

COMMISSION

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



Executive Director

Janet L. Dougherty

General Counsel

Richard Tschantz

Meeting time
9:00 a.m.

COMMISSION AGENDA
November 16, 2017

Location
601 E. Kennedy Blvd., Tampa
County Center, 2nd Floor

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, and INVOCATION**
- 2. CHANGES TO THE AGENDA**
- 3. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, or SEPARATE VOTE**
- 4. RECOGNITIONS**
 - *Recognition of Mickey Stofflet, Hillsborough County Sheriff’s Office*
 - *Remembrance of Commissioner Jan Platt*
- 5. PUBLIC COMMENT - Each speaker is allowed 3 minutes unless the Commission directs differently.**
- 6. APPROVAL OF CONSENT AGENDA**

AGENDA ITEMS

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes – October 19, 2017	2
2. Monthly Activity Report.....	7
3. FY2018 Pollution Recovery Fund (PRF) Budget.....	9
4. Legal Case Summary – November 2017	11

B. PUBLIC HEARING (none)

C. REGULAR AGENDA

1. Sea Level Rise presentation by Charles Paxton, Ph.D., EPC Staff, and County Staff.....	14
2. Legislative Update and Request to Oppose Preemption Bill.....	15
3. Resolution R17-01 regarding the Citizens Environmental Advisory Committee	17
4. Executive Director Annual Evaluation	20
5. Executive Director’s Report	
a. Notice of Workshops on November 28, 2017, regarding services and fees detailed in Chapter 1-6, Rules of the EPC	
b. Florida Solar United Neighborhoods Cooperative Update	

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



Date of EPC Meeting: November 16, 2017

Subject: Approval of October 19, 2017 EPC meeting minutes

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: Approve the October 19, 2017 EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission meeting held on October 19, 2017.

Financial Impact: No Financial Impact

List of Attachments: Draft copy of the October 19, 2017 EPC meeting minutes

Background: None.

OCTOBER 19, 2017 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, October 19, 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 9:04 a.m.), Ken Hagan, Al Higginbotham, Pat Kemp (arrived at 9:09 a.m.), Sandra Murman (arrived at 9:01 a.m.), and Stacy White.

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

▶ Chairman Miller called the meeting to order at 9:00 a.m., led in the pledge of allegiance to the flag, and gave the invocation.

2. CHANGES TO THE AGENDA

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

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

4. RECOGNITIONS

Recognition of Hillsborough Television Staff for their Assistance with EPC's 50th Anniversary Event.

▶ Ms. Dougherty delivered the recognition and displayed images. Chief Communications Administrator Liana Lopez added remarks. Comments followed.

Recognition of EPC Toastmasters: the Past Presidents Ms. Christina Bryant and Messrs. Gerardo Javier, Dewitt Bruce, and Daniel Moore and Current President Ms. Savita Epps. "Toastmasters International is the Leading Movement Devoted to Making Effective Oral Communication a Worldwide Reality."

▶ Ms. Dougherty referenced distributed information and deferred to Ms. Epps, who elaborated on the presentation. Talks continued.

5. PUBLIC COMMENT - ▶ None.

6. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC) UPDATE

▶ Dr. Joseph Walsh, CEAC Chairman, gave the report.

THURSDAY, OCTOBER 19, 2017 - DRAFT MINUTES

7. APPROVAL OF CONSENT AGENDA

AGENDA ITEMS

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - July 20, 2017
2. Monthly Activity Report
3. Fiscal Year 2017 Pollution Recovery Fund (PRF) Budget
4. Legal Case Summaries - August - October 2017
5. Request for Authority to take Appropriate Legal Action Against Mr. Mouhammad Al-Samkari
6. Request for Authority to take Appropriate Legal Action Against Mr. Daniel Stumbo
7. Select Performance Measure Goals
8. 2017 Third Quarter Action Plan Updates

► Chairman Miller requested a motion to approve the Consent Agenda. **Commissioner Murman moved approval, seconded by Commissioner White, and carried seven to zero.**

B. PUBLIC HEARING - ► None.

C. REGULAR AGENDA

1. Request to Approve 2017 PRF Grant Projects

► Ms. Dougherty deferred to Mr. Christopher Pratt, EPC, who delivered a presentation shown in background material and relayed staff recommendations the EPC approve the funding for the five reported projects totaling \$182,075; authorize the EPC Chairman, on a continuing basis, to execute the approved PRF agreements with the five grantees in substantially the same format as the form PRF agreement drafted by the legal department; and authorize the EPC Chairman, after staff consultation, to execute future amendments that involved non-material changes or reasonable deadline extensions as they might be necessary. ► **Commissioner Kemp so moved, seconded by Commissioner Crist, and carried six to zero.** (Commissioner Hagan was out of the room.)

