

**EPC COMMISSIONERS**

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



Richard Garrity, Ph.D.  
*Executive Director*

Richard Tschantz, Esq.  
*General Counsel*

**EPC MEETING AGENDA**

**APRIL 24, 2014**

*Meetings commence at 9:00 a.m.*

*601 East Kennedy Boulevard, Tampa, FL*

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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**APPROVAL OF CHANGES TO THE AGENDA**

**REMOVAL OF CONSENT AGENDA ITEMS FOR QUESTIONS, COMMENTS, or SEPARATE VOTE**

**I. PUBLIC COMMENT**

Three (3) Minutes Are Allowed for Each Speaker (unless the Commission directs differently)

**II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE**

Summary of recent CEAC meeting by CEAC Chair

**III. CONSENT AGENDA**

- A. Approval of Minutes: February 20, 2014 .....3  
April 2, 2014 Special Meeting .....7
- B. Monthly Activity Reports – February & March 2014 .....9
- C. Pollution Recovery Fund Reports – February & March 2014 .....21
- D. Gardinier Settlement Trust Fund Report – February 2014 .....23
- E. Legal Case Summary, March & April 2014 .....25
- F. Request to hold a Public Hearing on June 19, 2014 to approve amendments to the  
Delegation Rule, Ch. 1-13, Rules of the EPC .....29
- G. 2014 First Quarter Action Plan Updates .....33

**IV. A RESOLUTION TO HONOR MR. SYDNEY POTTER .....63**

**V. EPC'S ENVIRONMENTAL MERIT AWARD – 34<sup>TH</sup> ANNUAL HILLSBOROUGH REGIONAL SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS (STEM) FAIR .....65**

**VI. TAMPA BAY ESTUARY PROGRAM (TBEP) ANNUAL UPDATE .....67**

**VII. AIR MANAGEMENT DIVISION**

Update on the EPC's Molten Sulfur Workgroup; FDEP/EPC 2013 Ambient Monitoring Network Plan; Clean Air Month & Fair .....69

**VIII. WETLANDS MANAGEMENT DIVISION**

Completion of Board Directive to Facilitate Solution to Boat Lift Dispute .....71

**XI. LEGAL & ADMINISTRATIVE SERVICES**

Update on Environmental Bills at the 2014 Florida Legislature .....73

**X. EXECUTIVE DIRECTOR REPORT**

2014 Goals Update .....79

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.

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*An agency with values of environmental stewardship in a culture of fairness and cooperation.*

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FEBRUARY 20, 2014 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, February 20, 2014, 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 (arrived at 9:10 a.m.), Victor Crist (arrived at 9:04 a.m.), Ken Hagan, Al Higginbotham, Sandra Murman, and Mark Sharpe.

▶ Chairman Miller called the meeting to order at 9:02 a.m.

▶ INVOCATION AND PLEDGE OF ALLEGIANCE

CHANGES TO THE AGENDA

▶ Dr. Richard Garrity, EPC Executive Director, reviewed the changes to the agenda. ▶ **Commissioner Murman moved the changes, seconded by Commissioner Higginbotham, and carried five to zero.** (Commissioners Beckner and Crist had not arrived.)

I. PUBLIC COMMENT - None.

II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Summary of recent CEAC meeting by CEAC Chairman

▶ Mr. Jason Gorrie, CEAC Chairman, shared current CEAC activities.

III. CONSENT AGENDA

- A. Approval of Minutes: December 19, 2013.
- B. Monthly Activity Reports - December 2013 and January 2014.
- C. Pollution Recovery Fund (PRF) Reports - December 2013 and January 2014.
- D. Gardinier Settlement Trust Fund Report - December 2013 and January 2014.
- E. Legal Case Summary, February 2014.
- F. 2013 Year's End Action Plan Updates.

▶ Chairman Miller sought approval of the Consent Agenda. **Commissioner Murman so moved, seconded by Commissioner Higginbotham, and carried five to zero.** (Commissioners Beckner and Crist had not arrived.)

IV. LEGAL AND ADMINISTRATIVE SERVICES DIVISION

A. Status Update on Settlement Negotiations Regarding the Baldor vs. EPC Boatlift Permitting Appeal (EPC Case 12-EPC-015)

▶ EPC General Counsel Richard Tschantz reviewed the item and sought a continuance. ▶ **Commissioner Murman so moved, seconded by Commissioner Crist, and carried six to zero.** (Commissioner Beckner had not arrived.)

B. Legislative Update

▶ Attorney Rick Muratti, EPC Legal Department, gave a presentation, as displayed in background material, and requested a letter of support opposing the local government preemption language in House Bill 703. After comments, ▶ **Commissioner Higginbotham moved the EPC had been briefed in the meeting, would observe with interest and concern, and took no position at that time, seconded by Commissioner Murman.** Following remarks, **the motion carried seven to zero.**

V. WATER MANAGEMENT DIVISION

A. Summary of Florida Department of Environmental Protection (FDEP) Audit of Water Division Delegated Program

▶ Mr. Sam Elrabi, Director, EPC Water Management Division, submitted the presentation, as shown in background material, and recognized EPC members Paula Noblitt, Tony Alhomsy, and Woodrow Batchelor. ▶ Commissioner Higginbotham asked about the frequency of EPC/FDEP meetings.

B. Advertisement for 2014 PRF Grant Projects

▶ Mr. Elrabi provided the update and answered Commissioner Murman on grant criteria. Attorney Tschantz addressed canal dredging/cleanup applications.

VI. EXECUTIVE DIRECTOR REPORT

A. EPC Action Plans for 2014

THURSDAY, FEBRUARY 20, 2014 - DRAFT MINUTES

▶ Dr. Garrity expounded on the action plans, as supplied in background material, and responded to ▶ Chairman Miller on report connections and staff involvement. ▶ Upon inquiring on past/present staffing levels/responsibility comparisons and suggesting a compensation study, ▶ Commissioner Beckner moved to direct staff and Dr. Garrity to look at the compensation of County employees and work with Civil Service to make sure that people were being fairly compensated, seconded by Commissioner Crist. After remarks, ▶ the motion carried six to zero. (Commissioner Hagan was out of the room.)

▶ Chairman Miller called for a motion to accept the action plans. Commissioner Crist so moved, seconded by Commissioner Beckner, and carried six to zero. (Commissioner Hagan was out of the room.) Dr. Garrity touched on the year-end goal measures.

B. Fiscal Year 2015 Budget Report

▶ Dr. Garrity deferred to Attorney Tschantz, who spoke on the report, as shown in background material, and sought feedback. ▶ Commissioner Crist inquired on productivity investment. Following response, ▶ Commissioner Beckner opined on agency connectivity, community outreach, and permit processing efficiency. ▶ Referencing flood insurance, Commissioner Murman wanted further investigation for EPC/County collaboration on wetlands issues related to development. Dialogue ensued.

▶ There being no further business, the meeting was adjourned at 10:14 a.m.

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

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

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

jh

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APRIL 2, 2014 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING -  
DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting scheduled for Wednesday, April 2, 2014, at 3:00 p.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, Sandra Murman, and Mark Sharpe.

The following member was absent: Commissioner Ken Hagan.

▶ Chairman Miller called the meeting to order at 3:02 p.m.

I. LEGAL DEPARTMENT - PUBLIC HEARING ON THE CITY OF TAMPA (TAMPA) REQUEST FOR A VARIANCE FROM THE TAMPA PORT AUTHORITY'S (TPA) MINOR WORKS PERMIT RULES FOR MARINE CONSTRUCTION ACTIVITIES AT THE TAMPA WATER WORKS PARK PROJECT (APPLICATION 56218).

Tampa, through its Parks and Recreation Department, had filed a request for a variance of the TPA submerged lands management rules over which the EPC had delegated authority to implement. Tampa was seeking a request for a variance to exceed the TPA rule that limited the dock length to no more than 25 percent of the river width. Tampa proposed to construct a dock on the Hillsborough River that exceeded the 25 percent river width for the Tampa Water Works Park. The staff recommended approval of the variance based on Tampa satisfying the requirements in the EPC Administrative Procedures Rule, Section 1-2.50, wherein Tampa had demonstrated a hardship, and the proposed structure would also comply with the underlying purpose of the rule.

▶ EPC General Counsel Richard Tschantz confirmed proper notice and introduced the item. Referring to a map, Attorney Andrew Zodrow, EPC Legal Department, detailed the request. Assistant Tampa Attorney Janice McLean sought approval. Chairman Miller called for public comment; there was no response. ▶ **Commissioner Murman moved approval, seconded by Commissioner Sharpe.** Commissioner Crist made comments. ▶ **The motion carried six to zero.** (Commissioner Hagan was absent.)

WEDNESDAY, APRIL 2, 2014 - DRAFT MINUTES

▶ There being no further business, the meeting was adjourned at 3:09 p.m.

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

ATTEST:  
PAT FRANK, CLERK

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

lm

DRAFT



**FY 14 - MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION**

	<u>FEB</u>	<u>MAR</u>
<b>A. Public Outreach/Education Assistance</b>		
1 Phone calls	134	150
2 Literature Distributed	21	1
3 Presentations	1	3
4 Media Contacts	0	0
5 Internet	37	39
6 Host/Sponsor Workshops, Meetings, Special Events	0	0
<b>B. Industrial Air Pollution Permitting</b>		
1 Permit Applications received (Counted by Number of Fees Received)		
a. Operating	10	6
b. Construction	2	2
c. Amendments / Transfers / Extensions	2	1
d. Title V Operating:	0	0
e. Permit Determinations	1	2
f. General	1	1
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>	3	2
b. Construction <sup>1</sup>	9	3
c. Amendments / Transfers / Extensions <sup>1</sup>	3	2
d. Title V Operating <sup>2</sup>	1	5
e. Permit Determinations <sup>2</sup>	0	1
f. General	2	2
3 Intent to Deny Permit Issued	0	0
<b>C. Administrative Enforcement</b>		
1 New cases received	0	0
2 On-going administrative cases		
a. Pending	0	0
b. Active	3	1
c. Legal	1	1
d. Tracking compliance (Administrative)	10	11
e. Inactive/Referred cases	0	0
<b>TOTAL</b>	<b>14</b>	<b>13</b>
3 NOIs issued	0	0
4 Citations issued	0	0
5 Consent Orders Signed	1	2
6 Contributions to the Pollution Recovery Fund	\$1,650.00	\$34,400.00
7 Cases Closed	0	1

**FY 14 - MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION**

**FEB**

**MAR**

**D. Inspections**

1	Industrial Facilities	11	8
2	Air Toxics Facilities		
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	0	0
	b. Major Sources	4	6
3	Asbestos Demolition/Renovation Projects	14	25
<b>E.</b>	<b>Open Burning Permits Issued</b>	4	1
<b>F.</b>	<b>Number of Division of Forestry Permits Monitored</b>	244	140
<b>G.</b>	<b>Total Citizen Complaints Received</b>	40	48
<b>H.</b>	<b>Total Citizen Complaints Closed</b>	27	33
<b>I.</b>	<b>Noise Complaints Received by EPC (Chapter 1-10)</b>	20	19
<b>J.</b>	<b>Noise Complaints Received by Sheriff's Office (County Ord. #12-12)</b>	338	439
<b>K.</b>	<b>Number of cases EPC is aware that both EPC &amp; Sheriff responded</b>	4	3
	a. World of Beers (Oct.)		
	b. Brass Mug (Dec.)		
	c. The Rack (Jan.)		
	d. Brass Mug (Feb.)		
<b>L.</b>	<b>Noise Sources Monitored:</b>	3	1
<b>M.</b>	<b>Air Program's Input to Development Regional Impacts:</b>	0	0
<b>N.</b>	<b>Test Reports Reviewed:</b>	74	61
<b>O.</b>	<b>Compliance:</b>		
1	Warning Notices Issued	3	7
2	Warning Notices Resolved	0	2
3	Advisory Letters Issued	1	2
<b>P.</b>	<b>AOR'S Reviewed</b>	0	0
<b>Q.</b>	<b>Permits Reviewed for NESHAP Applicability</b>	6	4
<b>R.</b>	<b>Planning Documents coordinated for Agency Review</b>	3	6

**FY 14 - MONTHLY ACTIVITIES REPORT  
WASTE MANAGEMENT DIVISION**

**FEB    MAR**

**A. ENFORCEMENT**

1.	New cases received	-	-
2.	On-going administrative cases	57	57
	Pending	1	1
	Active	19	19
	Legal	3	3
	Tracking Compliance (Administrative)	31	31
	Inactive/Referred Cases	3	3
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	1	-

**B. SOLID AND HAZARDOUS WASTE**

1.	FDEP Permits Received	0	0
2.	FDEP Permits Reviewed	0	0
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	0	2
4.	Other Permits and Reports		
	County Permits Received	1	2
	County Permits Reviewed	0	1
	Reports Received (SW/HW + SQG)	19	30
	Reports Reviewed (SW/HW + SQG)	29	34
5.	Inspections (Total)		
	Complaints (SW/HW + SQG)	17	17
	Compliance/Reinspections (SW/HW + SQG)	8	7
	Facility Compliance	17	18
	Small Quantity Generator Verifications	138	107
	P2 Audits	0	0
6.	Enforcement (SW/HW + SQG)		
	Complaints Received	19	15
	Complaints Closed	16	17
	Warning Notices Issued	0	4
	Warning Notices Closed	1	1
	Compliance Letters	45	51
	Letters of Agreement	0	0
	Agency Referrals	7	4
7.	Pamphlets, Rules and Material Distributed	39	53

**C. STORAGE TANK COMPLIANCE**

1.	Inspections		
	Compliance	47	61
	Installation	8	2
	Closure	6	4
	Compliance Re-Inspections	3	1
2.	Installation Plans Received	3	4

