

**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, PhD  
*Executive Director*

Richard Tschantz, Esq.  
*General Counsel*

**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY**

**MEETING AGENDA**

**OCTOBER 18, 2012**

*9 a.m.*

*Commissioner's Board Room, County Center 2<sup>nd</sup> Floor  
601 East Kennedy Boulevard, Tampa, FL*

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF CHANGES TO THE AGENDA**

**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 20, 2012 .....	3
B. Monthly Activity Reports – September 2012 .....	7
C. Pollution Recovery Fund Report .....	19
D. Gardiner Settlement Trust Fund Report .....	21
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**V. WASTE MANAGEMENT DIVISION**

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**VI. WETLANDS MANAGEMENT DIVISION**

A. Water Level Management, Tampa Bypass Canal Report.....	51
B. Permitting Efforts Report, City of Tampa Dredging Project (Westshore Waterways Enhancement Project).....	53

**VII. AIR MANAGEMENT DIVISION**

County Noise Ordinance #12-12 and EPC Noise Rule Chapter 1-10.....	55
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**VIII. LEGAL & ADMINISTRATIVE SERVICES**

A. Accela Automation .....	57
B. EPC Executive Director's Annual Evaluation.....	59

**IX. EXECUTIVE DIRECTOR REPORT**

Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

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*An agency with values of environmental stewardship, integrity, honesty, and a culture of fairness and cooperation.*

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SEPTEMBER 20, 2012 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, September 20, 2012, 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.

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

▶ INVOCATION AND PLEDGE OF ALLEGIANCE

CHANGES TO THE AGENDA

▶ Dr. Richard Garrity, EPC Executive Director, said there were no changes. Commissioner Higginbotham withheld Consent Agenda Item G, purchase of air monitoring equipment for Environmental Protection Agency (EPA) funded nitrogen oxides near-road air monitoring station.

I. PUBLIC COMMENT

▶ Mr. Eduard Tillou, 30350 USE Holly Drive, spoke about pollution.

II. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Summary of recent CEAC meeting by CEAC Chairman

▶ Chairman Janet Dougherty, CEAC, mentioned CEAC support for the Tampa Bay Estuary Program (TBEP) agreement, sustainability program participation, and planned activities for the next CEAC meeting and congratulated Ms. Mary Yeorgan, EPC, on accomplishments.

III. CONSENT AGENDA

- A. Approval of Minutes: August 9, 2012.
- B. Approval of EPC Special Meeting: September 6, 2012.
- C. Monthly Activity Reports - August 2012.
- D. Pollution Recovery Fund Report.
- E. Gardinier Settlement Trust Fund Report.

THURSDAY, SEPTEMBER 20, 2012 - DRAFT MINUTES

F. Legal Case Summary, September 2012.

G. Purchase of Air Monitoring Equipment for EPA Funded Nitrogen Oxides Near-Road Air Monitoring Station.

▶ After Mr. Jerry Campbell, Director, EPC Air Management Division, elucidated the item, ▶ **Commissioner Higginbotham moved approval, seconded by Commissioner Hagan, and carried five to zero.** (Commissioners Miller and Sharpe were absent.)

H. Total Maximum Daily Load/National Pollution Discharge Elimination Source Interlocal Agreement for Laboratory Services.

▶ **Commissioner Murman moved approval of the Consent Agenda, seconded by Commissioner Hagan, and carried five to zero.** (Commissioners Miller and Sharpe were absent.)

IV. PUBLIC HEARING

Public Hearing regarding Joseph and Jennifer Ferrante Rule Variance Request

▶ EPC General Counsel Richard Tschantz relayed background information and staff recommendation to continue the hearing. ▶ **Commissioner Murman so moved, seconded by Commissioner Higginbotham, and carried five to zero.** (Commissioners Miller and Sharpe were absent.)

V. EXECUTIVE DIRECTOR REPORT

EPC 2012 Annual Report

▶ Dr. Garrity presented the report, as offered in background material. EPC member comments/queries followed.

VI. AIR MANAGEMENT DIVISION

County Noise Ordinances

▶ Mr. Campbell outlined the report, as furnished in background material. EPC member remarks/questions ensued. ▶ **Commissioner Higginbotham requested noise complaints/compliance statistics to be presented during each EPC meeting.** Managing County Attorney Adam Gormly responded to

THURSDAY, SEPTEMBER 20, 2012 - DRAFT MINUTES

Chairman Beckner, who asked for staff to provide an update at the November 2012 EPC meeting on County noise control ordinances and EPC rule.

VII. WASTE MANAGEMENT DIVISION

National Pollution Prevention Week Proclamation

Mr. Hooshang Boostani, Director, EPC Waste Management Division, gave a presentation, as supplied in background material. Proclamations were presented to Ms. Marcee Challener, Library Services, and Mr. Gerardo Javier, EPC. Commissioner Crist mentioned enhancing EPC window displays.

VIII. WATER MANAGEMENT DIVISION

Fertilizer Study Peer Review Update

Mr. Sam Elrabi, Director, EPC Water Management Division, summarized the report, as presented in background material. Following remarks, Chairman Beckner sought a motion to approve staff recommendation. **Commissioner Murman so moved, seconded by Commissioner Crist, and carried five to zero.** (Commissioners Miller and Sharpe were absent.)

XI. WETLANDS MANAGEMENT DIVISION

A. Lakes Initiative Report: Number Five of the Series

Dr. Scott Emery, Director, EPC Wetlands Management Division, outlined the report, as provided in background material. Discussion ensued relative to flooding. Commissioner Murman asked EPC staff to work with the Southwest Florida Water Management District to address citizen concerns.

B. Advanced Leadership Development Program Project Presentation

Mr. Christopher Cooley, EPC, gave a presentation, as illustrated in background material. Comments followed. Chairman Beckner questioned process alternatives.

X. LEGAL AND ADMINISTRATIVE SERVICES

A. EPC and TBEP Agreement

Attorney Tschantz expounded on the item and staff recommendation, as furnished in background material. **Commissioner Murman moved approval**

THURSDAY, SEPTEMBER 20, 2012 - DRAFT MINUTES

of the agreement, seconded by Commissioner Higginbotham, and carried five to zero. (Commissioners Miller and Sharpe were absent.)

B. EPC Executive Director Annual Evaluation

▶ Attorney Tschantz presented the item. Chairman Beckner requested a self-evaluation.

▶ There being no further business, the meeting was adjourned at 10:32 a.m.

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

CHAIRMAN

ATTEST:

PAT FRANK, CLERK

By: \_\_\_\_\_

Deputy Clerk

yc

DRAFT

**FY 12 - MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION**

**SEP**

**A. Public Outreach/Education Assistance**

1.	Phone calls	236
2.	Literature Distributed	15
3.	Presentations	5
4.	Media Contacts	2
5.	Internet	70
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	0
	b. Construction	3
	c. Amendments / Transfers / Extensions	1
	d. Title V Operating:	2
	e. Permit Determinations	0
	f. General	1
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval ^1 (Counted by Number of Fees Collected) - ^2 Counted by Number of emission Units affected by the Review)	
	a. Operating ^1	8
	b. Construction ^1	4
	c. Amendments / Transfers / Extensions^1	2
	d. Title V Operating ^2	8
	e. Permit Determinations	1
	f. General	1
3.	Intent to Deny Permit Issued	0

**C. Administrative Enforcement**

1.	New cases received	0
2.	On-going administrative cases	
	a. Pending	2
	b. Active	6
	c. Legal	1
	d. Tracking compliance (Administrative)	8
	e. Inactive/Referred cases	0
	<b>TOTAL</b>	<b>17</b>
3.	NOIs issued	1
4.	Citations issued	0
5.	Consent Orders Signed	1
6.	Contributions to the Pollution Recovery Fund	\$ -
7.	Cases Closed	1

**FY 12 - MONTHLY ACTIVITIES REPORT  
AIR MANAGEMENT DIVISION**

**SEP**

**D. Inspections**

1. Industrial Facilities	14
2. Air Toxics Facilities	
a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	1
b. Major Sources	3
3. Asbestos Demolition/Renovation Projects	18

