

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
SEPTEMBER 18, 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: August 21, 2014	3
B. Monthly Activity Reports – August 2014.....	7
C. Pollution Recovery Fund Reports – August 2014	19
D. Legal Case Summary, September 2014.....	21
E. Request Authority to take appropriate legal action against Shiraz Investments, LLC.....	25
F. Select Performance Measure Goals for 2014.....	27
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V. LEGAL & ADMINISTRATIVE SERVICES

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VI. GREEN TEAM

Best Workplace for Commuters.....	69
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VII. WASTE MANAGEMENT DIVISION

Intern Action Plan Results	71
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VIII. AIR MANAGEMENT DIVISION

A. Update on Improved Procedures for Paladin Applications.....	73
B. Tampa Bay Clean Cities Coalition	75

IX. ROGER P. STEWART – In Memoriam

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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AUGUST 21, 2014 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, August 21, 2014, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Vice Chairman Victor Crist and Commissioners Kevin Beckner, Al Higginbotham, and Sandra Murman.

The following members were absent: Chairman Lesley Miller Jr. and Commissioners Ken Hagan and Mark Sharpe.

▶ Vice Chairman Crist called the meeting to order at 9:09 a.m.

▶ INVOCATION AND PLEDGE OF ALLEGIANCE

▶ Vice Chairman Crist offered remarks and requested a moment of silence for the passing of Mr. Roger Stewart, former EPC executive director.

CHANGES TO THE AGENDA

▶ Dr. Richard Garrity, EPC Executive Director, reported no changes to the agenda. ▶ **Commissioner Beckner moved the agenda, seconded by Commissioner Murman, and carried four to zero.** (Chairman Miller and Commissioners Hagan and Sharpe were absent.)

I. PUBLIC COMMENT

The following people spoke on the proposed Environmental Protection Agency standards for existing power plants: ▶ Messrs. C. L. Townsend Jr., representing a coalition of local groups concerned about avoiding the consequence of the inaction regarding climate change, who requested adoption of a resolution in background material, and ▶ Robert Reed, 3211 South Kings Avenue. After remarks, ▶ Commissioner Beckner wanted staff to review the information, report back, and look at specific things that could be done locally and advise the EPC Board on the resolution. ▶ After directing staff to move forward, Vice Chairman Crist called for a motion to close the public speaking portion. **Commissioner Murman so moved, seconded by Commissioner Beckner, and carried four to zero.** (Chairman Miller and Commissioners Hagan and Sharpe were absent.)

THURSDAY, AUGUST 21, 2014 - DRAFT MINUTES

II. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Summary of recent CEAC meeting by CEAC Chairman

▶ Mr. Jason Gorrie, CEAC Chairman, highlighted the report.

III. CONSENT AGENDA

- A. Approval of Minutes: June 19, 2014.
- B. Monthly Activity Reports - June and July 2014.
- C. Pollution Recovery Fund Reports - June and July 2014.
- D. Legal Case Summaries, July and August 2014.

▶ **Commissioner Murman moved consent, seconded by Commissioner Beckner, and carried four to zero.** (Chairman Miller and Commissioners Hagan and Sharpe were absent.)

IV. EXECUTIVE DIRECTOR REPORT

- A. Florida Sterling Council Incorporated (Sterling Council) Presentation, Mr. John Pieno, president, Sterling Council

▶ Dr. Garrity offered remarks regarding the passing of Mr. Stewart and shared a presentation. ▶ Mr. Pieno expounded on the Sterling Council, as provided in background material, and looked forward to the EPC being recognized as the first role model in the country. After comments, ▶ Vice Chairman Crist proposed attaching a score card showing the progress of the goals and objectives.

- B. Climate Adaptation Presentation, Dr. Charles Paxton, Science Operations Officer, National Weather Service Station, Ruskin

▶ Dr. Garrity highlighted the item. Ms. Margaret Rush, EPC, provided the update and introduced ▶ Dr. Paxton, who expanded on a presentation, as furnished in background material, and responded to queries. ▶ After talks on follow-up and EPC Board action, ▶ **Commissioner Beckner moved to direct staff to work together on fact-based information on what the EPC knew was happening with the climate and to perhaps then bring back recommendations to the EPC Board and keep the EPC Board advised as far as what staff needed from EPC Board support to work on the issues, seconded by Commissioner Murman, and carried four to zero.** (Chairman Miller and

THURSDAY, AUGUST 21, 2014 - DRAFT MINUTES

Commissioners Hagan and Sharpe were absent.) Vice Chairman Crist recommended staff establish a list of deliverables for the EPC Board to move forward with the process. Dr. Garrity reported on the Tampa Bay Clean Cities Coalition.

V. WASTE MANAGEMENT DIVISION

A. Manatee County Petroleum Cleanup Contract

▶ Mr. Andy Schipfer, EPC, relayed information and requested authorization for Dr. Garrity to continue the negotiations and amend the existing contracts and task assignments. ▶ **Commissioner Higginbotham so moved, seconded by Commissioner Murman.** Following clarification, ▶ **the motion carried four to zero.** (Chairman Miller and Commissioners Hagan and Sharpe were absent.)

VI. LEGAL AND ADMINISTRATIVE SERVICES DIVISION

A. Customer and Legal Department Survey Summary

▶ Mr. Jerry Campbell, Director, EPC Air Management Division, shared a presentation, as furnished in background material.

VII. AIR MANAGEMENT DIVISION

A. Apollo Beach Air Monitoring Site Update

▶ Mr. Alain Watson, EPC, gave the report, as provided in background material. Appreciative comments followed. ▶ Commissioner Higginbotham requested additional copies of the report. Remarks ensued.

VIII. WATER MANAGEMENT DIVISION

A. Artificial Reef Program Update

▶ Mr. Tom Ash, EPC, summarized a presentation, as furnished in background material. After inquiry, ▶ Commissioner Higginbotham desired future discussion on naming a reef after Captain Mel Berman and asked about the pyramid devices. Subsequent to comments, ▶ **Commissioner Beckner moved to direct staff to work with the family to plan a ceremony and a day-of-life ceremony for the late Mr. Stewart and also rededicate the Roger P. Stewart Center, seconded by Commissioner Murman, and carried four to zero.** (Chairman Miller and Commissioners Hagan and Sharpe were absent.)

THURSDAY, AUGUST 21, 2014 - DRAFT MINUTES

▼ There being no further business, the meeting was adjourned at 10:47 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

ssg

**FY14 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

AUG

A. Public Outreach/Education Assistance

1	Phone calls	152
2	Literature Distributed	0
3	Presentations	2
4	Media Contacts	2
5	Internet	39
6	Host/Sponsor Workshops, Meetings, Special Events	0

B. Industrial Air Pollution Permitting

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

a.	Operating	3
b.	Construction	2
c.	Amendments / Transfers / Extensions	3
d.	Title V Operating:	2
e.	Permit Determinations	2
f.	General	1

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

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

C. Administrative Enforcement

1	New cases received	0
2	On-going administrative cases	
	a. Pending	2
	b. Active	4
	c. Legal	1
	d. Tracking compliance (Administrative)	9
	e. Inactive/Referred cases	0
	TOTAL	16
3	NOIs issued	1
4	Citations issued	0
5	Consent Orders Signed	0
6	Contributions to the Pollution Recovery Fund	\$0.00
7	Cases Closed	0

