



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

DECEMBER 13, 2012

9 a.m.

*Commissioner's Board Room, County Center 2nd 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: October 18, 2012	3
B. Monthly Activity Reports – October & November 2012.....	7
C. Pollution Recovery Fund Report	19
D. Gardinier Settlement Trust Fund Report.....	21
E. Legal Case Summary, December 2012.....	23
F. RESTORE Projects Update	27

IV. AGENCY PROCESS IMPROVEMENT PROJECTS

A. Hillsborough's Municipalities Permit Streamlining Efforts	39
B. E-Pay Update	41
C. EPSC and Feedback Group Update	43

V. WATER MANAGEMENT DIVISION

PRF Funding Approval/Fertilizer Study Peer Review	45
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VI. AGENCY STRATEGIC PLANNING

Strategic Plan Presentation and Request for Feedback	47
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VII. EXECUTIVE DIRECTOR CONTRACT

Executive Director's Contract.....	53
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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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OCTOBER 18, 2012 - ENVIRONMENTAL PROTECTION COMMISSION - DRAFT MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Regular Meeting scheduled for Thursday, October 18, 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 (arrived at 9:13 a.m.), Ken Hagan (arrived at 9:03 a.m.), Al Higginbotham, Lesley Miller Jr., Sandra Murman, and Mark Sharpe (arrived at 9:02 a.m.).

▶ 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, said there were no changes.

I. PUBLIC COMMENT

▶ Mr. Erik Mikkelsen, 12206 North 27th Street, voiced concerns on Item VII, County Noise Ordinance 12-12 and EPC Noise Rule Chapter 1-10. In response to Commissioner Miller, ▶ Dr. Garrity and Mr. Jerry Campbell, Director, EPC Air Management Division, relayed plans to address/monitor the issue and agreed to bring back a report.

II. CITIZENS ENVIRONMENTAL ADVISORY COMMITTEE (CEAC)

Summary of recent CEAC meeting by CEAC Chairman

▶ Dr. Scott Emery, Director, EPC Wetlands Management Division, touched on the meeting, which was held at Flatwoods Park.

III. CONSENT AGENDA

- A. Approval of Minutes: September 20, 2012.
- B. Monthly Activity Report - September 2012.
- C. Pollution Recovery Fund Report.

THURSDAY, OCTOBER 18, 2012 - DRAFT MINUTES

- D. Gardinier Settlement Trust Fund Report.
- E. Legal Case Summary, October 2012.
- F. 2012 Third Quarter Action Plan Updates.

Upon hearing there were no changes, ► **Commissioner Murman moved approval of the Consent Agenda, seconded by Commissioner Miller, and carried five to zero.** (Commissioners Crist and Hagan had not arrived.)

IV. PROCLAMATION IN HONOR OF GLENN LOCKWOOD

► Dr. Garrity highlighted the tribute, as included in background material. Chairman Beckner read the proclamation and extended condolences on behalf of the EPC Board. Ms. Beth Lockwood made comments.

V. WASTE MANAGEMENT DIVISION

Advanced Leadership Development Program presentation on Direct Inspection Program

► Mr. Gerry Javier, EPC, reviewed the background material. At the request of Chairman Beckner, staff agreed to provide an additional update at the February 2013 EPC meeting.

VI. WETLANDS MANAGEMENT DIVISION

A. Water Level Management, Tampa Bypass Canal Report

► Dr. Emery explicated background material, replied to Commissioner Crist regarding installing gauges/automation to address flooding in the area, and would get back to the EPC Board.

B. Permitting Efforts Report, City of Tampa Dredging Project (Westshore Waterways Enhancement Project)

► Dr. Emery summarized the item, as contained in background material.

VII. AIR MANAGEMENT DIVISION

County Noise Ordinance 12-12 and EPC Noise Rule Chapter 1-10

► Mr. Campbell expounded on background material and noted plans to provide the report as part of future EPC consent agendas.

VIII. LEGAL AND ADMINISTRATIVE SERVICES

A. Accela Automation

▶ Mr. Campbell spoke about the program, as furnished in background material; gave staff recommendation; and sought approval. ▶ Commissioner Murman moved to approve, seconded by Commissioner Miller. Following discussion, ▶ the motion carried six to zero. (Commissioner Higginbotham was out of the room.)

B. EPC Executive Director Annual Evaluation

▶ EPC General Counsel Richard Tschantz outlined the item, as included in background material. Chairman Beckner wanted to see standardized clauses similar to the ones used for County Attorney Charles Fletcher in the new contract for Dr. Garrity. EPC Board members expressed complimentary sentiments. ▶ Dr. Garrity thanked EPC Board members/staff and announced future plans to submit a Sterling challenge document for a review of the EPC.

IX. EXECUTIVE DIRECTOR REPORT

▶ Dr. Garrity summarized the report.

▶ 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

CW

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

	<u>OCT</u>	<u>NOV</u>
A. Public Outreach/Education Assistance		
Phone calls	229	192
Literature Distributed	0	0
Presentations	2	7
Media Contacts	0	0
Internet	69	71
Host/Sponsor Workshops, Meetings, Special Events	0	0
B. Industrial Air Pollution Permitting		
Permit Applications received (Counted by Number of Fees Received)		
a. Operating	1	1
b. Construction	8	0
c. Amendments / Transfers / Extensions	1	1
d. Title V Operating:	0	0
e. Permit Determinations	0	1
f. General	3	4
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	9	3
b. Construction ^1	5	1
c. Amendments / Transfers / Extensions^1	0	2
d. Title V Operating ^2	0	0
e. Permit Determinations	0	0
f. General	1	0
Intent to Deny Permit Issued	0	0
C. Administrative Enforcement		
New cases received	0	0
On-going administrative cases		
a. Pending	0	0
b. Active	2	1
c. Legal	1	1
d. Tracking compliance (Administrative)	10	10
e. Inactive/Referred cases	0	0
TOTAL	13	12
NOIs issued	0	0
Citations issued	0	0
Consent Orders Signed	3	1
Contributions to the Pollution Recovery Fund	#####	#####

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

	<u>OCT</u>	<u>NOV</u>
Cases Closed	1	1

D. Inspections

Industrial Facilities	19	40
Air Toxics Facilities		
a. Area Sources (i.e. Drycleaners, Chrome Platers, etc.)	12	6
b. Major Sources	6	9
Asbestos Demolition/Renovation Projects	21	21

E. Open Burning Permits Issued

F. Number of Division of Forestry Permits Monitored

G. Total Citizen Complaints Received

H. Total Citizen Complaints Closed

I. Noise Complaints Received by EPC (Chapter 1-10)

J. Air Program's Input to Development of Regional Impacts

K. Number of cases EPC is aware that both EPC & Sheriff responded

L. Noise Sources Monitored:

M. Air Program's Input to Development Regional Impacts:

N. Test Reports Reviewed:

O. Compliance:

Warning Notices Issued	2	1
Warning Notices Resolved	214	300
Advisory Letters Issued	45	30

M. AOR's Reviewed

N. Permits Reviewed for NESHAP Applicability

O. Planning Documents coordinated for Agency Review

	36	36
	18	16
	458	537
	1	0
	3	3
	2	2
	57	36
	4	5
	8	6
	0	1
	0	0
	2	1
	7	4

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

OCT NOV

A. ENFORCEMENT

1.	New cases received	-	-
2.	On-going administrative cases	81	81
	Pending	2	2
	Active	28	28
	Legal	8	8
	Tracking Compliance (Administrative)	42	42
	Inactive/Referred Cases	1	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	0
2.	FDEP Permits Reviewed	0	0
3.	EPC Authorization for Facilities NOT Requiring DEP Permit	2	2
4.	Other Permits and Reports		
	County Permits Received	11	11
	County Permits Reviewed	48	4
	Reports Received (SW/HW + SQG)	19	19
	Reports Reviewed (SW/HW + SQG)	22	21
5.	Inspections (Total)		
	Complaints (SW/HW + SQG)	22	19
	Compliance/Reinspections (SW/HW + SQG)	12	8
	Facility Compliance	33	21
	Small Quantity Generator Verifications	123	62
	P2 Audits	0	0
6.	Enforcement (SW/HW + SQG)		
	Complaints Received	22	19
	Complaints Closed	23	20
	Warning Notices Issued	4	0
	Warning Notices Closed	3	2
	Compliance Letters	62	40
	Letters of Agreement	0	0
	Agency Referrals	0	5
7.	Pamphlets, Rules and Material Distributed	10	11

C. STORAGE TANK COMPLIANCE

1.	Inspections		
	Compliance	64	63
	Installation	7	8
	Closure	5	4
	Compliance Re-Inspections	6	8
2.	Installation Plans Received	7	2

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

	<u>OCT</u>	<u>NOV</u>
3. Installation Plans Reviewed	7	8
4. Closure Plans & Reports		
Closure Plans Received	4	4
Closure Plans Reviewed	4	7
Closure Reports Received	4	1
Closure Reports Reviewed	2	1
5. Enforcement		
Non-Compliance Letters Issued	29	48
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	4	7
8. Cleanup Notification Letters Issued	-	1

D. STORAGE TANK CLEANUP

1. Inspections	33	32
2. Reports Received	84	75
3. Reports Reviewed	89	76
Site Assessment Received	9	16
Site Assessment Reviewed	14	14
Source Removal Received	4	1
Source Removal Reviewed	6	-
Remedial Action Plans (RAP'S) Received	5	7
Remedial Action Plans (RAP'S) Reviewed	5	1
Site Rehabilitation Completion Order/No Further Action Rec'd	2	5
Site Rehabilitation Completion Order/No Further Action Revw'd	3	8
Active Remediation/Monitoring Received	46	31
Active Remediation/Monitoring Reviewed	40	41
Others Received	18	15
Others Reviewed	21	12

E. RECORD REVIEWS

14	12
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F. LEGAL PIR'S

18	14
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**FY 12 - MONTHLY ACTIVITIES REPORT
WATER MANAGEMENT DIVISION**

OCT NOV

A. ENFORCEMENT

1.	New Enforcement Cases Received	1	1
2.	Enforcement Cases Closed	-	1
3.	Enforcement Cases Outstanding	37	37
4.	Enforcement Documents Issued	1	-
5.	Recovered Costs to the General Fund	\$ 975	\$ 50
6.	Contributions to the Pollution Recovery Fund	\$ 5,250	\$ -

