

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
COMMISSIONER'S BOARD ROOM  
COUNTY CENTER 2<sup>ND</sup> FLOOR  
SEPTEMBER 17, 2009  
9:00 AM**

**ADDENDUM**

**I. CONSENT AGENDA**

A. Approval of Minutes: August 20, 2009 Revised

**II. LEGAL DEPARTMENT**

Supplemental EPC Agenda Item Attachment to the Cover Sheet Agenda Item VII,  
Emergency Order for Natural Disasters

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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AUGUST 20, 2009 - ENVIRONMENTAL PROTECTION COMMISSION - REVISED DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, August 20, 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, Jim Norman, and Mark Sharpe.

The following members were absent: Commissioners Ken Hagan (schedule conflict) and Kevin White (schedule conflict).

Chairman Higginbotham called the meeting to order at 9:09 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, stated there were no changes to the agenda. Chairman Higginbotham called for a motion. **Commissioner Beckner so moved, seconded by Commissioner Sharpe, and carried five to zero.** (Commissioners Hagan and White were absent.)

PUBLIC COMMENT

Mr. Dan Jenkins, 4803 South Himes Avenue, displayed/discussed photographs of illegal truck washing, which he discussed at the last meeting; acknowledged working with the Department of Environmental Protection (DEP) and EPC to protect the environment; and requested EPC consider a way to stop illegal dumping of liquid waste.

Mr. Shad Benson, 5911 East Dr. Martin Luther King Jr. Boulevard, commented on stationary/mobile truck washing operations, the Clean Water Act, and the national pollution discharge elimination system (NPDES); noted discharging industrial wastewater was illegal; reviewed Stormwater Quality Management Ordinance 94-15 and DEP discharge requirements for stationary facilities; and said vehicle and truck washing wastewater did not meet acceptable limits.

Mr. Jerry Coe, 5911 East Dr. Martin Luther King Jr. Boulevard, described financial burdens of the regulations, waste responsibilities falling to the community, spill release requirements for hazardous materials, and environmental cleanup costs.

CONSENT AGENDA

- A. Approval of minutes: July 16, 2009.
- B. Monthly activity reports.
- C. Pollution Recovery Fund (PRF) report.

THURSDAY, AUGUST 20, 2009 - REVISED DRAFT MINUTES

- D. Gardinier Settlement Trust Fund report.
- E. Legal case summaries.
- F. Amend the NPDES permit interlocal agreement with Hillsborough County.
- G. Interlocal agreement between the EPC and Hillsborough County for provision of chemical analysis of water quality samples.

Chairman Higginbotham called for a motion to approve the Consent Agenda. **Commissioner Beckner so moved, seconded by Commissioner Sharpe, and carried four to zero.** (Commissioner Ferlita was out of the room; Commissioners Hagan and White were absent.)

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Mr. Jellerson reported the August 3, 2009, CEAC meeting, was dedicated to the review of PRF grant applications and CEAC recommendations would be presented to the EPC in September 2009.

EXECUTIVE DIRECTOR

Tanks Compliance Audit - Dr. Garrity discussed the audit conducted by DEP for the storage tank compliance verification and the air monitoring program audit by the federal government, made laudatory remarks, and read from two letters expressing gratitude.

AIR MANAGEMENT DIVISION

Revised Lead Air Quality Standard - Mr. Jerry Campbell, Director, EPC Air Management Division, displayed/reviewed the Environmental Protection Agency (EPA) revised lead air quality standard, stated EnviroFocus Technologies LLC produced products from recycled lead, remarked about environmental benefits from recycling, showed an aerial of the site and the location of lead monitors, said EPC would seek new money from the EPA for additional monitor sites, and explained a graphic of lead production/monitoring, describing challenges, compliance, clean up, and expansion.

Mr. John Tapper, chief operating officer, EnviroFocus Technologies LLC, provided a presentation depicting photographs of facilities, recycling production standards, partnerships, automation, improvements/investments, clean up, expansion, site redevelopment, and increased jobs/training. Mr. Campbell concluded EPC staff would recommend to EPA the area be declared unclassified to allow EnviroFocus Technologies LLC to continue the clean up plan and then collect monitoring data.