D. Inspections		
1	Industrial Facilities	17
2	Air Toxics Facilities	
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	0
	b. Major Sources	3
3	Asbestos Demolition/Renovation Projects	20
E.	Open Burning Permits Issued	7
F.	Number of Division of Forestry Permits Monitored	260
G.	Total Citizen Complaints Received	37
H.	Total Citizen Complaints Closed	10
I.	Noise Complaints Received by EPC (Chapter 1-10)	15
J.	Noise Complaints Received by Sheriff's Office (County Ord. #12-12)	266
K.	Number of cases EPC is aware that both EPC & Sheriff responded	2
L.	Number of Historical Sources that both EPC & Sheriff responded this year	11
	a. The Rack (3)	
	b. 12302 Big Bend	
	c. Lake Keystone	
	d. Pro Way Recycling (2)	
	e. Cheval Athletic Club	
	f. Dixie Dockside	
	g. 2 Gardenias La Casa De Le Musica Cubana (2)	
	h. Airboats on Thonotosassa Lake	
	i. Dixie Dockside	
	j. Twilight Zone	
	k. South Fork - Park	
M.	Noise Sources Monitored:	1
N.	Air Program's Input to Development Regional Impacts:	2
O.	Test Reports Reviewed:	38
P.	Compliance:	
1	Warning Notices Issued	0
2	Warning Notices Resolved	2
3	Advisory Letters Issued	2
Q.	AOR'S Reviewed	13
R.	Permits Reviewed for NESHAP Applicability	5
S.	Planning Documents coordinated for Agency Review	6

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

AUG

A. ENFORCEMENT

1.	New cases received	
2.	On-going administrative cases	49
	Pending	1
	Active	18
	Legal	3
	Tracking Compliance (Administrative)	26
	Inactive/Referred Cases	1
3.	NOI's issued	-
4.	Citations issued	-
5.	Consent Orders and Settlement Letter Signed	-
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ -
7.	Enforcement Costs Collected (\$)	\$ -
8.	Cases Closed	1

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	0
2.	FDEP Permits Reviewed	0
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	2
4.	Other Permits and Reports	
	County Permits Received	12
	County Permits Reviewed	21
	Reports Received (SW/HW + SQG)	23
	Reports Reviewed (SW/HW + SQG)	15
5.	Inspections (Total)	
	Complaints (SW/HW + SQG)	14
	Compliance/Reinspections (SW/HW + SQG)	13
	Facility Compliance	25
	Small Quantity Generator Verifications	118
	P2 Audits	0
6.	Enforcement (SW/HW + SQG)	
	Complaints Received	8
	Complaints Closed	7
	Warning Notices Issued	0
	Warning Notices Closed	0
	Compliance Letters	110
	Letters of Agreement	0
	Agency Referrals	3
7.	Pamphlets, Rules and Material Distributed	104

C. STORAGE TANK COMPLIANCE

1.	Inspections	
	Compliance	64
	Installation	7
	Closure	6
	Compliance Re-Inspections	15
2.	Installation Plans Received	4

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

AUG

3.	Installation Plans Reviewed	2
4.	Closure Plans & Reports	
	Closure Plans Received	7
	Closure Plans Reviewed	6
	Closure Reports Received	1
	Closure Reports Reviewed	1
5.	Enforcement	
	Non-Compliance Letters Issued	36
	Warning Notices Issued	-
	Warning Notices Closed	-
	Cases Referred to Enforcement	-
	Complaints Received	1
	Complaints Investigated	1
	Complaints Referred	-
6.	Discharge Reporting Forms Received	1
7.	Incident Notification Forms Received	1
8.	Cleanup Notification Letters Issued	-

D. STORAGE TANK CLEANUP

1.	Inspections	
2.	Reports Received	
3.	Reports Reviewed	
	Site Assessment Received	
	Site Assessment Reviewed	
	Source Removal Received	
	Source Removal Reviewed	
	Remedial Action Plans (RAP'S) Received	
	Remedial Action Plans (RAP'S) Reviewed	
	Site Rehabilitation Completion Order/No Further Action Rec'd	
	Site Rehabilitation Completion Order/No Further Action Revw'd	
	Active Remediation/Monitoring Received	
	Active Remediation/Monitoring Reviewed	
	Others Received	
	Others Reviewed	

E. RECORD REVIEWS

16

F. LEGAL PIR'S

17

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

AUG

A. ENFORCEMENT		
1.	New Enforcement Cases Received	-
2.	Enforcement Cases Closed	-
3.	Enforcement Cases Outstanding	18
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	13
	a. Facility Permit	1
	(i) Types I and II	1
	(ii) Type III	-
	b. Collection Systems - General	7
	c. Collection systems-Dry Line/Wet Line	5
	d. Residuals Disposal	-
2.	Permit Applications Approved	25
	a. Facility Permit	2
	b. Collection Systems - General	3
	c. Collection systems-Dry Line/Wet Line	8
	d. Residuals 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. Residuals 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. Residuals Disposal	-
6.	Permit Applications Outstanding	17
	a. Facility Permit	6
	b. Collection Systems - General	5
	c. Collection systems-Dry Line/Wet Line	6
	d. Residuals Disposal	-
7.	Permit Determination	2
8.	Special Project Reviews	-

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

AUG

	a. Reuse	-
	b. Residuals/AUPs	-
	c. Others	-
C. INSPECTIONS - DOMESTIC		
1.	Compliance Evaluation	11
	a. Inspection (CEI)	5
	b. Sampling Inspection (CSI)	6
	c. Toxics Sampling Inspection (XSI)	-
	d. Performance Audit Inspection (PAI)	-
2.	Reconnaissance	47
	a. Inspection (RI)	4
	b. Sample Inspection (SRI)	-
	c. Complaint Inspection (CRI)	43
	d. Enforcement Inspection (ERI)	-
3.	Engineering Inspections	14
	a. Reconnaissance Inspection (RI)	1
	b. Sample Reconnaissance Inspection (SRI)	-
	c. Residual Site Inspection (RSI)	-
	d. Preconstruction Inspection (PCI)	-
	e. Post Construction Inspection (XCI)	13
	f. On-site Engineering Evaluation	-
	g. Enforcement Reconnaissance Inspection (ERI)	-
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL		
1.	Permit Applications Received	2
	a. Facility Permit	2
	(i) Types I and II	-
	(ii) Type III with Groundwater Monitoring	-
	(iii) Type III w/o Groundwater Monitoring	1
	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	2
3.	Special Project Reviews	3
	a. Facility Permit	3
	b. General Permit	-
4.	Permitting Determination	1
5.	Special Project Reviews	38

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

AUG

	a. Phosphate	11
	b. Industrial Wastewater	8
	c. Others	19
E. INSPECTIONS - INDUSTRIAL		
1.	Compliance Evaluation (Total)	8
	a. Inspection (CEI)	8
	b. Sampling Inspection (CSI)	-
	c. Toxics Sampling Inspection (XSI)	-
	d. Performance Audit Inspection (PAI)	-
2.	Reconnaissance (Total)	14
	a. Inspection (RI)	3
	b. Sample Inspection (SRI)	-
	c. Complaint Inspection (CRI)	11
	d. Enforcement Inspection (ERI)	-
3.	Engineering Inspections (Total)	8
	a. Compliance Evaluation (CEI)	8
	b. Sampling Inspection (CSI)	-
	c. Performance Audit Inspection (PAI)	-
	d. Complaint Inspection (CRI)	-
	e. Enforcement Reconnaissance Inspections (ERI)	-
F. INVESTIGATION/COMPLIANCE		
1.	Citizen Complaints	
	a. Domestic	53
	(i) Received	28
	(ii) Closed	25
	b. Industrial	14
	(i) Received	7
	(ii) Closed	7
2.	Warning Notices	
	a. Domestic	3
	(i) Issued	2
	(ii) Closed	1
	b. Industrial	2
	(i) Issued	1
	(ii) Closed	1
3.	Non-Compliance Advisory Letters	2
4.	Environmental Compliance Reviews	86
	a. Industrial	4
	b. Domestic	82

