

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
DECEMBER 13, 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**
Three (3) Minutes Are Allowed for Each Speaker
- II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE**
Report from the Chair – David Jellerson
- III. CONSENT AGENDA**
- | | |
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| A. Approval of Minutes: November 15, 2007 | 2 |
| B. Monthly Activity Reports | 9 |
| C. Pollution Recovery Trust Fund Report | 21 |
| D. Gardinier Settlement Trust Fund Report | 22 |
| E. Legal Case Summary | 23 |
| F. Request Authority to Take Appropriate Legal Action Against:
Medallion Convenience Store | 27 |
- IV. PUBLIC HEARINGS (10AM Time Certain)**
- | | |
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| A. Consider Amendments to Chapter 1-3 (Air Pollution Rule) | 28 |
| B. Consider Amendments to Chapter 1-2 (Administrative Procedures Rule) | 33 |
- V. EXECUTIVE DIRECTOR**
- VI. ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION**
Consumer Fertilizer Rule Implementation Update 36
- VII. AIR MANAGEMENT DIVISION**
Authorize Staff to Conduct Public Workshops to Amend Chapter 1-10 (Noise Rule) 40
- VIII. WASTE MANAGEMENT DIVISION**
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| A. Presentation – Direct Inspection Program (DIP) | 41 |
| B. Report – Historic Landfills | 42 |
- IX. ADMINISTRATION**
- | | |
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| A. Update-Internal Audit Review of EPC/PGM Process | 43 |
| B. Request Authority to Change Start Time of EPC Meetings to 9am | 44 |

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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NOVEMBER 15, 2007 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, November 15, 2007, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

The following member was absent: Commissioner Jim Norman (schedule conflict).

Chairman Higginbotham called the meeting to order at 9:04 a.m. Commissioner Blair led in the pledge of allegiance to the flag and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, added a report on the ammonia pipeline incident.

PUBLIC COMMENT

Ms. Denise Layne, executive director, Coalition 4 Responsible Growth Incorporated, requested the EPC take the same action on local bills that the Board of County Commissioners (BOCC) took. Mr. Nick Abdeldayem, Atlantic Concrete Washout Incorporated, asked to discuss the affects of concrete washout on the environment with staff. Staff would meet with Mr. Abdeldayem.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Mr. Jellerson stated the November 5, 2007, CEAC meeting included a review of ongoing EPC rulemaking activities, an update on proposed amendments to the storage tank rule and the crematory rule, a review and comments on proposed amendments to the wetlands rule, and discussion on an application for proposed local legislation called Hillsborough County EPC regulation of agricultural lands. Due to significant efforts required to develop and adopt the EPC wetlands rules and uncertainty of the fate of proposed legislation, CEAC took action to request the EPC table any action or further discussion on the hybrid rule relative to agricultural activities pending resolution of proposed legislation.

CONSENT AGENDA

- A. Approval of minutes: October 18, 2007.
- B. Monthly activity reports.
- C. Pollution Recovery Fund report.

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D. Gardinier Settlement Trust Fund report.

E. Legal case summary.

Chairman Higginbotham called for a motion to approve the Consent Agenda and the changes. **Commissioner Sharpe so moved, seconded by Commissioner White, and carried six to zero.** (Commissioner Norman was absent.)

AMMONIA PIPELINE INCIDENT

Assistant Chief Ronald Rogers, Fire Rescue Department, highlighted a presentation reviewing the ammonia pipeline incident, including a comparison of the ammonia leak in 2003 to the recent leak, photographs of the vandalized pipe, response to the leak, and future actions. Commissioner Blair offered laudatory comments regarding the update, noting many of his questions had been answered, and referenced concerns about environmental impacts and security. Assistant Chief Rogers pointed out the importance of understanding that the environment was sacrificed to save people. Commissioner Ferlita referenced newspaper articles, noted contacting Fire Chief Bill Nesmith, Fire Rescue Department, about possible equipment needs or procedural changes, and recalled conversations with citizens and meetings with Tampa Pipeline Corporation about what could or could not be done to make things safer. In response to Commissioner Sharpe, Assistant Chief Rogers stated a report was being prepared for the County Administrator and would be presented to the BOCC. Commissioner Sharpe expressed concern regarding evacuations and requested a report on the impact of traffic stoppage on U.S. Highway 301. Assistant Chief Rogers could include that in the final report. Commissioner Sharpe asked Assistant Chief Rogers to contact his office to answer other questions. Chairman Higginbotham said he had met with Dr. Garrity to discuss environmental impacts and protection, acknowledged follow-up in regard to previous breaches of pipes, and asked that the final report be shared with EPC.

Mr. Sterlin Woodard, EPC staff, highlighted air impacts, photographs of water spray used to control the leak, complaints regarding odor, contamination levels, and additional control measures and corrective actions proposed.

Mr. Anthony D'Aquila, Director, EPC Environmental Resources Management Division, reviewed monitoring efforts after notification of the leak, concerns with acute toxicity and impacts on marine life, a map of areas of monitoring, pH levels, salinity, stratification, and ammonia concentrations. In response to Chairman Higginbotham, Mr. D'Aquila stated impacts might be seen within a matter of days or weeks, and staff would continue monitoring actions. Commissioner Ferlita thanked EPC staff for responding to environmental issues.

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PUBLIC HEARINGS

Consider Amendments to Chapter 1-12, Underground Storage Tank Rule - EPC General Counsel Richard Tschantz provided a summary of the rule, said State rules were amended to separate aboveground storage tank systems from underground storage tank systems, and explained EPC needed to amend their rules to include the new rule and update rules to be in conformance with the Department of Environmental Protection. Chairman Higginbotham called for public comment; there was no response. **Commissioner Sharpe moved staff recommendation, seconded by Commissioner Ferlita, and carried six to zero.** (Commissioner Norman was absent.)

Consider Amendments to Chapter 1-11, Agricultural Rule - Attorney Tschantz reviewed the process to be followed. Dr. Garrity recalled the hybrid model talked extensively about the agricultural ground and surface water management (AGSWM) program, discussed requirements for wetlands approvals, endorsed the AGSWM concept, reviewed the proposal, commented on the reasonable use test, explained AGSWM and production-related agricultural activities were exempt from mitigation for impacts to one-quarter acre isolated wetlands cumulatively up to one-half acre, and reviewed benefits for farmers.

Attorney Andrew Zodrow, EPC Legal Department, stated the rule addressed wetlands impacts resulting from bonafide agricultural activities, said the hybrid model included provisions for adopting changes to the EPC wetlands rule to streamline reviews for agricultural activities, commented on the AGSWM program, discussed the two-prong test for wetlands impacts, addressed incentives and issues previously addressed, and reviewed background material related to the rule, exemptions, reasonable use and mitigation exemptions, conditions, limitations, and staff recommendation for adoption.

Dr. Garrity responded to queries from Commissioner Blair regarding the definition of reasonable use. Commissioner Sharpe asked if wetlands greater than one-quarter acre would be allowed. Dr. Garrity explained excavation would be allowed in special instances up to one-half acre and the purpose of allowing that. Attorney Zordrow clarified mitigation would be required for anything over one-quarter acre. Attorney Tschantz stated farmers must apply for excavation activities.

Chairman Higginbotham called for public comment. The following individuals spoke in opposition to the amendment and reviewed a written statement submitted for the record: Ms. Terry Flott, United Citizens Action Network; Mr. Kermit O'Steen, P.O. Box 212, Balm; Mr. George Niemann, 4711 Dover Cliff

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Court; and Ms. Marcella O'Steen, P.O. Box 212, Balm. Comments referenced unanswered questions.

Mr. Hugh Gramling, chairman, Agriculture Economic Development Council (AEDC), endorsed the rule with two caveats: (1) the AEDC did not feel all the details of the hybrid rule had been incorporated in the present rule, and (2) the provision for mitigation and the time frame involved should be two years.

Ms. Layne perceived the amendments needed more work, referenced a tax relief package recently passed by the legislature, noted unanswered questions, opined true farmers would commit to keep farming, and supported AGSWM. Ms. Mariella Smith, 108 Janie Street, asked the EPC to follow the CEAC recommendation for no action, agreed more time was needed, stated the technical advisory committee had not met to discuss the final version of the amendments, pointed out the amendments were the first in 22 years, and recalled promises that the hybrid plan would not weaken wetlands protections.

Ms. Vivian Bacca, 413 El Greco Drive, recalled a presentation of local bills at a recent land use meeting and comments on proposed wetlands legislation, noted concerns presented during rule change discussions, perceived the amendments did not provide reasonable assurances that small wetlands being sacrificed would prolong agricultural uses, showed photographs of small isolated wetlands, opined the agricultural community was not making a significant commitment to preserve lands for agricultural uses, and discussed agricultural acreage in 1940 and decreases.

Ms. Beverly Griffiths, 7201 Alafia Ridge Road, chairman, Tampa Bay Group of the Sierra Club (Sierra Club), expressed concern regarding agricultural exemptions from wetlands regulations, asked for action to be postponed until recently proposed legislation was considered, commented on cumulative impacts, supported protection of small wetlands, and objected to the proposed exemption for agricultural land owners who wanted to fill one-quarter acre wetlands.

Ms. Marilyn Smith, County resident, perceived wetlands were not being protected, mentioned greenbelt and bluebelt incentives, and commented on mitigation.

Mr. John Hendershot, 8210 La Serena Drive, Sierra Club member, noted efforts to eliminate EPC was stopped by a major outcry from citizens, mentioned proposed legislation to reduce oversight, opined the amendments should not be approved until legislation was considered, suggested motives were to eliminate small wetlands before areas came up for sale to developers, discussed the purpose of small wetlands, and suggested better protections were needed.

