

EPC COMMISSIONERS

Lesley "Les" Miller, Jr., *Chair*
Victor D. Crist, *Vice Chair*
Kevin Beckner
Ken Hagan
Al Higginbotham
Sandra L. Murman
Stacy White



Janet L. Dougherty
Executive Director

Richard Tschantz, Esq.
General Counsel

EPC MEETING AGENDA

February 18, 2016 at 9:00 a.m.

601 East Kennedy Boulevard, Tampa, FL

County Center Board Room 2nd Floor

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, and INVOCATION**
- 2. CHANGES TO THE AGENDA**
- 3. REMOVAL OF CONSENT AGENDA ITEMS FOR QUESTIONS, COMMENTS, or SEPARATE VOTE**
- 4. COMMENDATIONS or RECOGNITIONS**
- 5. PUBLIC COMMENT** - Three minutes are allowed for each speaker unless the Commission directs differently
- 6. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE UPDATE** - by CEAC Chair
- 7. APPROVAL OF CONSENT AGENDA**

EPC AGENDA ITEMS:

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes – 12/17/2015; 1/12/2016 and 1/21/2016 2
2. Monthly Activity Reports11
3. FY2016 Pollution Recovery Fund (PRF) Budget35
4. Monthly Legal Case Summary – January & February36
5. Fracking Legislation Letter to Legislators 39
6. 2015 Fourth Quarter Action Plan Updates41
7. Select Performance Measure Goals from 201555

B. PUBLIC HEARINGS
(NONE)

C. EXECUTIVE DIRECTOR'S REPORT

1. Recognition for Jarvis Glover
2. Arbor Day Event

D. REGULAR AGENDA

1. Pollution Recovery Fund – 2016 Grant Application Process57
2. Legislative Update58
3. Budget Presentation.....61

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.

Visit our website at www.epchc.org

Values: Environmental stewardship, fairness, and cooperation.

DECEMBER 17, 2015 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, December 17, 2015, 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 Kevin Beckner, Victor Crist (arrived at 9:15 a.m.), Al Higginbotham, Sandra Murman, and Stacy White.

The following member was absent: Commissioner Ken Hagan.

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, reported no changes to the agenda.

3. REMOVAL OF CONSENT AGENDA ITEMS FOR QUESTIONS, COMMENTS, OR SEPARATE VOTE - ▶ None.

4. COMMENDATIONS OR RECOGNITIONS

▶ Ms. Dougherty introduced Mr. Peter Owens, EPC, who made remarks. Dr. Richard Garrity, former EPC Executive Director, presented a plaque to Mr. Owens for service. Talks ensued.

5. PUBLIC COMMENT

The following people spoke in opposition to Item C.1., Morris Bridge Sink water use permit intent to issue: ▶ Mr. Paul Thibault, representing the Tampa Bay Group Sierra Club (Sierra Club)/Florida Chapter Sierra Club, and Dr. Richard Brown and ▶ Attorney B. John Ovink, representing the Friends of the River Incorporated.

▶ Dr. Garrity offered water use permit suggestions and addressed Item D.1., hydraulic fracturing and 2016 legislation.

▶ Mr. Clifford Laubstein, representing Ms. Janette Layer, Little Manatee Isles, objected to placing Item A.5., request for authority to take appropriate legal action regarding wastewater violations at Little Manatee Isles Mobile Home Park, on the Consent Agenda and expounded on a presentation regarding the issue.

▶ Commissioner White said the site was in his district and requested a background overview. EPC General Counsel Richard Tschantz reported the EPC was seeking authority to file a civil lawsuit, noted the consequences of EPC Board dialogue concerning litigation, and suggested leaving the item on the Consent Agenda, but would address the general aspects of the case. Following remarks on EPC concerns with environmental issues to the Little Manatee River, ▶ Commissioner White was satisfied with the EPC staff recommendation.

▶ Attorney Patricia Kemp, representing the Sierra Club, announced the various organizations that opposed Item C.1. and wanted the lower wilderness preserve protected.

6. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE UPDATE - Not addressed.

7. APPROVAL OF CONSENT AGENDA

EPC AGENDA ITEMS:

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - October 15, 2015
2. Monthly Activity Reports
3. Fiscal Year 2015 Pollution Recovery Fund (PRF) Budget
4. Monthly Legal Case Summaries - November and December 2015
5. Request for Authority to Take Appropriate Legal Action Regarding Wastewater Violations at Little Manatee Isles Mobile Home Park
6. Wetland Mitigation Project Transfer of PRF and Delegate to the Executive Director
7. Include EQ Florida Incorporated as Additional Grantee to PRF Agreement for Agriculture Pesticide Collection

▶ Chairman Miller sought a motion to approve the Consent Agenda. **Commissioner Beckner so moved, seconded by Commissioner Murman, and carried six to zero.** (Commissioner Hagan was absent.)

B. PUBLIC HEARINGS - ▶ None.

C. REGULAR AGENDA

1. Morris Bridge Sink Water Use Permit Intent to Issue

▶ Attorney Tschantz gave an item overview and ▶ staff recommendation, as provided in background material. ▶ Ms. Dougherty read information from the Florida Department of Environmental Protection about groundwater augmentation of surface waters, stated the area was in the northern Tampa Bay Water caution area, indicated the citizens in the surrounding area were unaware of the issue, addressed sinkhole potentials, and touched on EPC staff intent.

▶ In answer to Commissioner White, Attorney Tschantz said the EPC could file a challenge to the permit as a placeholder petition, expounded on filing for an extension of time, and explicated EPC Board permission was not needed to file a petition against permits. Commissioner White desired swift action. ▶ Commissioner Murman was grateful to EPC staff for action. Subsequent to inquiring on the permit intent and alternative water sources and noting the unknown circumstances and potential well water damages for citizens, Commissioner Beckner supported the extension. ▶ Conversation followed on taking action to help strengthen the case to support staff recommendations and specifying to the involved parties the EPC Board wanted the extension and had communicated concerns on the matter. Commissioner White would second the motion to move the recommendations as presented. ▶ **Commissioner Murman made that motion, seconded by Commissioner White, and carried six to zero.** (Commissioner Hagan was absent.)

2. Sterling Employee Survey Results

▶ Mr. Andrew Schipfer, EPC, offered a presentation, as furnished in background material. Commissioner Beckner asked if the survey was anonymous and whether the results could be linked to the employee. No action was required.

3. Strategic Planning for 2016 and Proposed EPC Calendar

▶ After detailing background material, ▶ Mr. Jerry Campbell, Director, EPC Air Management Division, sought EPC Board consideration to approve the strategic planning calendar, the new action plans/the four action plans presented for 2016, and the 2016 performance goals previously shown.

▶ **Commissioner Crist so moved, seconded by Commissioner White, and carried five to zero.** (Commissioner Higginbotham was out of the room; Commissioner Hagan was absent.)

D. COMMISSIONERS' SECTION

1. Hydraulic Fracturing and 2016 Legislation

▶ Attorney Rick Muratti, EPC Legal Department, highlighted the item, as supplied in background material. ▶ Chairman Miller said no action was required, explained the reason for the item, and noted a current fracking bill.

E. EXECUTIVE DIRECTOR'S REPORT

▶ Ms. Dougherty stated Dr. Scott Emery, former Director, EPC Wetlands Management Division, would be rejoining EPC staff to help coauthor Environmental Protection Agency grants and introduced Ms. Kelly Bishop, new Director, EPC Wetlands Management Division, who made remarks. Ms. Dougherty touched on EPC pay-for-performance pay and the Sterling General Services Administration audit, thanked EPC staff/Dr. Garrity, and shared a presentation on the Lake Crenshaw water monitoring update. Commissioner Crist offered comments. Ms. Dougherty would provide a copy of the monitoring report to the EPC Board.

THURSDAY, DECEMBER 17, 2015 - DRAFT MINUTES

ADJOURN

▶ There being no further business, the meeting was adjourned at 10:31 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

ssg

DRAFT

JANUARY 12, 2016 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting, scheduled for Tuesday, January 12, 2016, 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 Kevin Beckner, Al Higginbotham, Sandra Murman, and Stacy White.

The following members were absent: Commissioners Victor Crist and Ken Hagan.

▶ Chairman Miller called the meeting to order at 9:05 a.m.

▶ EPC General Counsel Richard Tschantz distributed documents, elaborated on EPC negotiations with the Southwest Florida Water Management District (SWFWMD) concerning SWFWMD's Morris Bridge Sink water use permit (WUP), and gave the EPC recommendation. Chairman Miller called for public comment. The following people supported the EPC decision: ▶ Mr. David Wilson, 212 Chardonnay Place, and Attorney John Ovink and Dr. Richard Brown, Friends of the River Incorporated.

