

**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  
DECEMBER 19, 2013**

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

*601 East Kennedy Boulevard, Tampa, FL*

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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**APPROVAL OF CHANGES TO THE AGENDA**

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

**I. PUBLIC COMMENT**

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

**II. CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE**

Summary of recent CEAC meeting by CEAC Chair

**III. CONSENT AGENDA**

A. Approval of Minutes: October 17, 2013.....	3
B. Monthly Activity Reports – October & November 2013 .....	7
C. Pollution Recovery Fund Reports – October & November 2013 .....	23
D. Gardinier Settlement Trust Fund Report – October & November 2013 .....	25
E. Legal Case Summary, December 2013.....	27

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**VII. WASTE MANAGEMENT DIVISION**

Cleanup and Tanks Compliance Program Legislative Budget Issues .....	37
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**VIII. WETLANDS MANAGEMENT DIVISION**

A. Progress Report on Additional Delegation from Florida State Agencies .....	39
B. Baldor vs EPC Boatlift Permitting Appeal (EPC Case No. 12-EPC-015) - Status Update on Settlement Negotiations.....	41

**IX. LEGAL & ADMINISTRATIVE SERVICES**

EPC Executive Director's Annual Evaluation .....	43
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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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OCTOBER 17, 2013 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, October 17, 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 (arrived at 9:02 a.m.), Al Higginbotham, Lesley Miller Jr., and Sandra Murman.

The following member was absent: Commissioner Mark Sharpe.

▶ Chairman Beckner called the meeting to order at 9:01 a.m.

▶ INVOCATION AND PLEDGE OF ALLEGIANCE

CHANGES TO THE AGENDA

▶ Dr. Richard Garrity, EPC Executive Director, stated there were no changes and introduced Ms. Jeannette Figari, EPC.

I. PUBLIC COMMENT - ▶ None.

II. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Summary of recent CEAC meeting by CEAC Chairman

▶ Attorney Pamela Jo Hatley, CEAC Chairman, summarized recent CEAC activities.

III. CONSENT AGENDA

- A. Approval of Minutes: September 19, 2013.
- B. Monthly Activity Reports - September 2013.
- C. Pollution Recovery Fund Report.
- D. Gardinier Settlement Trust Fund Report.
- E. Legal Case Summary, October 2013.
- F. Quarterly Action Plan Updates.
- G. Select Performance Measure Goals for 2013.

THURSDAY, OCTOBER 17, 2013 - DRAFT MINUTES

- H. First Amendment to the Cooperative Agreement between the County and the EPC for exotics removal and mangrove enhancement - Bahia Beach.

▶ Chairman Beckner sought a motion to approve the Consent Agenda. **Commissioner Murman so moved, seconded by Commissioner Crist, and carried six to zero.** (Commissioner Sharpe was absent.)

IV. EXECUTIVE DIRECTOR REPORT

EPC Staff 2013 Annual Report

▶ Dr. Garrity shared the report, as contained in background material. Chairman Beckner wanted timelines applied to the long-term goals.

V. LEGAL AND ADMINISTRATIVE SERVICES

A. EPC Executive Director Annual Evaluation - Handout

▶ EPC General Counsel Richard Tschantz described the evaluation process.

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

▶ Attorney Tschantz reviewed the item. After Dr. Scott Emery, Director, EPC Wetlands Management Division, explained ongoing negotiations, Attorney Tschantz recommended continuing the item until the next EPC meeting. **Commissioner Murman moved to continue, seconded by Commissioner Hagan, and carried six to zero.** (Commissioner Sharpe was absent.) Remarks followed.

VI. AIR MANAGEMENT DIVISION

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

▶ Mr. Jerry Campbell, Director, EPC Air Management Division, introduced the item and ▶ Ms. Kelly Friend and Dr. Dennis Howard, FDACS, who detailed a report in background material. ▶ Commissioner Higginbotham questioned the participation of the Florida Strawberry Growers Association, possible violations, and pesticide effects.

THURSDAY, OCTOBER 17, 2013 - DRAFT MINUTES

▶ There being no further business, the meeting was adjourned at 10:13 a.m.

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

ATTEST:  
PAT FRANK, CLERK

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

lm

DRAFT

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

OCT                      NOV

**A. Public Outreach/Education Assistance**

1	Phone calls	141	118
2	Literature Distributed	5	8
3	Presentations	9	6
4	Media Contacts	1	0
5	Internet	36	32
6	Host/Sponsor Workshops, Meetings, Special Events	1	0

**B. Industrial Air Pollution Permitting**

1	Permit Applications received (Counted by Number of Fees Received)		
	a. Operating	14	0
	b. Construction	1	3
	c. Amendments / Transfers / Extensions	2	2
	d. Title V Operating:	5	0
	e. Permit Determinations	2	1
	f. General	6	2
2	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ( <sup>1</sup> Counted by Number of Fees Collected)-( <sup>2</sup> Counted by Number of Emission Units affected by the Review):		
	a. Operating <sup>1</sup>	6	0
	b. Construction <sup>1</sup>	1	5
	c. Amendments / Transfers / Extensions <sup>1</sup>	1	2
	d. Title V Operating <sup>2</sup>	5	0
	e. Permit Determinations <sup>2</sup>	1	0
	f. General	4	6
3	Intent to Deny Permit Issued	0	0

**C. Administrative Enforcement**

1	New cases received	2	0
2	On-going administrative cases		
	a. Pending	2	1
	b. Active	3	4
	c. Legal	1	1
	d. Tracking compliance (Administrative)	9	9
	e. Inactive/Referred cases	0	
	<b>TOTAL</b>	<b>15</b>	<b>15</b>
3	NOIs issued	2	2
4	Citations issued	0	0
5	Consent Orders Signed	2	0
6	Contributions to the Pollution Recovery Fund	\$0.00	\$0.00
7	Cases Closed	0	0

