

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
NOVEMBER 16, 2006
10:00 AM**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

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

- I. CITIZEN'S COMMENTS**
- II. CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE**
Report from the Chair – David Jellerson
- III. CONSENT AGENDA**
- | | |
|--|----|
| A. Approval of Minutes: September 26, 2006 | 2 |
| B. Monthly Activity Reports | 6 |
| C. Pollution Recovery Trust Fund Report | 28 |
| D. Gardinier Settlement Trust Fund Report | 29 |
| E. Legal Case Summary | 30 |
| F. Grant Authority to Pursue Appropriate Legal Action Against: | |
| 1. Hendry Corporation | 41 |
| 2. Phillips & Munzel Oil Co. & Shell Oil Company | 42 |
| 3. Shree Krishna, Inc. | 43 |
| G. Establish Date for Public Hearing to Amend Chapter 1-3 (Air Pollution Rule) | 44 |
- IV. EXECUTIVE DIRECTOR'S REPORT**
- | | |
|---|--|
| A. Report – First Annual Environmental Summit | |
| B. Report – Lower Hillsborough River MFL | |
- V. ADMINISTRATION**
Discussion – Establish EPC Legal Contingency Fund 45
- VI. WETLANDS MANAGEMENT DIVISION**
Discussion – Tampa Port Authority Delegation 46
- VII. ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION**
Port of Tampa Reef Dedication 47
- VIII. AIR MANAGEMENT DIVISION**
“Pump It Up” Tire Pressure Presentation 49

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

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SEPTEMBER 26, 2006 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Tuesday, September 26, 2006, at 9:30 a.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 9:50 a.m. Commissioner Blair led in the pledge of allegiance to the flag and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, reviewed the changes, which included an abbreviated presentation on Item IV.A., agency goals and objectives; and deferred Items VI.A., pollution recovery fund (PRF) eligibility criteria; VI.B., Cypress Creek town center environmental resources permit; and VII.B., draft EPC seagrass management plan. **Commissioner Scott moved the changes, seconded by Commissioner Norman, and carried seven to zero.**

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 said CEAC completed review of applications for PRF grants and submitted recommendations provided in background material. Grant awards totaled \$245,906, leaving a PRF balance of approximately \$486,000. EPC and CEAC agreed on the recommendations. Several applications not recommended for funding showed promise and needed more definition to warrant consideration next year.

Commissioner Blair recalled a project to test waves in the bay and asked if EPC received a report to show what taxpayers received for their money. Mr. Jellerson said each project contract required a report to CEAC and EPC staff on the success and challenges of the project, so funds could be focused most effectively on future projects. Dr. Garrity said staff would present a summary evaluation of past projects in December 2006.

CONSENT AGENDA

- A. Approval of minutes: August 17, 2006, and September 7, 2006.
- B. Monthly activity reports.

TUESDAY, SEPTEMBER 26, 2006 - DRAFT MINUTES

- C. PRF report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summary.
- F. Ford Amphitheatre status report.
- G. Approve amended interlocal agreement between Hillsborough County and EPC.
- H. Grant authority to pursue appropriate legal action against Ryaid Suleiman, Siham Jabber et al. (storage tanks).
- I. Apollo Beach particulate study.

Commissioner Norman moved the Consent Agenda, seconded by Commissioner Scott, and carried seven to zero.

EXECUTIVE DIRECTOR'S REPORT

Presentation on Agency Goals and Objectives - Dr. Garrity distributed and utilized a slide presentation to review achievements and challenges for goals and objectives. Regarding the hurricane plan, Chairman Storms suggested EPC have a program similar to Know Your Role that the County Administrator recently adopted. Dr. Garrity said that had been completed. Chairman Storms encouraged EPC to work with Ms. Shelley Blood, Director, Neighborhood Relations Office, and use e-mail for new information and/or send invitations for neighborhood summits.

Announcement of Dedication of Roger P. Stewart Center, October 19, 2006 - Dr. Garrity said EPC would not meet in October 2006; however, at that same time, the Roger P. Stewart Center would be dedicated. Tours of the facility and refreshments would be offered.

Chairman Storms asked the cut-off for permitting petroleum tanks. Mr. Hooshang Boostani, Director, EPC Waste Management Division, said no permitting was involved. Gas stations registered with the Department of Environmental Protection (DEP); petroleum terminals required air and DEP permits.

Announcement of First Annual Environmental Summit, October 10, 2006 - Dr. Garrity said the summit was the first EPC had done, displayed an invitation, said feedback had been positive, and suggested homeowner associations, environmental groups, civic groups, citizens concerned about environmental issues, and businesses attend. Staff planned to solicit input from attendees to see on what issues they thought EPC should work. Chairman Storms suggested discretion, so as not to mislead people into thinking they could change EPC

TUESDAY, SEPTEMBER 26, 2006 - DRAFT MINUTES

goals and objectives, and suggested EPC consider a nominal charge for the summit to cover the cost of materials and refreshments.

ADMINISTRATION

Evaluation of Executive Director - Mr. Tom Koulianos, Director, EPC Finance and Administration, presented the results of the completed evaluations. The behaviors category was an average of 4.81, and the accomplishment of goals was an average of 4.85, both on a scale of one to five. The fiscal year 2007 included a 2.5 percent increase for all EPC staff that received an evaluation of satisfactory or better. The current contract expired July 2008. EPC General Counsel Richard Tschantz advised Commissioner Scott the original contract was 4 years, to which there had been two, 2-year extensions. **Commissioner Scott moved to extend the contract by 2 years with the standard raise, 2.5 percent.** After passing the gavel to Vice Chairman Blair, **Chairman Storms seconded the motion.** Mr. Koulianos said that would extend the contract to June 2010 and asked that the effective date for salary be October 1, 2006. **Commissioner Scott agreed. The motion carried five to one; Commissioner Hagan voted no.** (Commissioner Castor was out of the room.)

LEGAL DEPARTMENT

PRF Eligibility Criteria Discussion - **Deferred to a subsequent meeting.**

Cypress Creek Town Center Environmental Resources Permit Discussion - **Deferred to a subsequent meeting.**

ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION

PRF Annual Project Approvals - Mr. Tom Ash, EPC staff, said staff evaluated 11 PRF projects in 2006 and recommended approval of 5 projects and denial of 4 projects, as listed in agenda material, and in addition, requested approval for some housekeeping items. Chairman Storms called for public comment. Ms. Christine Commerce, Keep Hillsborough County Beautiful, distributed an application for funding, discussed items collected during the coastal cleanup project, perceived up to 70 percent of the trash came from drainage canals, and stated the application was for a baffle box to trap pollutants, trash, debris, and sediments before they reached the bay. The project had not been approved.

