

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
JUNE 19, 2014

Meetings commence at 9:00 a.m.

601 East Kennedy Boulevard, Tampa, FL

County Center Board Room 2nd 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: April 24, 20143
- B. Monthly Activity Reports – April & May 20147
- C. Pollution Recovery Fund Reports – April & May 201423
- D. Legal Case Summary, May & June 201425
- E. Commissioner Requested Information on Hookah Bars.....29

IV. PUBLIC HEARING – CONSIDER AMENDMENTS to the DELEGATION RULE, CH. 1-13, RULES of the EPC33

V. LEGAL & ADMINISTRATIVE SERVICES

- A. Measuring, Long Term Goals and Benchmarking at EPC.....37
- B. Noise Pollution Litigation – WOB S. Tampa, LLC v City of Tampa and EPC57
- C. Summary of Environmental Bills at the 2014 Florida Legislature59

VI. WASTE MANAGEMENT DIVISION

- A. Brownfields Annual Report Presentation63
- B. Approval to Create an Environmental Specialist I position.....65

VII. AIR MANAGEMENT DIVISION

- A. Clean Air Month Update67

VIII. WETLANDS MANAGEMENT DIVISION

- A. Wetland Division Status Report;
- B. Request for Board Action – Fee Reduction;
- C. Request for Board Input – Riparian Line Placement71

IX. EXECUTIVE DIRECTOR REPORT

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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APRIL 24, 2014 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, April 24, 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, Victor Crist, Sandra Murman, and Mark Sharpe.

The following members were absent: Commissioners Ken Hagan and Al Higginbotham.

▶ Chairman Miller called the meeting to order at 9:03 a.m.

▶ INVOCATION AND PLEDGE OF ALLEGIANCE

CHANGES TO THE AGENDA

▶ Dr. Richard Garrity, EPC Executive Director, reviewed the changes. **Commissioner Murman moved approval, seconded by Commissioner Sharpe, and carried five to zero.** (Commissioners Hagan and Higginbotham were absent.)

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. Remarks followed.

III. CONSENT AGENDA

A. Approval of Minutes: February 20, 2014

April 2, 2014, Special Meeting

B. Monthly Activity Reports - February and March 2014.

C. Pollution Recovery Fund Reports - February and March 2014.

D. Gardinier Settlement Trust Fund Report - February 2014.

E. Legal Case Summaries, March and April 2014.

F. Request to hold a public hearing on June 19, 2014, to approve amendments to the Delegation Rule, Chapter 1-13, Rules of the EPC.

G. 2014 First Quarter Action Plan Updates.

▶ Commissioner Beckner moved approval, seconded by Commissioner Murman, and carried five to zero. (Commissioners Hagan and Higginbotham were absent.)

IV. A RESOLUTION TO HONOR MR. SYDNEY POTTER

▶ Dr. Garrity and Chairman Miller presented the resolution. ▶ Ms. Geri Kail, daughter, and Dr. Richard Brown, Hillsborough River Technical Advisory Council chairman, made comments. ▶ Dialogue ensued. ▶ Ms. Pat Frank, Clerk of the Circuit Court, offered testimony.

V. EPC'S ENVIRONMENTAL MERIT AWARD - 34TH ANNUAL HILLSBOROUGH REGIONAL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS FAIR

▶ Ms. Jessica Lopez, EPC, introduced the item and recognized ▶ Mr. Gautam Koipallil, award winner, who participated in discussion.

VI. TAMPA BAY ESTUARY PROGRAM (TBEP) ANNUAL UPDATE

▶ Ms. Holly Greening, executive director, TBEP, distributed information and delivered the update, as displayed in background material. ▶ After inquiring about additional investments to the environmental restoration fund, ▶ Commissioner Beckner moved the EPC approve a \$100,000 allocation from the phosphate tax severance fund and send a request to the County Administrator asking him to include that in the upcoming budget session, seconded by Commissioner Murman. Following remarks, ▶ the motion carried four to zero. (Commissioner Murman was out of the room; Commissioners Hagan and Higginbotham were absent.)

VII. AIR MANAGEMENT DIVISION

Update on the EPC's Molten Sulfur Workgroup, the Florida Department of Environmental Protection/EPC 2013 Ambient Monitoring Network Plan, and Clean Air Month and Fair

▶ Mr. Sterlin Woodard, EPC, and ▶ Mr. Beau Harris, Gulf Sulphur Services Limited LLLP, expounded on the presentation, as shown in background material. ▶ Subsequent to remarks, ▶ Commissioner Murman moved to accept the report from the Molten Sulfur Workgroup and the recommendations, seconded by Commissioner Beckner, and carried four to zero. (Commissioner

THURSDAY, APRIL 24, 2014 - DRAFT MINUTES

Sharpe was out of the room; Commissioners Hagan and Higginbotham were absent.) ▶ Mr. Woodard continued the presentation.

VIII. WETLANDS MANAGEMENT DIVISION

Completion of Board Directive to Facilitate Solution to Boat Lift Dispute

▶ Dr. Scott Emery, Director, EPC Wetlands Management Division, relayed solution success. Comments followed.

IX. LEGAL AND ADMINISTRATIVE SERVICES

Update on Environmental Bills at the 2014 Florida Legislature

▶ Attorney Rick Muratti, EPC Legal Department, provided the update, as contained in background material.

X. EXECUTIVE DIRECTOR REPORT

2014 Goals Update

▶ Dr. Garrity reviewed the report, as supplied in background material, and displayed images. ▶ Referencing carbon monoxide levels in hookah bars, Commissioner Murman asked Dr. Garrity to investigate the situation and come back to the EPC with possible policy changes. At Dr. Garrity's suggestion, the May 2014 EPC meeting was canceled.

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

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: _____
Deputy Clerk

jh

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

		<u>APR</u>	<u>MAY</u>
A. Public Outreach/Education Assistance			
1	Phone calls	146	98
2	Literature Distributed	15	34
3	Presentations	2	1
4	Media Contacts	0	7
5	Internet	41	34
6	Host/Sponsor Workshops, Meetings, Special Events	1	3
B. Industrial Air Pollution Permitting			
1	Permit Applications received (Counted by Number of Fees Received)		
	a. Operating	7	1
	b. Construction	5	3
	c. Amendments / Transfers / Extensions	7	3
	d. Title V Operating:	0	2
	e. Permit Determinations	0	0
	f. General	1	4
2	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected)-(² Counted by Number of Emission Units affected by the Review):		
	a. Operating ¹	11	4
	b. Construction ¹	1	1
	c. Amendments / Transfers / Extensions ¹	3	6
	d. Title V Operating ²	5	0
	e. Permit Determinations ²	2	0
	f. General	1	1
3	Intent to Deny Permit Issued	0	0
C. Administrative Enforcement			
1	New cases received	3	2
2	On-going administrative cases		
	a. Pending	3	5
	b. Active	1	2
	c. Legal	1	1
	d. Tracking compliance (Administrative)	9	9
	e. Inactive/Referred cases		0
	TOTAL	14	17
3	NOIs issued	0	1
4	Citations issued	0	0
5	Consent Orders Signed	0	0
6	Contributions to the Pollution Recovery Fund	\$2,000.00	\$0.00
7	Cases Closed	2	
D. Inspections			

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

	<u>APR</u>	<u>MAY</u>
1 Industrial Facilities	10	7
2 Air Toxics Facilities		
a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	0	0
b. Major Sources	4	4
3 Asbestos Demolition/Renovation Projects	16	22
E. Open Burning Permits Issued	5	10
F. Number of Division of Forestry Permits Monitored	239	220
G. Total Citizen Complaints Received	40	63
H. Total Citizen Complaints Closed	41	57
I. Noise Complaints Received by EPC (Chapter 1-10)	18	26
J. Noise Complaints Received by Sheriff's Office (County Ord. #12-12)	389	382
K. Number of cases EPC is aware that both EPC & Sheriff responded	2	2
a. World of Beers (Oct.)		
b. Brass Mug (Dec.)		
c. The Rack (Jan.)		
d. Brass Mug (Feb.)		
L. Noise Sources Monitored:	4	3
M. Air Program's Input to Development Regional Impacts:	0	0
N. Test Reports Reviewed:	48	51
O. Compliance:		
1 Warning Notices Issued	5	5
2 Warning Notices Resolved	8	5
3 Advisory Letters Issued	2	1
P. AOR'S Reviewed	2	13
Q. Permits Reviewed for NESHAP Applicability	0	3
R. Planning Documents coordinated for Agency Review	5	2

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

APR MAY

A. ENFORCEMENT

1. New cases received	-	-
2. On-going administrative cases	55	54
Pending	1	1
Active	19	19
Legal	3	3
Tracking Compliance (Administrative)	30	29
Inactive/Referred Cases	2	2
3. NOI's issued	-	-
4. Citations issued	-	-
5. Consent Orders and Settlement Letter Signed	-	-
6. Civil Contributions to the Pollution Recover Fund (\$)	\$ -	\$ -
7. Enforcement Costs Collected (\$)	\$ -	\$ -
8. Cases Closed	2	1

B. SOLID AND HAZARDOUS WASTE

1. FDEP Permits Received	0	1
2. FDEP Permits Reviewed	0	1
3. EPC Authorization for Facilities NOT Requiring DEP Permit	2	3
4. Other Permits and Reports		
County Permits Received	0	3
County Permits Reviewed	1	3
Reports Received (SW/HW + SQG)	37	18
Reports Reviewed (SW/HW + SQG)	52	17
5. Inspections (Total)		
Complaints (SW/HW + SQG)	11	14
Compliance/Reinspections (SW/HW + SQG)	13	17
Facility Compliance	24	20
Small Quantity Generator Verifications	132	142
P2 Audits	0	0
6. Enforcement (SW/HW + SQG)		
Complaints Received	11	15
Complaints Closed	7	13
Warning Notices Issued	0	1
Warning Notices Closed	1	0
Compliance Letters	68	85
Letters of Agreement	0	0
Agency Referrals	5	5
7. Pamphlets, Rules and Material Distributed	59	145

C. STORAGE TANK COMPLIANCE

1. Inspections		
Compliance	60	41
Installation	2	6
Closure	5	2
Compliance Re-Inspections	3	5
2. Installation Plans Received	4	2

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

	<u>APR</u>	<u>MAY</u>
3. Installation Plans Reviewed	3	-
4. Closure Plans & Reports		
Closure Plans Received	3	3
Closure Plans Reviewed	3	1
Closure Reports Received	1	-
Closure Reports Reviewed	-	-
5. Enforcement		
Non-Compliance Letters Issued	52	40
Warning Notices Issued	1	-
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	-	-
8. Cleanup Notification Letters Issued	-	-

D. STORAGE TANK CLEANUP

1. Inspections	7	
2. Reports Received	63	
3. Reports Reviewed	70	
Site Assessment Received	5	
Site Assessment Reviewed	5	
Source Removal Received	1	
Source Removal Reviewed	3	
Remedial Action Plans (RAP'S) Received	1	
Remedial Action Plans (RAP'S) Reviewed	2	
Site Rehabilitation Completion Order/No Further Action Rec'd	4	
Site Rehabilitation Completion Order/No Further Action Revw'd	7	
Active Remediation/Monitoring Received	11	
Active Remediation/Monitoring Reviewed	24	
Others Received	41	
Others Reviewed	42	

E. RECORD REVIEWS

27	12
14	19

F. LEGAL PIR'S

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

	<u>APR</u>
A. ENFORCEMENT	
1. New Enforcement Cases Received	-
2. Enforcement Cases Closed	1
3. Enforcement Cases Outstanding	27
4. Enforcement Documents Issued	1
5. Recovered Costs to the General Fund	\$ -
6. Contributions to the Pollution Recovery Fund	\$ -
B. PERMITTING/PROJECT REVIEW - DOMESTIC	
1. Permit Applications Received	21
a. Facility Permit	2
(i) Types I and II	-
(ii) Type III	2
b. Collection Systems - General	11
c. Collection systems-Dry Line/Wet Line	8
d. Biosolids Disposal	-
2. Permit Applications Approved	26
a. Facility Permit	4
b. Collection Systems - General	10
c. Collection systems-Dry Line/Wet Line	8
d. Biosolids Disposal	-
e. Final Construction approval	4
3. Permit Applications Recommended for Disapproval	-
a. Facility Permit	-
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	-
d. Biosolids Disposal	-
4. Permit Applications (Non-Delegated)	-
a. Recommended for Approval	-
5. Permits Withdrawn	-
a. Facility Permit	-
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	-
d. Biosolids Disposal	-
6. Permit Applications Outstanding	13
a. Facility Permit	6
b. Collection Systems - General	4
c. Collection systems-Dry Line/Wet Line	3
d. Biosolids Disposal	-

7. Permit Determination	5
8. Special Project Reviews	-
a. Reuse	-
b. Biosolids/AUPs	2
c. Others	-
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation	5
a. Inspection (CEI)	2
b. Sampling Inspection (CSI)	3
c. Toxics Sampling Inspection (XSI)	
d. Performance Audit Inspection (PAI)	
2. Reconnaissance	33
a. Inspection (RI)	5
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	26
d. Enforcement Inspection (ERI)	2
3. Engineering Inspections	12
a. Reconnaissance Inspection (RI)	-
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	2
e. Post Construction Inspection (XCI)	9
f. On-site Engineering Evaluation	-
g. Enforcement Reconnaissance Inspection (ERI)	1
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	
1. Permit Applications Received	1
a. Facility Permit	1
(i) Types I and II	1
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
b. General Permit	-
c. Preliminary Design Report	-
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
2. Permits Recommended to DEP for Approval	1
3. Special Project Reviews	1
a. Facility Permit	1
b. General Permit	-

