

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
COUNTY CENTER 2ND FLOOR
FEBRUARY 19, 2009
9:00 AM**

INVOCATION AND PLEDGE OF ALLEGIANCE

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

I. PUBLIC COMMENT

Three (3) Minutes Are Allowed for Each Speaker

II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE

Report from the CEAC Chairman – David Jellerson

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

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DECEMBER 18, 2008 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, December 18, 2008, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Al Higginbotham and Commissioners Kevin Beckner, Rose Ferlita (arrived at 9:04 a.m.), Jim Norman, Mark Sharpe (arrived at 9:04 a.m.), and Kevin White.

The following member was absent: Commissioner Ken Hagan.

Chairman Higginbotham called the meeting to order at 9:02 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

CHANGES TO THE AGENDA

Dr. Richard Garrity, EPC Executive Director, deleted Item III.F, request for authority to take appropriate legal action against Scott Grantham, wastewater treatment plant operator; said Item III.G, Sabal Park, second floor north, revised build-out proposal, was continued for further study; and added two items to the Executive Director section concerning discussion with the Planning Commission (PC) Executive Director Robert Hunter and discussion regarding television recycling and proper disposal of old televisions. Chairman Higginbotham called for a motion to approve. **Commissioner White so moved, seconded by Commissioner Norman, and carried four to zero.** (Commissioners Ferlita and Sharpe had not arrived; Commissioner Hagan was absent.)

PUBLIC COMMENT

Mr. Michael Holsinger, representing the Tampa Bay Group of the Sierra Club, discussed the model regional fertilizer ordinance and distributed recommendations.

Ms. Janet Dougherty, 8214 Revels Road, addressed waste management and recycling; thanked Commissioners Ferlita and Sharpe for requesting an independent audit and public workshop; referenced a letter from Mr. Barry Boldissar, Director, Solid Waste Management Department; thanked Mr. James Ransom, Solid Waste Management Department; distributed a pamphlet on yard waste guidelines; and would provided responses to the questions raised by Commissioner Beckner.

Mr. Peter Nelson, 2806 West Paxton Avenue, reviewed recycle rates and waste and referenced a letter from Mr. Boldissar. Mr. Mark Lafon, 434 Islebay Drive, encouraged the County to consider all the possibilities, stressed reaching a 75 percent goal, and commented on profile components of recycling,

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composting, and combustion. Mr. Carmel Monti, 530 Key Royale Drive, Holmes Beach, reinforced comments concerning recycling and reusing.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Mr. Jellerson stated EPC staff provided CEAC with a review of previously approved pollution recovery fund (PRF) projects at the December 1, 2008, meeting. As a result of the review, CEAC members requested additional detailed reports, noting the goal was to better understand how funds were spent. Mr. Jellerson mentioned the city of Tampa (Tampa) shoreline master plan was awarded a grant and noted the possibility of eliminating funding for Egmont Key State Park.

CONSENT AGENDA

- A. Approval of minutes: November 13, 2008.
- B. Monthly activity reports.
- C. PRF report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summaries.
- F. Request for authority to take appropriate legal action against:
 - (1) Scott Grantham, wastewater treatment plant operator. **Deleted from the agenda.**
 - (2) Michael Robilotta, owner and operator of the Old Estates Mobile Home Park.
- G. Sabal Park, second floor north, revised build-out proposal. **Continued for further study.**

Commissioner Norman moved the Consent Agenda, seconded by Commissioner Sharpe, and carried six to zero. (Commissioner Hagan was absent.)

EXECUTIVE DIRECTOR

Discussion with PC Executive Director Mr. Hunter - Commissioner Norman recalled previous discussion concerning conflicting policies and ordinances for infill and EPC position on half-acre wetlands. Perceiving the County should discuss the issue and County administration should work together in the next 30 to 45 days to streamline different policies and get on the right track, **Commissioner Norman moved to ask the gentlemen to work together and look at conflicting policies and ordinances.** Mr. Hunter noted confusion regarding regulations versus planning and emphasized the importance of

clarifying responsibilities and differences in the plan. Discussion included necessity of the study to acquire federal dollars for the Lithia Pinecrest Road expansion, working with County staff, involving other departments, reasons the administration should meet, and the County and four cities being involved in the process at the draft level. **Commissioner Sharpe seconded the motion, which carried six to zero.** (Commissioner Hagan was absent.) Dr. Garrity commented on working closely with Mr. Hunter.

Legislative Delegation Eco-Tour - Dr. Garrity provided an overview of the tour including open house, laboratory tours, exhibits, Green Star, air and water quality monitoring, and environmental programs.

Egmont Key - Dr. Garrity reviewed the history and status of Egmont Key and recommended authorizing staff to draft a letter to the Governor and the Florida Department of Environmental Protection (FDEP) expressing support for continued funding of the FDEP staff management on Egmont Key and copy Congresswomen Kathy Castor and alternatively exploring other funding options and possibilities for Hillsborough County and the Environmental Lands and Acquisition and Protection Program (ELAPP) funding for management of sites. **Commissioner Sharpe so moved. Commissioner Norman seconded the motion** and asked if a recommendation had been submitted to the ELAPP committee to see if there was funding for ELAPP acquisition; he perceived Dr. Garrity should speak with the ELAPP committee and requested to amend the motion. **Commissioner Sharpe accepted the amendment. The motion carried six to zero.** (Commissioner Hagan was absent.)

Television Recycling and Proper Disposal of Old Televisions - Dr. Garrity stated information was gathered from Tampa and the Solid Waste Management Department and referenced the EPC website for recycling electronics and household hazardous waste.

Commissioner Ferlita addressed comments from Tampa City Council about the proposed Pasco County landfill, noting FDEP perceived construction plans exceeded agency requirements for the facility. Based on the location of the landfill and potential impacts to surface water, Commissioner Ferlita suggested EPC General Counsel Richard Tschantz send a letter advising EPC was available for assistance during the permitting process. Attorney Tschantz would contact FDEP regarding the potential impacts to County surface water and explained standard procedures for building landfills in Hillsborough County.

Responding to Commissioner Norman, Attorney Tschantz explained reports of discharge going into Cypress Creek. Following comments regarding the County

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being engaged in problems that might develop, involving the EPC in the process, and noting further discussion at the next Board of County Commissioners meeting, **Commissioner Ferlita made that motion, seconded by Commissioner Sharpe.** Responding to Commissioner Sharpe, Dr. Garrity said he was requested to look into the issue by County Administrator Patricia G. Bean, noted discussions with FDEP staff, and stated the impact would not affect water quality if property permitted by FDEP standards. **The motion carried six to zero.** (Commissioner Hagan was absent.)

ENVIRONMENTAL RESOURCES MANAGEMENT DIVISION

Florida Consumer Fertilizer Program and Tampa Bay Estuary Program (TBEP) Model Ordinance - Ms. Holly Greening, director, TBEP, reported the TBEP policy board endorsed a regional model ordinance, explained the importance of the ordinance, and discussed nitrogen fertilizer in home and residential areas, costs to remove nitrogen from surface waters, development of the regional nonagricultural fertilizer application model ordinance, alternative summer safe fertilizer, estimated nitrogen reductions, next steps, and technical background and costs/benefits of the ordinance. The FDEP and Environmental Protection Agency had been contacted regarding possible regulatory credit for adoption of the ordinance, which had been distributed to governments of the watershed in December 2008. Ms. Greening and Dr. Garrity responded to queries from Chairman Higginbotham regarding Lake Tarpon, credits, reduction, and whether studies from the University of Florida (UF) had been addressed.

Chairman Higginbotham suggested contacting the UF Center of Landscape, Conservation, and Ecology and reaching out to Drs. George Hockmuth, Laurie Trenholm, and Terril Nell and commented on considering additional licensing, pending legislation, and having a sign at the point of sale saying restriction courtesy of you local County commissioners. After passing the gavel to Vice Chairman Beckner, **Chairman Higginbotham directed Dr. Garrity to reach out to those three doctors at UF and ask them to come back at the January 2009 meeting with a report on their findings and how to best implement, seconded by Commissioner Sharpe, and carried six to zero.** (Commissioner Hagan was absent.)

WASTE MANAGEMENT DIVISION

Overview of Waste Management and Waste Recycling in Hillsborough County - Mr. Andy Schipfer, EPC staff, recalled past discussion on how waste and recycling was handled and stated staff was requested to report back. He provided a brief overview of EPC's role, including regulatory programs, clean programs,

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recycling and redevelopment incentive programs, recycling facilities, recovering materials, processing facilities, materials for recovery facilities, beneficial reuse sites, and agricultural land and application sites. Mr. Schipfer responded to questions from Commissioner Beckner regarding County consumer recycling programs.

Mr. Boldissar outlined the item, as provided in background material. Responding to Commissioner Beckner, Mr. Boldissar indicated Mr. Chris Snow, Solid Waste Management Department, had met with the RecycleBank Company. Mr. Snow explained the program was focused on using automated carts. Commissioner Beckner requested Mr. Snow continue to research the program and report back. Messrs. Snow and Boldissar responded to questions from Commissioners Beckner and Sharpe concerning the wood gasification plan, waste energy program, and proper use of ash. Mr. Thomas Smith, Solid Waste Management Department, said ferrous was removed from the ash prior to delivery to the landfill and the system was being converted to ferrous and nonferrous removal.

Discussion included Hillsborough County becoming the lead in waste, citizen concerns, future recycling and small businesses, scheduling a tour, workshops, franchise collectors moving toward single stream pickup for recyclables, and staff engaging in the workshops for agricultural reuse.

Brownfields Update - Ms. Mary Yeargan, EPC Brownfields Coordinator, provided an overview of the program including restrictions on the site, enforcement order with FDEP, designated areas in the County, activity relative to other areas in the County, different uses at the site within the County, potential designations, and future opportunities.

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

READ AND APPROVED: _____
CHAIRMAN OR VICE CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

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JANUARY 7, 2009 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING - DRAFT
MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to Authorize the Citizens Environmental Advisory Committee (CEAC) to Send a Letter to Governor Charlie Crist Regarding Continued Funding for the Egmont Key State Park, scheduled for January 7, 2009, at 10:45 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

Chairman Higginbotham called the meeting to order at 11:22 a.m.

Dr. Richard Garrity, EPC Executive Director, recalled previous EPC action to send a letter to Governor Crist in support of continuing financial support for the Egmont Key State Park, commented on the Egmont Key State Park, and requested authorization for CEAC to send the letter of support contained in background material. **Commissioner Norman so moved, seconded by Commissioner Hagan, and carried seven to zero.**

Commissioner Ferlita mentioned federal legislative programs and appropriations and perceived a report would be appropriate in the future.

Dr. Garrity reported the CEAC had requested the Board of County Commissioners (BOCC) send a letter of support. Chairman Higginbotham said the letter was forwarded to the BOCC chairman.

There being no further business, the meeting was adjourned at 11:25 a.m.

READ AND APPROVED: _____
CHAIRMAN OR VICE CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

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JANUARY 15, 2009 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, January 15, 2009, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Al Higginbotham and Commissioners Kevin Beckner, Rose Ferlita (arrived at 9:07 a.m.), Ken Hagan, Jim Norman, Mark Sharpe, and Kevin White.