<b>E. Open Burning Permits Issued</b>	0
<b>F. Number of Division of Forestry Permits Monitored</b>	282
<b>G. Total Citizen Complaints Received</b>	36
<b>H. Total Citizen Complaints Closed</b>	34
<b>I. Noise Sources Monitored</b>	2
<b>J. Air Program's Input to Development of Regional Impacts</b>	2
<b>K. Test Reports Reviewed</b>	50
<b>L. Compliance</b>	
1. Warning Notices Issued	8
2. Warning Notices Resolved	2
3. Advisory Letters Issued	1
<b>M. AOR's Reviewed</b>	11
<b>N. Permits Reviewed for NESHAP Applicability</b>	4
<b>O. Planning Documents coordinated for Agency Review</b>	4



**FY 12 - MONTHLY ACTIVITIES REPORT  
WASTE MANAGEMENT DIVISION**

SEP

**A. ENFORCEMENT**

1.	New cases received	-
2.	On-going administrative cases	81
	Pending	2
	Active	28
	Legal	8
	Tracking Compliance (Administrative)	42
	Inactive/Referred Cases	1
3.	NOI's issued	-
4.	Citations issued	-
5.	Consent Orders and Settlement Letter Signed	-
6.	Civil Contributions to the Pollution Recover Fund (\$)	\$ -
7.	Enforcement Costs Collected (\$)	\$ -
8.	Cases Closed	-

**B. SOLID AND HAZARDOUS WASTE**

1.	FDEP Permits Received	0
2.	FDEP Permits Reviewed	2
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	2
4.	Other Permits and Reports	
	County Permits Received	39
	County Permits Reviewed	15
	Reports Received (SW/HW + SQG)	8
	Reports Reviewed (SW/HW + SQG)	14
5.	Inspections (Total)	
	Complaints (SW/HW + SQG)	22
	Compliance/Reinspections (SW/HW + SQG)	18
	Facility Compliance	13
	Small Quantity Generator Verifications	139
	P2 Audits	0
6.	Enforcement (SW/HW + SQG)	
	Complaints Received	24
	Complaints Closed	21
	Warning Notices Issued	2
	Warning Notices Closed	4
	Compliance Letters	70
	Letters of Agreement	0
	Agency Referrals	9
7.	Pamphlets, Rules and Material Distributed	97

**C. STORAGE TANK COMPLIANCE**

1.	Inspections	
	Compliance	59
	Installation	3
	Closure	6
	Compliance Re-Inspections	9
2.	Installation Plans Received	5

**FY 12 - MONTHLY ACTIVITIES REPORT  
WASTE MANAGEMENT DIVISION**

**SEP**

3.	Installation Plans Reviewed	2
4.	Closure Plans & Reports	
	Closure Plans Received	1
	Closure Plans Reviewed	-
	Closure Reports Received	-
	Closure Reports Reviewed	-
5.	Enforcement	
	Non-Compliance Letters Issued	32
	Warning Notices Issued	-
	Warning Notices Closed	-
	Cases Referred to Enforcement	-
	Complaints Received	1
	Complaints Investigated	1
	Complaints Referred	-
6.	Discharge Reporting Forms Received	1
7.	Incident Notification Forms Received	1
8.	Cleanup Notification Letters Issued	1

**D. STORAGE TANK CLEANUP**

1.	Inspections	24
2.	Reports Received	67
3.	Reports Reviewed	55
	Site Assessment Received	11
	Site Assessment Reviewed	13
	Source Removal Received	2
	Source Removal Reviewed	1
	Remedial Action Plans (RAP'S) Received	5
	Remedial Action Plans (RAP'S) Reviewed	4
	Site Rehabilitation Completion Order/No Further Action Rec'd	3
	Site Rehabilitation Completion Order/No Further Action Revw'd	1
	Active Remediation/Monitoring Received	33
	Active Remediation/Monitoring Reviewed	21
	Others Received	13
	Others Reviewed	15

**E. RECORD REVIEWS**

16
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**F. LEGAL PIR'S**

14
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**FY 12 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

SEP

**A. ENFORCEMENT**

1.	New Enforcement Cases Received	1
2.	Enforcement Cases Closed	1
3.	Enforcement Cases Outstanding	36
4.	Enforcement Documents Issued	1
5.	Recovered Costs to the General Fund	\$ -
6.	Contributions to the Pollution Recovery Fund	\$ 200

**B. PERMITTING/PROJECT REVIEW - DOMESTIC**

1.	Permit Applications Received	12
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	3
d.	Residuals Disposal	-
2.	Permit Applications Approved	18
a.	Facility Permit	-
b.	Collection Systems - General	5
c.	Collection systems-Dry Line/Wet Line	5
d.	Residuals Disposal	-
3.	Permit Applications Recommended for Disapproval	8
a.	Facility Permit	-
b.	Collection Systems - General	-
c.	Collection systems-Dry Line/Wet Line	-
d.	Residuals Disposal	-
4.	Permit Applications (Non-Delegated)	1
a.	Recommended for Approval	1
5.	Permits Withdrawn	-
a.	Facility Permit	-
b.	Collection Systems - General	-
c.	Collection systems-Dry Line/Wet Line	-
d.	Residuals Disposal	-
6.	Permit Applications Outstanding	47
a.	Facility Permit	8
b.	Collection Systems - General	16
c.	Collection systems-Dry Line/Wet Line	23
d.	Residuals Disposal	-
7.	Permit Determination	6
8.	Special Project Reviews	-
a.	Reuse	-

**FY 12 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

SEP

	b. Residuals/AUPs	-
	c. Others	-
<b>C. INSPECTIONS - DOMESTIC</b>		
1.	Compliance Evaluation	14
	a. Inspection (CEI)	6
	b. Sampling Inspection (CSI)	8
	c. Toxics Sampling Inspection (XSI)	-
	d. Performance Audit Inspection (PAI)	-
2.	Reconnaissance	36
	a. Inspection (RI)	14
	b. Sample Inspection (SRI)	1
	c. Complaint Inspection (CRI)	21
	d. Enforcement Inspection (ERI)	
3.	Engineering Inspections	18
	a. Reconnaissance Inspection (RI)	3
	b. Sample Reconnaissance Inspection (SRI)	-
	c. Residual Site Inspection (RSI)	-
	d. Preconstruction Inspection (PCI)	-
	e. Post Construction Inspection (XCI)	15
	f. On-site Engineering Evaluation	-
	g. Enforcement Reconnaissance Inspection (ERI)	-
<b>D. PERMITTING/PROJECT REVIEW - INDUSTRIAL</b>		
1.	Permit Applications Received	2
	a. Facility Permit	-
	(i) Types I and II	2
	(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	2
	a. Facility Permit	1
	b. General Permit	1
4.	Permitting Determination	-
5.	Special Project Reviews	38
	a. Phosphate	15

**FY 12 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

**SEP**

	b. Industrial Wastewater	12
	c. Others	11
<b>E. INSPECTIONS - INDUSTRIAL</b>		
1.	Compliance Evaluation (Total)	20
	a. Inspection (CEI)	20
	b. Sampling Inspection (CSI)	-
	c. Toxics Sampling Inspection (XSI)	-
	d. Performance Audit Inspection (PAI)	-
2.	Reconnaissance (Total)	6
	a. Inspection (RI)	2
	b. Sample Inspection (SRI)	-
	c. Complaint Inspection (CRI)	4
	d. Enforcement Inspection (ERI)	
3.	Engineering Inspections (Total)	14
	a. Compliance Evaluation (CEI)	14
	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	20
	(i) Received	13
	(ii) Closed	7
	b. Industrial	8
	(i) Received	2
	(ii) Closed	6
2.	Warning Notices	
	a. Domestic	8
	(i) Issued	5
	(ii) Closed	3
	b. Industrial	
	(i) Issued	-
	(ii) Closed	2
3.	Non-Compliance Advisory Letters	14
4.	Environmental Compliance Reviews	140
	a. Industrial	40
	b. Domestic	100
5.	Special Project Reviews	13