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1.	Permit Applications Received	17	15
	a. Facility Permit	4	1
	(i) Types I and II	-	-
	(ii) Type III	4	1
	b. Collection Systems - General	9	7
	c. Collection systems-Dry Line/Wet Line	4	7
	d. Residuals Disposal	-	-
2.	Permit Applications Approved	31	17
	a. Facility Permit	4	1
	b. Collection Systems - General	9	8
	c. Collection systems-Dry Line/Wet Line	6	4
	d. Residuals Disposal	-	-
3.	Permit Applications Recommended for Disapproval	12	4
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
4.	Permit Applications (Non-Delegated)	-	-
	a. Recommended for Approval	-	-
5.	Permits Withdrawn	-	-
	a. Facility Permit	-	-
	b. Collection Systems - General	-	-
	c. Collection systems-Dry Line/Wet Line	-	-
	d. Residuals Disposal	-	-
6.	Permit Applications Outstanding	45	47
	a. Facility Permit	8	8
	b. Collection Systems - General	16	15
	c. Collection systems-Dry Line/Wet Line	21	24
	d. Residuals Disposal	-	-
7.	Permit Determination	1	2
8.	Special Project Reviews		
	a. Reuse	-	-

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

	<u>OCT</u>	<u>NOV</u>
b. Residuals/AUPs	-	-
c. Others	-	-

C. INSPECTIONS - DOMESTIC

1. Compliance Evaluation	12	2
a. Inspection (CEI)	5	2
b. Sampling Inspection (CSI)	7	-
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance	31	33
a. Inspection (RI)	9	7
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	19	26
d. Enforcement Inspection (ERI)	3	-
3. Engineering Inspections	16	13
a. Reconnaissance Inspection (RI)	2	3
b. Sample Reconnaissance Inspection (SRI)	-	-
c. Residual Site Inspection (RSI)	-	-
d. Preconstruction Inspection (PCI)	-	-
e. Post Construction Inspection (XCI)	14	10
f. On-site Engineering Evaluation	-	-
g. Enforcement Reconnaissance Inspection (ERI)	-	-

D. PERMITTING/PROJECT REVIEW - INDUSTRIAL

1. Permit Applications Received	4	1
a. Facility Permit	1	1
(i) Types I and II	1	-
(ii) Type III with Groundwater Monitoring	-	-
(iii) Type III w/o Groundwater Monitoring	-	1
b. General Permit	1	-
c. Preliminary Design Report	2	-
(i) Types I and II	-	-
(ii) Type III with Groundwater Monitoring	1	-
(iii) Type III w/o Groundwater Monitoring	1	-
2. Permits Recommended to DEP for Approval	-	1
3. Special Project Reviews	1	4
a. Facility Permit	1	3
b. General Permit	-	1
4. Permitting Determination	-	-
5. Special Project Reviews	51	46
a. Phosphate	13	12

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

	<u>OCT</u>	<u>NOV</u>
b. Industrial Wastewater	13	10
c. Others	25	24

E. INSPECTIONS - INDUSTRIAL

1. Compliance Evaluation (Total)	14	9
a. Inspection (CEI)	14	9
b. Sampling Inspection (CSI)	-	-
c. Toxics Sampling Inspection (XSI)	-	-
d. Performance Audit Inspection (PAI)	-	-
2. Reconnaissance (Total)	14	9
a. Inspection (RI)	7	2
b. Sample Inspection (SRI)	-	-
c. Complaint Inspection (CRI)	7	7
d. Enforcement Inspection (ERI)	-	-
3. Engineering Inspections (Total)	13	4
a. Compliance Evaluation (CEI)	13	4
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	30	22
(i) Received	12	12
(ii) Closed	18	10
b. Industrial	15	11
(i) Received	8	7
(ii) Closed	7	4
2. Warning Notices		
a. Domestic	7	5
(i) Issued	5	3
(ii) Closed	2	2
b. Industrial	3	-
(i) Issued	2	-
(ii) Closed	1	-
3. Non-Compliance Advisory Letters		
4. Environmental Compliance Reviews	24	39
a. Industrial	107	107
b. Domestic	7	13
5. Special Project Reviews	7	7

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

OCT NOV

G. RECORD REVIEWS

1. Permitting Determination	6	4
2. Enforcement	-	1

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

1. Air division	66	58
2. Waste Division	-	-
3. Water Division	12	5
4. Wetlands Division	-	-
5. ERM Division	199	220
6. Biomonitoring Reports	6	6
7. Outside Agency	79	25

I. SPECIAL PROJECT REVIEWS

1. DRIs	3	5
2. ARs	-	-
3. Technical Support	6	6
4. Other	-	-

**FY 12 - 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	55	29
Timeframes Met	100%	97%
Year to Date	99%	99%

Formal Wetland Delineation Surveys

Projects	5	6
Total Acres	308	422
Total Wetland Acres	100	319
# Isolated Wetlands < 1/2 Acre	-	2
Isolated Wetland Acreage	0	0.03

Construction Plans Approved

Projects	12	8
Total Wetland Acres	23	27
#Isolated Wetlands < 1/2 Acre	3	0
Isolated Wetland Acreage	0.36	0
Impacts Approved Acreage	2.1	0
Impacts Exempt Acreage	1.74	0

Mitigation Sites in Compliance

Ratio	11/13	1
Percentage	85%	100%

Compliance Actions

Acreage of Unauthorized Wetland Impacts	0.10	0.20
Acreage of Water Quality Impacts	0.20	0.00
Acreage Restored	0.2	0.2

TPA Minor Work Permit

Permit Issued	17	18
Permits Issued Fiscal Year 2013	17	35
Cumulative Permits Issue Since TPA Delegation (07/09)	613	631

REVIEW TIMES

# of Reviews	215	171
% On Time	97%	98%
% Late	3%	2%

WETLANDS MANAGEMENT DIVISION

OCT NOV

A. General

1.	Telephone conferences	651	649
2.	Unscheduled Citizen Assistance	467	206
3.	Scheduled Meetings	308	315
4.	Correspondence	2,230	1,790
1/ 5.	Intergency Coordination	198	164
1/ 6.	Trainings	25	14
1/ 7.	Public Outreach/Education	4	4
1/ 8.	Quality Control	98	89

B. Assessment Reviews

1.	Wetland Delineations	17	14
2.	Surveys	3	4
3.	Miscellaneous Activities in Wetland	9	13
4.	Mangrove	14	3
5.	Notice of Exemption	2	5
6.	Impact/Mitigation Proposal	6	7
7.	Tampa Port Authority Reviews	51	40
8.	Wastewater Treatment Plants (FDEP)	2	1
9.	Development Regn'l Impact (DRI) Annual Report	-	1
10.	On-Site Visits	93	97
11.	Phosphate Mining	-	3
12.	Comp Plan Amendment (CPA)	-	-
1/ 13.	AG SWM	2	
	Sub-Total		

Planning and Growth Management Review

14.	Land Alteration/Landscaping	-	1
15.	Land Excavation	2	-
16.	Rezoning Reviews	9	6
17.	Site Development	21	13
18.	Subdivision	19	11
19.	Wetland Setback Encroachment	1	2
20.	Easement/Access-Vacating	-	-
21.	Pre-Applications	13	32
1/ 22.	Agriculture Exemption	-	1
	Sub-Total		
	Total Assessment Review Activities		

C. Investigation and Compliance

1.	Warning Notices Issued	7	2
2.	Warning Notices Closed	3	13
1/ 3.	Complaints Closed	32	25
4.	Complaint Inspections	37	21
5.	Return Compliance Inspections for Open Cases	21	9

WETLANDS MANAGEMENT DIVISION

		<u>OCT</u>	<u>NOV</u>
6.	Mitigation Monitoring Reports	11	9
7.	Mitigation Compliance Inspections	25	11
8.	Erosion Control Inspections	18	3
9.	MAIW Compliance Site Inspections	47	11
10.	TPA Compliance Site Inspections	26	18
2/ 11.	Mangrove Compliance Site Inspections	-	4
1/ 12.	Conservation Easement Inspection	1	1

D. Enforcement

1.	Active Cases	6	7
2.	Legal Cases	5	4
3.	Number of "Notice of Intent to Initiate Enforcement"	-	3
4.	Number of Citations Issued	-	-
5.	Number of Consent Orders Signed	2	1
6.	Administrative - Civil Cases Closed	2	1
7.	Cases Referred to Legal Department	5	4
8.	Contributions to Pollution Recovery	\$ 1,700	\$ 1,749
9.	Enforcement Costs Collected	\$ 364	\$ 224

E. Ombudsman

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

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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 13 POLLUTION RECOVERY FUND
10/1/2012 through 10/31/2012**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 542,334	Artificial Reef	\$ 146,828	Minimum Balance	\$ 120,000	
Interest	\$ (35)	Project Monitoring	\$ 32,514	PROJ. FY 14 Budgets	\$ 179,342	
Deposits	\$ 12,180	FY 13 Projects	\$ -	Asbestos Removal	\$ 5,000	
Refunds	\$ -					
Total	\$ 554,479	Total	\$ 179,342	Total	\$ 304,342	\$ 70,795



PROJECT		Project Amount	Project Balance
FY 10 Projects			
#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
FY 12 Projects			
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

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 13 POLLUTION RECOVERY FUND
10/1/2012 through 11/30/2012**

REVENUE		EXPENDITURES		RESERVES		NET PRF
Beginning Balance	\$ 542,334	Artificial Reef	\$ 146,828	Minimum Balance	\$ 120,000	
Interest	\$ (35)	Project Monitoring	\$ 32,514	PROJ. FY 14 Budgets	\$ 179,342	
Deposits	\$ 24,214	FY 13 Projects	\$ -	Asbestos Removal	\$ 5,000	
Refunds	\$ 588					
Total	\$ 567,101	Total	\$ 179,342	Total	\$ 304,342	\$ 83,417



PROJECT		Project Amount	Project Balance
FY 10 Projects			
#09-01 - Basis of Review for Borrow Pit Applications	EPE30442	\$ 68,160	\$ 3,369
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		\$ 131,700	\$ 114,989
			\$ 146,048

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 13 GARDINIER SETTLEMENT TRUST FUND
10/1/2012 - 10/31/2012**

Fund Balance as of 10/1/12	\$ 61,274
Interest Accrued	(3)
Disbursements FY 13	-
Fund Balance	<u>\$ 61,271</u>
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 61,271
Total Encumbrances	<u>\$ 61,271</u>
Fund Balance Available	<u><u>\$ -</u></u>

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
FY 13 GARDINIER SETTLEMENT TRUST FUND
10/1/2012 - 11/30/2012**

Fund Balance as of 10/1/12	\$ 61,274
Interest Accrued	(3)
Disbursements FY 13	-
	<hr/>
Fund Balance	\$ 61,271
Encumbrances Against Fund Balance:	
SP634 Cockroach Bay ELAPP Restoration	\$ 61,271
	<hr/>
Total Encumbrances	\$ 61,271
	<hr/>
Fund Balance Available	<u><u>\$ -</u></u>



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2012

Subject: Legal Case Summary for 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
November and December 2012

I. ADMINISTRATIVE CASES

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.

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)

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)

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. The parties conducted the final hearing on October 30, 2012 and the parties are waiting for the Recommended Order to be entered. (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 and it was denied. The denial is under appeal. The EPC has moved for contempt and the Court ordered the EPC to conduct the remediation and charge the Harts. (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.

