

EPC COMMISSIONERS

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



Janet L. Dougherty
Executive Director

Richard Tschantz, Esq.
General Counsel

EPC MEETING AGENDA

April 20, 2017 at 9:00 a.m.

601 East Kennedy Boulevard, Tampa, Florida
County Center Board Room 2nd Floor

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE and INVOCATION**
- 2. CHANGES TO THE AGENDA**
- 3. REMOVAL OF CONSENT ITEM(S) FOR QUESTIONS, COMMENTS or SEPARATE VOTE**
- 4. RECOGNITIONS** (none)
- 5. PUBLIC COMMENT** - *Three minutes are allowed for each speaker unless the Commission directs differently.*
- 6. CITIZENS’ ENVIRONMENTAL ADVISORY COMMITTEE UPDATE**
- 7. APPROVAL OF CONSENT AGENDA**

EPC AGENDA ITEMS

A. CONSENT AGENDA

- 1. Approval of EPC Meeting Minutes – February 16, 2017 **2**
- 2. Monthly Activity Report **7**
- 3. FY2017 Pollution Recovery Fund (PRF) Budget **9**
- 4. Legal Case Summary..... **11**
- 5. Select Performance Measure Goals for 2017 **14**
- 6. First Quarter 2017 Action Plan Updates **16**

B. PUBLIC HEARING

- 1. Chapter 1-12, Storage Tank Rule – conduct a rule amendment public hearing (9:00 a.m.)..... **19**

C. REGULAR AGENDA

- 1. East Broadway waste dump site report **23**
- 2. Request to allocate Pollution Recovery Fund (PRF) for disposal of mercury **24**
- 3. Legislative update..... **25**
- 4. Executive Director’s Employment Agreement **27**

D. EXECUTIVE DIRECTOR REPORT

- 1. Best Workplace designation
- 2. Budget Update
- 3. Earth Day & Arbor Day reminders
- 4. Amended Executive Director Policies **39**
- 5. Clean Air Fair

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

A1

Date of EPC Meeting: April 20, 2017

Subject: Approval of February 16, 2017 EPC meeting minutes

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: Approve the February 16, 2017 EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission meeting held on February 16, 2017.

Financial Impact: No financial impact.

Background: (None)

FEBRUARY 16, 2017 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, February 16, 2017, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Vice Chairman Victor Crist and Commissioners Ken Hagan, Pat Kemp, and Stacy White.

The following members were absent: Chairman Lesley Miller Jr. and Commissioners Al Higginbotham and Sandra Murman.

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

▶ Vice Chairman Crist called the meeting to order at 9:03 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. ▶ Vice Chairman Crist asked for a motion to accept the agenda as it was. **Commissioner Kemp so moved, seconded by Commissioner White, and carried four to zero.** (Chairman Miller and Commissioners Higginbotham and Murman were absent.).

3. REMOVAL OF CONSENT ITEMS FOR QUESTIONS, COMMENTS, OR SEPARATE VOTE -

▶ None.

4. RECOGNITION

Mr. Eric Santiago, County Employee in Real Estate and Facilities Services - Recognizing Him for His Continued and Dedicated Service to Maintaining the Roger P. Stewart Center.

▶ Ms. Dougherty expounded on the item. Mr. Joseph Griffin, Real Estate and Facilities Services, added comments.

5. PUBLIC COMMENT

▶ Upon hearing no response to the call for public comment, ▶ Vice Chairman Crist sought a motion to dispense with that portion of the meeting. **Commissioner Kemp so moved, seconded by Commissioner White, and**

carried four to zero. (Chairman Miller and Commissioners Higginbotham and Murman were absent.)

6. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE UPDATE

▶ Ms. Dougherty indicated there would not be an update.

7. APPROVAL OF CONSENT AGENDA

EPC AGENDA ITEMS:

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - December 12, 2016
2. Divisional Monthly Activity Reports
3. Fiscal Year 2017 Pollution Recovery Fund (PRF) Budget
4. Legal Case Summaries
5. PRF Sun City Center Audubon Project - Grantee Legal Name Correction
6. Fourth Quarter Update - 2016 Action Plans
7. 2016 Performance Measure Goals Year-End Update

▶ Ms. Dougherty touched on the items. ▶ **Commissioner Kemp moved approval, seconded by Commissioner White, and carried four to zero.** (Chairman Miller and Commissioners Higginbotham and Murman were absent.)

B. PUBLIC HEARINGS - ▶ None.

C. REGULAR AGENDA

1. Private Lift Station Report

▶ Ms. Dougherty deferred to ▶ Mr. Daniel Moore, EPC, who gave a presentation, as contained in background material, and referenced distributed material. ▶ Ms. Dougherty recognized Mr. Christopher Robertson, EPC, for supervising the geographic information system tracking database for the lift stations. Vice Chairman Crist inquired on lift station inspection frequency. In response, ▶ Mr. Sam Elrabi, Director, EPC Water Management Division, clarified lift station permitting and maintenance responsibility. Citing potential exposure/health hazards due to the lack of annual inspections, Vice Chairman Crist asked about sending

the report findings to the surrounding cities and encouraging annual lift station inspections/certifications, which Ms. Dougherty agreed to. Following talks, Vice Chairman Crist wanted staff to provide a regular system checkup.

2. Request to Initiate Rulemaking and Conduct Public Hearing in April 2017 on Chapters 1-12, Rules of the EPC (Storage Tank Rule)

▶ Vice Chairman Crist deferred to Mr. Hooshang Boostani, Director, EPC Waste Management Division, who summarized the item and sought authorization to update the regulations. ▶ **Commissioner Kemp so moved, seconded by Commissioner White, and carried four to zero.** (Chairman Miller and Commissioners Higginbotham and Murman were absent.)

3. Request for Commission to Oppose and Send Letters Regarding Local Regulation Preemption Bill (House Bill [HB] 17) and Mangrove Alteration and Trimming Bill (HB 419)

▶ Attorney Richard Tschantz, EPC General Counsel, elaborated on the item, as displayed in background material, and gave staff recommendation. ▶ **Commissioner White moved approval, seconded by Commissioner Kemp,** who added comments. ▶ **The motion carried four to zero.** (Chairman Miller and Commissioners Higginbotham and Murman were absent.) Ms. Dougherty advised the EPC of an upcoming trip to Tallahassee to meet with legislators.

4. Community Rating System and Wetland Conservation Report

▶ Attorney Tschantz introduced the item and deferred to ▶ Mr. Andrew Zodrow, EPC Legal Department, who expounded on background material. ▶ Subsequent to remarks from Commissioner Kemp, Attorney Tschantz recognized Mr. Robertson and staff for conservation involvement. ▶ Ms. Dougherty praised the development community for dedicating conservation easements.

D. EXECUTIVE DIRECTOR REPORT

1. Complaint Policy Update
2. Summary and Thank You Regarding January 26, 2017, presentation by Tampa Electric Company, Florida Fish and Wildlife Conservation Commission, and the Florida Aquarium

THURSDAY, FEBRUARY 16, 2017 - DRAFT MINUTES

Incorporated at the Florida Conservation and Technology Center

3. 50th EPC Anniversary Event Update

▶ Ms. Dougherty deferred to Attorney Rick Muratti, EPC Legal Department, who summarized work on the complaint policy. ▶ Ms. Dougherty displayed images and spoke on the January 26, 2017, EPC tour; recognized EPC employees; touched on the recent My Furry Valentine event; and gave an update on the 50th EPC anniversary event.