**D. Inspections**

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

	<u>OCT</u>	<u>NOV</u>
1 Industrial Facilities	20	16
2 Air Toxics Facilities		
a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	1	0
b. Major Sources	9	4
3 Asbestos Demolition/Renovation Projects	21	16
<b>E. Open Burning Permits Issued</b>	2	2
<b>F. Number of Division of Forestry Permits Monitored</b>	334	202
<b>G. Total Citizen Complaints Received</b>	32	30
<b>H. Total Citizen Complaints Closed</b>	27	27
<b>I. Noise Complaints Received by EPC (Chapter 1-10)</b>	14	17
<b>J. Noise Complaints Received by Sheriff's Office (County Ord. #12-12)</b>	336	398
<b>K. Number of cases EPC is aware that both EPC &amp; Sheriff responded</b>	0	0
a. World of Beers (Oct.)		
b. Brass Mug (Dec.)		
c. The Rack (Jan.)		
d. Brass Mug (Feb.)		
<b>L. Noise Sources Monitored:</b>	2	2
<b>M. Air Program's Input to Development Regional Impacts:</b>	3	1
<b>N. Test Reports Reviewed:</b>	40	45
<b>O. Compliance:</b>		
1 Warning Notices Issued	1	2
2 Warning Notices Resolved	3	2
3 Advisory Letters Issued	1	1
<b>P. AOR'S Reviewed</b>	0	0
<b>Q. Permits Reviewed for NESHAP Applicability</b>	6	2
<b>R. Planning Documents coordinated for Agency Review</b>	5	2





## *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:** October 15, 2013

**Name of Association:** East Lake Park Homeowner's Association

**Presentation Topic:** General EPC Overview

**Approximate Attendance:** 10

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

1. Methods to reduce nitrogen and phosphorous levels in the lake
2. Sewage overflow a few months ago and any residual effects
3. Stormwater rules and whether they were followed at times of various developments around area
4. Excess of duckweed on the lake
5. Any long-term effects from closed chemical repackaging plant on northwest corner of 56th Street/Hillsborough Ave.

**Date of EPC Presentation:** October 22, 2013

**Name of Association:** Lake Weeks Homeowner's Association

**Presentation Topic:** General EPC Overview

**Approximate Attendance:** 6

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

1. Overgrowth of invasive plant species in conservation area
2. General health concerns of ponds in the community
3. Potential for flooding from one of the ponds ... need to add drainage capability to divert water as needed

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

OCT    NOV

**A. ENFORCEMENT**

1.	New cases received	-	-
2.	On-going administrative cases	58	57
	Pending	1	1
	Active	19	19
	Legal	3	3
	Tracking Compliance (Administrative)	32	31
	Inactive/Referred Cases	3	3
3.	NOI's issued	-	-
4.	Citations issued	-	-
5.	Consent Orders and Settlement Letter Signed	-	-
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ -	\$ -
7.	Enforcement Costs Collected (\$)	\$ -	\$ -
8.	Cases Closed	1	-

**B. SOLID AND HAZARDOUS WASTE**

1.	FDEP Permits Received	0	0
2.	FDEP Permits Reviewed	0	0
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	1	1
4.	Other Permits and Reports		
	County Permits Received	1	2
	County Permits Reviewed	4	3
	Reports Received (SW/HW + SQG)	23	16
	Reports Reviewed (SW/HW + SQG)	22	11
5.	Inspections (Total)		
	Complaints (SW/HW + SQG)	25	15
	Compliance/Reinspections (SW/HW + SQG)	14	5
	Facility Compliance	23	20
	Small Quantity Generator Verifications	109	55
	P2 Audits	0	0
6.	Enforcement (SW/HW + SQG)		
	Complaints Received	23	16
	Complaints Closed	24	14
	Warning Notices Issued	1	2
	Warning Notices Closed	1	0
	Compliance Letters	32	16
	Letters of Agreement	0	0
	Agency Referrals	5	1
7.	Pamphlets, Rules and Material Distributed	14	6

**C. STORAGE TANK COMPLIANCE**

1.	Inspections		
	Compliance	64	68
	Installation	6	4
	Closure	3	4
	Compliance Re-Inspections	5	2
2.	Installation Plans Received	2	2

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

	<u>OCT</u>	<u>NOV</u>
3. Installation Plans Reviewed	4	2
4. Closure Plans & Reports		
Closure Plans Received	1	1
Closure Plans Reviewed	2	1
Closure Reports Received	2	1
Closure Reports Reviewed	3	2
5. Enforcement		
Non-Compliance Letters Issued	29	35
Warning Notices Issued	-	-
Warning Notices Closed	-	-
Cases Referred to Enforcement	-	-
Complaints Received	1	-
Complaints Investigated	1	-
Complaints Referred	-	-
6. Discharge Reporting Forms Received	-	-
7. Incident Notification Forms Received	11	3
8. Cleanup Notification Letters Issued	-	-

**D. STORAGE TANK CLEANUP**

1. Inspections	12	26
2. Reports Received	72	49
3. Reports Reviewed	77	54
Site Assessment Received	10	4
Site Assessment Reviewed	10	4
Source Removal Received	4	2
Source Removal Reviewed	3	2
Remedial Action Plans (RAP'S) Received	2	2
Remedial Action Plans (RAP'S) Reviewed	3	3
Site Rehabilitation Completion Order/No Further Action Rec'd	2	2
Site Rehabilitation Completion Order/No Further Action Revw'd	1	2
Active Remediation/Monitoring Received	34	29
Active Remediation/Monitoring Reviewed	36	27
Others Received	20	10
Others Reviewed	24	16