**FY 12 - MONTHLY ACTIVITIES REPORT  
WATER MANAGEMENT DIVISION**

		<u>SEP</u>
<b>G. RECORD REVIEWS</b>		
1.	Permitting Determination	5
2.	Enforcement	1
<b>H. ENVIRONMENTAL SAMPLES ANALYZED/REPORTS REVIEWED (LAB)</b>		
1.	Air division	54
2.	Waste Division	-
3.	Water Division	17
4.	Wetlands Division	-
5.	ERM Division	193
6.	Biomonitoring Reports	1
7.	Outside Agency	26
<b>I. SPECIAL PROJECT REVIEWS</b>		
1.	DRIs	-
2.	ARs	-
3.	Technical Support	2
4.	Other	-

**FY 12 - 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	42
Timeframes Met	98%
Year to Date	99%

**Formal Wetland Delineation Surveys**

Projects	9
Total Acres	111
Total Wetland Acres	41
# Isolated Wetlands < 1/2 Acre	3
Isolated Wetland Acreage	0.94

**Construction Plans Approved**

Projects	12
Total Wetland Acres	16
# Isolated Wetlands < 1/2 Acre	-
Isolated Wetland Acreage	0
Impacts Approved Acreage	0
Impacts Exempt Acreage	0

**Mitigation Sites in Compliance**

Ratio	14/13
Percentage	100%

**Compliance Actions**

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

**TPA Minor Work Permit**

Permit Issued	19
Permits Issued Fiscal Year 2011	167
Cumulative Permits Issue Since TPA Delegation (07/09)	596

**REVIEW TIMES**

# of Reviews	206
% On Time	96%
% Late	4%

## WETLANDS MANAGEMENT DIVISION

SEP**A. General**

1.	Telephone conferences	456
2.	Unscheduled Citizen Assistance	238
3.	Scheduled Meetings	381
4.	Correspondence	1,771
1/ 5.	Intergency Coordination	108
1/ 6.	Trainings	7
1/ 7.	Public Outreach/Education	3
1/ 8.	Quality Control	75

**B. Assessment Reviews**

1.	Wetland Delineations	11
2.	Surveys	12
3.	Miscellaneous Activities in Wetland	22
4.	Mangrove	6
5.	Notice of Exemption	3
6.	Impact/Mitigation Proposal	7
7.	Tampa Port Authority Reviews	42
8.	Wastewater Treatment Plants (FDEP)	-
9.	Development Reg'n'l Impact (DRI) Annual Report	-
10.	On-Site Visits	79
11.	Phosphate Mining	2
12.	Comp Plan Amendment (CPA)	-
1/ 13.	AG SWM	3
	Sub-Total	

**Planning and Growth Management Review**

14.	Land Alteration/Landscaping	1
15.	Land Excavation	-
16.	Rezoning Reviews	12
17.	Site Development	21
18.	Subdivision	16
19.	Wetland Setback Encroachment	1
20.	Easement/Access-Vacating	-
21.	Pre-Applications	15
1/ 22.	Agriculture Exemption	-
	Sub-Total	
	<b>Total Assessment Review Activities</b>	

**C. Investigation and Compliance**

1.	Warning Notices Issued	3
2.	Warning Notices Closed	2
1/ 3.	Complaints Closed	27
4.	Complaint Inspections	29
5.	Return Compliance Inspections for Open Cases	35



## WETLANDS MANAGEMENT DIVISION

SEP

6.	Mitigation Monitoring Reports	9
7.	Mitigation Compliance Inspections	22
8.	Erosion Control Inspections	16
9.	MAIW Compliance Site Inspections	15
10.	TPA Compliance Site Inspections	47
2/ 11	Mangrove Compliance Site Inspections	1
1/ 12	Conservation Easement Inspection	-

**D. Enforcement**

1.	Active Cases	6
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	1
6.	Administrative - Civil Cases Closed	-
7.	Cases Referred to Legal Department	5
8.	Contributions to Pollution Recovery	\$ 300
9.	Enforcement Costs Collected	\$ -

**E. Ombudsman**

1.	Agriculture	9
2.	Permitting Process & Rule Assistance	6
3.	Staff Assistance	5
4.	Citizen Assistance	8

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**ENVIRONMENTAL PROTECTION COMMISSION  
OF HILLSBOROUGH COUNTY  
FY 12 POLLUTION RECOVERY FUND  
10/1/2011 through 9/30/2012**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 641,781	Artificial Reef	\$ 136,652	Minimum Balance	\$ 120,000	
Interest	\$ 5,856	Project Monitoring	\$ 123,507	PROJ. FY 13 Budgets	\$ 179,342	
Deposits	\$ 82,271	FY 12 Projects	\$ 131,700	Asbestos Removal	\$ 5,000	
Refunds	\$ 53,484					
Total	\$ 783,392	Total	\$ 391,859	Total	\$ 304,342	\$ 87,191



PROJECT		Project Amount	Project Balance
<b>FY 10 Projects</b>			
#09-01 - Basis of Review for Borrow Pit Applications	EPE30442	\$ 68,160	\$ 3,369
#09-02 - Effects of Restoration on Use of Habitat	EPE30443	84,081	27,690
		\$ 152,241	\$ 31,059
<b>FY 12 Projects</b>			
Bahia Beach Mangrove Enhancement	EPE30449	\$ 56,700	\$ 56,700
Fertilizer Rule Implementation	EPE40206	\$ 50,000	\$ 39,539
USGS Partnership	EPE30450	\$ 25,000	\$ 18,750
		\$ 131,700	\$ 114,989
			\$ 146,048

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**ENVIRONMENTAL PROTECTION COMMISSION**  
**OF HILLSBOROUGH COUNTY**  
**FY 12 GARDINIER SETTLEMENT TRUST FUND**  
**10/1/2011 - 9/30/2012**

Fund Balance as of 10/1/11	\$ 254,131
Interest Accrued	1,055
Disbursements FY 12	(193,985)
Fund Balance	\$ 61,201
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 61,201
Total Encumbrances	\$ 61,201
Fund Balance Available	\$ -

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 18, 2012

**Subject:** Legal Case Summary for October 2012

**Agenda Section:** Consent Agenda

**Division:** Legal and Administrative Services

**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. 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. – permit or enforcement order), while concurrently attempting to seek resolution of the agency action.

**EPC LEGAL DEPARTMENT MONTHLY REPORT**  
**October 2012**

**I. ADMINISTRATIVE CASES**

**James and Liana O'Drobinak** [12-EPC-011]: On July 31, 2012 the Appellants filed a request for an extension of time to file a Notice of Appeal challenging the EPC's denial of a Minor Work Permit for the relocation of a boat lift. The request was granted and the Appellant had until September 6, 2012 to file a Notice of Appeal in this matter. On Sept. 6, 2012, the Appellant filed a Notice of Appeal. The case has been forwarded to a Hearing Officer to conduct an Administrative Hearing. (AZ)

**Stanley Levy v. Michael Hatch and EPC** [12-EPC-008]: On July 3, 2012 the Appellant, Stanley Levy, filed a request for an extension of time to file a Notice of Appeal to challenge EPC's issuance of a Minor Work Permit for modifications to an existing dock. On July 17, 2012 an order denying the request for an extension of time was issued and the Appellant was given until July 27, 2012 to file a Notice of Appeal. Appellant filed a Notice of Appeal on July 26, 2012. On September 25, 2012, the Appellant filed a Voluntary Dismissal. The Hearing Officer will relinquish jurisdiction back to the EPC and the case will be closed. (AZ)

**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 October 18, 2012. (AZ)

**Richard Medero and Susan Medero** [12-EPC-005]: On May 11, 2012 Richard and Susan Medero filed a Notice of Appeal challenging the Executive Director's Notice of Change of Agency Action regarding the Appellants' permit for modifications to a dock. In accordance with Chapter 1-2, Administrative Procedures, a Hearing Officer has been assigned to this case and an administrative hearing will be conducted. A neighbor has also requested to intervene in the case in support of the EPC Executive Director's decision. The Hearing Officer denied the request to intervene filed by Mr. Atkins. (AZ)

