

**COMMISSION**

Lesley “Les” Miller, Jr., *Chair*  
Victor D. Crist, *Vice Chair*  
Ken Hagan  
Al Higginbotham  
Pat Kemp  
Sandra L. Murman  
Stacy White



**Executive Director**

Janet L. Dougherty

**General Counsel**

Richard Tschantz

**Meeting time**

9:00 a.m.

**COMMISSION AGENDA**

**May 17, 2018**

**Location**

601 E. Kennedy Blvd., Tampa  
County Center, 2<sup>nd</sup> Floor

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, and INVOCATION**
- 2. CHANGES TO THE AGENDA**
- 3. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, or SEPARATE VOTE**
- 4. RECOGNITIONS**  
*Retirement of Brenda Cattanach, EPC Waste Management Division.*
- 5. PUBLIC COMMENT - Each speaker is allowed 3 minutes unless the Commission directs differently.**
- 6. APPROVAL OF CONSENT AGENDA**

**AGENDA ITEMS**

**A. CONSENT AGENDA**

1. Approval of EPC Meeting Minutes –March 22, 2018.....	2
2. Monthly Activity Report.....	6
3. FY2018 Pollution Recovery Fund Budget .....	8
4. Legal Case Summary .....	10
5. Action Plans Quarterly Update .....	14
6. Select Performance Measure Goals Quarterly Update .....	21

**B. PUBLIC HEARING**

None

**C. REGULAR AGENDA**

1. EPC pay range adjustment to match current Civil Service pay range .....	23
2. Volkswagen litigation and Federal settlement update .....	24
3. Executive Director’s Report	

**ADJOURN**

Any person who might wish to appeal any decision made by the EPC 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.



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # A1

**Date of EPC Meeting:** May 17, 2018

**Subject:** Approval of March 22, 2018 EPC meeting minutes

**Agenda Section:** Consent Agenda

**Brief Summary:** Staff requests the Commission approve the meeting minutes from the Commission meetings held on March 22, 2018.

**Financial Impact:** No Financial Impact

**List of Attachments:** Draft copy of the March 22, 2018 EPC meeting minutes.

**Background:** None.

MARCH 22, 2018 - ENVIRONMENTAL PROTECTION COMMISSION

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, March 22, 2018, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Lesley Miller Jr. and Commissioners Victor Crist (arrived at 9:05 a.m.), Ken Hagan, Pat Kemp, Sandra Murman, and Stacy White.

The following member was absent: Commissioner Al Higginbotham.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND INVOCATION

▶ Chairman Miller called the meeting to order at 9:01 a.m. ▶ Commissioner White led in the pledge of allegiance to the flag and gave the invocation.

2. CHANGES TO THE AGENDA

▶ Ms. Janet Dougherty, EPC Executive Director, stated there were no changes to the agenda.

3. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, OR SEPARATE VOTE - ▶ None.

4. RECOGNITIONS

Ms. Pragnya Kulkarni - Student, Hillsborough Science, Technology, Engineering, and Math Fair Winner

▶ Ms. Dougherty displayed images and recognized Ms. Kulkarni, who made remarks.

Mr. Woodrow Batchelor - Professional Engineer, Water Management Division Recognition

Mr. Jerry Campbell - Division Director/Professional Engineer, Air Management Division Recognition

▶ Ms. Dougherty referenced distributed material, showed images, and commended Messrs. Campbell and Batchelor, who made comments.

5. PUBLIC COMMENT - ▶ None.

THURSDAY, MARCH 22, 2018

6. APPROVAL OF CONSENT AGENDA

AGENDA ITEMS

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - February 15, 2018, and February 21, 2018
2. Monthly Activity Report
3. Fiscal Year 2018 Pollution Recovery Fund Budget
4. Legal Case Summary - March 2018

▶ Chairman Miller asked for a motion to approve the Consent Agenda. **Commissioner Murman so moved, seconded by Commissioner Kemp, and carried six to zero.** (Commissioner Higginbotham was absent.)

B. PUBLIC HEARING

1. Rule Amendment Public Hearing on Chapter 1-6, Rules of the EPC (Services-Fee Schedule)

▶ Chairman Miller sought a motion to open the public hearing to consider amendments to EPC Schedule Fee Rules, Chapter 1-6. **Commissioner Kemp so moved, seconded by Commissioner White, and carried six to zero.** (Commissioner Higginbotham was absent.) EPC General Counsel Richard Tschantz relayed the item purpose and shared staff's request for Chapter 1-6.02.D.4., open burning definition, to be deleted out of the proposed rule. ▶ Mr. Campbell reviewed background material. Chairman Miller called for public comment; there was no response. Upon remarks, ▶ **Commissioner White moved the item, seconded by Commissioner Kemp.** Subsequent to dialogue, ▶ **the motion carried five to one; Commissioner Hagan voted no.** (Commissioner Higginbotham was absent.)