**E. RECORD REVIEWS**

14	12
15	15

**F. LEGAL PIR'S**

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

	<u>OCT</u>
<b>A. ENFORCEMENT</b>	
1. New Enforcement Cases Received	-
2. Enforcement Cases Closed	3
3. Enforcement Cases Outstanding	26
4. Enforcement Documents Issued	2
5. Recovered Costs to the General Fund	\$ 410
6. Contributions to the Pollution Recovery Fund	\$ 500
<b>B. PERMITTING/PROJECT REVIEW - DOMESTIC</b>	
1. Permit Applications Received	20
a. Facility Permit	3
(i) Types I and II	1
(ii) Type III	2
b. Collection Systems - General	8
c. Collection systems-Dry Line/Wet Line	9
d. Biosolids Disposal	-
2. Permit Applications Approved	25
a. Facility Permit	4
b. Collection Systems - General	7
c. Collection systems-Dry Line/Wet Line	8
d. Biosolids Disposal	-
e. Final Construction approval	6
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	56
a. Facility Permit	8
b. Collection Systems - General	18
c. Collection systems-Dry Line/Wet Line	30
d. Biosolids Disposal	-

7. Permit Determination	-
8. Special Project Reviews	-
a. Reuse	-
b. Biosolids/AUPs	-
c. Others	-
<b>C. INSPECTIONS - DOMESTIC</b>	
1. Compliance Evaluation	<b>15</b>
a. Inspection (CEI)	9
b. Sampling Inspection (CSI)	6
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	<b>43</b>
a. Inspection (RI)	10
b. Sample Inspection (SRI)	2
c. Complaint Inspection (CRI)	31
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections	<b>16</b>
a. Reconnaissance Inspection (RI)	3
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	1
g. Enforcement Reconnaissance Inspection (ERI)	-
<b>D. PERMITTING/PROJECT REVIEW - INDUSTRIAL</b>	
1. Permit Applications Received	<b>4</b>
a. Facility Permit	2
(i) Types I and II	1
(ii) Type III with Groundwater Monitoring	1
(iii) Type III w/o Groundwater Monitoring	-
b. General Permit	1
c. Preliminary Design Report	1
(i) Types I and II	1
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
2. Permits Recommended to DEP for Approval	<b>4</b>
3. Special Project Reviews	<b>5</b>
a. Facility Permit	4
b. General Permit	1

4. Permitting Determination	-
5. Special Project Reviews	32
a. Phosphate	12
b. Industrial Wastewater	9
c. Others	11
<b>E. INSPECTIONS - INDUSTRIAL</b>	
1. Compliance Evaluation (Total)	20
a. Inspection (CEI)	19
b. Sampling Inspection (CSI)	1
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	10
a. Inspection (RI)	2
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	8
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections (Total)	6
a. Compliance Evaluation (CEI)	6
b. Sampling Inspection (CSI)	-
c. Performance Audit Inspection (PAI)	-
d. Complaint Inspection (CRI)	-
e. Enforcement Reconnaissance Inspections (ERI)	-
<b>F. INVESTIGATION/COMPLIANCE</b>	
1. Citizen Complaints	
a. Domestic	51
(i) Received	33
(ii) Closed	18
b. Industrial	16
(i) Received	9
(ii) Closed	7
2. Warning Notices	
a. Domestic	4
(i) Issued	3
(ii) Closed	1
b. Industrial	-
(i) Issued	-
(ii) Closed	-
3. Non-Compliance Advisory Letters	14
4. Environmental Compliance Reviews	152
a. Industrial	32
b. Domestic	120
5. Special Project Reviews	6

**G. RECORD REVIEWS**

1. Permitting Determination	18
2. Enforcement	4

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

1. Air Division	65
2. Waste Division	-
3. Water Division	25
4. Wetlands Division	-
5. ERM Division	172
6. Biomonitoring Reports	-
7. Outside Agency	20

**I. SPECIAL PROJECT REVIEWS**

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

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

	<u>NOV</u>
<b>A. ENFORCEMENT</b>	
1. New Enforcement Cases Received	1
2. Enforcement Cases Closed	1
3. Enforcement Cases Outstanding	27
4. Enforcement Documents Issued	1
5. Recovered Costs to the General Fund	\$ -
6. Contributions to the Pollution Recovery Fund	\$ -
<b>B. PERMITTING/PROJECT REVIEW - DOMESTIC</b>	
1. Permit Applications Received	16
a. Facility Permit	1
(i) Types I and II	-
(ii) Type III	1
b. Collection Systems - General	3
c. Collection systems-Dry Line/Wet Line	12
d. Biosolids Disposal	-
2. Permit Applications Approved	19
a. Facility Permit	-
b. Collection Systems - General	3
c. Collection systems-Dry Line/Wet Line	10
d. Biosolids Disposal	-
e. Final Construction approval	6
3. Permit Applications Recommended for Disapproval	-
a. Facility Permit	-
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	-
d. Biosolids Disposal	-
4. Permit Applications (Non-Delegated)	-
a. Recommended for Approval	-
5. Permits Withdrawn	-
a. Facility Permit	-
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	-
d. Biosolids Disposal	-
6. Permit Applications Outstanding	13
a. Facility Permit	6
b. Collection Systems - General	-
c. Collection systems-Dry Line/Wet Line	7
d. Biosolids Disposal	-



