

**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**

*October 20, 2016 at 9:00 a.m.*

*601 East Kennedy Boulevard, Tampa, FL*

*County Center Board Room 2<sup>nd</sup> Floor*

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE and INVOCATION**
- 2. CHANGES TO THE AGENDA**
- 3. REMOVAL OF CONSENT ITEM(S) FOR QUESTIONS, COMMENTS or SEPARATE VOTE**
- 4. COMMENDATIONS or RECOGNITIONS**
  - **GIRL SCOUT TROOP #1046** - Breathe Journey to learn about air quality.
  - **CARROLLWOOD DAY SCHOOL** - Innovative athletic field design to minimize wetland impacts.
  - **YUENGLING BREWERY** - Energy sustainability project which reduces greenhouse gas emissions.
- 5. PUBLIC COMMENT** - Three minutes are allowed for each speaker unless the Commission directs differently.
- 6. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE UPDATE**
- 7. APPROVAL OF CONSENT AGENDA**

**EPC AGENDA ITEMS:**

**A. CONSENT AGENDA**

1. Approval of EPC Meeting Minutes - September 15, 2016 .....	2
2. Divisional Monthly Activity Reports .....	6
3. FY2016 Pollution Recovery Fund (PRF) Budget.....	15
4. Legal Case Summaries.....	17
5. 2016 Third Quarter Action Plan - update .....	20
6. Select Performance Measure Goals for 2016 - update.....	31

**B. PUBLIC HEARINGS**

None

**C. REGULAR AGENDA**

1. Brownfields and Historic Landfill Redevelopment Programs .....	33
2. Executive Director Evaluation.....	34
3. Sewage Discharges to Tampa Bay - follow-up report.....	35
4. Mosaic - update.....	36

**D. EXECUTIVE DIRECTOR REPORT**

1. Updates and Other Business

**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.

SEPTEMBER 15, 2016 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, September 15, 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, Victor Crist, Al Higginbotham (arrived at 9:27 a.m.), and Sandra Murman.

The following members were absent: Commissioners Ken Hagan and Stacy White.

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

▶ Chairman Miller called the meeting to order at 9:05 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, said there were no changes to the agenda.

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

4. COMMENDATIONS OR RECOGNITIONS - ▶ Addressed with Item C.1.

5. PUBLIC COMMENT - ▶ None.

6. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC) UPDATE

▶ Dr. Joseph Walsh, CEAC chairman, reviewed the CEAC activities.

7. APPROVAL OF CONSENT AGENDA

EPC AGENDA ITEMS:

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - April 21, 2016
2. Monthly Activity Reports
3. Fiscal Year 2016 Pollution Recovery Fund (PRF) Budget

THURSDAY, SEPTEMBER 15, 2016 - DRAFT MINUTES

4. Legal Case Summaries
5. 2016 Second Quarter Action Plan Updates

▶ Chairman Miller sought a motion to approve the Consent Agenda. **Commissioner Beckner so moved, seconded by Commissioner Murman, and carried four to zero.** (Commissioner Higginbotham had not arrived; Commissioners Hagan and White were absent.)

B. PUBLIC HEARINGS - None.

C. REGULAR AGENDA

1. Hillsborough County's Governor's Sterling Award (GSA) Winners' Recognition

▶ Ms. Dougherty showed a video, expounded on the item, and deferred to Mr. Doug Belden, Hillsborough County Tax Collector, who made comments and acknowledged staff. ▶ Mr. Craig Latimer, Supervisor of Elections, offered remarks. Dr. Richard Garrity, former EPC Executive Director, touched on how the EPC achieved the GSA. Chairman Miller bestowed a proclamation declaring Falkenburg Road as a road of excellence. ▶ Ms. Dougherty presented a GSA miniature model and a framed photograph to EPC Board members and Dr. Garrity and unveiled the road sign. Following Board member commendations, Ms. Dougherty gave Messrs. Belden and Latimer certificates of appreciation.

2. Executive Director's 2016 Annual Agency Report

▶ Ms. Dougherty recognized EPC/County staff, and shared a presentation, as furnished in background material.

