

COMMISSION

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



Executive Director

Janet L. Dougherty

General Counsel

Richard Tschantz

Meeting time

9:00 a.m.

COMMISSION AGENDA

February 15, 2018

Location

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

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, and INVOCATION**
- 2. CHANGES TO THE AGENDA**
- 3. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, or SEPARATE VOTE**
- 4. RECOGNITIONS**
 - *Recognition of the County Facility Staff and Bob Owens (EPC staff) for the tree maintenance at the Roger P. Stewart Center*
- 5. PUBLIC COMMENT - Each speaker is allowed 3 minutes unless the Commission directs differently.**
- 6. APPROVAL OF CONSENT AGENDA**

AGENDA ITEMS

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes –December 14, 2017	2
2. Monthly Activity Report.....	7
3. FY2018 Pollution Recovery Fund (PRF) Budget.....	9
4. Legal Case Summary – January and February 2018	11
5. Fourth Quarter 2017 Action Plan update	14
6. Select Performance Measure Goals for 2017	23

B. PUBLIC HEARING (none)

C. REGULAR AGENDA

1. EPA SO2 Non-attainment declaration for East Hillsborough	25
2. Staff report on study of full cost recovery for EPC services	26
3. Request for Pollution Recovery Funds for petroleum cleanup at 8846 Mobley Road, Tampa....	33
4. Volkswagen litigation update	34
5. 2018 Legislative Session update.....	35
6. Executive Director’s Report	

ADJOURN

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



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A1

Date of EPC Meeting: February 15, 2018

Subject: Approval of December 14, 2017 EPC meeting minutes

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: Approve the December 14, 2017 EPC meeting minutes.

Brief Summary: Staff requests the Commission approve the meeting minutes from the Commission meeting held on December 14, 2017.

Financial Impact: No Financial Impact

List of Attachments: Draft copy of the December 14, 2017 EPC meeting minutes

Background: None.

DECEMBER 14, 2017 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, December 14, 2017, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Lesley Miller Jr. and Commissioners Victor Crist, Ken Hagan, Pat Kemp, Sandra Murman, and Stacy White.

The following member was absent: Commissioner Al Higginbotham.

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

► Chairman Miller called the meeting to order at 9:01 a.m. Commissioner White led in the pledge of allegiance to the flag and gave the invocation.

2. CHANGES TO THE AGENDA

► Ms. Janet Dougherty, EPC Executive Director, stated there were no changes to the agenda.

3. REMOVAL OF CONSENT ITEM FOR QUESTION, COMMENT, OR SEPARATE VOTE - ►
None.

4. RECOGNITIONS

Recognition of the Tampa Bay Estuary Program's retiring Executive Director, Holly Greening, and the future Executive Director, Edward Sherwood.

► Ms. Dougherty introduced the item. Mr. Thomas Ash, EPC, recognized the individuals. Ms. Dougherty presented plaques to Ms. Greening and Mr. Sherwood, who made comments. Dialogue occurred.

5. PUBLIC COMMENT

► Regarding Item A-5, request for authorization to initiate litigation against Poo-fessional Recycled Organics and Land Management Incorporated, Ms. Linda Martin wanted the EPC to have full authority to pursue/impose and possibly shut down the company. Chairman Miller pointed out the item was on the Consent Agenda.

► Mr. Michael Michelin and Mses. Carla Card and Carol Makryllos spoke against the company listed in Item A-5. ► Chairman Miller clarified the agenda action process. Ms. Dougherty deferred to EPC General Counsel Richard Tschantz, who added remarks.

6. APPROVAL OF CONSENT AGENDA

AGENDA ITEMS

A. CONSENT AGENDA

1. Approval of EPC Meeting Minutes - November 16, 2017
2. Monthly Activity Report
3. Fiscal Year 2018 Pollution Recovery Fund Budget
4. Legal Case Summary - December 2017
5. Request for Authorization to Initiate Litigation against Professional Recycled Organics and Land Management Incorporated

▶ **Commissioner Murman moved to approve consent, seconded by Commissioner Kemp, and carried six to zero.** (Commissioner Higginbotham was absent.)

B. PUBLIC HEARING - ▶ None.

C. REGULAR AGENDA

1. Environmental Protection Agency-Funded Wetland Mitigation Study Presentation

▶ Ms. Dougherty introduced Mr. Sterlin Woodard, EPC, who gave an overview on the study and deferred to Dr. Aaron Brown, University of South Florida, who elaborated on a presentation shown in background material. ▶ Regarding wetlands protection, Commissioner White asked for specific recommendations on uplands land use/focus and providing consultation to Development Services.

▶ Following comments, Commissioner Crist inquired on performing an assessment of environmentally sensitive County lands and strategically mapping greenspace areas to alleviate flooding. ▶ Subsequent to remarks and pondering whether the presented data could be integrated through EPC policy or land use rules/regulations, ▶ **Commissioner Kemp moved the EPC look at the results of the report and ask Development Services to integrate and begin to look at what policies the EPC could bring forward in the County land use to recognize the recommendations that were brought forth here, seconded by Commissioner White,** who sought motion confirmation, favored the phrase "consider the recommendations" in the motion, and would support a letter from Ms. Dougherty to Development Services to review the data. Ms. Dougherty agreed. ▶ **The motion carried five to zero.** (Commissioner Hagan

was out of the room; Commissioner Higginbotham was absent.) In answer to Commissioner White, Commissioner Kemp agreed to consider scheduling a commissioner item for the January 2018 land use meeting to continue the conversation.

2. EPC 2018 Strategic Plan

▶ Ms. Dougherty introduced the item. Mr. Jerry Campbell, Director, EPC Air Management Division, gave a presentation shown in background material and ▶ asked the EPC to approve the new action plans for the coming year and the 2018 performance goals as presented. **Commissioner Crist so moved, seconded by Commissioner Kemp, and carried six to zero.** (Commissioner Higginbotham was absent.)

3. Shoreline Stabilization: Mangroves and Seawalls

▶ Mr. Andrew Schipfer, Director, EPC Wetlands Division, referenced the distributed report and gave a presentation. ▶ Subsequent to inquiring on any proposed State legislation that would preempt the County on mangrove trimming/removal, ▶ **Commissioner White moved to prepare a packet, only if the issue arose, for the President of the Senate, the Speaker of the House, and the Hillsborough Delegation that would include a cover letter referencing whatever legislation that might creep up that would affect mangrove protection, and to include in the packet the white paper or report that was given to the EPC today, and also the PowerPoint presentation.** At Chairman Miller's request, ▶ **Commissioner White added the motion would include the Minority Leaders of both Houses, seconded by Commissioner Kemp.** After dialogue, ▶ **Commissioner Crist moved an amendment the EPC should include in the mail out a blind copy of the report to the following: suggested the staff directors of the House and Senate Committees that dealt with the issue; in addition, the 1,000 Friends of Florida Incorporated, the Sierra Club, and the Audubon Societies of Florida, their Tallahassee offices, seconded by Commissioner White.** Commissioner Kemp suggested the shoreline be added to the list of County-monitored legislative priorities. Chairman Miller asked about mangrove reduction causes and Hillsborough River mangrove areas. Commissioner White stressed an antigrowth approach was not necessary to protect the mangroves. Upon motion/amendment clarification, ▶ **the amendment carried six to zero.** (Commissioner Higginbotham was absent.) ▶ **The amended motion carried six to zero.** (Commissioner Higginbotham was absent.)