**FY 14 - MONTHLY ACTIVITIES REPORT  
WASTE MANAGEMENT DIVISION**

	<u>FEB</u>	<u>MAR</u>
3. Installation Plans Reviewed	3	2
4. Closure Plans & Reports		
Closure Plans Received	4	2
Closure Plans Reviewed	4	1
Closure Reports Received	1	-
Closure Reports Reviewed	1	-
5. Enforcement		
Non-Compliance Letters Issued	34	43
Warning Notices Issued	-	-
Warning Notices Closed	-	-
Cases Referred to Enforcement	-	-
Complaints Received	1	-
Complaints Investigated	1	-
Complaints Referred	-	
6. Discharge Reporting Forms Received	-	-
7. Incident Notification Forms Received	-	3
8. Cleanup Notification Letters Issued	-	-

**D. STORAGE TANK CLEANUP**

1. Inspections	28	19
2. Reports Received	54	59
3. Reports Reviewed	50	56
Site Assessment Received	6	4
Site Assessment Reviewed	5	6
Source Removal Received	1	-
Source Removal Reviewed	4	-
Remedial Action Plans (RAP'S) Received	3	3
Remedial Action Plans (RAP'S) Reviewed	5	4
Site Rehabilitation Completion Order/No Further Action Rec'd	-	6
Site Rehabilitation Completion Order/No Further Action Revw'd	1	3
Active Remediation/Monitoring Received	26	20
Active Remediation/Monitoring Reviewed	21	24
Others Received	29	26
Others Reviewed	14	29

**E. RECORD REVIEWS**

20	12
12	14

**F. LEGAL PIR'S**

**FY 14 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

		<u>FEB</u>	<u>MAR</u>
<b>A. ENFORCEMENT</b>			
1.	New Enforcement Cases Received	-	1
2.	Enforcement Cases Closed	1	-
3.	Enforcement Cases Outstanding	26	27
4.	Enforcement Documents Issued	1	-
5.	Recovered Costs to the General Fund	\$ 100	\$ -
6.	Contributions to the Pollution Recovery Fund	\$ -	\$3,600
<b>B. PERMITTING/PROJECT REVIEW - DOMESTIC</b>			
1.	Permit Applications Received	19	23
	a. Facility Permit	1	5
	(i) Types I and II	-	-
	(ii) Type III	1	5
	b. Collection Systems - General	7	9
	c. Collection systems-Dry Line/Wet Line	11	9
	d. Residuals Disposal	-	-
2.	Permit Applications Approved	33	27
	a. Facility Permit	3	2
	b. Collection Systems - General	8	7
	c. Collection systems-Dry Line/Wet Line	12	8
	d. Residuals Disposal	-	-
	e. Final Construction Approval	10	10
3.	Permit Applications Recommended for Disapproval	-	-
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
4.	Permit Applications (Non-Delegated)	-	1
	a. Recommended for Approval	-	1
5.	Permits Withdrawn	-	-
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
6.	Permit Applications Outstanding	24	14
	a. Facility Permit	6	8
	b. Collection Systems - General	4	3
	c. Collection systems-Dry Line/Wet Line	5	3
	d. Residuals Disposal	-	-
7.	Permit Determination	9	5
8.	Special Project Reviews	-	2

**FY 14 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

		<u>FEB</u>	<u>MAR</u>
	a. Reuse	-	-
	b. Residuals/AUPs	-	2
	c. Others	-	-
<b>C. INSPECTIONS - DOMESTIC</b>			
1.	Compliance Evaluation	<b>19</b>	<b>19</b>
	a. Inspection (CEI)	7	13
	b. Sampling Inspection (CSD)	12	6
	c. Toxics Sampling Inspection (XSI)	-	-
	d. Performance Audit Inspection (PAI)	-	-
2.	Reconnaissance	47	26
	a. Inspection (RI)	8	15
	b. Sample Inspection (SRI)	1	1
	c. Complaint Inspection (CRI)	36	17
	d. Enforcement Inspection (ERI)	2	3
3.	Engineering Inspections	14	17
	a. Reconnaissance Inspection (RI)	1	2
	b. Sample Reconnaissance Inspection (SRI)	-	-
	c. Residual Site Inspection (RSI)	-	2
	d. Preconstruction Inspection (PCI)	-	1
	e. Post Construction Inspection (XCI)	13	12
	f. On-site Engineering Evaluation	-	-
	g. Enforcement Reconnaissance Inspection (ERI)	-	-
<b>D. PERMITTING/PROJECT REVIEW - INDUSTRIAL</b>			
1.	Permit Applications Received	<b>2</b>	<b>6</b>
	a. Facility Permit	2	5
	(i) Types I and II	-	3
	(ii) Type III with Groundwater Monitoring	1	-
	(iii) Type III w/o Groundwater Monitoring	1	2
	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	1	-
3.	Special Project Reviews	-	<b>1</b>
	a. Facility Permit	-	1
	b. General Permit	-	-
4.	Permitting Determination	-	-
5.	Special Project Reviews	<b>30</b>	<b>32</b>

**FY 14 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

		<b>FEB</b>	<b>MAR</b>
	a. Phosphate	3	8
	b. Industrial Wastewater	10	9
	c. Others	17	15
<b>E. INSPECTIONS - INDUSTRIAL</b>			
1.	Compliance Evaluation (Total)	<b>16</b>	<b>9</b>
	a. Inspection (CEI)	13	8
	b. Sampling Inspection (CSI)	3	1
	c. Toxics Sampling Inspection (XSI)	-	-
	d. Performance Audit Inspection (PAI)	-	-
2.	Reconnaissance (Total)	<b>12</b>	<b>8</b>
	a. Inspection (RI)	4	2
	b. Sample Inspection (SRI)	-	-
	c. Complaint Inspection (CRI)	8	6
	d. Enforcement Inspection (ERI)	-	-
3.	Engineering Inspections (Total)	3	10
	a. Compliance Evaluation (CEI)	3	8
	b. Sampling Inspection (CSI)	-	-
	c. Performance Audit Inspection (PAI)	-	-
	d. Complaint Inspection (CRI)	-	2
	e. Enforcement Reconnaissance Inspections (ERI)	-	-
<b>F. INVESTIGATION/COMPLIANCE</b>			
1.	Citizen Complaints		
	a. Domestic	<b>33</b>	<b>33</b>
	(i) Received	20	12
	(ii) Closed	11	21
	b. Industrial	<b>9</b>	<b>14</b>
	(i) Received	6	7
	(ii) Closed	3	7
2.	Warning Notices		
	a. Domestic	-	<b>5</b>
	(i) Issued	-	3
	(ii) Closed	-	2
	b. Industrial	<b>2</b>	<b>1</b>
	(i) Issued	1	1
	(ii) Closed	1	-
3.	Non-Compliance Advisory Letters	25	18
4.	Environmental Compliance Reviews	<b>124</b>	<b>124</b>
	a. Industrial	26	7
	b. Domestic	98	117

**FY 14 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

		<u>FEB</u>	<u>MAR</u>
5.	Special Project Reviews	14	13
<b>G. RECORD REVIEWS</b>			
1.	Permitting Determination	4	1
2.	Enforcement	-	1
<b>H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED (LAB)</b>			
1.	Air division	47	58
2.	Waste Division	-	-
3.	Water Division	20	24
4.	Wetlands Division	-	-
5.	ERM Division	175	169
6.	Biomonitoring Reports	-	7
7.	Outside Agency	21	16
<b>I. SPECIAL PROJECT REVIEWS</b>			
1.	DRIs	-	1
2.	ARs	-	-
3.	Technical Support	-	2
4.	Other	2	5



**FY 14 - MONTHLY ACTIVITIES REPORT  
WETLANDS MANAGEMENT DIVISION**

**FEB    MAR**

**ASSESSMENT REPORT**

**Agriculture Exemption Report**

# Agricultural Exemptions Reviews	-	-
# Isolated Wetlands Impacted	-	-
# Acres of Isolated Wetlands Impacted	-	-
# Isolated Wetlands qualify for Mitigation Exemption	-	-
# Acres of Wetlands qualify for Mitigation Exemption	-	-

**Development Services Reviews Performance Report**

# of Reviews	69	83
Timeframes Met	96%	96%
Year to Date	98%	98%

**Formal Wetland Delineation Surveys**

Projects	14	6
Total Acres	270	31
Total Wetland Acres	31	5
# Isolated Wetlands < 1/2 Acre	2	4
Isolated Wetland Acreage	0.58	0.92

**Construction Plans Approved**

Projects	14	17
Total Wetland Acres	40	53
# Isolated Wetlands < 1/2 Acre	1	5
Isolated Wetland Acreage	0.26	1.3
Impacts Approved Acreage	1.83	1.3
Impacts Exempt Acreage	1.69	0.67

**Mitigation Sites in Compliance**

Ratio	1	1
Percentage	100%	100%

**Compliance Actions**

Acreage of Unauthorized Wetland Impacts	1.80	0.20
Acreage of Water Quality Impacts	0.00	0.00
Acreage Restored	0.40	0.60

**TPA Minor Work Permit**

Permit Issued	28	28
Permits Issued Fiscal Year 2014	96	124
Cumulative Permits Issue Since TPA Delegation (07/09)	894	922

**REVIEW TIMES**

# of Reviews	291	349
% On Time	94%	94%
% Late	6%	6%

**FY 14 - MONTHLY ACTIVITIES REPORT  
WETLANDS MANAGEMENT DIVISION**

**FEB      MAR**

**A. General**

1.	Telephone conferences	645	730
2.	Unscheduled Citizen Assistance	250	409
3.	Scheduled Meetings	940	480
4.	Correspondence	1,515	1,959
1/ 5.	Intergency Coordination	59	69
1/ 6.	Trainings	70	29
1/ 7.	Public Outreach/Education	2	-
1/ 8.	Quality Control	154	40

**B. Assessment Reviews**

1.	Wetland Delineations	24	22
2.	Surveys	14	14
3.	Miscellaneous Activities in Wetland	18	21
4.	Mangrove	3	6
5.	Notice of Exemption	-	4
6.	Impact/Mitigation Proposal	9	6
7.	Tampa Port Authority Reviews	75	94
8.	Wastewater Treatment Plants (FDEP)	-	-
9.	Development Reg'n'l Impact (DRI) Annual Report	-	-
10.	On-Site Visits	75	154
11.	Phosphate Mining	6	1
12.	Comp Plan Amendment (CPA)	-	-
1/ 13.	AG SWM	1	1
	Sub-Total		

**Planning and Growth Management Review**

14.	Land Alteration/Landscaping	-	1
15.	Land Excavation	1	1
16.	Rezoning Reviews	14	15
17.	Site Development	23	19
18.	Subdivision	43	40
19.	Wetland Setback Encroachment	1	2
20.	Easement/Access-Vacating	-	-
21.	Pre-Applications	-	34
1/ 22.	Agriculture Exemption	-	-
	Sub-Total		
	<b>Total Assessment Review Activities</b>		

**C. Investigation and Compliance**

1.	Warning Notices Issued	14	2
2.	Warning Notices Closed	8	6
1/ 3.	Complaints Closed	28	19
4.	Complaint Inspections	35	29
5.	Return Compliance Inspections for Open Cases	41	20

**FY 14 - MONTHLY ACTIVITIES REPORT  
WETLANDS MANAGEMENT DIVISION**

	<u>FEB</u>	<u>MAR</u>
6. Mitigation Monitoring Reports	2	13
7. Mitigation Compliance Inspections	20	14
8. Erosion Control Inspections	2	17
9. MAIW Compliance Site Inspections	1	1
10. TPA Compliance Site Inspections	3	29
2/ 11. Mangrove Compliance Site Inspections	-	-
1/ 12. Conservation Easement Inspection	7	1

**D. Enforcement**

1. Active Cases	12	11
2. Legal Cases	3	3
3. Number of "Notice of Intent to Initiate Enforcement"	1	2
4. Number of Citations Issued	-	-
5. Number of Consent Orders Signed	1	3
6. Administrative - Civil Cases Closed	-	2
7. Cases Referred to Legal Department	3	3
8. Contributions to Pollution Recovery	\$ 500	\$ 2,770
9. Enforcement Costs Collected	\$ -	\$ 287

**E. Ombudsman**

1. Agriculture	2	3
2. Permitting Process & Rule Assistance	1	4
3. Staff Assistance	3	8
4. Citizen Assistance	2	5

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**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
FY 14 POLLUTION RECOVERY FUND  
10/1/2013 through 2/28/2014**

REVENUE		EXPENDITURES		RESERVES		NET PRF
EST. Beginning Balan	\$ 553,605	Artificial Reef	\$ 24,439	Minimum Balance	\$ 120,000	
Interest	\$ 1,579	Project Monitoring	\$ 179	PROJ. FY 15 Budgets	\$ 24,618	
Deposits	\$ 24,288	FY 14 Projects	\$ 109,200	Asbestos Removal	\$ 5,000	
Refunds	\$ 22					
Total	\$ 579,494	Total	\$ 133,818	Total	\$ 149,618	\$ 296,058