2. Annual State of the Environment Report

▶ Ms. Dougherty expounded on the presentation displayed in background material. ▶ Chairman Miller made appreciative remarks.

3. Briefing on Executive Director Performance Review Process

▶ Attorney Richard Tschantz, EPC General Counsel, referenced distributed information and summarized the item.

4. CEAC Organizational Discussion

▶ Attorney Tschantz reviewed the item and relayed staff recommendations for the CEAC to meet at the direction of the EPC on an ad hoc basis only and include a two-year sunset review for the CEAC. ▶ **Commissioner White moved staff's recommendation and to vote on the resolution at the next regularly scheduled EPC meeting, seconded by Commissioner Murman, and carried six to zero.** (Commissioner Higginbotham was out of the room.)

5. Executive Director's Report

- a. Florida Solar United Neighborhoods (FL SUN) - Hillsborough County Solar Co-Op Launch Event Update
- b. EPC's Expanded Notification List for Advisories and Geographic Information System Map
- c. Retirement Recognition: Mr. Mohammad Nozari, Air Management Division, and Ms. Paula Dent, Wetlands Management Division
- d. Recognition of EPC and County Staff for Hurricane Irma Efforts
- e. Philanthropic Committee Fundraiser for Puerto Rico - Hurricane Maria Relief
- f. Breast Cancer Awareness Month

▶ Subsequent to recognizing Ms. Juliet Christian, EPC Water Division, Ms. Dougherty delivered the report, showed images, and invited the EPC Board to the upcoming November 15, 2017, EPC Thanksgiving luncheon. Attorney Tschantz acknowledged Ms. Breanne Whited, EPC legal intern. Commissioner Kemp highlighted FL SUN successes.

THURSDAY, OCTOBER 19, 2017 - DRAFT MINUTES

ADJOURN

▶ There being no further business, the meeting was adjourned at 9:57 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

jh

DRAFT



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A2

Date of EPC Meeting: November 16, 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.

List of Attachments: Monthly report for October 2017

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

EPC STAFF ACTIVITIES - AGENCY-WIDE
Monthly Activity Report
FY18

		<u>October</u>	<u>FISCAL YEAR TO DATE</u>
A.	<u>Core Function: Citizen Support & Outreach</u>		
1	Environmental Complaints Received	135	135
2	Number of Presentations/Outreach Events	9	9
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	403	403
B.	<u>Core Function: Air & Water Monitoring</u>		
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	66.7%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	98.4%	N/A
3	Number of Noise Monitoring Events	3	3
C.	<u>Core Function: Environmental Permitting</u>		
1	Permit/Authorization Applications Received	146	146
2	Applications In-house >180 days	3	N/A
3	Permits/Authorizations Issued	134	134
4	Petroleum Cleanup Cases	107	107
D.	<u>Core Function: Compliance Assurance</u>		
1	Compliance Inspections	458	458
2	Compliance Test Reviews	126	126
3	Compliance Assistance Letters Issued	82	82
4	Warning Notices Issued	8	8
E.	<u>Core Function: Enforcement</u>		
1	New Cases Initiated	4	4
2	Active Cases	35	N/A
3	Tracking Cases	46	N/A



Date of EPC Meeting: November 16, 2017

Subject: Pollution Recovery Fund Budget

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: Informational Report Only

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

Financial Impact: No Financial Impact

List of Attachments: PRF Budget Spreadsheet

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

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 18 POLLUTION RECOVERY FUND
10/1/2017 through 10/31/2017**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 711,583	Artificial Reef	\$ 33,339	Minimum Balance	\$ 120,000	
Interest	\$ -	Open Projects	\$ 443,863	Est. FY 18 Budget	\$ 33,339	
Deposits	\$ 250			Asbestos Removal	\$ 5,000	
Total	\$ 711,833	Total	\$ 477,202	Total	\$ 158,339	\$ 76,292