▶ Commissioner Murman thanked the speakers and EPC staff for collaborations with SWFWMD. Replying to Chairman Miller, Attorney Tschantz indicated no action was required from the EPC Board. Ms. Estella Gray, SWFWMD, opined on discussions with the involved parties. Attorney Tschantz responded to Commissioner Beckner about impacts to private wells/neighbor concerns, ▶ EPC options to prevent all pumping at the Morris Bridge Sink, and remuneration for harm to private wells.

▶ Answering Commissioner White, Ms. Gray explicated the WUP length/details and citizen recourse for well damage. Commissioner White requested the EPC executive director/technical staff attend future EPC meetings and expressed appreciation to Ms. Gray. Subsequent to dialogue on private wells and the city of Tampa water supply, ▶ **Commissioner Murman moved to do a workshop and have all the parties, Tampa Bay Water, SWFWMD, EPC staff, citizens, and Friends of the River Incorporated, seconded by Commissioner Beckner.** After pointing out the EPC meeting had been rescheduled, Commissioner Higginbotham remarked on the well monitoring plans included within the WUP and future SWFWMD general permit applications. ▶ Chairman Miller confirmed the workshop would be held on February 18, 2016, at the regular EPC meeting. **Commissioner Murman agreed, and the motion carried five to zero.** (Commissioners Crist and

TUESDAY, JANUARY 12, 2016 - DRAFT MINUTES

Hagan were absent.) Chairman Miller commended EPC staff and encouraged continued monitoring.

▶ There being no further business, the meeting was adjourned at 9:43 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

cw

(All applicable documents and/or legal descriptions for land use items are on file in Board Records.)

DRAFT

JANUARY 21, 2016 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING - DRAFT
MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting scheduled for Thursday, January 21, 2016, at 11:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Lesley Miller Jr. and Commissioners Kevin Beckner, Victor Crist, Ken Hagan, Al Higginbotham, Sandra Murman, and Stacy White.

▶ Chairman Miller called the meeting to order at 11:38 a.m.

▶ Ms. Janet Dougherty, EPC Executive Director, referenced the decision to arrange an EPC workshop on February 18, 2016, to discuss the Southwest Florida Water Management District (SWFWMD) Morris Bridge Sink water use permit and deferred to ▶ EPC General Counsel Richard Tschantz, who distributed information and recommended the Board of County Commissioners (BOCC), due to greater authority, hold the workshop on a different date. ▶ Commissioner Beckner wanted the workshop to clarify the precautions taken for any damage/impacts to private wells. Attorney Tschantz cited EPC/SWFWMD conservation efforts and responded to Commissioner Murman about EPC involvement/purview on well contamination from water runoff into the aquifer and interagency correspondence. ▶ County Administrator Mike Merrill expressed confusion on the perceived shifting of responsibility from EPC to the BOCC. Dialogue ensued on the EPC recommendation/working with County staff to put the workshop together, asking County staff to come back with an endorsement on how the EPC should proceed, and improving staff communication. Commissioner White suggested County Attorney Chip Fletcher and Attorney Tschantz put together a document on agency responsibilities. ▶ **Commissioner Murman requested staff to come back to the EPC after staff had all the discussions and tell how the EPC could proceed forward with the discussion about wells and the water supply issues, seconded by Commissioner Crist.** Commissioner Murman confirmed the motion included County administrative/legal staff. Upon instruction verification, Commissioner Beckner advised Ms. Dougherty to contact Mr. Merrill on future issues. ▶ **The motion carried seven to zero.** Talks followed on a tentative workshop meeting date.

THURSDAY, JANUARY 21, 2016 - DRAFT MINUTES

▶ There being no further business, the meeting was adjourned at 11:59 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

jh

DRAFT

**FY16 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

DEC

A. Public Outreach/Education Assistance

1	Phone calls	148
2	Literature Distributed	5
3	Presentations	2
4	Media Contacts	0
5	Internet	39
6	Host/Sponsor Workshops, Meetings, Special Events	0

B. Industrial Air Pollution Permitting

1 Permit Applications received (Counted by Number of Fees Received)

a.	Operating	1
b.	Construction	1
c.	Amendments / Transfers / Extensions	4
d.	Title V Operating:	8
e.	Permit Determinations	0
f.	General	0

2 Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹Counted by Number of Fees Collected)-(²Counted by Number of Emission Units affected by the Review):

a.	Operating ¹	4
b.	Construction ¹	3
c.	Amendments / Transfers / Extensions ¹	5
d.	Title V Operating ²	7
e.	Permit Determinations ²	0
f.	General	3
3	Intent to Deny Permit Issued	0

C. Administrative Enforcement

1	New cases received	1
2	On-going administrative cases	
	a. Pending	1
	b. Active	1
	c. Legal	0
	d. Tracking compliance (Administrative)	10
	e. Inactive/Referred cases	0
	TOTAL	12
3	NOIs issued	1
4	Citations issued	0
5	Consent Orders Signed	1
6	Contributions to the Pollution Recovery Fund	\$13,500.00
7	Cases Closed	1

D. Inspections

1	Industrial Facilities	12
2	Air Toxics Facilities	
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	0
	b. Major Sources	8
3	Asbestos Demolition/Renovation Projects	18
E.	Open Burning Permits Issued	3
F.	Number of Division of Forestry Permits Monitored	199
G.	Total Citizen Complaints Received	48
H.	Total Citizen Complaints Closed	29
I.	Noise Complaints Received by EPC (Chapter 1-10)	18
J.	Noise Complaints Received by Sheriff's Office (County Ord. #12-12)	489
K.	Number of cases EPC is aware that both EPC & Sheriff responded	0
L.	Number of Historical Sources that both EPC & Sheriff responded this year	4
	Green Gators (2)	
	Resident Town & Country	
	Roundup	
	Resident in Westchase	
M.	Noise Sources Monitored:	2
N.	Air Program's Input to Development Regional Impacts:	0
O.	Test Reports Reviewed:	56
P.	Compliance:	
1	Warning Notices Issued	2
2	Warning Notices Resolved	1
3	Advisory Letters Issued	2
Q.	AOR'S Reviewed	0
R.	Permits Reviewed for NESHAP Applicability	3
S.	Planning Documents coordinated for Agency Review	3

**FY16 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

JAN

A. Public Outreach/Education Assistance

1	Phone calls	135
2	Literature Distributed	0
3	Presentations	0
4	Media Contacts	0
5	Internet	63
6	Host/Sponsor Workshops, Meetings, Special Events	0

B. Industrial Air Pollution Permitting

1 Permit Applications received (Counted by Number of Fees Received)

a.	Operating	2
b.	Construction	2
c.	Amendments / Transfers / Extensions	0
d.	Title V Operating:	0
e.	Permit Determinations	0
f.	General	4

2 Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹Counted by Number of Fees Collected)-(²Counted by Number of Emission Units affected by the Review):

a.	Operating ¹	5
b.	Construction ¹	1
c.	Amendments / Transfers / Extensions ¹	0
d.	Title V Operating ²	5
e.	Permit Determinations ²	0
f.	General	0
3	Intent to Deny Permit Issued	0

C. Administrative Enforcement

1	New cases received	1
2	On-going administrative cases	
	a. Pending	1
	b. Active	1
	c. Legal	0
	d. Tracking compliance (Administrative)	10
	e. Inactive/Referred cases	0
	TOTAL	12
3	NOIs issued	0
4	Citations issued	0
5	Consent Orders Signed	1
6	Contributions to the Pollution Recovery Fund	\$3,119.00
7	Cases Closed	1

D. Inspections

1	Industrial Facilities	9
2	Air Toxics Facilities	
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	0
	b. Major Sources	3
3	Asbestos Demolition/Renovation Projects	19
E.	Open Burning Permits Issued	1
F.	Number of Division of Forestry Permits Monitored	179
G.	Total Citizen Complaints Received	50
H.	Total Citizen Complaints Closed	41
I.	Noise Complaints Received by EPC (Chapter 1-10)	26
J.	Noise Complaints Received by Sheriff's Office (County Ord. #12-12)	431
K.	Number of cases EPC is aware that both EPC & Sheriff responded	2
L.	Number of Historical Sources that both EPC & Sheriff responded this year	4
	Green Gators (2)	
	Resident Town & Country	
	Roundup	
	Resident in Westchase	
M.	Noise Sources Monitored:	1
N.	Air Program's Input to Development Regional Impacts:	1
O.	Test Reports Reviewed:	34
P.	Compliance:	
1	Warning Notices Issued	3
2	Warning Notices Resolved	1
3	Advisory Letters Issued	6
Q.	AOR'S Reviewed	0
R.	Permits Reviewed for NESHAP Applicability	1
S.	Planning Documents coordinated for Agency Review	7

