

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
December 14, 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 the Tampa Bay Estuary Program’s retiring Executive Director, Holly Greening, and the future Executive Director, Ed Sherwood*
- 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 – November 16, 2017 2
2. Monthly Activity Report..... 8
3. FY2018 Pollution Recovery Fund (PRF) Budget..... 10
4. Legal Case Summary – December 2017..... 12
5. Request for Authorization to Initiate Litigation against Poo-fessional Recycled Organics and Land Management, Inc.. 15

B. PUBLIC HEARING (none)

C. REGULAR AGENDA

1. EPA-Funded Wetland Mitigation Study Presentation 17
2. EPC 2018 Strategic Plan..... 18
3. Shoreline Stabilization: Mangroves and Seawalls..... 19
4. Executive Director’s Report
 - a. Update regarding Environmental Feedback Group meeting on December 6, 2017
 - b. Update regarding services and fees workshops conducted on November 28, 2017

ADJOURN

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



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A1

Date of EPC Meeting: December 14, 2017

Subject: Approval of November 16, 2017 EPC meeting minutes

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

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

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

Financial Impact: No Financial Impact

List of Attachments: Draft copy of the November 16, 2017 EPC meeting minutes

Background: None.

NOVEMBER 16, 2017 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, November 16, 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, Ken Hagan, Al Higginbotham, Pat Kemp, Sandra Murman, and Stacy White.

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

▶ Chairman Miller called the meeting to order at 9:01 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, stated there were no changes to the agenda.

3. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, OR SEPARATE VOTE

▶ Chairman Miller heard no requests to remove items from the Consent Agenda. Commissioners Hagan and Murman announced they would be leaving the meeting early.

4. RECOGNITIONS

▶ Ms. Dougherty thanked Chairman Miller; Mr. Mike Merrill, County Administrator; and Hillsborough County Sheriff's Office (Sheriff's Office) Deputy Markus Bates for providing security at the EPC offices.

▶ Recognition of Detective David "Mickey" Stofflet, Sheriff's Office.

▶ Ms. Dougherty acknowledged the retirement of Ms. Brenda Cattanach, EPC.

▶ Ms. Dougherty and EPC General Counsel Richard Tschantz shared a video remembrance of former Commissioner Jan Platt. Attorney Tschantz continued the remembrance and displayed images.

5. PUBLIC COMMENT

▶ Referencing Item C-1, Sea Level Rise Presentation, and inland flooding, Mr. Thomas Aderhold requested to speak after the presentation. Chairman Miller declined. Citing flooding in Odessa, Mr. Aderhold advocated for

THURSDAY, NOVEMBER 16, 2017 - DRAFT MINUTES

improved Land Development Code and development practices. ► Commissioners Kemp and Crist made appreciative comments.

6. APPROVAL OF CONSENT AGENDA

AGENDA ITEMS

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - October 19, 2017
2. Monthly Activity Report
3. Fiscal Year 2018 Pollution Recovery Fund Budget
4. Legal Case Summary - November 2017

► **Commissioner Murman moved approval, seconded by Commissioner White, and carried seven to zero.**

B. PUBLIC HEARING - ► None.

C. REGULAR AGENDA

1. Sea Level Rise Presentation by Mr. Charles Paxton, Ph.D., EPC Staff, and County Staff

► Ms. Michelle Jenkins, EPC, began a presentation. Chairman Miller asked where the National Oceanic and Atmospheric Administration technical report and the Climate Science Special Report could be found. After introduction,

► Dr. Paxton continued the presentation. Commissioners Hagan and Murman left the meeting. ► Chairman Miller and Commissioner Kemp made observations. Dr. Paxton expounded on additional climate impacts. Mr. Shawn College, Planning Commission, reviewed a 2015 Peril of Flood Act report. ► Commissioner Kemp inquired about the assessment deadline. Regarding flooding risk, Commissioner White questioned what text changes would be incorporated in the Comprehensive Plan and highlighted South County infrastructure opportunities.