PROJECT		Project Amount	Project Balance
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	\$ 23,841
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	\$ 2,586
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	\$ 31,828
Little Manatee River SAV Restoration	10131.102063.582990.5370.1272	\$ 45,832	\$ 45,832
		\$ 249,722	\$ 145,017
FY 17 Projects			
Keep T.B. Beautiful Hills River Poll Prev	10131.102063.582990.5370.1278	\$ 20,160	\$ 5,733
Sun City Ctr Audubon Nature Trail Prop	10131.102063.582990.5370.1279	\$ 20,000	\$ 4,050
H.C. Conservation Bahia Bch Invasive	10131.102063.581990.5370.1280	\$ 31,500	\$ 31,500
FL Aquarium 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	\$ 111,760
FY18 Projects			
Ecosphere Restoration Ignacio Haya Park	10131.102063.582990.5370.1292	\$ 47,000	\$ 47,000
Audubon Florida Invasive Removal	10131.102063.582990.5370.1293	\$ 50,000	\$ 50,000
Keep T.B. Beautiful Trash Free Waters	10131.102063.582990.5370.1296	\$ 20,000	\$ 20,000
TBW MacDill AFB Living Shoreline	10131.102063.582990.5370.1294	\$ 49,324	\$ 49,324
UF Small Farms For Clean Water	10131.102063.581990.5370.1295	\$ 15,750	\$ 15,750
		\$ 182,074	\$ 182,074



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A4

Date of EPC Meeting: November 16, 2017

Subject: Monthly Legal Case Summary for November 2017

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: None. Informational update only.

Brief Summary: The EPC Legal Department provides a monthly summary of its ongoing Civil, Appellate and Administrative matters.

Financial Impact: No financial impact anticipated. Informational update.

List of Attachments: November 2017 EPC Legal Case Summary

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

EPC LEGAL DEPARTMENT
MONTHLY REPORT OF LEGAL CASES
November 2017

I. ADMINISTRATIVE CASES

Ronald Buchbaum vs. Leo Caruso and EPC [17-EPC-011]: On October 27, 2017, Appellant Ronald Buchbaum filed a Request for Extension of Time to File a Notice of Appeal to challenge the issuance of Minor Work Permit #61541 (R1) for construction of a boatlift. The request was granted in part and the Appellant has until December 5, 2017 to file a Notice of Appeal.

Roderick and Courtney Mann vs. Mohamed Shahout and EPC [17-EPC-010]: On September 20, 2017, Appellants Mann filed a Notice of Appeal challenging Minor Work Permit #63421 (R1) for the construction of an in-kind replacement of an existing dock. The Appeal was deemed insufficient; the EPC has issued two orders granting leave to amend. Appellants had until October 13, 2017 to file an amended appeal. The Appellants filed an Amended Appeal which was dismissed with prejudice.

Ramco Service Center, Inc. v. EPC [17-EPC-005]: On May 22, 2017 the Appellant filed a Request for Extension of Time to file a Notice of Appeal of the issuance of a Citation of Violation and Order to Correct for unresolved petroleum contamination existing on a property in Plant City. The EPC entered an Order Granting the Extension of Time on May 24, 2017 providing the Appellant until September 11, 2017 to file a Notice of Appeal. No Notice of Appeal was filed and the Citation became a Final Order by operation of law. The parties are in settlement discussions regarding resolution of the matter through potential eligibility of a State cleanup program. The administrative case has become final agency action and the case has been closed.

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 had until June 30, 2017 to file an appeal. A timely appeal was filed and the matter has been transferred to a Hearing Officer to conduct an Administrative Hearing.

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

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

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

Volkswagen AG, et al. [16-EPC-002]: On March 24, 2016, the EPC filed a complaint against Volkswagen AG,

et al. for activities that violate the EPC Enabling Act and the rules promulgated thereunder.

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

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

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

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. The EPC staff are in negotiations with the representative of the property owner regarding eligibility to utilize a state petroleum cleanup program to resolve the case.

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

Agenda Item # C1

Date of EPC Meeting: November 16, 2017

Subject: Sea Level Rise and Climate Science

Agenda Section: Regular Agenda

Division: Air Management Division

Recommendation: Staff recommendations for Commission approval will include: continued engagement with stakeholders, county staff and other agencies on climate issues, adaptation strategies and actions; collaboration with stakeholder organizations to host educational training and/or scientific information sessions to share best available science on climate stressors and a changing climate; and report back to the Commission on climate change/adaptation actions and initiatives annually.

Brief Summary: EPC staff will provide an update on sea level rise to include information on recent activities and initiatives, collaboration with stakeholders and other agencies, and evolving research and data on climate science and sea level rise. The presentation will include information presented by a guest meteorologist on climate science. In addition, County staff will present on sea level rise adaptation actions and evaluating and developing resiliency through assessing the vulnerability and sea level rise impacts in Hillsborough County.