Chairman Storms asked why the project was denied. Mr. Ash said an active project was approved in 2005 for Save Our Canals Incorporated (SOC) and used similar yet simpler technology. Data on the project would come back in December 2006. If those type units worked, EPC would work with citizen groups

TUESDAY, SEPTEMBER 26, 2006 - DRAFT MINUTES

to pursue that further. The technology proposed in the application submitted by Ms. Commerce was for one installation at \$128,000. The SOC program received funding for 39 baskets in inlets for \$41,000. **Commissioner Blair moved staff recommendation.** Ms. Commerce replied to queries from Commissioner Sharpe regarding the proposed project. Mr. Ash preferred to have data from the SOC project before considering different technology. **Commissioner Norman seconded the motion, which carried six to zero.** (Commissioner Castor was out of the room.)

Draft EPC Seagrass Management Plan - Deferred to a subsequent meeting.

There being no further business, the meeting was adjourned at 10:27 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

sd

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
September FY 2006

A. Public Outreach/Education Assistance:		
1. Phone Calls:		240
2. Literature Distributed:		<u>300</u>
3. Presentations:		<u>1</u>
4. Media Contacts:		<u>1</u>
5. Internet:		
6. Host/Sponsor Workshops, Meetings, Special Events		<u>1</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>5</u>
b. Construction:		<u>11</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>3</u>
e. General:		<u>0</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>16</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>0</u>
e. Title V Operating ² :		<u>1</u>
f. Permit Determinations ² :		<u>1</u>
g. General:		<u>4</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>7</u>
b. Active:		<u>12</u>
c. Legal:		<u>5</u>
d. Tracking compliance (Administrative):		<u>27</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>51</u>
3. NOIs issued:		<u>2</u>
4. Citations issued:		<u>0</u>

5.	Consent Orders Signed:	<u>3</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$39,421.63</u>
7.	Cases Closed:	<u>2</u>
D.	Inspections:	
1.	Industrial Facilities:	<u>14</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>15</u>
c.	Major Sources	<u>0</u>
3.	Asbestos Demolition/Renovation Projects:	<u>30</u>
E.	Open Burning Permits Issued:	<u>11</u>
F.	Number of Division of Forestry Permits Monitored:	<u>239</u>
G.	Total Citizen Complaints Received:	<u>52</u>
H.	Total Citizen Complaints Closed:	<u>46</u>
I.	Noise Sources Monitored:	<u>5</u>
J.	Air Program's Input to Development Regional Impacts:	<u>8</u>
K.	Test Reports Reviewed:	<u>169</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>14</u>
2.	Warning Notices Resolved:	<u>29</u>
3.	Advisory Letters Issued:	<u>38</u>
M.	AOR's Reviewed:	<u>13</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>1</u>

**FEES COLLECTED FOR AIR MANAGEMENT DIVISION
September FY 2006**

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	<u>\$0.00</u>
(b) all others	<u>\$0.00</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	<u>\$0.00</u>
(b) class A2 facility - 5 year permit	<u>\$0.00</u>
(c) class A1 facility - 5 year permit	<u>\$0.00</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$2,480.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$4,000.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$160.00</u>
4. Non-delegated permit revision for an air	<u>\$0.00</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$0.00</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$4,000.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$400.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$1,800.00</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$2,000.00</u>
8. Open burning authorization	<u>\$3,000.00</u>
9. Enforcement Costs	<u>\$3,357.13</u>

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
October 2006

A. Public Outreach/Education Assistance:		
1. Phone Calls:		<u>163</u>
2. Literature Distributed:		<u>38</u>
3. Presentations:		<u>4</u>
4. Media Contacts:		<u>2</u>
5. Internet:		<u>0</u>
6. Host/Sponsor Workshops, Meetings, Special Events		<u>1</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>2</u>
b. Construction:		<u>7</u>
c. Amendments:		<u>1</u>
d. Transfers/Extensions:		<u>0</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>3</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>2</u>
e. Title V Operating ² :		<u>6</u>
f. Permit Determinations ² :		<u>0</u>
g. General:		<u>0</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		
		<u>4</u>
2. On-going administrative cases:		
a. Pending:		<u>8</u>
b. Active:		<u>14</u>
c. Legal:		<u>5</u>
d. Tracking compliance (Administrative):		<u>27</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>54</u>
3. NOIs issued:		<u>4</u>
4. Citations issued:		<u>0</u>
5. Consent Orders Signed:		<u>2</u>
6. Contributions to the Pollution Recovery Fund:		<u>\$8,250</u>
7. Cases Closed:		<u>1</u>

D.	Inspections:	
1.	Industrial Facilities:	<u>13</u>
2.	Air Toxics Facilities:	
a.	Asbestos Emitters	<u>0</u>
b.	Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>0</u>
c.	Major Sources	<u>5</u>
3.	Asbestos Demolition/Renovation Projects:	<u>16</u>
E.	Open Burning Permits Issued:	<u>4</u>
F.	Number of Division of Forestry Permits Monitored:	<u>287</u>
G.	Total Citizen Complaints Received:	<u>77</u>
H.	Total Citizen Complaints Closed:	<u>51</u>
I.	Noise Sources Monitored:	<u>5</u>
J.	Air Program's Input to Development Regional Impacts:	<u>5</u>
K.	Test Reports Reviewed:	<u>86</u>
L.	Compliance:	
1.	Warning Notices Issued:	<u>14</u>
2.	Warning Notices Resolved:	<u>8</u>
3.	Advisory Letters Issued:	<u>6</u>
M.	AOR's Reviewed:	<u>30</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>3</u>

M E M O R A N D U M

DATE: October 10, 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 SEPTEMBER 2006
AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	3
2. On-going administrative cases	116
a. Pending	6
b. Active	59
c. Legal	3
d. Tracking Compliance (Administrative)	34
e. Inactive/Referred Cases	14
3. NOI's issued	0
4. Citations issued	1
5. Consent Orders and Settlement Letters Signed	2
6. Civil Contributions to the Pollution Recovery Fund	\$16,103
7. Enforcement Costs collected	\$4,007
9. Cases Closed	3

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	49/42
2. EPC Authorization for Facilities NOT requiring DEP permit	1
3. Other Permits and Reports	1
a. County Permits	4/4
b. Reports	43/37
4. Inspections (Total)	172
a. Complaints	15
b. Compliance/Reinspections	19
c. Facility Compliance	29
d. Small Quantity Generator	108
e. P2 Audits	1
5. Enforcement	
a. Complaints Received/Closed	15/16
b. Warning Notices Issued/Closed	5/2
c. Compliance letters	66
d. Letters of Agreement	1
e. Agency Referrals	3
6. Pamphlets, Rules and Material Distributed	200

