

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
COMMISSIONER'S BOARD ROOM  
COUNTY CENTER 2<sup>ND</sup> FLOOR**

October 15, 2009  
9:00 AM

**INVOCATION AND PLEDGE OF ALLEGIANCE  
APPROVAL OF CHANGES TO THE AGENDA AND REMOVAL OF CONSENT  
AGENDA ITEMS FOR DISCUSSION 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
- III. CONSENT AGENDA**
- |   |    |
|---|----|
| A. Approval of Minutes: September 17, 2009 .....  | 3  |
| B. Monthly Activity Reports.....                  | 9  |
| C. Pollution Recovery Fund Report.....            | 21 |
| D. Gardinier Settlement Trust Fund Report.....    | 22 |
| E. Quarterly Customer Service Survey Report ..... | 23 |
| F. Legal Case Summaries .....                     | 25 |
- IV. PUBLIC HEARING**  
Conduct Public Hearing to Consider Amendments to Chapter 1-6 (Services Fee Schedule, effective November 1, 2009) ..... 31
- V. EXECUTIVE DIRECTOR**
- |                                   |  |
|-----------------------------------|--|
| A. Sterling Update                |  |
| B. Hillsborough River BMAP Update |  |
- VI. WASTE MANAGEMENT DIVISION**
- |   |    |
|---|----|
| A. Brownsfield Redevelopment Proclamation ..... | 39 |
| B. Mulch BMP Update .....                       | 41 |
- VIII. WETLANDS & WATERSHED MANAGEMENT DIVISION**
- |  |    |
|--|----|
| A. Pollution Recovery Fund Project Recommendations ..... | 43 |
| B. Fertilizer Update .....                               | 51 |
- IX. LEGAL AND ADMINISTRATIVE SERVICES**  
Present Results of the Evaluation of the Executive Director .....53

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

*Visit our website at [www.epchc.org](http://www.epchc.org)*

**This Page Intentionally Left Blank**

SEPTEMBER 17, 2009 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting, scheduled for Thursday, September 17, 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 (arrived at 9:35 a.m.).

Chairman Higginbotham called the meeting to order at 9:03 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, noted the revised August 20, 2009, EPC minutes and supplemental information for Item VII, emergency order for natural disasters.

CONSENT AGENDA

- A. Approval of minutes: August 20, 2009.
- B. Monthly activity reports.
- C. Pollution Recovery Fund (PRF) report.
- D. Gardinier Settlement Trust Fund report.
- E. Legal case summaries.
- F. Request authority to take appropriate legal action against Charles H. Monroe and MPG Race Track Limited, Sean Donnelly, and Dubliner North Incorporated.
- G. Request the EPC Board set October 15, 2009, at 9:00 a.m., as a public hearing to consider an amendment to EPC Rule 1-6, services-fee schedule, and authorize appropriate public notice.

Chairman Higginbotham called for a motion to approve the Consent Agenda. **Commissioner Beckner so moved, seconded by Commissioner Sharpe.** At the request of Commissioner Norman, Dr. Garrity described issues surrounding MPG Race Track Limited. Commissioner Hagan asked if proposed action against Dubliner North Incorporated was the strongest action that could be taken. Dr. Garrity explained citations were issued for violations of the noise ordinance and the company was slow to act; EPC was looking at getting the Hillsborough County Sheriff's Office involved. Commissioner Hagan reported he had received complaints and personally visited the site. **The motion carried six to zero.** (Commissioner White had not arrived.)

THURSDAY, SEPTEMBER 17, 2009 - DRAFT MINUTES

PUBLIC COMMENT

Mr. Richard Campion, 3904 West McKay Avenue, owner, Dubliner Irish Pub, described actions taken to address issues, referenced contact with EPC staff and enactment of policies regarding entertainment/sound amplification, perceived the problem related to lack of buffering between the establishment and adjacent townhomes, and commented on efforts to work with the townhomes to address issues. Chairman Higginbotham suggested Mr. Campion speak with staff. Mr. Campion had met with EPC staff and was actively working to resolve issues.

CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Report from the Chairman, David Jellerson - Dr. Wayne Eckleberger, vice chairman, CEAC, reported the September 14, 2009, CEAC meeting included a review of the last/current EPC meeting agenda items and a detailed report on PRF applications. The CEAC formally responded with opinions on funding/denial for PRF projects, which would be presented at the October 2009 EPC meeting. Dr. Eckleberger said the EPC staff report on PRF applications was helpful in making decisions. An update was received from the County Technical Advisory Committee on water conservation. The next CEAC meeting was scheduled for October 5, 2009.

EXECUTIVE DIRECTOR

Annual Report - Dr. Garrity stated the EPC had started the Sterling management system (Sterling) study, which was helping with enhancing the EPC vision/mission; reviewed a statement of values and the EPC mission; opined the future of resource protection was dependent on a full understanding of why protection was necessary and fostering a culture of resource stewardship promoted individual/corporate responsibility for safeguarding the environment; said EPC staff was fully engaged in environmental education and served as environmental extension agents to County residents; noted services were provided through core competencies, including technical expertise in engineering and science, measuring/interpreting scientific data, understanding/applying the underlying laws governing resource protection, and delivery of first-rate customer service; highlighted the regional watershed concept; and commented on air/water quality monitoring, impaired waterways, total maximum daily load (TMDL), habitat restoration activities/projects, grants received for Cockroach Bay restoration, seagrass/artificial reef management, wetlands protection/mitigation, permit delegation, improving customer service, inspections conducted, Brownfields redevelopment/cleanup, the small quantity generator/Green Star programs, hazardous waste inspections, and challenges.

THURSDAY, SEPTEMBER 17, 2009 - DRAFT MINUTES

Commissioner Sharpe recognized EPC staff efforts, referenced the Clean Water Act and an article on States falling behind on monitoring/administering the act, acknowledged difficulties/challenges, appreciated efforts to consolidate and work with other agencies, perceived services provided to the community could not be calculated, recalled challenges/frustration with EPC in the past, and respected that Dr. Garrity did not accept a pay increase offered. Dr. Garrity announced the EPC just finished a two-day self assessment with Sterling and responded to queries from Commissioner Beckner regarding time/resources devoted to researching grants. Commissioner Beckner stressed the importance of that and thanked Dr. Garrity for the comprehensive report.

#### WETLANDS AND WATERSHED MANAGEMENT DIVISION

Nitrogen Management Consortium (NMC) Reasonable Assurance Plan - Ms. Holly Greening, director, Tampa Bay Estuary Program, provided an overview of the two-year process initiated by over 30 public/private participants; referred to the 1972 Clean Water Act, which required pollution limits to be set for water bodies; commented on TMDLs, regulatory settings, water quality protection goals, the reasonable assurance process, NMC activities, water levels being maintained at target levels in Tampa Bay, future growth requiring projects and/or transfers to offset nitrogen increases, possible regulatory revisions, final document approval/submittal, and forwarding a declaration to appropriate authorities for consideration; and highlighted declaration language, implications, concurrent activities, and summary points.

In response to queries from Commissioner Beckner related to the fertilizer ordinance, Ms. Greening stated the reduction/management of nitrogen fertilizer was important, reported almost 20 percent of excess nitrogen coming into the Tampa Bay was from residential areas, and said Pinellas County would evaluate their fertilizer ordinance at a workshop in October 2009, Manatee County was also moving forward in the fall, and she and Dr. Garrity were talking with the University of Florida Institute of Food and Agricultural Sciences to move Hillsborough County discussions forward. Dr. Garrity confirmed efforts to bring something back. Ms. Greening noted the State was requiring enactment of an ordinance.

Amendments to the Designated Uses and Classification System of Surface Water Bodies - Mr. Richard Boler, EPC, explained in July 2009 the Florida Stormwater Association filed a petition asking that rulemaking be initiated for changes in the system/classifications and mentioned the Clean Water Act, components of State water quality standards, water classifications, proposed changes/additions, the purpose of rulemaking, financial implications, and the importance of targeting/prioritizing efforts.

THURSDAY, SEPTEMBER 17, 2009 - DRAFT MINUTES

Commissioner Beckner inquired about risks for increased contamination/dumping from reclassifying waterways. Mr. Boler mentioned components and criteria, noting the criteria was not being changed, and acknowledged difficulty in integrating criteria with the use classification. Commissioner Beckner confirmed the County should not expect to see a larger amount of contaminants. Mr. Boler reported the notion was to put TMDL dollars where those dollars would have the most impact to create restoration. Commissioner Beckner asked about possible reductions in impaired waterways. Chairman Higginbotham announced a briefing would be held, which could be beneficial to EPC Board members and requested a copy of the report/presentation for further review.

#### FINANCE AND ADMINISTRATION

Discuss Evaluation Process for the Executive Director - Ms. Joan Ohman, Director, EPC Finance and Administration, said an evaluation was provided to EPC Board members, which should be completed by October 5, 2009, and provided to Chairman Higginbotham for presentation at the next EPC meeting.

#### LEGAL DEPARTMENT

Emergency Order for Natural Disasters - EPC General Counsel Richard Tschantz recognized an intern from Stetson University; stated staff had developed a template for local emergency orders to be issued, which would help the public recover in the event of a natural disaster, and no action was required; explained in the event of a natural disaster, the Governor would declare the County, or parts of the County, a natural disaster area after which the Florida Department of Environmental Protection would issue an executive order authorizing certain environmental regulations to be waived or permitting requirements to be expedited for post storm recovery; noted delegated programs would be subject to that order; and referenced a template for a local emergency order in background material that would allow the Executive Director to similarly waive certain EPC regulations.

THURSDAY, SEPTEMBER 17, 2009 - DRAFT MINUTES

There being no further business, the meeting was adjourned at 10:06 a.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN OR VICE CHAIRMAN

ATTEST:  
PAT FRANK, CLERK

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

kr

**This Page Intentionally Left Blank**

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

**SEP    TOTAL**

**A. Public Outreach/Education Assistance**

1.	Phone calls	143	2,018
2.	Literature Distributed	-	151
3.	Presentations	1	15
4.	Media Contacts	-	26
5.	Internet	60	732
6.	Host/Sponsor Workshops, Meetings, Special Events	-	4

**B. Industrial Air Pollution Permitting**

1.	Permit Applications received (Counted by Number of Fees Received)		
	a. Operating	-	77
	b. Construction	4	93
	c. Amendments	-	-
	d. Transfers/Extensions	1	17
	e. General	-	-
	f. Title V	3	38
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ^1 (Counted by Number of Fees Collected) - ^2 Counted by Number of emission Units affected by the Review)		
	a. Operating ^1	3	81
	b. Construction ^1	13	120
	c. Amendments ^1	-	-
	d. Transfers/Extensions ^1	-	15
	e. Title V Operating ^2	-	76
	f. Permit Determinations ^2	-	10
	g. General	-	14
3.	Intent to Deny Permit Issued	-	-

**C. Administrative Enforcement**

1.	New cases received	-	13
2.	On-going administrative cases		
	a. Pending	2	2
	b. Active	12	12
	c. Legal	3	3
	d. Tracking compliance (Administrative)	15	15
	e. Inactive/Referred cases	-	-
	<b>TOTAL</b>	<b>32</b>	<b>32</b>
3.	NOIs issued	1	17
4.	Citations issued	-	2
5.	Consent Orders Signed	1	15
6.	Contributions to the Pollution Recovery Fund	\$ 2,476	\$ 41,611
7.	Cases Closed	1	20