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Dr. Garrity recalled adoption of the hybrid plan, which included timelines for proposed rules; stated staff was comfortable rule language was in conformance with the intent of the hybrid plan; agreed with speaker comments about protecting small isolated wetlands; opined farming needed help from the EPC to stay in business; and explained the proposal was for a one-time exemption. Dr. Garrity and Mr. Robert Stetler, EPC staff, responded to queries from Commissioner Sharpe regarding the purpose of the amendments, eligible acreage, monitoring, impacts if more time was allowed for the rule to be studied and explained further to citizens, and exemption requests over the last five years. Commissioner Sharpe wanted to ensure what was being done genuinely helped farmers, perceived the time frame was an issue, and asked how the decision was made to choose a seven-year time frame. Attorney Tschantz stated that was a policy decision and could be changed by the EPC Board.

Commissioner Ferlita read from an e-mail received, commented on staff accomplishments, recalled requests for EPC to rely on the outcome of dialogue from the technical advisory committee, supported letting that take place prior to adopting rule changes, and opined action was premature. Commissioner Hagan supported amending the rule, confirmed comments from Dr. Garrity that hybrid plan language was clear, and asked if there was value in a delay. Dr. Garrity commented on value in trying to get more education and understanding of the rule. Commissioner Sharpe questioned what would happen if action was taken and the legislature took action contrary to EPC action. Attorney Tschantz was unsure, stated EPC staff had planned to request authority to address local bills, explained the exemption could become effective by next week if approved, and said some exemptions might not be allowed if the amendments were not approved. Noting comments from the public and the purpose of the amendments were to help the agricultural community, **Commissioner Sharpe moved to delay making a final decision on the rule change until time was allowed to review and respond to questions submitted by the different groups and to sit down with the stakeholders and go back over the purpose and intent to make that clear, seconded by Commissioner Ferlita.**

Commissioner Blair opined staff had put a lot of effort into the item and asked if staff thought a continuance would be beneficial. Commissioner Ferlita supported a continuance, did not want the decision to be determined by pending legislation, and stated a fair opportunity to get questions answered was needed. Chairman Higginbotham commented on the proposed delay, concerns expressed by citizens, the need for common sense, communication, and work with the community. Commissioner Sharpe suggested bringing the item back in January 2008 to allow the technical advisory committee to comment and asked

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that citizens work with staff, for a review of the time frame issue, and to receive justification on the time frame chosen. In response to Commissioner Hagan, Dr. Garrity perceived the time frame for the continuance was adequate. Commissioner Hagan did not think any level of education would change the opinion of citizens. Commissioner Blair noted good points were made by both sides and supported mitigation occurring in the area where the impact was. Following clarification, **the motion carried six to zero.** (Commissioner Norman was absent.)

Attorney Tschantz explained staff would be working on the agriculture bill and there might be delays due to action just taken. Commissioner Sharpe acknowledged a timeline had been established. Commissioner Ferlita supported coming back with a good proposal as opposed to a premature proposal.

EXECUTIVE DIRECTOR'S REPORT

Wetlands Hybrid Quarterly Report - Dr. Garrity stated the EPC was keeping with the timeline in background material.

LEGAL DEPARTMENT

Discussion of Local Bills 1, 3, and 4 - Attorney Tschantz said Local Bills 1 and 3 did not need to be addressed and requested authority to speak before the Legislative Delegation on December 7, 2007, in opposition to Local Bill 4. **Commissioner Ferlita so moved, seconded by Commissioner Sharpe, and carried four to zero.** (Commissioners Blair and Hagan were out of the room; Commissioner Norman was absent.)

Dr. Garrity noted Items VII, consumer fertilizer rule implementation update; VIII, Ford Amphitheatre update; IX-A, direct inspection program presentation; and IX-B, historic landfills report, could be continued to the next meeting. **Commissioner Ferlita moved to continue, seconded by Commissioner Sharpe, and carried four to zero.** (Commissioners Blair and Hagan were out of the room; Commissioner Norman was absent.)

ADMINISTRATION

Results of Evaluation of Executive Director - Mr. Tom Koulianos, Director, EPC Finance and Administration, noted a report distributed; highlighted scores provided; stated no pay increase was involved other than the market equity increase, which was already in the contract; and asked for a motion to accept the evaluation. **Commissioner White moved to accept the evaluation, seconded by Commissioner Sharpe.** Commissioner Ferlita explained ratings and comments provided regarding quality of staff work. Commissioner Sharpe offered

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laudatory remarks. **The motion carried four to zero.** (Commissioners Blair and Hagan were out of the room; Commissioner Norman was absent.)

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

kc

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION

November FY 2008

A. Public Outreach/Education Assistance:		
1. Phone Calls:		166
2. Literature Distributed:		<u>3</u>
3. Presentations:		<u>4</u>
4. Media Contacts:		<u>2</u>
5. Internet:		<u>62</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>0</u>
		<hr/>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		11
b. Construction:		<u>7</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>2</u>
e. General:		<u>5</u>
f. Title V:		<u>0</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		6
b. Construction ¹ :		<u>23</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>1</u>
g. General:		<u>3</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		<u>2</u>
2. On-going administrative cases:		
a. Pending:		12
b. Active:		<u>23</u>
c. Legal:		<u>1</u>
d. Tracking compliance (Administrative):		<u>16</u>
e. Inactive/Referred cases:		<u>0</u>
Total		<u>52</u>

3.	NOIs issued:	<u>5</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>3</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$4,333.33</u>
7.	Cases Closed:	<u>3</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>29</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>1</u>
3.	Asbestos Demolition/Renovation Projects:	<u>16</u>
E.	Open Burning Permits Issued:	<u>5</u>
F.	Number of Division of Forestry Permits Monitored:	<u>324</u>
G.	Total Citizen Complaints Received:	<u>67</u>
H.	Total Citizen Complaints Closed:	<u>60</u>
I.	Noise Sources Monitored:	<u>2</u>
J.	Air Program's Input to Development Regional Impacts:	<u>4</u>
K.	Test Reports Reviewed:	<u>111</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>7</u>
2.	Warning Notices Resolved:	<u>5</u>
3.	Advisory Letters Issued:	<u>2</u>
M.	AOR's Reviewed:	<u>0</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>3</u>
O.	Planning Documents coordinated for Agency review.	<u>2</u>

**FEES COLLECTED FOR AIR MANAGEMENT DIVISION
November FY 2008**

	<u>Total Revenue</u>
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	<u>\$0.00</u>
(b) all others	<u>\$0.00</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	<u>\$0.00</u>
(b) class A2 facility - 5 year permit	<u>\$0.00</u>
(c) class A1 facility - 5 year permit	<u>\$0.00</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$240.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$3,000.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$400.00</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>\$3,400.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$0.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$900.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$2,000.00</u>
8. Open burning authorization	<u>\$2,200.00</u>
9. Enforcement Costs	<u>\$3,476.00</u>

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



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 Water 627-2670 ERM 627-2650
 Air 627-2660 Lab 272-5157

Executive Director
 Richard D. Garrity, Ph.D.

M E M O R A N D U M

DATE: December 4, 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 NOVEMBER 2007
 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	1
2. On-going administrative cases	112
a. Pending	4
b. Active	49
c. Legal	9
d. Tracking Compliance (Administrative)	34
e. Inactive/Referred Cases	16
3. NOI's issued	0
4. Citations issued	0
5. Consent Orders and Settlement Letters Signed	2
6. Civil Contributions to the Pollution Recovery Fund	\$25,170
7. Enforcement Costs collected	\$2,935
9. Cases Closed	2

B. SOLID AND HAZARDOUS WASTE

1. FDEP Permits (received/reviewed)	0/0
2. EPC Authorization for Facilities NOT requiring DEP permit	2/4
3. Other Permits and Reports	
a. County Permits	7/7
b. Reports	33/30
4. Inspections (Total)	106
a. Complaints	10
b. Compliance/Reinspections	13
c. Facility Compliance	3
d. Small Quantity Generator	80
e. P2 Audits	0
5. Enforcement	
a. Complaints Received/Closed	12/14
b. Warning Notices Issued/Closed	1/2
c. Compliance letters	28
d. Letters of Agreement	1
e. Agency Referrals	1
6. Pamphlets, Rules and Material Distributed	63

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	90
b. Installation	13
c. Closure	21
d. Compliance Re-Inspections	37
2. Installation Plans Received/Reviewed	16/06
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	08/08
b. Closure Reports Received/Reviewed	06/09
4. Enforcement	
a. Non-compliance Letters Issued/Closed	84
b. Warning Notices Issued/Closed	03/01
c. Cases referred to Enforcement	01
d. Complaints Received/Investigated	00/00
e. Complaints Referred	00
5. Discharge Reporting Forms Received	06
6. Incident Notification Forms Received	25
7. Cleanup Notification Letters Issued	06
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	27
2. Reports Received/Reviewed	106/101
a. Site Assessment	9/11
b. Source Removal	04/02
c. Remedial Action Plans (RAP's)	08/10
d. Site Rehabilitation Completion Order/ No Further Action Order	06/05
e. Active Remediation/Monitoring	55/51
f. Others	33/31
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 21

