

**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**

**May 18, 2017 at 9:00 a.m.**

601 East Kennedy Boulevard, Tampa, Florida  
County Center Board Room 2<sup>nd</sup> Floor

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- 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 – April 20, 2017 .....**2**
- 2. Monthly Activity Report .....**7**
- 3. FY2017 Pollution Recovery Fund (PRF) Budget .....**9**
- 4. Legal Case Summary.....**11**

**B. PUBLIC HEARING**

None

**C. REGULAR AGENDA**

- 1. CEAC Proposed Bylaw Amendment .....**14**
- 2. Legislative Update.....**20**
- 3. Executive Director’s Report
  - a. Clean Air Fair
  - b. Arbor Day
  - c. EPC 50<sup>th</sup> Anniversary reminder
  - d. Staff appreciation letter
  - e. EPA Wetland’s Grant Update
- 4. Executive Director’s Employment Agreement .....**23**

**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:** May 18, 2017

**Subject:** Approval of April 20, 2017 EPC meeting minutes

**Agenda Section:** Consent Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Approve the April 20, 2017 EPC meeting minutes.

**Brief Summary:** Staff requests the Commission approve the meeting minutes from the Commission meeting held on April 20, 2017.

**Financial Impact:** No financial impact.

**Background:** (None)

**List of Attachments:** Draft copy of the April 20, 2017 EPC meeting minutes

APRIL 20, 2017 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, April 20, 2017, 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 9:02 a.m.), Ken Hagan, Pat Kemp, Sandra Murman (arrived at 9:19 a.m.), 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 ITEMS FOR QUESTIONS, COMMENTS, OR SEPARATE VOTE -

► None.

4. RECOGNITIONS - None.

5. PUBLIC COMMENT - ► None.

6. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC) UPDATE

► Dr. Joseph Walsh, CEAC chairman, gave the updates.

7. APPROVAL OF CONSENT AGENDA

EPC AGENDA ITEMS:

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - February 16, 2017
2. Monthly Activity Reports
3. Fiscal Year 2017 Pollution Recovery Fund (PRF) Budget
4. Legal Case Summary

THURSDAY, APRIL 20, 2017 - DRAFT MINUTES

5. Select Performance Measure Goals for 2017
6. First Quarter 2017 Action Plan Updates

► Chairman Miller sought a motion to approve the Consent Agenda. **Commissioner White so moved, seconded by Commissioner Kemp, and carried five to zero.** (Commissioner Murman had not arrived; Commissioner Higginbotham was absent.)

B. PUBLIC HEARING

1. Chapter 1-12, Storage Tank Rule - Conduct a Rule Amendment Public Hearing (9:00 a.m.)

► After Attorney Richard Tschantz, EPC General Counsel, confirmed notice requirements had been met, Mr. Hooshang Boostani, Director, EPC Waste Management Division, gave a presentation, as contained in background material. Hearing no response to the call for public comment, ► Chairman Miller asked for a motion to adopt the amendment to the rule. **Commissioner Kemp so moved, seconded by Commissioner Crist, and carried five to zero.** (Commissioner Murman had not arrived; Commissioner Higginbotham was absent.)

C. REGULAR AGENDA

1. East Broadway Waste Dump Site Report

► Ms. Dougherty deferred to Mr. Ronald Cope, EPC, who exhibited a video, reviewed background material, and shared images. ► Ms. Dougherty recognized EPC staff involved with the project. Talks ensued.

2. Request to Allocate PRF for Disposal of Mercury

► Ms. Dougherty introduced Mr. Gerardo Javier, EPC, who elaborated on background material, displayed images, and wanted EPC Board approval for the use of PRF recovery money for mercury transport/disposal. Mr. Jerry Campbell, Director, EPC Air Management Division, asked for authorization to have the EPC Executive Director spend up to \$1,000 to dispose of the mercury working with EQ Florida Incorporated and the Florida Department of Environmental Protection. ► **Commissioner Murman so moved, seconded by Commissioner Kemp.** Upon dialogue, ► **the motion carried five to zero.** (Commissioner Hagan was out of the room; Commissioner Higginbotham was absent.) Comments occurred.