Chairman Higginbotham called the meeting to order at 9:01 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

PUBLIC COMMENT

Mr. Tom Krumreich, Florida Consumer Action Network, distributed/reviewed comments in support of the model fertilizer ordinance. Ms. Lindsey Pickel, 205 South Matanzas Avenue, Florida Coastal and Ocean Coalition, supported the model fertilizer ordinance and agreed with the Tampa Bay Group of the Sierra Club (Sierra Club) recommendation that cost effectiveness be further improved by including stipulations for no phosphorous without soil testing documenting the need for 50 percent slow-release content and a 10-foot buffer zone.

Mr. Howard Stepleman, Massey Services Incorporated, opposed creation of a fertilizer ordinance, opined the County should follow University of Florida (UF) best management practices (BMP), and commented on buffer zones, management of clippings/debris, State certifications, and phosphorous use.

Mr. Michael Holsinger, 5624 Cape Leyte Drive, Sarasota, supported a strong ordinance with BMP certification training, rainy season nitrogen restrictions, fertilizer-free buffers next to waterways, no phosphorous without a soil test, 50 percent slow-release content, a maximum of four pounds of nitrogen per thousand square feet per year, and deflector shields on all broadcast spreaders; reviewed facts related to landscaping, training, and sale/use of nitrogen fertilizer; suggested the landscape industry needed to be part of the solution; and noted the need for a targeted education program.

Mr. Timothy Daley, Transfer Technology International Corporation, commented on technology to extract minerals from seawater to be sold as a lawn nutrient alternative, said the product was currently being purchased by golf courses, and looked forward to helping make the County environmentally and aesthetically green.

Ms. Erica Santella, TruGreen Incorporated, discussed meeting notice and industry support for a water quality ordinance, understood the issues, referenced a BMP manual developed with the Florida Department of Environmental Protection (FDEP) and rigorous training/certification for BMP, and requested

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the EPC consider the consumer fertilizer task force model ordinance developed during the last legislative session as opposed to the ordinance created by the Tampa Bay Estuary Program (TBEP).

Ms. Mary Hartney, Florida Fertilizer and Agrichemical Association, appreciated the opportunity to work with the County on development of the ordinance; recommended support for programs based on the four Rs: right product, right rate, right place, and right time; understood there would be opportunities to continue to work with the County to provide information; and supported the goal of good water quality.

Mr. Phil Compton, Sierra Club, noted work with other counties and community organizations, found there was broad-based community support once concepts were understood, and distributed/reviewed information.

Mr. Hugh Gramling, chairman, Agriculture Economic Development Council (AEDC), said the AEDC met to discuss the proposed ordinance but no official action was taken due to lack of a quorum; reported the agriculture community, generally speaking, favored an education program on proper fertilizer use; and did not favor an ordinance that the County was ill equipped to enforce. Speaking as executive director, Tampa Bay Wholesale Growers, and representative for the Florida Nursery, Growers, and Landscape Association, Mr. Gramling stated their policy was to follow science and the nursery industry pledged support for an ordinance that followed UF science.

Ms. Mariella Smith, Sierra Club, expressed hope that the County would lead the region in cleaning up waterways, noted the ordinance was a result of considerable work, asked to not weaken the model ordinance, suggested only minor tweaks to make the ordinance stronger, said the ordinance could be lifted if there were problems, pointed out Sarasota County had no ill effects from the ordinance, and requested implementation of the ordinance to reduce pollution.

Ms. Vivian Bacca, 413 El Greco Drive, United Citizens Action Network, supported adoption of the model fertilizer ordinance and Southwest Florida Water Management District (SWFWMD) efforts to request a public hearing before pumping surface water at the Morris Bridge sink.

Ms. Mary Hoppe, 10412 Reclinata Lane, hoped the EPC would support the model fertilizer ordinance, perceived the ordinance was not a hindrance and was an important step to allay excess nitrogen going into Tampa Bay, referenced scientific analysis from Sarasota County and clear documentation that there

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had been no ill effects to lawns, and suggested EPC review information related to Sarasota County.

Commissioner White noted he would be leaving the meeting early and asked to comment on the ordinance. In response to Commissioner White, Mr. Compton clarified figures related to nitrogen that could be kept out of waterways by creating the ordinance. Commissioner White supported looking at adopting an ordinance, referenced concerns related to enforcement, and wanted to know the impact on the fertilizer industry. Chairman Higginbotham said questions would be answered when the item was discussed.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Dr. Richard Garrity, EPC Executive Director, reported the last CEAC meeting included election of officers and the same chairman and vice chairman would continue, three new board members attended the meeting, and discussion included Egmont Key, the importance of finding a way to continue with the State park system, and the Tampa shoreline restoration master plan.

CONSENT AGENDA

- A. Monthly activity reports.
- B. Pollution Recovery Fund report.
- C. Gardinier Settlement Trust Fund report.
- D. Quarterly customer service survey report.
- E. Legal case summaries.

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

ENVIRONMENTAL RESOURCE MANAGEMENT DIVISION

Model Residential Fertilizer Ordinance - Dr. Garrity reported nitrogen was an important nutrient and stimulated landscape/turf grass growth but could also stimulate the growth of unwanted algae and phytoplankton in waterways; stated fertilizers and their affects on water quality were issues being discussed statewide and nationally; commented on the urban turf fertilizer rule promulgated by the Florida Department of Agriculture and Consumer Services; recalled formation of the Florida consumer fertilizer task force, which produced a final report to the legislature in January 2008 that included a

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recommendation for the creation of a State model ordinance; noted a component of the model ordinance was that local governments could adopt local stricter ordinances if they had impaired waters or there were State or federal total maximum daily load (TMDL) requirements; showed a map of impaired waters in Hillsborough County; reviewed efforts by the TBEP to create the model fertilizer ordinance; acknowledged individuals present to speak on the ordinance; and looked forward to holding workshops to obtain input from all concerned parties before reporting final recommendations to the Board of County Commissioners (BOCC). Commissioner White wanted to hear from the industry to know impacts of slow-release nitrogen.

Dr. Scott Emery, County Water Resources Advisor, commented on TMDLs, nitrogen and nutrient impairment, pollutant concerns, examples of point and non-point sources, compliance strategies, costs to remove nitrogen, fertilizer management, estimated nitrogen reductions from 50 percent compliance with fertilizer management ordinances, and County nitrogen reduction projects and costs. Commissioner White left the meeting at 9:41 a.m.

Dr. Terril Nell, director, UF Center for Landscape, Conservation, and Ecology, noted efforts on the issue; referenced the guide to Florida friendly landscaping and BMP established by the industry and UF; supported training/education; said a culture change was needed to ensure fertilizer was applied correctly; saw science put to use in many areas in the ordinance; supported not applying phosphorous without a valid soil test, no nitrogen fertilizer within 30 days of laying sod, fertilizing at the lowest rates recommended, use of buffer zones, and ensuring clippings, yard trash, or debris were not allowed to enter the stormwater system; stressed fertilizer did not need to be applied to impervious surfaces; commented on sloppy fertilizer application; and referenced a list of frequently asked questions. Commissioner Norman opined presentations were conflicting.

Dr. George Hochmuth, associate dean for research, agricultural experiment station, UF Institute of Food and Agricultural Sciences (IFAS), hoped discussions would lead to more in-depth thinking about the issue; spoke regarding biology and ecology of turf grass and what happened to nutrients in a well-managed landscape; referred to in-depth research on leaching, a 2006 chart on total nitrogen leaching, and unintended consequences; wanted to see research/data to support comments that Sarasota County had found no unintended consequences, perceiving it might be too soon to see negative aspects; showed a chart illustrating root mass; supported a well managed/well thought out BMP program; stressed the importance of irrigation management; suggested allowing

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more flexibility during the restricted period; noted the need to focus on fertilizer practices and educate the consumer, commercial applicators, and retail establishments; and highlighted a proposal presented to TBEP to allow a one-time application of controlled release nitrogen fertilizer not to exceed one pound of nitrogen per thousand square feet during the rainy period to correct a professionally diagnosed nitrogen deficiency in the turf.

Commissioner Beckner asked if science would support the use of slower releasing nutrients within applications. Dr. Hochmuth noted science supported that, said those recommendations were included in the UF recommendations for turf; and referenced problems with information on controlled release fertilizer not being refined enough to address how turf grew throughout the year. Commissioner Beckner mentioned requirements in ordinances from other areas for slow-release nitrogen and perceived mirroring ordinances after one another made sense. Dr. Hochmuth agreed and opined EPC had the opportunity to bring everyone to the table and science was ready to design a fertilizer and management system to protect the water system. Commissioner Beckner was more apt to support something that worked in another area.

Referencing queries from Commissioner Ferlita, Dr. Nell commented on the FDEP ordinance and the proposed restricted period. Commissioner Norman recalled statements that not enough time had passed to show the Sarasota County ordinance was working and wanted science to play a part to get the best ordinance possible. Dr. Nell stated any good turf grass research had to be repeated for two or three seasons. Commissioner Beckner agreed more time might be needed to review impacts and questioned if something was working why deviate and create something totally different.

Mr. Jack Merriam, environmental manager, Sarasota County, distributed/reviewed information relating to Sarasota County BMP, the fertilizer and landscape management code, and a homeowner's guide to low-maintenance landscaping along seawalls, bay fronts, and canals; showed a map of impaired waterways in Sarasota County; discussed fill causing maintenance problems; and highlighted a chart on soil pH. He commented on public education; the process for adopting the Sarasota County ordinance; certification requirements; neighborhood environmental stewardship teams; water quality monitoring performed by the Palmer Ranch Development of Regional Impact; irrigation, leaf, and soil analyses; a summary of experiences; discussions with landscape companies; and variance requests.

Ms. Holly Greening, director, TBEP, stated slow-release fertilizer was discussed and incorporated into the model ordinance by BMP references,

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stakeholder participants were unable to come up with a consensus about the restricted period, and the policy board evaluated options and recommended going with the option of having one restricted period and to emphasize education as a major component. Commissioner Beckner asked the reasoning for making changes and not using what other areas already had in place. Ms. Greening said reclaimed water was not addressed in the Sarasota ordinance, wanted to make the ordinance as clear and simple as possible, and stressed the importance of incorporating information related to nitrogen into education components. Dr. Hochmuth pointed out nitrogen concentrations were low in reclaimed water and were variable around the area.

In response to Chairman Higginbotham, Dr. Garrity said the recommendation was to go forward with workshops. Chairman Higginbotham wanted to ensure the final product was something the community understood and protected waterways. Commissioner Beckner opined continuing with workshops was important with EPC involvement and the BOCC ultimately needed to put forth the ordinance once the recommendations came back. Chairman Higginbotham said a cost impact analysis was needed. Following discussion regarding the process, **Commissioner Norman asked Dr. Garrity to start facilitating continued dialogue to get a proper standard to move forward, seconded by Commissioner Hagan, and carried six to zero.** (Commissioner White had left the meeting.)

Morris Bridge Sink Update - Mr. Gordon Leslie, EPC staff, highlighted a presentation regarding the sinkhole location, experimental pumping to be started by SWFWMD in February 2009 and to last approximately 60 days, water to be piped to the nearby Tampa Bypass Canal, monitoring stations, public meetings to be held prior to initiation, possible future pumping activities, and plans to evaluate the project as a permanent water supply source for the region. Commissioner Norman asked about creating more sinkholes with the drawdown. Mr. Leslie said that was an issue Tampa Bay Water had to address and language would be included in any permit issued. EPC General Counsel Richard Tschantz stated EPC had the ability to arbitrate the permit. Mr. Leslie expected discussions on more reliable drought-proof drinking water supplies.