**FY 16 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

DEC

A. ENFORCEMENT

1.	New cases received	-
2.	On-going administrative cases	
	Pending	2
	Active	3
	Legal	3
	Tracking Compliance (Administrative)	31
	Inactive/Referred Cases	2
3.	NOI's issued	-
4.	Citations issued	-
5.	Consent Orders and Settlement Letter Signed	-
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ -
7.	Enforcement Costs Collected (\$)	\$ -
8.	Cases Closed	-

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	1
2.	FDEP Permits Reviewed	0
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	1
4.	Other Permits and Reports	
	County Permits Received	0
	County Permits Reviewed	0
	Reports Received (SW/HW + SQG)	48
	Reports Reviewed (SW/HW + SQG)	60
5.	Inspections (Total)	
	Complaints (SW/HW + SQG)	18
	Compliance/Reinspections (SW/HW + SQG)	7
	Facility Compliance	4
	Small Quantity Generator Verifications	160
	P2 Audits	0
6.	Enforcement (SW/HW + SQG)	
	Complaints Received	16
	Complaints Closed	19
	Warning Notices Issued	1
	Warning Notices Closed	1
	Compliance Letters	18
	Letters of Agreement	0
	Agency Referrals	4
7.	Pamphlets, Rules and Material Distributed	81

C. STORAGE TANK COMPLIANCE

1.	Inspections	
	Compliance	51
	Installation	7
	Closure	4
	Compliance Re-Inspections	5
2.	Installation Plans Received	1
3.	Installation Plans Reviewed	-
4.	Closure Plans & Reports	
	Closure Plans Received	1
	Closure Plans Reviewed	-
	Closure Reports Received	-
	Closure Reports Reviewed	-
5.	Enforcement	
	Non-Compliance Letters Issued	42
	Warning Notices Issued	-
	Warning Notices Closed	-

**FY 16 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

DEC

	Cases Referred to Enforcement	-
	Complaints Received	1
	Complaints Investigated	1
	Complaints Referred	-
6.	Discharge Reporting Forms Received	-
7.	Incident Notification Forms Received	1
8.	Cleanup Notification Letters Issued	-

D. STORAGE TANK CLEANUP

1.	Inspections	9
2.	Reports Received	76
3.	Reports Reviewed	100
	Site Assessment Received	16
	Site Assessment Reviewed	17
	Source Removal Received	1
	Source Removal Reviewed	2
	Remedial Action Plans (RAP'S) Received	1
	Remedial Action Plans (RAP'S) Reviewed	4
	Site Rehabilitation Completion Order/No Further Action Rec'd	3
	Site Rehabilitation Completion Order/No Further Action Revw'd	5
	Active Remediation/Monitoring Received	23
	Active Remediation/Monitoring Reviewed	29
	Others Received	32
	Others Reviewed	43

E. RECORD REVIEWS	23
F. LEGAL PIR'S	17

**FY 16 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

JAN

A. ENFORCEMENT

1.	New cases received	-
2.	On-going administrative cases	
	Pending	-
	Active	5
	Legal	3
	Tracking Compliance (Administrative)	31
	Inactive/Referred Cases	2
3.	NOI's issued	-
4.	Citations issued	-
5.	Consent Orders and Settlement Letter Signed	-
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ -
7.	Enforcement Costs Collected (\$)	\$ -
8.	Cases Closed	-

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	0
2.	FDEP Permits Reviewed	2
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	1
4.	Other Permits and Reports	
	County Permits Received	0
	County Permits Reviewed	0
	Reports Received (SW/HW + SQG)	39
	Reports Reviewed (SW/HW + SQG)	48
5.	Inspections (Total)	
	Complaints (SW/HW + SQG)	15
	Compliance/Reinspections (SW/HW + SQG)	5
	Facility Compliance	16
	Small Quantity Generator Verifications	117
	P2 Audits	0
6.	Enforcement (SW/HW + SQG)	
	Complaints Received	15
	Complaints Closed	6
	Warning Notices Issued	0
	Warning Notices Closed	1
	Compliance Letters	81
	Letters of Agreement	1
	Agency Referrals	0
7.	Pamphlets, Rules and Material Distributed	191

C. STORAGE TANK COMPLIANCE

1.	Inspections	
	Compliance	45
	Installation	9
	Closure	2
	Compliance Re-Inspections	4
2.	Installation Plans Received	2
3.	Installation Plans Reviewed	1
4.	Closure Plans & Reports	
	Closure Plans Received	5
	Closure Plans Reviewed	2
	Closure Reports Received	-
	Closure Reports Reviewed	-
5.	Enforcement	
	Non-Compliance Letters Issued	27
	Warning Notices Issued	2
	Warning Notices Closed	-

**FY 16 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

JAN

	Cases Referred to Enforcement	-
	Complaints Received	1
	Complaints Investigated	1
	Complaints Referred	-
6.	Discharge Reporting Forms Received	-
7.	Incident Notification Forms Received	2
8.	Cleanup Notification Letters Issued	-

D. STORAGE TANK CLEANUP

1.	Inspections	8
2.	Reports Received	74
3.	Reports Reviewed	61
	Site Assessment Received	15
	Site Assessment Reviewed	13
	Source Removal Received	1
	Source Removal Reviewed	-
	Remedial Action Plans (RAP'S) Received	1
	Remedial Action Plans (RAP'S) Reviewed	1
	Site Rehabilitation Completion Order/No Further Action Rec'd	4
	Site Rehabilitation Completion Order/No Further Action Revw'd	3
	Active Remediation/Monitoring Received	22
	Active Remediation/Monitoring Reviewed	20
	Others Received	31
	Others Reviewed	24

E. RECORD REVIEWS	14
F. LEGAL PIR'S	14

**FY 16 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

	<u>DEC</u>
A. ENFORCEMENT	
1. New Enforcement Cases Received	-
2. Enforcement Cases Closed	-
3. Enforcement Cases Outstanding	11
4. Enforcement Documents Issued	-
5. Recovered Costs to the General Fund	\$ -
6. Contributions to the Pollution Recovery Fund	\$ -
B. PERMITTING/PROJECT REVIEW - DOMESTIC	
1. Permit Applications Received	30
a. Facility Permit	15
(i) Types I and II	-
(ii) Type III	15
b. Collection Systems - General	6
c. Collection systems-Dry Line/Wet Line	9
d. Biosolids Disposal	-
2. Permit Applications Approved	46
a. Facility Permit	15
b. Collection Systems - General	7
c. Collection systems-Dry Line/Wet Line	11
d. Biosolids Disposal	-
e. Final Construction approval	13
3. Permit Applications Recommended for Disapproval	-
a. Facility Permit	-
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	-
d. Biosolids Disposal	-
4. Permit Applications (Non-Delegated)	-
a. Recommended for Approval	-
5. Permits Withdrawn	-
a. Facility Permit	-
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	-
d. Biosolids Disposal	-
6. Permit Applications Outstanding	44
a. Facility Permit	15
b. Collection Systems - General	17
c. Collection systems-Dry Line/Wet Line	12
d. Biosolids Disposal	-

7. Permit Determination	6
8. Special Project Reviews	-
a. Reuse	-
b. Biosolids/AUPs	-
c. Others	-
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation	11
a. Inspection (CEI)	5
b. Sampling Inspection (CSI)	6
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	31
a. Inspection (RI)	7
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	23
d. Enforcement Inspection (ERI)	1
3. Engineering Inspections	28
a. Reconnaissance Inspection (RI)	7
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	10
e. Post Construction Inspection (XCI)	11
f. On-site Engineering Evaluation	-
g. Enforcement Reconnaissance Inspection (ERI)	-
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	
1. Permit Applications Received	2
a. Facility Permit	1
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	1
b. General Permit	-
c. Preliminary Design Report	1
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	1
(iii) Type III w/o Groundwater Monitoring	-
2. Permits Recommended to DEP for Approval	2
3. Special Project Reviews	2
a. Facility Permit	2
b. General Permit	-