THURSDAY, DECEMBER 14, 2017 - DRAFT MINUTES

4. Executive Director's Report

- a. Update regarding Environmental Feedback Group meeting on December 6, 2017
- b. Update regarding services and fees workshops conducted on November 28, 2017

▶ Ms. Dougherty delivered the report, showed images, announced Mr. Woodard as the interim EPC Air Division Director, and recognized Ms. Kimberly Tapley, EPC, for completing her Masters Thesis in Coastal Geology. Chairman Miller made appreciative comments for EPC diversity efforts.

ADJOURN

▶ There being no further business, the meeting was adjourned at 10:40 a.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____

Deputy Clerk

jh



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A2

Date of EPC Meeting: February 15, 2018

Subject: Agency Monthly Activity Report

Agenda Section: Consent Agenda

Division: All five EPC Divisions

Recommendation: None. Informational report.

Brief Summary: The Agency-wide report represents the total number of select divisional activities that were tracked within a specific month.

Financial Impact: No financial impact.

List of Attachments: Monthly report for December 2017 and January 2018

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

EPC STAFF ACTIVITIES - AGENCY-WIDE

Monthly Activity Report

FY18

		December	January	FISCAL YEAR TO DATE
A.	<u>Core Function: Citizen Support & Outreach</u>			
1	Environmental Complaints Received	80	61	395
2	Number of Presentations/Outreach Events	4	5	32
3	Citizen Support (walk-ins, file reviews, email/letter correspondence, etc.)	250	336	1368
B.	<u>Core Function: Air & Water Monitoring</u>			
1	Air Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	91.7%	88.1%	N/A
2	Water Quality Monitoring Data Completeness (Note: reflects previous month due to data acquisition delay)	96.9%	0.0%	N/A
3	Number of Noise Monitoring Events	3	4	13
C.	<u>Core Function: Environmental Permitting</u>			
1	Permit/Authorization Applications Received	116	103	504
2	Applications In-house >180 days	2	2	N/A
3	Permits/Authorizations Issued	149	117	504
4	Petroleum Cleanup Cases	0	0	194
D.	<u>Core Function: Compliance Assurance</u>			
1	Compliance Inspections	105	78	760
2	Compliance Test Reviews	137	49	425
3	Compliance Assistance Letters Issued	15	2	260
4	Warning Notices Issued	7	3	29
E.	<u>Core Function: Enforcement</u>			
1	New Cases Initiated	4	0	17
2	Active Cases	29	20	N/A
3	Tracking Cases	29	26	N/A



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A3

Date of EPC Meeting: February 15, 2018

Subject: Pollution Recovery Fund Budget

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: Informational Report Only

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

Financial Impact: No Financial Impact

List of Attachments: PRF Budget Spreadsheet

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

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 18 POLLUTION RECOVERY FUND
10/1/2017 through 1/31/2018**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 711,583	Artificial Reef	\$ 33,339	Minimum Balance	\$ 120,000	
Interest	\$ 139	Open Projects	\$ 443,863	Est. FY 18 Budget	\$ 33,339	
Deposits	\$ 31,070			Asbestos Removal	\$ 5,000	
Total	\$ 742,792	Total	\$ 477,202	Total	\$ 158,339	\$ 107,251

PROJECT	Project Amount	Project Balance
FY 15 Project		
East Lake Watershed Edu. & Restoration 10131.102063.582990.5370.1249	\$ 5,012	\$ 87
	\$ 5,012	\$ 87
FY 16 Projects		
TBW McKay Bay South Oyster Reef 10131.102063.582990.5370.1267	\$ 48,010	\$ 23,841
TBEP Tampa Bay Dredge Hole Habitat 10131.102063.581990.5370.1268	\$ 35,880	\$ 3,880
H.C. Econ. Development Ag Pest Collect. 10131.102063.581990.5370.1270	\$ 40,000	\$ 16,718
USF Fecal Pollution in Tampa Bay 10131.102063.581990.5370.1271	\$ 50,000	\$ 16,306
Little Manatee River SAV Restoration 10131.102063.582990.5370.1272	\$ 45,832	\$ 45,832
	\$ 249,722	\$ 106,577
FY 17 Projects		
Keep T.B. Beautiful Hills River Poll Prev 10131.102063.582990.5370.1278	\$ 20,160	\$ 3,204
Sun City Ctr Audubon Nature Trail Prop 10131.102063.582990.5370.1279	\$ 20,000	\$ 4,050
H.C. Conservation Bahia Bch Invasive 10131.102063.581990.5370.1280	\$ 31,500	\$ 31,500
FL Aquarium Storm Water Trail Refur 10131.102063.582990.5370.1281	\$ 15,000	\$ 5,967
FL Aquarium Watershed Invest 10131.102063.582990.5370.1282	\$ 55,477	\$ 55,477
	\$ 142,137	\$ 100,199
FY18 Projects		
Ecosphere Restoration Ignacio Haya Park 10131.102063.582990.5370.1292	\$ 47,000	\$ 47,000
Audubon Florida Invasive Removal 10131.102063.582990.5370.1293	\$ 50,000	\$ 50,000
Keep T.B. Beautiful Trash Free Waters 10131.102063.582990.5370.1296	\$ 20,000	\$ 20,000
TBW MacDill AFB Living Shoreline 10131.102063.582990.5370.1294	\$ 49,324	\$ 49,324
UF Small Farms For Clean Water 10131.102063.581990.5370.1295	\$ 15,750	\$ 15,750
	\$ 182,074	\$ 182,074



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A4

Date of EPC Meeting: February 15, 2018

Subject: Monthly Legal Case Summary for January and February 2018

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: None. Informational update only.

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

Financial Impact: No financial impact anticipated. Informational update.

List of Attachments: January and February 2018 Legal Case Summary

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

EPC LEGAL DEPARTMENT
MONTHLY REPORT OF LEGAL CASES
January and February 2018

I. ADMINISTRATIVE CASES

Kenneth Moen vs. EPC [18-EPC-001]: On January 17, 2018, Appellant Kenneth Moen filed a Notice of Appeal challenging the Executive Director's Notice Exemption Denial for proposed wetland impacts. The Appeal was dismissed with leave to amend and the Appellant has until February 9, 2018 to file an amended appeal in this matter.

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

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

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

II. CIVIL CASES

Poo-Fessional Recycled Organics & Land Management Inc., [17-EPC-014]: On December 14, 2017, the Commission authorized staff to take appropriate legal action against Poo-fessional Recycled Organics & Land Management Inc. aka Pro Inc. for failure to comply with a Director's Authorization for the operation of a yard trash processing facility in Odessa in Hillsborough County. The EPC Legal Department is preparing a civil lawsuit in the matter.

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

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

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

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

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

Thomas Jennings and Lorene Hall-Jennings [14-EPC-011]: On October 7, 2014, the EPC was served with a Declaratory Action challenging the validity of a conservation easement conveyed to the EPC on September 16, 1997. The EPC Legal Department has responded to the lawsuit with an Answer and Affirmative Defenses on October 27, 2014 and the case will move forward as appropriate. On October 12, 2015 the Plaintiff filed a Motion for Judgment on the Pleadings. The EPC responded to the Motion on October 21, 2015. The parties conducted a hearing on the Motion on November 14, 2016. On the January 4, 2017 the Judge denied the Plaintiff's motion and the case will continue. On December 11, 2017 the Plaintiff filed a Motion for Summary Judgment and the EPC responded on January 18, 2018 and the parties are waiting for a hearing to be set.