► Chief Development and Infrastructure Services Administrator Lucia Garsys provided input. After queries, Commissioner Kemp requested an the County pursue an additional cost analysis for sea level rise and sought information regarding areas vulnerable to inland flooding, ► which Dr. Paxton shared. Commissioner Kemp expounded on the relationship between increased

THURSDAY, NOVEMBER 16, 2017 - DRAFT MINUTES

temperature and precipitation levels, sea level rise and inland flooding preparedness, and population decline. ▶ Ms. Jenkins concluded the item and ▶ requested EPC approval to continue to engage with climate science stakeholders and County staff and other agencies; collaborate with stakeholder organizations to host educational training and/or scientific summit to share best available science on climate stressors and adaptation; and to report on local and regional climate actions, adaptation strategies, and initiatives periodically. ▶ **Commissioner Kemp so moved, seconded by Commissioner White.** ▶ **Commissioner White moved to amend that the EPC explicitly analyze the Metropolitan Planning Origination's population projections as it related to the item as well.** Following remarks, ▶ **Commissioner White said the motion was with respect to coastal hazard areas as it related to flooding, seconded by Commissioner Crist, and carried four to zero.** (Commissioners Hagan and Murman had left the meeting; Commissioner Higginbotham was out of the room.) ▶ **The amended motion carried four to zero.** (Commissioners Hagan and Murman had left the meeting; Commissioner Higginbotham was out of the room.)

2. Legislative Update and Request to Oppose Preemption Bill

▶ Attorney Rick Muratti, EPC Legal Department, reviewed a presentation and asked the EPC to execute a letter indicating opposition to tree preemption Senate Bill 574 and House Bill 521 and authorize staff to oppose tree preemption bills. ▶ Commissioner White inquired about the dangers of burying organic matter. Discussion ensued. After stressing the importance of cypress trees and stating both issues should be included in the letter, ▶ **Commissioner Kemp moved the letter, seconded by Commissioner White, and carried four to zero.** (Commissioners Hagan and Murman had left the meeting; Commissioner Higginbotham was out of the room.) Remarks continued.

3. Resolution R17-01 Regarding the Citizens Environmental Advisory Committee

▶ Attorney Tschantz gave an item overview. ▶ **Commissioner White moved the item, seconded by Commissioner Crist, and carried four to zero.** (Commissioners Hagan and Murman had left the meeting; Commissioner Higginbotham was out of the room.) (R17-01EPC)

THURSDAY, NOVEMBER 16, 2017 - DRAFT MINUTES

4. Executive Director Annual Evaluation

▶ Noting the evaluation in background material, Attorney Tschantz asked the EPC to accept the evaluation. Responding to Commissioner White, Attorney Tschantz stated the EPC employee pay raise was 3 percent and Ms. Dougherty received a pay raise on May 18, 2017. ▶ **Commissioner White moved to adopt the evaluation and to provide Ms. Dougherty with a 3-percent pay raise, seconded by Commissioner Crist, and carried four to zero.** (Commissioners Hagan and Murman had left the meeting; Commissioner Higginbotham was out of the room.) Board members made appreciative remarks. ▶ Ms. Dougherty thanked staff.

▶ Chairman Miller highlighted security improvements at the EPC building.

5. Executive Director's Report

a. Notice of Workshops on November 28, 2017, regarding services and fees detailed in Chapters 1-6, Rules of the EPC

▶ Ms. Dougherty relayed workshop information.

b. Florida Solar United Neighborhoods Cooperative Update

▶ Ms. Dougherty gave the update. Commissioner Kemp expounded on the cooperative's success.

THURSDAY, NOVEMBER 16, 2017 - DRAFT MINUTES

ADJOURN

▶ There being no further business, the meeting was adjourned at 10:36 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

lm

DRAFT



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A2

Date of EPC Meeting: December 14, 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 November 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 - <u>AGENCY-WIDE</u>		
Monthly Activity Report		
FY18		
	November	FISCAL YEAR TO DATE
A.	<u>Core Function: Citizen Support & Outreach</u>	
1	Environmental Complaints Received	119 254
2	Number of Presentations/Outreach Events	13 25
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	379 782
B.	<u>Core Function: Air & Water Monitoring</u>	
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	95.0% N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	99.4% N/A
3	Number of Noise Monitoring Events	3 6
C.	<u>Core Function: Environmental Permitting</u>	
1	Permit/Authorization Applications Received	139 285
2	Applications In-house >180 days	4 N/A
3	Permits/Authorizations Issued	104 238
4	Petroleum Cleanup Cases	87 194
D.	<u>Core Function: Compliance Assurance</u>	
1	Compliance Inspections	110 568
2	Compliance Test Reviews	113 239
3	Compliance Assistance Letters Issued	161 243
4	Warning Notices Issued	11 19
E.	<u>Core Function: Enforcement</u>	
1	New Cases Initiated	9 13
2	Active Cases	36 N/A
3	Tracking Cases	47 N/A