3. PRF Grant Projects - Request for Approvals

▶ Mr. Tom Ash, EPC, highlighted a presentation, as contained in background material, and sought staff recommendation to approve the projects as presented. ▶ **Commissioner Murman made the motion, seconded by Commissioner Crist, and carried five to zero.** (Commissioners Hagan and White were absent.) ▶ Chairman Miller said the second motion was to authorize the EPC Chairman, on a continual basis, to execute the approved PRF agreements. **Commissioner Murman so moved, seconded by Commissioner Beckner, and carried five to zero.** (Commissioners Hagan and White were

absent.) ▶ Chairman Miller sought a motion to authorize the EPC Chairman, after staff consultation, to execute further amendments that involved nonmaterial changes. **Commissioner Beckner so moved, seconded by Commissioner Murman, and carried five to zero.** (Commissioners Hagan and White were absent.)

4. Executive Director's Evaluation Procedural Briefing

▶ EPC General Counsel Richard Tschantz referred to the item, which was distributed to the EPC Board and presented in background material, and outlined the process to be followed.

D. EXECUTIVE DIRECTOR'S REPORT

1. Updates and Other Business

▶ After mentioning phone calls received from citizens about the lack of fish in Tampa Bay possibly due to the Pinellas County sewage spill caused by Hurricane Hermine and deteriorated water quality, Commissioner Murman requested a memorandum be sent to the EPC Board and wanted County stormwater staff to work with the EPC. Commissioner Crist proposed conducting an assessment of the St. Petersburg dumping effects and determining the impacts/losses. ▶ Mr. Sam Elrabi, Director, EPC Water Management Division, reported on the effects of Hurricane Hermine, city of Tampa water maintenance and overflow monitoring, disaster plans, and municipality permitting for sewage collection/treatment/disposal. Subsequent to commenting on sewage cleanup/additional rain, Chairman Miller referenced a map of an upcoming tropical storm and suggested immediate action.

▶ Commissioner Beckner wanted EPC staff/Public Works to address risk mitigation on how much additional stormwater/sewage system strain the County could handle, what level amount of rain the County would have to encounter, the type of hurricane/impacts the County would have to incur before facing significant risks, whether the EPC Board needed to be proactive, and asked EPC staff to provide a risk assessment at the next Board of County Commissioners (BOCC) meeting during Commissioner Murman's agenda item. Commissioner Murman stressed the importance of working collaboratively to develop a risk assessment, requested the water quality be examined before the next BOCC meeting, and desired answers for the constituents. ▶ After agreeing to reach out to St. Petersburg Mayor Rick

THURSDAY, SEPTEMBER 15, 2016 - DRAFT MINUTES

Kriseman, place the item on the next EPC agenda, and attend the next BOCC meeting, Ms. Dougherty showed slides on upcoming events.

ADJOURN

▶ There being no further business, the meeting was adjourned at 10:28 a.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
PAT FRANK, CLERK

By: \_\_\_\_\_  
Deputy Clerk

ssg

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

**SEPT**

**A. Public Outreach/Education Assistance**

1	Phone calls	176
2	Literature Distributed	0
3	Presentations	2
4	Media Contacts	0
5	Internet	53
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	3
c.	Amendments / Transfers / Extensions	1
d.	Title V Operating:	8
e.	Permit Determinations	1
f.	General	4

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

a.	Operating <sup>1</sup>	1
b.	Construction <sup>1</sup>	4
c.	Amendments / Transfers / Extensions <sup>1</sup>	0
d.	Title V Operating <sup>2</sup>	0
e.	Permit Determinations <sup>2</sup>	0
f.	General	6
3	Intent to Deny Permit Issued	0

**C. Administrative Enforcement**

1	New cases received	3
2	On-going administrative cases	
	a. Pending	3
	b. Active	3
	c. Legal	0
	d. Tracking compliance (Administrative)	17
	e. Inactive/Referred cases	0
	<b>TOTAL</b>	<b>23</b>
3	NOIs issued	0
4	Citations issued	0
5	Consent Orders Signed	2
6	Contributions to the Pollution Recovery Fund	\$0.00
7	Cases Closed	0

