

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
MARCH 17, 2005
10 AM – 12 NOON**

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. <u>CITIZEN'S COMMENTS</u>	
II. <u>CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE</u> Report from the Chairman – David Jellerson	
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Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

Visit our website at www.epchc.org

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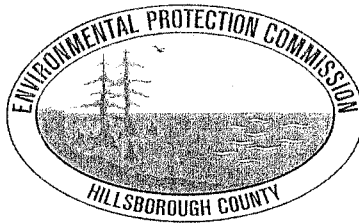
ADDENDUM

- I. **LEGAL DEPARTMENT**
EPC v. CC Entertainment Music – Tampa LLC and Florida State Fair Authority,
Case No. 04-11404-Authorization to Sue and Status Report on Amended Complaint A-2

- II. **WETLANDS MANAGEMENT DIVISION**
Memorandum of Understanding With Southwest Florida Water Management District A-3

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Supplemental EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 17, 2005

Subject: EPC v. CC Entertainment Music – Tampa LLC and Florida State Fair Authority, Case No. 04-11404
Authorization to Sue and status report on Amended Complaint

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

Division: Legal Department

Recommendation: Reaffirm Board's previous authorization to sue and notice of filing an amended complaint.

Brief Summary: On December 9, 2004, the EPC met in special session and authorized the EPC staff to file suit in the Amphitheatre matter. On December 21, 2004, the EPC filed a complaint and a motion for temporary injunction against CC Entertainment Music – Tampa, LLC and the Florida State Fair Authority for violations of the EPC Act and Chapter 1-10, Rules of the EPC (Noise) regarding noise level violations and noise nuisance violations stemming from concerts held at the new Ford Amphitheatre. The Defendant CCE has challenged the validity of the notice for the meeting held on December 9, 2004. While the meeting was properly noticed and conducted, in an abundance of caution, the EPC staff requests a reaffirmation of the authority to file a lawsuit in this matter. Furthermore, staff will discuss its intention to file a second amended complaint.

Background: On or about 11 a.m. December 9, 2004, the EPC met in special session and authorized the EPC staff to file suit in the Amphitheatre matter. The notice for the meeting was posted on the County website and e-mailed or faxed to dozens of media outlets on the afternoon of December 8, 2004. The meeting information was also provided to counsel for CC Entertainment Music – Tampa, LLC (CCE) on the afternoon of December 8, 2004. The December 9, 2004, meeting was held in the sunshine. CCE filed written comments regarding staff's request for authorization to sue and the CCE comments were summarized on the record by the EPC General Counsel. The meeting was not a public hearing. The EPC Board voted to authorize the lawsuit. Pursuant to Commission direction, on December 21, 2004, the EPC filed a complaint and a motion for temporary injunction against CC Entertainment Music – Tampa, LLC (CCE) and the Florida State Fair Authority (Fair) for violations of the EPC Act and Chapter 1-10, Rules of the EPC (Noise) regarding noise level violations and noise nuisance violations stemming from concerts held at the new Ford Amphitheater.

While the December 9, 2004, meeting was properly noticed and conducted, in an abundance of caution, the EPC staff requests a reaffirmation of the authority to file a lawsuit in this matter. Furthermore, staff will discuss its intention to file a second amended complaint. The parties continue to conduct settlement negotiations, but this is action will assist in future litigation if necessary.

List of Attachments: None

AGENDA ITEM COVER SHEET

Date: March 17, 2005

Agenda Item: Memorandum of Understanding Between the Southwest Florida Water Management District and the Environmental Protection Commission of Hillsborough County Regarding Coordination of Regulatory Activities

Description/Summary:

In an effort to effect regulatory streamlining, on or about May 1, 1997 the Southwest Florida Water Management District ("SWFWMD") and the Environmental Protection Commission of Hillsborough County ("EPC") entered into a Memorandum of Understanding Regarding Coordination of Regulatory Activities ("MOU"). The MOU, in summary, provided for coordination of the following activities between the agency staffs:

- Provided that each of the signatory agencies would accept wetland delineations performed by either agency's staff for environmental resource permitting ("ERP") review and evaluation purposes;
- Provided that SWFWMD staff would forward complaints regarding unpermitted activities in Hillsborough County related to wetlands and surface waters to EPC staff for investigation and potential enforcement actions; and,
- Provided that the agency staffs would coordinate site investigations and meetings regarding mitigation compliance, and that the agencies would strive to effect a delegation of ERP mitigation compliance responsibilities to EPC.

EPC and SWFWMD staff have been drafting amendments to the MOU to further coordinate regulatory activities between the signatory agencies and to effect the delegation of ERP mitigation compliance responsibilities to the EPC as provided in the original MOU. The proposed amendments to the MOU would:

- Limit EPC's acceptance of wetland delineations to formal determinations pursuant to chapter 373.421, Florida Statutes; and,

- Effect the delegation of ERP mitigation compliance responsibilities to the EPC and establish conditions for such delegation.

SWFWMD has determined that the amended MOU would need to be formally adopted as a rule pursuant to chapter 120, Florida Statutes.

EPC staff is seeking a recommendation from its Board to move forward with the negotiation of final terms of the MOU, attached as Exhibit "A", with SWFWMD. Staff will provide the final proposed version of the MOU to the Board for approval prior to its execution.

Commission Action Recommended:

EPC staff recommends that the Board provide staff permission to move forward with negotiation of the final terms of the MOU with SWFWMD.

Memorandum of Understanding Between the
Southwest Florida Water Management District and
The Environmental Protection Commission
of Hillsborough County
Regarding Coordination of Regulatory Activities

WHEREAS, the Environmental Protection Commission (EPC) and the Southwest Florida Water Management District (SWFWMD) both have authority to regulate activities affecting water pollution in Hillsborough County;

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WHEREAS, it is in their interest to coordinate their activities and eliminate duplication or unnecessary expenditures wherever possible;

WHEREAS, EPC already has a significant infrastructure specifically directed toward delineating wetlands, responding to complaints, mitigation monitoring compliance, and performing investigations within Hillsborough County; and

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WHEREAS, SWFWMD and the Florida Department of Environmental Protection have split environmental resource permitting responsibilities as per the operating agreement dated September 27, 1994, and attached hereto as Exhibit "A".

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NOW, THEREFORE, EPC and SWFWMD agree to coordinate their activities subject to that operating agreement as follows:

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1. WETLAND DELINEATIONS:

a. For environmental resource permitting review and evaluation purposes, SWFWMD and EPC will accept formal determinations of the landward extent of wetlands and other surface waters performed by either agency's staff, as long as the determination delineates all wetlands and surface waters located within the specified property boundary as legally described within an application, as provided for under Chapter 1-11, Rules of the EPC, and Chapter 40D-4, F.A.C., Basis of Review, Section 3.4, and in accordance with the statewide methodology established by Chapter 62-340, F.A.C., as ratified in section 373.4211, Florida Statutes.

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b. To enable each agency to maintain current information on wetland delineation activities in Hillsborough County, each agency, upon request, will provide the other with copies of surveys or other appropriate documentation, reflecting each approved wetland delineation performed by its staff in Hillsborough County subsequent to the effective date of this agreement. SWFWMD will provide copies to EPC of all proposed final agency actions acknowledging formal wetland determinations performed by the SWFWMD in Hillsborough County prior to the agency action becoming final.

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2. COMPLAINT INVESTIGATION:

a. When SWFWMD staff observes or receives a complaint regarding unpermitted activities in, on, or over wetlands or other surface waters, they will forward the

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complaint to EPC as soon as possible for investigation. SWFWMD will not distinguish between cases involving thresholds, or possible state permit exemptions in notifying EPC. However, SWFWMD will notify EPC but not forward to EPC complaints regarding projects permitted by SWFWMD and EPC may choose to proceed under its own authority to investigate these complaints. EPC will provide SWFWMD with a copy of all complaint investigation forms.

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b. In all cases referenced above, except those involving a project permitted by SWFWMD, EPC will investigate on behalf of SWFWMD and, where appropriate, issue a Warning Notice or appropriate enforcement document. EPC will forward a copy of the Warning Notice or enforcement document to SWFWMD for tracking. If the complaint is not substantiated or if a minor violation is resolved prior to the issuance of a Warning Notice, EPC will provide SWFWMD with a copy of the closed complaint form. SWFWMD may choose to intervene and independently pursue resolution in any case, but specifically when correction of the violation requires mitigation, or if the unpermitted activities involve construction of appurtenances or works or involve concerns with flooding or stormwater treatment.

3. MITIGATION COMPLIANCE MONITORING:

a. As of February 2, 2004, the date of adoption of Chapter 62-345, F.A.C., SWFWMD will transfer Environmental Resource Permit ("ERP") mitigation compliance responsibilities to EPC for compliance and monitoring responsibility for all wetland impacts occurring in Hillsborough County which are subject to Chapter 1-11, Rules of the EPC.

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EPC and SWFWMD will strive to implement a uniform set of mitigation success criteria guidelines which will be used to review compliance with permitted conditions. Site specific project variance from such uniform guidelines will be reviewed by staff from both agencies prior to any deviation from the guidelines.

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b. Prior to providing an ERP mitigation permit to EPC for compliance and monitoring oversight under this section, and prior to authorizing commencement of the required monitoring and maintenance period, both agencies will strive to conduct a joint initial compliance inspection of the site or sites within thirty (30) days of receipt of the construction completion report to ensure construction in accordance with the permitted plans. SWFWMD will formally transfer the ERP permit to EPC within thirty (30) days of the initial compliance inspection.

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c. Upon transfer of an ERP mitigation permit from SWFWMD to EPC, EPC staff will respond with a timely written acknowledgment of permit receipt. All correspondence sent to permittees, or their agents, by either agency in regards to the monitored file shall be copied to the other agency.

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d. EPC will provide quarterly tracking reports to SWFWMD documenting status of all open ERP mitigation permits being monitored by EPC. The permittee will be responsible for providing SWFWMD copies of all monitoring reports.

SWFWMD will provide timely written response to EPC upon receipt of a monitoring report.

- e. Minor modifications to a permitted mitigation plan, such as changes in planting species, may be accomplished through written correspondence to the permitted entity or their agent. SWFWMD will be copied in a timely manner on all correspondence.
- f. Major modifications to a permitted mitigation plan will require prior SWFWMD review and approval. Any EPC approval will be conditioned on SWFWMD permit modification approval. All major modification approvals must be copied to EPC. Deleted: the
- g. Upon determination that a mitigation site has successfully complied with all EPC permitting conditions, EPC staff will provide written notice to SWFWMD of the site's release from EPC's monitoring and maintenance requirements and EPC's intent to issue a Certificate of Completion for the site. Any Certificate of Completion issued to a permittee subject to ERP permitting conditions will additionally specify that specific release is also required by SWFWMD, and that additional monitoring or maintenance conditions may be required. Upon issuance of the Certificate of Completion, EPC will not conduct further mitigation compliance activities for the site.
- h. SWFWMD may opt to maintain ERP mitigation compliance responsibility for specific projects upon written notification to EPC.
- i. Neither agency may release a Conservation Easement required to be placed on a mitigation site subject to the jurisdiction of EPC without written approval from the other agency. Deleted: the
- h. For projects permitted prior to the adoption of Chapter 62-345, F.A.C., in an effort to enhance consistency where possible, EPC and SWFWMD will strive to coordinate site investigations and meetings regarding mitigation compliance, particularly where mitigation appears not to be in compliance. EPC and SWFWMD will participate in joint training and information exchange to facilitate this coordination.

4. PRE-APPLICATION MEETINGS:

In an effort to streamline the application process between agencies, SWFWMD and EPC will notify any applicant that the other agency may attend pre-application meetings if the applicant chooses. Deleted: the
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This agreement will take effect upon the signature by the Executive Director of EPC and the Governing Board Chairman of SWFWMD. The agreement will be reviewed by the signatory agencies two (2) years subsequent to its date of execution to review its effectiveness. This agreement can be modified by mutual agreement of the parties, or revoked by either party at any time upon notice to the other. Deleted: the
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Protection Commission

Management District

Richard D. Garrity, Ph.D.
EPC Executive Director

Roy G. Harrell, Jr.
Chairman, Governing Board

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JANUARY 20, 2005 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, January 20, 2005, at 10:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Kathy Castor and Commissioners Brian Blair (arrived at 10:07 a.m.), Ken Hagan, Jim Norman, Mark Sharpe, and Ronda Storms (arrived at 10:17 a.m.).

The following member was absent: Commissioner Thomas Scott (out of town).

Chairman Castor called the meeting to order at 10:04 a.m. Commissioner Sharpe led in the pledge of allegiance to the flag and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, distributed an addendum requesting items added to the agenda for the Ford Amphitheatre closed session and Alafia River, and he requested an item be deleted from the Consent Agenda regarding legal action against Thrifty Rent-A-Car and June Campbell, trustee, since a settlement appeared likely. **Commissioner Norman moved the changes to the agenda, seconded by Commissioner Hagan, and carried five to zero.** (Commissioner Storms had not arrived; Commissioner Scott was absent.) Chairman Castor announced the EPC Board would meet in closed session at 11:00 a.m. to discuss the Florida State Fair (Fair) Authority (Fair Authority) potential settlement. Before that, EPC would hear citizen and Fair Authority comments.

