

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
AUGUST 17, 2006
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**

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- II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**
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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

MAY 3, 2006 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider the Tampa Bay Water Proposed Water Use Permit Renewal Application for the South Central Hillsborough Regional Wellfield, scheduled for Wednesday, May 3, 2006, at 2:10 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Storms called the meeting to order at 2:12 p.m.

Attorney Rick Muratti, EPC Legal Department, reviewed staff recommendation not to arbitrate the permit. **Commissioner Sharpe moved staff recommendation, seconded by Commissioner Scott, and carried seven to zero.**

There being no further business, the meeting was adjourned at 2:13 p.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

kc

JUNE 15, 2006 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, June 15, 2006, at 10:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Ronda Storms and Commissioners Brian Blair (arrived at 10:34 a.m.), Kathy Castor, Ken Hagan, Thomas Scott (arrived at 10:20 a.m.; schedule conflict), and Mark Sharpe.

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

Chairman Storms called the meeting to order at 10:14 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, noted items added to the Consent Agenda regarding the Air Management Division May monthly activity report and the EPC Legal Department May 2006 legal case summary; Item VI.C., Capital Improvement Project (CIP) 70035, added under the Executive Director's Report; and the Green Yards designations were continued to the August 17, 2006, EPC meeting. Chairman Storms requested a discussion regarding Ms. Deborah Getzoff, Florida Department of Environmental Protection, during Commissioners' Requests. **Commissioner Sharpe moved the changes, seconded by Commissioner Hagan, and carried four to zero.** (Commissioners Blair and Scott had not arrived; Commissioner Norman was absent.)

CITIZENS COMMENTS

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

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Mr. Jellerson stated CEAC had voted to support Consent Agenda Item H approving substitution of the pollution recover fund (PRF) applicant/grantee, noted CEAC had been provided new PRF applications, and highlighted requested PRF funding and available funds. In response to Chairman Storms, Mr. Jellerson stated the PRF applications had exceeded available funds for the last three years, and the difference between available funds and requested funds seemed to be increasing due to awareness of the program. In response to comments from Dr. Garrity on the substitution of the PRF applicant/grantee, Chairman Storms explained reasons for best management practices. Mr. Jellerson added that the project was geared toward assisting the agricultural community through reducing pollutant loading.

THURSDAY, JUNE 15, 2006

Present CEAC Service Award to Mr. Hugh Gramling - Chairman Storms presented Mr. Gramling with a plaque for service on CEAC from June 2000 through April 2006. Mr. Gramling offered appreciative comments and commended EPC staff.

CONSENT AGENDA

- A. Approval of minutes: April 20, 2006.
- B. Monthly activity reports.
- C. PRF report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary.
- F. Authorize submission of budget amendments to the Board of County Commissioners (BOCC): (1) transfer of funding to the Bio Watch program and (2) realign budgeted expenditures within the clean air partnership program.
- G. Accept staff recommendations concerning Curiosity Creek watershed.
- H. Approve substitution of the PRF applicant/grantee from the University of Florida to the Florida Department of Agriculture and Consumer Services.
- I. Air Management Division May monthly activity report.
- J. EPC Legal Department May 2006 legal case summary.

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

SPECIAL PRESENTATIONS

Clean Air Month Photography Contest - Ms. Barbara Motte, EPC staff, announced the results of the photography contest promoting Clean Air Month. Chairman Storms presented awards as follows: third place, Ms. Beth Hultz (not present), Wharton High School, received a \$75 savings bond, which was accepted by Ms. Dana Warner, teacher; second place, Ms. Kristin Vetter, Alonso High School, received a \$100 savings bond; first place, Ms. Theresa Painter, Blake High School, received a \$150 savings bond; and best of show, Ms. Selena Loper (not present), Blake High School, received a \$250 savings bond, which was accepted by her parents. Ms. Motte acknowledged Ms. Phyllis Alexandroff, supervisor, Hillsborough County School Arts Programs, who thanked teachers for encouraging student involvement and the EPC Board for the recognition.

THURSDAY, JUNE 15, 2006

Department of Health Presentation - Coronet Industries (Coronet) Health Assessment - Dr. Garrity noted distribution of the conclusion document for the Coronet public health assessment. Dr. Douglas Holt, Director, Hillsborough County Health Department, referenced a joint effort to collect data to answer questions on whether residents around Coronet were at risk.

Mr. Randy Merchant, Florida Department of Health, summarized the draft report; reviewed a map of the area around Coronet; noted intense community concerns; discussed testing of private wells, air, fish, and residents; and discussed conclusions. He explained testing showed chemical levels were not likely to cause cancer or fertility, dental, and respiratory problems and noted data was insufficient to determine the public health risk prior to 2003. After reviewing previous reports, the conclusion was that the area around the Coronet site was no apparent public health hazard. Mr. Merchant reported a meeting would be held that day from 3:00 p.m. to 8:00 p.m. at Springhead Elementary School to solicit public comments. Public comment would be taken through July 28, 2006, and addressed in a final report.

Attorney Rick Muratti, EPC Legal Department, cautioned that a notice of intent to sue was received from a law firm representing at least one citizen in the Coronet area. Referencing comments that the incidences of cancer in the Plant City area were not significantly higher than the rest of the population, Chairman Storms asked how wide of an area was sampled. Mr. Merchant reviewed the testing area and could supply a map of the testing area. Chairman Storms asked if there was a way to determine the cancer rate of individuals in the immediate vicinity. Mr. Merchant stated a smaller group could be sampled, but those numbers could not be compared to State numbers, and he reported residents were concerned with various kinds of cancers. Chairman Storms asked if there was a significant occurrence of cancers for which there was no known cause. Mr. Merchant said most cancers had no known cause, and the study looked at cancers that were likely caused by exposure from Coronet.

LEGAL DEPARTMENT

Legislative Update - Attorney Muratti reviewed a summary of environmental legislation from the 2006 legislative session, as presented in background material. Chairman Storms encouraged parties to speak about issues.

EXECUTIVE DIRECTOR'S REPORT

Environmental Tour - Dr. Garrity highlighted the environmental tour held on May 18, 2006, to visit Lake Thonotosassa, Tampa Wholesale Nursery, and Tampa Bay Fisheries. In response to Chairman Storms, Dr. Garrity discussed the importance of water color.

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Ford Amphitheatre Update - Dr. Garrity highlighted terms of the settlement agreement, noted fewer complaints, showed a photograph of the proposed wall design, referenced a letter in background material providing an update on efforts, mentioned foundation problems related to the wall, and stated construction was expected to be completed by the end of the year. The wall construction delay did not constitute a violation of the settlement agreement; however, failure to build the wall would be a violation. Dr. Garrity stated only a few concerts were scheduled between the end of September 2006 and the end of the year, all interim measures were in place, and EPC staff did not expect to extend the settlement agreement beyond the December 31, 2006, expiration date. Commissioner Blair mentioned there were only two complaints from sold-out concerts.

CIP 70035, Build Out of Second Floor North of the EPC Roger P. Stewart Center - Chairman Storms mentioned issues with the first floor bathroom. Mr. Tom Koulianos, Director, EPC Finance and Administration, reported the building was purchased about three years ago, and construction was taking longer than expected due to unanticipated problems. **Commissioner Scott moved to send to the BOCC to flag.** Following clarification of the request, Commissioner Scott wanted to ensure enough funds were being flagged. Mr. Koulianos stated estimates came from the Real Estate Department. Commissioner Scott expressed concern with escalating construction costs and asked about restroom problems. Mr. Koulianos explained occupancy on the first floor, which was being remodeled. Dr. Garrity agreed to meet with the Real Estate Department to confirm figures. Commissioner Scott clarified the motion was to send to the BOCC to flag \$155,000 for the second floor completion. **Commissioner Sharpe seconded the motion.**

Commissioner Blair cautioned offering more money. Chairman Storms perceived EPC was always cautious with funds. Mr. Koulianos noted other agencies occupying the building. Commissioner Scott commended EPC on being conservative. Commissioner Blair knew Mr. Koulianos was prudent. **The motion carried four to zero.** (Commissioners Castor and Hagan were out of the room; Commissioner Norman was absent.)

COMMISSIONERS' REQUESTS

Ms. Getzoff - Chairman Storms reported Ms. Getzoff was in a devastating accident and stated a note was being distributed for signature. Dr. Garrity reported on Ms. Getzoff's condition.

Lumsden Road Shoreline Stabilization With Aquatic Revegetation - Chairman Storms discussed wildlife along Lumsden Road dying in the past, noted the

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County removing portions of the ecosystem for stormwater purposes, and mentioned conversations with EPC on opportunities to plant aquatic vegetation in a way that would stabilize canals along Lumsden Road and promote County stormwater needs. Mr. Bob Gordon, Director, Public Works Department, introduced Mr. Martin Montalvo, Public Works Department, who would review options. Mr. Montalvo showed photographs of erosion problems and trash in canals and reviewed proposals for plantings, removal of trash, remedies for erosion, and maintenance. Chairman Storms asked if there was a way to work with local businesses on projects to adopt canals as part of Keep Hillsborough Beautiful. Mr. Gordon would research that as well as opportunities for probationers to pick up trash.

Mr. Montalvo commented on severe erosion problems under sidewalks and shopping carts in stormwater ditches and showed an aerial map and photographs, noting plantings planned for the area. Chairman Storms wanted to develop the idea as a model so other private entities might address issues. Mr. Montalvo noted information was taken from the adopt-a-pond program, which staff was looking to expand. Chairman Storms mentioned similar issues on nearby roadways. Mr. Gordon anticipated completing the project by the end of July 2006. Ms. Jadell Kerr, Director, EPC Wetlands Management Division, reviewed staff recommendation to direct EPC Wetlands Management Division staff to work with County Public Works Department staff to affect improvements to Lumsden Road and Causeway Boulevard roadside wetlands with the planting of native wetland vegetation. **Commissioner Sharpe so moved.** Responding to Commissioner Blair, Ms. Kerr discussed experienced staff in the County and EPC, was unsure if a landscape architect was needed, and referenced discussions with the Public Works Department. **Commissioner Blair seconded the motion, which carried four to zero.** (Commissioners Castor and Scott were out of the room; Commissioner Norman was absent.)

CHAIRMAN'S APPLAUSE

Recognition of Staff for Outstanding Service - Dr. Garrity recognized Ms. Lorraine Collingsworth, EPC staff, who was retiring at the end of July 2006 after 33 years service. Chairman Storms presented Ms. Collingsworth with a vase in recognition of her service.

Dr. Garrity recognized Mr. Richard Boler, EPC staff, for achieving 30 years service with EPC. Chairman Storms offered comments on service provided by Mr. Boler.

Dr. Garrity noted letters in background material commending EPC staff and requested voice mails be played commenting on EPC staff efforts.

THURSDAY, JUNE 15, 2006

There being no further business, the meeting was adjourned at 11:34 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____

Deputy Clerk

kc

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
June FY 2006

A. Public Outreach/Education Assistance:		268
1. Phone Calls:		<u>0</u>
2. Literature Distributed:		<u>2</u>
3. Presentations:		<u>1</u>
4. Media Contacts:		<u>36</u>
5. Internet:		<u>0</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>0</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>4</u>
b. Construction:		<u>5</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>2</u>
e. General:		<u>1</u>
f. Title V:		<u>0</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		<u>3</u>
b. Construction ¹ :		<u>1</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>2</u>
e. Title V Operating ² :		<u>43</u>
f. Permit Determinations ² :		<u>0</u>
g. General:		<u>2</u>
3. Intent to Deny Permit Issued:		<u>1</u>
C. Administrative Enforcement		
1. New cases received:		<u>3</u>
2. On-going administrative cases:		
a. Pending:		<u>8</u>
b. Active:		<u>19</u>
c. Legal:		<u>5</u>
d. Tracking compliance (Administrative):		<u>18</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>50</u>
3. NOIs issued:		<u>1</u>
4. Citations issued:		<u>2</u>

5.	Consent Orders Signed:	<u>1</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$8,000.00</u>
7.	Cases Closed:	<u>4</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>4</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>7</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>13</u>
E.	Open Burning Permits Issued:	<u>7</u>
F.	Number of Division of Forestry Permits Monitored:	<u>303</u>
G.	Total Citizen Complaints Received:	<u>57</u>
H.	Total Citizen Complaints Closed:	<u>42</u>
I.	Noise Sources Monitored:	<u>7</u>
J.	Air Program's Input to Development Regional Impacts:	<u>4</u>
K.	Test Reports Reviewed:	<u>8</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>23</u>
2.	Warning Notices Resolved:	<u>13</u>
3.	Advisory Letters Issued:	<u>8</u>
M.	AOR's Reviewed:	<u>0</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>2</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
June FY 2006

Total Revenue

1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$0.00
(b) all others	\$0.00
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	
(b) class A2 facility - 5 year permit	\$0.00
(c) class A1 facility - 5 year permit	\$0.00
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$480.00
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	\$4,200.00
4. Non-delegated permit revision for an air	\$0.00
5. Non-delegated permit transfer of ownership, name change or extension	\$0.00
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$2,300.00
(b) for structure greater than 50,000 sq ft	\$900.00
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$1,200.00
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$1,500.00
8. Open burning authorization	\$2,600.00
9. Enforcement Costs	\$1,145.00