**D. Inspections**

1	Industrial Facilities	15
2	Air Toxics Facilities	
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	0
	b. Major Sources	5
3	Asbestos Demolition/Renovation Projects	19
<b>E.</b>	<b>Open Burning Permits Issued</b>	1
<b>F.</b>	<b>Number of Division of Forestry Permits Monitored</b>	219
<b>G.</b>	<b>Total Citizen Complaints Received</b>	44
<b>H.</b>	<b>Total Citizen Complaints Closed</b>	17
<b>I.</b>	<b>Noise Complaints Received by EPC (Chapter 1-10)</b>	22
<b>J.</b>	<b>Noise Complaints Received by Sheriff's Office (County Ord. #12-12)</b>	296
<b>K.</b>	<b>Number of cases EPC is aware that both EPC &amp; Sheriff responded</b>	0
<b>L.</b>	<b>Number of Historical Sources that both EPC &amp; Sheriff responded this year</b>	9
	Green Gators (4)	
	Resident Town & Country	
	Roundup (4)	
	Resident in Westchase	
	Los Gorditos(2)	
	Hurricane Ranch	
	Twilight Zone	
	Old McMIckey's Farm	
	Patio 6 Wing Bar & Grill	
<b>M.</b>	<b>Noise Sources Monitored:</b>	0
<b>N.</b>	<b>Air Program's Input to Development Regional Impacts:</b>	0
<b>O.</b>	<b>Test Reports Reviewed:</b>	61
<b>P.</b>	<b>Compliance:</b>	
1	Warning Notices Issued	7
2	Warning Notices Resolved	9
3	Advisory Letters Issued	5
<b>Q.</b>	<b>AOR'S Reviewed</b>	1
<b>R.</b>	<b>Permits Reviewed for NESHAP Applicability</b>	2
<b>S.</b>	<b>Air Program's Input into non-DRI Planning Documents</b>	7

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

SEP

**A. ENFORCEMENT**

1.	New cases received	-
2.	On-going administrative cases	
	Pending	-
	Active	3
	Legal	3
	Tracking Compliance (Administrative)	28
	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	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)	74
	Reports Reviewed (SW/HW + SQG)	102
5.	Inspections (Total)	
	Complaints (SW/HW + SQG)	32
	Compliance/Reinspections (SW/HW + SQG)	6
	Facility Compliance	23
	Small Quantity Generator Verifications	182
	P2 Audits	0
6.	Enforcement (SW/HW + SQG)	
	Complaints Received	32
	Complaints Closed	34
	Warning Notices Issued	1
	Warning Notices Closed	0
	Compliance Letters	144
	Letters of Agreement	0
	Agency Referrals	0
7.	Pamphlets, Rules and Material Distributed	564

**C. STORAGE TANK COMPLIANCE**

1.	Inspections	
	Compliance	64
	Installation	9
	Closure	6
	Compliance Re-Inspections	4
2.	Installation Plans Received	3
3.	Installation Plans Reviewed	2
4.	Closure Plans & Reports	
	Closure Plans Received	3
	Closure Plans Reviewed	2
	Closure Reports Received	-
	Closure Reports Reviewed	-
5.	Enforcement	
	Non-Compliance Letters Issued	52
	Warning Notices Issued	8
	Warning Notices Closed	-



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

SEP

	Cases Referred to Enforcement	-
	Complaints Received	2
	Complaints Investigated	2
	Complaints Referred	-
6.	Discharge Reporting Forms Received	-
7.	Incident Notification Forms Received	4
8.	Cleanup Notification Letters Issued	-

**D. STORAGE TANK CLEANUP**

1.	Inspections	39
2.	Reports Received	113
3.	Reports Reviewed	111
	Site Assessment Received	34
	Site Assessment Reviewed	32
	Source Removal Received	1
	Source Removal Reviewed	1
	Remedial Action Plans (RAP'S) Received	1
	Remedial Action Plans (RAP'S) Reviewed	1
	Site Rehabilitation Completion Order/No Further Action Rec'd	1
	Site Rehabilitation Completion Order/No Further Action Revw'd	1
	Active Remediation/Monitoring Received	22
	Active Remediation/Monitoring Reviewed	26
	Others Received	54
	Others Reviewed	50