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

AUG

	5. Special Project Reviews	22
G. RECORD REVIEWS		
	1. Permitting Determination	2
	2. Enforcement	-
H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED (LAB)		
	1. Air division	45
	2. Waste Division	-
	3. Water Division	15
	4. Wetlands Division	-
	5. ERM Division	178
	6. Biomonitoring Reports	-
	7. Outside Agency	17
I. SPECIAL PROJECT REVIEWS		
	1. DRIs	2
	2. ARs	-
	3. Technical Support	-
	4. Other	3

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

AUG

A. General

1.	Telephone conferences	366
2.	Unscheduled Citizen Assistance	250
3.	Scheduled Meetings	328
4.	Correspondence	2,161
1/ 5.	Interagency Coordination	68
1/ 6.	Trainings	20
1/ 7.	Public Outreach/Education	-
1/ 8.	Quality Control	71

B. Assessment Reviews

1.	Wetland Delineations	19
2.	Surveys	13
3.	Miscellaneous Activities in Wetland	24
4.	Mangrove	9
5.	Notice of Exemption	3
6.	Impact/Mitigation Proposal	15
7.	Tampa Port Authority Reviews	115
8.	Wastewater Treatment Plants (FDEP)	-
9.	Development Regn'l Impact (DRI) Annual Report	-
10.	On-Site Visits	71
11.	Phosphate Mining	1
12.	Comp Plan Amendment (CPA)	-
1/ 13.	AG SWM	4
	Sub-Total	

Planning and Growth Management Review

14.	Land Alteration/Landscaping	2
15.	Land Excavation	-
16.	Rezoning Reviews	9
17.	Site Development	20
18.	Subdivision	39
19.	Wetland Setback Encroachment	2
20.	Easement/Access-Vacating	-
21.	Pre-Applications	40
1/ 22.	Agriculture Exemption	1
	Sub-Total	
	Total Assessment Review Activities	

C. Investigation and Compliance

1.	Warning Notices Issued	3
2.	Warning Notices Closed	2
1/ 3.	Complaints Closed	15
4.	Complaint Inspections	34
5.	Return Compliance Inspections for Open Cases	27

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

AUG

6.	Mitigation Monitoring Reports	5
7.	Mitigation Compliance Inspections	21
8.	Erosion Control Inspections	-
9.	MAIW Compliance Site Inspections	3
10	TPA Compliance Site Inspections	-
2/ #	Mangrove Compliance Site Inspections	3
1/ #	Conservation Easement Inspection	5

D. Enforcement

1.	Active Cases	14
2.	Legal Cases	3
3.	Number of "Notice of Intent to Initiate Enforcement"	9
4.	Number of Citations Issued	-
5.	Number of Consent Orders Signed	-
6.	Administrative - Civil Cases Closed	1
7.	Cases Referred to Legal Department	3
8.	Contributions to Pollution Recovery	\$2,125
9.	Enforcement Costs Collected	\$ 212

E. Ombudsman

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

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

AUG

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	67
Timeframes Met	99%
Year to Date	98%

Formal Wetland Delineation Surveys

Projects	11
Total Acres	51
Total Wetland Acres	8
# Isolated Wetlands < 1/2 Acre	2
Isolated Wetland Acreage	0.21

Construction Plans Approved

Projects	19
Total Wetland Acres	27
# Isolated Wetlands < 1/2 Acre	3
Isolated Wetland Acreage	0.72
Impacts Approved Acreage	0.51
Impacts Exempt Acreage	0.18

Mitigation Sites in Compliance

Ratio	13/16
Percentage	81%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.20
Acreage of Water Quality Impacts	0.50
Acreage Restored	0.50

TPA Minor Work Permit

Permit Issued	24
Permits Issued Fiscal Year 2014	246
Cumulative Permits Issue Since TPA Delegation (07/09)	1,044

REVIEW TIMES

# of Reviews	393
% On Time	96%
% Late	4%

**WETLAND REPORT FOR REVIEW TIME 2014
(Overall Reviews)**

Month	# Of Reviews	% On Time	% Late
December			
November			
October			
September			
August	393	96%	4%
July	391	96%	4%
June	354	94%	6%
May	394	90%	10%
April	366	92%	8%
March	349	94%	6%
February	291	94%	6%
January	287	92%	8%

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 14 POLLUTION RECOVERY FUND
10/1/2013 through 8/31/2014**

REVENUE		EXPENDITURES		RESERVES		NET PRF
EST. Beginning Balance	\$ 553,605	Artificial Reef	\$ 24,439	Minimum Balance	\$ 120,000	
Interest	\$ 2,373	Project Monitoring	\$ 179	PROJ. FY 15 Budgets	\$ 24,618	
Deposits	\$ 101,475	FY 14 Projects	\$ 109,200	Asbestos Removal	\$ 5,000	
Refunds	\$ 22					
Total	\$ 657,475	Total	\$ 133,818	Total	\$ 149,618	\$ 374,039



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 Software	10132.102063.581990.5370.1175	\$ 4,200	\$ 2,800
Audubon Oyster Bar Restoration	10132.102063.582990.5370.1177	\$ 50,000	\$ 33,230
Lake Magdalene Outfall	10132.102063.582990.5370.1178	\$ 50,000	\$ 50,000
		\$ 109,200	\$ 91,030
			\$ 206,480

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: September 18, 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
September 2014

I. ADMINISTRATIVE CASES

Harold Costello and Veronica Costello [14-EPC-010]: The Appellants filed a Notice of Appeal on September 5, 2014 challenging the issuance of the TPA Minor Work Permit No. 54655. At the present time, a sufficiency review is pending. (AZ)

Thomas J. Singletary [14-EPC-009]: The Appellant filed a Notice of Appeal on July 17, 2014 challenging the issuance of the TPA Minor Work Permit No. 56663. The Appeal was deemed to be insufficient and untimely and the EPC issued an Order Dismissing the Appeal with Leave to Amend to address the deficiencies. The Appellant was given until August 4, 2014 to file an Amended Notice of Appeal in this matter. The Appellant filed an Amended Notice of Appeal on July 30, 2014. The Amended Notice of Appeal failed to address the timeliness issue and an Order Dismissing the Amended Notice of Appeal with Prejudice was issued on August 8, 2014. The Appellant had 30 days in which to file a petition to appeal the Order in the Circuit Court. The Appellant failed to file an appeal within 30 days and this case is closed. (AZ).