AIR MANAGEMENT DIVISION

Update on New Ozone Standard - Mr. Reginald Sanford, EPC staff, reported the Environmental Protection Agency recently completed a review of ozone standards and discussed the ozone, strengthened standards, counties that would not meet ozone standards, non-attainment designation, FDEP recommendations regarding

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core-based statistical areas, plans to obtain compliance, timeline for implementation, and implications.

Noting the issues were not time sensitive, Chairman Higginbotham suggested continuing Item VI, EPC vehicle fleet utilization; Item VII.A., report on Egmont Key; and Item VII.B., new EPC website. **Commissioner Norman moved to continue the remainder of the items to the next meeting, seconded by Commissioner Beckner, and carried four to zero.** (Commissioners Ferlita and Sharpe were out of the room; Commissioner White had left the meeting.)

There being no further business, the meeting was adjourned at 11:10 a.m.

READ AND APPROVED: _____

CHAIRMAN OR VICE CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

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**FY 09 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

	JAN	TOTAL
A. Public Outreach/Education Assistance		
1. Phone calls	161	690
2. Literature Distributed	50	50
3. Presentations	2	4
4. Media Contacts	-	15
5. Internet	62	246
6. Host/Sponsor Workshops, Meetings, Special Events	-	1

B. Industrial Air Pollution Permitting

1. Permit Applications received (Counted by Number of Fees Received)		
a. Operating	8	39
b. Construction	2	35
c. Amendments	-	-
d. Transfers/Extensions	3	7
e. General	-	-
f. Title V	-	9
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	8	24
b. Construction ^1	7	47
c. Amendments ^1	-	-
d. Transfers/Extensions ^1	-	5
e. Title V Operating ^2	6	6
f. Permit Determinations ^2	-	2
g. General	-	14
3. Intent to Deny Permit Issued	-	-

C. Administrative Enforcement

1. New cases received	1	3
2. On-going administrative cases		
a. Pending	6	6
b. Active	13	13
c. Legal	5	5
d. Tracking compliance (Administrative)	13	13
e. Inactive/Referred cases	-	-
TOTAL	37	37
3. NOIs issued	3	7
4. Citations issued	-	-
5. Consent Orders Signed	2	3
6. Contributions to the Pollution Recovery Fund	\$ 3,300	\$ 5,928
7. Cases Closed	2	6

**FY 09 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

	<u>JAN</u>	<u>TOTAL</u>
D. Inspections		
1. Industrial Facilities	10	47
2. Air Toxics Facilities		
a. Asbestos Emitters	-	-
b. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	-	1
c. Major Sources	-	6
3. Asbestos Demolition/Renovation Projects	14	57
E. Open Burning Permits Issued	2	4
F. Number of Division of Forestry Permits Monitored	151	857
G. Total Citizen Complaints Received	50	213
H. Total Citizen Complaints Closed	40	203
I. Noise Sources Monitored	3	15
J. Air Program's Input to Development Regional Impacts	4	10
K. Test Reports Reviewed	110	219
L. Compliance		
1. Warning Notices Issued	15	30
2. Warning Notices Resolved	6	17
3. Advisory Letters Issued	8	29
M. AOR's Reviewed	-	42
N. Permits Reviewed for NESHAP Applicability	1	4
O. Planning Documents coordinated for Agency Review	-	4

**FY 09 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

	<u>JAN</u>	<u>FY TO DATE</u>
A. ENFORCEMENT		
1. New cases received	1	1
2. On-going administrative cases	108	108
Pending	2	2
Active	31	31
Legal	11	11
Tracking Compliance (Administrative)	50	50
Inactive/Referred Cases	14	14
3. NOI's issued	-	2
4. Citations issued	-	5
5. Consent Orders and Settlement Letter Signed	2	6
6. Civil Contributions to the Pollution Recover Fund (\$)	\$ 10,300	\$ 20,502
7. Enforcement Costs Collected (\$)	\$ 3,635	\$ 8,783
8. Cases Closed		4
B. SOLID AND HAZARDOUS WASTE		
1. FDEP Permits Received	1	5
2. FDEP Permits Reviewed	1	5
3. EPC Authorization for Facilities NOT Requiring DEP Permit	-	2
4. Other Permits and Reports		
County Permits Received	-	3
County Permits Reviewed	-	3
Reports Received	31	139
Reports Reviewed	33	134
5. Inspections (Total)	499	2,291
Complaints	22	66
Compliance/Reinspections	23	78
Facility Compliance	23	105
Small Quantity Generator	431	2,037
P2 Audits	-	5
6. Enforcement		
Complaints Received	23	68
Complaints Closed	25	64
Warning Notices Issued	1	5
Warning Notices Closed	1	11
Compliance Letters	71	229
Letters of Agreement	-	3
Agency Referrals	2	2
7. Pamphlets, Rules and Material Distributed	182	613

**FY 09 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

**JAN FY TO
 DATE**

C. STORAGE TANK COMPLIANCE

1.	Inspections		
	Compliance	116	317
	Installation	8	52
	Closure	16	52
	Compliance Re-Inspections	10	44
2.	Installation Plans Received	14	42
3.	Installation Plans Reviewed	8	37
4.	Closure Plans & Reports		
	Closure Plans Received	6	25
	Closure Plans Reviewed	6	26
	Closure Reports Received	5	25
	Closure Reports Reviewed	12	39
5.	Enforcement		
	Non-Compliance Letters Issued	83	230
	Warning Notices Issued	3	14
	Warning Notices Closed	-	7
	Cases Referred to Enforcement	-	2
	Complaints Received	-	6
	Complaints Investigated	-	4
	Complaints Referred	-	1
6.	Discharge Reporting Forms Received	1	13
7.	Incident Notification Forms Received	15	60
8.	Cleanup Notification Letters Issued	1	13
9.	Public Assistance	-	-

D. STORAGE TANK CLEANUP

1.	Inspections	36	158
2.	Reports Received	116	534
3.	Reports Reviewed	192	509
	Site Assessment Received	10	56
	Site Assessment Reviewed	16	47
	Source Removal Received	1	15
	Source Removal Reviewed	5	14
	Remedial Action Plans (RAP'S) Received	6	45
	Remedial Action Plans (RAP'S) Reviewed	19	46
	Site Rehabilitation Completion Order/No Further Action Rec'd	6	26
	Site Rehabilitation Completion Order/No Further Action Revw'd	8	29
	Active Remediation/Monitoring Received	42	213
	Active Remediation/Monitoring Reviewed	85	203
	Others Received	51	179
	Others Reviewed	59	171

E. RECORD REVIEWS

13	77
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F. LEGAL PIR'S

5	24
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G. PUBLIC INFORMATION PROJECTS

1	6
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**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

**JAN FY TO
 DATE**

A. ENFORCEMENT

1.	New Enforcement Cases Received	6	20
2.	Enforcement Cases Closed	4	12
3.	Enforcement Cases Outstanding	57	217
4.	Enforcement Documents Issued	9	23
5.	Recovered Costs to the General Fund	\$ 422	\$ 1,608
6.	Contributions to the Pollution Recovery Fund	\$ 8,430	\$ 14,559

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	18	80
	a. Facility Permit	7	12
	(i) Types I and II	-	-
	(ii) Type III	7	12
	b. Collection Systems - General	4	30
	c. Collection systems-Dry Line/Wet Line	7	38
	d. Residuals Disposal	-	-
2.	Permit Applications Approved	20	85
	a. Facility Permit	1	7
	b. Collection Systems - General	4	34
	c. Collection systems-Dry Line/Wet Line	15	44
	d. Residuals Disposal	-	-
3.	Permit Applications Recommended for Disapproval	-	-
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
4.	Permit Applications (Non-Delegated)	-	-
	a. Recommended for Approval	-	-
5.	Permits Withdrawn	-	-
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
6.	Permit Applications Outstanding	32	32
	a. Facility Permit	16	16
	b. Collection Systems - General	8	8
	c. Collection systems-Dry Line/Wet Line	8	8
	d. Residuals Disposal	-	-
7.	Permit Determination	1	6

**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

		<u>JAN</u>	<u>FY TO DATE</u>
8.	Special Project Reviews	1	1
	a. Reuse	-	-
	b. Residuals/AUPs	1	1
	c. Others	-	-
C.	INSPECTIONS - DOMESTIC	96	
1.	Compliance Evaluation	22	60
	a. Inspection (CEI)	6	26
	b. Sampling Inspection (CSI)	16	34
	c. Toxics Sampling Inspection (XSI)	-	-
	d. Performance Audit Inspection (PAI)	-	-
2.	Reconnaissance	46	182
	a. Inspection (RI)	12	32
	b. Sample Inspection (SRI)	-	-
	c. Complaint Inspection (CRI)	33	147
	d. Enforcement Inspection (ERI)	1	3
3.	Engineering Inspections	28	124
	a. Reconnaissance Inspection (RI)	1	2
	b. Sample Reconnaissance Inspection (SRI)	-	-
	c. Residual Site Inspection (RSI)	-	1
	d. Preconstruction Inspection (PCI)	2	23
	e. Post Construction Inspection (XCI)	25	98
	f. On-site Engineering Evaluation	-	-
	g. Enforcement Reconnaissance Inspection (ERI)	-	-
D.	PERMITTING/PROJECT REVIEW - INDUSTRIAL	35	
1.	Permit Applications Received	3	8
	a. Facility Permit	-	5
	(i) Types I and II	-	-
	(ii) Type III with Groundwater Monitoring	-	-
	(iii) Type III w/o Groundwater Monitoring	-	5
	b. General Permit	-	-
	c. Preliminary Design Report	3	3
	(i) Types I and II	-	-
	(ii) Type III with Groundwater Monitoring	-	-
	(iii) Type III w/o Groundwater Monitoring	3	3
2.	Permits Recommended to DEP for Approval	-	-

**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

		<u>JAN</u>	<u>FY TO DATE</u>
3.	Special Project Reviews	1	1
	a. Facility Permit	1	9
	b. General Permit	-	-
4.	Permitting Determination	-	-
5.	Special Project Reviews	31	154
	a. Phosphate	4	16
	b. Industrial Wastewater	12	61
	c. Others	15	77
E. INSPECTIONS - INDUSTRIAL		24	
1.	Compliance Evaluation (Total)	12	37
	a. Inspection (CEI)	12	37
	b. Sampling Inspection (CSI)	-	-
	c. Toxics Sampling Inspection (XSI)	-	-
	d. Performance Audit Inspection (PAI)	-	-
2.	Reconnaissance (Total)	10	45
	a. Inspection (RI)	5	24
	b. Sample Inspection (SRI)	-	-
	c. Complaint Inspection (CRI)	5	21
	d. Enforcement Inspection (ERI)	-	-
3.	Engineering Inspections (Total)	2	21
	a. Compliance Evaluation (CEI)	-	19
	b. Sampling Inspection (CSI)	-	-
	c. Performance Audit Inspection (PAI)	-	-
	d. Complaint Inspection (CRI)	2	2
	e. Enforcement Reconnaissance Inspections (ERI)	-	-
F. INVESTIGATION/COMPLIANCE			
1.	Citizen Complaints	37	162
	a. Domestic	33	132
	(i) Received	17	70
	(ii) Closed	16	62
	b. Industrial	4	30
	(i) Received	2	11
	(ii) Closed	2	19

**FY 09 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

	JAN	FY TO DATE
2. Warning Notices	25	76
a. Domestic	23	65
(i) Received	15	37
(ii) Closed	8	28
b. Industrial	2	11
(i) Received	-	6
(ii) Closed	2	5
3. Non-Compliance Advisory Letters	18	48
4. Environmental Compliance Reviews	140	672
a. Industrial	39	212
b. Domestic	101	460
5. Special Project Reviews	3	6