THURSDAY, AUGUST 20, 2009 - REVISED DRAFT MINUTES

WASTE MANAGEMENT DIVISION

National Pollution Prevention Week Proclamation - Mr. Hooshang Boostani, Director, EPC Waste Management Division, reported on pollution prevention and reduction, inspections, conservation, and efficiency enhancements. Commissioner Beckner presented the proclamation proclaiming September 20-26, 2009, as Hillsborough County Pollution Prevention Week.

WATER MANAGEMENT DIVISION

Mr. Frederick Nassar, EPC, presented an overview of mobile washing activities, complaints, pollution, enforcement, differences between mobile/stationary washing, best management practice (BMPs), permitting, timelines, and refining/addressing concerns; stated regulation of the mobile washing industry through implementation of BMPs was a statewide effort; displayed photographs; and discussed options. Responding to Commissioner Beckner, Mr. Nassar said based on the DEP opinion, the BMPs were protective enough and remarked about fixed establishment requirements, mobile washing permits, regulations, and policy decisions. Commissioner Norman commented on stationary washing facility expansion to include mobile washing systems.

WETLANDS AND WATERSHED MANAGEMENT DIVISION

Wetlands Quarterly Update - Ms. Debbie Sinko, EPC, presented the report contained in background material.

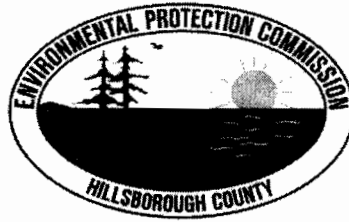
There being no further business, the meeting was adjourned at 10:14 a.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
PAT FRANK, CLERK

By: \_\_\_\_\_  
Deputy Clerk

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Supplemental EPC Agenda Item Attachment to the  
Original Cover Sheet

Agenda Item VII

Emergency Order for Natural Disasters

September 17, 2009 EPC Board Meeting

**[DRAFT- TO BE AMENDED CASE BY CASE]**

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY**

In re: )  
 )  
EMERGENCY AUTHORIZATION FOR )  
REPAIRS, REPLACEMENT, )  
RESTORATION, AND CERTAIN )  
OTHER MEASURES MADE NECESSARY )  
BY [INSERT STORM NAME]. )  
\_\_\_\_\_ )

**EMERGENCY ORDER**

Under Section 8 of the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, (EPC Act), and upon consideration of the State of Florida Executive Order No. [insert number] and the following findings of fact, the Executive Director of the Environmental Protection Commission of Hillsborough County (EPC) enters this Emergency Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent or immediate danger to the public health, safety, and welfare of the citizens of Hillsborough County resulting from the devastation wrought by [insert storm/hurricane name] (hereinafter "the Hurricane"[or give other name if event is not a hurricane]). This Emergency Order is unique and separate from any Emergency Order issued by the Florida Department of Environmental Protection (DEP) or any other state agency.

**FINDINGS OF FACT**

1. On the [insert date], the Hurricane struck Florida with reported maximum sustained winds of over [insert speed] miles per hour and a storm surge between [insert surge feet - x and y] feet. The Hurricane has caused continuing widespread damage within Hillsborough County, which shall constitute the specific area covered by this Emergency Order. This area shall herein be referred to as the "Emergency Area."
2. By State of Florida Executive Order No. [insert number], the Governor declared that a state of emergency exists throughout the State, based upon the serious threat to the public health, safety and welfare posed by the Hurricane.
3. The EPC finds that the Hurricane has created a continuing state of emergency threatening the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action by Hillsborough's citizens and governments is necessary to properly manage debris and other damage created by the Hurricane.

4. The EPC finds that an emergency authorization is required to address the need for immediate action because the normal procedures for obtaining the necessary authorizations would not result in a sufficiently timely action to address the emergency.
5. The EPC finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action in coping with the emergency, and that the actions authorized under this order are narrowly tailored to address the immediate need for action and are procedurally fair under the circumstances.