4. Permitting Determination	-
5. Special Project Reviews	31
a. Phosphate	6
b. Industrial Wastewater	10
c. Others	15
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation (Total)	16
a. Inspection (CEI)	16
b. Sampling Inspection (CSI)	-
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	12
a. Inspection (RI)	2
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	10
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections (Total)	8
a. Compliance Evaluation (CEI)	8
b. Sampling Inspection (CSI)	-
c. Performance Audit Inspection (PAI)	-
d. Complaint Inspection (CRI)	-
e. Enforcement Reconnaissance Inspections (ERI)	-
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints	
a. Domestic	32
(i) Received	16
(ii) Closed	16
b. Industrial	9
(i) Received	4
(ii) Closed	5
2. Warning Notices	
a. Domestic	9
(i) Issued	3
(ii) Closed	6
b. Industrial	6
(i) Issued	2
(ii) Closed	4
3. Non-Compliance Advisory Letters	12
4. Environmental Compliance Reviews	85
5. Special Project Reviews	24

G. RECORD REVIEWS

1. Permitting Determination	1
2. Enforcement	-

H. ENVIRONMENTAL SAMPLES

ANALYZED/REPORTS REVIEWED (LAB)

1. Air Division	59
2. Waste Division	-
3. Water Division	15
4. Wetlands Division	-
5. ERM Division	196
6. Biomonitoring Reports	-
7. Outside Agency	18

I. SPECIAL PROJECT REVIEWS

1. DRIs	-
2. ARs	-
3. Technical Support	2
4. Other	2

**FY 16 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

	<u>JAN</u>
A. ENFORCEMENT	
1. New Enforcement Cases Received	1
2. Enforcement Cases Closed	-
3. Enforcement Cases Outstanding	11
4. Enforcement Documents Issued	-
5. Recovered Costs to the General Fund	\$ -
6. Contributions to the Pollution Recovery Fund	\$ -
B. PERMITTING/PROJECT REVIEW - DOMESTIC	
1. Permit Applications Received	20
a. Facility Permit	2
(i) Types I and II	-
(ii) Type III	2
b. Collection Systems - General	8
c. Collection systems-Dry Line/Wet Line	10
d. Biosolids Disposal	-
2. Permit Applications Approved	26
a. Facility Permit	3
b. Collection Systems - General	7
c. Collection systems-Dry Line/Wet Line	6
d. Biosolids Disposal	-
e. Final Construction approval	10
3. Permit Applications Recommended for Disapproval	-
a. Facility Permit	-
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	-
d. Biosolids Disposal	-
4. Permit Applications (Non-Delegated)	1
a. Recommended for Approval	1
5. Permits Withdrawn	-
a. Facility Permit	-
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	-
d. Biosolids Disposal	-
6. Permit Applications Outstanding	48
a. Facility Permit	14
b. Collection Systems - General	18
c. Collection systems-Dry Line/Wet Line	16
d. Biosolids Disposal	-

7. Permit Determination	4
8. Special Project Reviews	-
a. Reuse	-
b. Biosolids/AUPs	-
c. Others	-
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation	6
a. Inspection (CEI)	4
b. Sampling Inspection (CSI)	2
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	26
a. Inspection (RI)	5
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	21
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections	20
a. Reconnaissance Inspection (RI)	3
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	6
e. Post Construction Inspection (XCI)	11
f. On-site Engineering Evaluation	-
g. Enforcement Reconnaissance Inspection (ERI)	-
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	
1. Permit Applications Received	2
a. Facility Permit	2
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	2
b. General Permit	-
c. Preliminary Design Report	-
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
2. Permits Recommended to DEP for Approval	-
3. Special Project Reviews	1
a. Facility Permit	1
b. General Permit	-

4. Permitting Determination	-
5. Special Project Reviews	22
a. Phosphate	1
b. Industrial Wastewater	8
c. Others	13
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation (Total)	5
a. Inspection (CEI)	5
b. Sampling Inspection (CSI)	-
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	9
a. Inspection (RI)	1
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	8
d. Enforcement Inspection (ERI)	
3. Engineering Inspections (Total)	6
a. Compliance Evaluation (CEI)	5
b. Sampling Inspection (CSI)	-
c. Performance Audit Inspection (PAI)	-
d. Complaint Inspection (CRI)	1
e. Enforcement Reconnaissance Inspections (ERI)	-
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints	
a. Domestic	27
(i) Received	15
(ii) Closed	12
b. Industrial	13
(i) Received	7
(ii) Closed	6
2. Warning Notices	
a. Domestic	5
(i) Issued	3
(ii) Closed	2
b. Industrial	2
(i) Issued	1
(ii) Closed	1
3. Non-Compliance Advisory Letters	6
4. Environmental Compliance Reviews	DB Issue
5. Special Project Reviews	22

G. RECORD REVIEWS

- | | |
|-----------------------------|---|
| 1. Permitting Determination | 2 |
| 2. Enforcement | - |

H. ENVIRONMENTAL SAMPLES

ANALYZED/REPORTS REVIEWED (LAB)

- | | |
|--------------------------|-----|
| 1. Air Division | 57 |
| 2. Waste Division | - |
| 3. Water Division | 4 |
| 4. Wetlands Division | - |
| 5. ERM Division | 212 |
| 6. Biomonitoring Reports | - |
| 7. Outside Agency | 15 |

I. SPECIAL PROJECT REVIEWS

- | | |
|----------------------|---|
| 1. DRIs | 2 |
| 2. ARs | - |
| 3. Technical Support | 2 |
| 4. Other | 2 |

**EPC Wetlands Management Division
Backup AGENDA
December 2015**

Assessment Report

Agriculture Exemption Report

	# Agricultural exemptions reviewed	# isolated wetlands impacted	# acres of isolated wetlands impacted	# isolated wetlands qualify for mitigation exemption	# acres of wetlands qualify for mitigation exemption
December 2015	0	0	0.00	0	0.00
Since January 2008	7	8	1.03	7	1.03

Development Services Performance Report

# of Reviews	Timeframes met	Since April 2008
106	94%	98%

Formal Wetland Delineation Surveys

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
December 2015	9	46	5	2	0.29
Since April 2008	905	18425	4186	326	63.56

Construction Plans Approved

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Total Impacts Approved Acreage	Impacts Exempt Acreage
December 2015	18	34	3	0.62	8.21	2.86
Since April 2008	1345	3543	308	67.97	158.69	90.97

Mitigation Sites in Compliance

18/23	78%
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Compliance/Enforcement Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored/Created
0.8	0.0	5.0

TPA Minor Work Permits

Permits Issued For December 2015	Permits Issued Fiscal Year 2016	Cumulative Permits Issued Since TPA Delegation (07/09)
18	61	1509

**WETLAND REPORT FOR REVIEW TIME 2015
(Overall Reviews)**

Month	# Of Reviews	% On Time	% Late
December	388	95%	5%
November	268	98%	2%
October	361	99%	1%
September	362	97%	3%
August	427	94%	6%
July	392	97%	3%
June	417	96%	4%
May	362	95%	5%
April	314	93%	7%
March	367	98%	2%
February	320	98%	2%
January	311	97%	3%

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
December 2015**

A. General	Totals
1. Telephone Conferences	504
2. Unscheduled Citizen Assistance	414
3. Scheduled Meetings	286
4. Correspondence	2724
5. Interagency Coordination	71
6. Trainings	12
7. Public Outreach/Education	3
8. Quality Control	0
B. Assessment Reviews	
1. Wetland Delineations	29
2. Surveys	16
3. Miscellaneous Activities in Wetland	26
4. Mangrove	2
5. Notice of Exemption	1
6. Impact/ Mitigation Proposal	8
7. Tampa Port Authority	88
8. Wastewater Treatment Plants (FDEP)	0
9. DRI Annual Report	0
10. On-Site Visits	129
11. Phosphate Mining	0
12. CPA	0
13. Pre-Applications	45
14. AG SWM	8
Planning Growth Management Review	
15. Land Alteration/Landscaping	2
16. Land Excavation	1
17. Rezoning Reviews	13
18. Site Development	25
19. Subdivision	39
20. Wetland Setback Encroachment	3
21. Easement/Access-Vacating	0
22. Agriculture Exemption	0
C. Investigation and Compliance	
1. Warning Notices Issued	8
2. Warning Notices Closed	15
3. Complaints Closed	34
4. Complaint Inspections	28
5. Return Compliance Inspections for open cases	15
6. Mitigation Monitoring Reports	6
7. Mitigation Compliance Inspections	20
8. Erosion Control Inspections	3
9. MAIW Compliance Site Inspections	5
10. TPA Compliance Site Inspections	5
11. Mangrove Compliance Site Inspections	1
12. Conservation Easement Inspection	18
D. Enforcement	
1. Active Cases	7
2. Legal Cases	1
3. Number of "Notice of Intent to Initiate Enforcement"	1
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	0
6. Administrative - Civil Cases Closed	3
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$72.00
9. Enforcement Costs Collected	\$239.00
E. Ombudsman	
1. Agriculture	0
2. Permitting Process & Rule Assistance	0
3. Citizen Assistance	0
4. Staff Assistance	2