ADJOURN

▶ There being no further business, the meeting was adjourned at 10:07 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

jh



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

A2

Date of EPC Meeting: April 20, 2017

Subject: Agency Monthly Activity Report

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

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

Background: Select data that is associated with the Sterling Management program and other data of interest is tracked by each division (e.g. – outreach events, monitoring, complaint inspections, permits issued, etc.). Monthly activity tracking reports from each Division are tallied to generate one final Agency-wide report.

List of Attachments: Monthly Report

EPC STAFF ACTIVITIES - AGENCY-WIDE
Monthly Input Report
FY17

		<u>February</u>	<u>March</u>	<u>FEB 2017 TO DATE</u>
A.	<u>Core Function: Citizen Support & Outreach</u>			
1	Environmental Complaints Received	141	164	305
2	Number of Presentations/Outreach Events	4	11	15
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	305	337	642
B.	<u>Core Function: Air & Water Monitoring</u>			
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	91.5%	93.3%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	99.9%	100.0%	N/A
3	Number of Noise Monitoring Events	0	1	1
C.	<u>Core Function: Environmental Permitting</u>			
1	Permit/Authorization Applications Received	137	165	302
2	Applications In-house >180 days	4	5	N/A
3	Permits/Authorizations Issued	123	167	290
4	Petroleum Cleanup Cases	0	0	0
D.	<u>Core Function: Compliance Assurance</u>			
1	Compliance Inspections	197	231	428
2	Compliance Test Reviews	164	213	377
3	Compliance Assistance Letters Issued	13	14	27
4	Warning Notices Issued	9	24	33
E.	<u>Core Function: Enforcement</u>			
1	New Cases Initiated	5	6	11
2	Active Cases	29	29	N/A
3	Tracking Cases	60	60	N/A



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

A3

Date of EPC Meeting: April 20, 2017

Subject: Pollution Recovery Fund Budget

Agenda Section: Consent Agenda

Division: Water Management 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

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 17 POLLUTION RECOVERY FUND
10/1/2016 through 3/31/2017**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 838,487	Artificial Reef	\$ 33,848	Minimum Balance	\$ 120,000	
Interest	\$ 950	Open Projects	\$ 452,621	Est. FY 18 Budget	\$ 33,848	
Deposits	\$ 36,655			Asbestos Removal	\$ 5,000	
Total	\$ 876,091	Total	\$ 486,469	Total	\$ 158,848	\$ 230,774

PROJECT	Project Amount	Project Balance
FY 12 Project		
USGS Partnership 10131.102063.581990.5370.1188	\$ 25,000	\$ 5,750
	\$ 25,000	\$ 5,750
FY 13 Project		
Community Partnering Program 10131.102073.582990.5370.0000	\$ 15,000	\$ 15,000
	\$ 15,000	\$ 15,000
FY 14 Project		
Lake Magdalene Outfall 10131.102063.582990.5370.1178	\$ 50,000	\$ 50,000
	\$ 50,000	\$ 50,000
FY 15 Project		
East Lake Watershed Edu. & Restoration 10131.102063.582990.5370.1249	\$ 5,012	\$ 5,012
	\$ 5,012	\$ 5,012
FY 16 Projects		
TBW McKay Bay South Oyster Reef 10131.102063.582990.5370.1267	\$ 48,010	\$ 39,499
TBEP Tampa Bay Dredge Hole Habitat 10131.102063.581990.5370.1268	\$ 35,880	\$ 24,213
Keep T.B. Beautiful Trash Free Waters 10131.102063.582990.5370.1269	\$ 30,000	\$ 12,683
H.C. Econ. Development Ag Pest Collect. 10131.102063.581990.5370.1270	\$ 40,000	\$ 16,718
USF Fecal Pollution in Tampa Bay 10131.102063.581990.5370.1271	\$ 50,000	\$ 42,613
Little Manatee River SAV Restoration 10131.102063.582990.5370.1272	\$ 45,832	\$ 45,832
	\$ 249,722	\$ 181,558
FY 17 Projects		
Keep T.B. Beautiful Hills River Poll Prev 10131.102063.582990.5370.1278	\$ 20,160	\$ 20,160
Sun City Ctr Audubon Nature Trail Prop 10131.102063.582990.5370.1279	\$ 20,000	\$ 20,000
H.C. Conservation Bahia Bch Invasive 10131.102063.581990.5370.1280	\$ 31,500	\$ 31,500
FL Aquarium Storm Water Trail Refur 10131.102063.582990.5370.1281	\$ 15,000	\$ 15,000
FL Aquarium Watershed Invest 10131.102063.582990.5370.1282	\$ 55,477	\$ 55,477
	\$ 142,137	\$ 142,137



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

A4

Date of EPC Meeting: April 20, 2017

Subject: Monthly Legal Case Summary –March and April 2017

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: None, informational update.

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

Financial Impact: No Financial Impact anticipated; information update only.

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.

List of Attachments: Monthly EPC Legal Case Summary

EPC LEGAL DEPARTMENT
MONTHLY REPORT OF LEGAL CASES
March and April 2017

I. ADMINISTRATIVE CASES

Joseph Ficarrotta vs. Charles Larsen and EPC [17-EPC-003]: On March 1, 2017, the Appellant Joseph Ficarrotta, filed a request for an extension of time to file an Appeal to challenge the Port Tampa Bay Minor Work Permit 61809 regarding the proposed construction of a dock. The extension of time was granted and the Appellant has until April 19, 2017 to file an appeal.

Leonard Slawiak vs. Robert and Irene Betancourt, Bruce and Deylli Kelley and EPC [17-EPC-002]: On January 24, 2017, the Appellant Leonard Slawiak, filed a request for an extension of time to file an Appeal to challenge the issuance of Minor Work Permit 61505. The extension of time was granted and the Appellant has until February 20, 2017 to file an Appeal in this matter. No Appeal was filed and the case has been dismissed.

Hortensia Vargas vs. Jeffrey Weiss and EPC [17-EPC-001]: On January 1, 2017, the Appellant Hortensia Vargas filed a request for an extension of time to file an Appeal to challenge the issuance of Minor Work Permit 60794 for the construction of a dock and boatlift. The Appellant filed three requests for extensions of time, the first two were granted and the third denied. A timely appeal was filed and the matter has been transferred to a Hearing Office to conduct an administrative hearing. The parties are scheduling a Case Management Conference with the appointed Hearing Officer.

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

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.

Bank of NY Mellon Trust [15-EPC-012]: On December 4, 2015, the Bank of NY Mellon Trust Company National Association served upon the EPC a Verified Complaint for Foreclosure of Mortgage naming EPC as a Defendant in the matter. There is a bankruptcy stay regarding this matter and the case will remain in abeyance until further action in Bankruptcy Court in the case below: U.S. Bankruptcy Court in re Jerry A. Lewis. This case will be closed as the matter will be addressed in the Bankruptcy matter.

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 a complaint and counsel for Ms. Layer answered the complaint on August 5, 2016.

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.