F. PUBLIC INFORMATION PROJECTS - 2

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	3
2. Enforcement Cases Closed:	8
3. Enforcement Cases Outstanding:	60
4. Enforcement Documents Issued:	6
5. Recovered costs to the General Fund:	\$ 855.00
6. Contributions to the Pollution Recovery Fund:	\$ 4,500.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Valrico Citgo	Expired permit	\$ 1,000.00
b. 4528 S. Dale Mabry	Construction w/out a permit	\$ 1,000.00
c. Victoria Station	Placement of c/s in service w/out acceptance letter; Lift/col system overflow	\$ 2,500.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	31
a. Facility Permit:	5
(i) Types I and II	0
(ii) Types III	5
b. Collection Systems-General	9
c. Collection Systems-Dry Line/Wet Line:	17
d. Residuals Disposal:	0
2. Permit Applications Approved:	27
a. Facility Permit:	5
b. Collection Systems-General:	15
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:	1
a. Facility Permit:	0
b. Collection Systems-General:	1
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
6. Permit Applications Outstanding:	84
a. Facility Permit:	16
b. Collection Systems-General:	34
c. Collection Systems-Dry Line/Wet Line:	34
d. Residuals Disposal:	0
7. Permit Determination:	6
8. Special Project Reviews:	0
a. Reuse:	0
b. Residuals/AUPs:	0
c. Others:	0
C. INSPECTIONS - DOMESTIC	98
1. Compliance Evaluation:	7
a. Inspection (CEI):	1
b. Sampling Inspection (CSI):	6
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	42
a. Inspection (RI):	8
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	34
d. Enforcement Inspection (ERI):	0
3. Engineering Inspections:	49
a. Reconnaissance Inspection (RI):	3
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	0
d. Preconstruction Inspection (PCI):	13
e. Post Construction Inspection (XCI):	31
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	2

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	33
1. Permit Applications Received:	2
a. Facility Permit:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0
b. General Permit:	1
c. Preliminary Design Report:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	1
2. Permits Recommended to DEP for Approval:	0
3. Special:	1
a. Facility Permits:	0
b. General Permits:	1
4. Permitting Determination:	0
5. Special Project Reviews:	30
a. Phosphate:	2
b. Industrial Wastewater:	11
c. Others:	17
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation:	14
a. Inspection (CEI):	14
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	7
a. Inspection (RI):	2
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	5
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	0
a. Compliance Evaluation (CEI):	0
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:	29
a. Domestic:	26
(i) Received:	14
(ii) Closed:	12
b. Industrial:	3
(i) Received:	1
(ii) Closed:	2
2. Warning Notices:	14
a. Domestic:	12
(i) Received:	6
(ii) Closed:	6
b. Industrial:	2
(i) Received:	2
(ii) Closed:	0
3. Non-Compliance Advisory Letters:	10
4. Environmental Compliance Reviews:	166
a. Industrial:	46
b. Domestic:	120
5. Special Project Reviews:	0
G. RECORD REVIEWS	4
1. Permitting:	2
2. Enforcement:	0
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:	
1. Air Division:	87
2. Waste Division:	0
3. Water Division:	9
4. Wetlands Division:	0
5. ERM Division:	169
6. Biomonitoring Reports:	3
7. Outside Agency:	59
I. SPECIAL PROJECT REVIEWS:	16
1. DRIs:	6
2. ARs:	1
3. Technical Support:	9
4. Other:	0

EPC WETLANDS MONTHLY WORKSHEET

General	Enforcement	Compliance	Assessment	Engineering	Admin	Totals
Telephone Conferences			242		322	564
Unscheduled Citizen Assistance			38		22	60
Scheduled Meetings			101	54	52	207
Correspondence	24	33	534	2		593
Assessment Reviews						
Wetland Delineations			28			28
Surveys			31			31
Miscellaneous Activities in Wetland			34			34
Mangrove			1			1
Notice of Exemption			5			5
Impact/ Mitigation Proposal			22			22
Tampa Port Authority Permit Applications			19			19
Wastewater Treatment Plants (FDEP)			2			2
DRI Annual Report						0
Land Alteration/Landscaping			2			2
Land Excavation						0
Phosphate Mining			4			4
Rezoning Reviews			17			17
CPA						0
Site Development			58			58
Subdivision			45			45
Wetland Setback Encroachment			5			5
Easement/Access-Vacating						0
Pre-Applications			48			48
On-Site Visits		39	84			123
Investigation and Compliance						
Complaints Received		21				21
Warning Notices Issued		10				10
Warning Notices Closed						0
Complaint Inspections		38				38
Return Compliance Inspections		31				31
Mitigation Monitoring Reports		15		3		18
Mitigation Compliance Inspections		22		1		23
Erosion Control Inspections		48				48
Maiv Compliance Site Inspections		21				21
TPA Compliance						0
Enforcement						
Active Cases	36					36
Legal Cases	1					1
NOI's	7					7
Number of Citations Issued						0
Number of Consent Orders Signed	6					6
Administrative - Civil Cases Closed	1					1
Cases Referred to Legal Department	1					1
Contributions to Pollution Recovery	\$5,149					\$5,149.00
Enforcement Costs Collected	\$647					\$647.00
Ombudsman						
Agriculture	2					2
Permitting Process						0
Rule Assistance	2					2
Staff Assistance						0
Miscellaneous/Other						0

WETLAND REPORT FOR REVIEW TIME 2007

Month	# Of Reviews	% On Time	% Late	% Early
December				
November	519	48%	3%	49%
October	437	23%	8%	69%
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
FY 08**

	<u>As of 11/30/07</u>
Beginning Fund Balance, 10/01/07	\$ 1,112,615
Interest Accrued	11,337
Deposits	82,998
Disbursements	(22,509)
Intrafund Budget Transfers to Project Fund 1/	(526,610)
Intrafund Transfers from Project Fund 2/	-
Fair Value Adjustment	-
Pollution Recovery Fund Balance	<u>\$ 657,831</u>
Encumbrances:	
Pollution Prevention/Waste Reduction (101)	\$ 8,002
Artificial Reef Program	152,267
PRF Project Monitoring	42,677
Total Encumbrances	<u>\$ 202,946</u>
Minimum Balance (Reserves)	\$ 120,000
Balance Available, 11/30/07	<u>\$ 334,885</u>

PROJECT FUND	Project Amount	Project Balance
Open Projects		
FY 06 Projects		
COT Parks Dept/Cypress Point (97)	100,000	\$ 100,000
Bahia Beach Restoration (contract 04-03)	150,000	301
Tampa Shoreline Restoration	30,000 3/	-
Field Measurement for Wave Energy	125,000 3/	(2)
Port of Tampa Stormwater Improvement	45,000	45,000
		<u>\$ 145,299</u>
FY 07 Projects		
Agr Pesticide Collection & Education Day	24,000	\$ 2,075
Tank Removal	25,000	25,000
Industrial Facility Stormwater Inspection Prg	28,885	28,885
Agriculture Best Management Practice Impl	150,000	150,000
Lake Thonotosassa Assessment	75,000	75,000
Natures Classroom Cap, PH III	188,000	188,000
Pollution Monitoring Appl Pilot Project	45,150	45,150
Exper Land-Based Seagrass Nursery	20,000	20,000
Seagrass & Longshore Bar Recovery	75,000 3/	-
Seawall Removal Cotanchobee Ft Brooke Park	100,000	100,000
Analysis of Bacteria & Beach Closures	125,000	125,000
Knights Preserve	35,235 3/	-
Oyster Reef Shore/Stab & Enhance	30,000 3/	-
Nitrogen Emission/Deposition Ratios, Air Pollution	40,906	40,906
Erosion Control/Oyster Bar Habitat Creation	75,000	75,000
Remediation of Illegally Dumped Asbestos	4,486	4,486
		<u>\$ 879,502</u>
FY 08 Projects		
Australian Pine Removal E.G. Simmons Park	80,000	80,000
Restoration of MOSI	125,000	125,000
Invasive Plant Removal Egmont Key	133,000	133,000
Lake Magdalene's Management Plan	66,954	66,954
Testing Reduction of TMDL in Surface Water Flow	19,694	19,694
Assessing Bacteria Lake Carroll	101,962	101,962
	<u>526,610 1/</u>	<u>526,610</u>
Total Balance Remaining in Project Fund		<u>\$ 1,551,411</u>

3/ Total project encumbered.

COMMISSION
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 Rose V. Ferlita
 Ken Hagan
 Al Higginbotham
 Jim Norman
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 Kevin White



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 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 NOVEMBER 30, 2007

Fund Balance as of 10/01/07	\$248,370
Interest Accrued	1,150
Disbursements FY07	(5,861)

Fund Balance	\$243,659
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Encumbrances Against Fund Balance:		Start Date	Expiration Date
SP627 Tampa Bay Scallop Restoration	\$ 4,906	08/29/03	12/31/07
SP636 Fantasy Island	4,208	01/20/05	12/31/07
SP634 Cockroach Bay ELAPP Restoration	234,545	03/10/05	01/31/08
Total of Encumbrances	\$243,659		

Fund Balance Available 11/30/2007	\$ - 0 -
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EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2007

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

**EPC LEGAL DEPARTMENT MONTHLY REPORT
December 2007**

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [1]

He Il Cho v. EPC [LEPC07-031]: Appellant filed an extension of time and shortly thereafter an appeal on December 4, 2007, challenging a citation the EPC issued regarding noise violations at the now closed El Chaparro Mexican restaurant (on N. Florida Avenue). (RM)

EXISTING ADMINISTRATIVE CASES [4]

Carolina Holdings, Inc. v. EPC [LCHP04-008]: A proposed final agency action letter denying an application for authorization to impact wetlands was sent on May 7, 2004. Carolina Holdings, Inc. requested an extension of time to file an appeal. The EPC entered an Order Granting the Request for Extension of Time on June 3, 2004 and the deadline for filing an appeal was July 2, 2004. On July 2, 2004, Carolina Holdings, Inc. filed an appeal challenging the decision denying the proposed wetland impacts. The parties have conducted mediation to attempt to resolve the matter without a hearing. The applicant re-submitted the new final site plan for re-zoning determination. Hillsborough County denied the re-zoning application. The applicant has filed a Chapter 70, F.S. dispute resolution challenge of the County's re-zoning decision. On October 4, 2006 the parties jointly responded to the Hearing Officer that the matter would continue to be held in abeyance until at least January 8, 2007. The parties responded to the Hearing Officer again stating the proposed development is still under dispute with Hillsborough County. The next status report is due on December 28, 2007. (AZ)