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 has until December 31, 2012 to file an appeal in this matter. (AZ)

RaceTrac Petroleum, Inc. [12-EPC-014]: On October 24, 2012, the Appellant, RaceTrac Petroleum, Inc., filed a request for an extension of time to file an Appeal challenging the Executive Director's denial for wetland impacts. The extension was granted and the Appellant has until November 30, 2012 to file an appeal in this matter. (AZ)

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 was initially granted until November 15, 2012 to file a petition in this matter, but that has subsequently been extended to February 13, 2013. (RM)



EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2012

Subject: EPC Project Applications for RESTORE Act Funding Opportunity

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

Division: Water Management

Recommendation: Approve List of Submitted Projects

Brief Summary: The newly established Gulf Coast Restoration Trust Fund is anticipated to provide funds to the five Gulf Coast States to restore and offset the environmental and economic impacts associated with the Deep Water Horizon oil spill. EPC staff has submitted, through the National Estuary Programs, the five projects listed below for funding consideration under the RESTORE Act.

Financial Impact: Funding to be determined based on project approval and final settlement through the Clean Water Act (CWA) and Natural Resources Damage Assessment (NRDA) process.

Background:

The newly established Gulf Coast Restoration Trust Fund is anticipated to provide funds to the five Gulf Coast States to restore and offset the environmental and economic impacts associated with the Deep Water Horizon oil spill. As a partner in the Southwest Florida NEPs, we have been asked to provide our input into a Southwest Florida Regional Ecosystem Restoration Plan, specifically to develop a prioritized list of environmental projects which would restore and protect the natural resources, ecosystems, water quality and coastal wetlands of Southwest Florida, and which are consistent with the actions in the NEPs' CCMPs. The draft priority list will be reviewed, revised and approved by the Management and Policy Boards of the three NEPs, and can be utilized by local governments and the Gulf Coast Restoration Council for consideration in the development of each of their funding priorities under the RESTORE Act. The projects submitted for consideration by EPC staff include:

1. Water Quality Monitoring: Supporting Adaptive Management of Programs and Projects
2. Tampa Bay Benthic Monitoring Program
3. Artificial Reef Community Monitoring Program
4. Hardbottom Inventory and Analysis to Improve Essential Fish Habitat Management
5. Pollution Recovery Fund

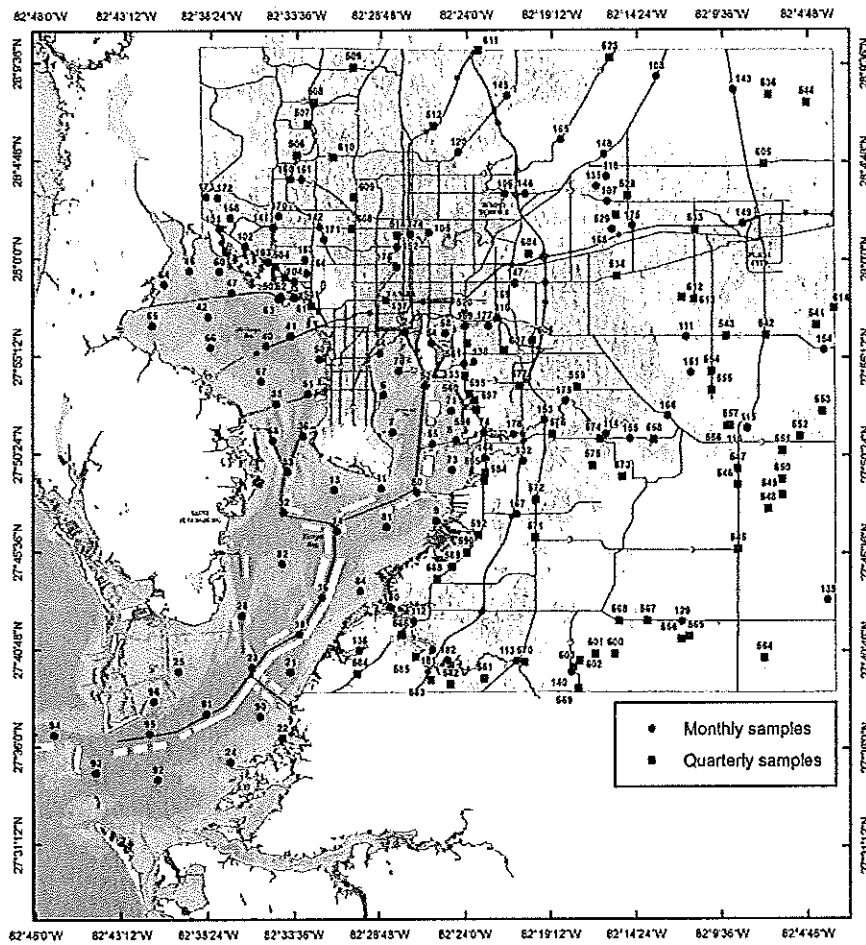
List of Attachments: Submitted Projects Attachments


RESTORE Act Ecosystem Restoration Project Proposals
for consideration in the Gulf Coast Ecosystem Restoration Council's Comprehensive Plan
2012


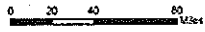
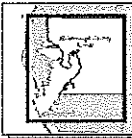
Contact Information: Thomas Ash, General Manager III Environmental Protection Commission of Hillsborough County (EPC) ash@epchc.org						Date of Submittal: 11/1/2012	
Name of Project: Water Quality Monitoring: Supporting Adaptive Management of Programs and Projects Designed to Restore and Improve Water Quality.						Org and Rank: EPC, 1	
Project Description: Continue to provide long-term water quality monitoring, laboratory analyses, and data management services to support comprehensive conservation and management initiatives for Florida's largest estuary.							
Project Location: Tampa Bay, FL							
Responsible Party: EPC				Partners: Tampa Bay Estuary Program, Hillsborough County Public Utilities, City of Tampa, SWFWMD, FDEP, Manatee County, Pinellas County.			
NEP: TBEP		Project Cost: \$1.7M/yr.			Dollars Needed: \$1.7M/yr.		
Start: N/A				Completion: N/A			
Status of Project Design and Permitting: On-going program.							
What Date or Year could Construction Feasibly Begin: N/A							
Your Proposed Timing of Funding (given permits, phasing, staging, etc.)							
FY	12/13	13/14	14/15	15/16	16/17	17/18	Total
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Quantify Environmental Results and How to Measure Them: Results are measured by the ability to make informed management and policy decisions based on comprehensive, long-term, empirical data that spans 4 decades and supports nearly every other environmental initiative and research project in the Tampa Bay area.							
Economic Benefits (including ecosystem services): The economic benefit is in supporting a long-established, proven, and respected program that is already operational and has 40 years of experience and existing data. There would be no start-up time, no learning curve, little or no capital outlay, and no need to staff-up unless the program is expanded beyond its' existing parameters.							
Estimated number of Jobs Created or Preserved: 23 preserved							
How much Habitat will be restored and conserved?: N/A							
Quantify pollutant reductions: N/A							
What living coastal/marine resources will be improved and by how much?: N/A							
How will community resilience be enhanced? Most community resilience efforts, whether for sea level rise, climate change, or post-disaster planning, are heavily reliant on computer modeling. Models are only as good as the empirical data that is used to run them, therefore it is critical to have long-term monitoring programs that can provide those data that will both establish a baseline condition and allow for more accurate forecasting.							
Additional Justification: Local monitoring programs, in collaboration with federal and state partners, provide the scientific community with the tools necessary to assess current water quality information, identify gaps in core information needs and performance measures, and							

develop long-term strategies for resource management that build on existing efforts; including assessment of nutrients, HABs, and other water quality parameters. Adaptive management will help determine the efficacy of restoration actions through a focused effort of monitoring, modeling and research to support effective management and decision-making. Incomplete data make it difficult to quantify changes and to determine if restoration and protection measures are successful. Maintaining and/or expanding existing long-term water quality monitoring programs in the Tampa Bay area is the key to supporting adaptive management that will meet the scientific needs of the CCMP and the RESTORE Act. Monitoring, modeling, and research development activities should be integrated from the initial stages of restoration planning through to decision-making to ensure a science-based approach for the success of actions undertaken.

Add any photos or maps that explain project:



 Hillsborough County, Florida
Water Monitoring
Stations

Environmental Protection Commission
of Hillsborough County

RESTORE Act Ecosystem Restoration Project Proposals
for consideration in the Gulf Coast Ecosystem Restoration Council's Comprehensive Plan
2012

Contact Information: David Karlen, General Manager I Environmental Protection Commission of Hillsborough County (EPC) karlen@epchc.org						Date of Submittal: 11/1/2012	
Name of Project: Tampa Bay Benthic Monitoring Program						Org and Rank: EPC, 2	
Project Description: Continue to provide annual bay-wide benthic monitoring and increase sample size to increase density of coverage throughout Tampa Bay to approximately 94 samples per year (from current level of 64). This will greatly enhance the program's ability to detect changes in the benthic infaunal community and sediment contaminant levels and provide more scientifically robust data to support adaptive management plans in Tampa Bay. The parameters measured include benthic macroinvertebrates; water quality, sediment composition (% silt/clay, TOC), and sediment contaminants (metals, PAHs, PCB's, pesticides). Our past data has been used in support of the TBEP CCMP and for the development of Sediment Quality Action Plans for various areas within Tampa Bay.							
Project Location: Tampa Bay and Hillsborough County ~ 27.783219, -82.525453							
Responsible Party: EPC				Partners: TBEP (program administration), EPCHC (field collection and coordination, lab processing, data analysis) Pinellas County (field collection), Manatee County (field collection),			
NEP: TBEP		Project Cost: \$1,716,407 over 10 years. (Includes \$100,000 for equipment and \$500,000 TBEP funds).			Dollars Needed \$1,216,407 [\$500,000 matched by TBEP (50,000/yr x 10 years)]		
Start: N/A				Completion: N/A			
Status of Project Design and Permitting: On-going program.							
What Date or Year could Construction Feasibly Begin: N/A							
Your Proposed Timing of Funding (given permits, phasing, staging, etc.)							
FY	12/13	13/14	14/15	15/16	16/17	17/18	Total
See Table 1	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Quantify Environmental Results and How to Measure Them: Program is designed to monitor long-term changes in the benthic infaunal community, sediment and water quality and quantify these spatially. Sediment and water quality data collected is evaluated based on Florida state and federal standards and benthic community data is evaluated through standard diversity measures, statistical and multivariate analysis and the Tampa Bay Benthic Index among other indices.							
Economic Benefits (including ecosystem services): Will provide baseline data to better direct funding for restoration projects and developing management plans for target areas in Tampa Bay.							
Estimated number of Jobs Created or Preserved: 16 preserved							
How much Habitat will be restored and conserved?: N/A							
Quantify pollutant reductions: N/A							
What living coastal/marine resources will be improved and by how much?: N/A							

How will community resilience be enhanced? Program will provide baseline data for detecting environmental changes due to human impacts or climate change.