Jeffrey Willis and Terri Willis [14-EPC-008]: The Appellants filed a Notice of Appeal on July 3, 2014 challenging the issuance of the TPA Minor Work Permit No. 56663. On July 22, 2014 a Hearing Officer was appointed and the appeal was transferred to the Hearing Officer to conduct an administrative hearing in this matter. On July 25, 2014, the Hearing Officer issued an Order of Consolidation joining this appeal with two other appeals that challenge the same Agency decision; 14-EPC-005; 14-EPC-006; and 14-EPC-008. The parties are engaging in discovery and the matter has tentatively been scheduled for a hearing on December 2 and 3, 2014. (AZ)

Larry Kent and Julia Vincent Kent [14-EPC-006]: The Appellants filed a Notice of Appeal on July 3, 2014 challenging the issuance of the TPA Minor Work Permit No. 56663. On July 22, 2014 a Hearing Officer was appointed and the appeal was transferred to the Hearing Officer to conduct an administrative hearing in this matter. On July 25, 2014, the Hearing Officer issued an Order of Consolidation joining this appeal with two other appeals that challenge the same Agency decision; 14-EPC-005; 14-EPC-006; and 14-EPC-008. See above for current status. (AZ)

Randy Ogden and Mindy Ogden [14-EPC-005]: The Appellants filed a Notice of Appeal on July 1, 2014 challenging the issuance of the TPA Minor Work Permit No. 56663. On July 22, 2014 a Hearing Officer was appointed and the appeal was transferred to the Hearing Officer to conduct an administrative hearing in this matter. On July 25, 2014, the Hearing Officer issued an Order of Consolidation joining this appeal with two other appeals that challenge the same Agency decision; 14-EPC-005; 14-EPC-006; and 14-EPC-008. See above for current status. (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. On June 13, 2014, the DEP approved TECO's request for a post-certification amendment to the Polk Power Station Site Certification Application. The amendment allows a temporary construction laydown area as part of the Polk to FishHawk Transmission Line Project. This file will be closed. (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. The case will be closed based on the variance of the rules is no longer being requested. (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. A trial is set for early January 2015. (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. The trial in this matter has been scheduled for the week of December 1-5, 2014. (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 failed to respond in any way. The site is now in compliance and the current case is being 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 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)



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: September 18, 2014

Subject: Request authority to take appropriate legal action against Shiraz Investments, LLC

Agenda Section: Consent Agenda

Item: Waste Management Division

Recommendation: Grant Executive Director authority to pursue appropriate legal action and settlement authority in regards to Shiraz Investments, LLC.

Brief Summary: Shiraz Investments, LLC owns real property (Property) located at 2905 W. Kennedy Boulevard, Tampa. On the Property is a 1500 gallon underground storage tank that has been "closed in-place". A petroleum discharge was discovered during a Phase II environmental assessment. Cleanup of the petroleum discharge has not been completed and the Property is not in compliance with the EPC Act and Rules of the EPC, Chapter 1-7 and Chapter 62-780, Florida Administrative Code (F.A.C.).

Financial Impact: No additional funds required. EPC will seek to recover the costs of any litigation.

Background:

EPC has contracted with the Florida Department of Environmental Protection (DEP) to administer the petroleum cleanup program in Hillsborough County. EPC also has independent authority under its enabling act, Chapter 84-446, Laws of Florida as amended and has adopted by reference in EPC Rules Chapter 1-7, the petroleum contamination rules of the DEP (Chapter 62-780).

Shiraz Investments, LLC owns real property (Property) located at 2905 W. Kennedy Boulevard (folio#168720.0000), Tampa. From February 13, 1974 to August 30, 2005, the previous property owners operated a business known as Mylee Tool Supply Inc. (MTS). The Property contains a 1500 gallon underground storage tank (DEP Facility #298731875) that was used to store fuel. The storage tank was "closed in-place" in 1989 without notice or a closure assessment performed.

On December 22, 2003, during a Phase II environmental assessment, a petroleum discharge was discovered which indicated the presence of petroleum constituents and resulted in a Discharge Report Form being filed (received by EPC on June 2, 2004.). A Site Assessment Report (SAR) documented the presence of soil and groundwater impacts exceeding state standards. On April 15, 2005, a Remedial Action Plan (RAP) was submitted to address the cleanup of the soil and groundwater contamination on the Property. The RAP was approved and on August 26, 2006, DEP issued a RAP Approval Order (Order). This Order included the installation and activation of a remediation system to remediate "cleanup" of the contamination to the standards contained in Chapter 62-780, F.A.C. The remediation system was activated in March 2006.

On August 30, 2005, Shiraz Investment, LLC purchased the Property and a fitness gym is currently located on the Property. On August 14, 2006, a Remedial Action Status Report was submitted that recommended a Natural Attenuation Monitoring Plan (NAM) would be the next course of action. EPC responded that the site did not meet the criteria for Natural Attenuation Monitoring (NAM). EPC requested a RAP Modification plan (RAMP)

detailing continuing remediation be submitted. A RAMP was submitted which EPC deemed incomplete and specified the items that needed to be completed.

On September 17, 2008, EPC staff issued a Citation of Violation and Order to Correct to Shiraz Investments, LLC for failing to complete and submit two copies of a professionally certified RAPM in accordance with the requirements of Chapter 62-770, F.A.C. The Citation was not appealed and became a Final Order by operation of law. Subsequently, EPC entered into a Consent Order on June 24, 2010 with Shiraz Investment, LLC requiring the owner to complete all necessary assessment and cleanup, in accordance with Chapter 62-770, F.A.C until the EPC and/or DEP issues a No Further Action Order or a Site Rehabilitation Completion Order.

To date, Shiraz Investments, LLC is in violation of the terms of the executed Consent Order and the Property is not in compliance with the EPC Act and Rules of the EPC, Chapter 1-7 and Chapter 62-780, Florida Administrative Code. Because the property owner has not responded to EPC staff efforts to resolve this matter, staff recommends the initiation of appropriate legal action for enforcement.



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: September 18, 2014

Subject: Select Performance Measure Goals for 2014

Agenda Section: Consent Agenda

Item: Executive Director Report

Recommendation: None – Informational Only

Brief Summary: As part of the Sterling Management process, the Agency measures key activities and has set goals for 2014. These are tabulated and presented quarterly to the Board in the consent agenda.

Financial Impact: No Financial Impact.

Background: The Agency measures performance for all five of its core functions. These core functions include permitting, compliance, complaint investigations, enforcement and environmental monitoring. As part of the Agency's annual evaluation, staff sets goals for select activities and reports them quarterly to the Board. This is an integral part of the continuous improvement required by Sterling.

2014 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2012	2013	2014 YTD (2 nd Qtr)	2014 Goal
Permitting	Average Time to Issue an Intent for State Construction Permits	57 days	36 days	29 days	19 days	Less Than or Equal to 35 days
	Average Time to Issue an Intent for Tampa Port Authority Permits	56 days	43 days	46 days	57 days	Less Than or Equal to 46 days
	Average Time EPC Permits were In-house	21 days	16 days	17 days	20 days	Less Than or Equal to 20 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	91%	92%	92%	Greater Than or Equal to 90%
Environmental Complaints	Timely Initiation of Investigation	99%	99+%	99+%	100%	Greater Than or Equal to 99%
Enforcement	Timely Initiation of Enforcement	73%	76 %	94%	92%	Greater Than or Equal to 90%



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: September 18, 2014

Subject: 2014 Second Quarter Action Plan Updates

Agenda Section: Consent Agenda

Item: Executive Director Report

Recommendation: None – Informational Only

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

Financial Impact: No Financial Impact.

Background: As part of the Agency's Sterling Management planning process and philosophy of continuous improvement, staff held a strategic planning retreat in December 2013. This included input from the Board and a broad range of EPC staff. Besides reviewing the priorities and guiding mission statements, staff also prepared a slate of new initiatives to improve the EPC's efficiency. Since the Agency started this formal procedure in 2010, they have completed some forty-six of these initiatives.

The eighteen detailed action plans reflecting the Agency's strategic objectives for 2014 were brought to the Board in February 2014 and approved. Each Agency initiative is described in an individual action plan with measurable goals. The attachment reflects the update on the status of each action plan as of the end of the second quarter of 2014. The owners of select action plans are scheduled to present an overview of their project to the Board at regularly scheduled EPC Board meetings throughout the year.