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

	<u>SEP</u>	<u>TOTAL</u>
<b>D. Inspections</b>		
1. Industrial Facilities	19	200
2. Air Toxics Facilities		
a. Asbestos Emitters	-	-
b. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	-	16
c. Major Sources	3	52
3. Asbestos Demolition/Renovation Projects	11	227
<b>E. Open Burning Permits Issued</b>	-	20
<b>F. Number of Division of Forestry Permits Monitored</b>	301	2,789
<b>G. Total Citizen Complaints Received</b>	47	625
<b>H. Total Citizen Complaints Closed</b>	53	621
<b>I. Noise Sources Monitored</b>	4	46
<b>J. Air Program's Input to Development Regional Impacts</b>	2	24
<b>K. Test Reports Reviewed</b>	48	702
<b>L. Compliance</b>		
1. Warning Notices Issued	6	92
2. Warning Notices Resolved	7	59
3. Advisory Letters Issued	6	62
<b>M. AOR's Reviewed</b>	8	94
<b>N. Permits Reviewed for NESHAP Applicability</b>	2	17
<b>O. Planning Documents coordinated for Agency Review</b>	-	14

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

**FY TO**  
**SEP      DATE**

**A. ENFORCEMENT**

1.	New cases received	4	4
2.	On-going administrative cases	124	124
	Pending	5	5
	Active	49	49
	Legal	11	11
	Tracking Compliance (Administrative)	47	47
	Inactive/Referred Cases	12	12
3.	NOI's issued	5	19
4.	Citations issued	5	18
5.	Consent Orders and Settlement Letter Signed	1	14
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ -	\$ 37,209
7.	Enforcement Costs Collected (\$)	\$ 859	\$ 15,240
8.	Cases Closed	4	20

**B. SOLID AND HAZARDOUS WASTE**

1.	FDEP Permits Received	-	11
2.	FDEP Permits Reviewed	-	12
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	-	4
4.	Other Permits and Reports		
	County Permits Received	-	15
	County Permits Reviewed	-	17
	Reports Received	29	369
	Reports Reviewed	28	354
5.	Inspections (Total)	259	4,326
	Complaints	19	232
	Compliance/Reinspections	10	172
	Facility Compliance	43	357
	Small Quantity Generator	187	3,557
	P2 Audits	-	8
6.	Enforcement		
	Complaints Received	20	243
	Complaints Closed	20	232
	Warning Notices Issued	4	18
	Warning Notices Closed	-	21
	Compliance Letters	76	928
	Letters of Agreement	-	6
	Agency Referrals	2	14
7.	Pamphlets, Rules and Material Distributed	109	1,838

**C. STORAGE TANK COMPLIANCE**

1.	Inspections		
	Compliance	84	1,026
	Installation	9	151
	Closure	12	143
	Compliance Re-Inspections	16	236

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

	<u>SEP</u>	<u>FY TO DATE</u>
2. Installation Plans Received	8	115
3. Installation Plans Reviewed	15	119
4. Closure Plans & Reports		
Closure Plans Received	16	101
Closure Plans Reviewed	17	98
Closure Reports Received	3	81
Closure Reports Reviewed	11	110
5. Enforcement		
Non-Compliance Letters Issued	75	887
Warning Notices Issued	-	37
Warning Notices Closed	-	11
Cases Referred to Enforcement	1	14
Complaints Received	1	23
Complaints Investigated	1	21
Complaints Referred	-	1
6. Discharge Reporting Forms Received	5	34
7. Incident Notification Forms Received	15	166
8. Cleanup Notification Letters Issued	5	34
9. Public Assistance	-	-

**D. STORAGE TANK CLEANUP**

1. Inspections	44	456
2. Reports Received	98	1,334
3. Reports Reviewed	103	1,309
Site Assessment Received	13	130
Site Assessment Reviewed	15	123
Source Removal Received	3	35
Source Removal Reviewed	4	37
Remedial Action Plans (RAP'S) Received	10	127
Remedial Action Plans (RAP'S) Reviewed	14	119
Site Rehabilitation Completion Order/No Further Action Rec'd	3	50
Site Rehabilitation Completion Order/No Further Action Revw'd	3	54
Active Remediation/Monitoring Received	46	564
Active Remediation/Monitoring Reviewed	46	548
Others Received	23	428
Others Reviewed	21	429

**E. RECORD REVIEWS**

13	192
----	-----

**F. LEGAL PIR'S**

12	84
----	----

**G. PUBLIC INFORMATION PROJECTS**

-	13
---	----

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

**FY TO  
SEP      DATE**

**A. ENFORCEMENT**

1.	New Enforcement Cases Received	4	43
2.	Enforcement Cases Closed	3	39
3.	Enforcement Cases Outstanding	50	50
4.	Enforcement Documents Issued	7	74
5.	Recovered Costs to the General Fund	\$ 903	\$ 10,682
6.	Contributions to the Pollution Recovery Fund	\$ 11,298	\$ 80,678

**B. PERMITTING/PROJECT REVIEW - DOMESTIC**

1.	Permit Applications Received	15	192
	a. Facility Permit	3	34
	(i) Types I and II		5
	(ii) Type III	3	29
	b. Collection Systems - General	5	70
	c. Collection systems-Dry Line/Wet Line	7	87
	d. Residuals Disposal	-	1
2.	Permit Applications Approved	14	180
	a. Facility Permit	3	25
	b. Collection Systems - General	4	73
	c. Collection systems-Dry Line/Wet Line	7	81
	d. Residuals Disposal	-	1
3.	Permit Applications Recommended for Disapproval	-	1
	a. Facility Permit	-	-
	b. Collection Systems - General	-	1
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
4.	Permit Applications (Non-Delegated)	-	2
	a. Recommended for Approval	-	2
5.	Permits Withdrawn	-	-
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
6.	Permit Applications Outstanding	42	42
	a. Facility Permit	17	17
	b. Collection Systems - General	4	4
	c. Collection systems-Dry Line/Wet Line	21	21
	d. Residuals Disposal	-	-
7.	Permit Determination	4	29

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

	<b>SEP</b>	<b>FY TO DATE</b>
8. Special Project Reviews	-	1
a. Reuse	-	-
b. Residuals/AUPs	-	1
c. Others	-	-

**C. INSPECTIONS - DOMESTIC**

1. Compliance Evaluation	15	154
a. Inspection (CEI)	1	57
b. Sampling Inspection (CSI)	14	93
c. Toxics Sampling Inspection (XSI)	-	4
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance	71	690
a. Inspection (RI)	14	130
b. Sample Inspection (SRI)	-	7
c. Complaint Inspection (CRI)	57	545
d. Enforcement Inspection (ERI)	-	8
3. Engineering Inspections	30	368
a. Reconnaissance Inspection (RI)	3	18
b. Sample Reconnaissance Inspection (SRI)	-	-
c. Residual Site Inspection (RSI)	-	4
d. Preconstruction Inspection (PCI)	4	43
e. Post Construction Inspection (XCI)	23	303
f. On-site Engineering Evaluation	-	-
g. Enforcement Reconnaissance Inspection (ERI)	-	-

**D. PERMITTING/PROJECT REVIEW - INDUSTRIAL**

1. Permit Applications Received	1	28
a. Facility Permit	-	21
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	-	21
b. General Permit	-	1
c. Preliminary Design Report	1	6
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	1	6
2. Permits Recommended to DEP for Approval	-	-

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

	<b>SEP</b>	<b>FY TO DATE</b>
3. Special Project Reviews	1	18
a. Facility Permit	1	17
b. General Permit	-	1
4. Permitting Determination	-	-
5. Special Project Reviews	35	437
a. Phosphate	8	79
b. Industrial Wastewater	18	170
c. Others	9	188

**E. INSPECTIONS - INDUSTRIAL**

1. Compliance Evaluation (Total)	30	146
a. Inspection (CEI)	15	131
b. Sampling Inspection (CSI)	15	15
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance (Total)	16	174
a. Inspection (RI)	7	78
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	8	95
d. Enforcement Inspection (ERI)	1	1
3. Engineering Inspections (Total)	1	68
a. Compliance Evaluation (CEI)	1	65
b. Sampling Inspection (CSI)	-	-
c. Performance Audit Inspection (PAI)	-	-
d. Complaint Inspection (CRI)	-	3
e. Enforcement Reconnaissance Inspections (ERI)	-	-

**F. INVESTIGATION/COMPLIANCE**

1. Citizen Complaints	50	661
a. Domestic	39	529
(i) Received	20	234
(ii) Closed	19	295
b. Industrial	11	132
(i) Received	5	66
(ii) Closed	6	66

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

	<u>SEP</u>	<u>FY TO DATE</u>
2. Warning Notices	13	189
a. Domestic	10	154
(i) Received	6	93
(ii) Closed	4	61
b. Industrial	3	35
(i) Received	1	20
(ii) Closed	2	15
3. Non-Compliance Advisory Letters	22	206
4. Environmental Compliance Reviews	147	1,989
a. Industrial	47	612
b. Domestic	100	1,377
5. Special Project Reviews	1	10

**G. RECORD REVIEWS**

1. Permitting Determination	8	67
2. Enforcement	2	10

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

1. Air division	50	645
2. Waste Division	-	1
3. Water Division	41	275
4. Wetlands Division	-	1
5. ERM Division	203	1,863
6. Biomonitoring Reports	13	84
7. Outside Agency	27	328

**I. SPECIAL PROJECT REVIEWS**

		87
1. DRIs	-	27
2. ARs	-	8
3. Technical Support	6	44
4. Other	-	8

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

**FY TO  
SEP    DATE**

**ASSESSMENT REPORT**

**Agriculture Exemption Report**

# Agricultural Exemptions Reviews	-	1
# Isolated Wetlands Impacted	-	3
# Acres of Isolated Wetlands Impacted	-	0.34
# Isolated Wetlands qualify for Mitigation Exemption	-	3
# Acres of Wetlands qualify for Mitigation Exemption	-	0.34

**PGMD Reviews Performance Report**

# of Reviews	55	997
Timeframes Met	100%	99%
Year to Date		91%

**Formal Wetland Delineation Surveys**

Projects	9	131
Total Acres	69	1,926
Total Wetland Acres	14	391
# Isolated Wetlands < 1/2 Acre	8	53
Isolated Wetland Acreage	0.97	10.11

**Construction Plans Approved**

Projects	15	203
Total Wetland Acres	18	552
#Isolated Wetlands < 1/2 Acre	1	65
Isolated Wetland Acreage	0.23	14.09
Impacts Approved Acreage	0.1	6.01
Impacts Exempt Acreage	0.1	5.96

**Mitigation Sites in Compliance**

Ratio	194/204	194/204
Percentage	95%	95%

**Compliance Actions**

Acreage of Unauthorized Wetland Impacts	3.88	17.06
Acreage of Wtaer Quality Impacts	0.10	2.80
Acreage Restored	4.48	16.68

**General**

Telephone Conferences	656	7,675
Scheduled Meetings	190	2,325
Unscheduled Citizen Assistance	338	2,221

