The objective of this 18 month project is to measure and document if treatment by vegetation in the F100C stormwater detention pond will remove dissolved and suspended chemical compounds which are present in the stormwater flowing from the Curiosity Creek watershed and which are part of the Total Maximum Daily Load (TMDL) determination. The water quality constituents to be sampled are: Total Nitrogen, Total Phosphorous, Total Coliform, Fecal Coliform, Ammonia (unionized), color and DO (dissolved oxygen). In addition, the project proposes to collect hydrodynamic data to document what measures could effectively be taken to prevent groundwater contamination by keeping the surface water levels in Blue Sink at a level that will prevent the contaminated surface water flow from Curiosity Creek to flow downward through the Ewanoski Spring into the underlying aquifer.

PRF Request: \$19,694

Total Cost: \$19,694

EPC Staff Recommendation: Approve

Project Manager: Peter Schreuder

Phone: 813-932-8844

CEAC Recommendation: Approve 15-0

Both staff & CEAC feel that this project will help fill in some data gaps with minimal cost related to possible management initiatives of TMDLs in the Lower Hillsborough River. Mr. Schreuder assured both staff and CEAC that his data collection efforts could be accomplished without needing special permission to access City of Tampa property which was a point of contention on a previous funding request.

6. KEEP OUR WATERS BEAUTIFUL

APPLICANT: Keep Hillsborough County Beautiful

The Keep Our Waters Beautiful eighteen (18) month project is designed to alleviate actual current and potential future harm through first promoting immediate cleanup of the selected water areas through a hands-on cleanup effort, then funding and managing the maintenance of a large filtration device to prevent future damages.

PRF Request: \$129,424.35

Project Manager: Josh McCart

Total Cost: \$353,646.35

Phone: 813-960-5121

EPC Staff Recommendation: Denial

CEAC Recommendation: Denial: 14-0-1

Staff & CEAC feel that, while the applicant has addressed some of the issues which lead to a previous denial of a very similar application, the project still remains a single stormwater/litter abatement device in a single location for \$129,000. A cursory search of existing technology will yield several alternative methods for accomplishing the same or very similar results for far less money.

7. COMMUNITY ACTION PROBLEM SOLVING

APPLICANT: Suncoast Earth Force

Suncoast Earth Force (through an 18 month project) is dedicated to engaging young people as active citizens who improve the environment and their communities now and in the future. Through Earth Force, young people gain skills in critical thinking, problem solving, teamwork and decision-making. More than 70% of the students, Earth Force works with, are underserved or under-represented groups. Specifically, the Suncoast Earth Force Field Office located in Tampa, FL is focused on applying the Community Action Problem Solving (CAPS) program which is divided into steps: Checking it out: Community environmental inventory; Choosing on: Issue selection; Discovery: Policy and community practice research; Deciding what to do: goal and strategy selection; Getting it done: planning and taking civic action; and Wrapping up: reflecting, going public, and planning for the future.

PRF Request: \$56,644

Project Manager: Christopher Noe

Total Cost: \$56,664

Phone: 727-521-1403

EPC Staff Recommendation: Denial

CEAC Recommendation: Denial 15-0

Staff & CEAC recommend that we work with the applicant to try to narrow the focus of the potential projects that would be reimbursable and encourage them to re-apply in February 2008. However, at this time it is still unclear what the PRF would be funding and how staff would quantify and evaluate the project deliverables. The project manager has also recently resigned from the organization so the additional time would allow the applicant to make appropriate personnel adjustments.

8. INVASIVE PLANT REMOVAL ON EGMONT KEY

APPLICANT: Egmont Key Alliance, Inc.

This 18 month project proposes to restore 244 acres of barrier island habitat. The restoration goal is to maintain an optimum balance of foredune, transitional zone and stable dune habitats for birds and native Florida wildlife, while protecting and enhancing existing dune habitats. The opportunity for the removal of the invasive, non-native plants on this site will have long lasting benefits for bird, tortoise, and turtle communities as well as to the more than 165,000 visitors (each year) that enjoy the island. Benefits to Egmont Key include the re-establishment of native Florida dune vegetation, and clearing and controlling exotic plants that will allow the native plant population to regenerate and will re-create important foraging areas for birds and other animals.

PRF Request: \$133,000

Project Manager: Wendy Valle

Total Cost: \$179,640

Phone: 813-748-7459

EPC Staff Recommendation: Approve

CEAC Recommendation: Approve 15-0

The staff & CEAC agree with the Federal and State resource managers on Egmont Key that removal of the exotic and invasive plant species will allow the native plants to re-establish themselves while at the same time removing an existing hazard to the current animal population on the island.

