

EPC COMMISSIONERS

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



Richard Garrity, Ph.D.
Executive Director

Richard Tschantz, Esq.
General Counsel

EPC MEETING AGENDA
OCTOBER 17, 2013

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: September 19, 2013.....	3
B. Monthly Activity Reports – September 2013.....	9
C. Pollution Recovery Fund Report	21
D. Gardinier Settlement Trust Fund Report	23
E. Legal Case Summary, October 2013	25
F. Quarterly Action Plan Updates	29
G. Select Performance Measure Goals for 2013	47
H. First Amendment to the Cooperative Agreement b/t County and EPC for exotics removal and mangrove enhancement – Bahia Beach	49

IV. EXECUTIVE DIRECTOR REPORT

EPC Staff's 2013 Annual Report.....	53
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V. LEGAL & ADMINISTRATIVE SERVICES

A. EPC Executive Director's Annual Evaluation – Handout.....	69
B. Baldor vs EPC Boatlift Permitting Appeal (EPC Case No. 12-EPC-015) Update.....	73

VI. AIR MANAGEMENT DIVISION

Florida Department of Agriculture and Consumer Services' (FDACS) Update on Pesticide Odor Complaints.....	75
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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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SEPTEMBER 19, 2013 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, September 19, 2013, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

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

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

CALL TO ORDER

▶ Chairman Beckner called the meeting to order at 9:04 a.m.

▶ INVOCATION AND PLEDGE OF ALLEGIANCE

CHANGES TO THE AGENDA

▶ Dr. Richard Garrity, EPC Executive Director, noted distributed information for Item VI., Water Management Division, regarding project rankings, and added Item VIII.C., Odor Complaint Update, to the agenda.

▶ Chairman Beckner called for a motion to approve the changes to the agenda. Commissioner Murman so moved, seconded by Commissioner Crist, and carried five to zero. (Commissioners Miller and Sharpe were absent.)

I. PUBLIC COMMENT

▶ Mr. Hung Mai, representing the Lake Magdalene Special Dependent District applicant, requested EPC Board approval of the pollution recovery fund (PRF) grant project and addressed the case history, easement/pipe repair issues, Southwest Florida Water Management District support, and water quality impacts.

II. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Summary of recent CEAC meeting by CEAC Chairman

▶ Attorney Pamela Jo Hatley, CEAC Chairman, highlighted the report and stated CEAC members desired EPC Board feedback.

III. CONSENT AGENDA

- A. Approval of Minutes: August 15, 2013.
- B. Monthly Activity Report - August 2013.
- C. PRF Report - August 2013.
- D. Gardinier Settlement Trust Fund Report - August 2013.
- E. Legal Case Summary, September 2013.
- F. Renewal of Interlocal Agreement between the County and EPC for Laboratory Services.
- G. Equity Adjustment for Executive Director, Pursuant to Employment Agreement.

▶ Chairman Beckner called for a motion to approve the Consent Agenda. Commissioner Murman so moved, seconded by Commissioner Crist, and carried five to zero. (Commissioners Miller and Sharpe were absent.)

IV. LEGAL AND ADMINISTRATIVE SERVICES

Presentation of Certificate of Appreciation Honoring Intern Joseph Owens

▶ Dr. Garrity introduced the item. After commending Mr. Owens' accomplishments, Attorney Richard Tschantz, EPC General Counsel, presented a certificate of appreciation. ▶ Mr. Owens made comments. Subsequent to talks, ▶ Commissioner Crist asked for Mr. Owens resume to share with Information Technology managers and a letter of recommendation from Dr. Garrity. Attorney Tschantz recognized Mr. Peter Owens, father. Remarks followed.

V. CONTINUANCE OF FINAL ORDER HEARING

Baldor vs. EPC - Boatlift Permitting Appeal (EPC Case 12-EPC-015)

▶ Attorney Tschantz reviewed the case history and previous EPC Board action; said a meeting was scheduled for September 25, 2013, to reach a settlement; and gave staff recommendation. ▶ Chairman Beckner clarified the motion was to continue the item until the October 2013 EPC Board meeting, provided there was a resolution, or the item would come back to the EPC as a hearing in November 2013. Commissioner Murman so moved.

Commissioner Crist stated reasons for abstaining. ► Commissioner Hagan seconded the motion, which carried four to zero; Commissioner Crist abstained. (Commissioners Miller and Sharpe were absent.)

VI. WATER MANAGEMENT DIVISION

Approval of 2013 PRF Grant Projects

► Ms. Laura Thorne, EPC, summarized the report and staff recommendation.
► Commissioner Murman moved approval. (The motion died for lack of a second.) After questioning the project funding, ► Commissioner Crist moved to go with the staff approval for Projects 1 and 3, as what was being recommended, and to also read, "and would further move that staff work with the applicant of the Lake Magdalene pilot project to assure the applicant had legal assessment and a maintenance plan in place prior to consideration for approval at a subsequent EPC Board meeting." Dr. Garrity confirmed additional funding was available. Following comments, Commissioner Hagan desired including approval contingent upon settlement of the easement issue. ► Commissioner Crist concurred. Subsequent to talks, ► Commissioner Crist reiterated the motion, seconded by Commissioner Hagan, and carried five to zero. (Commissioners Miller and Sharpe were absent.)

VII. WASTE MANAGEMENT DIVISION

A. Advanced Leadership Development Program Presentation - Green Star Program

► Mr. Dewitt Bruce, EPC, gave a presentation. ► Chairman Beckner initiated discussion on continual promotion of Green Star certified businesses.

B. Presentation of Green Star Certifications

► Chairman Beckner presented certifications to representatives from Ed Morse Cadillac, Brandon Auto Mall FIAT, Ferman Nissan, and Tire Kingdom, Store 52. Congratulatory comments followed.

VIII. AIR MANAGEMENT DIVISION

A. Report on County Energy Planning - Mr. Joshua Bellotti

▶ Dr. Garrity made opening remarks. Ms. Margaret Rush, EPC, introduced
▶ Mr. Bellotti, Real Estate and Facilities Services, who provided a presentation, as furnished in background material. ▶ Commissioner Crist wondered if staff was reaching out to Mr. Mark Klutho on energy issues and requested a documented response; Dr. Garrity concurred. Conversation ensued. ▶ Chairman Beckner asked Mr. Bellotti to supply the EPC Board with Tampa Electric Company recommendations for additional energy efficiencies, the recommendations implemented for specified buildings, which recommendations were cost prohibitive, and the capital required for those improvements versus the savings generated. Mr. Bellotti would report back in 30 days. Comments followed.

B. Update on Sulfur Handling in the County

▶ Mr. Jerry Campbell, Director, EPC Air Management Division, gave the update, as supplied in background material. ▶ Mr. Jack Cohn, senior vice president, Savage Services Corporation, and general manager, Gulf Sulfur Services Limited LLLP, offered a presentation, as submitted in background material, and replied to queries from Commissioner Murman. Believing further communications were needed, ▶ Commissioner Murman suggested staff work with Mr. Preston Cook, Director, Emergency Management, and emergency operations staff to participate in meetings. Dr. Garrity provided input. ▶ Commissioner Murman directed staff to use the existing EPC rules, existing State permits, or an enforceable written agreement to require regular inspection and maintenance programs for sulfur tanks in the County, seconded by Commissioner Crist, and carried four to zero. (Commissioner Hagan was out of the room; Commissioners Miller and Sharpe were absent.) Commissioner Murman wanted the sulfur fire incidents further investigated. ▶ Mr. Andrew Horvath, Arkema Incorporated, responded to Commissioner Murman about applying fumigants. Dr. Garrity would work with the Florida Department of Agriculture and Consumer Services.

C. Odor Complaint Update

▶ Mr. Campbell gave a brief report, as illustrated in background material.

THURSDAY, SEPTEMBER 19, 2013 - DRAFT MINUTES

IX. EXECUTIVE DIRECTOR REPORT

- A. Update on Sterling Examiners Visit
- B. Update on EPC Feedback Groups

▶ Dr. Garrity offered a presentation on the 2013 Sterling Challenge, reported on feedback groups, and ▶ responded to Chairman Beckner about maintaining the application process. Chairman Beckner asked to be kept informed of staffing issues.

▶ There being no further business, the meeting was adjourned at 10:27 a.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

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**FY 13 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

AUG

A. Public Outreach/Education Assistance

1	Phone calls	163
2	Literature Distributed	1
3	Presentations	5
4	Media Contacts	3
5	Internet	36
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	2
b.	Construction	6
c.	Amendments / Transfers / Extensions	3
d.	Title V Operating:	0
e.	Permit Determinations	0
f.	General	2

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	1
b.	Construction ¹	5
c.	Amendments / Transfers / Extensions ¹	4
d.	Title V Operating ²	3
e.	Permit Determinations ²	0
f.	General	6
3	Intent to Deny Permit Issued	0

C. Administrative Enforcement

1	New cases received	1
2	On-going administrative cases	
	a. Pending	1
	b. Active	2
	c. Legal	2
	d. Tracking compliance (Administrative)	10
	e. Inactive/Referred cases	0
	TOTAL	15
3	NOIs issued	0
4	Citations issued	0
5	Consent Orders Signed	1
6	Contributions to the Pollution Recovery Fund	\$600.00
7	Cases Closed	0

D. Inspections

**FY 13 - MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION**

AUG

1	Industrial Facilities	11
2	Air Toxics Facilities	
	a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	0
	b. Major Sources	5
3	Asbestos Demolition/Renovation Projects	33
E.	Open Burning Permits Issued	1
F.	Number of Division of Forestry Permits Monitored	280
G.	Total Citizen Complaints Received	35
H.	Total Citizen Complaints Closed	25
I.	Noise Complaints Received by EPC (Chapter 1-10)	11
J.	Noise Complaints Received by Sheriff's Office (County Ord. #12-12)	290
K.	Number of cases EPC is aware that both EPC & Sheriff responded	0
	a. World of Beers (Oct.)	
	b. Brass Mug (Dec.)	
	c. The Rack (Jan.)	
	d. Brass Mug (Feb.)	
L.	Noise Sources Monitored:	2
M.	Air Program's Input to Development Regional Impacts:	4
N.	Test Reports Reviewed:	74
O.	Compliance:	
1	Warning Notices Issued	8
2	Warning Notices Resolved	1
3	Advisory Letters Issued	1
P.	AOR'S Reviewed	15
Q.	Permits Reviewed for NESHAP Applicability	2
R.	Planning Documents coordinated for Agency Review	1



ENVIRONMENTAL PROTECTION COMMISSION

COMMUNITY PARTNER PROGRAM

PRESENTATION SUMMARY SHEET

The EPC has developed the **EPC Community Partner Program** directed specifically to increase public outreach and interaction with registered Hillsborough County Homeowner and Civic Associations. The following provides a summary of presentations performed to community Associations since the last EPC Board Meeting:

Date of EPC Presentation: September 18, 2013

Name of Association: Providence Lakes Master Association, Inc.