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	72
b. Installation	10
c. Closure	10
d. Compliance Re-Inspections	09
2. Installation Plans Received/Reviewed	07/12
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	10/06
b. Closure Reports Received/Reviewed	05/11
4. Enforcement	
a. Non-compliance Letters Issued/Closed	41/05
b. Warning Notices Issued/Closed	01/00
c. Cases referred to Enforcement	01
d. Complaints Received/Investigated	00/00
e. Complaints Referred	00
5. Discharge Reporting Forms Received	03
6. Incident Notification Forms Received	05
7. Cleanup Notification Letters Issued	05
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	23
2. Reports Received/Reviewed	109/106
a. Site Assessment	15/16
b. Source Removal	4/3
c. Remedial Action Plans (RAP's)	13/09
d. Site Rehabilitation Completion Order/ No Further Action Order	03/05
e. Active Remediation/Monitoring	53/47
f. Others	21/26
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 16

F. PUBLIC INFORMATION PROJECTS - 1

MEMORANDUM

DATE: November 2, 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 OCTOBER 2006
AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	3
2. On-going administrative cases	113
a. Pending	7
b. Active	55
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	2
6. Civil Contributions to the Pollution Recovery Fund	\$7,375
7. Enforcement Costs collected	\$1,200
9. Cases Closed	3

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	72/56
2. EPC Authorization for Facilities NOT requiring DEP permit	1
3. Other Permits and Reports	1
a. County Permits	2/6
b. Reports	64/49
4. Inspections (Total)	248
a. Complaints	27
b. Compliance/Reinspections	16
c. Facility Compliance	34
d. Small Quantity Generator	170
e. P2 Audits	1
5. Enforcement	
a. Complaints Received/Closed	25/21
b. Warning Notices Issued/Closed	2/3
c. Compliance letters	68
d. Letters of Agreement	2
e. Agency Referrals	2
6. Pamphlets, Rules and Material Distributed	214

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	50
b. Installation	24
c. Closure	14
d. Compliance Re-Inspections	06
2. Installation Plans Received/Reviewed	10/08
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	01/05
b. Closure Reports Received/Reviewed	02/05
4. Enforcement	
a. Non-compliance Letters Issued/Closed	28/08
b. Warning Notices Issued/Closed	00/00
c. Cases referred to Enforcement	02
d. Complaints Received/Investigated	03/03
e. Complaints Referred	00
5. Discharge Reporting Forms Received	03
6. Incident Notification Forms Received	05
7. Cleanup Notification Letters Issued	02
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	37
2. Reports Received/Reviewed	129/137
a. Site Assessment	13/12
b. Source Removal	5/7
c. Remedial Action Plans (RAP's)	10/10
d. Site Rehabilitation Completion Order/ No Further Action Order	10/08
e. Active Remediation/Monitoring	59/65
f. Others	32/35
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS - 26

F. PUBLIC INFORMATION PROJECTS - 1

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	4
2. Enforcement Cases Closed:	4
3. Enforcement Cases Outstanding:	56
4. Enforcement Documents Issued:	10
5. Recovered costs to the General Fund:	\$1,020.00
6. Contributions to the Pollution Recovery Fund:	\$4,000.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Florida Veal Processors, Inc.	Improper operation/Failure to maintain/Violation of permit conditions	\$1,500.00
b. Maronda Homes System Plant	Placement of C/S in service w/out acceptance letter	\$500.00
c. Middle School OO	Placement of C/S in service w/out acceptance letter	\$500.00
d. Armenia Avenue Office Buildings	Placement of C/S in service w/out acceptance letter	\$500.00
e. Waffle House Valrico	Placement of C/S in service w/out acceptance letter	\$500.00
f. Elementary School K	Placement of C/S in service w/out acceptance letter	\$500.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	34
a. Facility Permit:	6
(i) Types I and II	0
(ii) Types III	6
b. Collection Systems-General	14
c. Collection Systems-Dry Line/Wet Line:	14
d. Residuals Disposal:	0
2. Permit Applications Approved:	36
a. Facility Permit:	5
b. Collection Systems-General:	13
c. Collection Systems-Dry Line/Wet Line:	18
d. Residuals Disposal:	0

3.	Engineering Inspections:	
	a. Reconnaissance Inspection (RI):	1
	b. Sample Reconnaissance Inspection (SRI):	0
	c. Residual Site Inspection (RSI):	0
	d. Preconstruction Inspection (PCI):	16
	e. Post Construction Inspection (XCI):	27
	f. On-site Engineering Evaluation:	0
	g. Enforcement Reconnaissance Inspection (ERI):	0
D.	PERMITTING/PROJECT REVIEW - INDUSTRIAL	32
1.	Permit Applications Received:	3
	a. Facility Permit:	0
	(i) Types I and II	0
	(ii) Type III with Groundwater Monitoring:	0
	(iii) Type III w/o Groundwater Monitoring:	0
	b. General Permit:	2
	c. Preliminary Design Report:	0
	(i) Types I and II	0
	(ii) Type III with Groundwater Monitoring:	0
	(iii) Type III w/o Groundwater Monitoring:	1
2.	Permits Recommended to DEP for Approval:	1
3.	Special:	0
	a. Facility Permits:	0
	b. General Permits:	0
4.	Permitting Determination:	0
5.	Special Project Reviews:	28
	a. Phosphate:	2
	b. Industrial Wastewater:	18
	c. Others:	8
E.	INSPECTIONS - INDUSTRIAL	26
1.	Compliance Evaluation:	4
	a. Inspection (CEI):	4
	b. Sampling Inspection (CSI):	0
	c. Toxics Sampling Inspection (XSI):	0
	d. Performance Audit Inspection (PAI):	0

2. Reconnaissance:	19
a. Inspection (RI):	10
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	9
d. Enforcement Reconnaissance Inspections (ERI):	0
3. Engineering Inspections:	3
a. Compliance Evaluation (CEI):	2
b. Sampling Inspection (CSI):	0
c. Performance Audit Inspection (PAI):	1
d. Complaint Inspection (CRI):	0
e. Enforcement Reconnaissance Inspections (ERI):	0
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints:	
a. Domestic:	12
(i) Received:	10
(ii) Closed:	2
b. Industrial:	7
(i) Received:	4
(ii) Closed:	3
2. Warning Notices:	
a. Domestic:	15
(i) Received:	9
(ii) Closed:	6
b. Industrial:	2
(i) Received:	0
(ii) Closed:	2
3. Non-Compliance Advisory Letters:	27
4. Environmental Compliance Reviews:	149
a. Industrial:	30
b. Domestic:	119
5. Special Project Reviews:	0
G. RECORD REVIEWS	
1. Permitting:	4
2. Enforcement:	0

3. Permit Applications Recommended for Disapproval:	1
a. Facility Permit:	1
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:	94
a. Facility Permit:	22
b. Collection Systems-General:	30
c. Collection Systems-Dry Line/Wet Line:	41
d. Residuals Disposal:	1
7. Permit Determination:	2
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:	56
a. Inspection (RI):	26
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	21
d. Enforcement Inspection (ERI):	9