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
July FY 2006

A.	Public Outreach/Education Assistance:	234
1.	Phone Calls:	<u>1</u>
2.	Literature Distributed:	<u>0</u>
3.	Presentations:	<u>2</u>
4.	Media Contacts:	<u>66</u>
5.	Internet:	<u>0</u>
6.	Host/Sponsor Workshops, Meetings, Special Events	<u>0</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	8
a.	Operating:	<u>6</u>
b.	Construction:	<u>0</u>
c.	Amendments:	<u>1</u>
d.	Transfers/Extensions:	<u>2</u>
e.	General:	<u>6</u>
f.	Title V:	<u>0</u>
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):	
a.	Operating ¹ :	<u>4</u>
b.	Construction ¹ :	<u>12</u>
c.	Amendments ¹ :	<u>0</u>
d.	Transfers/Extensions ¹ :	<u>0</u>
e.	Title V Operating ² :	<u>27</u>
f.	Permit Determinations ² :	<u>1</u>
g.	General:	<u>1</u>
3.	Intent to Deny Permit Issued:	<u>1</u>
C.	Administrative Enforcement	
1.	New cases received:	<u>0</u>
2.	On-going administrative cases:	
a.	Pending:	<u>8</u>
b.	Active:	<u>17</u>
c.	Legal:	<u>5</u>
d.	Tracking compliance (Administrative):	<u>18</u>
e.	Inactive/Referred cases:	<u>0</u>
	Total	<u>48</u>
3.	NOIs issued:	<u>1</u>
4.	Citations issued:	<u>0</u>

5.	Consent Orders Signed:	<u>2</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$2,500.00</u>
7.	Cases Closed:	<u>3</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>16</u>
2.	Air Toxics Facilities:	<u>0</u>
a.	Asbestos Emitters	<u>4</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>0</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>12</u>
E.	Open Burning Permits Issued:	<u>12</u>
F.	Number of Division of Forestry Permits Monitored:	<u>0</u>
G.	Total Citizen Complaints Received:	<u>45</u>
H.	Total Citizen Complaints Closed:	<u>14</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>94</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>11</u>
2.	Warning Notices Resolved:	<u>4</u>
3.	Advisory Letters Issued:	<u>6</u>
M.	AOR's Reviewed:	<u>16</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>0</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
July FY 2006

Total Revenue

1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$0.00
(b) all others	\$0.00
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$0.00
(b) class A2 facility - 5 year permit	\$0.00
(c) class A1 facility - 5 year permit	\$0.00
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$1,800.00
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	\$3,600.00
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	\$240.00
4. Non-delegated permit revision for an air	\$0.00
5. Non-delegated permit transfer of ownership, name change or extension	\$0.00
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$4,000.00
(b) for structure greater than 50,000 sq ft	\$300.00
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$1,800.00
(b) renovation greater than 1000 linear feet or 1000 sq ft	\$1,000.00
8. Open burning authorization	\$5,600.00
9. Enforcement Costs	\$4,391.99

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



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

Executive Director
 Richard D. Garrity, Ph.D.

MEMORANDUM

DATE: July 5, 2006

TO: Tom Koulianos, Director of Finance and Administration

FROM: Mary Jo Howell, Executive Secretary, Waste Management Division
 through
 Hooshang Boostani, Director of Waste Management

SUBJECT: **WASTE MANAGEMENT'S JUNE 2006
 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	0
2. On-going administrative cases	
a. Pending	9
b. Active	57
c. Legal	3
d. Tracking Compliance (Administrative)	34
e. Inactive/Referred Cases	14
3. NOI's issued	0
4. Citations issued	4
5. Consent Orders and Settlement Letters Signed	0
6. Civil Contributions to the Pollution Recovery Fund	
7. Enforcement Costs collected	
9. Cases Closed	0

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	56/55
2. EPC Authorization for Facilities NOT requiring DEP permit	1
3. Other Permits and Reports	
a. County Permits	0
b. Reports	54/52
4. Inspections (Total)	200
a. Complaints	18
b. Compliance/Reinspections	15
c. Facility Compliance	27
d. Small Quantity Generator	140
e. P2 Audits	0
5. Enforcement	
a. Complaints Received/Closed	27/12
b. Warning Notices Issued/Closed	1/0
c. Compliance letters	45
d. Letters of Agreement	0
e. Agency Referrals	2
6. Pamphlets, Rules and Material Distributed	218

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	36
b. Installation	09
c. Closure	05
d. Compliance Re-Inspections	09
2. Installation Plans Received/Reviewed	01/12
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	02/04
b. Closure Reports Received/Reviewed	05/13
4. Enforcement	
a. Non-compliance Letters Issued/Closed	24/15
b. Warning Notices Issued/Closed	00/00
c. Cases referred to Enforcement	00
d. Complaints Received/Investigated	01/01
e. Complaints Referred	00
5. Discharge Reporting Forms Received	05
6. Incident Notification Forms Received	00
7. Cleanup Notification Letters Issued	05
8. Public Assistance	200+

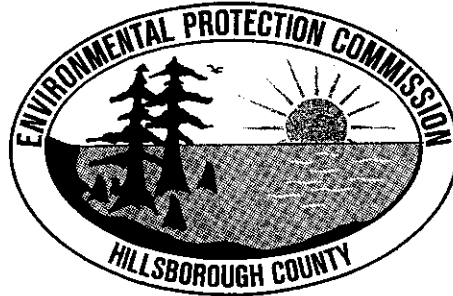
D. STORAGE TANK CLEANUP

1. Inspections	35
2. Reports Received/Reviewed	135/123
a. Site Assessment	15/11
b. Source Removal	4/6
c. Remedial Action Plans (RAP's)	11/14
d. Site Rehabilitation Completion Order/ No Further Action Order	5/4
e. Active Remediation/Monitoring	57/47
f. Others	43/41
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 35

F. PUBLIC INFORMATION PROJECTS - 3

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



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

Executive Director
 Richard D. Garrity, Ph.D.

M E M O R A N D U M

DATE: August 8, 2006

TO: Tom Koulianos, Director of Finance and Administration

FROM: Mary Jo Howell, Executive Secretary, Waste Management Division
 through
 Hooshang Boostani, Director of Waste Management

SUBJECT: **WASTE MANAGEMENT'S JULY 2006
 AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	0
2. On-going administrative cases	
a. Pending	9
b. Active	57
c. Legal	3
d. Tracking Compliance (Administrative)	34
e. Inactive/Referred Cases	14
3. NOI's issued	0
4. Citations issued	2
5. Consent Orders and Settlement Letters Signed	4
6. Civil Contributions to the Pollution Recovery Fund	\$6,125
7. Enforcement Costs collected	\$2,657
9. Cases Closed	4

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	47/49
2. EPC Authorization for Facilities NOT requiring DEP permit	0
3. Other Permits and Reports	
a. County Permits	2
b. Reports	43/47
4. Inspections (Total)	165
a. Complaints	23
b. Compliance/Reinspections	17
c. Facility Compliance	20
d. Small Quantity Generator	105
e. P2 Audits	0
5. Enforcement	
a. Complaints Received/Closed	15/23
b. Warning Notices Issued/Closed	1/0
c. Compliance letters	42
d. Letters of Agreement	0
e. Agency Referrals	6
6. Pamphlets, Rules and Material Distributed	173

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	61
b. Installation	08
c. Closure	08
d. Compliance Re-Inspections	03
2. Installation Plans Received/Reviewed	10/04
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	09/03
b. Closure Reports Received/Reviewed	03/01
4. Enforcement	
a. Non-compliance Letters Issued/Closed	15/08
b. Warning Notices Issued/Closed	01/00
c. Cases referred to Enforcement	00
d. Complaints Received/Investigated	01/01
e. Complaints Referred	00
5. Discharge Reporting Forms Received	03
6. Incident Notification Forms Received	00
7. Cleanup Notification Letters Issued	00
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	45
2. Reports Received/Reviewed	114/111
a. Site Assessment	14/16
b. Source Removal	6/3
c. Remedial Action Plans (RAP's)	6/12
d. Site Rehabilitation Completion Order/ No Further Action Order	0/0
e. Active Remediation/Monitoring	58/50
f. Others	30/30
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 26

F. PUBLIC INFORMATION PROJECTS - 0

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION
JUNE, 2006**

A. ENFORCEMENT

1. New Enforcement Cases Received:		5
2. Enforcement Cases Closed:		6
3. Enforcement Cases Outstanding:		52
4. Enforcement Documents Issued:		10
5. Recovered costs to the General Fund:		\$571.00
6. Contributions to the Pollution Recovery Fund:		\$6,000.00
<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Riverwalk Village	Improper operation/Failure to maintain	\$3,000.00
b. Local Shops Addition to Publix in Palma Ceia	Placement of col. sys. in service without acceptance	\$500.00
c. Shady Shores MHP	Failure to meet effl. limits/ Improper operation/Failure to maintain/Water pollution/ Violation of permit conditions/ Unpermitted discharge	\$1,000.00
d. Oxford Walk	Construction without a permit	\$1,000.00
e. Veterans Ford	Placement of col. sys. in service without acceptance	\$500.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:		38
a. Facility Permit:		7
(i) Types I and II		0
(ii) Types III		7
b. Collection Systems-General		16
c. Collection Systems-Dry Line/Wet Line:		15
d. Residuals Disposal:		0
2. Permit Applications Approved:		36
a. Facility Permit:		5
b. Collection Systems-General:		17
c. Collection Systems-Dry Line/Wet Line:		14
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:	95
a. Facility Permit:	29
b. Collection Systems-General:	31
c. Collection Systems-Dry Line/Wet Line:	35
d. Residuals Disposal:	0
7. Permit Determination:	3
8. Special Project Reviews:	0
a. Reuse:	0
b. Residuals/AUPs:	0
c. Others:	0
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation:	16
a. Inspection (CEI):	0
b. Sampling Inspection (CSI):	15
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	1
2. Reconnaissance:	45
a. Inspection (RI):	23
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	19
d. Enforcement Inspection (ERI):	3
3. Engineering Inspections:	54
a. Reconnaissance Inspection (RI):	7
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	0
d. Preconstruction Inspection (PCI):	20
e. Post Construction Inspection (XCI):	27
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	0

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	69
1. Permit Applications Received:	4
a. Facility Permit:	3
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	2
(iii) Type III w/o Groundwater Monitoring:	1
b. General Permit:	1
c. Preliminary Design Report:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	0
2. Permits Recommended to DEP for Approval:	3
3. Special:	0
a. Facility Permits:	0
b. General Permits:	0
4. Permitting Determination:	<u>0</u>
5. Special Project Reviews:	62
a. Phosphate:	4
b. Industrial Wastewater:	11
c. Others:	47
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation:	5
a. Inspection (CEI):	5
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	13
a. Inspection (RI):	7
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	6
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	4
a. Compliance Evaluation (CEI):	4
b. Sampling Inspection (CSI):	0
c. Performance Audit Inspection (PAI):	0
d. Complaint Inspection (CRI):	0
e. Enforcement Reconnaissance Inspections (ERI):	0

F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints:	28
a. Domestic:	22
(i) Received:	9
(ii) Closed:	13
b. Industrial:	6
(i) Received:	3
(ii) Closed:	3
2. Warning Notices:	25
a. Domestic:	24
(i) Received:	8
(ii) Closed:	16
b. Industrial:	1
(i) Received:	1
(ii) Closed:	0
3. Non-Compliance Advisory Letters:	22
4. Environmental Compliance Reviews:	174
a. Industrial:	129
b. Domestic:	45
5. Special Project Reviews:	0
G. RECORD REVIEWS	0
1. Permitting:	0
2. Enforcement:	0
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:	
1. Air Division:	97
2. Waste Division:	0
3. Water Division:	11
4. Wetlands Division:	0
5. ERM Division:	161
6. Biomonitoring Reports:	1
7. Outside Agency:	15
I. SPECIAL PROJECT REVIEWS:	1
1. DRIs:	0
2. ARs:	0
3. Technical Support:	1
4. Other:	0

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	7
2. Enforcement Cases Closed:	3
3. Enforcement Cases Outstanding:	56
4. Enforcement Documents Issued:	4
5. Recovered costs to the General Fund:	\$1,652.00
6. Contributions to the Pollution Recovery Fund:	\$6,500.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Parkwood Estates MHP	Improper operation/Failure to maintain/Violation of permit conditions/unpermitted discharge	\$6,000.00
b. Panther Trace/Collins El Placement of c/s in service	without acceptance letter	\$500.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	45
a. Facility Permit:	7
(i) Types I and II	1
(ii) Types III	6
b. Collection Systems-General	16
c. Collection Systems-Dry Line/Wet Line:	21
d. Residuals Disposal:	1
2. Permit Applications Approved:	37
a. Facility Permit:	8
b. Collection Systems-General:	11
c. Collection Systems-Dry Line/Wet Line:	18
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:	103
a. Facility Permit:	28
b. Collection Systems-General:	36
c. Collection Systems-Dry Line/Wet Line:	38
d. Residuals Disposal:	1
7. Permit Determination:	4
8. Special Project Reviews:	0
a. Reuse:	0
b. Residuals/AUPs:	0
c. Others:	0
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation:	9
a. Inspection (CEI):	0
b. Sampling Inspection (CSI):	8
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	1
2. Reconnaissance:	64
a. Inspection (RI):	14
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	49
d. Enforcement Inspection (ERI):	1
3. Engineering Inspections:	40
a. Reconnaissance Inspection (RI):	7
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	0
d. Preconstruction Inspection (PCI):	7
e. Post Construction Inspection (XCI):	26
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	0

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received:	4
a. Facility Permit:	0
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	4
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:	0
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:	98
a. Phosphate:	4
b. Industrial Wastewater:	17
c. Others:	77