3. Legislative Update

▶ Attorney Tschantz relayed background material. ▶ Commissioner White sought evidence of mangrove erosion control mechanisms and favored sending a white paper on the subject to the State Legislature. Ms. Dougherty agreed. ▶ Mr. Thomas Ash, EPC, cited anecdotal evidence on the matter. Upon suggestion from Chairman Miller, **▶ Commissioner White moved to direct staff to put together some information on mangrove cover as it specifically related to erosion control along the shorelines in preparation of a potential white paper to be sent to the State Legislature, seconded by Commissioner Kemp, and carried five to zero.** (Commissioner Hagan was out of the room; Commissioner Higginbotham was absent.)

4. Executive Director's Employment Agreement

▶ Attorney Tschantz noted the executive director contract timeline/modifications and, observing the EPC 2017 meeting schedule, requested authorization to begin talks with Ms. Dougherty and bring that back to the May 2017 EPC Board meeting for discussion on a contract extension. **▶ Commissioner Kemp so moved, seconded by Commissioner Murman, who, citing precedent for other administrators, wanted to see a three-year contract extension. ▶ Commissioner Murman confirmed that was an amendment to the motion, seconded by Commissioner Crist.** Commissioner White praised Ms. Dougherty's efforts. **▶ The amendment carried five to zero.** (Commissioner Hagan was out of the room; Commissioner Higginbotham was absent.) **▶ The amended motion carried five to zero.** (Commissioner Hagan was out of the room; Commissioner Higginbotham was absent.)

D. EXECUTIVE DIRECTOR REPORT

1. Best Workplace Designation

▶ Chairman Miller announced the EPC had been included in a Tampa Bay Times report naming the 100 best places to work in the Tampa Bay area. Ms. Dougherty reviewed background material.

2. Budget Update

▶ Ms. Dougherty gave the update.

3. Earth Day and Arbor Day Reminders

▶ Ms. Dougherty observed upcoming Earth Day/Arbor Day events and recognized Ms. Gabrielle Natalin, EPC intern.

4. Amended Executive Director Policies

▶ Ms. Dougherty touched on the item; acknowledged Mr. Joseph Guidry for receiving the inaugural Theodore Roosevelt Hillsborough Forever Conservation Award; announced the June 15, 2017, EPC 50th anniversary event at the Robert W. Saunders Sr. Public Library; and wished Chairman Miller a happy birthday.

5. Clean Air Fair

▶ Ms. Dougherty spoke on background material.

ADJOURN

▶ There being no further business, the meeting was adjourned at 9:49 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:** May 18, 2017

**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

**Background:** Select data that is associated with the EPC's five core functions is tracked by each division (e.g. – 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**  
**FY17**

		<b>April</b>	<b><u>FEB 2017</u> <u>TO DATE</u></b>
<b>A.</b>	<b><u>Core Function: Citizen Support &amp; Outreach</u></b>		
1	Environmental Complaints Received	169	474
2	Number of Presentations/Outreach Events	14	29
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	369	1011
<b>B.</b>	<b><u>Core Function: Air &amp; Water Monitoring</u></b>		
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	91.4%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	99.8%	N/A
3	Number of Noise Monitoring Events	6	7
<b>C.</b>	<b><u>Core Function: Environmental Permitting</u></b>		
1	Permit/Authorization Applications Received	154	456
2	Applications In-house >180 days	6	N/A
3	Permits/Authorizations Issued	145	435
4	Petroleum Cleanup Cases	142	142
<b>D.</b>	<b><u>Core Function: Compliance Assurance</u></b>		
1	Compliance Inspections	420	848
2	Compliance Test Reviews	123	500
3	Compliance Assistance Letters Issued	78	105
4	Warning Notices Issued	8	41
<b>E.</b>	<b><u>Core Function: Enforcement</u></b>		
1	New Cases Initiated	7	18
2	Active Cases	34	N/A
3	Tracking Cases	58	N/A





## ***ENVIRONMENTAL PROTECTION COMMISSION***

### ***AGENDA ITEM COVER SHEET***

**A3**

**Date of EPC Meeting:** May 18, 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 4/30/2017**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 838,487	Artificial Reef	\$ 33,848	Minimum Balance	\$ 120,000	
Interest	\$ 1,195	Open Projects	\$ 453,621	Est. FY 18 Budget	\$ 33,848	
Deposits	\$ 38,405			Asbestos Removal	\$ 5,000	
Total	\$ 878,087	Total	\$ 487,469	Total	\$ 158,848	\$ 231,770