<b>E. RECORD REVIEWS</b>	24
<b>F. LEGAL PIR'S</b>	21

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

	<u>SEP</u>
<b>A. ENFORCEMENT</b>	
1. New Enforcement Cases Received	-
2. Enforcement Cases Closed	1
3. Enforcement Cases Outstanding	9
4. Enforcement Documents Issued	-
5. Recovered Costs to the General Fund	\$ 215
6. Contributions to the Pollution Recovery Fund	\$ 500
<b>B. PERMITTING/PROJECT REVIEW - DOMESTIC</b>	
1. Permit Applications Received	20
a. Facility Permit	3
(i) Types I and II	2
(ii) Type III	1
b. Collection Systems - General	10
c. Collection systems-Dry Line/Wet Line	7
d. Biosolids Disposal	-
2. Permit Applications Approved	23
a. Facility Permit	3
b. Collection Systems - General	11
c. Collection systems-Dry Line/Wet Line	4
d. Biosolids Disposal	-
e. Final Construction approval	5
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	33
a. Facility Permit	9
b. Collection Systems - General	9
c. Collection systems-Dry Line/Wet Line	15
d. Biosolids Disposal	-

7. Permit Determination	5
8. Special Project Reviews	-
a. Reuse	-
b. Biosolids/AUPs	-
c. Others	-
<b>C. INSPECTIONS - DOMESTIC</b>	
1. Compliance Evaluation	7
a. Inspection (CEI)	3
b. Sampling Inspection (CSI)	4
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	31
a. Inspection (RI)	3
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	28
d. Enforcement Inspection (ERI)	
3. Engineering Inspections	19
a. Reconnaissance Inspection (RI)	2
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)	-
<b>D. PERMITTING/PROJECT REVIEW - INDUSTRIAL</b>	
1. Permit Applications Received	5
a. Facility Permit	4
(i) Types I and II	3
(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	-
(iii) Type III w/o Groundwater Monitoring	1
2. Permits Recommended to DEP for Approval	-
3. Special Project Reviews	1
a. Facility Permit	1
b. General Permit	-

4. Permitting Determination	1
5. Special Project Reviews	23
a. Phosphate	3
b. Industrial Wastewater	7
c. Others	13
<b>E. INSPECTIONS - INDUSTRIAL</b>	
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)	15
a. Inspection (RI)	2
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	13
d. Enforcement Inspection (ERI)	
3. Engineering Inspections (Total)	2
a. Compliance Evaluation (CEI)	1
b. Sampling Inspection (CSI)	-
c. Performance Audit Inspection (PAI)	-
d. Complaint Inspection (CRI)	1
e. Enforcement Reconnaissance Inspections (ERI)	-
<b>F. INVESTIGATION/COMPLIANCE</b>	
1. Citizen Complaints	
a. Domestic	34
(i) Received	17
(ii) Closed	17
b. Industrial	20
(i) Received	13
(ii) Closed	7
2. Warning Notices	
a. Domestic	3
(i) Issued	3
(ii) Closed	-
b. Industrial	-
(i) Issued	-
(ii) Closed	-
3. Non-Compliance Advisory Letters	9
4. Environmental Compliance Reviews	100
5. Special Project Reviews	32

**G. RECORD REVIEWS**

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

**H. ENVIRONMENTAL SAMPLES**

**ANALYZED/REPORTS REVIEWED (LAB)**

- |                          |     |
|--------------------------|-----|
| 1. Air Division          | 40  |
| 2. Waste Division        | -   |
| 3. Water Division        | 6   |
| 4. Wetlands Division     | -   |
| 5. ERM Division          | 255 |
| 6. Biomonitoring Reports | -   |
| 7. Outside Agency        | 15  |

**I. SPECIAL PROJECT REVIEWS**

- |                      |   |
|----------------------|---|
| 1. DRIs              | - |
| 2. ARs               | - |
| 3. Technical Support | - |
| 4. Other             | 7 |