4. Permitting Determination	-
5. Special Project Reviews	24
a. Phosphate	2
b. Industrial Wastewater	8
c. Others	14
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation (Total)	9
a. Inspection (CEI)	9
b. Sampling Inspection (CSI)	-
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	12
a. Inspection (RI)	4
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	8
d. Enforcement Inspection (ERI)	
3. Engineering Inspections (Total)	7
a. Compliance Evaluation (CEI)	7
b. Sampling Inspection (CSI)	-
c. Performance Audit Inspection (PAI)	-
d. Complaint Inspection (CRI)	-
e. Enforcement Reconnaissance Inspections (ERI)	-
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints	
a. Domestic	27
(i) Received	14
(ii) Closed	13
b. Industrial	12
(i) Received	6
(ii) Closed	6
2. Warning Notices	
a. Domestic	3
(i) Issued	2
(ii) Closed	-
b. Industrial	1
(i) Issued	1
(ii) Closed	-
3. Non-Compliance Advisory Letters	4
4. Environmental Compliance Reviews	151
a. Industrial	123
b. Domestic	28
5. Special Project Reviews	15

G. RECORD REVIEWS	
1. Permitting Determination	3
2. Enforcement	1
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED (LAB)	
1. Air Division	60
2. Waste Division	-
3. Water Division	15
4. Wetlands Division	-
5. ERM Division	169
6. Biomonitoring Reports	-
7. Outside Agency	22
I. SPECIAL PROJECT REVIEWS	
1. DRIs	-
2. ARs	-
3. Technical Support	1
4. Other	6

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

	<u>MAY</u>
A. ENFORCEMENT	
1. New Enforcement Cases Received	2
2. Enforcement Cases Closed	6
3. Enforcement Cases Outstanding	22
4. Enforcement Documents Issued	1
5. Recovered Costs to the General Fund	\$ -
6. Contributions to the Pollution Recovery Fund	\$ -
B. PERMITTING/PROJECT REVIEW - DOMESTIC	
1. Permit Applications Received	24
a. Facility Permit	4
(i) Types I and II	1
(ii) Type III	3
b. Collection Systems - General	5
c. Collection systems-Dry Line/Wet Line	15
d. Biosolids Disposal	
2. Permit Applications Approved	31
a. Facility Permit	1
b. Collection Systems - General	8
c. Collection systems-Dry Line/Wet Line	10
d. Biosolids Disposal	-
e. Final Construction approval	12
3. Permit Applications Recommended for Disapproval	-
a. Facility Permit	-
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	-
d. Biosolids Disposal	-
4. Permit Applications (Non-Delegated)	-
a. Recommended for Approval	-
5. Permits Withdrawn	-
a. Facility Permit	-
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	-
d. Biosolids Disposal	-
6. Permit Applications Outstanding	18
a. Facility Permit	9
b. Collection Systems - General	1
c. Collection systems-Dry Line/Wet Line	8
d. Biosolids Disposal	-

7. Permit Determination	2
8. Special Project Reviews	-
a. Reuse	-
b. Biosolids/AUPs	-
c. Others	-
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation	8
a. Inspection (CEI)	3
b. Sampling Inspection (CSI)	5
c. Toxics Sampling Inspection (XSI)	
d. Performance Audit Inspection (PAI)	
2. Reconnaissance	42
a. Inspection (RI)	5
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	38
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections	25
a. Reconnaissance Inspection (RI)	5
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	-
e. Post Construction Inspection (XCI)	20
f. On-site Engineering Evaluation	-
g. Enforcement Reconnaissance Inspection (ERI)	-
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	
1. Permit Applications Received	5
a. Facility Permit	4
(i) Types I and II	3
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	1
b. General Permit	1
c. Preliminary Design Report	-
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
2. Permits Recommended to DEP for Approval	-
3. Special Project Reviews	1
a. Facility Permit	-
b. General Permit	1

4. Permitting Determination	1
5. Special Project Reviews	53
a. Phosphate	10
b. Industrial Wastewater	10
c. Others	33
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation (Total)	15
a. Inspection (CEI)	13
b. Sampling Inspection (CSI)	2
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	20
a. Inspection (RI)	8
b. Sample Inspection (SRI)	1
c. Complaint Inspection (CRI)	12
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections (Total)	13
a. Compliance Evaluation (CEI)	13
b. Sampling Inspection (CSI)	-
c. Performance Audit Inspection (PAI)	-
d. Complaint Inspection (CRI)	-
e. Enforcement Reconnaissance Inspections (ERI)	-
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints	
a. Domestic	43
(i) Received	25
(ii) Closed	18
b. Industrial	18
(i) Received	11
(ii) Closed	7
2. Warning Notices	
a. Domestic	6
(i) Issued	1
(ii) Closed	5
b. Industrial	3
(i) Issued	1
(ii) Closed	2
3. Non-Compliance Advisory Letters	10
4. Environmental Compliance Reviews	161
a. Industrial	64
b. Domestic	97
5. Special Project Reviews	21

G. RECORD REVIEWS

1. Permitting Determination	5
2. Enforcement	-

H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED (LAB)

1. Air Division	44
2. Waste Division	-
3. Water Division	13
4. Wetlands Division	-
5. ERM Division	170
6. Biomonitoring Reports	1
7. Outside Agency	17

I. SPECIAL PROJECT REVIEWS

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

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

APR MAY

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	84	55
Timeframes Met	90%	96%
Year to Date	98%	98%

Formal Wetland Delineation Surveys

Projects	14	8
Total Acres	344	108
Total Wetland Acres	57	41
# Isolated Wetlands < 1/2 Acre	2	2
Isolated Wetland Acreage	0.28	0.42

Construction Plans Approved

Projects	14	12
Total Wetland Acres	20	50
# Isolated Wetlands < 1/2 Acre	0	0
Isolated Wetland Acreage	0	0
Impacts Approved Acreage	0.08	2.75
Impacts Exempt Acreage	0	2.75

Mitigation Sites in Compliance

Ratio	14/16	14/15
Percentage	88%	93%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	1.60	1.60
Acreage of Water Quality Impacts	0.00	0.00
Acreage Restored	0.50	0.40

TPA Minor Work Permit

Permit Issued	17	21
Permits Issued Fiscal Year 2014	141	162
Cumulative Permits Issue Since TPA Delegation (07/09)	939	960

REVIEW TIMES

# of Reviews	366	394
% On Time	92%	90%
% Late	8%	10%

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

APR MAY

A. General

1.	Telephone conferences	810	801
2.	Unscheduled Citizen Assistance	200	515
3.	Scheduled Meetings	460	475
4.	Correspondence	2,294	2,346
1/ 5.	Intergency Coordination	76	84
1/ 6.	Trainings	52	35
1/ 7.	Public Outreach/Education	3	3
1/ 8.	Quality Control	156	117

B. Assessment Reviews

1.	Wetland Delineations	10	22
2.	Surveys	16	8
3.	Miscellaneous Activities in Wetland	33	31
4.	Mangrove	8	3
5.	Notice of Exemption	4	4
6.	Impact/Mitigation Proposal	11	4
7.	Tampa Port Authority Reviews	103	110
8.	Wastewater Treatment Plants (FDEP)	-	-
9.	Development Regn'l Impact (DRJ) Annual Report	-	-
10.	On-Site Visits	116	186
11.	Phosphate Mining	3	1
12.	Comp Plan Amendment (CPA)	-	-
1/ 13.	AG SWM	-	-
	Sub-Total		

Planning and Growth Management Review

14.	Land Alteration/Landscaping	1	-
15.	Land Excavation	1	-
16.	Rezoning Reviews	19	5
17.	Site Development	19	9
18.	Subdivision	36	23
19.	Wetland Setback Encroachment	3	-
20.	Easement/Access-Vacating	-	-
21.	Pre-Applications	53	38
1/ 22.	Agriculture Exemption	-	-
	Sub-Total		
	Total Assessment Review Activities		

C. Investigation and Compliance

1.	Warning Notices Issued	11	7
2.	Warning Notices Closed	5	7
1/ 3.	Complaints Closed	35	24
4.	Complaint Inspections	36	40
5.	Return Compliance Inspections for Open Cases	27	27

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

	<u>APR</u>	<u>MAY</u>
6. Mitigation Monitoring Reports	15	7
7. Mitigation Compliance Inspections	23	16
8. Erosion Control Inspections	4	1
9. MAIW Compliance Site Inspections	1	-
10 TPA Compliance Site Inspections	31	26
2/ # Mangrove Compliance Site Inspections	-	-
1/ # Conservation Easement Inspection	1	6

D. Enforcement

1. Active Cases	10	12
2. Legal Cases	3	3
3. Number of "Notice of Intent to Initiate Enforcement"	4	-
4. Number of Citations Issued	-	-
5. Number of Consent Orders Signed	-	2
6. Administrative - Civil Cases Closed	-	6
7. Cases Referred to Legal Department	3	3
8. Contributions to Pollution Recovery	\$ 500	\$1,343
9. Enforcement Costs Collected	\$ -	\$ 137

E. Ombudsman

1. Agriculture	5	2
2. Permitting Process & Rule Assistance	3	7
3. Staff Assistance	9	5
4. Citizen Assistance	6	7

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 14 POLLUTION RECOVERY FUND
10/1/2013 through 4/30/2014**

REVENUE		EXPENDITURES		RESERVES		NET PRF
EST. Beginning Balan	\$ 553,605	Artificial Reef	\$ 24,439	Minimum Balance	\$ 120,000	
Interest	\$ 1,955	Project Monitoring	\$ 179	PROJ. FY 15 Budgets	\$ 24,618	
Deposits	\$ 67,558	FY 14 Projects	\$ 109,200	Asbestos Removal	\$ 5,000	
Refunds	\$ 22					
Total	\$ 623,140	Total	\$ 133,818	Total	\$ 149,618	\$ 339,704



PROJECT		Project Amount	Project Balance
FY 12 Projects			
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
FY 13 Projects			
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
FY 14 Projects			
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	\$ 2,800
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	\$ 107,800
			\$ 239,532

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 14 POLLUTION RECOVERY FUND
10/1/2013 through 5/31/2014**

REVENUE		EXPENDITURES		RESERVES		NET PRF
EST. Beginning Balan	\$ 553,605	Artificial Reef	\$ 24,439	Minimum Balance	\$ 120,000	
Interest	\$ 1,955	Project Monitoring	\$ 179	PROJ. FY 15 Budgets	\$ 24,618	
Deposits	\$ 68,900	FY 14 Projects	\$ 109,200	Asbestos Removal	\$ 5,000	
Refunds	\$ 22					
Total	\$ 624,482	Total	\$ 133,818	Total	\$ 149,618	\$ 341,046



PROJECT		Project Amount	Project Balance
FY 12 Projects			
Bahia Beach Mangrove Enhancement	10132.102063.581990.5370.1187	\$ 56,700	\$ 56,700
USGS Partnership	10132.102063.581990.5370.1188	\$ 25,000	\$ 18,750
		\$ 81,700	\$ 75,450
FY 13 Projects			
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
FY 14 Projects			
Mercury Collection Public Education	10132.102063.581990.5370.1176	\$ 5,000	\$ 5,000
Electric Car Charging Station Softwa	10132.102063.581990.5370.1175	\$ 4,200	\$ 2,800
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	\$ 107,800
			\$ 223,250



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: June 19, 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 *May & June 2014*

I. ADMINISTRATIVE CASES

Lillian Tambasco [14-EPC-004]: On June 6, 2014 the Appellant, Lillian Tambasco, filed a Notice of Appeal challenging the issuance of the TPA Minor Work Permit #56813 for the extension of a dock. The Appeal was deemed to be insufficient and an Order Dismissing Appeal with Leave to amend will be issued. The Appellant will be granted additional time in which to file an amended Notice of Appeal. (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. The matter was resolved and the permit was issued without need for a final order ruling from the Commission. (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

WOB S. Tampa, LLC [14-EPC-003]: On May 15, 2014, the World of Beer in South Tampa filed a Complaint in Civil Court for declaratory and injunctive relief against the City of Tampa and EPC regarding noise pollution issues. (RM)

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 re-filed an amended complaint and the EPC answered it. (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 its Answer and affirmative defenses to the lawsuit. The Plaintiff has filed a voluntary dismissal and the Order Dismissing Without Prejudice was entered on April 21, 2014. The case is 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)

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.

(NONE)

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: June 19, 2014

Subject: Commissioner Requested Information on Hookah Bars

Agenda Section: Consent Agenda

Item: Air Management Division

Recommendation: Permit staff to forward the Hookah Bar report findings to the County Attorney's office for their review

Brief Summary: A Hookah bar is a place where people use water pipes to smoke tobacco by indirectly heating it with burning embers or charcoal. Many users think smoking it is less harmful than cigarettes, but studies suggest their use poses the same health risks as cigarette smoking, including exposure to high levels of carbon monoxide. Hookah bars are regulated to some extent, but it is EPC staff's opinion that the Agency has no authority to regulate them.