PROJECT	Project Amount	Project Balance
<b>FY 12 Project</b>		
USGS Partnership 10131.102063.581990.5370.1188	\$ 25,000	\$ 5,750
	\$ 25,000	\$ 5,750
<b>FY 13 Project</b>		
Community Partnering Program 10131.102073.582990.5370.0000	\$ 15,000	\$ 15,000
	\$ 15,000	\$ 15,000
<b>FY 14 Project</b>		
Lake Magdalene Outfall 10131.102063.582990.5370.1178	\$ 50,000	\$ 50,000
	\$ 50,000	\$ 50,000
<b>FY 15 Project</b>		
East Lake Watershed Edu. & Restoration 10131.102063.582990.5370.1249	\$ 5,012	\$ 5,012
	\$ 5,012	\$ 5,012
<b>FY 16 Projects</b>		
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
<b>FY 17 Projects</b>		
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
Mercury Disposal 10131.102063.534150.5370.0000	\$ 1,000	\$ 1,000
	\$ 143,137	\$ 143,137



## ***ENVIRONMENTAL PROTECTION COMMISSION***

### ***AGENDA ITEM COVER SHEET***      A4

**Date of EPC Meeting:** May 18, 2017

**Subject:** Monthly Legal Case Summary – May 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.

**EPC LEGAL DEPARTMENT**  
**MONTHLY REPORT OF LEGAL CASES**  
*May 2017*

**I. ADMINISTRATIVE CASES**

**Sandrine Guez vs. Island Club at Rocky Point Condo Assoc., Inc. and EPC** [17-EPC=004]: On April 27, 2017 the Appellant Sandrine Guez filed a request for an extension of time to file an Appeal to challenge a Mangrove Trimming Exemption qualification notice. The extension of time was granted and the Appellant has until June 30, 2017 to file an appeal.

**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 had until April 19, 2017 to file an appeal. A Notice of Appeal was filed on April 19, 2017 and the matter will be transferred to a Hearing Officer to conduct an administrative hearing.

**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***

C1

**Date of EPC Meeting:** May 18, 2017

**Subject:** Citizens Environmental Advisory Committee (CEAC) Proposed Bylaw Amendment

**Agenda Section:** Regular Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Approve the proposed CEAC Bylaw amendment as recommended by the Committee.

**Brief Summary:** The proposed amendment to Article II - Membership, Section 3 of the CEAC Bylaws was approved by the Committee members during the April 3, 2017 CEAC meeting.

**Financial Impact:** No financial impact.

**Background:** The CEAC Chairman proposed an amendment to Article II, Section 3 of the CEAC Bylaws regarding membership and requested the Committee consider the amendment. The proposed amendment was included on the April 3, 2017 CEAC meeting agenda. After discussion, the Committee members in attendance voted unanimously to recommend approval.

The intent of the amendment is to provide for a more efficient and effective procedure for the Chairman to fulfill his/her responsibility to notify a Commissioner of their appointee's attendance record when required to do so. As currently written, the procedure is cumbersome as it necessitates that absences lack "just cause" and that confirmation from the majority of the Committee is needed prior to the Chairman being able to notify a Commissioner of their appointee's attendance record. "Just cause" is not defined and therefore determining what does or does not constitute "just cause" is subjective and difficult to apply. Additionally, requiring the Committee to vote on a simple reporting procedure causes unnecessary delay.

The proposed amendment would streamline the process making it easier for the Chairman to fulfill his/her responsibility to notify the Commissioners of their appointees' attendance record while still meeting the intent of the provision.

**List of Attachments:** Proposed CEAC Bylaw amendment – strikethrough/underline version

**HILLSBOROUGH COUNTY  
CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE  
BYLAWS**

**(proposed amendment 04-20-2017)**

**ARTICLE I - NAME AND PURPOSE**

SECTION 1: The name of this organization shall be the Hillsborough County Citizens Environmental Advisory Committee (Committee). This Committee was established by the members of the Environmental Protection Commission (EPC), Hillsborough County, Florida in March, 1988. As used in these Bylaws, “the Environmental Protection Commission”, “Commission”, and “EPC” refers to the Board of County Commissioners of Hillsborough County, sitting as the Environmental Protection Commission.