G. RECORD REVIEWS

1. Permitting Determination	1	19
2. Enforcement	3	3

**H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS
REVIEWED (LAB)**

1. Air division	82	240
2. Waste Division	-	-
3. Water Division	18	74
4. Wetlands Division	-	-
5. ERM Division	151	563
6. Biomonitoring Reports	9	27
7. Outside Agency	29	137

I. SPECIAL PROJECT REVIEWS

	5	32
1. DRIs	1	9
2. ARs	1	5
3. Technical Support	3	14
4. Other	-	4

**FY 09 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

**JAN FY TO
 DATE**

C. Investigation and Compliance

1.	Complaints Received	28	95
2.	Warning Notices Issued	11	28
3.	Warning Notices Closed	2	6
4.	Complaint Inspections	42	177
5.	Return Compliance Inspections	29	99
6.	Mitigation Monitoring Reports	21	100
7.	Mitigation compliance Inspections	26	85
8.	Erosion Control Inspections	10	90
9.	MAIW Compliance Site Inspections	17	53
10.	TPA Compliance Site Inspections	4	9

D. Enforcement

		-	-
1.	Active Cases	24	24
2.	Legal Cases	-	-
3.	Number of "Notice of Intent to Initiate Enforcement"	3	6
4.	Number of Citations Issued	-	-
5.	Number of Consent Orders Signed	4	16
6.	Administrative - Civil cases Closed	6	17
7.	Cases Referred to Legal Department	-	3
8.	Contributions to Pollution Recovery	\$ 1,950	\$ 65,973
9.	Enforcement Costs Collected	\$ 449	\$ 4,608

E. Ombudsman

1.	Agriculture	3	9
2.	Permitting Process	1	1
3.	Rule Assistance	-	-
4.	Staff Assistance	1	5
5.	Miscellaneous/Other	-	-

**FY 09 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

	<u>JAN</u>	<u>FY TO DATE</u>
A. General		
1. Telephone conferences	577	2,291
2. Unscheduled Citizen Assistance	40	190
3. Scheduled Meetings	228	776
4. Correspondence	222	1,172
B. Assessment Reviews		
1. Wetland Delineations	14	73
2. Surveys	11	75
3. Miscellaneous Activities in Wetland	22	98
4. Mangrove	5	29
5. Notice of Exemption	2	13
6. Impact/Mitigation Proposal	14	42
7. Tampa Port Authority Permit Applications	29	130
8. Wastewater Treatment Plants (FDEP)	1	1
9. Development Reg'n'l Impact (DRI) Annual Report	1	7
10. Phosphate Mining	-	6
11. Comp Plan Amendment (CPA)	-	4
12. Mitigation Agreements		2
Sub-Total	99	480
Planning and Growth Management Review		
13. Land Alteration/Landscaping	4	10
14. Land Excavation	-	3
15. Rezoning Reviews	10	70
16. Site Development	12	115
17. Subdivision	22	75
18. Wetland Setback Encroachment	-	14
Sub-Total	48	287
Total Assessment Review Activities	147	767
Other Assessment Activities		
19. On-Site Visits	105	418
20. Easement/Access-Vacating	-	4
21. Pre-Applications	11	118

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
POLLUTION RECOVERY TRUST FUND
AS OF 01/31/09**

	<u>As of 1/31/09</u>
Beginning Fund Balance, 10/01/08	\$ 908,910
Interest Accrued	40,712
Deposits	107,558
Disbursements	(78,262)
Intrafund Budget Transfers to Project Fund	(443,301)
Pollution Recovery Fund Balance	<u>\$ 535,617</u>
Encumbrances:	
Pollution Prevention/Waste Reduction (101)	\$ 3,842
Artificial Reef Program	124,563
PRF Project Outreach	64,024
PRF Project Monitoring	25,498
Total Encumbrances	<u>\$ 217,927</u>
Minimum Balance (Reserves)	\$ 120,000
Balance Available 01/31/09	<u>\$ 197,690</u>

PROJECT FUND

	Project Amount	Project Balance
Open Projects		
FY 06 Projects		
COT Parks Dept/Cypress Point (97)	\$ 100,000	\$ 100,000
Bahia Beach Restoration (contract 04-03)	150,000	64,073
Field Measurement for Wave Energy	125,000	27,884
Port of Tampa Stormwater Improvement	45,000	45,000
	<u>\$ 450,000</u>	<u>\$ 236,957</u>
FY 07 Projects		
Tank Removal	\$ 25,000	\$ 2,870
Agriculture Best Management Practice Impl	150,000	150,000
Lake Thonotosassa Assessment	75,000	75,000
Natures Classroom Cap, PH III	188,000	188,000
Pollution Monitoring Appl Pilot Project	45,150	45,150
Seagrass & Longshore Bar Recovery	75,000	4,581
Seawall Removal Cotanchobee Ft Brooke Park	100,000	100,000
Knights Preserve	35,235	-
Oyster Reef Shore/Stab & Enhance	30,000	10,040
Nitrogen Emission/Deposition Ratios, Air Pollution	40,906	5,867
Erosion Control/Oyster Bar Habitat Creation	75,000	75,000
Remediation of Illegally Dumped Asbestos	4,486	4,486
	<u>\$ 843,777</u>	<u>\$ 660,994</u>
FY 08 Projects		
Australian Pine Removal E.G. Simmons Park	\$ 80,000	\$ 80,000
Restoration of MOSI	125,000	91,111
Invasive Plant Removal Egmont Key	133,000	12,415
Lake Magdalene Special Disposition District	66,954	37,541
Testing Reduction of TMDL in Surface Water Flow	19,694	13,665
Assessing Bacteria Lake Carroll	101,962	101,962
	<u>\$ 526,610</u>	<u>\$ 336,694</u>
FY 09 Projects		
Agriculture Pesticide Collection & Education Day	\$ 24,000	\$ 24,000
Agriscience, Food & Natural Resources Department	2,275	2,275
Great American Cleanup 2009	12,830	12,830
MacDill Phase 2 Seagrass Transplanting	79,196	79,196
McKay Bay Sediment Quality	55,000	55,000
Mini FARMS BMP Implementation	50,000	50,000
Petrol Mart, Inc Tank Removal	75,000	75,000
Site Assessment & Removal of Contaminated Soils	25,000	25,000
Wetland Restoration on County Owned Lands	120,000	120,000
	<u>\$ 443,301</u>	<u>\$ 443,301</u>

**ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF 01/31/09**

Fund Balance as of 10/1/08	\$ 241,177
Interest Accrued	4,350
Disbursements FY 09	-
Fund Balance	\$ 245,527
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	245,527
Total Encumbrances	\$ 245,527
Fund Balance Available 01/31/09	\$ -



EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 19, 2009

Subject: Legal Case Summary for February 2009

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

Division: Legal Department

Recommendation: None, informational update.

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

Financial Impact: No financial impact anticipated; informational update only.

Background: In an effort to provide the Commission a timely list of 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 civil and administrative cases where one party has initiated some form of civil or administrative litigation, as opposed to other Legal Department cases that have not risen to that level. There is also a listing of cases where parties have asked for additional time in order to allow them to decide whether they wish to file an administrative challenge to an agency action while we concurrently are attempting to negotiate a settlement.

List of Attachments: February 2009 EPC Legal Case Summary

EPC LEGAL DEPARTMENT MONTHLY REPORT
February 2009

A. ADMINISTRATIVE CASES

NEW ADMINISTRATIVE CASES [0]

EXISTING ADMINISTRATIVE CASES [4]

Florida Gas Transmission Co., LLC [LEPC08-029]: On October 31, 2008 Florida Gas Transmission Company, LLC filed an application for an order granting a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline and compression facilities and to acquire pipeline facilities. On November 13, 2008 the EPC Board granted the Legal Dept. authority to intervene in the FERC certification process to protect the interests of Hillsborough County's environment. The EPC filed its motion to intervene on November 26, 2008. (RT/RM).

Martini Island Land Co. [LEPC07-023]: On August 29, 2007, the Appellant filed a request for an extension of time to file an appeal to challenge a Citation to Cease and Order to Correct that was issued by the Water Mgmt Division. The request was granted and the Appellant had until September 21, 2007 to file an appeal. On Sept. 21, 2007 the Appellant did file an Appeal challenging the Citation to Cease and Order to Correct. The parties are negotiating. (RM)

Conrad Yelvington Distributors, Inc. v. EPC [LEPC08-004]: On February 7, 2008, Conrad Yelvington Distributors, Inc. filed a formal petition challenging a draft Air Operating Permit Renewal (No. 7770473-008-AO). The parties have met to discuss the matter and the case was put in an informal abeyance in an effort to resolve matters. A draft permit has been negotiated and the EPC awaits the permittee's withdrawal of its petition before the permit will issue. (RM)

Michael and Jemimah Ruhala v. DEP and EPC [LEPC08-012]: On May 16, 2008, the Ruhalas filed Chp. 120 petitions against two wastewater treatment permits the DEP Parks Department requested and received modifications on for an expanded effluent sprayfield system at the Hillsborough River State Park. The parties conducted settlement negotiations twice in June and the DEP is investigating reasonable modifications. The parties placed the case in a brief abeyance in an effort to seek settlement. (RM)

RECENTLY RESOLVED ADMINISTRATIVE CASES [0]

B. CIVIL CASES

NEW CIVIL CASES [0]

EXISTING CIVIL CASES [17]

Michael Robilotta [LEPC08-032]: On December 18, 2008 the EPC Board granted authority to take legal action against Respondent Michael Robilotta, owner and operator of the Old Estates Mobile Home Park, for violations of the EPC Act and EPC Rules Chapter 1-1, General Rules and Chapter 1-5, Water Pollution. Respondent failed to respond to the Citation issued on September 15, 2008 and also failed to respond to the Consent Order offered on November 3, 2008. The Citation became final and is enforceable in Circuit Court. The EPC is preparing to file a lawsuit in this matter. The facility also has asbestos violations that will be added to the complaint. (RM)

Fuego Churrascaria Steakhouse Corp. [LEPC08-027]: On November 13, 2008, the EPC Board granted authority to take legal action against Respondent Fuego Churrascaria Steakhouse Corp. for violations of the Noise Rule, Chapter 1-10. On March 18, 2008 staff hand delivered a Citation to Cease and Order to Correct Violation. Respondent failed to respond and the Citation became final and is enforceable in Circuit Court. The EPC is preparing to file a lawsuit in this matter. (RM)

Realty Group, LLC., SRJ Enterprises, LLC and Surinder Joshi [LEPC08-028]: On November 13, 2008, the EPC Board granted authority to take legal action against the Defendants for unresolved violations of several EPC Rules including the Waste Management Rule, Chapter 1-7, the Storage Tank Rule, Chapter 1-12, and the Water Quality Rule, Chapter 1-5 at the 301 Truck Stop. The EPC is preparing to file a lawsuit in this matter. (AZ)

Grace E. Poole and Michael Rissell [LEPC08-015]: Authority to take appropriate legal action against Grace E. Poole and Michael Rissell for failure to properly assess petroleum contamination in accordance with EPC and State regulations was granted on June 19, 2008. The property owner and/or other responsible party are required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (AZ)