CITIZEN'S COMMENTS

Ms. Ann Paul, Audubon Coastal Island Sanctuaries, utilized an aerial map to orient EPC to the Alafia River, Mosaic Phosphates Company (Mosaic), and Alafia Bank. Audubon Coastal Island Sanctuaries had been working to add dredge material to the west end of Alafia Bank to create more island for birds to nest and to stop erosion caused by storms and ships. She supported filling the dredge hole in the Kitchen area adjacent to Whiskey Stump Key, which would allow the project to continue at the Alafia Bank and provide an opportunity for grasses to recolonize that area.

CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report From the Chairman, David Jellerson - Mr. Jellerson reported on the January 10, 2005, meeting, which included a brief update on ongoing activities by staff, but mostly focused on pollution recovery fund (PRF) grant applications. CEAC supported the Green Yards program initiative. The next meeting would be devoted to finalizing PRF grant applications.

THURSDAY, JANUARY 20, 2005 - DRAFT MINUTES

CONSENT AGENDA

- A. Approval of Minutes: September 14, 2004; October 21, 2004; November 10, 2004; December 1, 2004; December 9, 2004; and December 15, 2004.
- B. Monthly activity reports.
- C. Legal Department monthly report.
- D. PRF.
- E. Gardinier Settlement Trust Fund.
- F. Request authority to take appropriate legal action against:
 - (1) Omar T. Chaudhry, C and C Food Corporation
 - (2) Thrifty Rent-A-Car and June Campbell, trustee. **Deleted from the agenda.**
- G. Approve temporary wetland impact: Florida Fill Haulers Incorporated at the Villa Rosa borrow pit.

Commissioner Blair moved to approve, seconded by Commissioner Norman, and carried five to zero. (Commissioner Storms had not arrived; Commissioner Scott was absent.)

EXECUTIVE DIRECTOR'S REPORT

Request Authority to Schedule EPC Budget Workshop - Dr. Garrity explained staff wanted an opportunity to present budget concepts for the next two years and to receive EPC input on budget priorities. The workshop would also be an opportunity to discuss the EPC portion of Water Resource Team issues and bay monitoring, although a separate workshop might be better. In reply to Chairman Castor, **Commissioner Norman moved to go ahead and schedule it, leave it in EPC staff hands for the appropriate timing of key issues, not to draw away from key issues, seconded by Commissioner Blair, and carried five to zero.** (Commissioner Storms had not arrived; Commissioner Scott was absent.)

Present Environmental Protection Agency (EPA) Audit Report - Dr. Garrity said EPA had recently evaluated eight State and four Hillsborough County programs that dealt with asbestos control. EPC was one of eight local agencies in Florida delegated by the Department of Environmental Protection (DEP) and EPA to run an asbestos control program. Dr. Garrity reported the EPC program was rated excellent. Chairman Castor received confirmation from Dr. Garrity that

asbestos removal was primarily related to demolishing and remodeling of older buildings.

Alafia River Channel Dredging and Spoil Disposal Permit - Dr. Garrity said the Agency on Bay Management discussed the complicated issue the week of January 10, 2005. DEP intended to issue a permit to the Army Corps of Engineers to dredge a turning basin in the Alafia River for use by Mosaic. The issue regarding the permit was what to do with the spoil material. He commented on disagreement among the scientific community dealing with restoring Tampa Bay, explaining some people perceived filling the Whiskey Stump Key dredge hole was proper, while others wanted the spoil used to fill a different hole in McKay Bay.

EPA had financed a study to prioritize which dredge holes should be filled and in what order; the study was about two months away from completion. Preliminary findings ranked the McKay Bay hole as highest priority, because the water was of such poor quality, but the Whiskey Stump Key hole was valuable to recreational fishermen. EPC staff had sent DEP a petition asking for discussion between the affected parties or to finalize the EPA study. Dr. Garrity recalled EPC had approved \$75,000 from the PRF, along with \$25,000 from the Tampa Bay Estuary Program, to help the Army Corps of Engineers take the material to the McKay Bay hole.

Dr. Garrity requested authorization for the Chairman to sign a letter to DEP pointing out those issues and asking for time to revisit the issue and have some scientific discussion about the best use of the spoil material. **Commissioner Norman moved approval, seconded by Commissioner Storms.** Chairman Castor asked why the Army Corps of Engineers issued the permit before the study was completed. Dr. Garrity confirmed EPC would not comment in opposition to the dredge permit. **The motion carried six to zero.** (Commissioner Scott was absent.)

COMMISSIONERS' REQUESTS

Discussion on the Exide Remediation Plan (Chairman Castor) - Chairman Castor introduced the item and stated the proposed remedy seemed to be out of bounds for reasonable environmental remediation. Ms. Mary Yeargan, EPC staff, utilized a map to show the subject location; gave a brief history of the site, contamination, ownership, and issues; and outlined the proposed remediation detailed in background material. Staff recommended EPC send a letter to DEP indicating interest and concern regarding the site and ask DEP to work with EPC to reach an amicable resolution. **Commissioner Storms so moved, seconded**

THURSDAY, JANUARY 20, 2005 - DRAFT MINUTES

by Commissioner Blair. Chairman Castor said battery casings were visible with proximity to Delaney Creek and Tampa Bay. Ms. Yeargan confirmed such a weak remedy had never been allowed in previous battery waste dumps in Hillsborough County. Following discussion, **the motion carried six to zero.** (Commissioner Scott was absent.)

ENVIRONMENTAL RESOURCES MANAGEMENT (ERM) DIVISION

Hillsborough Independent Monitoring Plan (HIMP) - Dr. Garrity introduced the item. Commissioner Storms explained the genesis and importance of HIMP. Dr. Gerold Morrison, Director, EPC ERM Division, submitted the preoperational report executive summary on water quality and benthic habitats and reviewed the purpose of HIMP and specific projects considered in the current phase. Staff recommended EPC and Hillsborough County work together to initiate a comprehensive watershed management program for all watersheds in Hillsborough County, to restore and protect surface and groundwater resources for future environmental and economic reasons, and to help Hillsborough County comply with federal and State water quality protection programs. **Commissioner Storms moved to refer that over, ask EPC staff to approach Hillsborough County staff to begin working on that recommendation, so it could come back before the Board of County Commissioners in a joint presentation with recommendations to follow. Commissioner Norman seconded the motion.** In reply to Commissioner Storms, Mr. Morrison recommended a period of one to two months. **Commissioner Storms amended the motion to 60 days. The motion carried five to zero.** (Commissioner Blair was out of the room; Commissioner Scott was absent.)

WASTE MANAGEMENT DIVISION

Approval of Green Yards Procedures - Mr. Hooshang Boostani, Director, EPC Waste Management Division, recalled EPC approved staff request to implement the Green Yards program in Hillsborough County. Green Yards was a collaborative program between EPC and the auto salvage industry through which yards would begin to use best management practices and operate in conformance with environmental standards. Four auto salvage yards were in complete conformance and deserved Green Yards designation. Mr. Boostani recommended placing eligible facilities on the agenda for the monthly meeting to receive recognition and a green flag to signify Green Yards status. **Commissioner Storms so moved, seconded by Commissioner Blair, and carried six to zero.** (Commissioner Scott was absent.)

THURSDAY, JANUARY 20, 2005 - DRAFT MINUTES

LEGAL DEPARTMENT - 11:00 A.M. TIME CERTAIN

Revised Report on Ford Amphitheatre and Closed Session (Pursuant to Section 286.011, Florida Statutes) - Attorney Gordon Schiff, Schiff Law Group, 1211 North West Shore Boulevard, Suite 401, general counsel for the Fair Authority, introduced the Fair Authority Executive Director Charles Pesano. Mr. Pesano commented on the economic impact to Hillsborough County from the Fair and Fair Authority and welcomed the opportunity to continue cooperating with Hillsborough County. Attorney Schiff stated the Fair Authority was focusing on moving forward with the 2005 Fair, which included entertainment utilizing the Ford Amphitheatre.

Chairman Castor called for public comment. Attorney Donovan Conwell Jr., with Fowler, White, Boggs, and Banker, P.A., representing Clear Channel Entertainment (Clear Channel), introduced Mr. Wilson Rogers, who stated Clear Channel would continue to work for a permanent solution for the sound issues surrounding the Ford Amphitheatre. Commissioner Storms said the problem had to be addressed. Commissioner Norman recalled unsuccessful attempts to obtain an understanding regarding noise issues before the amphitheatre was built.

Chairman Castor called a recess for EPC to convene in closed session, pursuant to Section 286.011, Florida Statutes, to discuss litigation strategies in the case EPC of Hillsborough County vs. CC Entertainment Music, Tampa LLC, and Florida State Fair Authority, Case 04-11404, and reconvened the meeting at 11:51 a.m.

In the event a full settlement was not reached at mediation and the case proceeded to trial, Commissioner Storms moved to authorize the EPC staff to hire outside counsel and any necessary expert witnesses; and also, authorize Dr. Garrity to work with County Administrator Patricia G. Bean for any necessary budget amendments, and to work with County Attorney Renee F. Lee to use the considerable resources of the County Attorney's Office to also work with the EPC in that matter. Commissioner Norman seconded the motion, which carried six to zero. (Commissioner Scott was absent.)

Under the conditions provided by the fairground representatives and discussed in the closed session, Commissioner Blair moved to withdraw the Fair from the EPC pending motion for injunction, and authorize Dr. Garrity to enter into a memorandum of understanding with the Fair Authority allowing the Fair's concerts to go forward for the 2005 Fair. Commissioner Storms seconded the motion. EPC General Counsel Richard Tschantz clarified EPC was authorizing Dr. Garrity to enter into the memorandum of understanding with the Fair

THURSDAY, JANUARY 20, 2005 - DRAFT MINUTES

Authority, which would, under certain circumstances, allow the Fair's concerts for 2005 to go forward, and remove the Fair from the pending injunction motion that was currently scheduled for February 11, 2005. Chairman Castor understood that based upon the Fair Authority's agreement to extensive conditions to take care of the noise violations, the motion was to allow the Fair Authority to proceed. Commissioner Storms clarified the Fair Authority was undertaking extensive activities toward their own concerts; Commissioner Blair agreed. **The motion carried six to zero.** (Commissioner Scott was absent.)

Commissioner Sharpe moved to give Dr. Garrity full authority at mediation to settle the matter, pursuant to the guidelines discussed in closed session, seconded by Commissioner Storms, and carried six to zero. (Commissioner Scott was absent.)

Chairman Castor stated EPC was willing to allow the concerts to go forward due to the extensive conditions to which the Fair Authority had agreed; however, EPC would monitor the concerts. Commissioner Storms clarified EPC was only referring to the Fair Authority concerts, not Clear Channel.

There being no further business, the meeting was adjourned at 11:56 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

SW

JANUARY 25, 2005 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider Amending Prior Action Regarding Ford Amphitheatre and Florida State Fair Authority, scheduled for Tuesday, January 25, 2005, at 1:31 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Kathy Castor and Commissioners Brian Blair (arrived at 1:32 p.m.), Ken Hagan, Jim Norman, Mark Sharpe, and Ronda Storms.

The following member was absent: Commissioner Thomas Scott.

Chairman Castor called the meeting to order at 1:31 p.m.

EPC General Counsel Richard Tschantz stated the EPC Board authorized staff on January 20, 2005, if mediation were not successful, to hire outside counsel and outside experts to proceed. Since then, the injunction in the case was scheduled for Saturday, February 26, 2005; however, mediation was scheduled for February 22, 2005, which allowed four days to prepare. Therefore, EPC staff requested an amendment to allow staff to contract now with experts and outside counsel. **Commissioner Storms moved to amend the previous motion passed by the EPC Board on January 20, 2005, and authorize EPC staff to hire outside counsel and any necessary expert witnesses in a timely manner in order to prepare for the mediation, the injunction hearing, and the trial, if necessary, leaving the County Attorney and the County Administrator still standing.** Attorney Tschantz said County Attorney Renee F. Lee was analyzing options. **Commissioner Norman seconded the motion and asked to have counsel reach out to see if the cities of Temple Terrace and Tampa would like to tie in with the County to go forward. Commissioner Storms accepted the amendment. The motion carried six to zero.** (Commissioner Scott was absent.) Commissioner Norman said that would present a united front to go forward as a community to resolve the problem. Chairman Castor was hopeful the municipalities would participate.

TUESDAY, JANUARY 25, 2005 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 1:35 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

SW

FEBRUARY 16, 2005 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider the Tampa Bay Water (TBW) Environmental Resource Permit Modification Application Associated With the Remedy of the TBW Seawater Desalination Plant, scheduled for Wednesday, February 16, 2005, at 2:15 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Kathy Castor and Commissioners Brian Blair, Ken Hagan, Jim Norman, Thomas Scott, Mark Sharpe, and Ronda Storms.

Chairman Castor called the meeting to order at 2:15 p.m.