SECTION 2: The purposes and scope of the activities of this Committee shall be the following:

- A. To review and evaluate county environmental issues as requested by the EPC.
- B. To initiate proposals and forward them to the EPC as recommendations for action.

**ARTICLE II - MEMBERSHIP**

SECTION 1: The Committee shall be made up of a cross-section of citizens residing within Hillsborough County. The membership of the Hillsborough County Citizens Environmental Advisory Committee shall consist of a maximum of seventeen (17) members, two to be appointed by each EPC Commissioner, and one each to be appointed by the Mayors or City Council of the cities of Tampa, Plant City and Temple Terrace.

SECTION 2: Pursuant to appointments made by the individual EPC Commissioners and City Officials, members of this Committee shall serve for a two-year term, beginning January 1 and terminating December 31 of the second calendar year or until such time as a new appointment is made by the EPC Commissioner or the applicable City

**SECTION 3:** Any member missing more than 3 meetings in the calendar year ~~without just cause, upon confirmation by the majority of the Committee,~~ will result in a request by the Chairman to the appointing commissioner (or city) to appoint a new member or to reaffirm the existing member.

SECTION 4: Each CEAC member has certain duties and responsibilities in the public trust and as further established by CEAC Policy, to wit:

- A. Regularly attend meetings at the appointed time;
- B. Adequately prepare for meetings by reviewing the Agenda and any supporting documents and being versed on the issues to come before the Committee;
- C. Comply with laws governing public service, including Florida's Government-in-the-Sunshine law and the Code of Ethics for Public Officers and Employees;
- D. Refrain from unethical conduct and/or improper conflicts of interests or undue influence in the representation of a third party in conducting business with the agency. Allegations of misconduct against any member can be brought to the attention of the Chair. The Chair shall bring such allegations to the attention of the Committee, and the Committee shall decide by majority vote if these allegations warrant further discussion by the members. If after discussion, the Committee determines by majority vote that an allegation has merit, a recommendation by the Chair shall be made to the appointing Commissioner or City to remove the offending member and appoint a new member.
- E. Voting on all issues before the Committee except in the case of a voting conflict of interest pursuant to Section 112.31 (3), Florida Statutes, which requires that a Committee member recuse him or herself in the event of conflicts of interest; and the CEAC member with the conflict of interest will explain to the other CEAC members the nature of the conflict.

### **ARTICLE III - MEETINGS**

SECTION 1: Notice of the time, place and purpose of all regular and special meetings shall be mailed or e-mailed to each member of the Committee not less than five days before such meeting.

SECTION 2: A majority of the total members of the entire Committee shall constitute a quorum for the transaction of any business at any regular meeting of the Committee. A majority of those Committee members designated by the Chairman of the Committee to attend any special meeting shall constitute a quorum for the transaction of business at any special meeting of the Committee.

SECTION 3: Only the appointed members shall be entitled to vote at any meeting of the Committee.



SECTION 4: CEAC will designate a person to be in charge of taking minutes at their meetings. An EPC staff liaison shall assist with recording equipment and will maintain all Committee records at 3629 Queen Palm Drive Tampa, FL 33619.

#### **ARTICLE IV - OFFICERS**

SECTION 1: The members of the Committee shall nominate and elect from their own membership, the following officers at the first regular meeting of the calendar year.

- A. Chairman
- B. Vice-Chairman

SECTION 2: The terms of office for all officers shall be one year beginning at the first regular Committee meeting of the year and terminating at the last regular Committee meeting of the year, or until their successors are elected at the next regular meeting of the Committee.

SECTION 3: Any officer may be re-elected for the same office.

SECTION 4: A vacancy in any office may be filled by the Committee at any regular meeting.

SECTION 5 : Duties:

- A. Chairman:

The Chairman shall preside at all meetings of the Committee and conduct all meetings of the Committee. He or she shall forward action taken by the Committee to the EPC for whatever action the EPC deems appropriate. The Chairman shall appoint subcommittees as appropriate and deemed necessary by the Committee, and notify the EPC of such appointments.

- B. Vice-Chairman:

In the absence of the Chairman or in the event of his or her inability to act, the Vice-Chairman shall exercise all powers and duties of the Chairman.