Presentation Topic: General EPC Overview

Approximate Attendance: 13

Citizen Concerns: The following concerns were expressed by the attendees during the presentation:

1. Potential wetland impacts if the community converts a wooded area into a park
2. Legality of fire ring circles on private property
3. Frequency and impact of alarms at a lift station during heavy rains
4. Impacts of damage caused by nutrias (type of rodent) and control options

**FY 13 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

SEP

A. ENFORCEMENT

1.	New cases received	-
2.	On-going administrative cases	59
	Pending	1
	Active	19
	Legal	3
	Tracking Compliance (Administrative)	33
	Inactive/Referred Cases	3
3.	NOI's issued	-
4.	Citations issued	-
5.	Consent Orders and Settlement Letter Signed	-
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ -
7.	Enforcement Costs Collected (\$)	\$ -
8.	Cases Closed	-

B. SOLID AND HAZARDOUS WASTE

1.	FDEP Permits Received	0
2.	FDEP Permits Reviewed	0
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	0
4.	Other Permits and Reports	
	County Permits Received	7
	County Permits Reviewed	9
	Reports Received (SW/HW + SQG)	15
	Reports Reviewed (SW/HW + SQG)	21
5.	Inspections (Total)	
	Complaints (SW/HW + SQG)	20
	Compliance/Reinspections (SW/HW + SQG)	12
	Facility Compliance	30
	Small Quantity Generator Verifications	107
	P2 Audits	0
6.	Enforcement (SW/HW + SQG)	
	Complaints Received	21
	Complaints Closed	19
	Warning Notices Issued	0
	Warning Notices Closed	2
	Compliance Letters	46
	Letters of Agreement	0
	Agency Referrals	9
7.	Pamphlets, Rules and Material Distributed	37

C. STORAGE TANK COMPLIANCE

1.	Inspections	
	Compliance	60
	Installation	8
	Closure	8
	Compliance Re-Inspections	2

**FY 13 - MONTHLY ACTIVITIES REPORT
WASTE MANAGEMENT DIVISION**

SEP

2.	Installation Plans Received	2
3.	Installation Plans Reviewed	1
4.	Closure Plans & Reports	
	Closure Plans Received	2
	Closure Plans Reviewed	1
	Closure Reports Received	1
	Closure Reports Reviewed	3
5.	Enforcement	
	Non-Compliance Letters Issued	45
	Warning Notices Issued	-
	Warning Notices Closed	-
	Cases Referred to Enforcement	-
	Complaints Received	-
	Complaints Investigated	-
	Complaints Referred	-
6.	Discharge Reporting Forms Received	-
7.	Incident Notification Forms Received	2
8.	Cleanup Notification Letters Issued	-

D. STORAGE TANK CLEANUP

1.	Inspections	20
2.	Reports Received	61
3.	Reports Reviewed	66
	Site Assessment Received	7
	Site Assessment Reviewed	7
	Source Removal Received	2
	Source Removal Reviewed	3
	Remedial Action Plans (RAP'S) Received	3
	Remedial Action Plans (RAP'S) Reviewed	4
	Site Rehabilitation Completion Order/No Further Action Rec'd	-
	Site Rehabilitation Completion Order/No Further Action Revw'd	-
	Active Remediation/Monitoring Received	23
	Active Remediation/Monitoring Reviewed	27
	Others Received	26
	Others Reviewed	25

E. RECORD REVIEWS

20

F. LEGAL PIR'S

13

**FY 13 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

	<u>SEP</u>
A. ENFORCEMENT	
1. New Enforcement Cases Received	1
2. Enforcement Cases Closed	2
3. Enforcement Cases Outstanding	30
4. Enforcement Documents Issued	1
5. Recovered Costs to the General Fund	\$ 970
6. Contributions to the Pollution Recovery Fund	\$ 5,180
B. PERMITTING/PROJECT REVIEW - DOMESTIC	
1. Permit Applications Received	18
a. Facility Permit	1
(i) Types I and II	-
(ii) Type III	1
b. Collection Systems - General	8
c. Collection systems-Dry Line/Wet Line	9
d. Biosolids Disposal	-
2. Permit Applications Approved	33
a. Facility Permit	2
b. Collection Systems - General	11
c. Collection systems-Dry Line/Wet Line	11
d. Biosolids Disposal	-
e. Final Construction approval	9
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	55
a. Facility Permit	9
b. Collection Systems - General	17
c. Collection systems-Dry Line/Wet Line	29
d. Biosolids Disposal	-

7. Permit Determination	2
8. Special Project Reviews	-
a. Reuse	-
b. Biosolids/AUPs	1
c. Others	-
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation	9
a. Inspection (CEI)	4
b. Sampling Inspection (CSI)	5
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	53
a. Inspection (RI)	-
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	38
d. Enforcement Inspection (ERI)	3
3. Engineering Inspections	12
a. Reconnaissance Inspection (RI)	-
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	-
e. Post Construction Inspection (XCI)	12
f. On-site Engineering Evaluation	-
g. Enforcement Reconnaissance Inspection (ERI)	-
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	
1. Permit Applications Received	3
a. Facility Permit	2
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	2
b. General Permit	-
c. Preliminary Design Report	1
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	1
2. Permits Recommended to DEP for Approval	2
3. Special Project Reviews	3
a. Facility Permit	3
b. General Permit	-

4. Permitting Determination	1
5. Special Project Reviews	68
a. Phosphate	20
b. Industrial Wastewater	18
c. Others	30
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation (Total)	7
a. Inspection (CEI)	7
b. Sampling Inspection (CSI)	-
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	9
a. Inspection (RI)	5
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	4
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	26
(i) Received	16
(ii) Closed	10
b. Industrial	10
(i) Received	4
(ii) Closed	6
2. Warning Notices	
a. Domestic	6
(i) Issued	4
(ii) Closed	2
b. Industrial	1
(i) Issued	1
(ii) Closed	-
3. Non-Compliance Advisory Letters	8
4. Environmental Compliance Reviews	
a. Industrial	14
b. Domestic	100
5. Special Project Reviews	16

G. RECORD REVIEWS

1. Permitting Determination	2
2. Enforcement	4

**H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS
REVIEWED (LAB)**

1. Air Division	48
2. Waste Division	-
3. Water Division	16
4. Wetlands Division	-
5. ERM Division	168
6. Biomonitoring Reports	5
7. Outside Agency	11

I. SPECIAL PROJECT REVIEWS

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

**FY 13 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

SEP

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	51
Timeframes Met	100%
Year to Date	98%

Formal Wetland Delineation Surveys

Projects	11
Total Acres	190
Total Wetland Acres	25
# Isolated Wetlands < 1/2 Acre	4
Isolated Wetland Acreage	0.88

Construction Plans Approved

Projects	11
Total Wetland Acres	5
# Isolated Wetlands < 1/2 Acre	0
Isolated Wetland Acreage	0
Impacts Approved Acreage	0
Impacts Exempt Acreage	0

Mitigation Sites in Compliance

Ratio	18/19
Percentage	95%

Compliance Actions

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

TPA Minor Work Permit

Permit Issued	21
Permits Issued Fiscal Year 2013	202
Cumulative Permits Issue Since TPA Delegation (07/09)	798

REVIEW TIMES

# of Reviews	281
% On Time	95%
% Late	5%

**FY 13 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

SEP

A. General

1.	Telephone conferences	769
2.	Unscheduled Citizen Assistance	332
3.	Scheduled Meetings	440
4.	Correspondence	2,294
1/ 5.	Interagency Coordination	88
1/ 6.	Trainings	49
1/ 7.	Public Outreach/Education	5
1/ 8.	Quality Control	108

B. Assessment Reviews

1.	Wetland Delineations	17
2.	Surveys	7
3.	Miscellaneous Activities in Wetland	15
4.	Mangrove	12
5.	Notice of Exemption	3
6.	Impact/Mitigation Proposal	6
7.	Tampa Port Authority Reviews	98
8.	Wastewater Treatment Plants (FDEP)	-
9.	Development Regn'l Impact (DRI) Annual Report	-
10.	On-Site Visits	133
11.	Phosphate Mining	-
12.	Comp Plan Amendment (CPA)	-
1/ 13.	AG SWM	2
	Sub-Total	

Planning and Growth Management Review

14.	Land Alteration/Landscaping	-
15.	Land Excavation	1
16.	Rezoning Reviews	24
17.	Site Development	13
18.	Subdivision	32
19.	Wetland Setback Encroachment	2
20.	Easement/Access-Vacating	-
21.	Pre-Applications	34
1/ 22.	Agriculture Exemption	-
	Sub-Total	
	Total Assessment Review Activities	

C. Investigation and Compliance

1.	Warning Notices Issued	-
2.	Warning Notices Closed	4
1/ 3.	Complaints Closed	29
4.	Complaint Inspections	19
5.	Return Compliance Inspections for Open Cases	15