Attorney Rick Muratti, EPC Legal Department, reviewed staff recommendation not to arbitrate the item. **Commissioner Scott moved staff recommendation, seconded by Commissioner Storms, and carried seven to zero.** Chairman Castor said EPC would have a budget workshop and perceived funding for the Water Resource Team would be the primary topic. Commissioner Storms wanted to preserve the Water Resource Team and wanted EPC to work with the County Administrator.

There being no further business, the meeting was adjourned at 2:16 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

SW

FEBRUARY 17, 2005 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, February 17, 2005, at 10:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Kathy Castor and Commissioners Brian Blair, Ken Hagan, Jim Norman, Mark Sharpe, and Ronda Storms (arrived at 10:32 a.m.).

The following member was absent: Commissioner Thomas Scott (family emergency).

Chairman Castor called the meeting to order at 10:02 a.m. Commissioner Blair led in the pledge of allegiance to the flag and gave the invocation.

CHANGES TO THE AGENDA

In response to Chairman Castor, Dr. Richard Garrity, EPC Executive Director, noted the only change was an added item regarding authorization to file a petition for an administrative hearing on the Alafia River dredging and deepening project. Chairman Castor called for a motion to approve the addendum. **Commissioner Norman so moved, seconded by Commissioner Hagan, and carried five to zero.** (Commissioner Storms had not arrived; Commissioner Scott was absent.)

CITIZENS COMMENTS

Chairman Castor called for public comment; there was no response.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report From the Chairman, David Jellerson - Mr. Jellerson noted the CEAC had completed review of the pollution recovery fund (PRF) applications and had voted on recommendations for funding and the CEAC and EPC staff recommendations were identical. He stated funding was not recommended for an application by the Taylor Road Civic Association to fund public water connections, but he requested County staff review the project to see if alternative funding could be provided. In response to Commissioner Blair, Chairman Castor noted the PRF recommendations would be discussed later in the meeting.

CONSENT AGENDA

- A. Approval of Minutes: None.
- B. Monthly activity reports.
- C. Legal Department monthly report.

THURSDAY, FEBRUARY 17, 2005 - DRAFT MINUTES

- D. PRF
- E. Gardinier Settlement Trust Fund.
- F. Authorize the Executive Director to execute the agreement with the Southwest Florida Water Management District.
- G. Authorize the Executive Director to execute contracts for professional services.
- H. Request authority to take appropriate legal action against: Sterling Jackson (Waste Management Division, tanks).

Commissioner Norman moved the Consent Agenda, seconded by Commissioner Hagan, and carried five to zero. (Commissioner Storms had not arrived; Commissioner Scott was absent.)

EXECUTIVE DIRECTOR'S REPORT

Dr. Garrity utilized an overhead presentation to review the 2005 University of South Florida Engineering Exposition in which the new Ford Escape hybrid would be displayed and pointed out the County had 26 engineers on staff and the EPC had received the Outstanding Government Exhibit Award at the last exposition. In response to Chairman Castor, Dr. Garrity noted staff to contact for further information. Chairman Castor asked for a report on the tax benefits of purchasing hybrid vehicles.

Dr. Garrity distributed and reviewed information regarding the upcoming EPC budget meeting scheduled for February 24, 2005. Ms. Jadell Kerr, Director, EPC Wetlands Management Division, recognized Lieutenant Colonel Tom LaFountain, EPC staff, who was again being called to active duty and presented Mr. LaFountain with a token of gratitude from the EPC. Mr. LaFountain offered appreciative comments. EPC Board members offered comments. Dr. Garrity read a note from an EPC consultant praising Mr. LaFountain.

LEGAL DEPARTMENT

Update - Ford Amphitheatre - EPC General Counsel Richard Tschantz noted there had been further complaints and violations resulting from a concert held on January 29, 2005, and the original complaint was amended to include that. The injunction hearing was set for Saturday, February 26, 2005, following a hearing on the Clear Channel motion to dismiss. Commissioner Hagan noted there was a concert the day of the injunction hearing and asked if the judge could cancel that. Attorney Tschantz was unsure and reviewed possible reasons for scheduling the injunction hearing on a Saturday.

THURSDAY, FEBRUARY 17, 2005 - DRAFT MINUTES

Authorize the Executive Director to File a Petition for an Administrative Hearing - Attorney Tschantz discussed background on the item and reviewed the recommendation. **Commissioner Sharpe moved the item, seconded by Commissioner Hagan and carried five to zero.** (Commissioner Storms had not arrived; Commissioner Scott was absent.)

ENVIRONMENTAL RESOURCES MANAGEMENT (ERM) DIVISION

Consider the CEAC/Staff Recommendations for 2004-2005 PRF Projects - Dr. Garrity thanked the CEAC for their work and provided a background on PRF funding. Dr. Gerold Morrison, Director, EPC ERM Division, reviewed an overhead presentation summarizing the PRF projects submitted and those recommended for partial funding, full funding, or denial. Dr. Morrison and Ms. Holly Greening, Tampa Bay Estuary Program, responded to queries from Commissioner Blair regarding the field measurement of wave energy in Hillsborough Bay PRF project. Attorney Tschantz disclosed Ms. Greening was the wife of Dr. Morrison; therefore, Dr. Morrison was not involved in review of that PRF application.

Mr. Jellerson noted the indication was that additional data was needed to understand how wave energy dissipated and effects on seagrass and reviewed the CEAC vote. Commissioner Sharpe perceived the project as another attempt to better understand the different influences on seagrass. Mr. Jellerson reported on CEAC discussion regarding the spending of PRF funds and questions whether projects were successful. Commissioner Blair agreed better science was needed and asked if there were conclusive benefits in similar projects. Ms. Greening noted there were and stated the project would measure wave energy from wind and ships and site-specific data was needed. Commissioner Blair moved to approve. The motion died for lack of a second.

Following comments, **Commissioner Norman moved all the recommendations, seconded by Commissioner Sharpe.** Commissioner Storms perceived an analysis regarding what was effective and what was not would be beneficial to ensure PRF projects had a positive outcome. Dr. Garrity noted PRF funds allowed for that analysis, and staff agreed that would be beneficial. Commissioner Blair agreed that was important. Mr. Jellerson noted follow-up reports were being requested to evaluate funding of PRF projects. **The motion carried six to zero.** (Commissioner Scott was absent.)

THURSDAY, FEBRUARY 17, 2005 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 10:43 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

kc

MARCH 9, 2005 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING - DRAFT
MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, to consider Settlement Negotiations and Litigation Strategies Regarding EPC vs. Clear Channel Entertainment (CCE) Music - Tampa LLC and the Florida State Fair Authority (FSFA), Case 04-11404, and CCE vs. EPC and FSFA, Case 05-1565, scheduled for Wednesday, March 9, 2005, at 1:30 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Kathy Castor and Commissioners Brian Blair, Ken Hagan, Jim Norman, Thomas Scott, Mark Sharpe, and Ronda Storms.

Chairman Castor called the meeting to order at 1:34 p.m., gave the purpose of and listed those who would attend the closed session, called a recess at 1:35 p.m., and reconvened the meeting at 2:32 p.m. to announce the termination of the closed session.

There being no further business, the meeting was adjourned at 2:32 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

kc

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
FEBRUARY

A. Public Outreach/Education Assistance:		
1. Phone Calls:		206
2. Literature Distributed:		<u>20</u>
3. Presentations:		<u>2</u>
4. Media Contacts:		<u>4</u>
5. Internet:		<u>61</u>
6. Host/Sponsor Workshops, Meetings, Special Events (Engineering EXPO)		<u>1</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		2
b. Construction:		<u>10</u>
c. Amendments:		<u>1</u>
d. Transfers/Extensions:		<u>2</u>
e. General:		<u>2</u>
f. Title V:		<u>73</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 :		3
b. Construction ¹ :		<u>0</u>
c. Amendments ¹ :		<u>1</u>
d. Transfers/Extensions ¹ :		<u>2</u>
e. Title V Operating ² :		<u>0</u>
f. Permit Determinations:		<u>0</u>
g. General:		<u>1</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		<u>7</u>
2. On-going administrative cases:		
a. Pending:		15
b. Active:		<u>16</u>
c. Legal:		<u>5</u>
d. Tracking compliance (Administrative):		<u>20</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>56</u>
3. NOIs issued:		<u>1</u>
4. Citations issued:		<u>0</u>
5. Consent Orders Signed:		<u>1</u>
6. Contributions to the Pollution Recovery Fund:		<u>\$10,507.66</u>
7. Cases Closed:		<u>3</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>10</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>6</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>11</u>
E.	Open Burning Permits Issued:	<u>6</u>
F.	Number of Division of Forestry Permits Monitored:	<u>293</u>
G.	Total Citizen Complaints Received:	<u>60</u>
H.	Total Citizen Complaints Closed:	<u>59</u>
I.	Noise Sources Monitored:	<u>11</u>
J.	Air Program's Input to Development Regional Impacts:	<u>4</u>
K.	Test Reports Reviewed:	<u>89</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>12</u>
2.	Warning Notices Resolved:	<u>10</u>
3.	Advisory Letters Issued:	<u>7</u>
M.	AOR's Reviewed:	<u>0</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>7</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
FEBRUARY

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -0-
(b) all others	<u>\$ -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ -0-
(b) class A2 facility - 5 year permit	\$ -0-
(c) class A1 facility - 5 year permit	<u>\$ -0-</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>\$ 400.00</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>\$3,640.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ 160.00</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$8,400.00
(b) for structure greater than 50,000 sq ft	<u>\$ 300.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$2,100.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$1,500.00</u>
8. Open burning authorization	<u>\$4,000.00</u>
9. Enforcement Costs	<u>\$ 387.74</u>

COMMISSION
 Brian Blair
 Kathy Castor
 Ken Hagan
 Jim Norman
 Thomas Scott
 Mark Sharpe
 Ronda Storms



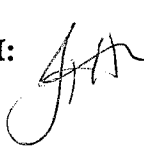
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 Waste Fax (276-2256) Wetlands Fax (272-7144)
 Air Management Division
 1410 N. 21st St. • Tampa, FL 33605
 Fax (272-5605)

Executive Director
 Richard D. Garrity, Ph.D.

M E M O R A N D U M

DATE: March 9, 2005

TO: Tom Koulianos, Director of Finance and Administration

FROM:  Joyce H. Moore, Senior Executive Secretary, Waste Management Division through
 Hooshang Boostani, Director of Waste Management

SUBJECT: **WASTE MANAGEMENT'S FEBRUARY 2005
 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	0
2. On-going administrative cases	96
a. Pending	9
b. Active	59
c. Legal	8
d. Tracking Compliance (Administrative)	20
e. Inactive/Referred Cases	0
3. NOI's issued	0
4. Citations issued	0
5. Consent Orders and Settlement Letters Signed	1
6. Civil Contributions to the Pollution Recovery Fund	\$4,175
7. Enforcement Costs collected	\$1,869
9. Cases Closed	3

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	0
2. EPC Authorization for Facilities NOT requiring DEP permit	0
3. Other Permits and Reports	
a. County Permits	2/2
b. Reports	40/35
4. Inspections (Total)	176
a. Complaints	42
b. Compliance/Reinspections	91
c. Facility Compliance	19
d. Small Quantity Generator	23
e. P2 Audits	1
5. Enforcement	
a. Complaints Received/Closed	52/40
b. Warning Notices Issued/Closed	2/3
c. Compliance letters	38
d. Letters of Agreement	0
e. DEP Referrals	6
6. Pamphlets, Rules and Material Distributed	241

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	126
b. Installation	24
c. Closure	5
d. Compliance Re-Inspections	20
2. Installation Plans Received/Reviewed	9/6
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	8/7
b. Closure Reports Received/Reviewed	4/8
4. Enforcement	
a. Non-compliance Letters Issued/Closed	85/27
b. Warning Notices Issued/Closed	0/1
c. Cases referred to Enforcement	2
d. Complaints Received/Investigated	2/5
e. Complaints Referred	0
5. Discharge Reporting Forms Received	1
6. Incident Notification Forms Received	3
7. Cleanup Notification Letters Issued	2
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	13
2. Reports Received/Reviewed	84/113
a. Site Assessment	24/33
b. Source Removal	3/5
c. Remedial Action Plans (RAP's)	16/21
d. Site Rehabilitation Completion Order/ No Further Action Order	6/9
e. Others	35/45
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 33