## **ARTICLE V - AMENDMENTS**

SECTION 1 : These bylaws may be amended by the two-thirds vote of the membership present and voting at any regular meeting of the Committee after notice of such proposals for an amendment has been given to all members as provided in these bylaws. All such amendments shall be subject to approval by the EPC.

## **ARTICLE VI - RULES OF PROCEDURE**

SECTION 1: All meetings of the Committee shall be conducted in an informal manner unless otherwise specified in these bylaws.

SECTION 2: Agenda items are to be determined by priorities as set by the full Committee. All requests from the EPC shall be honored. A conceptual annual agenda subject template will be developed at the January meeting and formalized at the February meeting.

## **ARTICLE VII - RIGHTS AND PRIVILEGES**

SECTION 1: No member shall possess any right, interest, or privilege which may be transferable by that member to any individual.

SECTION 2: Any right, interest or privilege afforded to a member shall cease upon termination of the member's service.

## **ARTICLE VIII - OFFICIAL POSITION**

SECTION 1: Members will from time to time be asked to give their opinions regarding matters that have been or will be considered by the Committee. No member shall be prohibited from stating their individual opinion on any matter; however, in doing so, each member shall take care to make clear that the opinion expressed is their own and does not constitute the official position of the Committee.

SECTION 2: There shall only be one official position of the Committee which shall be the position adopted by a majority vote of the Committee. When the official position of the Committee is requested of a member in the absence of the Chair, the official position of the Committee shall be presented by the member.

amended 07/24/95

amended 05/18/00

amended 03/16/06

amended 12/17/09

amended 10/20/11

amended xx/xx/17



## ***ENVIRONMENTAL PROTECTION COMMISSION***

### ***AGENDA ITEM COVER SHEET***      **C2**

**Date of EPC Meeting:** May 18, 2017

**Subject:** Update on Environmental Legislation in the 2017 Florida Legislature

**Agenda Section:** Regular Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Informational report only.

**Brief Summary:** Staff will provide a brief summary on environmental legislation in the 2017 Florida Legislature. Two bills failed that the Commission opposed on February 16, 2017. HB 17 proposed to preempt to the State of Florida all regulation of businesses, professions, and occupations unless the legislature specifically allowed the local regulation. HB 419 proposed 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. A few environmental bills passed, of note, was the "Public Notification of Pollution Act" in SB 1018.

**Financial Impact:** None

#### **Background:**

The 2017 Florida Legislative session ran from March 7 to May 8, 2017. EPC staff tracks dozens of environmental and administrative bills during the session. On February 16, 2017, EPC staff briefed the Commission on two bills of concern (HB 17 and HB 419) and the Commission voted to oppose them. Those bills ultimately did not pass. Below is a summary of those bills and a few other notable bills.

#### **1) HOUSE BILL 17 - LOCAL REGULATION PREEMPTION**

Status:      Withdrawn from consideration

Sponsor:    Rep. Fine

House Bill (HB) 17 proposed broad preemption to the State of regulation of businesses, professions, and occupations, with minor exceptions. Local governments would have been prohibited from requiring permits, licenses, fees, or imposing 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. This would mean that 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 would have affected many EPC programs, but could have also affected a variety of non-environmental local ordinances, such as wage theft, adult entertainment, and animal control. On February 16, 2017, EPC staff briefed the Commission on HB 17 and the Commission voted to oppose it. The bill was only assigned to two committees. A committee substitute from Careers & Competition Subcommittee passed and was sent to Commerce Committee. The bill was not heard in its second committee and was indefinitely postponed and withdrawn from consideration.

There was no identical Senate companion, but there was a related Senate Bill (SB) 1158 by Senator Passidomo that prohibited any local regulation that hampers commerce. This Senate bill was not heard in any of its three committees and thus failed.

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

Status: Withdrawn from consideration  
Sponsor: Rep. Altman

HB 419 proposed the establishment of a new mangrove authorization that would allow a residential property of 5 acres or less to alter or trim mangroves the owner has voluntarily planted. It would have allowed the owner to alter or trim up to 70% of the mangroves along the owner's shoreline. The bill could lead to long-term shoreline stability and water quality problems, 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 did not require phased trimming and would have allowed complete removal/destruction of the mangroves. Additionally, the element of whether an owner "planted voluntarily" would be extremely difficult for an agency to dispute. On February 16, 2017, EPC staff briefed the Commission on this bill and the Commission voted to oppose it. The bill was indefinitely postponed and withdrawn from consideration, thus it did not pass.