## **CONCLUSIONS OF LAW**

1. Based on the findings recited above, it is hereby concluded that the emergency caused by the Hurricane continues to pose an immediate danger to the public health, safety, or welfare and requires an immediate order of the EPC.
2. Under Section 8(8) and (11) of the EPC Act, the Executive Director of the EPC has broad authority to cooperate with other agencies and to perform all other duties necessary to effect the purpose of the EPC Act. Thus the Executive Director is authorized to issue this Emergency Order.
3. Temporary suspension of specified statutes and rules as noted within this Order is required so as not to prevent, hinder, or delay necessary action in coping with the emergency.

## **THEREFORE, IT IS ORDERED:**

Within the “Emergency Area” the following shall apply:

### **1. Solid Waste Management**

- a. Field authorizations may be issued prior to or following a site inspection by EPC personnel for staging areas to be used for temporary storage and chipping, grinding or burning of Hurricane-generated debris. Field authorizations may be requested by providing a notice to the local office of the EPC containing a description of the staging area design and operation, the location of the staging area, and the name, address, and telephone number of the site manager. Field authorizations also may be issued by EPC staff without prior notice. Written records of all field authorizations shall be created and maintained by EPC staff. Field authorizations may include specific conditions for the operation and closure of the staging area, and may include a required closure date which extends beyond the expiration date of this Order. Staging areas shall avoid wetlands and other surface waters to the greatest extent possible; such areas that are used or affected must be fully restored upon cessation of use of the area. Staging areas must cease operation, and all Hurricane-generated debris must be removed from the site, by the expiration date of this Order, unless a different closing date or closure conditions are specified in the field authorization. Failure to comply with the conditions of the field authorization, or failure to adequately close the site by the required closure date, may result in enforcement actions by the EPC. Field authorizations issued prior to the effective date of this Order remain in effect but may be modified by the EPC to include conditions and closure dates as specified herein.

- b. Hurricane-generated vegetative debris which is managed at an authorized staging area may be disposed of in permitted lined or unlined landfills, permitted land clearing debris facilities, or permitted construction and demolition debris disposal facilities. Such vegetative debris may also be managed at a permitted waste processing facility or a registered yard trash processing facility in accordance with the terms of the applicable rules and permit conditions.
- c. Construction and demolition debris that is mixed with other Hurricane generated debris need not be segregated from other solid waste prior to disposal in a lined landfill. Construction and demolition debris that is either source-separated or is separated from other Hurricane-generated debris at an authorized staging area, or at another area specifically authorized by the EPC, may be managed at a permitted construction and demolition debris disposal or recycling facility upon approval by the EPC of the methods and operational practices used to inspect the waste during segregation.
- d. Except as otherwise specifically provided herein, Hurricane-generated debris shall be disposed of in a Class I landfill or, except for asbestos-containing materials, in a waste-to-energy facility. Non-recyclables and residuals generated from segregation of Hurricane-generated debris shall also be disposed of in a Class I landfill or waste-to-energy facility.
- e. Ash residue from the combustion of Hurricane-generated vegetative debris may be disposed of in a permitted disposal facility, or may be land spread in any areas approved by local government officials except in wellfield protection areas, surface water protection areas, or wetlands and other surface waters.
- f. Ash from the combustion of other Hurricane-generated debris shall be disposed of in a Class I landfill. Metals or other non-combustible materials segregated from the ash residue may also be disposed of in an unlined, permitted landfill.
- g. Unsalvageable refrigerators and freezers containing solid waste such as rotting food that may create a sanitary nuisance may be disposed of in a Class I landfill; provided, however, that chlorofluorocarbons and capacitors must be removed and recycled to the greatest extent practicable using techniques and personnel meeting the requirements of 40 CFR Part 82.
- h. Permitted landfills, waste-to-energy facilities, and transfer stations which accept Hurricane-generated debris in accordance with the terms of this Order may accept Hurricane-generated debris for disposal or storage without the need to first modify existing permits or certifications. Operators of landfills shall seek modifications of their existing permits to address any long-term impacts of accepting Hurricane generated debris on operations and closure that are not addressed in existing permits. Long-term impacts are those, which will extend past the expiration date of this Order. The requests for modification shall be submitted as soon as possible, but no later than the expiration date of this Order. No permit fee will be required for any modifications necessitated solely by the Hurricane clean-up activities. This paragraph does not authorize the permanent lateral or vertical expansion of any facility beyond its permitted limits.