Irshaid Oil, Inc. [LEPC06-006]: On March 15, 2006, Mr. Nasser Irshaid filed a request for extension of time to file an appeal to challenge a Citation of Violation and Order to Correct issued by EPC on February 28, 2006, regarding waste issues. The Legal Dept. granted the request and provided the Appellant with a deadline of June 19, 2006 in which to file an appeal. On June 8, 2006 Appellant filed a second request for extension of time. It was determined that the request did not show good cause and the request was denied. Mr. Irshaid had until July 19, 2006 to file an appeal. On July 10, 2006 Mr. Irshaid filed an insufficient Notice of Appeal which was dismissed with leave to amend. Mr. Irshaid had until July 28, 2006 to file an amended appeal. Mr. Irshaid filed an appeal on July 18, 2006. A Hearing Officer was appointed on August 14, 2006. The Case Management Conference was held on Sept. 6, 2006. The Case was held in abeyance until May 24, 2007 since that time, a status conference has been scheduled for July 31, 2007. No final hearing has been set pending possible settlement. (AZ)

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. On October 29, 2007, Appellants filed a Notice of Appeal of the Final Order in the Second District Court. (AZ)

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. The parties are negotiating. (RM)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [1]

Gas Mart, Inc. [LEP07-029]: Authority to take appropriate action against Gas Mart, Inc. G.W. Partners, Ltd. for failure to properly assess and remediate petroleum contamination at their property was granted on August 16, 2007. The EPC staff is attempting to negotiate an amicable settlement with the parties prior to filing the civil lawsuit. (AZ)

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. Appellee James Winterroth filed a Status Report and Suggestion of Mootness. The Court entered an order consolidated this case with the appeal case of the final order referenced above in the administrative cases. (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 defendant was served with the lawsuit on October 12, 2007. The Court entered a default on November 9, 2007 for the Defendant's failure to respond. The EPC Legal Department is preparing to set the matter for a trial to obtain a default judgment. (AZ)

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)

RECENTLY RESOLVED CIVIL CASES [0]

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)

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 fourth request for extension of time was filed and the petitioner has until January 4, 2008 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 Petitioner has been granted three prior requests for extensions of time and has filed a fourth request. The Legal Dept. has determined that the request shows good cause for the extension and the Petitioner shall have until January 21, 2008 to file an appeal. (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. The extension has expired without the party filing a challenge. (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. The extension has expired without the party filing a challenge, but a draft permit issued on December 4, 2007. The EPC Legal file will be closed. (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. (RM)

B. Kalra [LEPC07-028]: On September 11, 2007, Appellant, B. Kalra, filed an appeal with the Civil Service Board challenging the Notice of Dismissal which was issued on Sept. 7, 2007. A Motion for Summary Final Judgment was filed on October 19, 2007 and a hearing on the motion has been scheduled for November 14, 2007. The EPC's motion was approved and the employees Civil Service appeal is dismissed; the case will be closed. (RM)

Mother's Organics [LEPC07-030]: On November 14, 2007 Appellant Mother's Organics requested an extension of time to file a notice of appeal to challenge a Citation of Violation and Order to Correct. The request was denied and the appellant was granted until November 30, 2007 to file an appeal. On November 29, 2007 the Appellant filed a second request for extension of time citing cancellation of a scheduled meeting by EPC staff. The request was denied and the appellant was granted until December 10, 2007 to file an appeal. (AZ)

Hess Corporation [LEPC07-032]: On November 29, 2007, Petitioner Hess Corporation 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 January 10, 2008 to file a petition. (RM)

William H. Stanton [LEPC07-033]: On December 4, 2007 Appellant William H. Stanton requested an extension of time to file a notice of appeal to challenge a Citation of Violation and Order to Correct. The request was denied and the appellant was granted until December 14, 2007 to file an appeal (AZ).



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2007

Subject: Request for authority to take appropriate legal action against Medallion Convenience Stores, Inc. and MDC6, LLC.

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

Division: Waste Management Division

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

Brief Summary: On February 28, 2007, Medallion Convenience Stores, Inc. and MDC6, LLC (Respondents) entered into a Consent Order with the EPC. The Consent Order was entered into between the parties to settle violations of the petroleum contamination clean-up rules [Chapter 1-7, Rules of the EPC and Chapter 62-770, Florida Administrative Code (F.A.C.)] Respondents have not completed the terms of the settlement agreement.

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

Background

On December 7, 1999 a discharge of petroleum product due to faulty operation of the underground storage tank systems (UST's) was discovered at 12502 Balm Riverview Road in Hillsborough County, Florida. MDC6, LLC owns the Property and Medallion Convenience Stores, Inc. operates the UST's located on the Property.

On July 22, 2005, EPC staff issued Citations of Violation and Orders to Correct to the Respondents. Respondents appealed the Citations but agreed to a Consent Order to settle the violations. The Consent Order ordered the following:

- submittal of a Discharge Reporting Form (DRF) within 15 days for the discharge which occurred on December 7, 1999;
- submittal of an application for an Nation Pollution Discharge Elimination System (N.P.D.E.S.) permit for dewatering activities associated with the tank and line removal and source removal;
- submittal of a Site Assessment Report (SAR) to address the exceedences of groundwater cleanup target levels and any remedial activities that may be required after SAR approval; and
- Payments of administrative costs and stipulated penalties.

None of the above has been completed.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2007

Subject: Conduct a public hearing to approve crematory regulations and adoption of State rules by reference within Chapter 1-3, Rules of the EPC (Air Pollution Rule)

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

Division: Air Management Division and Legal Department

Recommendation: Conduct a public hearing to consider and approve amendments to Chapter 1-3, Rules of the EPC.

Brief Summary: Pursuant to the EPC Act, the EPC Board must hold a noticed public hearing to approve a rule amendment. The amendments to our air pollution rule include new crematory compliance regulations to improve operation and maintenance of crematory units. The rulemaking also includes the annual re-adoption of section 1-3.26 which adopts all the State air regulations that the EPC is required to administer under its contractual obligations with the Florida Department of Environmental Protection. But for the crematory rules, these amendments do not increase or reduce the EPC's regulatory powers, they merely clarify which State rules the EPC is already required to administer and currently does administer in Hillsborough County.

Financial Impact: Incidental cost related to compliance inspections, no additional funds required.

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 amendment. Due to citizen concern about the potential or perceived environmental and health concerns regarding crematory operations, the EPC staff was directed on April 4, 2007 to investigate regulations for crematory operations. The amendments to the EPC air pollution rule include new crematory compliance regulations to improve operation and maintenance of crematory units. The proposed amendments require crematory operator training, require proper operation and maintenance, prohibit restrictive rain caps on the exhaust, clarify State requirements on monitoring and testing the units, and clarify State requirements for thermocouple location.

The rulemaking also includes the annual re-adoption of section 1-3.26 which adopts all the State air regulations that the EPC is required to administer under its contractual obligations with the Florida Department of Environmental Protection. But for the crematory rules, these amendments do not increase or reduce the EPC's regulatory powers, they merely clarify which State rules the EPC is already required to administer and currently does administer in Hillsborough County.

The EPC staff recommends adoption of this rule amendment.

List of Attachments: Draft proposed Sections 1-3.26 and 1-3.53, Rules of the EPC.

the applicant with the sign. It must be posted conspicuously on the property, so as to be readily viewable from the busiest adjacent public roadway. The applicant must pick up and post the sign within 15 days of submitting an application, and leave it posted on-site for no less than 30 days.

2. General and Relocatable Permits.

Applicants who intend to use an air general permit in Hillsborough County, or move a facility classified as a relocatable facility to a location in Hillsborough County for the first time at that location, shall post a sign at the facility. The EPC will provide the facility with a sign. It must be posted conspicuously on the property so as to be readily viewable from the busiest adjacent public roadway. The facility must pick up and post the sign within 5 days of submitting notification to EPC, and the sign must remain posted for 30 days, or for the duration of the operation if it is less than 30 days.

Section History - New and effective 06/25/98; amended and effective 08/19/99; amended 09/19/02 and effective 10/15/02.

1-3.25 EXCESS EMISSIONS

1. Excess emissions specifically allowed by Chapter 62-210, F.A.C., shall not be violations of this rule unless they are determined to be nuisances. The Director may request written verification that any such emissions fall within the designated conditions.

2. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may be reasonably prevented during start-up, shut down, or malfunction, are prohibited.

Section History - New and effective 02/26/86; amended and effective 06/25/98; readopted and effective 08/19/99.

1-3.26 DEPARTMENT REGULATIONS

The Commission acknowledges and reaffirms all existing rule adoptions, incorporations, and references in Chapter 1-3. In conformance with an operating agreement with the Department, which generally allows the Commission to act on

behalf of the Department for certain air pollution permitting and enforcement matters, the Commission herein adopts and incorporates the following State regulations: Chapters 62-204, 62-210, 62-212, 62-213, 62-214, 62-257, 62-296, and 62-297, Florida Administrative Code.

Section History - New 02/15/07 and effective 02/16/07.

PART 3

1-3.30 AMBIENT AIR QUALITY STANDARDS

1. Standards established in Chapter 62-204, F.A.C., are adopted and hereby incorporated by reference.

2. Sampling and analysis of contaminants in this section shall be performed in accordance with the State of Florida Department of Environmental Protection "State-Wide Quality Assurance Plan, January 1985".

Section History - New and effective 02/26/86; amended and effective 06/25/98; amended and effective 08/19/99.

1-3.31 DESIGNATION OF AIR POLLUTION STATUS OF AREA

Designations of Hillsborough County pursuant to Chapter 62-204, F.A.C. regarding the ambient standards of Section 1-3.30 above and Prevention of Significant Deterioration areas, are hereby adopted by reference.

Section History - New and effective 06/25/98; amended 09/19/02 and effective 10/15/02.

PART 4

1-3.40 NEW SOURCE REVIEW

Provisions contained in Chapter 62-212, F.A.C., pertinent to Hillsborough County, are adopted and hereby incorporated by reference.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02.