**II. CIVIL CASES**

**Peter L. Kadyk/Eco Wood Systems, Inc.** [11-EPC-007]: On August 18, 2011, the Commission granted authority to pursue appropriate legal action against Defendant Peter L. Kadyk/Eco Wood Systems, Inc. for failure to comply with the terms of a signed Consent Order to resolve Chapter 1-11 wetlands violations. A small claims action was filed but is still pending based on the failure to timely serve the respondent. (AZ)

**6503 US Highway 301, LLC** [LEPC10-021]: On November 4, 2010, the EPC Legal Department filed a Complaint for Civil Penalties and Injunctive Relief against the new owner Defendant 6503 US Highway 301, LLC. This case is a continuation of the previous action against SJ Realty for environmental violations at the former 301 Truckstop site on Highway 301. The parties are in negotiation to settle the matter. (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. The EPC has moved for contempt. (RM)

**Charles H. Monroe, individually, and MPG Race Track LTD** [LEPC09-017]: On September 17, 2009 the EPC Board granted authority to take legal action against Respondents for violations of the EPC Act and EPC Rule Chapter 1-11. A Citation was issued on June 29, 2009, the Respondent failed to appeal the citation and it became a final order of the Agency enforceable in Court. (AZ)

**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. (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.

**Cordoba-Ranch Development, LLC** [11-EPC-008]: On September 9, 2011 the Appellant, Cordoba-Ranch Development, LLC, filed a request for an extension of time to file an Appeal challenging the Citation to Cease and Order to Correct Violation that was issued on August 25, 2011. The extension was granted and the Appellant has until September 10, 2012 to file a Notice of 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 has until November 15, 2012 to file a petition in this matter. (RM)

**Trademark Metals Recycling, Inc.** [12-EPC-013]: On September 17, 2012, the Petitioner filed a request for an extension of time to file a Petition for Administrative Hearing to challenge an air construction permit. The request was granted and the Petitioner has until October 22, 2012 to file a petition in this matter. On October 9, 2012, the Petitioner withdrew the challenge after negotiating revised permit terms. This matter will be closed. (RM)



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 18, 2012

**Subject:** 2012 Third Quarter Action Plan Updates

**Consent Agenda**  **Regular Agenda**  **Public Hearing**

**Division:** Executive Director

**Recommendation:** None - Informational Only

**Brief Summary:** In January 2012, EPC staff brought the Agency's Strategic Plan to the Board for approval. It included some sixteen individual initiatives which are detailed in measurable action plans. The third quarter status reports are listed for all sixteen action plans in this year's Strategic Plan.

**Financial Impact:** No Financial Impact

**Background:** As part of the Agency's Sterling Management planning process, staff held a strategic planning retreat in December 2011. This included input from the Board and a broad range of EPC staff. Also taken into consideration were the most recent Employee and Customer Surveys.

Following the retreat, staff drafted a Strategic Plan for 2012 and brought it to the Board at the regular EPC meeting. It was approved and sixteen initiatives reflecting the Agency's strategic objectives were launched. Each initiative is described in an individual Action Plan with measurable goals.

**List of Attachments:** Third Quarter Updates for the 2012 Action Plans

# Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	2012 Year End Goal
Protect & Enhance Water Quality	1.1 Nutrient Management	<p>Public Education Materials are posted on EPC website</p> <p>Passed EPC Fertilizer Rule (Ch 1-15) and initiated a regional study.</p> <p>Established database for commercial applicators and working with IFAS.</p> <p>Study of rule effectiveness has been developed and data collection has commenced this year.</p> <p>Collaborate and attend meetings and stay apprised of state and federal TMDL and Numeric Nutrient Criteria development &amp; implementation.</p>	<p>Continue to develop new innovative materials and information/distribution outlets.</p> <p>Ensure all licensed commercial applicators have an IFAS decal.</p> <p>Review year-one data and evaluate any issues or changes in methodology as needed.</p> <p>Continue tracking issues and partner with stakeholders providing EPC technical support and field work.</p>



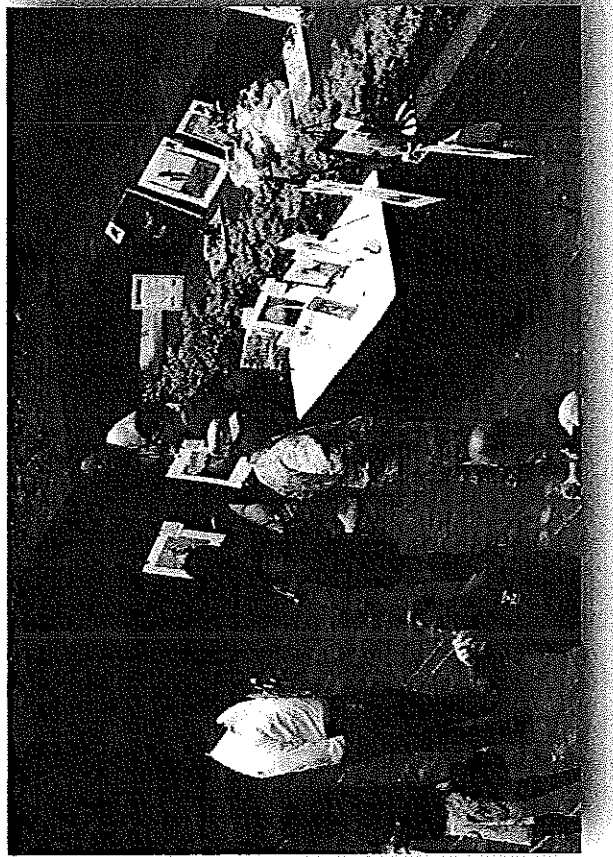
## Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	2012 Year End Goal
Promote Environmental Stewardship	1.2 Green Initiatives II	<p>Agency's Green Team is changing employee behavior and electric consumption is down by greater than 10% in the first quarter.</p> <p>Construction of Chiller Plant is complete and functional.</p>	<p>Reducing electricity consumption at RPS Center by 5% from 2011.</p> <p>Working with Facilities to have new Chiller Plant in operation at RPS Center.</p> <p>Evaluate RPS Center for Energy Star application.</p>



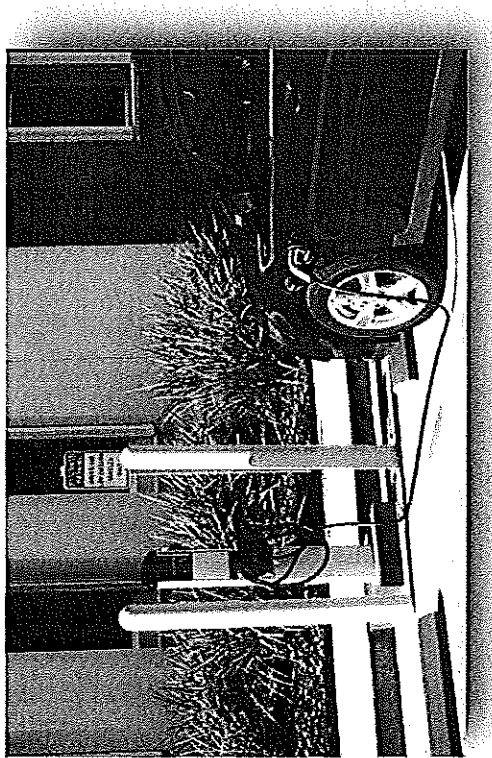
## Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	2012 Year End Goal
Promote Environmental Stewardship	1.2 School Outreach	Formed Outreach Team with County Communications, EPC, and School District Officials.	Obtain School District approval to rotate student's environmental art display to designated schools and have it displayed 3 times by year's end.
		Developing program outline to include types of material, standards, and logistics of moving any displays.	