- i. Domestic wastewater residuals may be disposed of in Class I landfills even if such residuals meet the definition of a liquid waste found in section 62-701.200(72), Florida Administrative Code (F.A.C.), provided that such disposal is approved in advance by the EPC and that the material is managed to the extent practicable so as to minimize liquid content, odors and runoff.

## **2. Air Resource Management**

- a. Air Curtain Incinerators. The EPC authorizes local governments or their agents to conduct the burning of Hurricane-generated yard trash and other vegetative debris in air curtain incinerators without prior notice to the EPC. The EPC also authorizes the burning of demolition debris in such air curtain incinerators, provided reasonable efforts are made to limit the material being burned to untreated wood. Within ten days of commencing any such burning, the local government or its agent shall notify the EPC in writing, describing the general nature of the materials burned, stating the location and method of burning, and providing the name, address, and telephone number of the representative of the local government to contact concerning the work. In operating any such air curtain incinerator, the pit width shall not exceed 12 feet, vertical side walls shall be maintained, and waste material shall not be loaded into the air curtain incinerator such that it protrudes above the level of the air curtain. Ash shall not be allowed to build up in the pit higher than one-third the pit depth or to the point where the ash begins to impede combustion, whichever level is lower. Air curtain incinerators may operate 24 hours per day provided reasonable efforts are made to prevent nuisance smoke and odors. Notwithstanding the provisions of this paragraph, the burning of asbestos containing materials or hazardous waste is prohibited.
- b. Residential Pile Burning. Only vegetative material can be burned on an open pile. Pile burning shall not occur in wetlands or other surface waters. Open pile burning shall avoid adversely affecting wetlands and other surface waters to the greatest extent possible; any wetland or other surface water areas that are used or affected must be fully restored upon cessation of use of the area in consultation with the EPC. Residential pile burning shall only be conducted if the pile is set back at least 1,000 feet from any occupied building and does not cause nuisance smoke or odors.
- c. Noise Pollution. The EPC suspends the requirement to comply with the sound level limits in Chapter 1-10, Rules of the EPC, for emergency generators operating in the Emergency Area.

## **3. Wetlands and Other Surface Waters**

- a. The EPC provides authorization for temporary impacts to wetlands and/or other surface waters associated with the following activities, provided that the applicant submits notice to EPC within 30 days of commencing the activity:
  1. Authorization is provided for those activities in wetlands and/or other surface waters necessary to provide access for emergency vehicles and/or rescue operations;

- i. Authorize county and municipality staff to conduct operations needed for clearing of roads, providing access for emergency vehicles, and access for the purpose of maintaining utilities such as wastewater treatment plants, lift stations, etc.
  - ii. Authorize repair to driveways, including replacement of culverts, to allow access for emergency vehicles. This only authorizes replacement of culverts and driveways in the same configuration that existed prior to the storm.
2. Authorization is provided for those wetland and other surface water impacts necessary to prevent immediate damage to habitable structures and those minor ancillary structures (including utilities) associated with and necessary for occupancy of the habitable structures. Impacts to wetlands and other surface waters shall be minimized to the greatest extent possible. This authorization does not permit activities that alter the pre-existing on-site or off-site hydrology. Replacement of retaining walls, decks, and gazebos that are not necessary for occupancy of the existing habitable structure is not authorized by this Order.
3. This Order does not authorize the construction of structures that did not exist prior to the emergency.
4. Authorization is provided for removal of storm debris from wetlands and other surface waters, provided no vegetation is removed in the process and debris is disposed of as described in sections 1 (Solid Waste) and 2 (Air) above, or otherwise in accordance of law.
5. Any impacts to wetlands or other surface waters in excess of those activities authorized in this Order shall be subject to corrective actions, restoration, mitigation, or other appropriate enforcement.
- b. No new permanent wetland or other surface water impacts are authorized under this Emergency Order.
- c. Other than the above authorizations, no dredging and no placement of fill in wetlands or other surface waters is authorized for stabilization or other purposes under this Emergency Order.
- d. The above provisions do not provide authorization for reconstruction or repair of unauthorized structures and/or those which were constructed in violation of Chapter 1-11, Rules of the EPC.