Financial Impact: No Financial Impact

Background: At the April 2014 EPC Board meeting, Commissioner Murman commented on potentially high carbon monoxide levels at Hookah bars and requested staff investigate and determine whether or not these emissions are, or could be, regulated. EPC staff researched the issue and comprised the following response.

A Hookah bar (also called Hookah lounge or Hookah cafe) is a place where people use water pipes to smoke specially made, often flavored, tobacco by indirectly heating the tobacco with burning embers or charcoal. Many users think smoking it is less harmful than cigarettes, but the Center for Disease Control (CDC) equates hookah smoking with many of the same health risks as cigarette smoking.

In addition to the harmful effects of the smoke from the tobacco, CDC reports that the charcoal used to heat the tobacco can raise adverse health risks by producing high levels of carbon monoxide, metals, and cancer-causing chemicals. Researchers from the Johns Hopkins Bloomberg School of Public Health found that airborne dust and carbon monoxide exceeded concentrations previously measured in public places that allowed cigarette smoking, and that airborne concentrations of nicotine were markedly higher than in smoke-free establishments. Because of the length of a hookah smoking session, which may last up to 80 minutes, the World Health Organization has determined that participants may receive the equivalent of inhaling up to 100 cigarettes during one sitting.

Staff research indicates that Hookah bars are regulated to some extent in at least five states, with California restricting minors from frequenting them. Unfortunately, staff research has also determined that Hookah Bars are essentially not regulated by the State of Florida for the aforementioned health risks. Staff has made contact with several state and local agencies and it appears that they are exempt from the indoor air law regulating smoking.

Smoking is banned statewide in all enclosed workplaces in Florida, with a few exemptions. Among the exemptions though are retail tobacco shops, that may also sell tobacco products and accessories; and stand-alone bars that serve alcohol and food. Staff contacted the State and confirmed that Hookah bars fall under these exemptions.

It is the EPC legal staff's opinion that the EPC does not have jurisdiction to regulate smoking or carbon monoxide levels in the dozen or so Hookah bars in this County. EPC's authority is limited to outdoor air. As staff sees it, the Florida Legislature may be the only entity authorized to modify the current laws should the Board determine these facilities need to be regulated further. With the Board's concurrence, staff will copy the County Attorney's office on this report, so that they may weigh in as well.

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



EXECUTIVE DIRECTOR
Richard D. Garrity, Ph.D.

DIVISION DIRECTORS
Legal & Admin. Richard Tschantz, Esq.
Air Management Jerry Campbell, P.E.
Waste Management Hooshang Boostani, P.E.
Water Management Sam Elrabi, P.E.
Wetlands Management Scott Emery, Ph.D.

June 10, 2014

Commissioner Sandra Murman
601 East Kennedy Blvd.
Tampa, Florida 33601

Dear Commissioner Murman,

Thank you for your inquiry requesting information on Hookah Bars in Hillsborough County. A Hookah bar (also called Hookah lounge or Hookah cafe) is a place where people use water pipes to smoke specially made, often flavored, tobacco by indirectly heating the tobacco with burning embers or charcoal. Many users think smoking it is less harmful than cigarettes, but the Center for Disease Control (CDC) equates hookah smoking with many of the same health risks as cigarette smoking.

In addition to the harmful effects of the smoke from the tobacco, CDC reports that the charcoal used to heat the tobacco can raise adverse health risks by producing high levels of carbon monoxide, metals, and cancer-causing chemicals. Researchers from the Johns Hopkins Bloomberg School of Public Health found that airborne dust and carbon monoxide exceeded concentrations previously measured in public places that allowed cigarette smoking, and that air borne concentrations of nicotine were markedly higher than in smoke-free establishments. Because of the length of a hookah smoking session, which may last up to 80 minutes, the World Health Organization has determined that participants may receive the equivalent of inhaling up to 100 cigarettes during one sitting.

Our research indicates that Hookah bars are regulated to some extent in at least five states, with California restricting minors from frequenting them. Unfortunately, our research has also determined that Hookah Bars are essentially not regulated by the State of Florida for the aforementioned health risks. Staff has made contact with several state and local agencies and it appears that they are exempt from the indoor air law regulating smoking.

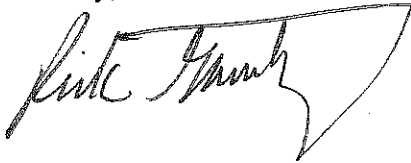
Page 2

As you mentioned at the Board meeting, smoking is banned statewide in all enclosed workplaces in Florida, with a few exemptions. Among the exemptions though are retail tobacco shops, that may also sell tobacco products and accessories; and stand-alone bars that serve alcohol and food. We have contacted the State and confirmed that Hookah bars fall under these exemptions.

It is our legal staff's opinion that the EPC does not have jurisdiction to regulate smoking or carbon monoxide levels in the dozen or so Hookah bars in this County. EPC's authority is limited to outdoor air. As we see it, the Florida Legislature may be the only entity authorized to modify the current laws should the Board determine these facilities need to be regulated further. We are copying the County Attorney's office on this correspondence, so that they may weigh in as well.

Please let me know if you would like us to contact our local legislative delegation on your behalf.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Garrity". The signature is written in a cursive style and is enclosed within a simple, hand-drawn rectangular border.

Richard D. Garrity, Ph.D.

Executive Director

Environmental Protection Commission of Hillsborough County



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: June 19, 2014

Subject: Conduct a public hearing to consider amendments to the Delegation Rule, Ch. 1-13, Rules of the EPC

Agenda Section: Public Hearing

Item: Wetlands Management Division

Recommendation: Schedule a public hearing and approve the proposed amendments to the Delegation Rule Ch. 1-13.

Brief Summary: Pursuant to the EPC Act, the Commission must hold a noticed public hearing to adopt 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 updated Statewide ERP rules recently adopted by the DEP are required to be incorporated by reference in Chapter 1-13, Rules of the EPC.

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(h)(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 the Commission conduct a public hearing to consider adoption of the new relevant sections of ERP, which include Chapters 62-330, 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 adopt or amend a rule. The EPC staff requests that the Board adopt the attached proposed rule amendments during a public hearing at the regularly scheduled meeting on June 19, 2014, at 9:00 a.m.

List of Attachments: Draft amended Chapter 1-13 Delegation Rule

**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) ~~delegated~~ intends to delegate its authority under Chapters 373 and 403, Florida Statutes to the Commission to regulate certain impacts to wetlands and other surface waters in Hillsborough County effective February 9, 2012, pursuant to Chapter 62-344, F.A.C., to The ~~the~~ Commission, which requested such delegation and demonstrated to the Department that it ~~has~~ had sufficient resources and the proper procedures for the adequate administration and enforcement of a delegated environmental resource permitting (ERP) program pursuant to Chapter 62-344, F.A.C. This program ~~will be~~ is 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 Chapter 62-330, Florida Administrative Code, and the Applicant's Handbook Volume I. 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.

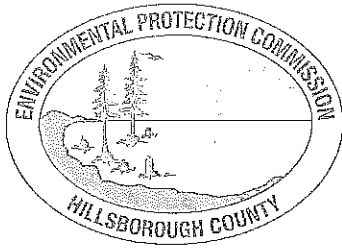
(4) The Executive Director shall maintain a list of final agency orders under this delegation in accordance with Section 120.53 and 120.533, F.S.

(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: June 19, 2014

Subject: Measuring, Long Term Goals and Benchmarking at EPC

Agenda Section: Regular Agenda

Item: Legal and Administrative Services Division

Recommendation: Accept report and provide direction as necessary.

Brief Summary: Staff will make a brief presentation on the metrics the Agency uses to improve performance and set long term goals. They will also discuss benchmarking the Agency's performance against other like organizations.

Financial Impact: No Financial Impact.

Background: Staff has been measuring its performance on all its core functions and strategic objectives for the last five years. This is accomplished by selecting metrics which not only count activities but qualify how well we do them. To date the EPC has identified some sixty-six individual measures which are compiled quarterly or annually. All these metrics are included in the Strategic Plan which is attached.

The Agency's core functions are citizen support, ambient air and water quality monitoring, permitting, compliance assurance and enforcement. On a quarterly basis these are measured using metrics and evaluated by management. These are looked at to ensure the Agency's commitment to certain targets and compliance with its own policies on timeliness and quality. There are a total of 34 metrics for this purpose and they are referred to as key measures.

The EPC also has seventeen strategic objectives which drive the Agency to achieve its mission. Our progress on any one objective is again quantified and measured by a select set of metrics. There are thirty-two such measures for the objectives which are referred to as institutional performance measures. It is through these that staff has set long term goals as well.

And more recently the Agency is attempting to gauge itself versus like organizations through a process called benchmarking. By seeking out metrics for other regulatory agencies and public sector institutions, EPC can compare its performance with other local, state and national programs. This is all part of the continuous improvement philosophy of the Agency.



Environmental Protection Commission
of Hillsborough County
Strategic Plan
Fiscal Year 2013 – 2014



Environmental Excellence in a Changing World

Mission:

To protect our natural resources and quality of life for the citizens of Hillsborough County.

Vision:

Environmental excellence in a changing world.

Values:

Environmental stewardship in a culture of fairness and cooperation.

Environmental Protection Commission of Hillsborough County Fiscal Year 2013 – 2014 Strategic Plan

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Executive Summary



The Environmental Protection Commission of Hillsborough County (EPC) strives to protect and improve the environment for the residents, businesses, and visitors of Hillsborough County. Our environment and ecosystems are vital to public health and welfare, the propagation and protection of wildlife and aquatic life, and the protection and quality of water resources, air, and soils. These resources are important to the quality of life for existing citizens and for our state's economic future in attracting new businesses and industries and in increasing revenues from traditional tourism and ecotourism.

Our agency faces a daily challenge to administer the enhanced local protections our community expects and demands in a way that maintains healthy ecosystems but that also does so in the most efficient and effective way possible. We must strive to provide excellent service to all segments of our customer base, some of whom have competing interests. In order to provide this level of service, it is important that we provide our employees with the knowledge and resources they need to ensure the successful operation of our agency.

We have a fiscal responsibility to the taxpayers of Hillsborough County to use their tax dollars wisely and effectively but in addition, the agency continually searches to find alternate sources of funding through delegation agreements, contracts, grants and cost sharing arrangements that also help to provide services for, and meet the goals of, our partner agencies.

Strategic Planning at the EPC is used to incorporate our Mission, Vision, and Values (MVV) systematically throughout the agency to guide all activities. Our Mission is to protect our natural resources and quality of life for the citizens of Hillsborough County. Our Strategic Plan assists the agency in focusing on our mission, finding ways to measure progress in its achievement, and supporting it with a successfully engaged workforce and excellent customer support. It also assists in practicing fiscal responsibility and moving toward continuous improvement.

This Strategic Plan links the agency MVV to our Strategic Priorities, Strategic Objectives, and Annual Action Plans. Every Action Plan includes targets and measurements so that we know if we are achieving our objectives. The planning cycle starts with a review of our MVV, stakeholder requirements, SWOT analysis, and customer and employee surveys. The results of this review are used to develop new or revised Strategic Objectives and Action Plans which are then aligned with the budget and implemented. At year's end we measure the progress and outcomes of the Action Plans and feed this information into the next year's cycle. All of these elements are included in the Strategic Plan, along with an explanation and map of the planning process we used to develop it.

This planning process ensures we are able to meet the changing needs of our community and workforce while building and maintaining the relationships with our partners and stakeholders that allow us to perform to our highest potential as a data driven organization using performance measures to move toward continuous improvement.

A handwritten signature in black ink that reads "Rick Garrity". The signature is written in a cursive style and is enclosed within a simple, hand-drawn rectangular box.

Richard D. Garrity, Ph.D.
Executive Director

STRATEGIC PLAN – ENVIRONMENTAL PROTECTION COMMISSION

PART I. ORGANIZATIONAL PROFILE

P.1 ORGANIZATIONAL DESCRIPTION

The Environmental Protection Commission of Hillsborough County (EPC) is a local environmental regulatory agency that was created by a Special Act of the Florida Legislature in 1967. The legislative intent of the enabling act is “to provide and maintain for the citizens and visitors of said county, standards which will insure the purity of all waters and soils consistent with public health and public enjoyment thereof, atmospheric purity and freedom of the air from contaminants and freedom from excessive and unnecessary noise.”

The EPC is unique relative to other county agencies in that it has jurisdiction over the entire county and the three municipalities contained within - Tampa, Plant City, and Temple Terrace. We are independent of the Office of the County Administrator and our rules apply to all local governments.

P.1A ORGANIZATIONAL ENVIRONMENT

P.1A (1) MAIN PRODUCT/SERVICE OFFERINGS:

EPC is a public service agency charged to protect air, water, and soil from pollution, safeguard wetlands, and control nuisances such as noise and odor. **Figure P.1-1** provides information related to our divisional programs. In order to provide these services, the EPC Commissioners (Board) promulgate and adopt relevant environmental regulations. Based on these regulations, the Executive Director issues permits, authorizations, and approvals for activities that may be expected to have an environmental impact. The staff then conducts routine compliance inspections to ensure that the specific terms of each are being met.