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

Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
1.1 Protection of Groundwater & Soils	Petroleum Program Transformation to Competitive Bidding and Site Rescoring	All EPC Cleanup site managers complete required training for new FDEP procedures.	Staff has completed the (2) required/necessary online training courses that were identified in My Florida Marketplace (MFMP). Quiz/Completion Certification printouts obtained for each site manager. Each site manager attended required FDEP training in Tallahassee or Orlando during April and May 2014.
		Establish new processes for workflow with an emphasis on paperless submittals and approvals.	Draft flowcharts have been created and implemented for paperless report submittals & reviews and internal work flow



processes for new FDEP procedures. The cleanup section FTP site has been established and is accepting reports from customers. All reports in the new MFMP system are being accepted as electronic only by EPC.

Identify necessary components of work to be tracked in the new workflow process. Utilize funds from the Petroleum Cleanup task assignment to procure necessary updates to the RTS SQL database.


FDEP procedures are not finalized so this task cannot be fully completed at this time. Scheduled for October 2014. Several needs to the database have been identified.

Identify useful benchmarks that will provide information to

A list of potential benchmarks has been created and is currently

measure success in the section.
being reviewed by staff and the section manager is researching if the information is available. Scheduled for November 2014.

1st Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
1.2 Protection of Surface Waters	Nutrient Management Initiative	Meet water quality goals for all four major bay segments and major tributaries.	Baywide goals are 98% (5yr. Q2 avg.= 68.3 %) and Tributary goals are 72% (5yr. Q2 avg.=75.6%) through 2nd Quarter of 2014*.
		Track number of TMDL, BMAP, and related nutrient management meetings attended.	Attended two conference calls on study of Lake T. nutrient loads and one bacteria TMDL meeting.
		Track progress of ongoing fertilizer study.	Attended meeting of funding agencies on preliminary results.

Participate in community outreach focused on urban fertilizer users and stakeholders.	Coordinated with Joe Gross, City of Temple Terrace on a River Watch Task Force presentation for July.
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*June 2014 data not yet available

Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
1.3 Protection of Air Quality	Community Climate Adaptation (CA) Planning	Identify local experts working on CA and share information.	Met and/or talked with TBEP, Florida Sea Grant group, USF, County Public Works and Planning Commission - all working on Climate Adaptation. Agreed to participate in Florida Sea Grant Technical Working Group/Pinellas Extension. Beginning to coordinate sharing of information.
		Identify good scientific websites on CA.	Current list of websites and presentations now listed on the EPC J:/Drive for everyone's use. Presentations and reports are also on J:/Drive.
		Develop in-house staff committee on CA.	9 member committee listed on Agency Committee list. Meet



every other month for updates.
News stories shared through email.

Identify expert to help educate EPC Board on CA.

Dr. Charlie Paxton, Chief Science Officer, NOAA Ruskin Weather Station to speak in August.

Determine the need for a new CA local group or join an existing group.

Recently agreed to participate in Florida Sea Grant Regional Workgroup. Have recommended to Dr. Garrity that EPC help form a Hillsborough County group, possibly housed in the County Local Mitigation Strategy Committee (Public Works)

Determine need for Hillsborough Climate Action Plan.

Still exploring the need. Will seek EPC Board input at August meeting.

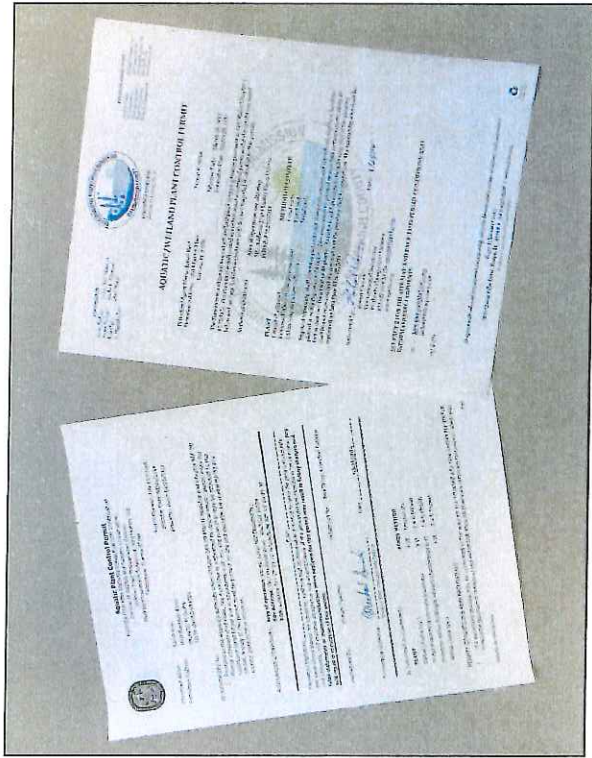
Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goals	Status
1.4 Protection of Wetlands	1.4A - Enhanced Program Delegations and One Stop Permitting	Request to FDEP for delegation of formal wetland and surface water determinations by end of 2014.	Internal discussions have taken place and preliminary review/research of applicable rules to clarify the process. Met with consultant and legal, developed general plan for writing request. Discussed intent with FDEP and determined contacts. Working with admin and Scott E. to finalize funding for consultant. On track for submittal by end of 2014.



Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
1.4 Protection of Wetlands	1.4B - Enhanced Program Delegations and One Stop Permitting	Determine Florida Fish and Wildlife Conservation Commission (FWC) interest.	FWC was contacted in December 2013. FWC seemed interested in delegating vegetation removal permitting in Hillsborough County.
		Research applicable Rules and prepare a MOA.	The research of applicable statutes, procedures, and determination of available workforce has been completed.
		Develop MOA Agreement.	FWC was last contacted in early April. A teleconference is scheduled in August with FWC staff to increase communication. An EPC legal intern has been researching the applicable rules and statutes. An initial draft format is being prepared by the EPC



July 2014

for presentation to the FWC for consideration. The initial draft is scheduled for submittal to FWC in early September.

Quarterly Update for 2014 Action Plans

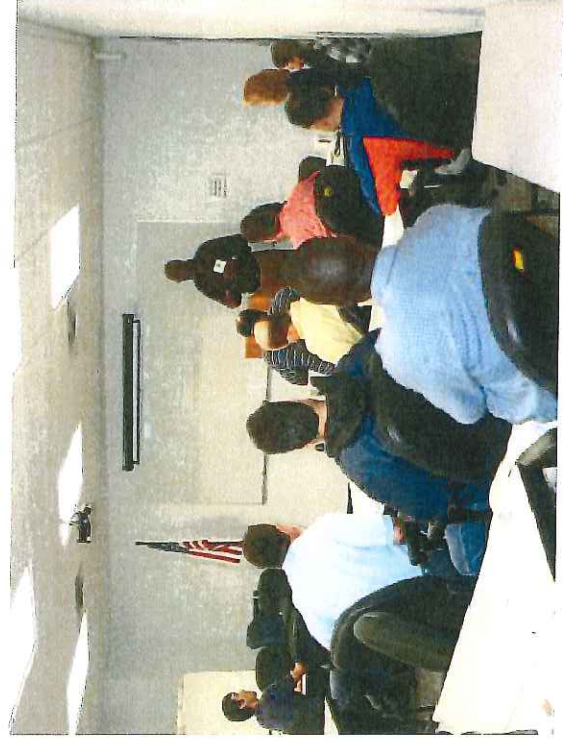
Strategic Objective	Action Plans	2014 Year End Goals	Status
1.5 Promote Environmental Stewardship	Enhanced Outreach	Develop mechanism to obtain feedback at outreach events. Summarize data for analysis during year-end strategic planning sessions.	Created 5-question General Public Questionnaire. Recorded results from nearly 300 surveys at 8 outreach events since the first of the year. Survey made available in hard copy and electronic formats for easier data collection. All survey results have been entered into electronic system.
		Prepare summary of EPC's existing outreach efforts.	Completed. <i>EPC's Outreach & Marketing Summary</i> was finalized following review through the PIE Committee. Report will become reference document to be updated annually by the PIE Committee. Report to be provided to outside consultant once determined.