Boyce E. Slusmeyer [LEPC10-019]: On Sept 20, 2001, the EPC staff received authority to take legal action for failure to comply with an Executive Director's Citation and Order to Correct Violation for the failure to initiate a cleanup of a petroleum-contaminated property. The Court entered a Consent Final Judgment on March 13, 2003. The Defendant has failed to perform the appropriate remedial actions for petroleum contamination on the property. The EPC filed a lawsuit on October 7, 2010 seeking injunctive relief and recovery of costs and penalties. The property ownership is currently in a probate proceeding and the EPC is waiting for resolution of the matter to move forward. The EPC staff are in negotiations with the representative of the property owner regarding eligibility to utilize a state petroleum cleanup program to resolve the case.

U.S. Bankruptcy Court in re Jerry A. Lewis [LEPC09-011]: On May 1, 2009, the U.S. Bankruptcy Court Middle District of Florida filed a Notice of Chapter 13 Bankruptcy Case regarding Jerry A. Lewis. On May 26, 2009, the EPC filed a Proof of Claim with the Court. The EPC's basis for the claim is a recorded judgment lien awarded in Civil Court against Mr. Lewis concerning unauthorized disposal of solid waste. The EPC obtained an award of stipulated penalties from the state court. The site remains out of compliance with applicable EPC solid waste regulations and no liens have been paid. The bankruptcy case is ongoing.

Grace E. Poole and Michael Rissell [LEPC08-015]: Authority to take appropriate legal action against Grace E. Poole and Michael Rissell for failure to properly assess petroleum contamination in accordance with EPC and State regulations was granted on June 19, 2008. The property owner and/or other responsible party are required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC staff are now seeking Pollution Recovery Funds to address the potential contamination.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A5

Date of EPC Meeting: February 15, 2018

Subject: 2017 Fourth Quarter Action Plan Updates

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: None – Informational Only

Brief Summary: For the past seven years, EPC staff has developed a series of action plans each year. These measurable action plans address various initiatives which support the Agency's strategic priorities. Four action plans for 2017 were initiated in October 2017. The initial quarterly updates for the new action plans and the latest quarterly status reports for the three remaining open from previous years are listed.

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.

List of Attachments: Quarterly Update for 2017 Action Plans

Background: As part of the Agency's strategic planning process and philosophy of continuous improvement, staff has held periodic strategic planning retreats. These 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 action plans were created to reflect the Agency's strategic objectives, and each initiative was described in an individual action plan with measurable goals. The attachment reflects the update as of the end of the fourth quarter of 2017 on the status of the three action plans that remain open from previous years and the four new action plans that were initiated in October 2017. 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 most recent strategic planning retreat in December 2016 EPC staff proposed four new action plans for 2017. Unlike previous years, initiation of these action plans was delayed until October 2017 in order to allow staff to concentrate on closing some of the plans that remained open at the start of the year.

Quarterly Update for 2017 Action Plans

Strategic Objective	Action Plans	2018 Year End Goal	Status	
Customer Partner Excellence/ Partner & Stakeholder Relationships	Agency Branding	Convene Branding AP committee.	Complete. Committee has been formed and 3 meetings have been held to define objectives and brainstorm branding ideas.	
		Define branding objectives and voice of agency. Identify immediate branding opportunities.	Initiated review of Market Analysis Report. Reviewed Standardization of e-mail Signature Block.	
				Evaluating existing and new outreach opportunities. Sign proposal – obtained quote for installation and manufacture. Next step – final design and contact permitting for additional cost. Transfer funds with Mike M. help.
		Implement available branding opportunities.	Initiated research for the vehicles decals. Review of intranet and internet branding OFIs.	
		Develop written Communications Plan recommendations for Senior Staff.	Standardized Signature Block – approved and deployed to staff with guidelines and instructions in January.	
		Perform and implement Communication Plan strategy.	TBD – Scheduled for completion in 2018.	
		Evaluate effectiveness of implemented Communication Plan.	TBD – Scheduled for completion in 2018.	
		Action Plan Closeout.	TBD – Scheduled for completion in 2018.	

Quarterly Update for 2017 Action Plans

Strategic Objective	Action Plans	2018 Year End Goal	Status
Employee Training & Leadership Development	2.1 Management Training	Construct a formal training program for all supervisors and managers.	Focus groups conducted. Will meet with committee in early February to evaluate information received in focus groups, prioritize information, and begin drafting process.
		Discuss Purpose of Action Plan Brainstorm as Group	Completed
		Conduct a total of four focus groups	Completed
		Evaluate data received from LEAN analysis and focus group. Set core components of training program based on feedback and assign section leader/assistant.	Meeting is in process of being scheduled.
		Create Draft Training Plans.	TBD. The goal is to have the draft plans completed by April 2018.
		Review draft training programs from each team. Meet if necessary to discuss with specific teams. Compile complete draft program.	TBD. The goal is to have the draft plans reviewed by May 2018.
		Present draft to Senior Staff / Modify if necessary.	TBD. The goal is to present the draft plans to Senior Staff by the end of May 2018.
		Present completed plan to manager/supervisor group and begin program.	TBD. The goal is to present the training plan to the manager/supervisor group, discuss deployment, monitor progress and ensure group stays on track for completion June 2019.
		Action Plan Closeout	TBD. The goal is for the action plan to be completed by the end of June 2019.

Quarterly Update for 2017 Action Plans

Strategic Objective	Action Plans	2018 Year End Goal	Status
<p>4.1 Fiscal Responsibility/ Responsible & Transparent Budgeting</p>  <p>EPC's Current Alternative Fuel Vehicle Area</p>	<p>EPC Fleet Analysis</p>	<p>By minimizing the fleet cost, it frees up Agency resources to be expended on operational activities. Also by greening EPC's fleet, we serve as an example of environmental stewardship.</p>	<p>On schedule. Currently evaluating Leasing options.</p>
		<p>1. Summarize current fleet costs for capital, maintenance, and fuel. Comment: moved assessment of additional charging stations to Action 2.</p>	<p>Completed in November 2017. Spreadsheet completed.</p>
		<p>2. Determine if the agency qualifies to lease and/or buy from outside vendors.</p>	<p>Completed in January 2018. Agency would need to ask the BOCC to change both BOCC and EPC policy to lease/purchase outside of Fleet. Will have meeting with Property Appraiser and perform leasing analysis to see if we would consider leasing options.</p>
		<p>3. Look at & summarize leasing options for all or part of EPC's fleet. Look at any additional costs associated with leasing alternatively fueled vehicles including leasing mileage caps & cost of exceeding mileage cap using current mileage use. Evaluate the need and costs associated with additional charging stations related to additional alternative fuel vehicles. Look at having EPC purchase vehicles outside of County's Procurement process.</p>	<p>Met with Property Appraiser on January 17, 2018. Currently working on analysis comparing EPC fleet with information from property appraiser.</p> <p>Regarding purchasing outside of Procurement, it was determined in Step 2 EPC cannot unless policy changes occur.</p>
		<p>4. Look at contracting out some or all of EPC's fleet maintenance. Summarize maintenance contracting costs for part or all of EPC's fleet.</p>	<p>Scheduled completion March/April 2018</p>
		<p>5. Present findings to Senior Staff for any future action.</p>	<p>Scheduled completion May 2018</p>
		<p>6. Action Plan Closeout.</p>	<p>Scheduled completion June 2018</p>

Strategic Priority/Objective: 1.1 Environmental Protection Excellence/Resource Protection		Related Priorities/Objectives: 3.1 Customer Partner Excellence/ Customer Service		
Action Plan Name: EPC Voluntary Assessment Team (VAT)		Resources Needed: Staff time to include one representative from each of the four operational divisions and agency staff from to perform multi-media inspections.		
Action Plan Owner: Gerry Javier Advisor: Andy Schipfer		Estimated Cost to the Agency: No additional impact beyond staff time.		
Goal: Offer compliance assistance at a multi-media level.				
To Be Completed by (Date): December 2018		Estimated Staff Hours Needed: 300 hours		
Success to be measured by:		Benefits to the Natural Resources/Agency: Improve the compliance of businesses assessed and offering an additional service to the community; and provide additional exposure to staff on the concept of compliance assistance.		
Specific Actions		By Who	When	How Accomplished
1. Form a multi-divisional/agency-wide committee and hold first meeting.		Gerry Javier and Andy Schipfer	January 2018	Seek input from each Division Director on potential committee members. Hold first committee meeting.
2. Identify trade groups/associations that have members who could benefit from a multi-media compliance assistance visit.		Committee	February 2018	Committee representatives meet with their respective divisions to identify groups/associations whose members could benefit from a multi-media site visit.