PART 5

1-3.50 EMISSION LIMITING AND PERFORMANCE STANDARDS

Provisions contained in Chapters 62-204 and 62-296, F.A.C., pertinent to Hillsborough County, are adopted and hereby incorporated by reference, except for Sections 62-296.320(4)(b)

2. and 62-296.513(1)(c), F.A.C., and except as may be modified herein.

Section History - New and effective 02/26/86; amended and effective 06/25/98; readopted and effective 08/19/99; amended 09/19/02 and effective 10/15/02.

1-3.51 PARTICULATE EMISSIONS

The particulate emission limits under RACT in Sections 62-296.700 through 62-296.712, F.A.C., shall apply to all new and existing emission units. In situations where the particulate emission limits under RACT, pursuant to Section 62-296.700, F.A.C., are less restrictive than process weight limits pursuant to Section 62-296.320, F.A.C., process weight limits shall apply, except as provided in Section 62-296.700(3), F.A.C.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02.

1-3.52 VISIBLE EMISSIONS

1. Visible emissions in Hillsborough County from a single source or combination of sources sharing a common discharge point shall not have an opacity equal to or greater than 20% except as otherwise specifically provided in these rules. The ability to comply with all other standards does not relieve a source from this 20% opacity standard.

2. A 5% opacity standard shall apply in Hillsborough County to the following types of stationary sources: loading or unloading of materials to or from containers such as railcars, trucks, ships, storage structures and stockpiles; permanent conveyor systems; storage of materials in structures such as silos or enclosed bins, which have a storage capacity of fifty cubic yards or more; crushing, grinding, sizing and screening operations; and static drop transfer points. The deadline for compliance with this standard shall be within 180 days of the effective date of this rule for existing sources, and on the effective date of the rule for new sources.

(a) Sources exempt from this standard are:

(1) Emissions of particulate matter from open stockpiles of materials, vehicular

traffic and other emissions from roads and plant grounds;

(2) Construction and road maintenance activities;

(3) Sulfur storage and handling facilities covered by Department Rule 62-296.411, F.A.C.;

(4) Sources with specific RACT emission limiting standards greater than 5% as set forth in Department Rule 62-296.711(2)(c), F.A.C.;

(5) When material is being discharged to the hold of a ship from a conveyor system, an opacity of 10% will be allowed when the conveyor and/or hatch covering is moved; and

(6) Facilities for grinding and screening of vegetation and yard waste material.

3. Annual visible emissions tests, conducted in accordance with EPA Method 9, shall be required of the permitted sources subject to the standards in this section or subject to Rule 62-296.320(4)(b) 1., F.A.C.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02.

1-3.53 SPECIFIC SOURCE EMISSIONS SOURCE-SPECIFIC REQUIREMENTS

1. Emissions for the following specific sources shall have the following limits in Hillsborough County regardless of provisions otherwise contained in this rule or in Chapters 62-204 through 62-297 F.A.C., unless the provisions of Chapters 62-204 through 62-297, F.A.C., are more stringent.

(a) Sulfuric acid plants or plant sections manufacturing sulfuric acid - 10% opacity except for a 30 minute period during plant start-up, with opacity for such period allowed up to 40%.

(b) Nitric acid plants producing weak nitric acid (50 to 70%) by pressure or atmospheric pressure process - no visible emissions (5% opacity).

(c) Existing fossil fuel steam generators - sulfur dioxide emissions from liquid fuel shall be limited to 1.1 pounds per million BTU heat input.

(d) Fossil fuel steam generators - visible emissions are limited to 20% opacity except for either one six-minute period per hour during which opacity shall not exceed 27 percent, or one two minute period per hour during which opacity shall not exceed 40 percent. The option selected shall be specified in the emission unit's construction and operation permits.

(e) Bulk gasoline terminals - loading of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks.

(f) Municipal Waste Incinerators - mercury and dioxin/furan emissions shall be controlled by combustion practices, operation and maintenance, and operation of a carbon injection system. An alternative would be to install a continuous emission monitor for the pollutant mercury and adjust the carbon feed rate accordingly. This continuous emission monitor shall be installed and operated in accordance with a promulgated USEPA Performance Specification. Any such alternative must be approved by the Executive Director prior to implementation.

The need to retain this requirement shall be reviewed by EPC and affected facilities five years from the effective date of this rule.

(g) Human and Animal Crematories - for all human and animal crematories the following requirements shall apply, in addition to any requirements of state, federal, or local law:

(1) Each crematory unit shall be operated and maintained in accordance with the manufacturer's operation and maintenance requirements. Each crematory unit operator shall be trained by the crematory manufacturer or similarly qualified training provider prior to operating the crematory unit. Records of maintenance and operator training shall be maintained and made available to EPC staff for inspection upon request.

(2) Any rain cap on the exhaust stack of a crematory unit shall be designed so as not to obstruct the upward dispersion of emissions. Rain caps are not mandatory, but all crematories utilizing rain caps on the effective date of this rule shall have six months from the effective date to comply with this requirement.

(3) Initial and annual visible emissions testing.

a. The testing for human crematories required pursuant to Rule 62-296.401(5)(h)(1), F.A.C. shall be conducted with the unit operating at a capacity of one (1) adult-sized cadaver. The size of the load, any containers used and the order of charge shall also be considered when determining representative conditions during visible emissions testing.

b. The testing for animal crematories required pursuant to Rule 62-296.401(6)(h)(1), F.A.C. shall be conducted with the unit operating at a capacity that is representative of normal operations and is not greater than the manufacturer's recommended capacity. The operating capacity shall be a batch load, in pounds, for a batch animal crematory unit and a charging rate, in pounds per hour, for a ram-charged animal crematory unit. The size of the load, any containers used and the order of charge shall also be considered when determining representative conditions during visible emissions testing.

(4) Thermocouple location.

a. For crematory units constructed after August 30, 1989, the thermocouple, which measures secondary chamber temperature, shall be located at or beyond the point where the 1.0 second gas residence time at 1800 degrees Fahrenheit is calculated.

b. For crematory units constructed prior to August 30, 1989, the thermocouple shall be located at or beyond the point where the 1.0 second gas residence time at 1600 degrees Fahrenheit is calculated.

c. Proof of compliance with section (4)a. or (4)b. above, as applicable, shall be submitted in writing to the EPC in accordance with Rules 62-296.401(5)(c)(1) and 62-296.401(6)(c)(1), F.A.C. All crematory units in operation on the effective date of this rule shall have one year from the effective date to comply with this requirement.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2007

Subject: Conduct a public hearing to approve amendments to the public noticing section under Chapter 1-2, Rules of the EPC (Administrative Procedures Rule)

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

Division: Air Management Division and Legal Department

Recommendation: Conduct a public hearing to consider amendments to Section 1-2.051, Rules of the EPC.

Brief Summary: Pursuant to the EPC Act, the EPC Board must hold a noticed public hearing to approve a rule amendment. The EPC staff requests that the EPC Board approve the amendments in the attached Section 1-2.051 ("Public Notice Requirements" of the Administrative Procedures Rule). The amendments will allow the EPC to deem certain Air General Permits as projects of heightened public concern, thus allowing for additional public noticing regarding the pending permit applications.

Financial Impact: Incidental cost related to holding occasional workshops, no additional funds required.

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 amendment. In conjunction with a crematory rule amendment in Chapter 1-3, Rules of the EPC, the EPC staff is proposing to amend section 1-2.051, Rules of the EPC, the public notice requirements section of Chapter 1-2. Certain EPC permit applications are currently allowed to be deemed a project of heightened public concern, this amendment will allow Air General Permits (e.g. – rock crushers, dry cleaners, crematories, mercury recyclers, etc.) to also be deemed projects of heightened public concern when merited. If any Air General Permit application is deemed to be of heightened public concern, the EPC may hold a public workshop and shall require additional mail notifications to immediately adjacent properties and also to neighborhood associations within 1000 feet.

The EPC staff recommends adoption of this rule amendment.

List of Attachments: Draft proposed Section 1-2.051, Rules of the EPC.

1-2.051 PUBLIC NOTICE REQUIREMENTS

(a) **General Noticing.** Any applicant for any of the following initial permits or initial authorizations from the Executive Director shall provide notice to citizens who may be affected by the issuance of the permit or authorization: wastewater permits in excess of 100,000 gallons discharge per day; authorizations issued under Rule 1-7.202(1)(c) or (d); authorizations issued under Rule 1-10.05B; and air construction permits issued under Chapter 1-3. Public notification required by any other law that meets this noticing rule shall be sufficient and this rule shall not require any duplicate notice. Compliance with noticing requirements under Stationary Air Pollution Sources Chapter 1-3, Rules of the EPC shall serve as compliance with this sub-section (a). The notice must include posting a sign in a conspicuous place upon the property which is the subject of the permit or authorization. The posted sign must be no smaller than an 8.5 inch by 11 inch sign and must be legible from the nearest public road. The notice format shall be available by contacting the Commission staff but shall be posted by the applicant at the applicant's expense no later than 15 calendar days after submittal of any application to the Executive Director. Signage must remain on the property for at least 30 calendar days but must be removed by the applicant no later than 30 calendar days after the issuance or denial of the permit or authorization sought. The notice must include the following: the location of the proposed site for permit or authorization; the type of permit or authorization requested; and how to obtain additional information from the staff regarding the proposed permit or authorization. Notice under this subsection (a) is not required for the following: application for renewal, modification, or transfer of the aforementioned permits or authorizations, and application for any initial operating permit that follows issuance of a construction permit at the same facility for any of the aforementioned permits or authorizations.