PROJECT		Project Amount	Project Balance
<b>FY 12 Projects</b>			
Bahia Beach Mangrove Enhancement	10132.102063.581990.5370.1187	\$ 56,700	\$ 56,700
Fertilizer Rule Implementation	10132.102072.581990.5370.0000	\$ 50,000	\$ 16,282
USGS Partnership	10132.102063.581990.5370.1188	\$ 25,000	\$ 18,750
		\$ 131,700	\$ 91,732
<b>FY 13 Projects</b>			
USF Fertilizer Study Peer Review	10132.102063.581990.5370.1189	\$ 25,000	\$ 25,000
Community Partnering Program	10132.102073.582990.5370.0000	\$ 15,000	\$ 15,000
		\$ 40,000	\$ 40,000
<b>FY 14 Projects</b>			
Mercury Collection Public Education	10132.102063.581990.5370.1176	\$ 5,000	\$ 5,000
Electric Car Charging Station Softwar	10132.102063.581990.5370.1175	\$ 4,200	\$ 4,200
Audubon Oyster Bar Restoration	10132.102063.582990.5370.1177	\$ 50,000	\$ 50,000
Lake Magdalene Outfall	10132.102063.582990.5370.1178	\$ 50,000	\$ 50,000
		\$ 109,200	\$ 109,200
			\$ 240,932

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
FY 14 POLLUTION RECOVERY FUND  
10/1/2013 through 3/31/2014**

REVENUE		EXPENDITURES		RESERVES		NET PRF
EST. Beginning Balan	\$ 553,605	Artificial Reef	\$ 24,439	Minimum Balance	\$ 120,000	
Interest	\$ 1,579	Project Monitoring	\$ 179	PROJ. FY 15 Budgets	\$ 24,618	
Deposits	\$ 65,058	FY 14 Projects	\$ 109,200	Asbestos Removal	\$ 5,000	
Refunds	\$ 22					
Total	\$ 620,264	Total	\$ 133,818	Total	\$ 149,618	\$ 336,828



PROJECT		Project Amount	Project Balance
<b>FY 12 Projects</b>			
Bahia Beach Mangrove Enhancement	10132.102063.581990.5370.1187	\$ 56,700	\$ 56,700
Fertilizer Rule Implementation	10132.102072.581990.5370.0000	\$ 50,000	\$ 16,282
USGS Partnership	10132.102063.581990.5370.1188	\$ 25,000	\$ 18,750
		\$ 131,700	\$ 91,732
<b>FY 13 Projects</b>			
USF Fertilizer Study Peer Review	10132.102063.581990.5370.1189	\$ 25,000	\$ 25,000
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Lake Magdalene Outfall	10132.102063.582990.5370.1178	\$ 50,000	\$ 50,000
		\$ 109,200	\$ 109,200
			\$ 240,932

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
FY 14 GARDINIER SETTLEMENT TRUST FUND  
10/1/2013 - 2/28/2014**

Fund Balance as of 10/1/13		\$ 61,515
Interest Accrued		50
Disbursements FY 14		61,565
Fund Balance		\$ -
Encumbrances Against Fund Balance:		
SP634 Cockroach Bay ELAPP Restoration		\$ -
Total Encumbrances		\$ -
Fund Balance Available		\$ -

**FINAL REPORT - FUND FULLY UTILIZED**

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## *ENVIRONMENTAL PROTECTION COMMISSION*

### *AGENDA ITEM COVER SHEET*

**Date of EPC Meeting:** April 24, 2014

**Subject:** Monthly Legal Case Summary

**Agenda Section:** Consent Agenda

**Item:** Legal and Administrative Services Division

**Recommendation:** None, informational update.

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

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

**Background:** In an effort to provide the Commission with timely information regarding legal challenges, the EPC staff provides this monthly summary. The update serves not only to inform the Commission of current litigation but may also be used as a tool to check for any conflicts they may have in the event a legal matter is discussed by the Commission. The summary provides general details as to the status of the civil and administrative cases. There is also a listing of cases where parties have asked for additional time in order to allow them to decide whether they will file an administrative challenge to an agency action (e.g. – permitting decision or enforcement order), while concurrently attempting to seek resolution of the agency action.

**EPC LEGAL DEPARTMENT MONTHLY REPORT**  
*March and April 2014*

**I. ADMINISTRATIVE CASES**

**Suzanne Bellerose** [14-EPC-001]: On February 14, 2014 the Appellant, Suzanne Bellerose filed a Notice of Appeal challenging the issuance of the TPA Minor Work Permit #56105 for the removal and replacement of a dock. The Appeal was deemed to be insufficient and an Order Dismissing Appeal with Leave to Amend was issued. The Appellant had until March 17, 2014 to file an amended appeal. On March 10, 2014 the Agency received an amended Notice of Appeal. This second Notice was deemed insufficient. An Order Dismissing Amended Appeal with Leave to Amend was issued. The Appellant had until March 26, 2014 to file a second amended appeal. No second amended appeal was filed and the permit was issued becoming a final order of the Agency. (AZ)

**James Baldor** [12-EPC-015]: On October 24, 2012, the Appellant, James Baldor, filed a request for an extension of time to file an Appeal challenging the Denial of Application for Minor Work Permit #53790. The extension has been granted and the Appellant filed an appeal in this matter on December 28, 2012. The appeal was transferred to a Hearing Officer on January 15, 2013, EPC filed a Motion for Summary Recommended Order and on February 20, 2013, the Hearing Officer ruled in favor of the EPC. The matter was heard at the August 15 2013 regular EPC meeting for consideration of a Final Order, however, the matter was continued with the intention to enter into settlement negotiations with the parties. The parties reached an agreement and a permit was issued on March 19, 2014. If no administrative challenges are received within the 20 day time allotment, the Appellant will dismiss the appeal and the matter will be closed. (AZ)

**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 has been placed in abeyance as the parties are discussing options.(AZ)

**Tampa Electric Company, Polk Power Station, Polk 2-5 Combined Cycle Conversion Project:** [12-EPC-016]: EPC is a commenting agency and potential administrative party to this DEP power station siting certification permit application and hearing. (RT)

**Joseph and Jennifer Ferrante** [12-EPC-006]: On May 7, 2012 the EPC received a Request for Variance or Waiver from Joseph and Jennifer Ferrante. The Applicant is requesting a waiver from a provision within the Submerged Lands Management Rules of the Tampa Port Authority regarding setback encroachments. A public hearing is scheduled for September 20, 2012 to consider the variance. The hearing was continued until further notice. (AZ)

**II. CIVIL CASES**

**Gregory S. Hart and Karin Hart** [13-EPC-008]: On October 9, 2013, the Plaintiffs filed a Complaint in Civil Court against the EPC alleging defamation. The EPC filed a Motion to Dismiss. Subsequently the Plaintiffs filed a Motion for Default Judgment. A Motion Hearing was held on March 31, 2014 in which the Court heard both the Plaintiffs' Motion for Default and the EPC's Motion to Dismiss. The EPC's Motion to Dismiss was granted with leave to amend and the Plaintiff's Motion for Default was denied. The Plaintiff has until April 21, 2014 to file an amended complaint. (RT).

**PATCO Transports, LLC and Chip Investment 2:** On July 28, 2011, the EPC staff received authority to take legal action for various solid waste/landfill violations, specifically unauthorized construction on a historic landfill. The parties entered into a Consent Order on August 25, 2011 to address the violations, however, the Respondent has not complied with the terms of the Consent Order. The Respondent has, among other things, failed to perform landfill gas monitoring and submit monitoring reports. The EPC Legal Department is attempting to resolve the matter but the Respondent has failed to respond in any way. A lawsuit is being prepared. (AZ)

**Oak Hammock Ranch, LLC, James P. Gill, III, as Custodian** [12-EPC-018]: On December 28, 2012 EPC was served a lawsuit regarding the Upper Tampa Bay Trail Wetland Impact Approval. The EPC has filed it Answer and affirmative defenses to the lawsuit. The Plaintiff has filed a voluntary dismissal and the case will be closed. (AZ)

**Greg and Karin Hart** [LEPC10-004]: On March 18, 2010 the Commission granted authority to take legal action against the Defendants Mr. and Mrs. Greg Hart for various impacts to wetlands that are violations of the EPC Act, Chapter 1-11 (Wetland Rule), and a conservation easement encumbering the Defendants' property. On March 29, 2010, the EPC filed a civil lawsuit in Circuit Court. The case was consolidated with a related Hillsborough County case seeking an injunction to remove fill from a drainage canal. A second mediation on January 21, 2011, resulted in a very limited partial settlement with EPC and full settlement with the County. A jury trial was held the week of September 19, 2011. The jury returned a verdict in favor of the EPC. Defendants filed a motion for new trial and an appeal of the jury verdict. The appeal was dismissed as premature and the request for a new trial was denied. The Defendants then appealed the denial of a new trial, which was dismissed. A hearing was held on February 13 and 23, 2012, to impose corrective actions and penalties. A Final Judgment Against Defendants was entered on March 5, 2012, requiring Defendants to restore the wetland and pay penalties. Defendants filed a Motion for Relief from Judgment dated May 22, 2012 and the court denied the motion on July 30, 2012. On July 31, 2012, the court awarded the EPC reasonable trial costs. The Harts moved for re-consideration of the Motion for Relief from Judgment denial and it was denied. An appeal of the denial was dismissed. The EPC moved for contempt for failure to restore the wetland, but the Court ordered the EPC to conduct the wetland remediation and charge the Harts. (RM)

**Dubliner North, Inc.** [LEPC09-015]: On September 17, 2009 the Commission granted authority to take legal action against Respondent for violations of the EPC Act and EPC Rules, Chapter 1-10 (Noise). A Citation to Cease and Order to Correct Violation was issued on July 24, 2009, the Respondent failed to appeal the citation and it became a final order of the Agency enforceable in court. On May 5, 2010 the EPC filed a civil lawsuit in Circuit Court. The Defendant did not respond to the complaint, thus a default was issued on September 30, 2010. A trial was set for the week of May 9, 2011. The parties attended court-ordered mediation on April 22, 2011. A Mediation Settlement Agreement was entered on April 22, 2011. On August 8, 2011, the EPC filed a Notice of Voluntary Dismissal. Defendant has not complied with the terms of the settlement, EPC filed a motion to enforce the Settlement and a hearing was held on August 2, 2012 and a Judgment Against Defendant was entered. The Defendant paid the negotiated penalty, but corrective actions are pending. (RM)

**U.S. Bankruptcy Court in re Jerry A. Lewis** [LEPC09-011]: On May 1, 2009 the U.S. Bankruptcy Court Middle District of Florida filed a Notice of Chapter 13 Bankruptcy Case regarding Jerry A. Lewis. On May 26, 2009, the EPC filed a Proof of Claim with the Court. The EPC's basis for the claim is a recorded judgment lien awarded in Civil Court against Mr. Lewis concerning unauthorized disposal of solid waste. The EPC is preparing to seek relief from the bankruptcy stay to get an award of stipulated penalties from the state court. The site remains out of compliance with applicable EPC solid waste regulations. (AZ)

**Grace E. Poole and Michael Rissell** [LEPC08-015]: Authority to take appropriate legal action against Grace E. Poole and Michael Rissell for failure to properly assess petroleum contamination in accordance with EPC and State regulations was granted on June 19, 2008. The property owner and/or other responsible party are required to initiate a site assessment and submit a Site Assessment Report. They have failed to do the required work and the EPC is attempting to obtain appropriate corrective actions. (AZ)

**Petrol Mart, Inc.** [LEPC07-018]: Authority to take appropriate action against Petrol Mart, Inc. to seek corrective action, appropriate penalties and recover administrative costs for improperly abandoned underground storage tanks and failure to address petroleum contamination was granted on June 21, 2007. The owner of the property is insolvent and the corporation inactive; however, the Waste Management Division intends on obtaining a judgment and lien on the property for the appropriate corrective actions. The Legal Department filed a civil lawsuit on September 26, 2007. The defendant was served with the lawsuit on October 12, 2007. The Court entered a default on November 9, 2007 for the Defendant's failure to respond. The EPC Legal Department set this matter for trial on March 26, 2008. The Court ruled in favor of EPC and entered a Default Judgment against the Defendant awarding all corrective actions, penalties of \$116,000 and costs of \$1,780. In the event the corrective actions are not completed the court also authorized the EPC to contract to have the site cleaned and to add those costs to the lien on the property. PRF monies were allocated in November 2008 to assist in remediating the site. (AZ)

**Tranzparts, Inc. and Scott Yaslow** [LEPC06-012]: Authority was granted on April 20, 2006 to pursue appropriate legal action against Tranzparts, Inc., Scott Yaslow, and Ernesto and Judith Baizan to enforce the agency requirement that various corrective actions and a Preliminary Contamination Assessment Plan be conducted on the property for discharges of oil/transmission fluid to the environment. The EPC entered a judicial settlement (consent final judgment [CFJ]) with Tranzparts and Yaslow only on February 16, 2007 (no suit was filed against the Baizans). The Defendants have only partially complied with the CFJ, thus a hearing was held on April 28, 2008, wherein the judge awarded the EPC additional penalties. A second hearing was held on January 25, 2010, for a second contempt proceeding and additional penalties. The Judge found the Defendants in contempt and levied stipulated penalties/costs, and a contempt order was executed by the judge on March 15, 2010 requiring the facility to temporarily shut down until the facility is remediated. On January 7, 2013 the EPC deemed the facility had met the CFJ-required remediation requirements, but other obligations are still due as are penalties and costs which have become a lien against the Defendants. (RM)

**Boyce E. Slusmeyer** [LEPC10-019]: On Sept 20, 2001 the EPC staff received authority to take legal action for failure to comply with an Executive Director's Citation and Order to Correct Violation for the failure to initiate a cleanup of a petroleum-contaminated property. The Court entered a Consent Final Judgment on March 13, 2003. The Defendant has failed to perform the appropriate remedial actions for petroleum contamination on the property. The EPC filed a lawsuit on October 7, 2010 seeking injunctive relief and recovery of costs and penalties. The EPC is waiting for the lawsuit to be served. (AZ)

### **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.



## *ENVIRONMENTAL PROTECTION COMMISSION*

### *AGENDA ITEM COVER SHEET*

**Date of EPC Meeting:** April 24, 2014

**Subject:** Request to hold a public hearing on June 19, 2014 to approve amendments to the Delegation Rule, Ch. 1-13, Rules of the EPC

**Agenda Section:** Consent Agenda

**Item:** Wetlands Management Division

**Recommendation:** Hold a public hearing at the Commission meeting on June 19, 2014, at 9 a.m., to consider amendments to the Delegation Rule, Ch. 1-13, Rules of the EPC.