H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:

1. Air Division:	59
2. Waste Division:	0
3. Water Division:	6
4. Wetlands Division:	0
5. ERM Division:	144
6. Biomonitoring Reports:	10
7. Outside Agency:	25

I. SPECIAL PROJECT REVIEWS:

1. DRIs:	7
2. ARs:	3
3. Technical Support:	1
4. Other:	3
	0

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

A. ENFORCEMENT

1. New Enforcement Cases Received:	6
2. Enforcement Cases Closed:	7
3. Enforcement Cases Outstanding:	57
4. Enforcement Documents Issued:	8
5. Recovered costs to the General Fund:	\$1,765.00
6. Contributions to the Pollution Recovery Fund:	\$13,500.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Jaymar Villas	Failure to meet effluent limits/Improper operation/ Failure to maintain/ Discharging raw sewage	\$7,000.00
b. Florida Veal	Improper operation/Failure to maintain/Violation of permit conditions	\$1,500.00
c. Symmes Road Forcemain Ext.	Placement of C/S in service without acceptance letter	\$500.00
d. Popi's Place #5	Placement of C/S in service without acceptance letter	\$500.00
e. Sheldon Creek Townhomes	Placement of C/S in service without acceptance letter	\$500.00
f. Apollo Beach Racquet Club	Construction without a permit	\$1,000.00
g. Belmont Heights Estates Phase 3	Placement of C/S in service without acceptance letter	\$500.00
h. Speer MHP	Violation of permit conditions	\$2,000.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	53
a. Facility Permit:	3
(i) Types I and II	1
(ii) Types III	2
b. Collection Systems-General	21
c. Collection Systems-Dry Line/Wet Line:	26
d. Residuals Disposal:	0
2. Permit Applications Approved:	49
a. Facility Permit:	9
b. Collection Systems-General:	12
c. Collection Systems-Dry Line/Wet Line:	28
d. Residuals Disposal:	0

3.	Permit Applications Recommended for Disapproval:	1
	a. Facility Permit:	1
	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:	94
	a. Facility Permit:	16
	b. Collection Systems-General:	39
	c. Collection Systems-Dry Line/Wet Line:	39
	d. Residuals Disposal:	0
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):	1
	b. Sampling Inspection (CSI):	6
	c. Toxics Sampling Inspection (XSI):	0
	d. Performance Audit Inspection (PAI):	2
2.	Reconnaissance:	63
	a. Inspection (RI):	7
	b. Sample Inspection (SRI):	0
	c. Complaint Inspection (CRI):	56
	d. Enforcement Inspection (ERI):	0

3.	Engineering Inspections:	36
	a. Reconnaissance Inspection (RI):	2
	b. Sample Reconnaissance Inspection (SRI):	0
	c. Residual Site Inspection (RSI):	0
	d. Preconstruction Inspection (PCI):	9
	e. Post Construction Inspection (XCI):	25
	f. On-site Engineering Evaluation:	0
	g. Enforcement Reconnaissance Inspection (ERI):	0
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL		
1.	Permit Applications Received:	3
	a. Facility Permit:	0
	(i) Types I and II	0
	(ii) Type III with Groundwater Monitoring:	0
	(iii) Type III w/o Groundwater Monitoring:	1
	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:	2
2.	Permits Recommended to DEP for Approval:	0
3.	Special:	0
	a. Facility Permits:	0
	b. General Permits:	0
4.	Permitting Determination:	0
5.	Special Project Reviews:	33
	a. Phosphate:	5
	b. Industrial Wastewater:	13
	c. Others:	15
E. INSPECTIONS - INDUSTRIAL		
1.	Compliance Evaluation:	8
	a. Inspection (CEI):	8
	b. Sampling Inspection (CSI):	0
	c. Toxics Sampling Inspection (XSI):	0
	d. Performance Audit Inspection (PAI):	0

2. Reconnaissance:	18
a. Inspection (RI):	11
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	7
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:	40
a. Domestic:	33
(i) Received:	21
(ii) Closed:	12
b. Industrial:	7
(i) Received:	2
(ii) Closed:	5
2. Warning Notices:	19
a. Domestic:	16
(i) Received:	7
(ii) Closed:	9
b. Industrial:	3
(i) Received:	1
(ii) Closed:	2
3. Non-Compliance Advisory Letters:	10
4. Environmental Compliance Reviews:	154
a. Industrial:	57
b. Domestic:	97
5. Special Project Reviews:	0
G. RECORD REVIEWS	
1. Permitting:	2
2. Enforcement:	3

H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED FOR:

1. Air Division:	87
2. Waste Division:	0
3. Water Division:	21
4. Wetlands Division:	0
5. ERM Division:	143
6. Biomonitoring Reports:	6
7. Outside Agency:	64

I. SPECIAL PROJECT REVIEWS:

1. DRIs:	6
2. ARs:	1
3. Technical Support:	5
4. Other:	0

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

A. General	Totals
1. Telephone Conferences	876
2. Unscheduled Citizen Assistance	86
3. Scheduled Meetings	300
4. Correspondence	576
B. Assessment Reviews	
1. Wetland Delineations	40
2. Surveys	75
3. Miscellaneous Activities in Wetland	31
4. Impact/ Mitigation Proposal	24
5. Tampa Port Authority Permit Applications	63
6. Wastewater Treatment Plants (FDEP)	3
7. DRI Annual Report	6
8. Land Alteration/Landscaping	4
9. Land Excavation	1
10. Phosphate Mining	0
11. Rezoning Reviews	24
12. CPA	1
13. Site Development	55
14. Subdivision	133
15. Wetland Setback Encroachment	11
16. Easement/Access-Vacating	0
17. Pre-Applications	65
18. On-Site Visits	305
C. Investigation and Compliance	
1. Complaints Received	37
2. Warning Notices Issued	28
3. Warning Notices Closed	13
4. Complaint Inspections	51
5. Return Compliance Inspections	5
6. Mitigation Monitoring Reports	9
7. Mitigation Compliance Inspections	31
8. Erosion Control Inspections	56
D. Enforcement	
1. Active Cases	25
2. Legal Cases	2
3. NOI's	2
4. Number of Citations Issued	1
5. Number of Consent Orders Signed	8
6. Administrative - Civil Cases Closed	5
7. Cases Referred to Legal Department	2
8. Contributions to Pollution Recovery	\$6,648.00
9. Enforcement Costs Collected	\$1,663.00

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 10/31/06**

Balance as of 10/01/06	*	\$1,933,214
Interest Accrued		-
Deposits	FY07	35,123
Disbursements	FY07	<u>(6,823)</u>
Pollution Recovery Fund Balance		<u>\$1,961,514</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	3,023
Artificial Reef Program	159,243
Pollution Prevention/Waste Reduction (101)	23,012
PRF Project Monitoring	<u>45,427</u>
Total	<u>326,891</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
Oyster Reef Shoreline	30,000
Nitrogen Emission/Deposition	40,906
Lake Thonotosassa Muck Removal	75,000
Erosion Control/Oyster Bar Habitat Creation	75,000
Tank Removal	<u>25,000</u>
Total	<u>1,041,903</u>

Total of Encumbrances

\$1,368,794

Minimum Balance

120,000

Balance Available 10/31/06

\$472,720

* 10-002-910 Projects included in 10/01/06 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
Field Measurement for Wave Energy	51,251
Water & Coastal Area Restoration & Maint.	8,093
Port of Tampa Stormwater Improvement	45,000
Natures Classroom Capital Campaign	44,000

Total

\$ 455,061

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Executive Director
 Richard D. Garrity, Ph.D.