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 in a probate proceeding and the EPC is waiting for resolution of the matter to move forward.

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 is attempting to obtain appropriate corrective actions.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

A5

Date of EPC Meeting: April 20, 2017

Subject: Select Performance Measure Goals for 2017

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 measured key activities and set goals for 2017. These are tabulated and periodically presented to the Board in the consent agenda.

Financial Impact: No Financial Impact.

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.

2017 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2014	2015	2016	2017 YTD (1 st Qtr)	2017 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	20 days	18 days	17 days	20 days	Less Than or Equal to 30 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	55 days	45 days	44 days	59 days	Less Than or Equal to 60 days
	Average Time EPC Permits were In-house	21 days	19 days	23 days	22 days	28 days	Less Than or Equal to 30 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	93%	92%	93%	67%	Greater Than or Equal to 90%
Environmental Complaints	Timely Initiation of Investigation	99% in 5 Days	99% in 5 Days	98% in 3 Days	98% in 3 Days	97% in 3 Days	Greater Than or Equal to 90% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	96%	100%	95%	100%	Greater Than or Equal to 90%



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

A6

Date of EPC Meeting: April 20, 2017

Subject: 2017 First Quarter Action Plan Updates

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: None – Informational Only

Brief Summary: As done annually for the last six years, at the beginning of 2016 EPC staff developed a series of action plans. These measurable action plans are divided into four individual initiatives which support the Agency's strategic priorities for calendar year 2016. The latest quarterly status reports for the two 2016 action plans that remain open are listed. The proposed action plans for 2017 are expected to be implemented later this year.

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.


Background: As part of the Agency's strategic planning process and philosophy of continuous improvement, staff held a strategic planning retreat in December 2015. This 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.

Four detailed action plans were created to reflect the Agency's strategic objectives for 2016. Each Agency initiative was described in an individual action plan with measurable goals. The attachment reflects the update on the status of the two 2016 action plans that remain open as of the end of the first quarter of 2017. 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.

A strategic planning retreat was also held in December 2016 and four new action plans have been proposed for 2017. Unlike previous years, these action plans are expected to be phased in over the year in order to allow staff to concentrate on closing some of the plans that remained open as of the start of 2016.

List of Attachments: Quarterly Update for 2016 Action Plans

Quarterly Update for 2016 Action Plans

Strategic Objective	Action Plans	2016 Year End Goal	Status
Employee Training & Leadership Development 	Staff Training	Convene a multi-divisional committee.	Complete. The committee has been formed and meetings have been held to define objectives and our course of action.
		Identify required training for every discipline within EPC.	In Progress. A list of all disciplines within each division and the corresponding supervisor responsible for training has been developed. Training syllabuses have been obtained from FDEP Sharepoint for all disciplines. Action plan owners met with supervisors in each division, reviewed and discussed draft syllabi that have been developed for each discipline. AP owners issued a guidance email to provide further consistency and focus, and held a second round of meetings with the division supervisors. A meeting is planned for April with all supervisors at the same time to go over the draft syllabi for further focus, consistency, and completeness.
		Develop a training program for each discipline to be used by the employee and the supervisor. Also, to research feasibility of developing a database through an outside vendor.	TBD - Work with MIS to prepare a cost estimate for database development. Seek Senior Staff approval to invest in a database that will track training/outreach.
		Present the action plan results to the Staff Development and Training Committee (SDTC) in order for them to incorporate and maintain the training database and current program disciplines.	TBD - Plan a meeting with the SDTC to discuss the action plan and our intent, define responsibilities, actions needed, and future expectations and frequency (timeframes).
		Inform employees of the developed training program and database by agency-wide emails and a presentation to each division.	TBD - Send an agency-wide email with the details of the action plan and the information regarding the training program. Also, conduct meetings with each division's staff to present division-specific information.
		Develop a deployment plan.	TBD - Hold meetings to develop a plan for development of the training database and deployment of program for the agency.
		Action Plan Closeout.	

Quarterly Update for 2016 Action Plans

Strategic Objective	Action Plans	2016 Year End Goal	Status
Continuous Improvement/ Process Performance & Technology	Agency Go Paperless Initiative	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.	In Progress (working on quotes) (anticipated completion date of December 2016)
		Prepare PowerPoint presentation with recommendations.	Due August 2016 (Extended to January 2017)
		Give presentation to Senior Staff.	Due August 2016 (Extended to January 2017)
		Action Plan Closeout.	Due December 2016 (Extended to January 2017)





ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

B1

Date of EPC Meeting: April 20, 2017

Subject: Public hearing to consider amendments to the Storage Tank Rule, Chapter 1-12, Rules of the EPC

Agenda Section: Public Hearing

Division: Legal and Administrative Services Division

Recommendation: Staff recommends the Commission approve the proposed rule amendments to the Storage Tank Rule, Ch. 1-12, Rules of the EPC

Brief Summary: Pursuant to the EPC Act, the Commission must hold a noticed public hearing to approve or amend a rule. The EPC staff requests that the Commission approve the attached amendments to the Ch. 1-12, EPC Storage Tank Rule. This rule amendment is required in order to incorporate recent amendments to the Florida Department of Environmental Protection's Storage Tank Rules Chapters 62-761 and 62-762, F.A.C. The EPC must amend its local rules to incorporate the changes in order to continue its contracted Storage Tank program.

Financial Impact: No Financial Impact

Background: In 1988 the EPC and the Florida Department of Environmental Protection (FDEP) entered into a contract for the EPC to conduct storage tank compliance and enforcement in Hillsborough County. In accordance with the contract, the EPC adopted the EPC Storage Tank Rule Chapter 1-12, which includes the relevant sections of the State storage tank rules found in Chapters 62-761 and 62-762, Florida Administrative Code (F.A.C.). On January 11, 2017 the FDEP amended its storage tank rules. The EPC must now amend its local regulations to incorporate by reference the applicable rules adopted by the FDEP. The EPC staff is requesting the Commission adopt the amendments in Chapter 1-12, Rules of the EPC to include the recent amendments to Chapters 62-761 and 62-762, F.A.C. in Chapter 1-12, Rules of the EPC. The EPC must amend its local rules to incorporate the State's changes in order to continue to administer the contracted Storage Tank program. The State rules to be incorporated into Chapter 1-12 have previously been discussed at various workshops throughout the State of Florida, including during one workshop located at the EPC office. This Public Hearing was authorized by a vote of the Commission on February 16, 2017 and the Public Hearing was noticed in the Tampa Bay Times on April 7, 2017. The draft rule has been available for public review on the EPC website since March 24, 2017.

Pursuant to Section 5.2 of the Hillsborough County Environmental Protection Act (EPC Act), the Commission must hold a noticed public hearing to approve a rule or rule amendment. The EPC staff requests that the Commission approve the draft rule amendments that incorporate the new State rules.