Additional Justification: Data is also used for identifying target areas for restoration and developing management plans and for evaluating post-restoration effectiveness. Requested funding includes \$100,000 in initial capital equipment to purchase a new Gas Chromatography/Mass Spectrometer to replace our current 18 year old equipment. This will increase our laboratory capabilities to handle the increased sample load with greater efficiency.

Add any photos or maps that explain project:

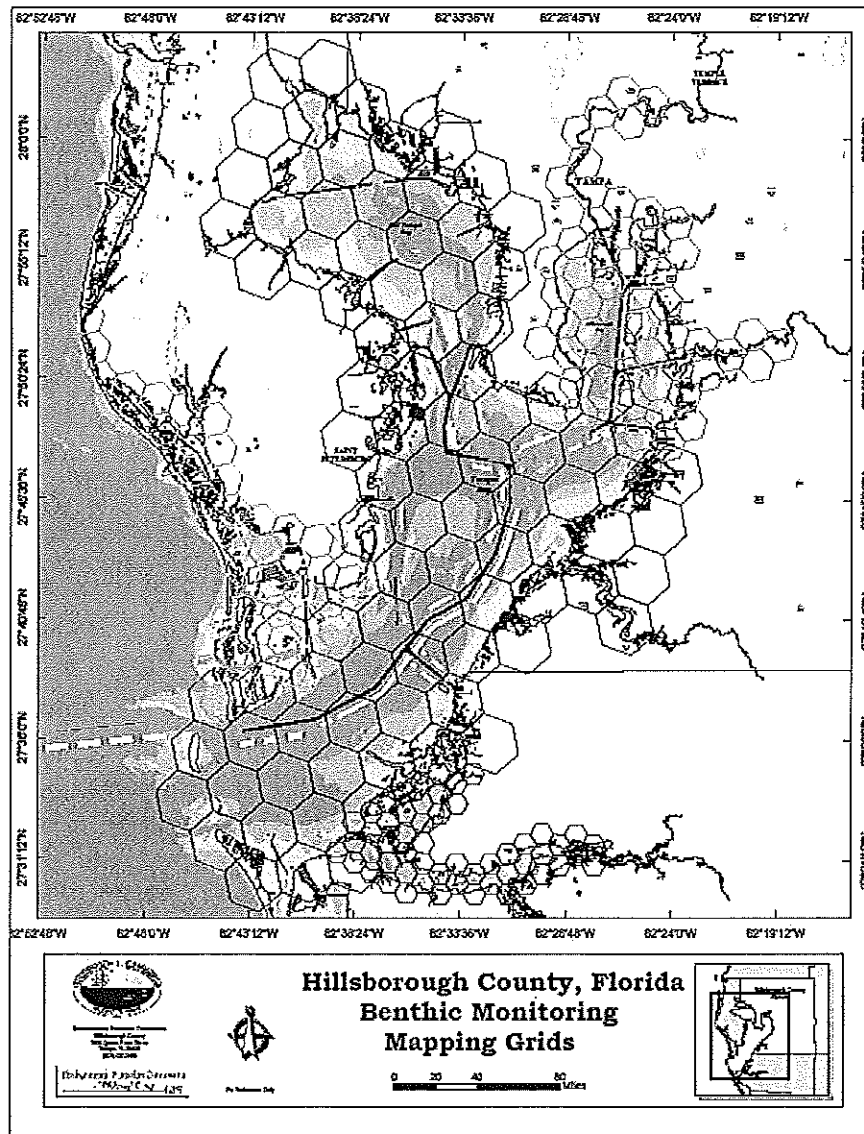


Figure 1. Tampa Bay benthic monitoring strata and site grid for stratified random sampling design. Tampa Bay is divided into seven strata (segments): Old Tampa Bay, Middle Tampa Bay, Lower Tampa Bay, Hillsborough Bay, Boca Ciega Bay, Terra Ceia Bay and Manatee River.

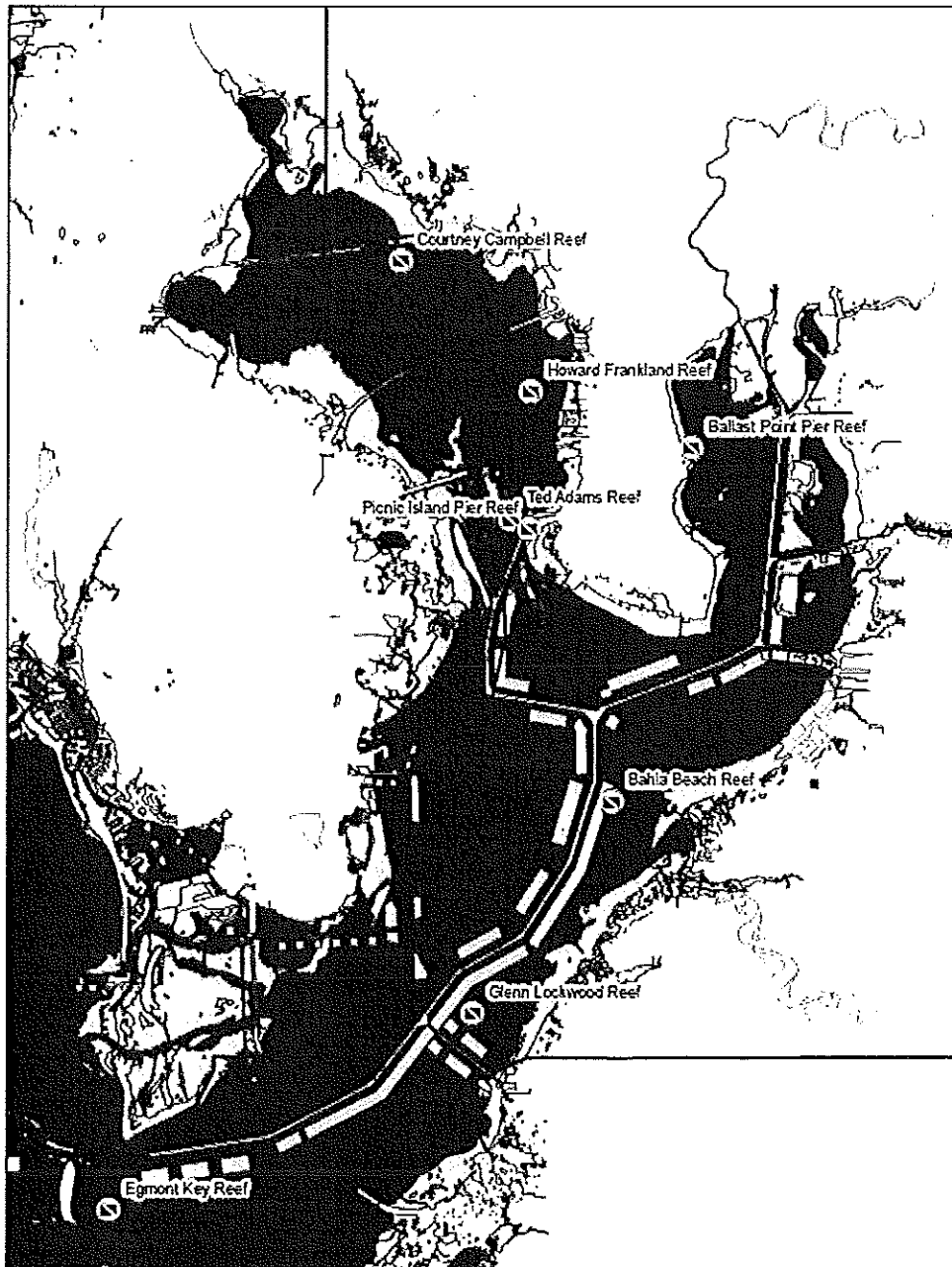
RESTORE Act Ecosystem Restoration Project Proposals
for consideration in the Gulf Coast Ecosystem Restoration Council's Comprehensive Plan
2012

Contact Information: Laura Thorne, General Manager II Environmental Protection Commission of Hillsborough County (EPC) thornel@epchc.org						Date of Submittal: 10/1/2012	
Name of Project: Artificial Reef Community Monitoring Program						Org and Rank: EPC, 3	
Project Description: Partner with multiple agencies to collaborate on Artificial Reef Community Monitoring Program that will allow citizens, local dive charters, local scientific divers, and anglers to take part in a community monitoring and reporting program for the artificial reefs of Tampa Bay.							
Project Location: Tampa Bay, center ~ 27.783219, -82.525453							
Responsible Party: EPC				Partners: (Potential) Water Atlas, TRUE Divers, Florida Aquarium Scientific Divers, Pinellas County			
NEP: TBEP		Project Cost: \$50,000/yr			Dollars Needed: \$50,000/yr		
Start: April 2013				Completion: N/A			
Status of Project Design and Permitting: In design phase.							
What Date or Year could Construction Feasibly Begin: N/A							
Your Proposed Timing of Funding (given permits, phasing, staging, etc.)							
FY	12/13	13/14	14/15	15/16	16/17	17/18	Total
Quantify Environmental Results and How to Measure Them: Community based monitoring of the artificial reefs of Tampa Bay will allow for measurements to be taken year round both from fishing methods and diving surveys. Data collected will then be used to track trends and also analyze changes to the communities which could alert resource managers to potential problems or changes to the bay water quality. Measurements will be made using post fishing surveys and dive surveys by local volunteer research divers.							
Economic Benefits (including ecosystem services): Economic benefits include having knowledge about the production of the reefs for recreational fishing and allowing for informed management decisions to maintain functional fishing habitat as well as a warning system to alert resources managers to the introduction or proliferation of invasive species.							
Estimated number of Jobs Created or Preserved: 2 preserved, 1 created							
How much Habitat will be restored and conserved?: N/A							
Quantify pollutant reductions: N/A							
What living coastal/marine resources will be improved and by how much?: N/A							
How will community resilience be enhanced? Understanding how artificial reefs function and changes in health from catastrophic events can help managers utilize and design reefs that will minimize impacts or increase recovery time in the future.							
Additional Justification: There are eight artificial reefs in Tampa Bay, see attached map. The goal of the program will be to collect geo-referenced fish, macrofauna, and physical attributes of the reefs and use the data to analyze trends and be alerted to unexpected changes. The objectives to reach that goal will be to establish a recreational fisherman reporting program, establish a volunteer dive reporting program. Three methods of recording data will be utilized: 1)							

Recreational fishermen will be able to report catch data on a form on the WaterAtlas webpage, 2) Volunteer scientific divers, and trained recreational divers will report data on a form on the Water Atlas and 3) EPC staff will use side scan SONAR to monitor the physical attributes of the reefs. The data collected can then be used to augment the data collected by the hardbottom study that addresses the types and extents of hardbottom in Tampa Bay.