EPC conducts extensive, continuous ambient air and water quality monitoring to ensure compliance with mandated quality standards and to track trends in pollution levels, while also maintaining some of the most comprehensive, historical data in the country. Through penalties collected from enforcement actions, the Pollution Recovery Fund subsidizes qualifying environmental restoration projects.

Annually, EPC responds to approximately 2,000 citizens' complaints and conducts a wide variety of educational outreach programs. Public records are maintained and are available for review and reproduction upon request.

P.1A (2) VISION AND MISSION: The culture of our organization is to provide professional service in a structured and process-oriented manner. We strive to find innovative solutions to problems through cooperative efforts and shared expertise. We are adaptive, outcome-oriented, and highly value the agency's mission and employees.

Purpose: To provide local protection of the environment of Hillsborough County.

Mission: To protect our natural resources and quality of life for the citizens of Hillsborough County.

Vision: Environmental Excellence in a Changing World.

Values: Environmental stewardship in a culture of fairness and cooperation.

FIGURE P.1-1 EPC PROGRAMS AND SERVICES

Agency Divisions	Programs
Air Management	Industrial Air Sources Noise Open Burning Asbestos Abatement Air Quality Monitoring Air Toxics
Waste Management	Petroleum Cleanup Storage Tank Compliance Solid Waste Small Quantity Generator Brownfields
Water Management	Domestic & Industrial Wastewater Water Quality Monitoring Laboratory Services
Wetlands Management	Wetlands Protection Mitigation Phosphate Mining Land Development Review
Legal & Admin. Services	Budget & Finance HR Legal Services MIS

Our Strategic Priorities are: Environmental Protection Excellence, Successful/Engaged Workforce, Customer/Partner Focused Excellence, Fiscal Responsibility, and Continuous Improvement.

Our Core Competencies include a highly educated and professionally trained workforce, extensive knowledge of local environmental conditions and needs, field data collection and analytics expertise, customer service, building productive relationships with partners/stakeholders, information sharing, and proficiency in environmental science and engineering.

P.1A (3) WORKFORCE PROFILE: Our workforce profile is predominately professional, scientific, and technical with 131 total employees. In addition to the Executive Director, we have 5 division directors, 81 permitting/compliance/enforcement positions, 21 air and water quality monitoring positions, and 23 support (clerical, fiscal, legal, HR, MIS, and labs) positions. The agency also offers training opportunities for interns from various universities. Our employees' level of education is predominately bachelor degree or higher, although some lower level positions require only high school diploma or equivalent.

Through our self-assessment Sterling exercise and the results of annual employee surveys, we have found that the key factors that motivate and engage our employees in accomplishing our mission are: Personal Work Ethic, Trust and Respect, Salary and Benefits, Expectation and Opportunity to do what I do best, Employees Commitment to Quality Work and Service.

The most recent workforce diversity data indicates that our staff is comprised of 61% male, 39% female, 72% white, 12% black, 12% Hispanic, and 3% Asian. Our job classifications include office assistants, secretaries, accountants, attorneys, engineers, scientists, technicians, geologists, computer specialists, hydrologists, environmental specialists, managers, and directors. Our benefits include health, vision and dental insurance, vacation, sick leave, paid holidays, flexible schedules, pension plan, and deferred compensation. There are no organized bargaining units; however, classified employees fall under the protection of Hillsborough County Civil Service.

P.1A (4) ASSETS: Our major facilities consist of a county owned four building office complex with controlled access, totaling 68,165 sq. ft., and a separate boathouse/storage building on the property, totaling 3,200 sq. ft. There are air, water chemistry, and biology labs located within the facility. In anticipation of receiving Energy Star certification, our entire facility has been upgraded to include a new central HVAC chiller unit which provides energy-efficient and cost-effective heating and cooling.

Computer technology is essential to agency operations. The EPC information technology environment consists of numerous Windows servers supporting multiple applications. Information is delivered via wireless networks which allow remote access. Each employee has and uses a PC, laptop, or Virtual Desktop setup allowing them to work with SQL databases, GIS, Microsoft Office, Oculus, and other relevant software applications. Communication systems include an office-wide phone

system, cell phone service, and email. Many field personnel are equipped with laptops or iPads operating on a wireless network for live data entry from remote locations. Inspections are conducted using fully equipped agency-owned cars, trucks, all wheel drive vehicles, and boats. Environmental monitoring is conducted using state of the art air, water, and noise monitoring equipment. Sample analysis is done using approved analytical methods and lab equipment. Cameras and video equipment are used for documentation purposes.

EPC maintains a public web site containing pertinent agency information, application forms, and a schedule of upcoming meetings and events, and a link to permit tracking (www.epchc.org).

P.1A (5) REGULATORY REQUIREMENTS: EPC's organization and duties are contained in its enabling act, Chapter 84-446, Laws of Florida, as amended in 1987. The agency operates under numerous state and federal environmental mandates, and maintains delegation agreements and Memorandums of Understanding (MOUs) with many partner organizations (EPA, FDEP, SWFWMD, Hillsborough County, City of Tampa). We comply with the terms of numerous grants and contracts which we have been awarded. Our day to day operations are governed by a combination of Executive Director and BOCC policies. Our laboratories are certified through the Florida Department of Health. Specified field personnel are OSHA Hazardous Response certified. Many of our professional staff are licensed and certified and are regulated by the Florida Department of Professional Regulation (professional engineers, hydrologists, and geologists) and our attorneys are members of the Florida Bar Association.

P.1B ORGANIZATIONAL RELATIONSHIPS

P.1B (1) ORGANIZATIONAL STRUCTURE: EPC was created by the Florida Legislature through a Special Act in 1967. The agency is funded through general funds (tax dollars) and non-tax revenues such as contracts, grants, and fees. In fiscal year 2013, 56% of the agency's funds were received from non-tax revenues and 44% from general funds. We are a separate government agency, independent of Hillsborough County. However, those same County Commissioners also have a dual role and act as our governing body which meets monthly. The Board appoints the Executive Director who oversees the management and daily operations of the agency and reports directly to the Board. We have four operational divisions and one support division within the agency, each with a Director who reports directly to the Executive

Director. Although EPC is a separate and independent agency, we use the administrative services already provided by Hillsborough County such as Civil Service, human resources, financial accounting, payroll, etc. so efforts are not duplicated. In addition, EPC complies with the County's rules regarding public records access, ethics regulations, and procurement procedures. Finally, EPC has contracts and delegated programs which require oversight from the Department of Environmental Protection (FDEP), Tampa Port Authority, the Army Corp, and the U.S. Environmental Protection Agency (EPA).

P.1B (2) CUSTOMERS AND STAKEHOLDERS: Key customer groups, market segments, and stakeholder groups, as well as their requirements and expectations, are outlined in **Figure P.1-2**. In terms of different expectations, the major difference is that regulated entities generally seek less regulation while environmental advocates typically desire the most natural resource protection possible. This stark contrast can sometimes put the agency at odds with its various customers and stakeholders and requires us to continually focus on balancing the needs of both groups.

P.1B (3) SUPPLIERS AND PARTNERS: These groups are shown in **Figure P.1-3**. The table also details their roles in EPC's work system, delivery and support services, key mechanisms for communication and relationship management, roles in innovation processes, and supply chain requirements.

P.1C ORGANIZATIONAL SITUATION

P.1C COMPETITIVE ENVIRONMENT

P.1C (1) COMPETITIVE POSITION: EPC is one of the most comprehensive local pollution control programs statewide and is often at the forefront of implementing new programs such as one-stop wetlands permitting. Because of our core competencies and strategic advantages, we have a solid competitive position with no real direct competitors. However, there is the potential for the State Legislature to preempt local authority for certain services. Indirect competitors are other local, state, regional, and federal environmental regulatory agencies, and other county departments. Delegated authority from other agencies to eliminate perceived duplication is being aggressively pursued. In addition, EPC competes with

other local, state, and federal agencies for funding sources (budget, grants, and contracts). Private environmental consulting firms and other government agencies are also competitors in terms of qualified employees.

P.1C (2) COMPETITIVENESS CHANGES: EPC's critical success factors as well as the key detrimental changes taking place that affect its competitive situation are shown in **Figure P.1-4**.

To help address the increasing pressures due to budget cuts, we have been seeking collaboration with other agencies such as FDEP, SWFWMD, Army Corp, and Port Authority to secure delegation of additional environmental programs and streamline the regulatory process by eliminating duplication of services.

P.1C (3) COMPARATIVE DATA: EPC has identified a number of available sources of comparative and competitive data from organizations that conduct similar functions which can help determine our standing within the industry. EPC primarily relies on publications and databases from other organizations (Miami-Dade County, FDEP, SWFWMD, and EPA). Florida Local Environmental Resource Agencies (FLERA) is a key source for competitive and comparative data as the various member counties run programs that closely match EPC's. The most recent Fee Study conducted by EPC used comparative data from five counties around the State. Comparative data was also used in a study evaluating the service and cost analysis of EPC's lab vs. private labs, as well as the cost analysis of EPC's MIS vs. Hillsborough County's IT. Future plans include pursuing key available sources of comparative data from outside our industry. The current focus is on our five strategic priorities and finding outside sources of data for comparison. Examples of available data sources include the Hillsborough County Tax Collector, Hillsborough County Sheriff's Office, and the Internal Revenue Service. There are limitations to finding comparative data from outside our industry.

While public data is easier to obtain, private sector data may be more difficult to acquire.

P.1D STRATEGIC CONTEXT

EPC's strategic challenges and advantages are shown in **Figure P.1-5**.

FIGURE P.1-2 CUSTOMER AND STAKEHOLDER REQUIREMENTS AND EXPECTATIONS

Customer Groups	Requirements and Expectations
<ul style="list-style-type: none"> • Citizens/Homeowners Associations 	<ul style="list-style-type: none"> • Timely response • More natural resource protection
<ul style="list-style-type: none"> • Regulated Entities (industry and agricultural community) 	<ul style="list-style-type: none"> • Timely response • Decisions based on facts, science, and rules • Historical records retention • Minimal regulation • Consistency • Problem-solving and conflict resolution • Professionalism • Customer focused
<ul style="list-style-type: none"> • Consultants/Developers 	<ul style="list-style-type: none"> • Timely response • Decisions based on facts, science, and rules • Historical records retention • Minimal regulation • Consistency • Problem-solving and conflict resolution • Professionalism • Customer focused
<ul style="list-style-type: none"> • Government (EPA, TBEP, SWFWMD, FDEP, TPA, County, and City of Tampa) 	<ul style="list-style-type: none"> • Timely response • Decisions based on facts, science, and rules • Accurate information and data • Fiscal responsibility
Stakeholder Groups	Requirements and Expectations
<ul style="list-style-type: none"> • Environmental Groups • Government Agencies (Hillsborough County, Municipalities, Research Institutes/Schools/Libraries/Universities) • Elected Officials and Legislators • Citizens Environmental Advisory Committee 	<ul style="list-style-type: none"> • Timely response • Accurate information and data • Decisions based on facts, science, and rules • Fiscal responsibility • Historical records retention

FIGURE P.1-3 KEY SUPPLIERS, PARTNERS, AND COLLABORATORS

Type	Role in Work System/ Innovation	Communications	Supply Chain Requirements
Suppliers: <ul style="list-style-type: none"> • Scientific equipment • Office equipment • Contracted Professional Services • County departments (Accounting, Human Resources, Purchasing, Civil Service, Fleet, Building Maintenance, Communications) • HC Tax Collector 	<ul style="list-style-type: none"> • Supply required equipment and materials • Provide innovative ideas for public relations • Provide technical assistance related to databases • Provide administrative support services 	<ul style="list-style-type: none"> • Communication on a project basis • Contracts • Meetings and Teleconferences • Personal interaction • Agreements • Websites 	<ul style="list-style-type: none"> • Competitive price • Timely delivery • Availability • Technical specs • Complying with County procurement policies • Administrative support • Collection of fees
Partners: <ul style="list-style-type: none"> • Other state and federal regulatory programs (FDEP, EPA, SWFWMD, Health Dept.) • Other county programs (Tampa Bay 	<ul style="list-style-type: none"> • Provide technical assistance • Funding • Information sharing and distribution 	<ul style="list-style-type: none"> • Delegation • Agreements and MOUs • Grants, contracts • Reporting 	<ul style="list-style-type: none"> • Support • Technical expertise • Funding

<ul style="list-style-type: none"> Water, HC Public Works, HC Solid Waste, PGMD, HC Water Resources, Estuary Program, Sheriff's Dept.) Municipality programs (COT Public Works, COT Police Dept., TPA) 	<ul style="list-style-type: none"> Task assignments Oversight on delegated programs Provide grants for education/restoration Criminal enforcement 	<ul style="list-style-type: none"> requirements Meetings and teleconferences Workshops Training Audits
Collaborators: <ul style="list-style-type: none"> Environmental organizations (Bay Watch, Hillsborough River Watershed Alliance, FLERA, Audubon, Hillsborough River Technical Advisory Committee, etc.) Educational Institutions 	<ul style="list-style-type: none"> Information sharing and distribution Internships Education and outreach Provide consultation services 	<ul style="list-style-type: none"> Meetings and teleconferences Personal interactions Communication on a project basis Workshops Support Technical expertise

FIGURE P.1-4 CRITICAL SUCCESS FACTORS AND KEY DETRIMENTAL CHANGES AFFECTING EPC

Key Success Factors	Key Detrimental Changes
<ul style="list-style-type: none"> Citizens support us and prefer having local control over environmental issues. Being a local program, we have a clearer understanding of community needs and standards. Staff's comprehensive working knowledge of local regulated businesses and natural resources. We are more accessible and responsive to our customers, in many cases providing one stop permitting. Our functions are mandated by the Legislature, giving us the ability to regulate the county and the three municipalities within Hillsborough County. Employee knowledge, specific expertise, training, and longevity. 	<ul style="list-style-type: none"> Tighter budgets threaten to lower our level of service to our customers. Staff morale is affected by perceived lack of pay for performance. Annual legislative threats and mandates.