7. Permit Determination	3
8. Special Project Reviews	-
a. Reuse	-
b. Biosolids/AUPs	-
c. Others	-
<b>C. INSPECTIONS - DOMESTIC</b>	
1. Compliance Evaluation	<b>13</b>
a. Inspection (CEI)	7
b. Sampling Inspection (CSI)	6
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance	<b>28</b>
a. Inspection (RI)	5
b. Sample Inspection (SRI)	23
c. Complaint Inspection (CRI)	-
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections	<b>10</b>
a. Reconnaissance Inspection (RI)	1
b. Sample Reconnaissance Inspection (SRI)	-
c. Residual Site Inspection (RSI)	-
d. Preconstruction Inspection (PCI)	-
e. Post Construction Inspection (XCI)	8
f. On-site Engineering Evaluation	1
g. Enforcement Reconnaissance Inspection (ERI)	-
<b>D. PERMITTING/PROJECT REVIEW - INDUSTRIAL</b>	
1. Permit Applications Received	<b>1</b>
a. Facility Permit	-
(i) Types I and II	1
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
b. General Permit	-
c. Preliminary Design Report	-
(i) Types I and II	-
(ii) Type III with Groundwater Monitoring	-
(iii) Type III w/o Groundwater Monitoring	-
2. Permits Recommended to DEP for Approval	1
3. Special Project Reviews	1
a. Facility Permit	1
b. General Permit	-
4. Permitting Determination	-
5. Special Project Reviews	<b>23</b>
a. Phosphate	11
b. Industrial Wastewater	5
c. Others	7

## **E. INSPECTIONS - INDUSTRIAL**

1. Compliance Evaluation (Total)	<b>9</b>
a. Inspection (CEI)	9
b. Sampling Inspection (CSI)	-
c. Toxics Sampling Inspection (XSI)	-
d. Performance Audit Inspection (PAI)	-
2. Reconnaissance (Total)	<b>11</b>
a. Inspection (RI)	5
b. Sample Inspection (SRI)	-
c. Complaint Inspection (CRI)	6
d. Enforcement Inspection (ERI)	-
3. Engineering Inspections (Total)	<b>3</b>
a. Compliance Evaluation (CEI)	3
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	<b>30</b>
(i) Received	10
(ii) Closed	20
b. Industrial	<b>9</b>
(i) Received	6
(ii) Closed	3
2. Warning Notices	
a. Domestic	<b>3</b>
(i) Issued	2
(ii) Closed	1
b. Industrial	-
(i) Issued	-
(ii) Closed	-
3. Non-Compliance Advisory Letters	9
4. Environmental Compliance Reviews	<b>119</b>
a. Industrial	17
b. Domestic	102
5. Special Project Reviews	17

## **G. RECORD REVIEWS**

1. Permitting Determination	2
2. Enforcement	-

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

1. Air Division	52
2. Waste Division	-
3. Water Division	12
4. Wetlands Division	-
5. ERM Division	180
6. Biomonitoring Reports	-
7. Outside Agency	16

**I. SPECIAL PROJECT REVIEWS**

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

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

**OCT    NOV**

**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	81	61
Timeframes Met	96%	100%
Year to Date	98%	98%

**Formal Wetland Delineation Surveys**

Projects	9	9
Total Acres	418	120
Total Wetland Acres	147	53
# Isolated Wetlands < 1/2 Acre	3	0
Isolated Wetland Acreage	0.41	0

**Construction Plans Approved**

Projects	18	8
Total Wetland Acres	29	5
# Isolated Wetlands < 1/2 Acre	3	11
Isolated Wetland Acreage	0.39	0.73
Impacts Approved Acreage	0.39	1.39
Impacts Exempt Acreage	0.05	0.75

**Mitigation Sites in Compliance**

Ratio	21/23	1
Percentage	91%	100%

**Compliance Actions**

Acreage of Unauthorized Wetland Impacts	0.60	0.50
Acreage of Water Quality Impacts	0.00	0.00
Acreage Restored	0.6	0.2

**TPA Minor Work Permit**

Permit Issued	22	19
Permits Issued Fiscal Year 2014	22	41
Cumulative Permits Issue Since TPA Delegation (07/09)	820	839

**REVIEW TIMES**

# of Reviews	316	239
% On Time	93%	95%
% Late	7%	5%

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

OCT      NOV

**A. General**

1.	Telephone conferences	807	732
2.	Unscheduled Citizen Assistance	273	231
3.	Scheduled Meetings	467	410
4.	Correspondence	2,181	2,142
1/ 5.	Interagency Coordination	78	89
1/ 6.	Trainings	44	15
1/ 7.	Public Outreach/Education	12	1
1/ 8.	Quality Control	127	84

**B. Assessment Reviews**

1.	Wetland Delineations	24	11
2.	Surveys	11	14
3.	Miscellaneous Activities in Wetland	22	23
4.	Mangrove	5	2
5.	Notice of Exemption	2	3
6.	Impact/Mitigation Proposal	6	10
7.	Tampa Port Authority Reviews	67	67
8.	Wastewater Treatment Plants (FDEP)	-	-
9.	Development Regn'l Impact (DRI) Annual Report	3	1
10.	On-Site Visits	125	99
11.	Phosphate Mining	3	3
12.	Comp Plan Amendment (CPA)	2	-
1/ 13.	AG SWM	1	1
	Sub-Total		