C. REGULAR AGENDA

1. 2018 Legislative Session and Constitution Revision Commission Updates

▶ Ms. Dougherty deferred to Attorney Tschantz, who summarized background material.

THURSDAY, MARCH 22, 2018

2. Executive Director's Report

▶ Ms. Dougherty displayed images and reviewed background material.

ADJOURN

▶ There being no further business, the meeting was adjourned at 9:39 a.m.

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

ATTEST:  
PAT FRANK, CLERK

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

jh

DRAFT



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # A2

**Date of EPC Meeting:** May 17, 2018

**Subject:** Agency Monthly Activity Report

**Agenda Section:** Consent Agenda

**Division:** All five EPC Divisions

**Recommendation:** None. Informational report.

**Brief Summary:** The Agency-wide report represents the total number of select divisional activities that were tracked within a specific month.

**Financial Impact:** No financial impact.

**List of Attachments:** Monthly report for March and April 2018

**Background:** Select data that is associated with the EPC's five core functions is tracked by each Division (i.e. outreach events, monitoring, compliance inspections, permits issued, etc.) Monthly activity tracking reports from each Division are tallied to generate one final Agency-wide report.

**EPC STAFF ACTIVITIES - AGENCY-WIDE**

**Monthly Activity Report**

**FY18**

		<b>March</b>	<b>April</b>	<b>FISCAL YEAR TO DATE</b>
<b>A.</b>	<b>Core Function: Citizen Support &amp; Outreach</b>			
1	Environmental Complaints Received	110	123	759
2	Number of Presentations/Outreach Events	8	12	95
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	463	399	2794
<b>B.</b>	<b>Core Function: Air &amp; Water Monitoring</b>			
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	92.9%	98.2%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	0.0%	0.0%	N/A
3	Number of Noise Monitoring Events	0	3	17
<b>C.</b>	<b>Core Function: Environmental Permitting</b>			
1	Permit/Authorization Applications Received	135	126	887
2	Applications In-house >180 days	5	5	N/A
3	Permits/Authorizations Issued	114	129	865
4	Petroleum Cleanup Cases	107	129	521
<b>D.</b>	<b>Core Function: Compliance Assurance</b>			
1	Compliance Inspections	440	449	2413
2	Compliance Test Reviews (NOTE: Wetlands reviews included under D.1)	64	28	543
3	Compliance Assistance Letters Issued	163	113	1968
4	Warning Notices Issued	11	5	45
<b>E.</b>	<b>Core Function: Enforcement</b>			
1	New Cases Initiated	3	2	31
2	Active Cases	21	25	N/A
3	Tracking Cases	44	42	N/A



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # A3

**Date of EPC Meeting:** May 17, 2018

**Subject:** Pollution Recovery Fund Budget

**Agenda Section:** Consent Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Informational Report Only

**Brief Summary:** The EPC staff provides a monthly summary of the funds allocated and available in the Pollution Recovery Fund.

**Financial Impact:** No Financial Impact

**List of Attachments:** PRF Budget Spreadsheet

**Background:** The EPC staff provides a monthly summary of the funds allocated and available in the Pollution Recovery Fund (PRF). The PRF funds are generated by monetary judgments and civil settlements collected by the EPC staff. The funds are then allocated by the Commission for restoration, education, monitoring, the Artificial Reef Program, and other approved uses.



**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
FY 18 POLLUTION RECOVERY FUND  
10/1/2017 through 4/30/2018**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 711,583	Artificial Reef	\$ 33,339	Minimum Balance	\$ 120,000	
Interest	\$ 1,005	Open Projects	\$ 446,363	Est. FY 18 Budget	\$ 33,339	
Deposits	\$ 71,767			Asbestos Removal	\$ 5,000	
Total	\$ 784,356	Total	\$ 479,702	Total	\$ 158,339	\$ 146,315