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

	Totals
<b>A. Assessment Reviews</b>	
1. Wetland Delineations	36
2. Surveys	25
3. Miscellaneous Activities in Wetland	37
4. Mangrove	10
5. Notice of Exemption	5
6. Impact/ Mitigation Proposal	11
7. Tampa Port Authority	124
8. Wastewater Treatment Plants (FDEP)	0
9. DRI Annual Report	0
10. On-Site Visits	97
11. Phosphate Mining	
12. CPA	
13. Pre-Applications	60
14. AG SWM	
<b>    Planning Growth Management Review</b>	
15. Land Alteration/Landscaping	4
16. Land Excavation	0
17. Rezoning Reviews	21
18. Site Development	33
19. Subdivision	38
20. Wetland Setback Encroachment	2
21. Easement/Access-Vacating	0
22. Agriculture Exemption	0
<b>B. Investigation and Compliance</b>	
1. Warning Notices Issued	2
2. Warning Notices Closed	1
3. Complaints Closed	15
4. Complaint Inspections	25
5. Return Compliance Inspections for open cases	8
6. Mitigation Monitoring Reports	4
7. Mitigation Compliance Inspections	6
8. Erosion Control Inspections	6
9. MAIW Compliance Site Inspections	24
10. TPA Compliance Site Inspections	64
11. Mangrove Compliance Site Inspections	1
12. Conservation Easement Inspection	3
<b>C. Enforcement</b>	
1. Active Cases	0
2. Legal Cases	1
3. Number of "Notice of Intent to Initiate Enforcement"	0
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	1
6. Administrative - Civil Cases Closed	1
7. Cases Referred to Legal Department	1
8. Contributions to Pollution Recovery	\$650.00
9. Enforcement Costs Collected	\$617.00



## ***ENVIRONMENTAL PROTECTION COMMISSION***

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

**Date of EPC Meeting:** October 20, 2016

**Subject:** Pollution Recovery Fund Budget

**Agenda Section:** Consent Agenda

**Division:** Water Management Division

**Recommendation:** Informational Report Only

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

**Financial Impact:** No Financial Impact

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

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
FY 16 POLLUTION RECOVERY FUND  
10/1/2015 through 9/30/2016**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 958,864	Artificial Reef	\$ 34,867	Minimum Balance	\$ 120,000	
Interest	\$ 5,354	Open Projects	\$ 442,115	Est. FY 17 Budget	\$ 34,687	
Deposits	\$ 73,180			Asbestos Removal	\$ 5,000	
Total	\$ 1,037,398	Total	\$ 476,982	Total	\$ 159,687	\$ 400,729



PROJECT		Project Amount	Project Balance
<b>FY 12 Projects</b>			
USGS Partnership	10131.102063.581990.5370.1188	\$ 25,000	\$ 5,750
		\$ 25,000	\$ 5,750
<b>FY 13 Projects</b>			
Community Partnering Program	10131.102073.582990.5370.0000	\$ 15,000	\$ 15,000
		\$ 15,000	\$ 15,000
<b>FY 14 Projects</b>			
Lake Magdalene Outfall	10131.102063.582990.5370.1178	\$ 50,000	\$ 50,000
		\$ 50,000	\$ 50,000
<b>FY 15 Projects</b>			
TBW Rock Ponds Wetland Restoration	10131.102063.582990.5370.1247	\$ 50,000	\$ 6,945
East Lake Watershed Edu. & Restoratio	10131.102063.582990.5370.1249	\$ 5,012	\$ 5,012
		\$ 55,012	\$ 11,957
<b>FY 16 Projects</b>			
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	\$ 21,816
H.C. Econ. Development Ag Pest Collec	10131.102063.581990.5370.1270	\$ 40,000	\$ 26,239
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	\$ 227,777





## ***ENVIRONMENTAL PROTECTION COMMISSION***

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

**Date of EPC Meeting:** October 20, 2016

**Subject:** Monthly Legal Case Summary – October 2016

**Agenda Section:** Consent Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** None, informational update.

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

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

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

## *October 2016*

### I. ADMINISTRATIVE CASES

**Weiner v. Roberts** [16-EPC-007]: On July 25, 2016, the Appellant Gary Weiner filed a Notice of Appeal challenging the issuance of the TPA MWP#60883. The parties were in negotiations to attempt to amicably settle the matter. The permit has been modified to remove a portion of the structure and the permit has been reissued and sent to the neighbor for review. If no amended appeal is timely filed challenging the revised permit the matter will be closed.