**EPC Wetlands Management Division
Backup AGENDA
January 2016**

Assessment Report

Agriculture Exemption Report

	# Agricultural exemptions reviewed	# isolated wetlands impacted	# acres of isolated wetlands impacted	# isolated wetlands qualify for mitigation exemption	# acres of wetlands qualify for mitigation exemption
January 2016	0	0	0.00	0	0.00
Since January 2008	7	8	1.03	7	1.03

Development Services Performance Report

# of Reviews	Timeframes met	Since April 2008
62	100%	98%

Formal Wetland Delineation Surveys

	Projects	Total Acres	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated wetland acreage
January 2016	14	148	37	2	0.34
Since April 2008	919	18573	4220	328	63.90

Construction Plans Approved

	Projects	Total Wetland Acres	# isolated wetlands < ½ acre	Isolated Wetland Acreage	Total Impacts Approved Acreage	Impacts Exempt Acreage
January 2016	12	15	2	0.13	2.20	2.20
Since April 2008	1345	3543	308	67.97	158.69	90.97

Mitigation Sites in Compliance

12/13	92%
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Compliance/Enforcement Actions

Acreage of Unauthorized Wetland Impacts	Acreage of Water Quality Impacts	Acreage Restored/Created
0.0	0.0	0.3

TPA Minor Work Permits

Permits Issued For January 2016	Permits Issued Fiscal Year 2016	Cumulative Permits Issued Since TPA Delegation (07/09)
24	85	1533

**WETLAND REPORT FOR REVIEW TIME 2016
(Overall Reviews)**

Month	# Of Reviews	% On Time	% Late
December			
November			
October			
September			
August			
July			
June			
May			
April			
March			
February			
January	358	91%	9%

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
January 2016**

A. General	Totals
1. Telephone Conferences	402
2. Unscheduled Citizen Assistance	309
3. Scheduled Meetings	242
4. Correspondence	1875
5. Interagency Coordination	40
6. Trainings	3
7. Public Outreach/Education	1
8. Quality Control	0
B. Assessment Reviews	
1. Wetland Delineations	21
2. Surveys	13
3. Miscellaneous Activities in Wetland	15
4. Mangrove	7
5. Notice of Exemption	4
6. Impact/ Mitigation Proposal	11
7. Tampa Port Authority	105
8. Wastewater Treatment Plants (FDEP)	0
9. DRI Annual Report	0
10. On-Site Visits	79
11. Phosphate Mining	0
12. CPA	0
13. Pre-Applications	36
14. AG SWM	1
Planning Growth Management Review	
15. Land Alteration/Landscaping	0
16. Land Excavation	2
17. Rezoning Reviews	17
18. Site Development	22
19. Subdivision	33
20. Wetland Setback Encroachment	1
21. Easement/Access-Vacating	0
22. Agriculture Exemption	0
C. Investigation and Compliance	
1. Warning Notices Issued	2
2. Warning Notices Closed	0
3. Complaints Closed	20
4. Complaint Inspections	25
5. Return Compliance Inspections for open cases	10
6. Mitigation Monitoring Reports	8
7. Mitigation Compliance Inspections	20
8. Erosion Control Inspections	15
9. MAIW Compliance Site Inspections	4
10. TPA Compliance Site Inspections	24
11. Mangrove Compliance Site Inspections	3
12. Conservation Easement Inspection	1
D. Enforcement	
1. Active Cases	9
2. Legal Cases	1
3. Number of "Notice of Intent to Initiate Enforcement"	3
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	2
6. Administrative - Civil Cases Closed	2
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$225.00
9. Enforcement Costs Collected	\$296.00
E. Ombudsman	
1. Agriculture	0
2. Permitting Process & Rule Assistance	0
3. Citizen Assistance	0
4. Staff Assistance	0

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 16 POLLUTION RECOVERY FUND
10/1/2015 through 1/31/2016**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 958,864	Artificial Reef	\$ 34,867	Minimum Balance	\$ 120,000	
Interest	\$ (1,642)	Open Projects	\$ 442,115	Est. FY 17 Budget	\$ 34,687	
Deposits	\$ 23,147			Asbestos Removal	\$ 5,000	
Total	\$ 980,369	Total	\$ 476,982	Total	\$ 159,687	\$ 343,700



PROJECT	Project Amount	Project Balance
FY 12 Projects		
USGS Partnership 10131.102063.581990.5370.1188	\$ 25,000	\$ 18,750
	\$ 25,000	\$ 18,750
FY 13 Projects		
USF Fertilizer Study Peer Review 10131.102063.581990.5370.1189	\$ 25,000	\$ 25,000
Community Partnering Program 10131.102073.582990.5370.0000	\$ 15,000	\$ 15,000
	\$ 40,000	\$ 40,000
FY 14 Projects		
Audubon Oyster Bar Restoration 10131.102063.582990.5370.1177	\$ 50,000	\$ 32,980
Lake Magdalene Outfall 10131.102063.582990.5370.1178	\$ 50,000	\$ 50,000
	\$ 100,000	\$ 82,980
FY 15 Projects		
TBW Rock Ponds Wetland Restoration 10131.102063.582990.5370.1247	\$ 50,000	\$ 27,281
East Lake Watershed Edu. & Restoratio 10131.102063.582990.5370.1249	\$ 5,012	\$ 5,012
	\$ 55,012	\$ 32,293
FY 16 Projects		
TBW McKay Bay South Oyster Reef 10131.102063.582990.5370.1267	\$ 48,010	\$ 48,010
TBEP Tampa Bay Dredge Hole Habitat 10131.102063.581990.5370.1268	\$ 35,880	\$ 35,880
Keep T.B. Beautiful Trash Free Waters 10131.102063.582990.5370.1269	\$ 30,000	\$ 30,000
H.C. Econ. Development Ag Pest Collec 10131.102063.581990.5370.1270	\$ 40,000	\$ 40,000
USF Fecal Pollution in Tampa Bay 10131.102063.581990.5370.1271	\$ 50,000	\$ 50,000
Little Manatee River SAV Restoration 10131.102063.582990.5370.1272	\$ 45,832	\$ 45,832
	\$ 249,722	\$ 249,722



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 18, 2016

Subject: Monthly Legal Case Summary – January and February 2016

Agenda Section: Consent Agenda

Item: 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. There is also a listing of cases where parties have asked for additional time in order to allow them to decide whether they will file an administrative challenge to an agency action (e.g. – permitting decision or enforcement order), while concurrently attempting to seek resolution of the agency action.

EPC LEGAL DEPARTMENT MONTHLY REPORT

January and February 2016

I. ADMINISTRATIVE CASES

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 parties will wait for the time period to challenge the new agency action and if no appeals are submitted the matter should be closed. (AZ)

II. CIVIL CASES

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. (RM)

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. (AZ)

WOB S. Tampa, LLC [14-EPC-003]: On May 15, 2014, the World of Beer in South Tampa filed a Complaint in Civil Court for declaratory and injunctive relief against the City of Tampa and EPC regarding noise pollution issues. A trial was set for early January 2015. The parties agreed at mediation to abate the litigation and continue to negotiate. . The parties resolved the matter and a Stipulated Final Judgment was entered on January 12, 2016. The case is closed. (RM)

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. (AZ)

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. (AZ)

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 EPC is waiting for the lawsuit to be served. (AZ)

Thomas Jennings and Lorene Hall-Jennings [14-EPC011]: 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 case is on-going. (AZ)

III. PENDING ADMINISTRATIVE CHALLENGES

The following is a list of cases assigned to the EPC Legal Department that are not in litigation, but a party has asked for an extension of time to file for administrative litigation in an effort to negotiate a settlement prior to forwarding the case to a Hearing Officer. The below list may also include waiver or variance requests.