(b) **Projects of Heightened Public**

Concern. As further conditioned below, subsection (b) applies to Air General Permits, and to those initial permits and initial authorizations referred to in sub-section (a) and also to their renewals, modifications, transfers, and subsequent operating permits (collectively referred to as "activity"). For those activities which, because of their size, potential effect on the environment or the public, controversial nature, or location, are reasonably expected by the Executive Director to result in a heightened public concern or likelihood of request for a Chapter 120 petition or an appeal pursuant to section 9 of Chapter 84-446, Laws of Florida, the following is required:

(1) (A) The following subsection applies to all applicable activities, except for Air General Permits. Within 20 calendar days of notice from the Executive Director that the activity has the potential for heightened public concern, the applicant shall provide additional notice at the applicant's expense by mail or hand delivery to the following: (i) immediately adjacent property owners; (ii) all neighborhoods included in the Registry of Neighborhood Organizations pursuant to the Hillsborough County Neighborhood Bill of Rights, adopted in the Land Development Code in section 10.03.02, that are located within one mile of the activity; and (iii) all neighborhood organizations registered with the Commission or a municipality which lie within one mile of the activity. The staff will provide the applicant with ~~both~~ the potentially affected neighborhood organization lists and, within 10 calendar days of receipt of the lists, the applicant shall provide the staff written evidence that the adjacent property owners and neighborhood organizations were notified. The notice must include the following: the location of the proposed site for the activity; the type of activity requested; and how to obtain additional information from the staff regarding the proposed activity.

(1) (B) For projects involving Air General Permits, within 5 calendar days of notice from the Executive Director that the activity has the potential for heightened public concern, the applicant shall provide additional

notice at the applicant's expense by mail or hand delivery to the following: (i) immediately adjacent property owners; (ii) all neighborhoods included in the Registry of Neighborhood Organizations pursuant to the Hillsborough County Neighborhood Bill of Rights, adopted in the Land Development Code in section 10.03.02, that are located within 1,000 feet of the activity; and (iii) all neighborhood organizations registered with the Commission or a municipality which lie within 1,000 feet of the activity. The staff will provide the applicant with both the potentially affected neighborhood organization lists and, within 5 calendar days of receipt of the lists, the applicant shall provide the staff written evidence that the adjacent property owners and neighborhood organizations were notified. The notice must include the following: the location of the proposed site for the activity; the type of activity requested; and how to obtain additional information from the staff regarding the proposed activity.

(1) (C) If the Air General Permit is a renewal and at the time of renewal it is deemed a project of heightened public concern, the applicant shall post a sign provided by the EPC. The sign must be posted conspicuously on the property so as to be readily viewable from the busiest adjacent public roadway. The applicant must pick up and post the sign within 5 calendar days of notice of the EPC's heightened public concern determination, and the sign must remain posted for 20 days.

(2) Within 20 calendar days of notice from Executive Director of the potential for heightened public concern, the applicant shall also post additional signage that meets the following criteria: the posted sign must be no smaller than a 30 inch by 48 inch sign and must be legible from the nearest public road. The notice format shall be provided by the staff but shall be posted by the applicant at the applicant's expense. Signage must remain on the property for at least 30 calendar days but must be removed by the applicant no later than 30 calendar days after the denial or issuance of the activity being sought. The notice must include the following: the location of the proposed site for the activity; the type of activity

requested; and how to obtain additional information from the staff regarding the proposed activity. This subsection is not applicable to Air General Permits.

(3) Upon request from any substantially affected person or the Executive Director, the staff may also conduct a public workshop to be held no later than 10 calendar days before the intended agency action is issued or for Air General Permits, as soon as practicable.

(4) Upon issuance of the agency action from the Executive Director the applicant shall publish at the applicant's expense, in a newspaper of general circulation, as defined in Chapter 50, F.S., within the affected area a notice of agency action or intended agency action. The notice must include the notice of rights so that substantially affected parties may have the opportunity to file a petition or appeal. The requirements in this subsection are in addition to any other requirements contained in any other rules or laws. This subsection does not apply to Air General Permits. Air General Permits are not required to be noticed unless so required under State rules or section 403.814(3), F.S. is utilized.

(c) **Processing Timeframes.** Any form of notice or workshop required under subsections (a) or (b) shall not extend any timeframes for reviewing applications under any applicable laws governing application processing.

Section History — adopted April 20, 2006
Effective April 21, 2006

Section History - New and adopted 04/20/06 and effective 04/21/06; amended 12/13/07 and effective 12/xx/07



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2007

Subject: Consumer Fertilizer Rule Implementation Update

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

Division: Environmental Resources Management

Recommendation: Informational Report

Brief Summary: Staff will provide brief update on recent developments concerning state-wide regulation of consumer fertilizers and plans underway at EPC to assist and facilitate the implementation of this state-wide program.

Financial Impact: Information Item, No Financial Impact at present.

Background: At the direction of former Governor Bush, the Florida Department of Agriculture and Consumer Services (FDACS) was to revise fertilizer content standards (reduce nitrogen and phosphorus) for use in "consumer/urban turf" settings. These new rules were to be developed in cooperation with manufacturers and the Institute of Food and Agricultural Science (IFAS). The Urban Turf Fertilizer Rule was promulgated on August 30, 2007, with an effective date of December 31, 2007.

The new rule will introduce re-formulated fertilizers for consumer/urban turf usage, will include distinctive labeling and directions for use. These measures will protect water quality by improved labeling and with a goal of restricting phosphorus and nitrogen application rates for urban turf and lawns.

Concurrently, on July 1, 2007, the Florida Legislature took action to empower a Florida Consumer Fertilizer Task Force. The Task Force is comprised of thirteen appointed members representing local governments, fertilizer industry, water management districts, FDACS, IFAS, and the environmental community. The Task Force is holding a series of six workshops around the state, and will present a final report on the implementation of the model consumer fertilizer urban turf rule to the Legislature on January 15, 2008.

EPC Staff is actively engaged with local stakeholders and is organizing an action plan to facilitate the implementation of the state-wide rule. Details will be addressed at the board meeting.

List of Attachments: FDACS Summary

Urban Turf Fertilizer Rule

By Dale W. Dubberly

At the direction of former Governor Bush, the South Florida Water Management District and the Florida Department of Environmental Protection developed the Lake Okeechobee and Estuary Recovery Plan. FDACS was to revise fertilizer content standards for use in urban settings in cooperation with manufacturers and IFAS. The new rule will require that all fertilizer products labeled for use on urban turf or lawns and sports turf be limited to the amount of nitrogen and phosphorous available to support healthy turf maintenance. The rule will protect water quality by restricting phosphorous and nitrogen application rates in fertilizers for urban turf and lawns.

"We are committed to protecting Florida's water resources. By establishing responsible nitrogen and phosphorus use rates statewide, Florida's citizens can continue to care for their lawns and landscapes without sacrificing water quality."

*— Florida Department of Agriculture and Consumer Services (FDACS) Commissioner
Charles H. Bronson*

Definitions

1. **"Urban Turf" or "Lawns"** – non-agricultural land planted in closely mowed, managed grasses except golf courses, parks & athletic fields.
2. **"Sports Turf"** – non-agricultural land planted exclusively for golf courses, parks & athletic fields.
3. **"No Phosphate Fertilizer"** – fertilizer products with phosphate levels below 0.5% intended for established urban turf or lawns.
4. **"Low Phosphate Fertilizer"** – fertilizer products intended for new or established urban turf or lawns, with phosphate levels equal to or above 0.5% & shall have use directions that do not exceed 0.25lbs P₂O₅ per 1000ft².
5. **"Starter Fertilizer"** – fertilizer formulated for a one-time application at planting or near that time to encourage root growth & enhance the initial establishment.
6. **"Established Urban Turf"** – urban turf older than 12 months.
7. **"New Urban Turf"** – turf older than 12 months.

Q & A

General

Q- What is the effective date of the rule?

A- December 31, 2007. However, fertilizer licenses will have until July 1, 2009 to change labels for compliance.

Q- Will products in the channels of trade after July 1, 2009 be allowed to be sold?

A- Yes, existing stock in the marketplace will be allowed to be sold at the retail level, provided they were shipped to the retail outlet prior to July 1. Products shipped after July 1, 2009 will be stop-saled.

Q- Who will enforce the Urban Turf Rule?

A- The Florida Department of Agriculture & Consumer Services.

Q- Will Specialty Fertilizers labeled for turf or lawns shall have directions for use?

A- Yes.

- **Phosphate:** A maximum of 0.25 lbs P₂O₅ / 1000 ft² per application & not exceed 0.5 lbs P₂O₅ / 1000 ft² per year. Application rates above these levels would require a soil sample of the application site to justify an increase in P₂O₅.

- **Nitrogen:** A maximum of 0.7 lbs of readily available nitrogen per 1000 ft² at any one time based on the soluble fraction of nitrogen formulated in the fertilizer. A maximum of 1 lb total (N) per 1000 ft² to be applied at any one time, not exceeding the annual nitrogen recommendations in the Fertilizer Guidelines for Established Turf Grass Lawns in Three Regions of Florida. Application rates above these levels would require a turf tissue test at the application site to justify the increase in (N).

Fertilization Guidelines for Established Turfgrass Lawns in Three Regions of Florida* Nitrogen Recommendations (lbs N / 1000 ft ² / year)			
Species	North	Central	South
Bahia grass	2-3	2-4	2-4
Bermuda grass	3-5	4-6	5-7
Centipede grass	1-2	2-3	2-3
St. Augustine grass	2-4	2-5	4-6
Zoysia grass	3-5	3-6	4-6

* North Florida is north of Ocala. Central Florida is defined as south of Ocala to a line extending from Vero Beach to Tampa. South Florida includes the remaining southern portion of the state.

Urban Turf Rule.

- Q- Does the Urban Turf Rule apply to products used for Landscape & Ornamental applications?**
 A- No. If "TURF" is expressed on the label of the product being offered for sale, the Urban Turf Rule would apply.