Contact experienced consultant and arrange meeting with Agency regarding recommendations for best delivery mechanism for our environmental message.	Researched local consultants and interviewed 3 candidates. Formal meeting with consultant and select Agency staff anticipated to occur during 3 rd Quarter following engagement of contract.
Contract with consultant to generate a formal report.	Contract for selected candidate set to be submitted. Anticipated to occur during 3 rd Quarter.
Ensure completion of report and distribution to selected staff for review. Utilize ideas from study for future outreach efforts.	Anticipated to occur during 3 rd and 4 th Quarters.

Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
2.1 Employee Training and Development	Customer Feedback Database Regarding Employees	Obtain employee input	Formed agency committee to discuss implementation of citizen comment database. Obtained employee input regarding database design.
		Identify database structure and cost analysis	Completed database feasibility analysis
		Collect, organize and analyze customer compliments/complaints	Staff has determined database structure and function
		Obtain approval of funding and database structure	Senior Staff has approved funding of the database. Staff has contracted with database consultant



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

Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
2.2 Employee Satisfaction	Employee Recognition Program	Comprise a summary of reasonable and meaningful staff recognitions.	A Committee was formed, researched any existing policies. A budget of \$10,000 was established dependent upon FY. Committee solicited EPC staff for ideas, online research was performed, and the use of social software was explored.
		Develop incentives and policies for approved methods of recognitions.	The Committee superseded the July deadline of structuring a list of ideas constructed from EPC employees input and committee research. A tiered recognition program concept has been drafted, presenting to Senior Staff in July. Once a version is





approved then implementation methods will be finalized and policies drafted.

To be released following development of program.

Release final version of an Employee Recognition Program Agency-wide.

To be completed following program implementation.

Look for +2% Increase in staffs' response on future surveys regarding morale, satisfaction, and recognition questions.

Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
2.3 Employee Empowerment	Health & Safety Evaluation	3/2014- Establish Action Plan Committee and initiate meetings.	Complete 4/2014. Committee members have been approved by their respective Division Directors and notified of their participation and pending meeting schedule.
		4/2014-Obtain, review, and evaluate existing safety SOPs, processes and workflows.	Review and GAP identification continuing. All existing SOPs have been identified and collected. Process and workflow are now being addressed in GAP analysis.
		4/2014-Conduct interviews with existing Safety team and Staff.	Complete 6/2014. All existing Safety team members are now Action Team members with continuous input in the process.
		6/2014-Perform GAP analysis and develop summary findings.	On-going and continuing. New completion goal of 8/2014



7/2014-Update Action Plan	On-going and continuing.
goals and seek contracted	New
outside assistance if deemed	completion goal of 8/2014
necessary.	

Quarterly Update for 2014 Action Plans

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



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

To be completed September 2014.

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

To be completed October 2014.

Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plan	2014 Year End Goals	Status
3.2 Partnering Relationships	Improved Communication on Priority Economic Projects	Efficiency in EPC permitting for partners and applicants when proposing priority economic projects in Hillsborough County.	Met with Planning Commission (PC) to discuss the Action Plan goals. Met with Economic Development Dept. (EDD) to discuss screening of sites and the criteria for their Competitive Sites List. Received favorable review from both to move forward.
		Draft MOU for EPC, Planning Commission and Economic Development Department review.	MOU is drafted and being reviewed internally.



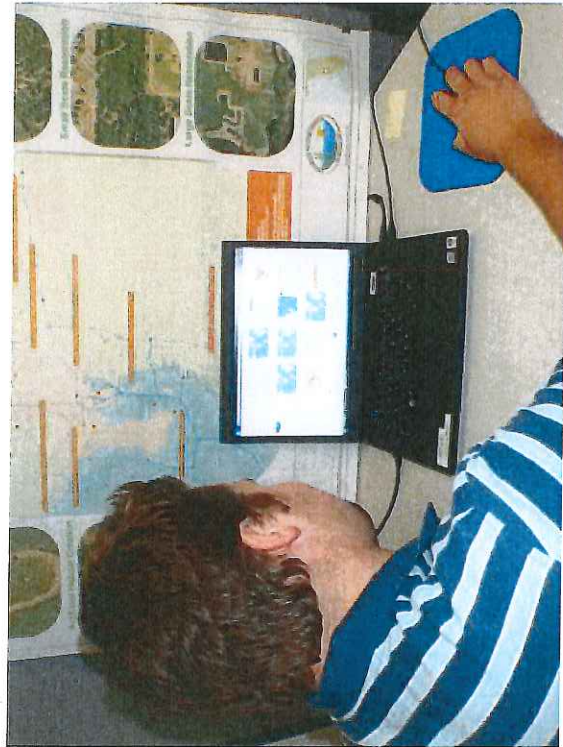
Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goals	Status
3.3 Stakeholder Relationships	Permitting Policy Improvements (PPI)	Develop Draft PPI Policy to include processing requirements for completeness reviews, limiting RAls, and issuance deadlines for all non-delegated, and a few selected delegated Agency permits and authorizations.	Created PPI Committee in February, which consists of representatives of each Division. The Committee is drafting the PPI Policy, and working with MIS to develop new tracking procedures for delegated programs such as the Tampa Port Authority.
		Eliminate backlog of non-delegated permits in-house over 6 months.	Will begin after development of the PPI Policy



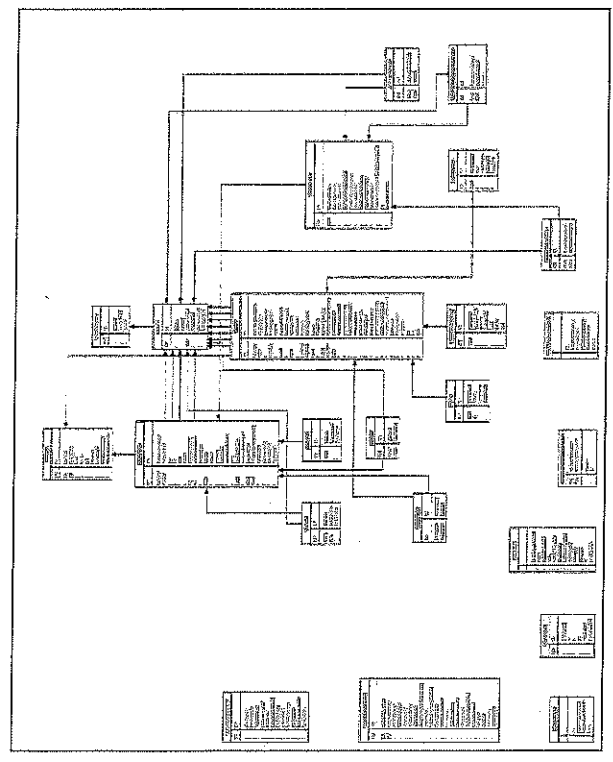
Quarterly Update for 2014 Action Plans

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



Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
4.2 Control Expenditures	4.2B - Efficiency Through Connected Databases (Connected database Feasibility Test)	Identify and provide a quote to connect database fields identified by Database users group as functionally desirable.	Database consultant mapped remaining databases for a total of 16. Visio maps of databases presented to Database Users Group.