Ralph Griffin [15-EPC-011]: On December 18, 2015, the Appellant filed a request for an extension of time to file an Appeal challenging the Agency's intent to issue Tampa Port Authority MWP #59468. The Appellant withdrew his request on December 21, 2015 and the case has been closed. (AZ)

FDEP and SWFWMD [15-EPC-010]: The EPC submitted a request to the DEP for an enlargement of time to file a petition to challenge the Morris Bridge Sink Water Use Permit that the SWFWMD applied for. The request was denied and the EPC had until January 13, 2016 to file a petition in the matter. The matter was resolved and no petition was filed. This case is closed. (RT/RM)



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 18, 2016

Subject: Hydraulic Fracturing Legislation Letter to Legislators

Agenda Section: Consent Agenda

Item: Legal and Administrative Services Division

Recommendation: Accept letter and update.

Brief Summary: In compliance with the EPC Legislative Strategy and Policy, Commissioner Miller authorized Ms. Dougherty to send a letter to Senator Tom Lee in opposition to portions of SB 318 that preempts local governments from regulating fracking and prohibits disclosure of information about proprietary chemical mixtures used in fracking. The letter was sent to all committee members, including Senator Lee, prior to the meeting of the General Government's Appropriations subcommittee. The letter was copied to the EPC Commission.

Financial Impact: No Financial Impact

Background: At the Environmental Protection Commission of Hillsborough County (EPC) meeting conducted on December 17, 2015, Commissioner Miller requested a presentation on the oil and gas mining technique called fracking and related bills that are proposed in the 2016 Florida Legislature. At that time, staff committed to monitor the legislation and keep the Commission apprised of the progress of the bills. The bills are moving quickly through the Legislative session. House Bill 191 (sponsored by Reps. Rodrigues, Pigman, and Broxson) was passed by the House on January 27. Senate Bill 318 (sponsored by Sen. Richter) has passed two of three committees. SB 318 must still be heard in the Senate Appropriations Committee, chaired by Senator Tom Lee.

Among other changes to existing law, both bills would preempt local governments from regulating all facets of oil and gas extraction and exploration, including fracking. The Senate version currently grandfathers zoning laws in place prior to 2015, but voids all others after January 2015. The House version allows past and future zoning laws, as long as they do not ban fracking. The bills also direct the Florida Dept. of Environmental Protection (DEP) to create a permitting program for fracking, require higher bonds for all oil drilling operations, and require a study to be done (due June 2017) on the environmental and economic impacts of fracking in Florida. Additionally, the bill states that the DEP may not disclose chemicals and processes used by permittees that are deemed trade secrets.

In compliance with the EPC Legislative Strategy and Policy, Commissioner Miller authorized Ms. Dougherty to send a letter in opposition to the portions of the bill that preempt local governments and prohibits dissemination of information about proprietary chemical mixtures used in fracking. EPC staff sent the letter to Senator Tom Lee prior to the meeting of the General Government's Appropriations subcommittee, of which he is a member. The bill was approved in that committee, but recently Senator Lee has expressed concern about the bill. He is also the chair of the Senate Appropriations Committee, which must still approve the bill. The letter was copied to the EPC Commission and the remaining members of the General Government's Appropriations subcommittee.

List of Attachments: Letter to Senator Lee regarding SB 318 dated January 25, 2016

COMMISSION

Kevin Beckner Lesley "Les" Miller, Jr.
Victor D. Crist Sandra L. Murman
Ken Hagan Stacy White
Al Higginbotham



EXECUTIVE DIRECTOR
Janet L. Dougherty

DIVISION DIRECTORS

Legal & Admin. Richard Tschantz, Esq.
Air Management Jerry Campbell, P.E.
Waste Management Hooshang Boostani, P.E.
Water Management Sam Elrabi, P.E.
Wetlands Management Kelly Bishop, P.G.

January 25, 2016

The Honorable Tom Lee
Florida State Senate
418 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Subject: SB 318 - Regulation of Oil and Gas Resources

Dear Senator Lee,

After consultation with the Commissioner Les Miller, Jr., Chair of the Environmental Protection Commission (EPC) of Hillsborough County, I am asking for your support in opposition to portions of Senate Bill 318 regarding the Regulation of Oil and Gas Resources. Specifically, the EPC has serious concerns about the language that proposes to preempt local governments from regulating all facets of oil and gas extraction and exploration, including fracking (CS for SB 318 pages 3-4, lines 89-98). Additionally, the EPC has similar concerns about the section of the bill that states that the Florida DEP may not disclose fracking chemicals used by permittees if they qualify for confidentiality under the existing trade secret laws (CS for SB 318 page 25, lines 713-714 and 717-718).

You will have opportunities to address this bill in two of your committees: Appropriations Subcommittee on General Government and Appropriations. Thank you for your consideration of the EPC's position and we hope you can help make changes to this legislation to protect home rule and to increase transparency. If can be of any assistance, please do not hesitate to contact me at (813) 394-0334 or Rick Tschantz, EPC General Counsel, at (813) 363-2784.

Respectfully,

Janet L. Dougherty
Executive Director

cc: EPC Commission

An agency with values of environmental stewardship, fairness, and cooperation

Roger P. Stewart Center

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 18, 2016

Subject: 2015 Fourth Quarter Action Plan Updates

Agenda Section: Consent Agenda

Item: Legal and Administrative Services Division

Recommendation: None – Informational Only

Brief Summary: In early 2015 EPC staff brought the finalized versions of the Agency's 2015 action plans to the Board for approval. These measurable action plans are divided into five individual initiatives which support the Agency's strategic priorities for calendar year 2015. The fourth quarter status reports are listed for all five.

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

Background: As part of the Agency's Sterling Management planning process and philosophy of continuous improvement, staff held a strategic planning retreat in December 2014. This included input from the Board and a broad range of EPC staff. Besides reviewing the priorities and guiding mission statements, staff also prepared a slate of new initiatives to improve the EPC's effectiveness and efficiency. Since the Agency started this formal procedure in 2010, they have completed some sixty of these initiatives.

The five detailed action plans reflecting the Agency's strategic objectives for 2015 were brought to the Board and approved, and detailed outlines were provided at the April 2015 Board meeting. Each Agency initiative is described in an individual action plan with measurable goals. The attachment reflects the update on the status of each action plan as of the end of the fourth quarter of 2015. The owners of select action plans may be scheduled to present an overview of their project to the Board at regularly scheduled EPC Board meetings during the year.

Many of the action plans are considered critical to the Agency's long term goal to qualify as a Governor's Sterling Award winning organization, similar to what the County's Tax Collector has already achieved.

List of Attachments: Quarterly Update for 2015 Action Plans

Quarterly Update for 2015 Action Plans

Strategic Objective	Action Plans	2015 Year End Goal	Status
1.3 Protection of Air Quality	Mercury in Fish Advisory	Assemble a committee comprised of representatives from each division and assign specific tasks to complete the objective.	Completed. Made an early evaluation and determined that this action plan can be completed solely by the Plan Owner.
		Determine the basis used in developing advisory updates.	Completed. Contacted the State DOH and determined the frequency of updates is based on monitoring locations and funding.
		If necessary, make case to the State DOH to update their advisory.	Completed. Determined State DOH advisories are current, as of 2015.



Contact DOH and offer to promote the existing 2015 DOH advisory and if necessary, evaluate the possibility of developing updating the EPC advisory

Completed. Contacted Deputy State toxicologist who explained that the existing brochures are sufficient and replication in the form of an EPC brochure would not be desired.

Make written recommendation to the Executive Director (ED) on whether to put out a new brochure

Completed.
Recommended to ED not to develop EPC brochure, but use existing DOH brochure and replicate it.

Based on the DOH and ED's response, update EPC advisory brochures to reflect latest fish testing data or take action to promote 2015 DOH advisory.

Completed. ED approved the DOH brochure replication up to a \$1,000 total expenditure. No separate EPC brochure will be developed.

Based on the ED's response, contact doctor's offices and interested groups to distribute and promote new brochures.

Partially completed as of 12/15. Advisor and ED approved contact to the target **distribution** outlets. Rack cards developed and printed; Complimentary cardholders purchased. Advisor and ED concurred to begin distribution.

Based on the ED's response, contact interested groups and offer outreach at events or a speaker. Discuss success of air emission reductions and current advisories. Highlight mercury product use and collection events.

Partially completed as of 12/15. Contacted Hills. County Office of Neighbor Relations (ONR) who agreed to distribute mercury information through their HOA web list and distribute hard copy rack cards at their outreach events. ONR will advise us of any speaker

requests.

Contacted Hills. County Parks who agreed to allow distribution at County parks.

Complete information distribution to target outlets.