**FY 13 - MONTHLY ACTIVITIES REPORT
WETLANDS MANAGEMENT DIVISION**

SEP

6.	Mitigation Monitoring Reports	6
7.	Mitigation Compliance Inspections	19
8.	Erosion Control Inspections	22
9.	MAIW Compliance Site Inspections	30
10.	TPA Compliance Site Inspections	45
2/ 11	Mangrove Compliance Site Inspections	11
1/ 12	Conservation Easement Inspection	7

D. Enforcement

1.	Active Cases	11
2.	Legal Cases	5
3.	Number of "Notice of Intent to Initiate Enforcement"	2
4.	Number of Citations Issued	-
5.	Number of Consent Orders Signed	2
6.	Administrative - Civil Cases Closed	1
7.	Cases Referred to Legal Department	5
8.	Contributions to Pollution Recovery	\$ 590
9.	Enforcement Costs Collected	\$ 75

E. Ombudsman

1.	Agriculture	3
2.	Permitting Process & Rule Assistance	4
3.	Staff Assistance	7
4.	Citizen Assistance	8

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 13 POLLUTION RECOVERY FUND
10/1/2012 through 9/30/2013**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 542,334	Artificial Reef	\$ 146,828	Minimum Balance	\$ 120,000	
Interest	\$ 1,937	Project Monitoring	\$ 32,514	PROJ. FY 14 Budgets	\$ 179,342	
Deposits	\$ 157,803	FY 13 Projects	\$ 40,000	Asbestos Removal	\$ 5,000	
Refunds	\$ 10,903					
Total	\$ 712,977	Total	\$ 219,342	Total	\$ 304,342	\$ 189,293



PROJECT		Project Amount	Project Balance
FY 10 Projects			
#09-02 - Effects of Restoration on Use of Habitat	EPE30443	\$ 84,081	\$ 23
		\$ 84,081	\$ 23
FY 12 Projects			
Bahia Beach Mangrove Enhancement	EPE30449	\$ 56,700	\$ 56,700
Fertilizer Rule Implementation	EPE40206	\$ 50,000	\$ 30,007
USGS Partnership	EPE30450	\$ 25,000	\$ 18,750
		\$ 131,700	\$ 105,457
FY 13 Project			
USF Fertilizer Study Peer Review	EPE40207	\$ 25,000	\$ 25,000
Community Partnering Program	EPE06019	\$ 15,000	\$ 15,000
		\$ 40,000	\$ 40,000
			\$ 145,480

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 13 GARDINIER SETTLEMENT TRUST FUND
10/1/2012 - 9/30/2013**

Fund Balance as of 10/1/12	\$ 61,274
Interest Accrued	167
Disbursements FY 13	-
	<hr/>
Fund Balance	\$ 61,441
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 61,441
	<hr/>
Total Encumbrances	\$ 61,441
	<hr/>
Fund Balance Available	<u><u>\$ -</u></u>

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: October 17, 2013

Subject: Monthly Legal Case Summary

Agenda Section: Consent Agenda

Division: Legal and Administrative Services Division

Recommendation: None, informational update.

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

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

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

EPC LEGAL DEPARTMENT MONTHLY REPORT

October 2013

I. ADMINISTRATIVE CASES

Dana Philp [13-EPC-007]: On October 3, 2013, the Appellant, Dana Philp, filed an Appeal challenging the Executive Director's issuance of Tampa Port Authority Minor Work Permit #55777. The Appeal was found to be legally insufficient and an Order Dismissing the Appeal with Leave to Amend was issued. The Appellant has 15 days from the issuance of the Order to amend their 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 to September with the intention of the scheduling a settlement meeting between the parties. During the September meeting a request was made to continue the matter to the November 14, 2013 EPC meeting as the Appellant will be out of the country. The continuance was granted. (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. The parties are preparing for a hearing in this matter. (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.

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

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. (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. The denial is under appeal. The EPC moved for contempt, but the Court ordered the EPC to conduct the wetland remediation and charge the Harts. (RM)

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

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

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

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

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

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

Brass Mug and He Il Cho [LEPC13-02]: On March 5, 2013, the Commission authorized the EPC to file suit against Brass Mug and He Il Cho for violations of Chapter 1-10 (EPC Noise Rule). The parties have met multiple times in an effort to resolve the matter. The Brass Mug has relocated, thus is no longer generating noise at the location. The EPC and Mr. Cho, the strip-mall owner, entered into a settlement in an effort to minimize future noise problems. No lawsuit was filed. File will be closed, but EPC does not waive any rights to pursue remedies against Brass Mug and its agents. (RM)

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.

City of Tampa Blue Sink Pump Station [13-EPC-006]: On September 19, 2013, Appellant City of Tampa filed a request for an extension of time to file an Appeal challenging the EPC's Miscellaneous Activities in Wetlands Permit pertaining to the Blue Sink Pump Station project. The request was granted and the Petitioner has until October 29, 2013 to file an Appeal in this matter. (AZ)

Sun Communities, Inc. [12-EPC-012]: On August 2, 2012, the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge a Notice of Permit Denial. The request was granted and the Petitioner was initially granted until November 15, 2012 to file a petition in this matter, subsequently, additional requests for extensions were filed by the Petitioner and the current deadline to file a petition in this matter is October 22, 2013. (RM)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 17, 2013

Subject: 2013 Third Quarter Action Plan Updates

Agenda Section: Consent Agenda

Division: Executive Director

Recommendation: None – Informational Only

Brief Summary: In March 2013, EPC staff brought the finalized versions of the Agency's 2013 action plans to the Board for approval. These measurable action plans are divided into twelve individual initiatives which support the Agency's strategic priorities for calendar year 2013. The third quarter status reports are listed for all twelve.


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 2012. 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 thirty-four of these initiatives.

The narrative descriptions of the proposed action plans for 2013 were brought to the Board in January 2013 and approved. The twelve detailed action plans reflecting the Agency's strategic objectives for 2013 were then finalized and formally launched. The finalized versions of the action plans were approved in the Consent Agenda at the March meeting.

Each Agency initiative is described in an individual action plan with measurable goals. The attachment reflects the update on the status of each action plan as of the end of the third quarter of 2013. 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.

3rd Quarterly Update for 2013 Action Plans

Strategic Objective	Action Plans	2013 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 77% (5yr. Q2 avg. = 71%) and Tributary goals are 68% (5yr. Q2 avg. = 77.5%) through 2 nd Quarter of 2013.
	Have new	environmental services agreement in place and continue cooperative approach to stormwater related nutrient management.	New Inter-local Agreement for water quality monitoring as part of the County's MS4 and NPDES permits was signed in Sept. 2013.
	Continue progress made with local	Attended six meetings and one webinar	

partners in helping FDEP and USEPA develop Numeric Nutrient Criteria for the Tampa Bay area. involving State and Federal TMDL and Numeric Nutrient Criteria development & implementation.

Have in place at least one new media campaign that promotes responsible fertilizer use consistent with Chapter 1-15. New 15 sec. NPR Radio PSA was produced by TBEP & partners and aired for 30 days this summer on WUSF.



Quarterly Update for 2013 Action Plans

Strategic Objective	Action Plan	2013 Year End Goals	Status
<p>1.4 Protection of Wetlands</p>	<p>Enhanced Delegation Responsibilities for Development Reviews</p>	<p>Complete Coordination Agreement with Army Corps of Engineers (ACOE).</p>	<p>Coordination Agreement implementation officially began 9/1/2013.</p>



Submit application to FDEP for additional ERP delegation.

Procurement of consultant finalized. Meeting with County representatives and consultant October 15, 2013 to discuss seeking "10/2" delegation.

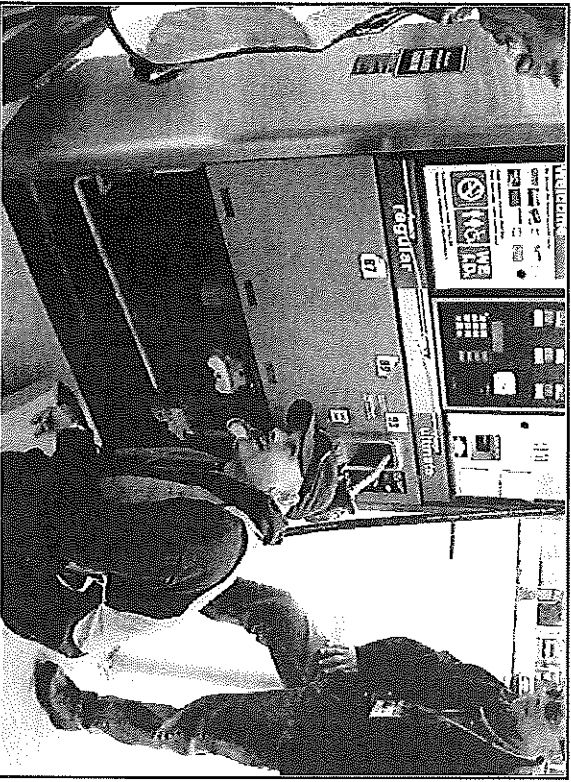
Quarterly Update for 2013 Action Plans

Strategic Objective	Action Plans	2013 Year End Goals	Status
1.5 Promote Environmental Stewardship	Energy Star Certification/Green Business Recognition/Green Procurement Policy	Submit Energy Star Certification application by June 2013.	County Energy Manager is currently collecting data needed for application, conflicting data exists.
		Add five additional Green Business Recognitions to the Green Hillsborough Website by the end of the year.	Have partnered with UT's Sustainable Business Program and will use this pathway to connect with businesses.
		Prepare Green Procurement Policy draft by May 2013 and final policy by Dec. 2013.	Still researching options for procurement policy. Draft not yet ready.