Add any photos or maps that explain project:

Hillsborough County Artificial Reef Locations



RESTORE Act Ecosystem Restoration Project Proposals
for consideration in the Gulf Coast Ecosystem Restoration Council's Comprehensive Plan
2012

Contact Information: Laura Thorne, General Manager II Environmental Protection Commission of Hillsborough County (EPC) thornel@epchc.org						Date of Submittal: 10/1/2012	
Name of Project: Hardbottom Inventory and Analysis to Improve Essential Fish Habitat Management in Tampa Bay						Org and Rank: EPC, 4	
Project Description: Survey and map hardbottom habitats in Tampa Bay using side scan sonar and conduct bioassessment surveys at selected random locations. Collected data will be used to inventory and map these Essential Fish Habitats and evaluate the effectiveness of existing artificial reefs in simulating natural hardbottom communities. Final results will be compiled in a document to guide future management of these important habitats in Tampa Bay.							
Project Location: Tampa Bay, center ~ 27.783219, -82.525453							
Responsible Party: EPC				Partners: (Potential) Teen Research Underwater Explorers (TRUE) Dive Team, a 501(c)3 program, Florida Aquarium Scientific Divers, Pinellas County			
NEP: TBEP		Project Cost: \$93,530.00			Dollars Needed: \$93,530.00		
Start: April 2014				Completion: N/A			
Status of Project Design and Permitting: In planning phase.							
What Date or Year could Construction Feasibly Begin: N/A							
Your Proposed Timing of Funding (given permits, phasing, staging, etc.)							
FY	12/13	13/14	14/15	15/16	16/17	17/18	Total
Quantify Environmental Results and How to Measure Them: N/A							
Economic Benefits (including ecosystem services): According to a recent socio-economic study expenditures on artificial reef-related activities generate nearly \$27 million in net economic impacts annually that support 284 full- and part-time jobs. An inventory would not only allow for preservation of existing locations but help address future restoration, mitigation and creation which in turn support the activities that depend on these resources.							
Estimated number of Jobs Created or Preserved: 1 created, 1 preserved							
How much Habitat will be restored and conserved?: N/A							
Quantify pollutant reductions: N/A							
What living coastal/marine resources will be improved and by how much?: N/A							
How will community resilience be enhanced? Sites for restoration and characteristics of hardbottom can be used by resource managers to minimize shore impacts and be alerted to changes in health to the reefs or populations living on the reefs to reduce reaction time and increase the ability to identify the source of the change. In the event of a future catastrophe, damage can be assessed and a plan created to restore where needed.							
Additional Justification: Hardbottom inventory in Tampa Bay has been listed in TBEP's Comprehensive Conservation and Management Plan as High Priority project. It is unclear how many acres of natural hard-bottom communities have been lost in Tampa Bay, impacts to these vital habitats are not easily mitigated and greater recognition and protection is warranted. The rocky substrate provides an ideal surface for colonization by a wide variety of sponges, corals							

and other marine invertebrates, which in turn attract large numbers of fish. Results from this project would be expected to assist others in designing and locating appropriate sites for restoration projects.

Add any photos or maps that explain project:

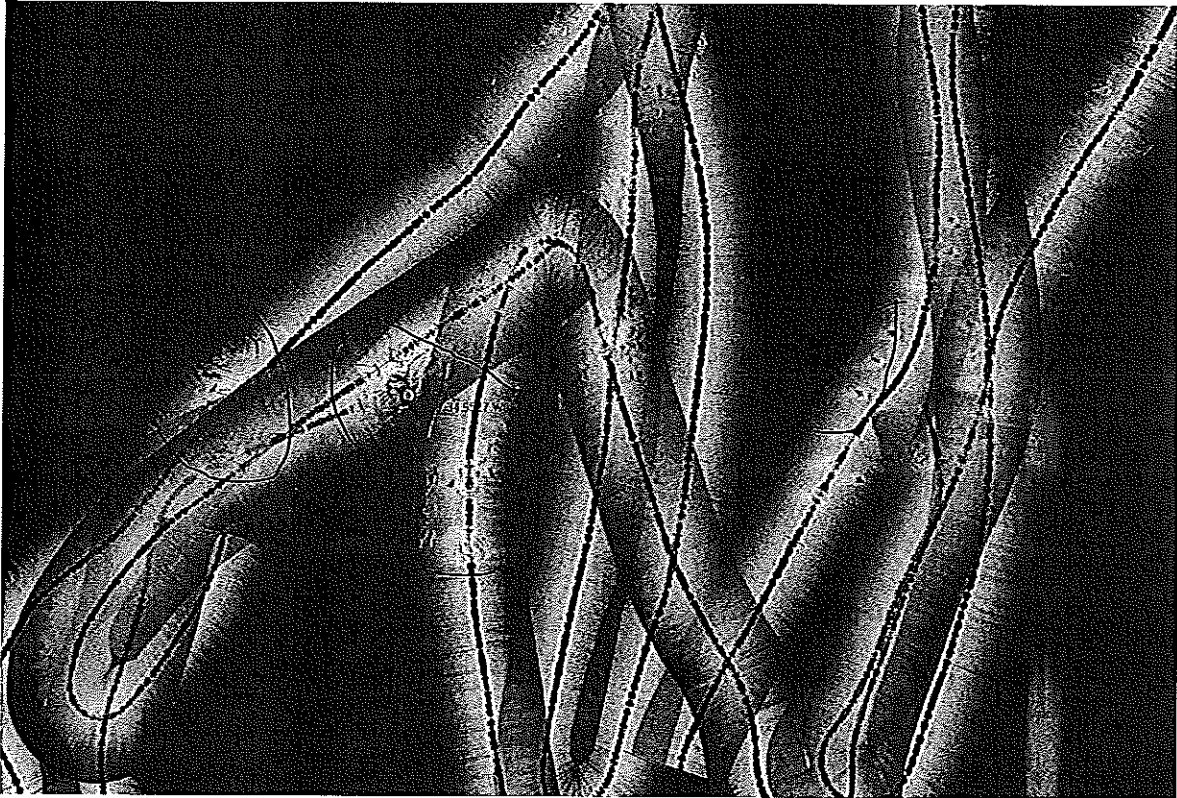
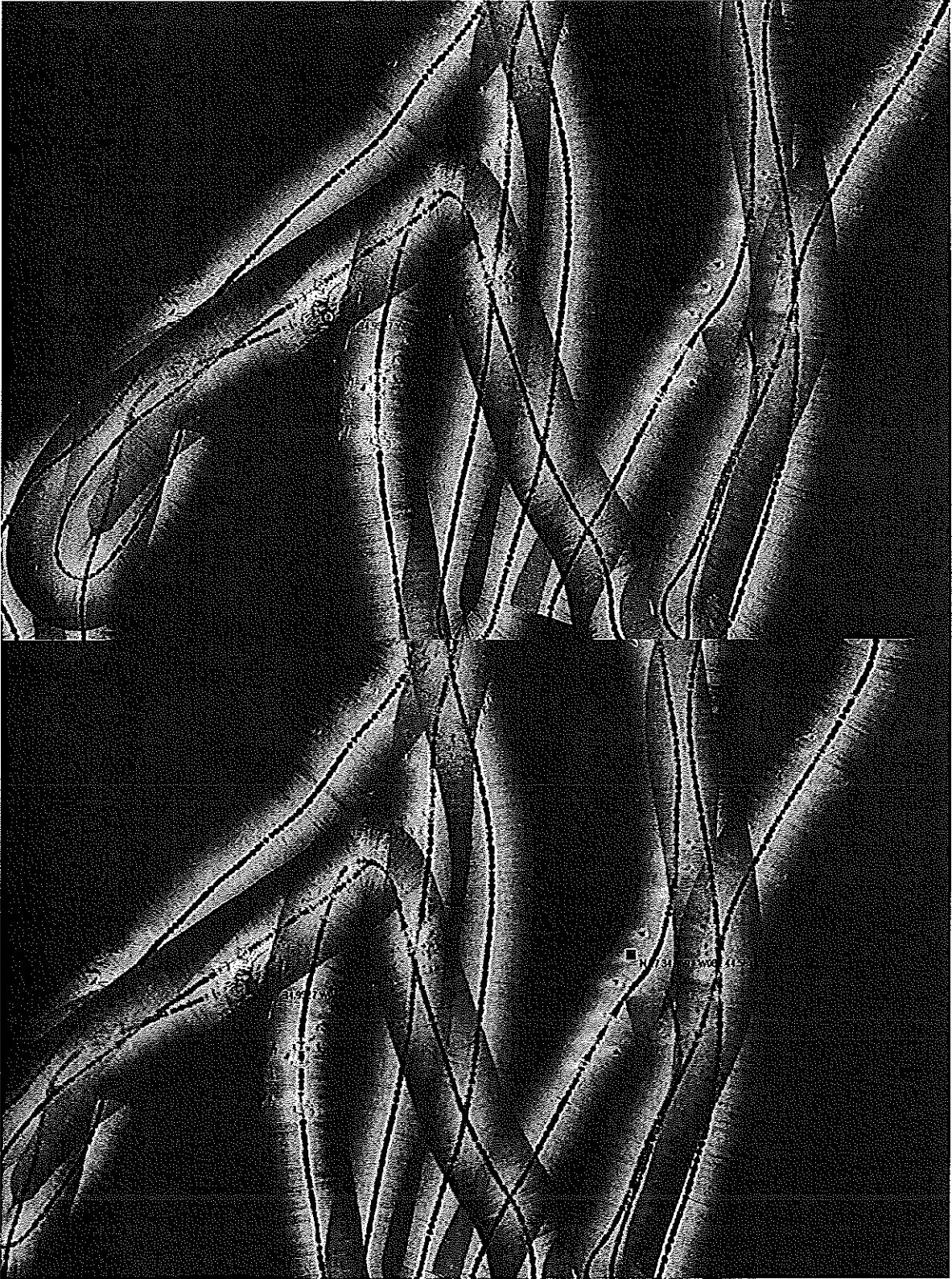


Figure 1 Preliminary scan of Egmont Key Reef showing piles of deployed material.