Letty Cueva and Patricia Vaca (Causeway Station) [LEPC08-005]: Authority to take appropriate legal action against Letty Cueva and Patricia Vaca for failure to comply with the terms of the Consent Order entered on December 21, 2004 was granted on March 20, 2008. The Consent Order required the Defendants to submit and complete a Post Active Remediation Monitoring Plan (PARMP) or to submit and complete a Remedial Action Plan (RAP) and submit a \$500.00 penalty to the EPC. The EPC is attempting to re-negotiate a settlement to resolve the matter. (AZ)

Ecoventure New Port I, LLC [LEPC08-006]: Authority to take appropriate legal action against Ecoventure New Port I, LLC for failure to assess petroleum contamination in accordance with EPC and State regulations was granted on March 20, 2008. The property owner is required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (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. A Notice of Violation has issued and was received in early 2007. A Final Order was issued on June 1, 2007, and it was not appealed. The EPC filed a lawsuit to compel compliance on October 9th and subsequently filed an amended complaint on February 12, 2008. The Defendant did not timely respond to the amended complaint and the Legal Dept. filed a Motion for Default which was entered by the Court on March 17, 2008. (RM)

U-Haul Company of Florida [LEPC04-016]: Authority to take appropriate action against U-Haul Company of Florida for failure to conduct a landfill gas investigation and remediation plan was granted September 18, 2003. The EPC Legal Department filed a lawsuit on September 3, 2004 and the case is progressing through discovery. The parties attended a court ordered mediation on May 15, 2007. The parties are in settlement discussions concerning the preparation and implementation of a Remedial Action Plan to address the landfill gas danger at the facility. (AZ)

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)

Bayside Home Builders, Inc [LEPC07-008]: Authority to take appropriate action against the parties was granted by the Commission on February 15, 2007, for failure to comply with a Consent Order payment schedule for asbestos violations. The EPC filed a lawsuit to compel compliance on October 9th and subsequently filed an amended complaint on February 12, 2008. The Defendant has not timely responded to the amended complaint, thus the Legal Dept. filed a Motion for Default which was entered by the Court on March 17, 2008. (RM)

Kenneth Fisher v. EPC and Ahmed Lakhani [LEPC07-014]: Kenneth Fisher filed a civil lawsuit seeking to foreclose on a property that the EPC has a judgment lien. The Legal Department filed its answer on June 8, 2007 responding to the lawsuit by stating its lien is superior to the Plaintiffs. (AZ)

Petrol Mart, Inc. [LEPC07-018]: Authority to take appropriate action against Petrol Mart, Inc. to seek corrective action, appropriate penalties and recover administrative costs for improperly abandoned underground storage tanks and failure to address petroleum contamination was granted on June 21, 2007. The owner of the property is insolvent and the corporation inactive; however, the Waste Management Division intends on obtaining a judgment and lien on the property for the appropriate corrective actions. The Legal Department filed a civil lawsuit on September 26, 2007. The defendant was served with the lawsuit on October 12, 2007. The Court entered a default on November 9, 2007 for the Defendant's failure to respond. The EPC Legal Department set this matter for trial on March 26, 2008. The Court ruled in favor of EPC and entered a Default Judgment against the Defendant awarding all corrective actions, penalties of \$116,000 and costs of \$1,780. In the event the corrective actions are not completed the court also authorized the EPC to contract to have the site cleaned and to add those costs to the lien on the property. (AZ)

Medallion Convenience Stores, Inc. and MDC6, LLC [LEPC07-034]: The Commission granted authority to take

appropriate action against Medallion Convenience Stores, Inc. and MDC6, LLC on December 13, 2007 for failure to comply with a consent order. The consent order required the facility to submit a Discharge Report Form for petroleum discharge and submit proof of an N.P.D.E.S. permit for de-watering activities at the site. The EPC is attempting to negotiate a settlement in this matter. (AZ)

Chase Home Finance, LLC [LEPC08-001]: Chase Home Finance LLC filed a civil lawsuit seeking to foreclose on a property that the EPC has a judgment lien. The Legal Department filed its answer on January 24, 2008 responding to the lawsuit. (AZ)

Tranzparts, Inc. and Scott Yaslow [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 various corrective actions and a Preliminary Contamination Assessment Plan be conducted on the property for discharges of oil/transmission fluid to the environment. The EPC entered a judicial settlement (consent final judgment [CFJ]) with Tranzparts and Yaslow only on February 16, 2007. The Defendants have only partially complied with the CFJ, thus the case has been re-opened in the Circuit Court in order to enforce the CFJ and hold the Defendants in contempt. A hearing was held on April 28, 2008, wherein the judge awarded the EPC additional penalties. The Legal Dept. filed a proposed Supplemental Judgment with the Court. The Court entered the Order on May 15, 2008, and the Defendants have yet to pay any supplemental costs or penalties. (RM)

D.J.P. Investments, Inc. [LEPC08-011]: On May 15, 2008 the EPC Board granted authority to take appropriate legal action against Defendant D.J.P. Investments, Inc. for failure to initiate and complete site rehabilitation activities in accordance with EPC and State regulations for petroleum contamination at the facility owned and operated by the Defendant. The EPC is attempting to obtain appropriate corrective actions. (AZ)

Pedro Olivera [LEPC08-021]: Authority to take appropriate legal action against Pedro Olivera for unauthorized wetland and mangrove impacts was granted on July 17, 2008 at the EPC Board meeting. Subsequently, the parties entered into a consent order which provided for corrective actions as well as payment of appropriate penalties and recovery of staff costs. The Defendant failed to comply with several of the provisions outlined in the Order and on January 16, 2009 the EPC Legal Dept. filed a Complaint against the Defendant in Circuit Court. The parties are in negotiations to settle the case. (AZ)

RECENTLY RESOLVED CIVIL CASES [1]

Rusty's Pallet Services, Inc. [LEPC07-019]: On June 21, 2007 authority was granted to take appropriate action against Rusty's Pallet Services, Inc. to compel compliance with the Rules of the EPC regarding an ongoing dust nuisance caused by the business activities and to seek appropriate penalties and administrative costs. The facility shut-down, but penalties were still due under the Consent Order. In March of 2008 an amendment to the Consent Order was executed and the legal matter was presumed resolved, but the facility has not complied with the new payment plan in the Consent Order, thus the legal case is re-activated as of September 10, 2008. The company was dissolved in September 2008 and no longer exists. The case is being closed for failure to have a responsible party. (AZ)

C. OTHER OPEN CASES [11]

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

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

Anthony Barretto and Mini Barreto [LEPC08-009]: On March 13, 2008 the Appellants filed a request for an extension of time to file a Notice of Appeal to challenge a Citation of Violation and Order to Correct issued on March 5, 2008 regarding a petroleum cleanup matter. The Legal Dept. granted the request and the Appellants have until July 25, 2008 to file a Notice of Appeal in this matter. (AZ)

Melnico Corporation [LEPC08-010]: On March 13, 2008 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a Citation of Violation and Order to Correct issued on March 5, 2008 regarding a petroleum cleanup matter. The Legal Dept. granted the request and the Appellants have until July 25, 2008 to file a Notice of Appeal in this matter. (AZ)

Kelly L. Wishau [LEPC08-013]: On May 22, 2008 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a Citation to Cease and Order to Correct Violation issued on April 25, 2008 regarding unauthorized wetland impacts. The extension was granted and the Appellant had until July 3, 2008 to file an Appeal. A second request for extension of time was filed and granted. The Appellant had until August 4, 2008 to file an appeal in this matter. On August 2, 2008, the Appellant filed a third request for extension of time which was granted. The Appellant has until November 3, 2008 to file a petition in this matter. On November 3, 2008 the Appellant submitted a fourth request for extension of time. The extension request was granted and the Appellant has until December 22, 2008 to file an Appeal. The Defendant failed to challenge the Citation and it became a Final Order on December 22, 2008. (AZ)

Tandum Holdings Corp. [LEPC08-020]: On July 29, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a Notice of Violation (NOV) issued on July 3, 2008 for unauthorized discharge of domestic and industrial wastewater to the ground and failure to comply with monitoring requirements. The Legal Dept. granted the request and the Petitioner has until September 29, 2008 to file a petition in this matter. The Petitioner failed to file a timely petition to challenge the NOV, thus the EPC issued a Final Order on December 5, 2008. The parties are still seeking settlement options. (RM)

Corv Packaging, Inc d/b/a Master Packaging [LEPC08-024]: On October 15, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operation Permit issued to them by the EPC on October 6, 2008. The Legal Department granted the request for extension of time and the Petitioner has until December 22, 2008, to file a petition in this matter. On October 29, 2008, the Petition asked that the extension be extended until February 28, 2009, due to the need for testing of the facility. The Legal Department determined that good cause was demonstrated and granted the extension until February 28, 2008 (RM)

Lazzara Yachts of North America, Inc. [LEPC08-025]: On November 3, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Construction Permit issued to them on October 22, 2008. The Legal Department granted the request for extension of time and the Petitioner was granted until December 22, 2008 to file a petition in this matter. This deadline was extended until January 30, 2009. The Petitioner requested a third extension of time which was granted and the deadline extended to March 16, 2009. (RM)

Lazzara Yachts of North America, Inc. [LEPC08-026]: On November 3, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operating Permit issued to them on October 22, 2008. The Legal Department granted the request for extension of time and the Petitioner was granted until December 22, 2008 to file a petition in this matter. This deadline was extended until January 30, 2009. The Petitioner requested a third extension of time which was granted and the deadline extended to March 16, 2009. (RM)

General Chemical LLC [LEPC08-030]: On December 4, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operating Permit renewal issued on December 1, 2008. The Legal Department granted the request and the Petitioner has until February 11, 2009 to file a petition in this matter. (RM)

Building Materials Corporation of America [LEPC08-031]: On December 12, 2008 the Petitioner (d/b/a GAF Materials) filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operating Permit. The Legal Department granted the request and the Petitioner has until February 17, 2009 to file a petition in this matter. (RM)

CSX Transportation, Inc. [LEPC08-033]: On December 23, 2008 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a Notice of Permit Issuance for a renewed Federally Enforceable State Operating Permit. The Legal Department granted the request and the Petitioner has until March 6, 2009 to file a petition in this matter. (RM)

TRANSFLO Terminal Services, Inc. [LEPC09-001]: On January 22, 2009 the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a draft Air Operating Permit. The Legal Department granted the request and the Petitioner has until March 30, 2009 to file a petition in this matter. (RM)

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 19, 2009

Subject: IPA Action Plan – First Quarterly Report

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

Division: Wetlands Management Division

Recommendation: Board approval

Brief Summary: The Wetlands Management Division is presenting updates for the first quarter of fiscal year 2009 for the Action Plan generated from the Internal Performance Auditor's January 2007 Report.

Financial Impact: No Financial Impact

Background:

Pursuant to the EPC Board's approval of the Wetlands Hybrid Plan in 2008, an Internal Process Audit was conducted by Mr. Ken Gentile, Senior Internal Performance Auditor for Hillsborough County. The intent of the audit was to improve and streamline the regulatory permitting process; specifically as to how the EPC Wetlands Division reviews permits through its participation with Planning Growth Management in the land development permit process.

An Action Plan for implementation of the audit recommendations was developed to address inefficiencies identified during the audit process. The Action Plan provides an in-house tracking system for progress and status updates on assignments and deadline dates and provides an avenue for feedback from the auditor and the EPC Board. The Action Plan includes Peer Review in both external (inter-agency) and internal (intra-agency) categories.