Specific Actions	By Who	When	How Accomplished
3. Contact trade groups/associations identified to representatives of prospective groups/associations to explain the benefits of a multi-media compliance assistance visit.	Committee	April 2018	Committee members seek input to develop a list of trade groups and associations from their respective divisions.
4. Contact individual businesses identified by EPC staff that would be a prospective candidate for a multi-media compliance assistance visit.	Committee	May 2018	Committee members seek input from staff.
5. Post information through EPC website and agency brochure sent out with annual Business Tax renewal notices.	Committee and SQG Program	July 2018	Work with website committee to develop message for website and with agency public relations strategist to update agency brochure.
6. Schedule compliance assistance visits with appropriate agency staff for companies who request a VAT site visit.	Committee and agency staff		Committee members will arrange for appropriate staff from their respective divisions to be part of a VAT.
7. Survey businesses that have participated in a VAT visit to gauge benefits of the site visit.	Committee		Committee members will develop electronic survey.
8. Action Plan Closeout.	Owner's Name	End of Year	Fill out Year End Action Plan Evaluation form, archive Lessons Learned. Continuing projects: Integrate Processes, Roles, Policies and SOPs into Operations. Acknowledge and congratulate team through face-to-face and/or EPC-all email.

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 the corresponding supervisor responsible for training has been developed. Training syllabuses have been obtained from FDEP Sharepoint for all disciplines. Action plan owners met with supervisors in each division, reviewed and discussed draft syllabuses that have been developed for each discipline. AP owners issued a guidance email to provide further consistency and focus, and held a second round of meetings with the division supervisors. AP owners are reviewing and going over the draft syllabuses for further focus, consistency, and completeness. AP owners are meeting with each discipline manager to finalize the syllabuses.
		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.	In Progress - Work with MIS to prepare a cost estimate for database development. AP owners met with Anne Davis, database administrator, who said it may work best to incorporate this into personnel database to be revised in estimated 12-months. No cost estimate. Seek Senior Staff approval to invest in a database that will track training/outreach.
		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.	Both action co-owners are now part of the SDTC and will continue to be involved with the revision and implementation of the training programs.
		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.
		Develop a deployment plan.	A meeting with the MIS staff was held to discuss the deployment plan. The development and deployment of a new training database may start in late 2018. Therefore, staff will continue to use the current database to track the trainings and will have read-only access to the training programs.
		Action Plan Closeout.	



Quarterly Update for 2016 Action Plans

Strategic Objective	Action Plans	2016 Year End Goal	Status
Continuous Improvement/ Process Performance & Technology	Agency Go Paperless Initiative	Perform a SWOT analysis of the Paperless Initiative at EPC	Complete
		Form a committee comprised of (1) staff member from each Division.	Complete
		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.	Complete
		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
		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.	Complete
		Prepare PowerPoint presentation with recommendations.	Complete
		Give presentation to Senior Staff.	Due May 2017
		Action Plan Closeout.	Due May 2017



Quarterly Update for 2015 Action Plans

Strategic Objective	Action Plans	2016 Year End Goal	Status
2.1 Successful / Engaged Workforce / Employee Training	Career Development Program	Finalize list of career development opportunities. Obtain approval. (Step 5)-In progress	<p>Sahand & Mike's 2.1 Training action plan has been completed and they are recommending for it to be closed. Their action plan has been incorporated into the Career Development AP as the technical track. Professional Growth Achievement Plan has been presented to senior staff and approved to be rolled out to staff. Training sessions are being set up, senior staff has been asked to complete a PGAP to demo the form and set the example.</p> <p>Next step: Hold training PGAP classes, send out form to staff, post electronic version on web page. Create training request form.</p>
<div style="text-align: center;"> <h3>Career Development Model</h3> </div>			
<p style="text-align: center;"><i>*Career Development Action plan has evolved to incorporate steps from the <u>2016 Training Action plan</u>. Progress for Career Development Action plan is temporarily on hold until the 2016 training action plan has been completed as it is a subcomponent to Career Development A.P.</i></p>			
Action Plan Closeout.		*Steps 6 & 7 remain before the Action plan can be closed out.	



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # A6

Date of EPC Meeting: February 15, 2018

Subject: Select Performance Measure Goals for 2017

Agenda Section: Consent Agenda

Division: Executive Director Report

Recommendation: None – Informational Only

Brief Summary: As part of the EPC staff's strategic planning, the Agency measures key activities and set goals for 2017. These are tabulated and periodically presented to the Board in the consent agenda.

Financial Impact: No Financial Impact.

List of Attachments: Table Titled 2017 Goals

Background: The Agency measures performance for all five of its core functions. These core functions include permitting, compliance assurance, citizen support & outreach, 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 the Agency's strategic planning.

2017 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2014	2015	2016	2017	2017 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	20 days	18 days	17 days	16 days	Less Than or Equal to 30 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	55 days	45 days	44 days	45 days	Less Than or Equal to 60 days
	Average Time EPC Permits were In-house	21 days	19 days	23 days	22 days	28 days	Less Than or Equal to 30 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	93%	92%	93%	85%	Greater Than or Equal to 90%
Environmental Complaints	Timely Initiation of Investigation	99% in 5 Days	99% in 5 Days	98% in 3 Days	98% in 3 Days	98% in 3 Days	Greater Than or Equal to 90% in 3 Days
Enforcement	Timely Initiation of Enforcement	73%	96%	100%	95%	100%	Greater Than or Equal to 90%



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C1

Date of EPC Meeting: February 15, 2018

Subject: Staff Update on the Recent US-EPA Sulfur Dioxide Non-Attainment Designation of Portions of Hillsborough and Polk County

Agenda Section: Regular Agenda

Division: Air Management Division

Recommendation: Informational Report.

Brief Summary: On December 21, 2017, the US-EPA completed its final round of national designations for the 75 ppb 1-hr health-based Sulfur Dioxide standard established in 2010. The designations were based upon modeling conducted by the states and submitted to US-EPA. Nationally, there were six areas in 3 states and 2 territories not meeting the standard. In Florida, two areas were designated as Non-Attainment, an area around the Duke Energy Crystal River Plant in Citrus County, and an approximately 25 sq. mile area around Mosaic's New Wales Plant in Polk and Hillsborough Counties. Staff will provide an update on the State and Mosaic's plans to come into compliance.

Financial Impact: There will be no direct financial impact as a result of this update.