## Quarterly Update for 2012 Action Plans

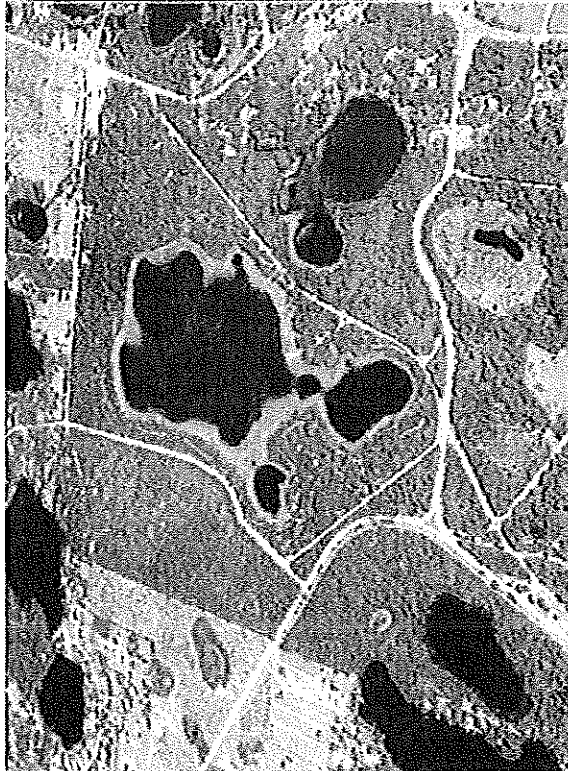
Strategic Objective	Action Plans	Status	2012 Year End Goal
Promote Environmental Stewardship	1.2 Develop Office of Sustainability	<p>Secured funding for FY 12 and coordinator's position filled.</p> <p>Completed Energy &amp; Sustainability Plan for the County.</p>	Start Energy Management teams in various departments throughout the County.
		<p>Received grant for 7 electric vehicle (EV) recharge stations and all 7 have been installed.</p>	Have all 7 EV stations operational.
		<p>Compressed Natural Gas (CNG) Committee has met with 3 suppliers and we are preparing a RFI to go out in October.</p>	Made final recommendations to workgroup on CNG.



Green website is under development for EPC's web page.	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 August 2013.
In collaboration with Fleet purchased a Chevy Volt and taken delivery. A second all electric vehicle is on order.	Take delivery of electric vehicle as part of alternative fuels pilot program.

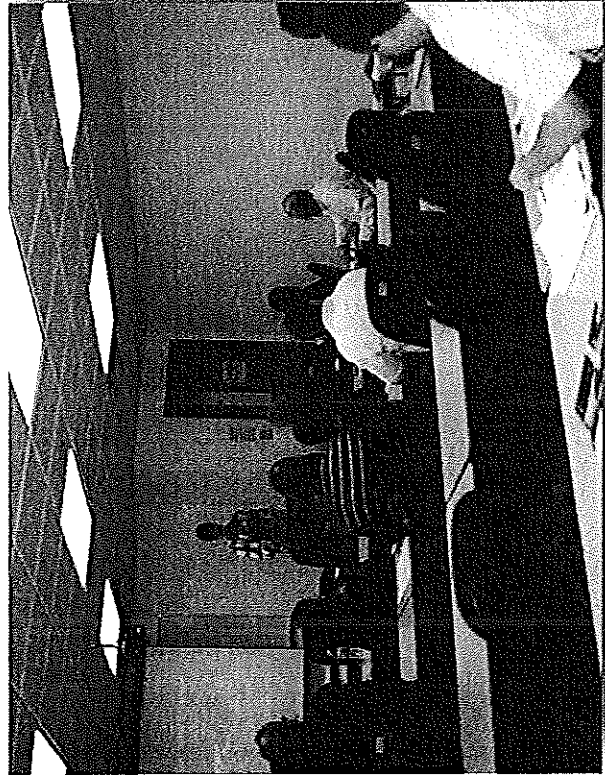


## Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	2012 Year End Goal
Improve Regulatory Compliance	1.3 Lakes Initiative	Developed template; made first 6 Board Presentations; provided information matrix; and participated in annual HOA event at HCC.	Make up to 4 Board presentations and reach out to 8 HOAs.
		Developing a presentation applicable to HOAs and other interested groups; customized to location within the County and to hydrologic conditions.	See a 5% drop in observed wetland violations on freshwater lakes in Hillsborough County per number of citizen complaints.

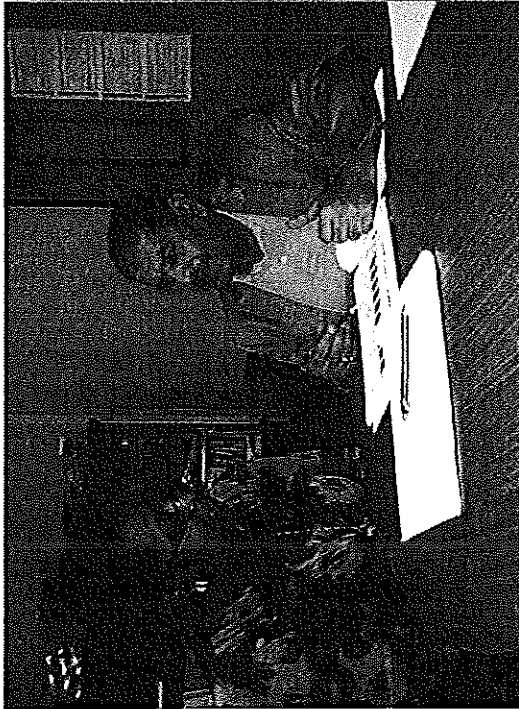
## Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	2012 Year End Goal
Ensure employees receive ongoing training and development	2.1 Increase Staff Training Opportunities	Formed a training committee and conducted a staff training survey.	Establish a formal Agency training program to include a budget, course roster, and a committee to oversee it.
		Created a Training Resource Intranet Page for staff.	
		Created a new IDP form.	
		Developed a draft training tracking database (roster).	



## Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	2012 Year End Goal
Improve Employee Satisfaction	2.2 Develop Incentive Pay Programs	<p>1) <b>Extraordinary Performance Increase Policy.</b> General guidance was converted to a policy and implemented on 2-3-12. At least one employee was granted such an increase.</p> <p>2) <b>Annual Performance Incentive Policy.</b> Legal drafted an EPC specific annual lump sum performance incentive policy to replace the rescinded County-wide longevity bonus, but the EPC draft has been put on hold until the County develops a policy; this will ensure consistency. On 8-14-12 County staff explained that in the short term the \$1500 budgeted for each employee for FY13 will address this issue. County staff said they would revisit a plan in the future.</p>	<p>The policy was implemented.</p> <p>Initially the goal was to have an annual lump sum performance incentive policy for EPC executed by December, but as the FY13 budget has been approved with a \$1500 one-time payment for each employee, there is not urgency this year to create an annual program and the County is not drafting a policy either. On 9-26-12 EPC Executive Director confirmed this will stay on hold until County creates a program.</p>



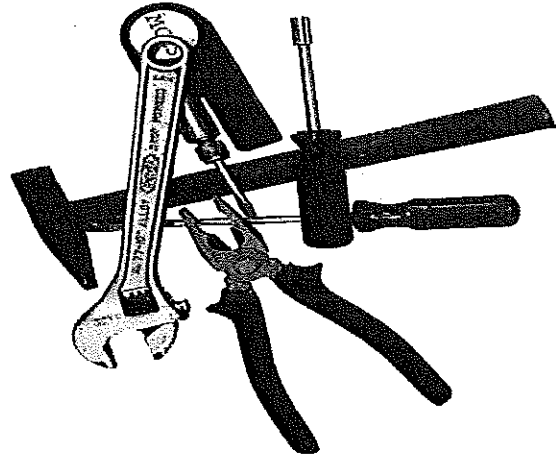
## Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	2012 Year End Goal
<p>Improve Employee Participation and Involvement</p>	<p>2.3 Prepare Sterling Challenge Application</p>	<p>Completed Strategic Plan for the Agency including Priorities &amp; Objectives; Organizational Profile; Action Plans; and Performance Measures. Finished three of the seven sections for the Sterling Challenge Application (Category 1 – Leadership, Category 2 – Strategic Planning, &amp; Category 3 – Customer Focus).</p> <p>Category 4 - Measurement, Analysis and Knowledge Management has formed a Project Team and completed a half day training session with our Sterling Consultant. Goal is to complete the Category by the end of November</p>	<p>To complete narrative of all 7 Sterling Categories and make a decision on a Sterling Challenge submittal by December 2012.</p>



## Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	2012 Year End Goal
Improve Customer Satisfaction	3.1 Rule Efficiency Initiative	Completed efficiencies review of EPC Rules 1-1 through 1-15.	Eliminate obsolete rules and update others. Bring revised rules to the Board for a Public Hearing by September 2012.
		Produced a list of sections and rules for deletion, modification, and updating.	
		Presented proposed rule revisions to Board Held two public workshops.	
		Board voted unanimously to repeal obsolete rules and update others at August Board meeting.	



## Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	2012 Year End Goal
Improve Partnering Relationships	3.2 One Stop Permitting	Forming Environmental Resource Permitting (ERP) delegation application team with County Stormwater to approach State DEP.	Start preparing application for full delegation of ERP from DEP.
		Multiple interagency sessions with Assistant County Administrator and/or Sr. Staff to focus efforts.	
		Develop SOW for Consultant to assist County/EPC in delegation efforts.	



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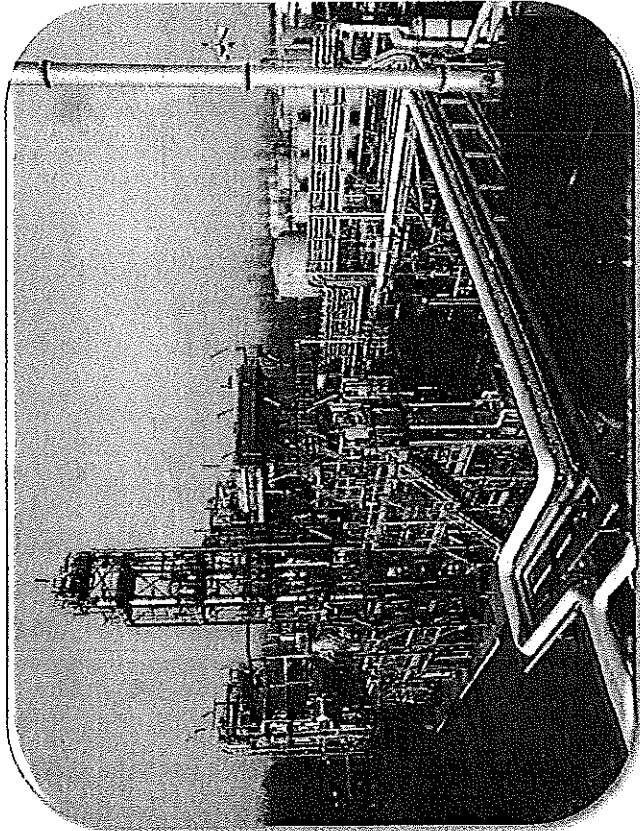
Presented approach in seminar on July 19 along with FDEP lead on ERP delegation.

Identified potential projects to partner with other organizations. Met with UF/IFAS on possible interactions. Obtained commitment from Parks Director.

Enter agreements with: Parks Department for ELAPP wetlands restoration; Property Appraiser's Office on wetland lines; County on upland habitat designs; and Public Utilities on Water Use Permitting and reclaimed water advice.

## Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	Year End Goal
Improve Stakeholder Relationships	3.3 Enhanced Priority Permitting	Developed program and set up feedback system through surveys.	100% of applications processed in half statutory limits.
		100 % of applications processed in half statutory limits.	EPC receives a 4.0 or better on 100% of applicant surveys.
		Video conferencing with EPC is available in the County Center.	Improve communication with public on permitting matters.





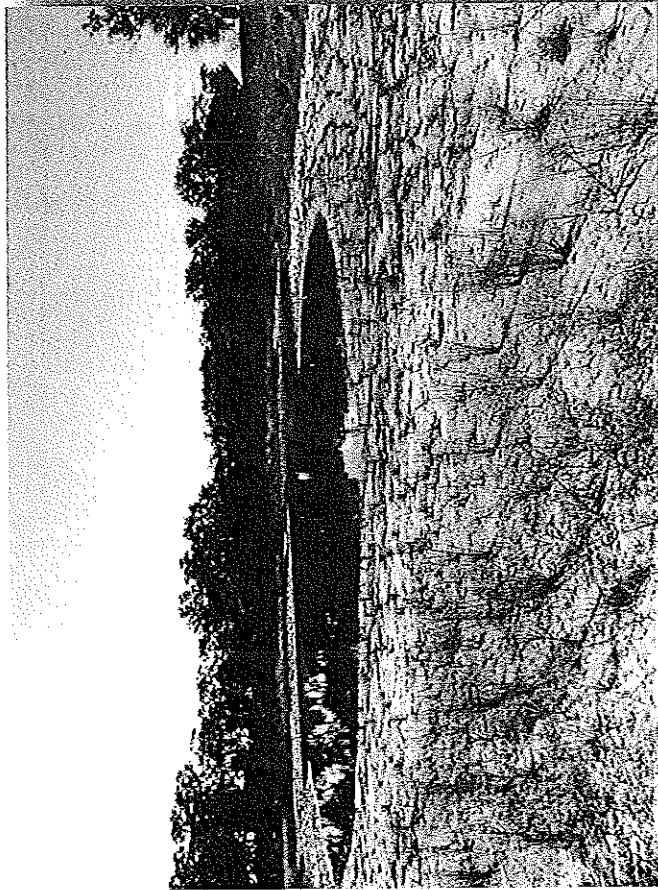
Met with the City of Tampa, Plant City and Temple Terrace permitting centers. Meet with all three municipalities's permitting centers.

Met with DEP district office. Improve communication with the district.

Received proposal from Accela on Accela Automation permitting software. Preparing recommendation to Executive Director. Fully evaluate use of Accela for EPC permitting activities.

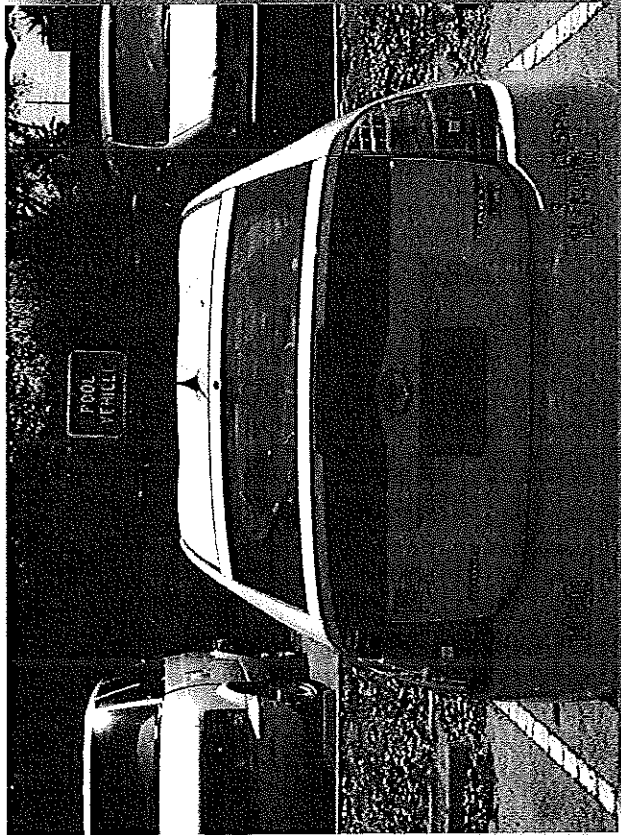
## Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	2012 Year End Goal
Maximize Funding	4.1 Grant Writing Committee	Formed Agency Committee and summarized goals.	Develop tools for grant writing staff including guidance document and update policy.
		Surveyed the Agency for grant needs.	Begin tracking % of grants applied for versus awarded.
		Drafted Grant Guidance Document	
		Updated Grant Policy	Continue to look for ways to improve this process through the grant committee.
		Generated potential project list and published on epchc.org	