#### **4. Wastewater Facilities and Collection Systems**

Owners and operators of wastewater facilities and collection systems, and their licensed engineers and contractors, are authorized to make all necessary repairs to restore essential services and repair or replace (as necessary) all structures, equipment, and appurtenances of the facilities and systems to their pre-disaster permitted or registered condition without

prior notice to the EPC. Within thirty days of commencing the work of such repair or replacement, however, the owner or operator shall notify the EPC in writing, describing the nature of the work, its location, approximate time to complete repairs/replacement, and providing the name, address, email, and telephone number of the representative of the owner or operator to contact concerning the work.

Timely reporting of wastewater abnormal events to the EPC pursuant to Chapter 1-1 of the EPC rules is suspended for the duration of this Order. Within 45 days post disaster, owners of wastewater facilities and collection systems shall provide a summary report to the EPC that provides a volume estimate of wastewater discharged to the environment as a result of the disaster, the number of abnormal events, and their location. To the extent possible, owners and operators of wastewater facilities and collection systems and their licensed engineers and contractors are authorized to respond and mitigate ongoing pollution or public health concerns as a result of damage to wastewater facilities and collection systems without prior approval of the EPC.

## **5. Suspension of Statutes and Rules**

Within the Emergency Area, the requirements and effects of the EPC Act and the EPC rules which conflict with the provisions of this Order are temporarily suspended to the extent necessary to implement this Order. To the extent that any requirement to obtain a non-DEP delegated permit or other non-DEP delegated authorization is waived by this Order, it should also be construed that the procedural requirements for obtaining such non-DEP delegated permit or other non-DEP delegated authorization, including requirements for fees and publication of notices, are suspended for the duration of this order.

## **6. General Limitations**

The EPC issues this Emergency Order solely to address the emergency created by the [insert disaster event, e.g.- hurricane, storm, etc]. This Order shall not be construed to authorize any activity within the jurisdiction of the EPC except in accordance with the express terms of this Order. Unless otherwise specified, the provisions of this Order apply only within the Emergency Area. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise.

## **7. Other Authorizations Required**

This Order only provides relief from the specific regulatory and proprietary (e.g. – conservation easements) requirements addressed herein for the duration of the Order, and does not provide relief from the requirements of other federal, state, water management districts, and local agencies. This Order therefore does not negate the need for the property owner to obtain any other required permits or authorizations, nor from the need to comply with all the requirements of those agencies. This Order does not provide relief from any of the requirements of Chapter 471 of the Florida Statutes regarding

professional engineering. Persons must comply with all other applicable emergency orders, including but not limited to, any DEP Emergency Final Order.

#### **8. Expiration Date**

This Emergency Order shall take effect immediately upon execution by the Executive Director of the EPC, and shall expire on [insert month, day, year], unless modified or extended by further order.

#### **9. Violation of Conditions of Emergency Order**

Failure to comply with any condition set forth in this Order shall constitute a violation of an EPC Final Order under Chapter 403, Florida Statutes and the EPC Act, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

#### **10. Applicability to Delegated Programs**

The EPC's implements multiple environmental programs on behalf of and/or delegated by the Florida Department of Environmental Protection (e.g. – wastewater, air, brownfields). Those DEP delegated programs administered by the EPC shall only follow any DEP Emergency Final Order. Pursuant to section 403.1655(2), F.S. the DEP is the lead agency in Florida for all applicable environmental matters during short-term emergencies.

#### **11. Miscellaneous Provisions**

- a. All work conducted under the terms of the Emergency Order must be initiated prior to expiration of the Emergency Order.
- b. All activities conducted under this Emergency Order shall be performed using appropriate best management practices where possible. For activities conducted in or discharging to wetlands or other surface waters, best management practices include properly installed and maintained erosion and turbidity control devices to prevent erosion and shoaling, to control turbidity, and to prevent violations of state water quality standards.
- c. It is recommended that, where possible, owners of property should maintain documentation (such as photos) of the condition of the structures or lands as they existed prior to initiating any activities authorized under this Order, and should provide such documentation if requested to do so.
- d. [INSERT any language about fees or waiver of them. Section 5 currently waives fees]

DONE AND ORDERED on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, in Tampa, Florida.