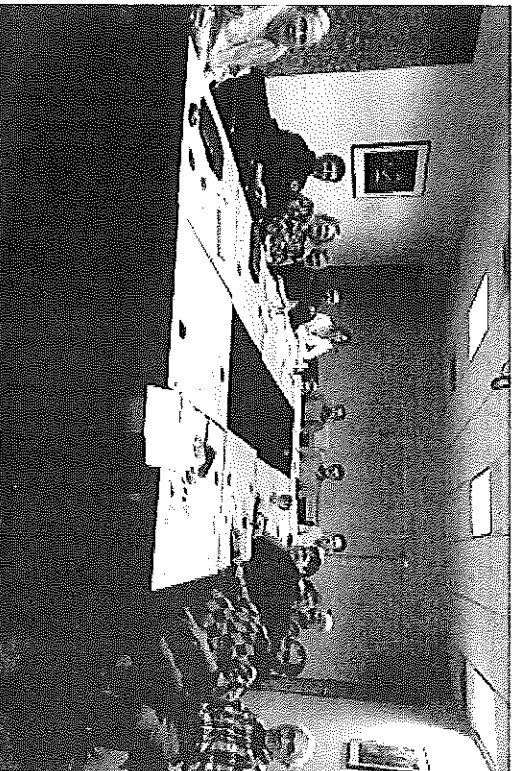


Quarterly Update for 2013 Action Plans

Strategic Objective	Action Plans	2013 Year End Goals	Status
<p>1.6 Improve Regulatory Compliance</p>	<p>Compliance Assistance Improvement Initiative for Minor Non-Compliance and Small Businesses</p>	<p>Revise Agency Complaint & Warning Notice SOP to include Compliance Assistance Letter.</p>	<p>Workgroup members finalized Draft SOP and Advisory Letter for compliance assistance. Presentation to EPC Board on 6/20/2013. Draft SOP and Letter sent to Senior Staff on 9/30/2013.</p>
		<p>Utilize the customer survey to receive business feedback.</p>	<p>Once SOP is approved, will analyze customer survey results for improvement.</p>
		<p>Track future compliance rate for participating businesses to determine effectiveness.</p>	<p>Once SOP is approved, will utilize performance measures to evaluate effectiveness.</p>

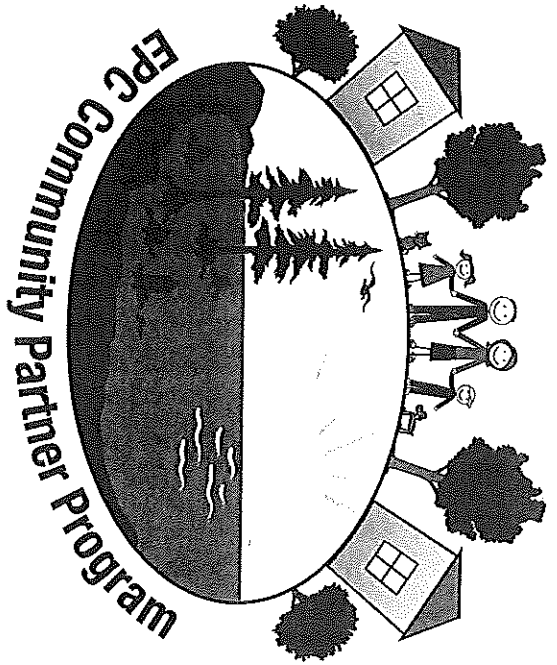


Quarterly Update for 2013 Action Plans

Strategic Objective	Action Plans	2013 Year End Goals	Status
2.3 Employee Empowerment	Prepare Sterling Challenge Application	Submit Sterling Challenge Application by October.	All seven categories for the application were completed and submitted in July.
	Participate in on-site visit by Sterling examiners team by December.	The site visit by Sterling Examiners was held the last week in August & the Challenge Feedback Report was received on September 30 th .	
	Report on Sterling Feedback Report to the Board.	Scheduled for November.	

Quarterly Update for 2013 Action Plans

Strategic Objective	Action Plans	2013 Year End Goals	Status
3.1 Customer Satisfaction	Neighborhood Outreach Initiative	Develop EPC Community Partner Program, similar to a neighborhood watch program, and obtain at least 3 communities as official members.	Created EPC Community Partner Program in March including web-based connection. Completed second HOA presentation in September with third scheduled for October. Presented program details to EPC Board in April.
		Develop EPC Advisory/Notification System and get at least 75 individuals to sign on.	Launched EPC Advisory/Notification System on website in March to register interested citizens. Promoted both programs at outreach events from March through May and also at HOA



presentations.
Approximately 40
individuals signed-up to
date.

Produce updated Open
Burn outreach material.

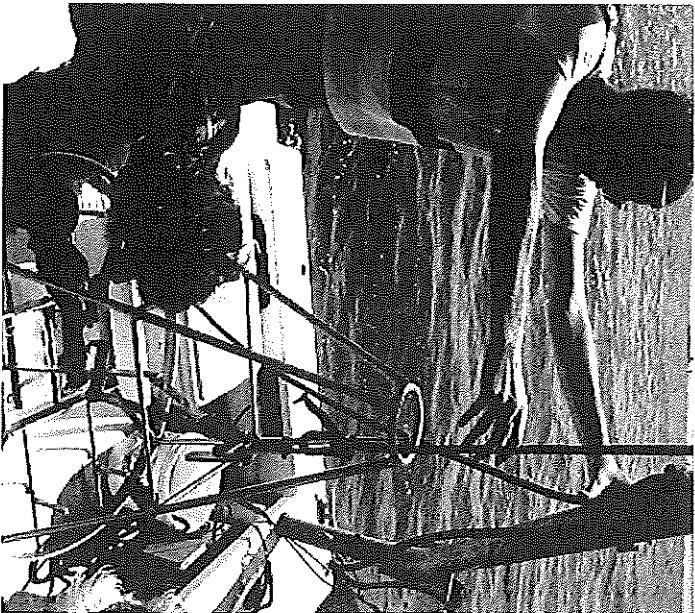
Have met with the Citizen
Response Section to review
content desired for updated
rack card along with general
layout review.

Get Board approval to
establish PRF monies for
neighborhood mini-grants
to augment this initiative.
Receive at least one mini-
grant application by year's
end.

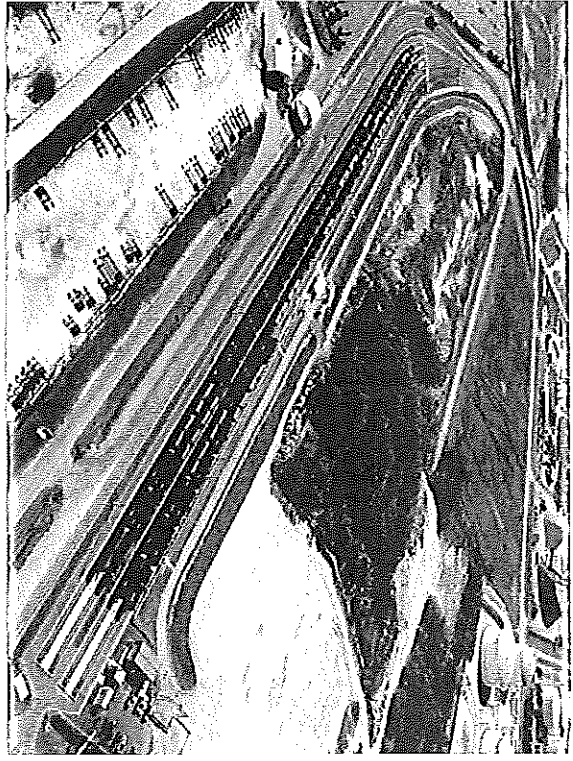
HOA Mini-Grant Program
funding approved, and
details drafted for
publication following
review from Legal Dept.

Quarterly Update for 2013 Action Plans

Strategic Objective	Action Plans	2013 Year End Goals	Status
3.2 Improve Partnering Relationships	EPC Intern Program	Revise Agency policy on Volunteer Training.	Legal has updated and revised 2 iterations of Draft Policy updates. Committee review and change proposals remain pending.
		Establish operating procedures to formalize process.	Procedures and policy are intertwined with the need to complete policy updates first.
		Identify and formalize relationships with University partners.	Relationships with several universities for legal and science interns are established. Further evaluation and formalization remains.
		Have at least two interns at EPC this fall.	Interns continue to be accepted at EPC through quasi-formal process. EPC currently has 3 active interns.
		Implement program.	Additional work remains for a formal process implementation.



Quarterly Update for 2013 Action Plans

Strategic Objective	Action Plans	Year End Goals	Status
3.3 Stakeholder Relationships	Permitting Enhancements	Increase permitting outreach to small businesses (goal of 10 in 2013).	Processed 5 projects through Priority Permitting to date.
		Coordinate Priority Permitting with other departments and agencies, including DEP and SWFWMD as available.	Presented details of Priority Permitting to DEP Southwest District Office and discussed coordination opportunities. Contacted SWFWMD regarding upcoming meeting.
			Met with the HC Economic Development Dept., HC Planning and

Growth Management
Dept., City of Temple
Terrace, and Economic
Development
Corporation.

Contacted City of Tampa
and Plant City to discuss
continuing efforts
regarding environmental
assistance and permitting
of small businesses.

Obtain an overall
satisfaction rating of
3.6 or better 100% of
the time.

Provided surveys to
applicants and awaiting
responses.

Process 95% of
applications in less
than half the statutory
time.


100% of projects
processed in less than
half the statutory time.

Quarterly Update for 2013 Action Plans

Strategic Objective	Action Plans	2013 Year End Goals	Status
4.2 Control Expenditures	Workforce Alliance Partnership	Enter into a contract with Workforce Alliance to become a training vendor by March.	Executed the contract with Workforce Alliance in April 2013. Signed an Extended Community Service/Work Experience Agreement in June 2013 for an additional 6 months (18 total).
Start at least one Workforce Alliance trainee per quarter starting in the second quarter.		The first Workforce Alliance candidate began in June 2013. A second candidate started in July and has since acquired a full-time position elsewhere. As of the end of September, trainees have put in approximately 500 hours at EPC. Additional candidates have been requested.	

