

**SPECIAL
ENVIRONMENTAL
PROTECTION
COMMISSION**

8/8/02

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

AGENDA ITEM COVER SHEET

DATE: August 8, 2002

TO: Environmental Protection Commissioners

FROM: Darrell Howton, Director, Wetlands Management Division

SUBJECT: Request for Authority to take appropriate legal action and for settlement authority regarding Thomas Frederick

BACKGROUND: Mr. Thomas Frederick owns property located at 10705 Lake Alice Cove, Odessa. Within the property are areas of wetlands under the jurisdiction of the Environmental Protection Commission. Chapter 1-11, Wetlands, Rules of the EPC, prohibits impacts to wetland without the authorization of the EPC Executive Director. On November 20, 2000, Mr. Frederick was issued Warning Notice #20386 on-site for violations of Miscellaneous Activities in Wetlands Authorization and conducted clearing of wetland vegetation associated with Lake Alice without the authorization of the Executive Director.

On January 18, 2001, A Notification of Case transfer to Enforcement Letter was sent to Mr. Frederick. On March 8, 2001, Mr. Frederick entered into a Consent Order with EPC to resolve the violations. However, inspection on April 23, 2001, in response to a citizen complaint, revealed a portion of the wetland area had been impacted in violation of the Consent Order and EPC rules. Warning Notice #20607 was issued on-site. On April 30, 2001, inspection in response to a complaint revealed further wetland vegetation clearing by use of heavy machinery. On June 29, 2001, inspection in response to a citizen complaint revealed wetland vegetation was cleared via herbicide use. On August 23, 2001, Mr. Frederick met with EPC staff in an attempt to amicably resolve the matter. On September 13, 2001, EPC staff issued a permit for nuisance plant control. On July 24, 2002 inspection in response to a citizen complaint revealed that heavy machinery clearing wetland vegetation and placing fill dirt in wetlands in violation of the previously issued permit. The operator was instructed to cease activity in the wetlands and was issued Warning Notice #30296. On July 30, 2002, staff again inspected the site in response to a citizen complaint and observed additional filling activity in wetlands. Warning Notice #30309 was issued.

The activities referenced above were not included in an EPC authorization, and therefore were without the authorization of the EPC Executive Director.

Continued discussions have not led to resolution of the matter. Mr. Frederick has violated Chapter 1-11, Rules of the EPC, and Section 17 of the Hillsborough County Environmental Protection Act by clearing and filling wetlands without the appropriate authorization. RECOMMENDATION: Grant authority to pursue appropriate legal action and take appropriate settlement.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

MEETING

DATE: August 8, 2002

DIAGRAM (IF APPROPRIATE)