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation:	7
a. Inspection (CEI):	7
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0
2. Reconnaissance:	21
a. Inspection (RI):	9
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	12
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	3
a. Compliance Evaluation (CEI):	3
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:	36
a. Domestic:	31
(i) Received:	18
(ii) Closed:	13
b. Industrial:	5
(i) Received:	4
(ii) Closed:	1
2. Warning Notices:	22
a. Domestic:	17
(i) Received:	11
(ii) Closed:	6
b. Industrial:	5
(i) Received:	1
(ii) Closed:	4
3. Non-Compliance Advisory Letters:	20
4. Environmental Compliance Reviews:	137
a. Industrial:	26
b. Domestic:	111
5. Special Project Reviews:	0
G. RECORD REVIEWS	5
1. Permitting:	5
2. Enforcement:	0
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:	279
1. Air Division:	89
2. Waste Division:	1
3. Water Division:	23
4. Wetlands Division:	1
5. ERM Division:	146
6. Biomonitoring Reports:	3
7. Outside Agency:	16
I. SPECIAL PROJECT REVIEWS:	11
1. DRIs:	5
2. ARs:	0
3. Technical Support:	6
4. Other:	0

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
June 2006**

A. General	Totals
1. Telephone Conferences	845
2. Unscheduled Citizen Assistance	68
3. Scheduled Meetings	202
4. Correspondence	623
B. Assessment Reviews	
1. Wetland Delineations	78
2. Surveys	78
3. Miscellaneous Activities in Wetland	45
4. Impact/ Mitigation Proposal	25
5. Tampa Port Authority Permit Applications	19
6. Wastewater Treatment Plants (FDEP)	5
7. DRI Annual Report	1
8. Land Alteration/Landscaping	3
9. Land Excavation	5
10. Phosphate Mining	5
11. Rezoning Reviews	44
12. CPA	3
13. Site Development	74
14. Subdivision	119
15. Wetland Setback Encroachment	17
16. Easement/Access-Vacating	2
17. Pre-Applications	32
18. On-Site Visits	373
C. Investigation and Compliance	
1. Complaints Received	42
2. Warning Notices Issued	19
3. Warning Notices Closed	17
4. Complaint Inspections	67
5. Return Compliance Inspections	0
6. Mitigation Monitoring Reports	71
7. Mitigation Compliance Inspections	33
8. Erosion Control Inspections	69
D. Enforcement	
1. Active Cases	32
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	0
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	6
6. Administrative - Civil Cases Closed	4
7. Cases Referred to Legal Department	2
8. Contributions to Pollution Recovery	\$12,760.00
9. Enforcement Costs Collected	\$1,694.00

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
July 2006**

A. General	Totals
1. Telephone Conferences	895
2. Unscheduled Citizen Assistance	75
3. Scheduled Meetings	242
4. Correspondence	551
B. Assessment Reviews	
1. Wetland Delineations	52
2. Surveys	61
3. Miscellaneous Activities in Wetland	37
4. Impact/ Mitigation Proposal	30
5. Tampa Port Authority Permit Applications	24
6. Wastewater Treatment Plants (FDEP)	2
7. DRI Annual Report	2
8. Land Alteration/Landscaping	3
9. Land Excavation	2
10. Phosphate Mining	12
11. Rezoning Reviews	41
12. CPA	1
13. Site Development	64
14. Subdivision	118
15. Wetland Setback Encroachment	16
16. Easement/Access-Vacating	3
17. Pre-Applications	44
18. On-Site Visits	73
C. Investigation and Compliance	
1. Complaints Received	44
2. Warning Notices Issued	14
3. Warning Notices Closed	18
4. Complaint Inspections	55
5. Return Compliance Inspections	50
6. Mitigation Monitoring Reports	0
7. Mitigation Compliance Inspections	19
8. Erosion Control Inspections	44
D. Enforcement	
1. Active Cases	31
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	0
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	4
6. Administrative - Civil Cases Closed	4
7. Cases Referred to Legal Department	2
8. Contributions to Pollution Recovery	\$8,875.00
9. Enforcement Costs Collected	\$1,064.00

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 07/31/06**

Balance as of 10/01/05	*	\$1,491,768
Interest Accrued		66,432
Deposits	FY06	332,220
Disbursements	FY06	217,540
Pollution Recovery Fund Balance		<u>\$1,672,880</u>

Old Encumbrances

Remedial Illegal Dump Asbestos (66)	4,486
USF Seagrass Restoration (99)	26
HCC Seagrass Restoration	3,319
Agr Pesticide Collection (100)	18,355
Riverview Library Invasive Plant Removal	10,000
Simmons Park Invasive Plant Removal	60,000
Water Drop Patch/Girl Scouts	7,350
Artificial Reef Program	42,097
Pollution Prevention/Waste Reduction (101)	23,012
PRF Project Monitoring	7,603
Total	<u>176,248</u>

FY2006 Approved Projects

HCC Land Based Sea Grass Nursery	20,000
Seagrass Restoration & Longshore Bar Recovery	75,000
Nature's Classroom Phase III	188,000
2005 State of the River	4,727
Seawall Removal Fort Brooke Park	100,000
Analysis of Sources of Fecal Indicator Bacteria	125,000
Pollution Monitoring Pilot Project	45,150
Industrial Facilities Stormwater Inspection Program	28,885
Agriculture Pesticide Collection	24,000
Knights Preserve	35,235
Agriculture Best Mgmt Practice Implementation	150,000
School Bus Retrofit	(100,000)
Total	<u>695,997</u>

Total of Encumbrances

\$ 872,245

Minimum Balance

120,000

Balance Available 7/31/06

\$680,635

*** 10-002-910 Projects included in 10/1/05 Balance**

Brazilian Pepper (92)	\$ 26,717
COT Parks Dept/Cypress Point (97)	100,000
Bahia Beach Restoration (contract 04-03)	150,000
Tampa Shoreline Restoration	30,000
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 Stg Tank Closure	20,000
Natures Classroom Capital Campaign	44,000
Total	<u>\$ 583,627</u>

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



Executive Director
 Richard D. Garrity, Ph.D.

Roger P. Stewart Center
 3629 Queen Palm Dr. • Tampa, FL 33619
 Ph: (813) 627-2600

Fax Numbers (813):
 Admin. 627-2620 Waste 627-2640
 Legal 627-2602 Wetlands 627-2630
 Water 627-2670 ERM 627-2650
 Air 627-2660 Lab 272-5157

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF JULY 31, 2006

Fund Balance as of 10/01/05	\$ 608,646
Interest Accrued	78,303
Disbursements FY06	317,319

Fund Balance	\$ 369,630
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Encumbrances Against Fund Balance:

SP625 Marsh Creek/Ruskin Inlet	\$ 27,100
SP627 Tampa Bay Scallop Restoration	25,170
SP615 Little Manatee River Restoration	- 0 -
SP636 Fantasy Island	20,000
SP630 E.G. Simmons Park	100
SP634 Cockroach Bay ELAPP Restoration	297,260
Total of Encumbrances	\$ 369,630

Fund Balance Available July 31, 2006	\$ - 0 -
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EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 17, 2006

Subject: Legal Case Summary for August 2006

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

Division: Legal Department

Recommendation: None, informational update.

Brief Summary: The EPC Legal Department provides a monthly list of all its pending civil matters, administrative matters, and cases that parties have asked for additional time to file an administrative challenge.

Background: In an effort to provide the Commission a timely list of pending legal challenges, the EPC staff provides monthly updates. The updates not only can inform the Commission of pending litigation, but may be a tool to check for any conflicts they may have. The summaries generally detail pending civil and administrative cases where one party has initiated some form of civil or administrative litigation, as opposed other Legal Department cases that have not risen to that level. There is also a listing of cases where parties have asked for additional time in order to allow them to decide whether they wish to file an administrative challenge to an agency action.

List of Attachments: August 2006 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT
August 2006

A. ADMINISTRATIVE CASES

NEW CASES [1]

Gomez, Elizabeth and Kerry v. Connelly, Lisa and Leonard [LEPC06-024]: On August 4, 2006 Elizabeth and Kerry Gomez filed an appeal challenging a revised miscellaneous activity permit for the construction of a dock on Egypt Lake at 7312 Egypt Lake Drive in Tampa on property owned by Lisa and Leonard Connelly. The matter will be forwarded to a hearing Officer. (AZ)

EXISTING CASES [10]

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 mediation to attempt to resolve the matter without a hearing. The applicant has re-submitted the new final site plan for re-zoning determination and the EPC is waiting for the decision. Hillsborough County denied the re-zoning application and the EPC staff is waiting to see what new action the applicant takes. The applicant has filed a Chapter 70, F.S. dispute resolution challenge of the County's re-zoning decision. The parties have agreed to wait until at least June 9, 2006 for resolution of the dispute resolution proceeding before moving this case forward. (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 its 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. A Notice of Change of Agency Action and Motion to Relinquish Jurisdiction was filed on July 11, 2006. On July 14, 2006 Appellant filed an Objection to the Notice of Change of Agency Action and Motion to Relinquish Jurisdiction. The Appellant has subsequently withdrawn their objection and the EPC is waiting for the Hearing Officer to relinquish jurisdiction in the matter. (AZ)

EPC vs. USACOE and Florida Department of Environmental Protection [LEPC05-005]: On February 11, 2005 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. The EPC filed its request for a Chapter 120, F.S. administrative hearing challenging the conditions imposed in the permit on March 16, 2005. The matter is currently in abeyance until June 12, 2006. The parties have sought an additional extension of time to continue negotiations. The parties are in negotiations to resolve the case. (AZ)

Envirofocus Technologies, LLC (f/k/a Gulf Coast Recycling) v. EPC and DEP [LCHP06-002]: On January 4, 2006, the EPC received a petition for hearing from Gulf Coast Recycling regarding certain conditions in a draft air operations permit the EPC issued to them. The parties are meeting to try to agree upon appropriate conditions to minimize the release of lead to the environment. On June 1, 2006 Gulf Coast Recycling transferred the facility to a new owner, Envirofocus Technologies, LLC, who has indicated a willingness to improve the facility but the case remains open until resolution of the application. The permit, the renewal application, and the petition against the

permit have all been transferred into Envirofocus Technologies name. (RM)

ConocoPhillips Company [LEPC06-008]: On March 31, 2006, ConocoPhillips filed a request for an extension of time to file a Notice of Appeal concerning a Citation and Order to Correct which was issued by EPC on February 28, 2006, regarding Waste issues. The Legal Dept. granted the request and the Appellant has until May 1, 2006 to file an appeal. On May 1, 2006 Appellant's Counsel filed an Appeal for Administrative Hearing challenging the Citation of Violation and Order to Correct. The appeal has been forwarded to a Hearing Officer (AZ)

Rentokil Initial Environmental Services, Inc. [EPC05-021]: On August 8, 2005, Rentokil Initial Environmental Services, Inc. filed a request for extension of time to file an appeal of a Citation of Violation and Order to Correct for unresolved petroleum contamination violations existing at a gasoline service station located at 12302 Balm Riverview Road. Ultimately on June 12, 2006 the Respondent timely filed an appeal. The matter has been consolidated with the following two cases and will be assigned to one hearing officer. (AZ)

Medallion Convenience Stores, Inc. [LEPC05-023]: (See above case) On August 10, 2005, Medallion Convenience Stores, Inc. filed a request for extension of time to file an appeal of a Citation of Violation and Order to Correct for unresolved assessment and remediation of contamination at a gasoline service station located at 12302 Balm Riverview Road. Ultimately on June 15, 2006 the Respondent timely filed an appeal. The matter is has been consolidated with the above and below cases and the appeals are being assigned to one hearing officer. (AZ)

MDC 6, LLC [LEPC05-022]: (See above two cases) On August 10, 2005, MDC 6, LLC filed a request for extension of time to file an appeal of a Citation of Violation and Order to Correct for unresolved assessment and remediation of contamination at a gasoline service station located at 12302 Balm Riverview Road. Ultimately on June 15, 2006, the Respondent timely filed an appeal. The matter has been consolidated with the above two cases and the appeals are being assigned to one hearing officer. (AZ)

Irshaid Oil, Inc. [LEPC06-006]: On March 15, 2006, Mr. Nasser Irshaid filed a request for extension of time to file an appeal to challenge a Citation of Violation and Order to Correct issued by EPC on February 28, 2006, regarding waste issues. The Legal Dept. granted the request and provided the Appellant with a deadline of June 19, 2006 in which to file an appeal. On June 8, 2006 Appellant filed a second request for extension of time. It was determined that the request did not show good cause and the request was denied. Mr. Irshaid had until July 19, 2006 to file an appeal. On July 10, 2006 Mr. Irshaid filed an insufficient Notice of Appeal which was dismissed with leave to amend. Mr. Irshaid had until July 28, 2006 to file an amended appeal. Mr. Irshaid filed an appeal on July 18, 2006 and the matter is being forwarded to a Hearing Officer. (AZ)

7-Eleven, Inc. [LEPC06-019]: On May 31, 2006, 7-Eleven, Inc. filed a request for extension of time to file a Notice of Appeal regarding a Citation of Violation and Order to Correct that was issued for the facility located at 8002 N. 56th Street in Tampa, FL. The request was denied and the Appellant had until July 11, 2006 to file a Notice of Appeal. On July 10, 2006 a Notice of Appeal was filed. (AZ)

RESOLVED CASES [3]

Linda Gadbow, [LEPC06-016]: On May 16, 2006 Ms. Gadbow filed a request for extension of time to file a Notice of Appeal to challenge an Executive Director's Conceptual Authorization to Impact Wetlands. The Legal Dept. granted the request and the appellant has until June 9, 2006 to file a Notice of Appeal in this matter. On June 9, 2006 Ms. Gadbow filed an appeal which was determined to be insufficient and the Legal Dept. issued an Order Dismissing the Appeal with Leave to Amend. On June 30, 2006 Ms. Gadbow timely filed an amended appeal. The amended appeal was dismissed with prejudice for failing to include the necessary information. The matter has been closed. (AZ)

Kerry and Elizabeth Gomez [LEPC06-021]: On June 29, 2006 Kerry and Elizabeth Gomez filed an appeal of the Executive Director's authorization for a dock permit on Egypt Lake at 7312 Egypt Lake Drive in Tampa. The Appeal was dismissed with leave to amend. This matter has been closed but a related matter was opened based on a new permit being issued for the dock. (see "New Cases" above) (AZ)

DeBartolo Development, LLC [LEPC05-037]: On December 5, 2005, the Legal Department received a request for an extension of time to file an appeal of the decision denying proposed wetland impacts for Riverview Bell Plaza. The Legal Department has approved the request and provided the Appellant with a deadline of January 5, 2006 to file an appeal. The Appellant filed an appeal on January 4, 2006 challenging the denial of wetland impacts. The matter has been referred to a Hearing Officer and the parties are progressing through discovery. The parties have tentatively settled the matter and are preparing the final agreement. The parties have executed the settlement agreement and the Appellant has filed the voluntary dismissal. The Hearing Officer has issued an order relinquishing his jurisdiction and the case is closed. (AZ).