**REVIEW TIMES**

# of Reviews	201	3,030
% On Time	98%	98%
% Late	2%	2%

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

**FY TO**  
**SEP      DATE**

**A. General**

	1. Telephone conferences	656	8,105
	2. Unscheduled Citizen Assistance	338	2,266
	3. Scheduled Meetings	190	2,516
	4. Correspondence	1,281	9,579
1/	5. Intergency Coordination	49	262
1/	6. Trainings	7	109
1/	7. Public Outreach/Education	-	6
1/	8. Quality Control	14	95

**B. Assessment Reviews**

	1. Wetland Delineations	17	222
	2. Surveys	14	191
	3. Miscellaneous Activities in Wetland	15	299
	4. Mangrove	3	59
	5. Notice of Exemption	1	25
	6. Impact/Mitigation Proposal	18	203
	7. Tampa Port Authority Permit Applications	40	518
	8. Wastewater Treatment Plants (FDEP)	-	3
	9. Development Regn'l Impact (DRI) Annual Report	-	27
	10. On-Site Visits	93	1,165
	11. Phosphate Mining	-	33
	12. Comp Plan Amendment (CPA)	-	16
1/	13. AG SWM		4
	Sub-Total	201	2,765

**Planning and Growth Management Review**

	14. Land Alteration/Landscaping	1	23
	15. Land Excavation	1	7
	16. Rezoning Reviews	9	157
	17. Site Development	35	346
	18. Subdivision	12	159
	19. Wetland Setback Encroachment	4	46
	20. Easement/Access-Vacating	-	13
	21. Pre-Applications	11	192
1/	22. Agriculture Exemption	-	6
	Sub-Total	73	949
	<b>Total Assessment Review Activities</b>	<b>274</b>	<b>3,714</b>

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

**FY TO**  
**SEP      DATE**

**C. Investigation and Compliance**

	1. Warning Notices Issued	11	114
	2. Warning Notices Closed	8	61
1/	3. Complaints Closed	43	201
	4. Complaint Inspections	49	507
	5. Return Compliance Inspections for Open Cases	42	401
	6. Mitigation Monitoring Reports	25	394
	7. Mitigation Compliance Inspections	39	361
	8. Erosion Control Inspections	15	267
	9. MAIW Compliance Site Inspections	-	176
	10. TPA Compliance Site Inspections	-	24
2/	11. Mangrove Compliance Site Inspections	-	2
1/	12. Conservation Easement Inspection	3	9

**D. Enforcement**

	1. Active Cases	19	19
	2. Legal Cases	-	-
	3. Number of "Notice of Intent to Initiate Enforcement"	3	18
	4. Number of Citations Issued	-	2
	5. Number of Consent Orders Signed	5	43
	6. Administrative - Civil Cases Closed	4	45
	7. Cases Referred to Legal Department	-	3
	8. Contributions to Pollution Recovery	\$ 450	\$ 101,821
	9. Enforcement Costs Collected	\$ 379	\$ 12,853

**E. Ombudsman**

	1. Agriculture	7	47
	2. Permitting Process & Rule Assistance	1	14
	3. Staff Assistance	-	91
	4. Citizen Assistance	5	15

1/ Reported activity beginning with April 2009.

2/ Reported activity beginning with May 2009.

**This Page Intentionally Left Blank**

ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
POLLUTION RECOVERY TRUST FUND  
AS OF 09/30/09

	As of 9/30/09
Beginning Fund Balance, 10/01/08	\$ 908,910
Interest Accrued	50,268
Deposits	257,765
Disbursements	(254,098)
Intrafund Budget Transfers to Project Fund	(443,301)
Intrafund Budget Transfers from Project Fund	34,233
Pollution Recovery Fund Balance	\$ 553,777
Encumbrances:	
Pollution Prevention/Waste Reduction (101)	\$ 2,263
Artificial Reef Program	23,193
PRF Project Outreach	16,877
PRF Project Monitoring	(243)
Total Encumbrances	\$ 42,090
Minimum Balance (Reserves)	\$ 120,000
Balance Available 09/30/09	\$ 391,687

PROJECT FUND	Project Amount	Project Balance
<b>Open Projects</b>		
FY 06 Projects		
COT Parks Dept/Cypress Point (97)	\$ 100,000	\$ 100,000
Bahia Beach Restoration (contract 04-03)	150,000	55,657
Field Measurement for Wave Energy	125,000	-
Port of Tampa Stormwater Improvement	45,000	-
	\$ 450,000	\$ 155,657
FY 07 Projects		
Tank Removal	\$ 25,000	\$ 1,570
Agriculture Best Management Practice Impl	150,000	100,857
Lake Thonotosassa Assessment	75,000	75,000
Natures Classroom Cap, PH III	188,000	-
Pollution Monitoring Appl Pilot Project	45,150	6,773
Seagrass & Longshore Bar Recovery	75,000	30
Seawall Removal Cotanchobee Ft Brooke Park	100,000	100,000
Knights Preserve	35,235	-
Oyster Reef Shore/Stab & Enhance	30,000	35
Nitrogen Emission/Deposition Ratios, Air Pollution	40,906	5,867
Erosion Control/Oyster Bar Habitat Creation	75,000	62,500
Remediation of Illegally Dumped Asbestos	4,486	4,486
	\$ 843,777	\$ 357,118
FY 08 Projects		
Australian Pine Removal E.G. Simmons Park	\$ 80,000	\$ 80,000
Restoration of MOSI	125,000	65,208
Invasive Plant Removal Egmont Key	133,000	12,415
Lake Magdalene Special Disposition District	66,954	18,879
Testing Reduction of TMDL in Surface Water Flow	19,694	12,777
Assessing Bacteria Lake Carroll	101,962	11,080
	\$ 526,610	\$ 200,359
FY 09 Projects		
Agriculture Pesticide Collection & Education Day	\$ 24,000	\$ 8,860
Agriscience, Food & Natural Resources Department	2,275	2,275
Great American Cleanup 2009	12,830	12,830
MacDill Phase 2 Seagrass Transplanting	79,196	41,620
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
	\$ 443,301	\$ 390,585

**ENVIRONMENTAL PROTECTION COMMISSION  
 OF HILLSBOROUGH COUNTY  
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND  
 AS OF 09/30/09**

Fund Balance as of 10/1/08	\$ 241,187
Interest Accrued	5,552
Disbursements FY 09	-
	\$ 246,739
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	246,739
Total Encumbrances	\$ 246,739
Fund Balance Available 09/30/09	\$ -

ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY

JULY- AUGUST 2009 QUARTERLY SURVEY CARD RESULTS

Ratings are on a scale of one to five, where 5 is Excellent and 1 is Poor.

Division		Prompt Service	Profess' al Courteous	Concerns Addressed	Easy to find Person	EPC Rules Easy	EPC Website Friendly	Overall Satisf
Air	1 SURVEY CARDS - TOTAL POINTS	1.0	n/a	1.0	n/a	4.0	4.0	1.0
	AVERAGE	1.0	n/a	1.0	n/a	4.0	4.0	1.0
	Comments: <i>I reported a neaby neighbors LOUD POOL PUMP 1 week ago and it is STILL as loud as ever from the hours of 10:15am-5:15pm EVERYDAY. It drives the side, front and rear neighbors NUTS!! Your dept. has not nothing to date. I am very disappointed. The complaint address was at: "2011" Green Juniper LN Brandon FL 33511 (Providence Lakes @ Peppermill) Subdivision... My name is Grace Austin and I live about FOUR houses away and still hear the AWFUL POOL Pump NOISE daily...do something...I am very disappointed with the EPC :( Per your site they are breaking a city ordinance!!! No need to Reply, just do something!</i>							
Waste	2 SURVEY CARDS - TOTAL POINTS	9.0	9.0	9.0	9.0	9.0	4.0	9.0
	AVERAGE	4.5	4.5	4.5	4.5	4.5	4.0	4.5
	Comments: <i>n/a</i> <i>n/a</i>							
Water	1 SURVEY CARDS - TOTAL POINTS	5.0	5.0	5.0	5.0	5.0	5.0	5.0
	AVERAGE	5.0	5.0	5.0	5.0	5.0	5.0	5.0
	Comments: <i>I E mailed the Environment Protection Commission for the State of Florida with great concerns within my Community. When contacted by the State they informed me that Hillsborough County has jurisdiction and will be contacting me shortly. Within one hour of that call, Mr. Jeffrey R. Sklut phoned me and took all of my information. He made an appointment around my busy schedule the following day, and came out to my community and listened, inspected, observed, and also had to put up with a lot of grief from selected residents. At all times Mr. Sklut remained professional, courteous, answered all questions regardless of the tone and/or attitude of the residents. He introduced himself with a handshake and his business card, and explained everything multiple times. You have a fine employee with Mr. Sklut and an asset to your department, this is one County Employee that deserves a ♦Job Well Done♦ from his supervisors. Warmest Regards, Deborah Stasiak</i>							
Wetlands	2 SURVEY CARDS - TOTAL POINTS	10.0	10.0	10.0	10.0	7.0	8.0	10.0
	AVERAGE	5.0	5.0	5.0	5.0	3.5	4.0	5.0
	Comments: <i>n/a</i> <i>Wendy and Dena were very helpful and professional</i>							
	6 CARDS TOTAL EPC AVERAGE	4.2	4.8	4.2	4.8	4.2	4.2	4.2

**This Page Intentionally Left Blank**



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 15, 2009

**Subject:** Legal Case Summary for October 2009

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

**Division:** Legal Department

**Recommendation:** None, informational update.

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

**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:**            **October 2009 EPC Legal Case Summary**

**EPC LEGAL DEPARTMENT MONTHLY REPORT  
October 2009**

**A. ADMINISTRATIVE CASES**

**NEW ADMINISTRATIVE CASES [ 0 ]**

**EXISTING ADMINISTRATIVE CASES [ 5 ]**

**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. A draft Environmental Impact Statement (EIS) was issued by FERC and the EPC provided comments on the draft in early June 2009. The final EIS should be issued by September 18. (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 and the facility is going through foreclosure. (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)

**Evelyn Romano et al. v. EPC and City of Tampa** [LEPC09-005]: On March 7, 2009 the Appellant filed a request for an extension of time to file a Notice of Appeal to challenge a wetland impact approval and mitigation agreement. The Legal Department granted the request and the Appellant has until April 30, 2009 to file an appeal in this matter. On April 27, 2009 the Appellant filed a Notice of Appeal and the matter has been transferred to a Hearing Officer to conduct an administrative hearing. The parties conducted a case management conference and set the final hearing date in this matter for December 10, 2009. The parties are proceeding with the administrative appeal. (AZ)

**Vertis, Inc.** [LEPC09-009]: On April 22, 2009 Vertis, Inc. filed a Petition for Administrative Hearing to challenge Operating Permit #0570254-022-AF for its facility located at 4646 S. Grady Avenue in Tampa. The parties are negotiating. (RM)

**RECENTLY RESOLVED ADMINISTRATIVE CASES [ 0 ]**

**B. CIVIL CASES**

**NEW CIVIL CASES [ 0 ]**

**EXISTING CIVIL CASES [ 14 ]**

**Phillips & Munzel Oil Co., Inc. Robert G. Phillips, Individually, and Clyde W. Munzel Individually** [LEPC09-003]: On February 19, 2009 the EPC Board granted authority to take legal action against the Respondents for violations of the EPC Act, Chapter 1-7, EPC Rules and Chapter 62-770, FAC. Citations of Violation were issued on June 25, 2008, the Respondents failed to appeal the citations and they became final orders of the Agency enforceable in Court. The violations have not been corrected. (AZ)