ENVIRONMENTAL PROTECTION  
COMMISSION OF HILLSBOROUGH  
COUNTY

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Richard Garrity, PhD  
Executive Director

3629 Queen Palm Drive  
Tampa, Florida 33569

cc: Al Higginbotham, EPC Chairman  
DEP Southwest District Office  
SWFWMD

## NOTICE OF RIGHTS

Pursuant to Section 9 of the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, (EPC Act) and Rule 1-2.30, Rules of the Environmental Protection Commission of Hillsborough County (EPC), any person whose interests are protected by Chapter 84-446, Laws of Florida and who is adversely affected or otherwise aggrieved by this Emergency Order has the right to appeal this action, unless the right was previously waived. **Written Notice of Appeal for a Section 9 Administrative Hearing must be received by the Chairperson of the EPC, at 601 East Kennedy Blvd., Tampa, Florida 33602, within twenty (20) days of receipt of this notice** and pursuant to Section 1-2.30(c), Rules of the EPC, must include the following information:

- (1) The name, address, and telephone number of the Appellant; the name, address, and telephone number of the Appellant's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the Appellant will be aggrieved or how his or her interests will be adversely affected by the Executive Director's decision;
- (2) A statement of when and how the Appellant received notice of the agency decision;
- (3) A statement of all disputed issues of material fact. If there are none, the Notice of Appeal must so indicate;
- (4) The specific facts the Appellant contends warrant reversal or modification of the Executive Director's proposed action;
- (5) A statement of the specific laws or rules the Appellant contends require reversal or modification of the Executive Director's proposed action; and
- (6) A statement of the relief sought by the Appellant, stating precisely the action Appellant wishes the Commission to take with respect to the Executive Director's proposed action or decision.

A copy of the Notice of Appeal for a Section 9 Administrative Hearing must also be sent to the EPC's Legal Department, Environmental Protection Commission of Hillsborough County, 3629 Queen Palm Dr., Tampa, Florida 33619, facsimile (813) 627-2602, phone (813) 627-2600. Pursuant to Section 1-2.31, Rules of the EPC, you may request additional time to file a Notice of Appeal by filing a Request for Extension of Time to file a Notice of Appeal. The Request for Extension of Time must be sent to and received by the EPC Legal Department at the address above within twenty (20) days of receipt of this notice. This Order is final unless the party timely files, pursuant to Chapter 1-2, Part IV, Rules of the EPC, a Notice of Appeal or files a Request for Extension of Time to file a Notice of Appeal for a formal hearing. Pursuant to Section 1-2.31(e), Rules of the EPC, failure to request an administrative hearing by filing a Notice of Appeal within 20 days after receipt of this Order shall constitute a waiver thereof, and this unappealed Order shall automatically become an enforceable Order of the Commission by operation of law.

Upon receipt of a sufficient Notice of Appeal for a Section 9 Administrative Hearing an independent hearing officer will be assigned. The hearing officer will schedule the appeal hearing at the earliest reasonable date. Following an evidentiary hearing, the hearing officer will render his/her decision as a recommendation before the EPC board. Pursuant to Section 1-2.35, Rules of the EPC, the EPC board will take final agency action on the findings of fact and conclusions of law of the hearing officer. A written decision will be provided by the EPC board, which affirms, reverses or modifies the hearing officer's decision. Should this final administrative decision still not be in your favor, you may seek review in accordance with Section 9 of the Hillsborough County Environmental Protection Act, Chapter 84-446, as amended, Laws of Florida, and the Administrative Procedure Act, Chapter 120, part II, Florida Statutes, 1961 by filing an appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the clerk of the Environmental Protection Commission, EPC Legal Department, 3629 Queen Palm Dr., Tampa, FL 33619, and by filing a notice of appeal accompanied by the applicable filing fee with the Second District Court of Appeal within 30 days from the date of this order becoming an Order of the Commission. Note, this judicial review appeal differs from the Section 9 Appeal.

Copies of EPC rules referenced in this Order may be examined at any EPC office, may be found on the internet site for the agency at <http://www.epchc.org>, or may be obtained by written request to the EPC Legal Department at 3629 Queen Palm Dr., Tampa, FL 33619.