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [10]

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)

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. The parties are currently in negotiations to resolve the matter. On November 1, 2005, the Legal Department filed a Motion for Default for failure to timely respond. The staff is in negotiations with a prospective purchaser of the facility. The EPC has entered into a tentative settlement regarding the violations contingent upon the sale of the property in the near future. The case will remain open until such time as the property is conveyed. The deadline for the conveyance of the property is June 23, 2006. The EPC and potential purchaser are negotiating an amended consent order to allow additional time to purchase the property. If the property is not timely sold, the Legal Department will reinstate litigation with the current owners. (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. (AZ)

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. (RM)

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. The facility is no

longer operating and Mr. Molina is thus far unable to be located. Staff is exploring enforcement options. (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)

Temple Crest Automotive [LEPC05-009]: Authority was granted on April 21, 2005 to pursue appropriate legal action against Juan and Rafaela Lasserre to enforce the agency requirement that a limited environmental assessment report and a plan to properly contain and manage oil to prevent future discharges to the environment be submitted to EPC. On October 5, 2004 EPC staff issued a Citation and Order to Correct to Juan B. and Rafaela Lasserre for violations of Chapters 61-701 and 61-730, F.A.C. and Chapters 1-1, 1-5, and 1-7, Rules of the EPC. Mr. and Mrs. Lasserre did not appeal the Citation and it became a final agency order on October 28, 2004. Until April 21, 2005, EPC staff had received no response to their attempts to resolve the matter. The case was tentatively settled in December 2005 but the EPC staff are still waiting for the completion of the corrective actions. (AZ)

Jozsi, Daniel A. and Celina v. EPC and Winterroth [LEPC05-025]: Daniel A. and Celina Jozsi requested an appeal of a Consent Order entered into between James Winterroth and the EPC Executive Director. The appeal was not timely filed and the EPC dismissed the appeal. On December 8, 2005, the Jozsis appealed the order dismissing the appeal to the circuit court. The appeal has been transferred to the Second District Court of Appeal and the EPC is waiting for the next step. (AZ)

Miley's Radiator Shop [LEPC06-011]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Miley's Radiator Shop, Calvin Miley, Jr., Calvin Miley, Sr., and Brenda Joyce Miley Tyner for waste management violations for improper storage and handling of car repair related wastes on the subject property. In addition, a citation was entered against the respondents on October 28, 2005 requiring specific corrective actions. The Respondents have not complied with the citation. The EPC is preparing to file a lawsuit for the referenced violations. (AZ)

RESOLVED CASES [3]

Tranzparts, Inc., Scott Yaslow, and Ernesto and Judith Baizan [LEPC06-012]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Tranzparts, Inc., Scott Yaslow, and Ernesto and Judith Baizan to enforce the agency requirement that a Preliminary Contamination Assessment Plan be conducted on the property for discharges of oil/transmission fluid to the environment. On July 21, 2006 the responsible parties entered into a settlement that required them to perform all the necessary corrective actions and to pay \$15,000 in penalties and \$2,400.00 in administrative costs. The case has been closed. (AZ)

Paulette Bayer v. Clyde Botner, EPC, et al. [LEPC06-017]: On June 2, 2006 a lawsuit was filed against the EPC to foreclose on its interests concerning a lien the EPC holds on a property owned by Clyde Botner. The EPC obtained a lien against Mr. Botner for wetland and waste violations in May 2005 in the amount of \$750 in costs and \$850 in penalties. The EPC filed an answer to the foreclosure on June 7, 2006 consenting to the foreclosure action because its liens are inferior to the Plaintiff's liens. The EPC is requesting any surplus monies be used to satisfy the EPC's liens. The EPC continues to hold a lien against other property owned by the Defendant Clyde Botner in Hillsborough County. Based on the filing of the consent to foreclosure and the request for surplus funds, the matter has been closed until such time as surplus funds are available or if conditions warrant it being re-opened. (AZ)

BOJ Corporation [LEPC06-005]: Authority was granted in February 2006 to take appropriate action against BOJ Corporation for violations concerning the operation of underground storage tanks on a property used for a gasoline service station. All corrective actions have been performed. The case was resolved with a Settlement Letter on July 25, 2006 and the matter has been closed.. (AZ)

C. OTHER OPEN CASES [9]

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

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

Connelly, Leonard and Lisa [LEPC05-029]: On September 24, 2005, Leonard and Lisa Connelly filed a request for an extension of time to file an appeal of the Executive Director's decision to revoke a miscellaneous activities in wetlands permit for the property located at 7312 Egypt Lake Drive. The Legal Department has approved the request and provided the Appellant with a deadline of March 23, 2006. On February 27, 2006 the Appellants filed a second request for an extension of time indicating that the matter in question was in litigation and they were working toward a resolution. The Legal Dept. granted the second request and the Appellants shall have until September 19, 2006 to file an appeal. The EPC and the Connellys have amended the miscellaneous activities permit on July 20, 2006. although this case has been resolved, the neighbors have challenged the revised permit. (see "New Administrative cases" above) (AZ)

Citgo Petroleum Corporation [LEPC05-031]: On October 13, 2005 Citgo Petroleum Corporation filed a request for an extension of time to file a petition for administrative hearing regarding a Title V Draft Permit. The Legal Department approved the request and provided the petitioner with a deadline of December 12, 2005 to file a petition. Two additional extensions were granted, extending the deadline to file a petition to April 11, 2006. On May 3, 2006 Citgo Petroleum filed another request for an extension on a revised permit and also requested a meeting to address and work toward resolving any remaining issues. An extension was granted until June 14, 2006 and a meeting scheduled. CITGO requested additional time to perform environmental testing and therefore an extension of time was granted until November 1, 2006. (RM)

Kinder Morgan v. EPC [LCHP06-003]: On February 3, 2006, the EPC issued an emergency order to Kinder Morgan to immediately cease all material handling that may result in excessive dust emissions or runoff to Waters of the County. Kinder Morgan filed an extension of time request to challenge the order. Kinder Morgan handles all types of dry goods and mineral at the Port of Tampa, adjacent to the TECO Gannon Station. Their recent handling of bauxite led to fouling of the TECO facility. The EPC and Kinder Morgan are seeking to resolve the matter via a Consent Order. On February 24, 2006 Kinder Morgan filed a request for extension of time to file an appeal for administrative hearing. The request was granted and the Appellants had until April 10, 2006 to file an appeal. Four subsequent extensions of time have been requested and the appellants have until August 25, 2006 to file a Notice of Appeal. The parties are negotiating a global Consent Order for multiple violations, including the February 2006 event. (RT)

Alcoa Extrusions, Inc. [LEPC06-007]: On March 20, 2006, Alcoa Extrusions, Inc. filed a request for an extension of time to file a petition for an administrative hearing concerning a Title V draft Air permit. The Legal Dept. granted the extension request and the Petitioner has until May 22, 2006 to file a petition. On May 10, 2006, the petitioner filed a second request for an extension of time, the request was granted and the petitioner has until August 21, 2006 to file a petition in this matter. (RT)

Eastern Associated Terminals, Inc. [LEPC06-010]: A revised Title V draft Air permit was issued by EPC on March 30, 2006. On April 7, 2006, Eastern Associated Terminals filed a request for an extension of time to file a petition for Administrative Hearing. The Legal Dept. granted the request and the Petitioner has until July 12, 2006 to file a petition. A revised permit has been negotiated and the facility withdrew its most recent extension request. (RT)

7-Eleven, Inc. [LEPC06-015]: On May 9, 2006, 7-Eleven, Inc. filed a request for an extension of time to file a Notice of Appeal regarding a Citation of Violation and Order to Correct that was issued on April 28, 2006 to store # 23741 located at 7124 N. Dale Mabry Highway in Tampa. The request was granted and the Appellant had until July 21, 2006 to file an appeal. A second extension of time was granted and the Appellant has until August 10, 2006 to file an appeal in this matter. (AZ)

James Hardie Building Products, Inc. [LEPC06-018]: On June 1, 2006, James Hardie Building Products, Inc. filed a request for an extension of time to file a Petition for Administrative Hearing regarding a combined Air operation and Construction permit. The request was granted and the Petitioner has until August 4, 2006 to file a petition in this matter. A second extension has been approved through September 8, 2006. (RM)

Madison Lane, LLC [LEPC06-022] On July 17, 2006, Madison Lane filed for a 90-day extension of time to file a petition for hearing regarding disputes over permit renewal denial the EPC issued them for their mobile home park's wastewater treatment plant. The EPC will grant the extension in an effort to resolve the matter.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 17, 2006

Subject: Channel District Noise Issues

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

Division: Air Management Division

Recommendation: For information only.

Brief Summary: At the direction of the EPC Board, EPC staff drafted a letter to the City of Tampa for signature by the Chair recommending delegation of authority to the city of Tampa to enforce noise standards for the Channel District, the Ybor City Historic District, and the Central Business District for sources of amplified music and entertainment. EPC would retain its authority to regulate its noise level limits for other common residential noises in the above-listed areas of the City of Tampa. This recommendation provides certain protections for the residential community, while allowing the City of Tampa to enforce sound level limits that correspond to the City's development plans for these areas.

Background: Based on concerns expressed by the EPC Board about potential future conflicts between residential development and entertainment venues in the Channel District, EPC staff met with City Planning staff in March 2006 and with Planning Commission staff in April 2006. At the direction of the EPC Board in April, EPC staff then began to explore options for delegation of authority to the City of Tampa to enforce noise standards in the Channel District.

Since the City of Tampa has adopted specific noise level limits for three specific districts within the City limits, the Channel District, Ybor City, and the Central Business District, EPC staff believes all three areas should be included when considering delegation to the City. EPC staff held a preliminary meeting with City of Tampa staff to discuss possible delegation scenarios. At that time, EPC staff recommended the delegation of authority to the City of Tampa to enforce noise standards for the Channel District, the Ybor City Historic District, and the Central Business District for sources of amplified music and entertainment. EPC would retain its authority to regulate its noise level limits for other common residential noises in these three areas of the City, as it does elsewhere in the County and its municipalities. EPC staff then drafted a letter for signature by the EPC Chair to the City of Tampa, stating its recommendation.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 17, 2006

Subject: Air Pollution Control Specific Operating Agreement (SOA) with the Florida DEP

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

Division: Air Management Division

Recommendation: Staff recommends that the EPC Board ratify Dr. Garrity's signature on the SOA.

Brief Summary: This SOA is the continuation of an operating agreement in effect with the State since 1992, which establishes the basis by which DEP and EPC work together to protect the air quality of Hillsborough County.

Background: This recently renewed Specific Operating Agreement (SOA) between the Florida Department of Environmental Protection (DEP) and the Environmental Protection Commission of Hillsborough County (EPC) continues an operating agreement that has been in effect between the two agencies since 1992. The SOA establishes specific responsibilities for EPC staff in the area of air pollution control in Hillsborough County, such as: permitting, compliance, and enforcement for both large and small industrial sources; asbestos; open burning; and mobile sources and transportation planning.

The SOA clearly defines both DEP and EPC responsibilities within the County, both to avoid duplication of effort and to allow EPC staff to adequately address the needs of the citizens of the County in the area of air pollution control. This SOA recognizes continued funding through statutorily established state programs (Title V and Tag Fee) to carry out the air pollution control programs therein.

Staff recommends that the EPC Board ratify Dr. Garrity's signature on this SOA.

List of Attachments: "Air Pollution Control Specific Operating Agreement between the State of Florida Department of Environmental Protection and Hillsborough County"

Air Pollution Control
Specific Operating Agreement
Between the
State of Florida
Department of Environmental Protection
and
Hillsborough County

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**AIR POLLUTION CONTROL
SPECIFIC OPERATING AGREEMENT**

BETWEEN THE

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)**

AND

HILLSBOROUGH COUNTY

PART I

BACKGROUND

1) Prior Operating Agreements. On September 18, 1974, the Florida Department of Environmental Regulation, now Department of Environmental Protection (DEP or Department) and the Environmental Protection Commission (EPC) of Hillsborough County entered into a General Operating Agreement (GOA). It was amended in 1980 and superseded by another GOA on August 13, 1981, a third GOA was executed on August 4, 1988, and is the current GOA. A copy of the GOA is on file at the Hillsborough County EPC, the DEP Division of Air Resource Management (DARM), and the DEP Southwest District office. The GOA, executed pursuant to s. 403.182, Florida Statutes (F.S.), specifically requires that the Secretary of the Department must further authorize the duties a local program will undertake in accordance with a Specific Operating Agreement (SOA) formed in accordance with Part IX of the GOA. See paragraph 1.02, 1988 GOA. The SOA must specify the DEP programs or duties to be conducted by the local program and will include such specific terms as are necessary to clearly delineate each party's rights and obligations. Therefore, this SOA constitutes the sole agreement defining the rights and responsibilities of EPC regarding the air program under ss. 403.182 and 403.087, F.S. and the 1988 GOA. This SOA recognizes EPC as an "approved local air pollution control program" for purposes of ss. 320.03 and 376.60, F.S. In the event the Department disapproves the local air pollution control program, for cause as provided in s. 403.182 (4), F.S., EPC reserves the rights under the law to pursue all rights EPC may be entitled to under ss. 320.03 and 376.60, F.S. This SOA supersedes all provisions relating to air pollution control of all prior SOA's in Hillsborough County.