F. PUBLIC INFORMATION PROJECTS - 5

4 SQG Staff performed judging duties at the Science Fair

1 SQG Staff member presented at the METRA-WEST workshop

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION
FEBRUARY, 2005**

A. ENFORCEMENT

1. New Enforcement Cases Received:	4
2. Enforcement Cases Closed:	5
3. Enforcement Cases Outstanding:	58
4. Enforcement Documents Issued:	8
5. Recovered costs to the General Fund:	\$2,938.00
6. Contributions to the Pollution Recovery Fund:	\$14,145.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. University Place Business Center	Discharging raw sewage	\$645.00
b. Livingston MHP	Failure to meet effluent limits/ Improper operation/Failure to maintain/Odor/Unpermitted discharge	\$2,000.00
c. Country Meadows Golden Lakes MHP	Failure to meet effluent limits/ Improper operation/Failure to maintain/Violation of permit cond./Unpermitted discharge	\$8,000.00
d. USF Student Housing	Construction w/out permit	\$1,000.00
e. Black Diamond Flight Services	Construction w/out permit	\$1,000.00
f. Bloomingdale Neighborhood Ctr	Construction w/out permit	\$500.00 \$500.00
g. Sand Dollar II, LLC	Construction w/out permit	\$1,000.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	29
a. Facility Permit:	5
(i) Types I and II	0
(ii) Types III	5
b. Collection Systems-General	7
c. Collection Systems-Dry Line/Wet Line:	12
d. Residuals Disposal:	0
2. Permit Applications Approved:	33
a. Facility Permit:	3
b. Collection Systems-General:	15
c. Collection Systems-Dry Line/Wet Line:	15
d. Residuals Disposal:	0

3.	Permit Applications Recommended for Disapproval:	0
	a. Facility Permit:	0
	b. Collection Systems-General:	0
	c. Collection Systems-Dry Line/Wet Line:	0
	d. Residuals Disposal:	0
4.	Permit Applications (Non-Delegated):	0
	a. Recommended for Approval:	0
5.	Permits Withdrawn:	0
	a. Facility Permit:	0
	b. Collection Systems-General:	0
	c. Collection Systems-Dry Line/Wet Line:	0
	d. Residuals Disposal:	0
6.	Permit Applications Outstanding:	43
	a. Facility Permit:	13
	b. Collection Systems-General:	25
	c. Collection Systems-Dry Line/Wet Line:	5
	d. Residuals Disposal:	0
7.	Permit Determination:	4
8.	Special Project Reviews:	1
	a. ARs:	0
	b. Reuse:	1
	c. Residuals/AUPs:	0
	d. Others:	0
C.	INSPECTIONS - DOMESTIC	14
1.	Compliance Evaluation:	7
	a. Inspection (CEI):	0
	b. Sampling Inspection (CSI):	6
	c. Toxics Sampling Inspection (XSI):	0
	d. Performance Audit Inspection (PAI):	1
2.	Reconnaissance:	53
	a. Inspection (RI):	8
	b. Sample Inspection (SRI):	0
	c. Complaint Inspection (CRI):	44
	d. Enforcement Inspection (ERI):	1

3. Engineering Inspections:	25
a. Reconnaissance Inspection (RI):	3
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	0
d. Preconstruction Inspection (PCI):	3
e. Post Construction Inspection (XCI):	19
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	0
 D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	 5
1. Permit Applications Received:	0
a. Facility Permit:	0
(i) Types I and II	1
(ii) Type III with Groundwater Monitoring:	1
(iii) Type III w/o Groundwater Monitoring:	2
b. General Permit:	0
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:	53
a. ARs:	0
b. Phosphate:	21
c. Industrial Wastewater:	13
d. Others:	19
 E. INSPECTIONS - INDUSTRIAL	 18
1. Compliance Evaluation:	9
a. Inspection (CEI):	9
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0

2. Reconnaissance:	15
a. Inspection (RI):	10
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	5
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	8
a. Compliance Evaluation (CEI):	8
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:	56
a. Domestic:	45
(i) Received:	20
(ii) Closed:	25
b. Industrial:	11
(i) Received:	3
(ii) Closed:	8
2. Warning Notices:	17
a. Domestic:	14
(i) Received:	8
(ii) Closed:	6
b. Industrial:	3
(i) Received:	2
(ii) Closed:	1
3. Non-Compliance Advisory Letters:	19
4. Environmental Compliance Reviews:	77
a. Industrial:	29
b. Domestic:	48
5. Special Project Reviews:	2
a. ARs:	2
b. Others:	0

G. RECORD REVIEWS	8
1. Permitting:	6
2. Enforcement:	2
H. ENVIRONMENTAL SAMPLES ANALYZED FOR:	196
1. Air Division:	59
2. Waste Division:	0
3. Water Division:	26
4. Wetlands Division:	0
5. ERM Division:	111
I. SPECIAL PROJECT REVIEWS:	6
1. DRIs:	2
2. ARs:	2
3. Technical Support:	2
4. Other:	

EPC WETLANDS MANAGEMENT DIVISION

BACKUP AGENDA

February 2005

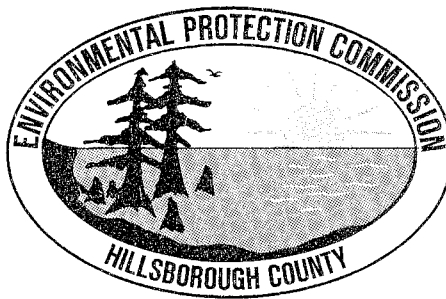
PDA

	Totals
A. General	
1. Telephone Conferences	977
2. Unscheduled Citizen Assistance	128
3. Scheduled Meetings	209
4. Correspondence	30
B. Assessment Reviews	
1. Wetland Delineations	59
2. Surveys	40
3. Miscellaneous Activities in Wetland	42
4. Impact/ Mitigation Proposal	19
5. Tampa Port Authority Permit Applications	60
6. Wastewater Treatment Plants (FDEP)	2
7. DRI Annual Report	2
8. Land Alteration/Landscaping	4
9. Land Excavation	0
10. Phosphate Mining	0
11. Rezoning Reviews	47
12. CPA	0
13. Site Development	50
14. Subdivision	93
15. Wetland Setback Encroachment	3
16. Easement/Access-Vicinating	1
17. Pre-Applications	61
18. On-Site Visits	130
C. Investigation and Compliance	
1. Complaints Received	51
2. Complaints Closed	59
3. Warning Notices Issued	21
4. Warning Notices Closed	13
5. Complaint Inspections	65
6. Return Compliance Inspections	57
7. Mitigation Monitoring Reports	20
8. Mitigation Compliance Inspections	27
9. Erosion Control Inspections	54
D. Enforcement	
1. Active Cases	43
2. Legal Cases	3
3. Number of "Notice of Intent to Initiate Enforcement"	0
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	1
6. Administrative - Civil Cases Closed	2
7. Cases Referred to Legal Department	3
8. Contributions to Pollution Recovery	540
9. Enforcement Costs Collected	150

EPC WETLANDS MONTHLY WORKSHEET

General	Enforcement	Compliance	Assessment	Engineering	Admin	Totals
Telephone Conferences			327	29	621	977
Unscheduled Citizen Assistance			67	5	56	128
Scheduled Meetings			108	39	62	209
Correspondence		2	27	1		30
Assessment Reviews						
Wetland Delineations			59			59
Surveys			40			40
Miscellaneous Activities in Wetland			42			42
Impact/ Mitigation Proposal			19			19
Tampa Port Authority Permit Applications			60			60
Wastewater Treatment Plants (FDEP)			2			2
DRI Annual Report			2			2
Land Alteration/Landscaping			4			4
Land Excavation						0
Phosphate Mining						0
Rezoning Reviews			47			47
CPA						0
Site Development			50			50
Subdivision			93			93
Wetland Setback Encroachment			3			3
Easement/Access-Vacating			1			1
Pre-Applications			61			61
On-Site Visits		1	129			130
Investigation and Compliance						
Complaints Received		51				51
Complaints Closed		59				59
Warning Notices Issued		21				21
Warning Notices Closed		13				13
Complaint Inspections		65				65
Return Compliance Inspections		57				57
Mitigation Monitoring Reports		19		1		20
Mitigation Compliance Inspections		27				27
Erosion Control Inspections		54				54
Enforcement						
Active Cases	43					43
Legal Cases	3					3
Number of "Notice of Intent to Initiate Enforcement"						0
Number of Citations Issued						0
Number of Consent Orders Signed	1					1
Administrative - Civil Cases Closed	2					2
Cases Referred to Legal Department	3					3
Contributions to Pollution Recovery	540					540
Enforcement Costs Collected	150					150

COMMISSION
 Brian Blair
 Kathy Castor
 Ken Hagan
 Jim Norman
 Thomas Scott
 Mark Sharpe
 Ronda Storms



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 Fax (272-5605)

Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 POLLUTION RECOVERY TRUST FUND
 AS OF FEBRUARY 28, 2005

Fund Balance as of 10/01/04	\$1,737,812
Interest Accrued	15,053
Deposits FY05	106,546
Disbursements FY05	115,616
Intrafund Transfers	19,384
 Fund Balance	 \$1,763,179
Encumbrances Against Fund Balance:	
Artificial Reef	83,037
(66) Asbestos Abatement	4,486
(84b) Cockroach Bay Aerial Photos	3,392
(91) Alafia River Basin	21,283
(92) Brazilian Pepper	26,717
(93) Rivercrest Park	1,743
(97) COT Parks Dept/Cypress Point	100,000
(99) Seagrass Restoration Cockroach Bay	38,260
(100) Agriculture Pesticide Collection	38,115
(101) Pollution Prevention Program	38,194
Old Landfills/Coronet	20,174
Palm River Habitat	200,000
Riverview Library	10,000
Simmons Park	60,000
Adopt A Shoreline	10,416
Bahia Beach Restoration	150,000
State of the River/Greenways	4,971
Stormwater Mgmt/Florida Aquarium	30,000
Water Drop Patch/Girl Scouts	7,350
Tampa Shoreline Restoration	30,000
Apollo Beach Air Monitoring Program	14,000
Health Advisory Signs for Beaches	1,531
Field Measurement for Wave Energy	125,000
Water & Coastal Area Restoration & Maint	41,379
Port of Tampa Stormwater Improvement	45,000
G. Maynard Underground Storage Tank Closure	20,000
School Bus Diesel Retrofit	100,000
Natures Classroom Capital Campaign	44,000
Total of Encumbrances	1,269,048
 Minimum Balance (Reserve)	 120,000 *
 Fund Balance Available February 28, 2005	 \$ 374,131

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 1900 - 9th Ave. • Tampa, FL 33605
 Ph. (813) 272-5960 • Fax (813) 272-5157
 Waste Management, Wetlands &
 Environmental Resource Management Divisions
 3629 Queen Palm Dr. • Tampa, FL 33619
 Waste Fax (276-2256) Wetlands Fax (272-7144)
 Air Management Division
 1410 N. 21st St. • Tampa, FL 33605
 Fax (272-5605)

Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF FEBRUARY 28, 2005

Fund Balance as of 10/01/04	\$ 818,538
Interest Accrued	6,086
Disbursements FY05	126,256
Fund Balance	\$ 698,368

Encumbrances Against Fund Balance:

SP591 Mechanical Seagrass Planting	1,084
SP597 Fantasy Island Restoration	1,633
Marsh Creek/Ruskin Inlet	47,500
SP604 Desoto Park Shoreline	150,000
SP610 H.C. Resource Mgmt/Apollo Beach Restoration	35,000
Tampa Bay Scallop Restoration	117,544
SP612 Riverview Civic Center	4,244
SP615 Little Manatee River Restoration	50,000
SP616 Manatee Protection Areas	2,246
SP614 Manatee & Seagrass Protection	3,200
Fantasy Island	20,000
E.G. Simmons Park	43,200
Cockroach Bay ELAPP Restoration	222,717
Total of Encumbrances	698,368

Fund Balance Available February 28, 2005	\$ - 0 -
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EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 17, 2005

Subject: Legal Case Summary for March 2005

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 before filing a challenge.

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. This month the EPC provides the March 2005 case summary. Most notable is the suit filed by CC Entertainment against the EPC regarding the Amphitheatre. The summaries generally detail pending civil matters, administrative matters, and cases that parties have asked for additional time before filing a challenge.