FIGURE P.1-5 STRATEGIC CHALLENGES AND ADVANTAGES

Strategic Challenges	Strategic Advantages
<ul style="list-style-type: none"> Balancing natural resource protection, property rights and economic development for the good of the community. Exceeding customer expectations with fewer resources. Use technology more efficiently to maintain a competitive level of service. Loss of expertise and institutional knowledge due to reduction in force and retirements have stressed the Agency's ability to be successful. Justify the need for a local natural resource protection agency and more stringent standards for Tampa Bay's unique estuary region. Continue to adapt and stay relevant and reflect changing policy and culture of peer organizations. Implement a formal management system with benchmarks for continuous improvement to enhance environmental protection Have a vision for the region and set long term goals with a plan to get there. 	<ul style="list-style-type: none"> Legislatively enacted to have comprehensive environmental regulatory jurisdiction over both the county and its municipalities. Agency is readily accessible to the public for records and to respond to spills and to investigate complaints 24/7. Local access to comprehensive public records. Operational strength stems from the core competencies and the ability to implement stronger standards to address local issues. Independent in-house legal counsel affords us the necessary resources to enforce our regulations. Our staff is dedicated and professional, with site specific expertise in engineering, science, and environmental law. Employee institutional knowledge is also a key operational advantage. Our sustainability relies on the desire and expectation of the citizens for a higher level of local environmental protection. Industry support of local regulatory programs. Ability to easily implement change because of local authority. Success in obtaining outside funding sources. Onsite NELAC certified laboratory. Leadership development and succession planning. Local accountability to the Board and the citizens promotes excellent service.

PART II. CORE FUNCTIONS

P.2A MEASURES

The Agency's core functions consist of five areas that are essential to the organization ability to meet its responsibilities under its authorizing legislative act (Chapter 84-446, Laws of Florida as Amended by Chapter 87-495). These five areas are Citizen Support, Ambient Air and Water Quality Monitoring, Permitting, Compliance Assurance and Enforcement. Thirty-five metrics have been chosen to measure the Agency's performance regarding these functions and they are listed in **Figure P.2-1**. These are collected quarterly from each division and reported to the Senior Staff for review.

A one year goal is set for select key performance measures annually and approved by the Board. These are reported to the Board quarterly and reviewed as part of the Executive Director's annual evaluation.

FIGURE P.2-1 1KEY PERFORMANCE MEASURES FOR CORE FUNCTIONS

Citizen Support

- Number of Complaints Received
- Percent of Complaint Investigations Initiated within 7 Calendar Days
- Number of Complaints Closed
- Percent of Complaint Investigations Closed within 90 Days
- Total Number of Staff Hours Spent on Outreach

Ambient Air and Water Quality Monitoring

- Number of Air Quality Monitors Operated
- Percent of Air Quality Monitors meeting Minimum Data Capture Requirements
- Number of Water Monitoring Stations Sampled
- Percent of Water Monitoring Data Captured
- Number of Analyses Conducted by the Laboratory
- Number of Analyses per Laboratory Personnel

Permitting

Delegated from Florida Department of Environmental Protection

- Number of Permit Determinations/Exemptions
- Number of Permit Determinations/Exemptions were In-house Prior to Issuance of Determination
- Number of Construction Permits Issued/Denied
- Average Time Construction Permit Applications were In-house Prior to Issuance of Intent
- Total Number of Permits Issued/Denied
- Percent of Applications Where Final Agency Action was Taken with Chapter 120 F.S.
- Total Number of Applications Reviewed and Commented on but Not Issued by EPC
- Percent of Construction and Operation Permit Applications Where Final Agency Action was Taken within 180 Days

Delegated from Tampa Port Authority

- Total Number of Permits Issued/Denied
- Average Time Permit Applications were In-House Prior to Issuance of Intent (days)

EPC Authorizations/Approvals

- Total Number of Authorizations Issued
- Average Time Applications were In-house Prior to Final Agency Action
- Percent of Authorizations where Final Agency Action was taken within 180 Days
- Total Number of Applications Commented On but Not Issued by EPC

Compliance Assurance

- Total Number of Inspections
- Initial Compliance Rate for Sources Considered Substantially in Compliance
- Total Number of Violations Resolved through the Compliance Without Enforcement Process (CWOE)
- Number of Warning Notices Issued
- Number of Warning Notices Closed
- Percent of Warning Notices Closed within 180 Days

Enforcement

- Number of Enforcement Cases Initiated based on Referral Date
- Number of Cases Resolved (under a signed Consent Order)
- Percent of Cases Resolved Administratively
- Percent of Cases That Received Notice of Enforcement Action Within 60 Days of Enforcement Referral

PART III. STRATEGIC PLANNING

P.3 PROCESS DESCRIPTION

The key elements of EPC's performance improvement system are part of our Strategic Planning Process (SPP). It is conducted annually and detailed below.

In addition to the annual planning exercise, the Sterling Coordinators Group meets monthly, process mapping teams have been established, and divisional problem solving teams are formed to address issues as they arise. External audits are conducted by FDEP and EPA for delegated programs, quarterly coordination meetings are held with FDEP, and external annual certification audits for the chemistry lab are required. Implementation of the Advanced Leadership Development Program (ALDP), annual performance evaluation of employees, and the Individual Development Plan (IDP) offer innovative ways for staff to develop relevant skills and achieve higher competency levels for superior performance and possible advancement.

P.3A ANNUAL STRATEGIC PLANNING STEPS

P.3A (1) REVIEW MISSION, VISION, VALUES:

Review existing mission, vision and values to determine they are still relevant. If not, changes will be made accordingly (See Figure P.3-1 below).

P.3A (2) REVIEW OF CURRENT SITUATION:

Review existing strategic priorities and objectives, challenges and advantages, core functions, products and services, changes in the environment, legislative threats and mandates, new priorities, results of implemented Action Plans, shifts in technology, competitors, customers, and regulatory environment, budgetary constraints, employee and customer survey results, other forms of customer feedback, Key Performance Measures, Institutional Performance Measures, operational and fiscal audits, and agency demographics.

P.2A (3) REVIEW AND UNDERSTAND CUSTOMER AND STAKEHOLDER REQUIREMENTS:

Review feedback from agency staff who regularly participate on stakeholder/customer committees and from our internal focus groups - Business Feedback and Environmental Feedback Groups, and the Citizens Environmental Advisory Committee - to determine changing requirements and expectations.

P.3A (4) PERFORM INTERNAL AND EXTERNAL STRENGTHS, WEAKNESSES, OPPORTUNITIES, AND THREATS (SWOT) ANALYSIS:

Based on the discussion and review in steps 1-3, a SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis is conducted in order to identify items that might be included in a current strategic plan. All items identified will be prioritized based on three factors: 1) Impact on Customer, 2) Need to Improve, and 3) Alignment with Mission-Vision-Values. Using a prioritization matrix, each possible planning item is rated 1 through 5 (1 is none, 5 is extreme). A minimum score will be determined to identify those priorities to be included in the strategic plan. The results of the SWOT analysis and prioritization process are provided in the SWOT Planning Issues Prioritization matrix shown in Figure P.3-2.

FIGURE P.3-1 STRATEGIC PLAN PROCESS MAP

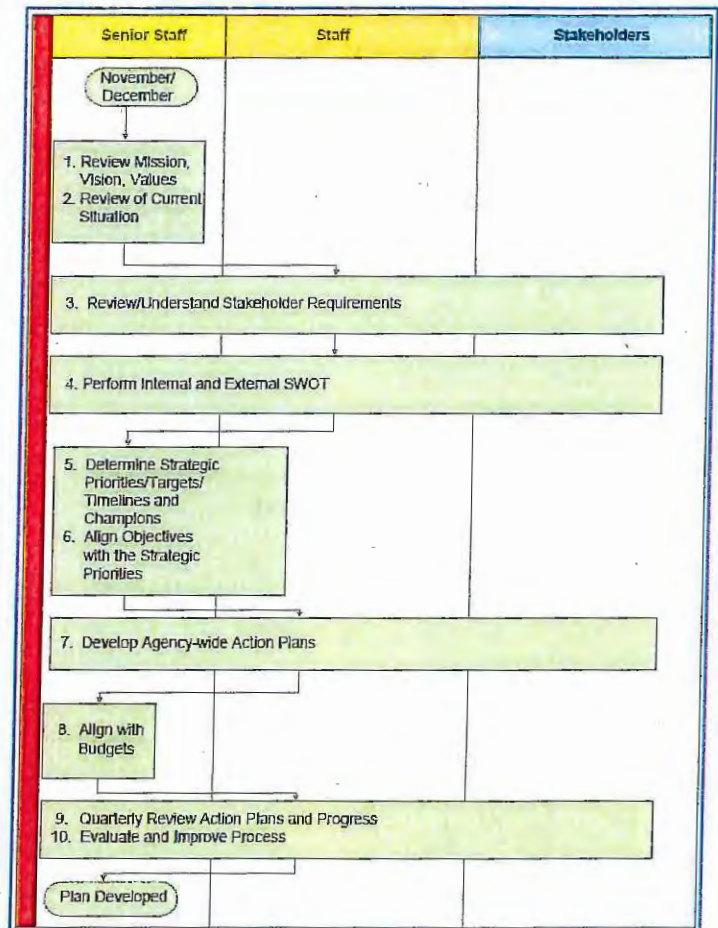


FIGURE P.3-2 2013 - 2014 SWOT ANALYSIS

Item	Impact on Customer	Need to Improve	Aligned to MVV	TOTAL	Environment	Workforce	Customer	Fiscal	Continuous Improvement
W- Limited funding	4.5	4	4	72				X	
T- Coming development boom	4.5	4	4	72	X	X	X		
W- Wetlands regulations	4	4.5	4	72	X	X			
W- Insufficient server capacity	4	4.5	4	72				X	
T- Anti-regulatory mindset	4	4	4	64			X		
T- special interest groups	4	4	4	64			X		
O- Cross-sharing successful processes	4	4	4	64		X			
W- Database connectivity	4	4	4	64				X	X
W- Capability to keep up outreach Obligations, No resource	4	4	4	64			X		
O- Mobile office	4	4	4	64		X			X
O- Improve relationship with legislature	4	4	4	64	X				
T- Legislative pre-emption	4	4	4	64	X				
O- Greater public support	4	4	4	64			X		
O- More web-based services	4	4	4	64			X		
T- Reduced contract funding	4	4	4	64				X	
T- Balancing Economic development vs Environmental protection	4	4	4	64	X				
O- Participate in rewrite of land development code & comp plan	4	4	4	64	X				
W- Employee recognition	3.5	4	4	56		X			
W- Inconsistent records management	4	4	3.5	56					X
O- Customer education	3.5	4	4	56	X		X		
O- Facilities improvement	3.5	4.5	3.5	55.125					X
W- In-house technical training	3.5	3.5	4	49		X			
W- ROI on technology	3.5	4	3.5	49				X	
O- DEP database (benchmarking) (comparative data)	3	4	4	48					X
W- Lack of adeptness in social media	3.5	3.5	3.5	42.875			X		
W- Workload allocation	3	4	3.5	42		X			
W- Lack of administrative personnel	3	4	3.5	42				X	
O- Learn more about customer segments (citizens)	3.5	4	3	42					X
W- Lack of physical storage space	3.5	4	3	42				X	
W- Limited HR training	2.5	4	3.5	35		X			
W- Technology implementation/ communication/	3.5	3.5	2.5	30.625					X
O- Continuing to Challenge Employees in small agency	3	3	3	27		X			
O- Pay for performance	3	3.5	2.5	26.25		X		X	
W- Shrinking PRF funding	2.5	3	3.5	26.25				X	
W- Unfunded delegations	3	3	2.5	22.5		X		X	
O- Securing more grants	2.5	3	3	22.5				X	
W- Environmental economic expertise	2	3	3	18	X	X			
O- More/different staff involvement with Sterling	2	2.5	2.5	12.5					X
T- Changes to civil service	2.5	2	2	10				X	
W- Clumsy Civil service system	2.5	2.5	1.5	9.375		X			
T- Increasing personnel costs	2	2	2	8				X	

SCALE: 1= None 2=Low 3= Moderate 4=High
5=Extreme M=Mandate

P.3A (5) DETERMINE STRATEGIC PRIORITIES, OBJECTIVES, TARGETS, TIMELINES AND CHAMPIONS: Based on the SWOT analysis and the reviews completed in Steps 1 - 4, strategic objectives, timeframes, and Champions will be determined for each Strategic Priority. This results in an updated Balanced

Scorecard shown in Figure P.3-3. The current Strategic Priorities are: Environmental Protection Excellence, Successful/Engaged Workforce; Customer/Partner Focused Excellence; Fiscal Responsibility; and Continuous Improvement. Champions are responsible for ensuring that divisions and teams are taking action to accomplish the Strategic Objectives.