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A3

Date of EPC Meeting: December 14, 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 11/30/2017**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 711,583	Artificial Reef	\$ 33,339	Minimum Balance	\$ 120,000	
Interest	\$ 131	Open Projects	\$ 443,863	Est. FY 18 Budget	\$ 33,339	
Deposits	\$ 500			Asbestos Removal	\$ 5,000	
Total	\$ 712,214	Total	\$ 477,202	Total	\$ 158,339	\$ 76,673

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	\$ -
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	\$ 142,431
FY 17 Projects		
Keep T.B. Beautiful Hills River Poll Prev 10131.102063.582990.5370.1278	\$ 20,160	\$ 3,204
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	\$ 109,231
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: December 14, 2017

Subject: Monthly Legal Case Summary for December 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: December 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
December 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 had until December 5, 2017 to file a Notice of Appeal. On December 5, 2017, the Appellant filed an appeal which shall be processed in accordance with Chapter 1-2, Rules of the EPC, to determine if the appeal should be forwarded to a hearing officer.

Roderick 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. On November 9, 2017, Mr. Mann filed a petition for writ of certiorari to the 13th Judicial Circuit in an attempt to appeal the dismissal. The Court denied the petition on November 13, 2017. This case will be 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 # A5

Date of EPC Meeting: December 14, 2017

Subject: Request authorization to pursue appropriate legal action and to grant settlement authority.

Agenda Section: Consent Agenda

Division: Waste Management Division

Recommendation: Grant EPC staff authority to take appropriate legal action, including but not limited to filing a civil law suit, and also authorize the Executive Director to enter into any potential settlement.

Brief Summary: Poo-fessional Recycled Organics and Land Management, Inc. aka PRO Inc. Yard Trash Processing Facility owns property and operates a Yard Trash Processing Facility located at 18510 Tyler Road, Odessa, Florida. The Facility is currently out of compliance with the EPC Director's Authorization and the EPC Waste Management Rule Chapter 1-7, Rules of the EPC.

Financial Impact: Litigation costs can vary depending on the length and complexity of the litigation. This litigation will be handled by EPC counsel and should be covered within EPC's existing budget. Any change will be reported.

List of Attachments: None

Background: On May 20, 2014, Poo-fessional Recycled Organics and Land Management, Inc., aka PRO Inc. Yard Trash Processing Facility, fka Martin Equipment Services Yard Trash Processing Facility received a Director's Authorization referred to as #EPC/DA-YTPF-101113 (hereinafter "DA") pursuant to the EPC Waste Management Rule Chapter 1-7 for the operation of a Yard Trash Processing Facility (hereinafter "YTPF"). The YTPF is located at 18510 Tyler Road, Odessa, Florida. Inspections of the YTPF over the last two years have documented repeated violations of the conditions of the DA. The violations include but are not limited to the following: (1) the volume of material maintained on the site routinely exceeds those limits approved in the DA and based on observations made in June, October and December of this year the facility remains out of compliance with volume limitations; (2) stormwater has routinely been documented as being inadequately controlled throughout the facility; (3) access roadways, both perimeter and interior, have been routinely documented as being inadequately maintained and are not constructed to be considered as all-weather; (4) material has been routinely documented as not having been processed (size reduced), turned or removed from the site within the time frames required by the DA; and (5) the site configuration (i.e. storage pile/windrow locations, size, height and separation) are not consistent with those approved in the DA.

To date, the facility has not adequately addressed these violations and the owners have not entered into a settlement with the EPC to achieve compliance with the current DA and Chapter 1-7, Rules of the EPC.

The EPC has authority for this action under its Enabling Act, Chapter 84-446, Laws of Florida, as amended and the rules promulgated thereunder, including the EPC Waste Management Rule Chapter 1-7. The EPC staff requests the Commission grant staff authority to take appropriate legal action, including but not limited to filing a civil law suit, and authorize the Executive Director to enter into any potential settlement.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C1

Date of EPC Meeting: December 14, 2017

Subject: EPA-Funded Wetland Mitigation Study Presentation

Agenda Section: Regular Agenda

Division: Wetlands Management Division

Recommendation: None

Brief Summary: Dr. Aaron Brown of USF will give a short informational presentation on a report EPC submitted to EPA in September 2016, which takes a comprehensive look back at the more than 1,100 freshwater wetlands we've permitted over the years for ways to improve the effectiveness of the program and the success of the wetlands we've permitted over time.