List of Attachments: Draft Amended Chapter 1-12, Rules of the EPC

**RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-12
STORAGE TANK RULE**

- 1-12.100-00 Intent
- 1-12.150-20-00 Interpretation
- 1-12.200-61-20 Definitions
- 1-12.210 Reference Guidelines
- 1-12.300-61-30 Applicability
- 1-12.350 Operator Training and Certificate
- 1-12.400-61-40 Facility Registration and-
Financial Responsibility
- 1-12.405-61-45 Notification and Reporting
- 1-12.410-61-48 EPC Installation or Upgrade Plan
Review Fee
- 1-12.420 Financial Responsibility
- 1-12.430 Incidents
- 1-12.440 Discharges
- 1-12.500-61-50 Performance Standards for
Storage Tank Systems-
Requirements
- 1-12.600-61-60 Release Detection Standards
Requirements
- 1-12.700-61-70 Repairs, Operation, and
Maintenance
- 1-12.710-61-71 Recordkeeping
- 1-12.800-61-80 Out-Of-Service and Closure
Requirements
- 1-12.850 Alternative Procedures, Equipment
Registration and Registration of
Operator Training Providers
- 1-12.891 Mineral Acid Storage Tank
Requirements
- 1-12.900 Storage Tank Forms
- ~~1-12.61-82 Incident and Discharge
Response~~

1-12.100-00 INTENT

(1) Pursuant to the Florida Legislature's determination in Section 376.30 F.S. that the storage, transportation and disposal of pollutants is a hazardous undertaking, that their discharge poses a great threat to the environment, and that

the state interest in regulating their storage, transportation and disposal outweighs the burden imposed on such facilities, the Florida Department of Environmental Protection (DEP or Department) adopted Chapters 62-761 and 62-762, F.A.C. The Environmental Protection Commission of Hillsborough County (Commission or EPC) intends to facilitate the delegation of Department's program regulating stationary tanks by adopting a rule incorporating appropriate sections of the Department's rules so as to establish a mechanism by which the Commission can effectively implement and enforce Department's regulations under its own authority, as well as by any delegated authority.

(2) It is the Commission's intent to assist in the State's effort to assure protection of surface and groundwater's in Hillsborough County by implementing the standards for construction, installation, maintenance, registration, removal and disposal of storage tank systems. It is not the Commission's intent at this time to implement regulations more stringent than those of Department.

(3) By incorporating by reference provisions of Department's rules, the Commission intends that any provision requiring notice, submissions, or demonstration to the Department be read to also require notice, copies of submissions or demonstration directly to the Commission's Executive Director and that any provision requiring approval or authorizing action of the Department shall be read to also require approval or authorize action of the Commission's Executive Director, unless otherwise specifically provided herein.

Section History – amended 11/15/07 and effective 11/16/07; amended 8/9/12 and effective 8/20/12.

1-12.150-20-00 INTERPRETATION

The Commission will apply the Department's interpretations of its regulations here adopted by reference where possible; however, any action or position taken by the Commission or its Executive Director in conflict with a Department interpretation or policy applying such regulations will not be invalidated unless the interpretation or policy was formally issued by the Department in writing prior to the Commission's or Executive

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

Director's action.

Section History – amended and effective 10/15/98.

1-12.20061.20 DEFINITIONS

The Commission adopts for purposes of this rule the definitions contained in Sections 62-761.200 and 62-762.201, F.A.C. The definitions adopted by the Legislature in Section 376.301 F.S. also apply, as well as the definitions contained in Chapter 84-446, Laws of Florida, as amended or recodified.

Section History – amended 11/15/07 and effective 11/16/07.

1-12.210 REFERENCE GUIDELINES

The provisions of Sections 62-761.210 and 762.211, F.A.C. are adopted by reference.

Section History – Adopted _____ and effective _____.

1-12.30061.30 APPLICABILITY

The provisions of ~~and standards of this rule apply only to the owners and operators of facilities identified by Sections 62-761.300 and 62-762.301, F.A.C. as subject to Chapter 62-761 and Chapter 62-762, F.A.C. are adopted by reference.~~

Section History – amended 11/15/07 and effective 11/16/07.

1-12.350 OPERATOR TRAINING AND CERTIFICATE

The provisions of Sections 62-761.350, F.A.C. are adopted by reference.

Section History – Adopted _____ and effective _____.

1-12.40061.40 FACILITY REGISTRATION AND FINANCIAL RESPONSIBILITY

The provisions of Sections 62-761.400 and 62-762.401, F.A.C. are adopted by reference.

Section History – amended 11/15/07 and effective 11/16/07.

1-12.40561.45 NOTIFICATION AND REPORTING

(1) The provisions of Sections ~~62-761.450~~ 62-761.405 and ~~62-762.411451~~, F.A.C. are adopted by reference.

(2) A copy of any building plans which include the installation or upgrade of storage tank systems shall be submitted to the Commission for review prior to submitting an application for a County or municipal building permit. An Application for the Installation or Upgrade of Pollutant Storage Tank Systems must be submitted to the Commission for review and approval prior to installation or upgrade. The copy of the building plans must be submitted with the application.

Section History – amended 11/15/07 and effective 11/16/07; amended 8/9/12 and effective 8/20/12.

1-12.41061.48 EPC INSTALLATION OR UPGRADE PLAN REVIEW FEE

Applicable application fees for an installation or upgrade plan review required under this rule shall be provided in Chapter 1-6, Rules of the Commission.

Section History – amended and effective 10/15/98.

1-12.420 FINANCIAL RESPONSIBILITY

The provisions of Sections 62-761.420 and 762.421, F.A.C. are adopted by reference.

Section History – Adopted _____ and effective _____.

1-12.430 INCIDENTS

The provisions of Sections 62-761.430 and 762.431, F.A.C. are adopted by reference.

Section History – Adopted _____ and effective _____.

1-12.440 DISCHARGES

The provisions of Sections 62-761.440 and 762.441, F.A.C. are adopted by reference.

Section History – Adopted _____ and effective _____.

1-12.50061.50 PERFORMANCE STANDARDS FOR STORAGE TANK SYSTEMS REQUIREMENTS

The provisions of Sections 62-761.500, ~~62-761.510~~, ~~62-762.501~~, and ~~62-762.502~~, and ~~62-762.511~~, F.A.C. are adopted by reference.

Section History – amended 11/15/07 and effective 11/16/07.

1-12.60061.60 RELEASE DETECTION

STANDARDS REQUIREMENTS

The provisions of Sections 62-761.600, ~~62-761.610, 62-761.640,~~ 62-762.601, and 62-761.602, ~~62-762.611 and 62-762.641,~~ F.A.C. are adopted by reference.

Section History – amended 11/15/07 and effective 11/16/07.

1-12.70061.70 REPAIRS, OPERATION, AND MAINTENANCE

The provisions of Sections 62-761.700 and 62-762.701, and 62-762.702, F.A.C. are adopted by reference.

Section History – amended 11/15/07 and effective 11/16/07.

1-12.71061.71 RECORDKEEPING

The provisions of Sections 62-761.710 and 62-762.711, F.A.C. are adopted by reference.

Section History – amended 11/15/07 and effective 11/16/07.

1-12.80061.80 OUT-OF-SERVICE AND CLOSURE REQUIREMENTS

The provisions of Sections 62-761.800, and 62-762.801, and 62-762.802, F.A.C. are adopted by reference.

Section History – amended 11/15/07 and effective 11/16/07.