**Planning and Growth Management Review**

14.	Land Alteration/Landscaping	1	1
15.	Land Excavation	-	-
16.	Rezoning Reviews	9	6
17.	Site Development	25	19
18.	Subdivision	39	27
19.	Wetland Setback Encroachment	2	1
20.	Easement/Access-Vacating	-	-
21.	Pre-Applications	32	32
1/ 22.	Agriculture Exemption	-	-
	Sub-Total		
	<b>Total Assessment Review Activities</b>		

**C. Investigation and Compliance**

1.	Warning Notices Issued	6	5
2.	Warning Notices Closed	6	1
1/ 3.	Complaints Closed	31	23
4.	Complaint Inspections	41	30
5.	Return Compliance Inspections for Open Cases	17	23

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

	<u>OCT</u>	<u>NOV</u>
6. Mitigation Monitoring Reports	7	18
7. Mitigation Compliance Inspections	22	11
8. Erosion Control Inspections	6	23
9. MAIW Compliance Site Inspections	7	13
10. TPA Compliance Site Inspections	24	14
2/ 11. Mangrove Compliance Site Inspections	3	-
1/ 12. Conservation Easement Inspection	9	5

**D. Enforcement**

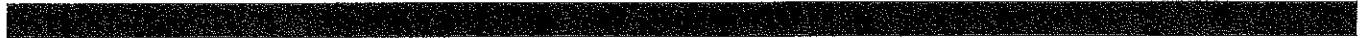
1. Active Cases	11	9
2. Legal Cases	5	5
3. Number of "Notice of Intent to Initiate Enforcement"	2	1
4. Number of Citations Issued	-	-
5. Number of Consent Orders Signed	2	2
6. Administrative - Civil Cases Closed	5	2
7. Cases Referred to Legal Department	5	5
8. Contributions to Pollution Recovery	\$ 1,600	\$ 915
9. Enforcement Costs Collected	\$ 497	\$ 551

**E. Ombudsman**

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

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

REVENUE		EXPENDITURES		RESERVES		NET PRF
EST. Beginning Balan	\$ 454,500	Artificial Reef	\$ 24,439	Minimum Balance	\$ 120,000	
Interest	\$ -	Project Monitoring	\$ 179	PROJ. FY 15 Budgets	\$ 24,618	
Deposits	\$ 3,100	FY 14 Projects	\$ -	Asbestos Removal	\$ 5,000	
Refunds	\$ -					
Total	\$ 457,600	Total	\$ 24,618	Total	\$ 149,618	\$ 283,364



PROJECT		Project Amount	Project Balance
<b>FY 12 Projects</b>			
Bahia Beach Mangrove Enhancement	EPE30449	\$ 56,700	\$ 56,700
Fertilizer Rule Implementation	EPE40206	\$ 50,000	\$ 16,282
USGS Partnership	EPE30450	\$ 25,000	\$ 18,750
		\$ 131,700	\$ 91,732
<b>FY 13 Projects</b>			
USF Fertilizer Study Peer Review	EPE40207	\$ 25,000	\$ 25,000
Community Partnering Program	EPE06019	\$ 15,000	\$ 15,000
		\$ 40,000	\$ 40,000
<b>FY 14 Projects</b>			

\$ 131,732

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
FY 14 POLLUTION RECOVERY FUND  
10/1/2013 through 11/30/2013**

REVENUE		EXPENDITURES		RESERVES		NET PRF
EST. Beginning Balan	\$ 454,500	Artificial Reef	\$ 24,439	Minimum Balance	\$ 120,000	
Interest	\$ -	Project Monitoring	\$ 179	PROJ. FY 15 Budgets	\$ 24,618	
Deposits	\$ 4,015	FY 14 Projects	\$ -	Asbestos Removal	\$ 5,000	
Refunds	\$ -					
Total	\$ 458,515	Total	\$ 24,618	Total	\$ 149,618	\$ 284,279



PROJECT		Project Amount	Project Balance
<b>FY 12 Projects</b>			
Bahia Beach Mangrove Enhancement	EPE30449	\$ 56,700	\$ 56,700
Fertilizer Rule Implementation	EPE40206	\$ 50,000	\$ 16,282
USGS Partnership	EPE30450	\$ 25,000	\$ 18,750
		\$ 131,700	\$ 91,732
<b>FY 13 Projects</b>			
USF Fertilizer Study Peer Review	EPE40207	\$ 25,000	\$ 25,000
Community Partnering Program	EPE06019	\$ 15,000	\$ 15,000
		\$ 40,000	\$ 40,000
<b>FY 14 Projects</b>			

\$ 131,732



**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
FY 14 GARDINIER SETTLEMENT TRUST FUND  
10/1/2013 - 10/31/2013**

Fund Balance as of 10/1/13	\$ 61,274
Interest Accrued	167
Disbursements FY 14	-
	<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>

**ENVIRONMENTAL PROTECTION COMMISSION  
 OF HILLSBOROUGH COUNTY  
 FY 14 GARDINIER SETTLEMENT TRUST FUND  
 10/1/2013 - 11/30/2013**

Fund Balance as of 10/1/13	\$ 61,274
Interest Accrued	167
Disbursements FY 14	-
Fund Balance	\$ 61,441
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 61,441
Total Encumbrances	\$ 61,441
Fund Balance Available	\$ -



## *ENVIRONMENTAL PROTECTION COMMISSION*

### *AGENDA ITEM COVER SHEET*

**Date of EPC Meeting:** December 19, 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**  
*November and December 2013*