Financial Impact: No additional funds required at this time.

List of Attachments: None.

Background: The presentation is a summary of the report submitted by the Environmental Protection Commission of Hillsborough County (EPC) to the US-EPA under a ~ \$227,000 US-EPA Wetland Program Development Grant (No. CD-95488011), which was awarded to EPC in 2011 in partnership with the US Geological Survey (USGS), and the University of South Florida (USF). The report was submitted to EPA in September 2016, with a follow-up presentation of the results of the study to the EPA and other interested parties in May 2017.

The study was designed to improve the effectiveness of compensatory mitigation in the Tampa Bay Watershed by identifying hydrologic and other factors that may improve mitigation design and influence mitigation success over time. This was achieved by evaluating the geospatial changes that have occurred in Hillsborough County since the 1950's utilizing GIS-Based Mapping of the Annual Land Use Land Cover (LULC) and Landscape Development Intensity (LDI), as well as conducting a chronosequential analysis of the changes in assessment scores and the acreage of a representative sampling of the more than 1,100 freshwater wetland sites permitted since the creation of the Agency's Wetland Program in 1985.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C2

Date of EPC Meeting: December 14, 2017

Subject: Strategic Planning for 2018

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Have the Commission provide input to staff on the proposed action plans and performance goals for 2018 and then vote to accept both.

Brief Summary: Staff will give a brief informational presentation on this year's strategic planning process and seek input on proposed Action Plans and performance goals for 2018. EPC's Strategic Plan details the planning process and guides the development of new action plans for the coming year. This presentation will summarize the process and offer initiatives for implementation in 2018 to improve EPC's efficiency and services. It will also include some suggested topics for future meetings and solicit Commission input.

Financial Impact: No additional funds required at this time.

List of Attachments: None.

Background: EPC's Strategic Plan calls for the planning cycle for the coming year to begin in November and run through December. During this period, staff meets on numerous occasions to carry out a ten step planning process to develop new initiatives for the next calendar year. Starting with the Mission, Vision and Values; EPC reviews input from their many feedback groups and customer surveys to look for ways to improve how we do business. These ideas for improvement are packaged into action plans and vetted through senior staff before going to the Commission at the December meeting. Once Commission input is received, staff finalizes the action plans and puts together a schedule which is memorialized in the 2018 Strategic Plan.

Staff is seeking a Commission discussion and vote to accept the action plans and the performance goals. There are some costs associated with the action plans and estimates will be provided. For the most part these costs are minimal and absorbed in the existing budget. Some may require more significant expenditures and those will be included in the regular budget cycle at a later date.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C3

Date of EPC Meeting: December 14, 2017

Subject: Shoreline Stabilization: Mangroves and Seawalls

Agenda Section: Regular Agenda

Division: Wetlands Management Division

Recommendation: Informational presentation with no Commission action required.

Brief Summary: Staff will give a brief informational presentation comparing and contrasting natural shorelines and hardened engineered shoreline stabilization. The presentation is in response to a Commission inquiry and direction that EPC evaluate the effectiveness of mangroves and seawalls in erosion control. Shoreline stabilization is a key component to protect coastal communities from boat wakes, increasing severe weather events, and documented sea level rise.

Financial Impact: No additional funds required at this time.

List of Attachments: None.

Background:

During the EPC meeting on April 20, 2017, Commissioner Stacey White provided a motion, which was approved by the EPC Commission, to direct staff to research and compile information on mangrove cover as it specifically relates to erosion control along our shorelines in preparation for a potential technical paper to be sent to the State Legislature. The motion stemmed from a discussion as to whether scientific studies support the benefits of mangroves on the shoreline compared to manmade structures, such as seawalls. Shoreline stabilization is a key component to protect coastal communities from boat wakes, increasing severe weather events, and documented sea level rise. Implementing best management strategies for shoreline construction and activities can reduce risk and increase protection of resources, life, and enhancement of the environment.

If the research supports the benefit of mangroves, the Commission may consider proposing some legislation. EPC was given eight months to bring back the report. This hurricane season was record breaking with three major hurricanes making landfall in the United States. New data from those storm events is also incorporated in the findings to be presented in response to the Commissioners timely discussion and direction. The written report will be provided during the meeting.