- 2) Hillsborough County Authority. EPC was created and expanded by special acts passed in 1967, 1969, 1971, 1972, and 1973. These were repealed and superseded in 1984 by Chapter 84-446, Laws of Florida, and amended in 1987 by Chapter 87-495, Laws of Florida. The powers and duties of EPC established by these special acts are incorporated herein by reference. Copies of the Special Acts are available at the EPC or District FDEP. Pursuant to s. 403.182(9), F.S., nothing in this agreement will diminish EPC's independent authority as established by law, nor hinder EPC from independently enforcing its own rules, regulations, or orders.
- 3) DEP's Role. DEP administers the following U.S. Environmental Protection Agency (EPA) approved or EPA delegated programs: the State Implementation Plan (SIP), the Title V permit program and programs related to sections 7411 and 7412 of Title 42, United States Code (U.S.C.) Pursuant to the EPA delegations or approvals, DEP cannot delegate or sub-delegate such authorities to any approved local air pollution control program. However, DEP, collectively through this SOA, the ambient monitoring contract, and the Title V contract may authorize EPC to act on its behalf for purposes of federally-delegated or approved programs. Furthermore, this SOA and the contracts mentioned above constitute the principal agreement between EPC and DEP in regard to air pollution control responsibilities. Compensation for services under the ambient monitoring and Title V contracts is contingent upon annual legislative appropriations. Pursuant to s. 403.182, F.S., DEP may assume and retain jurisdiction over a particular area, category, or program of air pollution control.
- 4) Objective. The intent of this SOA is to establish the basis upon which DEP and EPC will work together to protect the air quality of Hillsborough County according to the provisions of s. 403.182, F.S., which are incorporated herein by reference.

PART II

ADMINISTRATION OF THE SOA

- 1) Commencement. This SOA will become effective on the date this document is signed by both DEP and EPC. Notwithstanding Section 9.01 of the GOA, this SOA is entered into by the DEP Deputy Secretary of Regulatory Programs and Energy and the EPC Executive Director, both of whom have the authority to execute this SOA and satisfy its terms and conditions.
- 2) Expiration. This SOA will expire at midnight on June 30th three years after this agreement is signed by both DEP and EPC unless both DEP and EPC provide in writing their intent to extend this SOA. It is the expectation of the parties that SOA renewals will be negotiated timely well in advance of the expiration deadline. However, if parties are in good faith negotiations to renew the SOA at the time of the expiration date, the DEP will not unreasonably deny a request to temporarily extend the SOA. Pending renewal or amendment, this SOA will remain in effect until the extended time period has expired.
- 3) Modification. This SOA may be modified in writing at any time by mutual consent of DEP and EPC. The modification will become effective on the date executed by both parties.
- 4) Agreement Conflicts. If this SOA conflicts with any part of the GOA, then that part of the GOA will not apply to DEP or EPC with respect to the air pollution control program in Hillsborough County.
- 5) Severability. If any part of this SOA is found invalid or unenforceable by any Court or any administrative proceeding, the remaining parts of this SOA will not be affected if DEP and EPC agree that the rights and duties of both parties contained in this SOA are not materially prejudiced, and if the intentions of the parties can continue to be effective.

6) Interpretation of Laws, Ordinances, Rules, and Regulations.

The governmental agency responsible for promulgating a law, ordinance, rule or regulation will be the primary interpretative authority for that law, ordinance, rule or regulation. The term "rule" as applied to a local program refers to a local program's duly adopted ordinances, regulations, rules or other local law.

- a) Federally-Delegated or Approved Programs. It is recognized by EPC that EPA has approved or delegated to DEP all of the federal programs listed in Part I section (3). EPC recognizes that DEP must take final responsibility for any actions or activities related to these federally-delegated or approved programs. DEP has overriding authority regarding any conflicts arising from EPC acting on behalf of DEP in the administration of these federally-delegated or approved programs. For these reasons and to ensure consistent state-wide implementation, DEP has a responsibility to oversee the dissemination of information related to these federally delegated or approved programs. Information regarding such federal programs will be disseminated as follows:
- i) DEP Tallahassee is responsible for disseminating official policy and guidance regarding the implementation of these federally-delegated or approved programs to the DEP district offices and approved local air pollution control programs.
 - ii) EPC may distribute pre-existing state or federal documents (e.g., EPA guidance documents or applicability determinations) regarding federally-delegated or approved programs to the public or regulated entities operating in its jurisdiction. EPC will provide a copy of such information to DEP Tallahassee if requested.
 - iii) To the extent EPC has adopted rules more stringent than a federally-delegated or approved program as set forth in Part II, Section 6, d), below, EPC may distribute information to the public, or regulated entities operating in its jurisdiction relating to the applicability, interpretation, or implementation of EPC's own rule. When distributing this information, EPC will provide a copy to DEP Tallahassee if requested.

- iv) EPC may create informational material related to the applicability, interpretation, or implementation of federally-delegated or approved programs for the purposes of assisting its regulated community, or other DEP district or approved local air pollution control offices. When distributing this information, EPC will provide a copy to DEP Tallahassee if requested.

- b) EPA Regulations. EPA will interpret its regulations such as National Ambient Air Quality Standards (NAAQS), New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAP). In the event EPC and DEP disagree about the applicability or requirements of an EPA Regulation, EPC may request that DEP seek clarification from EPA and DEP will be the agency responsible for coordinating contact by both parties with EPA regarding such requests for clarification. Whether the request is verbal or in writing, DEP will coordinate the contact with EPC so that neither party works unilaterally with EPA.

- c) DEP Rules. DEP will interpret all Florida Administrative Code (F.A.C.) Air rules.

- d) County Rules. EPC will interpret rules locally adopted, other than EPA or DEP rules adopted verbatim by reference. Nothing in this SOA will limit EPC from adopting more stringent local rules. After such adoption, the rule must be submitted to DEP as set forth in Part II, section 7) a) below.

- e) SIP Revisions. SIP revisions developed by DEP are considered state-originated rules, except when EPA language is used verbatim.

- f) Conflict Resolution Regarding State and Local Rules and Ordinances. If, in the course of carrying out the requirements of this SOA, the interpretation of a DEP rule becomes an issue, the EPC will consult with DEP to determine the appropriate regulatory interpretation. If DEP is enforcing EPC rules, then DEP will consult with EPC concerning the appropriate regulatory interpretation. In the event that there is litigation concerning interpretation of DEP rules, then DEP will provide testimony concerning the interpretation of those rules. To the extent that litigation involves interpretation of EPC rules, EPC will provide testimony concerning the interpretation of those rules. All requests for interpretation will be answered as expeditiously as possible.
- 7) Approval of Hillsborough County Rules. DEP has determined that EPC's existing rules pertaining to air pollution control, Chapter 1-3 (with exception of Section 1-3.24), 1-4, and 1-8 adopted pursuant to Chapter 84-446, Laws of Florida, are compatible with or stricter or more extensive than those imposed by Chapter 403, F.S., and rules issued there under. This determination is not applicable to rules not listed above; to administration or enforcement of any authority other than DEP's Chapter 403, F.S. and EPA's Clean Air Act (CAA) authority; or pertaining to noise pollution.
- a) Future Hillsborough County Rules. If EPC amends any existing ordinances or rules pertaining to air pollution control, or adopts any new rules, DEP will not enforce such amended or new rules unless and until DEP has determined that such rules are compatible with, or stricter or more extensive than those imposed by Chapter 403, F.S., and rules adopted there under. If EPC attempts to implement or enforce such rules, EPC cannot assert it is acting on behalf of DEP in such circumstances.
- b) Remaining Current with DEP Referenced Rules. In the event DEP renumbers, amends, adds or deletes F.A.C. regulations referenced by EPC, EPC understands that failure to incorporate the changes in the local rules or ordinances within twelve (12) months from the time the state makes such changes may result in DEP determining that such local rules or ordinances are incompatible with state requirements.
- 8) Adequate Administrative and Judicial Processes. DEP has determined that EPC provides for enforcement of its requirements by appropriate administrative and judicial processes. DEP remedies remain available to EPC as an alternative to its own procedures.

9) Adequate Staff. DEP has determined that EPC has the adequate and appropriate administration, staff, and financial resources to effectively and efficiently carry out an "approved local air pollution control program" in Hillsborough County.

10) Termination Procedures.

- a) Termination of SOA. The local air pollution control program or DEP may terminate this SOA without cause by providing written notice to the other party at least ninety (90) days prior to the effective date of such termination.
- b) Distribution of Funds. Within ninety (90) days of termination, EPC will refund to DEP any financial support provided by DEP for air pollution control which has not been obligated or expended by EPC for that purpose. Conversely, DEP will pay EPC a pro rata share of any such financial support due during that budgetary period which has been obligated or funded by EPC for air pollution control before the effective date of termination.

PART III

AIR PROGRAM MANAGEMENT

- 1) Budget. DEP and EPC will, upon request, exchange summaries of their respective approved budgets, outlining funding and staffing.
- 2) Adequate Staff. EPC will maintain an adequate permitting, ambient monitoring, mobile source, emissions monitoring, compliance and enforcement staff to satisfy the requirements of this SOA. EPC's organizational chart will be periodically updated or supplemented by EPC when there are changes of key personnel or organizational structure.
- 3) Plans. DEP and EPC will coordinate and annually exchange their respective EPA 105 air planning agreements.
- 4) SIP and 111 (d) Plan Revisions. EPC will coordinate with and assist DEP in the preparation and submittal to EPA of all SIP and 111 (d) plan revisions which may affect EPC. DEP will be responsible for determining the need and relative priority for SIP revisions.
- 5) Proposed Federal Air Rules. EPC will copy DEP, and vice versa, on all responses to proposed federal air rules published in the Federal Register.
- 6) Evaluations and Audits. DEP will periodically conduct program performance evaluations, financial audits, and Title V audits of EPC's implementation of air programs and activities. The ambient monitoring program activity evaluations are addressed in Part VII.
 - a) Performance Evaluations. DEP may conduct performance evaluations to determine if permit application reviews, permit issuance, emissions inventory, mobile-source activities, compliance activities, and enforcement actions are being effectively conducted in accordance with state requirements and DEP policies.
 - b) Financial Audits. The DEP Office of Inspector General (OIG) may conduct financial audits to determine if state funds received by EPC for its air program have been properly accounted for and funds have been spent appropriately. Upon request of the DEP OIG, EPC is responsible for providing county financial records relating to expenditures from tag fees received under s. 320.03 (6), F.S., asbestos fees received under s. 376.60, F.S, and

reimbursements from the Title V and Ambient Monitoring contracts entered into between DEP and EPC.

- c) Title V Program Audit. Pursuant to s. 403.0872 (11) (c), F.S., DEP is required to audit its Title V Program once every two years. The purpose of the audit is to determine whether the annual operation license fees collected by the department are used solely to support any reasonable direct and indirect costs listed in 403.0872 (11) (b), F.S.
 - d) Coordination of Evaluations and Audits. To the extent practicable, DEP and EPC will coordinate as necessary during evaluations and audits. Where possible, DEP will provide EPC with the opportunity to prepare its response and comment on draft findings. In instances when DEP is subject to an evaluation or audit by a federal agency, and DEP requests EPC's participation, EPC will provide its responses through DEP. In the event EPC is contacted directly by a federal agency regarding any program listed in Part I, section 3), EPC will coordinate its response with DEP. EPC also will provide DEP with a copy of its response.
- 7) Records. After the effective date of this SOA, records will be maintained by EPC for at least five (5) years. For purposes of this SOA, records will include: records of all complaints; complaint investigations; inspection reports; annual operating reports; statements of compliance; Title V compliance certifications; Title V monitoring reports; stack test reports; warning letters; notices of violation; permit applications; permit processing files; draft, proposed, and final permits; permit determinations; and related correspondence and similar materials will be made available to DEP upon request. EPC will otherwise comply with the requirements of Chapter 119, F.S.
- 8) Electronic Communications. Any reference in this SOA to "mail" includes electronic mail as described at Chapter 668, F.S. All reference to "certified mail" includes electronic mail with a receipt notification. All electronic communications relating to a permitting activity will be considered part of the permitting file and will be retained as part of the file. All electronic communications relating to a compliance or enforcement activity will be considered part of the compliance or enforcement file and will be retained as part of the file. Nothing in this SOA will preclude use of electronic files or electronic communications provided that such files and

communications are easily identifiable and publicly accessible and provided that such files meet all formatting requirements detailed elsewhere in this SOA or by contract.

- 9) General Information Requests. As time and resources allow, EPC will respond to and attend meetings with individual citizens, the news media, schools, civic groups, and other organizations to provide information about air pollution or about specific program activities.
- 10) Training and Meetings. EPC will ensure that its employees have the requisite training to properly accomplish their work assignments. Appropriate EPC staff will attend the following specific training events and meetings:
 - a) Annual Air Meeting;
 - b) Air Permit Engineers' Specialty Meeting;
 - c) Air Compliance and Enforcement Specialty Meeting;
 - d) Asbestos Inspector Training Course (EPA or TREEO or equivalent);
 - e) Visible Emissions Observation Training;
 - f) Ambient Monitoring and Quality Assurance Workshop;
 - g) Air Monitoring Advisory Committee Meeting;
 - h) DEP Compliance & Enforcement Conference;
 - i) Air Council Meetings;
 - j) Monthly Air Specialty Teleconferences; and
 - k) others as may be requested by DEP

As time and resources allow, EPC staff will also attend training sessions offered by DEP regarding significant program changes, as well as EPA APTI training courses and SESARM/Metro4 training courses.