**I. ADMINISTRATIVE CASES**

**Beverly Makovec and Rosemary D. Stearns** [13-EPC-011]: On November 4, 2013, the Appellant filed an Appeal challenging the Executive Director's issuance of an Amended Miscellaneous Activities in Wetlands Authorization for the Blue Sink Pump Station project. The Appeal was found to be legally insufficient and an Order Dismissing the Appeal with Leave to Amend was issued on November 12, 2013. The Appellant was granted fifteen days in which to file an Amended Appeal. The Appellant failed to file an Amended Appeal by the deadline and this case has been closed. (AZ)

**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 filed an Amended Appeal on October 21, 2013. The Agency revised the permit and on November 21, 2013 the Appellant withdrew the Appeal. The case has been closed. (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, and the neighbors continue to discuss settlement. (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. (RT)

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

**II. CIVIL CASES**

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

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

**Dublinter 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)

### III. PENDING ADMINISTRATIVE CHALLENGES

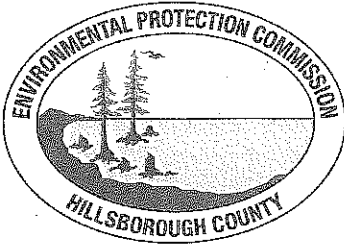
The following is a list of cases assigned to the EPC Legal Department that are not in litigation, but a party has asked for an extension of time to file for administrative litigation in an effort to negotiate a settlement prior to forwarding the case to a Hearing Officer. The below list may also include waiver or variance requests.

**Vulcan Materials Company d/b/a Florida Cement, Inc.** [13-EPC-010]: On October 31, 2013, the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge the Draft Air Construction Permit No. 0570412-007-AC. The request was granted and the Petitioner had until December 16, 2013 to file a petition in this matter. On November 5, 2013, the Petitioner withdrew their request for an extension of time and the case is closed. (RM)

**Vulcan Materials Company d/b/a Florida Cement, Inc.** [13-EPC-009]: On October 17, 2013, the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge the Revised Draft Air Construction Permit No. 0570018-021-AC. The request was granted and the Petitioner has until December 2, 2013 to file a petition in this matter. (RM)

**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. On October 15, 2013, the EPC's Executive Director issued an Amended MAIW authorization and the Appeal is moot. This case is closed. (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 December 6, 2013. The parties reached a settlement over enforcement matters on December 9, 2013, which in turn will result in permitting matters being resolved shortly. (RM)



## ENVIRONMENTAL PROTECTION COMMISSION

### AGENDA ITEM COVER SHEET

**Date of EPC Meeting:** December 19, 2013

**Subject:** County Electric Car Charging Fee Rates

**Agenda Section:** Regular Agenda

**Division:** Air Management Division

**Recommendation:** 1) Authorize Chair to enter into an agreement, as needed, with the County to use Pollution Recovery Funds (PRF) dollars for electric car charging station software fees. 2) Staff recommends the Commission approve the use of the PRF to cover the cost of software for the County's seven electric car charging stations for three years. These stations are open to the public and the software helps track the usage of the stations and makes them available as part of a nationwide network. This is all part of the EPC's and the County's efforts to encourage clean transportation options. 3) As a second step to recover cost for the electricity used to recharge the consumer's vehicle, we are further recommending that the Commission direct EPC staff to work with County Facilities to begin charging for the actual cost of the electricity itself.

**Brief Summary:** Software for the charging stations provide station location information, trouble-shooting assistance and credit card payment options at a cost of \$200/station/year, a total of \$1,400 per year for the seven County stations. In addition, we would like to see the County begin to implement a cost recovery for the *electricity only* use of the stations, keeping the cost to use the stations at a minimum during the early adoption period of this new technology. PRF could be appropriately used to pay the station software costs, helping County Facilities to keep the program at its most effective stage of development. EPC staff would like the vote of the Board on both issues.

**Financial Impact:** No additional ad valorem funds required. Staff recommendation would require \$1400 per year for three years from the EPC's Pollution Recover Fund.

**Background:** In 2012 and 2013, the County participated in a US Department of Energy grant opportunity and received seven electric car charging stations at no cost to the County. During the 2 year grant period, software for the station was included in the grant offering. The grant period ends December 31<sup>st</sup> of this year. The station software helps drivers to locate the stations, trouble-shoots issues and provides a credit card mechanism for payment options. The cost of the software is \$200/station/year for a total cost of \$1,400 each year. Staff is seeking Pollution Recovery Fund money to cover this cost for three years.

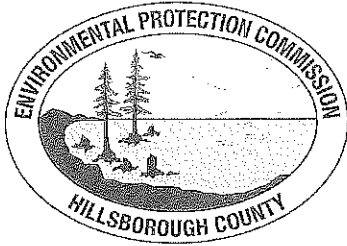
Charging drivers for the electricity costs of "charging" is an appropriate second step to help recover the costs for this program. The electricity cost to charge a vehicle is approximately thirty cents an hour, but throughout the County's seven stations this can add up to hundreds of dollars over the course of a year. And as the stations get more use in the future, this electricity cost could go up. Thus we are further recommending that the Commission direct EPC staff to work with County Facilities to begin charging for the actual cost of the electricity itself.

There are other costs to maintaining these stations and ultimately staff feels we would seek to recover these costs in too. The thought now however is that recovery of these additional fees at this time would hamper this clean transportation initiative at the early stages.

**List of Attachments:** None

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## *ENVIRONMENTAL PROTECTION COMMISSION*

### *AGENDA ITEM COVER SHEET*

**Date of EPC Meeting:** December 19, 2013

**Subject:** Sterling Challenge Feedback and Strategic Planning for 2014

**Agenda Section:** Regular Agenda

**Item:** Executive Director's Report

**Recommendation:** Receive informational report and provide input on 2014 Action Plans.

**Brief Summary:** The Executive Director will give a brief informational presentation on the Sterling Challenge Feedback Report and the Agency's proposed response. In addition he will discuss the proposed calendar for next year and seek Board input on 2014 Action Plans.