List of Attachments: March 2005 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT
March 2005

A. ADMINISTRATIVE CASES

NEW CASES [1]

Jozsi, Daniel A. and Celina v. EPC and Winteroth [LEPC04-025]: Daniel A. and Celina Jozsi timely requested an extension of time to file an appeal challenging the approval of a wetland survey line for the Winterroth Property located on Lake Hills Drive, Riverview, FL. On February 10, 2005, the Appellants filed their appeal challenging the wetland line set on their neighbor's property. The matter is being referred to a Hearing Officer. (AZ)

EXISTING CASES [6]

Cone Constructors, Inc. [LCONB99-006]: (*See related case under Civil Cases*). Citation for Noise Rule violations during the construction of the Suncoast Parkway was appealed. On September 14, 2000, Mr. Cone signed a Settlement Letter to resolve this case. In addition to prohibiting Mr. Cone from conducting night time operation of heavy duty rock hauling, the Settlement Letter provided for payment of \$1,074.00 as reimbursement for costs and expenses associated with the investigation and resolution of this matter. To date, Mr. Cone has not paid the agreed upon amount. Options for collection of the agreed upon amount are being investigated. (RT)

Col Met, Inc. [LCOL03-019]: On March 19, 2003, Co Met, Inc. was issued a Citation to Cease and Order to Correct Violation regarding its aluminum painting operation. Col Met, Inc. timely filed an Appeal of the Citation. The company has since ceased operations and is negotiating a sale. The matter has been held in abeyance pending result of the sale and a determination whether the operation will continue. (RT)

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 current 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 are still in negotiations. A pre-hearing conference was conducted on September 22, 2004 to discuss the case. The parties have conducted a mediation to attempt to resolve the matter without a hearing. The EPC is waiting for a final site plan for the development and the matter may be resolved. (AZ)

IMC Phosphates, Inc. v. EPC [LIMC04-007]: IMC Phosphates timely requested two extensions of time to file an appeal challenging the Executive Director's decision dated February 25, 2004 regarding the review of justification of wetland impacts for Four Corners MU19E. The EPC entered a second Order Granting the Request for Extension of Time until September 13, 2004 to file the appeal. On September 10, 2004, IMC Phosphates filed it appeal and the matter has been referred to the Hearing Officer. The case has been put in abeyance pending settlement discussions for resolution of this matter and future wetland impact authorizations. (AZ)

CC Entertainment Music – Tampa, LLC and Florida State Fair Authority [LEPC04-022]: A Citation was filed on August 27, 2004 for violations of EPC's Noise rule Ch.1-10 regarding the Ford Amphitheater. Clear Channel and the Fair Authority timely filed requests for extension of time in which to file and appeal. Clear Channel filed its appeal on October 18, 2004 and the Fair Authority filed on November 1, 2004. The EPC has moved for consolidation of the appeals so that they may be heard at one time. The Fair Authority opposes the consolidation and has moved for dismissal. A final hearing regarding Clear Channel is set for April 25 -29, 2005. Settlement negotiations are ongoing. (RT)

Omar T. Chaudhry, MTC Investment Group LLC and C & C Food Corporation [LEPC05-002]: EPC issued a Citation to the owner and operators of a retail fuel facility known as Kwik Food Store. The facility was out of compliance with several waste management regulations and the respondents have failed to timely resolve the matter through any form of settlement. The owners and operators filed an appeal challenging the findings contained within the Citation. The matter is being referred to a Hearing Officer. (AZ)

RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [2]

Sterlin Jackson [LEPC05-004]: The EPC granted authority on February 17, 2005 to take appropriate legal action for violations of the EPC's Underground Storage Tank (UST) regulations. The responsible party has failed to close the USTs and has failed to adequately respond to the EPC. In addition, the party has failed to comply with a Citation and Order to Correct issued in 2002. (AZ)

CC Entertainment Music – Tampa, LLC vs. EPC and Florida State Fair Authority [LEPC05-006]: On February 17, 2005 CC Entertainment filed a Complaint for Declaratory Relief against the Environmental Protection Commission and the Florida State Fair Authority regarding regulation of the Ford Amphitheatre. Among other issue, CCE has raised constitutional challenges against portions of the EPC Act and rules as they relate to noise, and also CCE has suggested they should benefit from any sovereign immunity the Fair claims it has. EPC's answer is due March 14, 2005.

EXISTING CASES [16]

FDOT & Cone Constructors, Inc. [LCONB99-007]: (*See related case under Administrative Cases*) Authority granted in March 1999 to take appropriate legal action to enforce the agency's nuisance prohibition and Noise Rule violated during the construction of the Suncoast Parkway. On September 14, 2000, Mr. Cone signed a Settlement Letter to resolve this case. In addition to prohibiting Mr. Cone from conducting night time operation of heavy duty rock hauling, the Settlement Letter provided for payment of \$1,074.00 as reimbursement for costs and expenses associated with the investigation and resolution of this matter. To date, Mr. Cone has not paid the agreed upon amount. Options for collection of the agreed upon amount are being investigated. (RT)

Georgia Maynard [LMAYZ99-003]: Authority to take appropriate action against Ms. Maynard as owner and operator of an underground storage tank facility was granted August 1999. A prior Consent Order required certain actions be taken to bring the facility into compliance including the proper closure of out-of-compliance tank systems. The requirements of the agreement have not been meet. The EPC filed suit for injunctive relief and penalties and costs on March 8, 2001. The Defendant has failed to respond to the complaint and on July 9, 2001 the court entered a default against the Defendant. On August 28, 2001 the court entered a Default Final Judgment in the case. On March 12, 2002 the EPC obtained an amended Final Judgment that awarded the EPC \$15,000 in penalties and allows the agency to complete the work through Pollution Recovery Fund (PRF) money and to assess these costs back to the Defendant. On April 12, 2002 Ms. Maynard applied for state assistance for cleanup of any contamination at the site. The Defendant has become eligible for state assistance to cleanup any contamination on the property. The parties are attempting to negotiate a sale of the property and have the buyers perform the corrective actions. Negotiations are continuing in the case. (AZ)

Integrated Health Services [LIHSF00-005]: IHS, a Delaware corporation, filed for bankruptcy and noticed EPC as a potential creditor. IHS is a holding company that acquired a local nursing home, which operation includes a domestic wastewater treatment plant that is not in compliance. The Debtor filed a motion requesting that utility

companies be required to continue service so that their residents can continue without relocation. (RT)

Botner, Clyde [LBOT03-017]: Authority to take appropriate action against Mr. Botner for unauthorized wetland impacts was granted in September 2003. The EPC issued Mr. Botner a Citation and Order to Correct for the unresolved wetland violations. He failed to appeal the Citation and the EPC is filing suit to enforce the Order. On October 16, 2003 the EPC Legal Department filed a lawsuit requiring corrective actions as well as penalties and costs for the unresolved wetland violation. The Defendant has filed a response to the lawsuit and the case is moving forward. The Defendant denied the EPC access to the site. On April 6, 2004 the EPC obtained judicial authority to inspect the site. A site visit was performed but the Defendant failed to allow a thorough inspection. The EPC obtained a second judicial inspection warrant in May, 2004. On June 1, 2004, the EPC staff executed the search warrant and conducted a site inspection of the property. At the conclusion of the discovery portion of the case the matter will be set for trial. (AZ)

Plant City Nightclub Company [LPLA04-003]: Plant City Nightclub filed a lawsuit against Hillsborough County, the Sheriff's Office, and the EPC requesting declaratory relief and challenging the EPC's enabling act and noise rule. The EPC Legal Department filed a Motion to Dismiss the lawsuit and the matter will be set for hearing. (RT and AZ)

U-Haul of North Tampa [LUHA04-010]: Authority to take appropriate action against U-Haul of North Tampa for failure to prepare a required addendum to a Site Assessment Report for petroleum contaminant concentrations exceeding soil cleanup target levels was granted July 22, 2004. The parties are currently in negotiations. (AZ)

Tampa Bay Shipbuilding [LEPC04-011]: Authority to take appropriate action against Tampa Bay Shipbuilding for violations of permit conditions regarding spray painting and grit blasting operations, exceeding the 12 month rolling total for interior coating usage and failure to conduct visible emission testing was granted on March 18, 2004. The parties are currently in negotiations. (RT)

Lewis 8001 Enterprises, Inc. [LEPC04-012]: Authority to take appropriate action against Lewis 8001 Enterprises, Inc. was granted on May 20, 2004. Lewis 8001 Enterprises, Inc. has failed to remove improperly stored solid waste from its property. The responsible party has failed to respond to the Legal Department's requests and on February 3, 2005 a lawsuit was filed compelling compliance and to recover penalties and costs for the violations. (AZ)

Cornerstone Abatement and Demolition Co. [LEPC04-013]: Authority to take appropriate action against Cornerstone Abatement and Demolition Co. for failing to properly handle and remove regulated asbestos-containing material was granted on May 20, 2004. Staff is currently drafting a complaint. (RT)

Julsar, Inc. [LEPC04-014]: Authority to take appropriate action against Julsar, Inc. for illegally removing over 11,400 square feet of regulated asbestos-containing ceiling material was granted on May 20, 2004. Staff is currently drafting a complaint. (RT)

Pedro Molina, d/b/a Professional Repair [LEPC04-015]: Authority to take appropriate action against Pedro Molina, d/b/a Professional Repair for failing to comply with the terms of a previously issued Consent Order regarding a spray paint booth ventilation system and other permit condition violations was granted on July 22, 2004. Staff is currently drafting a complaint. (RT)

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. (AZ)

Kovacs Geza, Inc. [LEPC04-019]: Authority was granted on August 2004 to take appropriate action against Geza Kovacs and Kovacs Geza, Inc. for failing to comply with the terms of a previously issued Consent Order that required that unauthorized accumulation of solid waste be removed and disposed at a properly permitted facility. Staff is currently drafting a complaint. (AZ)

River Walk MHP, Ltd. [LEPC04-023]: The EPC Board voted on September 9, 2004, to grant authorization to take any legal action necessary against River Walk Mobile Home Park, Ltd., including but not limited to a civil suit and the authority to settle the matter without further Board Action. The MHP located in Gibsonton has, among other violations at its wastewater treatment and disposal facility, discharged effluent from its disposal system to a tidal stream and/or a storm drain, failed to properly operate and maintain the disposal system, failed to install filters in a timely fashion, failed to provide adequate chlorine contact time, and violated other permit conditions. The EPC will seek a negotiated settlement and, if not reached shortly, file a complaint in the Circuit Court. (RM)

EPC vs. CC Entertainment Music – Tampa, LLC and Florida State Fair Authority [LEPC04-026]: On December 21, 2004, the EPC filed a complaint and a motion for temporary injunction against CC Entertainment Music – Tampa, LLC and the Florida State Fair Authority for violations of the EPC Act and Chapter 1-10, Rules of the EPC (Noise) regarding noise level violations and noise nuisance violations stemming from concerts held at the new Ford Amphitheater. The EPC had an injunction hearing scheduled for January 14, 2005, but Judge Holder heard an emergency motion for continuance on January 12, 2005 and, citing the complexity of the issues, issued an Order granting the continuance until February 4, 2005. Subsequently, due to the judge's own scheduling conflict, the Hearing for Temporary Injunction was moved to February 26, 2005. Settlement meetings and extensive discovery have commenced. Due to the importance of the injunction hearing and the need for counsel involved early in the process, the EPC authorized the EPC staff to hire outside counsel and expert witnesses. The EPC has retained Mark Bentley, Esq. of Gray Robinson, P.A. Mediation is scheduled for February 22, 2005. There are also two pending administrative challenges to EPC citations which are a separate matter and are described above. (RT)

Kwik Food Store [LEPC05-001]: The EPC granted authority on January 20, 2005 to take appropriate legal action for violations of the EPC's Underground Storage Tank (UST) regulations. The facility is currently in compliance but the responsible party has refused to enter into a settlement and EPC staff has submitted the matter to the EPC Legal Department to recover penalties and costs for the previous violations. (AZ)

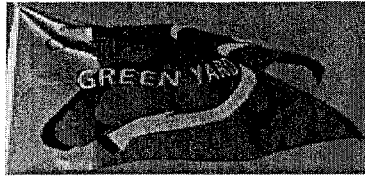
RESOLVED CASES [0]

C. OTHER OPEN CASES [2]

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

Kimmins Contracting Corp. v. EPC [LEPC05-003]: Kimmins Contracting Corp. was issued a Notice of Violation and Orders For Corrective Action on February 3, 2005, regarding alleged improper handling of asbestos containing materials at a renovation project. A request for informal conference was timely filed by Kimmins to resolve the issues addressed in the Notice of Violation.

EPC vs. USACOE and Florida Department of Environmental Protection [LEPC05-005]: On 02/11/05 EPC requested additional time to file an appeal of the FDEP's intent to issue an Environmental Resource Permit (ERP) permitting the dredging and deepening of the Alafia River Channel. The FDEP provided the EPC until March 16, 2005 to file the appeal. On February 17, 2005, the EPC board authorized the EPC Legal Department to file the appeal challenging the proposed FDEP permit.



AGENDA ITEM COVER SHEET

Date: March 8, 2005

Agenda Item: Green Yards Program Awards

Description/Summary:

The Green Yards Program is a cooperative effort between EPC and the Florida Automotive Dismantlers and Recyclers Association to assist auto salvage facilities achieve environmental compliance and promote good environmental stewardship through the use of Best Management Practices (BMPs) and Pollution Prevention (P2) strategies. The program originated in the Florida Department of Environmental Protection's Central District office and Orange County. In April 2004 it was successfully introduced to the auto salvage industry in Hillsborough County. The program has six modules that emphasize the use of BMPs and P2 strategies that each facility must implement in order to be considered a Green Yard. This information is reviewed by EPC staff to ensure the components of the modules are met. Once all six modules have been reviewed and determined to be complete, an on site inspection is performed to verify that what is reflected in the modules is actually being conducted by the facility. To date, six facilities have successfully completed their modules and become certified Green Yards. These are what EPC believes to be the first of many facilities to become Green Yards. Now it is time to publicly recognize these facilities for their hard work and dedication in making changes to their facilities that show them to be good stewards of the environment.

Commission Action Recommended:

Recognize each facility with a Green Yard flag and Certificate of Recognition.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 17th, 2005

Subject: EPCHC Environmental Resources Management Division Development of a Hillsborough County Seagrass Management Plan Request Approval

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

Division: Environmental Resources Management Division

Recommendation: Approval of the development of a Hillsborough County Seagrass Management Plan and acceptance of grant funds. Authorize Dr. Garrity to sign the contract with the National Fish and Wildlife Foundation.