~~1-12.61.82 INCIDENT AND DISCHARGE RESPONSE~~

~~The provisions of Sections 62-761.820 62-761.430 and .440 and 62-762.821, F.A.C. are adopted by reference.~~

~~*Section History – amended 11/15/07 and effective 11/16/07. Repealed _____*~~

1-12.85061.85 ALTERNATIVE REQUIREMENTS AND PROCEDURES AND EQUIPMENT APPROVALS REGISTRATION AND REGISTRATION OF OPERATOR TRAINING PROVIDERS

The provisions of Sections 62-761.850 and 62-762.851, F.A.C. are adopted by reference, and although the Commission shall be given copies of any request when submitted to the Department, and shall review and comment to the Department, the decision whether to approve or deny will be

the Department’s.

Section History – amended 11/15/07 and effective 11/16/07.

1-12.891 MINERAL ACID STORAGE TANK REQUIRMENTS

The provisions of Sections 62-762.891, F.A.C. are adopted by reference.

Section History – Adopted _____ and effective _____.

1-12.900 STORAGE TANK FORMS

The provisions of Sections 62-761.900 and 762.901, F.A.C. are adopted by reference.

Section History – Adopted _____ and effective _____.

Rule History:

Adopted 4/04/91

Amended 6/16/92

Amended 10/15/98

Amended 11/15/07, Effective 11/16/07

Amended 8/9/12, Effective 8/20/12

Amended



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

C1

Date of EPC Meeting: April 20, 2017

Subject: Staff Informational Report – E. Broadway Dump Site Investigation and Resolution

Agenda Section: Regular Agenda

Item: Waste Management Division

Recommendation: No staff recommendations. Information report only

Brief Summary: Staff will provide a brief overview of inter-agency activities and cooperation in the resolution of a recent illegal solid disposal case.

Financial Impact: No Financial Impact

Background:

In DEC 2016, Hillsborough County Sheriff's Office staff contacted the EPC to inform the agency of an on-going HCSO investigation at property located at 10716 E. Broadway Ave., where improper solid waste disposal on a large scale had taken place. HCSO personnel elicited the involvement and assistance of the EPC, Hillsborough County Code Enforcement and Hillsborough County Mosquito Control.

Through cooperative efforts and coordination by all involved agencies, the favorable resolution of a case of illegal dumping has been achieved.

Staff will provide the Board with an overview of this incident and will provide recognition to the agencies and staff involved.

List of Attachments: None.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

C2

Date of EPC Meeting: April 20, 2017

Subject: Request for Pollution Recovery Funds

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Vote to approve the use of up to a maximum of one thousand dollars of Pollution Recovery Funds to collect, package, transport and dispose of approximately 80 pounds of mercury. Monies will be paid directly to EQ Florida.

Brief Summary: The EPC was contacted about a citizen's discovery of a large amount of mercury inherited from a deceased relative. The citizen is a resident of Hillsborough County and has contacted EPC about proper disposal. The EPC staff is proposing to use the Agency's Pollution Recovery Fund to help pay for the transport and disposal of this hazardous material.

Financial Impact: No financial impact on general funds. Cost to the Pollution Recovery Fund is estimated to be less than one thousand dollars.

Background: Mercury is a highly toxic substance that bio-accumulates in the food chain. At very low doses it can cause neurological problems and it is a particular concern for women of child bearing age and young children. It was used in electrical switches in vehicles and white goods, and thermometers, but now it is tightly regulated. As these older products reach the end of their useful life, ideally the mercury is removed and disposed of through a licensed agent. Scrap yards and even the County's Resource Recovery facility participate in these capture and disposal programs.

In this instance a citizen discovered three one liter bottles of mercury in an old shed and asked about proper disposal. Because of the large amount of mercury involved, none of the regular household collection systems could take it. By working with our fellow agencies, we were able to find a way to get it collected and properly disposed of for less than one thousand dollars.

The State Department of Environmental Protection's Emergency Response team has agreed to package the mercury and deliver it to a licensed disposal agent at no charge. And by using the Hillsborough County's Household Hazardous Waste Program's negotiated discount rate, EQ Florida will take the material for a discounted rate of less than one thousand dollars.

By removing this mercury from the environment, staff feels it qualifies for Pollution Recovery Funds under Section 19 of the EPC Act and Chapter 1-9, Rules of the EPC. More specifically this action meets the criteria detailed in Section 1-9.02(c) where "any program or undertaking specifically designed and intended to prevent, minimize... identified effects of pollution."

List of Attachments: None.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

C3

Date of EPC Meeting: April 20, 2017

Subject: Update on legislation the Commission opposed regarding local government preemption (HB 17) and mangrove trimming (HB 419).

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Informational report only.

Brief Summary: On February 16, 2017, EPC staff briefed the Commission on two bills of concern and the Commission voted to oppose them. HB 17 preempts to the State of Florida all regulation of businesses, professions, and occupations and voids all local regulation that applies of those entities by 2020 unless the legislature specifically allows a local government to have a regulation. The proposed preemption applies to environmental regulations as well as a vast array of other home rule authority. HB 419 proposes to allow a property owner to alter or trim up to 70% of the mangroves along the owner's shoreline if the owner voluntarily planted the mangroves. The bill would be harmful to shoreline stability, juvenile fish populations, and water quality. Neither bill is moving in committees, which suggests passage this year will be difficult.

Financial Impact: None

Background:

The 2017 Florida Legislative session runs from March 7 to May 5, 2017. On February 16, 2017, EPC staff briefed the Commission on two bills of concern and the Commission voted to oppose them. Below is a summary of both bills.

1) HOUSE BILL 17 - LOCAL REGULATION PREEMPTION

Status: Committee Substitute from Careers & Competition Subcommittee passed and was sent to Commerce Committee

Sponsored by: Rep. Fine

HB 17 proposes broad and sweeping preemption to the State of regulation of businesses, professions, and occupations, with minor exceptions. Thus, local governments could not require permits, licenses, fees, or impose other regulations against businesses, professions, and occupations, unless expressly authorized by general law. All such local regulations not authorized by general law would expire on July 1, 2020. If so, all city, County, and EPC local regulations affecting businesses that are not expressly allowed in general law would be rendered void after July 1, 2020. This could affect many EPC programs, but could also affect a variety of non-environmental local ordinances, such as wage theft, adult entertainment, and animal control. The bill was only assigned to two committees. A committee substitute from Careers & Competition Subcommittee passed and was sent to Commerce

Committee. There is no scheduled date to discuss HB 17 in the Commerce Committee and there are only three weeks left in the session.

There is no identical Senate companion, but there is a related Senate bill (SB 1158) by Senator Passidomo that prohibits any local regulation that hampers commerce. This Senate bill has not been heard in any of its three committees.

2) **HOUSE BILL 419 - PERMITS FOR MANGROVE ALTERATION AND TRIMMING**

Status: Not scheduled in 1st committee - Natural Resources & Public Lands Subcommittee
Sponsored by: Rep. Altman

[HB 419](#) creates a new mangrove authorization that allows a residential property of 5 acres or less to alter or trim mangroves the owner has voluntarily planted. It allows the owner to alter or trim up to 70% of the mangroves along the owner's shoreline. The bill would be harmful to shoreline stability and water quality, especially during storm events. Mangroves also provide important habitat for juvenile fish. Current State mangrove trimming laws potentially allow for up to 65% of a shoreline to be trimmed under a permit and the EPC delegated program allows for up to 33% of the area to be trimmed, however the trimming must be conducted in stages to avoid defoliation and death of the mangrove. This bill does not require phased trimming and allows complete removal/destruction of the mangroves. Additionally, the element of whether an owner "planted voluntarily" would be extremely difficult for an agency to dispute.