1/2016 - 2/2016

Make Board presentation (if, desired).

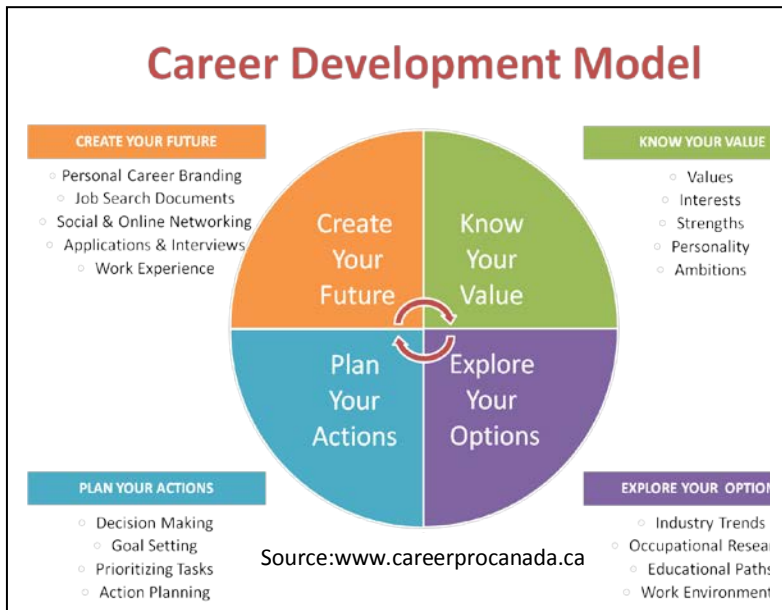
2016

Closeout Action Plan

3/2016

Quarterly Update for 2015 Action Plans


Strategic Objective	Action Plans	2015 Year End Goal	Status
2.1 Successful / Engaged Workforce / Employee Training	Career Development Program	Convene Staff Development & Training (SD&T) Committee	Complete. SDTC have met several times to define action plan objective, steps of process, and metrics for the action plan.
	Initiate former focus group meetings	Committee summarizes suggestions / ideas from focus groups	Complete. Seven focus group sessions were held from August 11th through September 10 th . Two of the groups consisted of supervisors only. In Progress. SDTC is scheduled to meet October 13th to discuss



feedback applicable for career development opportunities	common trends, evaluate potential options for programs to present to senior staff.
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Benchmark external agency's Career Development programs (Step 4)	In Progress. Met with reps from several agencies to discuss their career development programs and options. Additional opportunities for benchmarking are being researched and pursued.
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Quarterly Update for 2015 Action Plans

Strategic Objective	Action Plans	2015 Year End Goal	Status
2.2 Successful / Engaged Workforce / Employee Satisfaction	Roger P. Stewart Building Renewal Project	Form a multi-divisional/agency wide committee whose purpose is to research and develop a plan to update the RPS Building.	Complete. Committee members from several divisions and Code Enforcement representative met April 2015.
		Submit work requests to HC Facilities.	Complete. 8 work requests for repainting/cleaning submitted and scheduled.

Identify needed improvements and summarize in a report.

Ongoing. List of needed improvements compiled. Report to be available April 2016.

Develop and deploy employee questionnaire #1 for prioritization of all improvements and summarize results.

Ongoing. Paint color for Main Conference Room chosen by majority vote. Questionnaire to be submitted agency-wide pending Senior Staff approval.

Research building modifications permitted by HC Real Estate & Facilities.

Complete. To be explained within final report April 2016.

Develop plans for identified improvements to the RPS Building based on prioritization.

Ongoing. To be explained in final report April 2016.

Proposed improvement plans to be released agency wide.

Ongoing. To be explained in final report April 2016.

Perform fiscal analysis to determine FY 15-16 budget. Implement any small scale improvements within current budget.

Complete. Funds not designated for improvements.

Quarterly Update for 2015 Action Plans

Strategic Objective	Action Plans	2015 Year End Goal	Status
3.1 - Customer Service	Eco Community Maps	Fill GIS FTE	GIS moved to MIS. Interviews are to begin for GIS position.
		Complete Community Map	In progress. Community map nearly complete. Complaint layer is being repaired by MIS staff. Functional layer was lost after P drive attack.
		Rollout of Maps	Awaiting completion of Community Map.



Evaluate Additional GIS Tools In Progress. County GIS has met with EPC staff to discuss future options.

Final Presentation to SS Awaiting completion of Community Map.

Quarterly Update for 2015 Action Plans

Strategic Objective	Action Plans	2015 Year End Goal	Status
4.1 Fiscal Responsibility/Responsible Budgeting	Return On Investment (ROI) Culture Training	Develop List of Resources for ROI Evaluations.	Researched ROI calculator and ROI certification program options.
		Identify and assemble Agency Workgroup.	Complete: Workgroup members identified; held initial meeting on August 20, 2015.
		Customize ROI Calculator	Workgroup identified benefit and cost avoidance categories to incorporate in ROI Calculator tool.



	Developed draft template for EPC ROI Calculator tool; revisions continuing.
Determine ROI training methods and resources	Completed research on certifications and training pathways.
Develop staff training plan.	To be completed following Workgroup comments on EPC ROI Calculator.
Revised EPC Policy	Drafting revisions to the EPC Policy – “Purchasing of Goods and Services” to incorporate ROI evaluations.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 18, 2016

Subject: Select Performance Measure Goals from 2015

Agenda Section: Consent Agenda

Item: Executive Director Report

Recommendation: None – Informational Only

Brief Summary: As part of the Sterling Management process, the Agency measures key activities and set goals for 2015. These are tabulated and periodically presented to the Board in the consent agenda.

Financial Impact: No Financial Impact.

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

2015 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2012	2013	2014	2015 YTD (4 th Qtr)	2015 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	36 days	29 days	20 days	18 days	Less Than or Equal to 35 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	43 days	46 days	55 days	45 days	Less Than or Equal to 55 days
	Average Time EPC Permits were In-house	21 days	16 days	17 days	19 days	23 days	Less Than or Equal to 25 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	91%	92%	93%	92%	Greater Than or Equal to 90%
Environmental Complaints	Timely Initiation of Investigation	99% in 5 Days	99% in 5 Days	99% in 5 Days	99% in 5 Days	98% in 3 Days	Greater Than or Equal to 90% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	76%	94%	96%	100%	Greater Than or Equal to 90%



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 18, 2016

Subject: Pollution Recovery Fund accepting applications February 1st through April 1st 2016

Agenda Section: Regular Agenda

Item: Water Management Division

Recommendation: Informational Report

Brief Summary: 2016 Pollution Recovery Fund (PRF) applications will be accepted between February 1st and April 1st. Previously the application period was open from February 1st to May 1st each year.

Financial Impact: No Financial Impact

Background: 2016 Pollution Recovery Fund (PRF) applications will be accepted between February 1st and April 1st. Previously the application period was open from February 1st to May 1st each year. The decision to shorten the application period by one month was to allow the review of applications to begin earlier and instill flexibility at the end of the year. Added flexibility at the end of the year will allow projects to be approved and executed within the current calendar year and not carry over into the next calendar year due to certain circumstances such as vacations, holidays, and cancelled meetings.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 18, 2016

Subject: Legislative Update

Agenda Section: Regular Agenda

Item: Legal and Administrative Services Division

Recommendation: Informational Report only

Brief Summary: The 2016 Florida Legislative Session commenced on January 12, 2016 and ends March 11, 2016. The EPC staff tracks environmental and administrative bills and relevant sections of the State budget. Staff will present a brief summary of environmental bills, including but not limited to bills regarding water quality issues and fracking.

Financial Impact: No Financial Impact

Background:

The 2016 Florida Legislative Session commenced on January 12, 2016. It lasts for 60 days and is scheduled to end March 11, 2016. This is an early session due to the election year. The EPC staff tracks environmental and administrative bills and relevant portions of the State budget. Additionally staff provides comments, analysis, and assistance to the County's Public Affairs Office, the Florida Association of Counties, and the Florida Local Environmental Resource Agencies (FLERA). The Commission approved a basic legislative strategy (EPC Policy No. 2007-02) on March 15, 2007, that gives staff continuing direction to monitor, comment on, and lobby for, among other things, bills that impact the functions of the EPC. This policy was presented to the Commission again December 18, 2014.

The following are a few bills of interest:

1) ENVIRONMENTAL RESOURCES

SB 552

Effective Date: July 1, 2016

Sponsored by: Senator Dean

Status: Passed both chambers and signed into law (Chp. No. [2016-1](#)) by the Governor on Jan. 21, 2016.