- 11) Legal. EPC must have access to adequate legal staff to comply with the permitting and enforcement requirements of this SOA.
- 12) Use of Tag Fees. Use of tag fees by EPC will be provided by s. 320.03 (6), F.S. To provide consistency with implementing program requirements, EPC agrees to work closely with DEP to address questions, as they arise, regarding the use of tag fees for program activities. EPC will summarize its activities that have been funded by tag fees in a report to DEP, submitted with the tag fee certification, sixty (60) days after the end of each county fiscal year.
- 13) Collection of Title V Emission Fees. Any payments for Title V annual emission fees and forms submitted to EPC will be promptly returned to the applicant with a notice to submit the payment directly to DEP Tallahassee. A copy of the notice will be provided to DEP Tallahassee.
- 14) Local Fee Prohibited for Title V Sources. In accordance with s. 403.873, F.S., EPC will collect no fees from Title V sources, except asbestos fees collected pursuant to s. 376.60, F.S.
- 15) Distribution of Title V Fees. EPD will enter into a Title V contract with DEP each state fiscal year to receive compensation for the Title V Program work that is referenced in Parts IV and V of this SOA. Funding for the annual Title V Contract is contingent upon the availability of legislative budget authority each state fiscal year.

PART IV

PERMITTING RESPONSIBILITIES

1) General Requirements.

- a) Local Air Permitting. By this SOA, DEP authorizes EPC to process federally delegated air permits, which fall under the Title V permit program and programs related to section 7411 and 7412 of Title 42, U.S.C., on its behalf and delegates the authority to process or issue state air permits in accordance with the following general procedures and specific conditions. The federally delegated permit programs mentioned above have been delegated to DEP and are not considered as delegations to EPC under s. 403.182 (2), F.S. DEP retains the authority to take final action on all permit applications.
- b) Limitations. Pursuant to this SOA, EPC assumes the responsibility to receive, process and take final agency action on air permits within Hillsborough County that otherwise would be administered by DEP's Southwest District Office, except for the following permits or categories of air sources:
 - i) Electrical power plants and waste-to-energy facilities.
 - ii) Permits for which local air pollution programs are precluded from taking final agency action under 403.0872, F.S.
 - iii) County-owned or operated facilities except for non-Title V General Permits.
 - iv) Prevention of Significant Deterioration (PSD) and New Source Review (NSR) construction permits.
 - v) Title V General Permit facilities unless otherwise specified in the Title V contract.
 - vi) Sources covered by DARM guidance relating to NSR Reform.
- c) Variations and Waivers. EPC will not issue variations and waivers from state permitting requirements.
- d) PSD Determinations. EPC will consult with DEP Tallahassee when establishing operational and emission limits to avoid PSD, or making determinations that facility changes are not subject to PSD.

- e) EPSAP. EPC will use the Electronic Permit Submittal and Processing System (EPSAP) database when processing permitting applications electronically.
 - f) Public Comments. EPC will accept and respond to public comments and requests for public meetings as required by DEP rules and statutes.
- 2) Specific Conditions of Local Air Permitting. In addition to the other provisions of this SOA regarding air permitting, EPC will comply with the following specific requirements as a condition of maintaining this air permitting authority:
- a) Professional Engineer Requirement. EPC will review permit applications and draft specific permit conditions under the oversight of a professional engineer licensed by the State of Florida. The professional engineer will provide a professional engineering certification of all technical evaluations of permit applications as required by Florida law, as well as certifications consistent with DARM guidance.
 - b) Permitting Provisions. EPC will comply with applicable permitting provisions of the Florida Air and Water Pollution Control Act, Chapter 403, F.S., the Florida Administrative Procedures Act (APA), Chapter 120, F.S.; and DEP permitting and air pollution control rules.
 - c) Permitting Procedures. EPC will follow the DARM permitting guidance procedures issued as well as any air related portions of a DEP Emergency Order issued by the DEP Secretary.
 - d) Exemptions. EPC is authorized to make determinations of exemption pursuant to DEP rule 62-4.040 F.A.C. A copy of all pertinent correspondence related to such exemption will be submitted to the DEP Southwest District Office.
 - e) Forms. EPC will use permitting forms adopted by DEP. The local air program may affix its name and logo on the forms.
 - f) ARMS Database. EPC will have full access to the DEP Air Resource Management System (ARMS) database and will accurately and in a timely manner enter all permit-related data as permit applications are processed and as permits are issued or denied.

- g) Legal Resources. EPC will have the legal resources to defend EPC permitting decisions in Administrative Hearings under Chapter 120, F.S., or any other legal proceedings. Laws, ordinances, rules and regulations will be interpreted according to Part II, section 6) of this SOA.
- h) Administrative Hearings and Final Agency Actions for Permits. All air permit applications received will be processed, and acted upon by EPC on behalf of DEP in accordance with the appropriate state laws and DEP rules. All air permitting decisions made by EPC on behalf of DEP will be subject to the provisions of the (APA), Chapter 120, F.S., as if these decisions had been made by DEP.
- i) Petitions. All timely petitions for formal administrative hearings on air permitting applications processed by EPC will be referred to the Division of Administrative Hearings (DOAH) for the assignment of administrative law judges, if the petitions are submitted pursuant to Chapter 120, F.S. and satisfy the requirements set forth in the applicable rules of DEP. At the time of referral of a petition to DOAH, a copy of the notice of referral, the petition, and the challenged permitting decision will be mailed to DEP's Office of General Counsel (OGC). To the extent that DEP's technical or rule interpretation or guidance is at issue, DEP will provide technical assistance to EPC. DEP retains the right to be a party to any hearing or to intervene in the DOAH proceeding.
- ii) Hearings. For all hearings challenging agency action on air permits, EPC will be responsible for preparation for the hearings, appearance at the hearings, and preparation and submittal of the proposed recommended orders to the assigned administrative law judge. No agreement for mediation pursuant to s.120.573, F.S., or for summary hearing pursuant to s.120.574, F.S., will be made by EPC unless DEP has been joined as a party to the dispute and has also agreed to the mediation or summary hearing. Prior to all final hearings, EPC attorneys will consult with DEP attorneys regarding significant issues. All recommended orders resulting from DOAH hearings will be referred to the DEP Deputy Secretary of Regulatory Programs and Energy for final agency action. Exceptions and responses to exceptions will be filed with DEP's OGC within the times set forth in rule 28-106, F.A.C.

iii) Final Order Appeals. Appeals of final orders entered following an administrative appeal hearing will be the responsibility of DEP. EPC may join the appeal as a party.

3) Title V Program Requirements.

a) Title V Major Source Permits. EPC will process permit applications for all Title V sources within the county's jurisdiction not excluded in Part IV, section 1) b) in accordance with the Title V contract and the following procedures.

i) Application Processing Procedures.

(1) DEP Procedures. When DEP receives a permit application for a Title V source within Hillsborough County that DEP has authorized the County to process, DEP will forward all copies of the application and associated information to EPC. Upon receipt, EPC will process the application in accordance with s. 403.0872, F.S., and DEP rules 62-213.420, 62-213.430, and 62-213.450 F.A.C.

(2) Hillsborough County Procedures.

1. Title V permit data will be entered into the ARMS database in accordance with Part VIII, section 3) a).
2. EPC will review each Title V operation permit application for completeness in accordance with the provisions and timeframes in DEP rules 62-4 and 62-213.420, F.A.C.
3. When the application is determined to be complete, EPC will process the application and take final agency action on behalf of DEP in accordance with the procedures and time frames that would apply to DEP, if DEP were processing the application. EPC will submit to the DEP Southwest District office a copy of the application, all pertinent correspondence, and the proposed agency action (notice of intent with draft permit public comments, proposed permit and final permit). EPC will follow DEP's procedures for electronic submittals when available.

4. EPC will provide a statement of basis and a final determination for each Title V permit.
 5. EPC will provide notification as required by DEP rule 62-213.450, F.A.C.
 6. EPC will accept and respond to public comments and requests for public meetings for Title V permits as required by DEP rules and statutes.
- ii) Permit Content. EPC will address all applicable requirements as required in DEP rule 62-213.440 F.A.C.
- iii) Title V Reporting Requirements. EPC will report its Title V permitting activities to DEP in accordance with Part VIII, section 3) a) of this SOA. EPC is responsible for any and all inquiries regarding the ARMS database entries for which they are responsible for entering.
- iv) Local Rules, Regulations and Orders. EPC requirements approved in Part II, section 7), will be included in the Title V air permit if the requirements apply to such sources that are required to obtain a Title V permit.
- b) Construction Permits for Title V Sources. EPC will follow the same procedures for these permits as described in paragraph 4), below, except that concurrent processing of the construction permit and any related Title V permits will be done if requested by the applicant, pursuant to DEP rule 62-213, F.A.C.

4) Non-Title V Permits. EPC will process permit applications for all non-Title V permits within the EPC's jurisdiction not excluded in Part IV, section 1) b) of this SOA in accordance with the following procedures.

a) Application Processing Procedures.

i) DEP Receipt of Misdirected Applications. When DEP receives an application for an air permit in Hillsborough County for which DEP has authorized EPC to process such permit on its behalf, DEP will forward all copies of the application and the associated fees to EPC. EPC will ascertain whether the fees remitted are correct, and retain those for which permit authority has been granted by DEP. Pursuant to DEP rule 62-4.050 (5) (c), F.A.C., when EPC receives the proper fee, if any is required, made out to EPC, the permit processing time requirements of s. 120.60 (2) and s. 403.0876, F.S., will begin.

ii) Hillsborough County Procedures.

- (1) EPC will write a technical evaluation and final determination for each air construction permit application it processes. The technical evaluation will include, as a minimum, a brief project description, a rule applicability determination, and a summary description of the allowable and estimated emissions. The final determination will identify public comments received during the public comment period and any changes made in the final permit based upon the comments received.
- (2) All permit conditions in any construction permit issued by DEP that would apply to the operation permit will be included in any operation permit issued by EPC. Where changes to the operation permit are warranted, EPC has the authority to change the construction permit except where the construction permit is required by law to be issued by DEP. If any change is warranted to a PSD permit, such change will be made in consultation with DEP Tallahassee.
- (3) EPC will only accept a payment for a permit that EPC is authorized to issue. Payments for other permit applications will be returned to the applicant with instructions to submit the package to DEP with the appropriate permit fee payable to DEP.

- (4) Pursuant to DEP rule 62-4.060 (5) (c), F.A.C., the permit processing time requirements will begin once the fee is properly received by EPC. All checks for fees for state permits for which EPC is authorized to process and which are not made payable to EPC will be promptly returned to the applicant, with a notice to resubmit the fee to EPC. If the submitted fee amount for an application is not correct, EPC will promptly notify the applicant, and resolve the matter in accordance with DEP's air permit fee rules (which may involve returning the application and any fee submitted to the applicant for correction and reapplication).
- (5) EPC will review each application for completeness within thirty (30) days of receipt. If the application is determined to be incomplete, a letter of incompleteness will be sent by certified mail-return receipt requested, to the applicant by EPC identifying and requesting the needed additional information.
- (6) When the application is determined to be complete, EPC will process the application in accordance with DEP rule 62-210, F.A.C. and take agency action on behalf of DEP on the complete application in accordance with the procedures and time frames that would apply to DEP, if DEP were taking action on the application. EPC will submit to the DEP Southwest District office a copy of the application, all pertinent correspondence, and EPC proposed agency action (notice of intent with draft permit, public comments, and final permit) at the same time the intent to issue (or deny) is sent to the applicant.

b) Distribution of Permit Fees.

EPC will retain eighty (80) percent of the state fees for non-Title V permits and non-Title V General Permits. The remaining twenty (20) percent of the fees will be returned to DEP Tallahassee on a monthly basis, twenty (20) days following the previous month. Said fees will be submitted to DEP Tallahassee from EPC by means of a single check and an attached "Permit Revenue Roster" (see Attachment 1). Permit fee refunds to the applicant may be deducted from the subsequent month's submittal. Such refunds will be adequately reflected on the permit revenue roster to provide sufficient accountability.

- c) Non-Title V Permitting Reporting Requirements. EPC will report its state air permitting activities to DEP in accordance with Part VIII, section 3) a). EPC is responsible for any and all inquiries in relation to the ARMS database entries for which they are responsible for entering.
 - d) General Permits for Non-Title V Sources. All general permit notification forms for non-Title V sources will be processed by EPC for sources within the County's jurisdiction. EPC will determine if the source is eligible for a general permit and notify the source of its ineligibility, if appropriate, within thirty (30) days of receipt of the notification form. Within three (3) days of receipt of a valid notification form, EPC will enter the data in to the ARMS database. Fees will be handled in accordance with Part IV, section 3) above.
- 5) DEP-Processed Permits. EPC will assist DEP in the processing of state air permit applications pertaining to facilities referenced in Part IV, section 1) b).
- a) DEP Application Review Procedures. When DEP receives an air permit application or subsequent information for a source which only DEP is authorized to take final agency action, DEP will provide EPC with opportunity for review and comment. DEP will also provide EPC with a copy of any notice of DEP-proposed agency actions and with a complete copy of each state air permit (or denial order) it issues for an air source within Hillsborough County.
 - b) Misdirected Applications. When EPC receives an application for a state air permit for which DEP is to take final agency action, EPC will return the application to the applicant with instructions to submit the application and fees to DEP.