The bill is currently in the House Natural Resources & Public Lands Subcommittee and is also assigned to Government Accountability Committee and Agriculture & Natural Resources Appropriations Subcommittee.

Senate companion SB 1036 by Senator Mayfield has not been considered by any of its three committees.

As noted previously, the EPC Commission opposed both bills and the Chair sent opposition letters to dozens of legislators. Both bills do not appear to be moving along the committee process quick enough to be passed this year. Nonetheless, staff will continue to track the bills.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

C4

Date of EPC Meeting: April 20, 2017

Subject: Executive Director's Employment Agreement Extension

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Discuss and take action on the Executive Director's Employment Agreement

Brief Summary: The EPC Executive Director, Janet Dougherty, began employment with the EPC on July 1, 2015. Her initial employment agreement expires June 30, 2017. The Chairman of the Commission requests the Commission take action to extend her length of employment.

Financial Impact: Variable, depending on Commission action.

Background: On June 18 and 24, 2015, the Commission took action to approve the hiring of the EPC Executive Director, Janet Dougherty. The parties entered into an Employment Agreement (Agreement) on June 25, 2015. Pursuant to the Agreement, Ms. Dougherty began employment with the EPC on July 1, 2015 and the initial term of the Agreement ends June 30, 2017. The Commission approved a first modification of the Agreement October 20, 2016, which was executed on November 1, 2016. The first modification moved her annual evaluation from July to October.

As the Agreement term is set to expire on June 30, 2017, the Chairman of the Commission requests the Commission take action to extend her length of employment. Nonetheless, Section II(b) of the Agreement states that if no action is taken Ms. Dougherty's employment continues until the Commission takes action.

List of Attachments: Executive Director's Employment Agreement and 1st Modification

**EMPLOYMENT AGREEMENT BETWEEN THE
ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY
AND JANET L. DOUGHERTY FOR SERVICES AS EXECUTIVE DIRECTOR**

THIS EMPLOYMENT AGREEMENT is made and entered into this 24th day of June, 2015 by and between the Environmental Protection Commission of Hillsborough County, Florida, a political subdivision of the State of Florida (hereinafter referred to as “Commission”), and Janet L. Dougherty the Environmental Director (hereinafter referred to as “Executive Director”)

WITNESSETH:

WHEREAS, the Commission desires to employ the services of Janet L. Dougherty as Executive Director of the Environmental Protection Commission of Hillsborough County, Florida, as provided by Sections 5, 7, and 8 of Chapter 84-446, as amended, Laws of Florida (“Hillsborough County Environmental Protection Act” or “EPC Act”), and

WHEREAS, the Commission desires to provide certain benefits, to establish certain conditions of employment, and to set working conditions of the Executive Director pursuant to Sections 5, 7, and 8 of Chapter 84-446, as amended, Laws of Florida (“Hillsborough County Environmental Protection Act” or “EPC Act”)

WHEREAS, Janet L. Dougherty desires to accept employment as Executive Director of the Environmental Protection Commission of Hillsborough County, Florida

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, the parties agree as follows

SECTION I – DUTIES

A The Commission hereby agrees to employ Janet L. Dougherty as the Executive Director to perform all duties normal and customary to the Position of Executive Director and all duties imposed on her in the EPC Act, Florida Statutes, other applicable laws, ordinances, and regulations, and such other proper and legally permissible duties as she may be directed to perform by the Commission

B The Executive Director agrees that she will at all times faithfully, industriously, and to the best of her ability, experience, and talents, perform all of the duties that may be required of and from her pursuant to the express and implicit terms of this Agreement, in a competent and professional manner, to the reasonable satisfaction of the Commission. Such duties shall be rendered in Hillsborough County, Florida, and such other place or places as the Commission shall

in good faith require, or as the interests, needs, business or opportunity of the Commission shall require

C The Executive Director agrees (1) to devote her full time to employment as Executive Director, (2) to faithfully perform the duties and work of the Executive Director, and (3) at all times to work in the interest and furtherance of the general business of the EPC Act

SECTION II - TERM

A The term of this Agreement shall commence on July 1, 2015, for a period of two (2) years, concluding on June 30, 2017 pursuant to this section, subject to Sections VII and VIII Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Commission to terminate the services of the Executive Director at any time, without cause, or with cause for the reasons set forth in Section VIII (B) below, and provided that the Commission gives the Executive Director ninety (90) days' notice in writing prior to the effective date of such termination

B In the event the term of this Agreement expires and the Commission has not acted to enter into a new employment agreement or to remove the Executive Director, this Agreement shall remain in force, the Executive Director shall continue to perform the duties required herein and she shall be compensated as provided herein until such time as the Commission enters into a new employment agreement or removes the Executive Director

C Nothing in this Agreement shall prevent, limit or otherwise interfere with the Executive Director to resign at any time from her position with the Commission

D In the event the Executive Director voluntarily resigns her position with the Commission before the expiration of the aforesaid term, then the Executive Director shall give the Commission ninety (90) days written notice in advance unless the parties otherwise agree to a term of lesser duration

SECTION III – COMPENSATION

The Commission agrees to pay the Executive Director for services rendered pursuant hereto an annual base salary of \$165,000 00 payable in installments at the same time that other employees of the Commission are paid The Commission shall consider additional salary or benefit increases as it may deem appropriate no later than sixty (60) days after completion of the Executive Director's annual performance evaluation, which increase shall be retroactive to July 1st of the fiscal year in which it is approved The Executive Director shall also receive the same wage increases not related to performance at the same time and in the same manner as all other unclassified managerial employees of the Commission Any salary, benefit or wage increase

accorded the Executive Director under this section shall automatically become an amendment hereto

SECTION IV – BENEFITS

A The Commission shall pay for any and all premiums under its approved health insurance program(s) for medical, dental, optical, and hospitalization insurance for the Executive Director and her dependents during her employment

B The Commission shall pay any and all premiums under its approved program(s) of short and long term disability insurance for the Executive Director

C The Commission agrees to make available to the Executive Director such other benefits that are not specifically covered by or in excess of this agreement as they now exist, and may be amended from time to time, for other employees of the Commission These benefits will include, but not be limited to cafeteria plan options and contributions to the Florida Retirement System, holidays, and any additional benefits provided for Commission employees

SECTION V – ANNUAL AND SICK LEAVE

As of the Effective Date of this Agreement, the Executive Director shall be credited with twenty (20) days of annual leave Thereafter, the Executive Director shall accrue and have credited to her personal account annual leave at the rate of 20 days per year She shall accrue sick leave at the same rate as other employees of the Commission There shall be no limitation placed on the amount of either vacation or sick leave which may be carried over from one year to the next Upon termination of employment the Executive Director shall be paid for all unused annual leave and for 50% of all unused sick leave unless written Commission policy would provide for payment of more, *provided*, however, that Executive Director shall not be paid for any accrued but unused vacation or sick leave in the event that Executive Director is terminated pursuant to Section VIII (B)