Brief Summary: The EPC has been awarded a grant through the National Fish and Wildlife Foundation to develop a Seagrass Management Plan for Hillsborough County. The Seagrass Management Plan will be used by the EPC to address priority seagrass management issues within County waters. Development of the plan will provide many benefits to the EPC in its efforts to protect seagrass resources in Hillsborough County waters.

Background: The EPC has been awarded a grant through the National Fish and Wildlife Foundation, Pinellas County Environmental Fund to develop comprehensive seagrass management and action plans for Hillsborough County. The Environmental Resources Management Division of the EPC will implement the EPC duties under the grant. The total amount of the grant award is \$30,000, and no commitment of EPC or County funds is required except an "in-kind" match of services in the amount of \$36,000. No debt or resource commitment is anticipated by the county, therefore making the plan cost-free, except for the in-kind contribution.

The Seagrass Management Plan will be used by the EPC to address priority seagrass management issues within County waters. Those management issues are anticipated to include: 1) water and sediment quality; 2) prop-scarring and other boating impacts in shallow-water areas; 3) invasive exotic species (e.g., green mussels); 4) historic dredge holes as potential seagrass restoration sites; 5) excessive wave energy associated with ship wakes and loss of longshore bars; 6) bioturbation by benthic animals; 7) dredging of navigational channels and other port-related infrastructure; and any other priorities identified through a multi-agency Southwest Florida Seagrass Working Group.

Development of the Seagrass Management Plan will provide the following benefits:

- improved coordination of roles and responsibilities among the numerous agencies and organizations charged with various aspects of seagrass management within County waters, avoiding unnecessary duplication of effort;
- affirmation of seagrasses as critically important natural resources worthy of protection;
- identification of key management issues and goals, helping to focus limited financial and staff resources more effectively, and
- improved coordination with other local and regional seagrass management programs, such as those developed by the City of Tampa, Pinellas County, Manatee County, TBEP, FDEP, FFWCC, and SWFWMD.

List of Attachments: NFWF Grant Contract & NFWF Grant Proposal



1120 CONNECTICUT AVENUE, NW
SUITE 900
WASHINGTON, DC 20036
(202) 857-0166 FAX (202) 857-0162
www.NFWF.org

February 17, 2005

Gerold Morrison
Hillsborough County
3629 Queen Palm Drive
Tampa, FL 33619

Re: **Hillsborough County (FL) Seagrass Management Plan #2004-0002-001**

Dear Mr. Morrison:

The Board of Directors of the National Fish and Wildlife Foundation (NFWF) approved an award of \$30,000 in federal funds and to Hillsborough County to support the *Hillsborough County (FL) Seagrass Management Plan* project. This award was made on the condition that these funds be matched by \$36,000 in additional non-federal funds raised by Hillsborough County specifically for this project. Please be sure to review the enclosed Matching Funds Eligibility and Documentation guidance and note the requirements of the Certification of Matching Funds that you will be required to submit upon completion of the Project, to ensure that the contributions you receive are eligible as matching funds.

Enclosed please find two copies of the Grant Agreement, as well as one copy of the additional enclosures listed below. Because this Award involves federal funds, the Agreement and enclosures must be reviewed by your Chief Financial Officer or Treasurer. If the terms and conditions of the Agreement are acceptable, please sign and return both copies of the Agreement to the Foundation (you may submit a Request for Payment at the same time); you should retain the additional enclosures for your files. The Foundation will then countersign both copies of the Agreement and return one copy to you for your files. Signing this Agreement indicates an understanding of, and intent to comply with, all of its terms and conditions and those of the additional enclosures. Failure to return two signed copies of the Agreement within 60 days may result in funds being released to other conservation projects.

The Grant Agreement contains certain terms that are defined in the 2002 Glossary which may be located on the Foundation's website at <www.nfwf.org/glossary.htm>. Please be sure to print a copy and refer to it while reading the Grant Agreement. If you do not have access to the Internet, please contact Suzanne Sessine, who will mail you a copy.

On behalf of the Board of Directors and the staff of the National Fish and Wildlife Foundation, I wish you success with your project. Please contact Suzanne Sessine with any questions or concerns.

Sincerely,


Peter Stangel, Ph.D.
Director, Southern Region

Enclosures: Grant Agreement (two copies)
Standard Provisions
Matching Contribution Eligibility and Documentation Guidance
Certification of Matching Contributions Form
Project Phase Reporting Forms
Annual Financial and Programmatic Reporting Form
Final Financial Reporting Form
Final Evaluation Form
Request for Payment Form

NATIONAL FISH AND WILDLIFE FOUNDATION
GRANT AGREEMENT
(ADVANCE PAYMENT)

PROJECT: Hillsborough County (FL) Seagrass Management Plan (2004-0002-001)

☞ Please reference project title and number on all correspondence ☜

NFWF RECIPIENT: Hillsborough County

PROJECT PERIOD: 10/01/2004 to 09/30/2006

AWARD: \$30,000 is provided in consideration for the NFWF Recipient's agreement to perform the Project in accordance with Section 1 below, and the NFWF Recipient's agreement that it will raise and spend at least \$36,000 in Matching Contributions on the Project.

FUNDING SOURCE: \$30,000 National Oceanic and Atmospheric Administration

CFDA Number: 11.463

☆☆☆☆

Defined Terms. All capitalized terms used in this Agreement shall have the meanings attributed to such terms in the 2002 Glossary found on NFWF's website <www.nfwf.org/glossary.htm>, which is incorporated in this Agreement by this reference.

Section 1. PROJECT PURPOSE

National Fish and Wildlife Foundation (NFWF) agrees to provide the Award to the NFWF Recipient for the purposes of satisfactorily performing the Project described in a Full Proposal received by NFWF on 07/14/2004, and incorporated into this Agreement by reference.

1.1. Project Description.

Project Abstract:	Develop a comprehensive management plan and action plan to address priority seagrass management issues within Hillsborough County waters.
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Project Phase 1:	Task 1. Assemble project team. Task 2. Characterize seagrass resources. Task 3. Finalize management areas and priority management issues.	Budget Category	NFWF Funds	
		Salaries:	\$23,000	
		Equipment:	\$0	
		Other:	\$0	
Matching Contributions Allocated to Phase 1:		\$19,100	TOTAL	\$23,000
Project Phase 2:	Task 4. Identify management goals, indicators, and tracking methods for each priority issue. Task 5. Prepare EPCHC Management Plan.	Budget Category	NFWF Funds	
		Salaries:	\$4,300	
		Equipment:	\$0	
		Other:	\$0	
Matching Contributions Allocated to Phase 2:		\$11,300	TOTAL	\$4,300
Project Phase 3:	Task 6. Prepare EPCHC Action Plan. Prepare and submit final report to NFWF.	Budget Category	NFWF Funds	
		Salaries:	\$2,700	
		Equipment:	\$0	
		Other:	\$0	
Matching Contributions Allocated to Phase 3:		\$5,600	TOTAL	\$2,700
			PROJECT TOTAL	\$30,000

1.2. Project Deliverables.

- Produce a seagrass management plan identifying quantitative management goals, and indicators and tracking methods to be used to assess progress on each priority management issue identified.
- Create an action plan to assist in implementing the management plan by identifying strategies and management actions to be taken and to help assess progress towards adopted management goals.

1.3. Diligence and Communication Required. The NFWF Recipient agrees to pursue completion of the Project diligently and to communicate with the Project Manager on a regular basis with respect to the status of the Project, including but not limited to providing the reports discussed in Section 4 below. Failure to diligently pursue completion of the Project within the Project Period and/or failure to so communicate with the Project Manager will be deemed a material default in this Agreement, entitling NFWF to terminate this Agreement.

Section 2. RESTRICTION ON FUNDS

No Funds provided by NFWF pursuant to this Agreement or Matching Contributions may be used to support litigation expenses or lobbying activities.

Section 3. PAYMENT OF FUNDS and ADMINISTRATION PROCEDURES

3.1. NFWF Funds. Payments of the NFWF Funds for this Award will be made in 3 installments.

- Project Phase One installment will be advanced to the NFWF Recipient when NFWF receives a Request for Payment from the NFWF Recipient certifying that it is ready to begin project activities for the first Phase described in Section 1.1 immediately upon receipt of the funds.
- Subsequent Phase installments will be advanced to the NFWF Recipient when NFWF receives and approves a completed Project Phase Reporting Form certifying that (i) the NFWF Recipient has completed the previous Project Phase as described in Section 1.1 and (ii) the NFWF Recipient has expended NFWF Funds and Matching Contributions consistent with the Project Phase Budget as described in Section 1.1; and the NFWF Recipient provides NFWF a Request for Payment certifying that it is ready to begin Project activities for the next Phase immediately upon receipt of the funds.
- Payment for the Final Phase of the Project will be made in arrears, upon the receipt and approval by NFWF of all required reporting for this Agreement.
- Under no circumstances will any payment under this Agreement be made if any Financial or Programmatic Reports are due and outstanding.

3.2. Budget Changes. In the event the NFWF Recipient determines that the amount of the Budget is going to change in any one line item by an amount that exceeds more than 10% of the total Budget for that Phase, the NFWF Recipient must seek approval from the Project Manager. If approval is received, both parties must sign a written amendment to this Agreement reflecting the new Budget.

Section 4. REPORTING REQUIREMENTS

4.1. Phase Financial and Programmatic Report. Upon completion of each Phase, the NFWF Recipient will submit a **brief** e-mail or fax Project Phase Report on Project accomplishments and financial expenditures incurred during the Phase.

4.2. Annual Financial and Programmatic Report. The NFWF Recipient will submit an Annual Financial and Programmatic Report no later than October 31st of each year during the Project Period, summarizing all of the activities accomplished and expenditures made from the beginning of the Project Period or the most recent Project Phase Report until and including the immediately preceding September 30th.

4.3. Final Report. No later than 90 days after the completion of the Project, the NFWF Recipient shall submit a Final Financial and Programmatic Report to NFWF, that includes: 1) a Final Financial Reporting Form accounting for all receipts of Project funds, Project expenditures, and Budget variances (if any) compared to the approved Budget; 2) a report and Certification of Matching Contributions secured and expended by the NFWF Recipient for the Project; 3) a Final Programmatic Report summarizing the accomplishments achieved during the term of the Agreement. A representative number of **digital photos (preferred) or color 35mm slides** depicting the Project and copies of all publications, press releases and other appropriate

"products" resulting from the Project should also be provided to NFWF as part of the Final Report; and 4) a completed Project Evaluation Report. Any requests for extensions of this Final Report submission date must be made in writing to NFWF Project Officer and approved by NFWF in advance.

Section 5. STANDARD PROVISIONS

This Agreement is also subject to the terms and conditions set forth in the attached Standard Provisions, each of which is incorporated in this Agreement by this reference.

Section 6. CONTACT INFORMATION

For NFWF Recipient: Gerold Morrison
Hillsborough County
3629 Queen Palm Drive
Tampa, FL 33619
Phone: 813-272-5960
Fax: 813-635-8020
E-mail: morrisong@epchc.org

Unless from the email address set forth above, electronic mails will be deemed unauthorized. If multiple users are authorized to send electronic mails on behalf of the NFWF Recipient, please list all authorized sources.

For NFWF: Suzanne Sessine
National Fish and Wildlife Foundation
1120 Connecticut Avenue NW, Suite 900
Washington, DC 20036
Phone: 202-857-0166
Fax: 202-857-0356
E-mail: suzanne.sessine@nfwf.org

IN WITNESS WHEREOF, the parties have executed this Agreement, intending to be bound legally.

NATIONAL FISH AND WILDLIFE FOUNDATION

By: _____
Peter Stangel, Ph.D.
Director, Southern Region

Date: _____, 2005

Hillsborough County

By: _____

(Print name and title legibly)

Date: _____, 2005

2002 STANDARD PROVISIONS
FOR AWARDS

This Award is subject to the following terms and conditions, except those that begin with a text box () that does NOT have an X in it ().

Section A1. ASSIGNMENT; SUBAWARDS

A1.1 The NFWF Recipient may not assign this Agreement, in whole or in part, to any other individual or other legal entity without the prior written approval of NFWF.

A1.2 The NFWF Recipient may not provide subawards without the prior written approval of NFWF.

Section A2. UNEXPENDED FUNDS; INTEREST

A2.1 Any funds provided by NFWF and held by the NFWF Recipient and not expended at the end of the Project Period will be returned to NFWF within ninety (90) days after the end of the Project Period.

A2.2 Any interest earned in any one year on Federal funds advanced to the NFWF Recipient that exceeds \$250 must be reported to NFWF, and the disposition of those funds negotiated with NFWF.

Section A3. AMENDMENTS

This Agreement can only be amended by a written amendment, signed by both parties. Counterpart originals and/or facsimile copies of amendments are acceptable, but not emails.