Financial Impact: No Financial Impact No additional funds required.

List of Attachments: None

Background: As previously directed by the Commission to provide periodic reports on climate adaptation, EPC staff will provide an update on sea level rise to include information on recent activities and initiatives, collaboration with stakeholders and other agencies, and evolving research and data on climate science and sea level rise. The presentation will include information presented by a guest meteorologist on the science of climate, with fact-based information on changes occurring in our community and around the world.

In addition, County staff will present on sea level rise adaptation actions, and evaluating and developing resiliency through assessing the vulnerability and sea level rise impacts in Hillsborough County. Staff recommendations will include: continued engagement with stakeholders, county staff and other agencies, collaboration with stakeholder organizations to host educational training and/or a scientific data information session to share the best available science on climate stressors and changes; and report back to the Commission on climate change/adaptation actions and initiatives annually.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C2

Date of EPC Meeting: November 16, 2017

Subject: 2018 Legislative Session update and request for letter from Commission opposing bill regarding local government preemption of tree trimming and removal.

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Authorize Chair to execute a letter opposing tree preemption bills (SB574 and HB 521) and authorize staff to oppose the tree preemption legislation.

Brief Summary: The Florida Legislature will meet earlier than normal due to the 2018 elections. The session will last from January 8 to March 9, 2018. EPC staff requests that the Commission formally oppose legislation (SB 574 and HB 521) that preempts to the State the regulation of tree trimming and removing and certain burial of vegetative debris. This would void or substantially alter most city and county tree ordinances. As it relates to the EPC, it could impact our ability to regulate impacts to cypress trees and other forested wetlands.

Financial Impact: No Financial Impact

List of Attachments: None

Background:

The Florida Legislature will meet earlier than normal due to the 2018 elections. The 2018 Legislative session will last from January 8 to March 9, 2018. Legislators have begun to file bills and committees are already reviewing bills. EPC staff reviews environmental and administrative bills to ensure they do not impact the EPC's functions. The Commission approved a basic legislative strategy (EPC Policy No. 2007-02) on March 15, 2007, that gives staff and the Chair continuing direction to monitor, comment on, and lobby for, among other things, bills that impact the functions of the EPC. One recently filed bill concerns local governments and environmental regulators.

Senate Bill 574 by Senator Steube (W. Sarasota County / W. Charlotte County area) preempts to the state the regulation of the trimming, harvesting, or removal of trees and timber on private property. The proposed law would not allow local governments to prohibit a private landowner from trimming, removing, or harvesting trees or timber located on the landowner's private property. Additionally, a local government would not be allowed to require mitigation (e.g. the planting of trees or the payment of a fee), for the removal or harvesting of trees or timber from private property. The bill also provides that local governments may not prohibit the burial of trees, shrubs, palmettos, or other vegetative debris on properties larger than 2.5 acres.

There is now an identical House companion (HB 521) by Rep. Edwards of the Broward County region. EPC staff asserts this will pre-empt, at a minimum, local government environmental regulation of trees, such as regulation of cypress tree harvesting and individual removal of trees in wetlands. Furthermore, the bill could unintentionally allow for unregulated landfill operations. Specifically, private landowners (over 2.5 acres) could bury anyone's trees and vegetative debris on their land, as opposed to just trees the landowner cut down on his/her property. This bill should not affect mangrove regulation, as there is a separate law regulating mangroves and that law allows for delegation to local governments and the EPC implements that delegation in Hillsborough.

EPC staff request that the Commission authorize the Chair to execute a letter opposing the above-described preemption bills and authorize staff to oppose tree preemption legislation.

In addition to the above legislation, the EPC will continue to track various environmental and administrative bills. Some topics and bills are noted below:

- Land Preservation Budget. The Governor and Senate have indicated they will seek adequate funding for land preservation this year. SB 370 proposes to dedicate \$100M annually to the Florida Forever Trust Fund and it passed its first committee.
- Fracking. Hydraulic fracturing bills are expected to be proposed again, as they failed in the last two sessions. Unlike the 2016 Legislative Session that sought to regulate fracking, the 2017 Session was more focused on banning fracking.
- Deregulation of Professions. HB 15 proposes a large-scale deregulation and/or revisions to requirements of many professions (e.g. - hair braiders, barbers, nail specialists, etc.) and it includes language regarding the profession of geology that EPC will track.
- Disposable Plastic Bags. SB 348 by Sen. Rodriguez proposes a similar bill to one that failed last year that allows small coastal communities to establish pilot programs to regulate or ban disposable plastic bags. All other local governments would still be banned from regulating plastic bags.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C3

Date of EPC Meeting: November 16, 2017

Subject: Resolution R17-01 - Citizens Environmental Advisory Committee (CEAC)

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Approve proposed Resolution R17-01 regarding the Citizens Environmental Advisory Committee (CEAC) meeting schedule and sunset provision.