## Quarterly Update for 2012 Action Plans

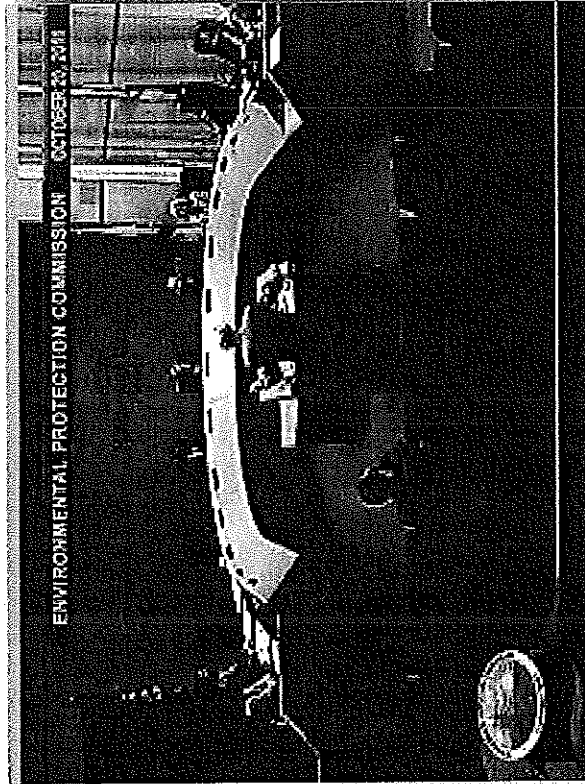
Strategic Objective	Action Plans	Status	2012 Year End Goal
Control Expenditures	4.2 Employee Efficiency Team	Procedures approved	
		Pending: estimate November 2012 completion	Create intranet link to the Executive Director for staff to submit cost-savings ideas.
		Pending: estimate November 2012 completion	Notify staff via e-mail and meetings of procedures
		Pending: FY13 evaluation	Produce \$5,000 in savings in the first year.
		Pending: FY13 evaluation	Develop a list of potential savings for the two-year budget cycle of FY 2014-2015.



## Quarterly Update for 2012 Action Plans

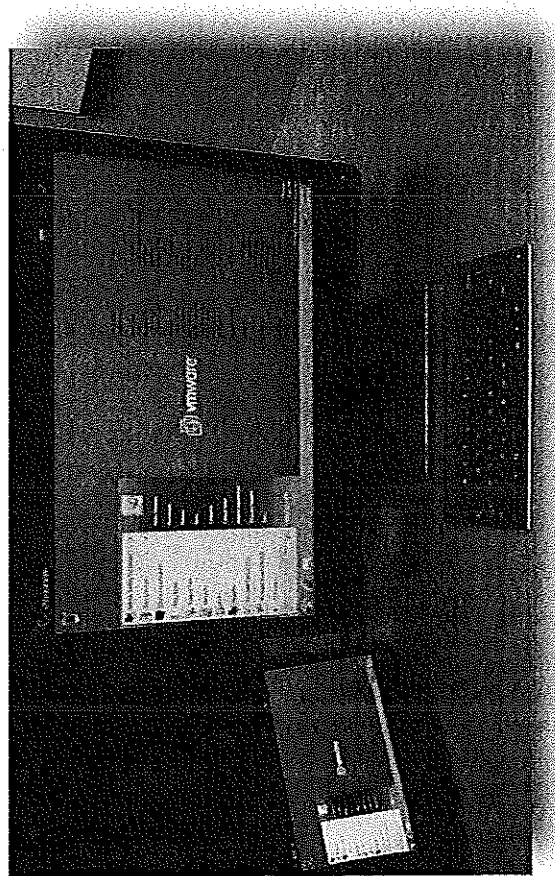
2012 Year End Goal

Strategic Objective	Action Plans	Status	2012 Year End Goal
Improve Process Performance	5.1 Agency Performance Measures	Selected core function performance measures and determined historical trend.	
		Set goals for 2012 at EPC Board meeting.	
		Third Quarter YTD Results Delegated Permitting 37 days	< 36 days
		Local Permitting 22 days	< 28 days
		Timely Compliance 91%	90%
		Timely Complaint Inv. 99%	99%
		Timely Enf. Resolution 60%	>67%



## Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	2012 Year End Goal
Improve the Usage of Technology	5.2 Upgrade Server and IT Service	Complete	Virtualize server systems and reconfigure physical configuration
		Complete	Identify virtual desktop technology and obtain price quotes
		Complete	Develop deployment strategy for agency
		Complete	Configure, test and deploy new virtual desktop environment
		Complete	Trouble reporting of virtual environment used to gather uptime measurement data
		Complete	Make recommendation based on pilot evaluation for full agency-wide implementation



## Quarterly Update for 2012 Action Plans

Strategic Objective	Action Plans	Status	2012 Year End Goal
Ensure Effective Leadership Development and Succession Planning	5.3 Advanced Leadership Development Program (ALDP)	<p><u>ALDP Class I</u> Two of the six candidates have completed all program requirements</p> <p>Due to Board time constraints, only 1 ALDP candidate at a time will make a Board presentation each month. As of now, 3 of the 6 presentations have been completed</p> <p>Upon program completion, ALDP candidates will be offered tablet computers to assist them in work duties</p> <p>All Class I candidates will also complete an exit survey.</p> <p><u>ALDP Class II</u> Training classes, mentoring sessions, and the Toastmaster program have begun for the Class II candidates</p> <p>Class II Candidates will present a synopsis of special projects in October</p>	<p>Completion of all Class I program requirements including a survey for program evaluation by year's end or shortly thereafter. Initiate ALDP Class 2 group by year's end.</p>





## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 18, 2012

**Subject:** Proclamation in Honor of Glenn Lockwood

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

**Division:**

**Recommendation:** Approve Proclamation Renaming Artificial Reef in Honor of Glenn Lockwood

**Brief Summary:** Staff recommends approval of a proclamation in honor of Mr. Glenn Lockwood who was killed in the line of duty on April 11, 2012. Mr. Lockwood was a twenty year veteran of the Environmental Protection Commission, most of which was spent in the Artificial Reef Program. This proclamation would officially rename the Port Manatee Reef, the "Glenn Lockwood Reef" in his honor.

**Financial Impact:** No Financial Impact

**Background:** Staff recommends approval of a proclamation in honor of Mr. Glenn Lockwood who was killed in the line of duty on April 11, 2012. Mr. Lockwood was a twenty year veteran of the Environmental Protection Commission, most of which was spent in the Artificial Reef Program. This proclamation would officially rename the Port Manatee Reef, the "Glenn Lockwood Reef" in his honor. All future references to this artificial reef in Tampa Bay, such as informational brochures, web pages, and/or nautical charts as applicable, would reflect the name change in honor of Glenn's memory and service to the citizens of Hillsborough County.

**List of Attachments:** No Attachments

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 18, 2012

**Subject:** Presentation of ALDP project

**Agenda Section:** Regular Agenda

**Division:** Waste

**Recommendation:** Informational Report

**Brief Summary:** ALDP presentation on Direct Inspect

**Financial Impact:** No financial impact

**Background:** Direct Inspect allows staff to leave directly from home without going to the office to perform field inspections. County vehicles are used as mobile offices. Two sections within EPC have implemented Direct Inspect. This project identifies other sections within EPC whose core duty is to perform field inspections. Interviews were conducted with the managers, supervisors and field staff of those sections whose core duties include field inspections and an assessment was made for each section to see whether or not that section is a good candidate for Direct Inspect.

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

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 18, 2012

**Subject:** Water Level Management, Tampa Bypass Canal Report

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

**Division:** Wetlands

**Recommendation:** Informational Report

**Brief Summary:** Report #6 of the Series. Provides advanced information on important and potentially controversial issues related to lakes, wetlands, rivers, springs, estuarine systems to allow the Board to better assist citizens. This month focuses on unusually high water conditions in the upper Hillsborough River area of New Tampa.

**Financial Impact:** No Financial Impact

### **Background:**

This Agenda Item, named the Lakes Initiative Report, is a semi-regular part of the Board Agenda items. This report is designed to provide the Board with advanced information pertaining to potential issues of concern to multiple citizens of Hillsborough County relating to the following items: lakes, rivers, springs, and estuaries. Citizens who live on the shores of lakes, rivers, springs, and estuaries often do so because they value the aesthetic and recreational aspects of waterfront living. In many instances, these citizens pay property taxes that exceed similar sized parcels of land that do not have water access or water views. Citizens are justifiably concerned with, and protective of, the hydrology, ecology, and water quality conditions of their local water body. Multiple projects (both public and private) involve water bodies, and can, potentially, have negative effects on these.