**Financial Impact:** No Financial Impact.

**Background:** In August of this year, Sterling sent seven examiners for a full week to EPC for an on-site evaluation of how the Agency is run. They reported their findings in an October report titled "2013 Sterling Challenge Feedback Report." In the report they identified strengths and areas for improvement. Staff has since drafted a response plan and has embraced most of their recommendations. These recommendations involve developing systematic procedures and then demonstrating years of continuous improvement. This will ultimately put the Agency in position to apply for the Sterling Governor's Award perhaps as early as 2015.

As part of our annual strategic planning, we come to the Board each December and seek input for next year's Action Plans. These plans consist of projects to improve our processes and our workforce, making us a more efficient and effective organization. Several of the proposed Action Plans for 2014 were initiated as a result of the feedback report mentioned above.

Staff will preview the proposed Action Plans and receive input from the Commission.

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## *ENVIRONMENTAL PROTECTION COMMISSION*

### *AGENDA ITEM COVER SHEET*

**Date of EPC Meeting:** December 19, 2013

**Subject:** EPC Report on School Outreach Efforts

**Agenda Section:** Regular Agenda

**Division:** None. Agency-wide activity.

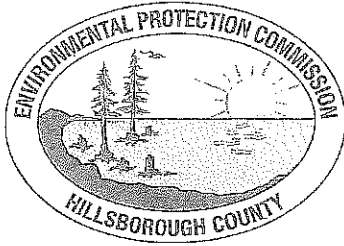
**Recommendation:** Informational Report Only.

**Brief Summary:** The Commission recommended that the EPC staff increase its environmental outreach to Hillsborough County schools. The EPC created and implemented an Action Plan called Environmental Stewardship School Outreach. Staff will present a summary of EPC's outreach efforts to schools.

**Financial Impact:** \$3,000 already paid to Hillsborough County for communication services out of existing funds.

**Background:** The Commission recommended that the EPC staff increase its environmental outreach to Hillsborough County school children. The EPC's Public Information and Education Committee (PIE), made up of EPC staff, was tasked by the Executive Director with creating a traveling environmental display to be placed in Hillsborough County schools. The EPC staff contracted with the Hillsborough County Communications Department to create a display and the EPC staff created an electronic version. A 20-minute power point addresses topics including sustainability, watershed and wetland health, water and air monitoring, and pollution prevention. It also highlights various EPC programs or activities, such as watershed protection, waste regulation, water monitoring, ecosystems, and laboratory analysis. Additionally, the display provides examples of real compliance scenarios and efforts to control pollution within Hillsborough County. The electronic version of this presentation was presented to School District of Hillsborough County secondary science department head in October in an effort to further support the Biology and Environmental Science curriculum and facilitate students learning about environmental issues in our region. The department head and his staff are reviewing the electronic version to determine if portions can be integrated into the curriculum.

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## ENVIRONMENTAL PROTECTION COMMISSION

### AGENDA ITEM COVER SHEET

**Date of EPC Meeting:** December 19, 2013

**Subject:** Cleanup and Tanks Compliance Program Legislative Budget Issues

**Agenda Section:** Regular Agenda

**Division:** Waste Management Division

**Recommendation:** Seek legislative assistance to maintain Contracts with EPC and local programs.

**Brief Summary:** Potential proposed State funding reductions threaten local government's abilities to protect water resources from petroleum discharges at regulated fueling facilities and limit effective oversight of assessment and clean up of sites already contaminated. The frequency of inspections has already been cut in half and it is being proposed to reduce the frequency further to once every three years. Data reflects that these changes will likely leave discharges undiscovered and increase the potential for spread of contamination. Further, reduced funding for cleanup staff will only further strain and potentially overstrain already stretched resources while the expectation for increased volume and error free work continues to rise.

**Financial Impact:** No Immediate Financial Impact

#### Background:

- Florida relies on groundwater for about 92 % of our drinking water needs.
- Contamination from petroleum discharges is a direct threat to our drinking water supplies and public health.
- There are approximately 1353 facilities that historically were inspected annually.
- Since the inception of the compliance program in 1988, approximately 700 discharges have been discovered through EPC's inspection efforts.
- Since 1982, over 2400 discharges have been reported in Hillsborough County.
- Since 1987, the Environmental Protection Commission of Hillsborough County (EPC) has administered the Petroleum Cleanup Program under contract with the Florida Department of Environmental Protection (FDEP) and has overseen the restoration of nearly 1300 discharges.
- Local governments are proximal to the sites they oversee. Proposed budget reductions will only decrease service to the public, increase travel distance and fuel costs, result in a loss of technical and historical knowledge, and reduce access to resources. EPC and local programs' history in the community, technical expertise, informational support, and availability are crucial to business decision making, hundreds of real estate transactions, and energizing the economy.

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- Cleanup of petroleum contaminated sites restores the value of otherwise worthless real estate; a benefit that was guaranteed to property owners by the Florida Legislature in return for their good faith in reporting contamination.
- The Petroleum Cleanup Program is a testament to government streamlining and is a prime example of public and private partnership.
- EPC and local cleanup programs compliance abilities assure timely response to new petroleum discharges resulting in faster cleanups and reduced cost to responsible parties and taxpayers.