FIGURE P.3-3 BALANCED SCORECARD OF STRATEGIC PRIORITIES AND OBJECTIVES

Priority	Strategic Objectives	Priority	Strategic Objectives
1.0 Environmental Protection Excellence	1.1 Protection of Groundwater & Soils	3.0 Customer/ Partner Excellence	3.1 Customer Service
	1.2 Protection of Surface Waters		3.2 Partnering Relationships
	1.3 Protection of Air Quality		3.3 Stakeholder Relationships
	1.4 Protection of Wetlands	4.0 Fiscal Responsibility	4.1 Diversify Funding
	1.5 Environmental Stewardship		4.2 Control Expenditures
	1.6 Improve Regulatory Compliance		
2.0 Successful/ Engaged Workforce	2.1 Employee Training & Development	5.0 Continuous Improvement	5.1 Process Performance
	2.2 Employee Satisfaction		5.2 Use of Technology
	2.3 Employee Empowerment		5.3 Leadership Development & Succession Planning

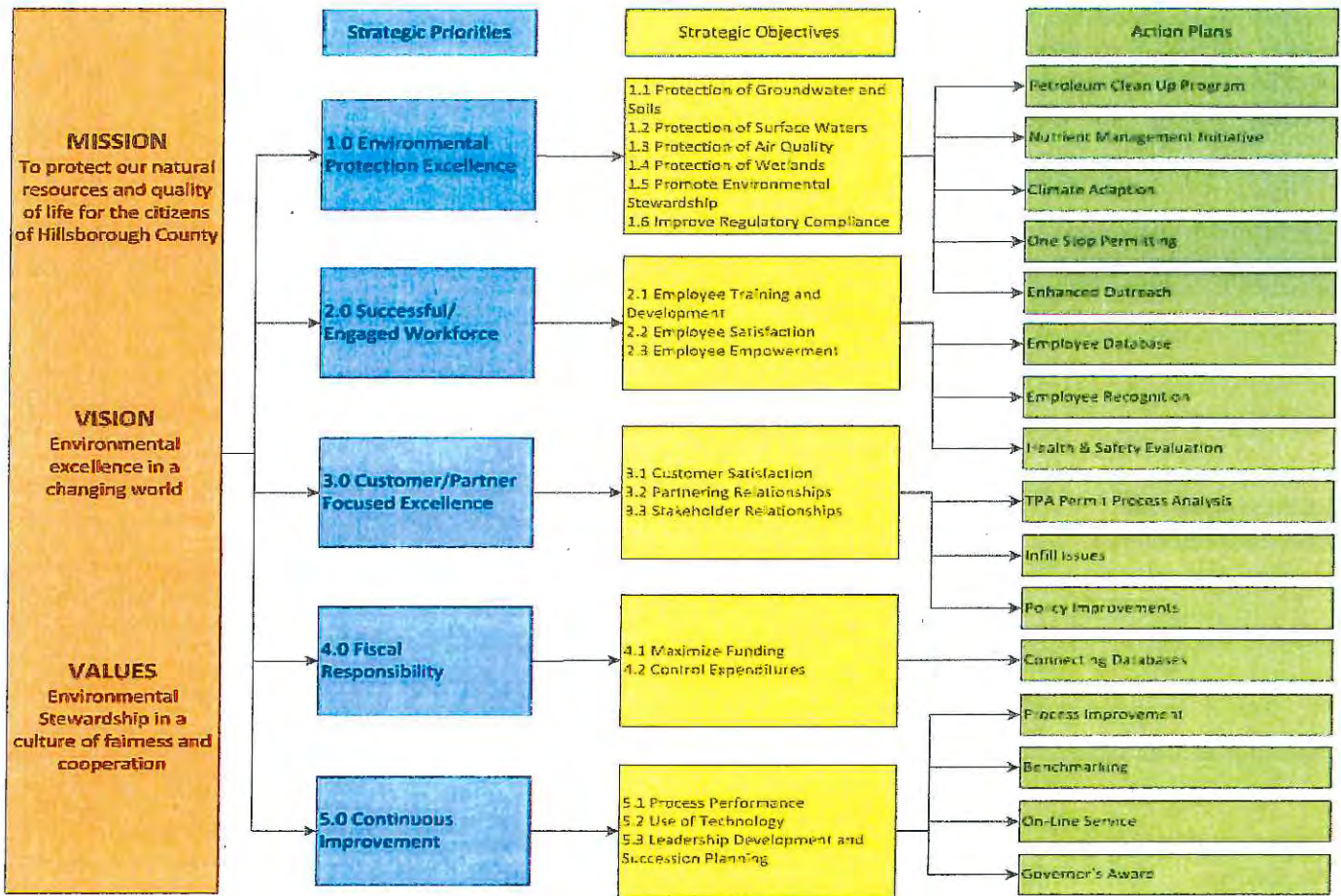
P.3A (6) ALIGN OBJECTIVES WITH THE STRATEGIC PRIORITIES: To ensure organizational alignment to Strategic Priorities, the agency's overall alignment to the stated Strategic Objectives will be rated as high, medium or low. An alignment matrix will be developed to display this alignment to assist Champions to determine if sufficient work is being done.

P.3A (7) DEVELOP AGENCY-WIDE ACTION PLANS: Potential ideas for action plans are developed over the year and kept by the action plan coordinator (usually a director). Staff is encouraged to send candidates to the coordinator throughout the year and they are then vetted during the strategic planning cycle starting in November. Senior staff meets with employees during the planning cycle and gets feedback from them as well as the EPC Board. The list of candidates is then thoroughly discussed at the annual

strategic planning retreat attended by Senior Staff. Input in part includes customer and employee surveys as well as progress on the long term goals as measured through the IPMs. Gaps are identified accordingly.

Action plans can be for more than one year although most are projected to conclude within 12 months. Because they reflect our core mission, strategic objectives 1.1 Protection of Groundwater & Soils, 1.2 Protection of Surface Waters, 1.3 Protection of Air Quality and 1.4 Protection of Wetlands have an action plan executed every year. The remaining thirteen strategic objectives will have an action plan but they may not be actionable in the current year. However each strategic objective will have an actionable plan at least once every other year. In addition in any given year at least one action plan will be executed for each of the five strategic priorities. The action plans for 2014 are listed in Figure P.3-4.

FIGURE P.3-4 2013-2014 STRATEGY MAP WITH OBJECTIVES AND ASSOCIATED ACTION PLANS



P.3A (8) ALIGN WITH BUDGETS: Any action plans with significant budgetary impact are assessed in terms of cost/revenue, importance, availability of human and physical resources, likelihood of success, and alignment to mission-vision-values. Fiscal analysis will determine whether the action plan will be implemented this year, in a later year, or be held contingent on availability of funding.

P.3A (9) QUARTERLY REVIEW ACTION PLANS AND PROGRESS: Review progress toward the accomplishment of Strategic Objectives and Action Plans on a quarterly basis. The review consists of an examination of all key success measures established for each Action Plan during the strategic planning process. These indicators should be noted in terms of whether the result is improving over time, whether it is meeting target values and whether it is exceeding established benchmarks. The progress made in accomplishing action plans within timeframes, whether action plans are meeting budget guidelines, and if these plans are making the

desired organizational impact should be a focus of the review process.

P.3A (10) EVALUATE AND IMPROVE PROCESS: The entire planning process is evaluated annually to determine how effective we were in accomplishing our Strategic Objectives and completing our action plans in terms of timeliness, what we learned, and what changes and/or updates are needed for the strategic planning process. This is done through the usage of an evaluation tool that scores our performance for each part of the planning process.

PART 4 MEASURING, BENCHMARKS AND LONG TERM STRATEGIC GOALS

At the onset of the development of this Strategic Plan, the Agency determined its five strategic priorities. Within each strategic priority, there are multiple objectives and they are listed in Figure P.3-4. As indicated therein, the organization has 5 strategic priorities and seventeen strategic objectives within the priorities in 2014.

In order to measure the Agency's progress on achieving these priorities, there is at least one a metric identified for each objective. They are referred to as Institutional Performance Measures (IPM) as they measure the Agency's institutional progress towards its objectives.

There are thirty-four individual IPMs and the Agency has collected several years of data on each. The actual values are listed in Figure P.4-1. This shows the Agency's trend on any one measure and is collected on an annual basis. It is reviewed by Senior Staff and used in the planning process as described in the subsequent section.

The benchmarking to establish where the organization stands in comparison to its peers is a 2014 Action Plan. Once the data is collected for the like-agencies later this year, this information will be used in the 2014- 2015 strategic planning cycle to re-evaluate the Agency's stated goals and to guide its 2015 Action Plans.

The Agency's long term strategic goals are listed in Figure P.4-2 below. They are stretch goals which are best described as difficult but achievable. They are derived from our priorities and objectives, and they are consistent with the Agency's Mission, Vision and Values. All are linked to our efforts to protect our natural resources through excellence in service, and promotion of environmental stewardship. These are revisited every year during the planning cycle with the understanding they reflect multi-year objectives of three years or more.

As the organization updates the IPM numbers every year, staff observes whether the trend is towards the goal or is going the other way. All this is taken into consideration during the planning phase. If it is determined that a particular IPM value is trending the wrong way, or not progressing fast enough, that strategic priority will be targeted for an action plan for the next year.

FIGURE P.4-1 INSTITUTIONAL PERFORMANCE MEASURES

	2009	2010	2011	2012	2013	Long Term Goals
1.1 Protection of Groundwater & Soils						
Number of petroleum contaminated sites	UA	UA	1,179	1,128	1,084	0
1.2 Protection of Surface Waters						
a. Number of the 4 Bay Segments meeting water quality goals (Ch1.a)	2	4	2	4	4	4
b. Percent water quality stations for Major tributaries in attainment (Total N)	71%	60%	64%	72%	64%	100%
1.3 Protection of Air Quality						
a. Number of air quality non-attainment designations for Hillsborough County	0	1	1	1	2	0
b. Percent reduction in the SO2 emissions per capita from 1990 levels (goal = 95%)	95%	95%	95%	95%	95%*	95%
c. Percent reduction in the Nox emissions per capita from 1990 levels (goal = 75%)	81%	85%	86%	86%	86%*	75%
d. Percent reduction in the Hg emissions per capita from 1990 levels	97%	97%	99%	99%	99%*	95%
*-2013 final data unavailable until point source's AORs for 2013 are received in May 2014						
*-2013 figures will be updated following receipt and validation of AORs						
1.4 Protection of Wetlands						
Percent of mitigation sites in compliance	96%	90%	93%	93%	92%	100%

1.5 Promote Environmental Stewardship							
a.	Percent of employees in compliance with Agency Outreach policy	UA	UA	UA	83%	76%	100%
b.	Average number of hours spent on outreach activities per employee	UA	UA	UA	9.5	9.9	8
c.	Total annual greenhouse gas emissions for Hillsborough County government (MTCO2e)	424,675	UA	UA	UA	UA	340,000 (by 2019)
d.	Number of climate adaption presentations sponsored or given by EPC staff per year.	0	0	0	0	0	3
1.6 Improve Regulatory Compliance							
a.	Initial compliance rate for sources substantially in compliance upon inspection by staff	76%*	UA	80%	84%	87%	90%
* Does not include Wetlands, as this measure was not collected prior to 2011							
b.	Timely resolution of lower level non-compliance	92%	92%	90%	91%	92%	100%
2.1 Ensure Employees Receive Ongoing Training and Development							
	Average number of training hours per employee per year	UA	UA	UA	25.5	15	24
2.2 Improve Employee Satisfaction							
a.	Percent employee turnover for the fiscal year	5%	9%	8%	5%	5%	5%
b.	Percent of employees responding they agree or strongly agree that overall they are satisfied with their job per the employee survey	83%	84%	79%	UA*	87%	90%
* Data unavailable because biennial survey not conducted in 2012							
2.3 Improve Employee Participation and Empowerment							
	Percent of agency employees serving on one or more agency committees	UA	UA	UA	48%	56%	90%
3.1 Improve Customer Satisfaction							
	Average overall score on the biennial customer survey rating the agency's timeliness on providing a final determination (scale of one to four with four being excellent)	3.39	3.52	3.34	UA*	UA**	3.75
* Survey conducted in 2012 represented customer satisfaction from 2011							
** Data for 2013 will be based on survey scheduled for the summer of 2014							
3.2 Improve Partnering Relationships							
	Number of collaborative agreements/full delegations in place with other organizations with environmental responsibilities and the resulting number of authorizations which have been combined	12	13	13	14	15	18