Quarterly Update for 2013 Action Plans

Strategic Objective	Action Plans	2013 Year End Goals	Status
<p>5.2 Use of Technology</p>	<p>Online Applications & E-Pay</p>	<p>Standardize all EPC applications to look similar.</p>	<p>Project has started but due to personnel turnover is on hold. Selected a single application for pilot instead.</p>
	<p>Select and finalize payment processor and payment gateway for the E-Pay portion of the project.</p>	<p>Processor and gateway were finalized using Bank of America.</p>	
	<p>Have completed e-payment system with standardized applications on-line by October.</p>	<p>Demo site is up for a single permit type and program is currently being tested.</p>	
	<p>Have 10% of all EPC permits applied for and paid for on-line for the first quarter of operation (October-December 2013).</p>	<p>Targeting to have system up for the single permit type by October 31. Will promote site through social media and website and track public use of site.</p>	



**WDR30 - APPLICATION TO PERFORM
DELINEATION OF WETLANDS AND OTHER
SURFACE WATERS**

ROBERT P. STEWART CENTER
3029 Queen Palm Dr., Tampa, FL 33619
Ph: (813) 627-2600 Fax: (813) 627-2630
www.epcdec.org

The Environmental Protection Commission application is for delineation of wetlands and other surface waters as provided in Chapter 1-11.04 Wetlands, Rules of the EPC and adopted State of Review. The delineation will be performed in accordance with the methodology described in Chapter 62-240, Florida Administrative Code. The fee for this application is \$350. Return completed applications and the \$350 application fee to EPC Wetlands Management Division, 3029 Queen Palm Drive, Tampa, FL 33619.

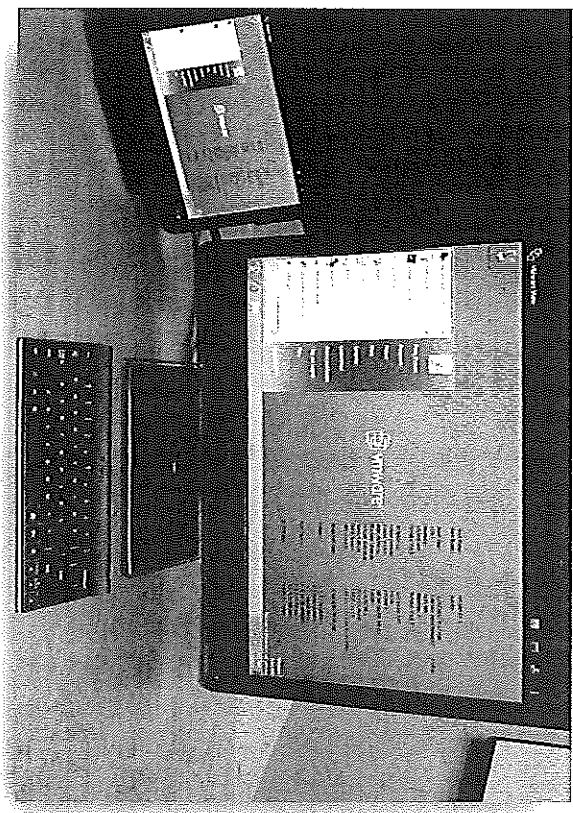
1. PROPERTY OWNER INFORMATION:

Request to be present at site inspection

First Name _____ Last Name _____
 Company Name/Title _____
 Street Address _____
 City _____ State _____ Zip Code _____
 Telephone Number _____
 Email Address _____

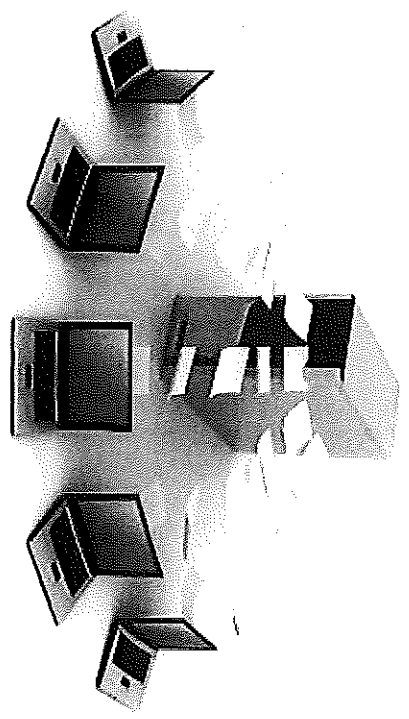
Quarterly Update for 2013 Action Plans

Strategic Objective	Action Plans	2013 Year End Goals	Status
5.2 Use of Technology	Virtual Desktop System	Configure the Network, Servers, and Storage Area Network (SAN) hardware.	Hardware is configured and in production.
		Configure Server and Virtual desktop software.	Software is configured and in production.
		Deploy 80 Virtual Desktop into production.	All 80 units have been purchased and 14 units have been deployed. Virtual Desktops are configured for user.
		Achieve >96% system uptime.	Developing reports to provide statistics.



Quarterly Update for 2013 Action Plans

Strategic Objective	Action Plans	2013 Year End Goals	Status
5.2 Use of Technology	Common Agency Database Feasibility Study	Identify and document all the Agency's databases by April.	All 33 Agency databases have been documented. Fifteen have been selected to connect.
		Develop a Request For Information (RFI) through Procurement to solicit ideas and capabilities by July.	RFI is in development. Discussions with vendors to establish baseline requirements have been conducted.



Evaluate RFI responses and make recommendation for Request For Proposal By September. RFI not developed yet.

Develop an RFP through Procurement and take best bid and plug it into the budget process for FY 15 by October 2013. RFP not developed yet.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: October 17, 2013

Subject: Select Performance Measure Goals for 2013

Agenda Section: Consent Agenda

Division: Executive Director

Recommendation: Informational Only

Brief Summary: As part of the Sterling Management process, the Agency measures key activities and has set goals for 2013. 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.

2013 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2011	2012	2013 YTD (3rd Qtr)	2013 Goal
Permitting	Average Time State Construction Permits were In-house	57 days	36 days	36 days	31 days	Less Than or Equal to 36 days
	Average Time Tampa Port Authority Permits were In-house	56 days	53 days	43 days	45 days	N/A
	Average Time EPC Permits were In-house	21 days	20 days	16 days	17 days	Less Than or Equal to 20 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	90%	91%	93%	Greater Than 90%
Environmental Complaints	Timely Initiation of Investigation	99%	99%	99+%	100%	Maintain 99%
Enforcement	Timely Initiation of Enforcement	73%	81 %	76 %	94%	85%



ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: October 17, 2013

Subject: First Amendment to the Cooperative Agreement between County and EPC for exotics removal and mangrove enhancement work at Bahia Beach

Agenda Section: Consent Agenda

Division: Water Management Division

Recommendation: Approve the First Amendment to the Cooperative Agreement between EPC and Hillsborough County to perform exotic removal/mangrove enhancement at Bahia Beach. Authorize the Chair to execute the extension.

Brief Summary: Hillsborough County Parks, Recreation and Conservation Department, under an existing agreement, is overseeing the exotic removal/mangrove enhancement work on behalf of the EPC at Bahia Beach. The Bahia Beach Restoration Project is a partnership between EPC, the Southwest Florida Water Management District, and Hillsborough County. County Parks, Recreation and Conservation staff requested a minor change to the invoicing language and a one year extension of the Agreement to allow for one year of vegetation maintenance by the contractor.

Financial Impact: None, this is a no cost extension.

Background: The Bahia Beach Restoration Project is a partnership between EPC, the Southwest Florida Water Management District, and Hillsborough County. The BOCC, through the Hillsborough County Parks, Recreation and Conservation Department, entered into an Agreement with the EPC on November 2, 2011 which directs the County to oversee the exotic removal/mangrove enhancement work on behalf of the EPC at Bahia Beach. To date, the County has been involved in the project design and permitting process. EPC has been involved with the initial funding of the project through the Pollution Recovery Fund as well as design review and permitting assistance. The Southwest Florida Water Management District has been involved with the design and is funding the construction of the project as well as overseeing the contractor selection. Work has begun and this extension will allow time for one year of post project vegetation maintenance by the County and its contractor.

Based on this request for additional time for maintenance activities, EPC staff is recommending approval of the attached First Amendment. It is a no cost extension to the Agreement. The Amendment also clarifies that the County may submit multiple invoices to the EPC. The BOCC has already approved the First Amendment at the BOCC meeting dated October 11, 2013.

**FIRST AMENDMENT TO THE
COOPERATIVE AGREEMENT**

**Between the
Environmental Protection Commission of Hillsborough County
and
Hillsborough County
for Bahia Beach Project Mangrove Enhancement**

THIS FIRST AMENDMENT ("Amendment") to the Cooperative Agreement for Bahia Beach Project Mangrove Enhancement dated November 2, 2011 ("Agreement") is made and entered by and between Hillsborough County, a political subdivision of the State of Florida (the "COUNTY") and the Environmental Protection Commission of Hillsborough County (the "EPC"), a political subdivision of the State of Florida.

WITNESSETH:

WHEREAS, the EPC agreed to use Pollution Recovery Funds for mangrove enhancement including exotic removal as part of the Bahia Beach Restoration Project (Project); and

WHEREAS, the COUNTY has agreed to perform the above described activities through its Parks, Recreation and Conservation Department; and

WHEREAS, the EPC and the COUNTY entered into a Cooperative Agreement on November 2, 2011, wherein the EPC pays the COUNTY to perform the activities as part of an efficient allocation of resources to achieve a common goal of habitat restoration; and,

WHEREAS, the Agreement expires on November 2, 2013 and the COUNTY needs additional time to allow themselves and their contractor to perform 1 year of follow-up maintenance exotic plant spraying; and,

NOW, THEREFORE, the COUNTY and EPC hereby amend the Agreement as follows:

1. The references to "24 months" in paragraph Part II(a) and Part III(c) are amended to read "36 months," thus the Cooperative Agreement is extended for 12 months and the new expiration date is November 2, 2014.
2. Paragraph Part II(b) is rescinded and replaced with the below paragraph:

b) The COUNTY will prepare the IOC and shall attach appropriate back-up documentation supporting such IOC, if appropriate. The COUNTY may submit multiple invoices and prepare multiple IOCs for reimbursement. If EPC has any questions or

needs additional information to ensure that the reimbursement is appropriate under this Agreement, the County shall arrange to promptly provide the additional information in response to a written EPC request, as needed, prior to reimbursement.