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

Fund Balance as of 10/01/06	\$ 280,512
Interest Accrued	- 0 -
Disbursements FY07	- 0 -

Fund Balance	\$ 280,512
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Encumbrances Against Fund Balance:

SP625 Marsh Creek/Ruskin Inlet	\$ 25,900
SP627 Tampa Bay Scallop Restoration	22,613
SP636 Fantasy Island	20,000
SP630 E.G. Simmons Park	100
SP634 Cockroach Bay ELAPP Restoration	211,899
Total of Encumbrances	\$ 280,512

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

Date of EPC Meeting: November 16, 2006

Subject: Legal Case Summary for October 2006

Consent Agenda X **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 or to negotiate a settlement.

List of Attachments: **October 2006 EPC Legal Case Summary**

EPC LEGAL DEPARTMENT MONTHLY REPORT
October 2006

A. ADMINISTRATIVE CASES

NEW CASES [2]

Mantua Manufacturing Company [LEPC06-027]: On September 27, 2006 Mantua Manufacturing Co., a metal coating operation that emits air pollutants, filed a petition for administrative hearing challenging the Notice of Permit Denial that was issued to them on September 19, 2006. The parties have set a negotiation for late October.

Daniel A. and Celina Jozsi [LEPC06-031]: On October 17, 2006, the Jozsis filed a Notice of Appeal and Objection to an Amended Consent Order entered on September 27, 2006. The Legal Department has issued a letter acknowledging the appeal and is in the process of assigning a Hearing Officer and setting it for hearing. (AZ)

EXISTING CASES [8]

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. On October 4, 2006 the parties jointly responded to the Hearing Officer that the matter would continue to be held in abeyance until at least January 8, 2007. (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 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)

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 was consolidated with the following two cases and the appeals were assigned to one hearing officer. A case management conference was held on Sept. 19, 2006 and a final hearing has been set for March 5, 2007. (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 was consolidated with the above and below cases and the appeals were 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 was consolidated with the above two cases and the appeals were 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. A Hearing Officer was appointed on August 14, 2006. The Case Management Conference was held on Sept. 6, 2006. No final hearing has been set pending possible settlement. (AZ)

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. On August 14, 2006 a Hearing Officer was appointed and the case has been forwarded. (AZ)

RECENTLY RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [3]

Ryaid Suleiman, et al. (Kings Food Mart) [LEPC06-026]: Authority was granted on September 26, 2006 to pursue appropriate legal action against Respondents Ryaid Suleiman,, Siham Jaber, Nader Jaber, Nina Jaber, Maher Jaber and Thajer Jaber for violations of the EPC Storage Tank Rule. Citations were entered against the respondents on March 29, 2005. No appeal of the citations was filed and they became final orders of the Commission. The EPC Legal Dept. is preparing to file a lawsuit to compel compliance with the Final Orders (AZ).

Transpartz, Inc., Scott Yaslow, and Ernesto and Judith Baizan [LEPC06-012]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Transpartz, 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 was closed in August 2006. The responsible parties have not performed any corrective actions and continue to operate the facility in violation of the applicable rules. On October 20, 2006 the Legal Department filed a lawsuit seeking injunctive relief and requesting civil penalties and costs. (AZ)

Carlos Gonzalez [LEPC06-030]: On October 11, 2006 EPC received service of a Complaint filed in the U.S. District Court, Middle District by Carlos Gonzalez who is seeking compensatory damages under the American with Disabilities Act and the Federal Age Discrimination in Employment Act. The Legal Dept. is preparing an answer to the Complaint. (RT)

EXISTING CASES [9]

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 Default was entered on November 2, 2005. 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 reinitiate litigation with the current owners. The property was not conveyed and on Aug. 31, 2006 EPC filed a Motion to Set Trial Date. An Order Setting Non-Jury Trial Date was entered on Oct. 17, 2006 and the Trial is scheduled for November 14, 2006. (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)

Jozsi, Daniel A. and Celina v. EPC and Winterroth [LEPC05-025]: Daniel A. and Celina Jozsi requested an appeal of a Consent Order entered into between James Winterroth and the EPC Executive Director. The appeal was not timely filed and the EPC dismissed the appeal. On December 8, 2005, the Jozsis appealed the order dismissing the appeal to the circuit court. The appeal was transferred to the Second District Court of Appeal (2DCA). The EPC transferred the record to the 2DCA on Aug. 24, 2006. On Sept. 27, 2006 the EPC and James Winterroth entered into an Amended Consent Order. The Jozsis were provided the right to challenge the Amended Order. The Jozsis filed an appeal of the Amended Consent Order on Oct. 17, 2006 (see related case LEPC06-031). On Oct. 19, 2006 the EPC filed a Motion to Dismiss the 2DCA appeal.

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)

RECENTLY RESOLVED CASES [0]

C. OTHER OPEN CASES [8]

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)

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)

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 had until August 21, 2006 to file a petition in this matter. On August 10, 2006, Petitioner filed a third request for an extension of time. The request was granted and the Petitioner has until November 20, 2006 to file a petition. (RT)

James Hardie Building Products, Inc. [LEPC06-018]: One 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. Due to ongoing settlement talks, a third extension has been approved through October 9, 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 granted an extension through October 20, 2006, in an effort to resolve the matter. (RM)

Mosaic Fertilizer, LLC [LEPC06-023]: On July 19, 2006, Mosaic Fertilizer, LLC filed a request for an extension of time to file a petition for administrative hearing regarding a draft Air permit for the facility located at Big Bend Terminal, 12839 Wyandotte Road in Gibsonton. The request was granted and the Petitioner has until September 15, 2006 to file a petition. EPC staff re-issued the permit and the case has been closed. (RT)

Harsco Corporation [LEPC06-028]: On September 28, 2006 Harsco Corporation filed a request for an extension of time to file a petition for administrative hearing regarding an air construction permit. An Order granting the extension to time was issued and the Petitioner has until October 31, 2006 to file a petition. (RT)

Sun Tampa East, LLC d/b/a Tampa East RV Resort [LEPC06-029]: On October 2, 2006 Tampa East RV Resort filed a request for an extension of time to file a petition for administrative hearing with regard to a Notice of Permit Denial. EPC issued an order granting in part and the Petitioner has until December 4, 2006 to file a petition. (RM)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 16, 2006

Subject: Legal Case Summary for November 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 or to negotiate a settlement.