**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. On February 18, 2009 the EPC filed a Complaint in Circuit Court for civil penalties and injunctive relief. Due to lack of response the Clerk's office entered a default against Robilotta on May 7, 2009. (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. On February 18, 2009 the EPC filed a Complaint in Circuit Court for civil penalties and injunctive relief. On April 24, 2009, the Clerk of Court granted the EPC's motion for default. The owner has recently entered negotiations with the EPC. (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. On April 23, 2009, the EPC Legal Department filed a lawsuit seeking all corrective actions as well as assessment of civil penalties and costs in the matter. The parties are in negotiations concerning a settlement of the 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)

**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)

**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)

**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. PRF monies were allocated in November 2008 to assist in remediating the site. (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)

**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. The EPC has filed for contempt proceedings and additional penalties for ongoing violations of the CFJ. (RM)

**Spencer Farms, Inc.** [LEPC09-004]: On March 19, 2009 the EPC Board granted authority to take legal action against the Respondent for violations of the EPC Act, Chapter 1-7 EPC Rules and Chapter 62-770, F.A.C. A Citation of Violation was issued on June 27, 2006, the Respondent failed to appeal the citation and it became a final order of the Agency enforceable in Court. The violations have not been corrected. (AZ)

**2601 Hillsborough, LLC and Charlie Mavros** [LEPC09-006]: On March 19, 2009 the EPC Board granted authority to take legal action against the Respondents for violations of various wastewater regulations in Chapters 62-620, 62-660, and 62-4, F.A.C. A Citation of Violation was issued on November 25, 2008, the Respondents failed to appeal the citation and it became a final order of the Agency enforceable in Court. The violations have not been corrected and a lawsuit will be filed. (RM)

**Hindu Religious Center, Inc.** [LEPC09-008] : On April 16, 2009 the EPC Board granted authority to take legal action against the Respondent for violations of the EPC Act and Chapter 1-10, Rules of the EPC (Noise Pollution). In September 2008 Respondent and EPC staff entered into a Consent Order to address the violations. Respondent has failed to comply with the corrective measures contained therein and, as a result, continues to violate the EPC noise standards. The Center has begun to modify the facility in an effort to comply with the Consent Order and EPC will evaluate the recent upgrades. The remedies have not been effective, thus the EPC will pursue litigation. (RM)

**U.S. Bankruptcy Court in re Jerry A. Lewis** [LEPC09-011]: On May 1, 2009 the U.S. Bankruptcy Court Middle District of Florida filed a Notice of Chapter 13 Bankruptcy Case regarding Jerry A. Lewis. On May 26, 2009, the EPC filed a Proof of Claim with the Court. The EPC's basis for the claim is a recorded judgment lien awarded in Civil Court against Mr. Lewis concerning unauthorized disposal of solid waste. (AZ)

#### **RECENTLY RESOLVED CIVIL CASES [0]**

#### **C. OTHER OPEN CASES [7]**

The following is a list of cases assigned to the EPC Legal Department that are not in litigation, but a party has asked for an extension of time to file for administrative litigation in the hope of negotiating a settlement prior to forwarding the case to a Hearing Officer. The below list may also include waiver or variance requests.

**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. EPC was not added as a Defendant,, therefore the EPC case has been closed. (RT)

**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 has granted subsequent requests for extension of time and the Petitioner has until November 25, 2009 to file a petition in this matter. (RM)

**GI Entertainment & Restaurant Group LLC** [LEPC09-002]: On February 13, 2009 the Appellant (Green Iguana) 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 February 9, 2009, regarding noise violations. The request was denied and the party has until March 26, 2009, to file an appeal. An appeal was filed on March 13, 2009 and the parties are negotiating. (RM)

**OneSteel** [LEPC09-010]: On April 30, 2009 the Petitioner (OneSteel) filed a request for an extension of time to challenge draft Air Construction Permit #0571400-001-AC. The request was granted and the Petitioner has until July 14, 2009 to file a petition for administrative hearing. . Subsequently, the Petitioner requested and was granted two additional extensions of time. Currently, the Petitioner has until September 14, 2009 to file a petition in this matter. The disputed issues have been resolved, the permit issued, and the case has been closed. (RM)

**OneSteel** [LEPC09-013]: On August 27, 2009 Petitioner OneSteel filed a request for an extension of time to challenge draft Air Construction Permit #0571404-001-AC. The disputed issues have been resolved, the permit issued, and the case has been closed. (RM)

**Patco Transport, Inc.** [LEPC09-012]: On July 2, 2009 the Appellant filed a request for an extension of time to file an Appeal regarding a Citation of Violation that was issued by the EPC on June 9, 2009. The request was granted and the Appellant has until August 31, 2009 to file an appeal in this matter. (AZ)

**Separation Technologies LLC**[LEPC09-014]: On September 11, 2009 Petitioner Separation Technologies LLC filed a request for an extension of time to challenge draft Air Operating Permit #0571326-003-AO. The request was granted and Petitioner has until November 9, 2009 to file a petition in this matter. (RM)

**This Page Intentionally Left Blank**



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 15, 2009

**Subject:** Public Hearing to Consider an Amendment to Chapter 1-6 (Services-Fee Schedule)

**Consent Agenda** \_\_\_\_\_ **Regular Agenda** \_\_\_\_\_ **Public Hearing**   X  

**Division:** Legal and Administrative Services

**Recommendation:** Conduct a Public Hearing to approve proposed amendment to Chapter 1-6 (Services – Fee Schedule), to be effective November 1, 2009

**Brief Summary:** Staff has completed a review and analysis of fees to be charged for Tampa Port Authority minor works permit.

Staff presented the recommended changes to Rule 1-6 to CEAC on October 5, 2009. CEAC voted to support the new fee as proposed by staff. In addition, a public workshop was held on September 29, 2009. An announcement of this public hearing to amend the rule was published on October 1, 2009, at least 10 days prior to the scheduled hearing date as required by Chapter 84-446, Laws of Florida.

**Financial Impact:** It is estimated \$206,500 will be collected for issuance of TPA minor work permits to fully recover costs for EPC staff.

### **Background:**

Pursuant to the Hillsborough County Environmental Protection Act (EPC Act) Section 5.2, the EPC Board must hold a noticed public hearing to approve a rule or rule amendment. The EPC staff requests that the EPC Board approve holding a public hearing at its next regularly scheduled meeting on October 15, 2009 to adopt a fee for Tampa Port Authority minor works permits to be effective November 1, 2009.

On September 30, 2007 the EPC Board authorized the Executive Director to enter into an interlocal agreement delegating the Tampa Port Authority (TPA) permitting authority over “minor work permits” to the EPC to streamline permitting and avoid confusion for applicants. The current procedure for Tampa Port Authority (TPA) “minor work permits” is TPA reviews the application and charges \$100, then forwards the application to EPC for an environmental review for an additional charge of \$150. With delegation, EPC does the entire review and issues the TPA minor work permit and collects the total \$250 fee. This eliminates the need for two stops for TPA minor work permit and any confusion by the applicants of where they need to go for a permit.

The Amended and Restated Interlocal Agreement between the TPA and EPC was signed June 23, 2009 assigning delegation for TPA minor work permits to EPC. The agreement provides “[t]he EPC shall collect both the current TPA and EPC permit fees for the EPC Permits it may issue in accordance with the

existing fee schedules until such time as EPC adopts its own fee schedule under its applicable rules.” EPC has completed its own fee study and calculated appropriate fee to fully recover the cost of issuing minor work permits to include the agency’s indirect and overhead costs in addition to Hillsborough County’s indirect cost recovery rate of 18.12%.

Based on an estimated 350 Tampa Port Authority permit applications per year at the proposed fee of \$590.00, total revenues for one year would be \$206,500.00. The 350 estimated permits are based generally on a nine year average of applications submitted.

**Summary of Current and Proposed Fees:**

Tampa Port Authority (Minor Work Permit)	<u>Current</u>	<u>Proposed (delegated)</u>
Sovereign Land Review (Minor Work Permit)	\$100.00	\$440.00
EPC Environmental Review (Minor Form)	\$150.00	\$100.00
EPC Inspection	n/a	\$ 50.00
Total	\$250.00	\$590.00

**List of Attachments:**

Draft Chapter 1-6 Services-Fee Schedule

**RULE DRAFT dated September 14, 2009**  
**RULES OF THE**  
**ENVIRONMENTAL PROTECTION**  
**COMMISSION**  
**OF HILLSBOROUGH COUNTY**

**CHAPTER 1-6**  
**SERVICES-FEE SCHEDULE**

- 1-6.01 Declaration and Intent
- 1-6.02 Air Management
- 1-6.03 Waste Management
- 1-6.04 Water Management
- 1-6.05 Wetlands Management
- 1-6.06 Other Miscellaneous Charges
- 1-6.07 Fee Waivers
- 1-6.08 Prohibitions

**1-6.01 DECLARATION AND INTENT**

It is the intent of the Commission to establish reasonable fees for services performed by the Environmental Protection Commission Director, and his duly authorized agents and employees in the review of applications and other technical materials, in the investigation of cases involving violation of the enabling act and rules promulgated there under, and in the conduct of inspections.

Said fees are for the purpose of defraying expenses incurred by the Environmental Protection Commission in performing professional services necessitated by the actions of others. All funds collected for said services shall become funds of Hillsborough County and shall be deposited in the General Revenue Fund.

**1-6.02 AIR MANAGEMENT**

**A. Stationary source permitting**

1. The following application and compliance fees apply to permits that are to be reviewed pursuant to the authority of Chapter 84-446, Laws of Florida, and not pursuant to full permit delegation from the Florida Department of Environmental Protection (FDEP) except as provided in subsection A.2 below. The fees for the non-delegated facilities are as follows:

- (a) Construction permit for an air pollution source

- (i) New source review or prevention of significant deterioration \$480
- (ii) All others \$960
- (b) Operation permit for an air pollution source for 5 yrs \$1245
  - (i) Minor facility
    - (1) Application review \$795
    - (2) Compliance \$450
  - (ii) Synthetic minor facility \$1645
    - (1) Application review \$795
    - (2) Compliance \$850
  - (iii) Major facility \$2645
    - (1) Application review \$795
    - (2) Compliance \$1850
- (c) Revise an air pollution source permit \$380
- (d) Transfer of ownership, name change, and extension of expiration date for each air permit \$45

2. Air permits being reviewed and processed pursuant to full permit delegation from FDEP shall be subject to the processing fees set forth in section 62-4.050 F.A.C., as summarized below, and shared with FDEP as agreed.