3.3 Improve Stakeholder Relationships						
Average overall score on the biennial customer survey rating the agency's effectiveness in protecting the environment (scale of one to four with four being excellent)						3.75
	3.37	3.54	3.46	UA*	UA**	
* Survey conducted in 2012 represented customer satisfaction from 2011						
** Data for 2013 will be based on survey scheduled for the summer of 2014						
4.1 Maximize Funding						
Percent of Agency's actual expenditures that came from non-ad valorem sources						50%
a.	49%	51%	53%	55%	56%	
Percent of grants applied for that were awarded to the EPC						100%
b.	25%	0%	50%	100%	N/A*	
* Not applicable for 2013 since no grants were applied for during the year						
4.2 Control Expenditures						
Total dollars returned to the county at the end of the annual budget cycle (total of returned general funds and unused Section 105 match)						\$100,000
	\$110,640	\$274,480	\$247,653	\$336,552	\$280,081	
5.1 Improve Process Performance						
Average number of days an application is in house prior to being issued for both delegated and non-delegated permits (for permission via permit/authorization to proceed with construction)						28
a.	29.8	UA	28.7	24.2	24.5	
Total number of Strategic Action Plans completed in a given year.						12
b.	N/A	N/A	19	15	9	
5.2 Improve Use of Technology						
Average number of analyses done per lab personnel tracked annually						6,000
a.	4,502	4,854	5,250	5,339	5,507	
Percent of citizen complaints received on the web site						50%
b.	5%	5%	7%	7%	10%	
Percent of permit applications received on-line						75%
c.	N/A	N/A	N/A	N/A	N/A	
Total number of hits on EPC's web site						100,000
d.	UA	UA	UA	UA	30,850	
Average number of inspections per inspector per year						300
e.	316	UA	308	298	341	
Percent of Priority One (i.e. outages) IT Track-It requests responded to within 15 minutes (number received)						100%
f.	UA	UA	UA	UA	66% (140)*	
* Policy of stamping response time to Priority One requests not begun until July 2013						
5.3 Ensure Effective Leadership Development and Succession Planning						
Number of employees completing ALDP in a given year						3
a.	N/A	N/A	N/A	2	2	
Percent of intermediate and advanced level position recruitments filled by in-house candidates						75%
b.	50%	100%	67%	43%	86%	

FIGURE P.4-2 LONG TERM STRATEGIC GOALS WITH ASSOCIATED IPM'S

Long Term Strategic Goals	Related IPM(s)
• Attain all air and water quality standards for the County.	• 1.1, 1.2, 1.3 ,1.4
• Create one stop environmental permitting at EPC.	• 3.2
• Participate in community planning for long term climate adaptation.	• 1.5
• Enhance the Agency’s strengths and relevance by adapting our services to fully meet our stakeholders needs.	• 3.3
• Build a comprehensive GIS-based database system for the environmental information.	• 5.2
• Offer comprehensive customer services through the web site.	• 5.2
• Promote staff excellence through systematic training and succession planning.	• 2.1, 2.2, 5.3
• Run an award winning organization.	• 5.1, 5.3

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: June 19, 2014

Subject: Noise Pollution Litigation - WOB S. Tampa, LLC v City of Tampa and EPC

Agenda Section: Regular Agenda

Item: Legal and Administrative Services Division

Recommendation: None, informational update.

Brief Summary: On May 15, 2014, a bar called World of Beer filed a complaint for declaratory and injunctive relief against the City of Tampa and EPC. Among other things, The World of Beer argues that the EPC rules are the only rules that should apply in all of Hillsborough and the three municipalities. EPC staff disagrees and is defending the EPC in this matter.

Financial Impact: Litigation will have a financial impact on current budget but is anticipated to be paid out of existing funds.

Background: On May 15, 2014, the World of Beer located in the South Tampa area informally known as SoHo filed a complaint in Civil Court for declaratory and injunctive relief against the City of Tampa and EPC regarding noise pollution issues. The case is entitled WOB S. Tampa, LLC v City of Tampa and EPC. Among other arguments, The World of Beer argues that the EPC rules are the only noise pollution rules that should apply in all of Hillsborough and the three municipalities. Thus, they argue the City of Tampa cannot apply its existing noise code against operations that may generate noise within the City's boundaries. EPC staff disagrees and is defending the EPC in this matter.

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: June 19, 2014

Subject: Summary of 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 ended on Friday May 2, 2014. The majority of the environmental bills the EPC was tracking failed, including springs legislation and the omnibus environmental bill by Representative Patronis. 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 lasted for 60 days and ended 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.

The following is a brief summary of the key environmental and administrative bills the EPC staff was tracking:

FUEL TERMINALS (HB 947/SB 1070)

(PASSED)

Protects existing fuel terminals from local comprehensive plan changes or development regulations that could affect their existing use and their ability to rebuild after a disaster. SB 1070 was sent to the Governor for signature on June 5, 2014. If signed, it will be effective July 1, 2014.

BROWNFIELDS (HB 325/ SB586)

(PASSED)

Revises procedures for designation of brownfields areas by local governments. More procedures and notice requirements for local governments if brownfields are outside of a special redevelopment area. It also provides certain liability protection for the brownfield developer against property damage claims. HB 325 was sent to the Governor for signature on June 5, 2014. If signed, it will be effective July 1, 2014.

ECONOMIC DEVELOPMENT (HB 7023)

(PASSED)

Provides that any building permit and any DEP or Water Management District ERP permit which has an expiration date from January 1, 2014, through January 1, 2016, is extended and renewed for a period of 2 years after its previously scheduled date of expiration. This extension includes any local government-issued development order

or building permit. The permittee must notify the authorizing agency in writing by December 31, 2014, in order to receive the extension. Appears to be the only item that was removed from Patronis's bill and passed elsewhere. HB 7023 has not been sent to the Governor for signature as of the drafting of this summary. If signed, it will be effective July 1, 2014.

RECLAIMED WATER (SB 536/HB 601)
(PASSED)

Requires Florida Department of Environmental Protection (DEP) to conduct a study on the expansion of the beneficial use of reclaimed water and stormwater, and to submit a report based upon such study. Sets criteria for the study and requires DEP to coordinate with the affected stakeholders. SB 536 was sent to the Governor for signature on June 5, 2014. If signed, it will be effective July 1, 2014.

DEP - PETROLEUM CONTAMINATION (HB 7093/SB 1582)
(PASSED)

The bill repeals the DEP's petroleum cleanup preapproval program (estb. 1996). The bill also deletes the obsolete reimbursement program (1986-1996). Previously, DEP preapproved site rehabilitation work based on templated costs and property owners hired their own contractors. This bill provides that all site rehabilitation work must be competitively procured pursuant to State procurement laws (Chp 287, F.S.). By having the DEP control the process of bid solicitation and designation of contractors, the opportunity for contractor manipulation and waste is reduced. This has already been occurring since January 2014, but the bill codifies it. Also, competitive bidding for site rehabilitation projects is no longer exempt from the requirements of the Consultants' Competitive Negotiation Act. HB 7093 was sent to the Governor for signature on June 5, 2014. If signed, it will be effective July 1, 2014.

HILLSBOROUGH COUNTY CIVIL SERVICE (HB 683)
(PASSED)

Allows Hillsborough's local governments to opt out of certain provisions of the Hillsborough County Civil Service Act, but still requires those governments to use the Civil Service employee grievance process. HB 683 was signed into law by the Governor on May 12, 2014 and is effective July 1, 2014.

AGRICULTURE/TAXES/WATER RETENTION (HB 7091, SB 312, HB 207, HB 575, and HB 121)
(PASSED)

Among other things, it provides that if an agricultural property is used to store surface water for a Water Management District project (i.e. – Everglades water storage and water quality treatment areas), it will be deemed non-income producing agricultural land but not taxed as non-agricultural. This is an incentive bill to the agricultural industry to cooperate with the WMDs in various water retention and water treatment projects. HB 7091 was sent to the Governor for signature on June 5, 2014. If signed, it will be effective July 1, 2014.

ENVIRONMENTAL REGULATION (HB 703/SB 1464)
(FAILED)

Patronis's omnibus environmental regulations bill. Preempts local government wetland and stormwater regulation's passed after 2003 on agricultural lands; preempts local government wetland regulation in certain water control districts; preempts state-delegated local governments conducting water well construction regulatory programs; extends permit durations for private water storage; and comprehensive plan and plan amendments need only be adopted by a simple majority of the local board (thus no supermajority requirement allowed).

DEVELOPMENT EXACTIONS (HB1077/SB 1310)
(FAILED)

Stemming from recent U.S. Supreme Court decisions on wetlands mitigation, this bill prohibits local governments from imposing or requiring certain exactions on or against private property in exchange for a permit.

SPRINGS (HB 1313/SB 1576)
(FAILED)

Requires water management districts and DEP to identify certain springs for protection and improve their flow and water quality via tougher standards and Best Management Practices for local governments, private sector, agriculture, and septic systems. However, \$30 million is still in the budget to the DEP for springs improvement.

SPRINGS REVIVAL ACT (HB 49/SB 76)

(FAILED)

Lesser known bill that was not seriously considered compared to SB 1576. Requires the water management districts to identify first and second 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.

FRACTURING CHEMICAL USAGE DISCLOSURE ACT (HB 71)

(FAILED)

Requires DEP to 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.

PUBLIC RECORDS/FRACTURING CHEMICAL USAGE DISCLOSURE ACT (HB 157)

(FAILED)

Would ensure that trade secret information held by the DEP regarding hydraulic fracturing is kept confidential and exempt from public records laws.

LAND CONSERVATION (SB 1398/No House Companion)

(FAILED)

Limits the ability of the state, a county, or a municipality to purchase land outside an area of critical concern for conservation purposes.

DEVELOPMENTS OF REGIONAL IMPACT (SB 372 and HB 241)

(FAILED)

The bill further limits Developments of Regional Impacts (DRI) review requirements in more counties with large populations. Hillsborough is already considered a Dense Urban Land Areas (DULA), as are our three municipalities, and thus are already exempt from DRI reviews.

FAIR ASSOCIATIONS (SB 624/HB 1259)

(FAILED)

Prohibited a county from levying any tax, special assessment or stormwater utility fee for the construction, operation or maintenance of stormwater facilities against land owned by a fair association; and prohibits a county, municipality, or special district from imposing an impact or mobility fee on a fair association. County staff indicated that the Florida State Fairground's property is exempt from the local stormwater fee by ordinance, thus no real issue in Hillsborough.

CARRYOUT BAGS (SB 830)

(FAILED)

Bill 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 recycled-content paper bags.

LAND APPLICATION OF SEPTAGE (HB 1113/SB 1160)

(FAILED)

This bill would allow land application of the sewage extracted from septic tanks (septage) to continue through January 2017, where currently it must cease by January 2016.

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: June 19, 2014

Subject: Brownfields Annual Report Presentation

Agenda Section: Regular Agenda

Item: Waste Management Division

Recommendation: Informational Report

Brief Summary: EPC is required to submit an Annual Report to FDEP which describes Brownfield activities that have taken place in Hillsborough County during the 2013-2014 reporting period. The presentation will include an overview and summary of the sites currently managed by EPC.

Financial Impact: No Financial Impact

Background: EPC has administered the Brownfields program since 2004 through a long standing Delegation Agreement with the Department of Environmental Protection. The voluntary program has been very successful encouraging environmental cleanup and redevelopment of abandoned, idled or underused properties. EPC staff will provide an overview of the 2013-2014 Annual Report that has been submitted to the Florida Department of Environmental protection. Staff will highlight a variety of sites being redeveloped within the County including the City of Tampa, Plant City and Unincorporated Hillsborough County.

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: June 19, 2014

Subject: Approval to Create an Environmental Specialist I Position

Agenda Section: Regular Agenda

Item: Waste Management Division

Recommendation: Approve staff recommendation to establish an Environmental Specialist I position for the Petroleum Cleanup Program.

Brief Summary: EPC has received a draft Task Assignment with an increased workload and additional funding for the Petroleum Cleanup Program for the upcoming state fiscal year which begins July 1, 2014. The additional workload will necessitate establishing a new Environmental Specialist position and the funding provided will be sufficient to entirely cover the proposed cost. The task assignment is expected to be signed by both parties prior to July of 2014.

Financial Impact: \$50,000 additional Grant dollars provided by the State to EPC with no net impact to the General fund.

Background: EPC has administered the Cleanup Program for the Florida Department of Environmental Protection since 1987. The Program is funded entirely through a Grant with renewed task assignments. The position will be permanent, but is directly tied to the continuance of available funding through the Grant and its Task Assignments. The funding increase is approximately \$74,000 dollars for the State fiscal year starting July 1, 2014. The Cleanup Program provides a significant and direct benefit to the residents of Hillsborough County providing protection to our groundwater resources and remediating contamination already present in our environment.

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: June 19, 2014

Subject: Clean Air Month Update

Agenda Section: Regular Agenda

Item: Air Management Division

Recommendation: None – Informational Only

Brief Summary: Once again this year, EPC was pleased to celebrate the month of May as Clean Air Month. On May 1, 2014, EPC was very proud to host the 13th Annual Clean Air Fair in downtown Tampa. The Clean Air Fair is the signature public outreach event annually organized by EPC. This year's fair included 51 exhibitors with an estimated attendance of over 1,000 visitors. On May 21, 2014, EPC partnered with Ben & Jerry's and hosted a second Clean Air Month event outside the lobby of County Center where EPC information was provided and complimentary ice cream was distributed. EPC also hosted the 13th Annual EPC Clean Air Month Photo Contest in conjunction with the Hillsborough County School System, and the winning photographs were arranged for public display at the Clean Air Fair, the County Center event, the County Center lobby, and the EPC lobby.

Financial Impact: No Financial Impact.

Background: EPC has recognized the national designation of the month of May as Clean Air Month since the 1970's. EPC has embraced this celebration since 2000 through the hosting of community events, environmental presentations to local schools, and promotion of environmental contests. While the activities related to Clean Air Month have been reduced in recent years, EPC is proud to continue recognition of Clean Air Month through three primary public outreach events.