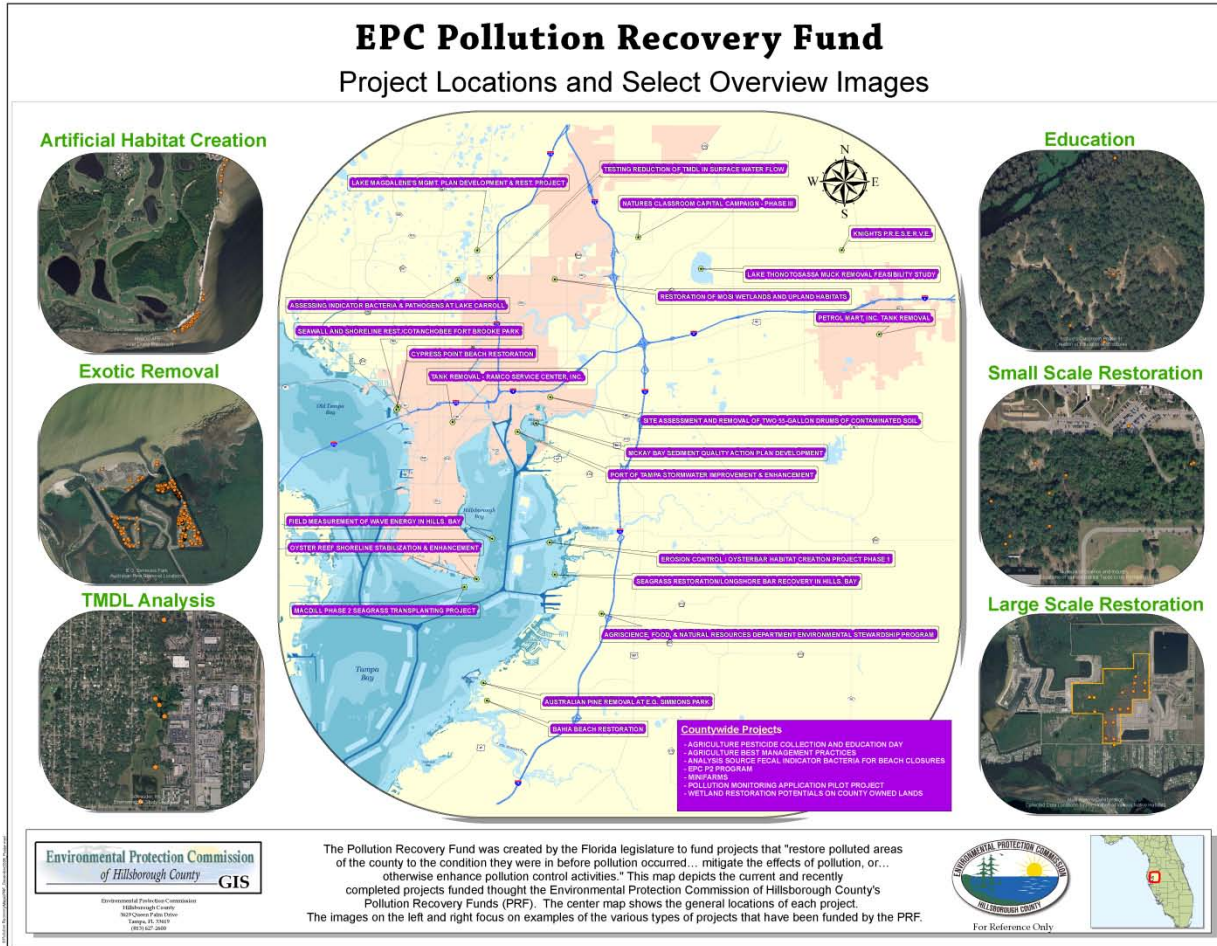


RESTORE Act Ecosystem Restoration Project Proposals
for consideration in the Gulf Coast Ecosystem Restoration Council's Comprehensive Plan
2012

Contact Information: Laura Thorne, General Manager II Environmental Protection Commission of Hillsborough County (EPC) thornel@epchc.org						Date of Submittal: 10/1/2012	
Name of Project: Pollution Recovery Fund						Org and Rank: EPC, 5	
Project Description: The Environmental Protection Commission of Hillsborough County's Pollution Recovery Fund is governed by Chapter 1-9, Rules of the Environmental Protection Commission for the purpose of funding restoration of polluted areas, the mitigation of the effects of pollution and to otherwise enhance pollution control activities within Hillsborough county.							
Project Location: Tampa Bay and Hillsborough County, ~ 27.907319, -82.342915							
Responsible Party: EPC				Partners: Organizations focused on the restoration, protection, and environmental education of Hillsborough County and Tampa Bay.			
NEP: TBEP		Project Cost: \$500,000 per yr.			Dollars Needed: \$500,000 per yr.		
Start: N/A				Completion: N/A			
Status of Project Design and Permitting: On-going program.							
What Date or Year could Construction Feasibly Begin: N/A							
Your Proposed Timing of Funding (given permits, phasing, staging, etc.)							
FY	12/13	13/14	14/15	15/16	16/17	17/18	Total
Quantify Environmental Results and How to Measure Them: The Pollution Recovery Fund was established by Chapter 84-446, Laws of Florida as part of the enabling legislation that created the Environmental Protection Commission of Hillsborough County. Since then, over 1200 acres of restoration has taken place through coastal upland and wetland habitat restoration, seagrass recovery, and living shorelines projects.							
Economic Benefits (including ecosystem services): The grant funds help to offset costs and, in many cases, leverage additional state and federal funding for projects involving various not-for-profits, NGO's, and private entities.							
Estimated number of Jobs Created or Preserved: 3 preserved. However, funding these projects also allows local businesses that apply (consulting, engineering, construction) create and maintain jobs in the critical small business sector.							
How much Habitat will be restored and conserved?: N/A							
Quantify pollutant reductions: N/A							
What living coastal/marine resources will be improved and by how much?: N/A							
How will community resilience be enhanced? N/A							
Additional Justification: This program has typically funded 5 to 15 projects annually for restoration, plantings, environmental education, scientific research, remediation projects, and other pollution abatement or restoration related activities for over 20 years. Since the program is funded through administrative penalties, the amount collected each year can vary greatly. New projects have not been awarded since 2009 due to the economic downturn and a corresponding drop in development related enforcement activities. Monies are being requested to offset the							

diminished funds in order to be able to administer the program and continue working with the many organizations, schools, non-profits, and private companies in the Tampa Bay area to restore critical habitats in Hillsborough County and Tampa Bay.

Add any photos or maps that explain project:





EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2012

Subject: Improving Environmental Permitting Efficiencies with Hillsborough's Municipalities

Agenda Section: Regular Agenda

Division: Air Management Division

Recommendation: Informational Report

Brief Summary: The Agency's Priority Permitting Team has been meeting with the County's three municipalities over the course of the past year. The purpose was to discuss improving the environmental permitting process in their jurisdiction. This briefing will provide an update on these discussions and seek Board direction.

Financial Impact: No financial impact.

Background: The Agency's Priority Permitting Team was formed in 2010 to assist applicants with environmental permitting. It targeted time sensitive projects which because of their complexity and size had the potential to create a significant economic or environmental benefit to the community. Initially it only included EPC staff, but we have expanded it to try and involve other permitting authorities such as the State and the municipalities. In order to accomplish this, we have been meeting with the cities to introduce the initiative. The meetings have been very productive and have lead to other areas of potential cooperation.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2012

Subject: E-Pay and On-Line Applications

Agenda Section: Regular Agenda

Division: Legal and Administrative Services

Recommendation: Informational Report

Brief Summary: Staff has been working to improve the Agency's permitting processes and is attempting to make the permit applications and payments available on-line. A brief update will be given on the progress to date on both.

Financial Impact: There is no financial impact to make these services available, but eventually the Agency will be absorbing the convenience fees associated with on-line payments. As per County policy this will be included in the Agency's next budget submittal.

Background: EPC has been involved in a number of on-going initiatives to make permitting more efficient for the public. This includes offering electronic payment of permit fees and submitting the associated permit applications on-line. In coordination with the County, EPC is working with Civic Plus to allow for an electronic payment option. The contractual arrangements to make it possible and the accounting system details are being finalized this month. When finished there will be an E-Pay icon on the EPC website to be used by permit applicants.

A second related initiative is to offer permittees the option of completing an application on-line and submitting it to the Agency as a paperless process. This is being looked at for all of the EPC local permits, but the initial pilot to be demonstrated at the Board meeting will be for wetland delineations. The other twenty or so EPC permit applications will be standardized and put on-line over the next six to nine months.

List of Attachments: None.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2012

Subject: Economic Prosperity Stakeholder Committee and EPC Feedback Group Update

Agenda Section: Regular Agenda

Division: Agency Process Improvement Projects

Recommendation: Receive the Report. For the Commission's information only.

Brief Summary: The BOCC impaneled the Economic Prosperity Stakeholder Committee (EPSC) and that group referred several issues to the EPC staff to consider. On August 10, 2012, the EPC staff convened a joint meeting consisting of its Business and Environmental Feedback Groups along with a representative of the EPSC, other interested members of the EPSC and an open invitation to the public. Staff will update the Commission on the EPC process improvements already implemented, and those improvements planned pursuant to the goals of the EPSC.

Financial Impact: No Financial Impact

Background: The BOCC impaneled the Economic Prosperity Stakeholder Committee (EPSC) to make recommendations for a comprehensive revision of the Hillsborough County Land Development Code and regulations in coordination with revisions to the Comprehensive Plan, with a focus on 1) promoting economic prosperity and 2) maintaining and improving the quality of life of our residents and protecting the environment. During the Committee's discussions, questions regarding the EPC's processes were raised and referred to the EPC staff to consider. On August 10, 2012, the EPC staff convened a joint meeting consisting of its Business and Environmental Feedback Groups along with a representative of the EPSC, other interested members of the EPSC and an open invitation to the public. The primary topics referred to the staff were 1) Whether the Wetland Basis of Review Reasonable Use Criteria, specifically Section 3.2.1, would allow consideration of targeted areas such as Economic Development Areas in applications for wetland impacts, 2) Wetland application process streamlining and 3) How the Reasonable Use wetland impact criteria is implemented. On November 26, 2012, EPC staff circulated its *EPC Technical Report To Joint Feedback Group*. Staff will update the Commission on the EPC process improvements already implemented, and those improvements planned pursuant to the goals of the EPSC.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2012

Subject: PRF Funding Approval for Fertilizer Study Peer Review and Associated Meetings

Consent Agenda _____ **Regular Agenda** X **Public Hearing** _____

Division: Water Management

Recommendation: Approve Up to \$25,000 of PRF Funding for the previously approved USF Fertilizer Study Peer Review Process and Associated Meetings.

Brief Summary: At the September 20, 2012 EPC meeting, staff was directed to enter into an agreement with the University of South Florida to perform an independent peer review of the fertilizer study. At that time, the use of Pollution Recovery Funds was discussed by the Commission as a possible funding source for this independent peer review however, upon reviewing the transcripts staff realized that no formal vote was taken on the use of the PRF to fund this project.

Financial Impact: Up to \$25,000 of Pollution Recovery Funds

Background:

At the September 20, 2012 EPC meeting, staff was directed to enter into an agreement with the University of South Florida to perform an independent peer review of the fertilizer study. At that time, the use of Pollution Recovery Funds was discussed by the Commission as a possible funding source for this independent peer review however, upon reviewing the transcripts staff realized that no formal vote was taken on the use of the PRF to fund this project.