- (a) Construction permits
  - (i) Source with PSD or NAA, 100 tons/yr or more \$750
  - (ii) Source without PSD or NAA, 100 tons/yr or more \$5000
  - (iii) Source 50 tons/yr but less than 100 \$4500
  - (iv) Source 25 tons/yr but less than 50 \$2000
  - (v) Source 5 tons/yr but less than 25 \$1000
  - (vi) Source less than 5 tons/yr \$250
  - (vii) Minor modification \$250
  - (viii) Minor modification, original permit fee less than \$30 \$50
  - (ix) Transfer of ownership/permit \$50
  - (x) Time extension on permit \$50
- (b) Operation permits
  - (i) Major source no fee
  - (ii) Minor source - stack sample \$1500
  - (iii) Minor source - other source \$1000
  - (iv) Minor source - no sample \$750
  - (v) Minor modifications \$250
  - (vi) Transfer of permit ownership \$50
  - (vii) Time extension on permit \$50

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(viii) Variable form permitting standards or conditions \$2000

**NOTE: Major sources will pay a Title V fee pursuant to Section 62-213 F.A.C. If EPC and DEP have an agreement to share this fee, then no additional fee will be required under this rule. However, if there is no fee sharing agreement, then fees listed in section 1-6.02 A.1. above shall apply for Title V sources.**

**B. Asbestos notification\***

**1. Notification for commercial demolition**

- (a) For structures less than 50,000 gross sq ft \$200
- (b) For structures 50,000 gross sq ft and greater \$300

**2. Notification for asbestos abatement**

- (a) Renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos \$300
- (b) Renovation greater than 1000 linear feet or 1000 sq ft \$500
- (c) Annual notifications for facilities where renovation of asbestos containing material is expected to exceed 160 sq ft or 260 linear feet in a calendar year \$500

**\*There is no fee for courtesy notifications. Courtesy notifications are where a notification for a project is provided by the building owner or his contractor, even though it is not required by rule.**

**C. Open burning authorization**

- 1. Two (2) acres or less \$400
- 2. Greater than two (2) acres \$600

**1-6.03 WASTE MANAGEMENT**

**A. Solid waste**

**1. Construction permits**

- (a) Class I or class II facility 5 year permit \$3300
  - (i) Application review \$800
  - (ii) Compliance \$2500
- (b) Class III facility - 5 year permit \$2500
  - (i) Application review \$500
  - (ii) Compliance \$2000

(c) Resource recovery/ Incinerator - 5 years \$2500

- (i) Application review \$500
- (ii) Compliance \$2000

(d) Construction & demolition debris disposal - 5 year permit \$2500

- (i) Application review \$500
- (ii) Compliance \$2000

(e) Waste processing facility - 5 year permit \$2000

- (i) Application review \$500
- (ii) Compliance \$1500

(f) Compost facility - 5 year permit \$2000

- (i) Application review \$500
- (ii) Compliance \$1500

(g) All other solid waste management facilities - 5 years \$2000

- (i) Application review \$500
- (ii) Compliance \$1500

**2. Operation permits**

(a) Class I or class II facility - 5 year permit \$3100

- (i) Application review \$600
- (ii) Compliance \$2500

(b) Class III facility - 5 year permit \$2500

- (i) Application review \$500
- (ii) Compliance \$2000

(c) Resource recovery/ Incinerator - 5 year permit \$2500

- (i) Application review \$500
- (ii) Compliance \$2000

(d) Construction & demolition debris disposal - 5 year permit \$2500

- (i) Application review \$500
- (ii) Compliance \$2000

(e) Waste processing facility - 5 year permit \$2000

- (i) Application review \$500
- (ii) Compliance \$1500

(f) Compost facility - 5 year permit \$2000

- (i) Application review \$500

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(ii) Compliance	\$1500	
(g) All other solid waste management facilities - 5 years		\$2000
(i) Application review	\$500	
(ii) Compliance	\$1500	
3. Closure/long term care permits		
(a) Class I or class II facilities - 5 year permit		\$1000
(i) Application review	\$500	
(ii) Compliance	\$500	
(b) Class III facility - 5 year permit		\$1000
(i) Application review	\$500	
(ii) Compliance	\$500	
(c) Construction & demolition debris disposal - 5 year permit		\$1000
(i) Application review	\$500	
(ii) Compliance	\$500	
(d) All other solid waste management facilities - 5 year permit		\$1000
(i) Application review	\$500	
(ii) Compliance	\$500	
4. Director's Authorization - facilities not otherwise requiring a solid waste permit issued by the FDEP		
(a) Old landfill development-5 year permit		\$2800
(i) Application review	\$800	
(ii) Compliance	\$2000	
(b) Recovered materials processing facility		\$2200
(i) Application review	\$500	
(ii) Compliance	\$1700	
(c) Yard trash processing facility		\$2200
(i) Application review	\$500	
(ii) Compliance	\$1700	
(d) One time on site disposal - residential		\$100
(e) All other solid waste management facilities - 5 year permit		\$2200
(i) Application review	\$500	
(ii) Compliance	\$1700	

5. Modifications

(a) Minor modifications		
(i) Corrections, minor changes which will not involve new work, or new work locations, which will not alter, replace or eliminate permit requirements		\$0
(ii) Transfer, time extension, minor changes which involve new work, or new work locations which will alter, replace or eliminate permit requirements.		\$100
(b) Substantial modifications shall require the appropriate application review fee in conformance with Section 1-6.03, 1 through 4.		

6. Small quantity hazardous waste generators\*\*

(a) Annual notification/verification fee	\$40
--	------

**\*\*NOTE: These Environmental Protection Commission fees will normally be collected by the Hillsborough County Tax Collector.**

B. Storage tanks

1. Storage tank installation and upgrade plan reviews	\$150
---	-------

**1-6.04 WATER MANAGEMENT**

A. The following application and compliance fees apply to permits that are to be reviewed pursuant to the authority of Chapter 84-446, Laws of Florida, and not pursuant to permit delegation from the FDEP:

1. Domestic wastewater source permits

(a) Preliminary design report review	\$2500
(b) Facility permit for 5 years	
(i) Types I & II	\$2940
(a) Application review	\$1850
(b) Compliance activities	\$1090
(ii) Type III	\$930
(a) Application review	\$380
(b) Compliance activities	\$550
(c) Permit modifications	
(i) Minor modification involving	\$750

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

construction activity		(a) New and expansion	\$870
(ii) Substantial modification	\$1750	(b) Extension and renewal	\$650
(d) Residual site application	\$1445		
2. Collection systems		*2. Rezoning application	\$300
(a) General permit		*3. Subdivision applications	
(i) Less than 10 EDU	\$230	(a) Preliminary	\$370
(ii) 10 or more EDU	\$460	(b) Master plan	\$750
(a) Application review	\$230	(c) Construction	\$490
(b) Compliance (10 or more EDU)	\$230	(d) Final plat	\$200
(b) Standard permit		(e) Minor subdivision plans	\$230
(i) Less than 10 EDU	\$270	(f) As-build verification	\$300
(ii) 10 or more EDU	\$500		
(a) Application review	\$270	*4 Tampa Port Authority (TPA)	
(b) Compliance	\$230	(a) <u>Delegated Minor Work Permit form</u>	<u>\$590-\$150</u>
		<del>(b) Standard form</del>	\$300
		(b) <u>EPC Minor Work Permit Revision</u>	<u>\$.75</u>
3. Industrial wastewater source permits		(c) <u>TPA Permit</u>	
(a) Preliminary design report		(i) <u>Minor Work Permit Environmental and Compliance Review (fee collected by TPA)</u>	<u>\$150</u>
(i) Major facility	\$2500	(ii) <u>Standard Work Permit Environmental and Compliance Review (fee collected by TPA)</u>	<u>\$300</u>
(ii) Minor facility	\$1000		
(b) Facility permit for 5 years		*5. Phosphate mining	
(i) Minor facility	\$1000	(a) Annual review and inspection	
(ii) Major facility	\$3000	(b) Unit review and reclamation	\$375
(a) Application review	\$2455	(c) Bimonthly inspections (6 per year)	\$3500
(b) Compliance activities	\$545	(d) Administrative Review	\$310
(c) General permits	\$275	(e) Land Alteration	\$100
(d) Permit modifications		(f) Amendments to Mining/ Reclamation	\$500
(i) Minor modification involving construction activity	\$750	(i) Changes within the mining unit	
(ii) Substantial modification	\$1750	(ii) Addition of adjacent acreage	\$1000
4. EPC authorization for facilities not requiring a FDEP permit which may discharge pollutants or contaminants into waters of the county	\$2200		***
		*6. Development of regional impact	\$1200
B. Water permits being reviewed and processed by the Commission pursuant to permit delegation from the FDEP shall be subject to the processing fees set forth in section 62-4.050 F.A.C., although the compliance fees above may also apply as appropriate.		*7. Commercial site development application	\$500
		*8. Natural Resources	\$270
<b>1-6.05 WETLANDS AND WATERSHED MANAGEMENT</b>		*9. Miscellaneous activities in wetlands	
*1. Land excavation permits		(a) Nuisance species removal	

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

	(b) Dock, boardwalks, riprap, etc.	No fee \$150	(i) Review (ii) 11 monitoring reports	\$2500 \$2475
10.	Wetland delineation		(e) Professional Mangrove Trimmer	
	(a) Less than 250 L.F		fee per Ch. 1-14.08	
	(b) 250 L.F. or greater	\$150 \$150 + .20 L.F	First time registration fee	\$50
			Annual renewal fee	\$25
11.	Wetland mitigation			
	(a) Single family homes (review and monitoring reports)			*Denotes EPC Fees collected by the Planning and Growth Management Department for EPC.
	(i) Review	\$850		**Only this subsection of Rule 1-6.05.11 applies if the application contains a request for authorization to impact both forested and herbaceous wetlands.
	(ii) 7 monitoring reports	\$500		***Minimum \$500 or Straight Line Pro-Rata Fee whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mining unit divided by 2500, multiplied by the fee required by Rule 1-6.05.5(b)
**	(b) Commercial/subdivision-forested	\$350		****Minimum \$700 or Straight Line Pro-Rata, Fee whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mitigation application divided by 2500, multiplied by the fee required by Rule 1-6.05.11(b) or (c), as applicable.
	(i) Review			
	(ii) 11 monitoring reports	\$2500		
	(c) Commercial/subdivision - herbaceous	\$2475		
	(i) Review	\$4075		
	(ii) 7 monitoring reports	\$2500		
	(d) Agricultural - Forested	\$1575		
	(i) Review	\$1050		
	(ii) Monitoring	\$500		
	(e) Agricultural - Herbaceous	\$550		
	(i) Review	\$850		
	(ii) Monitoring	\$500		
	(f) Amendment to mitigation plan	\$350		
	(i) Changes in configuration/ location			
	(ii) Changes in elevations/ planting scheme	\$500		
	(g) Phosphate mining within a previously approved mitigation application	\$100		
	(i) Addition of adjacent area or additional wetland impact request			
12.	Mangrove Trimming and Alteration			
	(a) Trimming permit per Ch. 1-14.06	\$225		1.6.05 (5)(d) <b>Administrative Review</b> - shall include applications that, regardless of whether the proposed activity is within an approved Mining Unit, do not (1) request authorization for wetland impacts; (2) require a field inspection; (3) necessitate an engineering review within the Wetlands Division; or (4) request any substantive modifications to an existing approval. For the purposes of this rule, non-substantive modifications shall include the following: modification of an approved mining schedule; modification of an approved reclamation schedule; transfer of permits; and transportation related modifications.
	(b) Compliance / monitoring fee for staged trimming for each trim event	\$50		
	(c) Other Trimming and Alteration permit Single family	\$1,050		1.6.05 (5)(e) <b>Land Alteration</b> - shall include applications that, regardless of whether the proposed activity is within an approved Mining Unit: (1) do not request authorization for wetland impacts; and (2) may necessitate an engineering review within the Wetlands Division. This type of application shall include, but not limited to, the following: authorization to construct or expand access and utility corridors; applications to site settling ponds.
	(i) Review	\$500		
	(ii) 11 monitoring reports	\$550		
	(d) Other Trimming and Alteration permit Commercial / subdivision	\$4,975		Section History -- amended February 16, 2006

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

**1-6.06 OTHER MISCELLANEOUS CHARGES**

- 1. Enforcement Costs \$50/hr
- 2. Data Processing Data Analysis \$50/hr
- 3. Certification of Copies \$1/pg
- 4. Copies .15/pg

Amended 07/10/90  
Amended 08/22/90  
Effective 10/01/90  
Amended 05/22/91  
Amended 09/25/91  
Amended 11/05/91  
Amended 3/24/93  
Amended 5/26/93  
Amended 1/25/95  
Amended 8/21/97  
Amended 9/17/98  
Amended 6/12/03  
Effective 10/01/03  
Amended 2/16/06  
Effective 2/24/06

**1-6.07 FEE WAIVERS**

- 1. Executive Director may waive the appropriate application fee in cases of financial hardship.
- 2. The Executive Director may modify or waive an application fee in circumstances where unfairness would otherwise be the result.