**J.E. McLean, III and RaceTrac Petroleum, Inc.** [12-EPC-014]: On October 24, 2012, the Appellants, RaceTrac Petroleum, Inc. and the property owner, filed a request for an extension of time to file an Appeal challenging the Executive Director's denial for wetland impacts on the corner of Lumsden and Kings Avenue. The extension was granted and the Appellants filed an appeal in this matter on December 7, 2012. A Hearing Officer has been assigned and conducted a case management conference. This matter was placed in abeyance as the parties discussed options. A conceptual wetland impact approval letter was sent to the applicant on December 8, 2015 after a modification to the application was submitted. The Appellants have not filed a dismissal as they are waiting for final approval of the proposed project by Hillsborough County.

### II. CIVIL CASES

**Volkswagen AG, et al.** [16-EPC-002]: On March 24, 2016, the EPC filed a complaint against Volkswagen AG, et al. for activities that violate the EPC Enabling Act and the rules promulgated thereunder.

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

**Janet Layer** [15-EPC-009]: In December of 2015 the EPC Commission authorized staff to take appropriate legal action against Ms. Janet Layer for failure to comply with various wastewater regulations regarding her operation of the domestic wastewater treatment plant and disposal system at Little Manatee Isles Mobile Home Park in Ruskin. The EPC filed a complaint and counsel for Ms. Layer answered the complaint on August 5, 2016.

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

**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.

**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.

**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 Plaintiff has scheduled the Hearing on the Motion for November 14, 2016.

### **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.

[NONE]



## ***ENVIRONMENTAL PROTECTION COMMISSION***

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

**Date of EPC Meeting:** October 20, 2016

**Subject:** 2016 Third Quarter Action Plan Updates

**Agenda Section:** Consent Agenda

**Item:** Legal and Administrative Services Division

**Recommendation:** None – Informational Only


**Brief Summary:** As done annually for the last six years, at the beginning of the year EPC staff developed a series of action plans. These measurable action plans are divided into four individual initiatives which support the Agency's strategic priorities for calendar year 2016. The third quarter status reports are listed for all four.

**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 2015. This included input from the Board and a broad range of EPC staff. Besides reviewing the priorities and guiding mission statements, staff also prepared a slate of new initiatives to improve the EPC's effectiveness and efficiency. Since the Agency started this formal procedure in 2010, they have completed over sixty of these initiatives.

The four detailed action plans reflect the Agency's strategic objectives for 2016. 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 third quarter of 2016. 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.

## Quarterly Update for 2016 Action Plans

Strategic Objective	Action Plan	2016 Year End Goal	Status
1.3 Environmental Excellence / Environmental Stewardship	Stakeholder Relationship Building	Build relationships with various stakeholder groups beyond EPC's established feedback groups.	Established Action Plan Committee.
		Meeting with at least 5 new stakeholder groups (i.e., Tampa Bay Builders Assoc., Agriculture, Local Chambers).	The Committee met and identified a list of potential stakeholders to contact.
		Partnering on 3 non-regulatory projects/events.	Participated in Earth Day Gala at the University of Tampa on April 23, 2016.
			Participated in Tampa Innovation Alliance's Monthly Meetings on 5/20 and 9/09, 2016.

The Air Division hosted the Open Burning Workshop for Small Businesses on June 30, 2016.

The Executive Director presented at TBAEP's Monthly Meeting on August 23, 2016.

The Air Division hosted the Asbestos Workshop for Small Businesses on August 25, 2016.

Participate in the Tampa Innovation Alliance's Evening Gathering Event on October 26, 2016.

Upcoming Meeting with The Tampa Bay Builder's Association in December 2016.

## Quarterly Update for 2016 Action Plans

Strategic Objective	Action Plans	2016 Year End Goal	Status
Employee Training & Leadership Development	Staff Training	Convene a multi-divisional committee	Complete. The committee has been formed and meetings have been held to define objectives and our course of action.
		Identify required training for every discipline within EPC	In Progress. A list of all disciplines within each division and corresponding supervisor responsible for training has been developed. Training syllabuses has been obtained from FDEP Sharepoint for all discipline. Action plan owners and the supervisors in each division



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held meetings to go over what is asked from them. Supervisors are to go over the downloaded trainings and any specific OJT they might have and develop a training syllabi for their respective section. This is to be completed by the end of October 2016.