Senate companion SB 1036 by Senator Mayfield was not considered by any of its three committees and died.

## 3) **SB 442 - FRACKING / Advanced Well Stimulation**

Status: Died in Appropriations Subcommittee on the Environment and Natural Resources  
Sponsor: Senator Young

SB 98, SB 442, HB 451, and HB 35 all proposed to ban fracking in the state of Florida. Fracking is formally known as well stimulation or hydraulic fracturing. Fracking consists of using water, chemicals, and other materials to create fractures in a rock formation to stimulate production of hard to extract oil and natural gas. Fracking has occurred in the Florida Panhandle and South Florida. All the bills died in committee.

## 4) **SB 1018 - PUBLIC NOTIFICATION OF POLLUTION & ADVANCE CLEANUP**

Status: Passed both chambers, ordered enrolled, and will be sent to the Governor for approval.  
Sponsor: Senators Grimsley and Galvano

The "Public Notification of Pollution" bill is in response to concerns about notification of the public in the 2016 Mosaic gypsum stack sinkhole issue in Polk County. It was proposed by Senators Grimsley and Galvano. In general the bill requires the polluting entity to inform the DEP within 24 hours of discovery any unlawful discharge "which is not authorized by law, and which is reportable to the State Watch Office within the Division of Emergency Management pursuant to any department rule, permit, order, or variance." Early versions of the bills required much more detail about the release, but the final version of the bill was simplified. Once notified, the DEP then has an obligation to post the info on a

new DEP webpage and persons can subscribe to an e-mail list that periodically informs them of the notices. The DEP is empowered to do rulemaking to implement the program.

The bill also addresses advanced cleanup of redevelopment sites. According to the Senate Appropriations Committee staff analysis, “The advanced cleanup (formerly known as Preapproved Advanced Cleanup) of petroleum contaminated sites was begun in 1996 to allow an eligible petroleum contamination site to receive state rehabilitation funding even if the site’s priority score did not fall within the threshold currently being funded. The purpose of creating the advanced cleanup process was to facilitate property transactions and public works projects on contaminated sites.” Furthermore, the analysis states, “the bill provides for the advancement ahead of priority ranking for the rehabilitation of individual petroleum contaminated sites proposed for redevelopment; the elimination of the 25 percent cost-share requirement for the advanced cleanup of such sites; a \$5 million increase [to \$30M] in the annual funding available to the Department of Environmental Protection (DEP) for petroleum rehabilitation advance cleanup work; advanced site assessments for certain sites contaminated with drycleaning solvents; and a \$5 million increase in the amount of annual voluntary cleanup tax credit funding DEP is authorized to allocate.”

This bill passed both chambers and awaits action by the Governor.



## ***ENVIRONMENTAL PROTECTION COMMISSION***

### ***AGENDA ITEM COVER SHEET***      C4

**Date of EPC Meeting:** May 18, 2017

**Subject:** Executive Director's Employment Agreement Second Modification

**Agenda Section:** Regular Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Discuss and take action on the Executive Director's Employment Agreement and authorize the Chairman to execute a Second Modification.

**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. On April 20, 2017, the Commission voted to direct the EPC Chairman and Executive Director to negotiate an amended employment agreement with a three-year extension. The EPC Chairman and Executive Director met and will propose a Second Modification to her employment agreement.

**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, Ms. Janet L. 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.

On April 20, 2017 at the EPC meeting, the Chairman requested that the Commission consider extending Ms. Dougherty's Agreement and to have a full discussion at the May 18 meeting. At that April EPC meeting, the Commission voted to direct the EPC Chairman and Executive Director to negotiate an amended employment agreement with a three-year extension. The EPC Chairman and Executive Director met and will propose a Second Modification to her employment agreement that includes among other terms, a three year and three month extension through October 1, 2020.

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

The County Attorney's Office has again agreed to assist in the process.

Staff requests that the Commission discuss and take action on the Second Modification to the Agreement and authorize the Chairman to execute it.

**List of Attachments:** None