Staff is recommending approval of up to \$25,000 of PRF Funding for the previously approved USF Fertilizer Study Peer Review Process and Associated Meetings

List of Attachments: No Attachments

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2012

Subject: Strategic Planning for 2013

Agenda Section: Regular Agenda

Division: Executive Director

Recommendation: Informational Report

Brief Summary: As part of the Agency's annual planning cycle, the Executive Director will make a brief presentation to the Board and then ask for recommendations for Action Plans for the coming year. The presentation will also preview planned Board agenda items for 2013.

Financial Impact: No Financial Impact.

Background: EPC's planning calendar includes a fall review of the Agency's current Strategic Plan and associated guidance documents. Most of that is underway and the final product is a revised Strategic Plan with new Action Plans or initiatives for the next calendar year. Staff has a list of over 20 potential Action Plans for 2013 to include everything from a Neighborhood Environmental Outreach program to an on-line application and E-Pay system. Dr. Garrity will highlight some of these and seek Board input for additional ideas.

**Potential List
of
2013 Action Plans**

- **County's Accela** – Fulfill Board commitment to implement Accela Automation using the County's system. First phase would be inputting data for Wetland's team permits that run through Development Services. Also would involve establishing a link to EPC's Permit Tracking System in Accela.
- **Tampa's Accela** – Would involve providing some permitting information (probably Wetlands) to the City's Accela Automation.
- **Neighborhood Environmental Outreach** – Conceptually would be patterned after neighborhood watch programs. Meet with HOAs to educate them and post signage in their neighborhoods. Could work with Neighborhood Relations. Also will be a way to improve our customer service with citizens.
- **Monthly EPC Employee Feature** – Feature one deserving EPC employee each month with a short write up on our web and mention them during the Executive Director's report at the Board meeting. Selection would be based on overall performance and not a single letter coming from the public. Talk about what they do and a little personalized information to humanize the Agency.
- **Agency Complaint System** – Would be an agency data base maintained by Admin which lists generic issues/concerns about the agency. Would standardize how complaints are viewed. Patterns would assist the Agency in prioritizing training and normalize disciplinary procedures across the divisions.

- **On-Line Applications and E-Pay** – Would involve developing the capability to allow applicants to submit and pay for all 30 different types of permits EPC issues on-line.
- **Outreach through Social Media** – Increase the use of social media to improve the Agency’s educational and informational flow. For example offer sign up rosters to receive Air Quality Advisories through a text to your phone.
- **Formalize EPC College Intern Program** - Set up more formal intern program with Stetson/USF/HCC/UT where we control the number of available slots. Screen applicants and place them in participating divisions. Have pre-determined projects for them to work on and assign someone to coordinate the program.
- **Basis of Review Workgroup** – Use Business and Environmental Feedback groups to work with staff to review the Agency’s Basis of Review for Wetlands focusing on maximizing environmental excellence and process improvement. Take results to the Board.
- **Green Jobs Recognition Program** – Involves identifying and recognizing employers who provide green jobs in our community. Have list on our web site and periodically take one or two to the Board for special recognition.
- **Green Procurement Policy for EPC** – Would involve developing a green procure policy for EPC and added to the existing policies folder on the web site. Could be rolled out for the Board as well. May be a good project for the Green Team.
- **Timely Authorizations** – Would involve revising the Timely Review Guidance and converting it to an Agency SOP. New SOP would require the Agency to make final decisions on all applications by Day 180 unless an exception is granted in writing by the Executive Director.

- **Miles Per Inspection Challenge** – Would involve setting a goal to reduce the Agency’s miles travelled per inspection by scheduling them more efficiently. Fleet already tracks mileage and the Agency tracks the total number of inspections. Set employee committee to come up with suggestions, implement them and monitor the progress.
- **Compliance Assistance** – Would involve an agency committee to look at existing compliance assistance initiatives within the Agency and proposing a standardized Compliance Assistance letter for minor non-compliance. To include amending the existing SOP on Warning Notices and Complaints. Must also include a way to track these.
- **Nutrient Management Initiative** – Monitor reduction of nutrient loading and track biological responses and environmental conditions in surface waters of the County. Would involve partnering with stakeholders (public and private & state and local). Track water quality targets for all segments of Tampa Bay.
- **Sterling Challenge Application** – Would involve completing the 7 part questionnaire and submitting it to Sterling. Once the application is completed the Agency would then receive a full scale management audit and need to respond accordingly.
- **Energy Star Certification for RPS** – Involves completing the application process to get Energy Star certification for RPS. This is kind of a continuation of an on-going project for the Green Team.
- **Virtual Desktop Project** – Involves replacing the Agency desktops with a mainframe system. “Bricks” or modems will be assigned to each employee and they will communicate with a mainframe or virtual system.
- **EPC Data Base Connectivity** – Would involve EPC staff studying the Agency’s 33 data bases and coming up with a proposal to get some of them tied together in a meaningful way. Evolved from Accela discussions.

- **DIP Expansion** – Would involve taking Gerry Javier’s ALDP project and evaluating the recommendations for implementation. The various sections should be challenged to see if DIP or an expansion of an existing DIP makes sense.
- **Delegation of Army Corp’s GPs** – Would involve taking delegation of Corps’ state programmatic general permits. Could involve rule changes to Chapter 1-11 and 1-6, and move the Agency closer to one stop permitting.
- **Natural Resource Economics Training** – Would involve training EPC staff to make more informed decisions on reasonable use and economic value regarding impacts. In concert with USF, Agency would develop a core set of training.
- **Navigational Safety Protocols for TPA Projects** – Would involve developing guidance on vessel beam width, passage width, etc. which ensure safety for TPA projects. Staff would develop these in cooperation with Port staff and be used in reviewing docks and seawall applications.
- **Enhanced ERP Delegation** – Involves County Stormwater and EPC combining to obtain additional ERP delegated responsibilities from FDEP in conjunction with SWWMD. This would expand on the preliminary inter-agency agreements reached in 2011 & 2012, and move the ERP program closer to a streamlined one stop permitting.

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EPC Agenda Item Cover Sheet

Date of EPC Meeting: December 13, 2012

Subject: Executive Director Amended Employment Agreement

Agenda Section: Regular Agenda

Division: Legal and Administrative Services Division

Recommendation: Approve the Employment Agreement

Brief Summary: Dr. Garrity was appointed Executive Director of the EPC on June 30, 2000, through an Employment Agreement with the Commission. His Agreement has been modified three times and will expire on July 1, 2013. Dr. Garrity's evaluation was discussed by the Commission on October 18, 2012. The Commission instructed staff to prepare an amended Employment Agreement for discussion in December using standardized language being created for the County Attorney's contract. Based on recent BOCC discussions regarding the content of the contracts for Mr. Merrill and Mr. Fletcher, the General Counsel has included that standardized content. The Agreement as drafted does not increase the Executive Director's base salary, but using Mr. Merrill's and Mr. Fletcher's standard language, would compensate him for all his health insurance premiums, but reduce his life insurance benefits and auto allowance. The Agreement would be effective from execution through July 1, 2015.

Financial Impact: Available in the current budget.

Background: Dr. Richard Garrity was appointed Executive Director of the EPC in 2000. The Commission and Dr. Garrity executed an "Employment Agreement" dated June 30, 2000. His Agreement has been modified three times to extend the expiration date. The third modification was approved on December 29, 2009 and it extended the Employment Agreement through July 1, 2013. Dr. Garrity's evaluation was discussed by the Commission on October 18, 2012. The Commission instructed staff to prepare an amended Employment Agreement for discussion in December using standardized language being created for the County Attorney's contract regarding termination and various payouts and then bring back that revised contract to the Commission for consideration. Based on recent BOCC discussions regarding the content of the contracts for Mr. Merrill and Mr. Fletcher, the General Counsel has incorporated that content into a new agreement.

County Administration provided the General Counsel Mr. Merrill's original contract and the recent contract amendment and Mr. Fletcher's original contract. The General Counsel used those three documents to create a new Agreement for Dr. Garrity. The majority of the changes involved converting County terminology to EPC terminology (e.g. - "County Charter" to the "EPC Act"), without changing the content or intent of the Commission to have a standardized contract. The only content changes were those that kept Dr. Garrity's compensation package unchanged from his current Agreement, but for health and life insurance changes and the auto allowance. Thus, Dr. Garrity's base salary, deferred compensation, and expenses are unchanged, while car allowance (reduced), severance, termination, payouts, and grounds for termination are now adjusted to be those of Mr. Merrill's and Mr. Fletcher's contracts.

As noted above, the Agreement as drafted does not increase the Executive Director's base salary, but using Mr. Merrill's and Mr. Fletcher's standardized language would result in the Commission compensating him for all his monthly health insurance premiums, but conversely it would reduce his life insurance benefits amounts and reduce his auto allowance. The Agreement would be effective from execution through July 1, 2015. Dr. Garrity requests the new Employment Agreement be approved.

**EMPLOYMENT AGREEMENT BETWEEN THE ENVIRONMENTAL
PROTECTION COMMISSION OF HILLSBOROUGH
COUNTY AND RICHARD GARRITY FOR SERVICES AS
EXECUTIVE DIRECTOR**

THIS AGREEMENT made and entered into this ____ day of _____, 2012, by and between the Commissioners of the Environmental Protection Commission of Hillsborough County, a political subdivision of the State of Florida (hereinafter referred to as "COMMISSION") and Richard Garrity ("Executive Director"), as follows:

WHEREAS, the COMMISSION desires to employ the services of Richard Garrity as Executive Director of the EPC in Hillsborough County, Florida, as provided by Sections 5, 7, and 8 of Chapter 84-446, as amended, Laws of Florida ("Hillsborough County Environmental Protection Act" or "EPC Act"); and

WHEREAS, it is the desire of the COMMISSION to provide certain benefits, to establish certain conditions of employment, and to set working conditions of the Executive Director pursuant to Section 7 of the EPC Act; and

WHEREAS, Richard Garrity has been employed as Executive Director of the EPC since June 30, 2000, through an agreement with the same date, and whose third amended agreement is scheduled to expire July 1, 2013; and

WHEREAS, Richard Garrity desires to accept continued employment as Executive Director of the EPC.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION ONE: Salary

The COMMISSION agrees to pay the Executive Director for services rendered pursuant hereto a continued annual base salary of One Hundred Sixty-Five Thousand Forty-Eight Dollars (\$165,048), payable in installments at the same time that other employees of

Hillsborough are paid. The COMMISSION shall consider additional salary or benefit increases as it may deem appropriate no later than sixty (60) days after completion of the Executive Director's annual performance evaluation, which increase shall be retroactive to October 1st of the fiscal year in which it is approved; *provided* that, in order to ensure the Executive Director continues to be adequately compensated per labor market conditions, the Executive Director shall be entitled to receive the same annual market equity increase as all other unclassified managerial employees of the EPC. Any salary increase accorded the Executive Director under this section shall automatically become an amendment hereto.