**1-6.08 PROHIBITIONS**

The fees listed in Sections 1-6.02 through 1-6.05 are due and payable upon submission of a request, application or notification. Whenever a request application or notification is submitted without the required fee, receipt shall be acknowledged and the request, application or notification shall be immediately returned with attachments; no further action shall be taken until the appropriate fees are submitted along with the supporting documents. It shall be a violation to fail to pay a required fee.

[**Publisher's Note:** EPC charges for development and rezoning applications may be submitted to appropriate governmental entities where the review process has been coordinated with EPC]

ADOPTED 2/28/85  
Effective 03/15/85  
Amended 02/28/86  
Amended 12/11/86  
Amended 01/13/88  
Amended 02/28/90  
Effective 04/01/90

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** 10/22/09

**Subject:** Proclamation declaring the week of November 1, 2009 as "*Brownfield Redevelopment Week*" in Hillsborough County.

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** Waste Division

**Recommendation:** In favor of proclamation.

**Brief Summary:** The 12<sup>th</sup> Annual Florida Brownfields Conference "*Finding Green in the New Economy*" is being held in Tampa November 1-4, 2009. Commissioner Higginbotham will be welcoming participants to Hillsborough County.

**Financial Impact:** No Financial Impact

**Background:** The 12<sup>th</sup> Annual Florida Brownfields Conference is being held in Tampa November 1-4, 2009 at the Tampa Hyatt Regency. The conference will be highlighting brownfield redevelopment in Hillsborough County, including boat tours to Tampa Heights and the Port of Tampa, walking tours of Channelside, and a reception at the new Tampa Bay History Center.

The Florida Brownfields Association sponsors this conference, providing opportunities for national, state, and local regulators, the regulated community, and community members to meet, providing an opportunity for the advancement of brownfield redevelopment through collaborative efforts. Through activities such as this annual conference, community workshops, and other outreach, the FBA has become a model for other state brownfield organizations. Notably, one day of this conference is set aside as "Community Day" to encourage the participation by community leaders and activists from around the state. The FBA, in conjunction with the Goldstein Brownfields Foundation, will be providing scholarships for those who might not otherwise be able to attend.

**This Page Intentionally Left Blank**



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 15, 2009

**Subject:** Yard Trash and Processed Yard Trash Guidance Policy Update

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

**Division:** Waste Management Division

**Recommendation:**

No staff recommendations. Provided to the Board for informational purposes only.

**Brief Summary:**

Staff are providing an informational update related to the development of a material guidance policy that has been crafted in order to establish reasonable and acceptable criteria for the use and reuse of processed yard trash in Hillsborough.

**Background:**

Based on an apparent need to provide clarification to concerned and affected parties with regard to the regulation of the reuse and disposal of yard trash and processed yard trash in Hillsborough County, the EPC has, in cooperation with other federal, State and local agencies, developed a guidance policy associated with the use, reuse and disposal of yard trash and processes yard trash.

Staff are providing an informational update outlining the activities already undertaken in the development of the guidance policy, a brief overview of the guidance itself, as well as an update pertaining to the steps still planned in the finalization and dissemination of the guidance information.

**This Page Intentionally Left Blank**



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 15, 2009

**Subject:** 2009 Pollution Recovery Fund Projects

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** Wetlands and Watershed Management

**Recommendation:** Approve staff and CEAC's recommendations for funding selected Pollution Recovery Fund Projects and authorize EPC Chair to execute agreements with selected parties. See details below.

**Brief Summary:** The EPC staff and the Citizens Environmental Advisory Committee (CEAC) have been reviewing ten 2009 Pollution Recovery Fund applications since May 2009. After extensive review, the staff and CEAC jointly recommend approving four of the projects as described in the attached project summary. Five of the projects are jointly recommended for denial by staff and CEAC. One project is recommended for approval by staff, but denial by CEAC.

**Financial Impact:** The financial impact for approving the EPC staff recommended projects would be to reduce the PRF balance available for projects as of August 31, 2009 from \$381,588 to \$102,547 thereby approving a total expenditure of \$279,041 for new projects.

**Background:** EPC staff and CEAC have reviewed the Calendar Year 2009 Pollution Recovery Fund project applications. Each application is reviewed for legal sufficiency (compliance with the EPC Act and Chapter 1-9 Rules of the EPC), technical merit (is the project permissible and is it based on sound scientific knowledge), and financial requirements. A total of ten applications were received this year, all of which were deemed complete and legally sufficient. Both EPC staff and CEAC are jointly recommending approval of 4 projects and denial of 5 of the projects as described in the attached project summary list. One project is recommended for approval by staff, but denial by CEAC.

**EPC staff recommends that the Board:**

- 1) Approve or Deny the attached projects as recommended by EPC staff
- 2) Authorize the EPC Chair, on a continuing basis, to execute the approved PRF agreements and any amendments to PRF agreements that involve non-material changes or reasonable deadline extensions as may be necessary from time to time. The minor amendments will not involve changes in funding.

**List of Attachments:** 2009 PRF Project Summary List & 2009 Synopsis of Recommendations

## 2009 Pollution Recovery Fund Project Summary

Total PRF Funds Available for Projects: \$ 381,588 (As of 8/30/09)

Total PRF Funds Approved for Projects: \$ 204,041 / \$ 279,041

Total Remaining Available for Projects: \$ 177,547 / \$ 102,547

4 Projects Recommended for Approval by both EPC Staff & CEAC

5 Projects Recommended for Denial by both EPC Staff & CEAC

1 Project Recommended for Approval by EPC but Denial by CEAC \*

### ✓ Basis of Review for Borrow Pit Applications

- EPC Staff & CEAC Recommend Approval for \$68,160 (CEAC Vote 13-0-0)
- This project will help develop more current scientific knowledge to aid staff with reviews.
- Emphasis will be placed on technical criteria needed to review potential borrow pit impacts.

### ✓ Effects of Restoration on Use of Habitat by Neo-tropical Migratory Songbirds

- EPC Staff & CEAC Recommend Approval for \$84,081 (CEAC Vote 11-0-2)
- This project builds on existing data related to migratory birds' use of coastal upland habitats.
- Project will restore 5 acres of habitat in Cockroach Bay and develop useful restoration techniques for future projects in Tampa Bay.

### ✓ Artificial Wetland Cells

- EPC Staff & CEAC Recommend Approval for \$5,500 (CEAC Vote 13-0-0)
- Project will create and deploy several floating vegetated islands in lakes and ponds.
- The islands will provide nutrient uptake, wildlife habitat, and aesthetic benefits.

### ✓ East Lake Watershed: A Student-led Action Plan to Improve Water Quality

- EPC Staff & CEAC Recommend Approval for \$46,300 (CEAC Vote 13-0-0)
- This project is focused on student-driven environmental management and education.
- Students will monitor water quality, stormwater impacts, and develop a management plan.

- X Agriculture Best Management Practice Implementation Project
- EPC Staff & CEAC Recommend Denial (\$150,000) (CEAC Vote 11-1-1)
  - This is a continuation of an existing statewide initiative for another 3 year period
  - The existing project has not fully used its current funding and has doubled state and federal match

- X Nutrient Input Reduction into Tampa Bay Using Vegetative Buffer Zones
- EPC Staff & CEAC Recommend Denial (\$50,000) (CEAC Vote 12-0-1)
  - Little new information would be gained about nutrient uptake benefits of planted shorelines
  - The amount of shoreline planted and actual environmental benefit would likely be minimal

- X Constructing a Rain Garden to Reduce Stormwater Runoff
- EPC Staff & CEAC Recommend Denial (\$49,618) (CEAC Vote 12-0-1)
  - The project focuses on the USF campus and would have minimal county-wide impact
  - Implies funds would be used to meet already required MS4 & NPDES requirements

- X Pilot Project for Outfall Water Quality in Lake Magdalene
- EPC Staff & CEAC Recommend Denial (\$92,000) (CEAC Vote 13-0-0)
  - The applicant has a current PRF project in place that is not yet completed
  - There is uncertainty regarding long-term maintenance and permission to use county ROW

- X Tampa Port Authority Stormwater Retrofit Project
- EPC Staff & CEAC Recommend Denial (\$17,000) (CEAC Vote 13-0-0)
  - The project proposes additional work in a previously approved project area
  - There would be minimal additional benefit by adding on to an already completed project

- \* Greenhouse Gas Inventory for Hillsborough County Government
- EPC Staff Recommends Approval for \$75,000
  - CEAC Recommends Denial (CEAC Vote 2-10-1)
  - Staff feels that the project will allow the county to update its GHG inventory thus being able to take future action toward implementing greener initiatives with county facilities and vehicles
  - CEAC feels this is an inappropriate use of PRF funding and any such study should be funded by the county itself. CEAC also feels that there are more readily available and less expensive ways of calculating the same data.

## 2009 Project Requests for Pollution Recovery Funds

### **A09-01 Agriculture Best Management Practice Implementation Project II**

Applicant: **FDACS Office of Agriculture Water Policy**

Project Details Specific objectives of this project are to:

1. Help fund a BMP Implementation team focused on providing guidance to growers/managers for BMP implementation in commercial farms. This team will conduct evaluations of physical features and production practices and then provide recommendations for changes and improved operation and management.
2. Through partnerships, establish demonstrations of unfamiliar BMPs on commercial sites and conduct evaluations of their effectiveness to reduce off-site impacts of farming operations.
3. Provide educational opportunities (workshops, demonstrations, field days, etc.) to demonstrate and discuss BMPs for all levels within the production system, from upper management to laborers.
4. Work with the Hillsborough County Agriculture Partnership to identify new BMPs or improvements to existing BMPs that can result in practical solutions for improving water quality and the sustainability of agricultural production. In addition, the Implementation Team will provide information on the status of BMP implementation to interested agencies and the general public.
5. Review pertinent research relating to BMPs and develop summaries in formats suitable for dissemination to growers.