Recommend:

- Maintain funding and contracts with EPC and all local programs.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** December 19, 2013

**Subject:** Progress Report on Additional Delegation from Florida State Agencies

**Consent Agenda** \_\_\_\_\_ **Regular Agenda**  X  **Public Hearing** \_\_\_\_\_

**Division:** Wetlands

**Recommendation:** Informational Report

**Brief Summary:** Consolidation and streamlining of environmental permitting has been on the Board's and staffs' priority list for many years. Since 2006, EPC's Wetlands Division has obtained delegations of authority from: Tampa Port Authority, Florida Department of Environmental Protection (FDEP), and U.S. Army Corps of Engineers. For possible additional delegations in 2014, EPC staff are looking at three possible programs: (1) EPC staff have been meeting with technical experts from Hillsborough County for possible delegations directly to Hillsborough County of certain types of ERP permitting; (2) FDEP delegation for setting formal wetland determinations on behalf of the State of Florida; and (3) delegation of Florida Fish and Wildlife Conservation Commission (FFWCC) aquatic plant management permitting activities.

**Financial Impact:** The potential financial impacts, both positive and negative, to the citizens of the County and to EPC are currently being examined.

### **Background:**

As part of its Wetland program, EPC obtained delegation of the state mangrove regulatory authority in 2006. In 2009, EPC assumed responsibilities to regulate non-commercial docks, seawalls and related marine structures and activities from the Tampa Port Authority. In 2012, EPC received partial delegation from the Department of Environmental Protection (FDEP) to undertake Environmental Resource Permitting. Much of this delegation involves docks, seawalls and related marine structures and activities. In 2013 EPC received authorization from the US Army Corps of Engineers to implement their Statewide Programmatic General Permit.

The goal of these efforts is to continue to come closer to providing citizens a true "one stop" permitting" avenue for multiple areas currently regulated at the local, state and federal levels.

A secondary potential benefit to this consolidation is the future possible coalescing of the different sets of regulatory processes into a more easily understood standardized set of procedures. There exist differences in the multiple sets of regulations. Having a single agency guiding the applicants through all sets may result in having more consistency in future years. We are currently working up process maps to more precisely define similarities and differences in the three processes.

Item #1: Possible ERP delegation to Hillsborough County from the State. Recent proposed legislation has sought to preempt local environmental regulatory programs where the local government has not sought delegation from the state. These legislative bills attempt to reduce the local regulatory powers which may cause unintended consequences. For example, the County residents receive a favorable federal flood insurance rating based on its stricter local standards. The County estimates the annual cost-savings to residents at slightly more than \$6 million. Being forced to abandon these more stringent safeguards would place this favorable rating in jeopardy. Having already been successful in obtaining some delegation under ERP from the state, EPC, along with a Consultant obtained by Hillsborough County, is assisting the County technical staff in evaluating whether the County should pursue delegation of stormwater permitting from the state.

Item #2: Possible additional ERP delegation to EPC from the State: EPC's Wetland Division has multiple scientists who have excelled at the State's process of setting jurisdictional wetland lines. Because of this demonstrated proficiency on EPC's part, FDEP's technical trainers have suggested that EPC apply for delegation of this work from FDEP.

Item #3: Possible delegation to EPC from the Florida Fish and Wildlife Conservation Commission of some of that agency's permitting responsibilities under Ch 369.20 Florida Statutes and Ch 68F-20 FAC (Aquatic Plant Removal). EPC's scientists have to visit the vast majority of the same sites that the FFWCC scientists visit when a citizen is requesting to remove aquatic plants. EPC scientists and the FFWCC scientists have developed a solid working relationship. FFWCC currently has no office within Hillsborough County, which requires its scientists to have to travel significant distances to view a site within Hillsborough County. It may prove advantageous to the FFWCC to have EPC act as its agent within Hillsborough County.

EPC staff will update the Commission regarding these ongoing delegation discussions to keep the Commission apprised and to receive input concerning the direction staff is pursuing.





## ENVIRONMENTAL PROTECTION COMMISSION

### AGENDA ITEM COVER SHEET

**Date of EPC Meeting:** December 19, 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

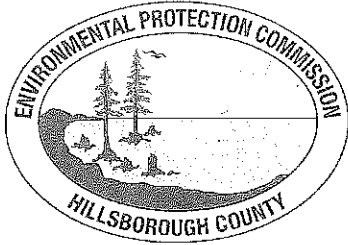
**Brief Summary:** Appellant Javier Baldor resides on a canal in Tampa and applied to the EPC for a boatlift permit. The application to construct the boatlift was denied based on Tampa Port Authority rules (administered by the EPC) due to the structure encroaching an undisputed seventeen (17) feet into 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 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 December 19, 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 was continued again so that the parties could pursue settlement discussions. Staff will provide an update regarding the current status of settlement discussions during the December 19, 2013 meeting.

**List of Attachments:** None

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## *ENVIRONMENTAL PROTECTION COMMISSION*

### *AGENDA ITEM COVER SHEET*

**Date of EPC Meeting:** December 19, 2013

**Subject:** EPC Executive Director's Annual Evaluation

**Agenda Section:** Regular Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Present evaluation forms

**Brief Summary:** Executive Director Evaluation forms were distributed during the October 17, 2013 EPC Board meeting. These forms are used to evaluate the performance of the EPC's Executive Director, Dr. Richard Garrity. Dr. Garrity and staff have supplied the Commission with a Self-Evaluation, 2013 Budget Summary, Historical Summary of Agency Metrics, Strategic Plan Outline, 2013 Action Plans and 2013 Quarterly Performance Measures of our Core Functions. Those forms that were completed and returned to the Chairman's office will be tabulated and presented at the December 2013 meeting.

**Financial Impact:** None.

**Background:** NA

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