External Peer Reviews included multiple workshops with the newly formed Technical Advisory Group which included representatives from the regulated industry, the public and other environmental groups. Additional peer review was involved in the on-going process of seeking formal delegation from other regulatory agencies such as Florida Department of Environmental Protection, the Tampa Port Authority, and the Southwest Florida Water Management District. A series of workshops has been on-going with staff of the Hillsborough County Planning Commission to better facilitate communication on environmental reviews as outlined in the Comprehensive Plan and as required by the EPC Wetlands Rule.

Internal Peer Reviews include quality control checklists, increased specialized staff training exercises and completion of a technical manual known as the Applicant's Handbook.

The vast majority of the recommendations as outlined in the Action Plan have been implemented and are on-going.

Recommendation: Board approval

List of Attachments:

IPA Action Plan – FY 09 Q1 Report

Action Plan - Implementation of IPA Recommendations						
Part I OPPORTUNITIES FOR STREAMLINING IDENTIFIED BY WORKGROUP						
Item	Description	Status	Target Date	Date Completed	Prerequisites / Dependencies	Comments
I Automation of processes						
A.	Electronic verification of fees collected by PGMD	Complete	N/A	Mar, 2008	Obtain login to Permits Plus via County portal system	More efficient verification of payment for EPC review fees collected by PGMD
B.	Coordination with PGM re: PGM STORE (Optix)					EPC and PGM staff met March 2008 to discuss goals and procedures. Coordination is ongoing via meetings, phone calls, and correspondence (Examples attached)
1	Evaluate efficiencies gained by electronic review					Evaluation methods have been established; revisions may be made to improve efficiency and effectiveness
a	Meet with PGMD staff to determine initial needs	Complete	N/A	Mar, 2008		Division staff met with County ITS and PGMD staff March 2008
b	Conduct training	In Progress	Q1 FY 09		Optix account logins received October 13, 2008	Training has been initiated and is ongoing.
c	Determine optimal implementation level for participation in electronic review process	In Progress	Q3 FY 11		completion of setup and training (County ITS, PGMD); completion of testing phases 1-4 as described in item 2.	See phases listed in item 2; At the end of each successive phase, assess effect of electronic review on efficiency, identify possible mechanisms for increase of efficiency and any resources needed, recommend course of action based on these factors.
d	Identify method for tracking costs associated with printing	Complete	Q1 FY 09	Dec, 2008		Assess costs associated with printing plan sheets received electronically
e	Identify method to track efficiency of electronic review	Complete	Q1 FY 09	Dec, 2008		Develop method to compare efficiency of staff time via electronic review vs. review of hard copy
2 Implementation / Testing						
a	Phase 1 Testing - Commenting/tracking status in Optix	Complete	N/A	Dec, 2007		PGM initiated workflow notification testing in Sep, 2008; EPC evaluation of workflow setup is in progress
i	comment submittal via email	In Progress	Q2 FY 09		Optix account setup (County ITS) and training	Hard copy of comments scanned and sent via attachment
ii	upload of comments by EPC staff	In Progress	Q2 FY 09			Testing of comment upload and project status update began November 2008 and is ongoing.
i	update project status in Optix	In Progress	Q2 FY 09		Optix account setup and training	Testing of comment upload and project status update began November 2008 and is ongoing.
	Phase 1 Post-Assessment	Pending	Q2 FY 09		Completion of above items	
b	Phase 2 Testing -partial electronic review	Pending	Q3 FY 09 - Q4 FY 09		Completion of Phase 1; possible need for additional resources	Initiation dependent on outcome of PGM staff testing of process. Testing minimum of 6 months
	Phase 2 Post-Assessment	Pending	Q1 FY 10		Completion of Phase 2 testing	
c	Phase 3 Testing - Full Electronic review - simple projects	Pending	Q2 FY 10 - Q3 FY 10		Dependent on Phase 2 Recommended Course of Action	Initiation dependent on outcome of PGM staff testing of process. Testing minimum of 6-months
	Phase 3 Post-Assessment	Pending	Q4 FY 10		Completion of Phase 3 testing	
d	Phase 4 Testing - Full Electronic review of complex projects	Pending	Q1 FY 11 - Q2 FY 11		Dependent on Phase 3 Recommended Course of Action	This phase will be implemented only if recommended at the end of Phase 3.
	Phase 4 Post-Assessment	Pending	Q3 FY 11		Completion of Phase 4 testing	

Complete - Task completed
 Ongoing - Initiation of open-ended task (ex. training, data collection)
 In Progress - Task initiated, but not yet complete
 Pending - Not yet initiated, additional resources needed, or waiting on action by outside party

Item	Description	Status	Target Date	Date Completed	Prerequisites / Dependencies	Comments
C	Internal Document Management Submittal of Applications to EPC via website	In Progress	Q3 FY 09			Assess possible efficiencies from archiving projects for easy retrieval
	Submittal of applications not requiring fees/authorizations	Complete	N/A	Sep, 2007		Application for Nuisance Vegetation Removal and Notice of Exempt Activities in Wetlands were made available on EPC's website in September, 2007
	Identify steps needed to accept online submittal of applications for which fees and/or authorizations are required	Pending	Q3 FY 09		Establishment of procedure to receive fees; identification and satisfaction of any legal issues	EPC staff to schedule meeting with financial institution Q2 FY 09
Item	Description	Status	Target Date	Date Completed	Prerequisites / Dependencies	Comments
II	Eliminating preliminary reviews for projects where no wetlands are found					
	Schedule meeting with PGMD	Complete	Q2 FY 09	Jan, 2009	determination of method for documentation	Met with PGM staff and produced memo eliminating need for EPC review of Preliminary Plans & Plans where "No Wetlands" determination has been issued by EPC staff. See attached memo and conversation record.
III	Improvement of communication					
A	Attendance at DRC	Ongoing	N/A	Jul, 2007		EPC staff are attending and offering comments at the weekly meeting. Feedback from PGM staff indicate the attendance is important and productive for the process.
B	Quarterly Meetings with Natural Resources	Ongoing	N/A	Apr, 2008		EPC manager met with PGM NR and stakeholders Dec 2008 to present newly developed Seaback Encroachment Compensation Guidelines. Stakeholders are currently providing comments to the draft. See attached information regarding other accomplishments.
IV	Explore feasibility of consolidating certain activities and improving coordination					
	Schedule meeting with PGMD staff	Pending	Q2 FY 09			Coordination of efforts with respect to complaint investigation, etc.
V	Informational sheet for Pre-submittal conferences					
	Create information sheet	Complete	Q1 FY 09	Dec, 2008		Information sheet created and forwarded to PGM for review. As of January 2009 the information sheet has been distributed at the pre-submittal conference. EPC is no longer commenting on specific pre-submittal projects. Staff time savings of 6 hours per week.

Complete - Task completed
 Ongoing - Initiation of open-ended task (ex. training, data collection)
 In Progress - Task initiated, but not yet complete
 Pending - Not yet initiated, additional resources needed, or waiting on action by outside party

Part II IMPROVEMENTS RECOMMENDED BY IPA STAFF						
Item	Description	Status	Target Date	Date Completed	Prerequisites / Dependencies	Comments
I. Performance Measures						
A. Assessment Report						
1	Wetland Surveys	Ongoing	N/A	Apr. 2008		See attached monthly Backup Agenda reports.
2	Impact/Mitigation Applications	Ongoing	N/A	Apr. 2008		See attached monthly Backup Agenda reports.
3	Exemptions (Chapter 1-11.11)	Ongoing	N/A	Apr. 2008		See attached monthly Backup Agenda reports.
4	Agricultural Exemptions (Chapter 1-11.12)	Ongoing	N/A	Apr. 2008		See attached monthly Backup Agenda reports.
5	PGMD project reviews	Ongoing	N/A	Apr. 2008		See attached monthly Backup Agenda reports.
B. Enforcement/Compliance Report						
1	Acreege of unauthorized impacts, restored wetlands, wetland mitigation	Ongoing	N/A	Apr. 2008		See attached monthly Backup Agenda reports.
2	Wetland Mitigation Compliance	Ongoing	N/A	Apr. 2008		See attached monthly Backup Agenda reports.
3	Compliance with construction plan approvals	Ongoing	N/A	Apr. 2008		See attached monthly Backup Agenda reports.
II. Quality Assurance Program Enhancements						
A. Training						
1	Produce outline to document initial training	Completed	Q1 FY 09			Training has always been SOP. See attached initial training documentation sheet.
2	Formalize internal training procedures	In Progress	Q1 FY 09			Including training for delegated programs such as mangrove trimming and preservation. See attached documentation.
3	Document external training activity	In Progress	Q2 FY 09			Wetland delineation, hydric soils, plant identification, etc. See attached documentation.
	Staff training at Tampa Port Authority	In Progress	Q3 FY 09			As part of EPC & TPA Interlocal Agreement, one staff member trained Jan - Jun 2008, second staff member June 2008 - December 2008; third December 2008-February 2009; fourth started February 2009.

Complete - Task completed
 Ongoing - Initiation of open-ended task (ex. training, data collection)
 In Progress - Task initiated, but not yet complete
 Pending - Not yet initiated, additional resources needed, or waiting on action by outside party

Item	Description	Status	Target Date	Date Completed	Prerequisites / Dependencies	Comments
B.	Quality Control					
1	Supervisory Assessment	Ongoing	N/A	Oct, 2008		Random review of assigned work on a monthly basis to ensure conformance with standards; documentation to be added to personnel files. Supervisors edit every outgoing correspondence and discuss issues with staff.
2	Documentation of Internal peer review	In Progress	Q1 FY 09			Records will be retained for determination and tracking of quality control. See attached checklist examples.
3	External peer review	Completed	N/A	Sep, 2008		Technical Advisory Group recommendations were incorporated into an action plan. Members will be invited to participate in workshops as described in Item III.E.
4	Establishment of delineation training sites	In Progress	Q2 FY 09		coordination with ELAPP	First site established Sep 2008.
C	Interagency Coordination					
1	SWFWMD Monthly Supervisory Meeting	Ongoing	N/A	Jan-08		Meetings focus on specific projects to better coordinate reviews resulting in a more efficient process for agencies and applicants. See attached for accomplishments in meetings.
2	ERP Advisory Group	Ongoing	N/A	Jan, 00		Multagency quarterly meeting; DEP oversight on ERP statutory requirements. EPC staff to continue participation
3	State Stormwater Rule Meetings	Ongoing	N/A	Mar, 2008		
	Participation in County Transportation Task Force (TTF)	Complete	N/A	Sep, 2008		Monthly meetings with SWFWMD and County representatives to streamline review process and reduce costs. See attached accomplishments at TTF.
III	Identify ways to reduce resubmittals					
A.	Pre-application conferences	In Progress	N/A	Aug, 2007		Staff member dedicated August, 2007
B.	Basis of Review	Complete	N/A	Jul, 2008		Adopted by EPC July 2008; Clarifies criteria used for application review and recommendation of approval
C.	Applicants' Handbook	Complete	N/A	Jul, 2008		Provides clarification of EPC's guidelines and requirements for review of applications
D.	Sufficiency Checklist for PGM project review	Complete	N/A	Apr, 2008		Itemizes documents, etc. needed for EPC staff to complete review of applications through PGMD.
E.	Set schedule for annual workshops	Pending	Q2 FY 09			Open, informal workshop with public to discuss rules, operating procedures, and gain feedback.