9. ASSESSING SOURCES OF INDICATOR BACTERIA AND PATHOGEN PRESENCE AT LAKE CARROLL, A FRESHWATER BEACH

APPLICANT: Department of Biology, University of South Florida

This 18 month research project is designed to determine the dominant sources of fecal indicator bacteria (fecal coliforms, *Escherichia coli* and enterococci) to Lake Carroll in Tampa, Florida, and their relationship to inputs from stormwater and impacts from human sewage.

PRF Request: \$101,961.70

Project Manager: Valerie Harwood, Ph.D

Total Cost: \$101,961.70

Phone: 813-974-1524

EPC Staff Recommendation: Approve

CEAC Recommendation: Approve 14-0-1

Staff & CEAC recommend approval with the caveat that the data and results of the research are published and are applicable not only to this one private lake but to the whole of the county.

10. PUMP 'EM UP HILLSBOROUGH

APPLICANT: Pump 'em Up

This 18 month project seeks to educate about the importance of proper tire inflation and alleviate the difficulty in doing so. The principal environmental objective of the project is to educate all drivers that properly inflated tires can reduce fuel consumption by as much as 5% thereby reducing harmful emissions and reducing air pollution and the harmful effects of global warming. The subordinate environmental objective is to alleviate the main obstacle that causes drivers to drive on under-inflated tires by providing reliable, working Pump 'em Up Air Compressor stations in key sites in Hillsborough County.

PRF Request: \$206,325

Project Manager: Sandy Rowe

Total Cost: \$206,325

Phone: 813-732-6611

EPC Staff Recommendation: Denial

CEAC Recommendation: Denial: 15-0

Both staff & CEAC feel this project has merit, however, the application was heavily weighted with salaries and administrative costs that did not seem to be in line with the level of environmental benefit expected. Additionally, staff felt that the target demographic (high schools) might limit the potential success of the project.

11. LAKE MAGDALENE'S MANAGEMENT PLAN DEVELOPMENT AND RESTORATION PROJECT

APPLICANT: Lake Magdalene Special Dependent District

The goal of the Lake Magdalene's Management Plan Development and Restoration Project is to continue controlling, improving, administering and maintaining the quality of water for the third largest lake in Hillsborough County. The key objectives are as follows:

- Assist the Principal Investigator in identifying current problem areas on the lake.
- Provide the Principal Investigator with the necessary ecological history of the lake, i.e. water levels, water samples, vegetation (invasive and desirable), etc. for the purpose of establishing a baseline prior to points of entry / outfalls.
- Identify and update the stormwater points of entry / outfalls.
- Monitor the nutrient levels coming from the stormwater points of entry / outfalls.
- Promote proper maintenance of stormwater points of entry / outfalls including, if consistent with the lake management plan, the installation of CDS units or other sediment/filtration and or biological treatment devices to capture debris and retard nutrient and fertilizer invasions.
- Create a community education program to reduce general public pollution and that which comes from the past and current development.

PRF Request: \$66,954

Total Cost: \$77,954

EPC Staff Recommendation: Approve

Project Manager: Rick Wagner

Phone: 813-695-5490

CEAC Recommendation: Denial 13-0-2

Staff recommends approval of \$53,437 for the contractual services of a mechanical harvester and proper disposal of the hydrilla (\$52,000) as well as \$1,437 for printing and distribution of educational materials related to actions the residents can take to help better manage the lake and contribute to its restoration. Staff further recommends that the applicant provide copies of all applicable permits related to vegetation removal, chemical applications, use of biological control agents, and/or mosquito control activities to EPC staff prior to implementation of proposed activities (regardless of the funding source(s) for these activities). EPC staff also reserves the right to review and comment on the lake management plan as it is being developed. CEAC members expressed concern about the fact that Lake Magdalene is considered a private lake and that lake maintenance on other lakes is taken care of by the homeowners and an approval would be precedent setting.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 18, 2007

Subject: Crematory Update

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

Division: Air Management Division

Recommendation: Recommend the Board direct staff to advertise for a public hearing to amend Chapters 1-2, Administrative Procedures, and Chapter 1-3, Air Pollution. The hearing is to be held at the regularly scheduled December 13th meeting of the EPC.

Brief Summary: At the April 4th, 2007 meeting of the BOCC, the Board discussed citizen concerns regarding air pollution from crematories. A motion was passed directing EPC staff to “start rule work” to ensure these facilities are properly regulated in Hillsborough County. Staff has held two public workshops since then, and heard from both the citizens and the crematory operators. Staff is prepared to give a brief presentation to update the Board and seek permission to proceed with rule work.

Financial Impact: None at this time.

Background: This past winter several new crematories were proposed to be located in the Seminole Heights and Ybor City areas. When citizens were notified as a result of the EPC required notification, they turned to EPC for assistance. Coincidentally the State recently relaxed both the permitting and the compliance requirements for crematories, and this has led to further concerns for the public. The Board discussed it and directed staff accordingly. Staff held workshops on May 9th and September 27th. They gave presentations and received input from citizens and crematory operators.

List of Attachments: None