PROJECT		Project Amount	Project Balance
<b>FY 16 Projects</b>			
TBW McKay Bay South Oyster Reef	10131.102063.582990.5370.1267	\$ 48,010	\$ 23,841
USF Fecal Pollution in Tampa Bay	10131.102063.581990.5370.1271	\$ 50,000	\$ 16,306
		\$ 98,010	\$ 40,147
<b>FY 17 Projects</b>			
Sun City Ctr Audubon Nature Trail Prop	10131.102063.582990.5370.1279	\$ 20,000	\$ 4,050
H.C. Conservation Bahia Bch Invasive	10131.102063.581990.5370.1280	\$ 31,500	\$ 31,500
FL Aquarium Watershed Invest	10131.102063.582990.5370.1282	\$ 55,477	\$ 55,477
		\$ 106,977	\$ 91,027
<b>FY18 Projects</b>			
Ecosphere Restoration Ignacio Haya Park	10131.102063.582990.5370.1292	\$ 47,000	\$ 47,000
Audubon Florida Invasive Removal	10131.102063.582990.5370.1293	\$ 50,000	\$ 50,000
Keep T.B. Beautiful Trash Free Waters	10131.102063.582990.5370.1296	\$ 20,000	\$ 20,000
TBW MacDill AFB Living Shoreline	10131.102063.582990.5370.1294	\$ 49,324	\$ 49,324
UF Small Farms For Clean Water	10131.102063.581990.5370.1295	\$ 15,750	\$ 15,750
Yeager Property	10131.102063.534990.5370.1297	\$ 2,500	\$ 65
		\$ 184,574	\$ 182,139



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # A4

**Date of EPC Meeting:** May 17, 2018

**Subject:** Monthly Legal Case Summary

**Agenda Section:** Consent Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** None. Informational update only.

**Brief Summary:** The EPC Legal Department provides a monthly summary of its ongoing civil, appellate and administrative matters.

**Financial Impact:** No financial impact anticipated. Informational update.

**List of Attachments:** Legal Case Summary

**Background:** In an effort to provide the Commission with timely information regarding legal challenges, the EPC staff provides this monthly summary. The update serves not only to inform the Commission of current litigation but may also be used as a tool to check for any conflicts they may have in the event a legal matter is discussed by the Commission. The summary provides general details as to the status of the civil and administrative cases.

**EPC LEGAL DEPARTMENT**  
**SUMMARY REPORT OF LEGAL CASES**

May 17, 2018

**I. ADMINISTRATIVE CASES**

**Penny Rosenthal vs. Christian Castro and EPC** [18-EPC-004]: On April 5, 2018, Appellant Penny Rosenthal filed a Notice of Appeal challenging a Wetland Plant Control Authorization. The appeal was dismissed with leave to amend and the Appellant had until April 30, 2018 to file an amended appeal. No amended appeal was filed and the case has been closed.

**Penny Rosenthal vs. Mark and Jane Cotzen and EPC** [18-EPC-004]: On April 5, 2018, Appellant Penny Rosenthal filed a Notice of Appeal challenging a Wetland Plant Control Authorization. The appeal was dismissed with leave to amend and the Appellant had until April 30, 2018 to file an amended appeal. No amended appeal was filed and the case has been closed.

**Stanley Sigismund and Carole Sigismund vs. Steven Heller and EPC** [18-EPC-004]: On April 19, 2018, the Appellants Stanley and Carole Sigismund filed a Notice of Appeal challenging the issuance of Minor Work Permit #63512(r1) for the modification of a dock. The matter has been transferred to a Hearing Officer to conduct an administrative hearing.

**Fred Weimer vs. Cherie Roberts and EPC** [18-EPC-011]: On March 23, 2018, Appellant Fred Weimer filed a Notice of Appeal to challenge the issuance of Minor Work Permit #65099(R1) for construction of a dock. The Appeal was dismissed with leave to amend and the Appellant had until April 23, 2018 to file an amended appeal. On April 23, 2018 the EPC received the amended appeal and the matter will be transferred to a Hearing Officer to conduct an administrative hearing.

**Ronald Buchbaum vs. Leo Caruso and EPC** [17-EPC-011]: On December 5, 2017, Appellant Ronald Buchbaum filed a Notice of Appeal to challenge the issuance of Minor Work Permit #61541 (R1) for construction of a boatlift. The matter has been transferred a Hearing Officer to conduct an administrative hearing.

**Sandrine Guez vs. Island Club at Rocky Point Condo Assoc., Inc. and EPC** [17-EPC-004]: On June 30, 2017, the Appellant Sandrine Guez filed an Appeal challenging a Mangrove Trimming Exemption qualification notice. The matter was transferred to a Hearing Officer to conduct an Administrative Hearing. The case settled and the matter will be closed.