This, the sixth installment (October, 2012) of this series of reports provides the Board with a description of the operational protocols of the Tampa Bypass Canal and Lower Hillsborough Flood Detention Area.

As a part of the report on each water body, EPC will provide the name and contact information of the person at EPC most knowledgeable of the particular issue. EPC will also provide to the Board members offices: (1) detailed maps of the locations of each water body; and (2) a matrix that contains essential information on each water body.

**List of Attachments:** Power point sent separately.

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 18, 2012

**Subject:** Permitting Efforts Report, City of Tampa Dredging Project (Westshore Waterways Enhancement Project)

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

**Division:** Wetlands

**Recommendation:** Informational Report

**Brief Summary:** EPC Wetlands Management Division scientists and engineers have been coordinating with the City of Tampa on issuing the delegated minor work permits (MWP's) which includes evaluating possible impacts to wetlands and aquatic resources on a total of 10 canals that are to be dredged. Mobilization/de-mobilization costs for dredging projects can be substantial. To help ensure that public dollars are spent as effectively as possible, EPC has been working closely with the City of Tampa to issue the permits, allowing the City to maintain their dredging schedule for each canal. EPC staff have met with City of Tampa representatives multiple times and has participated in public meetings on the project. In addition, EPC staff has spent a considerable amount of time in the field verifying the presence of mangroves, sea grass beds and other wetland features to compare with the maps developed by the City's consultants. EPC has placed aerials of each canal on its website for interested citizens to access.

**Financial Impact:** No Financial Impact

### **Background:**

This Agenda Item is designed to provide the Board with advanced information pertaining to potential issues of concern to multiple citizens who reside along the canals in the Westshore District of Hillsborough County. Citizens who live on the shores of these canals often do so because they value the aesthetic and recreational aspects of waterfront living. In many instances, these citizens pay property taxes that exceed similar sized parcels of land that do not have water access or water views. Citizens are justifiably concerned with, and protective of, the hydrology, ecology, and water quality conditions of their local water body. Multiple projects (both public and private) involve water bodies, and can, potentially, have negative effects on these.

A total of 10 canals are involved in the Westshore Waterways Enhancement Project. In order to help ensure that the wetlands and aquatic resources within the canals are protected while still allowing for the project to proceed smoothly, EPC Wetlands Division staff have been working closely with the City of Tampa for the past two years. EPC efforts have been substantial, and

have included: (a) multiple coordination meetings with the City; (b) participation in public meetings; (c) substantial field work to verify locations of wetlands, seagrass beds, and other aquatic resources of importance; (d) development of web-based aerals for use by any interested citizens on EPC's website and (e) answering questions from the public. Currently, EPC has completed all permitting activities related to 7 of the 10 canals and is currently working on the final 3.

**List of Attachments:** Power point sent separately.



## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 18, 2012

**Subject:** County Noise Ordinance #12-12 and EPC Noise Rule Chapter 1-10

**Agenda Section:** Regular Agenda

**Division:** Air Management Division

**Recommendation:** Informational Report

**Brief Summary:** At the last EPC Board meeting, staff was directed to report back on the kind of complaints we are receiving and the compliance with regard to EPC's rule and Ordinance #12-12. Staff contacted the Sheriff's office and will now be reporting monthly on the number of noise complaints both organizations receive. The staff's monthly update will also list any conflicts which arise between the County's Ordinance and EPC's Chapter 1-10.

**Financial Impact:** No Financial Impact

**Background:** In June the BOCC passed Ordinance #12-12 for noise. It replaced an older County ordinance which had enforceability issues. Ordinance #12-12 was well coordinated with the State Attorney, the Sheriff and EPC. It empowers a deputy to arrest someone for a misdemeanor if he determines they are creating a noise disturbance in which the noise is "racous or jarring."

This ordinance was written to compliment EPC's noise rule in Chapter 1-10. EPC's rule is numerical based and requires monitoring with sophisticated equipment with trained personnel. EPC's rule for the most part is enforced administratively and can take more time to bring the public relief if the responsible party does not want to cooperate.

**List of Attachments:** None.

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 18, 2012

**Subject:** Accela Automation

**Agenda Section:** Regular Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Staff will be recommending that EPC use the County's Accela Automation system to make our permit information more readily available to the public.

**Brief Summary:** Staff has been evaluating the Accela Automation system for EPC's permitting programs and is recommending using the County's system in conjunction with EPC's existing on-line Permit Tracking System. By inputting EPC permit information into the County's system, EPC will be contributing to a single system which will be a comprehensive repository for all permitting in Hillsborough County. This option was chosen versus building a standalone one at EPC which would have cost some \$800,000 upfront, plus thousands of hours of staff time to build and \$140,000 a year to maintain. This also frees up some \$900,000 in discounts in the County's Accela contract. These were intended for an EPC standalone system and can now be used elsewhere. They sunset on October 25, 2012.

**Financial Impact:** No Financial Impact. (Saves the County in excess of one million dollars over a five year period.)

**Background:** On June 27, 2012 the County signed a contract with Accela to purchase Accela's Automation software program to automate and centralize their permitting processes associated with their building and code enforcement offices. This in part will replace Accela's Permits Plus software currently in place. In anticipation of EPC's needs, Accela also included some discounts for EPC in the County's contract if EPC were to decide to build a standalone Accela Automation system at their office.

EPC was asked to evaluate this software for their permitting as well and worked closely with County staff for the last 6 months EPC requested and received a Statement of Work from Accela. Staff's evaluation concluded the Automation advantages could best be realized by using the County's system and not incurring the expense of building a standalone system at EPC.

Automation software specializes in automating high volume simpler processes and provides a high degree of transparency in doing so. In comparison to many of Accela's customers, EPC permits are much lower in number and more complex in terms of processes. EPC currently processes permits on the average of 30 plus days for delegated programs and less than that for local authorizations. Thus staff concluded that staff could not promise dramatic reductions in process time that could justify the proposed cost of 1.5 million dollars over 5 years.

To address the transparency issue staff chose the option of simply entering EPC permit data into the County's Accela. This allows EPC to minimize cost and still provide a single site for the public and applicants to go to view all the permitting activities in Hillsborough County. This will be done in phases as the County brings Automation up. EPC initially will provide a link to our Permit Tracking System and enter data for the wetland permits that run through Development Services.

List of Attachments: None.

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## EPC Agenda Item Cover Sheet

**Date of EPC Meeting:** October 18, 2012

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

**Agenda Section:** Regular Agenda

**Division:** Legal and Administrative Services Division

**Recommendation:** Receive evaluation forms

**Brief Summary:** Executive Director evaluation forms were distributed at the September 2012 EPC Board meeting. In the interim supplemental information was delivered to each Commissioner. The evaluation forms filled out by Commissioners will be summarized and distributed at the October EPC meeting. Individual Commissioners may comment during the meeting on the Executive Director's performance during the past year.

**Financial Impact:** None.

**List of Attachments:** Assessment Ranking cover sheet  
Assessment Form

**DR. RICK GARRITY  
EXECUTIVE DIRECTOR, ENVIRONMENTAL PROTECTION COMMISSION  
ASSESSMENT**

<b>BEHAVIORS</b>						
Leadership	Communication	Responsiveness	Respect & Fair Treatment	Quality of Staff Work	Service to the Community	Problem Solving

<b>ACCOMPLISHMENT OF GOALS</b>			
Environmental Protection Excellence	Successful / Engaged Workforce	Partner Focused Excellence	Fiscal Responsibility

<b>PERFORMANCE MEASURES ON CORE FUNCTIONS</b>			
Delegated Permitting	Local Permitting	Timely Compliance	Timely Complaint Investigations

**Comments:**

# PERFORMANCE EVALUATION

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

October 18, 2012

## SUMMARY ASSESSMENT

### 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

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