SECTION VI – SENIOR MANAGEMENT AND DEFERRED COMPENSATION

A The Executive Director shall participate in the Senior Management Class and Deferred Compensation of the Florida Retirement System and Social Security as provided by state and federal law

B In addition to the base salary paid by the Commission to the Executive Director, the Commission agrees to pay an amount equal to four percent (4%) of the Executive Director's base salary into a Commission approved deferred compensation plan on the Executive Director's behalf but not to exceed the amount allowed by IRS regulations

SECTION VII – DISABILITY

If the Executive Director is permanently disabled or exceeds any leave permissible under the Family and Medical Leave Act, and a reasonable accommodation cannot be made, the Commission shall have the option to terminate this Agreement

SECTION VIII– TERMINATION AND SEVERANCE

A If the Executive Director is terminated by the Commission, she shall receive upon the effective date of said termination as severance benefits a lump sum cash payment in an amount equal to twenty (20) weeks of compensation, based upon her then base salary, all accumulated annual leave, sick leave accumulated pursuant to Section IV and any other benefits afforded other employees of the Commission

B No severance benefits shall be paid to Executive Director if she is terminated at any time for the following reasons

- 1 The Executive Director has been convicted or adjudged guilty of a felony or any serious misdemeanor involving the moral turpitude of the Executive Director,
- 2 The Executive Director is elected or appointed to a public office,
- 3 Flagrant neglect of duty
- 4 Misconduct in connection with the performance of any of Executive Director's duties, including, without limitation, misappropriation of funds or property of the Commission, securing or attempting to secure personal gain in connection with any transaction entered into on behalf of the Commission, misrepresentation to the Commission, or any violation of law, including County ordinances, involving personal gain to Executive Director in conjunction with her employment
- 5 Misconduct as defined in Section 215 425(4)(a)2, Fla Stat

SECTION IX – PERFORMANCE EVALUATION

The Commission shall review and evaluate the Executive Director at least annually in advance of the Executive Director's appointment anniversary date Said review and evaluation shall be in accordance with specific criteria developed jointly by the Executive Director and the

Commission Said criteria may be added to or deleted from as the Commission may from time to time determine Further, the Commission shall provide the Executive Director with a summary written statement of the findings and provide an adequate opportunity for the Executive Director to discuss her evaluation with the Commission

SECTION X – DUES AND SUBSCRIPTIONS

The Commission agrees to budget and to pay for all appropriate professional dues and subscriptions of the Executive Director reasonably necessary for continued and full participation in national, regional, state, and local associations and organizations necessary and desirable for her continued professional growth, and advancement

SECTION XI – PROFESSIONAL DEVELOPMENT

A The Commission agrees to budget and to pay pursuant to Chapter 112, Fla Stat, for reasonable travel and other expenses of the Executive Director for professional and official travel, meetings, and occasions adequate to continue the professional development of the Executive Director and to adequately pursue necessary official and other functions for the Commission

B The Commission agrees to budget and to pay pursuant to Chapter 112, Fla Stat , for the reasonable travel and other expenses of the Executive Director for short courses, institutes and seminars that are necessary for her professional development, including but not limited to FLERA and such other national, regional, state and local government groups and committees in which the Executive Director serves as a member and for the good of the Commission

SECTION XII – INDEMNIFICATION

A Consistent with BOCC Policy 03 04 01 05 – Reimbursement of Legal Expenses, the Commission shall defend, hold harmless, and indemnify the Executive Director against any tort, claim demand, civil rights, or other legal action, arising out of any act, event, or omission occurring in the performance of the Executive Director’s professional duties as Executive Director, and while serving a public purpose, except to the extent that the Executive Director acted in bad faith, or with malicious purpose, or in a manner exhibiting wanton or willful disregard of human rights, safety, or property The Commission will provide defense for, and compromise or settle any such claim or suit, as it deems appropriate, and pay the amount of any settlement or judgment rendered thereon This indemnification shall extend beyond termination of employment or other expiration of this Agreement, to provide full and complete protection to the Executive Director for acts undertaken or committed by the Executive Director in her capacity as Executive Director, regardless of whether receipt of notice or filing of any claim or lawsuit occurs during or following the Executive Director’s employment with the County

B The Commission will reimburse the Executive Director's reasonable attorney's fees and costs. Reasonableness of the Executive Director's attorney's fees and costs will be determined utilizing the process described in BOCC Policy 03 04 01 05 - Reimbursement of Legal Expenses. As conditions precedent to the Commission's reimbursement of the Executive Director's legal expenses, the Executive Director must comply with all notices and associated time frames required in the above referenced BOCC policy. Requests for reimbursement must be made in the manner and time frame provided by this BOCC policy. All information required by this BOCC policy must be provided prior to reimbursement.

SECTION XIII – OUTSIDE ACTIVITIES

The Executive Director shall devote all of her professional or business time, attention and energies to the Commission's work and shall not, while employed by the Commission, be engaged in any other professional or business activity, regardless of whether or not such professional or business activity is pursued for gain, profit, or other pecuniary advantage, provided, however, that this provision shall not be construed as preventing the Executive Director from investing savings or other assets in such form or manner as will not require any services on her part. The Executive Director may teach or lecture as an instructor where no compensation is provided for such instruction, and may teach or lecture for compensation where such work is approved in advance, in writing, by the Commission. Nothing herein shall limit the Executive Director's right to participate in non-paid volunteer work or activities except that Section XV – Political Activity shall govern. The Executive Director shall not act against, or in conflict with, the best interest of the Commission.

SECTION XIV – RESIDENCY REQUIREMENTS

The Executive Director need not be a resident of Hillsborough County at the time of appointment, but shall become a resident of Hillsborough County within a reasonable period of time and remain a resident of Hillsborough County while in office. The position of Executive Director shall be deemed vacant if the incumbent takes up residence outside of Hillsborough County.

SECTION XV – POLITICAL ACTIVITY

The Executive Director shall not hold any political office nor take part in any political campaign activity other than voting. In the event the Executive Director requires clarification regarding any proposed or potential political campaign activity, the Environmental Protection Commission Attorney shall provide the Executive Director with his/her opinion regarding the applicability of this Section XV to said proposed or potential political campaign activity.

SECTION XVI – AUTO ALLOWANCE

The Commission agrees to pay the Executive Director an automobile allowance of Three Hundred (\$300) Dollars per month

SECTION XVII – EXECUTIVE DIRECTORS ACKNOWLEDGEMENT

The Executive Director agrees that she has consulted with an attorney of her choice, had the opportunity to offer alternate terms and conditions of this Agreement and the opportunity to clarify any terms and conditions which were not understood by her. The Executive Director hereby acknowledges that she was provided this Agreement prior to its execution, and that she had the time and opportunity to review the Agreement and provided comment prior to her execution of this Agreement. The Executive Director further acknowledges that she has read this Agreement, and by her signature below acknowledges that she fully understands and agrees to the contents, terms and conditions of this Agreement.

SECTION XVIII – GENERAL PROVISIONS

A The text herein shall constitute the entire Agreement between the parties and supersedes all prior discussions, agreements, commitments or understanding of every kind and nature, whether oral or written, between the Commission and Executive Director. No amendment or modification of this Agreement shall be valid or effective unless in writing and executed by the parties to this Agreement.

B This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Executive Director.