**J.E. McLean, III and RaceTrac Petroleum, Inc.** [12-EPC-014]: On October 24, 2012, the Appellants, RaceTrac Petroleum, Inc. and the property owner filed a request for an extension of time to file an Appeal challenging the Executive Director's denial for wetland impacts on the corner of Lumsden and Kings Avenue. The extension was granted and the Appellants filed an appeal in this matter on December 7, 2012. A Hearing Officer has been assigned and conducted a case management conference. This matter was placed in abeyance as the parties discussed options. A conceptual wetland impact approval letter was sent to the applicant on December 8, 2015 after a modification to the application was submitted. The Appellants have not filed a dismissal as they are waiting for final approval of the proposed project by Hillsborough County.

**II. CIVIL CASES**

**Petrol Mart, Inc. [LEPC07-018]**: On December 29, 2017 EPC filed a motion to reopen Civil Court Case #07-CA-012545 for the purpose of filing a motion for the appointment of a Receiver for the Defendant Petrol Mart, Inc. On January 26, 2018, the EPC filed a Motion for Appointment of a Receiver. On February 16, 2018 a Notice of Action in the matter was issued by the Clerk of Court for service of process by publication. The Court appointed a Receiver for the dissolved judgement debtor on April 17, 2018. The Receiver and the EPC are researching options to address the environmental conditions at the subject property.

**Poo-Fessional Recycled Organics & Land Management Inc.,** [17-EPC-014]: On December 14, 2017, the Commission authorized staff to take appropriate legal action against Poo-fessional Recycled Organics & Land

Management Inc. aka Pro Inc. for failure to comply with a Director's Authorization for the operation of a yard trash processing facility in Odessa in Hillsborough County. The EPC Legal Department filed a civil lawsuit on February 9, 2018, and the case was settled in a Consent Final Judgment executed by the Court on April 3, 2018. The facility will be inspected for compliance with the terms of the judgment but the pending legal case has been closed.

**David A. Stumbo** [17-EPC-013]: On October 19, 2017, the EPC authorized staff to take appropriate legal action against David A. Stumbo for failure to close unmaintained underground storage tanks. Daniel A. Stumbo owns real property located at 1102 East Laura Street, Plant City. The property includes four underground storage tanks of unknown capacity or type and which are currently in violation of the underground storage tank rules adopted in Chapter 1-12, Rules of the EPC. The EPC Legal Department filed a civil lawsuit and is attempting to serve the Defendant.

**Mouhammed Z. Al-Samkari** [17-EPC-012]: On October 19, 2017, the EPC authorized staff to take appropriate legal action against Mouhammed Z. Al-Samkari. Mr. Al-Samkari owns real property and operates a gasoline station known as Hope Food Store located at 4002 North 22<sup>nd</sup> Street in Tampa. The underground petroleum storage tank system is currently in violation of the storage tank rules adopted in Chapter 1-12, Rules of the EPC. The EPC Legal Department is preparing a civil lawsuit.

**Volkswagen AG, et al.** [16-EPC-002]: On March 24, 2016, the EPC filed a complaint against Volkswagen AG, et al. for activities that violate the EPC Enabling Act and the rules promulgated thereunder.

**Janet Layer** [15-EPC-009]: In December of 2015 the EPC Commission authorized staff to take appropriate legal action against Ms. Janet Layer for failure to comply with various wastewater regulations regarding her operation of the domestic wastewater treatment plant and disposal system at Little Manatee Isles Mobile Home Park in Ruskin. The EPC filed discovery requests and Ms. Layer requested additional time to respond.

**U.S. Bankruptcy Court in re Jerry A. Lewis Adversary Proceeding** [15-EPC-007]: An Adversary Proceeding pertaining to the ongoing Chapter 13 Bankruptcy Case regarding Jerry A. Lewis (see EPC Case No. LEPC09-011) was entered on October 9, 2013, in the U.S. Bankruptcy Court Middle District of Florida. EPC is defendant in the matter and will seek to protect a monetary judgment awarded to us by the Circuit Court.

**Thomas Jennings and Lorene Hall-Jennings** [14-EPC-011]: On October 7, 2014, the EPC was served with a Declaratory Action challenging the validity of a conservation easement conveyed to the EPC on September 16, 1997. The EPC Legal Department has responded to the lawsuit with an Answer and Affirmative Defenses on October 27, 2014 and the case will move forward as appropriate. On October 12, 2015 the Plaintiff filed a Motion for Judgment on the Pleadings. The EPC responded to the Motion on October 21, 2015. The parties conducted a hearing on the Motion on November 14, 2016. On the January 4, 2017 the Judge denied the Plaintiff's motion and the case will continue. On December 11, 2017 the Plaintiff filed a Motion for Summary Judgment and the EPC responded on January 18, 2018 and the parties are waiting for a hearing to be set.