Complete - Task completed
 Ongoing - Initiation of open-ended task (ex. training, data collection)
 In Progress - Task initiated, but not yet complete
 Pending - Not yet initiated, additional resources needed, or waiting on action by outside party

IPA Action Plan Part I: Summary of Progress as of January 2009

Coordination with PGM staff regarding use of Hillsborough County PGM Document STORE (Storage & Technology Online Research Environment), which uses Optix, a document management system:

Setup and Training:

Optix accounts have been set up for assessment staff (October 2008)

Training has been initiated and is ongoing. Basic training regarding search and viewing features has been completed; with further training initiated January 2009 for comment upload and update of project status.

Methods for tracking costs associated with printing and efficiency of electronic review have been identified. Revisions to the methods will be made as appropriate; for example, to incorporate a new tracking system for printing that is anticipated to come online early 2009.

Software upgrades are underway that will enable staff to eliminate some scanning of hard-copy documents.

Commenting and Tracking Status in Optix:

Electronic submittal of comments via email to PGM staff initiated December 2007.

Wetlands Division staff began testing for direct upload of comments in November 2008. Test group is continuing to upload comments and identify areas where further direction is needed.

Training and testing to update project review status in Optix was initiated in November 2008. Training documents have been created and disseminated to review staff in preparation for them to upload comments upon completion of project review.

Phase II - Testing Phase - Electronic review of less complex projects

Staff are becoming familiar with navigation of the Optix system for viewing projects in Optix, and have reviewed plans via Optix on a case-by-case basis. Coordination with Zoning staff is underway to begin electronic review.

Workflow notification has been set up; testing is being done to evaluate efficiency and to identify any areas for improvement.

It is anticipated that the Phase II testing will be sufficiently complete at the end of its scheduled time to enable staff to identify problems, make recommendations on needs such as further training, and to make recommendation on transition to Phase III.

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



Roger P. Stewart Center
3629 Queen Palm Dr. • Tampa, FL 33619
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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

To: Frank G. Breaux, Executive Planner PGMD Transportation and Land
Development Division

Through: Bob Stetler, EPC Wetlands Management Division Director *RS*

From: Mike Thompson, Assessment Section Manager *MT*

Date: January 20, 2009

Re: EPC Review of Preliminary Plans & Plats

As part of our Hybrid Plan, the EPC Wetlands Management Division is continuing efforts to streamline the development review process. The EPC will no longer review Preliminary Site Plans & Preliminary Plats when a valid EPC issued "No Wetlands" determination, for the entire project area, is provided to PGM staff with the application. "No Wetlands" determinations are issued in writing by EPC staff and clearly indicate the associated folio number(s) and the expiration date of the determination. "No Wetlands" determinations are typically valid for a period of five years from the initial date of issuance. They may be issued prior to the Preliminary Plan or Preliminary Plat review during any previous EPC review, such as a Rezoning review, or through an EPC Wetland Delineation Request (see attached examples).

PGM Site Intake staff will review the EPC "No Wetlands" determination documentation and determine if the application qualifies for a waiver of the EPC review and fee. The PGM determination will be based on the corresponding folio number(s) and expiration date of the "No Wetlands" determination. As we discussed on January 8, 2009, the Preliminary Site Plan & Preliminary Plat Sufficiency Checklists will be modified by your staff to include a line item that will waive the EPC review and fee if documentation of a valid "No Wetlands" determination is provided along with the application. Any specific questions concerning the validity of a "No Wetlands" determination should be directed to EPC staff for verification.

Please note that EPC staff will continue to review construction plans for these projects to prevent adverse impacts to the aquifer, off-site wetlands and their setbacks that may extend on-site.



Thompson, Mike

From: Breaux, Frank
Sent: Friday, February 06, 2009 9:18 AM
To: Thompson, Mike
Cc: Budke, Donna
Subject: Memo to Industry - Wetlands Review

Mike,

Donna will be distributing electronically to the industry as a follow up to the distribution of your memo at the last process improvement meeting.

Frank G. Breaux, AICP
Executive Planner
Planning & Growth Management Department
Transportation and Land Development Division Hillsborough County
601 E. Kennedy Blvd. 19th Floor
Tampa, Fl. 33601-1110
813-274-6731

breauxf@hillsboroughcounty.org

PGM & EPC Communication and Coordination

Wetland Setback Encroachment Compensation Guidelines

- Initial meeting April 2008 identified need for standardization of compensation requirements.
- First draft submitted to PGM May 2008.
- Final draft circulated to stakeholders(developers, consultants) December 2008
- Gathering comments and finalize document for use February 2009

Standardization of Soil Boring Requirements for Land Alteration Permits

- Issue of differing requirements between agencies for soil boring data associated with pond excavation application was identified by applicant October 2008.
- EPC initiated meeting with PGM Natural Resources & Stormwater November 2008
- Agencies agreed that excavation greater than 7' below land surface will require soil borings data for Land Alteration Permits.

Presentation of EPC Hybrid Plan results to regulated community at the PGM Development Information Forum October 2008

- Annual forum sponsored by PGM to update development community on recent and upcoming changes to the development review process.
- Presentation focused on customer service upgrades and regulation changes.
- Presentation resulted in inquiries about and expanded use of the Wetlands Division Applicants Handbook by the development community.

Attendance at the weekly Development Review Committee

- 7 EPC staff members rotate attendance at the weekly meeting.
- PGM feedback to EPC manager indicates EPC attendance and input is valuable.



ENVIRONMENTAL PROTECTION COMMISSION (EPC) WETLANDS MANAGEMENT DIVISION INFORMATION FOR PRESUBMITTAL

The primary responsibility of the Assessment and Review Section of the EPC's Wetlands Management Division is to review proposed land development plans in order to eliminate or reduce direct, secondary or cumulative wetland impacts. In addition, EPC staff reviews any proposal to encroach into the wetland setbacks per the Hillsborough County Land Development Code (LDC).

EPC staff can review aerial photographs and soil survey data to determine if wetlands likely exist within a parcel, however, a site inspection is required in order to make a formal wetland determination. If wetlands exist within a parcel proposed for development, it is recommended that the limits of the wetlands be formally determined by EPC or Southwest Florida Water Management District (SWFWMD) staff and the wetland determination be conducted as early as possible in the planning process. Once the wetland limits have been delineated, wetland surveys must be submitted to the EPC for review and formal approval. Per the LDC the approved wetland line must then be incorporated into the development of a site plan. The size, location, and configuration of wetlands and wetland setbacks may affect the ability to develop a parcel of land.

Certain activities in wetlands and other surface waters in Hillsborough County are exempt from the application of Chapter 1-11, Rules of the Environmental Protection Commission, Wetlands. These activities include maintenance within roadway drainage ditches, and development within permitted stormwater ponds, upland cut drainage ditches or upland-cut ponds less than 1 acre in size. Certain exempt activities require prior notification. These specific exemptions and conditions and limitations are listed within Chapter 1-11.11 of the Wetland Rule.

Proposals to impact non-exempt wetlands require the submittal of a separate proposal to the EPC Wetlands Management Division. Chapter 1-11 prohibits wetland impacts unless they are necessary for reasonable use of the property. EPC staff recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible. Submittal of a wetland impact proposal provides no reliance that the wetlands may be developed as proposed. EPC staff cannot approve plans at the construction phase if unapproved wetland impacts are depicted. Therefore, it is strongly recommended that EPC authorization to impact wetlands be obtained prior to submittal of construction plans.

Information concerning EPC Wetlands Management Division programs, an Applicant's Handbook and Basis of Review can be found at www.epchc.org. Applicants can also call the Wetlands Management Division at (813) 627-2600 to obtain information about a particular parcel, to schedule a file review, or to schedule a pre-application meeting about a proposed project.

Thompson, Mike

From: Thompson, Mike
Sent: Wednesday, January 07, 2009 9:18 AM
To: Cooley, Chris; Howard, Mark; Julien, Jackelyn; Lafountain, Tom; Lockwood, Glenn; Penn, Joel; Tapley, Kimberly
Cc: Sinko, Debbie; Stetler, Bob
Subject: FW: Pre-Submittal Information Sheet
Attachments: EPC PRE-APP INFO Final 10809.doc

We are officially out of site specific comments for the pre-submittal conference. Our comments on each project will be handled by the attached information sheet. Thanks to all who contributed to the info sheet. It was well received.

Tomorrow afternoon Chris and I will be meeting with them regarding eliminating our review of preliminary plans when the applicant presents a valid EPC No Wetlands Determination. Think about scenarios, pros, cons and be prepared to discuss in staff meeting tomorrow morning.

Also Jackie will do a short training with a handout on using the computer and monitor for project reviews in the conference room. We will also look at the new website as a group and provide feedback to Jackie. If you haven't looked at the new website, please preview before the meeting and bring comments.

Thanks

Michael S. Thompson
Assessment Section Manager
Wetlands Management Division
Environmental Protection Commission
of Hillsborough County

From: Thompson, Mike
Sent: Wednesday, January 07, 2009 8:34 AM
To: Breaux, Frank
Subject: Pre-Submittal Information Sheet

Frank,

Attached is the final version of the Presubmittal Information Sheet for distribution at the meetings. As we discussed yesterday, we will no longer need the presub info. If an applicant has any questions regarding wetland issues have them contact us to discuss or schedule a meeting at our office.

I look forward to our discussion on preliminary plan reviews on Thursday.

Michael S. Thompson
Assessment Section Manager
Wetlands Management Division
Environmental Protection Commission
of Hillsborough County

External Training

Hydric Soils Field Identification by Wade Hurt of Natural Resource Conservation Services on 4/22 & 4/23/08.

Training focused on identifying hydric soils indicators in the field. Hydric soils identification is a skill used in wetland delineations, compliance inspections and complaint investigations.

Wetland Delineation by Eric Hickman of the Florida Department of Environmental Protection on 5/22 & 5/23/08.

Training focused on field application of Chapter 62-340, F.A.C. the State Law for determining the extent of wetlands and surface waters. Identification of the landward extent of wetlands and other surface waters is a skill used in wetland delineations, compliance inspections and complaint investigations.

Wetland Assessment Procedure (WAP) by Diane Willis, Shirley Denton Michael Hancock & David Carr of SWFWMD on 5/1 & 5/2/08

WAP is a field process to assess wetlands that have been hydrologically altered. The skills learned and utilized for the procedure are useful for wetland delineations, compliance inspections and complaint investigations.

Florida Public Records Management Seminar by Candice Odom of State of Florida on 6/26/08

Training focused on State law for managing and destroying public records. Staff has used the information in the ongoing effort to make more efficient use of the Division filing system. 67 cubic feet of old plans from the filing system have been destroyed allowing more efficient use of the file system which was near capacity.

Advanced & Defensive Driving by Steve Nunn & Frank Tyndall of Hillsborough County Safety & Risk Management

Training focused on safe operation of County vehicles.

Internal Training

Ch. 1-14 Mangrove Rule by Bob Stetler on 12/17/08 and Chris Cooley on 1/21/09

Training focused on understanding and applying the Mangrove Trimming and Preservation rule.

Wetland Mitigation Area & As-Built Compliance by Mike Thompson on 6/12/08, 6/19/08 and 8/5/08

Training focused on assessing compliance of mitigation sites and construction sites enabling review staff to subsequently respond to an increased workload in compliance inspections as review workload allowed.

Weekly Plant Identification by Richard Batty

Plant id is a skill used in wetland delineations, compliance inspections and complaint investigations.

Hydric Soils by Chris Cooley on 4/15/08

Training focused on review of hydric soils indicators in preparation for a 2 day hydric soils field training by NRCS soil scientist Wade Hurt.