Database Users Group reviewed Visio maps but was unable to identify any desired fields of connectivity.

Decision was made to have each database owner present their database to the group and explain the fields to assist in identifying common fields or desired data to be shared .

Meetings scheduled throughout July for each owner to present and audience to indicate areas of desired connectivity.

Quarterly Update for 2014 Action Plans

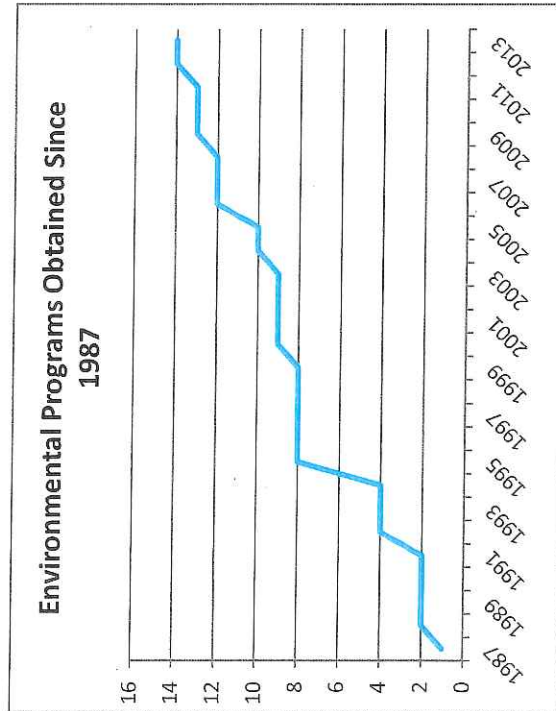
Strategic Objective	Action Plans	2014 Year End Goals	Status
5.1 Process Performance	Benchmarking EPC	Evaluate Joining Florida Benchmarking Consortium	Completed. Made recommendation to pursue other alternatives.
		Form Benchmarking Committee & Matrix for Selection of Measures to be Benchmarked	Completed
		List possible KPMs, IPMs and Customer Survey and Employee Survey data to benchmark	Completed. Provided status overview at EPC Board Meeting in June 2014.
		Continue investigating sources of comparable data; conduct progress meeting	Ongoing Progress meeting scheduled for July



Find sources of outside customer service & employee satisfaction data readily available	Ongoing
Finalize recommended measures and benchmarking sources and obtain Senior Staff approval	Scheduled by September 31st
Set up method/process of comparable data extraction	Scheduled for October
Perform first benchmarking evaluation using multiple year comparisons	Scheduled for November

Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goals	Status
5.1 Process Performance	Continuous Process Improvement Committee	APR 2014: Through committee interaction, define criteria for determining an "innovative process".	Complete. A practice or process which addresses one of more of the "LEAN 8 Wastes" can be viewed as an innovative practice/process.
			Listings of Divisional practices have been compiled and reviewed by Committee.
		MAY 2014: Meet with LEAN Team to evaluate findings.	Complete. LEAN Team review completed in late MAY 2014.
		JUN 2014: Create means of posting innovative practices on EPC intranet	Pending. Agreement on most effective and useful means of posting information has not been reached. Senior staff to be consulted.



Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goals	Status
5.2 Improve the Usage of Technology & E-Pay	Online Applications & E-Pay	Have 10% of EPC applications submitted in the fourth quarter of 2014 done so on-line	Posted 1 st EPC application on website which accepts electronic credit card payment in March 2014
		Have all EPC applications in a standard format and accepted on-line	Assembled Agency-wide Committee to determine which EPC applications would be standardized and posted on-line; Nineteen (19) EPC applications were chosen for standardization and on-line submittal. Four applications (one per division) were selected.
		Implement a seamless, integrated on-line application submittal and E-Pay System	Reached out to Julie Wisdom (County Finance Department). County will be bidding for a new payment vendor and EPC



will be included in the process. Current method of e-payments will continue to be used with new applications coming online.

Quarterly Update for 2014 Action Plans

Strategic Objective	Action Plans	2014 Year End Goal	Status
5.3 Leadership Development & Succession Planning	Governor's Sterling Award Application	Improve the Action Plan selection process and document same.	This was completed and inserted in the Strategic Plan.
		Have each director initiate an innovative practice in their division.	An innovative project regarding the five core functions has been initiated. Permitting was first.
		Apply LEAN principles to each of the 2014 Action Plans.	This was completed.
		Develop long term goals and select measures for each.	This was completed and inserted in the Strategic Plan.



Evaluate the key elements that motivate employees.	This was completed and new key elements are listed in the Strategic Plan.
Have focus group meetings with different categories of employees.	Not completed yet.
Develop an agency-wide employee recognition program.	Addressed in Action Plan 2.2 which is in progress.
Get Board approval to fund application process.	Cost has been submitted to the County Administrator for FY 15. EPC Board gave favorable recommendation.
Establish employee complaint and compliment system.	Addressed in Action Plan 2.1 which is in progress.

Evaluate employee health & safety program.	Addressed in Action Plan 2.3 which is in progress.
Improve Outreach.	Addressed in Action Plan 1.5 which is in progress.
Benchmark the Agency's performance.	Addressed in Action Plan 5.1 which is in progress.
Pursue continuous process improvement.	Addressed in Action Plan 5.1 which is in progress.
Assemble GSA team and start the application.	Team is set. Schedule is set with initiation in August 2014.
Complete Categories 1-7 in the application.	Drafting starts in October 2014.
Prepare final draft of GSA application.	Final drafting starts in April 2015.

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: September 18, 2014

Subject: Executive Director's 2014 Annual Agency Report

Agenda Section: Regular Agenda

Item: Executive Director Report

Recommendation: Receive report and provide guidance as necessary.

Brief Summary: The Executive Director will be delivering a report in the form of a presentation. This presentation will cover the state of the environment in 2014 and highlight some of the staff's activities. In particular, the report will list several opportunities in which EPC partnered with other organizations for better outcomes. Information will include air and water quality data as well as environmental trends over the last twenty years.

Financial Impact: No Financial Impact.

Background: This annual report is an attempt to update the Board on environmental conditions within the County as it relates to air and water quality. Significant events will be mentioned and some trends detailed. This report is delivered in the fall and generally precedes the Executive Director's annual evaluation.

List of Attachments: None.

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: September 18, 2014

Subject: EPC Executive Director's Annual Evaluation

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Receive evaluation forms

Brief Summary: Evaluation forms will be distributed during the EPC Board meeting. These forms are to be used to evaluate the performance of the EPC's Executive Director, Dr. Richard Garrity, in the next several weeks; Dr. Garrity will be scheduling appointments with each Commissioner to discuss the accomplishments of the Agency and present appropriate data to assist the Commissioners in objectively measuring his job performance. These forms should be completed and returned to the Chairman's office by October 2, 2014. The results will be compiled and presented during the next EPC Board meeting currently scheduled for October 16, 2014.

Financial Impact: None.