Homeowner's Lawn Fertilizer

- Q- What impact will the rule have on the fertilizer products I use on my lawn?**
 A- The rule will require the directions for use to limit the amount of phosphate & nitrogen you can apply in a single application & per year.
- Q- What about lawn fertilizers labeled for use as starter fertilizer?**
 A- These products are intended for a one-time application at planting to encourage root growth & shall have directions for use that do not exceed an application rate of 1.0 lb of P₂O₅ / 1000 ft².

- Q- Will there be any major changes to product labels?**
 A- Yes. Prominently displayed on the front of the bag there shall be a statement showing the maximum coverage area stated in square feet. *Example: This bag covers 5000 sq. ft.* It will also require the following precautionary statement: "Do not apply near water, storm drains or drainage ditches. Do not apply if heavy rain is expected. Apply this product only to your lawn / garden, and sweep any product that lands on the driveway, sidewalk, or street, back onto your lawn / garden."

Sports Turf

- Q- Would fertilizer intended for use on sports turf require directions for use for phosphate & nitrogen?**
 A- Yes. They must be consistent with the direction for use on home owner's lawns, unless the documents SL191, "Recommendations for N,P,K & Mg for Golf Course & Athletic Field Fertilization Base on Mehlich I Extractant" (<http://edis.ifas.ufl.edu/SS404>) or "BMP's

- Q- When will analytical testing begin to evaluate fertilizer products for compliance with this rule change?**
 A- For those products whose label(s) currently meet the proposed changes, testing will begin the effective date of the rule change. Fertilizer licensees have 1 ½ years after the effective date of the rule change to bring their products into compliance & clear their existing stock from the channels of trade. As product labels are revised & brought into compliance, then those products will be analyzed & evaluated for conformity.
- Q- Will fertilizer / pesticide combination products create any issues with the EPA?**
 A- No. The environmental caution statement is the same labeling requirement for EPA, as well as the Florida

for Enhancement of Environmental Quality on Florida's Golf Courses" (<http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/glfbmp07.pdf>) are referenced on the product label or shipping documents.

Urban Turf

Q- Would fertilizers used on urban turf by Lawn Maintenance companies be required to have directions for use that limit the application of phosphate & nitrogen?

A- Yes.

They must be consistent for use on home owner's lawns unless the document titled "Best Management Practices for Protection of Water Resources in Florida, June 2002, Florida Green Industries" are referenced on the label.

Copies may be obtained from DEP at

http://www.dep.state.fl.us/central/Home/MeetingsTraining/FLGreen/BMP_Book_final.pdf.

For further information about the Urban Turf Fertilizer Rule, please contact Bill Cox at (850) 487-2085.

Or visit our website at www.FLAES.org



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2007

Subject: Request Board Permission to Initiate Review of EPC Rule Ch. 1-10, Noise

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

Division: Air Management Division

Recommendation: Staff recommends the EPC Board authorize staff to initiate review of Ch. 1-10, Noise.

Brief Summary: EPC staff requests permission to initiate review of EPC Rule Ch. 1-10, Noise, to bring it up-to-date with current industry standards, to ensure it is enforceable, and to enable staff to fully utilize the capabilities of its noise monitoring equipment.

Financial Impact: Financial impact to Air General Fund is \$15,000 to be paid out of existing funds for a technical contractor to assist staff.

Background: The EPC noise rule, which sets limits for outdoor sound levels at receiving residential, commercial, and industrial property, is approximately 30 years old. The rule needs to be revised to ensure it is up-to-date with existing scientific standards and procedures, and to allow us to fully utilize the capabilities of our new noise monitoring equipment. We will hold informal workshops to receive input from both citizens and regulated entities, and we will periodically update the Board on our progress. The \$15,000 in existing funds from the Air General Fund is to enable us to contract with an acoustical consultant to assist in data analysis and to provide technical advice. EPC staff recommends the Board authorize us to proceed with review of EPC Rule Ch. 1-10, Noise.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2007

Subject: Direct Inspect Program

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

Division: Waste Management Division

Recommendation: Informational Report

Brief Summary: The Direct Inspect Program was conducted to determine whether or not the number of field inspections could be increased by creating a virtual office in staffs' assigned automobile and by allowing staff to leave directly from home to the field. New technology was incorporated and evaluated for increased accuracy and efficiency.

Financial Impact: \$6,800 used from FDEP grant with no financial impact to the general fund.

Background: The Direct Inspect Program was conducted over a 4 month period. Two inspectors from the Small Quantity Generator Program were chosen to participate. They were required to come to the office at least one day a week. In addition to leaving from home, the inspectors' county vehicles were outfitted with wireless technology to further increase accuracy and efficiency of work products. The pilot project demonstrated a 43% increase in inspections performed.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: DEC 13, 2007

Subject: Old Landfill Investigation Program Progress Status Report

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

Division: Waste Management Division

Recommendation:

No staff recommendations. Provided to the Board for informational purposes only.

Brief Summary:

Staff is providing a brief summary of activities and accomplishments related to the tracking of known historic solid waste disposal areas (old landfills) located throughout Hillsborough County.

Background:

Since the summer of 2005, and in accordance with the Board's instruction and approval, staff have developed and implemented an old landfill investigation program within the EPC's Waste Management Division. The purpose of the program is the completion of detailed environmental investigations at the historic solid waste disposal sites known to exist throughout Hillsborough County and the dissemination and sharing of related information.

Currently, the EPC maintains a listing of 170 known historic waste disposal sites. Of that number, 100 of the sites are not currently included as the subjects of other State or local investigative or tracking programs and it is those 100 sites that are the primary focus of the EPC's program.

The program's accomplishments to date as relate to the 100 target sites include the completion of detailed Phase I investigations comprising comprehensive records research, site inspections, and community resident interviews; correction of site location information and data; detailed interactive site mapping; numeric site ranking based on environmental criteria; and the completion of public outreach activities which have included meetings with property owners and developers upon request and the completion of a public workshop which was held in July 2007.

In this brief presentation, staff intends to update the Board with regard to the completed program activities.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2007

Subject: Update – Internal Performance Audit

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

Division: Administration

Recommendation: Board Action Not Required

Brief Summary: The original timeline for the Wetland Hybrid Plan indicated that the Internal Performance Audit or Review of the interaction between EPC and PGM would be completed and a report would be presented to the Board on December 13, 2007. We have been advised that the Performance Auditor will have the fieldwork and draft report completed by the end of December. We will place the report on the January 2008 agenda.

Financial Impact: None

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2007

Subject: Revise Start Time of EPC Board Meetings

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

Division: Administration

Recommendation: Authorize Staff to Revise EPC Board Policy to Adopt a 9am Start Time

Brief Summary: Currently EPC Board meetings begin at 10am, pursuant to EPC Board Policy, Rule 14. As we deal with issues involving the Wetlands Hybrid Plan, we may need additional time. Staff recommends changing the start time from 10am to 9am. This will allow adequate time for dealing with complex issues. If the additional time is not required, the meeting may be adjourned upon completion of the agenda.

Financial Impact: None

List of Attachments: EPC Board Policy 1997-01

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY

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EPC BOARD POLICY – Number 1997-01

SUBJECT: EPC Rules of Order

EFFECTIVE DATE: March 20, 1997

SUPERSEDES: January 29, 1992

Purpose: To provide a smooth and orderly functioning of the EPC Board meetings.

Policy: See attached.

Approved by: EPC Board

Approval date: March 20, 1997

**RULES OF ORDER
ENVIRONMENTAL PROTECTION COMMISSION**

- Rule 1. INTRODUCTION.** The purpose of these rules is to provide for the smooth and orderly functioning of the business of the Environmental Protection Commission and to provide a basis for resolving questions of procedure when they arise.
- Rule 2. STANDING RULES OF ORDER.** "The Roberts Rules of Order, Newly Revised," 1990 edition, are adopted as parliamentary authority for the conduct of all meetings of the Environmental Protection Commission except when they are inconsistent with these rules of order or any other provisions of law which apply to this Commission.
- Rule 3. QUORUM.** A quorum is the number of Commission members necessary to legally transact business. Four (4) Commissioners shall constitute a quorum. In the absence of a quorum, the following action may be taken:
- (1) adjournment;
 - (2) fix time to which to adjourn (continuance);
 - (3) take steps to obtain quorum.
- Rule 4. SEATING ARRANGEMENT OF COMMISSION MEMBERS.** The Chairman of the Commission shall be seated in the center seat of the dais, with the Vice Chairman seated at the immediate right of the Chairman to facilitate smooth transfer of the gavel when necessary. With the exception of seating for the Chairman and Vice Chairman, the balance of seating for the Commission will rotate according to the rotation of the Board of County Commissioners.
- Rule 5. PRESIDING OFFICER.** The Chairman shall preside at all meetings of the Commission. In the absence of the Chairman, the Vice-Chairman shall preside. In the absence of either the Chairman or Vice-Chairman, the Chaplain shall preside. In the absence of the Chair, Vice Chair, and Chaplain, a presiding officer shall be selected by majority vote of those Commissioners present. The Chairman and Vice-Chairman, and Chaplain shall be selected annually at the Board of County Commissioner's organizational meeting.

The presiding chairman of the Commission shall have the following functions:

- (a) determining that a quorum is present.
- (b) opening the meeting and calling the meeting to order.
- (c) recognizing members of the Commission to speak.
- (d) recognizing members of the general public or staff to speak.
- (e) putting to vote all questions which come before the Commission as motions.
- (f) deciding all questions of order.
- (g) refusing to recognize frivolous or dilatory motions.
- (h) refusing to recognize motions out of order.
- (i) adjourning meetings when there is a sudden emergency affecting the safety of the Commission and others.

The decision of the presiding chairman shall stand unless reversed by a majority vote of the members present after the proper motion has been made and seconded to reverse such decision.

Where matters of policy or position are concerned, the title "Chairman, Environmental Protection Commission" of Hillsborough County shall only be affixed by the Chairman on items where the Board has taken official action. The Chairman, or Vice Chairman in the absence of the Chair, or Chaplain in the absence of the Chairman and Vice Chairman, is authorized to sign any documents approved by the Commission.