PART V

COMPLIANCE AND ENFORCEMENT RESPONSIBILITIES

- 1) General Requirements. By this SOA, DEP establishes how air program compliance and enforcement will be conducted by DEP or EPC within Hillsborough County.
 - a) Hillsborough County Authority. EPC will use the remedies and procedures in Chapter 84-446, Laws of Florida-their authorizing act. DEP remedies remain available to EPC as an alternative to EPC's own procedures:
 - b) Hillsborough County Responsibility. Subject to Part II, paragraph 6) and except as provided in c) below, EPC will conduct compliance and enforcement activities within Hillsborough County.
 - c) DEP Responsibility. Nothing herein prohibits DEP from initiating compliance and/or enforcement activity for any facility within Hillsborough County. In the event DEP initiates an enforcement activity in Hillsborough County, DEP will provide EPC with notice unless circumstances make notice inappropriate. EPC rules will be enforced by DEP if it elects to exercise its jurisdiction over air pollution sources within the jurisdiction of EPC. All of the following compliance and enforcement actions will be conducted by DEP's Southwest District:
 - i) County-Owned or Operated Facilities.
 - c) Concurrent Action. EPC will provide the necessary support for DEP's compliance and/or enforcement actions as requested. If enforcement actions are initiated by DEP and EPC against the same source for the same violations, then the actions should be combined as a joint consolidated enforcement action where possible. Any penalty fees or damages collected as a result of joint action will be divided equitably between the two agencies.
 - e) Following EPA Timely and Appropriate Guidelines. EPC agrees to follow the EPA Guidance for timely and appropriate enforcement response to high priority violations.

- f) Enforcement Guidelines. EPC will follow the county's penalty guidelines and will consult the DEP enforcement manual and its appendices including the Division's Air Penalty Guidelines, and any other DARM guidance documents or reference materials in determining appropriate enforcement responses and penalty calculations. EPC will maintain all penalty calculations for each enforcement action in the appropriate enforcement file, and will provide information regarding those calculations to DEP upon request.
- 2) Specific Hillsborough County Compliance and Enforcement Activities. EPC will conduct the following compliance and enforcement activities except for facilities noted in paragraph 1) c) above.
- a) Citizen Complaints. In a timely fashion, EPC will respond to, and investigate complaints from citizens and any such complaints forwarded by DEP. If a violation of a local, state, or federal air standard, rule or permit condition is determined to have occurred, EPC will notify the responsible person, attempt to bring about compliance, and inform the complainant (if not anonymous) of the action taken. EPC will take enforcement action in accordance with this SOA when appropriate.
- b) Sampling of Fuels and Materials. EPC will collect or assist DEP in collecting and analyzing fuel and material samples for air sources within the county, as needed, to determine compliance with DEP's air pollution control rules or permit conditions.
- c) Open Burning. EPC will adopt and enforce open burning requirements and may enter into agreements with local fire control authorities or the Division of Forestry to assist in the enforcement of these requirements.
- d) Stack Tests. EPC will audit all stack tests, except for facilities noted in paragraph 1) c) above. Seventy-five (75) percent of the pollutant stack test audits will be Type 1 or Type 2 audits. For such facilities, EPC is responsible for monitoring compliance with stack test methods that are required by state rules or federal regulations. Where audit samples are required by the stack test method, EPC will obtain audit samples from EPA when available, provide the audit samples to those conducting compliance tests, and determine the acceptability of the audit sample results. Audit sample cylinders should be returned directly to EPA.

- e) Continuous Emissions Monitoring Systems (CEMS). EPC agrees to observe a minimum of eighty (80) percent of the CEMS tests and relative accuracy test audits (RATAs) conducted for all facilities except for facilities noted in paragraph 1) c) above. EPC is not required to observe any Title IV Acid Rain CEMS certifications. For designated facilities, EPC is responsible for monitoring compliance with appropriate quality assurance procedures for CEMS that are required by state rules or federal regulations.
- f) Review of Reports. EPC will receive and review each excess emission report, stack test report, visible emissions test report, RATA report, and relative accuracy audit (RAA) report for completeness, accuracy and compliance with applicable state rules or federal regulations, and take appropriate compliance and enforcement action. For each report that is deficient or requires additional information, EPC will send a timely letter to the source owner or operator requesting additional information necessary to make the report complete.
- g) Alternatives to Testing and Monitoring. All requests for alternative testing and monitoring requirements, and determinations of MACT minor source status, will be handled in accordance with guidance document DARM-OGG-15.
- h) Title V Program Requirements.
 - i) Inspections.
 - (1) Title V General Permit Facilities. EPC will perform annual inspections on all Title V general permit facilities in Hillsborough County. Inspections results should be entered into the DEP database and DEP encourages EPC to utilize rugged units.
 - (2) Title V Major Facilities and Synthetic Minor Sources. EPC will perform a biennial full compliance evaluation as defined in and in accordance with EPA's Stationary Source Compliance Monitoring Strategy and DEP guidance for all Title V major and synthetic minor sources permitted in Hillsborough County.

- (3) Follow-Up Inspections. EPC will conduct follow-up inspections as necessary for any Title V Area Source, Title V Major Source, or Synthetic Minor source that has been found out of compliance to determine if it has returned to compliance.
- (4) Identification of Unpermitted Facilities. EPC will identify facilities that are operating without a permit and take appropriate enforcement action in accordance with Part V, section 1), above.

ii) Compliance Activities.

- (1) Biennial Compliance Monitoring Plans. In accordance with the EPA's Stationary Source Compliance Monitoring Strategy and DEP guidance, EPC will complete and submit to DEP Tallahassee biennial compliance monitoring plans. EPC will abide by its biennial compliance monitoring plan and will notify DEP and EPA if it is unable to meet the requirements contained therein.
- (2) Annual Statement of Compliance. EPC will identify facilities which did not submit the annual statement of compliance by May 1 of each calendar year. In addition, EPC will complete the reviews of the annual statements and make a compliance determination by August 31 of each calendar year and take appropriate enforcement action in accordance with Part V, section 1), above.
- (3) Semi-Annual Monitoring Reports. EPC will review each semi-annual monitoring report within sixty (60) days of the specified due date for the report.
- (4) Small Business Assistance Program. EPC will assist in the development of the Small Business Assistance Program (SBAP) and provide ongoing support of activities associated with the mission and directives of that program as time and resources allow.
- (5) Compliance Assistance and Pollution Prevention. EPC will conduct compliance assistance and pollution prevention outreach as time and resources allow.

iii) Enforcement Activities. EPC will perform enforcement activities in accordance with Part V, section 1), above.

iv) General Permits for Title V Area Sources. All general permit notification forms for Title V Area Sources will be received and reviewed by DEP Tallahassee. When EPC receives a Title V General Permit Notification Form, the form will be forwarded by EPC within three (3) working days to DEP Tallahassee. If fees are enclosed, EPC will forward those with the form to DEP Tallahassee. All other compliance and enforcement activities for such sources will be performed by EPC as set forth herein.

i) Non Title V Requirements.

i) Inspections. EPC will inspect all facilities that are not identified in paragraph 1) c) above, and which are subject to DEP air rules or air permit conditions including non-Title V general permits at least once every five (5) years. EPC will conduct follow-up inspections as necessary for any source that has been found out of compliance to determine if that source has returned to compliance. EPC will also identify facilities that are operating without a permit and take appropriate enforcement action in accordance with Part V, section 1), above.

ii) Compliance Activities. Compliance monitoring will be done according to procedures established by applicable federal and state statutes, rules, and guidelines at frequencies required therein or as specified in the appropriate facility permit. EPC will follow written quality assurance procedures issued by DEP.

iii) Enforcement Activities. EPC will perform enforcement activities in accordance with the requirements referenced in Part V, section 1) above.

iv) Asbestos Compliance. By this SOA, DEP establishes how asbestos inspections, compliance & enforcement activities will be conducted by DEP or EPC within Hillsborough County. EPC will conduct such activities except for county-owned or operated facilities noted in paragraph 1) c) of this subpart which will be conducted by the DEP Southwest District. Inspections conducted by EPC will be conducted at a minimum frequency as specified by the EPA Section 105 Air Planning Agreement. Upon determining that a violation has occurred, EPC will initiate appropriate enforcement action that is consistent with state and federal CAA requirements. EPC will receive asbestos notifications for facilities located in Hillsborough County other than county-owned or operated facilities noted in paragraph 1) c) of this subpart and will input the notification and compliance data into the DEP asbestos database. Interpretation of asbestos NESHAP requirements and dissemination of information related thereto will be consistent with Part II, section 6 of this SOA. For purposes of Part II, section 6, paragraphs a) i)-iv), "DEP Tallahassee" will mean the Asbestos Supervisor in DEP Tallahassee.

PART VI

MOBILE SOURCE CONTROL RESPONSIBILITIES

- 1) Mobile Source Control Coordination. EPC will coordinate its efforts with DEP in operating a mobile source control program for Hillsborough County. Such coordination will include, but is not limited to, the following activities: Development of Regional Impact (DRI) reviews, public information presentations, and Metropolitan Planning Organization (MPO) Technical Coordinating Committee activities, and activities to promote clean fuels and motor vehicles.
- 2) Metropolitan Planning Organization (MPO). EPC will seek to maintain its status as a voting member of the MPO Technical Coordinating Committee(s) within its area. EPC will also be active in the state, county, and local community transportation planning process and will participate in DEP-sponsored mobile source meetings, public information presentations, and training sessions, as time and resources allow.
- 3) Mobile Source Emissions Inventory. In cooperation with the Metropolitan Planning Organizations (MPO) and the Florida Department of Transportation (FDOT), EPC will update emissions estimates for mobile sources in Hillsborough County as required by the EPA-approved SIP or EPA 105 Air Planning Agreement.
- 4) Gasoline Marketing and Distribution. EPC will coordinate and implement a program to ensure compliance by all gasoline marketing and distribution facilities within the county with DEP's volatile organic compound (VOC) rules that apply to gasoline and marketing and distribution.
- 5) Vehicle Emission Controls. If EPC receives complaints about tampering as defined by DEP rule 62-243, F.A.C., and will take action as agreed upon by EPC and DEP which may include inspection, follow-up, and referral to the Department of Highway Safety and Motor Vehicles or the Department of Agriculture and Consumer Services.

PART VII

AMBIENT AIR MONITORING RESPONSIBILITIES

- 1) Ambient Air Monitoring Program. EPC will be responsible for calibrating, operating, maintaining, and repairing all ambient air monitoring, calibration, and data acquisition equipment utilized in the National Air Monitoring Station (NAMS), State and Local Air Monitoring Station (SLAMS) and Special Purpose Monitoring (SPM) networks within Hillsborough County. EPC will also be responsible for operating and maintaining a laboratory, or contracting for laboratory services to perform any needed analyses or air samples, and operating any Episode Monitoring Sites (EMS) designated for the county and approved by EPA. SPM desired by Hillsborough County will be the responsibility of EPC. SPM desired by DEP will be the responsibility of DEP but may be negotiated between the two agencies and performed by EPC where availability of equipment, staffing, and state funding allow.
 - a) Coordination. Other than for routine day-to-day operational functions, EPC will coordinate its ambient air monitoring activities with DEP. Program decisions requiring EPA approval, such as the addition, deletion, or relocation of a monitor or the exclusion of NAMS/SLAMS data, will be submitted to EPA through, and with the approval of DEP Tallahassee.
 - b) Air Monitoring Procedures. All NAMS and SLAMS ambient air monitoring activities and SPM activities (from which data are to be used for official purpose) conducted by EPC will be performed in accordance with applicable federal regulations and the Statewide Quality Assurance Air program Plan (QAP) and the Quality Assurance Project Plan (QAPP) for the State of Florida's PM_{2.5} Ambient Monitoring Program, using EPA and DEP-approved standard operating procedures. DEP will provide technical assistance to EPC, to the extent that DEP's resources allow.
 - c) Data Automation. EPC will obtain and maintain data automation equipment that can communicate with, and be linked to, the DEP database. EPC will enter and verify all valid data into the database in accordance with technical and schedule guidelines provided by DEP.

- d) Forms. EPC will use EPA's Air Quality Subsystem (AQS) data forms or formats, as well as other DEP or EPA-required or approved forms or formats for ambient air monitoring activities as necessary.
- 2) Ambient Air Monitoring Quality Assurance Program. EPC will coordinate all air monitoring quality assurance activities with DEP.
- a) Quality Assurance Procedures. EPC will conduct all ambient monitoring activities in accordance with the Statewide QAP and the QAPP, incorporated herein by reference. This includes use of DEP Standard Operating Procedures (SOPs), which include approved EPC SOPs that have been incorporated into DEP's SOPs, and all applicable state and federal regulations and policies to ensure the acceptability of analytical results.
- i) All EPC monitoring SOPs must be approved by DEP and EPA, and be incorporated into the Statewide QAP, before they are used for operational purposes, except as may be provided for in the current version of that plan. DEP will provide "Quality Assurance Standards Laboratory" services on request, as resources allow. DEP will provide other technical assistance to EPC as resources allow.
- ii) EPC will participate in the Florida Air Monitoring Advisory Committee meetings and assign one EPC employee as the quality assurance coordinator for their program.
- b) Systems and Instrument Performance Audits. EPC will participate in the annual EPA National Performance Audit Program for all criteria pollutants for which audit devices or samples are available. DEP will conduct a triennial or more frequent ambient air monitoring systems audit for EPC and utilize the process and schedule as outlined in the "Quality Assurance Systems Audit Protocol." As resources allow, DEP will accomplish performance audits on continuous NAMS/SLAMS instruments to meet minimum federal regulations. Notice will be given if DEP is unable to continue conducting the continuous instruments performance audits. EPC will be responsible for conducting performance audits on manual samplers.

- c) Electronic Record Archiving. EPC will create an archive in electronic form of sufficient documentation and records to provide legal defensibility for all of the ambient monitoring data submitted to the EPA data base which address the criteria pollutants and which could be used to determine the attainment status of the County. This archive will be maintained on a calendar year basis, with the annual records being closed and finalized no later than ninety (90) days after the end of the calendar year. The first year of records which must meet the criteria will be CY 2005.

3) Ambient Monitoring Reporting Requirements.