C If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

D The failure of the Commission to exercise or otherwise act with respect to any of its rights hereunder or with respect to any other Commission employee shall not be construed as a waiver and shall not prevent the Commission from thereafter enforcing strict compliance with any and all terms hereof.

SECTION XIX – NOTICES

Notice pursuant to this Agreement shall be given in writing by the deposit of same in the custody of the United States Postal Service, postage prepaid, addressed as follows:

A Commission

Environmental Protection Commission
Chairperson
P O Box 1110
Tampa, FL 33601-1110

B Executive Director

Janet L Dougherty
607 Butch Cassidy Trail
Wimauma, FL 33598

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

SECTION XX – OTHER TERMS AND CONDITIONS

The Commission, in consultation with the Executive Director, may fix any other such terms and conditions of employment, as they may determine from time to time, relating to the performance of the Executive Director, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Charter, or any other law or ordinance.

IN WITNESS WHEREOF, the Commission has caused this agreement to be signed and executed on its behalf by its Chairman, and duly attested by its Clerk, and the Executive Director has signed and executed this Agreement, both in duplicate, the day and year first above written.

ATTEST Pat Frank
Clerk of the Circuit Court

**ENVIRONMENTAL PROTECTION
COMMISSION**

By Sharon Sweet Grant
Deputy Clerk

By [Signature]
Lesley "Les" Miller, Jr
EPC Chairman

6/25/15
Date

6/25/15
Date



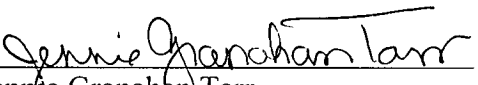
ATTEST Diane S. Graves
Witness

Janet L Dougherty
Janet L Dougherty
Executive Director

Paige W Ward
Witness

6-24-15
Date

APPROVED AS TO LEGAL
SUFFICIENCY



Jennie Granahan Tarr
Chief Assistant County Attorney

**FIRST MODIFICATION TO EMPLOYMENT AGREEMENT
BETWEEN THE ENVIRONMENTAL PROTECTION COMMISSION OF
HILLSBOROUGH COUNTY and
JANET L. DOUGHERTY FOR SERVICES AS EXECUTIVE DIRECTOR**

This First Modification to Employment Agreement (the "Agreement") for services as Executive Director is entered into this 1st day of NOVEMBER, 2016, by and between the Environmental Protection Commission of Hillsborough County (the "Commission"), a political subdivision of the State of Florida, and Janet L. Dougherty, Executive Director, as follows:

WITNESSETH:

WHEREAS, the parties entered into a written Employment Agreement, as referenced above, dated June 25, 2015, which was confirmed by votes of the Commission on June 18, 2015, and June 24, 2015, thereby evidencing the employment of Janet L. Dougherty under the terms as set forth therein to serve as Executive Director of the Environmental Protection Commission of Hillsborough County;

WHEREAS, the parties hereto seek to modify and amend the Agreement; and

WHEREAS, the Commission voted on October 20, 2016, to amend the Agreement to adjust the Executive Director's performance evaluation schedule; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, additional to those previously made, the parties agree to the following modifications of the Agreement:

1. The following sections of the Agreement are rescinded and amended as specifically set forth below:

SECTION III - COMPENSATION

The Commission agrees to pay the Executive Director for services rendered pursuant hereto an annual base salary of \$165,000.00 payable in installments at the same time that other employees of Commission are paid. The Commission shall consider additional salary or benefit increases as it may deem appropriate no later than sixty (60) days after completion of the Executive Director's annual performance evaluation, which increase shall be retroactive to October 1st of the fiscal year in which it is approved. The Executive Director shall also receive the same wage increases not related to performance at the same time and in the same manner as all other unclassified managerial employees of the Commission. Any salary, benefit or wage increase accorded the Executive Director under this section shall automatically become an amendment hereto.

SECTION IX - PERFORMANCE EVALUATION

The Commission shall review and evaluate the Executive Director at least annually during the month of October or the next regular meeting of the Commission after October. Said review and evaluation shall be in accordance with specific criteria developed jointly by the Executive Director and the Commission. Said criteria may be added to or deleted from as the Commission may from time to time determine. Further, the Commission shall provide the Executive Director with a summary written statement of the findings and provide an adequate opportunity for the Executive Director to discuss her evaluation with the Commission.

2. The remainder of the Agreement is unchanged and shall remain in full force and effect.

IN WITNESS WHEREOF, the Environmental Protection Commission of Hillsborough County has caused this First Modification of the Agreement to be signed and executed on its behalf by its Chairman, and duly attested by its Clerk, and the Executive Director has signed and executed the First Modification of the Agreement, both in duplicate, the day and year first above written.

ATTEST: Pat Frank
Clerk of the Circuit Court

**ENVIRONMENTAL PROTECTION
COMMISSION**

By: *Diana M. Leon*
Deputy Clerk



11/7/16
Date

By: *[Signature]*
Lesley "Les" Miller, Jr.
EPC Chairman

11/1/16
Date

ATTEST: *[Signature]*
Witness

[Signature]
Witness

APPROVED AS TO LEGAL SUFFICIENCY:
[Signature]
General Counsel

JANET L. DOUGHERTY

[Signature]
Janet L. Dougherty
Executive Director

11/1/16
Date



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

D4

Date of EPC Meeting: April 20, 2017

Subject: Executive Director Policies

Agenda Section: Regular Agenda

Division: Executive Director Report

Recommendation: Informational Report Only

Brief Summary: The EPC staff follows a mix of policies: BOCC Policies, EPC Commission Policies, Executive Director Policies, and select County Administrator Policies. There are 48 Executive Director Policies. Since Janet Dougherty became the Executive Director, she has amended 16 of the Executive Director Policies.

Financial Impact: No Financial Impact

Background: The EPC staff follows a mix of policies: BOCC Policies, EPC Commission Policies, Executive Director Policies, and select County Administrator Policies and manuals. Since Janet Dougherty became the Executive Director on July 1, 2015, she has reviewed and revised many of the Executive Director policies dealing with various topics, such as bereavement leave, ethics, grants, and customer feedback. Where possible, the Executive Director seeks to amend policies to be consistent with County policies and directives. Ms. Dougherty has created one Executive Director policy (Customer Feedback DB), amended 16 policies, and rescinded seven policies. There are now 48 Executive Director Policies. The majority of the rescinded policies were duplicative of County policy or no longer necessary. No action is requested, this is merely informational. The 17 new or amended policies are as follows:

1. Cellular Telephones Policy
2. Responding to Complaints, Compliance Assistance Letters, and Warning Notices Policy
3. Complaints of Discrimination and Harassment Policy
4. Comprehensive Emergency Management Plan
5. Employee/Customer Feedback Database Policy
6. Employee Exit Process
7. EPC Civil Service Policy – Exception #2
8. Extraordinary Performance Increase Policy
9. Fee Modification Requests Policy
10. Gift, Ethics, and Conflicts of Interest Policy
11. Grants Administration Policy
12. Hazard Duty Pay Policy
13. Leaves and Overtime Policy
14. Records Management Policy
15. Technology Policy
16. Travel Authorization Policy
17. Work Schedule Policy

List of Attachments:

[17 Executive Director Policies \(provided under separate electronic attachment due to file size\)](#)