List of Attachments: None

Background: The Clean Air Act requires United States Environmental Protection Agency (US-EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants that are common in outdoor air, considered harmful to public health and the environment, and that come from numerous and diverse sources. On July 25, 2013, the US-EPA did their initial round of designations for the June 2, 2010 75 ppb 1-hr Sulfur Dioxide (SO₂) NAAQS (196 µg/m³). US-EPA made the designations utilizing 2009-2011 ambient monitoring data. 29 areas in 16 states were designated as "nonattainment." Two areas in Florida were designated nonattainment – Nassau County, and Hillsborough County, with the rest of Florida designated as "unclassifiable" or "unclassifiable/attainment." The nonattainment area was a partial for Hillsborough County, encompassing a small area surrounding the Mosaic Riverview Plant near our Eastbay Ambient Monitoring Site of US Highway 41. The site is currently meeting the standard due to significant reductions by both Mosaic and TECO at a combined cost of over \$40 Million.

The second round of designations were completed on June 30, 2016 for areas with new ambient monitoring violations and areas with modeled violations near large air pollution sources. Nationally, seven areas were declared Non-Attainment, but there were none in Florida.

On December 21, 2017, the US-EPA completed the final round of national designations. The designations were based upon modeling conducted by the states on the remaining areas of the country. Nationally, there were six areas in 3 states and 2 territories not meeting the standard. In Florida, two areas were designated as Non-Attainment, an area around the Duke Energy Crystal River Plant in Citrus County, and an approximately 25 sq. mile area centered around Mosaic's New Wales Plant in Polk County that extends into Hillsborough County. States typically have 3-5 years to demonstrate compliance. However, Mosaic has already begun corrective measures to lower their emissions and comply with the standard.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C2

Date of EPC Meeting: February 15, 2018

Subject: Staff Report on Full Cost Recovery for EPC's Service Fees

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Accept report demonstrating compliance with EPC/BOCC policy on service fees and vote to direct staff to advertise for a public hearing.

Brief Summary: In 2016 the Commission voted to direct staff to hold technical workshop(s) with stakeholders to get feedback on revising EPC's service fees. Following a full cost study of the one hundred plus fees in EPC's Chapter 1-6, staff invited over 500 stakeholders and hosted three technical workshops. This presentation is a summary of the full cost methodology used and comments received as a result of the workshops; and a request for a public hearing to revise Chapter 1-6.

Financial Impact: There will be no direct financial impact as a result of this report or the request for a public hearing.

List of Attachments: 2018 Service Fee Cost Comparison

Background: In April of 2016 the Commission voted to direct staff to hold a technical workshop with stakeholders to get feedback on revising EPC's Chapter 1-6 on service fees. These fees have not been comprehensively overhauled since 2003, and EPC/BOCC policy 03.02.02.09 requires EPC staff to periodically report back on full cost. As such, a full cost analysis on the fees was conducted, and those results were presented at a series of well-advertised technical workshops.

The results indicate that in general most fees do not currently cover full cost which is not surprising given that the Consumer Price Index (CPI) over this same period has risen over 30%. However it was also noted that a number of fees could be right-sized to ensure fairness. There are even several fees that could be eliminated.

The last service fee cost evaluation was conducted in 2011 and staff had recommended a twenty percent across the board increase in fees in accordance with the CPI. The Commission voted to take no action at that time.

DRAFT

2018 Service Fee Cost Comparison

AIR MANAGEMENT

A. Stationary source <u>air pollution</u> permitting		
1.		
(a) Construction permit for an air pollution source		
(i) New source <u>review or prevention of significant deterioration</u>		<u>\$480</u>
(ii) All others <u>Per emission unit at either a minor or synthetic minor facility</u>		<u>\$960700</u>
(b) Operation permit for an air pollution source <u>for (5-5 years)</u>		
(i) <u>Per emission unit at a mMinor facility</u>		<u>\$1,245760</u>
(1) Application	<u>\$795440</u>	
(2) Compliance	<u>\$450320</u>	
(ii) <u>Per emission unit at a sSynthetic minor facility</u>		<u>\$1,6451,850</u>
(1) Application	<u>\$795560</u>	
(2) Compliance	<u>\$8501,290</u>	
(c) <u>Revise an air pollution source permit (i) Per emission unit at either a minor or synthetic minor facility</u>		<u>\$380390</u>

(d) Transfer of ownership, name change, and extension of expiration date for each air permit	<u>\$45270</u>
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B. Asbestos notification*	
1. Notification for commercial demolition	
(a) For structures less than 50,000 gross sq ft	<u>\$200300</u>
(b) For structures 50,000 gross sq ft and greater	\$300
2. Notification for asbestos abatement	
(a) Renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$300
(b) Renovation greater than 1000 linear feet or 1000 sq ft	<u>\$500350</u>
(c) Annual notifications for facilities where renovation of asbestos containing material is expected to exceed 160 sq ft or 260 linear feet in a calendar year	<u>\$500300</u>

C. Open burning authorization	<u>-\$300</u>
<u>Two (2) acres or less</u>	<u>\$400</u>
<u>Greater than two (2) acres</u>	<u>\$600</u>

WASTE MANAGEMENT

A. Solid waste	
1. Construction permits	
(a) Class I or class II facility 5 year permit	\$3300
(i) Application review	\$800
(ii) Compliance	\$2500
(b) Class III facility - 5 year permit	\$2500
(i) Application review	\$500
(ii) Compliance	\$2000
(c) Resource recovery/ Incinerator – 5 years	\$2500
(i) Application review	\$500

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(ii) Compliance	\$2000		(i) Application review	\$500 <u>700</u>	
(d) Construction & demolition debris disposal – 5 year permit		\$2500	(ii) Compliance	\$1500 <u>2800</u>	
(i) Application review	\$500		3. Closure/long term care permits		
(ii) Compliance	\$2000		(a) Class I or class II facilities - 5 year permit		\$1000 <u>2300</u>
(e) Waste processing facility – 5 year permit		\$2000	(i) Application review	\$500	
(i) Application review	\$500		(ii) Compliance	\$500 <u>800</u>	
(ii) Compliance	\$1500		(b) Class III facility - 5 year permit		\$1000
(f) Compost facility – 5 year permit		\$2000	(i) Application review	\$500	
(i) Application review	\$500		(ii) Compliance	\$500	
(ii) Compliance	\$1500		(c) Construction & demolition debris disposal – 5 year permit		\$1000 <u>2300</u>
(g) All other solid waste management facilities – 5 years		\$2000	(i) Application review	\$500	
(i) Application review	\$500		(ii) Compliance	\$500 <u>1800</u>	
(ii) Compliance	\$1500		(d) All other solid waste management facilities - 5 year permit		\$1000 <u>2300</u>
2. Operation permits			(i) Application review	\$500	
(a) Class I or class II facility - 5 year permit		\$3300	(ii) Compliance	\$500 <u>1800</u>	
(i) Application review	\$1000		4. Director's Authorization – facilities not otherwise requiring a solid waste permit issued by the FDEP		
(ii) Compliance	\$2500 <u>2300</u>		(a) Old landfill development–5 year permit		\$2800 <u>3600</u>
(b) Class III facility – 5 year permit		\$2500	(i) Application review	\$800 <u>1600</u>	
(i) Application review	\$500		(ii) Compliance	\$2000	
(ii) Compliance	\$2000		(b) Recovered materials processing facility		\$2200 <u>4000</u>
(c) Resource recovery/ Incinerator – 5 year permit		\$3300 <u>2500</u>	(i) Application review	\$500 <u>1200</u>	
(i) Application review	\$500 <u>1000</u>		(ii) Compliance	\$1700 <u>2800</u>	
(ii) Compliance	\$2000 <u>2300</u>		(c) Yard trash processing facility		\$2200 <u>4000</u>
(d) Construction & demolition debris disposal – 5 year permit		\$2500 <u>4600</u>	(i) Application review	\$500 <u>1200</u>	
(i) Application review	\$500 <u>1000</u>		(ii) Compliance	\$1700 <u>2800</u>	
(ii) Compliance	\$2000 <u>3600</u>		(d) One time on site disposal – residential		\$100
(e) Waste processing facility – 5 year permit		\$2000 <u>3500</u>	(e) All other solid waste management facilities - 5 year permit		\$2200
(i) Application review	\$500 <u>700</u>		(i) Application review	\$500	
(ii) Compliance	\$1500 <u>2800</u>		(ii) Compliance	\$1700	
(f) Compost facility – 5 year permit		\$2000 <u>3500</u>	5. Modifications		
(i) Application review	\$500 <u>700</u>		(a) Minor modifications		
(ii) Compliance	\$1500 <u>2800</u>		(i) Corrections, minor changes which		
(g) All other solid waste management facilities – 5 years		\$2000 <u>3500</u>			