**Brief Summary:** Pursuant to the EPC Act, the Commission must hold a noticed public hearing to approve or amend a rule. The EPC staff requests that the Commission approve scheduling a public hearing during its regularly scheduled meeting on June 19, 2014, at 9 a.m. to consider amendments to the Ch. 1-13, EPC Delegation Rule. The rule amendment is required by Florida Statutes to implement the existing State of Florida Environmental Resource Permitting (ERP) delegation program under which the EPC is operating. The rules to be amended are those updated Statewide ERP rules recently adopted by the DEP.

**Financial Impact:** No Financial Impact

**Background:** On December 13, 2011, the EPC and the Florida Department of Environmental Protection entered into a delegation agreement transferring a portion of the State environmental resource permitting (ERP) program to the EPC for implementation. In accordance with the delegation agreement, the EPC relies on Part III, Section 1-13.20, Rules of the EPC which includes the relevant sections of the state ERP rules. Pursuant to Section 373.4131(b)(2), Florida Statutes, the EPC must amend its local regulations to incorporate by reference the applicable rules adopted in the new Statewide ERP rules within 12 months after the effective date of the rules. The EPC staff is requesting a public hearing to consider adoptions of the new relevant sections of ERP, which include Chapters 62-330, 40D-1, 40D-4, 40D-40 and 40D-400, Florida Administrative Code and the Applicant's Handbook Volume I that is incorporated by reference in those rules.

Pursuant to Section 5.2 of the Hillsborough County Environmental Protection Act (EPC Act), the Commission must hold a noticed public hearing to approve a rule or rule amendment. The EPC staff requests that the Commission approve scheduling a rule amendment public hearing during its regularly scheduled meeting on June 19, 2014, at 9:00 a.m.

**RULES OF THE  
ENVIRONMENTAL PROTECTION  
COMMISSION  
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-13  
DELEGATION RULE**

**PART I (General Provisions)**

- 1-13.01 Intent**
- 1-13.02 Interpretation**
- 1-13.03 Conflicts**

**PART II (Wastewater Facility Program  
Delegation)**

- 1-13.10 SOA**
- 1-13.11 Applicable Standards**

**PART III (Environmental Resource  
Permitting – delegation)**

- 1-13.20 ERP Delegation Agreement**

**PART I (General Provisions)**

It is the Commission's intent that the Director make reasonable effort to coordinate EPC's regulatory activities with other appropriate agencies, either through delegation or other written agreement.

(1) To the extent possible, implementation of activities on behalf of another agency shall be incorporated and combined with activities of the EPC to minimize duplication. Precisely how activities will be combined shall be identified within the delegation, operating agreement, contract or memorandum of understanding between the affected agencies.

(2) To the extent appropriate, where EPC implements the authority of another agency pursuant to delegation, EPC shall apply the rules, standards, and criteria of the other agency as described in the written agreement.

(3) To the extent that EPC regulations require or provide more stringent standards for the protection of the public and the environment of Hillsborough County than the standards and criteria of another agency, provision will be made in the written agreement that recognizes this distinction, and as appropriate, sustains the more

stringent standards.

**1-13.02 INTERPRETATION.**

To the extent practicable and consistent with our enabling legislation, rules and regulations of another agency shall be interpreted and applied pursuant to delegation according to the meaning given by the other agency.

(1) Where another agency rule implemented by delegation requires submission of an application, notice or other information to the other agency, that rule will be interpreted as requiring submission to the Director.

(2) Where another agency rule implemented by delegation requires that the other agency receive submissions, make a decision, issue a document or take some action, it shall be interpreted as requiring these actions from the Director as provided in the written agreement.

(3) Where another agency rule requires submission of an application fee, provision for its allocation should be reflected in the written agreement with the Commission. Obligation to pay fees under EPC's chapter 1-6 shall be modified according to the written agreement. EPC will make every effort to avoid charging a local fee in addition to the other agency fee, insisting otherwise only to the extent that EPC's expenses in providing services are not fully covered.

**1-13.03 CONFLICTS.**

The provisions of this rule shall not affect the specific provisions contained in any written agreement, contract, delegation or memorandum of understanding, and shall not be used to create ambiguity where none exists in such written agreement.

**PART II (Wastewater Facility Program  
Delegation)**

**1-13.10 SOA.**

(1) When Commission staff exercise authority delegated from the Florida Department of Environmental Protection pursuant to the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Wastewater Facility Program Specific Operating Agreement entered into between the Secretary of the Department and the Commission, in reviewing, issuing or denying a permit or exemption, inspecting for compliance or enforcing standards and conditions within a permit issued by or on behalf of the Department, they shall use the Department rules in force at the time of the application. Said rules, generally referenced in section 1-13.11 below, are hereby adopted for the limited purpose provided by this paragraph.

(2) Notwithstanding EPC's authority to adopt more stringent standards for Hillsborough County, EPC has not elected to do so in this program as of this time. All of the standards applicable to the Wastewater Facility Program in Hillsborough County are equivalent to those of the Department.

**1-13.11 APPLICABLE STANDARDS.**

Department rules, standards and criteria applicable to the program addressed in this part include those pertaining to water quality; industrial and domestic wastewater facilities; resource recovery and management; damage assessment; underground injection; final agency action procedures; surface waters and water quality standards; ground water classes, standards and exemptions; wellhead protection; ground water permitting and monitoring; drinking water standards, monitoring, and reporting; permitting and construction of public water systems; wastewater treatment plant monitoring; detergents; collection systems and transmission facilities; reuse of reclaimed water and land application; wetlands application; wastewater facility permitting; wastewater residuals; animal feed lots; wastewater general permits; water quality based effluent limitations; treatment plant classification and staffing; and solid waste facilities.

**PART III (Environmental Resource**

**Permitting – delegation)**

**1-13.20 ERP Delegation Agreement**

(1) The Florida Department of Environmental Protection (Department) intends to delegate its authority under Chapters 373 and 403, Florida Statutes to regulate certain impacts to wetlands and other surface waters in Hillsborough County pursuant to Chapter 62-344, F.A.C., to the Commission, which requested such delegation and demonstrated to the Department that it has sufficient resources and procedures for the adequate administration and enforcement of a delegated environmental resource permitting (ERP) program. This program will be limited to the activities provided in the delegation agreement between the Department and the Commission.

a) The delegation agreement provides the Executive Director the authority to review specific activities on behalf of the Department and allows the Executive Director to issue one agency action document for a determination under the applicable state ERP program rules and the local Commission rules: Chapter 1-11 and Chapter 1-14. The standards for processing those permit applications shall be those standards approved under this rule chapter, in addition to the standards in Chapter 1-11 and Chapter 1-14. All other Commission rules, however, shall remain in full force and effect as it pertains to the regulated activities.

b) The administrative rules for processing the consolidated determinations shall be those adopted in the Commission's Administrative Procedures Rule Chapter 1-2, unless otherwise specifically provided for in this rule chapter. In the event the Commission's local administrative rules are in conflict with the procedural rules set forth in Chapters 120 and 373, Florida Statutes, the state statutes shall govern that specific conflict. The Executive Director shall review the activities eligible under the delegation agreement in accordance with the Commission's applicable local rules and with the following provisions:

(i) For those impacts to wetlands or other surface waters that are reviewed under Chapter 1-11 and qualify for review under the delegation agreement, the Executive Director, when deciding to authorize impacts to wetlands and other surface waters pursuant to the authority under the applicable rules, shall use the criteria in Sections 373.406, and 373.414(1), (5) and (8), Florida Statutes, as follows: (1) Whether the activity will adversely affect the public health, safety, or welfare or the property of others; (2) Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats; (3) Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling; (4) Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity; (5) Whether the activity will be of a temporary or permanent nature; (6) Whether the activity will adversely affect archaeological resources under the provisions of section 267.061, Florida Statutes; (7) The current condition and relative value of functions being performed by areas affected by the proposed activity; and (8) The cumulative impact of similar activities pursuant to section 373.414(8), Florida Statutes.

(ii) The Commission hereby adopts Chapters 62-330, 40D-1, 40D-4, 40D-40 and 40D-400, Florida Administrative Code and the Applicant's Handbook Volume I that is incorporated by reference in those rules. These rules are hereby incorporated by reference in accordance with Subsection 373.4131(2)(b)1., Florida Statutes for purposes of implementing the delegated state ERP program. Chapter III of the Southwest Florida Water Management District "Basis of Review" for Environmental Resource Permits as adopted by the Department and Southwest Florida Water Management District. Chapter III of the Water Management District "Basis of Review" dated August 2, 2006 is adopted by reference in this rule and shall be utilized by staff in their review under this Rule.

~~(iii) The Commission hereby adopts Sections 40D 4.301 and 40D 4.302, Florida Administrative Code for purposes of implementing the delegated state ERP program.~~

(2) The Executive Director, when processing applications under this delegation section, shall comply with any applicable noticing or other procedural requirements that apply to activities regulated under Part IV, chapter 373, Florida Statutes that are subject to the delegation agreement.

(3) The Executive Director, when processing applications under this delegation section, shall comply with the procedural requirements set forth in Section 120.60, Florida Statutes.

(4) The Executive Director shall maintain a list of final agency orders under this delegation in accordance with Section 120.53 and 120.533, F.S.

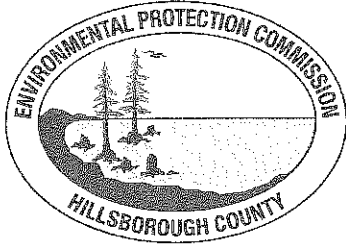
(5) As provided in Section 373.114, Florida Statutes, and if an appeal is sufficient and timely filed, a decision pursuant to delegation may be reviewed by the Florida Land and Water Adjudicatory Commission as appropriate.

Section History - Adopted July 17, 2008; Amended XXXX

Effective date:

Adopted 10/26/94  
Amended 08/19/99  
Amended 07/17/08  
Amended 03/18/10  
Amended





## **ENVIRONMENTAL PROTECTION COMMISSION**

### **AGENDA ITEM COVER SHEET**

**Date of EPC Meeting:** April 24, 2014

**Subject:** 2014 First Quarter Action Plan Updates

**Agenda Section:** Consent Agenda

**Item:** Executive Director Report

**Recommendation:** None – Informational Only

**Brief Summary:** In February 2014, EPC staff brought the finalized versions of the Agency's 2014 action plans to the Board for approval. These measurable action plans are divided into eighteen individual initiatives which support the Agency's strategic priorities for calendar year 2014. The first quarter status reports are listed for all eighteen.


**Financial Impact:** No Financial Impact.

**Background:** As part of the Agency's Sterling Management planning process and philosophy of continuous improvement, staff held a strategic planning retreat in December 2013. 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 efficiency. Since the Agency started this formal procedure in 2010, they have completed some forty-six of these initiatives.

The eighteen detailed action plans reflecting the Agency's strategic objectives for 2014 were brought to the Board in February 2014 and approved. 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 first quarter of 2014. The owners of select action plans are scheduled to present an overview of their project to the Board at regularly scheduled EPC Board meetings throughout the year.

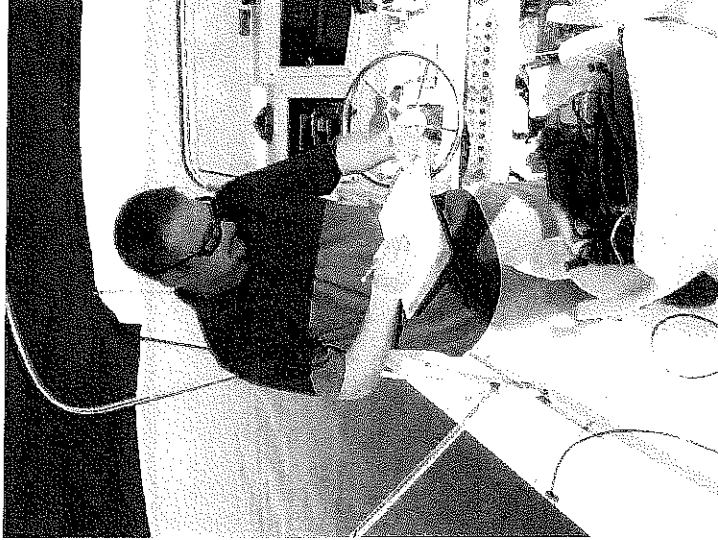
Many of the action plans are considered critical to the Agency's long term goal to qualify as a Governor's Sterling Award winning organization, similar to what the County's Tax Collector has already achieved.

## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
1.1 Protection of Groundwater & Soils	<p>Petroleum Program Transformation to Competitive Bidding and Site Rescoring</p> 	<p>All EPC Cleanup site managers complete required training for new FDEP procedures.</p>	<p>Staff has identified (2) required/necessary online training courses for My Florida Marketplace (MIFMP) at this time. Quiz/Completion Certification printouts due by 4/15/14 for each site manager.</p>
		<p>Establish new processes for workflow with an emphasis on paperless submittals and approvals.</p>	<p>Draft flowcharts have been created for paperless report submittals &amp; reviews and internal work flow processes for new FDEP procedures. A track-it has been submitted to create a new FTP for electronic report submittals.</p>

Identify necessary components of work to be tracked in the new workflow process. Utilize funds from the Petroleum Cleanup task assignment to procure necessary updates to the RTS SQL database.	FDEP procedures are not finalized so this task cannot be completed at this time. Scheduled for October 2014.
Identify useful benchmarks that will provide information to measure success in the section.	Scheduled for November 2014.