3. The remainder of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the COUNTY and EPC have caused this Cooperative Agreement for Bahia Beach Project Mangrove Enhancement to be approved as of the dates noted below.

ATTEST:
PAT FRANK
CLERK OF CIRCUIT COURT

HILLSBOROUGH COUNTY
BOARD OF COUNTY COMMISSIONERS

By: Beverly Anne Miller
Deputy Clerk

By: Ken Hagan
Ken Hagan, Chairman
Board of County Commissioners

(OFFICIAL SEAL)



Date: September 18, 2013

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH
COUNTY

By: [Signature]
Assistant County Attorney

By: Kevin Beckner
Kevin Beckner, Chairman
Environmental Protection Commission

Date: September 25, 2013

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
EPC Attorney

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY FLORIDA
DOCUMENT NO. 13-0835

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: October 17, 2013

Subject: EPC Staff's 2013 Annual Report

Agenda Section: Regular Agenda

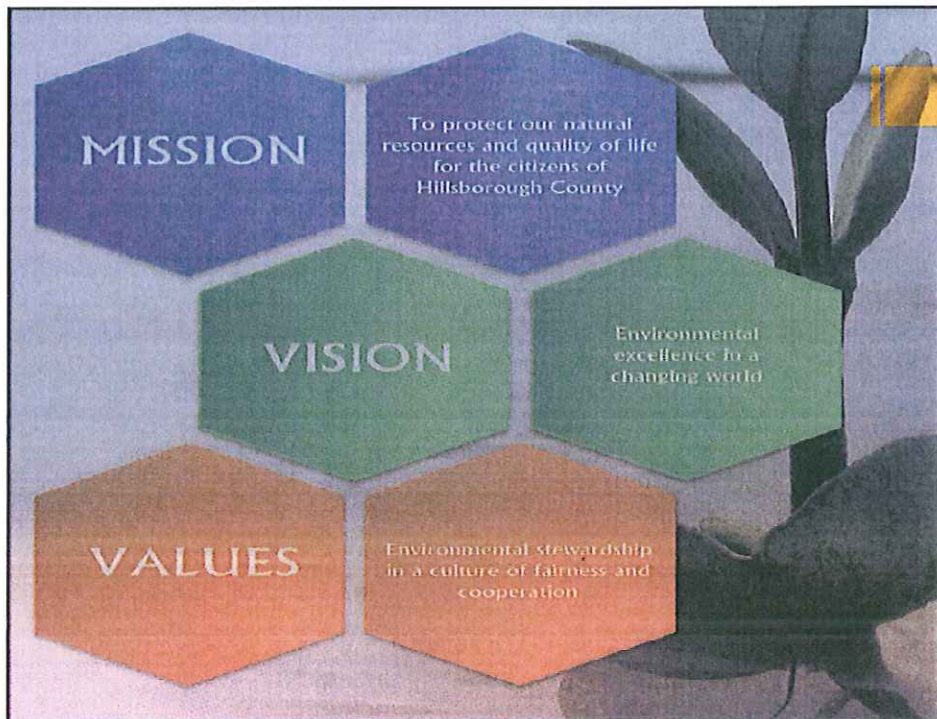
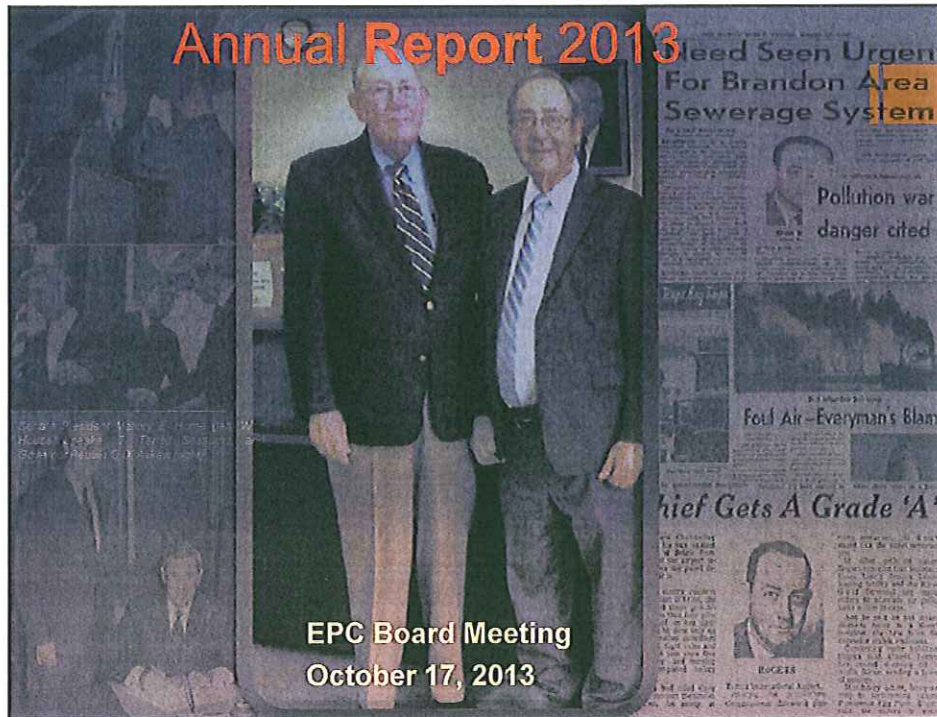
Division: Executive Director's Section

Recommendation: Receive report and provide guidance as needed.

Brief Summary: Every year the Executive Director delivers a report to the Board on the environment and the Agency. It includes information on air and water quality as well as a look back at environmental trends and challenges. In addition this report details staff efforts in strategic planning and the resulting initiatives over the last twelve months.

Financial Impact: No Financial Impact.

Background: This annual report is an attempt to update the Board on the environmental conditions within the County as it relates to air and water quality. Significant actions will be detailed and trends will be highlighted. It also describes staff's work to be more efficient in the delivery of services. The Agency's performance measures for processing requests and responding to complaints will be detailed as well.



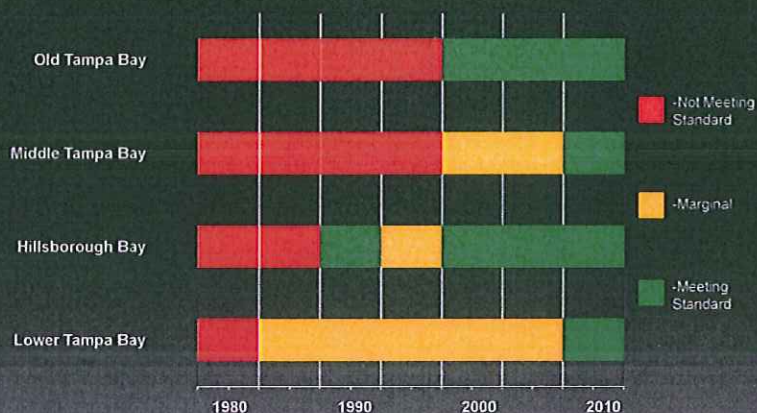
Core Functions

The Enabling Act prescribes our Core Functions to be:

- Citizen's response – timely and thorough
- Air and water monitoring – comprehensive and unbiased
- Waste, wetlands, water and air permitting – protective yet *cooperative*
- Waste, wetlands, water and air compliance – proactive and promoting *environmental stewardship*
- Waste, wetlands, water and air enforcement – *fair* and consistent

The Health of Tampa Bay

Health of Tampa Bay
(Individual Segments Meeting Chlorophyll-a Standards)



Tampa Bay and Its Watershed



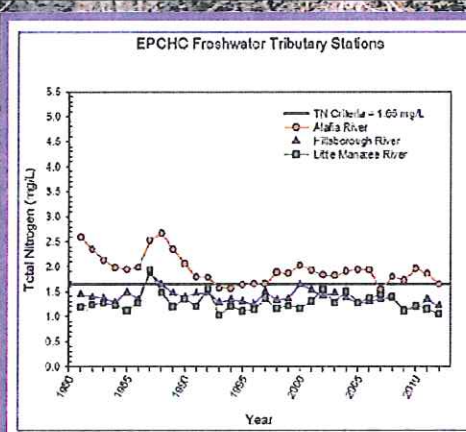
■ 1982 Seagrass acres 21,653

■ 2012 Seagrass acres 34,642

Net increase = 12,989

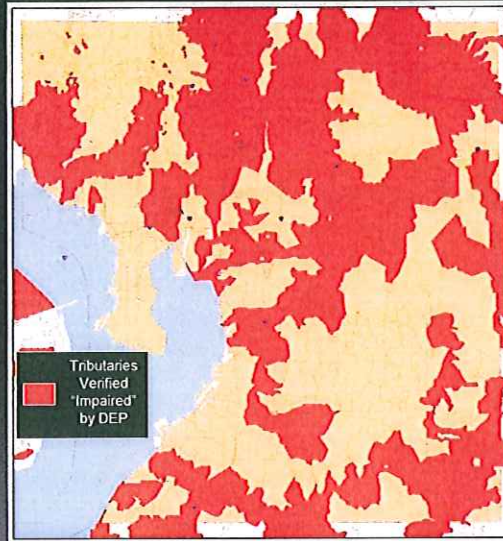
The Health of Our Fresh Water Tributaries

Total Nitrogen Levels of Major Tributary Segments

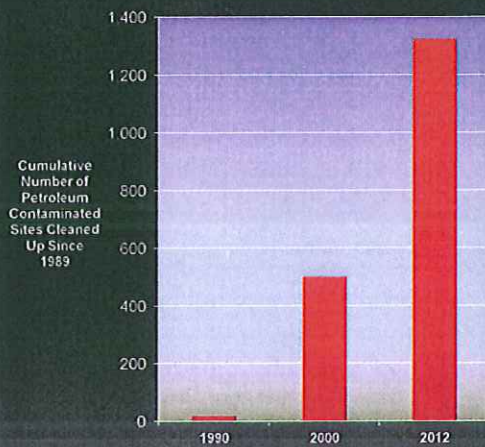


Water Quality Results

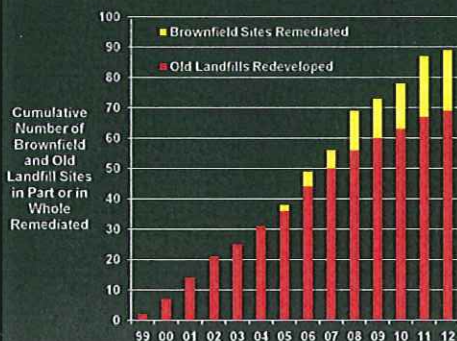
- The County faces the challenge of addressing “Impaired Waters”
- Over 177 areas have been listed for a variety of pollutants
- Stormwater Runoff is the major source of pollutants.