**Boyce E. Slusmeyer** [LEPC10-019]: On Sept 20, 2001, the EPC staff received authority to take legal action for failure to comply with an Executive Director's Citation and Order to Correct Violation for the failure to initiate a cleanup of a petroleum-contaminated property. The Court entered a Consent Final Judgment on March 13, 2003. The Defendant has failed to perform the appropriate remedial actions for petroleum contamination on the property. The EPC filed a lawsuit on October 7, 2010 seeking injunctive relief and recovery of costs and penalties. The property ownership is currently owned by a family member. The EPC staff were in negotiations with the representative of the property owner regarding eligibility to utilize a state petroleum cleanup program to resolve the case. The eligibility was denied for the site and the EPC will take appropriate action.

**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. The EPC obtained an award of stipulated penalties from the state court. The site remains out of compliance with applicable EPC solid waste regulations and no liens have been paid. The bankruptcy case is ongoing.

**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 staff sought and obtained Pollution Recovery Funds to address the potential contamination. The confirmatory sampling were conducted in mid-March. The sampling was completed and it was determined that the site did not require any additional sampling or remediation and the matter has been closed.



## ENVIRONMENTAL PROTECTION COMMISSION

### AGENDA ITEM COVER SHEET

Agenda Item # A5

**Date of EPC Meeting:** May 17, 2018

**Subject:** 2018 First Quarter Action Plan Updates

**Agenda Section:** Consent Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** None – Informational Only

**Brief Summary:** For the past seven years, EPC staff has developed a series of action plans each year. These measurable action plans address various initiatives which support the Agency's strategic priorities. Four action plans for 2017 were initiated in October 2017, and one has already been completed. The quarterly updates for these open action plans along with the latest quarterly status reports for the two remaining open from previous years are listed.

**Financial Impact:** No additional funds required at this time. Monies for the individual action plans are paid out of the current budget, or will be brought to the Board and requested separately as needed.

**List of Attachments:** Quarterly Update for 2017 Action Plans

**Background:** As part of the Agency's strategic planning process and philosophy of continuous improvement, staff has held periodic strategic planning retreats. These included input from the Board and a broad range of EPC staff. Besides reviewing the priorities and guiding mission statements, staff also prepared a slate of new initiatives to improve the EPC's effectiveness and efficiency. Since the Agency started this formal procedure in 2010, they have completed over sixty of these initiatives.

The action plans were created to reflect the Agency's strategic objectives, and each initiative was described in an individual action plan with measurable goals. The attachment reflects the update as of the end of the first quarter of 2018 on the status of the two action plans that remain open from previous years and the three new action plans that were initiated in October 2017 and remain open. The owners of select action plans may be scheduled to present an overview of their project to the Board at regularly scheduled EPC Board meetings.


During the most recent strategic planning retreat in December 2017 EPC staff proposed one new action plan for 2018. This action plan entitled "Support Scouting" has been initiated and will be formally summarized in the backup of a future Board meeting.

## Quarterly Update for 2017 Action Plans

Strategic Objective	Action Plans	2018 Year End Goal	Status
<b>Customer Partner Excellence/ Partner &amp; Stakeholder Relationships</b>	<b>Agency Branding</b>	Convene Branding AP committee.	Complete. Committee has been formed and 3 meetings have been held to define objectives and brainstorm branding ideas.
		Define branding objectives and voice of agency. Identify immediate branding opportunities.	Initiated review of Market Analysis Report.  Reviewed Standardization of e-mail Signature Block.  Evaluating existing and new outreach opportunities.  Sign proposal – obtained quote for installation and manufacture. Next step – final design and contact permitting for additional cost. Transfer funds with Mike M. help.  Initiated research for the vehicles decals.  Review of intranet and internet branding OFIs.
		Implement available branding opportunities.	Standardized Signature Block – approved and deployed to staff with guidelines and instructions in January.
		Develop written Communications Plan recommendations for Senior Staff.	TBD – Scheduled for completion in 2018.
		Perform and implement Communication Plan strategy.	TBD – Scheduled for completion in 2018.
		Evaluate effectiveness of implemented Communication Plan.	TBD – Scheduled for completion in 2018.
		Action Plan Closeout.	TBD – Scheduled for completion in 2018.