Brief Summary: During the October 19, 2017 EPC Meeting, the Commission unanimously passed a motion that amended the CEAC meeting schedule and incorporated a sunset provision. CEAC shall hold meetings on an as needed basis upon the request of the Commission only and the Committee's duties and responsibilities shall sunset after two years unless reconfirmed by the Commission in a majority vote. A proposed Resolution to this effect will be presented for the Commission's consideration and vote.

Financial Impact: No financial impact.

List of Attachments: Proposed Resolution R17-01

RESOLUTION NO. R17-01

**A RESOLUTION OF THE ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH COUNTY
AMENDING THE RESOLUTION CREATING THE HILLSBOROUGH
COUNTY CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE**

Upon a motion by Commissioner _____, seconded by Commissioner _____, the following Resolution was adopted by a vote of _____ to _____, with Commissioner(s) _____ voting “No” and Commissioner _____ being absent.

WHEREAS, on January 13, 1988, pursuant to a motion duly made and carried, the Environmental Protection Commission of Hillsborough County (Commission) approved the creation of the Citizens Environmental Advisory Committee (Committee); and

WHEREAS, on February 16, 1988, the Commission approved through a written resolution the creation of the Committee, and together setting forth the Committee’s membership configuration and duties and responsibilities; and

WHEREAS, on October 19, 2017, the Commission voted unanimously to modify the Committee’s scheduled meeting dates and to provide a sunset provision for the Committee;

NOW THEREFORE, BE IT RESOLVED BY THE ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY, FLORIDA:

1. That the Committee detailed above is hereby re-confirmed.
2. That membership of the Committee shall consist of seventeen (17) members; two (2) members being under the auspices of appointment by each Commissioner of the Commission and one (1) member appointed by each Municipality as representative of the three Municipalities in Hillsborough County.
3. That each Committee appointee shall continue to be appointed for a two-year term, under the existing rotation period, with appointments as appropriate for each successive two-year term; each appointee shall serve at the pleasure of his or her appointing Commissioner. Vacancies shall be filled in the same manner as the original appointments; provided however, appointments to vacancies during any two-year term shall be for the balance of the term.

4. That each Committee appointee shall serve without pay.
5. That the Committee shall elect from its membership a Chair and Vice Chair and said Committee's current by-laws shall remain in effect except for those provisions inconsistent with this resolution. The Committee may adopt or amend its by-laws as approved by the Commission.
6. That, notwithstanding the current adopted by-laws, the Committee shall only hold meetings on an as needed basis upon request of the Commission only and at such times as the Commission may designate.
7. That the Committee will act in an advisory capacity to the Commission as requested on an as needed basis upon issues specified by the Commission.
8. The Committee and its duties and responsibilities shall sunset after two years unless re-confirmed by the Commission in a majority vote.
9. This Resolution shall be effective immediately upon its adoption and shall supersede all previous resolutions and Commission actions concerning this Committee.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, Pat Frank, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Environmental Protection Commission of Hillsborough County at its regularly scheduled meeting of November 16, 2017 as the same appears of record in Minute

Book _____ Page _____ of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this _____ day of _____, 2017.

PAT FRANK
CLERK OF THE CIRCUIT COURT

Approved as to form
and legal sufficiency

General Counsel

By: _____
Deputy Clerk



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C4

Date of EPC Meeting: November 16, 2017

Subject: EPC Executive Director's Annual Evaluation

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Vote to accept the Executive Director's evaluation as presented.

Brief Summary: Executive Director Evaluation forms were distributed during the October 19, 2017 EPC Board meeting. These forms are used to evaluate the performance of the EPC's Executive Director, Janet Dougherty. Ms. Dougherty has also supplied the Commission with a Self-Evaluation packet. The evaluation forms that were scored and returned to the Chairman's office will be tabulated and presented at this meeting.

Financial Impact: No Financial Impact outside the approved budget.

List of Attachments: None. Hand out at Meeting.

Background: N/A