The Health of Our Groundwater/Soils



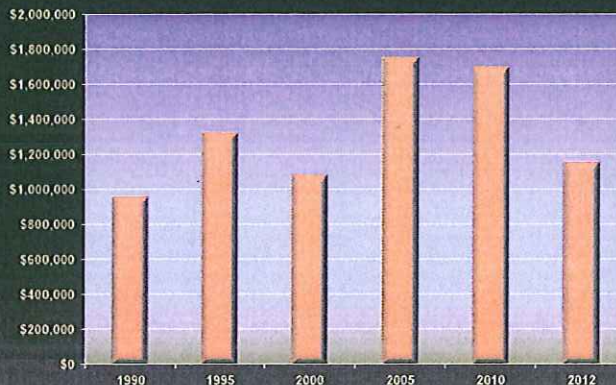
The Health of Our Groundwater/Soils



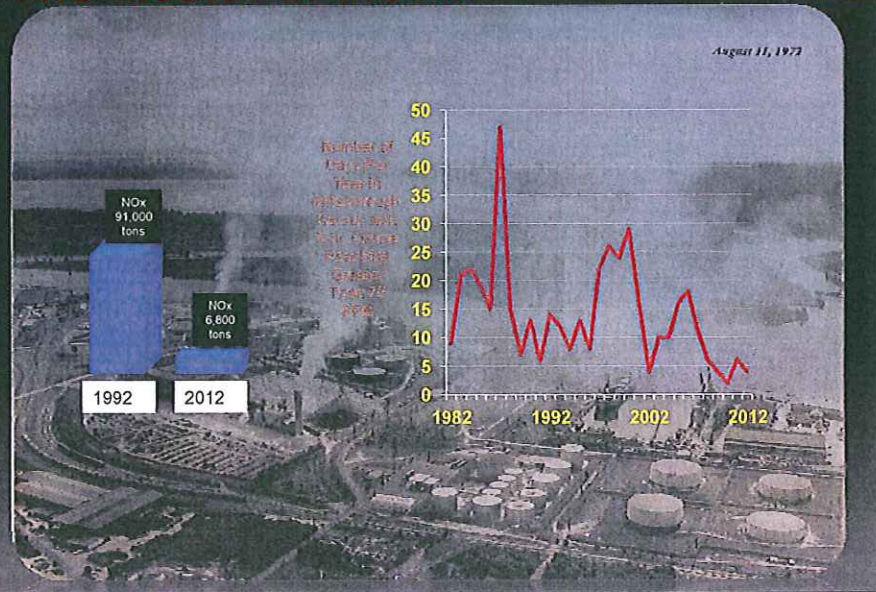
Former Patson's manufacturing plant on McKinley Drive near Bougainvillea Avenue

Biggest Groundwater/Soils Challenge Ahead

Maintaining funding for petroleum tanks compliance/clean up program.



The Health of the Air



Biggest Air Quality Challenge Ahead

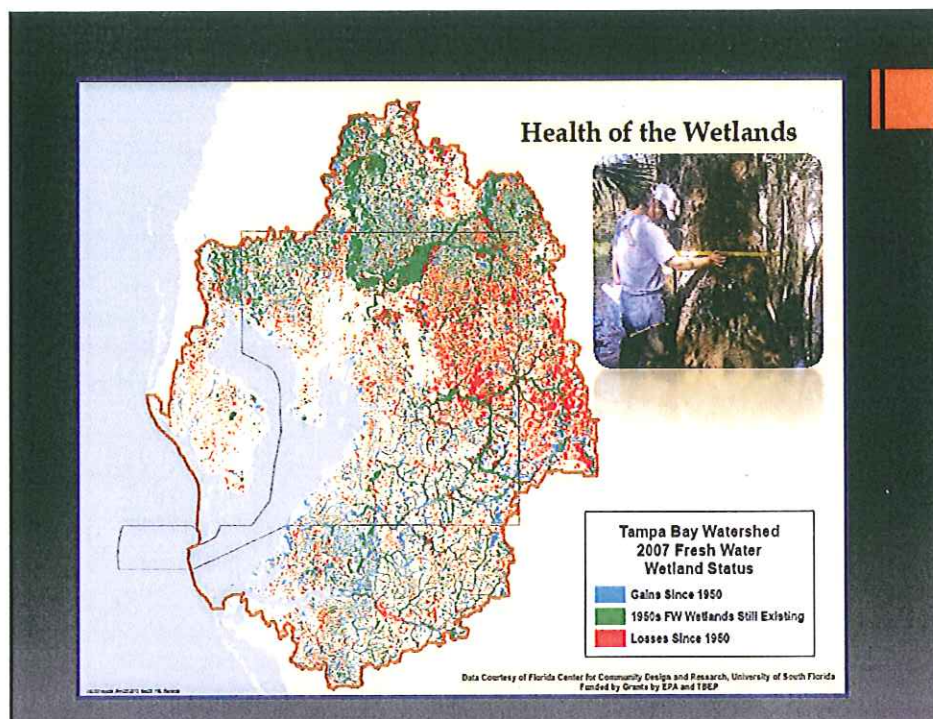
Addressing localized "hot spots"

Lead Nonattainment Area



Sulfur Dioxide Nonattainment Area





Biggest Wetlands Challenge Ahead

Balancing wetlands' protection with infill and growth



Strategic Planning at EPC





Agency Improvements by Strategic Priority

1. Environmental Protection Excellence

- Nutrient Management Initiative
- Developed Office of Sustainability
- Priority Environmental Complaints SOP
- Focus on Improved Regulatory Compliance
- Lakes Initiative
- Enhanced School Outreach
- EPC Green Team



2012 Action Plan – Office of Sustainability

Strategic Objective	Action Plans	Status	2012 Year End Goal
Promote Environmental Stewardship	1.2 Develop Office of Sustainability	Funding for coordinator position	Establish relationship with other County entities -EM&S
		Complete Energy & Sustainability Plan for the County	Completed
		Received grant and installed 7 electric vehicle (EV) stations	Have all 7 EV stations operational.
		Write RFI for County CNG Options- coordinate committee work	Made final recommendations to Workgroup on CNG.
		Improve Green website for County	Launch Green Hillsborough website in final form.
		Have signed agreement in place with TECO, EPC and Patel to fund the CCC for the first year. Application will follow.	Tampa Bay Clean Cities Coalition is in the process of designation by DOE. Application due Fall 2013.
		In collaboration with Fleet purchased a Chevy Volt and taken delivery. Possible second EV.	Take delivery of electric vehicle as part of alternative fuels pilot program.

Agency Improvements by Strategic Priority (continued)

2. Successful/Engaged Workforce

- Employee survey
- Producing minutes for Senior Staff meetings and distributing same to employees
- Track training and outreach
- Creation of new employee orientation policy
- Bi-annual In-service meetings
- Prepare Sterling Challenge Application



Sterling Challenge Feedback Report October 2013



Examiners identified the Agency's *strengths* as:

- Strong organizational belief in the Agency Mission
- Leadership created environment that focuses on a consistently positive customer experience
- Diversified funding sources
- Strategic planning provides strong framework for planning future strategies
- Good timeliness goals
- Good contact with staff at annual review
- Good staff development program (Advanced Leadership Program)

Sterling Challenge Feedback Report October 2013



They identified *opportunities for improvement* as:

- Need more effort on long-term planning
- Need systematic approach for agency-wide improvements
- Need to consistently identify and share best practices across divisions
- Need external benchmark data to compare agency performance to peer agencies
- Need complaint and compliment databases for systematic review and action
- Need to develop systematic approach to workforce engagement

Agency Improvements by Strategic Priority (continued)

3. Customer/Partner Excellence

- Customer Survey
- Priority permitting
- SNIP pilot
- TPA, DEP, ACOE delegation – one stop permitting
- Rule efficiency initiative



Major Permitting Programs Delegated To EPC

- Minor Source Industrial Air Permits
- Title V Major Source Industrial Air Pollution Permits
- Asbestos Notification & Inspection Program
- Brownfield Site Development
- Petroleum Cleanup Program
- Petroleum Compliance Verification Program
- Domestic Wastewater Facility Permits
- Domestic Wastewater Collection/Transmission Systems Permits
- Industrial Wastewater Facility Permits
- Approval of Completion of Construction for Collection/Transmission Permits
- Tampa Port Authority Minor Work Permits
- Mangrove Trimming Permits
- Mangrove Trimmer Authorizations
- Single Family Home & Coastal Activities - Env. Resource Permits
- Army Corp Minor Work Authorizations