## Quarterly Update for 2017 Action Plans

Strategic Objective	Action Plans	2018 Year End Goal	Status
 <p><b>Employee Training &amp; Leadership Development</b></p>	<p><b>2.1 Management Training</b></p>	<p>Construct a formal training program for all supervisors and managers.</p>	<p>Focus groups conducted. Will meet with committee in early February to evaluate information received in focus groups, prioritize information, and begin drafting process.</p>
		<p>Discuss Purpose of Action Plan Brainstorm as Group</p>	<p><b>Completed</b></p>
		<p>Conduct a total of four focus groups</p>	<p><b>Completed</b></p>
		<p>Evaluate data received from LEAN analysis and focus group. Set core components of training program based on feedback and assign section leader/assistant.</p>	<p><b>Completed</b></p>
		<p>Create Draft Training Plans.</p>	<p>TBD. The goal is to have the draft plans completed by June 2018.</p>
		<p>Review draft training programs from each team. Meet if necessary to discuss with specific teams. Compile complete draft program.</p>	<p>TBD. The goal is to have the draft plans reviewed by August 2018.</p>
		<p>Present draft to Senior Staff / Modify if necessary.</p>	<p>TBD. The goal is to present the draft plans to Senior Staff by the end of September 2018.</p>
		<p>Present completed plan to manager/supervisor group and begin program.</p>	<p>TBD. The goal is to present the training plan to the manager/supervisor group, discuss deployment, monitor progress and ensure group stays on track for completion October 2018.</p>
		<p>Action Plan Closeout</p>	<p>TBD. The goal is for the action plan to be completed by the end of September 2019.</p>



<b>Strategic Priority/Objective:</b> 1.1 Environmental Protection Excellence/Resource Protection		<b>Related Priorities/Objectives:</b> 3.1 Customer Partner Excellence/ Customer Service		
<b>Action Plan Name:</b> EPC Voluntary Assessment Team (VAT)		<b>Resources Needed:</b> Staff time to include one representative from each of the four operational divisions and agency staff from to perform multi-media inspections.		
<b>Action Plan Owner:</b> Gerry Javier <b>Advisor:</b> Andy Schipfer		<b>Estimated Cost to the Agency:</b> No additional impact beyond staff time.		
<b>Goal:</b> Offer compliance assistance at a multi-media level.				
<b>To Be Completed by (Date):</b> December 2018		<b>Estimated Staff Hours Needed:</b> 300 hours		
<b>Success to be measured by:</b>		<b>Benefits to the Natural Resources/Agency:</b> Improve the compliance of businesses assessed and offering an additional service to the community; and provide additional exposure to staff on the concept of compliance assistance.		
<b>Specific Actions</b>		<b>By Who</b>	<b>When</b>	<b>How Accomplished</b>
1. Form a multi-divisional/agency-wide committee and hold first meeting.		Gerry Javier and Andy Schipfer	January 2018	Seek input from each Division Director on potential committee members. Hold first committee meeting.
2. Identify trade groups/associations that have members who could benefit from a multi-media compliance assistance visit.		Committee	February 2018	Committee representatives meet with their respective divisions to identify groups/ associations whose members could benefit from a multi-media site visit.

<b>Specific Actions</b>	<b>By Who</b>	<b>When</b>	<b>How Accomplished</b>
<b>3. Contact trade groups/associations identified to representatives of prospective groups/associations to explain the benefits of a multi-media compliance assistance visit.</b>	<b>Committee</b>	<b>April 2018</b>	<b>Committee members seek input to develop a list of trade groups and associations from their respective divisions.</b>
<b>4. Contact individual businesses identified by EPC staff that would be a prospective candidate for a multi-media compliance assistance visit.</b>	<b>Committee</b>	<b>May 2018</b>	<b>Committee members seek input from staff.</b>
<b>5. Post information through EPC website and agency brochure sent out with annual Business Tax renewal notices.</b>	<b>Committee and SQG Program</b>	<b>July 2018</b>	<b>Work with website committee to develop message for website and with agency public relations strategist to update agency brochure.</b>
<b>6. Schedule compliance assistance visits with appropriate agency staff for companies who request a VAT site visit.</b>	<b>Committee and agency staff</b>		<b>Committee members will arrange for appropriate staff from their respective divisions to be part of a VAT.</b>
<b>7. Survey businesses that have participated in a VAT visit to gauge benefits of the site visit.</b>	<b>Committee</b>		<b>Committee members will develop electronic survey.</b>
<b>8. Action Plan Closeout.</b>	<b>Owner's Name</b>	<b>End of Year</b>	<b>Fill out Year End Action Plan Evaluation form, archive Lessons Learned. Continuing projects: Integrate Processes, Roles, Policies and SOPs into Operations. Acknowledge and congratulate team through face-to-face and/or EPC-all email.</b>