List of Attachments: November 2006 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT
November 2006

A. ADMINISTRATIVE CASES

NEW CASES [0]

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. On October 4, 2006 the parties jointly responded to the Hearing Officer that the matter would continue to be held in abeyance until at least January 8, 2007. (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 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)

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 was consolidated with the following two cases and the appeals were assigned to one hearing officer. A case management conference was held on Sept. 19, 2006 and a final hearing has been set for March 5, 2007. (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 was consolidated with the above and below cases and the appeals were 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 was consolidated with the above two cases and the appeals were 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. A Hearing Officer was appointed on August 14, 2006. The Case Management Conference was held on Sept. 6, 2006. A second case management conference is scheduled for December 11, 2006. No final hearing has been set pending possible settlement. (AZ)

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. On August 14, 2006 a Hearing Officer was appointed and the case has been forwarded. (AZ)

Mantua Manufacturing Company [LEPC06-027]: On September 27, 2006 Mantua Manufacturing Co., a metal coating operation that emits air pollutants, filed a petition for administrative hearing challenging the Notice of Permit Denial that was issued to them on September 19, 2006. The parties are negotiating. (RM)

Daniel A. and Celina Jozsi [LEPC06-031]: On October 17, 2006, the Jozsis filed a Notice of Appeal and Objection to an Amended Consent Order entered on September 27, 2006. The Legal Department has issued a letter acknowledging the appeal. The Hearing Officer has been assigned. The EPC has sent the Appellant interrogatories and requests for production of documents. The final hearing date has not been scheduled yet. (AZ)

RECENTLY RESOLVED CASES [0]

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 Default was entered on November 2, 2005. 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. The property was not conveyed and on Aug. 31, 2006 EPC filed a Motion to Set Trial Date. An Order Setting Non-Jury Trial Date was entered on Oct. 17, 2006 and the Trial is scheduled for November 14, 2006. (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)

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)

Jozsi, Daniel A. and Celina v. EPC and Winterroth [LEPC05-025]: Daniel A. and Celina Jozsi requested an appeal of a Consent Order entered into between James Winterroth and the EPC Executive Director. The appeal was not timely filed and the EPC dismissed the appeal. On December 8, 2005, the Jozsis appealed the order dismissing the appeal to the circuit court. The appeal was transferred to the Second District Court of Appeal (2DCA). The EPC transferred the record to the 2DCA on Aug. 24, 2006. On Sept. 27, 2006 the EPC and James Winterroth entered into an Amended Consent Order. The Jozsis were provided the right to challenge the Amended Order. The Jozsis filed an appeal of the Amended Consent Order on Oct. 17, 2006 (see related case LEPC06-031). On Oct. 19, 2006 the EPC filed a Motion to Dismiss the 2DCA appeal. The Appellants have responded and the parties are waiting for the decision of the Court. (AZ)

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

Ryaid Suleiman, et al. (Kings Food Mart) [LEPC06-026]: Authority was granted on September 26, 2006 to pursue appropriate legal action against Respondents Ryaid Suleiman,, Siham Jaber, Nader Jaber, Nina Jaber, Maher Jaber and Thaer Jaber for violations of the EPC Storage Tank Rule. Citations were entered against the respondents on March 29, 2005. No appeal of the citations was filed and they became final orders of the Commission. The EPC Legal Dept. is preparing to file a lawsuit to compel compliance with the Final Orders. (AZ)

Transpartz, 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 was closed in August 2006. The responsible parties have not performed any corrective actions and continue to operate the facility in violation of the applicable rules. On October 20, 2006 the Legal Department filed a lawsuit seeing injunctive relief and requesting civil penalties and costs. The parties are in negotiations to resolve the case. (AZ)

RECENTLY RESOLVED CASES [2]

Carlos Gonzalez [LEPC06-030]: On October 11, 2006 EPC received service of a Complaint filed in the U.S. District Court, Middle District by Carlos Gonzalez who is seeking compensatory damages under the American with Disabilities Act and the Federal Age Discrimination in Employment Act. The Plaintiff voluntarily dismissed the lawsuit and the matter has been closed. (RT)

Pedro Molina, d/b/a Professional Repair [LEPC04-015]: Authority to take appropriate action against Pedro Molina, d/b/a Professional Repair for failing to comply with the terms of a previously issued Consent Order regarding a spray paint booth ventilation system and other permit condition violations was granted on July 22, 2004. The facility is no longer operating and Mr. Molina is thus far unable to be located. Staff has closed the case out pending locating Mr. Molina. (RT)

C. OTHER OPEN CASES [8]

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)

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. The parties continued to negotiate the proposed permit conditions, but the facility failed to challenge the permit or extend the most recent denial, thus the Legal file is closing. (RM)

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 had until August 21, 2006 to file a petition in this matter. On August 10, 2006, Petitioner filed a third request for an extension of time. The request was granted and the Petitioner has until November 20, 2006 to file a petition. (RT)

James Hardie Building Products, Inc. [LEPC06-018]: One 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. Due to ongoing settlement talks, a extensions has been approved through mid-January, 2007. (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 granted an extension through October 20, 2006, in an effort to resolve the matter. The facility has hooked up to the regional wastewater system and the extension of time ran to challenge the denial, thus the permit renewal is no longer needed and this legal challenge is moot. (RM)

Mosaic Fertilizer, LLC [LEPC06-023]: On July 19, 2006, Mosaic Fertilizer, LLC filed a request for an extension of time to file a petition for administrative hearing regarding a draft Air permit for the facility located at Big Bend Terminal, 12839 Wyandotte Road in Gibsonton. The request was granted and the Petitioner has until September 15, 2006 to file a petition. EPC staff re-issued the permit and the case has been closed. (RT)

Harsco Corporation [LEPC06-028]: On September 28, 2006 Harsco Corporation filed a request for an extension of time to file a petition for administrative hearing regarding an air construction permit. An Order granting the extension to time was issued and the Petitioner has until October 31, 2006 to file a petition. (RT)

Sun Tampa East, LLC d/b/a Tampa East RV Resort [LEPC06-029]: On October 2, 2006 Tampa East RV Resort filed a request for an extension of time to file a petition for administrative hearing with regard to a Notice of Permit Denial. EPC issued an order granting in part and the Petitioner has until December 4, 2006 to file a petition. (RM)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 16, 2006

Subject: Request for Authority to Take Appropriate Legal Action against Hendry Corporation

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

Division: Air Management Division

Recommendation: EPC staff recommends that the EPC Board authorize staff to take appropriate legal action, including but not limited to a civil law suit, against the Hendry Corporation for various environmental violations at multiple facilities and grant the Executive Director the authorization to settle any civil action.