Agency Improvements by Strategic Priority (continued)

4. Fiscal Responsibility

- Grant writing committee
- Collaboration with Workforce Alliance



Budgeting

- FY 13 Budget \$12M
 - Maintained staffing at 1991 levels
 - Maximized PRF activities for projects by reducing overhead
 - Purchased a second electric-powered vehicle for the Agency fleet
- 39 individual budgets within the Agency each with their own restrictions
- Have never come in over budget



Agency Improvements by Strategic Priority (continued)

5. Continuous Improvement

- Mission, Vision, Values statements
- Organizational profile
- Mapping key processes
- Succession planning – ALDP, IDP
- Virtual servers and desktops
- Producing Core Function and Institutional performance measures
- Strategic planning & goals accomplished through Action Plans
- On-line permit tracking system



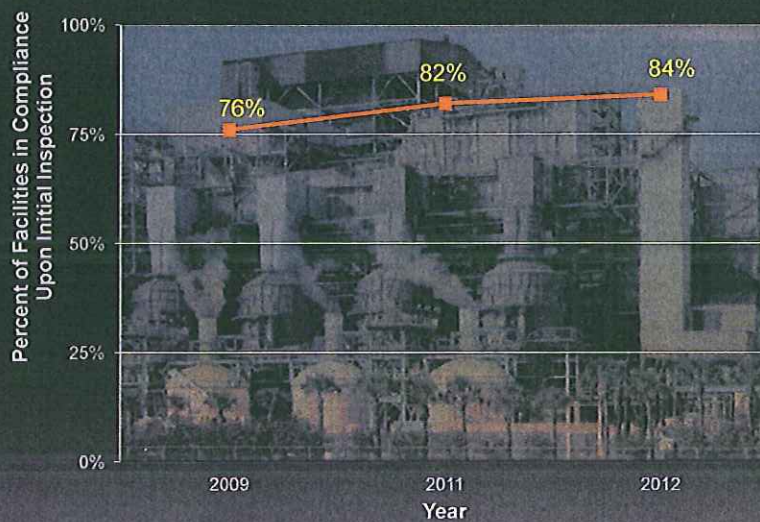
2013 Goals

Core Function	Measure	Pre-Sterling Year (2009)	2011	2012	2013 YTD (3 rd Qtr)	2013 Goal
Permitting	Average Time State Construction Permits were In-house	57 days	36 days	36 days	31 days	Less Than or Equal to 36 days
	Average Time Tampa Port Authority Permits were In-house	56 days	53 days	43 days	45 days	N/A
	Average Time EPC Permits were In-house	21 days	20 days	16 days	17 days	Less Than or Equal to 20 days
Compliance	Timely Resolution of Lower Level Non-Compliance Cases	92%	90%	91%	93%	Greater Than 90%
Environmental Complaints	Timely Initiation of Investigation	99%	99%	99+%	100%	Maintain 99%
Enforcement	Timely Initiation of Enforcement	73%	81 %	76 %	94%	85%

Average Number of Days for EPC to Issue a Construction Permit

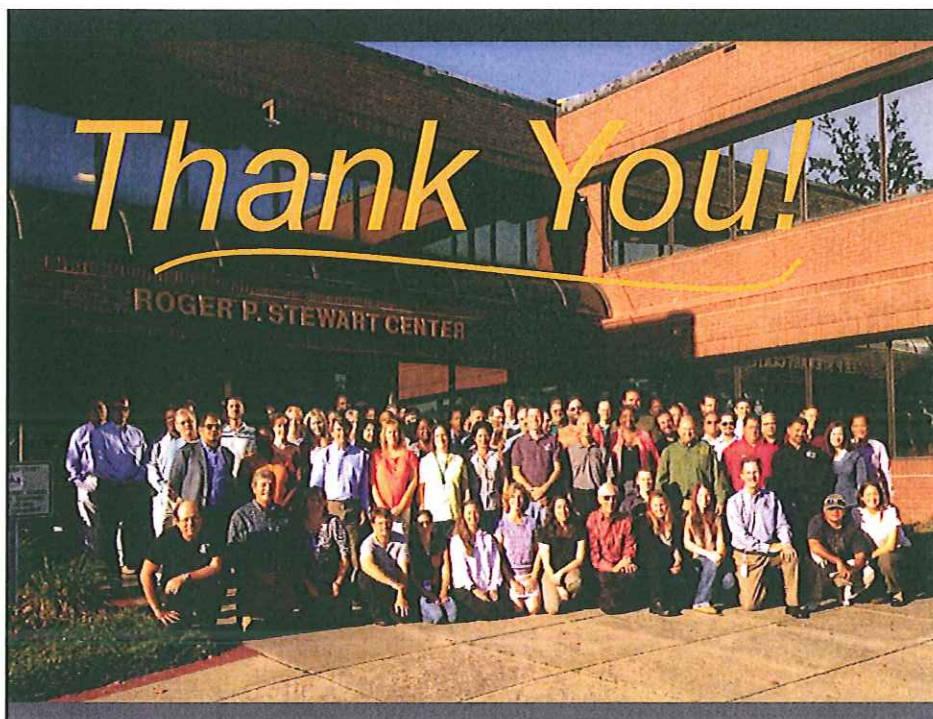


Facility Compliance Rates



Long Term Goals for the Agency

- Work toward attainment of all air and water quality standards
- Continue to expand one stop permitting
- Build on the Office of Sustainability and initiate community planning for climate change
- Improve public access to information through GIS connected data bases
- Establish a complete on-line services and payment system
- Raise the Agency's efficiency by pursuing the Governor's Sterling Award





ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: October 17, 2013

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 November 7th, 2013. The results will be compiled and presented during the next EPC Board meeting currently scheduled for November 14th, 2013.

Financial Impact: None.

Background: NA

PERFORMANCE EVALUATION

Richard Garrity, Ph.D., Executive Director

Environmental Protection Commission of Hillsborough County

October 17, 2013

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. RICK GARRITY
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION
2013 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 Permitting	Timely Port Authority Permitting	Timely Local EPC Permitting	Timely Compliance	Timely Complaint Investigations	Timely Enforcement Resolution		

Comments:

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: October 17, 2013

Subject: Status update on settlement negotiations regarding the Baldor vs EPC boatlift permitting appeal (EPC Case No. 12-EPC-015)

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: None

Brief Summary: Appellant Javier Baldor resides on a canal in Tampa and applied to the EPC for a boatlift permit. The application to construct the boatlift was denied based on Tampa Port Authority rules (administered by the EPC) due to the structure encroaching an undisputed seventeen (17) feet into the neighbor's setback and Mr. Baldor failing to obtain an "affidavit of no objection" from the neighbor. Mr. Baldor challenged the denial and a Summary Hearing was conducted on February 20, 2013. The presiding Hearing Officer issued a Recommended Order on March 1, 2013, upholding the denial of a Minor Work Permit for the construction of a boatlift and pilings on Sovereignty Lands within the neighbor's setback. Mr. Baldor filed Exceptions to the Recommended Order and the EPC Executive Director filed a Response to those Exceptions. The Final Order Hearing was conducted on August 15, 2013, and the Commission continued the hearing until November 14, 2013 to allow the parties and the neighbor to pursue further settlement discussions. Staff will provide an update regarding the current status of settlement discussions during the October 17, 2013 meeting.

Financial Impact: No Financial Impact anticipated.

Background: The parties presented oral argument at the quasi-judicial Final Order hearing on August 15, 2013. Pursuant to Section 9 of the EPC Act and Section 1-2.35, Rules of the EPC, the Commission must now sit in a quasi-judicial capacity to affirm, reverse, or modify the Hearing Officer's Recommended Order through issuance of a Final Order or to remand the case back to the Hearing Officer for additional findings. The final vote by the Commission regarding the matter was not taken on August 15, 2013 and the hearing was continued to allow the parties and the neighbor to pursue additional settlement discussions. The vote was then continued again during the September 19, 2013 hearing and the matter has been continued to November 14, 2013 so that the parties may pursue settlement discussions. Staff will provide an update regarding the current status of settlement discussions during the October 17, 2013 meeting.

List of Attachments: None

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ENVIRONMENTAL PROTECTION COMMISSION

AGENDA ITEM COVER SHEET

Date of EPC Meeting: October 17, 2013

Subject: Florida Department of Agriculture and Consumer Services' (FDACS) Update on Pesticide Odor Complaints

Agenda Section: Regular Agenda

Division: Air Management Division

Recommendation: Informational Report

Brief Summary: Coinciding with the winter crop fumigation season around the Labor Day weekend, EPC and first responders received a number of complaints from citizens across the eastern portions of the County. Described as a garlic or natural gas type smell, the odor was eventually attributed to the application of soil fumigants. As the responsible regulatory agency, FDACS was notified and sent investigators to look into the matter. At the September EPC Board meeting, Commissioners asked staff to invite them to provide an update for October. As such, FDACS will be giving a brief presentation on their findings.

Financial Impact: No financial impact.

Background: EPC and first responders have been working with FDACS since early September to respond to citizen concerns regarding odors from soil fumigation of agricultural fields. The soil fumigant methyl bromide is being phased out at year's end and the pesticide Paladin has been replacing it. While methyl bromide was odorless, Paladin has a pungent odor which is similar to the smell of the mercaptins inserted in natural gas to alert people to its presence. The active ingredient in this EPA approved pesticide is dimethyl disulfide and it has a very low odor threshold. In fact you can readily smell Paladin at concentrations much lower than levels that will harm you.

FDACS and the fumigant manufacturer, Arkema, have indicated their willingness to work with the first responders to do a better job responding to any future complaints associated with next year's fumigation season. Arkema has indicated they hope to provide up to 2,000,000 pounds of their product for use in east Hillsborough next year as opposed to the 400,000 to 500,000 used this year. They are working on application techniques and the types of plastic to try and reduce the off-site odors.

List of Attachments: None

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