Rule 6. VOTING. Voting shall be done electronically. In case of electric failure, voting shall be done by voice. The Clerk will officially record the votes.

Rule 7. ABSTENTION. No Commissioner may abstain from voting on any matter before the Commission upon which official action is to be taken unless there is or appears to be a possible conflict of interest under the provisions of applicable laws. In such cases, said Commissioner shall comply with the disclosure requirements of State law.

If a Commissioner has a conflict with an item appearing on the consent portion of the Environmental Protection Commission agenda, that Commissioner does not have to pull the item for the purpose of abstention if prior to the vote on the consent agenda the Commissioner:

- (a) publicly discloses the nature of his interest in the matter from which he is abstaining and,
- (b) notifies the Clerk of the conflict.

The Commissioner must supply the Clerk with a completed Memorandum of Voting Conflict form within 15 days after the vote occurs.

Rule 8. MOTIONS. No matter may be officially acted on by the Commission unless a motion has been made by a Commissioner to take such action, and the motion has been seconded by another Commissioner. Motions require a majority vote of those members present for passage.

When a motion has been made and seconded, the presiding chairman shall conduct debate on the merits of the motion. The presiding chairman shall first recognize Commissioners to speak on the question, and then shall recognize members of the staff and general public to speak on the question. The presiding chairman shall have the authority to close debate and call for a vote on the motion as long as no other Commissioner wishes to speak. Debate can also be closed upon motion being approved by the a majority of the Commissioners present.

Rule 9. SUBSIDIARY MOTIONS. These are applied to original motions in order to more appropriately dispose of the original motions. The following subsidiary motions are listed in ranked order from highest to lowest:

- (a) Lay on The Table.
- (b) Previous Question.
- (c) Limit or Extend the Limits of Debate.
- (d) Postpone To a Certain Time.
- (e) Refer or Commit.
- (f) Amend.
- (g) Postpone Indefinitely.

When such motions are made and seconded, the subsidiary motion supplements the original motion and, with the exception of the first three, must be decided by a majority vote before the original motion can be acted upon. Motions to Lay on The Table, the Previous Question, and to Limit or Extend the Limits of Debate must pass by a two-thirds vote.

Rule 10. PRIVILEGED MOTIONS. These motions are of such great importance that they take precedence over all other motions and questions and are not debatable. These motions include:

- (a) fixing a time to adjourn.
- (b) adjournment.
- (c) taking recess.

Rule 11. RECONSIDERATION. A motion to reconsider any vote or proceeding of the Commission on the same matter at the same meeting may only be made by a Commissioner who has previously voted on the prevailing side.

In the event of a tie vote any commissioner may move the matter for reconsideration at the next ensuing meeting of the same type at which all members of the Commission are present. No item may be reconsidered unless a motion has been made and seconded and a majority of the Commission votes to so reconsider.

RENEWAL. Upon motion by any commissioner, the Commission may consider an action that did not pass in a prior meeting.

Rule 12. AGENDA AND ORDER OF BUSINESS. An agenda of matters to be discussed by the Commission shall be prepared by the Executive Director. The agenda shall be made available to the public a reasonable time before the Commission meeting. In cases of special circumstances or emergencies, those items not on the agenda may be acted upon by the Commission. However, in response to unscheduled agenda items, the Commission shall either defer the issue to the end of the agenda, or to a subsequent meeting. A portion of the agenda shall be designated as a consent agenda and all items contained therein may be voted on with one motion, except that any Commissioner may withdraw an item from the consent agenda and it shall be voted on separately. Additions, deletions, or corrections to the agenda may be considered by the Commission and adopted by the passage of a single motion.

Rule 13. SCHEDULING OF AGENDA ITEMS. The Executive Director has the primary authority and responsibility for determining subject matter, appropriateness relative to the scheduling of all agenda items before the Commission. Accordingly, the Executive Director's office will screen all agenda scheduling requests. Commission members may request that items be placed on the agenda by forwarding written requests to the Chairman with copies to the Executive Director by 9:00 A.M. on or before the Tuesday preceding the week of the next Commission meeting. Commission members shall not pull their individual items as exceptions for time certain, with all Commissioners' items being addressed in the same time frame on the agenda. Members of the Commission may raise before the Commission substantive, unscheduled agenda matters only in instances where the Executive Director has been provided with prior written notice thereof not later than 3:00 P.M. on the Friday preceding the regular Commission meeting held the following week.

Rule 14. REGULAR MEETINGS. Regular meetings of the Commission shall be on the 3rd Thursday of each month, convening at 10:00 A.M. except when a holiday conflicts.

Rule 15. SPECIAL MEETINGS. Special meetings of the Environmental Protection Commission may be called at any time by the Chairman, or by the Vice-Chairman in the absence of the Chairman. Notice of special meetings shall be in writing. The Clerk or his duly authorized representative shall serve each Commissioner with notice of a special meeting at least 24 hours before the meeting. Said notice shall state subject matter(s) to be discussed at the special meeting. No business shall be transacted at a special meeting other than the subject matter contained in the notice.

Rule 16. EMERGENCY MEETINGS. Emergency meetings of the Environmental Protection Commission may be called at any time by the Chairman, or the Vice-Chairman in the absence of the Chairman. Public notice given shall be that which is the most appropriate and effective under the circumstances. Minutes of emergency meetings must be kept in the same manner as those for regular and special meetings.

- Rule 17. WORKSHOP MEETINGS.** The Chairman, or Vice-Chairman in the absence of the Chairman, may call a workshop meeting to discuss items of special importance or complexity to the Commission. The purpose of a workshop is to allow staff to make presentations and to allow questions by the Commissioners. Public comment will be at the discretion of the presiding chairman, but will be no more than three (3) minutes for each person unless the presiding chairman wishes to extend the time limit. An agenda of the order of business at the workshop meeting shall be prepared by the Executive Director and made available to the public a reasonable time before the workshop meeting. Official action may be taken upon any of the items discussed at the workshop meeting and any of the items of official business that require immediate consideration and decision by the Commission.
- Rule 18. BRIEFINGS.** Briefings may be called by the presiding chairman or by a majority of the Commission present and voting. The Briefings will involve staff presentations and questions by the Commissioners. The Commissioners will take no action on any item at a Briefing and there will be no input participation from the public. Minutes of Briefings will be kept in the same manner as for regular and special meetings.
- Rule 19. PUBLIC HEARINGS.** Public Hearings will be held as necessary to receive public comment on matters of special importance or as prescribed by law. Notice of Public Hearings shall be as directed by Florida Statutes and applicable law. Public comment will be limited to three (3) minutes for each person unless the presiding chairman wishes to extend the time limit or unless otherwise provided for by statute or.
- Rule 20. SPECIAL ATTORNEY-CLIENT SESSIONS.** Meetings pursuant to Section 286.011(8) F.S. may be called by the Chairman or the Vice-Chairman in the absence of the Chairman, upon request of the Commission's attorney during a public meeting for advice regarding pending litigation. Reasonable public notice will be given of the place, time and persons who will attend. The attorney-client session will commence at an open public meeting where the beginning will be announced, with an estimate of the length of the session and the names of those attending and will conclude at a reopening of the public meeting to announce termination of the session. The entire session shall be recorded by a certified court reporter, no part being off the record, and shall be fully transcribed within a reasonable time and made part of the public record upon conclusion of the litigation.
- Rule 21. OPEN MEETINGS.** With the exception of special attorney-client sessions, all regular, special, emergency and workshop meetings, briefings, and public hearings of the Environmental Protection Commission shall be open to the public in accordance with Chapter 286, Florida Statutes.
- Rule 22. MINUTES.** Written minutes of all meetings of the Environmental Protection Commission shall be recorded by the Clerk. These written minutes shall be open for public inspection. Minutes of previous meetings may be circulated for corrections and studying by Commissioners as long as any changes, corrections or deletions are discussed during an official meeting and are duly approved by the Commission at said meeting. Written minutes shall also be kept for "workshop" meetings by the Clerk.
- Rule 23. RESOLUTION.** All resolutions shall be in writing and shall embrace only one subject matter. Four (4) affirmative votes are required for passage.
- Rule 24. ORDINANCES.** The Environmental Protection Commission does not have the authority to adopt ordinances, but may submit proposed ordinances to the Board of County Commissioners for consideration.
- Rule 25. RULES.** All rules for implementation of the Act and amendments thereto shall be adopted at a public hearing following at least 10 days published notice, excluding Sundays and legal holidays. Proposed rules and amendments shall be available at the Executive Director's offices for public inspection and copying. All adopted rules and amendments shall be filed with the Clerk who shall make them available to the public.

Rule 26. APPOINTMENTS. Appointments to various boards made by individual Commissioners shall be confirmed by a motion adopted by the Commission.

Rule 27. PUBLIC COMMENTS. This agenda item is designed to furnish a public forum for citizens to address the Commission concerning matters of personal and general interest. Each person appearing under this section of the agenda will be limited to three (3) minutes per subject matter.

In response to issues raised during the public comment section, the Commission may either refer the issue to the Executive Director, or continue the items to the end of the agenda for further discussion.

Rule 28. WAIVER OF RULES OF ORDER. Any of the above rules of order except those required by applicable law may be temporarily suspended for the meeting in session by a majority vote of those commissioners present at said meeting.

Rule 29. AMENDMENTS. These rules of order may be amended by action of a majority vote of the Commissioners present at a regular or special meeting of the Commission; provided, however, such amendments shall not become effective until the same have received a like vote at a Commission meeting held two weeks hence.

Rule 30. EFFECTIVE DATE. These rules shall become effective immediately upon adoption by the Commission and shall supersede all other rules of Commission procedure previously adopted by the Commission.

- 1992

- Amended March 20, 1997

[I:\rules\Rules of Order Amendment]