## 1st Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
1.2 Protection of Surface Waters	Nutrient Management Initiative	Meet water quality goals for all four major bay segments and major tributaries.	Baywide goals are 100% (5yr. Q1 avg.= 97.7 %) and Tributary goals are 72% (5yr. Q1 avg.=65.4%) through 1 <sup>st</sup> Quarter of 2014.
			
		Track number of TMDL, BMAP, and related nutrient management meetings attended.	Attended eight meetings and two webinars involving State and Federal baywide nutrient management initiatives.
		Track progress of ongoing fertilizer study.	Attended presentation on preliminary results at March ABM mtg.

Participate in community outreach focused on urban fertilizer users and stakeholders.

Prepared a display booth and related materials for the Hillsborough County Neighborhood Conf. in March.

Met with Susan Haddock at County Extension Service to coordinate message and speaking opportunities at HOA's and Civic Associations.



## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
1.3 Protection of Air Quality	Community Climate Adaptation (CA) Planning	Identify local experts working on CA and share information.	Met and/or talked with TBEP, Florida Sea Grant group, USF, County Public Works and Planning Commission - all working on Climate Adaptation. Agreed to participate in Florida Sea Grant Technical Working Group/Pinellas Extension. Beginning to coordinate sharing of information.
		Identify good scientific websites on CA.	Current list of websites and presentations now listed on the EPC J:/Drive for everyone's use.
		Identify expert to help educate EPC Board on CA.	Still TBD.

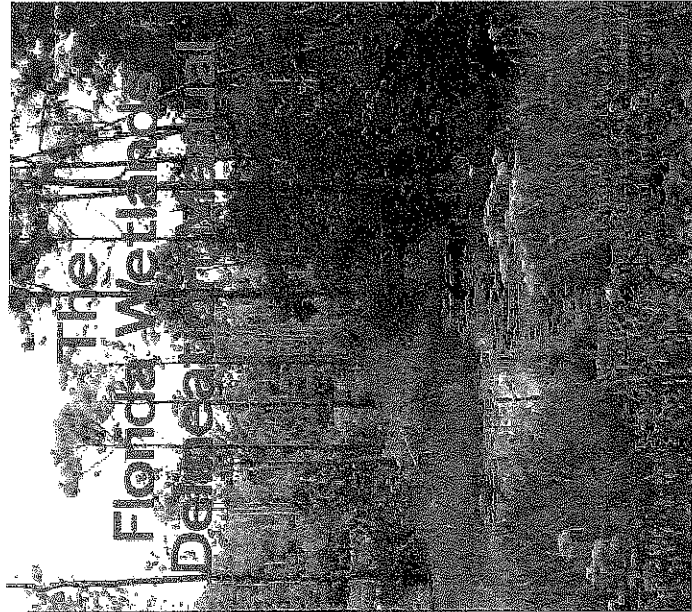


Determine the need for a new CA local group or join an existing group. Recently agreed to participate in Florida Sea Grant Regional Workgroup. Have identified a few County Public Works and Planning Commission staff with CA tasks. Still exploring a complete Hillsborough group.

Determine need for Hillsborough Climate Action Plan. Still exploring the need.

## Quarterly Update for 2014 Action Plans

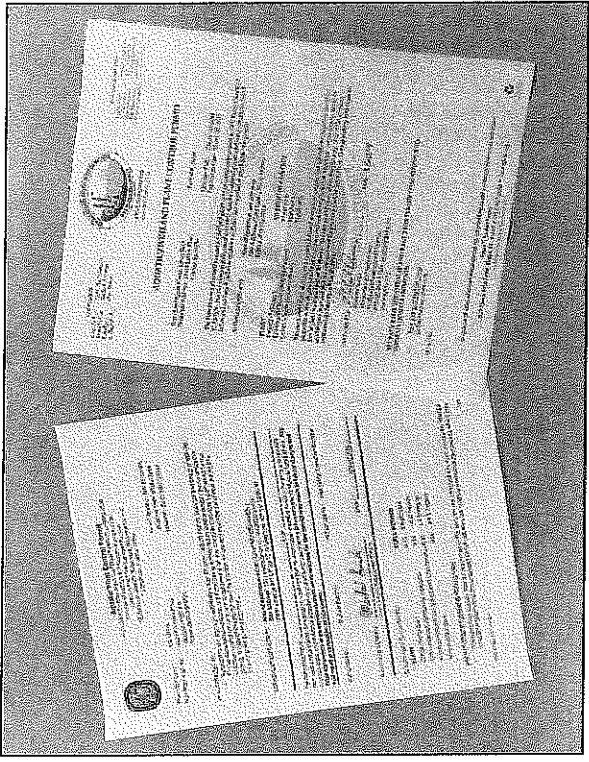
Strategic Objective	Action Plans	2014 Year End Goals	Status
1.4 Protection of Wetlands	1.4A - Enhanced Program Delegations and One Stop Permitting	Request to FDEP for delegation of formal wetland and surface water determinations by end of 2014.	Internal discussions have taken place and preliminary review/research of applicable rules to clarify the process.





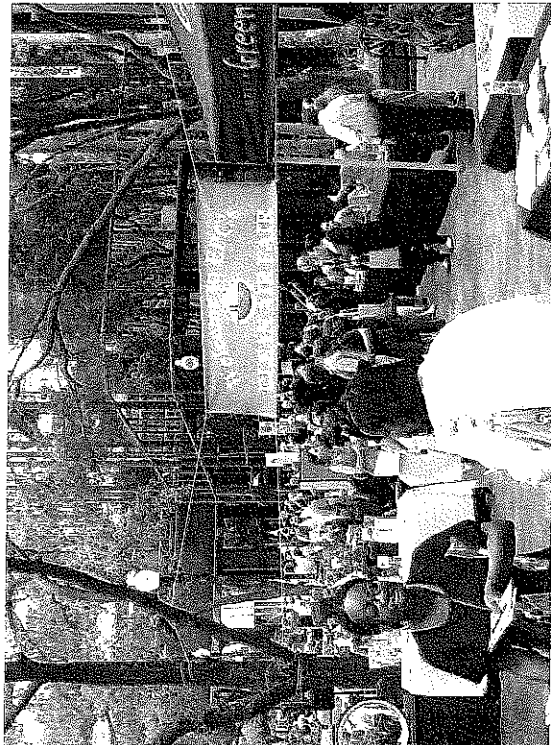
## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
1.4 Protection of Wetlands	1.4B - Enhanced Program Delegations and One Stop Permitting	Determine Florida Fish and Wildlife Conservation Commission (FWC) interest.	FWC was contacted in December 2013. FWC seemed interested in delegating vegetation removal permitting in Hillsborough County.
		Research applicable Rules and prepare a MOA.	The research of applicable statutes, procedures, and determination of available workforce has been completed.
		Develop MOA Agreement.	FWC has been contacted as recently as 3/28/14. An acceptable draft MOA format has not been agreed to. A face to face meeting or teleconference will be completed in May with FWC staff to increase communication and facilitate drafting of a MOA agreement.



## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goals	Status
1.5 Promote Environmental Stewardship	Enhanced Outreach	<p>Develop mechanism to obtain feedback at outreach events.</p> <p>Summarize data for analysis during Year-end strategic planning sessions.</p>	<p>Created 5-question General Public Questionnaire. Recorded results from over 40 surveys at 2 outreach events in March. Will continue with upcoming outreach events. Planning to make survey electronic for easier data insertion.</p>
		<p>Prepare summary of EPC's existing outreach efforts.</p>	<p>Discussed history of EPC's outreach activities with PIE Committee along with other efforts at publicizing EPC's name. DRAFT summary begun, and will include evaluation through PIE Committee. Report to be provided to outside consultant once determined.</p>



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Contact experienced consultant and arrange meeting with Agency regarding recommendations for best delivery mechanism for our environmental message.	Anticipated to occur during 2 <sup>nd</sup> Quarter.
Contract with consultant to generate a formal report.	Anticipated to occur during 2 <sup>nd</sup> Quarter.
Ensure completion of report and distribution to selected staff for review. Utilize ideas from study for future outreach efforts.	Anticipated to occur during 3 <sup>rd</sup> and 4 <sup>th</sup> Quarters.

## Quarterly Update for 2014 Action Plans

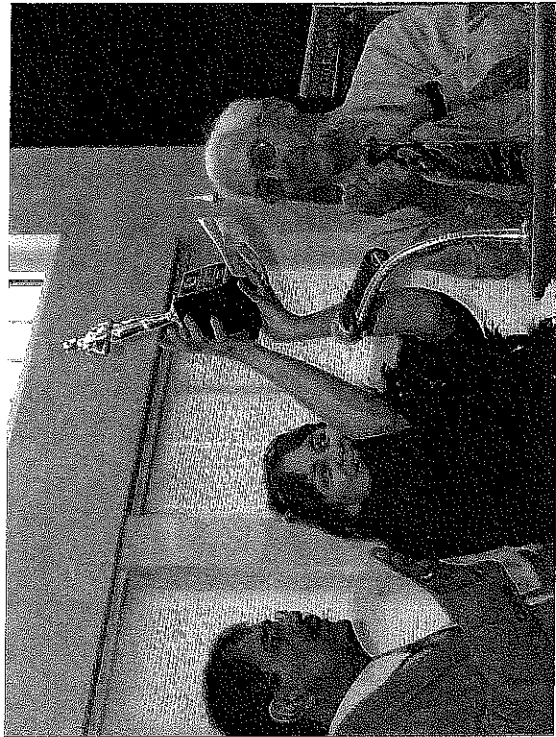
Strategic Objective	Action Plans	2014 Year End Goal	Status
2.1 Employee Training and Development	Customer Feedback Database Regarding Employees	Obtain employee input	Formed agency committee with representative of each Division to discuss implementation of citizen comment database. Started obtaining employee input regarding database design.
		Identify database structure and cost analysis	Began database feasibility analysis with MIS representative
		Collect, organize and analyze customer compliments/complaints	Staff is discussing how the information will be gathered and stored
		Obtain approval of funding and database structure	Estimated completion June 2014



Develop database and begin inputting comments	Estimated completion July 2014
Summarize data and generate a report	Estimated completion July 2014
Identify trends to facilitate continuous improvements to service	Estimated completion November 2014

## Quarterly Update for 2014 Action Plans

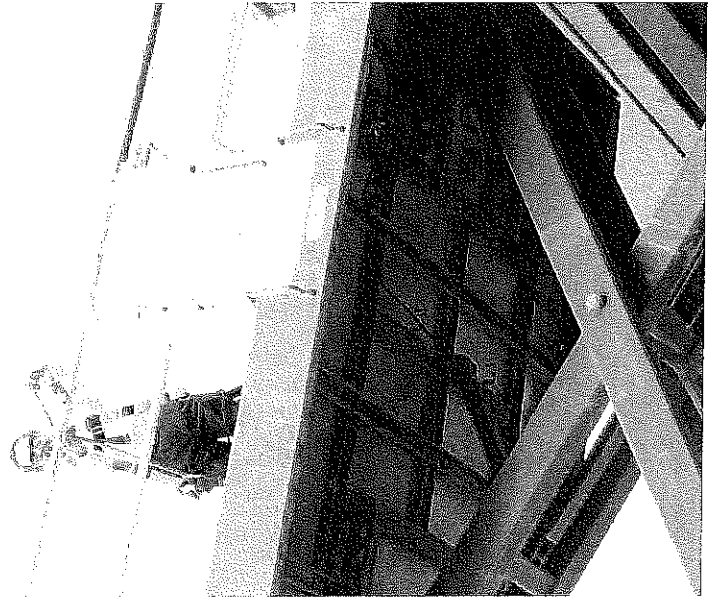
Strategic Objective	Action Plans	2014 Year End Goal	Status
2.2 Employee Satisfaction	Employee Recognition Program	Comprise a summary of reasonable and meaningful staff recognitions.	<p>A Committee was formed, researched any existing policies. A budget of \$10,000 was established dependent upon FY.</p> <p>Committee solicited EPC staff for ideas, online research was performed, and the use of social software was explored.</p>
		Develop incentives and policies for approved methods of recognitions.	Scheduled for development in upcoming months.
		Release final version of an Employee Recognition Program Agency-wide.	To be released following development of program.



Look for +2% Increase in staffs' response on future surveys regarding morale, satisfaction, and recognition questions. To be completed following program implementation.

## Quarterly Update for 2014 Action Plans

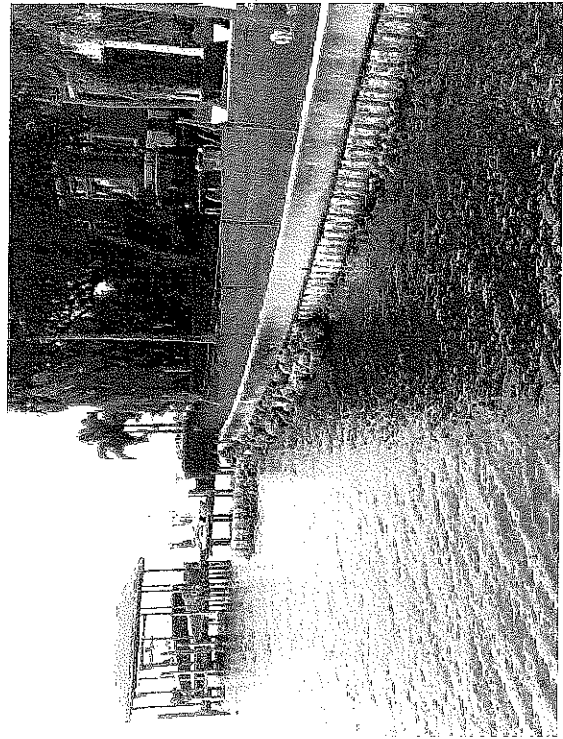
Strategic Objective	Action Plans	2014 Year End Goal	Status
2.3 Employee Empowerment	Health & Safety Evaluation	3/2014- Establish Action Plan Committee and initiate meetings.	Complete. Committee members have been approved by their respective Division Directors and notified of their participation and pending meeting schedule.
		4/2014-Obtain, review, and evaluate existing safety SOPs, processes and workflows.	Initiated. An initial collection of EPC and County policies have been collected. A policy document for field safety has been drafted for other purposes and is being brought in to the AP.
		4/2014-Conduct interviews with existing Safety team and Staff.	Quarter 2 goal.
		6/2014-Perform GAP analysis and develop summary findings.	Quarter 3 goal.
		7/2014-Update Action Plan goals and seek contracted outside assistance if deemed necessary.	Quarter 3 goal.





## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
3.1 Customer Satisfaction	Tampa Port Authority Minor Work Permit Rule Analysis	Complete written TPA Rule /Policy/Work Practice analysis for Minor Work Permit processes.	Gathered team for inaugural meeting and evaluated potential problems with existing rules.
		Begin Analysis of delegated rules, policies and work practices.	Analysis is to be conducted through May 2014.
		Map current application processes for streamlining.	To be conducted in May 2014.
		Host a workshop with dock contractors, waterfront HOA's and other stakeholders for input on rule analysis and process.	To be conducted in July 2014.



Complete written TPA Rule analysis for Minor Work Permits with recommendations for revisions and draft an SOP for application processing.

To be completed September 2014.

Get direction from TPA and EPC Boards to adopt any potential TPA Rule changes.

To be completed October 2014.

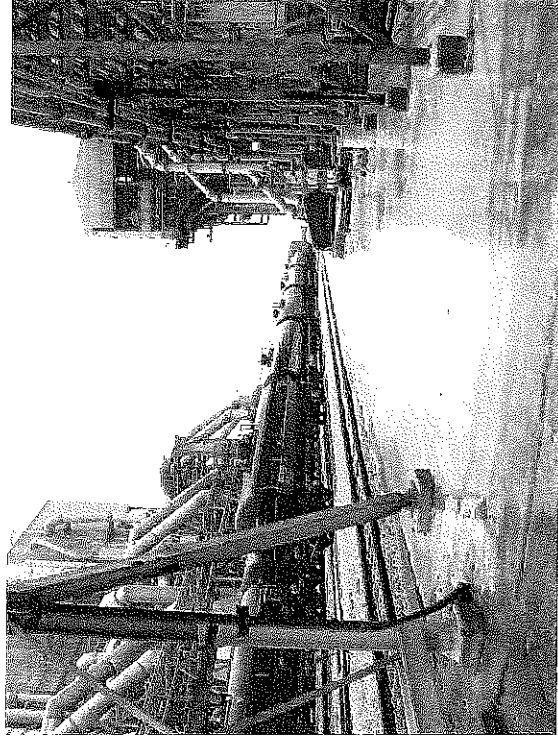
## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plan	2014 Year End Goals	Status
3.2 Partnering Relationships	Improved Communication on Priority Economic Projects	Efficiency in EPC permitting for partners and applicants when proposing priority economic projects in Hillsborough County.	Met with Planning Commission to preliminarily discuss Action Plan. Met with Economic Development Department to discuss screening of sites for their Competitive Sites List.



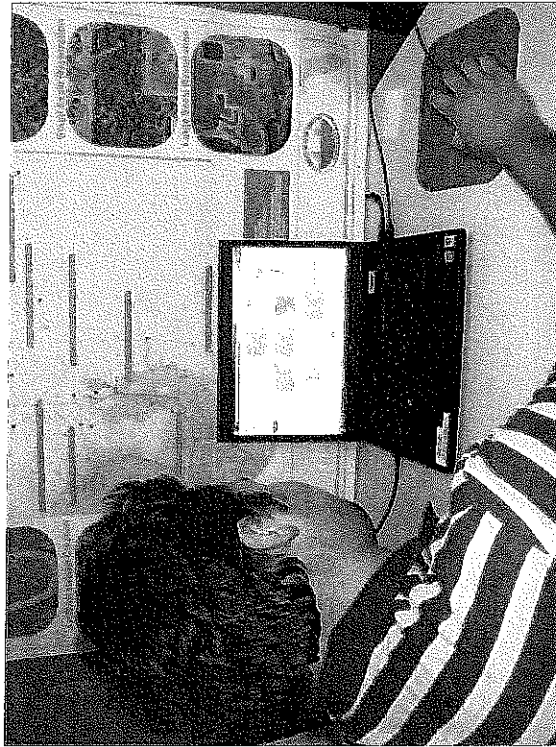
## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goals	Status
3.3 Stakeholder Relationships	Permitting Policy Improvements (PPI)	Develop Draft PPI Policy to reduce non-delegated processing times by 15% and RAIs by 25% from 2013 levels.	Created PPI Committee in February, which consists of representatives of each Division. PPI Committee has met twice, and is reviewing all the Agency procedures in order to establish review criteria and timelines.
		Eliminate backlog of non-delegated permits in-house over 6 months.	Will begin after development of the PPI Policy.



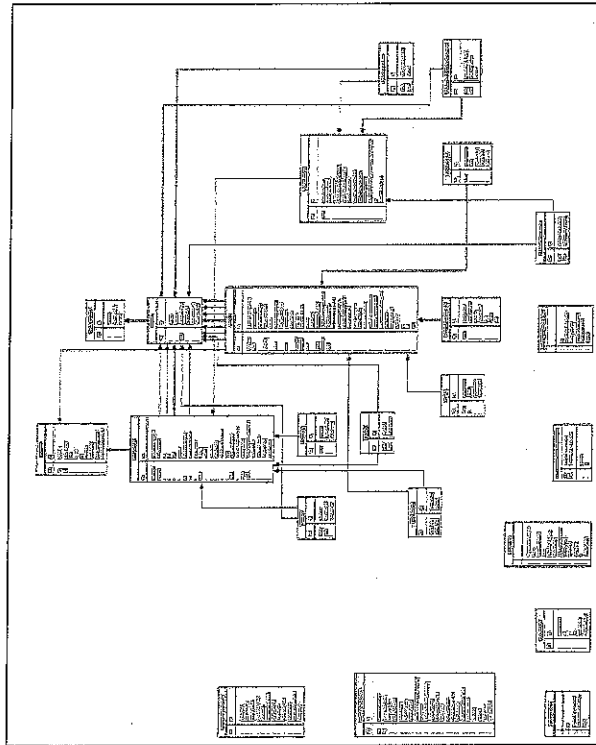
## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
4.2 Control Expenditures	4.2A - Efficiency Through Connected Databases (ArcGIS Online Feasibility Test)	Recruit GIS interns to assist in R&D	Complete, Interns on-board, on-target and working hard.
		Contact/Meet with ESRI Rep for assistance and support.	Complete, multiple calls and emails performed
		Research existing successful GIS Online sites	Complete
		Interview select GIS Users for input and education	Complete
		Conduct ESRI ArcGIS Online Free Trial	In progress, sign up for trial not necessary



## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
4.2 Control Expenditures	4.2B - Efficiency Through Connected Databases (Connected database Feasibility Test)	Identify and provide a quote to connect database fields identified by Database users group as functionally desirable.	Enlisted database consultant to map a single database as a test. EPC access credentials created and tested.
			Consultant mapped a single database and provided results to EPC.
			Results collected and presented to Database user group subcommittee of LThorne and PNoblitt for review of format and usability.
			Approval to proceed with mapping of remaining databases granted to contractor.



## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goals	Status
5.1 Process Performance	Benchmarking EPC	Evaluate Joining Florida Benchmarking Consortium	Completed. Made recommendation to pursue other alternatives.
		Form Benchmarking Committee & Matrix for Selection of Measures to be Benchmarked	Completed
		List possible KPMs, IPMs and Customer Survey and Employee Survey data to benchmark	Partially Completed. Committee met on 3/20/2014 to discuss and a second meeting is scheduled in April.
		Continue investigating sources of comparable data; conduct progress meeting	Ongoing. Progress meeting scheduled in April



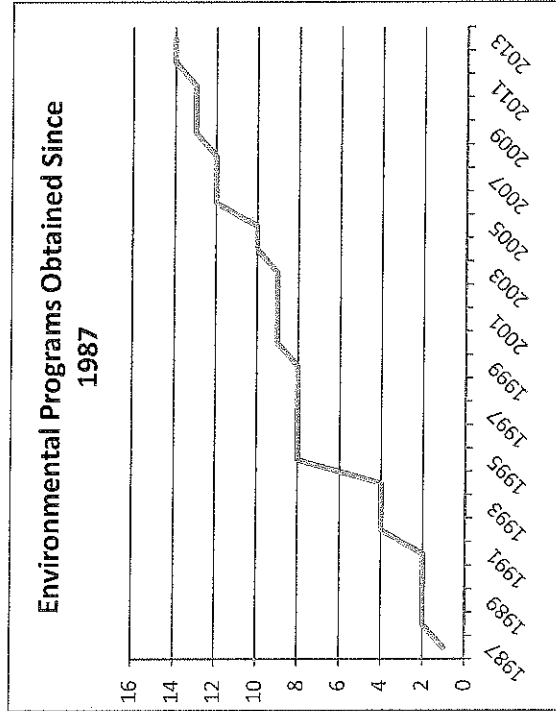
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Find sources of outside customer service & employee satisfaction data readily available	Ongoing. Scheduled for completion in May
Finalize recommended measures and benchmarking sources	Scheduled for completion in June
Senior Staff approval of suggested measures & benchmark sources	Scheduled for June
Set up method/process of comparable data extraction	Scheduled for August
Perform first benchmarking evaluation using multiple year comparisons	Scheduled for September



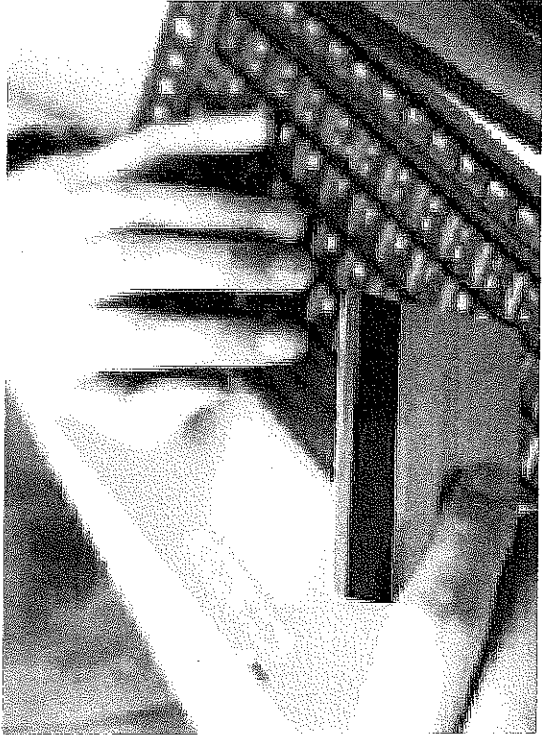
## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goals	Status
5.1 Process Performance	Continuous Process Improvement Committee	MAR 2014: Establish Continuous Process Improvement Committee.	Established a six (6) member Continuous Process Improvement Committee. Held first committee gathering on MAR 20, 2014.
		APR 2014: Through committee interaction, define criteria for determining an "innovative process".	Committee member input has been submitted to action plan owner. Information is currently being compiled for dissemination to committee members for further evaluation and final determination.  Meeting with advisor scheduled for APR 7, 2014 to review and critique committee approved criteria and seek advisor input.



## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goals	Status
5.2 Improve the Usage of Technology & E-Pay	Online Applications & E-Pay	Have 10% of EPC applications submitted in the fourth quarter of 2014 done so on-line	Posted 1 <sup>st</sup> EPC application on website which accepts electronic credit card payment in March 2014
		Have all EPC applications in a standard format and accepted on-line	Assembled Agency-wide Committee to determine which EPC applications would be standardized and posted on-line; Nineteen (19) EPC applications were chosen for standardization and on-line submittal
		Implement a seamless, integrated on-line application submittal and E-Pay System	Reached out to Julie Wisdom (County Finance Department). Will follow-up with meeting request by end of April



## Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
5.3 Leadership Development & Succession Planning	Governor's Sterling Award Application	Improve the Action Plan selection process and document same.	This was completed and inserted in the Strategic Plan.
		Have each director initiate an innovative practice in their division.	Not completed yet.
		Apply LEAN principles to each of the 2014 Action Plans.	This was completed.
		Develop long term goals and select measures for each.	This was completed and inserted in the Strategic Plan.



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Evaluate the key elements that motivate employees.	This was completed and new key elements are listed in the Strategic Plan.
Have focus groups meet with select employees.	Not completed yet.
Develop an agency-wide employee recognition program.	Addressed in Action Plan 2.2 which is in progress.
Get Board approval to fund application process.	Cost has been submitted to the County Administrator as an enhancement for FY 15.
Establish employee complaint and compliment system.	Addressed in Action Plan 2.1 which is in progress.
Evaluate employee health & safety	Addressed in Action Plan 2.3 which is in progress.

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program.

Improve Outreach. Addressed in Action Plan 1.5 which is in progress.

Benchmark the Agency's performance. Addressed in Action Plan 5.1 which is in progress.