- a) Ambient Air Data Reporting Requirements. EPC will enter all valid ambient air data collected each month into DEP's database according to the schedule given below. EPC will also adhere to the schedules given below for submitting missing data forms and for verifying data.
 - i) EPC will transmit valid ambient monitoring data to the DEP database thirty (30) days after the end of the month in which they were recorded, unless transmission problems make this impossible.
 - ii) Missing data forms will be submitted to DEP thirty (30) days following the month of record.
 - iii) All data will be verified in the DEP database to ensure that the data were transmitted without errors. A verification notice will be transmitted to DEP fifty (50) days following the quarterly period of record.
- b) Quality Assurance Reporting Requirements. EPC will use DEP-approved forms and will comply with DEP reporting guidance when submitting data and performing ambient air monitoring and quality assurance activities.
 - i) All precision and Accuracy Data (PA Data) will be submitted to DEP within thirty (30) days after the end of the quarterly reporting period.
 - ii) National Performance Audit Program participation results will be reported to DEP with ten (10) days after receipt of the results from EPA.

- c) Air Quality Reporting Requirements. EPC will report to the general public prominent notice of an Air Quality Index in accordance with federal regulations. If EPC produces an Air Quality Index forecast and is forecasting a next-day index level of "Unhealthy" or greater (a value of 151 or more), EPC will notify the DEP Southwest District office prior to releasing the forecast.

PART VIII

DATA MANAGEMENT RESPONSIBILITIES

- 1) Air Resource Management System (ARMS), Integrated Management System (IMS), and DEP's Asbestos Database. EPC will access ARMS, IMS, and DEP's Asbestos Database to accomplish the various updates required under this SOA. EPC will contact DEP of any systems-related problems or training needs.
- 2) ARMS/IMS Inventory Specialist. EPC will designate an employee (or employees) to serve as the local program's ARMS/IMS inventory specialist(s). The inventory specialist will be the primary person (or persons) who DEP will contact on issues related to annual operating report reviews and inventory data entered into ARMS or IMS by EPC. (Inventory data include those data elements derived from permit applications, permits, and annual operating reports.) EPC will also designate an employee (or employees) to serve as the local air program's representative on the IMS Clearinghouse.
- 3) Data Update Frequencies.
 - a) Permitting Data. Where EPC is authorized to process permits on behalf of DEP, EPC will enter data elements derived from permit applications and permits into ARMS/IMS within thirty (30) days of permit issuance.
 - b) Compliance Verification Data. EPC will update DEP's ARMS for compliance data, excess emission reports, CEMS data, and stack test and visible emission test results. All applicable inspection and source compliance activity data for NSPS, NESHAP, Title V, non-Title V minor source facilities, and asbestos renovation/demolition data will be entered into ARMS no later than the 10th of the month following any federally reportable action during the previous month. All other compliance data, including stack test results and excess emission reports, will be entered into the ARMS database no later than thirty (30) days following the month the action was completed. CEMS data, including RATA and RAA results, will be entered no later than forty-five (45) days after receipt; visible emission results will be entered no later than ninety (90) days after receipt.

- c) Semi-Annual Monitoring Reports. EPC will review and enter semi-annual monitoring reports into ARMS within sixty (60) days of the specified due date for reports.
- d) Annual Operating Report Data. EPC will verify timely receipt of required annual operating reports from facilities in the county and follow up with facilities on items of incompleteness or error in their submitted reports. EPC will enter reported data into ARMS by July 1 and complete its quality assurance review of the data by September 30 of each year.
- e) Asbestos. EPC will enter asbestos renovation/demolition data into DEP's Asbestos Database no later than the 10th of the month following any federally reportable action during the previous month.

State of Florida
 Department of Environmental Protection

By _____ Date: _____

Michael W. Sole
 Deputy Secretary of Regulatory Programs and Energy

Environmental Protection Commission of Hillsborough County

By *Richard D. Garrity* Date: 7/28/26

Richard D. Garrity, PhD
 Executive Director



EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 17, 2006

Subject: Enhanced Small Quantity Generator (SQG) Program Grant

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

Division: Waste Management Division

Recommendation: Approve Enhanced SQG Grant for Chair's signature

Brief Summary: The EPC and the Florida Department of Environmental Protection (FDEP) are continuing their partnership with the Enhanced SQG Program. This program is designed to enhance the knowledge and abilities of EPC staff regarding hazardous waste regulations by promoting and enhancing a closer working relationship with District FDEP staff. To promote the Enhanced Program, FDEP provides initial grants in the amount of \$50,000. During this third year of the program, EPC is receiving its final grant funding in the amount of \$7,500.00.

List of Attachments:



EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 17, 2006

Subject: Authorize Executive Director to Contract for Goods and Services

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

Division: Finance and Administration Division

Recommendation: Authorize the EPC Executive Director to enter into contracts for goods and services not to exceed \$100,000, subject to budgetary constraints, without further Commission action.

Brief Summary: The Executive Director has been granted broad powers in the EPC Act to perform all duties necessary to effect the purposes of the EPC Act. In an effort to clarify the Executive Director's authority, the EPC Finance and Administration Division requests that the Commission authorize the Executive Director to enter into contracts for goods and services not to exceed \$100,000, subject to budgetary constraints, without further Commission action.

Background: Chapter 84-446, as amended, Laws of Florida (The EPC Act) is not specific as to who has the power to enter into contracts for day to day administrative needs of the Environmental Protection Commission of the Hillsborough County (EPC). Section 20 of the EPC Act generally explains the EPC budgeting process, but it does not address who has contracting and purchasing powers. Section 20 of the EPC Act states:

***APPROPRIATIONS.** The board of county commissioners of Hillsborough County shall annually appropriate sufficient moneys as they shall deem appropriate to carry out the purposes of this act. In making such appropriations and in expending such funds, the board of county commissioners shall not be limited by the provisions of section 7, chapter 22323, Laws of Florida, 1943; section 1, chapter 57-1391, Laws of Florida; and section 1, chapter 63-1391, Laws of Florida. The appropriation, budgeting and expenditure of such funds is hereby declared to be for a public purpose. The commission may also accept any grant or donation for the purposes of this law.*

ONE WORD

{None the less} sec.8(11) of the EPC Act states that the Executive Director has the power "to perform all other duties necessary to effect the purpose of this act." Based upon that clause, the Executive Director has entered into select contracts, Interlocal Agreements, and Memorandum of Agreements without further Commission action. The County's Procurement Services Department and the Clerk's BOCC Accounting Office have requested proof of BOCC and/or County Administrator's authorization or approval for certain contracts that involve expenditure of County funds. At times, confusion has caused delays in the procurement process and payments to vendors. In order to clarify the authority of the Executive Director, we are requesting this action. The BOCC granted the County Administrator similar authority on March 21, 2001.

Recommendation: Authorize the EPC Executive Director to enter into contracts for goods and services not to exceed \$100,000, subject to budgetary constraints, without further Commission action.

List of Attachments: Section 8 of the EPC Act.

(excerpt from EPC Act)

**SECTION 8. ENVIRONMENTAL
DIRECTOR; DUTIES AND POWERS.**

The duties, functions, powers, and responsibilities of the environmental director, or his agents, shall include the following:

1. Serve as technical secretary to the commission, to handle correspondence, investigations and prepare reports and data between meetings.
2. The enforcement of the provisions of this act and the rules and regulations.
3. Investigation of complaints, study and observation of air, water and noise pollution conditions, and recommendations as to institution of actions necessary to abate nuisances caused by air, water and noise pollution, as to prosecution of proceedings for violations of this act.
4. Making of inspections of property, facilities, equipment, and processes to determine whether the provisions of this act are being complied with.
5. To intervene for the purpose of providing environmental impact statements, recommendations, and advice in matters having or likely to have an effect upon the environment of Hillsborough County.
6. Establishing, operating, and maintaining a continuous program for monitoring air, water

and noise pollution by means of countywide air and water quality surveillance networks designed to provide accurate data and information as to whether the requirements of this act are being complied with and whether the level of air, water and noise pollution is increasing or decreasing throughout the county.

7. Publication and dissemination of information to the public concerning air, and water and noise pollution.
8. Cooperation with appropriate public agencies.
9. To enter upon any public or private premise or carrier during regular business hours in the performance of his duties relating to pollution control in order to inspect and copy records pertaining to same.
10. To sample, test, inspect, and make analyses with respect to pollution control within the provisions of this law and rules adopted hereunder, at any time and place and to such an extent as he may deem necessary to determine whether possible sources of pollution are in compliance with the provisions of this law.
11. To perform all other duties necessary to effect the purpose of this act, including the implementation of those duties of the commission set forth in section 5(3), (4), and (5) and sections 18 and 19.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 17, 2006

Subject: Green Yard Certification

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

Division: Waste Management

Recommendation:

Recognize two auto salvage yards that have achieved Green Yard status. The auto salvage yards that have met the criteria of a Green Yard are Allen's Used Auto Parts and American and Import Auto Parts.

Brief Summary:

The Green Yard Program is an industry friendly program that encourages auto salvage yards to go above and beyond environmental compliance through the use of Best Management Practices (BMPs) and Pollution Prevention (P2) strategies. In recognition of the facilities that successfully complete the program, a Certificate of Recognition and Green Yard flag are presented to a representative of each facility at the EPC Board meeting.

Background:

List of Attachments: None.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 17, 2006

Subject: Pollution Prevention Week Proclamation

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

Division: Waste Management

Recommendation:

Proclaim the week of September 18-24, 2006 as Pollution Prevention Week in Hillsborough County.

Brief Summary:

The third week of September is recognized as National Pollution Prevention (P2) Week. It is a time when businesses, environmental groups and citizens can join forces for a common cause. The theme for this year's P2 Week is *Healthy Hospitals, Healthy Homes*. The health care industry has made significant strides in reducing the environmental impacts by sharing practices on mercury elimination, regulated medical waste reduction, recycling, healthy buildings, and highlighting Green Cleaning as a practice that can be emulated by homeowners.

Background:

List of Attachments:



EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 17, 2006

Subject: Update on Basin Management Action Plans (BMAPs)

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

Division: Environmental Resources Management (ERM)

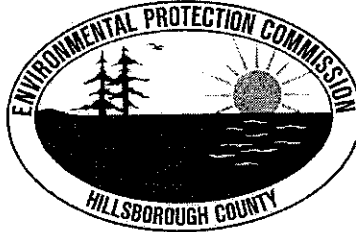
Recommendation: This is an information item only. No Board action is requested.

Brief Summary: EPC staff is working with staff from Hillsborough County (Public Works, Water Resource Services, Planning and Growth Management departments), the City of Tampa, the Tampa Bay Estuary Program, the Florida Department of Environmental Protection, the U.S. EPA, and a number of civic groups and private-sector interests to develop Basin Management Action Plans (BMAPs), which will aid the County in complying with Total Maximum Daily Loads (TMDLs) for its impaired water bodies. Staff will provide the Board a brief progress report on this initiative.

Background: The Florida Department of Environmental Protection (DEP) and the U.S. Environmental Protection Agency (EPA) have determined that a number of County water bodies are not currently meeting state and federal water quality standards, and have designated those waters as "impaired" pursuant to Section 303(d) of the Federal Clean Water Act. The State Legislature, through the Florida Watershed Restoration Act (Section 403.067 Florida Statutes), has identified a process for the development and implementation of Total Maximum Daily Loads (TMDLs) in order to reduce pollutant loading to impaired waters and allow them to meet applicable water quality standards. DEP, through its Impaired Waters Rule (Chapter 62-303 F.A.C.), has identified a process for developing Basin Management Action Plans (BMAPs) in order to achieve TMDLs.

EPC, the County (Public Works, Water Resource Services, and Planning & Growth Management Departments), the City of Tampa, and the Tampa Bay Estuary Program have participated in discussions amongst themselves and with DEP regarding a Hillsborough County Watershed Management Initiative (WMI) which will take a proactive approach to developing BMAPs for impaired waters within Hillsborough County. Strategies, frameworks and timelines for the preparation of the initial round of BMAP documents, which are due for completion in July 2007, have been developed. The framework includes a multi-agency working group, which focuses primarily on technical issues, and a much broader stakeholder group that provides public outreach and helps to address citizen concerns. The process is being facilitated by the TBEP, and by a consultant who is under contract to the TBEP with funding provided by DEP, to support the BMAP development process. Three BMAP documents are being developed, covering regions corresponding to the Southwest Florida Water Management District's three Basin Boards that are present within the County. Once the BMAP documents are developed, the working group anticipates that an interlocal agreement will be negotiated to address the responsibilities of the participating parties to implement the plans. That ILA will be brought to the Board for review and approval.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: August 17, 2006

Subject: Diesel Retrofit Program Update

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

Division: Air Management Division

Recommendation: For Information Only

Brief Summary: In June 2004 the Air Division, in partnership with the School District of Hillsborough County (SDHC), was awarded a \$200,000 EPA grant to retrofit approximately 150 diesel school buses with diesel catalytic converters. These catalysts will serve to reduce school bus exhaust emissions. The installations are now complete.

Background: EPA's Clean School Bus USA program is a federal initiative established to reduce children's exposure to harmful diesel exhaust. Air Management staff applied for, and received a grant to implement this emissions control program in Hillsborough County. Staff is pleased to report that Diesel Oxidation Catalysts (DOCs) were installed on all eligible buses (258). Bus drivers have reported to the SDHC Fleet Manager that exhaust emissions are visibly cleaner than the observed exhaust emissions prior to the installations.

The Clean School Bus USA grant has enabled our county to reduce children's exposure to diesel exhaust and unnecessary school bus idling. Through the coordinated efforts of the EPA, the School District of Hillsborough County and the EPC, the County's bus fleet is cleaner than ever before.

The EPC/SDHC program is the first of its kind in the State of Florida.

List of Attachments: None