On May 1, 2014, EPC was pleased to host the 13th Annual Clean Air Fair at Poe Plaza in downtown Tampa from 11:30am-1:30pm. EPC established this year's theme for Clean Air Month as "*Environmental Stewardship Begins With ... YOU!*", which is meant to recognize that protection of the environment starts with each individual's awareness, attitude and actions. The goal of the fair was to highlight local air quality and to promote a healthy environment through public education. Each year, the event seeks to recognize environmentally-conscious organizations and companies that contribute towards making our community a better place to live. As our signature public outreach event, the Clean Air Fair continues to grow annually, with 51 exhibitors attending this year. The free lunchtime event included a variety of environmental and health information exhibitors, complimentary refreshments and food items, giveaways, prize drawings and live music. Through the generous donations of our exhibitors and the community, the event was funded for approximately two hundred dollars.

On May 21, 2014, EPC hosted a second event celebrating Clean Air Month just outside the lobby of County Center. EPC scheduled the lunchtime event in partnership with Ben & Jerry's, and it included information promoting EPC and the importance of clean air, along with the distribution of over 750 complimentary samples of ice cream.

EPC also hosted the 13th Annual EPC Clean Air Month Photo Contest in conjunction with the Hillsborough County School System. The annual environmental photography competition is offered to all local public high school and select middle school students in an effort to recognize Clean Air Month and encourage increased awareness of the environment and air quality. The aim of the competition is to inspire the imagination of young artists to consider environmental issues facing the community. The winning photographers received savings bonds, and the winners and selected honorable mentions were arranged for public display at the Clean Air Fair, the County Center event, and the lobby of County Center for a two week period. They will be displayed in the EPC lobby throughout the summer.

List of Attachments:

1. Clean Air Fair flyer—67—
2. Clean Air Month Photo Contest flyer

Clean Air Fair 2014

PLEASE JOIN US at this *free event* in honor of
Clean Air Month!

Date: Thursday, May 1, 2014 Time: 11:30 am - 1:30 pm

Location: Poe Plaza, downtown Tampa (On Franklin at Jackson Street)

-
- Environmental and Community Exhibits • Prize Drawings for Gift Cards and Local Attractions • Complimentary Refreshments and Food Items • Transportation and Bike/Pedestrian Exhibits
 - Health and Safety Information • Live Music •
-

This Year's Theme:

*“Environmental
Stewardship
Begins With ...*



Join us as an exhibitor by calling the number below or email us at
jenkinsm@epchc.org ... or just be our guest and stop by.

We look forward to seeing you there!



Scan the blue box with your
smart phone for the
Clean Air Fair location

The Environmental Protection Commission
of Hillsborough County
3629 Queen Palm Drive · Tampa · FL 33619
(813) 627.2600 ext 1271 • www.epchc.org

*Our Vision:
Environmental
Excellence
In a
Changing World*

13th Annual Environmental Photo Contest

In honor of **Clean Air Month, May 2014**, the Environmental Protection Commission of Hillsborough County (EPC) is inviting you to participate in the **13th Annual Clean Air Month Photo Contest**. Photos will be juried by a local photographer and EPC staff. Selected photos will be exhibited throughout the community from May – September 2014.

Topic - This year's theme is "**Environmental Stewardship Begins With You**" and recognizes that protection of the environment starts with each individual's awareness, attitude and actions. Together, through the proper care and management of the environment, we can protect the natural surroundings and atmosphere of Hillsborough County for a brighter and more sustainable future. We encourage you to incorporate this concept and/or others listed below into your photography:

- Examples of local residents protecting or promoting the care of the environment
- Examples of alternative technologies reducing pollution in the community
- Examples of how local residents reduce air pollution
- Examples of air quality concerns or pollutants in or near your neighborhood
- Examples of Hillsborough County residents enjoying clean air where they live

**Environmental Stewardship
Begins With ...**



Awards/Recognition:

- \$150 donation to the school's Art Department of the first place winner
- First place student -- \$150 for purchase of U.S. Savings Bond
- Second place student -- \$100 for purchase of U.S. Savings Bond
- Third place student -- \$75 for purchase of U.S. Savings Bond
- Certificates awarded to all Winners and Honorable Mentions
- Many submittals to be exhibited at EPC's Roger P. Stewart Center lobby through September 2014
- Finalists and select others to be displayed at EPC's Clean Air Fair, May 1, 2014 in downtown Tampa

Photo Specifications:

- Photo may be black and white, color, or hand-colored/embellished photography
- Student may use point and shoot, 35mm or digital camera, and photos may be lab developed
- Photos may be 2-dimensional or 2-dimensional relief using any media, however 80% must be photography
- Photos may be from postcard size to no larger than 2' x 3' (in any direction)
- Each student may submit up to two pieces of photography for the contest

Submittal Requirements:

- Photos must be **related to air quality** and **taken in Hillsborough County**
- Photos must be **matted**
- On the back of each artwork the student must include **two hard copies** of the electronic entry form to include: description of photography, how it relates air quality and **complete contact information**

Important Date:

Deadline: Hand deliver or send via school mail to Dana Warner, Supervisor, Middle/Secondary Art & Humanities by **April 15, 2014**



Students ... Have you? ✓ Matted the photo?

- ✓ Attached completed student info form on the back of photo
- ✓ Met the size requirement?
- ✓ Included two second copy of student info form with submittal?

Clean Air Month 2014

PLEASE JOIN US at this free environmental event as we

partner with  Core Tour

in honor of Clean Air Month!



Date: Wednesday, May 21, 2014 Time: 11:30 am - 1:30 pm

Location: Hillsborough County Center, downtown Tampa
(outside the North entrance at Kennedy and Pierce)

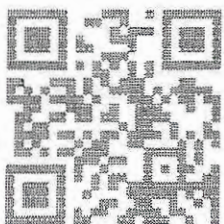
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- EPC Environmental Exhibit • Clean Air Month Photo Contest
 - Winners • Complimentary Ben and Jerry's Ice Cream •
-

This Year's Theme:

“Environmental
Stewardship
Begins With ...



Please be our guest and stop by...
We look forward to seeing you there!



Scan the blue box with your
smart phone for the
event location

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: June 19, 2014

Subjects: Wetlands Division: (1) Wetland Division Status Report; (2) Request for Board Action – Fee Reduction; (3) Request for Board Input – Riparian Line Placement.

Agenda Section: Regular Agenda

Item: Wetlands Management Division

Recommendation: (1) Accept status report regarding recent Wetland Division activities; (2) approve staff recommendation on fee reduction for first re-submittals of projects to the County; (3) consider/discuss a request regarding Riparian Line Placement for a future project to assist streamlining of dock permitting.

Brief Summary: (1) The status report provides a synopsis of major efforts within the Wetland Division. (2) Staff proposes that there be a reduction in a fee currently collected on behalf of EPC by the County. Specifically, it is proposed that the fee assessed on EPC's behalf by the County for the first re-submittal of a project be waived/deleted. This will place the fees collected on behalf of EPC in alignment with the County's approach to fee collection for first re-submittals. (3) Staff presents a potential mapping project that would provide to citizens and contractors riparian lines for submerged lands owned by the Port Tampa Bay and administered by EPC.

Financial Impact: Financial Impact will be to the County's funds collected from applicants. If adopted in the future, EPC estimates this amount at \$30,000.

Background:

- (1) The Wetlands Management Division has been experiencing a substantial increase in the types of permitting programs administered as well as in the volume of permit applications being received from these programs. The Wetlands Management Division takes an active role in assisting the County in various high water issues involving lakes and wetlands. In 2014 to date, the Division is actively working on high water issues involving Lake Brant, Lake Gibson, and Lake Taylor. The Division is working on receiving delegation from Florida Fish and Wildlife Conservation Commission for aquatic plant management activities (an Action Plan for 2014).

For Tampa Port Authority - delegated activities, the Division is implementing a Three Phased Approach to streamlining permitting activities. The first phase involves actions such as having different time clocks required by different regulations run concurrently rather than in sequence (reducing the overall time for a permit application to be complete and free from potential objections). The second phase involves developing a list of potential modifications to the enabling act for Port Authority staff to consider bringing forth in Tallahassee at the next legislative session (an Action Plan for 2014). The third phase will involve working with Port Authority staff, then possibly going to the Port Authority Board and the EPC Board with several recommended modifications to the existing rule that will facilitate the Port rules and FDEP rules and USACoE rules to be more in alignment (also an Action Plan for 2014).

For wetland permitting and associated development reviews processes, the Division is working to obtain additional delegation from FDEP to be able to act as that agency's agents for certain highly specialized wetland issues (another Action Plan for 2014). The Division is also working closely with staff at the Planning Commission to help ensure that the EPC's processes are in alignment with the upcoming Comprehensive Plan re-writes. We are doing the same with the various County Departments that are working on major changes to the Land Development Code. We are also working closely with County staff from Development Services on how EPC processes might be in alignment with future major efforts by the BOCC to attract specific major industries to specific locations. We are making similar efforts to coordinate with the cities as well (portions of these efforts are part of a 2014 Action Plan).

The Division currently is working on 3 separate grants (two from the SWFWMD, one from EPA). The two from SWFWMD are on time and within budget. The EPA Grant has been extended in time frame due to (a) unusually high water levels in 2013; (b) complexities in coordination with schedules of internal and external scientists. There is no change in budget and we are still within budget on the project.

Recommendation: Accept this report.

- (2) Fee Collection: EPC reviews project applications that are submitted to the County. We examine these for potential impacts to on-site and off-site wetlands and other surface waters. The County automatically bills the applicant for these services (EPC does not bill for these separately). The fee charged by the County for each EPC review (original submittal as well as every subsequent re-submittal by the applicant) is \$500. This approach used to be consistent with what the County itself did (charge for the original submittal and every re-submittal). The County has changed their approach, and no longer charges the applicant for the first re-submittal. Staff at EPC believes that EPC should consider also not charging the applicant for the first re-submittal. Since the fee is actually levied by the County, to actualize this will require an action by the Board of County Commissioners. Staff is requesting an action by the EPC Board to authorize EPC staff to make this request to the BOCC on behalf of the EPC Board. In 2013, EPC estimates the amount of funds collected by the County on EPC's behalf for first re-submittals was roughly \$30,000.

Recommendation: Authorize EPC staff to request the Board of County Commissioners modify the County's fee schedule to delete the requirement that \$500 be collected for EPC for first re-submittals of plans to the County, in order to make this procedure consistent with what the County itself currently does.

- (3) Discussion of a Potential Future Project Requiring Additional Funds: In the continuing efforts to streamline permitting, staff has identified "riparian line placement" as one of the major stumbling blocks in efficient permit processing for Port Tampa Bay permits. By law, a legally binding "riparian line" over TPA owned submerged lands can only be decided by a Circuit Court Judge. In layman's terms, the process requires that a "line" be run perpendicular to the center line of the navigation "channel" to the property line. In other words, the line is to be run from the water to the land. A riparian line is NOT simply an extension of a person's property lines out into the water. There are very few riparian lines in the County actually set by a judge due to the expensive and time-consuming nature of the process. What happens in practice is that EPC staff review the estimated riparian lines sent in by the applicant to determine if the line appears reasonably close to what experienced EPC staff would estimate. Staff has found that the riparian line submitted by applicants often simply extends the property line out into the water. This is often not correct and requires a re-submittal of plans by the applicant, and EPC staff having to review the same application a second time (inefficient use of staff time, effort).

Staff is of the opinion that having a GIS map overlay readily available to all applicants that shows what EPC considers to be the "best estimate" of the actual riparian line for each property would greatly reduce the number of re-submittals required. The EPC-derived "best estimate" lines could be rebutted by an adjacent property owner or an applicant, should they want to go to the effort of providing the legally-

binding line through a Circuit Court Judge's decision. Staff is of the opinion that rebuttals would be extremely rare, as EPC would develop each line using the procedure(s) described in state statutes. The only way to further refine such a line would for a licensed surveyor to mobilize a boat, proceed to a location off-shore where we and the surveyor agree is the "official" navigation center line and then survey perpendicular to that spot to the edge of land. In the event that this effort yields a sufficiently different line than that derived by EPC, the applicant can then go to Circuit Court. EPC estimates that there are roughly 10,000 parcels of property adjacent to TPA-controlled submerged lands. EPC has the expertise to undertake this GIS riparian line determination in-house. We have developed significant expertise in how to best estimate these lines over time. We will require additional GIS hardware to make these maps and lines accessible to our permitting staff and to the dock contractors and the public. We estimate the cost of the additional GIS hardware and software to be roughly \$20,000 in Year 1 then about \$5,000 per year after that to maintain the licenses and stations.

We anticipate our draft product will be ready for a rigorous critique by summer of 2015. We anticipate needing to order the extra GIS hardware and station licenses/software in early budget year 2016.

We have already broached this concept with Tampa Port Authority staff and have invited their input. We would not implement anything should TPA respond in any negative way.

Therefore, staff is seeking input from the Board on whether the Board is of the opinion that a special \$20,000 purchase in FY 2016 along with a recurring fee of roughly \$5,000 per year thereafter to develop and maintain this service to the public is in the public interest.

Recommendation: Receive report and provide staff with feedback as to cost-effectiveness of the idea. This would be a budget item in FY 2016.

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