**EPC Wetlands Management Division
Backup AGENDA
January 2009**

Assessment Report

Agriculture Exemption Report

	# Agricultural exemptions reviewed	# isolated wetlands impacted	# acres of isolated wetlands impacted	# isolated wetlands qualify for mitigation exemption	# acres of wetlands qualify for mitigation exemption
January 2009	0	0	0	0	0
Year to Date	0	0	0	0	0

PGMD Reviews Performance Report

# of Reviews	Timeframes met	Year to Date
76	99%	99%

Formal Wetland Delineation Surveys

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
January 2009	8	67	3	7	1.24
Since April 2008	142	2434	408	80	15.28

Construction Plans Approved

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Impacts Approved Acreage	Impacts Exempt Acreage
December 2009	13	54	6	1.17	1.24	1.21
Since April 2008	224	383	92	20.59	26.61	19.38

Mitigation Sites in Compliance

197/208	95%
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Compliance Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored
1.80	0	1.50

General

Telephone Conferences	Scheduled Meetings	Unscheduled Citizen Assistance
577	228	40

Interagency Coordination

Southwest Florida Water Management District (SWFWMD) Meetings

EPC Wetlands management staff met w/SWFWMD management staff regularly throughout 2008. Numerous technical, administrative and case specific details were discussed with many successful resolutions. These meetings continue to be productive in streamlining the review process. Highlights of these meetings follows:

- Standardized wetland survey labeling for clarity and consistency between agencies.
- Raised Uniform Mitigation Assessment Methodology (UMAM) scoring issues that resulted in better implementation and enhanced coordination between agencies. The agency staffs are now scheduling joint field reviews for UMAM scoring which benefits applicants by increasing consistency between agencies.
- Initiated AGSWM coordination to better implement the Bona Fide Agricultural Exemption in EPC rules. An EPC staff person now attends all AGSWM pre-screenings with SWFWMD staff.
- EPC agreed to take lead role for conservation easement (CE) compliance for smaller mitigation projects as SWFWMD policy on accepting CEs changed. This allowed smaller upland preserves to continue as a viable mitigation option in Hillsborough County.
- Discussed and coordinated on numerous enforcement cases to better resolve the issues and come to settlements.
- Resolved issues where mangrove alteration or trimming is part of a State ERP. SWFWMD will forward the mangrove issue to EPC for implementation of the EPC Mangrove Trimming & Preservation Rule.
- Participated in a SWFWMD workshop to standardize monitoring requirements for mitigation reports.
- Received GIS coverage of SWFWMD conservation easements in Hillsborough County to assist staff in doing permitting research.
- Hosted pre-application meetings for SWFWMD operations staff to streamline the EPC permitting of District projects.

Transportation Task Force (TTF)

The TTF environmental permitting task force was developed in response to the County's 500 million dollar budget for approximately 80 roadway widening and intersection improvement projects over the next 5 years. Monthly meetings are scheduled to discuss potential issues and opportunities for streamlining the environmental permitting processes. Members consist of EPC, SWFWMD, public works staff and managing consultants. To date meetings have clarified the agency permitting processes, identified potential wetland mitigation efficiencies and facilitated opportunities for future pre-application meetings. EPC staff has attended and contributed to all four meetings on 9/3/08, 10/1/08, 12/3/08 & 1/7/09. See attached meeting minutes and email for details.



EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 19, 2009

Subject: Request for authority to take appropriate legal action against Clyde Munzel, Robert Phillips and Phillips & Munzel Oil Co., Inc.

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

Division: Waste Management Division

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

Brief Summary: Clyde Munzel and Robert Phillips are owners of real property located at 2704 Highway 674 West, Ruskin, Florida. On the property is a retail vehicular re-fueling facility known as Hess – Phillips & Munzel. On September 12, 2005, a discharge of approximately 20 gallons of diesel fuel occurred on the property due to over-filling of underground storage tank systems. Cleanup of the discharge has not been completed and the property is not in compliance with the EPC Act and Rules of the EPC, Chapter 1-7 and Chapter 62-770, Florida Administrative Code.

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

Background: Clyde Munzel and Robert Phillips are owners of real property located at 2704 Highway 674 West, Ruskin, Florida. On the property is a retail vehicular re-fueling facility known as Hess – Phillips & Munzel. The facility is owned and operated by Phillips & Munzel Oil Co., Inc. On September 28, 2005, Department of Environment Protection Bureau of Emergency Response (BER) responded to a discharge of a petroleum product, approximately 20 gallon, and conducted the initial source removal activities. After and during the source removal soil samples were obtained and analyzed. The resulting soil analytical determined that further assessment and cleanup activities were necessary. BER referred the case to their Bureau of Petroleum Storage Systems (BPSS) for following action. BPSS in turn referred the case to their contracted cleanup program for the Environmental Protection Commission (EPC). Several letters were sent to the Responsible Parties urging them to comply with the petroleum cleanup rules of the EPC and State, no positive response was received. On June 25, 2008, EPC staff issued Citations of Violations and Orders to Correct (Citations) the Property and Facility owners for failing to complete cleanup activities in accordance with Chapter 1-7, Rules of the EPC and Chapter 62-770, Florida Administrative Code (F.A.C.). The Citations have not been appealed and are now final orders by operation of law. The violations have not been corrected.

List of Attachments: None

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 19, 2009

Subject: Numeric Nutrient Criteria

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

Division: Environmental Resources Management

Recommendation: Informational Report

Brief Summary: EPA and FDEP have reached an agreement to develop and implement numeric criteria for nitrogen and phosphorus into 62-302 F.A.C., the state's water quality standards which by reference will be incorporated into EPC Rule 1-5.

Financial Impact: No Immediate Financial Impact consequent to this report

Background:

Within 12 months numeric nutrient criteria will be set for lakes and streams; within 24 months criteria will be set for estuaries.

These numeric criteria will have over-arching bearing on the application of Impaired Water Rule 62-303 F.A.C. and the formulation of Total Maximum Daily Loads (TMDL) for surface water in Hillsborough County and Tampa Bay.

EPA's decision letter on these actions: <http://www.epa.gov/waterscience/standards/rules/#det>

FDEP's 2008 Integrated Report: http://www.dep.state.fl.us/water/docs/2008_Integrated_Report.pdf

FDEP's Numeric Nutrient Criteria Development Plan: <http://www.dep.state.fl.us/water/wqssp/nutrients>

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 19, 2009 (continued from January 15, 2009)

Subject: EPC Fleet Utilization

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

Division: Finance and Administration Division

Recommendation: None, Informational Report

Brief Summary: EPC staff will present a brief report on an internal review of fleet utilization.

Financial Impact: No Financial Impact, note report indicates a \$60,000 cost savings

Background: In March and April of 2007, EPC staff initiated an internal review of fleet utilization. EPC staff will present findings, results, and actions taken to improve fleet efficiency.

This is an informational report only.

List of Attachments: Summary of EPC fleet utilization study.

Environmental Protection Commission
Summary of Fleet Utilization Study
2/19/09

In March and April of 2007, EPC initiated a review of the size and use of its fleet to determine if efficiency could be improved. The review included a physical audit and internal analysis of mileage and usage of all EPC vehicles. The review also took into account restricted use of approximately 20% of the fleet due to vehicles being purchased with grant funding. The review noted that the use of a mileage threshold may not be the best single measure of utilization as some vehicles are used for hours but only travel to a single site while other vehicles travel to multiple sites in one day.

From this review, it was determined that EPC generally underutilized vehicles and could improve utilization of the EPC fleet. The review also revealed that EPC's grant funded vehicles were aging and that EPC would need to replace grant vehicles as funding became available. EPC initiated a plan to reduce the size of its fleet from 71 to 58 between March 2007 and April 2008 (see attached report and analysis), despite having only two vehicles identified as underutilized in FY 07. Since April 2008, EPC has reduced its fleet by another 2 vehicles, leaving 56 vehicles currently in the EPC fleet. (It should be noted that the consultant's report shows 49 vehicles in EPC's fleet. We will work with Fleet to resolve this discrepancy.) After the initial reduction in fleet size, EPC met with Fleet management to discuss progress made and determine the best way to proceed to improve efficiency. Following the discussion with Fleet, EPC continued to take actions to improve efficiency by rotating vehicles for "smooth" utilization, initiated in May 2008; creating an agency wide vehicle pool in August 2008 and we are currently working on establishing a fleet utilization policy. EPC is now realizing the benefits of our study resulting in a fleet cost reduction from FY 07 to FY 08 actual of \$60,000.

We spoke with Mercury Associates consultants as part of their study and generally agreed with their recommendations. EPC has already implemented the consultant's recommendation of pooling 6 vehicles and has opened the use of the pool to other County departments located in Sabal Park. EPC will use the guidelines in the consultant's report to continue to evaluate EPC's fleet size and utilization and to formulate an internal EPC fleet policy. As an independent agency, EPC is committed to improving efficiency and will continue to monitor vehicle usage and search for ways to improve the efficiency of its fleet.

Environmental Protection Commission
 Summary of Fleet Utilization Study
 Current EPC Fleet
 2/19/09

Age ¹	TOTAL AGENCY VEHICLES		GRANT/ CONTRACT VEHICLES		
	%	Number of Vehicles	%	Number of Vehicles	% of Total
> 8	1.8%	1	9.1%	1	100%
> 7	5.4%	3	27.3%	3	100%
Sub-Total	7.1%	4	36.4%	4	100%
> 6	12.5%	7	9.1%	1	14%
> 5	14.3%	8	9.1%	1	13%
Sub-Total	26.8%	15	18.2%	2	13%
> 4	10.7%	6	0.0%	0	0%
> 3	19.6%	11	18.2%	2	18%
> 2	14.3%	8	18.2%	2	25%
> 1	19.6%	11	0.0%	0	0%
< 1	1.8%	1	9.1%	1	100%
Sub-Total	66.1%	37	45.5%	5	14%
Total		56		11	20%

1. Based on age as of 12/31/08

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: February 19, 2009

Subject: Report on EPC/Planning Coordination

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

Division: Wetland Management Division

Recommendation: Informational Report

Brief Summary: Focused group discussions between the EPC and the County Planning Commission staffs were held to identify and correct any potential conflicts related to the respective agency's rules, policies and procedures regarding wetland resources.

Financial Impact: No Financial Impact

Background: Senior management staff in the EPC wetlands division conducted a series of meetings with senior planners, team leaders, MPO representatives, city team planners, and county-wide planners to identify and discuss any rules, ordinances, policies, and procedures administered by either EPC or the Planning Commission that may have applicability to wetland resources protection. The primary purpose of this exercise was to identify any potential conflicts between the planning processes and the final construction authorizations required by the regulatory rules and regulations.

EPC staff provided a full description of the 2007-08 wetland rule changes including; (1) the nature of certain exempt activities that may impact wetlands impact approvals, (2) a working definition of the "reasonable use" test that allows or prevents wetland impacts, and (3) a description of resources at the EPC that may help the Planning Commission staff determine sensitive resource areas and important wetland functions.

The planning staff provided explanations on: (1) urban service area strategy, (2) benefits of increased density and reduction of sprawl, (3) description on rail and transit strategies including activity centers and transit nodes, (4) planning with a grid road system and various other issues and (5) mixed use planning.

The staffs used numerous specific examples to examine potential conflicts in planning and permitting wetland impacts related to the above topics and reached a consensus that, with proper communication and dialogue that problem areas can be resolved under current rules and policies. The two agencies determined that in addition to the current system of having the EPC comment on planning amendments, policies changes, and proposed development strategies that a additional system of dialogue and interaction at specific key steps in the process is needed and should be implemented.

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