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will not involve new work, or new work locations, which will not alter, replace or eliminate permit requirements \$0

(ii) Transfer, time extension, minor changes which involve new work, or new work locations which will alter, replace or eliminate permit requirements. \$100200

(b) Substantial modifications shall require the appropriate application review fee in conformance with Section 1-6.03, 1 through 4.

6. Small quantity hazardous waste generators**

(a) Annual notification/verification fee \$40

B. Storage tanks

1. Storage tank installation and upgrade plan reviews \$150170

WATER MANAGEMENT

A.

1. Domestic wastewater source permits

(a) Preliminary design report review \$3600

(b) Facility permit for 5 years

(i) Types I & II \$3200

(a) Application ~~\$1850~~

(b) Compliance ~~\$1090~~ activities

(ii) Type III \$9302200

(a) Application ~~\$380~~ review

(b) Compliance ~~\$550~~ activities

(c) Permit modifications

(i) Minor modification \$7501000 involving construction activity

(ii) Substantial \$17502200 modification

(d) Residual site application \$14452800

2. Collection systems

(a) General permit

(i) Less than 10 EDU \$230580

(ii) 10 or more EDU \$460580

(a) Application review ~~\$230~~

(b) Compliance ~~\$230~~ (10 or more EDU)

(b) Standard permit

(i) Less than 10 EDU \$270850

(ii) 10 or more EDU \$500880

(a) Application review ~~\$270~~

(b) Compliance ~~\$230~~

3. Industrial wastewater source permits

(a) Preliminary design report

(i) Major facility \$25004550

(ii) Minor facility \$10001750

(b) Facility permit for 5 years

(i) Minor facility \$10001750

(ii) Major facility \$30003900

(a) Application review ~~\$2455~~

(b) Compliance ~~\$545~~

activities

(c) General permits \$275530

(d) Permit modifications

(i) Minor modification \$7501300 involving construction activity

(ii) Substantial \$17502100 modification

~~4. EPC authorization for facilities not requiring a FDEP permit which may discharge pollutants or contaminants into waters of the county \$2200~~

WETLANDS MANAGEMENT

*1. Land excavation permits

(a) New and expansion \$8701150

~~(b) Extension and renewal \$650~~

*2. Rezoning application \$300350

*3. Subdivision applications

(a) Preliminary (1st Resub, no fee) \$370460

~~(b) Master plan \$750~~

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(c) Construction (<u>1st Resub, no fee</u>)	\$ 490 <u>710</u>	(iii) Final plat	\$ <u>260</u>
(d) Final plat/ <u>Platted subdivision</u>	\$ 200 <u>260</u>	(iv) Minor construction	\$ <u>310</u>
(e) Minor subdivision plans/ <u>Certified</u>	\$ 230 <u>320</u>	(v) As-built verification	\$ <u>400</u>
<u>Parcels</u>			
(f) As-built verification	\$ 300 <u>400</u>		
4. Tampa Port Authority (TPA)		*8. Natural Resources	\$ <u>270</u>
(a) Delegated Minor Work Permit (<u>2 yr permit</u>)	\$ 590 <u>930</u>	<u>(a) Setback encroachment</u>	\$ <u>260</u>
		<u>(b) Land alteration</u>	\$ <u>590</u>
(b) EPC Minor Work Permit Revision (<u>2 yr permit</u>)	\$ 75 <u>170</u>	*9. Miscellaneous activities in wetlands (MAIW)	
(c) TPA Permit		(a) Nuisance species removal	No fee <u>\$330</u>
(i) Minor Work Permit (<u>2 yr permit</u>)		(b) Dock, boardwalks, riprap, etc. <u>swim access</u>	\$ 150 <u>380</u>
Environmental and Compliance Review (fee collected by TPA)	\$ 150 <u>330</u>	(c) Projects requiring EPC MAIW and Delegated FDEP Environmental Resource Permitting (ERP) Noticed General <u>Permit</u> or <u>Individual Standard</u> General Permit	\$ 400 <u>560</u>
(ii) Standard Work Permit Environmental and Compliance Review (fee collected by TPA)	\$ 300 <u>420</u>	*****	
(iii) <u>Minor Modification to Permit (Scope of work unchanged within 5 yrs of permit)</u>	\$ <u>360</u>	(d) <u>Whole Lake Treatments (lakes <10ac) 5 yr permit</u>	\$ <u>1440</u>
*5. Phosphate mining		(e) <u>Whole Lake treatments (lakes>10ac) 5 yr permit</u>	\$ <u>680</u>
(a) Annual <u>report</u> review and inspection	\$375	(f) <u>Hazard Native tree Removal</u>	\$ <u>50</u>
(b) Unit review and reclamation	\$3500	10. Wetland delineation	
(c) Bimonthly inspections (6 per year)	\$310	(a) Less than 250 L.F	\$ 150 <u>340</u>
(d) Administrative Review	\$100	(b) 250 L.F. or greater	\$ 150 <u>340</u> + 0.20 L.F
(e) Land Alteration	\$500	<u>(c) Project Area > 10ac</u>	\$ <u>500 + 0.20 L.F. over 2,000ft</u>
(f) Amendments to Mining/ Reclamation		<u>(d) Top of Bank (TOB) not flagged</u>	\$ <u>340 + 0.050 L.F.</u>
(i) Changes within the mining unit <u>Changes in configuration/location/acreage of wetlands</u>	\$1000	11. Wetland mitigation	
(ii) Addition of adjacent acreage	***	(a) Single family homes (review and monitoring reports)	\$ 850 <u>2480</u>
*6. Development of regional impact	\$1200	(i) Review	\$ 500 <u>920</u>
*7. Commercial site development application	500	(ii) 7 monitoring reports	\$ 350 <u>1560</u>
<u>(i) Construction (1st Resub, no fee)</u>	\$ <u>710</u>	** (b) Commercial/subdivision-forested	\$ 4975 <u>6200</u>
<u>(ii) Preliminary (1st resub, no fee)</u>	\$ <u>460</u>	(i) Review	\$ 2500 <u>3220</u>
		(ii) 11 monitoring reports	\$ 2475 <u>2980</u>