Brief Summary: The Hendry Corporation (Hendry) is in violation of a provision in a Consent Order effective on April 12, 2005, which required Hendry to submit records required by its air permit for 2002, 2003, and 2004. The records were needed to demonstrate compliance with air pollution emission limits for Hendry.

Background: EPC staff conducted an inspection on July 16, 2003 of the Hendry Corporation (Hendry) facility, which at the time of the inspection was located at 5107 South Westshore Blvd., Tampa. In follow-up to the inspection, EPC staff reviewed records that Hendry is required to keep to demonstrate compliance with air emission limits in its air permit. Hendry corrected all violations except the requirement to submit EPA Volatile Organic Compound (VOC) data sheets for coatings applied during calendar years 2002, 2003, and 2004. The Consent Order entered into on July 16, 2003, required Hendry to submit the VOC data sheets within 30 days of the effective date of the Consent Order. Hendry failed to do so, and has not done so to date. Under the air program's self-reporting requirements, this data is required in part to determine the compliance status of the Hendry facility as it pertains to air emission limits. EPC staff is requesting authority from the EPC Board to take appropriate legal action against Hendry to resolve the Consent Order violation, and any environmental violations at any past or present facility.

List of Attachments: None



EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 16, 2006

Subject: Request for authority to take appropriate legal action against Phillips & Munzel Oil Company, and Shell Oil Company

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

Division: Waste Management

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

Brief Summary: Shell Oil Company owns property located at 403 South Tamiami Trail, Ruskin, Florida. Phillips and Munzel Oil Company operates the retail fuel station known as Shell Ruskin located on this property. The gas station contains three regulated 10,000 gallon underground storage tanks containing gasoline that are not in compliance with the EPC Act and Rules of the EPC, Chapter 1-12.

Background: The Executive Director executed a Citation of Violation and Order to Correct (Citation) on September 6, 2006 to Shell Oil Company and Phillips & Munzel Oil Company for violations of Chapter 1-12, Storage Tank Rule. The violations included failure to demonstrate financial responsibility to pay for corrective action and third party liability resulting from a discharge, failure to provide 30 days notification for change of ownership and change in registration to reflect out of service status, failure to provide 10 days notification before a change in status, failure to submit a Storage Tank Registration Form within 30 days indicating a change of ownership and tank systems out of service status, failure to perform release detection on sumps and liners at least once a month, failure to meet the Category A & B systems release detection method, failure to perform an annual operability test of the veeder root console and the electric line leak detectors, failure to provide permanent records within 5 working days, and failure to properly close the storage tank system within the required time limit. Neither party filed an appeal to the Citations and they became Final Orders of the Commission. EPC staff has had several telephone conversations with Robert Phillips of Phillips & Munzel Oil Company who stated that he was planning to remove and replace the storage tank system. The storage tanks have been out of service since October 2001 and by law should have been properly closed by October 2003. To date, EPC has received no evidence that the violations have been corrected. Therefore, we are requesting authority to take appropriate legal action to compel compliance with the EPC Act and Rules of the EPC.

List of Attachments: none



EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 16, 2006

Subject: Request for authority to take appropriate legal action against Shree Krishna, Inc. and Brooks Properties, Inc.

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

Division: Waste Management

Recommendation: Grant authority to pursue appropriate legal action, including but not limited to a civil law suit, and grant the Executive Director the authorization to settle any civil action.

Brief Summary: Shree Krishna, Inc. owns and operates a retail gasoline and convenience store known as Seffner Food Store located at 340 Highway 574, Seffner, in Hillsborough County, Florida (Property). The Property is owned by Brooks Properties, Inc. The site currently is in violation due to evidence of petroleum contamination. A Site Assessment Report is required for the petroleum contamination but the responsible parties have failed to adequately respond.

Background: Shree Krishna, Inc. owns and operates a retail gasoline and convenience store known as Seffner Food Store located at 340 Highway 574, Seffner, in Hillsborough County, Florida (Property). The Property is owned by Brooks Properties, Inc. A compliance inspection revealed high organic vapor concentration in an onsite monitoring well, indicating petroleum contamination. EPC staff advised that a Site Assessment Report (SAR) was required within 270 days of discovery of this discharge of petroleum product.

Shree Krishna, Inc. applied to the Department of Environmental Protection (DEP) for the Florida Petroleum Liability Restoration Insurance Program (FPLRIP) and Petroleum Cleanup Participation Program (PCPP), but was found to be ineligible for participation in these programs.

On May 3, 2002, EPC staff issued a Citation and Order to Correct Violation to Shree Krishna, Inc. and Brooks Properties, Inc. for failing to submit a SAR pursuant to Chapter 62-770, F.A.C. The Citations were not appealed and on September 25, 2002, EPC staff issued a Final Order to Shree Krishna and Brooks Properties, Inc.

In February 2003, Brooks Properties, Inc. requested several extensions of time to file a petition for administrative hearing with DEP, contesting the denial of PCPP eligibility. The last extension request expired December 22, 2003 and the PCPP denial is final.

EPC staff is requesting authority to take appropriate legal action to resolve this matter by requiring the responsible parties to properly assess and cleanup the subject Property

List of Attachments: none



EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 16, 2006

Subject: Request for a public hearing to approve amendments (updates) to Chp. 1-3 (Air Pollution Rule), Rules of the EPC

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

Division: Legal Department

Recommendation:

Approve holding a public hearing at the January, 2007 EPC Board Meeting to consider updates to Chapter 1-3, Rules of the EPC (Air Pollution Rule)

Brief Summary:

Pursuant to the EPC Act, the EPC Board must hold a noticed public hearing to approve a rule. The EPC staff requests that the Board approve holding an Air Pollution Rule update public hearing at its January 2007 meeting.

Background:

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

EPC staff has reviewed its Air Pollution Rule Chapter 1-3 and determined that amendments should be made to update the rule in accordance with the Specific Operating Agreement between the EPC and the Florida Department of Environmental Protection (FDEP). The rule amendment will provide for the incorporation of FDEP Air Pollution rule changes into Chapter 1-3. The proposed rule updates will be provided in the January agenda packet and fully discussed at the January EPC Board meeting in a public hearing. The staff will issue appropriate notices of the rule adoption process.

List of Attachments: None.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 16, 2006

Subject: Establish an EPC Legal Contingency Fund

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

Division: Finance and Administration

Recommendation: Authorize staff to work with County Budget Director to prepare a budget amendment and present it to BOCC for approval to establish a \$200,000 EPC Legal Contingency Fund.