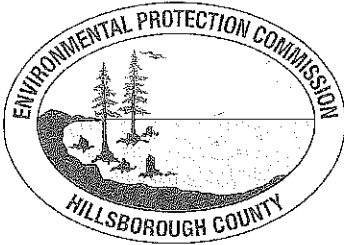
Pursue continuous process improvement. Addressed in Action Plan 5.1 which is in progress.

Assemble GSA team and start the application. Schedule is set with initiation in September 2014.

Complete Categories 1-7 in the application. Drafting starts in October 2014.

Prepare final draft of GSA application and submit it. Final drafting starts in April 2015.

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## *ENVIRONMENTAL PROTECTION COMMISSION*

### *AGENDA ITEM COVER SHEET*

**Date of EPC Meeting:** April 24, 2014

**Subject:** A Resolution to Honor Mr. Sydney Potter

**Agenda Section:** Regular Agenda

**Item:** Executive Director Report

**Recommendation:** Pass a resolution honoring Sydney Kenneth Potter Sr. for a lifelong dedication and commitment to civic activism.

**Brief Summary:** Mr. Sydney Kenneth Potter Sr. Was a lifelong resident of Hillsborough County. Mr. Potter and his Wife, Thalia, spent most of their time the last several decades performing civic duties for this community.

**Financial Impact:** No Financial Impact

**Background:** Mr. Sydney Kenneth Potter Sr. and his wife of 69 years, Mrs. Thalia Lunsford Potter, built their home on the Hillsborough River in 1955 and became the voice of the gently flowing river. Mr. Potter worked tirelessly to protect the river and helped form the Friends of the River organization to ensure the long term health of Tampa's main tributary.

Mr. Potter was the driving force behind CRAM, the Citizens for Responsible Application of Malathion, after an outbreak of Mediterranean fruit flies threatened the local citrus crops in the early 1980's. Mr. Potter and CRAM opposed the State's indiscriminate spraying of Malathion and succeeded in convincing the State to use sterilized male Mediterranean flies which successfully solved the problem.

In 2008, Mr. and Mrs. Potter were honored by the League of Women Voters of Hillsborough County, which established the "Sydney and Thalia Potter Civic Leadership Award" to recognize people committed to good government, protection of the environment, and community activism.

Sydney Kenneth Potter Sr. died at his home on Monday, March 24, 2014.

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## *ENVIRONMENTAL PROTECTION COMMISSION*

### *AGENDA ITEM COVER SHEET*

**Date of EPC Meeting:** April 24, 2014

**Subject:** Acknowledging the student recipient of EPC's Environmental Merit Award at the 34th Annual Hillsborough Regional Science, Technology, Engineering and Mathematics Fair.

**Agenda Section:** Regular Agenda

**Item:** Executive Director Report

**Recommendation:** For Information Only

**Brief Summary:** On February 11<sup>th</sup>, 2014 staff of the EPC recognized a high school student for his outstanding science project at the 34th Annual Hillsborough Regional STEM Fair.

**Financial Impact:** Financial Impact to Fund is \$110 to be paid out of existing funds.

**Background:** On February 11, 2014 staff of the EPC recognized Gautam Krishna Koipallil, a student at Middleton High School, for his outstanding science project at the 34<sup>th</sup> Annual Hillsborough Regional Science, Technology, Engineering and Mathematics Fair.

He received an EPC certificate and will receive a one-year membership to the Florida Aquarium for receiving EPC's Environmental Merit Award.

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## *ENVIRONMENTAL PROTECTION COMMISSION*

### *AGENDA ITEM COVER SHEET*

**Date of EPC Meeting:** April 24, 2014

**Subject:** Tampa Bay Estuary Program Annual Update

**Agenda Section:** Regular Agenda

**Item:** Water Management Division

**Recommendation:** Informational Report

**Brief Summary:** Ms. Holly Greening, Executive Director of the Tampa Bay Estuary Program will provide an update on the environmental successes of the past year and a brief summary of the benefits of the various TBEP initiatives for Hillsborough County and its citizens.

**Financial Impact:** No Financial Impact

**Background:** The Tampa Bay Estuary Program is celebrating its 25<sup>th</sup> Anniversary and Ms. Holly Greening, Executive Director of the Tampa Bay Estuary Program, will provide an update on the environmental successes of the past year and a brief summary of the benefits and return on investment of the various TBEP initiatives for Hillsborough County and its citizens.

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## ENVIRONMENTAL PROTECTION COMMISSION

### AGENDA ITEM COVER SHEET

**Date of EPC Meeting:** April 24, 2014

**Subject:** Update on the EPC's Molten Sulfur Workgroup; FDEP/EPC 2013 Ambient Monitoring Network Plan; Clean Air Month & Fair

**Agenda Section:** Regular Agenda

**Item:** Air Management Division

**Recommendation:** Informational Report

**Brief Summary:** EPC Staff will be providing an update to the Board on its progress to date on working with the Molten Sulfur Industry to develop Best Management Practices to prevent and minimize sulfur fires and spills, along with the designation of May as Clean Air Month, and the hosting of EPC's 13<sup>th</sup> annual Clean Air Fair and Photo Contest at Poe Plaza. In addition, EPC Staff will be informing the Board of EPA recent approval of the FDEP/EPC's 2013 Ambient Air Monitoring Network Plan, which was recognized by EPA for having highest population coverage of any state in the Southeast.

**Financial Impact:** No Financial Impact

#### **Background:**

##### Molten Sulfur Workgroup Update

In response to several August 2013 sulfur fires at Gulf Sulphur Services' Hookers Point site, EPC Staff was directed by the Board during the September 19, 2013 EPC Meeting to work the Molten Sulfur Industry to use the existing EPC rules and State permits to require regular inspection and maintenance programs for sulfur tanks in Hillsborough County to reduce the chance of sulfur fires and spills. This was to include improved emergency notification procedures and better communications with the Port and affected Fire Rescue Departments. EPC staff created a Molten Sulfur Workgroup consisting of industry representatives from the 4 different companies that handle molten sulfur in the County, and has held several meetings with industry representatives to develop Best Management Practices, which can be incorporated into their existing permits to prevent and minimize fires and spills. EPC staff is providing an update to the Board on their progress to date and some of the significant findings of Gulf Sulphur Services' in-house investigation and corrective actions.

##### Clean Air Month & Fair

Once again this year, EPC is celebrating the month of May as Clean Air Month, and will be hosting on May 1, 2013 the 13<sup>th</sup> *Annual Clean Air Fair* at Poe Plaza in downtown Tampa from 11:30am-1:30pm. The *Clean Air Fair* is the signature public outreach event organized annually by EPC, and is typically attended by over an estimated 1,000 visitors each year and includes over 40 exhibitors. EPC established this year's theme for Clean Air Month as "*Environmental Stewardship Begins With...YOU!*", which is intended to remind us that environmental protection starts with each individual's awareness, attitude and actions, and by working together, we can protect our natural surroundings for a healthier and more sustainable future. The goal of the fair is to highlight local air quality, to

**List of Attachments:** [Double-click to list any attachments or put "None."]

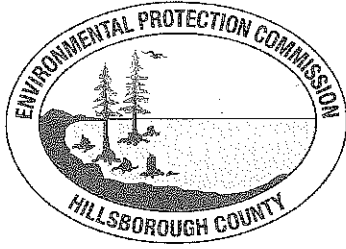
promote a healthy environment through public education, and to recognize environmentally-conscious organizations and companies that contribute towards making our community a better place to live.

As part of Clean Air Month, EPC is hosting the *13<sup>th</sup> Annual EPC Clean Air Month Photo Contest* in conjunction with the Hillsborough County School System. The contest is eligible to all Hillsborough County high school students, and added this year were select middle schools which focus on an arts or environmental curriculum. The winning photographs will be displayed at the *Clean Air Fair*, in the County Center lobby, and the EPC lobby. The winning photographs are also scheduled to be recognized in May during the EPC Board meeting.

#### FDEP/EPC 2013 Ambient Air Monitoring Network Plan

On November 22, 2013, The US-EPA approved the Florida Department of Environmental Protection's 2013 Annual Ambient Air Monitoring Network System Plan for 2013 for the State of Florida, which includes 206 air monitors (35 in Hillsborough County) placed strategically throughout the state, covering 91 percent of Floridians. Florida, the fourth-most populous state, has the highest percentage population coverage of any Southeastern state and second-highest among the six most populated states.

The FDEP/EPC network adheres to federal regulations by monitoring for ozone, particulate matter, nitrogen dioxide, sulfur dioxide, carbon monoxide and lead, and uses these monitors to ensure compliance with federal air quality standards and state rules.



## *ENVIRONMENTAL PROTECTION COMMISSION*

### *AGENDA ITEM COVER SHEET*

**Date of EPC Meeting:** April 24, 2014

**Subject:** Completion of Board Directive to Facilitate Solution to Boat Lift Dispute

**Agenda Section:** Regular Agenda

**Item:** Wetlands Management Division

**Recommendation:** Informational report. No Board action needed if appellant agrees to dismiss suit.

**Brief Summary:** Facilitation efforts as directed by the Board have proved successful. The neighbors have agreed to a location for the placement of a boat lift.

**Financial Impact:** No further staff or Board time would be required upon dismissal of suit.

#### **Background:**

On August 15, 2013, the Board of the Environmental Protection Commission directed EPC's Director of the Wetlands Management Division (Dr. Emery) to pursue a settlement to the ongoing dispute between Mr. Javier Baldor and Mr. Paul Byrum over the placement of a boat lift structure. This neighborhood dispute has resulted in an administrative challenge based on the EPC's denial of an application to install a boatlift within the neighbor's setback. After lengthy facilitation efforts on the part of staff and cooperation between the neighbors, we are pleased to report that the two neighbors have reached a settlement which tentatively should result in the administrative action being closed. Mr. Baldor's modified application has been processed by EPC and has become final with respect to the entities who received a copy of the permit. EPC staff believes there is no longer a need to continue with the administrative challenge based on the modified application and the subsequent approval of the structure. EPC has requested of the appellant that his appeal be formally dismissed based on the matter becoming moot. As of the date of this agenda item being processed, EPC is awaiting that dismissal notice. Upon receipt of a voluntary dismissal, the administrative case will be closed.

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## *ENVIRONMENTAL PROTECTION COMMISSION*

### *AGENDA ITEM COVER SHEET*

**Date of EPC Meeting:** April 24, 2014

**Subject:** Update on Environmental Bills at the 2014 Florida Legislature

**Agenda Section:** Regular Agenda

**Item:** Legal and Administrative Services Division

**Recommendation:** Informational Report Only

**Brief Summary:** The 2014 Florida Legislative Session began March 4, 2014 and will end Friday May 2, 2014. EPC staff presented an initial summary of relevant environmental bills at the Commission meeting in February. Staff will provide a brief update regarding those bills.

**Financial Impact:** No Financial Impact

**Background:** The 2014 Florida Legislative Session commenced on March 4, 2014. It lasts for 60 days and will end Friday May 2, 2014. The EPC staff tracks dozens of environmental and administrative bills and the State budget. Additionally staff provides comments, analysis, and assistance to the County's Public Affairs Office, the Florida Association of Counties, and the Florida Local Environmental Resource Agencies (FLERA). The Commission approved a basic legislative strategy (EPC Policy No. 2007-02) on March 15, 2007, that gives staff continuing direction to monitor, comment on, and lobby for, among other things, bills that impact the functions of the EPC. EPC staff presented an initial summary of environmental bills at the Commission meeting February 20, 2014.

The following are a few bill of interest:

**HB 49 - Springs Revival Act**

**Sponsors:** Senator Soto and Reps. Stewart, Saunders, and Watson

**Related Bills:** SB 76

**Summary:** Requires the water management districts to identify first and second (i.e. large) magnitude springs that appear to have lower water levels or poorer water quality, then develop a 5-year plan to restore them, and authorizes the districts to adopt rules and issue orders. Quarterly reports to the Governor and legislative leaders will be required. There are no first magnitude springs in Hillsborough County, but about six second magnitude springs.

**UPDATE:** These bills have not been to one committee and the focus has been on a different set of springs bills (SB15767/HB1313), thus it appears these will not pass.

**SB 1576: Springs**

**Sponsor:** Senator Dean

**Committees:** Environmental Preservation and Conservation; Agriculture; and Appropriations.

**Related Bills:** HB1313

**List of Attachments:** None

**Summary:** The bills focus on spring shed protection and funding sources. It assigns flow protection to the Water Management Districts and water quality protection to the Florida DEP. None of the protected springs are in Hillsborough, so this bill would not impact us. It is environmentally protective and expensive legislation. The Senate Bill second Committee Substitute is in its third and last committee. This springs bill has support in the Senate, but not the House mainly due to cost and added regulations. The following are a few concepts being proposed:

- Protections proposed in the bill to Florida's 33 first-magnitude springs (flows greater than 100 cubic feet per second or 64 mgd) and six other identified springs: DeLeon, Peacock, Poe, Rock, Wekiwa and Gemini. None in Hillsborough County.
- Creates a new section (Part VIII) to Chp. 373, F.S. called the Florida Springs and Aquifer Protection Act.
- Recognizes that springsheds must be identified and protected too to help the spring survive.
- Creates a definition for Outstanding Florida Springs (OFS) to include first magnitude springs and other springs.
- Directs state and local governments to work cooperatively to delineate the springsheds and the Water Management Districts (WMDs) must codify the springshed via a rule.
- Requires to WMDs to create minimum flows and levels (MFL) for the OFS.
- WMD must implement a recovery plan for each spring that is not meeting or project not to meet its MFL.
- It requires the Department of Environmental Protection to establish protection/ management zones for the OFS by July 2015.
- Each local government located partially or fully within a spring protection and management zone of an Outstanding Florida Spring impaired by nutrients, must adopt at least the minimum requirements of the DEP's Model Ordinance for Florida Friendly Fertilizer Use on Urban Landscapes. Would not impact Hillsborough, as we do not have any of the listed springs, but we already adopted a version of the rule.
- DEP is required to implement total maximum daily load provisions and develop basin management action plans (BMAP) for those watersheds that are impaired, including allocation of pollutant loads for agricultural fertilizer, wastewater treatment facilities, residential fertilizer, and other typical sources of nutrients (e.g. - nitrogen and phosphorus). Agricultural interests will have two years from BMAP adoption to implement appropriate measures.
- By 2021, all wastewater treatment plants must meet 3 mg/L Total Nitrogen.
- By 2016 the DEP must identify all septic tanks in the springsheds. By 2017 all local governments must enact remediation plans to upgrade those septic tanks or connect them, if warranted.