SECTION TWO: Benefits

A. The Executive Director shall participate in the Senior Management Class of the Florida Retirement System. The COMMISSION shall pay for any and all premiums under its approved health insurance program(s) for medical, dental, optical, and hospitalization insurance for the Executive Director and his dependents during his employment. The COMMISSION shall pay any and all premiums under its approved program(s) of short and long term disability insurance for the Executive Director. Future changes, if any, made to said benefits of the Executive Director's senior management employees shall likewise apply to the Executive Director.

B. The COMMISSION shall provide to the Executive Director the same County-paid contributions to the Executive Director's deferred compensation account as available to all unclassified managerial employees of the EPC. Further, the COMMISSION shall provide an additional 1.5% of the Executive Director's base salary to his deferred compensation account, but not to exceed the amount allowed by IRS Regulations as deferred compensation, in equal proportionate amounts each pay period.

SECTION THREE: Automobile Allowance

The COMMISSION agrees to pay the Executive Director an automobile allowance of Two Hundred Thirty Six (\$236) Dollars per month.

SECTION FOUR: Vacation and Sick Leave

The Executive Director shall accrue and have credited to his personal account annual leave at the rate of 20 days per year. He shall accrue sick leave at the same rate as other senior management employees of EPC. There shall be no limitation placed on the amount of either vacation or sick leave which may be carried over from one year to the next. Upon termination of employment, the Executive Director shall be paid for all unused annual leave and for 50% of all unused sick leave unless written Hillsborough policy would provide for payment of more; *provided*, however, that Executive Director shall not be paid for any accrued but unused vacation or sick leave in the event that Executive Director is terminated pursuant to Section 10 (B).

SECTION FIVE: Dues and Subscriptions

The COMMISSION agrees to budget for and pay for professional and other dues and subscriptions of the Executive Director necessary for his continuation and full participation in national, regional, state and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the EPC. The COMMISSION agrees to pay the costs of the Executive Director's attendance at official community events.

SECTION SIX: Professional Development

A. The COMMISSION agrees to budget for and to pay for registration, travel and subsistence expenses of the Executive Director pursuant to Chapter 112, Florida Statutes, for professional and official travel, meetings, and occasions adequate to continue the professional development of the Executive Director and to adequately pursue necessary official functions for the EPC, including but not limited to FLERA and such other national, regional, state and local government groups and committees in which the Executive Director serves as a member.

B. The COMMISSION also agrees to budget for and to pay for registration, tuition, travel and subsistence expenses of the Executive Director pursuant to Chapter

112, Florida Statutes, for short courses, institutes and seminars that are necessary for his professional development and for the good of the EPC.

SECTION SEVEN: Duties

A. The Executive Director shall perform all duties normal and customary to the position of Executive Director (a/k/a Environmental Director) and all duties imposed on him in the EPC Act, Florida Statutes, other applicable laws, ordinances, and regulations, and such other proper and legally permissible duties as he may be directed to perform by the EPC.

B. The Executive Director agrees that he will at all times faithfully, industriously, and to the best of his ability, experience, and talents, perform all of the duties that may be required of and from him pursuant to the express and implicit terms of this Agreement, in a competent and professional manner, to the reasonable satisfaction of the COMMISSION. Such duties shall be rendered in Hillsborough County, Florida, and such other place or places as the COMMISSION shall in good faith require, or as the interests, needs, business or opportunity of the COMMISSION shall require.

C. The Executive Director agrees (1) to devote his full time to employment as Executive Director; (2) to faithfully perform the duties and work of the Executive Director; and (3) at all times to work in the interest and furtherance of the general business of the EPC Act. Nothing herein shall limit the Executive Director's right to participate in non-paid volunteer work or activities. The Executive Director shall not act against, or in conflict with, the best interest of the County. The Executive Director may teach or lecture for compensation where such work is approved in advance by the Commission Chair.

SECTION EIGHT: Goals and Objectives, Performance Evaluation, and Discipline

The COMMISSION shall review and evaluate the performance of the Executive Director at least annually in advance of the Executive Director's appointment anniversary date. Said review and evaluation shall be in accordance with specific criteria developed jointly by the COMMISSION and the Executive Director. Said criteria may be added to or

deleted from as the COMMISSION may from time to time determine, in consultation with the Executive Director. Further, the COMMISSION shall provide the Executive Director with a summary written statement of the finding and provide an adequate opportunity for the Executive Director to discuss his evaluation with the COMMISSION.

SECTION NINE: Term

A. The term of the Executive Director's employment shall be from the execution of this Agreement through July 1, 2015 subject to Sections Ten, Eleven and Twelve of the Agreement as amended. Nothing in the Agreement shall prevent, limit or otherwise interfere with the right of the COMMISSION to terminate the services of the Executive Director at any time, without cause, or with cause for the reasons set forth in Section Ten below, and provided that the COMMISSION gives the Executive Director ninety (90) days' notice in writing prior to the effective date of such termination.

B. In the event the term of the Agreement expires and the COMMISSION has not acted to enter into a new employment agreement or acted to remove from employment the Executive Director, the Agreement shall remain in force, the Executive Director shall continue to perform the duties required herein and he shall be compensated as provided herein until such time as the COMMISSION enters into a new employment agreement or removes from employment the Executive Director.

C. Nothing in the Agreement shall prevent, limit or otherwise interfere with the right of the Executive Director to resign at any time from his position with the EPC.

SECTION TEN: Termination and Severance Pay

A. If the Executive Director's employment is terminated by the COMMISSION, he shall receive upon the effective date of said termination as severance benefits a lump-sum cash payment in an amount equal to twenty (20) weeks of compensation, based upon his then base salary, all accumulated annual leave, sick leave accumulated pursuant to Section Four and any other benefits afforded other employees of the EPC.

B. No severance benefits shall be paid to the Executive Director if he is

terminated at anytime for the following reasons:

1. The Executive Director has been convicted or adjudged guilty of a felony or any serious misdemeanor involving the moral turpitude of the Employee.
2. The Executive Director is elected or appointed to a public office;
3. Flagrant neglect of duty.
4. Misconduct in connection with the performance of any of the Executive Director's duties, including, without limitation, misappropriation of funds or property of the EPC securing or attempting to secure personal gain in connection with any transaction entered into on behalf of the COMMISSION, misrepresentation to the COMMISSION, or any violation of law, including County ordinances, involving personal gain to the Executive Director in conjunction with his employment.
5. Misconduct as defined in Section 215.425(4)(a)2, Fla. Stat.

SECTION ELEVEN: Resignation

In the event the Executive Director voluntarily resigns his position with the County, then the Executive Director shall give the COMMISSION three months written notice in advance. No severance pay is due to the Executive Director as a result of the Executive Director's separation from employment by resignation. Once the Executive Director gives notice of his resignation, the COMMISSION may unilaterally decline to retain the Executive Director during the resignation notice period and determine the last day of the Executive Director's employment. In that event, the COMMISSION shall pay the Executive Director an amount equaling the salary he would have been paid during any portion of the resignation notice period the COMMISSION chose to forego.

SECTION TWELVE: Disability

If the Executive Director is permanently disabled or exceeds any leave permissible under the Family and Medical Leave Act, and a reasonable accommodation cannot be made, the COMMISSION shall have the option to terminate this Agreement.

SECTION THIRTEEN: General Expenses

The Commission recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by the Executive Director, and hereby agrees to reimburse or to pay the Executive Director as compensation therefor the sum of two hundred (\$200) per month.

SECTION FOURTEEN: Indemnification

The COMMISSION shall defend, hold harmless, and indemnify the Executive Director against any tort, claim, demand, civil rights, or other legal action, arising out of any act, event, or omission occurring in the performance of the Executive Director's professional duties as Executive Director, except to the extent that the Executive Director acted in bad faith, or with malicious purpose, or in a manner exhibiting wanton or willful disregard of human rights, safety, or property. The COMMISSION will provide defense for, and compromise or settle any such claim or suit, as it deems appropriate, and pay the amount of any settlement or judgment rendered thereon. This indemnification shall extend beyond termination of employment or other expiration of this Agreement, to provide full and complete protection to the Executive Director for acts undertaken or committed by the Executive Director in his capacity as Executive Director, regardless of whether receipt of notice or filing of any claim or lawsuit occurs during or following the Executive Director's employment with the County.

SECTION FIFTEEN: Notices

Notices pursuant to the Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- 1) COMMISSION: Environmental Protection Commission
Chairperson
P. O. Box 1110
Tampa, FL 33601-1110

- 2) Executive Director: Richard Garrity
4138 South Polk Avenue
Lakeland, Florida 33813

Alternatively, notices required pursuant to the Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

SECTION SIXTEEN: Executive Director's Acknowledgement

The Executive Director agrees that he has been noticed that he can consult with an attorney of his choice, offered alternate terms and conditions of this Agreement and has had the opportunity to clarify any terms and conditions which were not understood by him. The Executive Director hereby acknowledges that he was provided this Agreement prior to its execution, and that he had the time and opportunity to review the Agreement and provide comment prior to his execution of this Agreement. The Executive Director further acknowledges that he has read this Agreement; and by his signature below acknowledges that he fully understands and agrees to the contents, terms and conditions of this Agreement.

SECTION SEVENTEEN: General Provisions

- A. The text herein shall constitute the entire agreement between the parties.
- B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Executive Director.
- C. This Agreement shall be effective upon execution of this Agreement by both Parties.
- D. If any provision, or any portion thereof contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
- E. COMMISSION agrees to make available to the Executive Director such

other benefits that are not specifically covered by or in excess of this agreement as they now exist, and may be amended from time to time, for other employees of EPC. These benefits will include, but not be limited to cafeteria plan options and contributions to the Florida Retirement System, holidays, and any additional benefits provided for Hillsborough employees.

F. Upon full execution of this Agreement, all previous agreements and amendments thereto between the COMMISSION and Richard Garrity are rescinded and replaced by this Agreement.

IN WITNESS WHEREOF, the Commissioners of the Environmental Protection Commission of Hillsborough County, Florida, has caused this Agreement to be signed and executed in its behalf by its Chairman, and duly attested by its clerk, and the Executive Director has signed and executed this Agreement, both in duplicate, on the respective dates under each signature below.

ATTEST: Pat Frank
Clerk of the Circuit Court

**ENVIRONMENTAL PROTECTION
COMMISSION**

By: _____
Deputy Clerk

By: _____
EPC Chairman Kevin Beckner

ATTEST:

Date

Witness

RICHARD GARRITY

Witness

APPROVED AS TO LEGAL
SUFFICIENCY:

Richard Garrity, PhD
Executive Director

General Counsel

Date

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