Develop a training program for each discipline to be used by the employee and the supervisor. Also, to research feasibility of developing a database through an outside vendor.

TBD - Work with MIS to prepare a cost estimate for database development. Seek Senior Staff approval to invest in a database that will track training/outreach.



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Present the action plan results to the Staff Development and Training Committee (SDTC) in order for them to incorporate and maintain the training database and current program disciplines.

TBD - Plan a meeting with the SDTC to discuss the action plan and our intent, define responsibilities, actions needed, and future expectations and frequency (timeframes).

Inform employees of the developed training program and database by agency-wide emails and a presentation to each division.


TBD - Send an agency-wide email with the details of the action plan and the information regarding the training program. Also, conduct meetings with each division's staff to present division-specific information.

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Develop a deployment plan.	TBD - Hold meetings to develop a plan for development of the training database and deployment of program for the agency.
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Action Plan Closeout.

## Quarterly Update for 2016 Action Plans

Strategic Objective	Action Plans	2016 Year End Goal	Status
<b>2.2 Employee Satisfaction &amp; Empowerment</b>	<b>Philanthropic Outreach</b>	<b>Determine parameters for selecting charities. Research charities to partner</b>	<b>Meeting with committee scheduled for April 2016.</b>
		<b>Present Proposal to Senior Staff</b>	<b>August 2016</b>
		<b>Present Program to Agency</b>	<b>August 2016</b>
		<b>Participate in Activities as Planned</b>	<b>August – December 2016</b>

## Quarterly Update for 2016 Action Plans

Strategic Objective	Action Plans	2016 Year End Goal	Status
<p>Continuous Improvement/Process Performance &amp; Technology</p> 	<p>Agency Go Paperless Initiative</p>	<p>Perform a SWOT analysis of the Paperless Initiative at EPC</p>	<p>Complete</p>
		<p>Form a committee comprised of (1) staff member from each Division.</p>	<p>Complete</p>
		<p>Identify all key section managers for inventory and have them update and submit a copy of all work flow process diagrams for each section in the Agency.</p>	<p>Complete</p>

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Email the initial inventory survey spreadsheet and guidance document to each key section manager to complete and return by February 2016.	Complete
Committee will review inventory results and finalize the list of questions to interview section managers.	Complete
Perform interviews with all key section managers.	Complete
Compile answers from the inventory survey and interview questions.	Complete

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Committee will analyze data and survey answers and develop written recommendations for Senior Staff to implement a paperless initiative that includes scope, budget and timeframes.	Meeting with Oculus contractor scheduled for 10-12-16 to discuss quote. In progress Due August 2016 (Extended to November 2016)
Prepare PowerPoint presentation with recommendations.	Due August 2016 (Extended to November 2016)
Give presentation to Senior Staff.	Due August 2016 (Extended to November 2016)
Action Plan Closeout	Due December 2016



## ***ENVIRONMENTAL PROTECTION COMMISSION***

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

**Date of EPC Meeting:** October 20, 2016

**Subject:** Select Performance Measure Goals for 2016

**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 2016. 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.

# 2016 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2013	2014	2015	2016 YTD (3 <sup>rd</sup> Qtr)	2016 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	29 days	20 days	18 days	17 days	Less Than or Equal to 35 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	46 days	55 days	45 days	43 days	Less Than or Equal to 55 days
	Average Time EPC Permits were In-house	21 days	17 days	19 days	23 days	21 days	Less Than or Equal to 25 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	92%	93%	92%	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	98% in 3 Days	98% in 3 Days	Greater Than or Equal to 90% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	94%	96%	100%	93%	Greater Than or Equal to 90%





## ***ENVIRONMENTAL PROTECTION COMMISSION***

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

**Date of EPC Meeting:** October 20, 2016

**Subject:** Staff Update Report – EPC Rehabilitation and Redevelopment Programs

**Agenda Section:** Regular Agenda

**Item:** Waste Management Division

**Recommendation:** No staff recommendations. Information report only

**Brief Summary:** Staff will provide brief summaries of the agency's activities and accomplishments related to the EPC's administration of the Brownfields Redevelopment and Old Landfill Redevelopment Programs in Hillsborough County.