PRF Request: \$150,000.00

Project Manager: Brian Boman

Total Cost: \$1,865,688.00

Phone: 772-468-3922

EPC Staff Recommendation: **Denial**

- Staff Notes:
- This is a continuation of an existing statewide initiative for another 3 year period
  - The existing project has not fully used its current funding and has doubled state and federal match

CEAC Recommendation **Denial**

CEAC Notes: (CEAC Vote 11-1-1)

---

### **A09-02 Nutrient Input Reduction into Tampa Bay by the Supplementation of Vegetative Buffer Zones Along Drainage System Tributaries**

Applicant: **University of South Florida, Dept of Integrated Biology**

Project Details The goals of this project are to construct artificial plant communities using dominant native plant species of the appropriate habit and hydric regime along the shores of five tributaries of the Tampa Bay drainage system, which will then be monitored for their effects on water quality and invertebrate community composition. The cost and benefits (i.e. results) of this pilot study will be calculated to determine if this technique provides a cost-effective management and restoration strategy for Tampa Bay.

The objectives of the following proposal are to 1) assess native plant communities along the riparian areas of the Tampa Bay drainage system; 2) use these data to develop species diversity and dominance indices for these native plant communities; 3) establish experimental native plant communities (to serve as natural water filters) using the five most appropriate species (obtained from 1 and 2 above) along small tributaries of the Tampa Bay drainage system and 4) monitor the effects of experimental plant communities on water quality and plant and invertebrate community structure.

PRF Request: \$50,000.00

Project Manager: Peter Stiling

Total Cost: \$75,000.00

Phone: 813-974-3754

EPC Staff Recommendation: **Denial**

- Staff Notes:
- Little new information would be gained about nutrient uptake benefits of planted shorelines
  - The amount of shoreline planted and actual environmental benefit would likely be minimal

CEAC Recommendation **Denial**

CEAC Notes: (CEAC Vote 12-0-1)

---

## 2009 Project Requests for Pollution Recovery Funds

### **A09-03 Constructing a Rain Garden to Reduce Stormwater Runoff Pollutant Loads and Meet National Pollutant Discharge Elimination System Requirements**

Applicant: **University of South Florida**

**Project Details** The rain garden will filter the sediment and nutrients and will mitigate stormwater pollution. It will increase the size of the natural and pervious areas and help reduce pollutant loads to the stormwater system. The project will assist the University of South Florida to meeting NPDES Municipal Separate Stormwater Sewer System (MS4) requirements. The project will also help with the TMDL program in Hillsborough County, specifically for nutrient load reduction from non-point sources to Hillsborough River. The rain garden project will be evaluated according to the following. First, is it meeting the NPDES requirements for stormwater management by USF. Second, the survival of the plants species chosen for the site. This will be done by continuous monitoring and checking the survival rates of the plants. Third, its capacity to filter nutrients. This will be done by taking samples of the water runoff before it enters the rain garden and after it leaves it. Fourth, by tracking the number of visitors to the site and their willingness to adopt this technique to improve water quality on their lands.

PRF Request: \$49,618.00

Project Manager: Kamal Alsharif Ph.D.

Total Cost: \$57,118.00

Phone: 813-974-4883

EPC Staff Recommendation: **Denial**

Staff Notes: 

- The project focuses on the USF campus and would have minimal county-wide impact
- Implies funds would be used to meet already required MS4 & NPDES requirements

CEAC Recommendation **Denial**

CEAC Notes: (CEAC Vote 12-0-1)

---

### **A09-04 Basis of Review for Borrow Pit Applications**

Applicant: **HSW Engineering**

**Project Details** HSW Engineering, Inc. proposes to prepare an up-to-date manual on how to permit borrow pits and protect the local hydrology. Additionally, they propose to conduct 2 seminars for permit reviewers, developers, and interested citizens regarding the manual and methods developed in this project. These seminars should focus not on processing an EPC permit with the draft BOR, but generally the methodologies to develop a borrow pit without impacting the surrounding natural resources. Finally, they propose to assist the EPC in codifying the manual into a Hillsborough County Ordinance. As rulemaking on this subject is not a current Board mandate, the PRF funds should be used for the other parts of this project if the Board agrees. As described in the application, rulemaking could be a separate part of the project, and not necessarily a part of the PRF project.

PRF Request: \$68,160.00

Project Manager: Dr. Ken Watson

Total Cost: \$78,000.00

Phone: 813-968-7722

EPC Staff Recommendation: **Approve**

Staff Notes: 

- This project will help develop more current scientific knowledge to aid staff with reviews.
- Emphasis will be placed on technical criteria needed to review potential borrow pit impacts.

CEAC Recommendation **Approve**

CEAC Notes: (CEAC Vote 13-0-0)

---

## 2009 Project Requests for Pollution Recovery Funds

### **A09-05 Effects of Restoration on Use of Habitat by Neo-Tropical Migratory Songbirds**

Applicant: **Quest Ecology**

**Project Details** Loss of native habitat has contributed to the decline of nearly two-thirds of all migratory birds. No research has currently been completed on the use of restored or created habitats by migratory songbirds. The planned result of this restoration is to provide optimal stopover habitat for migratory songbirds whose populations have declined, some as much as 75%, but that are not listed under the Endangered Species Act. Quest Ecology Inc., in association with Hillsborough County Parks and Recreation, Natural Resources Division, and Audubon of Florida, has established a long-term monitoring program at Cockroach Bay Aquatic Preserve. Commencing in the Spring of 2007, Quest Ecology's Avian Ecologist, Lauren Deaner, with the assistance of volunteers, has been banding neo-tropical migratory songbirds during spring and fall migration. Spring of 2007 and fall of 2007 were partially funded by grants from the Tampa Port Authority (Sovereign Lands Program) and the Tampa Bay Estuary Program (Mini-grant Program) respectively. Spring 2008, Fall 2008, and Spring 2009 have all been self-funded by Quest Ecology Inc. The project has been well-received by the community.

PRF Request: \$84,081.00

Project Manager: Lauren Deaner

Total Cost: \$162,472.69

Phone: 813-642-0799

EPC Staff Recommendation: **Approve**

**Staff Notes:**

- This project builds on existing data related to migratory birds' use of coastal upland habitats.
- Project will restore 5 acres of habitat in Cockroach Bay and develop useful restoration techniques for future projects in Tampa Bay.

CEAC Recommendation **Approve**

CEAC Notes: (CEAC Vote 11-0-2)

### **A09-06 Artificial Wetland Cells**

Applicant: **Logan Gate Village Special Dependent District**

**Project Details** Project Narrative:

A. Objectives of this project are to create 20 artificial wetland cells in the form of 32 square foot floating islands that will accomplish the following environmental objectives:

1). Form a man-made natural habitat of plants to generate the uptake of nitrogen and excess nutrients from detention ponds.

2). Once the artificial wetlands are established, they will form the host for the entire food chain starting with beneficial bacteria that will begin converting nitrogen into nitrite and ammonia for consumption or release into the atmosphere, further removing nitrogen from the ponds.

B. Benefits expected are improved water quality in detention ponds. With the reduction of nutrients in the water, the pond will no longer be a host for excessive growth of phytoplankton and algae. Once the beneficial bacteria become abundant due to the increased presence of oxygen, from the plants root systems, algae will begin to accumulate on the plants roots. The fish will harvest the new algae growth helping to keep its population in check and improving the habitat for fish. As the summer rains continue to flush the watershed of excess nutrients, the artificial wetland cells will also continue absorption through uptake and bacteria consumption. Outflow of the detention ponds will now be much cleaner thereby fostering better water quality further down the flow to streams, rivers, lakes and onto the bay.

C. General Project Information. Early retention/detention ponds were built without a littoral shelf along the banks of the ponds. The littoral shelf forms wetlands where plants can take root and help consume excess nutrients. Today we are unable to add wetlands to these ponds because land area is not available to convert to wetlands. This project creates wetland areas on the surface of the pond. This active wetland project will be observed quarterly. Photographs will be taken of the growth and habitat activities. Upon approval of this grant, the months preceding the availability of funds, sampling of nitrogen, algae, water clarity dissolved oxygen and pH will begin and then continue after the islands are fielded. After about two years of study, the effectiveness of the islands can then be evaluated.

PRF Request: \$5,500.00

Project Manager: Don Hardy

Total Cost: \$6,200.00

Phone: 813-918-1566

EPC Staff Recommendation: **Approve**

**Staff Notes:**

- Project will create and deploy several floating vegetated islands in lakes and ponds.
- The islands will provide nutrient uptake, wildlife habitat, and aesthetic benefits.

CEAC Recommendation **Approve**

CEAC Notes: (CEAC Vote 13-0-0)

## 2009 Project Requests for Pollution Recovery Funds

---

### A09-07 Pilot Project for Outfall Water Quality in Lake Magdalene: Pre & Post Testing

Applicant: **Lake Magdalene Special Dependent District**

**Project Details** Project Narrative:

Identify the point sources discharging into the lake, collect more water quality data, rank and prioritize the improvements, assess the cost-benefit of the retrofit measures i.e. (CDS units, and/or natural biological treatment systems).

Objectives:

- a) Assist the Principal Investigator in identifying current outfall areas on the lake
- b) Update the stormwater points of entry and choose one that typically represents pollutant runoff into Lake Magdalene
- c) Monitor the nutrient levels coming in points of entry/outfalls
- d) Reduce levels of nutrients and other contaminants in urban stormwater so that concentrations in the discharge at a minimum meet the standards applicable to the water body. Promote proper maintenance of stormwater points of entry/outfalls including installation of CDS units or other sediment/filtration and/or biological treatment devices to capture debris and retard nutrient and fertilizer invasions. This objective is consistent with the lake management plan.
- e) Educating the homeowners to their responsibilities of preventing pollutants going into the lake via lawn care maintenance will be an ongoing objective of this grant.

Results and/or Benefits Expected:

- a) It is the Lake Magdalene Special Dependent District's belief that the lake will be ecologically restored to its natural-system-state prior to the Cherry Creek subdivision (accounting for a minimum of 3-4 points of entry/outfalls for stormwater runoff), Haven Bend roadway, Lake Wilford, Briardale Lane, Shady Shore Drive and Bearss Avenue (accounting for 1-2 points of entry/ outfalls) jettisoned growth and development of North Dale Mabry's Corridor (accounting for a minimum of 2 points of entry/outfalls for stormwater runoff).
- B) Physically, as the hydrilla, cattails and malaleuca are reduced or thinned out, present navigational hazards will be eliminated by increased visibility and submerged malaleuca tree trunks as obstacles will be avoided. The lake ecosystem will benefit wildlife habitats and significantly increase food chains.
- C) The economical and financial benefits will be evidenced by a stable or increased tax base by preserving property values which have shown an increase in assessed values under normal economic conditions in the Bay area.

PRF Request: \$92,000.00

Project Manager: Rick Wagner

Total Cost: \$125,000.00

Phone: 813-695-5490

EPC Staff Recommendation: **Denial**

- Staff Notes:
- The applicant has a current PRF project in place that is not yet completed
  - There is uncertainty regarding long-term maintenance and permission to use county ROW

CEAC Recommendation **Denial**

CEAC Notes: CEAC vote 13-0-0

---

### A09-08 East Lake Watershed: A Student-led Action Plan to Improve Water Quality

Applicant: **Suncoast Earth Force**

**Project Details** The goal of this project is for students to develop an East Lake Watershed Action Plan that is based on management plans for this area, water quality data from an array of scientific organizations, and both water quality data and land use analysis that these students have collected over an entire year.

Students will gain:

- scientific knowledge including the basics of watershed management from professional scientists
  - how to communicate effectively with homeowners, business owners, and water management professionals
  - leadership skills required to coordinate diverse groups of students and analyze scientific data
- Service-learning is emerging as a critical topic in K-12 schools, higher education, and community organizations that work with youth. This is because students participating in service-learning show improvements in academic achievement, career preparation, feelings of self-efficacy, behavior, attendance, and civic engagement (Dr. J. Folman, Director, Florida Alliance for Student Service, Florida State University).