This is an omnibus water bill similar to one that almost passed last year. Leadership of both chambers agreed to fast-track this bill last year and it was passed by both chambers in the first week of the session and signed into law by the Governor on January 21, 2016. The key measures in the law are as follows:

- Codifies the ongoing Central Florida Water Initiative (CFWI) to ensure that the three water management districts (SWFWMD, SFWMD, and SJRWMD) in the CFWI region continue to develop and implement uniform water supply planning, consumptive use permitting, diversification of supply, and resource protection programs for the region.

- Updates and restructures the Northern Everglades and Estuaries Protection Program (NEEPP) to reflect and build upon the Department of Environmental Protection's (DEP) completion of basin management action plans (BMAPs) for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary, and the Department of Agriculture and Consumer Services' (DACs) implementation of best management practices (BMPs).
- Modifies water supply and resource planning and processes to make them more stringent.
- Requires the Office of Economic and Demographic Research to conduct an annual assessment of water resources and conservation lands.
- Requires the DEP to publish an online, publicly accessible database of conservation lands on which public access is compatible with conservation and recreation purposes.
- Requires the DEP to conduct a feasibility study for creating and maintaining a web-based, interactive map of the state's waterbodies as well as regulatory information about each waterbody.
- Creates the Florida Springs and Aquifer Protection Act to provide for the protection and restoration of Outstanding Florida Springs (OFS). (Above summary by FL Senate staff.)

Regarding the spring protection portion of the law, it defines "Outstanding Florida Springs" as all historic first magnitude springs in Florida, plus the following springs: DeLeon Springs, Peacock Springs, Poe Spring Rock Springs, Wekiwa Springs, and Gemini Springs. The DEP must delineate "priority focus areas" for each OFS. The DEP must initiate water quality protection procedures, known as Total Maximum Daily Loads (TMDLs) and Basin Management Action Plans (BMAPS) within two years to address impaired OFS. The law directs the WMD to establish MFLs for the OFS and, as needed, adopt recovery strategies for those that will not meet their MFL. Additionally, the law prohibits in the priority focus areas the construction of domestic wastewater disposal systems (over 100,000 gpd), disposal of hazardous wastes, land application of most biosolids, and construction of septic tanks on lots less than one acre. There are no OFS in Hillsborough County.

2) **REGULATION OF OIL AND GAS RESOURCES (FRACKING)**

[HB191](#) and [SB 318](#)

Effective Date: July 1, 2016

Sponsored by: Representatives Rodrigues, Pigman, and Broxson and Senator Richter

Status: HB 191 passed House and referred to Senate; SB 318 in third Senate Committee

The bills are extensive updates to existing oil and gas exploration and extraction laws. Both bills preempt local governments from regulating all facets of oil and gas extraction and exploration, including hydraulic or acidic fracturing ("fracking" or "well stimulation"). The bills also direct the DEP to create a permitting program for fracking, require higher bonds or other insurance for all oil drilling operations, increase penalties for environmental violations, and require a study to be done (due June 2017) on the environmental and economic impacts of fracking in Florida. Additionally, the bill states that the DEP may not disclose chemicals and processes used by permittees that are deemed trade secrets. The bills propose that all fracking be prohibited until a State study is done (June 30, 2017) and DEP rules are drafted. So potentially no fracking could occur until early 2018, assuming rule making takes only 6 months.

The only major difference between the engrossed House Bill and the Senate Bill (SB 318) is that the House bill does not void existing local zoning/land use laws on fracking and allows future zoning laws, as long as they do not create a fracking moratorium in that local jurisdiction. So if the House bill language prevails, local governments cannot stop fracking, but locals might be able to prohibit fracking near a hospital or a water wellfield. In contrast, the Senate bill states that local zoning laws prior to 2015 are grandfathered, but all fracking zoning law after January 1, 2015 are void.

By way of additional background, the DEP requires permits for oil extraction, but not specifically for fracking. Current DEP oil and gas mining rules (e.g. 62C-25, FAC) allow the practice of fracking and it is allowed if the permittee, after receiving a mining permit, notifies the DEP that it intends to do a “workover” in the form of fracking. Thus, only notice is required, no additional permit.

The Senate bill ([SB 318](#)) has been to two assigned committees as of February 10, 2016 and still needs to go to the Senate Appropriations committee, and then the full Senate. The House version ([HB 191](#)) has been to all three assigned House committees, was passed by the full House on January 27, 2016, was sent to the Senate for consideration, and the Senate assigned it to the three same committees that SB 318 was assigned to.

3) **ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (LAND APPLICATION OF SEPTAGE)**

[HB 851](#) and SB 658

Effective Date: July 1, 2016

Sponsored by: Representatives Drake and Edwards and Senator Evers

Status: Comm. Substitute HB 851 passed its committees and has been sent to the House.

Septage is the wastewater and solids removed during the pumping or cleaning of a septic tank. Under current law, effective June 30, 2016, septage can no longer be disposed of by placing it on approved land application sites, as it is a source of water contamination. Thus, it must be sent to more costly but more environmentally sound treatment plants. The Committee Substitute (CS) HB 851 repeals the ban on land application (as opposed to past effort to just delay the ban), thus the practice of land application could continue. The bill is ready for full consideration by the House as of January 21, 2016, but has not been heard by the House as of February 9, 2016. The Senate version (SB 658) is identical, but has not been heard at any committee.

Per Florida House Staff Analysis:

“There are approximately 2.6 million onsite sewage treatment and disposal systems (OSTDSs), more commonly known as septic tanks, serving approximately 30 percent of the state’s population. Each year, nearly 100,000 OSTDSs are pumped out, generating approximately 100 million gallons of septage. Septage is the mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping or cleaning of an OSTDS. Approximately 40 percent of Florida’s septage is treated at a Department of Health (DOH) permitted septage treatment facility and applied to a land application site, which is also permitted by DOH. The remaining septage is treated at a Department of Environmental Protection (DEP) regulated domestic wastewater treatment plant or disposed of in a DEP regulated Class I landfill. Beginning June 30, 2016, OSTDS septage may not be applied to a land application site. The bill eliminates the upcoming prohibition on the land application of septage.”



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: February 18, 2016

Subject: Budget Discussion

Agenda Section: Regular Agenda

Item: Legal and Administrative Services Division

Recommendation: Forward EPC's FY17 Enhancements to the County Administrator to include additional funding in the FY17 recommended budget allowing the EPC to meet its outstanding needs.

Brief Summary: The EPC has outstanding budgetary needs, some of which may not be included in the County Administrator's FY17 Planned Budget. These include transferring a portion of an additional support staff position back to the General Fund, an additional Small Quantity Generator (SQG) inspector, new website costs, and adding 0.5 FTE to create a full permitting position for the Wetland Division.

Financial Impact: Financial Impact to General Fund is estimated to be \$196,118 in FY17.

Background: The EPC has outstanding budgetary needs some of which were requested in FY16 but not included in the County Administrator's FY16 Recommended/FY17 Planned Budget. Some other needs have also developed since the FY16 EPC budget submittal.

Due to Air Division outside funding reductions in recent years, last year EPC requested that portions of two Administrative positions be transferred to General Fund in FY16. The requested portions of those two positions were funded last year. An additional portion of one position (Manager – 65%) was requested to be transferred to General Fund in FY17. This request should already be included in the FY17 EPC budget. The air funding source cannot continue to fund this portion of the administrative position without directly impacting the air quality program. This manager position provides Finance and Administrative services to, and benefits, the entire agency. \$89,055

The State of Florida mandates that 20% of Small Quantity (Hazardous Waste) Generators (SQG) shall be inspected annually. The EPC is currently not meeting this target. An additional position is requested so this target may be met. Funding for the SQG program comes from a \$40 annual charge to small quantity hazardous waste generators, which are deposited in the general fund, along with inter-local agreements with the County Utilities and the City of Tampa. The fees will support this request. \$52,842

EPC's website is currently tied to the County's Civics Plus website that is being phased out in 2017. This is an unplanned event. EPC will need to move forward to contract with a vendor to provide new website services. \$75,000

Due to increasing development activity, the efficiency and permitting metrics in the Wetland Division are not being met. In 2015 local permitting was up 20% from the previous year and consequently processing time increased by 20%. It is requested that an existing .5 FTE be converted to full-time Environmental Scientist I in order for these goals and timeframes to be attained. Reclassifying the higher level .5 FTE to the base pay for a full time ES I position will result in a savings of approximately \$20,779.