Background: NA

2014
PERFORMANCE EVALUATION

Richard Garrity, Ph.D., Executive Director
Environmental Protection Commission of Hillsborough County

ASSESSMENT RANKING CRITERIA

Ranking: Behaviors & Accomplishments

HIGHEST

- 5 - Behaviors/Accomplishments are outstanding and as such are obvious to others in County government and to members of the Community.
- 4 - Behaviors/Accomplishments are excellent and recognized as more than just competent in that expectations are exceeded in the area of responsibility.
- 3 - Behaviors/Accomplishments are good in that expectations are consistently met for the areas of responsibility.
- 2 - Behaviors/Accomplishments are adequate but fall below expectations for the area of responsibility.
- 1 - Behaviors/Accomplishments are below an acceptable level of expectations for the area of responsibility.

LOWEST

**DR. RICHARD GARRITY
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION
2014 ASSESSMENT**

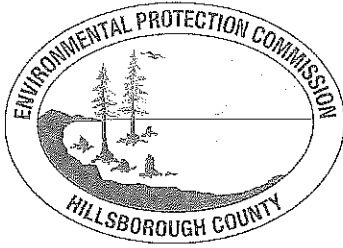
BEHAVIORS							
Leadership	Communication	Responsiveness	Respect & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving	Management of Organization

ACCOMPLISHMENT OF GOALS				
Environmental Protection Excellence	Successful / Engaged Workforce	Customer/Partner Focused Excellence	Fiscal Responsibility	Continuous Improvement

PERFORMANCE MEASURES ON CORE FUNCTIONS					
Timely Delegated State Permit Processing	Timely Port Authority Permit Processing	Timely Local EPC Permit Processing	Timely Compliance	Timely Complaint Investigations	Timely Enforcement

Comments:

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: September 18, 2014

Subject: Best Workplaces for Commuters Award

Agenda Section: Regular Agenda

Item: Waste Management Division

Recommendation: Staff Report. No action required.

Brief Summary: The Environmental Protection Commission was designated as one of the Best Workplaces for Commuters by the National Center for Transit Research at the University of South Florida for meeting the National Standards of Excellence for outstanding commuter benefits. This designation is for 2014-2015 and is renewed annually.

Financial Impact: No Financial Impact.

Background: The National Center for Transit Research has named the Environmental Protection Commission (EPC) of Hillsborough County as a “Best Workplace for Commuters.”

This distinction requires a workplace to foster a culture of flexibility in its daily operation so employees can make more environmentally-friendly arrangements for their commute. Best workplaces for Commuters (BWC), a voluntary partnership program designed to cut traffic congestion and traffic related air pollution, recognizes employers that provide environmentally-friendly commuter benefits to employees. The EPC is committed to reducing pollution, commuting cost, traffic congestion, and employee stress caused by single occupant vehicle commuting.

The EPC has qualified for this distinction largely due to its flexible work schedule, bike friendly workplace, reduced price HART passes, emergency ride home service, and electric vehicle infrastructure.

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

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: September 18, 2014

Subject: Intern Action Plan Results

Agenda Section: Regular Agenda

Item: Waste Management Division

Recommendation: No Action Required

Brief Summary: In 2013, Senior Staff developed the "EPC Intern Program – 3.2" Action Plan and it was brought to fruition in June of 2014. Today's presentation highlights several of the changes and improvements made to the Intern/Volunteer program and identifies Strategic Objectives involved in the program which assist in accomplishing the EPC's Strategic Plan.

Financial Impact: Minimal

Background: EPC has historically operated a loosely connected internship/volunteer program. Pockets within the organization had successfully recruited and maintained contacts enabling EPC to attract new interns/volunteers (Interns) to perform specific duties within EPC or to provide exposure to the EPC, but not in an integrated systematic approach. In 2013, Senior Staff developed the "EPC Intern Program – 3.2" Action Plan and it was brought to fruition in June of 2014. Today's presentation highlights several of the changes and improvements made to the Intern/Volunteer program and identifies the Strategic Objectives involved in accomplishing the Strategic Plan. Through partnering with State Universities and local colleges students are provided an opportunity to accomplish required internship hours in their respective fields of study. It is synergistically beneficial to EPC, the Educational Institutions, and the Students and addresses the Strategic Objective: 3.2 Improve Partnering Relationships. The duties performed by the Interns provides real work experience that enhances the Interns resumes while exposure to EPC's mission promotes lasting views and experience towards appreciating environmental issues and addresses Strategic Objective: 1.5 Promote Environmental Stewardship. Employees of the EPC assigned and empowered to provide training and oversight of the duties of Interns often gain supervisory and leadership experience preparing them for future opportunities and achieves Strategic Objectives: 5.3 Ensure Effective Leadership and Succession Planning and 2.3 Improve Employee Participation and Empowerment. Strategic Objective: 4.2 Control Expenditures is addressed as the duties performed by Interns often frees EPC staff to do other work or allows EPC to do work that may not have otherwise been accomplished. Strategic Objective: 5.2 Improve Use of Technology is addressed with EPC's enhanced use of the webpage and development of databases to track and record service hours streamlining the process while making it more observable and useable to the intended audience.

List of Attachments: "None."

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: September 18, 2014

Subject: Update on Improved Procedures for Paladin Applications

Agenda Section: Regular Agenda

Item: Air Management Division

Recommendation: Informational Report

Brief Summary: Since last September, the Florida Department of Agriculture and Consumer Services (FDACS) has been working diligently with the manufacturer of the soil fumigant Paladin to improve its application procedures. They have required the use of a totally impermeable film and retrained the applicators. In addition, FDACS has worked closely with first responders and the public in Hillsborough County to keep everyone informed. Next week FDACS, EPC and the State Department of Health are responding to citizen inquiries by hosting an informational community meeting in the Dover area.

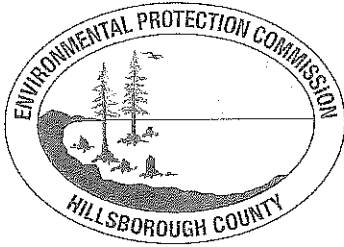
Financial Impact: No Financial Impact.

Background: Last year the US EPA required the phase out of a traditional soil fumigant used extensively throughout the area for row crops. The replacement is a product called Paladin manufactured by Arkema. It is effective but does have a distinctive sulfur type odor. In response to citizen concerns about the odors last fall, Arkema and FDACS worked to improve the application procedures. The application of Paladin is now done using a totally impermeable film. This holds the product in the soils better and allows the applicators to use lower concentrations.

As part of the effort this year, Arkema and FDACS have increased their field presence during this fumigation season to ensure proper application and respond to public concerns.

List of Attachments: None.

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: September 18, 2014

Subject: Tampa Bay Clean Cities Coalition

Agenda Section: Regular Agenda

Item: Air Management Division

Recommendation: Informational Report

Brief Summary: Tampa Bay Clean Cities' application was recently approved by the US Department of Energy for official recognition as a Clean Cities Coalition member. EPC was a founding member of this effort that included the USF Patel College and TECO and the Center for Urban Transportation Research. This report will better explain the importance of official designation.

Financial Impact: None.

Background: For the past 2 years, EPC, along with USF Patel College, TECO and the Center for Urban Transportation Research, have been working together to achieve official designation from the US Department of Energy for a local Tampa Bay Clean Cities Coalition. This official designation connects the Bay Area region to the national network of Clean Cities and all the benefits that come with a national network. Clean Cities is a program that advances alternative fuels and strategies to reduce reliance on petroleum in the transportation sector. Designated Clean Cities members receive grant funds to continue this effort in their community and are eligible for large grant opportunities offered by the US Department of Energy.

List of Attachments: None.

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