Section A4. TERMINATION

At any time prior to receipt of the first payment, the NFWF Recipient may terminate this Agreement. After receipt of the first payment, the NFWF Recipient may terminate this Agreement only with the written consent of NFWF. Failure by the NFWF Recipient to comply with any material term of this Agreement is cause for NFWF to terminate this Agreement by written notice to the NFWF Recipient. In the event of termination of this Agreement prior to Project completion, NFWF will not make payment for any of this Agreement's Project Deliverables that remain undelivered and any funds advanced by NFWF that have not been expended by the NFWF Recipient shall be returned to NFWF immediately, but in any event, no later than thirty (30) days after receipt of the notice of termination. NFWF agrees to pay all documented, non-cancelable commitments made by the NFWF Recipient prior to the NFWF Recipient's receipt of the notice of termination.

Section A5. ADDITIONAL SUPPORT

In making this Award, NFWF assumes no obligation to provide further funding or support to the NFWF Recipient beyond the terms stated in this Agreement.

Section A6. ARBITRATION AND CHOICE OF JURISDICTION

A6.1 All claims, disputes, and other matters in question arising out of, or relating to this Agreement, its interpretation or breach, shall be decided through arbitration by a person or persons mutually acceptable to both NFWF and the NFWF Recipient. Notice of the demand for arbitration shall be made within a reasonable time after the claim, dispute, or other matter in question has arisen. The award rendered by the arbitrator or arbitrators shall be final.

A6.2 This Agreement shall be subject to and interpreted by the laws of the District of Columbia, without regard to choice of law principles. By entering into this Agreement, the NFWF Recipient agrees to submit to the jurisdiction of the courts of the District of Columbia.

A6.3 The terms of this Section will survive termination of this Agreement.

Section A7. COMPLIANCE WITH LAWS; INSURANCE; INDEMNIFICATION

A7.1 In conducting its activities relating to the Project, the NFWF Recipient agrees to conduct all such activities in compliance with all applicable Federal, State, and local laws, regulations, and ordinances; to secure all appropriate necessary public or private permits and consents.

A7.2 The NFWF Recipient agrees to obtain and maintain all appropriate insurance against liability for injury to persons or property from any and all activities undertaken by the NFWF Recipient and associated with this Award in any way.

A7.3 The NFWF Recipient shall indemnify and hold harmless NFWF, its officers, directors, agents, and employees in respect of any and all claims, injuries, losses, diminution in value, damages, liabilities, whether or not currently due, and expenses (including without limitation, settlement costs and any legal or other expenses for investigating or defending any actions or threatened actions arising from or in connection with the Project, including but not limited to, environmental laws, regulations, orders and decrees of whatsoever character or nature and damage or injury to persons and property).

A7.4 The terms of this Section will survive termination of this Agreement.

Section A8. COMMUNICATIONS

All notices, Requests for Payment and reports required or allowed to be given by this Award shall be by first-class mail (postage prepaid), facsimile (with telephone call required to confirm that fax has been received), or overnight mail delivery by a nationally known courier and addressed using the contact information provided in this Agreement. All notices, reports and Request for Payments may be sent by e-mail, but Final Financial and Programmatic Reports must be provided in hard copy as well. Each party agrees to notify the other within ten (10) days after the change in named representative, address, telephone, or other contact information.

Section A9. PUBLICITY

The NFWF Recipient agrees to give appropriate credit to the National Fish and Wildlife Foundation and those Federal, State or local agencies and/or private organizations identified as sources of funds in the letter of transmittal of this Agreement, if any, for their financial support in any and all press releases, publications, annual reports, video credits, dedications, and other public communications regarding this Agreement or any of the Project Deliverables associated with this Agreement. The NFWF Recipient gives NFWF the right and authority to publicize NFWF's financial support for this Agreement and the Project in press releases, publications and other public communications.

Section A10. DISCLAIMERS

Payments made to the NFWF Recipient under this Agreement do not by direct reference or implication convey NFWF's endorsement nor the endorsement by any other entity that provides funds to the NFWF Recipient through this Agreement, including the U.S. Government, for the Project. All information submitted for publication or other public releases of information regarding this Agreement shall carry the following disclaimer:

"The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government

or the National Fish and Wildlife Foundation. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government or the National Fish and Wildlife Foundation."

Section A11. WEBSITE LINKS

The NFWF Recipient agrees to permit NFWF to post a link on any or all of NFWF's websites to any websites created by the NFWF Recipient in connection with the Project.

Section A12. EVALUATION

The NFWF Recipient agrees to cooperate with NFWF by providing timely responses to all reasonable requests for information to assist in evaluating the accomplishments of the Project for a period of five (5) years after date on which the Final Financial and Programmatic Report are provided.

Section A13. DAVIS-BACON

The NFWF Recipient shall be subject to the provisions of the Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provision Applicable to Contracts Governing Federally Financed and Assisted Construction."

Section A14. DEBARMENT AND SUSPENSIONS

The NFWF Recipient shall enter into no contract using Federal funds provided by NFWF with any party listed on the General Services Administration's Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with Executive Orders 12549 and 12689 (Debarment and Suspension). If this award is for more than \$100,000 in Federal funds, the NFWF Recipient must provide certification of its exclusion status and that of its employees on a form provided by NFWF.

Section A15. FEDERAL FUNDS - FEDERAL REGULATIONS

A15.1 If all or a part of the Award consists of Federal funds, the text box at the beginning of this Section should contain an X and, before proceeding with its Project, the NFWF Recipient must read and understand certain Federal regulations, including but not limited to, those identified below which may be located on the Internet at <http://www.whitehouse.gov/omb/circulars/index.html>. If a NFWF Recipient does not have access to the Internet, it should ask its NFWF Project Manager for copies. Many Federal agencies have agency-specific regulations that govern the issuance of awards and subawards with their funds; it is the obligation of the NFWF Recipient to review and comply with any such regulations issued by its Federal agency Funding Source(s).

A15.2 If the Grantee is a non-profit organization, it will need to understand and comply with (i) OMB Circular A-110 "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" and, (ii) depending on what kind of organization it is, either (a) OMB Circular A-21 "Cost Principles for Educational Institutions" or (b) OMB Circular A-122 "Cost Principles for Non-Profit Organizations," in addition to other applicable Federal regulations.

A15.3 If the Grantee is a State, Local or Tribal Government, it will need to understand and comply with OMB Circulars A-102 "Grants and Cooperative Agreements with State and Local Governments" and A-87 "Cost Principles for State, Local, and Indian Tribal Governments," in addition to other applicable Federal regulations.

A15.4 If the NFWF Recipient is any type of organization and it expends an aggregate of \$300,000 or more from all Federal sources, it is subject to a special kind of audit as detailed in OMB Circular A-133 "Audits of States, Local Governments, and Non-Profit Organizations," which it will need to understand and comply with, in addition to other applicable Federal regulations.

A15.5 If one of the Funding Sources for the Award is the National Oceanographic and Atmospheric Administration, the Award also is subject to the Department of Commerce's Financial Assistance Standard Terms and Conditions, which may be located on the Internet at <http://www.osec.doc.gov/oebam/standards.htm>.

A16. FEDERAL NFWF RECIPIENT

If the NFWF Recipient is a Federal agency, the following Standard Provisions do NOT apply to it: A2.2, A6.1, A7.2, and A7.3.

Matching Contribution Eligibility and Documentation Policy

This document is intended to help determine whether contributions received by a NFWF Recipient are eligible as Matching Contributions and how they should be documented.

Eligibility - Three-Prong Test

Matching Contributions, whether in the form of cash, goods and services or property, must be:

- 1) Non-federal in nature.
 - Federally appropriated or managed funds are ineligible; e.g., Pittman-Robertson, Dingell-Johnson, Intermodal Surface Transportation Efficiency Act, North American Wetland Conservation Act or the Coastal Wetland Protection and Restoration Act. Project Managers are advised to discuss unfamiliar sources of funding with the NFWF Recipient to ensure that they are not Federal funds administered by a non-Federal third party.
- 2) Committed directly to the Project.
 - Matching Contributions in the form of cash, contributed goods and services, or property must be used between the Project Start Date (which must be no earlier than one year before the date of receipt of the Pre-Proposal) and the date of completion of the Project.
 - Services rendered in connection with (a) the preparation of a Pre-Proposal and the Full Proposal and negotiation of the contract between the NFWF Recipient and NFWF or (b) fundraising will not qualify as Matching Contributions.
- 3) Voluntary in nature.
 - Funds presented for fulfillment of mitigation, restitution, or other permit or court-ordered settlements are not eligible. Examples: Natural Resource Damage Assessment, Supplemental Environmental Projects, etc.

Documentation

If Matching Contributions meet the three-prong test, then the NFWF Recipient must then document them in the following ways:

- 1) Cash

The NFWF Recipient may have a third-party donor send a check made payable to the "National Fish and Wildlife Foundation" to the Foundation with a cover letter identifying the Project name and number and stating that the donation is intended as a Matching Contribution for the Project.

- 2) Cash, Goods and Services, and/or Property

The NFWF Recipient must provide a Certification of Matching Contributions, substantially in the attached form, using the paragraphs applicable to the type of Matching Contributions

received by the NFWF Recipient and expended in connection with the Project. The Certification of Matching Contributions must include the name and address of any donor who contributes \$500 or more to the Project.

3) Property

The NFWF Recipient may have a third-party donor submit a letter to the Foundation, documenting the fair market value and date of a Matching Contribution and stating that the donation is non-Federal, voluntary, and intended to qualify as a Matching Contribution. A letter provided to document a donation of real property must be accompanied by an appraisal by a certified appraiser; a letter provided to document rental of equipment or space must list three comparable rentals in the location of the Project.

The NFWF Recipient must retain detailed time records for contributed services and original receipts and appraisals of real property and comparable rentals for other contributed property at its place of business in the event of an audit of the NFWF Recipient as required by applicable Federal regulations.

CERTIFICATION OF MATCHING CONTRIBUTIONS

I, _____, hereby certify on behalf of the undersigned NFWF Recipient that:

1) the NFWF Recipient has allocated the amount of \$_____ from its general operating funds to the Project;

2) the NFWF Recipient has received a total of \$_____ in cash Matching Contributions, from the donors whose names, addresses and amounts of contributions are listed on the attached Exhibit A, each of whom donated an amount equal to or greater than \$500; in addition, the NFWF Recipient has received a total of \$_____ in cash Matching Contributions, from donors who have given an amount less than \$500;

3) the NFWF Recipient has received in-kind donations of volunteer Services valued at a total of \$_____ (none of which were generated in connection with the preparation of the Pre-Proposal or Full Proposal submitted to the Foundation or fundraising for the Project), from the donors whose names, addresses, number and value of hours are listed on the attached Exhibit B, each of whom contributed an amount of time equal to or greater than \$500 in value; in addition, the NFWF Recipient has received in-kind donations of volunteer Services valued at a total of \$_____, from donors who contributed an amount of time less than \$500 in value.

4) the NFWF Recipient has received in-kind donations of Property valued at a total of \$_____, from the donors whose names, addresses, and value of property donated are listed on the attached Exhibit C, each of whom donated property valued at equal to or greater than \$500; in addition, the NFWF Recipient has received in-kind donations of Property valued at a total of \$_____, from donors who have given Property valued at less than \$500; and a certified appraisal is attached for each donation of Real Property;

5) all such Matching Contributions were spent or expended within the Project Period as required by the Grant Agreement and relevant policies set forth by the Foundation on its website;

6) the NFWF Recipient may have to produce detailed proof of such Matching Contributions and that OMB Circular A-110 requires the NFWF Recipient to maintain such records for a period of three years after submission to the Foundation of the Final Programmatic and Financial Report regarding the Project; and

7) the undersigned is authorized to deliver this Certification on behalf of the NFWF Recipient.

Hillsborough County

By: _____

Print name and title

Date: _____



EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 17, 2005

Subject: Establishment of steering committee to assess the feasibility of a multi-agency watershed management initiative

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

Division: Environmental Resources Management (ERM)

Recommendation:

Authorize the EPC Executive Director and the County Administrator to establish an ad-hoc steering committee to provide recommendations on the scope, cost and feasibility of a multi-agency watershed management initiative

Brief Summary:

During its January 2005 meeting, the Board instructed EPC and County staff to begin exploring the concept of developing a multi-agency watershed management initiative (WMI) to address TMDLs and other county-wide water quality issues. An initial assessment has taken place, and the WMI concept appears to merit further consideration. Toward that end staff recommends the formation of an ad-hoc steering committee, which would include the directors of EPC, Planning and Growth Management, Public Works, and the Water Department, along with the Water Team and the Tampa Bay Estuary Program. The group would be tasked with:

- defining specific objectives and responsibilities of a Hillsborough County WMI;
- identifying additional workloads that would be placed on departments that chose to participate;
- identifying responsibilities for providing clerical, logistical and technical support;
- identifying potential funding sources; and
- estimating the short-term and long-term costs that would be incurred by the County in undertaking a WMI.

The committee would be asked to report to the EPC Board and the BOCC in 6 months with detailed recommendations regarding scope, costs and overall feasibility.