**Financial Impact:** No Financial Impact

#### **Background:**

Since the EPC's receipt of delegation of the State's Brownfields program in the summer of 2004, the redevelopment of a number of previously underutilized sites have been completed resulting in the redevelopment of previously blighted, underutilized and non-utilized properties. Similarly, since the inception of the EPC's Old Landfill Redevelopment program, 95 of a list of 176 old landfill sites have been successfully redeveloped and returned to productive use. With the State of Florida's recognition that changes to the State's Brownfields regulation is needed in order to more clearly address historic solid waste disposal area redevelopment, it is anticipated that the reuse of these sites will only increase.

In this brief two part presentation, staff intends to update the Board with regard to the successes of the EPC's Brownfields and Old Landfill redevelopment programs.

**List of Attachments:** None.



## ***ENVIRONMENTAL PROTECTION COMMISSION***

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

**Date of EPC Meeting:** October 20, 2016

**Subject:** EPC Executive Director's Annual Evaluation

**Agenda Section:** Regular Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Vote to accept the evaluation as presented and to authorize any compensation adjustments as needed.

**Brief Summary:** Executive Director Evaluation forms were distributed during the week of September 12<sup>th</sup> and at the September 15, 2016 EPC Board meeting. These forms were used to evaluate the performance of the EPC's Executive Director, Janet Dougherty. Ms. Dougherty has also supplied the Commission with a Self-Evaluation. The evaluation forms that were scored and returned to the Chairman's office will be tabulated and presented at this October 2016 meeting.

**Financial Impact:** No Financial Impact outside the approved budget.

**Background:** N/A

**List of Attachments:** None. Hand out at Meeting



## ***ENVIRONMENTAL PROTECTION COMMISSION***

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

**Date of EPC Meeting:** October 20, 2016

**Subject:** Update on Previous Report Regarding Sewage Discharges to Tampa Bay

**Agenda Section:** Regular Agenda

**Division:** Water Management Division

**Recommendation:** Informational Report

**Brief Summary:** EPC staff will provide a follow-up report regarding sewage spills to Tampa Bay and the presentation made by EPC staff at the September 21, 2016 BOCC meeting.

**Financial Impact:** No Financial Impact

**Background:** EPC staff was requested to provide an informational report to the BOCC at their September 21, 2016 meeting, regarding recent sewage discharges to Tampa Bay. This brief report will be a follow-up to that information and provide a summary of EPC water quality monitoring data relative to those events.



## ***ENVIRONMENTAL PROTECTION COMMISSION***

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

**Date of EPC Meeting:** October 20, 2016

**Subject:** Mosaic Gypsum Stack Sinkhole in Polk County

**Agenda Section:** Regular Agenda

**Division:** Water Management Division

**Recommendation:** Informational Report

**Brief Summary:** EPC will provide a follow-up report regarding the Mosaic New Wales facility sinkhole presentation made by EPC staff at September 21, 2016 BOCC meeting

**Financial Impact:** No Financial Impact

**Background:** Mosaic's New Wales fertilizer facility, located in Polk County just east of County Line Road, experienced a large sinkhole under the phosphogypsum stack. The sinkhole resulted in wastewater in the pond on top of the stack to enter the Floridan aquifer. Mosaic is using production wells onsite to recover contaminated groundwater.

Results from groundwater monitoring wells on Mosaic's property indicate the process water is being contained onsite. Continued groundwater monitoring will gauge any offsite or long-term effects.

Mosaic has contracted with a consultant to conduct private potable well sampling at the citizens' request and is also providing bottle water at request. The FDEP and the FDOH in Polk County are also conducting potable well sampling. To date, Mosaic and FDEP report that all potable well sampling results to date have met health-based standards.

Mosaic's consulting company is assessing the sinkhole feature and developing a comprehensive corrective action plan. The Florida Department of Environmental Protection (FDEP) and the USEPA are overseeing Mosaic's response. EPC is in contact with the FDEP and Mosaic and is monitoring the situation.

**List of Attachments:** None