Brief Summary: EPC requests authority to establish a fund for the purpose of procuring the services of outside legal counsel and expert witness fees.

Background:

In the past, whenever EPC has required the need for outside attorney fees and expert witnesses, we have been assisted by the County Attorney who has allowed EPC to access the County Attorney's contingency fund. It has been determined that the fund is not adequate to fund the projected requirements of both the EPC and County Attorney for FY07. EPC discussed the matter with the County Budget Director and it has been recommended that a separate fund be established for EPC to address the need for outside legal counsel and expert witnesses for litigation purposes. Mr. Eric Johnson, County Budget Director will attend the EPC Board meeting to address any issues raised by the Board members.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 16, 2006

Subject: Tamp Port Authority delegation of Minor Works Permitting

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

Division: Wetland Management Division

Recommendation: [Direct the Executive Director to continue delegation negotiations with the Tampa Port Authority]

Brief Summary: The staffs of the EPC and the Tampa Port Authority (TPA) are currently discussing the delegation of certain TPA Minor Works Permitting to the EPC. It is the intent of both staff to create a consolidated residential development reviews essentially into one agency, and eliminate confusion and create a more efficient streamlined permit for the citizens of Hillsborough County.

Background: The Tampa Port Authority (TPA) has marine construction permitting authority pursuant to Section 25 of the TPA's Enabling Act (Chapter 95-488, Laws of Florida). Within Section 25, certain activities may be authorized as minor work permits through conformity with the TPA's Submerged Lands Management Rules. Since early this year, the TPA staff has been discussing the concept of transferring the authority for issuance of minor work permits with the Environmental Protection Commission (EPC) of Hillsborough County. EPC is already intrinsically involved in the TPA permit review process, issuing comments and conditions for each application. EPC also issues construction authorizations on County freshwater lakes that the TPA does not exert jurisdiction and transferring minor work permitting authority to EPC would create a "one stop" permitting process that would increase efficiency, consolidate residential development reviews essentially into one agency, and eliminate confusion as to the responsible governmental agency for permitting (residential) minor work activities.

The negotiations include the crafting of an interlocal agreement between the EPC and the TPA. The agreement would address such issues as identifying a trial period during which time the TPA would provide funding of an Environmental Scientist II position, joint training of staff, a fee study and cost analysis to be conducted by the EPC during the trial period and other technical aspects of the delegation.

The TPA Board provided approval during their October meeting for continued discussions and negotiations with EPC and a Public Workshop was hosted by the TPA on November 9, 2006. The final terms of the Interlocal Agreement will be brought to the Boards of the TPA and EPC for final approval after the appropriate workshop and public hearing.

RECOMMENDATION:

Direct the Executive Director to negotiate an Interlocal Agreement with the Tampa Port Authority based on the terms set forth above, subject to review by a public workshop, public hearing and final Board approval.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 16, 2006

Subject: Dedication & Renaming of Artificial Reef

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

Division: Environmental Resources Management

Recommendation: Approve proclamation to re-name the Port Tampa Reef in Old Tampa Bay to the "Ted Adams Reef" in memory of Chamberlain High School marine science teacher Ted Adams.

Brief Summary: Mr. Adams was the founder of the Chamberlain High School "Chief Reef Project". He and his students have been building and deploying artificial reef units for EPC's Port Tampa Reef for 20 years as part of their science curriculum. Mr. Adams lost his battle with cancer in February of 2006 and staff would like to honor his memory on this 20th anniversary of the Artificial Reef Program.

Background: Each year, for the past twenty years, Mr. Ted Adams and his marine science students from Chamberlain High School have participated in the "Chief Reef Project". This innovative program allowed students to build (using mostly concrete and limestone) and deploy their own artificial reef units on the EPC's Port Tampa Artificial Reef located just west of Picnic Island Park in Old Tampa Bay. The students were able to experience hands on learning and habitat creation by mixing the concrete, riding on a boat, and actually sinking their very own reef unit in the bay. In addition, students were afforded the opportunity to snorkel and see the reefs and all the associated marine life attracted to them in their new environment. When Mr. Adams lost his battle with cancer on February 23, 2006, staff felt it would be fitting to honor his memory, on this 20th anniversary of the Artificial Reef Program, by re-naming the Port Tampa Reef, the "Ted Adams Reef".

*The Board of the Environmental Protection Commission
of Hillsborough County*



WHEREAS, the Environmental Protection Commission of Hillsborough County is celebrating the twentieth anniversary of its Artificial Reef Program; and

WHEREAS, the Environmental Protection Commission of Hillsborough County wishes to celebrate this anniversary by honoring Mr. Ted Adams, a marine science teacher at Chamberlain High School for more than two decades; and

WHEREAS, Mr. Adams was the creator and inspiration for the Chamberlain High School "Chief Reef" project which allowed thousands of students over the years to experience environmental education by creating, deploying and snorkeling on their very own reefs in Tampa Bay; and

WHEREAS, Mr. Adams' enthusiasm and knowledge of environmental education has had such a tremendous impact on past and future generations of our citizens;

***NOW, THEREFORE, BE IT PROCLAIMED** that the Environmental Protection Commission of Hillsborough County, Florida, does hereby rename the Port Tampa Artificial Reef the "Ted Adams Reef" in memory of Mr. Adams' dedication to excellence in environmental education and stewardship for Tampa Bay.*

Executed this 16th day of November, 2006.

Chair

Vice Chair



EPC Agenda Item Cover Sheet

Date of EPC Meeting: November 16, 2006

Subject: Youth Environmental Associates/ "Pump 'Em Up" Outreach Initiative

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

Division: Air Management Division

Recommendation: For Information Only

Brief Summary: The American Lung Association's "Youth Environmental Associates" (YEA) is a Congestion Mitigation and Air Quality (CMAQ) funded environmental program for teenagers. They have teamed up with "Pump 'Em Up" to bring awareness to the importance and benefits of using alternative forms of transportation, and the need for proper vehicle care.

Background:

Alternative modes of transportation and education on proper vehicle maintenance are activities that are encouraged by this creative group of teens. The CMAQ grant which funds YEA has allowed the group to educate youth, who in-turn educate their peers and the community on the importance of reducing vehicle miles traveled, especially as it pertains to our community air quality.

Savannah Walters is an exceptional teen in our community who is focused and passionate about our air quality. She has started an organization called "Pump 'Em Up". Pump 'Em Up educates youth and adults on the importance of proper tire inflation in order to save gas, reduce emissions, and clean our air. YEA is partnering with Pump 'Em Up to design a display for the Museum of Science and Industry in Hillsborough County, and Great Explorations Children's Museum in Pinellas County.

This group of teens is also engaged in the "Before You Go" campaign, which educates drivers how to properly pump up their tires before traveling over the Thanksgiving holiday, the most traveled holiday of the year.

List of Attachments: None