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(c) Commercial/subdivision -herbaceous		<u>\$40755120</u>	
(i) Review	\$25003220		
(ii) 7 monitoring reports	<u>\$15751900</u>		
(d) Agricultural - Forested		<u>\$10502250</u>	
(i) Review	\$500720		
(ii) Monitoring	<u>\$5501530</u>		
(e) Agricultural - Herbaceous		<u>\$8501750</u>	
(i) Review	\$500	<u>\$720</u>	
(ii) Monitoring	\$350	<u>\$1030</u>	
<u>(f) Small Impact <10,000 ft²</u> <u>(total Cumulative for project)</u>		<u>\$1440</u>	
<u>(i) Review</u>		<u>\$900</u>	
<u>(ii) Monitoring</u>		<u>\$540</u>	
<u>(fg) Amendment to</u> <u>mitigation plan</u>			
(i) Changes in configuration/ location	\$500	<u>\$570</u>	
(ii) Changes in elevations/ planting scheme	\$100	<u>\$730</u>	
<u>(g) Phosphate mining</u> <u>within a previously</u> <u>approved mitigation</u> <u>application</u>			
<u>(i) Addition of adjacent area or</u> <u>additional wetland impact</u> <u>request</u>	****		
12. Mangrove Trimming and Alteration			
(a) Trimming permit per Ch. 1-14.06		\$225	
(b) Compliance / monitoring fee for staged trimming for each trim event	\$50		
(c) Other Trimming and Alteration permit Single family			
		<u>\$1,0502740</u>	
(i) Review	\$500690		
(ii) 11 monitoring reports	<u>\$5502050</u>		
(d) Other Trimming and Alteration permit Commercial / subdivision			
		<u>\$4,9755940</u>	
(i) Review	\$25003220		
(ii) 11 monitoring reports	<u>\$24752720</u>		
(e) Professional Mangrove Trimmer fee per Ch. 1-14.08			
First time registration fee		<u>\$50160</u>	

Annual renewal fee \$2580
13. Exemptions Requested in Writing \$100
(not included in other authorizations)

- (a) Noticed Exemption
- (b) Mangrove trimming Exemptions
- (c) FDEP Exemption

*Denotes EPC Fees collected by the Planning and Growth Management Department for EPC.

**Only this subsection of Rule 1-6.05.11 applies if the application contains a request for authorization to impact both forested and herbaceous wetlands.

***Minimum \$500 or Straight Line Pro-Rata Fee whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mining unit divided by 2500, multiplied by the fee required by Rule 1-6.05.5(b)

****Minimum \$700 or Straight Line Pro-Rata Fee whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mitigation application divided by 2500, multiplied by the fee required by Rule 1-6.05.11(b) or (c), as applicable.

***** All other FDEP fees will be waived for applications for eligible activities under the current ERP delegation agreement.

OTHER MISCELLANEOUS CHARGES

1. Enforcement Costs	\$50/hr
<u>2. Public Record fees</u>	<u>**</u>
<u>2. Data Processing Data Analysis</u>	<u>*\$50/hr</u>
<u>3. Certification of Copies</u>	<u>\$1/pg</u> <u>\$.15/pg</u>
<u>4. Copies</u>	

** Established in accordance with Chapter 119, Florida Statutes

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C3

Date of EPC Meeting: February 15, 2018

Subject: Request for Pollution Recovery Funds

Agenda Section: Regular Agenda

Division: Waste Management Division

Recommendation: Vote to approve the allowance of up to two thousand five hundred dollars (\$2,500.00) of Pollution Recovery Funds to conduct sampling and assessment of petroleum contamination on property located at 8846 Mobley Road in Tampa.

Brief Summary: Grace Poole-Yeager is the owner of property located at 8846 Mobley Road, Tampa, Florida (Property). Grace Poole-Yeager leased the Property to Michael Rissell d/b/a MC Trucking. In 2003, approximately 80 gallons of diesel fuel from Mr. Rissell's truck leaked onto the soils. The soil has been removed but additional sampling is required to verify the site is clean. No appropriate responsible party remains as Mr. Rissell is deceased and the property owner is unable to pay the cost of any assessment and she was not responsible for the discharge. EPC staff is proposing to use Pollution Recovery Fund monies to complete the assessment of the site.

Financial Impact: No financial impact on general funds. Cost to the Pollution Recovery Fund is estimated to be less than two thousand five hundred dollars (\$2,500).

List of Attachments: None.

Background: On February 20, 2003, Department of Environmental Protection Bureau of Emergency Response (BER) investigated a leak of diesel fuel on property owned by Grace E. Poole-Yeager (Yeager). BER incident summary report stated that the Property owner leased the Property to Michael Rissell d/b/a MC Trucking (Rissell). Mr. Rissell parked a semi-tractor on the Property. Mr. Rissell estimated that approximately 80 gallons of diesel fuel leaked from the parked truck and discharged onto the soil. BER referred this incident to the EPC to ensure that proper cleanup procedures were undertaken by any responsible parties.

On March 18, 2003, EPC staff sent a letter to Mr. Rissell advising that a Site Assessment (SA) must be initiated within 30 days and two copies of a Site Assessment Report (SAR) must be submitted within 270 days. On April 27, 2004, EPC staff received a Source Removal Report (SRR) dated May 7, 2003 prepared by EnviroTrac. On May 17, 2004, EPC staff sent a letter to Mr. Rissell advising that the SRR was incomplete and that a SRR Addendum was required to be submitted in order to address the incomplete items within 60 days. The soil has been removed but additional sampling is required to verify the site is clean.

Since that time the EPC staff have attempted to work with the responsible party and the property owner to obtain the required assessment information. The EPC staff have determined that the property owner is not financially able to complete the work at this time and find that the incident was completely out of her control as it could be considered a type of vandalism. In addition, Mr. Rissell is deceased and there is no responsible party available to complete the nominal amount of work. It is anticipated that this additional sampling will verify the site is clean (the verification is required to be completed by State law) and the case can be closed. The PRF funds are to be allocated to the EPC.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C4

Date of EPC Meeting: February 15, 2018

Subject: Update on Volkswagen Litigation

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Informational Report

Brief Summary: Defendants Volkswagen AG and Robert Bosch LLC filed motions to dismiss the air pollution lawsuit filed by the EPC. The hearing on the motions to dismiss was heard February 1, 2018, but the judge has not issued an order yet.

Financial Impact: No Financial Impact

List of Attachments: None

Background: The EPC sued Defendants Volkswagen AG and Robert Bosch LLC regarding the defeat device (embedded software) in their diesel vehicles that manipulates their emission control systems. Defendants Volkswagen AG and Robert Bosch LLC filed motions to dismiss the air pollution lawsuits filed by EPC and Salt Lake County, Utah, (*Environment Protection Commission of Hillsborough County, Florida v. Volkswagen AG et al.*, Case No. 16-cv-2210). The hearing on the motions to dismiss was heard February 1, 2018, before Judge Charles Breyer in San Francisco, California. The Defendants argue that the local government claims are preempted under the Clean Air Act. The judge did not immediately rule on the motions.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Agenda Item # C5

Date of EPC Meeting: February 15, 2018

Subject: 2018 Legislative Session update

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Informational Report.

Brief Summary: The Florida Legislature has been in session since January 9 and the session runs through March 9, 2018. EPC staff will provide updates on various environmental bills, including the tree preemption legislation that the Commission voted to oppose on November 16, 2017.

Financial Impact: No Financial Impact

List of Attachments: None

Background:

The 2018 Legislative session will last from January 9 to March 9, 2018. Legislators have filed many environmental bills. EPC staff reviews environmental and administrative bills to determine if they may impact the EPC's functions. The Commission approved a basic legislative strategy (EPC Policy No. 2007-02) on March 15, 2007, that gives staff and the Chair continuing direction to monitor, comment on, and lobby for, among other things, bills that impact the functions of the EPC.

EPC is tracking dozens of bills, but the most notable bills are summarized below:

1) **INLAND PROTECTION TRUST FUND (drycleaners)**

[HB 1075](#) and [SB 1438](#)

Authorizes use of Inland Protection Trust Fund (IPTF) for drycleaning solvent cleanup program and specifies annual appropriation to fund. We have concern this will decrease funding for petroleum cleanup. The bill allocates \$150M to the IPTF, but \$30M is redirected from petroleum cleanup to drycleaning solvent cleanup. The Senate version has not been considered in any committee. Natural Resources & Public Lands Subcommittee approved HB1075 via a committee substitute on January 23, 2018.