PRF Request: \$46,300.00

Project Manager: Scott Willis

Total Cost: \$113,821.00

Phone: 727-215-8619

EPC Staff Recommendation: **Approve**

- Staff Notes:
- This project is focused on student-driven environmental management and education.
  - Students will monitor water quality, stormwater impacts, and develop a management plan.

CEAC Recommendation **Approve**

CEAC Notes: (CEAC Vote 13-0-0)

---

# 2009 Project Requests for Pollution Recovery Funds

## **A09-09 Tampa Port Authority Stormwater Retrofit Project**

Applicant: **Ecosphere Restoration Institute, Inc.**

**Project Details** The goals of the project are to improve and enhance stormwater quality, as well as provide additional habitat within the developed area of the Port and demonstrate the effectiveness of the treatment system. The project consists of conducting a stormwater system improvement and enhancement project on the new site located on the Hooker's Point peninsula within the Tampa Port Authority's (TPA's) property. Through a previously conducted GIS study TPA identified a basin that required stormwater retrofit activities and this was installed in March 2009. The requested funds are to finalize the project and monitor the effectiveness of the system plus install additional native plants to improve the water quality for Tampa Bay.

PRF Request: \$17,000.00

Project Manager: Thomas Ries

Total Cost: \$80,000.00

Phone: 813-376-9076

EPC Staff Recommendation: **Denial**

Staff Notes: •The project proposes additional work in a previously approved project area  
•There would be minimal additional benefit by adding on to an already completed project

CEAC Recommendation **Denial**

CEAC Notes: CEAC Vote 13-0-0

---

## **A09-10 Greenhouse Gas Inventory for the Hillsborough County Government**

Applicant: **Hillsborough County Real Estate**

**Project Details** Project Boundaries

The project is located within Hillsborough County boundaries. County buildings and all operations associated with the facilities are to be included in the GHG Inventory:

1. All County owned buildings.
2. All County owned vehicles.
3. All County activities which emit greenhouse gases, such as the Resource Recovery facility and the SE Landfill.
4. All County owned lands which may sequester carbon and create credits.

Objectives

The objectives of this project are to:

1. Complete an emission inventory of GHGs from Hillsborough County government facilities, lands and activities.
2. Compile a Climate Action Plan.
3. Identify potential reduction projects.
4. Identify carbon offset projects and evaluate their worth. This would be existing offsets as well as potential offsets resulting from some further action.

Results and/or benefits expected

The results and benefits that can be expected from this project are:

1. County will have an updated GHG inventory and Climate Action Plan.
2. County will have a list of projects which would reduce GHG emissions.
3. County will have a list of carbon offset projects both existing and recommended, and their worth.
4. County will have the most economically advantageous strategy in place to address future GHG control mandates from the US EPA.
5. County will be able to conserve energy and reduce their overall operating cost.
6. County will help reduce their dependence on fossil fuels both locally and in a small way on the national level.
7. County will reduce their GHG emissions as the Board directs over time.
8. County will increase their employees and the public's awareness of GHG reduction measures, thus the reductions could expand as individuals make more informed decisions in their personal life.

PRF Request: \$75,000.00

Project Manager: Randy Kildworth

Total Cost: \$75,000.00

Phone: 813-276-8789

EPC Staff Recommendation: **Approve**

Staff Notes: •Staff feels that the project will allow the county to update its GHG inventory thus being able to take future action toward implementing greener initiatives with county facilities and vehicles

CEAC Recommendation **Denial**

CEAC Notes: CEAC Vote 2-10-1 CEAC feels this is an inappropriate use of PRF funding and any such study should be funded by the county itself. CEAC also feels that there are more readily available and less expensive ways of calculating the same data.

---



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 15, 2009

**Subject:** Fertilizer and Landscape Management Regulation Update

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** Wetlands and Watershed Management Division

**Recommendation:** Informational Report and Board Discussion

**Brief Summary:** Consistent with Board direction received in May 2009, EPC staff is providing an update on the fertilizer legislation and proposed rulemaking.

**Financial Impact:** No Financial Impact

**Background:** After extensive workshops and meetings, the Tampa Bay Estuary Program (TBEP) created a draft model ordinance for fertilizer regulation in November 2008 and encouraged all the local governments around Tampa Bay to adopt it, in an effort to reduce nitrogen pollution in our local waterways and the bay. In response to that and other state-wide initiatives (e.g. - FDEP and DACS taskforces and manuals) on fertilizer regulation, the EPC Board in January 2009 directed EPC staff to work closely with Hillsborough County staff and the community on exploring fertilizer and landscape management regulation. EPC staff led a Technical Staff Coordination (TSC) Group on the issue. The TSC Group held four “fact-finding” meetings (on 2/24/2009, 3/3/2009, 3/24/2009, and 4/14/2009). The TSC Group included representation from several county departments, the UF/IFAS Extension Service to Hillsborough County, and beginning in 3/24/2009, representatives from the local jurisdictions of Tampa, Plant City, and Temple Terrace.

The TSC Group focused on developing consensus for key issues such as public education and outreach programs on fertilizer use, and possible training/certification programs for companies that apply fertilizer in primarily residential settings. The TSC Group held a broader public workshop on 4/23/2009 at the County Extension Office, which included participation from key stakeholder and interest groups, as well as the general public. These numerous technical staff meetings, and the public workshop, resulted in the exchange of ideas and the development of facts and issues bearing on the overall policy decisions concerning landscape management regulations. On May 21, 2009, the EPC staff provided an update on the process, the major consensus and non-consensus items that arose at the meetings, and asked if any rulemaking should commence. Due to the uncertainty of ongoing fertilizer legislation and the pending

budget, the EPC Board tabled the agenda item until the Legislative session and the BOCC/EPC budget were resolved.

### **Current Status and Board Direction on EPC Rulemaking**

Senate Bill 494 was passed and approved by the Governor shortly after the EPC Board's May meeting. The law became effective July 1, 2009. Section 403.9337, of the Florida Statutes (created by SB 494), in part, requires cities and counties that have nutrient-impaired waters to adopt the FDEP's Model Ordinance, published in "Florida-Friendly Landscape Guidance Models for Ordinances, Covenants, and Restrictions," a publication of the FDEP and UF-IFAS, dated January 2009.

While the EPC is not required to adopt the Model Ordinance, all three cities and the County would be required to adopt the ordinance based on nutrient-impaired waters that flow through all four local government jurisdictions. This could lead to four different and possibly confusing fertilizer regulations in Hillsborough County. Thus, many members of the TSC group had suggested that if there is to be an ordinance or rule, the EPC should create one County-wide rule, to minimize confusion and overlapping regulations.

EPC staff will provide a current status report on residential fertilizer legislation, and on related actions locally, and around the state. Staff will standby for Board direction, which we anticipate may range from holding additional meetings to perhaps initiating rulemaking in cooperation with the local municipalities. In the event the EPC does not move forward with developing a consistent fertilizer rule for all four municipalities in the county, the three cities and the County may have to begin drafting ordinances on their own to comply with Section 403.9337, F.S.

**List of Attachments:** None.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 15, 2009

**Subject:** Executive Director's Evaluation

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  \_\_\_\_\_ **Public Hearing** \_\_\_\_\_

**Division:** Legal and Support Services Division

**Financial Impact:** No Financial Impact

**Background:** Evaluation forms were distributed on September 17, 2009. As of October 7, 2009, three evaluation forms were completed and provided to Commissioner Higginbotham's office. Staff has compiled the three evaluation forms submitted and the results indicate an average score of 4.59 in Behavior Dimensions and an average score of 4.60 in Accomplishment of Goals Dimensions. The scores are on a scale of 1 through 5, with 5 representing the highest possible score. The FY 10 budget as adopted, does not provide merit or market equity increases for EPC staff. Therefore, there is no financial impact associated with this item. Staff recommends acceptance of the evaluation results.

**List of Attachments:** Evaluation Summary Assessment

# PERFORMANCE EVALUATION

October 18, 2007

DR. RICK GARRITY

EXECUTIVE DIRECTOR

ENVIRONMENTAL PROTECTION COMMISSION

## SUMMARY ASSESSMENT

### Ranking – Behaviors & Accomplishments

#### HIGHEST

5. Behaviors/Accomplishments are outstanding and as such are obvious to others in county government and to members of the Community.
4. Behaviors/Accomplishments are excellent and recognized as more than just competent in that expectations are exceeded in the area of responsibility.
3. Behaviors/Accomplishments are good in that expectations are consistently met for the areas of responsibility.
2. Behaviors/Accomplishments are adequate but fall below expectations for the area of responsibility.
1. Behaviors/Accomplishments are below an acceptable level of expectations for the area of responsibility.

#### LOWEST

**DR. RICK GARRITY  
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION  
ASSESSMENT**

	<b>BEHAVIORS</b>									
	Leadership	Communication	Responsiveness	Respect & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization		
Kevin Beckner	4.00	4.00	5.00	5.00	4.00	4.00	4.00	4.00		
Rose Ferlita	5.00	5.00	5.00	5.00	4.75	5.00	5.00	5.00		
Ken Hagan	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Al Higginbotham	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Jim Norman	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Mark Sharpe	5.00	4.00	5.00	5.00	4.00	5.00	4.00	N/A		
Kevin White	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
<i>Average</i>	<i>4.67</i>	<i>4.33</i>	<i>5.00</i>	<i>5.00</i>	<i>4.25</i>	<i>4.67</i>	<i>4.33</i>	<i>4.50</i>		

**4.59**

**DR. RICK GARRITY  
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION  
ASSESSMENT**

ACCOMPLISHMENT OF GOALS						
	Regulatory Effectiveness	Regulatory Efficiency	Coordination with Regulatory Partners	Partnering for Better Compliance	Outreach	
Kevin Beckner	5.00	4.00	4.00	4.00	4.00	4.00
Rose Ferlita	5.00	5.00	5.00	5.00	5.00	5.00
Ken Hagan	N/A	N/A	N/A	N/A	N/A	N/A
Al Higginbotham	N/A	N/A	N/A	N/A	N/A	N/A
Jim Norman	N/A	N/A	N/A	N/A	N/A	N/A
Mark Sharpe	4.00	4.00	5.00	5.00	5.00	5.00
Kevin White	N/A	N/A	N/A	N/A	N/A	N/A
<i>Average</i>	<i>4.67</i>	<i>4.33</i>	<i>4.67</i>	<i>4.67</i>	<i>4.67</i>	<i>4.67</i>

**4.60**

**Commissioner's Comments**

**Commissioner Ferlita:** See comments attached

**Commissioner Sharpe:** Outstanding character and leadership- demonstrates the ability to adjust quickly to new facts on the ground. Not perfect but aims high.

Performance Evaluation  
Dr. Rick Garrity  
Executive Director  
Environmental Protection Commission

September 17, 2009

Attachment to evaluation ratings

I again rated the *Quality of Staff Work* category as a 4.75 as I don't view staff work directly, but it's obvious that they follow Dr. Garrity's leadership, in terms of efforts and achievements. Thanks again to Dr. Garrity for his attention to efficiency during this difficult budget process.

Rose V. Ferlita