## Quarterly Update for 2016 Action Plans

Strategic Objective	Action Plans	2016 Year End Goal	Status
<b>Continuous Improvement/            Process Performance            &amp; Technology</b>	<b>Agency Go Paperless Initiative</b>	Perform a SWOT analysis of the Paperless Initiative at EPC	Complete
		Form a committee comprised of (1) staff member from each Division.	Complete
		Identify all key section managers for inventory and have them update and submit a copy of all work flow process diagrams for each section in the Agency.	Complete
		Email the initial inventory survey spreadsheet and guidance document to each key section manager to complete and return by February 2016.	Complete
		Committee will review inventory results and finalize the list of questions to interview section managers.	Complete
		Perform interviews with all key section managers.	Complete
		Compile answers from the inventory survey and interview questions.	Complete
		Committee will analyze data and survey answers and develop written recommendations for Senior Staff to implement a paperless initiative that includes scope, budget and timeframes.	Complete
		Prepare PowerPoint presentation with recommendations.	Complete
		Give presentation to Senior Staff.	Scheduled May 7, 2018
		Action Plan Closeout.	Scheduled May 7, 2018



## Quarterly Update for 2015 Action Plans

Strategic Objective	Action Plans	2016 Year End Goal	Status
<b>2.1 Successful / Engaged Workforce / Employee Training</b>	<b>Career Development Program</b>	Finalize list of career development opportunities. Obtain approval. (Step 5)-In progress	<p>Sahand &amp; Mike's 2.1 Training action plan has been completed and they are recommending for it to be closed. Their action plan has been incorporated into the Career Development AP as the technical track. Professional Growth Achievement Plan has been presented to senior staff and approved to be rolled out to staff. Training sessions are being set up, senior staff has been asked to complete a PGAP to demo the form and set the example.</p> <p>Next step: Hold training PGAP classes, send out form to staff, post electronic version on web page. Create training request form.</p>
<div style="text-align: center;"> <h3>Career Development Model</h3> </div>			
<p style="text-align: center;"><i>*Career Development Action plan has evolved to incorporate steps from the <u>2016 Training Action plan</u>. Progress for Career Development Action plan is temporarily on hold until the 2016 training action plan has been completed as it is a subcomponent to Career Development A.P.</i></p>			
Action Plan Closeout.		*Steps 6 & 7 remain before the Action plan can be closed out.	



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # A6

**Date of EPC Meeting:** May 17, 2018

**Subject:** Select Performance Measure Goals for 2018

**Agenda Section:** Consent Agenda

**Division:** Executive Director Report

**Recommendation:** None – Informational Only

**Brief Summary:** As part of the EPC staff's strategic planning, the Agency measures key activities and set goals for 2018. These are tabulated and periodically presented to the Board in the consent agenda.

**Financial Impact:** No Financial Impact.

**List of Attachments:** Table Titled 2018 Goals

**Background:** The Agency measures performance for all five of its core functions. These core functions include permitting, compliance assurance, citizen support & outreach, enforcement, and ambient air & water quality monitoring. As part of the Agency's annual evaluation, staff sets goals for select activities and reports them periodically to the Board. This is an integral part of the continuous improvement required by the Agency's strategic planning.

# 2018 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2015	2016	2017	2018 YTD (1st Qtr)	2018 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	18 days	17 days	16 days	17 days	Less Than or Equal to 30 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	45 days	44 days	45 days	55 days	Less Than or Equal to 60 days
	Average Time EPC Permits were In-house	21 days	23 days	22 days	28 days	30 days	Less Than or Equal to 30 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	92%	93%	85%	92%	Greater Than or Equal to 90%
Environmental Complaints	Timely Initiation of Investigation	99% in 5 Days	98% in 3 Days	98% in 3 Days	98% in 3 Days	100% in 3 Days	Greater Than or Equal to 90% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	100%	95%	100%	100%	Greater Than or Equal to 90%



# ENVIRONMENTAL PROTECTION COMMISSION

## AGENDA ITEM COVER SHEET

Agenda Item # C1

**Date of EPC Meeting:** May 17, 2018

**Subject:** Adoption of Civil Service Board Pay Schedule as EPC Pay Schedule

**Agenda Section:** Regular Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Approve the adoption for EPC of the Civil Service Board Pay Schedule of 2016.