Background: Hillsborough County is currently faced with a number of water quality issues and water-related regulatory requirements. Several lakes, streams and rivers within the county are not currently meeting water quality standards. Among other areas, these include portions of the Hillsborough, Palm and Alafia river watersheds, which are playing increasingly important roles as sources of potable water supply. A number of water bodies have also been designated as “impaired” by state and federal regulatory agencies. Pursuant to section 303[d] of the federal Clean Water Act, “total maximum daily loads” (TMDLs) are being established by state and federal agencies in order to reduce the pollutant loads that are discharged to these “impaired” waters from point and non-point pollutant sources. The county’s wastewater treatment facilities are classified as point sources by the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency, and are regulated under the federal National

Pollutant Discharge Elimination System (NPDES) and TMDL programs. Portions of the county's stormwater management system are classified as non-point sources, and are regulated under the federal municipal separate storm sewer systems (MS4) program.

It appears that the development of a cooperative, multi-agency watershed management initiative could help the county identify cost-effective means to improve water quality and address its TMDL, NPDES and MS4 regulatory requirements. In the case of Tampa Bay, for example, the Tampa Bay Estuary Program – a locally-based management initiative based on sound science, multi-agency coordination, and input from a broad range of interest groups – has proven successful in setting and achieving water quality goals that have been accepted by state and federal regulatory agencies as complying with TMDL requirements. A Hillsborough County WMI could be based on that model, and focus on water quality issues in the county's fresh water bodies.

The core elements of a county-wide WMI have already been funded and are currently being carried out by the county's Public Works and Water departments, EPC, and other public and private-sector stakeholders. With additional communication and coordination between them, it appears that these elements could serve as the framework for an effective program. A primary goal of the WMI would be to provide that communication and coordination.

A more detailed analysis of the scope and potential costs of a county-wide WMI is needed in order to determine its feasibility. The ad-hoc steering committee proposed here would provide that information.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 17, 2005

Subject: Hybrid Vehicles

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

Division: Air Management

Recommendation:

Receive briefing and support staff recommendations.

Brief Summary:

At the February 17, 2005, EPC Board meeting, Chairman Castor requested that staff report back regarding the benefits of the hybrid vehicles. The Agency currently operates several gas-electric hybrids and is prepared to brief the Board regarding the environmental and economic advantages of these unique vehicles.

Background:

Automobile manufacturers such as Honda, Toyota and Ford are now offering several models of gas-electric hybrid vehicles for sale to the general public. These vehicles are powered by both a gasoline engine and an electric motor. The gasoline engine operates the same as the traditional cars most of us drive to work. The difference comes when the self-charging electric motor takes over and the gas powered engine goes into a standby mode. Here is where the gas savings occur and the environmental benefits are realized. There are no exhaust fumes from the electric motor and it does not have to be plugged into the wall at night. Vehicle activity like braking actually recharges the batteries that power the electric motor.

EPC has purchased four of these hybrids and promotes them at outreach events. They are more expensive than the standard gasoline powered vehicle, but in addition to the gas savings, there are tax breaks for private citizens who purchase one.

List of Attachments: Hybrid Power Point Presentation

EPC Board Assignments
February 17, 2007

Commissioner Castor would like to know the tax benefits on purchasing a Hybrid vehicle.

>>KATHY CASTOR: AND DR. GARRITY, ON THE HYBRID SUVs, COULD YOU BRING BACK A REPORT TO US AT A FUTURE MEETING ON THE TAX BENEFITS THAT ACCRUE WHEN YOU PURCHASE HYBRID VEHICLES. I THINK THERE IS SOME -- YOU DO GET SOME TAX BENEFITS IF YOU PURCHASE THOSE HYBRIDS.

>>RICK GARRITY: I CERTAINLY WILL.

>>KATHY CASTOR: OKAY.

>>RICK GARRITY: IN FACT, I PERSONALLY PURCHASED ONE THIS PAST YEAR, SO I KNOW ABOUT THAT.

>>KATHY CASTOR: GREAT.
THANK YOU.

HYBRID ELECTRIC VEHICLES

From Alternative To Mainstream



**Environmental Protection Commission
March 17, 2005**

What Makes it a "Hybrid"?

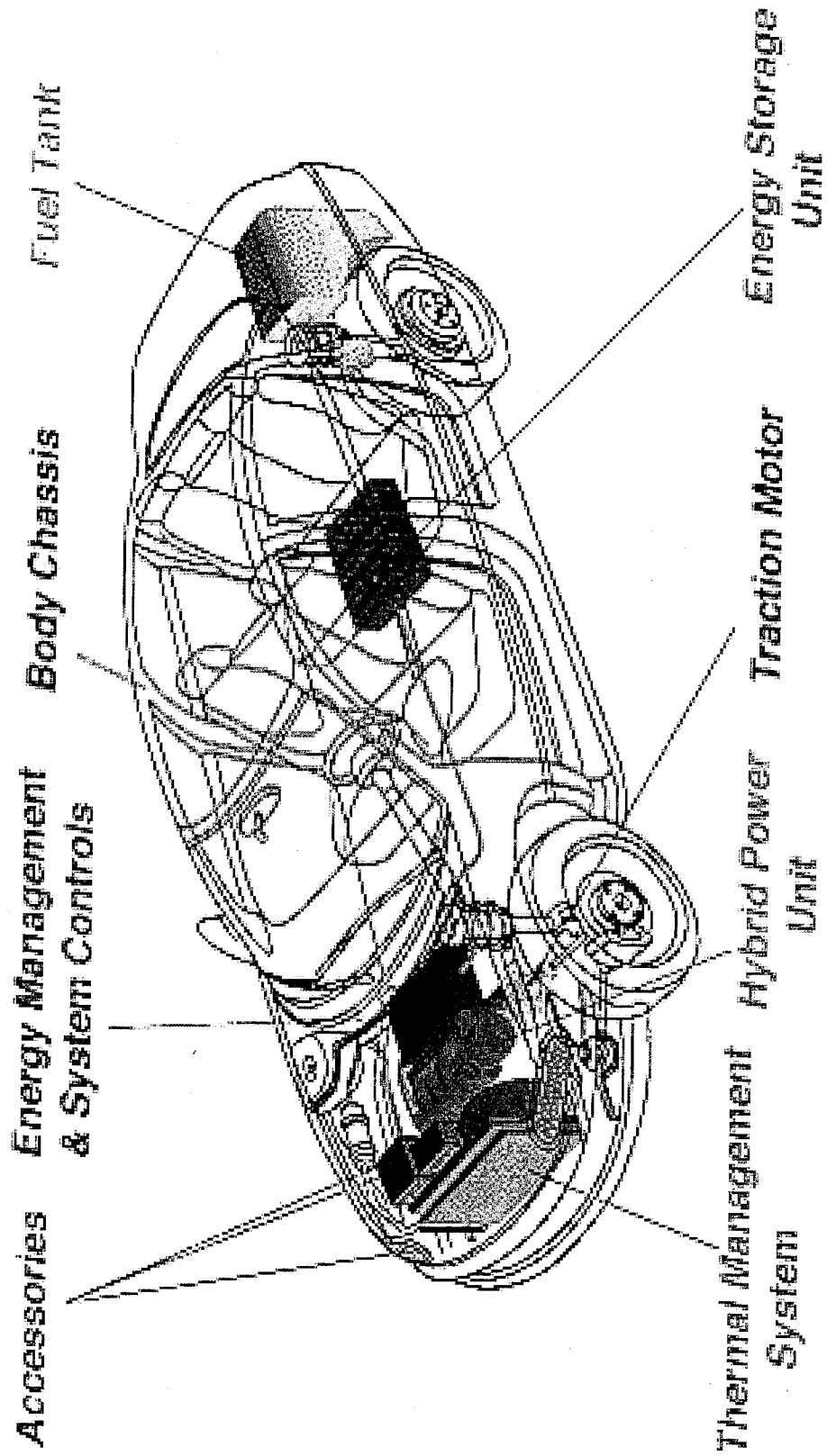
Hybrids combine two sources of power:

The Internal Combustion Engine of a
Conventional Vehicle

With the Battery and Electric Motor of an
Electric Vehicle

Does not need to be plugged into an
electric power source for charging!

Hybrid Components



Fuel Mileage

	Hybrid City/Hwy	Conventional City/Hwy
Honda Accord	30/37	21/30
Toyota Prius	60/51	N/A
Honda Civic	48/47	31/38
Honda Insight	57/56	N/A
Ford Escape	36/31	20/25

Tax Breaks

Vehicles in the table below may be eligible for a "clean fuel" deduction of \$2,000 for those placed in service by the end of 2005 or \$500 for those put in use during 2006.

Vehicle Make* & Model Years

Ford Escape Hybrid	2005
Honda Accord Hybrid	2005
Honda Civic Hybrid	2003 – 2005
Honda Insight	2000 - 2005
Toyota Prius	2001 - 2005

Government agencies, tax exempt organizations, and foreign entities are not eligible.

* Vehicles approved by IRS as of February 10, 2005. Other hybrids may be approved at a later date.

Environmental Benefits

Lower tailpipe emissions - 99.1%
reduction

120 pounds/car/year

Greenhouse gas emissions reduced

12.5 tons/car/year

Decrease in the use of fossil fuel

Lessens demand for imported energy

Driving Benefits

Reduced gasoline expense

Tax Incentives

Chance for individuals to contribute to
reducing air pollution and energy
conservation

HYBRID PURCHASES

EPC	Cost
2002 Toyota Prius	\$19,900.00
2005 Ford Escape	\$25,355.25
2002 Toyota Prius	\$20,438.25
2002 Toyota Prius	\$20,438.25
Fleet Management	
2002 Toyota Prius	\$20,438.25
2002 Toyota Prius	\$20,438.25
2002 Toyota Prius	\$20,438.25
2002 Toyota Prius	\$20,438.25
Planning Commission	
2002 Toyota Prius	\$19,900.00

Commercially Available Models

Vehicle	\$Hybrid	\$Conventional
Honda Accord	30K	20K
Toyota Prius	20K	N/A
Honda Civic	20K	13.5K
Honda Insight	19K	N/A
Ford Escape	29K	19.5K

All prices shown are base msrp

How do Hybrids Work?

Hybrid electric vehicles (HEVs) are powered by two energy sources:

An **energy conversion unit** (such as a combustion engine or fuel cell) and an **energy storage device** (such as batteries or ultracapacitors).

The energy conversion unit may be powered by gasoline, methanol, compressed natural gas, hydrogen, or other alternative fuels.

Hybrid electric vehicles have the potential to be two to three times more fuel-efficient than conventional vehicles.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: March 17, 2005

Subject: Amphitheatre Noise Enforcement Update

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

Division: Legal Department and the Air Management Division

Recommendation: Receive status report.

Brief Summary: On December 21, 2004, the EPC filed a complaint and a motion for temporary injunction against CC Entertainment Music – Tampa, LLC and the Florida State Fair Authority for violations of the EPC Act and Chapter 1-10, Rules of the EPC (Noise) regarding noise level violations and noise nuisance violations stemming from concerts held at the new Ford Amphitheatre. The parties attended mediation on February 22, 2005. Mediation was declared an impasse, but settlement talks continue. The Temporary Injunction hearing began on February 26, 2005, but due to ongoing negotiations, the hearing has been abated for at least two weeks. Upon motion of the EPC, the presiding Judge recused himself and a new Judge has been appointed.

Background: Pursuant to Commission direction, on December 21, 2004, the EPC filed a complaint and a motion for temporary injunction against CC Entertainment Music – Tampa, LLC (CCE) and the Florida State Fair Authority (Fair) for violations of the EPC Act and Chapter 1-10, Rules of the EPC (Noise) regarding noise level violations and noise nuisance violations stemming from concerts held at the new Ford Amphitheater. Among other things, the complaint seeks to assess penalties and implement permanent corrective measures at the facility due to the Defendants' violations of rule-based noise level standards and for nuisance violations. The temporary injunction seeks to halt all concerts at the Amphitheater until corrective measures are implemented.

The parties attended mandatory mediation on February 22, 2005. Mediation was declared an impasse, but settlement talks continue. CCE argued its motion to dismiss the EPC's complaint on February 21 and 25, 2005. The Judge denied the motion, but invalidated portions of the EPC Act and Rule 1-10 as unconstitutional. The EPC will move for a rehearing. On February 25, 2005, the Fair, claiming sovereign immunity, sought a stay of the proceeding as it applies to the Fair, and the Judge granted them a 30-day stay. The Temporary Injunction hearing began on February 26, 2005, and was attended by EPC Chair Kathy Castor. The EPC put on the majority of its case in chief, but due to ongoing negotiations, the hearing has been abated for at least two weeks. The parties are due to respond to the Judge on March 14, 2005, regarding the status of negotiations. Upon motion of the EPC filed on March 7, 2005, the presiding Judge recused himself and a new Judge has been appointed. Additionally, CCE filed a suit against the EPC and the Fair challenging, among other things, the constitutionality of the noise portions of the EPC Act and rule and also seeking sovereign immunity for CCE.

List of Attachments: None