2) **FRACKING**

[SB 462](#) and [SB 834](#) and [SJR 828](#) and [HB 237](#)

There are many bills proposing a ban on fracking (a/k/a well stimulation), as opposed to previous bills in the last two years that attempted to further regulate it. SB 462 is sponsored by

Senator Dana Young. It defines and prohibits fracking. SB 462 was approved by the Senate Environmental Preservation and Conservation Committee on 2/5/18. House companion (HB 237 by Rep. Peters), has not received a hearing.

3) **TREE and TIMBER TRIMMING, REMOVAL, and HARVESTING**
SB 574 and HB 521

Senate Bill 574 by Senator Steube (W. Sarasota County / W. Charlotte County area) and identical House companion (HB 521) by Rep. Edwards of the Broward County region. Preempts to the state the regulation of the trimming, harvesting, or removal of trees and timber on private property. The proposed law would not allow local governments to prohibit a private landowner from trimming, removing, or harvesting trees or timber located on the landowner's private property. Additionally, a local government would not be allowed to require mitigation (e.g. the planting of trees or the payment of a fee), for the removal or harvesting of trees or timber from private property. The bill also provides that local governments may not prohibit the burial of trees, shrubs, palmettos, or other vegetative debris on properties larger than 2.5 acres. EPC staff asserts this will pre-empt, at a minimum, local government environmental regulation of trees, such as regulation of cypress tree harvesting and individual removal of trees in wetlands. Furthermore, the bill could unintentionally allow for unregulated landfill operations. Specifically, private landowners (over 2.5 acres) could bury anyone's trees and vegetative debris on their land, as opposed to just trees the landowner cut down on his/her property. The EPC Commission voted to oppose this bill on November 16, 2017 and a letter was sent to key Legislators.

A House committee substitute (CS) recently passed its first committee and it narrows down in scope the amount of pre-emption. The CS pre-empts local governments from regulating tree removal in rights of way intended for drainage control (but not limited to). A similar Senate substitute was to be considered on February 6, but the Committee ran out of time and did not discuss the bill. The House CS is improved from the original draft, but if it were to pass it would be preferable to have clear language that states this does not impact mangrove regulatory delegation from the DEP to local governments.

HOUSE CS states in part: "Where the state or a water management district, a water control district created under chapter 298, a neighborhood improvement district created under chapter 163, an independent special district, or a community development district created under chapter 190, has a duty to maintain any rights-of-way, a municipality, county, or other political subdivision of the state may not prohibit, restrict, or condition, or require a permit, a fee, or mitigation for, the trimming or removal of trees, timber, or vegetation."

HOUSE COMMITTEES

- Local, Federal & Veterans Affairs Subcommittee (*passed with CS*)
- Government Accountability Committee
- Agriculture & Property Rights Subcommittee

SENATE COMMITTEES

- Community Affairs
- Environmental Preservation and Conservation
- Rules

4) **STATE ASSUMPTION OF FEDERAL SECTION 404 DREDGE AND FILL PERMITTING AUTHORITY**

HB 7043 and **SB 1402**

These bills give the DEP the authority to assume wetland and other surface water permitting from the Environmental Protection Agency and Army Corps of Engineers. A FLERA summary explains that “State assumption would streamline, but not merge, the current state and federal permitting processes. The bills clarify that when state law conflicts with federal requirements, the federal requirements would apply to state administered section 404 permits. They also exempt state administered section 404 permits from state permitting decision deadlines. The bills limit state administered section 404 permits to no more than five years, as required by federal law. The bills also authorize DEP to delegate the state administered program to water management districts or other governmental entities seeking such authority.” The Senate version has passed one of three committees. The House version passed the only committee it was assigned to on February 8, 2018.

5) **DOMESTIC WASTEWATER COLLECTION SYSTEM ASSESSMENT AND MAINTENANCE**

SB 244 and **HB 837**

SB 244 by Senator Brandes and HB 837 by Reps. Edwards-Walpole, Jacobs, and Lee create a blue star collection system assessment and maintenance program. It requires the DEP to review and approve program applications for certification. It creates a presumption of compliance for certain total maximum daily load requirements for certified utilities. Moreover it requires the DEP to provide extended duration operating permits when a certified utility applies for permit renewal.

6) **ENVIRONMENTAL REGULATION**

SB 1308 and **HB 1149**

Sponsored by Senator Perry and Representative Payne. Mainly a water resource bill; key provisions of the identical bills are as follows:

- a. Clarifies what types of uses of reclaimed water can qualify for a WUP “impact offset” (e.g. – saltwater intrusion barrier, elevate aquifer level, etc.). Per Senate Bill 1308 analysis, “An impact offset is the use of reclaimed water to reduce or eliminate a harmful impact that has occurred or would otherwise occur as a result of other surface water or groundwater withdrawals. A substitution credit is the use of reclaimed water to replace all or a portion of an existing permitted use of resource-limited surface water or groundwater which then allows a different user or use to initiate a withdrawal or increase its withdrawal from the same resource-limited surface water or groundwater source.”
- b. Allows applicant to ask for a coordinated review of reclaimed water projects that need a WUP, UIC, or reclaimed water facility permit.
- c. Private recycling companies cannot be required by local governments to process contaminated recycling (e.g. – single stream recycling that contains plastic bags, cords, clothing, etc.). Contaminated recycling may be defined in contracts with local government.
- d. Local government cannot require the DEP to provide verification that a person qualifies for one of the dozens of 403.813, F.S. (mainly wetland) exemptions. A proposed Senate amendment states the local government cannot ask the applicant to provide further DEP verification. To be considered in Community Affairs on 2/6/18.
- e. The section 403.813(1)(d), F.S. dock repair/replacement exemption amended to state the owner can repair/replace the dock in “approximately the same location.” Current law says build or repair in the same location. The sponsor proposes this to assist owners when they

rebuild after a hurricane. This language would limit DEP and delegated programs from enforcing dock replacement in slightly different location, if not too far from the original location. The reconstruction cannot adversely impact additional aquatic resources. A proposed Senate amendment would define the “approximately” distance as no more than 5 feet from the original location.

SENATE COMMITTEES:

- Environmental Preservation and Conservation (*CS passed*)
- Community Affairs
- Appropriations

HOUSE COMMITTEES:

- Natural Resources & Public Lands Subcommittee (*CS passed*)
- Agriculture & Natural Resources Appropriations Subcommittee
- Government Accountability Committee

7) **BASIN MANAGEMENT ACTION PLANS** (*Onsite Sewage Treatment and Disposal Systems*)
[SB 1664](#)

The bill Sponsored by Senator Simmons amends section 403.067, F.S. regarding BMAPs and total maximum daily load (TMDLs). As part of the BMAP process to achieve a TMDL, the DEP, DOH, utilities, and local governments must work together to create a Onsite Sewage Treatment and Disposal Systems (a/k/a septic tank) remediation plan. The plan must consider economical feasible options, including but not limited to system repair, upgrade, or replacement; drainfield modification; the addition of effective nutrient-reducing features; connection to a central sewerage system; etc. The plan should have a ranking system to prioritize repairs and potentially a funding mechanism. A similar program of repair, ranking, and funding for wastewater treatment facilities is required also. A Committee Substitute passed the Senate Environmental Preservation and Conservation Committee. There is currently no House companion.