**Brief Summary:** Effective May 27, 2018 EPC proposes to adopt the current Civil Service Board Pay Schedule.

**Financial Impact:** No additional funds required in current FY.

**List of Attachments:** None

### **Background:**

In November 2016, Civil Service adjusted their pay schedule by 5%, 7% and 8% for the minimum, midpoint and maximum, respectively of each pay grade. EPC's pay schedule was not adjusted similarly at that time. In order to remain competitive in the labor marketplace and attract qualified candidates, EPC proposes to adopt the Civil Service Board Pay Schedule as its own effective May 27, 2018. The immediate impact will affect nine employees who will be brought up to the adopted pay schedule minimum for their pay grades. These immediate increases can be absorbed within the current FY budget. This action will also upwardly adjust the maximum of some employees who have reached the cap (red-lined), giving them an opportunity for performance raises versus lump-sum payments in upcoming years.



## ENVIRONMENTAL PROTECTION COMMISSION

### AGENDA ITEM COVER SHEET

Agenda Item # C2

**Date of EPC Meeting:** May 17, 2018

**Subject:** Update on Volkswagen Litigation

**Agenda Section:** Regular Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Informational Report

**Brief Summary:** Defendants Volkswagen AG and Robert Bosch LLC filed motions to dismiss the air pollution lawsuit filed by the EPC. The hearing on the motions to dismiss was heard February 1, 2018, and the judge granted the dismissal on April 16, 2018. Separately, the EPC and the County are considering pursuing Federal VW settlement funding to install more electric vehicle charging stations in Hillsborough. Other local government agencies have expressed interest in pursuing funding also.

**Financial Impact:** No Financial Impact

**List of Attachments:** None

**Background:** The EPC sued Defendants Volkswagen AG and Robert Bosch LLC regarding the defeat device (embedded software) in their diesel vehicles that manipulates their emission control systems. Defendants Volkswagen AG and Robert Bosch LLC filed motions to dismiss the air pollution lawsuits filed by EPC and Salt Lake County, Utah, (*Environment Protection Commission of Hillsborough County, Florida v. Volkswagen AG et al.*, Case No. 16-cv-2210). The hearing on the motions to dismiss was heard February 1, 2018, before Judge Charles Breyer in San Francisco, California. The Defendants argued that the local government claims are preempted under the Federal Clean Air Act. Judge Breyer granted the dismissal on April 16, 2018. Judge Breyer agreed that the EPC's rule prohibiting motor vehicle emission system tampering is applicable to the conduct at issue, but then held that our rule as applied is preempted by the Federal Clean Air Act. Judge Breyer reasoned that it is too onerous for manufacturers to comply with thousands of local government emissions rules and therefore only Federal rules should apply at the manufacturing stage.

This ruling does not impact the US EPA settlement that EPC staff briefed the Commission on at the meeting dated February 15<sup>th</sup>. As part of the federal settlement, VW and other defendants have agreed to provide approximately \$16 billion to fund the following actions:

- \$11 billion to buy back or install pollution control equipment for at least 85 percent of the 2.0-liter and 3.0-liter TDI engines
- \$2 billion investment to promote the use of zero emission vehicles and infrastructure; and
- \$2.925 billion to fully remediate the excess nitrogen oxides (NOx) emissions



Florida is allotted \$166 million for NOx emissions control improvements and it will be managed through the Florida Department of Environmental Protection (DEP). Local governments and others can then propose to the DEP projects for funding that must reduce NOx emissions from diesel combustion. Replacement or repowering of old diesel engines on “eligible” trucks, school buses, airport equipment, locomotives, ferries/tugs, forklifts, etc. and installation of shorepower equipment for oceangoing vessels (in lieu of the vessel running its diesel engine while in port) are the primary acceptable projects.

At the request of the Commission, we have reached out to HART and the Tampa Port Authority to ensure they are familiar with the opportunity.

Since the February EPC Commission briefing, the DEP has hosted a series of meetings around the state to provide further information to citizens and to hear from interested parties as to how they feel the NOx reduction money should be spent. The DEP has also initiated a survey that they are promoting asking citizens and organizations to respond by May 11th about how they believe the money should be distributed. Soon DEP must submit a Mitigation Plan and then funding requests to the Trustee appointed to oversee the funds. The EPC and the County are considering submittal of a County proposal to the DEP to fund installation of more electric/hybrid car charging stations around the County.