#### **HB 71 - Fracturing Chemical Usage Disclosure Act**

**Sponsor:** Rep. Rodrigues

**Related Bills:** **HB 157 - Public Records/Fracturing Chemical Usage Disclosure Act**

**Summary:** HB 71 directs DEP to designate or establish online hydraulic fracturing chemical registry for all wells that chemical fracturing occurs. It requires service providers, vendors, and owners or operators of wells on which hydraulic fracturing treatments are performed to disclose the chemical ingredients used and the volume of water used. It authorizes DEP to adopt rules to implement the bill. HB 157 would protect chemicals used for fracturing from disclosure as exempt from public records if they were trade secrets. EPC is not aware of efforts to frack in Hillsborough County.

**UPDATE:** HB 71 and HB 157 do not have Senate companions and both still have two committees to go. They have not even been discussed in a committee during the regular session; the only discussion was in a committee before the session.

#### **SB 312 - Agriculture/Taxes/Water Retention**

**Sponsor:** Sen. Simpson

**Summary:** The bill states that if agricultural property is used to store waters (flood the land) for a Water Management District project (i.e. – Everglades water storage and treatment areas), it will be deemed non-income producing agricultural land but it will be assess as agricultural land for tax purposes.

**UPDATE:** Strike all amendment was approved. Lands flooded will still be classified as nonproducing agricultural lands, but they will be assessed under section 193.011, F.S. (which is the main statute for assessing property value), as opposed to just stating it will be assessed as agricultural property. The bill is in its last committee.

### **HB 703 - Environmental Regulation**

**Sponsor:** Rep. Patronis

**Committees:** Agriculture & Natural Resources Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Local & Federal Affairs Committee; and State Affairs Committee

**Related Bills:** **SB 1464** (Sen. Simpson)

**Summary:** HB 703 is the annual omnibus Environmental Regulatory bill sponsored by Rep. Patronis. This year's bill has a variety of changes to environmental regulations, including some local government preemption. Most notable to local governments is the following proposed revision to section 163.3162(3)(i)(1)

*(i) This subsection does not limit a county's powers to: 1. Enforce wetlands, springs protection, or stormwater ordinances, regulations, or rules adopted before July 1, 2003, excluding any modification, readoption, or amendment approved on or after July 1, 2003.*

This proposal would clarify that any local government wetland regulatory program that was grandfathered under this law, cannot be adopted, modified, or amended after July 1, 2003, as it relates to agricultural activities impacting wetlands. By way of back ground, local governments that had wetland, springs protection, and stormwater regulations prior to July 1, 2003 were grandfathered about 5 years ago and were allowed to continue to regulate agricultural activities, even if arguably duplicative of State or Federal rules. This amendment clarifies that the local rules that existed on July 1, 2003 are the version that must apply to the agricultural community, not amendment after 2003. EPC made amendments favorable to agricultural interests between 2007 - 2008, and we have express concern that those agricultural friendly changes would be undone. The EPC requested the Commission oppose this subsection of the bill. On February 20, 2014, the Commission voted to monitor the legislation.

Other proposed legislation in the bill is as follows:

- Comprehensive Plan and plan amendments shall be adopted by a simple majoring of the local board. Some governments require a super-majority vote, thus it will be easier to amend a comp plan for the better or the worse.
- Prohibits local government from rescinding a comp plan amendment for a non-agricultural land use on land that continues to be used for bona fide agricultural purposes.
- Water Management Districts and DEP may grant 50 year permits for projects that involve surface water storage, release, or recharge.
- Water Management Districts and DEP may grant 30 year permits for development of regional impact in rural areas of critical economic concern.
- State-delegated local governments conducting water well construction regulatory programs for the State must apply State rules and criteria and local rules are preempted.
- Allows submitting proof of insurance to be a method of proving financial responsibility for a mitigation bank.
- Changes to regional water supply planning laws. Exempts agricultural from currently required water supply planning analysis.
- Establishes a solid waste landfill closure account within the Solid Waste Management Trust Fund to assisting in closure and long-term maintenance of landfills.
- Exempts Sector Plans and DRI master plans from Chp. 373 analyses and requires the water needs of those projects to be included in the Regional Water Supply Plans.

The bill was discussed March 4 in its first committee, House Agriculture & Natural Resources Subcommittee, and Rep. Patronis introduce a committee substitute (CS) that is similar to the original Senate companion, SB 1464. The CS was approved and it differs from the original HB 703 as follows:

- 1) Removes a proposed anti-regulatory greenhouse gas provision.

- 2) Preempts local wetland regulations against a water control district that already have a state or federal wetland/surface water permit (e.g. - ERP). Should not impact EPC powers, but does impact Orange County.
- 3) Requires the DEP to adopt rules by January 2015 that detail how an entity can meet the financial responsibility requirements prescribed for mitigation banks.
- 4) Included a section that allows for an easy two-year permit extension to state wetland permits (Part IV Chp. 373) and local government development orders and building permits that expire between Jan. 1, 2012 and Jan. 1, 2015.

**UPDATE:** The Committee Substitute passed through the Agriculture & Natural Resources Appropriations Subcommittee unchanged on 3/31/14 and now is in the State Affairs Committee with no set meeting date to be discussed. As the Senate version is substantially different, we expect to see changes in this next Committee. Representative Patronis has indicated he may not push this bill, as its companion is struggling in the Senate.

**SB 1464 - Environmental Regulation**

**Sponsor:** Sen. Simpson

**Committees:** Environmental Preservation and Conservation; Community Affairs; Appropriations; and Rules.

**Related Bills:** HB 703

**Summary:** This is the companion bill to HB703. The two newer provisions in this bill that the CS HB703 now contains are as follows:

- 1) There is no anti-regulatory greenhouse gas provision
- 2) Included a section that allows for an easy extension to state wetland permits (Part IV Chp. 373) and local government development orders and building permits that expire between Jan. 1, 2012 and Jan. 1, 2015. If a person asks for an extension before December 31, 2014, they can get a two-year permit extension from their permit's current date of expiration. This similar extension has been approved the past few sessions. CS HB 703 does not currently include a deadline (12/31/14) to apply for the extension.

**UPDATE:** On March 26, 2014, the Senate's Environmental Preservation and Conservation Committee heavily amended this bill, taking out two provisions of concern to local governments, but they still are in HB 703. Notably, the Senate Committee removed the wetland local government preemption language regarding the proposed ban on rule amendments after 2003. Additionally, they removed proposed language regarding local preemption of wetland regulation in water control districts (mainly impacting Orange County). The Senate's Community Affairs Committee will discuss this bill on April 8, 2014 and Senator Simpson, the bill sponsor, temporarily postponed the discussion of the bill at the committee. Thus, it is possible that the Senate bill may die if the Committee does not reconvene or a special rule provision is not utilize to remove it directly to the Senate floor.

**HB 1077 – Development Exactions**

**Sponsor:** Rep. Perry

**Related Bills:** **SB 1310 – Development Exactions** (Sen. Evers)

**Summary:** The bill states that local governments may not require a permittee to build, maintain, or improve a public, private, or public-private infrastructure or facility that is unrelated to the direct impact of a proposed development, improvement project, or the subject of an application for a development order or administrative approval. It further states that exactions can be no more stringent than those required by the State. It does not prohibit a local government from “imposing a tax, fee, charge, or condition or requiring any other development exaction that serves to mitigate the direct impact of the proposed development and that has an essential nexus to, and is roughly proportionate to, the impacts of the proposed development” upon any public or private land maintained, owned or controlled by the local government. This should not impact the EPC and the bills have not been heard in committee.

**SB 830 Carryout Bags (Plastic Grocery Bags)**

**Sponsor:** Sen. Bullard

**Committees:** Environmental Preservation and Conservation; Community Affairs; and Commerce and Tourism.

**Related Bills:** HB 1257 (Withdrawn from consideration)

**Summary:** Current law prohibits local governments from regulating plastic bags at stores until a DEP study is formally adopted. The study was completed in 2010, but not adopted. This bill would lift the local preemption and provides that larger grocery stores and pharmacies could not use plastic grocery bags, but must offer re-usable bags for free or sale, or they can sell paper bags of recycle paper. Part of the bag fee would be used for school funding. Local government's regulations must follow those statutory requirements. The bill was to be discussed at the Senate's Environmental Preservation and Conservation Committee on March 26, 2014, but they ran out of time to consider it. Also, the House version (HB 1257) was withdrawn from consideration. On April 10 the Senate's Environmental Preservation and Conservation Committee finally discussed the bill, but realizing it had too many committees to still go to this session and no comparable House version, the sponsor, Senator Bullard, withdrew the bill and it is temporarily postponed. Thus, it is highly unlikely it will pass this year.

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## *ENVIRONMENTAL PROTECTION COMMISSION*

### *AGENDA ITEM COVER SHEET*

**Date of EPC Meeting:** April 24, 2014

**Subject:** 2014 goals update

**Agenda Section:** Regular Agenda

**Item:** Executive Director Report

**Recommendation:** Information Only

**Brief Summary:** This report is an update on the progress the Agency is making in improving review times for permitting, timely resolution of lower level compliance cases, timely initiation of Complaint investigations, and timely initiation of enforcement cases. An update will be provided to the Commission on Earth Day outreach events.

**Financial Impact:** No Financial Impact

**Background:** EPC has been measuring its performance in 4 core functions since 2011. The Executive Director is providing an update on 2013 measurements and the expectations or goals for 2014. The 4 core functions are; permitting, compliance, environmental complaints, and enforcement.

Several Outreach events are scheduled in April to celebrate the Earth Day. The Executive Director advises the Commission of the events and staff's strong participation in those events.

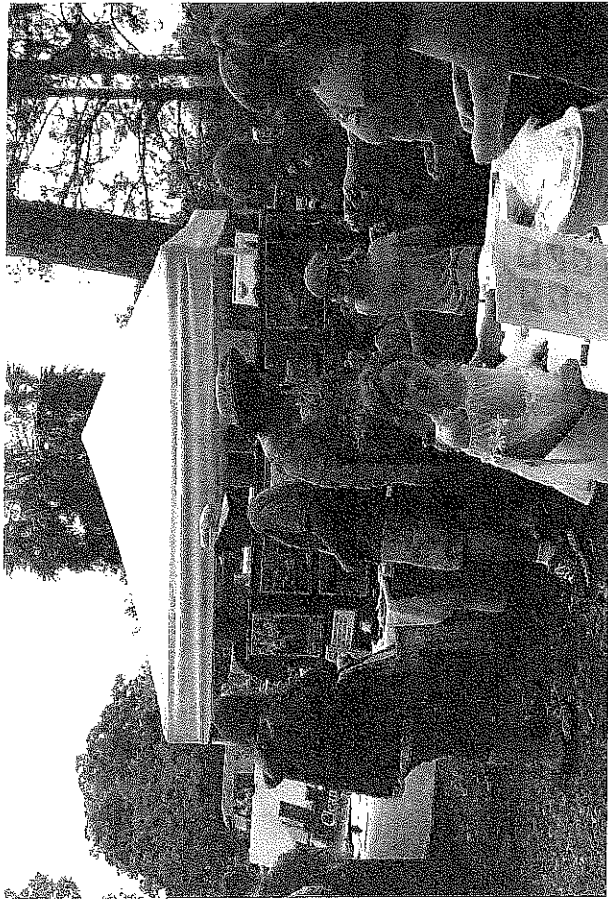
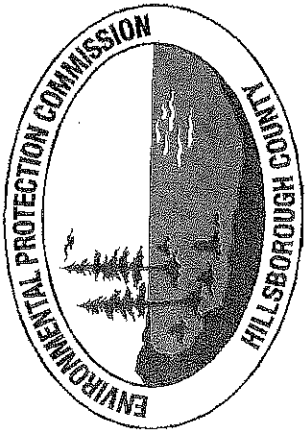
**List of Attachments:** [Double-click to list any attachments or put "None."]

# 2014 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2011	2012	2013	2014 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	36 days	36 days	29 days	Less Than or Equal to 35 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	53 days	43 days	46 days	Less Than or Equal to 46 days
	Average Time EPC Permits were In-house	21 days	20 days	16 days	17 days	Less Than or Equal to 20 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	90%	91%	92%	Greater Than or Equal to 90%
	Timely Initiation of Investigation	99%	99%	99+%	99+%	Greater Than or Equal to 99%
Enforcement	Timely Initiation of Enforcement	73%	81 %	76 %	94%	Greater Than or Equal to 90%



# EPC OUTREACH EVENTS



- April 11<sup>th</sup> 2014-Lake Pond and Stream Night (Adopt-a-Pond Program) at MOSI
- April 12<sup>th</sup> 2014- EcoFest Earth Day Tampa Bay 2014 at Lowry Park
- April 22<sup>nd</sup> 2014-Earth Day at Hillsborough Community College Dale Mabry Campus
- April 26<sup>th</sup> 2014- Nature's Classroom Open House Earth Day Celebration

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